



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

## **REPORT ON NEAR FATALITY OF:**



**Date of Birth: October 15, 2012**  
**Date of Incident: October 29, 2012**  
**Date of Oral Report: October 29, 2012**

**FAMILY NOT KNOWN TO:**

**Lackawanna County Office of Youth and Family Services**

**REPORT FINALIZED ON: May 17, 2013**

This report is confidential under the provisions of the Child Protective Services Law and cannot be released.

(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.

(23 Pa. C.S. 6349 (b))

**Reason for Review:**

Senate Bill 1147, Printer's Number 2159 was signed into law on July 3, 2008. The bill became effective on December 30, 2008 and is known as Act 33 of 2008. As part of Act 33 of 2008, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child fatality or near fatality. This written report must be completed as soon as possible but no later than six months after the date the report was registered with ChildLine for investigation.

Act 33 of 2008 also requires that county children and youth agencies convene a review when a report of child abuse involving a child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to ChildLine. Lackawanna County Office of Youth and Family Services has convened a review team in accordance with Act 33 of 2008 related to this report.

**Family Constellation:**

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	C/V's half-sibling	[REDACTED] 2006
[REDACTED]	C/V's sibling	[REDACTED] 2011
[REDACTED]	C/V	10/15/2012
[REDACTED]	C/V's father	[REDACTED] 1971
[REDACTED]	C/V's mother	[REDACTED] 1986

**Extended Family:**

[REDACTED] Maternal Cousin/Kinship Care Provider  
Biological Father of [REDACTED]

**Notification of Child Near Fatality:**

Lackawanna County Office of Youth and Family Services received a [REDACTED] report on October 29, 2012 alleging that [REDACTED] was brought to the Emergency Room of Moses Taylor Hospital in Scranton, Pennsylvania due to seizure activity. Information secured from [REDACTED] was conflictual in nature in that upon further [REDACTED] medical facility, it was determined that [REDACTED] to the report due to suspected physical abuse.

Given the extent and serious nature of the injuries sustained by [REDACTED], the child was transported to Geisinger [REDACTED] in Danville, Montour County, Pennsylvania, for [REDACTED]

Lackawanna County Office of Youth and Family Services commenced the CPS investigation on October 29, 2012. A collaborative assessment of the circumstances relating to the nature of the

injuries was conducted by the county child welfare agency in conjunction with the Lackawanna County District Attorney's Office and the Mayfield Police Department, the law enforcement agency within the jurisdiction where the incident occurred. As a result of this collaborative assessment, a determination was made to commence the Child Protective Service's investigation on October 29, 2012 by means of interviews with both parents.

The county agency also commenced an immediate safety assessment of the siblings of the Child Victim by means of doing a site visit to the biological home of the Child Victim. As both parents were named [REDACTED] a decision was made to set in place a safety plan that included removal of the children from the care and custody of both parents. As a result, a maternal cousin was evaluated as a Kinship Care provider with [REDACTED] being placed with the relative on October 29, 2012. Additionally, the biological father of [REDACTED] was located and cleared for placement of the child.

A safety plan was set up for [REDACTED] by Lackawanna County Office of Youth and Family Services in conjunction with Montour County Children and Youth Services due to the location of the hospital. As the child [REDACTED], the safety plan included no unsupervised access to [REDACTED] by either parent pending the completion of the Child Protective Service's investigation. This safety plan was effectuated by means of collateral contact between Lackawanna County and her sister agency in Montour County.

#### **Summary of DPW Child Near Fatality Review Activities:**

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families, conducted a preliminary review of the incident involving the Near Fatality of [REDACTED] by means of collateral contact with the assigned supervisory and casework personnel on October 30, 2012. Preliminary data collection occurred on this date. NERO/OCYF submitted a preliminary notification of Near Fatality Report on November 1, 2012.

The Department of Public Welfare, Northeast Regional Office of Children, Youth and Families, conducted a site record review at the county agency on November 8, 2012. At this point the Program Representative from NERO/OCYF conducted interviews with assigned case worker, supervisory and administrative staff responsible for the Child Protective Service's investigation. A follow-up site visit by NERO/OCYF to the county agency also occurred on December 18, 2012. At this time all relevant records to the case were reviewed and secured.

A representative from the Northeast Regional Office of Children, Youth and Families participated in the Act 33 Review which occurred on April 8, 2013.

#### **Summary of Services to Family:**

During the timeframe, October 29, 2012 through December 18, 2012, Lackawanna County Office of Youth and Family Services conducted a Child Protective Service's investigation relating to [REDACTED]. Case file documentation indicates that interviews were conducted with the biological parents and multiple extended family members.

Collateral interviews were also conducted with members of the law enforcement community investigating the case. Consultation by county children and youth staff also included interviews

[REDACTED]

Lackawanna County Office of Youth and Family Services completed the investigation [REDACTED] and assigned an Indicated Status naming the [REDACTED] as the perpetrator.

Until final resolution of the Child Protective Service investigation, Lackawanna County Office of Youth and Family Services maintained a safety plan involving child victim and his two siblings that included no unsupervised contact between the biological father of child victim with either the child victim or siblings of child victim. Safety plan also included the temporary placement of [REDACTED] in Kinship Care with a maternal cousin. Child victim upon [REDACTED] was also placed with [REDACTED] in the same household. [REDACTED] was placed with her biological father during the course of the CPS investigation as well. The provision of the safety plan and the [REDACTED] by Lackawanna County Office of Youth and Family Services was implemented with the oversight [REDACTED] by the county agency at the onset of the CPS investigation.

The county agency has opened the case for ongoing protective services and has assigned an ongoing case worker. Presently the biological mother has maintained a separate household where she currently has assumed primary caretaking responsibilities for child victim and Cierrah. As part of the ongoing Protective Service's plan for the family, the biological mother of child victim has secured a Protection from Abuse Order for both herself and all three of her children against the perpetrator.

The family is additionally receiving services from within the community from various service providers. [REDACTED] The biological mother is [REDACTED] and is successfully engaging in programming. [REDACTED] Lackawanna County and is recovering successfully from the injuries.

Lackawanna County Office of Youth and Family Services is monitoring the family functioning and safety of all three children by means of home visits and coordination of programming with the various service providers.

[REDACTED] has been criminally charged and released on bail subject to constraints relating to contact or access to the child victim or sibling of child victim. Due to circumstances unrelated to the county agency's investigation, the criminal proceedings have been continued on several occasions since the initial filings by the District Attorney's Office in November of 2012.

**Children and Youth Involvement prior to Incident:**

N/A as there is no record of service activity within Lackawanna County Office of Youth and Family Services.

**Circumstances of Child Near Fatality and Related Case Activity:**

Lackawanna County Office of Youth and Family Services received an allegation of serious physical injury relating to an infant that was transported to the Emergency Room of Moses Taylor Hospital in Scranton, Pennsylvania, by his biological parents. According to information provided by biological parents, the child suffered a seizure at the family residence on October 29, 2012. Upon examination by [REDACTED], it was determined that the child should be transported to a medical facility with more specialized services. Child was transported to Geisinger Hospital in Danville, Pennsylvania. Following consult by [REDACTED] and [REDACTED], it was determined that there was evidence of [REDACTED]. This diagnosis was not consistent with data provided by the biological parents, and the case was subsequently certified as a Near Fatality.

Lackawanna County Office of Youth and Family Services commenced CPS investigation on October 29, 2012, by interviewing biological parents and various relatives with knowledge of the family circumstances. A safety plan was also developed for child victim and the two siblings of child victim. As both parents were named as alleged perpetrators on October 29, 2012, the safety plan involved care and supervision by parties other than the biological parents.

Lackawanna County Office of Youth and Family Services CPS supervisory staff met with the law enforcement agencies assigned to investigate the allegations. A conjoint plan of securing data and factual material associated with the case was developed.

[REDACTED]

On November 3, 2012, child victim was discharged from the [REDACTED]. Child victim was placed with sibling of child victim in Kinship Care home secured by county agency for [REDACTED]. Both children remained in this home until the formal resolution of the CPS investigation, and the biological mother was determined not to be culpable in the incident.

December 18, 2012, Lackawanna County Office of Youth and Family Services CPS intake worker completed the investigation and assigned an Indicated Status to the case naming the [REDACTED] was subsequently charged and arrested on endangering the welfare of minors and aggravated assault relating to the shaking of child victim at the family residence in [REDACTED] Lackawanna County, Pennsylvania. The impetus for the charges was derived from the perpetrator admitting to these actions. As of this writing the

perpetrator remains free on bail with provisions of no contact with either child victim, siblings of child victim or biological mother of child victim.

**Current Case Status:**

[REDACTED] has reviewed the circumstances and placement of [REDACTED] in kinship care and has determined that both children can return to the care and supervision of the biological mother. [REDACTED] initially [REDACTED] plan. [REDACTED] placement and has determined that she can have consistent ongoing visitation with her biological mother and siblings.

At present the biological father of child victim continues to be free on bail awaiting trial on charges associated with [REDACTED]. Most recently the criminal proceedings scheduled for February 25, 2013, were continued due to a request made by legal counsel for [REDACTED]

Lackawanna County Office of Youth and Family Services continues to provide case management services to the biological mother and child victim and siblings of child victim.

[REDACTED] has been arranged for child victim. Overall the biological mother is cooperating fully with recommendations of child welfare agency, service providers and medical providers.

**County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child Near Fatality Report:**

An Act 33 Review for [REDACTED] was completed on April 8, 2013. Participants included the county agency supervisory and administrative personnel, representatives from the local law enforcement agencies, and representative from the drug and alcohol system as well as various advocacy agencies within Lackawanna County. Participation also included representation from the Northeast Regional Office of Children, Youth and Families.

Following an internal review by the county agency administrative staff, it was determined that the county agency complied with all statutory and regulatory requirements of the CPSL. The agency's response was timely and comprehensive with evidence of consistent collaboration with the law enforcement community.

There were two recommendations that emanated from the Act 33 Review process. The team raised questions about the "possible lack of exploration of child abuse symptoms" when the child victim had prior involvement with the local medical community when he was evaluated prior to the precipitating incident which brought the family to the attention of the county agency on October 29, 2012. The other recommendation related to the possibility of providing an invitation to any/all medical personnel who have a history of involvement with a case under review.

### **Department Review of County Internal Report:**

The Northeast Regional Office of Children, Youth and Families received a copy of the Act 33 Review compiled by Lackawanna County Office of Youth and Family Services on May 1, 2013. The Northeast Regional Office has reviewed the documentation and concurs with the findings of the county agency team. This concurrence was shared with the county agency on May 15, 2013.

### **Department of Public Welfare Findings:**

The Northeast Regional Office of Children, Youth and Families has determined that the Child Protective Service investigation relating to [REDACTED] was conducted in a timely and thorough manner. The county agency adhered to all Department of Public Welfare regulations and due process assurances as set forth by the Child Protective Services Law. The site record review and interviews conducted by the Northeast Regional Office with all involved agency case work, supervisory and administrative staff has determined that there was a consistent collaborative effort documented to support cooperation between the county agency and the law enforcement community.

### **Department of Public Welfare Recommendations:**

The Northeast Regional Office of Children, Youth and Families has accepted the findings of the Act 33 Review conducted by Lackawanna County Office of Youth and Family Services on April 8, 2013, in its entirety. A recommendation has been made that the administrative staff of Lackawanna County Office of Youth and Family Services establish a more timely review process for all cases of near fatality or fatality review. The agency did not convene the Act 33 Review according to guidelines established under the Statute. The Northeast Regional Office is recommending that the agency assign the scheduling function in a more uniform fashion so that timeliness of review occurs.

The Department further supports the county team's recommendation of expanding the invitation for meeting participants to include previous medical providers of the child under discussion.