



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: February 10, 2011
Date of Incident: January 6, 2012
Date of Oral Report: January 6, 2012

FAMILY KNOWN TO:

Dauphin County Children & Youth Services

REPORT FINALIZED ON: April 9, 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 No. 1147, now known as Act 33 was signed on July 3, 2008 and went into effect 180 days from that date, December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and child near-fatality as a result of suspected child abuse. DPW must conduct child fatality and near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.

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. Dauphin County has convened a review team in accordance with Act 33 of 2008 related to this report. Team meetings were held on February 2, 2012 and February 24, 2012.

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim child	02/10/2011
[REDACTED]	Mother	[REDACTED] 1986
[REDACTED]	Father	[REDACTED] 1985
[REDACTED]	Half-Brother	[REDACTED] 2003
[REDACTED]	Half-Sister	[REDACTED] 2006
[REDACTED]	Sister	[REDACTED] 2007
[REDACTED]	Mother's paramour	[REDACTED] 1975

Notification of Near Fatality

[REDACTED] referral was received on January 6, 2012. On that date, Mother called 911 when 11-month-old child displayed [REDACTED] and then became unresponsive. Mother told EMS personnel that child was [REDACTED]. She tried to wake him by putting him in a warm bath and when he would not wake up, she called 911. Child was taken to Harrisburg Hospital on January 6, 2012 by ambulance. Child had [REDACTED]

[REDACTED]

Child's mother stated that the right eye was injured when a bottle was dropped on the child's face by another sibling. There was no explanation for the [REDACTED]. Mother stated that the child has been sick for the last two weeks with weight loss and a cough. She called the family doctor but could not get an appointment. [REDACTED] stated that mother smelled of alcohol and she was tearful.

The child was flown to Hershey Medical Center. The RS stated the injuries could be caused by shaken baby, [REDACTED]. On January 9, 2012, the child was certified in critical condition at Hershey Medical Center. [REDACTED]

[REDACTED]

Summary of DPW Child (Near) Fatality Review Activities:

Reviewed entire case file including provider reports
Reviewed medical records from a variety of sources
Interviewed in-home services caseworker, supervisor
Interviewed CPS caseworker, supervisor
Attended Act 33 Near-fatality team meeting

Summary of Services to the Family

Children and Youth involvement prior to Incident:

Referral April 27, 2010: Family was referred because mother's paramour accidentally shot himself in the foot. The months prior an undocumented immigrant was arrested at the house and was found to be in possession of a firearm. [REDACTED] were concerned about two gun-related incidents at the same household. It was determined that the current incident involved a legally purchased firearm. It had been purchased due to a rise in crime in the neighborhood where mother lived. The paramour was charged with reckless endangerment. Mother stated her intention to either let the police keep the gun or to sell it. Case was closed at intake.

Referral February 22, 2011 – [REDACTED] reported the premature birth of the victim child who was addicted to [REDACTED]. Mother was reported to be connected with appropriate services and CYS screened out the referral.

Referral May 13, 2011 – The referral focused on the half-brother, age 8, who was in need of [REDACTED] since Fall 2010 and had not yet had [REDACTED]. During the assessment period, the family was evicted. On August 4, 2011 the case was accepted for services [REDACTED]

The family was receiving [REDACTED] in-home services from a contracted community provider since October 31, 2011.

There was frequent contact, almost daily, with one or more family members beginning in late August. CYS [REDACTED] transportation so that the school-age children could remain in their home school along with home visits and transportation to other appointments. The victim child was seen by a social service professional from CYS or the [REDACTED] services provider more than once per week from September to December. Social services professionals also saw mother's boyfriend on occasion, but he was never described to them as a household member and was not assessed as a person with access and caregiving responsibilities for the children. Services focused on the family's immediate need for permanent housing, income and stable education. The victim child's growth and development, routine medical care or any difficulties were not discussed with mother, and none of the social service professionals saw any indication that he was in pain, losing weight or otherwise not thriving. Following the victim child's hospitalization, mother described her boyfriend as abusive, threatening and domineering, but neither she nor the children made any indication of this prior to the reported incident.

Circumstances of child's near fatality and related case activity:

On January 6, 2012, Mother called 911 when child displayed [REDACTED] and then became unresponsive. Mother told EMS personnel that child was [REDACTED]. She tried to wake him by putting him in a warm bath and when he would not wake up, she called 911. Child was taken to Harrisburg Hospital on January 6, 2012 by ambulance. [REDACTED]

[REDACTED]

The child was flown to Hershey Medical Center. The RS stated the injuries could be caused by [REDACTED]. On January 9, 2012 the child was certified in critical condition at Hershey Medical Center.

The victim child's three siblings initially went to stay with maternal grandmother, but safety plans regarding supervised contact with mother were violated and the children were placed into traditional foster care. The sister was released to the full custody of a paternal 2nd cousin and his wife on January 18, 2012. The half-brother was released to the physical custody of his birth father following pre-placement visits, on March 24, 2012. Father lives in Bucks County PA and there court-ordered CYS supervision was in place when the child moved with father. The half-brother's father is the legal father of the half-sister; [REDACTED] him to be the half-sister's biological father. He does not want to be involved with the half-sister. She remains in a foster home that is potentially adoptive. The victim child was [REDACTED] to medical foster care. He has since moved to another foster family that is experienced in caring for seriously medically fragile children.

Current/most recent status of case:

The victim child's condition is stable, [REDACTED]

[REDACTED] The victim child's father is in Mexico and is kept apprised of the child's status. He has said he is unable to provide care for the child's special needs and has been asked to explore what services are available in his area. [REDACTED]

Mother was incarcerated at [REDACTED] Prison shortly after child's hospitalization on a parole violation. She has remained in custody. On May 9, 2012, she was charged with aggravated assault and endangering the welfare of children. She remained in prison until December 18, 2012, when she made a guilty plea to felony 3 endangering the welfare of children. The aggravated assault charge was withdrawn. Bail conditions were modified to allow supervised contact with her children at the discretion of Children and Youth agency. Sentencing is scheduled in June 2013.

Mother's paramour was charged with aggravated assault, endangering the welfare of children and terroristic threats. Bail was set at \$10,000, unsecured. He was not incarcerated. His hearing has been continued a number of times and was most recently scheduled for April 30, 2013. Meanwhile, the paramour was arrested in December 2012 for drug and firearms offenses. He remains free on bail.

The CPS investigation was concluded on March 6, 2012. The report was indicated, naming both mother and mother's paramour as perpetrators of physical abuse.

County strengths and deficiencies as identified by the County's near-fatality report:

N/A - CYS did not compile a report.

Department Review of County Internal Report:

The County did not submit an internal report.

Department of Public Welfare Findings:

County Strengths:

- The county Child Death Review Team is a comprehensive, multi-disciplinary group that meets frequently. The team is well-established and discusses cases in depth.
- Contact was made with this family on a daily basis to assist with housing crisis. A provider contract is in place to respond quickly and intensively in these situations.
- Impressive efforts were made to assure that school-age children had uninterrupted education despite family's move to various shelters and hotels.
- The investigation of the victim child's injuries was a well-coordinated effort among law enforcement, medical providers and Children and Youth Services.
- CYS had a resource foster home available in the community with the ability to care for children with serious and chronic medical complications.
- CYS has made concerted efforts to locate relative/kinship resources for the children. Parents' rights are protected and regular contact with mother, even when in prison, assured that she provided consents for medical treatment and other services for her children. There is regular contact with the victim child's birth father that lives in Mexico.

County Weaknesses:

- The county's Child Death Review Team, which conducts the Act 33 meetings, produces minutes, but the minutes do not outline county strengths and weaknesses or recommendations made by the team.
- The county did not submit an internal near-fatality review report.
- The focus on immediate and critical housing, food & income needs overshadowed an ongoing comprehensive assessment of other areas of the children's safety and well-being, particularly the infant's well-child care, growth and development.

Statutory and Regulatory Compliance Issues:

None identified

Department of Public Welfare Recommendations:

Since the time of this incident technical assistance has been provided to the county in regard to conducting an internal review for future child fatalities and near-fatalities. Act 33 was reviewed, along with the draft Fatality/Near-Fatality bulletin issued by the State.

Caseworker training and supervision should emphasize the need for holistic assessment of each family, particularly for the most vulnerable children in the family, throughout the time that services are provided.

Private providers who serve CYS families should have training and oversight to assure ongoing holistic assessment.