



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

Elaine Bobick
Director
Western Region

11 Stanwix Street, Suite 260
Pittsburgh, PA 15222

(412) 565-2339
Fax: (412) 565-7808

REPORT ON THE DEATH OF

DeCarlos Lewis

BORN: November 20, 2009
Date of Death Incident: February 7, 2010

**The family was known to Allegheny County Children and Youth
Services.**

**The family was known to other public/private social service
agencies.**

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 near child fatalities that were suspected to have occurred due to child abuse. DPW must conduct child fatality and near fatality reviews and provide a written report on any child fatality or near fatality where child abuse is suspected.

Circumstances of Child's Fatality:

██████████ called the Lexington Intake Office of Allegheny County CYF to report a child fatality, specifically that DeCarlos Lewis was pronounced dead at 7:41pm on February 7, 2010 at McKeesport Hospital. ██████████ at McKeesport Hospital reported that the child had ██████████ ██████████. North Versailles 911 services received an "unintelligible" call from the father at 6:58pm on February 7, 2010, at which time he reported that he had taken pills. The 911 operator heard the mother screaming in the background, "What did you do to my baby?" Police and paramedics responded and transported the child and father to the McKeesport Hospital. The child was pronounced dead upon arrival, and the father ██████████ McKeesport Hospital.

Allegheny County Intake received a call from ██████████ on 2-8-10 at 1:45pm to report that the cause of death of DeCarlos Lewis was ██████████ ██████████. The child had ██████████ and the death was being ruled a homicide.

The mother told police that she walked to ██████████ yesterday afternoon at 4:30pm and when she came home the father was "acting strange", as he kept telling the mother to "leave the baby alone" and the baby was sleeping. When the father called 911 at 6:58pm, the mother went to check on the child and found him unresponsive.

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
DeCarlos Lewis	Child	11/20/2009
██████████	Mother	██████████/1984
██████████	Father	██████████/1955
██████████	Sibling (Sister)	██████████/2004
██████████	Father of Sibling	██████████/1974
██████████	PGM of ██████████	██████████/1950
██████████	PA of ██████████	██████████/1985
██████████	PU of ██████████	██████████/1980

Documents Reviewed and Individuals Interviewed:

The OCYF Regional Program Representative reviewed the case file provided by Allegheny County CYF for the intake investigation on this family, as well as the historical records available. The file included the investigation summary, demographic information, risk/safety assessment and safety plan, and progress notes. Interviews were conducted with Allegheny County CYF staff, including the intake caseworker and the current intake supervisor. Also reviewed were the medical and forensic records provided by McKeesport Hospital and the Children's Hospital of Pittsburgh (for historical information).

Case Chronology

Allegheny County CYF was contacted on February 8, 2010 and notified that the child, age 2 ½ months at the time of death, died from use of [REDACTED] which caused [REDACTED]

It was reported that the mother and father argued most of the morning, and father told mother that he wanted her and the baby to leave his home. The mother then left the baby in the sole care of the father while she went to a local store to purchase baby supplies. It was documented that she was away from the home for approximately 30 minutes.

When the mother returned home, the father instructed the mother not to disturb the baby from napping. The mother reported that the father "looked weird, and was pacing from room to room". The father then left the home to shovel snow for approximately 30 minutes. The mother reports she did not check on the child at that time. The father returned inside, and began pacing again. The mother inquired as to what was wrong, to which he replied he was having [REDACTED] and that he was going to kill himself, noting that he had taken [REDACTED] and was going to take his life like his ex-wife had.

The father placed a call to 911 operators. The mother went to the bedroom and picked up the child, who was already deceased. The baby was unable to be resuscitated by mother or emergency personnel and was pronounced deceased at the local medical facility.

The father admitted to law enforcement that he repeatedly struck the baby in the head because the baby was crying and refused his pacifier. Father was arrested and charged with Aggravated Assault, Endangering the Welfare of a Child and Homicide. The father was held for trial on the homicide charge at the preliminary

hearing, and he remains incarcerated in the local jail, pending trial. Allegheny County [REDACTED] report.

Previous CY involvement

The family was first referred to Allegheny County CYF October 23, 2009 when the child's sibling, who was in [REDACTED] of the paternal grandmother, reported to the mother that "her tweety" was burning after exiting the bathroom. The mother reportedly asked her if anyone had touched her, to which she reported that her father "touched it with a knife on Thursday". Allegheny CYF and the Allegheny County Police investigated the allegations jointly, and discovered the father had been residing at [REDACTED] [REDACTED] on the date of the alleged incident.

A forensic interview was scheduled and completed at the CHP – CAC. The child's sibling disclosed to the doctor that her father had touched her vaginal area with a "silver knife". There were no medical findings during the examination. Additionally, the child sibling revealed that an adult male exposed his penis through his zipper and had her lick it. This adult male was identified as the son of the child's father, [REDACTED]. A separate [REDACTED] investigation was completed on this report. Eventually, the child's sibling reported that she lied to the doctor at CHP – CAC, because her "mom told her to".

The child was then born via [REDACTED] at Forbes Hospital while [REDACTED] [REDACTED] were being investigated.

Allegheny County CYF caseworker made several visits to the hospital and the home after the birth of DeCarlos. There was some concern from the hospital that the mother was [REDACTED]. It should be noted that documentation from the hospital noted that the mother and child were not drug tested at birth, nor were they tested prior [REDACTED].

The last caseworker visit to the family was December 18, 2009. The mother had set up an appointment at [REDACTED]. Additionally, there were family supports in the home, including maternal and paternal grandparents. The home was observed to have functional utilities, adequate food and baby supplies. The child was seen by the pediatric doctor on 12/17/2009 and 01/08/2010, and it was noted that the child was doing fine. No safety concerns were noted and the assessment was closed on January 15, 2010.

Compliance with Statutes and Regulations

The review did not identify compliance issues with statutes and regulations. Allegheny County Children, Youth and Families conducted all reviews as

required. The investigation concerning the child's sibling was conducted in accordance with regulation.

County Recommendations for changes at the Local (County or State) Levels as identified by way of County's Near Fatality Report:

- 1) Request for District Attorney's certification of report, given pending criminal proceedings against the baby's father;
- 2) Provision of OCYF Family Group Decision-making training, educational materials for behavioral health providers and OCYF offices, with the goal of integrating FGDM process with Behavioral Health Rehabilitation Services (BHRS);
- 3) Review of OCYF case practice related to confirmation of behavioral health involvement and evaluation recommendations prior to case closure;
- 4) Review of OCYF case practice related to maternity hospital drug-testing of mothers and infants at birth when substance abuse is suspected at time of delivery; and,
- 5) Promotion of "When Families Grieve", a guide for parents and caregivers created by Sesame Workshop, and "When Your Baby Cries... Ways to Soothe Your Baby", a video created by Fred Rogers Company for A Child's Place at Mercy Health Systems.

Findings and Recommendations

After reviewing the case record and interviewing stakeholders, the Western Regional Office of Children, Youth and Families has concluded Allegheny County Children, Youth and Families followed appropriate protocol in regards to the investigation of the aforementioned referral. Child fatality reviews were held as required on March 5, 2010 and May 5, 2010.

The father admitted to law enforcement that he repeatedly struck the baby in the head because the baby was crying and refused his pacifier. Father was arrested and charged with Aggravated Assault, Endangering the Welfare of a Child and Homicide. The father was held for trial on the homicide charge at the preliminary hearing, and he remains incarcerated in the local jail, pending trial. Allegheny County CYF [REDACTED] report. The mother was referred and is involved in [REDACTED]. The paternal grandparents were offered Family Group Decision Making, however the family stated that they already had several services in place for the child's sibling, and did not believe Family Group Decision Making would be beneficial.

The Department is in agreement with the County recommendations. It is the Department's recommendation that Allegheny County CYF look at their protocols surrounding confirmation of provided services to families prior to case closure. The agency must gather as much information from providers to make an informed decision as to whether or not the family should be accepted for services.