



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

[REDACTED]

**Date of Birth: 11/19/2013**  
**Date of Incident: 06/05/2015**  
**Date of Report to ChildLine: 06/05/2015**  
**CWIS Referral ID: [REDACTED]**

### **FAMILY KNOWN TO COUNTY CHILD WELFARE AT TIME OF INCIDENT OR WITHIN THE PRECEDING 16 MONTHS:**

Fayette County Children and Youth Services

**REPORT FINALIZED ON:**  
01/26/2016

Unredacted reports are confidential under the provisions of the Child Protective Services Law and cannot be released to the public.  
(23 Pa. C.S. Section 6340)

Unauthorized release is prohibited under penalty of law.  
(23 Pa. C.S. Section 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, the Department, through OCYF, must conduct a review and provide a written report of all cases of suspected child abuse that result in a 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 fatality or near fatality is substantiated or when a status determination has not been made regarding the report within 30 days of the report to ChildLine. Fayette County Children and Youth Services (FCCYS) has not convened a review team in accordance with Act 33 of 2008 related to this report. This case was unfounded within the 30 day timeframe and therefore an Act 33 meeting was not required; however, the county agency completed a report regarding the near fatality after conducting their review of the incident.

**Family Constellation:**

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth</u>
[REDACTED]	Victim	11/19/2013
* [REDACTED]	Mother	[REDACTED] 1988
[REDACTED]	Sibling	[REDACTED] 2007
[REDACTED]	Maternal Grandfather	[REDACTED] 1958
* [REDACTED]	Maternal Aunt	unknown
* [REDACTED]	Father (to sibling children)	[REDACTED] 1988
[REDACTED]	Maternal Grandmother	[REDACTED] 1963
[REDACTED]	Sibling	[REDACTED] 2011
[REDACTED]	Sibling	[REDACTED] 2006
* [REDACTED]	Cousin	ten-years-old

\* Denotes an individual that is not a household member or did not live in the home at the time of the incident, but is relevant to the report.

**Summary of OCYF Child Near Fatality Review Activities:**

No formal Act 33 review was held as the FCCYS unfounded this case within the 30 day timeframe. However, Western Region performed interviews with the FCCYS County Manager and Supervisor who handled this case. Western Region reviewed the file in its entirety, which included dictation, safety assessment, and risk assessment forms, home and hospital visit reports. Please note this case was only opened at Intake with Fayette County Children and Youth from 06/05/2015 until it was unfounded and closed on 06/18/2015. Western Region spoke with the Child Advocacy Center at Children's Hospital on 10/09/2015 for an update on the child progress.

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

FCCYS had one previous referral on this family prior to the Near Fatality on 06/05/2015.

On 01/22/2014 FCCYS received a call [REDACTED] asking if the Agency had formal paperwork giving the grandmother custody of the children. The case was closed at this point as there were no concerns for abuse or neglect.

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

On 06/05/2015 FCCYS received a report of suspected child abuse [REDACTED] in regards to the victim child. [REDACTED] reported that the child was brought in that afternoon for a near drowning and there was a concern for lack of supervision. Reportedly, the Maternal Grandmother who had custody of the victim child left the victim child's ten year old cousin (her grandson) who was visiting the home in charge of the victim child while the grandmother was hauling wood. The [REDACTED] Physician certified that the child was in critical condition. The local hospital advised that the EMT's [REDACTED] in route to the Hospital while performing CPR [REDACTED]. The victim child was brought to the Hospital with no pulse or respiration and fixed and dilated pupils. Upon the victim child's arrival at the local hospital CPR was continued; [REDACTED]

[REDACTED] The child was transported by helicopter to Children's Hospital of Pittsburgh (CHP) [REDACTED]

FCCYS responded to the Hospital before the near fatality report was registered. The County conducted interviews along with the Pennsylvania State Police (PSP) with the Maternal Grandparents while the victim child was being prepared for the flight to Children's Hospital. Maternal Grandmother explained in detail that the family is remodeling their home where the incident occurred. She was trying to haul wood approximately 100 yards behind the home. She asked the victim child's ten year old cousin to keep an eye on the victim child for a few minutes. She estimated that she was occupied for approximately ten to fifteen minutes and recalled seeing the two children playing during her first two trips, but on the last trip she only saw her grandson. She began to panic and began looking for the victim child. She also sent her grandson to look for victim child as well. After a few minutes, her grandson yelled that he had found her floating in the pool. Maternal

Grandmother's ten year old grandson pulled the child out of the water, at which point the child coughed up water, and her grandson called 911. Maternal Grandmother attempted CPR at the direction of the 911 Operator. EMT's responded approximately two minutes later and they took over CPR on the way to the Hospital.

Later FCCYS and the PSP went to the family home and interviewed the victim child's ten year old cousin. He stated that he was asked to watch the victim child for a few minutes while his Grandmother hauled wood. He reported he was playing in the yard with the victim child, when he left to get his swim trunks on and he lost track of the victim child at this point. When he came out of the house his Grandmother asked him where the victim child was, he ran to two neighbor's homes and looked under the house for the child and finally saw her floating in the pool. He pulled her out of the water and laid her down at which point his Grandmother attempted CPR.

FCCYS deemed after the interviews that the victim child's siblings were safe in the home. Two of the siblings were interviewed at their respective schools. The grandparents have custody of all four of the children. The maternal grandfather was at work at the time of the incident. An In-Home Safety Assessment Tool was completed on 06/08/2015 and at closing on 06/18/2015 both times the children were deemed safe. FCCYS noted at the 6/18/15 home visit that the swimming pool had been taken down.

[REDACTED]

The PSP on 06/08/2015 deemed that the incident was an accident and no charges were filed and the police case was closed.

On 06/09/2015 FCCYS contacted CHP's Child Advocacy Center (CAC) and they confirmed that the recollection of events reported by family members were consistent with the victim child's injuries and was likely an accident and not the result of abuse.

On 06/10/2015 CHP provided an update to FCCYS on the victim child's prognosis.

[REDACTED]

On 06/18/2015 CHP contacted FCCYS [REDACTED]

[REDACTED]

On 06/18/2015 FCCYS concluded their investigation with an unfounded determination and closed the case with no further services needed. At that time the victim child was still in CHP [REDACTED]. The family's plan was to have her transferred home to the maternal grandparents [REDACTED] and they were going to care for her [REDACTED].

[REDACTED]

The victim child [REDACTED] to the care of her Maternal Grandparents on 07/09/2015 [REDACTED].

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

Even though FCCYS was not required to submit a report since the investigation was completed within thirty days with an unfounded determination; they did complete an internal review of the incident and submitted this report to the Region.

- Strengths in compliance with statutes, regulations and services to children and families:  
The Agency completed the investigation within the 30 day time frame. The Agency also worked with the PSP jointly during the course of the investigation and all interviews were done alongside PSP.
- Deficiencies in compliance with statutes, regulations and services to children and families: None found
- Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse:  
FCCYS recommends that state and local laws for swimming pool safety should be enforced when there are children in the home.
- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies:  
None
- Recommendations for changes at the state and local levels on collaboration of community agencies and service providers to prevent child abuse.  
None

**Department Review of County Internal Report:**

The Region reviewed the County Internal Report and found it to be accurate.

**Department of Human Services Findings:**

- County Strengths: FCCYS responded immediately to the local Hospital alongside the PSP and jointly interviewed all parties, even going directly to the family home afterwards to gain knowledge of the area around the pool and speak to the other witness. They followed up swiftly with all involved parties and ensured the safety of every child in the home immediately.
- County Weaknesses: None found
- Statutory and Regulatory Areas of Non-Compliance by the County Agency.

None found

**Department of Human Services Recommendations:**

FCCYS could have kept the case open to monitor the family for some time after the incident particularly given the fact that the victim child was going to be coming to their home for care. This would ensure that the family had the supportive services it needed to meet the needs of the child and to lend support [REDACTED]. The Department recommends that families should be provided with resources, and referrals if needed, to community agencies [REDACTED].

The Department agrees with FCCYS's recommendation that Laws should be enacted in regards to pool ownership when children are in the home, such as a mandatory fence or gate system.