



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE NEAR FATALITY OF:

[REDACTED]

Date of Birth: 11/27/2011
Date of Incident: 07/19/2015
Date of Report to ChildLine: 07/22/2015
CWIS Referral ID: [REDACTED]

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

Allegheny County Department of Human Services
Office of Children, Youth and Families

REPORT FINALIZED ON:
1/22/16

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. Allegheny County Children, Youth and Family Services (ACCYF) has not convened a review team related to this report. This case was unfounded within the 30 day timeframe and therefore an Act 33 meeting was not required.

Family Constellation:

<u>First and Last Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Victim Child	11/27/2011
[REDACTED]	Mother	[REDACTED] 1979
* [REDACTED]	Father	[REDACTED] 1976
[REDACTED]	Foster Sibling	[REDACTED] 2006
[REDACTED]	Foster Sibling	[REDACTED] 2002
* [REDACTED]	Godmother	[REDACTED] 1982
* [REDACTED]	Babysitter	[REDACTED] 2001

* 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 ACCYF unfounded this case within 30 days of receiving the oral report. The Region reviewed the file that was provided to us by the County. Please note this case was only opened at Intake with ACCYF from 07/22/2015 to 08/19/2015.

Children and Youth Involvement prior to Incident:

ACCYF had received a prior report on this family on 04/08/2015. The report involved the mother of this victim child as the identified adult in a report regarding her foster child being left home alone. The case was assessed and closed on 05/19/2015. The mother is a foster parent [REDACTED]

Circumstances of Child Near Fatality and Related Case Activity:

On 7/22/15, ACCYF received a near fatality report on the victim child [REDACTED]. The day of incident was 07/19/2015 where the victim child was found face down in a pool by his fourteen year old babysitter. The mother had left the victim child in the care of his adult Godmother. The Godmother left and placed her fourteen year old in charge of the victim child and several other children. The babysitter was unaware that the victim child had woken from his nap and wandered to the backyard and got into the pool unattended. Victim child was found submerged and paramedics were called and he was transported to CHP where he was certified to be in critical condition. [REDACTED]

[REDACTED] He was then [REDACTED] to the care of his mother with no remarkable medical deficits from the incident. A report of suspected abuse was made [REDACTED] on 07/22/2015 naming the Godmother and the babysitter as the alleged perpetrators.

ACCYF conducted home visits and interviews on 07/22/2015 with the mother, victim child and the babysitter. The mother reported that she had to work on the day of incident and dropped the victim child off at the home of his Godmother's slightly before 11:00 AM. The mother reports she received various pictures via text of the children playing in the pool on the Godmother's property. Mother spoke with the Godmother around 4:29 PM and Godmother expressed she had to run an errand and was leaving her daughter in charge to babysit. Mother approved of this arrangement. At approximately 5:29 PM, the mother received a text from the babysitter stating that victim child had drowned and was being transported to CHP. The mother got to the hospital before the ambulance. The mother was already interviewed at that point by [REDACTED] Police. The mother was told that the victim child was put down for a nap as he had been swimming most of the afternoon. One of the Godmother's other children allegedly took victim child back to the pool. Victim child allegedly tried to get from an inner tube he was on to the side of the pool and fell in the water. Apparently the nine year old household member took the victim child to the pool and then left to go get a friend. The victim child was alone when the incident occurred.

The fourteen year old babysitter was interviewed at her home along with her mother, who is the Godmother to victim child. The Godmother reported that she left the home to drop off some food at a baby shower and left her daughter in charge. The Godmother was called after leaving the home by her daughter to report the near drowning of the victim child. The babysitter expressed that she was left in charge of five children ranging in age from 3 to 11 years of age. She thought that victim child was napping and expressed that her nine year old sister was insisting that she was allowed to be in the pool. She eventually gave in and allowed her sister to enter the pool but did not know that her sister had woken up the victim child and took him to the pool as well. A few minutes later her sister and

her friends began yelling that victim child was drowning. The babysitter got the victim child out of the pool and began CPR. Someone in the home called 911 and another child went to the neighbor who is a nurse for help. The neighbor came over and took over CPR until the paramedics arrived. The babysitter expressed that maybe 20 minutes had passed from the time her mother left the home and victim child almost drowned. The pool is 3.5-4 foot deep. The caseworker saw the victim child with his mother but did not interview the victim child.

ACCYF contacted the [REDACTED] Police on 08/04/2015. The Police concluded their investigation and were closing the case with no criminal charges being filed. Their finding was that the incident was an accident.

Allegheny County unfounded the Child Protective Services (CPS) report on 08/19/2015 and closed their case the same day with no further services needed.

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

ACCYF was not required to submit an Internal Child Near Fatality Report given that the case was unfounded within 30 days of the agency receiving the report.

- Strengths in compliance with statutes, regulations and services to children and families; None
- Deficiencies in compliance with statutes, regulations and services to children and families; None
- Recommendations for changes at the state and local levels on reducing the likelihood of future child fatalities and near fatalities directly related to abuse;
- Recommendations for changes at the state and local levels on monitoring and inspection of county agencies; and
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:

ACCYF was not required to submit an Internal Child Near Fatality Report given that the case was unfounded within 30 days of the agency receiving the report.

Department of Human Services Findings:

- County Strengths: Allegheny County upon receiving the case made immediate contact with the family and all pertinent parties to this case.

- County Weaknesses: The County did not complete an interview with the victim child who was verbal and old enough to be minimally interviewed by the County in regards to the incident.
- Statutory and Regulatory Areas of Non-Compliance by the County Agency.

Child Protective Services Law 3490.55 (d) states that the County Agency must interview the child/subject of the report; parent; alleged perpetrator; others with information. The County did not attempt to interview the victim child in this case even though he presented at age three and a half as verbal.

Department of Human Services Recommendations:

The Region would have suggested that the County attempt to interview the victim child who was three and a half years old about the incident. The victim child was seen but no interview was attempted.

The Region would also suggest changes be made legislatively at the State level involving laws regarding pools. Laws in relation to pool safety training being mandatory for all pool owners as well as safety guidelines for access to the pool being monitored for young children.