



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE NEAR DEATH OF**



**BORN: October 16, 2009**  
**Date of Near Death Incident: January 06, 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 by Governor Rendell 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.<sup>1</sup>

**Circumstances of Child's Near Fatality:**

On January 6, 2010, child [REDACTED] had a seizure at home and was transported to Children's Hospital of Pittsburgh by emergency medical personnel. The child presented with [REDACTED] on 1/07/2010, the child underwent surgery to [REDACTED] the [REDACTED] with injuries [REDACTED] Initial reports noted that the child may have some residual effects from [REDACTED]

The child required immediate medical attention [REDACTED] pressure [REDACTED] The child was certified to be in critical condition by [REDACTED] and noted that the child was expected to survive.

The mother and father gave no history of trauma to the child. It was also noted that there was a prior unexplained death of a child of this family in 2008. This child died at 5 months of age.

**Summary of Review**

**1. Family Constellation:**

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Child	10/16/2009
[REDACTED]	Mother	1980
[REDACTED]	Father	1973
[REDACTED]	Sibling (Sister)	2004
[REDACTED]	Sibling (Sister)	2007
[REDACTED]	Maternal Grandmother	1956
[REDACTED]	Maternal Grandfather	1955

**2. 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 prior history from 2008. 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 the Children's Hospital of Pittsburgh.

### Case Chronology

On January 4, 2010, the parents of [REDACTED] began to notice a change in the child's behavior. He had what the parents described as a "blank look", and looked "as though he was drunk" and had a "different cry". The mother stated that the child kept putting his legs up to his stomach, and she perceived this to be pain. The child then began spitting up formula, to which the mother attributed to the type of formula that the family was using. It should be noted that the child that is deceased had vomiting which was resolved when the formula was changed.

The mother contacted her [REDACTED] to ask about the formula and was advised to bring the child in for an appointment the next day (January 5, 2010).

On January 5, 2010, the child had a fever of 102 degrees. Additionally, the mother found it difficult to awaken the child, and Tylenol "would not keep the child's fever down". The mother reported that she telephoned the [REDACTED] office again for advice. The mother was told to keep the appointment for that day, however she did not want to wait and took the child to the Children's Hospital of Pittsburgh Emergency Department.

CHP emergency room records show the child { [REDACTED] }, took several ounces of formula. Additionally [REDACTED] were obtained and [REDACTED] were obtained. The child was [REDACTED] from the emergency room to follow-up with the [REDACTED] and { [REDACTED] } within 24 hours. The family was told that the child may have contracted a virus.

From January 6 to January 7, 2010, the parents reported the child was vomiting, but did not have diarrhea. They attempted to give the child a smaller volume of feeding, but he spit this up as well. Around 11:30pm on January 6, 2010, the mother stated the child was "shaking all over" and was "foaming at the mouth". The body shaking was described as an "apparent seizure" that lasted "three to four minutes". Emergency medical services were contacted and arrived at 12:05am on January 7, 2010, when the child was transported to Children's Hospital of Pittsburgh via ambulance and the child was admitted. [REDACTED]

[REDACTED] reports showed the child had no [REDACTED] [REDACTED] on January 7, 2010 to [REDACTED]



agreed for the child's sibling to live with the maternal great-grandmother, pending the completion of the Allegheny County CYF investigation. The court also gave permission to return the child's sibling to the mother if [REDACTED] was ruled out. The court ordered the child to be placed in an Allegheny County CYF foster home upon discharge from the hospital. The Allegheny County foster home was trained appropriate [REDACTED] management prior to discharge.

On January 25, 2010, the child was re-admitted to the hospital as foster parents recognized the child's head was increasing in size [REDACTED]. He had his final surgery on February 1, 2010, having the [REDACTED].

The father had agreed to take a polygraph early in the police investigation. On February 11, 2010, the father was called by Pittsburgh Police to schedule the polygraph. He began crying, stating that he felt "under pressure" and that everyone was "looking at him". The father admitted to [REDACTED] that he shook and hit the child on multiple occasions, specifically that he had shaken the child 5-6 times in the month of December out of frustration when the child would cry. He reported that he would reach into the crib and shake him. The father would notice the child would be feverish and vomiting afterwards, then would call the mother to ask her if she noticed the was ill after returning the child to the mother's care. The father denied that the mother had any knowledge of the incidents, and in fact, made the calls so she would not suspect anything.

Of most interest, the father admitted that he had hit the deceased sibling [REDACTED] in the face with his hand in the past and sometimes would cover her mouth to prevent her from crying. He stated on the day [REDACTED] dies, he rolled over on her in bed and suffocated her. The case was then transferred to Allegheny County Homicide Unit because the incident occurred at the father's home in North Versailles, not at the mother's home in Pittsburgh.

The father was charged with Aggravated Assault, Endangering the Welfare of Children, and Reckless Endangerment. A preliminary hearing was held on March 18, 2010, where the father was released on home detention. At the time of this report, the father was awaiting trial on the aforementioned charges.

Both children returned to the care of the mother in February 2010. The [REDACTED] plan developed by the mother and Allegheny County CYF is that the children will have no contact with the father. Supportive services were put in place for the mother and children, including [REDACTED].

On March 8, 2010, the [REDACTED] father based on the admission to the police and the medical documentation from CHP. The investigation into the death of the child's sister has been re-opened by

the Medical Examiners office and the Pittsburgh Police based on the information obtained in this investigation.

### **Previous CY involvement**

Allegheny County received a referral prior to the death of [REDACTED] which was a request for an evaluation due to [REDACTED] medical conditions and the mother's decision to rescind a voluntary adoption agreement. The mother and father had agreed to place [REDACTED] at birth for adoption because of concerns about their ability to care for her special needs [REDACTED]. [REDACTED] was placed with an adoptive family, and the parents revoked the consent in March 2008. Consequently [REDACTED] was returned to the care of the mother and father. The intended adoption was with paternal family members.

Additionally, Allegheny County CYF was involved with the family due to the death of [REDACTED] the sister of the child at the age of 5 months in May, 2008. [REDACTED]

She was found unresponsive by the father. The child was transported to Children's Hospital of Pittsburgh by emergency medical personnel. At the time of the death, there were no outward signs of maltreatment and skeletal surveys were negative. There were, however [REDACTED] injuries noted post-mortem.

There were several concerns noted in Allegheny County CYF documentation. The child died unexplainably outside of the hospital, with a history of prolonged [REDACTED] outside of the hospital and possibility prior to the 911 call. The child had abnormal [REDACTED] findings post-mortem, and a very narrow [REDACTED] which is unusual at the child's age. Additionally, the child had a history of [REDACTED] [REDACTED] however was now (after 5 months) reported to be a normal child recovering from past feeding problems.

The Medical Examiner's report noted that the [REDACTED] findings were a result of [REDACTED]. The cause of death was determined to be SIDS, liver and digestive failure.

The parents did not believe they needed any services. Allegheny County CYF did not identify any safety concerns, and the case was closed on July 3, 2008.

### **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.

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

- 1) Request that District Attorney certify case, as criminal prosecution is pending against the father;
- 2) Review Medical Examiner's report on child [REDACTED] death (2008), given father's confession that he hit and suffocated the child prior to death;
- 3) OCYF will maintain an open case on the family, with supports from [REDACTED]
- 4) Child to continue medical care, involvement with [REDACTED] services, and;
- 5) Mother continue to receive supports from [REDACTED] and develop a personal safety plan for the threat of domestic violence toward the mother.

#### **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.

At the time of this report, the case is pending criminal court action against the father, as he had been arrested and charged with Aggravated Assault, Endangering the Welfare of Children, and Reckless Endangerment. No criminal court hearing had been held at the time of the writing to this report.

The [REDACTED]

The County agency continues to provide in-home services, as well as supportive services to the family with respect to [REDACTED]

The agency must continue to explore, in cooperation with the Allegheny County Homicide Division and the Medical Examiners Office, the death of the child's sibling, [REDACTED] given the statement of the father.

Additionally, the Department is in agreement with the recommendations from the county, as it is imperative to provide the necessary supports to the mother and children to ensure the health and safety of all parties.

[REDACTED]

Program Representative 1

[REDACTED]

Regional Director

May 18, 2010

Date