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**REPORT ON THE NEAR FATALITY OF**



**BORN: March 8, 2009**  
**DATE OF NEAR FATALITY: November 23, 2010**

**Family Unknown to Berks County Children and Youth**

**April 14, 2011**

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 fatality as a result of suspected 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.

**Family Constellation:**

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	March 8, 2009
[REDACTED]	Victim Child's Uncle	[REDACTED] 1994
[REDACTED]	Victim Child's Aunt	[REDACTED] 1988
[REDACTED]	Victim Child's Grandmother	[REDACTED] 1969
[REDACTED]	Victim Child's Grandfather	[REDACTED], 1966
[REDACTED]	Father	[REDACTED] 1991
[REDACTED]	Mother	[REDACTED] 1991

**Notification of Fatality / Near Fatality:**

Berks County Children and Youth was notified on 11/24/2010 [REDACTED] that a near fatality had been reported. The [REDACTED] indicated that on 11/23/2010 [REDACTED] [REDACTED], offered to pick the child up [REDACTED]. The child was in the backseat of the car which was being driven by [REDACTED]. The child managed to get out of the seat belt and opened the door while the car was moving. The child fell out of the car and suffered numerous injuries. [REDACTED] called the police for assistance and the child was taken by ambulance to [REDACTED]. The child was [REDACTED].

**Documents Reviewed and Individuals Interviewed:**

Northeast Regional Office reviewed the file, Risk Assessment, Safety Assessment and the casework contacts. The staff that were involved in the case were also interviewed, along with the supervisor of intake and the intake manager.

**Case Chronology:**

On 11/24/10 Berks County received a report that on 11/23/10 an incident occurred less than a mile from child's home in Reading. [REDACTED], was transporting [REDACTED], in a car when the child fell out of the back seat of the moving car after opening the door. [REDACTED] offered to pick up the child at daycare while the parents were working. There was no car seat in the car. The child

may have been secured by a seatbelt. It was unknown if anyone else was in the car when the incident happened. The child was hospitalized [REDACTED]

[REDACTED] The child, however, is expected to recover and her discharge was expected to occur over the weekend.

On 11/24/10 [REDACTED]

[REDACTED], was given notification and stated that she read and understood the contents. The caseworker went on to explain the agency's role [REDACTED]

[REDACTED] had the car seat in her car because [REDACTED]

[REDACTED], she felt a breeze and looked to see child had fallen out onto curb. [REDACTED] immediately called the police. The child was [REDACTED]

[REDACTED] that only allowed [REDACTED] to have supervised contact with [REDACTED] She agreed to this. [REDACTED] all agreed to this. [REDACTED] reported that she also has a teenage son living at home. He was not part [REDACTED].

#### **Previous Children and Youth Involvement:**

This family was not known to Berks County Children and Youth Services. There was not any case activity prior to the report.

#### **Circumstances of the Child's Fatality or Near Fatality:**

The investigation revealed that [REDACTED]

She did not have a car seat [REDACTED] strapped the child in a seat belt but did not lock the door of the car. She then drove a mile and turned left at an intersection and saw the car door was open. She stopped the car and saw that the child had fallen out to the ground. She ran to child and immediately called for assistance.

[REDACTED] The child was able to open the door of the car and fell out. No criminal charges were filed against the [REDACTED] or anyone living in the home. The case was [REDACTED] by Berks County Children and Youth Services.

[REDACTED], but she was released after spending a few days in the hospital.

[REDACTED] She was discharged to the care of her parents.

[REDACTED]  
fully cooperative.

### Current / Most Recent Status of Case

- [REDACTED]
- The child is residing in the same home
- [REDACTED]

### Statutory and Regulatory Compliance

- The safety plans were completed. However, the Preliminary Safety Assessment was completed on 11/30/10, but the family had been seen and assessed on 11/24/10. This was 6 days later and due to the Thanksgiving holiday.
- The Safety Assessment indicated a need for Safety Plan to be implemented to ensure the child's safety in the home while the county agency conducted their assessment. The safety plan indicated that the [REDACTED] would not have any unsupervised contact with the child.
- The investigation was timely.
- All parties were interviewed

### Findings:

The agency met all regulatory requirements; however the Preliminary Safety Plan was late due to the Thanksgiving holiday. The positive that can be addressed, however, is that the family was assessed immediately upon receipt of the case. Some casework contact and detail could also be improved, helping to more clearly ascertain the agency's work and decision making on this particular case. The staff interviewed, especially the intake supervisor and the in home services supervisors were particularly helpful and clear about case outcomes.

**Recommendations:**

Recommendations include having the agency plan for completing required paperwork during holidays in order to stay in compliance with regulatory time frames.