



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF PUBLIC WELFARE

OFFICE OF CHILDREN, YOUTH AND FAMILIES

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REPORT ON THE NEAR FATALITY OF



Born: December 10, 2009
Date of Near Fatality Incident: October 11, 2010

The family was known to
Allegheny County Children and Youth Services

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

Date of Report: November 17, 2010

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 [REDACTED] 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. The Department of Public Welfare 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 Near Fatality

The 11 month-old child was transported to [REDACTED] Emergency Room following a 911 call from the father who stated the child was unresponsive. The father reports he found the child unresponsive after leaving her alone in the living room while he used the bathroom.

The child was found to have [REDACTED] to the [REDACTED] [REDACTED] noted that the injury was acute and "fresh", and that it was not accidental.

The father was arrested due to a parole violation on November 12, 2010 and is currently incarcerated awaiting trial for the injuries that occurred to the child. The [REDACTED] [REDACTED] investigation was [REDACTED] with the father named as the [REDACTED]

Summary of Review

Family Constellation

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Child	12/10/2009
[REDACTED]	Mother	[REDACTED] 1985
[REDACTED]	Father	[REDACTED] 1980
[REDACTED]	Half-Sister	[REDACTED] /2008

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. 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 [REDACTED]. Additionally, the OCYF Regional Program Representative attended the Allegheny County Near Fatality Review team meeting.

Case Chronology

The 11 month-old child was transported to [REDACTED] Emergency Room following a 911 call from the father, who stated the child was unresponsive. The father reports he found the child unresponsive after leaving her alone in the living room while he used the bathroom.

As reported during the [REDACTED] investigation, the mother contacted the father on October 11, 2010 to see if he wanted the child for a few hours as she had some things to do. The mother reported that the father was okay with watching the child, meeting at approximately 1:30pm in downtown Pittsburgh. The father then took the child to his home on the bus. Both mother and father report that the child was "playful and happy" at the time of the exchange.

Once home, the father reported he retrieved the child's toys from the basement as the home was being remodeled and everything was packed in the basement pending the completion of the renovations. It was reported by the father that the child was playing with her toys in the living room and was "normal and having a good time". The father reports he went upstairs to the bathroom and when he returned, the child was on her stomach and unresponsive. The father reports he picked the child up and "her head went back".

The father contacted emergency services and reported the child was unresponsive. Emergency services arrived and transported the child to the hospital via ambulance. The father accompanied the child to the hospital in the ambulance. The mother reports she received a call from the father while the child was being transported. The mother states the father reported he did not know what was wrong, but the child was unresponsive. The mother met the father at [REDACTED].

During the CT scan, the child's condition began to deteriorate rapidly and [REDACTED]. The child was found to have [REDACTED]. [REDACTED] noted that the injury was acute and "fresh", and that it was not accidental. Additionally, the injury was not something the child could have done to herself while playing.

According to the [REDACTED] assessment dated October 13, 2010, "the child has [REDACTED] and has been a victim of [REDACTED]. Since the two parents agree that the child was normal until 1:30pm and the [REDACTED] records indicate that the child was at the hospital by 4:30pm, the injury likely would have occurred between 1:30pm and 4:30pm when the child was in the care of her father. The extent of these injuries cannot be explained by the history of a fall from standing. The injuries could not be self-inflicted. In the father's history of lack of furniture or instruments around the child at the time, she was found to be [REDACTED]. [REDACTED] also indicative that this was not an accidental injury. If the child survives, she may have [REDACTED].

On October 14, 2010, it was reported the child would remain in the [REDACTED] for five to seven days in [REDACTED]

The father reports no one else was with the child in the home. When initially questioned at the hospital, the father reported there was nothing that could have fallen on the child in the home because there was nothing in the living room except the child and her toys. He then became upset and left the hospital.

On October 20, 2010, the father was again interviewed with relation to the investigation. The father reported he believed the child pulled a drill off of a table as she was pulling herself up to stand. He also reported that he was on house arrest for two years for a violation of probation related to drug charges. It should be noted that law enforcement was not notified of the [REDACTED] on October 13, 2010, two days after the near fatality incident. The Allegheny County Detective's, upon arriving at the father's house, observed that he had cleaned the house and repositioned several items in the home (as per father's report) after the near fatality event.

Upon learning the information about the father being on house arrest, the County Caseworker contacted his Adult Probation Officer. The Probation Officer reported that the father was on probation and electronic home monitoring until 2012 for possession, escape and receiving stolen property. It was reported that the father tested positive for marijuana and opiates on October 16, 2010. The Probation Officer also reported that the father has gone out of range of the electronic home monitoring on two occasions and that there was a female "cousin" present at home when a visit was conducted. After the positive drug test and being interviewed on October 20, 2010 by law enforcement officials, the father removed his electronic home monitoring device and was on the run. He was eventually apprehended and placed in the Allegheny County prison.

[REDACTED]

The child had [REDACTED] on October 29, 2010. Two days later, on October 31, 2010, the child was returned to the care of her mother. The child was in the hospital of a total of 20 days. In-Home services were authorized and provided by [REDACTED]. Additionally, the mother received a three-year PFA against the father.

The father was apprehended and arrested due to a parole violation on November 12, 2010 and is currently awaiting trial for the injuries that occurred to the child. He was served a warrant for Aggravated Assault and Endangering the Welfare of a Child on November 30, 2010 while in prison. A preliminary hearing was held on December 8, 2010, at which time the case was held for Court. The father currently remains housed in [REDACTED] prison awaiting trial. Allegheny County CYF determined the

██████████ investigation to be "indicated" against the father on November 29, 2010.

The prognosis for the child is good, while she will have some weakness from the sustained injury, she continues to recover and has ██████████

Previous CY Involvement

The family was initially referred to Allegheny County Children, Youth and Families on July 12, 2004 at the birth of the child's sibling, ██████████ (now age 6). The mother and child's sibling tested positive for cocaine at birth. During the pregnancy, the mother had tested positive for Oxycontin and methamphetamines. The child was placed with her paternal grandmother on July 14, 2004, and subsequently adopted by the same paternal grandmother on August 15, 2006 after the ██████████

Another referral was made to Allegheny County Children, Youth and Families on July 14, 2008 after the birth of the mother's second child, ██████████. The mother had tested positive for methadone. Even though the mother was ██████████, the dosage she tested for was much higher than ██████████. Emergency custody was obtained for ██████████ on July 17, 2008, and she was placed with the paternal grandmother (same person who adopted ██████████). The child was returned to the mother on July 21, 2008 at the ██████████ which was an ██████████ ██████████ program which closed in November 2008. The mother and child were discharged because of the closure of the facility and entered ██████████, in November 2008.

In May 2009, the mother relapsed and was terminated from ██████████. The child was then placed with the maternal step-grandmother. In September 2009, the mother entered ██████████. Child ██████████ was returned to the mother in this ██████████ in October 2009. The child with respect to this near fatality report, ██████████, was born December 2009.

The mother was successfully ██████████ in March 2010. ██████████ All of her drug screens were negative while in ██████████ and she had positive support from her family and ██████████. According to ██████████ reports, the mother "remains extrinsically motivated throughout ██████████ to maintain custody of children and developing a ██████████ lifestyle".

In June and August 2010, the mother participated in and received supportive services through ██████████ for budgeting, ██████████ CYF had planned on closing the case with child ██████████ when the near fatality incident occurred.

Compliance with Statutes and Regulations

The review found a violation with respect to the reporting of suspected child abuse, as the report of suspected abuse was not reported to ChildLine immediately, as is defined by §6313 (a) of the Child Protective Services Law.

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 the District Attorney's protocol for the notification of law enforcement agencies from area hospitals and Allegheny County Children, Youth and Families;
- 3) Review Mandated Reporter policy with area hospitals related to the timeliness of the reports to ChildLine;
- 4) Provide continued services to the mother;
- 5) Child to continue medical care, involvement with [REDACTED] services;
- 6) Provide First Responder Acute Scene Recognition training, and;
- 7) Connect incarcerated parents with their children prior to and immediately after leaving custody.

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 and Endangering the Welfare of a Child. Criminal court proceedings had not occurred at the time of the writing to this report.

The child protective services investigation has been determined to be 'Indicated', listing the father as the perpetrator based on medical evidence.

The county agency continues to provide in-home services, as well as supportive services to the family with respect to early intervention for the child and drug and alcohol services to the mother. Additionally, the mother was referred to [REDACTED] by the Allegheny County Police for victims of violent crimes.

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.

An opportunity for improvement should focus on providing technical assistance to local hospitals to ensure compliance with reporting procedures. While the child was transported to the hospital on October 11, 2010 at 4:30pm, the referral was not made to ChildLine regarding the suspected abuse until October 12, 2010 at 11:20am.

While the county agency complied with applicable regulations related to law enforcement notification with 72 hours of interviewing the subject (§3490.58(b)(8)), the hospital did not follow the District Attorney's protocol to notify law enforcement officials immediately when abuse is suspected. The District Attorney's protocol should be reviewed with all hospitals in Allegheny County to ensure referrals are made immediately to law enforcement.

Another opportunity for improvement is related to Court ordered services and authorization for those services. With respect to this case, the Court ordered in-home services to begin when the child returned to the home. That Order was dated October 15, 2010. The child returned to the home October 31, 2010 and authorization was granted by Allegheny County Children, Youth and Families on November 2, 2010 with the first visit to the home by the in-home worker being November 3, 2010. The county agency should develop a protocol to allow for authorization to occur prior to the child's discharge to allow a rapport to be established with the parent and in-home service worker. This would allow for a smooth transition for the child and parent to the home, with the assistance of the in-home service worker, rather than the child being home three days before a contracted worker sees the child in the home.