



**pennsylvania**  
DEPARTMENT OF PUBLIC WELFARE

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



**Date of Birth: 10/18/2013**  
**Date of Incident: 11/18/2013**  
**Date of Oral Report: 11/18/2013**

### **FAMILY NOT KNOWN TO:**

Luzerne County Children and Youth Services

### **REPORT FINALIZED ON:**

4/23/14

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. 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, DPW must conduct a review and provide a written report of all cases of suspected child abuse that result in a child 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 child fatality or near fatality is indicated or when a status determination has not been made regarding the report within 30 days of the oral report to Childline. Luzerne County has convened a review team in accordance with Act 33 of 2008 related to this report.

**Family Constellation:**

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
[REDACTED]	Victim Child	10/18/2013
[REDACTED]	Sibling	[REDACTED] 2011
[REDACTED]	Mother	[REDACTED] 1980
[REDACTED]	Father	[REDACTED] 1981

**Notification of Child Near Fatality:**

Luzerne County Children and Youth Services received a report [REDACTED] on November 18, 2013 that the mother of the victim child was involved in a physical domestic dispute with the father of the children. The mother allegedly was hit while holding their infant son. The father pushed the mother into a wall twice and the victim child fell an estimated 4 feet onto the floor, hitting his head. The victim child was reported to have [REDACTED] [REDACTED]. He was listed as being in critical condition and life flighted to Geisinger in Danville from [REDACTED] Scranton CMC. Additionally, gun shots were allegedly fired from the home during the incident.

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

The Department conducted a review of the case records contained at Luzerne County Children and Youth Services. The Department also met with the manager of the case, the supervisor and caseworker. A review of medical reports and the case summary were made available for review. The Department also attended the Act 33 meeting held on December 10, 2013 and was involved in the case review along with law enforcement personnel, school officials, and medical personnel as well as numerous agency staff and committed review team professionals.

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

Luzerne County Children and Youth Services was not involved in this case prior to this incident. The family had a history of involvement with law enforcement, however. [REDACTED] Police had been out on 4 prior calls on domestic related issues at the residence beginning in February 2012.

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

The mother and her infant son, [REDACTED] were [REDACTED] at Scranton Community Medical Center where the victim child was being examined and the mother was being treated for minor injuries which occurred during the incident. She was interviewed by Luzerne County Children and Youth caseworkers. The mother reported that the perpetrator and she got into an argument when he stated that he no longer wanted this relationship. The mother reported that the perpetrator became enraged and stated he was seeing someone else. The mother was holding the infant, [REDACTED], when she was pushed by the perpetrator. The baby fell to the floor but did not seem injured. When she picked him up, the perpetrator pushed her again and she hit the wall with the baby in her arms. She was shoved again and this time the baby flew out of her arms and she saw him land on his head. The baby was screaming but the mother was not allowed near him. The perpetrator then got a gun out of a closet and threatened the family. The other child in the home was there to observe the incident. The mother was ordered upstairs by the father, the perpetrator. The older child followed as they all went upstairs to a bathroom. He then fired 4 shots near her head while the brother of the victim child stood behind him. She was not allowed to call for assistance but eventually the perpetrator did allow her to call a doctor for the baby's injuries. The mother was able to get into a car and drive away with both children. She then called 911 and made arrangements to meet the police and ambulance [REDACTED]. All three people were transported via ambulance to Scranton CMC. Later, [REDACTED] was life flighted to Geisinger Danville for [REDACTED].

**Current Case Status:**

During the Act 33 Meeting it was learned that the [REDACTED] police department had responded to 4 priors on domestic violence to the residence. Charges were dropped by the mother on 2 of the incidents. It was also discovered that the father has a long history of drug and alcohol abuse. The father was incarcerated but did make bail and was living with family members. The children were still in the care of their mother. The victim child did recover but missed medical appointments that were arranged for him. The case received an indicated status based on the victim child's injuries and the investigation, including medical reports and evaluations. The safety assessment indicated that the children were in an unsafe setting with the mother due to her support of the father and the fact that she was missing follow-up medical appointments and rescheduling with the doctor. The children were then placed in foster care.

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

- Strengths:

The agency responded quickly to the report and interviewed all parties. No regulatory deficiencies were discovered. The agency obtained all necessary medical information in a timely manner.

- Deficiencies:

The alleged perpetrator was released from jail without a notification being sent to Luzerne County Children and Youth.

Law enforcement had been to the family home on prior domestic calls but did not notify the agency to ascertain if there was any assistance that could be provided by the agency.

Mother routinely drops PFA charges against the father.

Mother did not follow medical advice by not attending medical appointments set up for victim child after his release from the hospital.

The police department was unaware of the agency's involvement with the family until they attended the ACT 33 Meeting held at the agency.

- Recommendations for Change at the Local Level:

Improve communication between Luzern County Children and Youth Services and local law enforcement.

Develop a protocol for law enforcement to notify the county agency when individuals under investigation for child abuse are released from jail or make bail.

- Recommendations for Change at the State Level:

Develop a protocol to address referrals to local county child welfare agencies in cases of domestic violence that local police have investigated several times.

Outreach and networking with police departments regarding ACT 33 involvement.