



REPORT ON THE NEAR FATALITY OF:



BORN: 04/08/2010

DATE OF INCIDENT: 11/01/2013-11/30/2013

DATE OF ORAL REPORT: 11/30/2013

**FAMILY NOT KNOWN TO:
Monroe County Children and Youth**

**FAMILY WAS KNOWN TO:
Schuylkill County Children and Youth**

**REPORT FINALIZED ON:
4/11/14**

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 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. Monroe County has convened a review team in accordance with Act 33 of 2008 related to this report.

Family Constellation:

Name:

Relationship:

Date of Birth:

[REDACTED]

Mother (AP2 by omission)

[REDACTED]/89

Victim Child (VC)

04/08/10

Paramour (AP1 by commission)

[REDACTED]/89

Notification of Child Near Fatality:

Intensive In- Home Services Supervisor [REDACTED] was the on-call caseworker who received the referral on 11/30/13 at 8:00 pm. EMS responded to the case address after the mother's paramour (AP1), called 911 and stated that the VC was unresponsive after "falling in the tub." The VC was life-flighted to [REDACTED]. VC was observed to have multiple lacerations on his face. VC's left ear had an old injury which was unexplained. VC also had swelling to the head and around the eyes. VC revealed tenderness to his abdomen [REDACTED].

[REDACTED]. VC made statements that he was punched in the head by the mother's paramour (AP1) because he peed his pants. VC's injuries were in different stages of healing. VC was fearful of the mother's paramour (AP1). VC reported that the mother's paramour (AP1) has hit him in the head in past. This incident was registered as a near fatality due to the [REDACTED].

Summary of DPW Child Near Fatality Review Activities:

The Northeast Regional Office (NERO) Human Service Program Representative (HSPR) met with the [REDACTED] Supervisor, Caseworker, Manager, and Director to discuss this case. The HSPR had obtained and reviewed the entire file regarding this family. The NERO HSPR also participated in the County Internal Fatality Review Team

meeting on December 18, 2013. At the time of the ACT 33 meeting, NERO recommended that MCCYS enlisted an outside entity to chair their Act 33 meeting.

Summary of Services to the Family:

At the time of the incident the family was not known to Monroe County Children and Youth (MCCYS).

Children and Youth Involvement Prior to Incident:

This family was not known to Monroe County Children and Youth Services (MCCYS) prior to this incident.

The family was known to the Schuylkill County Children and Youth Services (SCCYS) in the last 16 months. SCCYS received two separate intake cases (February 2013- [REDACTED] May 2013 [REDACTED]) both of which could not be substantiated. Neither of these cases included the mother's (AP2) current paramour, [REDACTED] (AP1).

Circumstances of Child Near Fatality and Related Case Activity:

Pocono Mountain Regional Police Department was called on 11/30/2013 to assist medical personnel at the VC's current home address. Reporting source was advised that the VC needed to be life-flighted to the [REDACTED]. VC was medically evacuated to the [REDACTED] after an ambulance was called to the home of the mother's paramour (AP1) because the VC was unresponsive. When the EMS arrived at the home, they had to resuscitate the VC. EMS called the police due to the injury to the VC not being consistent to the mother's paramour's (AP1) story. The mother's paramour (AP1) was the only one home at the time of the incident.

VC was observed to have multiple lacerations on his face. Paramour (AP1) reported that the child slipped and fallen and hit his head on a closet wall inside the bathroom while preparing to take a bath. [REDACTED]
[REDACTED], it was revealed through a CAT scan that the VC had [REDACTED]. The hospital staff also found several other injuries in different stages of healing.

VC made statements that he was punched in the head by the paramour because he peed his pants. VC was fearful of the paramour (AP1). VC reported that paramour (AP1) has hit him in the head in past. This incident was registered as a near fatality due to [REDACTED]
[REDACTED]

Due to VC having several bruises that appear to be at different stages of healing; the concern was that the VC endured on-going [REDACTED]. The mother (AP2) admitted

that her paramour (AP1) was hurting her son (VC) and she continued to allow the paramour (AP1) to care-take for the VC.

The VC has no siblings. The Monroe County Children and Youth Agency took Emergency Protective Custody of the VC upon discharge from the hospital. The VC was hospitalized for 5 days. Dependency of the child was granted on 12/11/13.

The following case related activities were presented at the Act 33 meeting on December 18, 2013.

SCCYS first provided their background history with the family:

██████████ was the first intake caseworker. ██████████ received a referral on 2/25/13 re: ██████████. There were no concerns with the home conditions and the mother reported that she was no longer with ██████████.

██████████ intake caseworker reports that the case was unaccepted on the intake level on 4/3/13:

██████████ was the second intake caseworker. ██████████ received a referral on 5/13/13, due ██████████, an ██████████, residing in the home with minor child, ██████████. The agency was investigating a case of ██████████ that occurred approximately seven years prior when the ██████████. There were concerns regarding contact between the alleged perpetrator and the minor child, ██████████ at that time. On 5/28/13, SCCYS indicated on ██████████ for ██████████. At the end of July, mother and child moved out of the home and the case was closed on 8/6/13 as the ██████████ was no longer a household member.

SCCYS reports that mother never mentioned ██████████ as a paramour, and that ██████████ is not in their system. There was a prior case in 2006 involving mother and maternal grandmother, but this was closed out with low risk on the intake level. SCCYS is reporting that minor child ██████████ never made any statements regarding ██████████.

MCCYS then provided the current involvement with the case:

Intensive In-Home Services Supervisor ██████████ was the on-call caseworker who received the most recent referral on 11/30/13 at 8:00 pm. EMS responded to the case address after the alleged perpetrator, paramour (AP1), called 911 and stated that the VC was unresponsive after "falling in the tub." The VC was life-flighted to ██████████.

██████████ The VC was fearful of paramour (AP1). Mother (AP2) arrived at the hospital and denied knowledge of any abuse. Mother (AP2) indicated that she has been in a relationship with the paramour (AP1) since the summer of 2012. Mother (AP2) was defensive of paramour (AP1) at this time. Paramour (AP1) stated that the child fell while crawling out of the tub and went limp. Paramour (AP1) denied causing the injuries. The

paramour (AP1) was arrested for aggravated assault. Mother (AP2) indicated that maternal grandmother was abusive in the past.

Emergency Protective Custody was granted by [REDACTED] on 11/30/13 at 11:50 pm. On 12/1/13, mother (AP2) admitted to Supervisor [REDACTED] that she knew that paramour (AP1) punched the VC in the groin and mother (AP2) was [REDACTED]. The VC was [REDACTED] on 12/4/13.

[REDACTED] is currently the intake caseworker, and she was assigned the case on 12/2/13. Caseworker [REDACTED] reported that Detective [REDACTED] interviewed the paramour (AP1) on 12/1/13 and that he denied knowledge of the VC's bruises. The paramour (AP1) then went on to make excuses for some of the injuries. It was also believed that the VC had inhaled too much car exhaust that day and made the VC run back and forth outside to "clear his lungs." Corporal [REDACTED] and Det. [REDACTED] then interviewed mother (AP2) on 12/1/13 and she admitted that paramour (AP1) is tough on the VC but denies seeing any physical abuse. Mother (AP2) also denied any domestic violence at this time. Mother (AP2) stated that the VC gets new injuries daily and that paramour (AP1) gives the VC his showers. Mother (AP2) stated that paramour (AP1) called her at 6:44 pm on 11/30/13 and that the conversation lasted for 9 minutes, 33 seconds. Paramour (AP1) informed mother (AP2) that the VC was unresponsive. When mother (AP2) returned home from the store, she went into the bathroom and saw only one towel on the floor (which did not corroborate paramour (AP1)'s story that he went to grab a new towel for the VC after his first one got wet.) Mother (AP2) stated that the VC had a burn on his hand 2-3 weeks ago and that the paramour (AP1) refused to let mother take the child to the Emergency Room. Mother (AP2) stated that the paramour (AP1) was adopted and that he has cheated on her in the past. Paramour (AP1) "puts on a good show." Paramour (AP1) alleged that the tub incident was a result of the VC inhaling too much car exhaust. Mother (AP2) stated that she saw an old bruise on the child's thigh and believes that she could have stopped the abuse sooner.

On 12/5/13, Caseworker [REDACTED] and Program Manager, [REDACTED] interviewed the mother (AP2) at MCCYS; mother (AP2) alleged CYS involvement in the past with maternal grandmother. Mother (AP2) stated that she met the paramour (AP1) online in March 2013 and that they began dating in May 2013. Mother thinks that the paramour (AP1) lies and rough plays. Mother (AP2) reports moving in with the paramour (AP1) on 11/1/13. Mother (AP2) again stated that the paramour (AP1) bathes and dresses the child. Caseworker, [REDACTED] and PM [REDACTED] suggested counseling and provided mother (AP2) with contact information for Women's Resources.

On 12/6/13, Caseworker, [REDACTED] brought the VC to an appointment at [REDACTED]. The VC did not make any disclosures, however, during the medical exam VC admitted that the [REDACTED] was a result of being punched by the paramour (AP1).

On 12/8/13, mother (AP2) moved to Slatington and in with her uncle. On 12/9/13, mother (AP2) obtained an 18 month no contact PFA for herself and the VC against the paramour (AP1).

On 12/18/13, VC stated that he does not like the paramour (AP1). VC met with DA [REDACTED] and DA [REDACTED]. Foster mother informed [REDACTED] that the child disclosed that he does not like the paramour (AP1) because he hurts him and kicks him in the stomach. VC reported that mother saw this occur.

The perpetrator, [REDACTED] (AP1) was arrested on 11/30/2013 by the Pocono Regional Police for aggravated assault, endangering the welfare of a child, simple assault & recklessly endangering another person. He was remanded to the [REDACTED] Correctional Facility. [REDACTED] (AP1) made bail on 12/19/13 after it was reduced to \$100,000. He currently resides at [REDACTED]. The second perpetrator, [REDACTED] (AP2) was charged with Endangering the Welfare of a Child and Conspiracy-Endangering the Welfare of a Child. She was released on her own recognizance. She currently resides at [REDACTED].

Current Case Status:

The [REDACTED] was submitted with an Indicated status. The CPS investigation established substantial evidence to [REDACTED]. NERO agrees with MCCYS in that the [REDACTED] based on medical evidence, perpetrator admission and a [REDACTED] as per [REDACTED].

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

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Strengths:

MCCYS made the following recommendations at the Act 33 meeting regarding the VC:

- Administrator [REDACTED] suggested thinking about getting the VC involved with play therapy.
- [REDACTED] (CW) stated that she already submitted an [REDACTED] referral for the VC and can look into getting him enrolled at [REDACTED].

Deficiencies: Not Applicable

Recommendations for Change at the Local Level: Not Applicable

Recommendations for Change at the State Level: Not Applicable

Department Review of County Internal Report:

On December 18, 2013 MCCYS conducted their Act 33 review of the near fatality. The NERO HSPR attended this review. NERO received a written report summarizing their review. NERO has accepted the report summarizing MCCYS review.

Department of Public Welfare Findings:

County Strengths: MCCYS exhibited due diligence in terms of working on the coordination between the two agencies (MCCYS and SCCYS) regarding the Act 33 meeting.

County Weaknesses: Not Applicable

Statutory and Regulatory Areas of Non-Compliance: After a thorough review of the case file, NERO outlined the following as a Schuylkill County Children and Youth Agency weakness which will need to be addressed regarding Safety Assessment and Management Process. The casework practice was acceptable as implemented by the Schuylkill County Children and Youth Agency. However, the agency did not implement the Safety Assessment and Management Process as designed. There were multiple issues with multiple Safety Assessment Worksheets, therefore the agency is recommended to request technical assistance from the Child Welfare Resource Center via safety support sessions.

See Attached LIS.

Department of Public Welfare Recommendations:

NERO recommends that MCCYS enlisted an outside entity to chair their Act 33 meeting.