



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 10/24/2011
Date of Incident: 10/21/2013
Date of Oral Report: 10/21/2013

FAMILY KNOWN To:

Allegheny County Children Youth and Families

REPORT FINALIZED ON:
July 07, 2015

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. Allegheny County 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]	Mother	[REDACTED]/84
[REDACTED]	Father	[REDACTED]/85
[REDACTED]	Sister	[REDACTED]/06
[REDACTED]	Victim Child	10/24/11
* [REDACTED]	Alleged Perpetrator	[REDACTED]/84

*Indicates that this individual does not reside in the child's home of origin.

Notification of Child Near Fatality:

Allegheny County Office of Children, Youth and Families, (ACCYF), received a Child Protective Services, (CPS), referral from [REDACTED], on 10/22/2013 related to the near fatality of a twenty three-month old male. The child had presented to the [REDACTED] on 10/21/2013 after reportedly experiencing a non-witnessed fall down several stairs in the home of his babysitter. Upon examination, the child was found to have [REDACTED], as well as [REDACTED] and an abdominal injury. A medical assessment indicated that the injuries could not be explained by the reported fall down stairs and were indicative of physical abuse. At the time of the child's admission, he was in critical condition, and his prognosis was extremely grave. The child was not initially expected to survive.

Summary of DPW Child Near Fatality Review Activities:

The Western Region Office of Children, Youth and Families obtained and reviewed all records pertaining to the [REDACTED] family. The regional office also participated in the County Internal Fatality Review Team meeting on November 14, 2013. ACCYF staff were interviewed throughout the course of the investigation for updates on the report.

Children and Youth Involvement prior to Incident:

The family had two prior referrals to ACCYF. In 2010, there was an unsubstantiated allegation of physical abuse of the child's older sibling (then age four years). An investigation was initiated, and it was determined that the injury the child had sustained was not likely the result of abuse; therefore, the report was unsubstantiated, and the referral was closed in 2011.

In 2012, ACCYF received a report alleging that mother left the children home alone and that the home was in poor condition. ACCYF screened out the referral after the agency conducted a field screen which entailed a visit to the family's home and determined that the allegations could not be substantiated.

Circumstances of Child Near Fatality and Related Case Activity:

The child was picked up by the mother's friend, around 7:00 am on the morning of October 22, 2013 so he could babysit the child while the mother went to work. He took the child back to his residence where he was babysitting another toddler. Mother's friend reported that he and the child were coming down the stairs when he noticed the other child standing on a coffee table. He rushed to the other child leaving the child on the stairs. It is alleged that the child fell over the side of the stairs due to there being no railing, but the fall was not actually witnessed due to the mother's friend paying attention to the other child. The child was found on the floor unresponsive. The Mother's friend called 911.

The child arrived at the Children's Hospital of Pittsburgh (CHP) via ambulance unresponsive. The child had [REDACTED] and was "very ill" in the [REDACTED]. The child's status was reported by Dr. [REDACTED], from CHP, as "grave" and the child was certified to be in critical condition due to suspected abuse. It was reported that the injuries were highly concerning for abusive head trauma and highly unlikely that the injuries resulted from a fall.

The mother's account of the day in question began with the child waking in an agitated state, after a night of difficult sleep. The child's babysitter and his wife picked the child up from the mother's home around 7:10 am. At approximately 8:00 am, the mother received a call from the babysitter, telling her that she needed to come to his house, as the child had fallen down the steps. When the mother arrived at the babysitter's home, the child was not moving. Paramedics tended to the child and transported him to CHP. Throughout ACCYF's intervention, the mother had stated that she does not believe that the babysitter, who she describes as her "best friend" could have inflicted any injury on the child. She continues to believe that her son's condition was the result of an accident.

The child's sister was at school at the time of the incident; however, she was seen by the ACCYF caseworker to ensure her safety. There were no concerns for her safety or well-being.

ACCYF interviewed the babysitter several days after the incident. Although represented by counsel, he agreed to speak with the agency. He indicated that on the day in question, he picked the child up from mother's home shortly after 7:00 am. At that time, the child was still in the

process of waking. At around 8:00 am, he took the child upstairs to the bathroom. On the way back down the steps, the babysitter reported that he saw the younger child for whom he babysits standing up on a coffee table and therefore ran down the steps to tend to him. The babysitter reported that while his back was to the subject child, he heard a thud. He turned to find him at the bottom of the steps. The babysitter denied inflicting any injury on the child. However, medical evidence concluded that this account could not explain the injuries to the child.

The child was [REDACTED] CHP and transferred to [REDACTED] to provide the mother the opportunity to learn how to provide him the necessary medical care upon his release.

On December 18, 2013, ACCYF filed an indicated report naming [REDACTED] as a perpetrator of physical abuse with ChildLine.

Current Case Status:

The child's mother initially did not wish to sign a release of information for the child's medical records, but eventually did cooperate. [REDACTED] associated with the incident was indicated, with the perpetrator identified as the child's babysitter. ACCYF closed their investigation on December 20, 2013 as it was determined that the agency did not have grounds for further involvement with the family.

On January 04, 2014, the child's babysitter was arrested and charged with Aggravated Assault and Endangering the Welfare of a Child. He was released on bail on January 18, 2014. Criminal court proceedings are pending.

On January 14, 2014, ACCYF received an additional referral regarding this family. At that time, the child was still hospitalized, and there were concerns regarding his weight loss and mother's refusal to consent to a medical procedure. ACCYF initiated an investigation, which concluded on February 14, 2014. At that time, ACCYF accepted the family's case for service, to provide supportive services to the family and to monitor the child's progress. He has been [REDACTED] and receives [REDACTED]. He also receives weekly weight checks, to ensure proper feeding and nutrition.

The family's ACCYF case remains open at this time.

At the child's last doctor appointment on March 18, 2014, the child was gradually gaining weight and there were no immediate concerns with his weight. [REDACTED]

On April 9, 2014, ACCYF conducted a home visit and the mother signed new releases; the child is doing well and [REDACTED] continue.

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

Strengths:

ACCYF immediately responded to the child abuse report, conducted a timely investigation, and assured the safety of the children.

Deficiencies:

ACCYF was unable to conduct a comprehensive assessment of the child's safety due to the mother's decision not to sign releases of information for the child's ongoing physical health care. Other alternatives for obtaining this information were not immediately pursued.

Recommendations for Change at the Local Level:

The Review Team recommended enhanced training and clinical case consultation for casework staff around the Pennsylvania Safety Management Process. The ACCYF Training Department staff will be assigned to regional offices to provide additional supports and ongoing staff development related to safety management as a decision support process.

The Review Team recommended adherence to the joint investigative protocol between law enforcement and the local child welfare agency in cases of suspected child abuse. While child welfare and law enforcement systems were in the process of investigating the circumstances, the two systems appeared to be working independently of one another, rather than collaborating, per the protocol.

The Review Team discussed risks associated with toileting and child abuse

The Review Team discussed the need for child protection agencies to obtain third party information, in absence of parental authorization, when that information is germane to an investigation, assessment and/or planning to ensure child protection, including seeking court intervention.

Recommendations for Change at the State Level:

None.

Department Review of County Internal Report:

The county's report was received via email on April 7, 2014, [REDACTED]

Department of Public Welfare Findings:

County Strengths:

The County completed the meeting in a timely manner and had all the required people present. The County completed its report in a timely manner and submitted to the Department. The County also has ensured safety of the child and continues to monitor the case.

County Weaknesses:

None.

Statutory and Regulatory Areas of Non-Compliance:

None.

Department of Public Welfare Recommendations:

The Department is in agreement with the Review Team that the county agency should work in conjunction with local law enforcement when conducting their investigations regarding alleged child abuse to ensure that information is shared to better meet the needs of the children and families served by both agencies.