



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:

[REDACTED]

BORN: June 29, 2001

DATE OF INCIDENT: April 1, 2013

DATE OF ORAL REPORT: April 1, 2013

FAMILY WAS KNOWN TO:

McKean County Children and Youth Services

REPORT FINALIZED ON:

03/16/14

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. McKean 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	June 29, 2001
[REDACTED]	Sibling	[REDACTED] 2007
[REDACTED]	Mother	[REDACTED] 1978
[REDACTED]	Mother's Paramour	[REDACTED] 1985
[REDACTED]	Father	[REDACTED] 1985
* [REDACTED]	Paternal Aunt	[REDACTED] 1951
* [REDACTED]	Paternal Uncle	[REDACTED] 1940

*Indicates that this individual is not a household member.

Notification of Child (Near) Fatality:

On April 1, 2013, McKean County Children and Youth Services received a report [REDACTED] stating that the victim child arrived at [REDACTED] unresponsive and with a head injury. The child also had multiple bruises on her back and chin. It was also reported that she had dry blood in both nostrils. Upon the completion of a [REDACTED] it was determined that the child also had [REDACTED]

The mother stated that the child was running through the home with her sister, when the victim child reportedly fell and struck her head on a metal pipe. After striking her head, the child fell to the floor and had been nonresponsive since hitting her head. The mother went next door and contacted 911. The child was brought via ambulance to the hospital and the physician [REDACTED] certified the child to be in critical condition.

[REDACTED] from [REDACTED] did not believe the mother's account of the events were consistent with the injuries sustained by the child; however,

he could not state conclusively that the injuries were the result of an abusive act. As a result, this was not initially processed as a near fatality report.

On April 1, 2013, the child was transferred to [REDACTED] in Buffalo, New York, via ambulance. On April 4, 2013, the child's treating physician was provided additional information that the injuries were not self induced and the paramour admitted that he assaulted the victim child. As such the report was certified as a near fatality.

Summary of DPW Child (Near) Fatality Review Activities:

The Western Region Office of Children, Youth and Families Program Representative attended an Act 33 Meeting at McKean County on April 2, 2013 regarding this near fatality. Even though the report was not officially certified as a near fatality until April 4, 2013, McKean County CYS treated the report as such.

The Program Representative also spoke with the McKean County caseworker and supervisor who initially responded to the report, as well as reviewed all written information pertaining to the follow up to the incident. This information included the agency's case file along with medical records from the [REDACTED] and [REDACTED]. In addition, case information from Lancaster County CYS was also reviewed.

Summary of Services to Family:

Children and Youth Involvement prior to Incident:

On March 1, 2013, McKean County CYS received a GPS report stating that [REDACTED] had small bruises on her jaw line. It had appeared as though someone had gripped her jaw tightly. There were also concerns for chronic head lice. [REDACTED] reported that she remembered that she had a bruise on her face, but was unable to say how she had sustained the bruise.

On March 15, 2013, McKean County CYS received a GPS report stating [REDACTED] had swelling and bruising to her right cheek and right eye. [REDACTED] also had a small laceration approximately two inches on her right cheek. In addition, [REDACTED] had varying degrees of bruising to her right and left sides of her jaw. She had reported she had been cleaning her room and slipped, fell and banged her head on her dresser.

The children's mother and her paramour also denied hitting the children. The mother reported that [REDACTED] had hit her head off of the desk in the girls' bedroom and that [REDACTED] had been jumping around her bedroom and slipped and hit her head off the same desk.

The GPS investigation was still underway when the report was received on April 1, 2013.

Circumstances of Child (Near) Fatality and Related Case Activity:

On April 1, 2013, at approximately 12:30 am, an ambulance was called to the family residence due to [REDACTED] passing out and remaining non-responsive. It was initially reported that [REDACTED] had been hitting her head off a wall in an attempt to make her sister laugh. [REDACTED] came out of the bedroom she shared with her sister to ask her mother for some water. While waiting for the water, [REDACTED] vomited once and passed out hitting a PVC pipe and vacuum cleaner as she fell to the floor. Later that evening, the mother reported that she witnessed her paramour place [REDACTED] into a choke hold and slammed her down onto her bed. The mother admitted that this occurred in the late hours of March 31, 2013 to the early hours of April 1, 2013.

The paramedics [REDACTED] on the scene and transported her to [REDACTED] Emergency Room via ambulance. [REDACTED] was unresponsive and had multiple bruises on her legs, abdomen, chin and ankles which were in different stages of healing. She also had dried blood in both of her nostrils. A [REDACTED] was conducted and determined that she had a [REDACTED] from [REDACTED]. [REDACTED] made the determination that [REDACTED] needed to be transported to [REDACTED] in Buffalo, New York.

[REDACTED] was transported via ambulance to the [REDACTED]. She remained unresponsive and [REDACTED] during the transport. [REDACTED] was placed into the [REDACTED] and it was determined that she was able to breathe on her own and [REDACTED]. A full body examination was performed, and it was determined that in addition to the [REDACTED] and the bruising, she had a yellow vaginal discharge.

On April 1, 2013, while [REDACTED] remained in and out of conscious, an examination was conducted by a [REDACTED] to examine closer the yellow vaginal discharge. The examination determined that [REDACTED] had a rectal laceration that was approximately 1.5 cm in length with surrounding bruising. The coloring around the laceration indicated that the healing process had already begun. The [REDACTED] determined that the rectal tearing was 2 to 3 days old, and was the result of definite penetration. [REDACTED] was in and out of consciousness during the examination and could not provide any explanation as to how the rectal tearing occurred. The mother also was questioned regarding the child's injuries and explained that the children were playing kickball with her paramour when he accidentally kicked her in the vaginal region.

[REDACTED] was placed into foster care while [REDACTED] remained hospitalized. [REDACTED] often asked about her sister, but never asked for her mother or her mother's paramour. [REDACTED] reported that she only recalled being woken by her mother and walking over to the neighbor's house in her pajamas. She was unable to provide any information regarding her sister's injuries.

The mother reported to hospital personnel that she had [REDACTED] and suffered from [REDACTED] and was having difficulty staying with her daughter. The mother according to

hospital staff appeared more concerned about her paramour's well-being than her child's. The mother left the hospital on April 1, 2013 and did not return to the hospital. The father who resides in Lancaster County was notified of his daughter's injuries and travel to Buffalo, New York to be by his daughter's bedside.

The father reported that he had had custody of [REDACTED] until July 2012 when he reportedly told the mother that he could no longer meet their needs. At the time of the incident, the mother had full custody of both children.

The mother initially reported that the children had been playing and [REDACTED] was hitting herself in the head to make her sister laugh which led to her eventually passing out. When questioned further, the mother reported that she witnessed her paramour grab [REDACTED] by the throat and choked her and then slammed her onto her bed. The Pennsylvania State Police were notified of the mother's account and arrested [REDACTED] and charged him with aggravated assault, simple assault and harassment for brutally assaulting [REDACTED] on the evening of March 31, 2013. He was incarcerated at the [REDACTED] Jail on \$50,000 bail.

The mother's paramour initially reported that the girls were horse-playing and [REDACTED] kept hitting herself in the head with a PVC pipe and against the wall. She went to bed and as the mother and he were watching television, [REDACTED] came to the doorway and asked for some water, vomited and then passed out. He later admitted to choking [REDACTED], slamming her to the floor and kicking her.

[REDACTED] remained in and out of conscious for the first four days of her hospitalization. On April 3, 2013, [REDACTED] The physician reported [REDACTED]

On April 4, 2013, [REDACTED] met with [REDACTED] due to concerns that [REDACTED] was demonstrating a flat affect and was feeling "down". [REDACTED] declined to provide any details about the events that transpired immediately before being transported to the hospital. She was also adamant she did not wish to speak of her family or about the alleged abuse. [REDACTED] recommended that [REDACTED] be monitored for symptoms of [REDACTED] due to [REDACTED] being very guarded, and that she participate in [REDACTED] to address recent trauma. [REDACTED] was removed from the [REDACTED] on April 4, 2013.

[REDACTED] was [REDACTED] on April 8, 2013 and was to follow up with her PCP within two days and with [REDACTED] within two weeks. In addition, she was to follow up with [REDACTED] to the same foster home as her sister. [REDACTED] began to receive [REDACTED] through McKean County CYS.

[REDACTED]

[REDACTED]

On April 25, 2013, McKean County CYs made an official request to Lancaster County CYs to conduct a safety assessment on the home of [REDACTED] Lancaster County CYs was unable to make contact with the family until April 26, 2013 due to the family traveling from McKean County to Lancaster County. A safety assessment was conducted on April 30, 2013 and all of the needs of children were being met by the family including follow up medical and [REDACTED]

On May 9, 2013, the mother's paramour was indicated for physically abusing [REDACTED] and the mother was indicated for witnessing the abuse and not stopping him from abusing her daughter.

On May 14, 2013, Lancaster County CYs closed the family's case. McKean County CYs closed their case on May 15, 2013 after receiving notification from Lancaster County that no concerns were noted for the family's ability to meet the needs of the children.

Current Case Status:

The mother's paramour, [REDACTED] was convicted of aggravated assault and simple assault and is serving 5 to 15 years in a Pennsylvania State Correctional Institute. He was placed at [REDACTED] on December 4, 2013.

[REDACTED] remain in the custody of their father in their great paternal aunt and uncle's home. Both children are receiving [REDACTED]

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

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

McKean County CYs held an Act 33 meeting on April 2, 2013, even though the report was not officially certified as a near fatality until April 4, 2013. The county treated the

initial report as though it was certified as a near fatality report given the severity of the child's injuries.

- Strengths:

The County responded immediately to the report of physical abuse against the victim child. In addition, the safety of the non victim child was immediately assessed and arrangements were made to place the child into foster care. The in-home investigation took place collaboratively with the Pennsylvania State Police. McKean County was able to identify a resource family who was able to meet the needs of both children, and were able to maintain the children in the same school district.

In addition, the Act 33 meeting comprised of members from the District Attorney's Office, the Pennsylvania State Police, CYS, the Child Advocacy Center, Department of Human Services, and Department of Public Welfare.

- Deficiencies:

None noted by the county.

- Recommendations for Change at the Local Level:

None noted by county

- Recommendations for Change at the State Level:

None noted by county

Department Review of County Internal Report:

The Department is in agreement with the agency's findings during the Act 33 meeting. However, it should be noted that even though the agency met to discuss the case during an Act 33 meeting, another meeting should have been held after the report was certified as a near fatality report [REDACTED] on April 4, 2013.

Department of Public Welfare Findings:

- County Strengths:

McKean County responded quickly to the incident involving the victim child and took immediate appropriate actions to ensure the safety of both the victim child and her younger sister. The county took emergency custody of both children and initiated law enforcement involvement immediately. The county also involved the biological father of both children immediately and he was able to obtain custody of both children.

- County Weaknesses:

The county internal report did not address any areas pertaining to changes at the state and local levels on reducing the likelihood for future child fatalities and near fatalities related to child abuse and neglect. It also did not address any recommended changes at the state and local levels on collaboration between community agencies and service providers to reduce or prevent child abuse and neglect.

- Statutory and Regulatory Areas of Non-Compliance:

None noted.

Department of Public Welfare Recommendations:

The one concern which was addressed above pertains to the lack of information, specifically recommendations, presented in the county's internal report. Although areas of strengths were noted, this report could have looked more closely at other systemic areas of concern either within the county or the state.

It is recommended that the county agency now update [REDACTED] indicated status to a founded status due to him being convicted of aggravated assault and simple assault for physically abusing [REDACTED]