



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE FATALITY OF:

CHRISTIAN O'NEILL

Date of Birth: MARCH 19, 2012
Date of Death: JULY 24, 2013
Date of Oral Report: July 23, 2013

FAMILY NOT KNOWN TO:

Philadelphia DHS

REPORT FINALIZED ON:

08/10/2015

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. Philadelphia County has convened a review team in accordance with Act 33 of 2008 related to this report on August 16, 2013.

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
O'Neill, Christian	Victim Child	03/19/2010
[REDACTED]	Mother	[REDACTED] 1984
[REDACTED] *	Mother's Boyfriend	[REDACTED] 1982
[REDACTED] *	Father	[REDACTED] 1983
[REDACTED] *	Paramour's son	[REDACTED] 2006

* [REDACTED] the boyfriend of Christian's mother, does not live in the household, but is a frequent overnight guest

* [REDACTED] the biological father of Christian O'Neill does not live in the household. Mother reported that [REDACTED] has never been involved in Christian's life.

* [REDACTED] the biological six year old son of [REDACTED] was visiting on the day of the incident and is a witness; he does not live in the household, he lives with his biological mother; who since this incident has applied for sole custody of [REDACTED]

Notification of Fatality:

On July 23, 2013, the Department of Human Services (DHS) received a [REDACTED] report concerning Christian O'Neill. The Reporting Source reported this case as a near fatality. The mother stated that she left the home on 07/22/2013 at 8:30 AM leaving Christian in the care of her paramour; Christian, the paramour and the paramour's son were all asleep. At 9:30 AM, mother states that she received a call from the paramour saying that Christian had fallen down the steps; mother said that she spoke to Christian who said that he had fallen down eight steps. Soon after speaking to his mother, Christian became unresponsive; mother advised the paramour to call 911. Christian was transported to Children's Hospital of Philadelphia (CHOP) via fire rescue. Mother met Christian at the hospital. [REDACTED]

[REDACTED] Dr. [REDACTED] certified Christian to be in critical condition; as he has a great deal of [REDACTED] and has a poor prognosis. [REDACTED]

report alleged that on July 22, 2013 three year old Christian fell down the stairs sustaining

2. Documents Reviewed and Individuals Interviewed:

The SERO obtained and reviewed the case file for Christian O'Neill, including interviews with mother, mother's paramour, mother's family members; forensic interview of the six year old child who was present at the time of the incident, conducted by Philadelphia Children's Alliance (PCA), Police Department Special Victims Division (SVU) notes and the medical notes of the Children's Hospital of Philadelphia (CHOP) Child Protection Team Consultation.

Summary of Services to Family:

Previous Children and Youth Involvement:

The family has not had any previous involvement with C & Y.

Circumstances of Child's Fatality:

On the morning of Monday, July 22, 2013 the mother, states that her boyfriend, her son Christian and her boyfriend's six year old biological son were asleep when she left her home at about 8:26 AM to go to her former place of employment. Mother said she received a text (no time noted) from her boyfriend, about Christian injuring himself. Mother said that she immediately began to run down Avenue to Avenue and ended up getting a taxi cab the rest of the way to her house. Mother said she called the boyfriend who told her that Christian had fallen down the steps; the boyfriend said that his six year old son woke him up after he heard a "thump" and saw that Christian was at the bottom of the steps crying; (mother said the home is a regular two story house and that there are about 14 carpeted steps, Christian said that he fell over the last 8 steps). Mother said that she talked to Christian, who was not crying at the time, over the phone; he told her that he bumped his head falling down the steps and that he was fine. Mother said she instructed Christian to get the "cool rag" (sort of an ice pack used to treat swelling) and put it on his head. Mother said that after she spoke to Christian, her boyfriend said to her over the phone, that Christian had a blank look on his face and was not talking. Mother said that she instructed her boyfriend to call 911. Mother said the conversation with her boyfriend and Christian took place around 9:00 AM and that she made it to Children's Hospital of Philadelphia (CHOP) via cab, about 10:00 AM where she met the ambulance. Mother said that when she returned home, she saw some drops of blood at the bottom of the steps.

On July 24, 2013, at 5:10 PM, DHS Social Work Services Manager (SWSM) spoke with mother's boyfriend, via telephone; the boyfriend gave the following account of the events that led to the death of Christian O'Neill. Mr. said that he was at the home of his girlfriend, to watch her son, Christian because Ms. had a appointment. Mr. said that he did not know the time of the appointment, and said he did not know that mother had left the home in the morning. Mr. said that around 9:00AM, his biological son, who was visiting with him and the woke him up saying that Christian had fallen down the stairs.

Mr. [REDACTED] said that he went to the bottom of the stairs to get Christian and saw blood in Christian's mouth; he said he asked Christian if he was okay and Christian said he was okay. Mr. [REDACTED] said that there was no gate at the top of the steps. Mr. [REDACTED] said that he wiped the blood out of Christian's mouth and made a joke about the tooth fairy not coming to see him because he had a bloody mouth; Christian laughed at the joke. Mr. [REDACTED] said that he called Christian's mother to inform her that Christian had fallen down the steps and he had mother on the speaker phone talking to Christian. Mr. [REDACTED] said that Christian had on some long pants that Mr. [REDACTED] was trying to take off of Christian to change his diaper. Mr. [REDACTED] speculated that maybe Christian tripped over his pants since they were so long. Mr. [REDACTED] said that while he was taking off Christian's pants he told Christian to stand up to which he replied, he couldn't stand up and he collapsed. Mr. [REDACTED] said he saw Christian's eyes fluttering and that's when he called 911 and attempted CPR on Christian. Mr. [REDACTED] went on to say that he blamed himself for Christian's death because he knew that Christian had a sleep walking problem and although Christian had never fallen down the stairs before, he figured that Christian had fallen while he was sleep walking. Mr. [REDACTED] went on to say that this past Saturday night, he found Christian in the bathroom with the lights turned off, sitting on the toilet with his pants still up. Mr. [REDACTED] said he saw a lump on Christian's head and he asked Christian what happened, and Christian said that he bumped his head trying to use the bathroom. Mr. [REDACTED] said that he should have taken Christian to the hospital when that occurred. Mr. [REDACTED] went on to say that he never had to chastise Christian because he was such a good kid; he also said that Ms. [REDACTED] was a good mother.

On July 24, 2013 at 4:10 PM, DHS SWSM met with the six year old biological son of [REDACTED] and the child's mother. [REDACTED] the mother told the DHS SWSM that she had only asked her son once about what happened with Christian so as not to traumatize or alarm him. The mother said that she did not know until Mr. [REDACTED] called her to tell her about the incident with Christian, that her son was spending the weekend at the [REDACTED] home; rather, she thought that her son was staying with his father at the father's home.

DHS SWSM spoke with six year old child in child's bedroom, the child who was at the [REDACTED] home at the time of the incident, gave the following account of the events that led to Christian's death: The child said that he was in his bedroom sleeping on Sunday morning and was awakened by hearing a "boom." He said he got out of bed and saw Christian at the bottom of the steps saying, "ouch" The child said that Christian had a blue lump on his forehead and back and that his eyes were "squinty" after he fell down the steps. The child said that his father was asleep in his bedroom with the door closed, and he went in woke him up and told him that Christian had fallen down the stairs. The child said that his father jumped out of bed and asked Christian if he was alright, and Christian said that he was alright. The child said that his father cleaned blood out of Christian's mouth, and while his father was changing Christian's diaper, Christian "threw up" purple stuff. The child said that he never saw his father or Christian's mother hit Christian and that Christian was a "good kid" and he himself never got into a fight with Christian. The child said that he thinks Christian's mother is a nice person and he doesn't think she would hurt Christian. The child clarified that his father cleaned out Christian's mouth with water and a rag first before he started changing his diaper. The child also said that Christian's mother had gone to the [REDACTED] the child said his father told him that

On August 22, 2013, the six year old witness to the incident which led to Christian's death participated in a forensic interview concerning the incident with Philadelphia Children's Alliance. The child gave additional and sometimes conflicting narrative about the dynamics of the [REDACTED] household. The child said that on the day of the incident, he was sleeping when he heard a loud "boom" and saw Christian lying at the bottom of the steps. He said he got his dad in his room. The child went on to say that his dad does smack Christian

sometimes on his leg, bootie, and arm- then he noted "not on his head" and said because Christian is lazy. He said this happens around two times each day. He stated that [REDACTED] smacks Christian too. The child said that dad also wrestles with Christian and dad and [REDACTED] "pretend" wrestle. He made a motion about grabbing his throat and head hitting a wall. The child said he did not see this though, but he heard someone saying "ouch", get off of me." The report also states that the child talked about him being smacked as well, but would not clarify. The report says that when the child's mother told him that he was going to participate in the forensic interview and that the interview was to talk about what happened to Christian; the child said that he "needed to call daddy", mom asked him why and he said, he needed to because he forgot.

Current / most recent status of case:

On 08/16/2013, during the Act 33 meeting, there was some discussion between several physicians that they had concerns that Christian's injuries were consistent with a fall and that the possibility was supported by some of the circumstantial information. Subsequently a meeting which included: [REDACTED] Police Department, Philadelphia's District Attorney's Office, Philadelphia Medical Examiner's Office and physicians from CHOP was scheduled.

On 08/30/2013, SERO received the [REDACTED] dated 08/09/2013 with a status of [REDACTED]. The medical examiner had ruled his death a homicide.

On 02/05/2013, SERO received a [REDACTED] along with a copy of an amended report from the Office of the Medical Examiner which amends the manner of death from Homicide to Accident; [REDACTED] changes the status of the [REDACTED] investigation from [REDACTED] to [REDACTED] based on a further detailed review of the circumstances surrounding the events in this case.

County Strengths and Deficiencies as identified by the County's Near Fatality Report:

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- **Strengths:**

DHS did a good job with the investigation of this case, they worked well with the police, hospital and interviewed the pertinent people in the case making several attempts to reach the mother's boyfriend and having a lengthy conversation with the boyfriend's child's mother getting a complete picture of the man.

- Deficiencies:

The team questioned why an immediate forensic interview was not scheduled for the paramour's child, by either the police or Philadelphia DHS worker.

Members of the Act 33 team questioned the determination as the injuries were consistent with a fall.

- Recommendations for Change at the Local Level:

The team recommends that DHS meet with the [REDACTED] Police Department Homicide Division to improve collaboration between Homicide and DHS.

- Recommendations for Change at the State Level:

No recommendations were identified.

Department Review of County Internal Report:

The Department is in agreement with the County Report received on October 29, 2013:

Department of Public Welfare Findings:

- County Strengths:

The social work team utilized the medical expertise of the Act 33 team to review the medical facts of the case.

- County Weaknesses:

No weaknesses identified.

- Statutory and Regulatory Areas of Non-Compliance:

There are no areas of regulatory non-compliance.

Department of Public Welfare Recommendations:

The Philadelphia DHS should improve its collaboration with the Homicide Division. While the SVU is very familiar with working with the social workers of Philadelphia DHS. The Homicide Division is not as familiar with the CPSL and its procedures. Cross training between the police and DHS should occur to improve the collaboration.