



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**OFFICE OF CHILDREN, YOUTH AND FAMILIES**

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**REPORT ON THE Fatality OF:**

*Javier Merle*

**BORN: 04/27/2007**  
**DIED: 07/14/2011**

**FAMILY KNOWN TO:**

*Family not known to any county or public or private agency*

**REPORT FINALIZED ON:**

12/15/2011

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 on August 8, 2011 in accordance with Act 33 of 2008 related to this report.

**Family Constellation:**

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Javier Merle	Victim Child	04/27/2007
[REDACTED]	mother	[REDACTED] 1988
[REDACTED]	sibling	[REDACTED] 2009
[REDACTED]	sibling	[REDACTED] 2010
[REDACTED]	maternal grandmother	[REDACTED] 1972
* [REDACTED] (incarcerated)	father	[REDACTED] 1986

**Notification of Child Fatality:**

On 07/15/2011, the Philadelphia Department of Human Service received a call from ChildLine concerning victim child, Javier Merle. On 07/14/2011 the child's father left a loaded handgun lying on the dining room table. The father was out in front of the residence for an unknown period of time. Referral source stated that at 4:27 pm the child was shot once in the left side of the head. The belief at the time was that the child shot himself. Child was pronounced dead at 5:07 pm on 07/14/2011. Police were providing limited information to reporting source. Biological father was arrested on unrelated charges. The incident occurred at the mother's house. The mother was not in the home at the time of the incident.

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

The Southeast Regional Office of Children, Youth and Families obtained and reviewed all current and past case information pertaining to the [REDACTED] family. Follow up interviews were conducted with the DHS Caseworker, [REDACTED], DHS Caseworker [REDACTED], and DHS Child Fatality Program Administrator, [REDACTED].

**Summary of Services to Family:**

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

No prior children and youth involvement.

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

On 07/14/2011, the father was outside in front of the house when the victim child removed a handgun that had been left on the dining room table. The [REDACTED] noted that at 4:27 pm the victim child was shot once in the left side of his head. It was concluded per [REDACTED] that the victim child shot himself in the left side of his head entering his left eye. The biological father was arrested during the time of the incident, but on unrelated charges. On 08/02/2011, the [REDACTED] was [REDACTED] on biological father due to biological father leaving victim child unsupervised. This family began receiving [REDACTED] through Congresso on 08/12/2011 to assist biological mother with supports and monitoring. Biological mother is receiving [REDACTED]. On 08/23/2011, victim child's biological father was arrested on charges related to the fatal incident. The remaining 2 siblings of the victim child were residing with their MGM because the mother was unable to care for the children due to the trauma of the death. The safety plan was signed and agreed upon by [REDACTED], mother; [REDACTED] MGM; and [REDACTED], maternal aunt. [REDACTED], age 2, and [REDACTED], age 1, will reside at [REDACTED], VC's mother will reside with the maternal aunt at [REDACTED]

**Current Case Status:**

Biological mother is residing with the maternal grandmother. She is complying with all goals as outline in the Family Service Plan. The county is in the process of closing her case.

Biological father was arrested on 08/23/2011 on the following charges:

- Involuntary manslaughter
- Manufacture, delivery or possession with intent to manufacture or deliver
- Possession of a firearm prohibited
- Possession of a firearm with the manufacturer number altered
- Endangering the welfare of children
- Firearm not to be carried without a license
- Intentional possession of a controlled substance by a person not registered
- Possession of an instrument of crime with intent

The family is receiving [REDACTED] through Congresso which includes two visits per week. The mother was referred for [REDACTED]. The children were referred to ChildLink for [REDACTED] will

receive [REDACTED] through Ken Crest. [REDACTED] began showing some [REDACTED] issues and was referred to Children's Crisis Treatment Center for evaluation and possible treatment.

**County Strengths and Deficiencies and Recommendations for Change as Identified by the County's Child 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. Philadelphia County convened a review team in accordance with Act 33 of 2008 related to this report on 8/8/2011.

**Strengths:**

The MDT Social Work Services Manager did a good job [REDACTED] the case. The notes were detailed and safety assessments were completed according to policy. Supervision was well documented on this case as well.

**Deficiencies:**

None noted at this time.

**Recommendations for Change at the Local Level:**

To provide Philadelphia County DHS with Statewide Automated Victim Information and Notification (SAVIN) which would allow DHS workers to locate incarcerated individuals and receive notification when they are released.

**Recommendations for Change at the State Level:**

None noted

**Department Review of County Internal Report:**

The Southeast Region has received and reviewed the county's Act 33 review, and is in agreement with their findings.

**Department of Public Welfare Findings:**

**County Strengths:**

Philadelphia County staff conveyed concern towards the family while [REDACTED] this case, being sensitive and respectful in their approach to the parents after the death of their child.

**County Weaknesses:**

None noted

**Statutory and Regulatory Areas of Non-Compliance:**

None noted

**Department of Public Welfare Recommendations:**

The counties and state law enforcement agencies should collaborate with child-serving agencies to create public service announcements pertaining to the seriousness of leaving weapons out in the open where a child could access it, rather than in a secure location.