



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: November 28, 2010

Date of Near Fatal Incident: January 8, 2013

Date of Oral Report: January 8, 2013

**FAMILY NOT KNOWN TO: Luzerne County Children and Youth
Services**

REPORT FINALIZED ON: 7/28/2013

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 No. 1147, now known as Act 33 was signed on July 3, 2008 and went into effect 180 days from that date, December 30, 2008. This Act amends the Child Protective Services Law (CPSL) and sets standards for reviewing and reporting child fatality and child near-fatality as a result of suspected child abuse. DPW must conduct a child fatality or near fatality review and provide a written report on any child fatality or near fatality where child abuse is suspected.

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. Luzerne County convened a review team in accordance with Act 33 of 2008 related to this report on January 31, 2013.

Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Victim Child	11/28/10
[REDACTED]	Mother	[REDACTED]/93
[REDACTED]	Father	[REDACTED]/90
[REDACTED]	Maternal Grandmother	[REDACTED]/63

*Non household member

Notification of Child Near Fatality:

On January 8, 2013, Luzerne County Children and Youth received a [REDACTED] report alleging [REDACTED] of the victim child due to lack of supervision. The child became unresponsive at home and had three seizures due to a possible drug overdose [REDACTED] (as originally reported by the mother). The mother stated that there were pills laying out. The mother had reported that the child may have gotten a hold of the pills. The family was trying to induce vomiting. The child was brought to [REDACTED] Hospital and was given a [REDACTED]. The physician certified the child to be in critical condition although the child was expected to survive. The child never regained consciousness before being life flighted to [REDACTED] Hospital.

Summary of DPW Child Near Fatality Review Activities:

The Northeast Regional Office of Children, Youth and Families received and reviewed all records from Luzerne County Children, Youth and Families pertaining to this family. The case was also discussed with the [REDACTED] Supervisor and Manager. The Regional Office was present at the County Act 33 Review meeting held on January 31, 2013.

Children and Youth Involvement Prior to Incident:

The family had no involvement with Luzerne County Children and Youth prior to this incident nor have they resided in any other county since the child's birth. The father had involvement with Luzerne County Children and Youth as a child from 1999 to 2002 due to allegations of poor supervision and substance abuse by his mother.

Circumstances of Child's Near Fatality and Related Case Activity:

On January 8, 2013, after contacting Emergency Medical Services (EMS), the mother and maternal grandmother were initially reluctant to allow them into the home. The child experienced seizures at the home, in the ambulance and at the hospital. The child was initially taken to [REDACTED] Hospital but was then then life-flighted to [REDACTED] Hospital in [REDACTED]. The officer that responded to the home when EMS was called stated that the mother told him she was upstairs with the child and the maternal grandmother was downstairs cooking with a friend. The mother reported that she went downstairs to see what was going on and, when she went back upstairs, she found the child with prescription pill bottles. She further reported that she and the grandmother gave the child juice and baking soda to make the child vomit. The mother gave the child a bath to help him calm down and relax. Eventually, the mother took her clothes off and got into the tub with the child. The mother reported that the child had a seizure in the tub, became rigid and they called EMS. Despite the child testing [REDACTED] at both [REDACTED] Hospital and [REDACTED] Hospital [REDACTED], both the mother and maternal grandmother denied the presence of cocaine in the home.

On January 9, 2013, following receipt of the report, the agency obtained an emergency shelter care order for the victim child. The child was initially [REDACTED] from the hospital to foster care; however, the court ruled the child a dependent child and transferred custody to his father.

The child suffers no long term effects from the ingestion of the cocaine. The agency opened the case for services and referred both parents for parenting and the mother for a [REDACTED] [REDACTED]. The mother has also been referred to the [REDACTED].

The [REDACTED] investigation was completed on January 30, 2013 and [REDACTED] [REDACTED]. Both the mother and maternal grandmother were [REDACTED] [REDACTED]. As a result of the criminal investigation, the mother was charged with Endangering the Welfare of a Child.

Current Case Status:

The child remains dependent and in the custody of his father. The father has been cooperative and successfully completed parenting services. A Family Group Decision Making Conference (FGDM) was scheduled; however, the family failed to attend the meeting. The meeting has not been rescheduled to date.

The mother currently does not have contact with her son as a condition of her bail. She began

parenting through the [REDACTED] in February and was fairly consistent; however, due to having no contact with her son, the [REDACTED] program has temporarily discontinued their services and will resume providing services to her once contact with her son resumes.

The mother completed a [REDACTED] and began [REDACTED] on April 18, 2013. She is reportedly consistent. She has had [REDACTED]

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

County Strengths:

- The child received good medical care and no apparent long term effects of the cocaine
- The natural father was located and the child is currently with him.
- An Ages and Stages Screening was completed and the child was [REDACTED]
- Children and Youth continue to work with the police department.

County Deficiencies:

The county did not identify any county deficiencies; however, they did report the case specific deficiencies as follows:

- The family has not been honest with the police.
- It is still a mystery as to how the cocaine became present in the home and how the child was able to access it.
- Mother and maternal grandmother continue to use drugs.

County Recommendations for Change at the Local Level:

- No recommendations were made

County Recommendations for Change at the State Level:

- No Recommendations were made

Department Review of County Internal Report:

The county submitted an initial draft report on June 14, 2013; however, there were several areas that were not addressed as required by Act 33. Feedback and technical assistance was provided to the county regarding the content of the report. After discussion with the county, a revised report was resubmitted to the regional office on July 9, 2013. The regional office concurs with most of the report; however, the county agency continues to need technical assistance regarding addressing the strengths, deficiencies and recommendations for change at the local and state levels. The county agency included case specific deficiencies in their review rather than systemic issues.

Department of Public Welfare Findings:

County Strengths:

- Upon receipt of the report and determining the child unsafe with his current caretakers, the agency obtained an emergency shelter care order.
- There was a coordinated investigative effort made between C&Y and the local police department.
- The child was able to be placed in the custody of his biological father where he currently remains.

County Weaknesses:

- The writing of the county review reports continues to need improvement in consistency. The initial draft of the county's review report (for this particular case) did not contain all of the necessary information as required by Act 33.

Statutory and Regulatory Compliance Issues:

- There were no statutory or regulatory compliance issues identified as a result of this review.