



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE NEAR FATALITY OF:



Date of Birth: 2/18/13
Date of Incident: 5/4/13
Date of Oral Report: 5/5/13

NOT KNOWN TO:

Northampton County Children, Youth & Families

REPORT FINALIZED ON:
10/21/13

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. Northampton County has convened a review team on May 30, 2013 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 (VC)	2/8/13
[REDACTED]	Mother	[REDACTED]/88
[REDACTED]	Father/Perpetrator (AP)	[REDACTED]/90
[REDACTED]	Sibling	[REDACTED]/07
[REDACTED]	Maternal grandmother	[REDACTED]/71
[REDACTED]	Paternal Uncle	[REDACTED]/92

Notification of Child (Near) Fatality:

On May 5, 2013, Northampton County Children Youth and Families (NCCYF) received a report stating that the victim child (VC) was taken to St. Luke's hospital by the alleged perpetrator (AP). The AP reported that VC was sleepy which is unusual for VC. The AP reported that earlier that day he and VC were in a car which he was driving. VC was in a car seat in the back of the car on the opposite side of AP, facing the rear. AP reported that while driving he evaded a car that ran a stop sign. When the AP swerved the VC struck the left side of her head on a car seat. The VC cried and became sleepy. The VC has a bruise on the left side of her face, a bruise from the left side of her cheek and under her left eye, and a bruise on her inner and outer left ear.

The [REDACTED] the story is consistent with the VC's injuries. A CT Scan was completed and determined that VC [REDACTED] VC was transferred to St. Christopher's hospital in Philadelphia. A doctor at this hospital certified the VC to be in critical condition [REDACTED]

Summary of DPW Child (Near) Fatality Review Activities:

The Northeast Regional Office (NERO) investigation consisted of a review of the [REDACTED] file, interviews with NCCYF staff, review of the VC's medical records, participation in Act 33 meeting and participation in several internal agency meetings regarding the VC.

Children and Youth Involvement prior to Incident:

The family was not known to NCCYF prior to this incident.

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

On May 5, 2013, NCCYF received a report stating that VC was taken to St. Luke's hospital by AP. AP reported that VC was sleepy which is unusual for VC. AP reported that earlier that day AP and VC were in a car. AP was driving. VC was in a car seat in the back of the car on the opposite side of AP, facing the rear. AP reported that while driving he evaded a car that ran a stop sign. AP swerved. The VC struck the left side of her head on a car seat. The VC cried and became sleepy. The VC has a bruise on the left side of her face, a bruise from the left side of her cheek and under her left eye, and a bruise on her inner and outer left ear. [REDACTED] the story is consistent with the VC's injuries. A CT Scan was completed [REDACTED]. VC was transferred to St. Christopher's hospital in Philadelphia. A doctor at this hospital certified the VC to be in critical condition [REDACTED].

On May 5, 2013 a representative of the Philadelphia County Department of Human Services conducted a 24 hour safety assessment on the VC [REDACTED] St. Christopher's Hospital in Philadelphia, PA.

On May 6, 2013 NCCYF began a [REDACTED] investigation. The NCCYF investigator went to St. Christopher's Hospital to speak to the family. The NCCYF investigator met with the VC's father who is the AP. The mother was not present because she [REDACTED], but was on her way to the hospital. The Father reported that the VC has two half siblings; one from him and one from the mother. One sibling was at the maternal grandmother's (MGM) home. Father/AP reported that he has another child who he has regular contact with, but that child resides with her biological mother. Father/AP reported that he and the VC's mother are in a relationship. He stated that he picked up the VC on 5/4/13 at 7:00PM. He reported that the VC was fine. He reported that the VC was sleeping. He reported that he was driving VC to his home, which is on the south side of town. He reported that his light turned green and he proceeded to drive, however, a car coming from the side did not stop at the red light and was headed towards his car. Father/AP stated that he turned hard to the left to avoid being hit by the

other car. Father/AP reported that he heard a really loud thump and VC started crying. Father/AP stated that he waited until he got home to check the VC. He stated that VC's face was red. He stated that he changed his clothes and then noticed that VC's face was swollen. Father/AP stated that he tried to wake the VC but she wouldn't move. He stated that he called the mother. Mother told father/AP to take VC to the hospital.

On May 6, 2013 the NCCYF investigator spoke to the mother. The mother reported that the father/AP picked up the VC on 5/4/13 around 12:45pm. She stated that she was getting dressed. Father/AP got the VC's diaper bag ready, placed the VC in the car seat, and left her home. Father/AP called mother a few minutes later and stated that he was home. Father/AP called mother again around 3:20 PM. They spoke for about an hour. Father/AP told mother that he forgot VC's bottle and asked her to bring to him. Mother was supposed to pick VC up anyways on her way to a dinner around 6 PM. Mother stated that she went to Father/AP's home around 4 PM. Mother noticed that VC's face was not right. Mother noticed that VC had a bruise on her ear and a bruise on her face. Mother told Father/AP that he needed to take the VC to the doctor. Mother thought that VC got bit by a bug. Father/AP told mother that he was driving and swerved to miss a car. Father/AP told mother that the VC was screaming and crying and asked mother if that was normal. The father/AP took the VC to the hospital and mother met them there after dropping something off at the dinner party that she had planned on attending. Mother reported that father/AP watches VC at her home on Mondays, Wednesdays and Thursdays while she attends school from 5:45 PM until 10:00 PM.

On May 6, 2013 the investigator had another conversation with the father/AP as the injuries were not consistent with his explanation for the VC's injuries. Father then reported that he bumped VC's head against a door frame while walking into the house. He reported that he was talking to someone and didn't pay attention. He reported that VC had a red mark on her head after hitting the door frame. The Father/AP denied the car incident that he initially reported. Father/AP also denied ever shaking the VC.

On May 7, 2013 the investigator spoke to Dr. [REDACTED] at St. Christopher's Hospital. The doctor reported that the VC has [REDACTED]
[REDACTED]
[REDACTED]

On May 7, 2013 the investigator conducted an announced home visit at the MGM's home to assess the safety of the VC's sibling. The MGM reported that the VC, sibling and mother stayed at the MGM's home the night before the incident. The MGM reported that the VC didn't have any marks or bruises at that time. MGM reported that VC's sibling never reported any concerns with father/AP. The VC's sibling calls him dad.

MGM is willing to supervise all contact between VC and parents until further assessment.

On May 9, 2013 the NCCYF investigator interviewed the father/AP at NCCYF. Father/AP reported that VC would cry all of the time prior to her formula change. He reported that he could only get VC to stop crying if he held her in his arms while patting her on the back. He stated that the VC would become fussy after that and then go to sleep. He reported that the VC would sleep all of the time. He said that it is easy for her to go to sleep. He stated that things changed once she got a new formula. Father denied going to the doctor's appointments with VC and mother. He reported that on the date of the incident he worked from 7AM until noon. He stated that he called mother 12:30PM stating that he was going to pick VC up. He stated that VC was in her stroller when he arrived at the home. He stated that he grabbed items and got her diaper bag together. He stated that the VC was sleeping. He said he put the VC in the car seat and left the home and then went to his home. He stated that he took VC out of the car seat and hit her head against the door frame as he was walking into his home. Father said that the VC started crying. He said he laid the VC down on the bed and she fell asleep. He changed his clothes. He called mother and told her he forgot the VC's bottle. He looked at the VC and saw a bruise on her face. He tried to wake VC up by shaking the side of her butt. He stated that he got scared because VC wasn't crying like normal when she woke up. Father/AP stated that he called mother and told her that VC had a bruise on her face and that VC is not acting normal. Father/AP went to get butter and salt to apply to the VC's bruise. This was used on him as a child so he thought it would work for VC. Mother came to the house and told him to take the VC to the hospital. Father/AP stated that he went into the room with VC when she was being examined at the hospital. He said that he started breaking down crying when he was told that her [REDACTED]. Father was told that there was a chance that there could be [REDACTED].

On May 21, 2013 the investigator interviewed mother at NCCYF. Mother reported that on the date of the incident the VC woke up and was perfectly fine. She stated that father/AP sent a text and stated that he wanted to get VC. Father/AP came and got VC and her half sibling and took them to his home. Father called mother 30 to 45 minutes after they left and stated that the VC was crying and he forgot the VC's bottle. Father/AP kept calling mother and stated that VC was making a weird noise while she was sleeping. Father/AP called her again and asked if she was on her way to his house. When mother arrived at father's home the VC was sleeping. Mother and father/AP were talking for awhile. Mother moved VC. VC rolled her eyes and went back to sleep. Mother stated that VC normally gets upset and won't go back to sleep. Mother stated that she tried moving VC again, but VC wouldn't wake up. When mother moved

the VC, she saw the bruises on the side of VC's head. Mother stated that she started flipping out and screaming for father. Mother stated that she confronted the Father/AP about what happened to VC. Mother thought that VC was bit by a bug. The father/AP told mother the story about swerving to avoid being hit by a car. He stated that the VC hit her head against the back of the seat; the mother stated that she told father/AP that VC needed to go to the hospital. Father/AP took VC to the hospital and the VC's sibling went with mother. Mother and VC's sibling went to drop food off at a dinner party. Father/AP called the mother and asked the mother if the VC's sibling hit the VC in the head because VC is [REDACTED]. Mother stated that she dropped the phone and started screaming. Mother stated that she was driven to the hospital by family members. When mother arrived at the hospital the doctor told her that VC was [REDACTED]. Mother was told that VC needed to be airlifted to St. Christopher's Hospital in Philadelphia. Mother reported that her and father are the only two caregivers for VC.

On May 28, 2013 the VC had a follow up skeletal survey. The medical reports show that the VC does not have any additional injuries.

On May 29, 2013 the father/AP met with Detective [REDACTED] from the City of Bethlehem Police Department. Father/AP admitted to shaking VC after he hit her head against the door. Father/AP stated VC's eyes were rolling around in her head over and over then her arms and head went limp which is why he shook her lightly. Father/AP reported after he walked her head into the door jamb he placed VC on the bed. Father/AP attempted to wake her by shaking her butt/belly with his hand. At this time that he realized her eyes were rolling around. Father/AP stated he didn't shake her really hard because he knew he wasn't supposed to shake her. Father/AP reported the VC's sibling came into the room and saw father/AP crying. The VC's sibling asked what was wrong with her sister. Father/AP told the VC's sibling that nothing was wrong with the VC and she should go back to watch TV. Father/AP said he called the mother saying the VC was acting funny and wanted to know when she was coming. Father/AP never told the mother what happened or that he was scared. Father/AP reported he sat with his hand on VC's back praying. Father/AP reported it took the mother about an hour to get there. Father/AP didn't think to call 911 because he knew they would think it was abuse and not believe him that it was an accident. Detective [REDACTED] had father/AP demonstrate how he hit the VC's head and shook her. When demonstrating father/AP hits the VC's head against the door so hard he bounces back but when he shakes her, he does it gently.

On May 30, 2013 a meeting was held in accordance with Act 33 of 2008.

On June 4, 2013 the NCCYF investigator interviewed the VC's sibling who was at the father/AP's home at the time of the incident. The VC's sibling reported before getting to the father/AP's house she was at her house. The VC's sibling reported that the father/AP drove her and the VC back to his house. The VC's sibling sat in the backseat with the VC because she needed to hold the car seat. The VC's sibling reported the car ride was scary because the father/AP was driving really fast. The VC's sibling reported she had to hold the car seat because it almost fell over 2 times. The VC's sibling reported that the VC only woke up for a little bit but then went right back to sleep. The VC's sibling reported the father/AP didn't put the seatbelt on the car seat which is why she needed to hold it. The VC's sibling reported she was watching TV at the father/AP's house in the room next to the kitchen. The VC's sibling reported she was by herself because the father/AP and the VC were in the first room by the door. The VC's sibling reported that the father/AP had carried the VC into the room. The VC's sibling reported she saw the father/AP carrying VC into the front room where there was a bed, bike, couch, and other things but she forgets. The VC's sibling reported she heard a loud clap, crying, and another clap. The VC's sibling reported she thinks the claps were from the father/AP. The VC's sibling reported she got up to open the door and the father/AP than told her to get back on the couch. The VC's sibling reported she could still hear the VC crying but then she stopped. The VC's sibling reported that the father/AP was mad because the VC was crying. She reported when she opened the door she could see the VC was awake and her arm was up in the air. The VC's sibling then heard the father/AP say something in Spanish so she asked what happened. He didn't say anything. The VC's sibling reported she then saw [REDACTED] putting salt and butter on the VC's "boobos." The VC's sibling reported that the mother came and picked her up then they went to a friend's house. The VC's sibling reported when at the friend's house she heard the mother crying that "VC had to go to the hospital in Philly." On July 2, 2013 NCCYF indicated the report for physical abuse. The father/AP was determined to be the perpetrator of physical abuse. The father/AP did cause the VC severe pain and impairment. The father/AP provided multiple stories for the VC's injuries. The father/AP admitted to shaking the VC after accidentally hitting the VC's head against a door frame. [REDACTED]

Current Case Status:

- NCCYF accepted the family for services on July 2, 2013.
- The children are in the mother's care. NCCYF has determined she has the capacity to protect the children.

- The father has been charged with Aggravated Assault, Simple Assault, Recklessly Endangering the Welfare of Another, and Endangering the Welfare of a Child.
- The father was incarcerated but posted bail during a preliminary hearing that was held on October 18, 2013. The formal arraignment has been scheduled for December 12, 2013.
- The family is receiving parenting education through [REDACTED].

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

A meeting was held on May 30, 2013 in accordance with Act 33 of 2008. The report completed as a result of the meeting included the following findings:

Strengths:

- Pa. Regulations were followed to complete the investigation.
- Early start of services to the parents and the victim child.
- Appropriate development of safety plans.

Deficiencies:

- The Agency is inconsistent on when it schedules visitation between a victim child and the alleged perpetrator. Sometimes supervised visitation is allowed and sometimes it is not.

Recommendations for Change at the Local Level:

- It was recommended that the County should review and revise its visitation policy in regards to visitation between the victim and the alleged perpetrator while the investigation is occurring.

Recommendations for Change at the State Level:

- None identified

Department Review of County Internal Report:

NERO received the county report on 7/2/13. NERO provided written feedback and requested changes to the document on 7/8/13. The changes were made by the county and resubmitted to NERO. The NERO investigation consisted of a review of the CPS file, interviews with NCCYF staff and participation in several meetings with NCCYF staff regarding the status of this investigation. NERO agrees with the county's finding.

Department of Public Welfare Findings:

County Strengths:

- NCCYF conducted announced and unannounced visits during the investigation.
- NCCYF assessed the safety and risk of the children as required during the investigation.
- NCCYF collaborated with the Bethlehem District Attorneys during the current investigation.
- NCCYF convened a review team in accordance with Act 33 of 2008 related to this report.

County Weaknesses:

- There are no areas of concern at this time.

Statutory and Regulatory Areas of Non-Compliance:

- NCCYF was in full compliance with statutory and regulatory requirements during this investigation.

Department of Public Welfare Recommendations:

- NCCYF should continue to contact all collaterals to follow up on areas of concerns that are identified during assessments to ensure that families are receiving the appropriate level of involvement from the agency.
- The Department is in agreement with the agency's plan to revise the existing visitation policy.