



pennsylvania
DEPARTMENT OF PUBLIC WELFARE

REPORT ON THE FATALITY OF:

Cordero James

Date of Birth: 12/6/11
Date of Death: 3/9/13
Date of Oral Report: 3/9/13

FAMILY KNOWN TO:

Lehigh County Children and Youth Services

REPORT FINALIZED ON:

8/2/13

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. Lehigh 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>
Cordero James	Victim child	12/6/11
██████████	Mother	██████/78
██████████	Father	unknown
██████████	Sibling	██████/08
██████████	Mother's paramour	██████/72

Notification of Child (Near) Fatality:

On March 9, 2013, Lehigh County Children and Youth Services (LCCYS) received a report from ██████████ stating that the victim child (VC) was transported to St. Luke's Hospital in Allentown, PA. Upon arrival the VC was in cardiac arrest, had bruises in varying stages of healing on his chest, abrasions and laceration in varying stages of healing on his head, and ██████████. The VC was pronounced dead at 1:17 a.m. The VC's injuries were thought to be indicative of ██████████. The report was registered as a Fatality.

Summary of DPW Child (Near) Fatality Review Activities:

The Northeast Regional Office (NERO) investigation consisted of a review of the ██████ file, review of the previous ██████████ files, review of the current file, interviews with Lehigh County Children and Youth Services (LCCYS) staff, review of the VC's medical records and autopsy report, participated in Act 33 meeting via telephone, and participated in several internal agency meetings regarding the VC. The agency was cited in June 2013 for violations in regards to Ch. 3130 and Ch. 3490.

Children and Youth Involvement prior to Incident:

- The family was known to LCCYS. There were 2 prior referrals within the last 15 months.

- On December 9, 2011 LCCYS received a report stating that the mother just gave birth to VC. The VC was supposed to be adopted, but the mother changed her mind after giving birth. The mother has [REDACTED] issues; the VC's sibling reportedly has [REDACTED] the VC was born with [REDACTED]; and mother becomes frustrated and is easily agitated. LCCYS did not complete a full assessment of the family. No services were provided. The case was closed on intake on January 11, 2012.
- On February 21, 2013 LCCYS received a report stating that the VC was taken to the Lehigh Valley Hospital Cedar Crest Campus (LVHC) due to pain on his left side from falling down the steps. The VC was [REDACTED]. Medical professionals determined that the VC's injury was caused by an accidental injury. The mother's paramour smelled like marijuana while at the hospital. LCCYS did not complete a full assessment of the family. No services were provided. The case was closed on intake on March 6, 2013.

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

- On March 9, 2013 [REDACTED] received a call stating that a 1 year old child was not breathing.
- On March 9, 2013 the Allentown Police Department (APD) responded to the [REDACTED]. The APD arrived at the mother's home. Upon entering the home the APD found the mother's paramour (MP) was holding the VC in his arms. The MP was instructed to lay the VC down on the sofa. The police officer (PO) examined the VC to determine if he was breathing. The PO observed that the VC's eyes weren't completely closed. The PO raised the VC's eyelid and saw that multiple blood vessels had burst in the VC's eye. The VC was not breathing. The PO gave the VC chest compressions and the MP blew air into the VC's mouth. On the third attempt to give the VC CPR the EMS arrived. The EMS took the VC outside to the ambulance, continued trying to resuscitate the VC, and then took him to the hospital.
- [REDACTED]
- On March 9, 2013 upon examination at the hospital the VC was found to have bruises and scratches on the head and neck, as well as bruises on his chest which did not appear to be from CPR. The VC's [REDACTED] which suggested trauma. There were also bruises on the VC's back and arms. The hospital [REDACTED].
- On March 9, 2013 a report was called into [REDACTED] stating that the VC was transported to St. Luke's Hospital in Allentown, PA. Upon arrival the VC was in cardiac arrest, had bruises in varying stages of healing on his chest, abrasions and laceration in varying stages of healing on his head, and [REDACTED]. The VC was pronounced dead at 1:17 a.m. The VC's injuries were thought to be due to [REDACTED]. The report was registered as a Fatality and reported to LCCYS.
- On March 9, 2013 the PO and MP went outside while the VC was being taken to the ambulance. The mother was outside of the home during the time that the PO and MP attempted to give the VC CPR. The PO and MP joined the mother.
- On March 9, 2013 The PO escorted the mother and MP into the home so the mother could obtain her cell phone charger. The mother called her family and friends to inform

them of what was occurring. The mother asked if she could go to the hospital to see VC but was told to wait because she would not be able to see him at this time.

- On March 9, 2013 the mother's family and friends arrived at the home asking the mother questions about the VC. The mother spoke to her family and friends outside of the home [REDACTED]. After a while mother entered the home leaving her family and friends outside.
- On March 9, 2013 [REDACTED]. The MP reported that the family was investigated by LCCYS about two weeks prior due to the VC having a [REDACTED] due to falling down the steps. The MP reported that he was not at home at the time of that incident. The MP discussed the current incident. He stated that he went to bed around 9PM on March 8, 2013. He stated that the VC was already in the bed asleep. He stated that the mother was sitting in a chair on the side of the bed. He stated that the VC was on the side of the bed where the mother always slept. He stated that him, the VC and the mother always slept in the bed together. MP stated that he got into bed and fell asleep for about 15 minutes when the VC began to make noises that woke him up. The MP stated that the VC was shaking. The MP stated that the VC had mucous in his nose and the MP cleaned it out. The MP stated that the VC was ok prior to going to bed. He stated that the VC had a cold. The MP also reported that he felt like the maternal grandmother (MGM) was abusing the VC. The MP stated that the MGM was caring for the VC about a month ago. When the VC returned from the MGM's care the VC had a bite mark on his forehead and his face had bruising on it. The MP reported that he took photos of the VC's injuries. However the MP was unable to retrieve the photos. The MP called a friend who stated that he observed the photos of the VC's injuries. [REDACTED] the MP received phone calls from the VC's family that were heated.

[REDACTED] The MP and mother discussed the VC's injuries prior to tonight and stated they should have done something about it.

- On March 9, 2013 the MP was seen carrying a small brown grocery bag that was tied up which he placed in the kitchen trash can.
- On March 9, 2013 mother was given permission to go to St. Luke's Hospital where the VC was taken. The mother's family and friends also went to the hospital.
- On March 9, 2013 the mother arrived at the hospital and was informed that the VC was deceased. The mother informed her family and friends that the VC was deceased.
- [REDACTED]
- [REDACTED]
- On March 9, 2013 The VC's body was transported from St. Luke's Hospital to Lehigh Valley Cedar Crest Campus where an autopsy was scheduled to be performed on March 11, 2013.

- On March 9, 2013 the MP was arrested and criminally charged with Reckless Endangering Another Person, Tampering with/Fabricating Physical Evidence, Endangering Welfare of Children, and Use/Possession of Drug Paraphernalia.
- On March 9, 2013 the mother's paramour posted bail and was released from prison.
- On March 9, 2013 LCCYS took emergency custody of the VC's sibling. The sibling was placed in kinship care with her MGM after LCCYS completed emergency clearances. A safety plan was created that stated that the Mother or MP could have no unsupervised contact with the VC's sibling. [REDACTED] to have no contact with the sibling until further assessment.
- On March 9, 2013 the sibling was taken to St. Luke's Hospital to get a full skeletal exam, however, [REDACTED] was unable to complete the skeletal exam. The sibling was assessed. It was determined that the sibling did not have any acute injuries. The sibling was scheduled for a full skeletal exam at a later date. The sibling reported that the MP has choked her by placing his hands around her neck.
- On March 9, 2013 the mother told LCCYS that she was not home at the time of the incident. She reported that she was at the store. The mother reported that MP was at home with the VC and his sibling. The mother reported that the MP called her and stated that the VC was seizing and wasn't breathing so she rushed home and called 911.
- On March 9, 2013 the MGM reported that she "doesn't know MP but he hasn't proven to be a man yet". MGM stated that she had a "strange feeling". MGM stated that she cared for the VC from March 3-March 7, 2013. MGM stated that she feels like the VC would still be alive if she hadn't returned him to the mother on March, 7, 2013.
- On March 11, 2013 an autopsy was conducted. The autopsy revealed that the VC died due to multiple blunt force trauma.
- On March 12, 2013 [REDACTED] The sibling [REDACTED] in kinship care [REDACTED]
- On March 12, 2013 the sibling [REDACTED]. The sibling stated that MP chokes her. MP chokes her when her mother is gone. She stated that it feels tight when MP chokes her. The sibling reported that the mother and MP fight every day. The sibling reported that on one occasion the mother had a bat and the MP had a knife (no further detail was provided about that incident). The sibling discussed the incident with VC that lead to his death. The sibling stated that on the date of the incident the sibling was upstairs watching television, the mother was downstairs, and VC and MP were in the bed sleeping. VC was shaking with his eyes closed. The VC's nose was bleeding. She stated that VC's nose was purple. She stated that the MP instructed her to go get tissue so he could wipe the VC's nose. The sibling got the tissue. The sibling stated that MP was trying to help the VC breathe, but the VC wouldn't breathe. The sibling then stated that the police came and took the VC away. The sibling reported that the VC is in heaven.
- On March 12, 2013 [REDACTED]. MP reported that the mother caused VC's injuries. MP reported that he changed the VC's diaper prior to the APD and EMS arriving. MP reported that he gave the VC chest compressions prior to the APD and EMS arriving.
- On March 12, 2013 [REDACTED]. The mother reported that she is cheating on MP. She stated that on the date of the incident she went out on a date with a man and left VC and his sibling at home with MP. Mother stated that MP called her and stated that something was wrong with the VC. The mother informed her date that she had

to go home. MP called the mother a second time stating that the VC wasn't breathing. The mother stated that she was dropped off by her home. When she got dropped off she ran to the back of her house. The mother stated by the time she arrived at the house she received a 3rd phone call from MP. Mother stated that she told MP she was at the back door and he needed to let her in the house. The mother reported that MP let her in the home. The mother saw VC and then called 911. [REDACTED]

- [REDACTED]
- On March 13, 2013 LCCYS received a notification that the sibling's skeletal exam was [REDACTED].
- On March 13, 2013 the mother provided a [REDACTED] history for the sibling. The mother also provided the agency with information on the sibling's biological father. The mother reported that the individual listed on the birth certificate is not the sibling's biological father.

- [REDACTED]
- On March 14, 2013 [REDACTED]. MGM reported that she doesn't know who the VC's father is. She reported that he has only seen the VC once and was not involved in the VC's life. MGM reported that the mother was employed and the children's caregiver moved in the home to assist mother with the children while she worked. MGM reported that she observed bruises on VC in early February 2013 (2/3 or 2/4/13). She stated that the VC had a bite mark on his cheek (she was unsure of what side), knots on his head, bruises by his earlobes on the opposite side from the cheek marks, and bruises on both sides of his neck. MGM stated that when the mother saw the VC's injuries she questioned MGM about them. The mother asked MGM if the VC and his sibling were fighting. MGM reported that when the VC and his sibling left her home they didn't have injuries. The mother allowed her friends to watch her children later on that night. The mother called MGM that next day around noon asking MM about the VC's injuries. The mother took the VC to MGM's home and showed MGM his injuries. MGM told mother that the VC didn't have those injuries when he left her home. Mother told MGM that she didn't know what happened to VC. MGM stated that she asked mother why VC was the only one with bruises and the mother responded by saying that she would find out what happened to VC. MGM reported that she thought the VC's sibling caused the VC's injuries because when his sibling fights she is very hurtful. MGM stated that she asked the sibling if she caused the VC's injuries several times and the sibling denied causing the VC's injuries each time. The MGM stated that she kept the VC and his sibling at her home for a few days due to VC's injuries. While the children

were at her home the sibling reported that MP and the mother got into a physical altercation about what happened to VC, but the sibling didn't provide any further information. MGM stated that she returned the children to the mother on February 7, 2013 due to her family members convincing her to do so. After she returned the children to the mother, MGM stated that she paid close attention to the children to see if she noticed anything. MGM stated that the mother discontinued working because she stated that she did not know what happened to VC or who caused his injuries. MGM believes that mother's sister babysat the children a week prior to VC falling down the steps. On February 21, 2013 MGM received a call from mother stating that the VC was following behind his sibling and he fell down the steps. The mother told MGM that she had taken the VC to the hospital the same day that he fell down the steps. MGM stated that she did not see the VC or his sibling from that date until the date that the VC died. MGM reported that the mother had changed in the last 2 months since she started dating MP. MGM stated that she hardly saw mother which was not normal. MGM reported that MP had a criminal history and was incarcerated for 15 years. She stated that the mother knew MP from New York where they were from. MGM reported that the mother told her that she didn't know what happened to VC. Mother reported that she went to the store and when she came back the VC was not breathing. Mother reported that she then called 911.

- [REDACTED]
- On March 15, 2013 [REDACTED] that the man who the mother was cheating on MP with [REDACTED]. He reported that he was with the mother on the night of the incident. He stated that the mother was on her phone and texting until he dropped her off. However he denies that the mother told him what was going on.
- On March 16, 2013 the VC's funeral was held in Allentown, PA.
- [REDACTED]
- On March 19, 2013 the mother failed to show up for the sibling's [REDACTED]
- On March 20, 2013 LCCYS listened to the [REDACTED] tape from the incident. The tape revealed 2 females and 1 male during the phone conversation. The 1st female reported that her 1 year old son wasn't breathing. The male reported that the child was seizing and stopped breathing. The male was instructed to check the child's mouth for food and vomit. The male reported that when he blows breath into the child's mouth he breathes and then stops. The male report that the child is breathing now, now he is stopping. The 2nd female is in the background asking what happened to the baby. She is telling the child to wake up multiple times. The male reported that he was asleep and when he woke up the child was shaking with blood coming out of his nose. The 1st female voice was heard saying call my mom and the call was disconnected.
- On March 27, 2013 the Act 33 meeting was held. In attendance were LCCYS, [REDACTED] to discuss VC's medical history, and [REDACTED]

The autopsy revealed that the VC had extensive internal injuries.

REDACTED

In a subsequent interview she reported that MP caused the VC's injuries. MP reported that on the date of the incident the mother picked the VC up by his throat, kicked, punched, and threw VC on the floor. Then mother picked up the VC and put him in the bed with MP.

- On April 24, 2013 the mother was criminally charged with Criminal Homicide, Aggravated Assault, and Endangering the Welfare of a Child and incarcerated for the death of the VC.
- [REDACTED]
- On April 29, 2013 the [REDACTED] was continued pending the paternity test.
- On April 25, 2013 LCCYS interviewed MP. MP informed LCCYS that the mother did not hurt the VC. He reported that he went to sleep and woke up to the baby making a slurring sound. MP stated that he didn't hurt the baby either. MP reported that there was another man [REDACTED] in the home on the date of the incident. MP reported that the man was the mother's cousin.
- On April 30, 2013 LCCYS interviewed the mother's aunt (2nd female voice on the [REDACTED] tape). The mother's aunt (MA) [REDACTED] reported that the mother lives 2 doors down from her. MA reported that on the night of the incident she heard loud banging on her door, she heard mother asking her to open the door. The mother asked MA to help her because the VC was not breathing. The MA and mother went to the mother's home. MA stated that when she arrived at the mother's home the VC was laying on the floor on his back. MP was standing over the VC doing something. MA isn't sure if he was doing CPR or not. MA stated that she immediately picked the VC up and held him. MA reported that the VC's face was swollen and had bruises. MA stated that his shirt had lifted up and she saw black and blue marks all over his torso. MA stated that when she picked the VC up she felt skin and bones on one side and the other side felt swollen. She asked the mother and MP what did you do to this baby? MA stated that the VC took his last breaths in her arms. MA reported that the police entered the home and told her to put the VC on the couch. MA reported that the next day she asked the mother what happened to the VC. The mother never explained how the VC received his injuries. The mother did tell MA that she saw the VC shaking that night. The mother told MA that the VC vomited on her and that she changed his clothing.
- On May 1, 2013 LCCYS met with Lehigh County Coroner's office to discuss VC's medical records and autopsy.
- On May 1, 2013 LCCYS interviewed [REDACTED] (the mother's aunt). [REDACTED] reported all information reported to her from other family members. [REDACTED] did not have any 1st hand information to report about the VC's death. She reported that [REDACTED] was at the VC's home on the date of the incident for approximately 4-5 hours.
- On May 3, 2013 LCCYS interviewed [REDACTED] (the mother's cousin). [REDACTED] reported that when he arrived at the home the mother was there with VC and his sibling. A short while later MP arrived home. [REDACTED] reported that the mother and MP reported that the children were being bad that day. However, he did not witness this. He stated that when he left the home neither VC nor his sibling had any injuries. [REDACTED] denied seeing the children sick or vomit. [REDACTED] did state that the VC was more solemn than usual that day.

- [REDACTED], 2013 LCCYS contacted the Lehigh Valley Hospital to get further clarification on the VC's [REDACTED] records.
- On May 8, 2013 [REDACTED]
[REDACTED] The VC suffered injuries caused by blunt force trauma inflicted by the mother which led to the VC's death. MP did not intervene at the time of the assault nor did he seek medical attention for the VC or call the police.

Current Case Status:

- The VC was pronounced dead on March 9, 2013.
- The sibling is in kinship care with maternal grandmother (MGM). They are both receiving services through [REDACTED] to address their [REDACTED] of VC, the sibling's [REDACTED] and medical needs, and a support for the MGM.
- A DNA (paternity) test has revealed the identity of the sibling's father.
- LCCYS conducted an announced visit to the father and paternal grandparents' (PGP) home to determine if the home is appropriate for the sibling. The home was deemed to be appropriate.
- LCCYS conducted background checks to determine if the sibling's father or PGPs had any criminal or child abuse backgrounds that would cause concern for the sibling to be in their care. There were no issues that caused concern.
- The sibling will move to New York with her father and her PGPs. Her PGPs will seek custody of the sibling.
- The mother has been criminally charged and remains incarcerated.
- The mother's paramour has been criminally charged with Recklessly Endangering Another Person, tampering with/Fabricating Physical Evidence, Endangering the Welfare of Children, and Use/Possession of Drug Paraphernalia. He is awaiting further court action.
- The case will be closed once the sibling moves to New York.

[REDACTED]
[REDACTED] The VC suffered serious physical and bodily injuries as a result of blunt force trauma inflicted by his mother, resulting in the VC's death. The mother's paramour heard the mother physically assaulting the VC and failed to intervene to protect the VC at the time of the assault. He also failed to seek medical treatment for the VC or seek police assistance for the VC. [REDACTED]
[REDACTED]

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

- LCCYS held a meeting on March 27, 2013 in accordance with Act 33 of 2008.
Strengths:
- No strengths were identified in the County report.

- **Deficiencies:**
- Failure to verify medical information provided by mother; specifically, that newborn was actually taken to his appointment with the PCP following [REDACTED] and the recommended [REDACTED]
- Agency failure to refer for SHAPE services as recommended by the supervisor prior to case closing following first referral to the agency in December 2011.
- Failure to schedule an evaluation for the VC's sibling during the second referral period, when the mother reported the child was "limited".
- **Recommendations for Change at the Local Level:**
- Plan for area hospitals to develop a means to monitor and notify when medical care is requested by family at differing hospitals.
- Children and Youth to assure follow up on verification of parent history during assessment phase of the case.
- Assure that all supervisory recommendations are instituted prior to case closing.
- **Recommendations for Change at the State Level:**
- No recommendations were made for the state level in the county report.

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 NERO investigation consisted of a review of the CPS file, interviews with LCCYS staff and participation in several meetings with LCCYS staff regarding the status of this investigation. NERO agrees with the county's finding.

Department of Public Welfare Findings:

- **County Strengths:**
- LCCYS conducted announced and unannounced visits during all three investigations
- LCCYS assessed the safety and risk of the child as required during the current investigation. The child was deemed to be safe in the care of her MGM/kinship care placement.
- LCCYS collaborated with the Allentown Police Department during the current investigation.
- LCCYS convened a review team in accordance with Act 33 of 2008 related to this report.
- **County Weaknesses:**
- LCCYS did not conduct thorough assessments of the family during the referrals made on December 9, 2011 or February 21, 2013 according to Ch. 3490.

- LCCYS did not fully assess the safety and risk of the children as required during the referrals made on December 9, 2011 or February 21, 2013.
- LCCYS did not follow up on concerns reported during the referrals made on December 9, 2011 or February 21, 2013.
- LCCYS did not offer the family services or refer the family for services in the community during the referrals made on December 9, 2011 or February 21, 2013 despite areas of concern that were identified.

Statutory and Regulatory Areas of Non-Compliance:

LCCYS has received several citations due to violations of Ch. 3490 and Ch.3130 in June 2013. A meeting has been scheduled between LCCYS and NERO for August 2013 to discuss NERO's concerns and the areas of non compliance.

Department of Public Welfare Recommendations:

- LCCYS should review its intake process to ensure adherence to applicable laws and regulations.
- LCCYS should 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.