

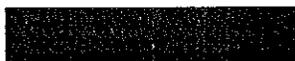


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COMMONWEALTH OF PENNSYLVANIA
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REPORT ON THE NEAR DEATH OF



BORN: April 1, 2008
DATE OF NEAR DEATH: April 17, 2009

The family was known to the agency

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 by Governor Rendell 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 near child fatalities that were suspected to have occurred due to child abuse. DPW must conduct child fatality and near fatality reviews and provide a written report on any child fatality or near fatality where child abuse is suspected.1

Circumstances of Child's Fatality:

On April 18, 2009 Erie County Office of Children and Youth (OCY) received a report that 1 year old [REDACTED] was admitted to the hospital after she was found unresponsive and suffering from a high fever, acute respiratory distress and seizures. The child's maternal grandmother was babysitting the child while she and her son were smoking crack cocaine. The child ingested a crack cocaine rock that had dropped onto the floor. The maternal grandmother reportedly denied using cocaine the night she was caring for the child and was also unaware of how the child obtained the cocaine and that she had ingested it. The grandmother did however admit to a past use of cocaine and was tested the evening of the incident and found to have cocaine in her system. The grandmother was [REDACTED] for the critical injury and arrested for *Endangering the Welfare of a child and Recklessly Endangering another Person*. She entered a guilty plea for Reckless Endangerment in January 2010 and was sentenced to 24 months of probation.

Summary of Review

1. Family Constellation:

<u>Name</u>	<u>Relationship</u>	<u>Date of Birth</u>
[REDACTED]	Child	04/01/08
[REDACTED]	Mother	[REDACTED]/89
[REDACTED]	Father	[REDACTED]/86
[REDACTED]	Sibling	[REDACTED]/06

2. Documents Reviewed and Individuals Interviewed:

The OCYF Program Representative interviewed the previous ongoing supervisor and reviewed the current open family file, which consisted of the 2007 opening intake, medical records for both children, provider reports, court orders and summaries, and the 2009 near fatality investigation. In correspondences between OCYF and the child death review contact in Erie County, it was identified that an internal/MDT review was not completed on the case; therefore the county failed to submit a Child Death Review to OCYF.

Case Chronology

- January 10, 2007

A report was made to Erie County OCY regarding concerns that the 18 year old mother was not properly caring for her 2 month old infant. The report indicated that the mother and infant were living with the child's maternal grandmother. There were several teens and other adults that were staying in the house, most of whom were suspected of dealing and using drugs. On 2/21/07 the worker was at the home for a visit and smelled a strong odor of natural gas and advised the mother to leave the home with the child. The mother agreed and said they would be leaving immediately after the meeting. The other individuals in the home were advised to refrain from lighting any open flames, as this could be hazardous with a gas leak. A short time later, police were called to the home for a possible shooting and arrived to find the home filled with marijuana smoke. Three individuals were arrested in connection to the shooting that occurred outside the home. [REDACTED] was removed from the home and placed into a confidential foster home due to the criminal activity that had occurred at the time of the removal. The father was living in the area with his aunt; however was not a suitable caretaker at the time of removal due to a criminal history involving drugs and firearms. The family was accepted for service at this time. [REDACTED] was moved to a maternal great-aunt's home on May 2, 2007. In April 2008, aggravated circumstances were found on the father due to the whereabouts of the father being unknown and the father not maintaining substantial and continued

contact with the child. Throughout the next year, the mother graduated high school and gave birth to another child. The newborn remained in her mother's care and was regularly found to be doing well. The mother had complied well with services and tested negative for her urine screens, except the handful that were positive due to a "no show" status. The older child was returned to her mother's care on October 2, 2008 after the mother was able to demonstrate her ability to care for the newborn for six months. The agency requested that court action for the older child be closed on April 9, 2009.

- April 18, 2009

Erie County OCY received a report that the 1-year-old case child was in critical condition after ingesting a crack rock while she and her sister were in the care of their maternal grandmother. The report was [REDACTED] as a near fatality to Erie County and Western Region OCYF.

Following the incident, the child's mother admitted to knowledge that the grandmother had a history of cocaine use and reportedly believed the grandmother when she stated she had quit using the drug. The child was discharged from the hospital in the care of her mother. The mother contacted the agency upon her return to Erie and a safety assessment and drug test was completed. The agency did a drug screen as part of the safety planning due to the history of drug use in the case. A day following the child's discharge from the hospital the agency received information that the mother had used marijuana the night of her return, following her drug screen. The agency tested the mother again and she tested positive for THC. The agency made the decision to remove the child and her sister due to the family's ongoing substance abuse concerns. Both children were placed in kinship care with their maternal great-aunt, who was already an approved kinship provider.

Previous CY involvement

Since the April 2009 incident, the children have remained in the care their maternal great-aunt. The mother has been very sporadic regarding her involvement and the father's involvement has been non-existent. [REDACTED]

[REDACTED] She also has a significant number of medical issues that are being addressed and treated, [REDACTED]

[REDACTED] There are also concerns regarding the mother's bond with the oldest child. It has been reported that she frequently ignores the child and pushes her away when the child is seeking attention.

The mother was referred for [REDACTED] and has made a referral [REDACTED]

[REDACTED] The court has ordered [REDACTED]. The agency also referred the family to the Time Limited Family Reunification Program in October 2009. Regular visits from Erie County OCY and Family Services are being completed with the children in the kinship home. Erie County OCY is also completing frequent visits with the mother. The case remains court active and at the last hearing in October 2009, the goal remained reunification with the mother. The court has requested that the case be reviewed on a 90 day schedule and the agency will be seeking termination and a change of goal if the mother does not progress toward completion of her goals in the next review period.

Findings and Recommendations

After review of the case record, the WROCY has determined that Erie County OCY followed appropriate protocols in regards to the monitoring of the 2007-2009 active case and the April 2009 near fatality referral. Based on the criminal investigation and interviews with subject persons, the grandmother was [REDACTED] as having been responsible for physical neglect in a manner that resulted in a medical condition while caring for the child. Charges were filed on the caretaker and she was sentenced to probation. In conclusion, the WROCY makes the following recommendations:

- A Child Death Review was not completed by Erie County; however due to the April 2009 referral being [REDACTED] a near fatality on an open case and the investigation taking longer than 30 days, the agency should have completed a Child Death Review and submitted the findings to the Department.

Cynthia D. Gariepy
Program Representative I

Elaine C. Bobick
Regional Director

February 10, 2010
Date