



pennsylvania
DEPARTMENT OF HUMAN SERVICES

REPORT ON THE FATALITY OF:

Aliana Colon

BORN: 03/31/2013

DATE OF DEATH: 02/06/2014

DATE OF ORAL REPORT: 01/21/2014

FAMILY KNOWN TO:

Berks County Children and Youth Services

REPORT FINALIZED ON:

June 15, 2015

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. Berks County has convened a review team in accordance with Act 33 of 2008 related to this report on April 01, 2014.

Family Constellation:

<u>Name:</u>	<u>Relationship:</u>	<u>Date of Birth:</u>
Colon, Aliana	Victim Child	03/31/2013
[REDACTED]	Sibling	[REDACTED]/2006
[REDACTED]	Sibling	[REDACTED]/2011
[REDACTED]	Sibling	[REDACTED]/2009
[REDACTED]	Sibling	[REDACTED]2004
[REDACTED]	Father	[REDACTED]/1989
[REDACTED]	Mother	[REDACTED]/1990

Family resides [REDACTED]

Notification of Child Near Fatality:

Berks County Children and Youth Services (BCCYS) received a [REDACTED] report on 01/21/2014. It was reported that five children were in the back seat of the mother's sedan without the proper car restraints. The mother and her children fell asleep in the car as they waited for (her husband) their father to get off work. The mother woke up and noticed the victim child was underneath two of her siblings. The victim child's siblings had ended up rolling over on top of the victim child while sleeping, causing the child's respiratory failure. It was reported that the family was in the car from 10:55pm to about 12:40am in the parking lot [REDACTED]. It was noticed that the child was unresponsive upon being taken out of the car by mom. The child was then transported to Reading Hospital by EMS with [REDACTED]. The child was then transported to Hershey Medical Center by helicopter where she was placed on [REDACTED] and life support. The treating Doctor was [REDACTED] who said the child was in critical condition. This was certified as a Near Fatality as the child was deprived of oxygen as a result of her mother not properly supervising the children. Caseworker went out and interviewed all parties upon receipt of report. The safety of the siblings was assessed as safe and appropriate. Safety Plan for the remaining children acknowledged that [REDACTED] was the sole caregiver of them from 01/21/2014 until 02/18/2014.

Summary of DPW Child Near Fatality Review Activities:

The Southeast Regional Office of Children, Youth and Families (SERO) obtained and reviewed all current investigation case notes conducted by Berks County investigator, [REDACTED]. Follow-up interviews were also conducted with [REDACTED] and her Supervisor, [REDACTED] as well as the Intake Director, [REDACTED]. Moreover, the regional office investigator did an extensive medical records review on the information received from Hershey Medical Center pertaining to [REDACTED] medical concerns. The Southeast Regional Office staff attended the Act 33 on 4/1/2014.

Children and Youth Involvement prior to Incident:

12/18/[REDACTED] report:

It was reported that this family had their first involvement with Berks County Children and Youth Services in December 2011. Family had been referred to BCCYS on 12/18/2011 because child, [REDACTED] had two trips to the ER for accidental injuries in a short period of time. The first injury occurred when the child was burned after grabbing a cup of hot tea. The next involvement came in relation to the lack of supervision. The report reads that [REDACTED] and his mother went up into the attic and [REDACTED] followed. [REDACTED] got up to the top of the stairs and he fell. The reporting source stated the child had a bump on his head but was ready [REDACTED]. The parents appeared upset and remorseful. The reporting source did not suspect abuse but believes the mother is struggling with raising 4 children at only 21 years of age. The case was accepted for services and [REDACTED] on 12/18/2011. Services were provided to this family [REDACTED] program assisting parents with augmenting parent's skill sets related to the daily maintenance and supportive relationships/interactions necessary to keep children safe, including meeting the children's medical needs from 12/18/2011 to 06/20/2012. The case was then closed on 06/20/2012 due to the concerns surrounding this family being resolved.

Circumstances of Child Near Fatality and Related Case Activity:

Berks County Children and Youth Services received a [REDACTED] report on 01/21/2014. The mother was informed that her children's father (paramour) did not have a ride home after work. She had 5 children in her care and had to make a decision to either leave the children home temporarily (alone) or bring them with her. The mother took the victim child and her biological brother (also a minor) along with her other four children to [REDACTED] to pick up the children's father. She was driving a small sedan vehicle without proper car restraints. They arrived at the [REDACTED] at 10:55pm and the father was not due to get off until 12 midnight. The children were not in car seats while they waited in the vehicle. The mother had 5 children in the back seat with their maternal uncle in the front seat. While waiting for the father to get off work, everyone fell asleep. The father got off work around 12:40am. The mother told her brother to get into the back seat and he climbed over the seat and got into the back seat area. Mom turned

around to check on the children. [REDACTED] (age 9) had been holding the victim child on his lap when they fell asleep. Mom noticed that the victim child was lying face down across [REDACTED] arm with her head turned into the back of the car seat. Her brother [REDACTED] was laying across the child in the opposite direction. The victim child was underneath her two siblings. The mom pulled the victim child out of the vehicle and she was unresponsive. She then ran into [REDACTED] telling the father to call 911. Mom was asking for help when a man in the [REDACTED] came to assist. He first believed the victim child was choking and tried to clear her airway. When he realized this was not the case he began CPR. The paramedics then arrived and transported the child to Reading Hospital. The child was then transported from Reading Hospital (by helicopter) to Hershey Medical Center. This incident was determined to be a Near Fatality at that time as the child was deprived of oxygen and she had [REDACTED]. The child was hospitalized in [REDACTED] for approximately two and a half weeks. She remained [REDACTED], unresponsive with no signs of improvement. [REDACTED] experienced a [REDACTED] [REDACTED] was discussed with family by medical professionals. [REDACTED] was removed from life support on 2/6/2014 when her life slipped away with her parents by her side. This was a terrible incident that shook this family to its core.

As for Berks County's [REDACTED], they did the appropriate interviews which included [REDACTED] (victim child's mother), family members, and medical professionals in both Reading Hospital and the Hershey Medical Center. They also acquired extensive medical documentation/records for [REDACTED] as part of their medical evidence review. Moreover, Berks County did notify the County's Detectives (via CY-104) and consulted with them throughout this investigation.

Safety Plan for the remaining children acknowledged that [REDACTED] was the sole caregiver of them from 01/21/2014 until 02/18/2014.

[REDACTED] due to this unfortunate incident

Current Case Status:

Berks County has provided [REDACTED] to this family [REDACTED] beginning 02/19/2014. Those services included parenting instruction, assistance with medical follow-up for the remaining children, nutrition issues, safety/supervision issues, [REDACTED]. The family was compliant and cooperated with this program until it ended on 06/25/2014. The family was very appreciative and compliant with these services. Moreover, [REDACTED] Police Department did not pursue criminal charges against this family; they deemed this incident as an accidental death.

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

Berks County did convene a review team in accordance with Act 33 of 2008 related to this report on April 01, 2014.

- Strengths:

Berks County did move quickly to secure the safety of all the children within this investigation. Moreover the county did a good investigation as it relates to their consultation with police and gathering video surveillance from the [REDACTED] parking lot which corroborated the family's account of what occurred.

- Deficiencies:
Family was previously known to the County.
Protection from Abuse Order was in effect and the father had violated the PFA on more than one occasion.
- Recommendations for Change at the Local Level:
None at this time
- Recommendations for Change at the State Level:
None at this time

Department Review of County Internal Report:

Berks County has convened a review team in accordance with Act 33 of 2008 related to this report on 4/1/2014, 3 months after the ChildLine report. The report was received in the Regional Office on 3/22/2015, eleven months after the review. The county recently received a LIS (License Inspection Summary) for late meetings and reports from the Southeast Regional Office and they are in the process of submitting a Plan of Correction. The county has received technical assistance in this matter.

Department of Public Welfare Findings:

- County Strengths:
The County did a timely and thorough job in its investigation.
- County Weaknesses:
No services relating to [REDACTED] appear to have been provided.
- Statutory and Regulatory Areas of Non-Compliance:
- The County recently received a LIS, License Inspection Summary for late meetings and reports from the Southeast Regional Office and they are in the process of submitting a Plan of Correction. The county has received technical assistance in this matter.

Department of Public Welfare Recommendations:

The county should push for public awareness/outreach campaigns (posters, newspaper ads, radio play, flyers at hospitals, schools, libraries and supermarkets) on the importance of car restraints for appropriately aged children as denoted by law.