

THE PHILADELPHIA DEPARTMENT OF HUMAN SERVICES

Policy and Procedure Guide

Issue Date: October 8, 2009

TO: All DHS Social Work Staff

FROM: Anne Marie Ambrose, Commissioner *AMA*

RE: Act 33 Review Team Protocol for Fatalities and Near Fatalities

EFFECTIVE DATE: Immediately

Purpose

The purpose of this guide is to:

- Outline the policy and procedure for identifying near fatalities
- Outline the internal policy and procedure for responding to near fatalities and fatalities including attendance at Act 33 Review Team meetings, internal fatality review team meetings, attendance at strike team meetings and responding to inquiries from the Department of Public Welfare.

This policy supersedes all other policies related to the review of child fatalities.

Discussion

On July 3, 2008, Governor Edward G. Rendell approved S.B. 1147 (Act 33) which amended the Child Protective Services Law. See 23 Pa.C.S. §6365. This law, which went into effect in January of 2009, requires DHS to convene an interdisciplinary child fatality and near fatality review team on any Child Protective Services (CPS) fatality or near fatality case in which there has been: 1) an indicated report; or 2) a determination has not been made within 30 days. The team must convene when the abuse occurred in Philadelphia or when the child lived in Philadelphia within the 16 months preceding the fatality or near fatality. The Protocol regarding this new team is attached.

In order to adequately prepare to meet the legal requirements associated with the Act 33 Review Team, CYD must **effectively** identify near fatality cases, defined in the law as "An [a]ct that, as certified by a physician, places a child in serious or critical condition," and respond to both near fatalities and fatalities in a coordinated fashion.

DHS will also hold an internal review on those fatality cases, selected by the DHS Commissioner, that do not meet the requirements for an Act 33 Review, but were known to DHS within 16 months prior to the child's death. The Chief Medical Examiner of the City of Philadelphia will be a member of the internal review team and will make a recommendation to the Commissioner of DHS as to whether the Act 33 Review Team shall review a case that is also being reviewed by the internal team.

POLICY

Act 33 Near Fatality and Fatality Reviews

DHS shall conduct an interdisciplinary review pursuant to Act 33 for all CPS child fatality or near fatality cases in which there has been:

1. an indicated report; or
2. a determination has not been made within 30 days.

CYD Social Work Staff Responsibilities

When the DHS Hotline receives a call from a physician or hospital staff member alleging that a child has suffered injuries that might rise to the level of a near fatality, the social worker will ask if the child's physician has certified the case as a "near fatality."

- o If the physician is willing to certify, or the reporter is unsure, the Hotline social worker must ask if the physician will sign the Near Fatality Certification Letter, and fax the letter for the physician's signature.

If the DHS Hotline receives a call from ChildLine and the caller from ChildLine indicates that ChildLine is designating the case as a "near fatality", then the Hotline shall include a notation in the narrative of the report that the investigating social work team shall confirm the near fatality status with the child's physician.

If the DHS Hotline was not able to ascertain if a case was certified as a "near fatality", then the investigating social worker (Intake or MDT) must, as soon as possible, follow up with the child's physician and inquire as to whether or not the physician is going to certify the case as a "near fatality".

- o If the physician is willing to certify, the investigating social worker must ask if the physician will sign the Near Fatality Certification Letter, and fax the letter for the physician's signature.
- o If the physician is not willing to certify the case as a "near fatality" and ChildLine has already certified the case, the investigating team shall immediately notify the Child Fatality Program Administrator who will inform the Department of Public Welfare's Southeast Regional Office (SERO) and a designated official at ChildLine.

CYD social work staff are required to document both near fatalities and fatalities in the CYD DHS case record. CYD social worker staff who receive a letter from a physician certifying an act as a near fatality shall place the letter in the case record.

Non-Act 33 (Internal) Fatality Reviews

DHS shall conduct an internal review for those cases selected by the Commissioner in which DHS receives a report regarding a fatality that does not meet the requirements for an Act 33 review, and the family was known to the Department within 16 months prior to the child's death.

The Deputy Commissioner of the DHS Division from which the child received services (CYD, JJS or CBPS) will convene the meeting and invite appropriate parties. Such parties include, but are not limited, to the social work chain of command assigned to the case, DHS Provider Relations and Program Evaluation (PREP), Policy and Planning, and the City of Philadelphia Law Department. The assigned social work team is required to attend the internal review meeting.

The Chief Medical Examiner of the City of Philadelphia will be a standing member of the internal review team, and will make a recommendation to the Commissioner of DHS as to whether the Act 33 Review Team shall review a case that is also being reviewed by the internal team.

All Fatality and Near Fatality Cases

In fatality cases, certified near fatalities and cases which are pending near fatality certification, the assigned social worker and the chain of command must, where applicable, do the following:

- Attend an emergency meeting convened at the discretion of the Commissioner, Deputy Commissioner or the Operations Director to brief the DHS management on the status of a particular case.
- Respond to questions posed by the Department of Public Welfare (DPW) and/or complete a data collection tool for DPW. Note: These questions will be coordinated by the Child Fatality Program Administrator.
- When requested, provide copies of the DHS file, safety assessments or other documents to the Child Fatality Program Administrator and/or the Law Department.
- Attend and prepare for Act 33 Review Team meetings, internal reviews and/or strike team meetings.

Procedure

Near Fatality and Act33

Hotline:

When the DHS Hotline receives a call from a physician or hospital staff member alleging that a child has suffered injuries that might rise to the level of a near fatality, the social worker will ask if the child's physician has certified the case as a "near fatality."

If the DHS Hotline receives a call from ChildLine and the caller from ChildLine indicates that ChildLine is designating the case as a near fatality, then the Hotline shall include a notation in the narrative of the report that the investigating social work team shall confirm the near fatality status with the child's physician.

If the physician is willing to certify the case as a "near fatality", or if the reporter is unsure whether or not the case can be certified, the Hotline social worker shall request that, if appropriate, the physician shall sign the Near Fatality Certification Letter ("Letter"). A copy of the Letter shall be faxed from the Hotline to the physician for the physician to complete. The physician shall return the signed Letter to the DHS Fatality Program Administrator via facsimile to 215-683-4296. The Hotline social worker should document the inquiry as to whether the case has been certified as a "near fatality" into the narrative of the report.

When the Child Fatality Program Administrator receives a copy of the signed Letter, the Child Fatality Program Administrator shall forward the original signed letter to the assigned caseworker who shall retain it in the DHS case record. The Child Fatality Program Administrator shall forward a copy of the signed letter to DPW SERO and a designated official at ChildLine.

Follow up by the Assigned Investigating Social Worker:

If the Hotline was not able to ascertain if a case was certified as a "near fatality", then the investigating worker must, as soon as possible, follow up with the child's physician and inquire as to whether or not the physician is going to certify the case as a "near fatality".

If the physician is willing to certify the case as a "near fatality", the investigating social worker shall request that the physician sign and submit the Near Fatality Certification Letter (Letter). If the physician needs another copy of the letter, or if a case develops into a "near fatality" as the investigation progresses, a copy of the Letter can be found on DHS Central. The physician may return the signed Letter to the DHS Fatality Program Administrator via facsimile to 215-683-4296. When the Child Fatality Program Administrator receives a copy of the signed Letter, the Child Fatality Program Administrator shall forward the original signed letter to the assigned caseworker who shall retain it in the DHS case record. The Child Fatality Program Administrator shall forward a copy of the signed letter to DPW SERO and a designated official at ChildLine.

If the physician is not willing to certify the case as a "near fatality" and ChildLine has already certified the case, the investigating team shall immediately notify the Child Fatality Program Administrator who will inform DPW SERO and a designated official at ChildLine.

Post Certification and the Act 33 Review:

When a case is certified as a Near Fatality, the assigned social worker must contact the Child Fatality Program Administrator in the Performance Management and Accountability Unit to inform him/her of the certification and to begin the planning process for a potential Act 33 Review.

If the report is indicated or a determination has not been made within thirty days, the case must be reviewed by the DHS Act 33 Review Team. If the report is unfounded, a copy of the CY-48 must be sent to Child Fatality Program Administrator. For those cases which require an Act 33 review, the assigned social worker and his/her chain of command must work with the Performance Management and Accountability Division to prepare for the Act 33 Review Team meeting. The assigned social work chain of command (social worker, supervisor, administrator and director) must attend the Act 33 Review Team meeting. At the request of the Child Fatality Program Administrator, other DHS staff may also be required to attend the Act 33 Review Team meeting.

CPS Fatality Cases and Act 33

Investigation:

When a social worker is assigned to investigate a CPS report alleging a fatality, the assigned social worker must make contact with the Child Fatality Program Administrator for the purpose of responding to any questions from DPW and to begin the planning process for an Act 33 Review.

If the report is indicated or a determination has not been made within thirty days, the case must be reviewed by the DHS Act 33 Review Team. If the report is unfounded, a copy of the CY-48 must be sent to the Child Fatality Program Administrator.

The Act 33 Review:

For those cases which require an Act 33 review, the assigned social worker and his/her chain of command must work with the Child Fatality Program Administrator in the Performance Management and Accountability Unit to prepare for the Act 33 Review Team meeting. The assigned social work chain of command (social worker, supervisor, administrator and director) must attend the Act 33 Review Team meeting. At the request of the Child Fatality Program Administrator, other DHS staff may also be required to attend the Act 33 Review Team meeting.

Non Act 33 Fatality Cases

At the direction of the Commissioner, DHS shall convene an internal fatality review on a case alleging a child fatality that does not meet the requirements for an Act 33 Review and the family was known to the Department within the 16 months prior to the child's death. The Deputy Commissioner of the division of DHS from which the child received services (CYD, JJS or CBPS) will convene the meeting and invite appropriate parties including but not limited to the chain of command, PREP, policy and planning, and the City of Philadelphia Law Department.

The assigned social work chain of command is expected to attend this internal review.

Attachments:

- A - Act 33 Review Team Protocol for Fatalities and Near Fatalities
- B - Near Fatality Certification Letter

Questions regarding this guide may be addressed to:

Patricia Ripoll, Program Administrator	683-4112
Bari Rose-Epstein, Program Supervisor	683-4116

Questions regarding the Act 33 review team and/or process may be addressed to:

Benita Jones, Child Fatality Program Administrator	683-4276
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City of Philadelphia Department of Human Services Act 33 Review Team Protocol

Purpose

On January 4, 2009, Act 33 of 2008 became law in Pennsylvania. This law amends the Child Protective Services Law and sets standards for reviewing fatalities and near fatalities that are suspected to have occurred because of child abuse. The law requires DHS to convene a child fatality or near fatality review team in accordance with a protocol developed in conjunction with the District Attorney's Office (DAO) and the Department of Public Welfare (DPW). The following types of fatality and near fatality cases are required to be reviewed under Act 33: indicated CPS reports and CPS reports that have not been determined within 30 days.

The purpose of this document is to outline the procedures and standards associated with the Department of Human Services' (DHS) Act 33 Review Team (Act 33 Team). The Act 33 Team will be chaired by the City of Philadelphia's Chief Medical Examiner. The team will meet on an as needed basis, but is formally scheduled to meet the first and third Fridays of each month.

Initial Report of Child Fatality or Near Fatality

When a Child Protective Services (CPS) report is received by the DHS hotline alleging a child fatality or near fatality, the hotline staff must immediately notify the Hotline Priority Alert List and the Chief Medical Examiner as Chair of the Act 33 Team. The DHS Child Fatality Program Administrator (hereinafter "Program Administrator") must schedule a review for the case and notify the members of the Act 33 Team that a review has been scheduled. The program administrator must also inform the Department of Public Welfare's Southeast Regional Office

(DPW SERO) and ChildLine of all certified near fatality cases. DHS must proceed to investigate the report according to existing policy and procedure.

Coordination and Immediate Review Team

Upon receipt of the report alleging a fatality, the Chief Medical Examiner will convene the Coordination and Immediate Review Team (CIRT). This team will consist of representatives of the Medical Examiner's Office, DHS, and the Law Department. The purpose of this team is to coordinate communication between member City agencies. The Medical Examiner will convene a phone conference for the purpose of sharing information. The team will gather necessary information from various city agencies (including DHS, Health, Police and the Medical Examiner's Office) in preparation for a potential formal review by the Act 33 Team. The Law Department representative will be responsible for reviewing the DHS file (if the case is open or had a history with DHS) and preparing a summary of the case for review and discussion by the CIRT team.

Convening of the Act 33 Team

The Act 33 Team must be convened no later than within 31 days from the receipt of the oral report by ChildLine (DPW). The Act 33 Team must be convened when the alleged abuse occurred in Philadelphia or the child resided in Philadelphia within the 16 months preceding the alleged abuse. Finally, the Act 33 Team may also be convened to address other near fatalities or fatalities as requested by the Commissioner of DHS.

Members of the Act 33 Team

The following people or representatives shall be on the Act 33 Team:

Chief Medical Examiner
DHS CYD Deputy Commissioner and/or DHS Operations Director

DHS Division of Performance Management and Accountability
City of Philadelphia Law Department
District Attorney's Office
Philadelphia Police Department
School District of Philadelphia
Social Work Educator
Physician from Children's Hospital of Philadelphia
Physician from St. Christopher's Hospital
Physician from Department of Behavioral Health
Domestic Violence Agency
Early Childhood Professional
Department of Public Welfare
DHS Psychologist
DHS Nurse

Functions of the Act 33 Team

The Act 33 Team shall perform the following functions:

- Review the circumstances of the child's fatality or near fatality;
- Review the delivery of services to the abused child and the child's family provided by the county agency;
- Review the services provided to the child and the family and the perpetrator by other public and private community agencies or professionals;
- Review relevant court records and documents related to the abused child and the child's family;
- Review the county agency's compliance with statutes and regulations and with relevant policies and procedures of the county agency; and
- Submit a final report to DPW within 90 days of convening.

Areas Addressed in the Report

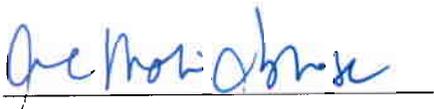
The report shall include the following:

- Strengths and deficiencies in:

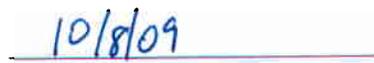
1. compliance with statutes and regulations; and
 2. services to children and families.
- Recommendations for changes at the state and local level on:
 1. reducing the likelihood of future child fatalities and near fatalities directly related to child abuse and neglect;
 2. monitoring and inspection of county agencies; and
 3. collaboration of community agencies and service providers to prevent child abuse and neglect.

Report of the Act 33 Team

Upon completion of the report, the Chair of the Act 33 Team shall forward a copy of the report to the Commissioner of DHS for review and approval. Once approved, but no later than 90 days after the team convened, the DHS Commissioner shall forward a copy of the finalized report to DPW SERO and to the Mayor of the City of Philadelphia. All other disclosures of the report shall be made in accordance with the Act 33.



Anne Marie Ambrose
Commissioner, DHS



Date



CITY OF PHILADELPHIA

DEPARTMENT OF HUMAN SERVICES
1515 Arch Street, Philadelphia, PA 19102
215-683-4DHS (4347)
www.phila.gov/dhs

Commissioner

ANNE MARIE AMBROSE

Deputy Commissioners

TIMENE FARLOW
CYNTHIA FIGUEROA
SUSAN KINNEVY
MARK MAHER
DELL MERIWETHER

Dear Hospital Administrator:

As you may be aware, the Child Protective Services Law (CPSL) now requires that the City of Philadelphia Department of Human Services (DHS) hold a multidisciplinary review of indicated child abuse reports and child abuse reports not determined within thirty days where there is an allegation of a “near fatality” or fatality. The CPSL defines a “near fatality” as “[a]n act that, as certified by a physician, places a child in serious or critical condition.”

I am writing to inform you that when your staff contacts the Philadelphia DHS Hotline to report abuse or neglect, DHS staff will be asking whether or not the treating physician has certified the case as a “near fatality”. If the information is not readily available at the time of the initial contact to the Hotline, DHS investigative staff will follow up with the treating physician.

In order to make it easier for your physicians to report a “near fatality”, and to ensure that DHS has the appropriate documentation in its case records, DHS has drafted the attached form letter for your staff to send to DHS. If a physician decides to certify the alleged abuse case as a “near fatality”, he/she can sign the form letter and fax it to the Child Fatality Program Administrator at 215-683-4296. Please note that this form does not replace a CY-47, which must also be completed.

If you have any questions about this procedure, please feel free to contact Benita Jones, Child Fatality Program Administrator at 215-683-4276.

Sincerely,

Anne Marie Ambrose

CC: Dell Meriwether, Deputy Commissioner
Pamela Mayo, Operations Director
Susan Kinnevy, Deputy Commissioner
Darlene Adams, Director
Dana Wilson, Director
Benita Jones, Child Fatality Program Administrator
Jessica Singal Shapiro, Senior Attorney

If you have a question, complaint, concern, or suggestion about DHS and its operations call the Commissioner's Action Response Office at 215-683-4DHS (4347) or visit our website: dhs.phila.gov and click on the “suggestions” link.

When reporting a case of suspected child abuse or neglect to the Philadelphia Department of Human Services (DHS) or Childline, state law requires that the physician must determine if the case rises to the level of a Near Fatality (an act that, as certified by a physician, places a child in serious or critical condition).

Once a case has been determined by a physician to be a near fatality, this form must be completed and sent to DHS. NOTE: A CY-47 IS STILL REQUIRED TO BE SENT TO DHS.

Please send this completed form to Child Fatality Program Administrator
via facsimile at 215-683-4296.

Date: _____

Attn: Child Fatality Program Administrator
Philadelphia Department of Human Services
1601 Cherry Street, 7th floor
Philadelphia, PA 19102

Re: Child's Name: _____
Child's date of birth: _____

Dear Child Fatality Program Administrator:

Consistent with the mandates of the Pennsylvania Child Protective Services Law, this letter is to certify that:

- ❖ I am a physician who has treated or consulted on the case of the above-named child:
- ❖ The above named child is or was in serious or critical condition related to an event that generated a report to the DHS Hotline or to ChildLine (requiring a CY 47);
- ❖ This child has suffered injuries from an act that meets the definition of a near fatality (an act that as certified by a physician, places a child in serious or critical condition) 23 Pa.C.S. §6303.

If you have any further questions, I can be reached at the following phone number

Sincerely,

Name: _____

Title: _____

Hospital: _____

Address: _____