

Information for Release		5/14/2012
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Date of the notification to CPS: 1/7/2012

Near Fatality

The date the child suffered the near fatality: 1/7/2012

Child's name: Giovanni

Age at time of incident: 1 Year

Perpetrator(s): Virginia Pena

Age: 23 years

City, town or general location of residence of the child and perpetrator(s): At the time of the incident the child and perpetrator were living in Tempe, Arizona.

A. Circumstances of the fatality or near fatality that indicate it was the result of abuse or neglect:

On or about January 7, 2012, Giovanni was transported to the hospital by ambulance. Giovanni was examined by a physician who determined that Giovanni had a head bleed, subdural hematoma in his left parietal. Giovanni had little swelling and no fractures. This injury was consistent with a child being shaken.

B. Whether CPS has received any reports or past cases of child abuse, abandonment or neglect involving the child and the current alleged abusive or neglectful parent, guardian or custodian* :

CPS has received two prior reports alleging abuse or neglect of Giovanni by Virginia Pena.

On or about January 21, 2011, the mother, Virginia took Giovanni into the hospital for a swallow study and an X-ray. During the five hours that they were there she never fed Giovanni. Giovanni's admittance paperwork indicated that he was Failure to Thrive. Giovanni looked thin but his weight was unknown.

The allegations were investigated and determined that the child's basic needs were being met and the home was observed to be appropriate. Findings were unsubstantiated.

On or about October 13, 2010, the mother, Virginia called 911 as Giovanni was choking and having problems breathing. Giovanni was transported to the Hospital by ambulance. Mother's parenting abilities appeared to be lacking as she stated that she did not know how to use a nasal aspirator. Giovanni also had dried feces on his bottom. The allegations were investigated and determined that the child's basic needs were being met and the home was observed to be appropriate. Findings were unsubstantiated.

1. Actions taken by CPS in response to the fatality or near fatality of the child including:

CPS is investigating the allegations through a joint investigation with the Tempe Police Department.

2. Actions taken regarding the child and/or other children in the home:

Following an assessment of child safety Giovanni was released from the hospital and placed into foster care. There are no other children in the home.

3. Whether the agency is or intends to provide direct services or service referrals to the family:

Services provided to the mother will include parent aide services, psychological consultation and evaluation, transportation, community resources and case management.

*Posted information provides whether there have been reports or any current or past cases of child abuse, abandonment or neglect involving the child who has died or suffered a near fatality and the current alleged abusive or neglectful parent, guardian or custodian pursuant to A.R.S. § 8-807(F)(2)(a)(iv).

Information, if any, regarding other family or household members and the child or the alleged perpetrator is not posted on the Web site. Calls to the Child Abuse Hotline that do not meet the criteria of a report because they do not contain allegations of abuse or neglect (or because there is no information provided to locate the child or family) are not posted.