

IN RE:

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

THE EIGHTH DAUPHIN COUNTY  
INVESTIGATING GRAND JURY

:  
: NO. CP-22-MD-1266-2013  
:  
: **NOTICE NUMBER: 08-2013-15**

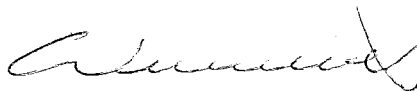
ORDER OF COURT

AND NOW, this 3<sup>rd</sup> day of June, 2015;

IT IS HEREBY ORDERED that **Report Number 3** is accepted and shall be filed as a public record with the Dauphin County Clerk of Court pursuant to 42 Pa. C.S.

§4552. The Report may be inspected by any person. After a review of the record, the Court makes a finding that the Report is based upon facts received in the course of the various investigations authorized by this Court and is supported by a preponderance of the evidence. The Clerk of Court is directed to distribute a copy of the Report along with this Order to each on the individuals listed below.

BY THE COURT



WILLIAM T. TULLY  
SUPERVISING JUDGE

2015 JUN -3 PM 4:01  
DAUPHIN COUNTY  
PENNA  
OFFICE OF  
CLERK OF COURT

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Seán M. McCormack, Chief Deputy District Attorney (2)

Clerk of Courts

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ORDER OF COURT

AND NOW, this 2<sup>nd</sup> day of June, 2015;

IT IS HEREBY ORDERED that Report No. 3 is accepted. This Report shall be sealed and no person shall disclose a return of the Report except when necessary for issuance and execution of process, or as otherwise directed or permitted by order of the supervising judge.

BY THE COURT



WILLIAM T. TULLY  
SUPERVISING JUDGE

J.

Distribution:

Seán M. McCormack, Chief Deputy District Attorney (C-4 copies)

SMC -  
6/2/15



## THE EIGHTH DAUPHIN COUNTY INVESTIGATING GRAND JURY

IN RE:

: IN THE COURT OF COMMON PLEAS OF  
: DAUPHIN COUNTY, PENNSYLVANIA

THE EIGHTH DAUPHIN COUNTY  
INVESTIGATING GRAND JURY

: NO. CP-22-MD-1266-2013  
: **NOTICE NUMBER: 08-2013-15**

TO THE HONORABLE WILLIAM T. TULLY, SUPERVISING JUDGE:

### REPORT NO. 3

We, the Eighth Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We make the following findings of fact upon proof by a preponderance of the evidence and issue these recommendations for legislative, executive or administrative action in the public interest. So finding by unanimous concurrence, we do hereby make this Report to the Court.

A handwritten signature in cursive script, reading "Bonnie Wampler", written over a horizontal line.

Foreperson –  
Eighth Dauphin County  
Investigating Grand Jury

DATED: 5/28, 2015

## **INTRODUCTION**

We, the members of the Eighth Dauphin County Investigating Grand Jury, having received evidence pertaining to matters occurring in Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation 08-2013-15, do hereby make the following findings of fact and recommendations.

### **Section I.**

#### **Findings of fact**

##### **I. The death of Jarrod Tutko, Jr.**

On August 1, 2014, at 10:35 P.M., Harrisburg Bureau of Police officers responded to 2119 Green Street, in the City of Harrisburg for the report of a deceased child. Upon arriving at the home, Kimberly Tutko told officers that her husband, Jarrod Tutko, Sr., had told her that their nine-year old son, Jarrod Tutko, Jr. (DOB: 10/5/2004), has been dead for days. Officers searched the home and found Jarrod Tutko, Jr.'s decomposing body on the floor of the second floor bathroom.

Jarrold Tutko, Sr. indicated to the police that he last saw Jarrod Tutko, Jr., alive on Sunday, July 27, 2014, in the front bedroom on the third floor of the residence. He did not check in on his son again until he discovered his son dead on Tuesday, July 29, 2014. He then proceeded to hide his son's death from his wife by pretending to check in on Jarrod Tutko, Jr., throughout the remainder of the week.

Jarrold Tutko, Sr., told the police he moved his son's body from the third floor bedroom to the second floor bathroom on August 1, 2014, after he told his wife, Kimberly Tutko, that Jarrold Tutko, Jr. was dead.

Police found the door of the front bedroom on the third floor closed. There was a towel or blanket at the base of the door and moth balls scattered in the hallway outside the room. Inside the room, police officers observed that the only furniture in the room was a television bolted to a television stand. A thick coating of feces was smeared on the walls and floor of the room. Behind the television stand was a pile of dried feces. The inside door knob and light switch were both covered in smeared feces. The light in the room was inoperable. Located in the middle of the floor was a stuffed rabbit toy and a blanket, both covered in feces. Flies swarmed throughout the room. The door knobs were 'reversed,' that is, the door knob locked from the hallway so that anyone inside the room could not get out of the room once the lock was engaged.

Dr. Wayne K. Ross, a board certified forensic pathologist, performed the autopsy on August 5, 2014. Prior to the autopsy, Jarrold Tutko, Jr.'s remains were taken to the Penn State Hershey Medical Center for a 'full body scan.' Radiologist, Dr. Danielle Boal, examined the x-rays and observed no obvious fractures. Dr. Boal also note a 'lack of body fat.' At the time of the autopsy, Jarrold Tutko, Jr., was measured at 42 inches tall and weighed 16.9 lbs. Dr. Ross confirmed a lack of body fat throughout Jarrold Tutko, Jr.'s body, consistent with starvation. Dr. Ross noted signs of dehydration and malnutrition. At the autopsy, dried, caked and impregnated

fecal matter was noted to the bottom of the child's feet, along with blue carpet fibers. The child's hands and fingernails were also observed to have fecal matter on them. At the conclusion of the autopsy, Dr. Ross rendered the opinion that the child died as a result of starvation and child maltreatment syndrome, with complications due to malnutrition and dehydration. He declared the manner of death as homicide.

The Dauphin County Coroner's Office also consulted with Andrew T. Stewart, DMD, MAGD, ABGD, a forensic dentist, who examined Jarrod Tutko, Jr.'s teeth. His examination noted that the child had "multiple abscessed teeth." His examination further noted the following:

*"Caries in tooth number H had caused an abscess which fenestrated the bone. Caries in teeth numbers S and T exposed their pulp chambers to the oral environment. These are painful conditions. Based on my findings, it appears that this child was neglected dentally, and was in considerable pain."*

Given the severely neglected state of Jarrod Tutko, Jr.'s teeth noted at the autopsy, investigators attempted to track down any and all of his dental records. To date, investigators have been unable to locate any dental records for Jarrod Tutko, Jr. The child never received any dental care.

Kimberly and Jarrod Tutko, Sr., were both responsible for the care and welfare of their son Jarrod Tutko, Jr. Each parent was aware that Jarrod Junior was kept locked in a feces smeared room without lights where he was forced to sleep on a feces covered bare floor. At the time of his death, starvation and a prolonged period of child maltreatment left Jarrod Tutko, Jr., dehydrated and without any body fat. Jarrod Tutko, Jr., weighed barely 11 pounds more at his death at the age of 9

years than he did at his birth. The failure of Kimberly and Jarrod Tutko, Sr., to provide for even the most basic needs of their son demonstrates their extreme indifference to the value of Jarrod Tutko, Jr.'s life.

## **II. Tutko family history with the child welfare system**

During the course of its review of the facts leading up to the death of Jarrod Tutko, Jr., the grand jury examined the history of the Tutko family and their involvement with the child welfare systems in Pennsylvania and New Jersey.

### **A. Schuylkill County**

Schuylkill Children & Youth Services (Schuylkill County CYS) records indicate that there is an "indicated finding of abuse" against Kimberly Tutko dating to 1993 involving her oldest child from a previous relationship. The "indicated finding of abuse" was the result of a second head injury sustained in a short period of time to her then six-month old baby. Her parental rights to that child were later terminated. Records and testimony also indicate that, for unrelated reasons, Kimberly Tutko would later agree to the termination of her parental rights for the remainder of her children from her former relationship.

After her prior relationship ended, Kimberly Tutko married Jarrod Tutko, Sr. While still living in Pennsylvania, Kimberly Tutko gave birth to B.T. (female-DOB 8/31/2000) and A.N.T. (male-DOB 9/15/2001). On October 15, 2002, records indicate that there was a court hearing scheduled in



Schuylkill County involving the Tutkos and Schuylkill County CYS. Schuylkill County CYS intended to seek the removal of B.T. and A.N.T. (male) from the Tutko's care due to concerns for the welfare of the children. Schuylkill County CYS caseworkers were concerned about the family's unstable housing situation, the family moving from place to place, and the children not receiving medical care. The hearing never took place as Kimberly and Jarrod Tutko, Sr., moved out of the state prior to the hearing date. Schuylkill County CYS closed out their proceedings against Kimberly and Jarrod Tutko as a result of the Tutkos moving to the State of New Jersey.

Dauphin County CYS records note that in November 2013, Jarrod Tutko, Sr., revealed to one of their caseworkers that the reason the family moved to New Jersey in 2002 was because ***"...his lawyer had advised them at the time to pack their bags and move as the Agency (Schuylkill County CYS) was going to place the children."***

**B. The Youth and Family Services Division of the New Jersey Department of Human Services (NJ-DYFS)**

The Youth and Family Services Division of the New Jersey Department of Human Services (NJ-DYFS) became aware of the Tutko family as the result of a referral by Schuylkill County CYS. On October 11, 2002, case workers from Schuylkill County CYS notified NJ-DYFS that there was an open case in Pennsylvania with the Tutko family and a hearing was

scheduled to occur on October 15, 2002, concerning the possible removal of B.T. (female-DOB 8/31/2000) and A.N.T. (male-DOB 9/15/2001). The NJ-DYFS report further indicates that Schuylkill County CYS was concerned that the parents were not following through with their agency's safety plan and the Tutkos refused to sign releases to allow Schuylkill County CYS to review records related to the children. They also reported that Kimberly Tutko already had her parental to her older children from a previous relationship rights terminated. NJ-DYFS contacted the local police department to check on the welfare of the Tutko children. The Tutko's were staying in a hotel at the time of this report. When police officers checked on the Tutko family, the hotel room appeared in order and the children seemed safe. This referral was ultimately closed out by NJ-DYFS authorities. However, NJ-DYFS caseworkers received over the next few years other referrals alleging improper parenting and a failure by both Tutko parents to follow doctors' instructions concerning proper medical care for the children.

Jarrold Tutko, Jr. was born on October 5, 2004, at the Shore Memorial Hospital in Somers Point, New Jersey. Shore Memorial Hospital records show that NJ-DYFS requested that hospital staff 'place a hold' on releasing Jarrold Tutko, Jr., to his parents' care after his birth because of an ongoing NJ-DYFS investigation into Kimberly and Jarrold Tutko, Sr. This investigation concerned Jarrold Tutko, Jr.'s female sibling A.R.T. (DOB: 8/11/2003) and resulted in a **substantiated report of medical neglect**. On

September 27, 2004, NJ-DFYS caseworkers had removed A.R.T. from her parents and placed her in foster care due to a failure of the Tutkos to provide proper medical care for their daughter. NJ-DYFS records indicate the following:

***"Neglect is substantiated. The parents failed to get the baby [A.T. (female)] the proper follow up care after hospitalization for seizure disorder. This necessitated another emergency room visit. Parents neglected to follow prescribed medication after first hospitalization."***

NJ-DYFS Records show that after A.R.T. (female) was released from the hospital in July 2004, Jarrod Tutko, Sr., decreased the dosage of her medication against the recommendation of the pediatrician. Despite medical instructions to schedule follow up visits with the doctors, Kimberly Tutko and Jarrod Tutko, Sr., never brought A.R.T. (female) for follow up visits.

After a second hospitalization in September 2004, again the Tutkos were instructed to take A.R.T. (female) to her doctors for critical follow up appointments. When the Tutkos failed to follow the doctor's recommendations, NJ-DYFS caseworkers removed A.R.T. (female) from Kimberly and Jarrod Tutko's custody and care. As a result of their improper care and follow up with medical appointments for A.R.T. (female), Jarrod Tutko, Jr., was also placed in foster care upon his release from the hospital. Jarrod Tutko, Jr., remained in foster care from October 12, 2004, until October 18, 2004.

After being returned to his parents, Jarrod Junior remained in the care of his parents for approximately nine months until July 3, 2005. On June 21, 2005, Jarrod Tutko, Jr., was once again the subject of a NJ-DYFS investigation. A home health nurse assisting the family became concerned with Jarrod Tutko, Jr.'s, lack of weight gain. The nurse was concerned that the parents were not accurately feeding the now nine-month old child. NJ-DYFS case records note the following:

*"7/3/2005- Caller states that Jarrod has a history of losing weight and developmental delays. He has been a patient of Dr. Dahodwala since 6/2/2005. His previous pediatrician, Medford Kids, had a problem of non-compliance and the parent's not following dr's orders. Dr. negotiated with insurance company for a nurse to go to the home. On Thursday, 6/30/05, Jarrod weighed 14 lbs. 2 oz. (he was 5 lbs. 15 oz. at birth). On 7/1 the nurse again reported Jarrod lost weight. Today the nurse advised the doctor that Jarrod is 13 lbs+. Jarrod should be gaining 1 oz. per day. Dr. Dahodwala called the father today and advised that Jarrod needs to be admitted to the hospital today. Father said that he does not have a car. Dr. suggested he call an ambulance. Father said no and hung up the phone."*

Records from Shore Memorial Hospital in New Jersey note that Jarrod Tutko, Jr., was admitted to the hospital in July 3, 2005, as a result of "DYFS intervention." He was admitted to the hospital weighing 13 lbs. 7 oz. By his discharge on July 11, 2005, he gained over a pound and weighed 14 lbs. 11 oz. NJ-DYFS records indicate that Jarrod Tutko, Jr., upon his release from the hospital, was again placed in foster care on July 11, 2005. He remained in foster care until April 6, 2006.

While in foster care, in August 2005, Jarrod Tutko, Jr., was diagnosed as being positive for **Fragile X Syndrome**. His weight at this time was noted to be 17 lbs. 10 oz. According to the National Institutes of Health, Fragile X syndrome is the most common form of inherited developmental disability. Malnutrition is not a common condition associated with Fragile X syndrome.

**C. Dauphin County Social Services for Children and Youth**

In 2005 the Tutko family moved from New Jersey to Dauphin County, Pennsylvania. During her interview on August 2, 2014, with Detective Rodney Shoeman of the Harrisburg Police, Kimberly Tutko indicated that she and her husband moved the family to the Harrisburg area sometime in 2005. If this is correct, it appears the Tutko family moved to Harrisburg while Jarrod Tutko, Jr., was still in foster care in New Jersey. NJ-DYFS records indicate that Jarrod Tutko, Jr., was returned to Kimberly and Jarrod Tutko, Sr., on April 6 2006.

**April 24, 2002**

Prior to 2006, Dauphin County Social Services for Children and Youth (Dauphin County-CYS) records only list one prior contact with the Tutko family and Dauphin County-CYS. That contact was on **April 24, 2002**. This

report appears to be the result of a phone call made by Kimberly Tutko complaining about the involvement of Schuylkill County CYs with her family.

**July 7, 2006**

Not long after Jarrod Tutko, Jr., was returned to Kimberly and Jarrod Tutko, Sr., NJ-DYFS made a referral to Dauphin County-CYS concerning the Tutko children. On **July 7, 2006**, a NJ-DYFS caseworker contacted Dauphin County CYs to report that NJ-DYFS caseworkers were ***“concerned that the family is not receiving services [in Pennsylvania] like they were receiving in New Jersey.”*** This referral was “screened out” and not investigated.<sup>1</sup> Testimony taken by the grand jury indicates that Dauphin County-CYS “screened out” this referral due to incomplete information concerning the location of the family.

**January 9, 2008**

The Tutko family next came to the attention of Dauphin County-CYS on **January 9, 2008**. The agency received a report from staff at the Steele Elementary School in Harrisburg. The report concerned B.T., the oldest Tutko daughter, who was seven years old at the time of the report.

*The report indicated that the child has had poor hygiene and is dirty. Child reported being afraid of her father and that her mother touched her ‘inappropriately’. The child’s teacher reports that Jarrod Tutko, Sr.*

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<sup>1</sup> Screened out is a category used by Dauphin County-CYS that indicated the agency, for any number of reasons, made a decision not to further investigate the referred report.

*calls the teacher every week and is intimidating towards the teacher. A.N.T. (male-DOB 9/15/2001) reported that his father is "scary like a monster".*

According to CYS records, this referral was opened for investigation and that an investigation was completed on February 8, 2008. The grand jury learned through the testimony of Dauphin County CYS Assistant Administrator Kirsten Johnson<sup>2</sup> that the supporting documents concerning the investigation into this referral were never filed and cannot be located. Therefore, the results of this investigation are not known.

#### **February 3, 2010**

On **February 3, 2010**, Dauphin County CYS again received a referral concerning D.T. from staff at Steele Elementary School. The referral notes indicate the following:

*2/3/2010, 12 PM, [Phone call] from [referral source] who states that the child, [D.T.], is hearing impaired and uses sign language. The child had a fever yesterday. The school called the father to pick up the child and there was no response. The child still has a fever today. The child stated dad was angry. The child stated "slap" when the school asked if the dad did anything to her. The child is agitated and the school is afraid to send the child home...*

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<sup>2</sup> At the time of her testimony Kirsten Johnson held the position of Assistant Administrator. Organizationally, she reported directly to Administrator Peter Vriens and was the second highest person in the agency. A number of witnesses testified before the grand jury that Ms. Johnson was the person they saw as actually responsible for the day to day running of the agency. Since the time of her testimony, Kirsten Johnson has been reassigned and currently holds the position of Director at the agency. Administrator Peter Vriens retired on March 2, 2015. At the time of this report the agency is currently being administered by Joseph Dougher as the Acting Administrator while the Dauphin County Commissioners search for a permanent replacement for Peter Vriens. The position of Assistant Administrator is currently vacant.

Dauphin County CYS records indicate that this referral was investigated by the agency. A caseworker was assigned to investigate the referral. The caseworker made an unannounced visit to D.T. at her school on February 8, 2010. The caseworker spoke to D.T. A teacher was present to provide sign language interpretation while the caseworker spoke with D.T. During the visit, D.T. did not provide any information to the caseworker nor did she disclose that her father, or anyone else in the house, slapped her.

The caseworker made a follow-up visit to the school on February 12, 2010, to meet with D.T.'s sibling, A.N.T. During his meeting with the caseworker, A.N.T. denied any knowledge of his older sister being physically disciplined. He did state that his younger brother, Jarrod, sometimes gets smacked on the hands but denied any other physical discipline.

On February 18, 2010, the caseworker made an announced visit to the Tutko home. During this visit, the caseworker observed B.T. and A.R.T. A.R.T. was confined to a hospital bed in the home and Kimberly Tutko told the caseworker that A.R.T. was severely brain damaged due to a seizure in 2007. The caseworker observed that B.T. exhibited traits and behaviors that in the caseworker's past experience she had seen with other children that were autistic. She suggested to Kimberly Tutko that she might want to have B.T. examined by a doctor for autism. During this visit, Kimberly Tutko explained the situation of D.T.'s fever which prompted the staff at Steele Elementary School to make a referral to CYS. She told the caseworker that



although D.T. had a fever the day before, she felt D.T. was fine the next day and sent her to school. She stated that she even took D.T.'s temperature that morning and it was normal.

The caseworker noted in her report that prior to closing out her investigation she still needed to observe Jarrod Tutko, Jr. According to the report, Kimberly Tutko advised the caseworker during the February 18, 2010, visit that Jarrod Junior was over at a friend's house playing. There is no indication in the report that the caseworker observed all of the rooms in the home during this visit. A scheduled follow up visit to the home was conducted on February 19, 2010. A different caseworker observed Jarrod Junior during that visit. The caseworker noted he *"appeared to be well groomed and appropriately dressed. Child appears to be slightly MR (mentally retarded). No concerns noted in the home."* The investigation into the February 3, 2010, report was therefore closed.

It is unclear from Dauphin County-CYS records whether the caseworkers investigating this referral had access to and/or reviewed previous referrals to the agency concerning the Tutko children. Nor do the records indicate if the caseworker was aware of the previous *substantiated/indicated* child abuse/neglect reports that were investigated previously in Schuylkill County and New Jersey.

**December 9, 2010**

Another report concerning D.T. was received by Dauphin County-CYS on **December 9, 2010**. *"Referral source reports that the child has been dirtier all this year and last year. Referral source [reports] child wears the same clothes for days on end. Child is hearing impaired."* Dauphin County-CYS records indicated that this referral was not investigated. The referral was classified as "information only" and the record indicates the caseworker receiving the referral "gave referral to supervisor." No further records concerning this referral exist. Again, it is unclear from the records if the caseworker receiving this referral accessed or reviewed previous referrals to the agency concerning the Tutko children. Nor do the records indicate if the caseworker was aware of the previous *substantiated/indicated* child abuse/neglect reports that were investigated previously in Schuylkill County and New Jersey.

**October 23, 2013**

**October 23, 2013**, a report was received by Pennsylvania's child abuse hotline, CHILDLINE. As a result of the report, Dauphin County CYS began an intake assessment of the Tutko family. The following information was provided on the ChildLine Referral:

*[Child] told [referral source] he witnesses ongoing [domestic violence] in the home between [mother] and [father]. [Child] told*

*[referral source] he is often involved in parent's arguments and is expected to choose sides. [Child] states when siding with [mother], [father] hits, yells, curses and gets into [child's] personal space. [Child] states his [father] picks fights with [child] and takes his anger out on [child], [unknown] details and [unknown] timeframe. [Child] states on 10/21/13 he wanted to run away from home because of all the fighting. [Child] states when [father] found out [child] wanted to run away, [father] 'went off on him,' no details provided, [child] states he is afraid to talk to anyone about what happens at home because he is afraid [father] will 'beat up on him.' [Child] denies pain, injury or impairment and could not give specific times when the incidents took place, report will be [general protective services].*

Caseworker #1 testified before the grand jury and outlined the investigation she conducted starting on October 24, 2013.<sup>3</sup> Dauphin County-CYS records indicate, and Caseworker #1 testified, that she told the Tutkos that she needed to see all of the children in the home. As a result of this request, Jarrod Tutko, Sr., then went up to the third floor of the home and, after about 15 minutes, carried Jarrod Tutko, Jr., down to the second floor. When Caseworker #1 observed that Jarrod Junior's head was wet, Jarrod Tutko, Sr. told her that his son had poured iced tea on his head.

During a subsequent visit with A.N.T. (male), 12 years of age at the time, at his school on October 31, 2013, A.N.T. advised Caseworker #1 that his father had lied about why Jarrod Junior's head was wet. According to

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<sup>3</sup> Caseworker #1 was assigned to work on this referral even though this type of case was outside the scope of her job duties. Caseworker #1 was assigned as a Quality Assurance Specialist. A referral such as the October 23, 2013, Tutko referral would normally be investigated by someone assigned to the agency's Intake Unit. Due to a large volume of referrals that the Intake Unit had handled in the weeks prior, a decision was made by the Dauphin County-CYS to assign all new referrals (over approximately a 2 week period) to caseworkers assigned in other units within the agency.

Dauphin County-CYS records, A.N.T. told her that Jarrod Junior ***"had poop from his diaper all over himself and his dad tried to wash it up."*** He also said, ***"His dad doesn't care about Jarrod Junior anymore."***

Caseworker #1 testified her investigation involved allegations reported by A.N.T. involving ongoing domestic violence in the home. During the course of her investigation the various disabilities/conditions of the Tutko children were learned by Caseworker #1. Through the investigation she also learned the following additional information:

1. Both Jarrod Tutko, Sr., and Kimberly Tutko were unemployed and stayed home to take care of the children.
2. A.N.T. did not have a bed or a bedroom. A.N.T. slept on the couch in the living room.
3. A.N.T. reported that his father punched holes in the wall during the domestic arguments. Caseworker #1 observed areas of the home where patch repairs had been made to holes in the wall. Caseworker #1 confirmed with Kimberly Tutko that her husband had in the past punched holes in the walls when he was upset. Jarrod Tutko, Sr., confirmed to Caseworker #1 that he did punch holes in the wall previously. According to Dauphin County-CYS records, *"Mrs. Tutko is always following him around antagonizing him and he punches holes in the walls because it's better than punching a person."*

4. A.N.T. reported that his father breaks cell phones during the arguments. Dauphin County-CYS records indicate that Kimberly Tutko confirmed that Jarrod Tutko, Sr., has broken cell phones;
5. A.N.T. reported that his mother would call him upstairs during arguments with his father. While Kimberly Tutko denied this to the caseworker, Jarrod Tutko, Sr., confirmed that she always calls A.N.T. up when they are fighting.
6. A.R.T. (female-age 10) and Jarrod Tutko, Jr. (age 9) were not enrolled in school.
7. Kimberly Tutko had her rights to other children terminated and then adopted through Schuylkill County-CYS in the past due to abuse/neglect allegations.
8. The Tutko family was open for services in New Jersey due to concerns for medical and educational neglect and homelessness. A.R.T. and Jarrod Tutko, Jr., were both previously placed into foster care in New Jersey. Three of the reports in New Jersey were substantiated for medical neglect.
9. During an in home visit of the Tutko home on November 1, 2013, Caseworker #1 requested Mr. and Mrs. Tutko to sign medical releases to allow the caseworker to obtain the medical records for the children and to speak with the medical service

providers. ***"Mrs. Tutko became upset and asked what the consents are needed for and said that's how things get mixed up. Mrs. Tutko further stated she takes the kids to the emergency room when they are sick. Mrs. Tutko threw the consents and continued to yell and asked if she needed to get a lawyer."*** During the course of this investigation, neither Tutko parent would consent to give caseworkers from Dauphin County-CYS access to their children's medical records.

Through her investigation, Caseworker #1 became concerned about the situation in the Tutko home. During her testimony before the grand jury Caseworker #1 explained her concerns:

**Question:** And overall – the family became more and more – I don't know if hostile is the proper word but uncooperative as you were dealing with them as time went on, am I correct?

**Caseworker #1:** *Correct.*

**Question:** They were not happy about you being part of their lives?

**Caseworker #1:** *Correct.*

**Question:** Okay. And - - and at some point in time, there was I think - - you correct me if the term is wrong - - was a triage done or some type of meeting at your agency?

**Caseworker #1:** *An emergency triage.*

**Question:** What's an emergency triage?

**Caseworker #1:** *It's when we have a situation that comes up at Children and Youth that is maybe more serious and we have an all-staff email that goes out or an announcement that there's an emergency triage and staff come up as well as administration to talk about the situation and plan for the next steps.*

**Question:** What - - during this particular meeting, what were the plans for the next steps with this family?

**Caseworker #1:** *The plans for the next steps were to open the family for voluntary protective services due to the ongoing domestic violence, the special needs of the children, the family's history, attempt to try to in that way build a relationship with the family to cooperate and further assess those things.*

**Question:** On a scale of 1 to 10 how serious of a situation did you think this family was presenting as you were involved with them up to the point you stopped being involved with the family given the stuff that you were learning about them?

**Caseworker #1:** *I was very concerned. Probably a 9.*

**Question:** Okay. What - - And, I don't mean to put you on the spot, but what - - what would you like to see happen with this particular

family with your agency? For example, if you were to continue on with the family, what were you looking to see happen?

**Caseworker #1:** *I was looking to - - because Mr. and Mrs. Tutko were telling me one thing about their kids' medical issues, I was looking to get the medical records to be able to further assess the truthfulness as to what they're saying. I had also requested the Tutkos to get the children enrolled in school. They had identified [A.N.T.] as a problem and that he was making things up and causing issues, so I suggested the Tutkos look into family based services and at the same time the agency provide protective services to monitor the home environment.*

As a result of the emergency triage meeting a plan was developed to continue working with the family, try to get the medical releases signed, have the two children of school age not attending school enrolled in school, follow up with Schuylkill County-CYS and NJ-DYFS for more information concerning their contacts with the Tutkos, and follow up with law enforcement concerning any reports of domestic violence. It was also decided that another caseworker would be assigned to take the case over from Caseworker #1. That decision was made because it was felt that a male caseworker coming from a rural community background similar to Mr. and Mrs. Tutko might be able to get better cooperation from the Tutkos.



According to testimony from Kirsten Johnson, the new caseworker assigned to the Tutko family in November 2013, ***“had a significantly different impression”*** of the seriousness of the situation concerning the Tutko family than Caseworker #1. She testified that during her agency's internal review after Jarrod Tutko's death, Dauphin County-CYS identified this as an issue:

*“There were also concerns about the transfer of the case and the fact that from one worker's assessment to another worker's assessment there were significant changes, and that one worker had a very strong level of concern and that the next worker did not, and that there never appeared to be a dialogue between those workers or between those supervisors about why there was such a discrepancy between what it is that we're seeing and how do we resolve that. That did not occur.”*

It should be noted that Caseworker #1 accompanied the new caseworker on at least one occasion to the Tutko home during the transition period and she wrote a comprehensive “transfer summary” report which outlined the family history with both Schuylkill County-CYS and NJ-DYFS, the lack of cooperation from the family concerning the signing of medical releases, the failure of the family to enroll A.R.T. and Jarrod Junior in school, and information corroborating A.N.T.'s report about domestic violence in the home. The transfer summary also included the information, discussed previously in this report, whereby Jarrod Tutko, Sr., admitted the reason the family moved to New Jersey was to avoid the Schuylkill County-CYS court

hearing where CYS had indicated to the family its desire to seek custody of D.T. and A.N.T.

Despite the red flags identified by Caseworker #1, the new caseworker assigned to the Tutko family and his supervisor (Supervisor #1) did not follow up to ensure the identified children were actually enrolled in school. The new caseworker (Caseworker #2) was also unable to get Mr. and Mrs. Tutko to sign medical releases so the agency could do an independent review and assessment of the children's medical care.

The Supervisor #1 and Caseworker #2 did follow up with visits to the Tutko home. They did see the children while conducting those home visits. They also met with D.T. at her school. During one visit to the Tutko home, the issue of medical releases was again brought up by the supervisor. Kimberly Tutko again refused to sign medical releases but did consent to allow the supervisor permission to look at binders Kimberly Tutko had compiled concerning her children's medical care. Neither Supervisor #1 nor the Caseworker #2 examined the third floor of the Tutko home. Supervisor #1 testified that she did not go above the first floor of the Tutko home and the Caseworker #2 was unaware that the home had a third floor.

Without ever getting the Tutkos to sign medical releases for the children and therefore unable to confirm the information shared by the parents concerning their children's medical welfare and treatment, the agency closed out the family's case on December 20, 2013. No attempt was made to

confirm with the Harrisburg School District to see if the family was following up on the agency's request to have A.R.T. and Jarrod Junior enrolled in school.

**January 21, 2014**

**January 21, 2014**, a call was received from Hershey Medical Center concerned for the safety of A.R.T. (female). The following information was contained in the ChildLine referral (CY47 form):

*"The [child-A.R.T.] was admitted on 1/17/2014. The [child] was unkempt with dirty not trimmed finger nails. The [child] is bed bound and cannot take care of herself. The [child] is admitted and is transported by ambulance and taken home by ambulance. The family has no transportation and multiple children at home. The family does not visit the [child] when the [child] is admitted. The [referral source] said the family can take the bus to visit the [child]. The [child] is not verbal. The [child] has a lot of medical needs and was not admitted due to neglect. The [child] was admitted due to rapid heart rate and fever. [Referral Source] said the nurses (Elite Staffing) that were past in the home are refusing to take the case as 'the family was uncooperative.' The [Referral Source] said the family does not know the report is being made since the family did not visit the [child]. [Referral Source] has arranged for Central PA Nurses to take care of the [child] at home.*

The following additional information was contained in the CYS records after the agency received the ChildLine report;

*"[Referral Source] reported that when the child was being discharged the ambulance contacted the parents to talk to the parents about the child coming home. [Referral Source] stated that the parents started to change their stories saying the child could not be discharged home as they did not have supplies to care for her.*

*[Referral Source] stated they were able to verify that the family had the supplies for the children. [Referral Source] stated that the parents then said they couldn't care for the child if she was coming home on oxygen (child has been on oxygen previously) as her doctor from St. Christopher said it was not allowed. [Referral Source] stated the hospital followed up with the doctor at St. Christopher who is following [A.R.T.] for pulmonology and he stated the child can be sent home with oxygen. [Referral Source] stated that the hospital confronted the parents with this information and they said to send the child home.*

Caseworker #3 testified that in January 2014 he was assigned as a "Screening Caseworker" at Dauphin County CYS. He explained his responsibility was to take phone calls from the community about possible abuse or neglect of children. Reports of child abuse or neglect also come to a screener through reports from the state-wide child abuse hotline-ChildLine. The ChildLine reports are typically sent to a county CYS agency via an electronic document.

Caseworker #3 was the caseworker who received the January 21, 2014, referral referenced above from ChildLine. He indicated that he gave the referral to his supervisor (Supervisor #2). He further testified that Supervisor #2 classified the referral as "information only," thereby screening out the referral. Caseworker #3 testified that in his position as a screener he would have access to prior reports and information gathered by Dauphin County-CYS in previous referrals concerning the child and/or family that was the subject of a new referral.

**Question:** You said some of the things you do as a screener, what you do is that you try to do a little research on the family; is that correct?

**Caseworker #3:** *Yeah. We try to gather as much information on the family to see if we ever had involvement; look up any criminal things with the family, as much information as we can find.*

**Question:** Did you do that in this case?

**Caseworker #3:** *I cannot remember what I did.*

Caseworker #3 continued his testimony and described what he did next with the January 21, 2014 referral...

**Question:** So you do the screening and you said that this information is given to the screening supervisor; is that correct?

**Caseworker #3:** *Correct. ...*

**Question:** ... What determination was made with the call?

**Caseworker #3:** *The referral was made information only, meaning that it would not be assessed.*

**Question:** When you say not assessed, you mean no one would be sent out to the home to check on this status, this child?

**Caseworker #3:** *Correct.*

**Question:** And you said that was information - - you provided whatever information you had, you provided to [Supervisor #2] and she was the one who made the decision to make it information only?

**Caseworker #3:** *Correct.*

**Question:** And then what do you do with the call then?

**Caseworker #3:** *Then what happens is we had to enter dictation as information only so we can track. That is our way that we track all the calls that we receive that are information only.*

**Question:** No one would be sent into the home to check and see whether the nursing, Central Pennsylvania Nurses actually did move in- actually did work with the family; is that correct?

**Caseworker #3:** *Correct.*

**Question:** Do you give any feedback then? Do you call the reporting source to say, 'We've marked this as information only; we are not doing anything further with it'?

**Caseworker #3:** *We sometimes do. Sometimes we do not.*

**Question:** Do you have a specific recollection whether you did that in this case with this child?