



**STATE OF DELAWARE**  
**Child Death, Near Death and Stillbirth Commission**  
900 King Street  
Wilmington, DE 19801-3341

## **CAPTA<sup>1</sup> REPORT**

In the Matter of  
David Burke  
Minor Child<sup>2</sup>

9-03-2006-00005

September 16, 2011

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<sup>1</sup> The federal Child Abuse Prevention and Treatment Act requires the disclosure of facts and circumstances related to a child's near death or death. 42 U.S.C § 5106 a(b)(2)(A)(x). See also, 31 Del.C. § 323 (a).

<sup>2</sup> To protect the confidentiality of the family, case workers, and other child protection professionals, pseudonyms have been assigned.

## **Background and Acknowledgements**

The Child Death, Near Death and Stillbirth Commission (“CDNDSC”) was statutorily created in 1995 after a pilot project showed the effectiveness of such a review process for preventing future child deaths. The mission of CDNDSC is to safeguard the health and safety of all Delaware children as set forth in 31 Del.C., Ch., 3.

Multi-disciplinary Review Panels meet monthly and conduct a retrospective review of the history and circumstances surrounding each child’s death or near death and determine whether system recommendations are necessary to prevent future deaths or near deaths. The process brings professionals and experts from a variety of disciplines together to conduct in-depth case reviews, create multi-faceted recommendations to improve systems and encourage interagency collaboration to end the mortality of children in Delaware.

## **Summary of Incident**

The case regarding David Burke is considered a near death incident due to severe physical abuse perpetrated by the child’s alleged father. At the time of the near death incident, David was six weeks of age and residing in the home of his mother and alleged father.

David was born at thirty nine weeks gestation on the 20<sup>th</sup> of February. At birth David weighed 3544 grams (7 pounds 13 ounces). During pregnancy mother received minimal prenatal care during which she was diagnosed with gestational diabetes. Mother’s labor was induced and upon birth, David presented with no congenital anomalies or abnormal conditions.

On the day of David’s near death incident, David was taken to the Emergency Room by his mother with the chief complaint of left sided “twitching” and “jumping”, increased irritability, and vomiting. It was further reported by David’s alleged father that David “went limp” the day prior while in his care. A CT scan of the head was obtained which showed anterior and posterior subarachnoid and subdural hemorrhages. David was admitted to the Pediatric Intensive Care Unit (PICU) for further evaluation and treatment. David was placed on oxygen and medication was administered in order to control David’s continued seizures. However, it was noted that the medication was unsuccessful and therefore it was discontinued.

Two days after David’s admission, magnetic resonance imaging (MRI) was performed. The MRI of David’s brain showed the previous hemorrhage as seen on the CT scan as well as an ischemic stroke and cerebral infarction likely a result of spasms of the blood vessels at the time of bleeding. David’s electroencephalogram (EEG), laboratory studies, ophthalmic exam, and skeletal survey were all within normal limits and yielded negative results. His dermatological examination was also unremarkable for any bruising or swelling. David was diagnosed with epilepsy secondary to shaken baby syndrome. David was discharged into the care of his mother and was referred to Child Development Watch and neurology for continued monitoring.

The Division of Family Services’ Child Abuse and Neglect Report Line received an urgent referral alleging the physical abuse of David by his alleged father. The report

was accepted and a joint investigation began between the Division of Family Services and law enforcement. The investigation concluded with the alleged father's confession that he had dropped David while carrying him and then proceeded to shake David after he would not stop crying. David's alleged father was substantiated for physical abuse, level IV.

David's alleged father was arrested and charged with assault by abuse. Criminal prosecution resulted in alleged father pleading guilty to assault by abuse and neglect. David's alleged father was sentenced to ten years Level V, suspended after five years (two years minimum) for six months Level IV, suspended for eighteen months Level III.

### **System Recommendations**

After review of the facts and findings of this case, the Panel determined that all systems did meet the current standards of practice and therefore no system recommendations were put forth.