



Report Identification Number: SY-19-037

Prepared by: New York State Office of Children & Family Services

Issue Date: Dec 17, 2019

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child’s family; any extraordinary or pertinent information concerning the circumstances of the child’s death; whether the child or the child’s family received assistance, care or services from the social services district prior to the child’s death; any action or further investigation undertaken by OCFS or the social services district since the child’s death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child’s household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child’s siblings or other children in the household.**

OCFS’ review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS’ assessment and the performance of these agencies.



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation		



Case Information

Report Type: Child Deceased
Age: 4 month(s)

Jurisdiction: Onondaga
Gender: Female

Date of Death: 07/10/2019
Initial Date OCFS Notified: 07/10/2019

Presenting Information

An SCR and two duplicate reports alleged that on 7/9/19, the mother left the 4-month-old subject child and the 4-year-old surviving sibling in her bedroom for an unknown period of time. The mother had placed the 4-month-old on her back on the queen sized bed with the 4-year-old surviving sibling and went into the kitchen. The 4-year-old yelled to her mother that something was wrong with the subject child. The mother entered the room and found the subject child with her head dangling off the bed and her legs in the air. The subject child was unresponsive. The mother called 911. The subject child was transported to the hospital by EMS at 11:10 PM on 7/9/19 and pronounced deceased at 12:07AM on 7/10/19.

Executive Summary

This fatality report concerns the death of a 4-month-old female subject child that occurred on 7/9/19. A report was made to the SCR on 7/9/19, along with two duplicate reports on 7/10/19. There were four surviving siblings (ages 15yr, 14yr, 4yr and 23 months), OCDSS assessed their safety and there were no noted concerns.

OCDSS had been involved with the family since 1/17/19, after two SCR reports were received. The report received on 1/17/19 had concerns about the 14-year-old surviving sibling's school attendance, panhandling for money and wandering the streets at all hours of the day and night. The 5/28/19 report had concerns that the father punched and spat on the mother in front of the children and the 15-year-old surviving sibling intervened on his mother's behalf and the father punched him as well. The father was out of the home at the time of the fatal incident.

On the evening of 7/9/19, the mother had placed the subject child on her back on a queen-sized bed. The subject child was at the foot of the bed and the 4-year-old surviving sibling was at the top of the bed watching TV. The mother then went into the kitchen with the 23-month-old surviving sibling to clean the kitchen. Approximately 20 minutes later the 4-year-old came out of the bedroom and told her mother something was wrong with the subject child. The mother found the subject child laying on the floor with her feet in the air. The subject child was unresponsive. 911 was called and the 15-year-old surviving sibling performed CPR. EMS arrived and transported the subject child to the hospital where she was pronounced deceased at 12:07 AM on 7/10/19. The 14-year-old surviving sibling was not at home at the time of the fatal incident.

An autopsy was performed. There were no physical signs of trauma to the subject child; however, the Medical Examiner's report was still pending at the time of this writing.

OCDSS gathered information about the child's death from the mother, the 15-year-old surviving sibling, attempted to interview the 4-year-old surviving sibling, law enforcement, the medical examiner, the hospital, and medical providers. OCDSS offered referrals for bereavement services and it was unknown if they were used.

OCDSS thoroughly investigated the fatal incident; however, the two oldest surviving siblings had not been attending school and this had been an ongoing problem since 2015. The 15-year-old had mental health issues that were impacting his school attendance and were not being addressed. The 14-year-old had a history of running away and engaging in high risk behavior and was arrested for stealing while the fatality investigation was still open. She had been placed on probation and remained on probation at the time of this writing. The 14-year-old was still not attending school. The school social worker made a referral for preventive services.



OCDSS substantiated the allegations of DOA/Fatality, lack of supervision, and inadequate guardianship against the mother for the subject child. The mother was aware of safe sleep practices but admitted to leaving the child in an unsafe sleep environment. The subject child was found with her head buried in a pile of clothes on the floor and her feet in the air. The family was referred for home based services and family therapy and parent aide services were planned at the time of the determination. OCDSS indicated and closed the investigation noting no CPS required despite the plan to open services as a result of their findings.

PIP Requirement

OCDSS will submit a PIP to the (fill in the blank) Regional Office within 30 days of receipt of this report. The PIP will identify action(s) the LDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, LDSS will review the plan and revise as needed to address ongoing concerns.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
 - **Approved Initial Safety Assessment?** No
 - **Safety assessment due at the time of determination?** No
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** Yes

Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** No, sufficient information was gathered to determine some allegations only.
- **Was the determination made by the district to unfound or indicate appropriate?** Yes

Explain:

OCDSS did not gather sufficient information regarding the ongoing issues pertaining to the two older siblings. They consistently were absent from school. The 15yr had significant mental health issues that were not being addressed and the 14yr had a significant history of engaging in high risk behaviors such as running away, panhandling and stealing.

- Was the decision to close the case appropriate?** N/A
- Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?** No
- Was there sufficient documentation of supervisory consultation?** Yes, the case record notes a consultation took place, but no details noted.

Explain:

OCDSS thoroughly investigated the fatal incident; however, the two oldest surviving siblings had not been attending



school. The 15yr had mental health issues that were not being addressed. The 14yr had a history of running away and engaging in high risk behavior. These issues were not sufficiently addressed in any of the open investigations at the time of the fatal incident or after.

Required Actions Related to the Fatality

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:	Assessment as to need for Family Court Action
Summary:	OCDSS did not consult with their legal department although the 14yr and 15yr surviving sibling were not attending school, this had been ongoing since 2015. The parents had a history of untreated mental health issues that impacted their parenting.
Legal Reference:	SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)
Action:	OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.
Issue:	Contact/Information From Reporting/Collateral Source
Summary:	OCDSS did not document in the Connections case record that they had verified the Order of Protection against the father had been lifted. There was no contact made with parents mental health providers or the 14yr's probation officer.
Legal Reference:	18 NYCRR 432.2(b)(3)(ii)(b)
Action:	OCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.
Issue:	Adequacy of Risk Assessment Profile (RAP)
Summary:	The RAP was scored that the parents did not have a diagnosed mental health illness and they both had significant mental health history.
Legal Reference:	18 NYCRR 432.2(d)
Action:	OCDSS will accurately reflect the current caretakers of children in risk assessments, and accurately assess and document each respective risk element identified into the Risk Assessment Profile.
Issue:	Overall Completeness and Adequacy of Investigations
Summary:	Investigation was allegation focused despite significant history of educational neglect of the two oldest siblings and parents untreated mental health issues which impacted their parenting.
Legal Reference:	SSL 424.6 and 18 NYCRR 432.2(b)(3)
Action:	OCDSS will explore all concerns rather than allegations only.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 07/10/2019

Time of Death: 11:51 PM



Time of fatal incident, if different than time of death:

Unknown

County where fatality incident occurred:

Onondaga

Was 911 or local emergency number called?

Yes

Time of Call:

10:52 PM

Did EMS respond to the scene?

Yes

At time of incident leading to death, had child used alcohol or drugs?

N/A

Child's activity at time of incident:

- Sleeping
- Playing
- Other

- Working
- Eating

- Driving / Vehicle occupant
- Unknown

Did child have supervision at time of incident leading to death? No - but needed

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	4 Month(s)
Deceased Child's Household	Father	No Role	Male	38 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	36 Year(s)
Deceased Child's Household	Sibling	No Role	Female	23 Month(s)
Deceased Child's Household	Sibling	No Role	Female	14 Year(s)
Deceased Child's Household	Sibling	No Role	Male	15 Year(s)
Deceased Child's Household	Sibling	No Role	Female	4 Year(s)

LDSS Response

On 7/9/19, OCDSS received the fatality report from the SCR and two additional reports about the fatal incident 7/10/19. OCDSS coordinated with law enforcement, contacted the source, completed a CPS history check, notified the medical examiner's office and the district attorney's office of the death.

OCDSS had been involved with the family since 1/17/19 due to two previous SCR reports on 1/17/19 and 5/28/19. The 1/17/19 report alleged the 14-year-old surviving sibling was not attending school and was wandering the streets panhandling for money. The 5/28/19 report alleged the father had punched the mother and spat on her in the presence of the children. The 15-year-old surviving sibling intervened on his mother's behalf and the father punched him. The mother called 911. At the time of the reported fatality there was a full stay away order of protection in place. The father was not residing in home at the time of the fatal incident.

On 7/10/19, OCDSS went to the home with law enforcement and interviewed the mother about the events leading up to the death of the subject child. The mother told OCDSS that on the evening of 7/9/19, she had placed the subject child on her



back on a queen-sized bed in her bedroom. The subject child was at the foot of the bed and the 4-year-old surviving sibling was at the top of the bed watching TV. The mother said she then went into the kitchen with the 23-month-old to clean the kitchen. The subject child had been fussy and was crying when she placed her on the bed and left the room. The mother said approximately 20 minutes later the 4-year-old surviving sibling came out of the bedroom and told her mother something was wrong with the subject child. The mother said when she entered the room the subject child's head was hanging off the bed into a pile of clothes and her feet were slightly elevated off the bed. The mother said she picked her up, and she was not breathing. The mother said she yelled for the 15-year-old surviving sibling to call 911 and he was performing CPR when EMS arrived. EMS transported the subject child to the hospital where she was pronounced deceased. OCDSS interviewed the 15-year-old surviving sibling and attempted to interview the 4-year-old surviving sibling. EMS reported when they arrived, they found the 15-year-old surviving sibling performing CPR. OCDSS observed blankets and toys in the portable crib and questioned the mother about safe sleep. The mother was aware of safe sleep practice and said normally the subject slept in her crib on her back with no items in the crib. The mother told OCDSS the 23-month-old slept in the pack n' play.

OCDSS offered the parents referrals for bereavement services. The parents were questioned about drug/alcohol misuse and they denied any misuse. There was no evidence of alcohol or drugs found in the home. The father continued to reside with his uncle and was involved in individual services.

OCDSS obtained information about the death of the subject child from law enforcement, the medical examiner, emergency services, medical records from the hospital and pediatrician. There were no noted concerns for the care of the subject child or the surviving siblings from the children's pediatrician. Both parents had significant mental health history and the father admitted when he was not in treatment and taking his medication he would become violent. There was no documentation in the Connections case record that OCDSS contacted the parent's mental health providers, the school about the two older siblings or the probation officer for the 14-year-old surviving sibling. The mother told OCDSS she was working with domestic violence services and the DA's office about the incident previously reported unknown if OCDSS contacted them. The parents said the Order of Protection was lifted due to the death of the subject child but there was no documentation in the case record that this was verified by OCDSS.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? Yes

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
052111 - Deceased Child, Female, 4 Mons	052112 - Mother, Female, 36 Year(s)	Lack of Supervision	Substantiated
052111 - Deceased Child, Female, 4 Mons	052112 - Mother, Female, 36 Year(s)	DOA / Fatality	Substantiated



Child Fatality Report

052111 - Deceased Child, Female, 4 Mons	052112 - Mother, Female, 36 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
052111 - Deceased Child, Female, 4 Mons	052112 - Mother, Female, 36 Year(s)	Inadequate Guardianship	Substantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
 The two older children had missed a significant amount of school and were in danger of failing. There was no documentation in the connections case record that OCDSS consulted with their legal department. The family was referred to preventive services by the school based social worker. There were several risk factors that were not accounted for in the RAP.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
 The surviving siblings remained in their mother's care.

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? There was no legal activity.

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:
 The mother was involved with a Domestic Violence advocate and receiving services through their program before the fatal incident.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? No
- Was the child ever placed outside of the home prior to the death? No
- Were there any siblings ever placed outside of the home prior to this child's death? No
- Was the child acutely ill during the two weeks before death? No

Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Had heavy alcohol use
- Misused over-the-counter or prescription drugs
- Smoked tobacco
- Experienced domestic violence
- Used illicit drugs
- Was not noted in the case record to have any of the issues listed

Infant was born:

- Drug exposed With fetal alcohol effects or syndrome
- With neither of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/28/2019	Sibling, Male, 15 Years	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Male, 15 Years	Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 14 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 14 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Months	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Months	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The report alleged that on 5/28/19, there was a verbal argument between the parents. This occurred in the presence of the surviving siblings. The argument escalated and the father physically assaulted the mother. The father spat at the mother and punched her in the jaw. The 15-year-old surviving sibling intervened on his mother's behalf and the father began punching the surviving sibling all over his body. The police were called and the father fled the scene.

Report Determination: Indicated

Date of Determination: 11/13/2019

Basis for Determination:

OCDSS substantiated the allegation of IG against the parents for the 15-year-old surviving sibling. Based on information obtained from the mother. While this investigation was still open a subsequent report was received on 7/9/19 regarding the death of the 5-month-old infant. There was only one interview conducted on 5/29/19 with the mother and the surviving siblings were observed but not interviewed. The father was never interviewed about this report in this investigation. The parents had documented history of serious mental health issues that often went for extended periods of time untreated.

OCFS Review Results:

OCDSS did not consult with their legal department although the 14yr and 15yr surviving sibling were not attending school, this had been an ongoing issue since they were 11yr and 12yr. The mother had been adjudicated neglectful in 2016 with mandated services in place until 5/18 with very little change. The parents had serious mental health issues that when left untreated impacted their parenting and resulted in the father physically assaulting the mother in the presence of the children. The 15-year-old had untreated mental health issues and the 14-year-old was engaging in high risk behavior that was not being addressed such panhandling, stealing and running away from home.

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:

Assessment as to need for Family Court Action

Summary:

OCDSS did not consult with their legal department although the 14yr and 15yr surviving sibling were not attending school, this had been an ongoing issue since 2015. The parents had a history of untreated mental health issues. The father had assaulted the mother on several occasions, in the recent incident the father assaulted the 15-year-old for intervening.

Legal Reference:

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

Action:



OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

Issue:

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

Summary:

OCDSS had not interviewed the father about the incident or the two older surviving siblings during the open investigation prior to the reported fatality on 7/9/19.

Legal Reference:

432.1 (o)

Action:

The father was named as a subject and the children should have been seen and interviewed. OCDSS will conduct face to face interviews with all family members.

Issue:

Failure to provide notice of report

Summary:

OCDSS did not provide the notice of report within the 7 day required time frame as per regulation. The letters were provided five months after the case initiation date.

Legal Reference:

18 NYCRR 432.2(b)(3)(ii)(f)

Action:

OCDSS will provide the notice of existence within the required time frame.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/17/2019	Sibling, Female, 15 Years	Mother, Female, 33 Years	Educational Neglect	Substantiated	Yes
	Sibling, Female, 14 Years	Mother, Female, 33 Years	Educational Neglect	Substantiated	
	Sibling, Female, 14 Years	Mother, Female, 33 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 14 Years	Mother, Female, 33 Years	Lack of Supervision	Substantiated	

Report Summary:

The report alleged the 14-year-old surviving sibling had missed 16 days of school and it was having a negative impact on her academics. The mother had been contacted on several occasions but failed to get the surviving sibling to school. The 14-year-old surviving sibling was wandering the streets day/nights on a regular basis and was seen panhandling for money.

Report Determination: Indicated

Date of Determination: 10/24/2019

Basis for Determination:

OCDSS substantiated the EdN against the mother for the two oldest surviving siblings and LS against the mother for the 14-year-old surviving sibling. OCDSS obtained school records and the surviving siblings were in danger of failing. The 14-year-old would run away from home and engage in high risk behavior. The mother failed to call the police to report her missing or to obtain appropriate services for her. The case was IND and open with no CPS required.

OCFS Review Results:

OCDSS did not consult with their legal department although the 14yr and 15yr surviving sibling were not attending school, this had been an ongoing issue since they were 11yr and 12yr. The mother had been adjudicated neglectful in 2016 with mandated services in place until 5/18 with very little change. The parents had serious mental health issues that impacted their parenting, and this was not reflected in the Risk Assessment Profile. While case remained open there was



no documented contact in the connections case record by the CW from 4/19 until 7/19 and again from 7/19 to 10/19. There were numerous progress notes entered more than 30 days after the event date.

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:
Assessment as to need for Family Court Action

Summary:
OCDSS did not consult with their legal department although they knew the 15yr and the 14yr had not been attending school on a regular basis and this was an ongoing issue since the ages of 11 and 12 years old. The mother had been adjudicated neglectful in an Article 10 Neglect proceeding in 2016 and was involved with mandated preventive services until 5/31/18 for the same issues.

Legal Reference:
SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

Action:
OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

Issue:
Timely/Adequate Case Recording/Progress Notes

Summary:
Numerous progress notes were entered more than 30 days after the event date.

Legal Reference:
18 NYCRR 428.5

Action:
All progress notes will be entered as contemporaneously as possible to their event dates.

Issue:
Adequacy of Risk Assessment Profile (RAP)

Summary:
The RAP was scored that the parents did not have a diagnosed mental health illness and they both had significant mental health history.

Legal Reference:
18 NYCRR 432.2(d)

Action:
OCDSS will accurately reflect the current caretakers of children in risk assessments, and accurately assess and document each respective risk element identified into the Risk Assessment Profile.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/04/2018	Sibling, Female, 14 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 3 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 14 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	



Report Summary:

The report alleged the parents argue to the point where it had escalated into physical violence in front of the surviving siblings. The police had been called to the home frequently.

Report Determination: Unfounded

Date of Determination: 11/08/2018

Basis for Determination:

OCDSS interviewed and obtained information from collaterals and family members. There was no credible evidence to support the allegations. The parents admit to arguing; however, there was no evidence there was any impact to the surviving siblings.

OCFS Review Results:

OCDSS gathered sufficient information to make a determination.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/27/2017	Sibling, Male, 14 Years	Father, Male, 34 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Sibling, Male, 14 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Father, Male, 34 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 13 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Father, Male, 34 Years	Sexual Abuse	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unsubstantiated	
	Sibling, Female, 4 Months	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 4 Months	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 4 Months	Mother, Female, 32 Years	Lack of Medical Care	Unsubstantiated	
	Sibling, Female, 4 Months	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 14 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 14 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 14 Years	Father, Male, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	



Sibling, Male, 14 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 14 Years	Father, Male, 33 Years	Internal Injuries	Unsubstantiated
Sibling, Female, 13 Years	Father, Male, 33 Years	Choking / Twisting / Shaking	Unsubstantiated
Sibling, Female, 13 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 13 Years	Father, Male, 33 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Female, 2 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 2 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 2 Years	Father, Male, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 2 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 2 Years	Father, Male, 34 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 2 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 4 Months	Father, Male, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 4 Months	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

The report alleged the mother and the step father were promoting the prostitution of the 13-year-old. The mother would put heavy makeup on the surviving sibling and dress her provocatively on a daily basis. The surviving sibling would wait outside of the gas stations and convenience stores, go with random men during the middle of the day when she should have been in school. The surviving sibling would give the money to her mother and her step father for cigarettes and soda. The 14-year-old surviving sibling was not taking his prescribed medication and the adults failed to intervene. The 14-year-old surviving sibling and was assaulting them. The conditions of the home were deplorable.

Report Determination: Unfounded

Date of Determination: 02/23/2018

Basis for Determination:

The allegations of IG and IF/C/S were unsubstantiated based interviews with family members and service providers. There was no evidence to support the allegations. The case remained home for Court ordered services.

OCFS Review Results:

OCDSS gathered sufficient information to make a determination.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/14/2017	Sibling, Female, 12 Years	Mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No



Child Fatality Report

Sibling, Female, 12 Years	Mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated
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Report Summary:

The report alleged the mother was having the 13-year-old surviving sibling pan handle on the streets on a daily basis. The surviving sibling was seen pan handling on 3/14/17 during a severe snow storm.

Report Determination: Unfounded**Date of Determination:** 05/18/2017**Basis for Determination:**

The allegations against the mother were unsubstantiated as there was no credible evidence to support them. OCDSS interviewed family members and service providers based on the interviews the investigation was unfounded and the case remained open for Court ordered services.

OCFS Review Results:

OCDSS gathered sufficient information to make a determination.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/29/2016	Sibling, Female, 12 Years	Mother, Female, 31 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 12 Years	Mother, Female, 31 Years	Lack of Supervision	Substantiated	

Report Summary:

The report alleged the mother was failing to provide adequate supervision to the then 12-year-old surviving sibling. Since the Summer of 2016, the surviving sibling was frequently in town where she would spend hours asking strangers for money and it was believed the mother was having the surviving sibling do this.

Report Determination: Indicated**Date of Determination:** 12/29/2016**Basis for Determination:**

Based on interviews with family and collaterals, OCDSS substantiated the allegations of IG and LS against the mother for the then 12-year-old surviving sibling. The surviving sibling was identified at several locations in town asking strangers for money. The mother was aware and failed to intervene, thereby placing the surviving sibling at risk of harm. The case remained open with Court ordered services.

OCFS Review Results:

OCDSS gathered sufficient information to make a determination.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/24/2016	Sibling, Female, 1 Years	Mother, Female, 31 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Female, 1 Years	Mother, Female, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 31 Years	Swelling / Dislocations / Sprains	Unsubstantiated	
	Sibling, Female, 1 Years	Father, Male, 31 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Years	Father, Male, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated	



Sibling, Female, 1 Years	Father, Male, 31 Years	Swelling / Dislocations / Sprains	Unsubstantiated
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Report Summary:

On 7/24/16, the father, who suffered from mental health issues, physically attacked the mother while holding the then 1-year-old surviving sibling. While punching the mother in the face several times, the father also punched the surviving sibling in the face. The surviving sibling sustained a minor bruise and swelling to her face.

Report Determination: Indicated**Date of Determination:** 10/20/2016**Basis for Determination:**

The parents were under a Family Court Order of supervision for neglect with OCDSS, and part of the Family Court order, directed the father was to refrain from assaultive behavior towards the mother in the presence of the children as well complying with mental health services. The father told OCDSS when he doesn't take his medications on a regular basis he becomes violent. The father had not followed through with recommended therapy and prescribed medications. The mother was aware and both parents placed the surviving siblings at substantial risk of harm by not exercising a minimum degree of care. The child had no injuries. The case remained open with Court ordered preventive services.

OCFS Review Results:

OCDSS did not complete the 7-day safety assessment within the required time frame and was not completed until 12 days into the investigation. The notice of existence letters were not provided to the parents within the 7-day required time frame. The letters were provided to the parents 12 days after the case initiation date. The history was not documented in the case record within the required time frame and was not documented until 3 months after the case initiation date.

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:

Timely/Adequate Seven Day Assessment

Summary:

OCDSS did not complete the 7-day safety assessment within the 7-day required time frame as per regulation.

Legal Reference:

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

Action:

OCDSS will complete the safety assessment within the required time frame as per regulation.

Issue:

Failure to provide notice of report

Summary:

OCDSS did not provide the notice of existence within the 7-day required time frame as per regulation.

Legal Reference:

18 NYCRR 432.2(b)(3)(ii)(f)

Action:

OCDSS will provide the notice of existence within the required time frame.

Issue:

Review of CPS History

Summary:

OCDSS did not document the history was reviewed in the connections case record within the required time frame as per regulation.

Legal Reference:

18 NYCRR 432.2(b)(3)(i)

Action:

Within 1 business day of a report, OCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated



reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

CPS - Investigative History More Than Three Years Prior to the Fatality

From March of 2015-June of 2016, there were two FAR (Family Assessment Response) cases and two unfounded cases with common allegations of IG, Lack of Supervision, and Educational Neglect, and one indicated case with allegations of Educational Neglect and Inadequate Guardianship against the mother and the father of the subject child for the surviving siblings.

Known CPS History Outside of NYS

The Family had previously resided in Florida but there was no documentation in the Connections case record that OCDSS had contacted Florida regarding any possible CPS involvement in their state.

Preventive Services History

An Article 10 abuse/neglect petition was filed in Family Court on 3/1/16 against the parents for the surviving siblings. The initial hearing was held on 3/8/16, the parents did not make an admission and the case was adjourned to 4/4/16. The parents were to comply with the court ordered service plan pending further orders of the court. Mandated Preventive Services were initiated, and the surviving siblings were to attend school every day unless they had a medical excuse and parents would follow through with mental health services. On 3/1/16, the parents made an admission to neglect in Family Court. The parents agreed to the service plan for up to one year. The parents were ordered to undergo a drug/alcohol evaluation, participate in domestic violence services, attend parenting classes, undergo individual/family counseling, submit to random drug screens, ensure the two oldest surviving siblings attend school and the mother was ordered to undergo a psychological evaluation and follow recommendations. After two extentions, on 5/31/18, court ordered services ended. The mother participated and minimally cooperated with services including parent aide services, and completed a parenting class. The parents were involved with individual and family counseling and compliant with their mental health services. The case was closed with no additional services needed.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation? There was no legal activity

Recommended Action(s)

Are there any recommended actions for local or state administrative or policy changes? Yes No

Are there any recommended prevention activities resulting from the review? Yes No