

Report Identification Number: SY-20-024

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

Issue Date: Nov 23, 2020

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 <u>only</u> 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				
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police				
Service	Services	Department				
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care				
Rehabilitative Services	Families					
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	ASTO-Allowing Sex Abuse to Occur					



Case Information

Report Type: Child Deceased Jurisdiction: Oneida Date of Death: 06/06/2020

Age: 6 year(s) Gender: Female Initial Date OCFS Notified: 06/06/2020

Presenting Information

An SCR report alleged on 6/6/2020, at about 4:25 PM, the cousin of the 6-year-old subject child failed to adequately supervise the child while she was on a third floor fire escape. As a result, the child fell from the fire escape onto the ground below after she attempted to grab a blanket that was flying away. The child sustained trauma from the fall and bled from her ears and head. When EMS arrived, the child was breathing but turned blue. The child was transported to the hospital where she was pronounced deceased at approximately 5:00 PM. The roles of the mother and father were unknown.

Executive Summary

This fatality report concerns the death of the 6-year-old female subject child that occurred on 6/6/2020. A report was made to the SCR on the same day concerning the child's level of supervision when she fell from a fire escape while in the care of her cousin. The child sustained life-threatening injuries as a result of the fall. The child resided with her parents and her 11-year-old sibling. The child had a 15-year-old sibling who lived with her mother. The 11-year-old sibling was assessed to be safe in the care of her parents; however, the mother of the 15-year-old denied OCDSS access to the sibling. Neither child was present at the time of the fatal incident.

At the time the child fell from the fire escape, the parents were not present. They did not express any concerns for the care the cousin provided to the child, and said the child regularly visited the cousin at his home.

Oneida County Department of Social Services (OCDSS) coordinated investigative efforts with law enforcement upon receipt of the report. Law enforcement deemed the incident an accident and their investigation did not reveal any criminality. An autopsy was performed, and the cause of death was blunt impact head trauma and the manner was accidental.

The cousin said he and the child were outside on the fire escape when he saw her blanket out of the corner of his eye. He was immediately alerted that the child had fallen to the ground. He jumped off the fire escape to render aid to her. The cousin contacted 911 and the mother; EMS and the mother both arrived at the scene shortly thereafter. First responders began performing life-saving measures and transported the child to the hospital where she succumbed to her injuries and was pronounced deceased at 4:57 PM.

OCDSS gathered information from the family, witnesses, first responders and the medical examiner. Home visits were made, and thorough interviews were documented. Appropriate services were offered to the family in response to the fatality.

OCDSS completed Safety Assessments and required reports timely and with accuracy. The investigation remained open for investigation at the time this report was written.

PIP Requirement

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

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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?**

Yes

Safety assessment due at the time of determination?

N/A

Was the safety decision on the approved Initial Safety Assessment Yes appropriate?

Determination:

Was sufficient information gathered to make determination(s) for The CPS report had not yet been all allegations as well as any others identified in the course of the investigation?

determined at the time this Fatality report was issued.

Was the determination made by the district to unfound or indicate N/A appropriate?

Explain:

The investigation remained open at the time this report was written.

Was the decision to close the case appropriate?

N/A

Was casework activity commensurate with appropriate and relevant

Yes

statutory or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

Explain:

The investigation remained open at the time this report was written.

Required Actions Related to the Fatality Are there Required Actions related to the compliance issue(s)? Yes No Timely/Adequate Case Recording/Progress Notes Issue: Some progress notes were entered non-contemporaneously to their event dates and were entered up Summary: to eight weeks after their event dates. Legal Reference: 18 NYCRR 428.5 Progress notes must be made as contemporaneously as possible with the occurrence of the event or Action: the receipt of the information which is to be recorded.

Fatality-Related Information and Investigative Activities



Adults: 0

Child Fatality Report

Incident Information					
Date of Death: 06/06/2020					
Time of fatal incident, if diff	erent than time of death:		04:25 PM		
County where fatality incide Was 911 or local emergency Time of Call: Did EMS respond to the scen At time of incident leading to Child's activity at time of incident.	number called? ne? o death, had child used alcohol	or drugs?	Oneida Yes 04:26 PM Yes No		
☐ Sleeping ☐ Playing ☐ Other: Reaching for blan	☐ Working☐ Eating	☐ Driving / V ☐ Unknown	ehicle occupant		
Did child have supervision a At time of incident supervisor	t time of incident leading to de or was: Not impaired.	ath? Yes			
Total number of deaths at in Children ages 0-18: 1	cident event:				

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	6 Year(s)
Deceased Child's Household	Father	No Role	Male	37 Year(s)
Deceased Child's Household	Mother	No Role	Female	33 Year(s)
Deceased Child's Household	Sibling	No Role	Female	11 Year(s)
Other Household 1	Other Adult - Second Cousin	Alleged Perpetrator	Male	33 Year(s)

LDSS Response

On 6/6/2020, OCDSS received an SCR report regarding the SC's death and began gathering information. Within the first 24 hours of the investigation, LE was notified, the source was contacted, a history check was noted, and the DA's office was notified of the death. A home visit was made and the 11yo SS was assessed to be safe in the care of the parents.

On 6/7/2020, the BM was interviewed with LE. The BM dropped the SC off to the cousin's home on 6/5/2020. The cousin provided the mother with updates of the child throughout their time together. On 6/6/2020, the BM received a call from the cousin saying the SC fell and needed to go to the hospital. The BM went to the cousin's home and the SC was in the ambulance. The SC was bleeding from the head and ears. The BM said the SC oftentimes wrapped herself in a blanket and would pretend she was blind. The cousin told the BM the SC had her blanket on the fire escape when the wind blew it away and the SC reached for it. It was reported the cousin had turned away prior to the SC's fall. The BM did not have concerns for the SC in the care of the cousin and reported he cared for the SC frequently with no issues. The BF was interviewed but had no additional information. The BF heard the cousin's back porch had stairs that were wobbly and

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unsafe. The 11yo SS was interviewed in the home and did not report any concerns for her safety in the care of her parents.

On 6/9/2020, the cousin was interviewed. He and the SC went onto the fire escape and it was a windy day. The SC went inside and came back out with her blanket. He told her several times to not go onto the fire escape by herself, and to sit in the middle and away from the edge. The SC was sitting in the middle of the fire escape when the cousin turned away for five seconds. Someone began to scream, and the SC was no longer sitting there, and the cousin saw her falling to the ground. He jumped to the ground and tried to stop the bleeding as he called 911.

OCDSS gathered information from the fire department that the fire escape had a large gap where the SC fell through, further noting that an adult could easily fit through the space. The property was cited in the past and the fire escape was not to be used as a balcony. The fire department reported they were the first at the scene and the child was breathing abnormally. It was believed she had broken bones in her neck and skull. EMS arrived shortly thereafter and transported the SC to the hospital via ambulance while performing CPR. Information was gathered from the hospital doctor who reported the SC had a non-survivable injury.

LE noted arriving at the home and observed the fire department performing CPR. The cousin told police the SC was on the fire escape with him when she ran after a blanket that went over the edge and she fell over the railing.

OCDSS gathered collateral information from relatives, neighbors and witnesses. The neighbor did not witness the fall but spoke to the SC and cousin prior to the incident. It was reported the SC came to the edge of the fire escape to say "hi" then sat down away from the edge. The neighbor heard the cousin tell the SC to stay away from the edge because it was dangerous. The cousin turned away for about 30 seconds and the SC fell. The neighbor did not think the cousin was neglectful and was supervising the SC. Witnesses reported pulling into the parking lot and saw a blanket fall from the fire escape and made a loud thud when it hit the ground. They realized it was a SC in the blanket and alerted the cousin who began rendering aid to the SC.

On 7/9/2020, it was learned the BF had another child. The mother of the 15yo SS denied OCDSS contact with the 15yo SS.

At the time this report was written, OCDSS had not determined the investigation and the case remained open. The family was offered and accepting of services in response to the fatality.

Official Manner and Cause of Death

Official Manner: Accident

Primary Cause of Death: From an injury - external cause

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

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NEW YORK STATE	Office of Children and Family Services
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054702 - Deceased Child, Female, 6 Yrs	054706 - Other Adult - Second Cousin, Male, 33 Year(s)	DOA / Fatality	Pending
054702 - Deceased Child, Female, 6 Yrs	054706 - Other Adult - Second Cousin, Male, 33 Year(s)	Inadequate Guardianship	Pending
054702 - Deceased Child, Female, 6 Yrs	054706 - Other Adult - Second Cousin, Male, 33 Year(s)	Internal Injuries	Pending
054702 - Deceased Child, Female, 6 Yrs	054706 - Other Adult - Second Cousin, Male, 33 Year(s)	Lack of Supervision	Pending

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?				
When appropriate, children were interviewed?	\boxtimes			
Alleged subject(s) interviewed face-to-face?	\boxtimes			
All 'other persons named' interviewed face-to-face?	\boxtimes			
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?	\boxtimes			
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)?				
Coordination of investigation with law enforcement?	\boxtimes			
Was there timely entry of progress notes and other required documentation?				

Additional information:

Although efforts were made to interview the 15-year-old sibling, the sibling's mother did not authorize OCDSS to have contact with the sibling. Some progress notes were not entered contemporaneously.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	\boxtimes			
Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	surviving	siblings/o	ther child	dren in the
Within 24 hours?				
At 7 days?		\boxtimes		
At 30 days?		\boxtimes		
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?				

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Are there any safety issues that need to district?	here any safety issues that need to be referred back to the local ct?						
When safety factors were present that p children in the household in impending harm, were the safety interventions, includequate?	or immedia	ite danger	of serious			\boxtimes	
Explain: At the time the Safety Assessments were chome.	completed, it	t was unkno	own the fathe	er had a ch	ild who liv	ed outsid	e of the
Fatali	ity Risk Asse	ssment / Ris	k Assessment	Profile			
				Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate	in this case	?		\Box		\boxtimes	
During the course of the investigation, we gathered to assess risk to all surviving sit household?	vas sufficiei	nt informa					
Was there an adequate assessment of th	e family's n	eed for se	rvices?				
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?					\boxtimes		
Were appropriate/needed services offer	ed in this ca	ase					
Placement	Activities in	Response to	the Fatality	Investigatio	n		
		•					
				Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the siblings/other children in the household care at any time during this fatality investigation.	be removed		_				
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?							
	Logal Activ	rity Dalatad	to the Fatality	7			
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	Offered, but	Offered, Unknown	Not	Needed but	N/A	CDR Lead to

if Used

Referral

Refused

Death

NEW YORK STATE	Office of Children and Family Services
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Bereavement counseling	\boxtimes						
Economic support						\boxtimes	
Funeral arrangements					\boxtimes		
Housing assistance						\boxtimes	
Mental health services	\boxtimes						
Foster care						\boxtimes	
Health care						\boxtimes	
Legal services						\boxtimes	
Family planning						\boxtimes	
Homemaking Services						\boxtimes	
Parenting Skills						\boxtimes	
Domestic Violence Services						\boxtimes	
Early Intervention						\boxtimes	
Alcohol/Substance abuse						\boxtimes	
Child Care						\boxtimes	
Intensive case management						\boxtimes	
Family or others as safety resources						\boxtimes	
Other						\boxtimes	
Additional information, if necessary: The family was offered an abundance of services in response to the fatality.							

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? Yes

Explain:

The 11-year-old sibling was enrolled in counseling as a result of the death.

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? Yes

Explain:

The parents were engaged in counseling.

History Prior to the Fatality

Did the child have a history of alleged child abuse/maltreatment? Was the child ever placed outside of the home prior to the death? 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



CPS - Investigative History Three Years Prior to the Fatality

There is no CPS investigative history in NYS within three years prior to the fatality.

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

11/12/13- 1/30/14- The mother was unsubstantiated for Inadequate Guardianship and Parent's Drug/Alcohol Misuse regarding the subject child.

5/24/10- 6/1/10 Other adults were unsubstantiated for the Inadequate Guardianship and Parent's Drug/Alcohol Misuse regarding the 15-year-old sibling and another child.

6/10/06-8/11/06 The father was substantiated for Inadequate Guardianship of the 15-year-old sibling.

Known CPS History Outside of NYS

There is no known CPS history outside of New York.

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? Wes No

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