



Report Identification Number: AL-16-006

Prepared by: Albany Regional Office

Issue Date: 8/3/2016

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
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
CPR-Cardio-pulmonary Resuscitation		
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-Others	
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		

Case Information



NYS Office of Children and Family Services - Child Fatality Report

Report Type: Child Deceased
Age: 24 day(s)

Jurisdiction: Warren
Gender: Female

Date of Death: 03/30/2016
Initial Date OCFS Notified: 03/31/2016

Presenting Information

On March 28, 2016 between 1:00am and 5:00am the subject child's father squeezed, shook, and threw subject child onto the couch. The subject child was unresponsive and the subject child's father woke the subject child's mother who was sleeping during the incident. The subject child's father called 911. The subject child was transported to the hospital and placed on life support. The subject child passed away on March 30, 2016.

Executive Summary

The fatality reports concerns the death of a 24 day old female that occurred on 3/30/16 in Warren County. At the time of death the subject child was residing with the mother and father. While the final autopsy had not been completed at the time of determination, the death certificate listed the cause of death as blunt force/shaking trauma. Additionally, the father confessed to injuring the subject child and was arrested and criminal charges are pending.

The case was opened on 3/28/16 as a result of a report made to the New York Statewide Central Register alleging Fractures and Inadequate Guardianship of the subject child by the mother and father. The father had taken the subject child into the living room during the night for feeding. Around 5:00 AM the father woke the mother and called 911 as the subject child had difficulty breathing and was limp. The father performed CPR on the subject child until Emergency Medical Service (EMS) arrived at the home at 5:23AM. The subject child was transported to the hospital where it was discovered the subject child had broken ribs and a broken clavicle. The subject child was transported to a trauma center hospital where she was diagnosed with severe head trauma most consistent by history with inflicted trauma, rib fractures, right clavicle fracture, corner fracture of right distal femur, intracranial pressure, bilateral retinal hemorrhages, and significant brainstem dysfunction. The subject child was placed on life support and succumbed to her injuries on 3/30/16 at 1:47pm. As a result of the death, another report was made to the New York Statewide Central Register on 3/31/16 to add the allegation of DOA/Fatality and Choking/Twisting/Shaking of the subject child by the father.

On 3/28/16 while being questioned by law enforcement, the father confessed to squeezing, violently shaking, and throwing the subject child onto the couch striking the subject child's head on the wooden arm of the couch. The father was charged with Assault, Reckless Assault to a Child, and Endangering the Welfare of a Child. Subsequent the subject child's death at Grand Jury the additional charges of Murder in the second degree and Manslaughter in the first degree were added to the father's charges.

Warren County Department of Social Services (WCDSS) gathered information pertaining to the subject child's death through interviews with the mother, extended family members, law enforcement, the pediatrician, emergency medical personnel, and hospital staff. Throughout this investigation, WCDSS made regular home visits, offered family grief support services, and collaborated with law enforcement. WCDSS indicated the allegations of DOA/Fatality, Choking/Twisting/Shaking, Fractures, Internal Injuries, and Inadequate Guardianship against the father. The investigation revealed the mother had no knowledge of the incident and all allegations pertaining to the mother were unfounded. WCDSS indicated and closed their investigation on 5/5/16.

ARO gathered the information for this report from CONNECTIONS, WCDSS records, law enforcement records, hospital records, death certificate, and interviews with WCDSS staff.



Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Safety assessment due at the time of determination? N/A

Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? Yes, sufficient information was gathered to determine all allegations.
- Was the determination made by the district to unfound or indicate appropriate? Yes

Explain:

WCDSS gathered sufficient information to determine the allegations. Since there are no surviving siblings, safety and risk assessments are not applicable. All case activities were in compliance with regulatory standards.

Was the decision to close the case appropriate? Yes

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? Yes

Was there sufficient documentation of supervisory consultation? Yes, the case record has detail of the consultation.

Explain:

WCDSS gathered sufficient information to support the determination. All case activities were in compliance with regulatory standards.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/30/2016

Time of Death: 01:47 PM

Date of fatal incident, if different than date of death: 03/28/2016

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

County where fatality incident occurred: WARREN

Was 911 or local emergency number called? Yes

Time of Call: 05:13 AM

Did EMS to respond to the scene? Yes

At time of incident leading to death, had child used alcohol or drugs? No



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Child's activity at time of incident:

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other

Did child have supervision at time of incident leading to death? Yes**Is the caretaker listed in the Household Composition? Yes - Caregiver**

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At time of incident supervisor was: Unknown if they were impaired.**Total number of deaths at incident event:****Children ages 0-18:** 1**Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	24 Day(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	24 Year(s)
Deceased Child's Household	Mother	No Role	Female	22 Year(s)

LDSS Response

On 3/31/16 WCDSS immediately initiated the investigation by collaborating with law enforcement. The initial report was received by WCDSS on 3/28/16 alleging IG and FX of the subject child by the mother and father. On 3/28/16 WCDSS met with hospital staff, observed the subject child, and coordinated investigation with law enforcement. The subject child was hospitalized and receiving life support. Law enforcement met with the father on 3/28/16 and the father confessed to squeezing, shaking, and throwing the subject child on the couch striking the subject child's head on the wooden arm of the couch. The father was arrested and charged with Assault, Reckless Assault of a Child, and Endangering the Welfare of a Child and was incarcerated. WCDSS conducted interviews with the mother and extended family members on 3/29/16 learning that the mother was unaware of the father's actions. At the time of the incident, the mother was in the bedroom sleeping as it was the father's night to get up with the baby. The subject child succumbed to her injuries on 3/30/16 and a subsequent report was received on 3/31/16 alleging DOA/Fatality, C/T/S, and IG against the father. The father was interviewed in with the presence of his attorney on 4/12/16 to review the allegations on the reports. The father's attorney declined to allow the father to provide WCDSS with any additional information. In addition to the interviews with the father, the mother and extended family, WCDSS gathered information from law enforcement, emergency medical personnel, hospital staff, the pediatrician, and the coroner. While the autopsy report was not completed at the conclusion of the investigation, the death certificate listed the manner of death as blunt force/shaking trauma. At Grand Jury on 4/8/16 the father was also indicted for additional charges of Murder in the second degree and Manslaughter in the first degree for the death of the subject child. WCDSS also provided the mother with grief services available in the community. WCDSS found credible evidence to substantiate the allegation of DOA/Fatality, II, C/T/S, FX, and IG against the father. No credible evidence was found to substantiate any allegations against the mother and on 5/5/16 the report was indicated and closed.



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Official Manner and Cause of Death

Official Manner: Homicide

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

Comments: WCDSS and law enforcement demonstrated good collaboration throughout the joint investigation.

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? No

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
029441 - Deceased Child, Female, 24 Day(s)	029403 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
029441 - Deceased Child, Female, 24 Day(s)	029403 - Father, Male, 24 Year(s)	Choking / Twisting / Shaking	Substantiated
029441 - Deceased Child, Female, 24 Day(s)	029403 - Father, Male, 24 Year(s)	DOA / Fatality	Substantiated
029441 - Deceased Child, Female, 24 Day(s)	029403 - Father, Male, 24 Year(s)	Fractures	Substantiated
029441 - Deceased Child, Female, 24 Day(s)	029403 - Father, Male, 24 Year(s)	Internal Injuries	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>



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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation?

Family Court

Criminal Court

Order of Protection

Criminal Charge: Assault Degree: 1			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
03/28/2016	Father	Pending	pending
Comments:	According to law enforcement records, the father was charged with Assault: Causing Injury Through Risk of Death as the father did violently shake the subject child and then threw her from a standing position onto the couch striking her head on the wooden arm of the couch, causing serious physical injury to her.		

Criminal Charge: Reckless assault of a child Degree: NA			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
03/28/2016	Father	Pending	pending
Comments:	According to the law enforcement records the father was charged with Reckless Assault of a Child as the father did violently shake the subject child and did strike her head on a hard arm of the couch causing serious physical injury to her brain.		

Criminal Charge: Endangering the welfare of a child Degree: NA
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Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
03/28/2016	Father	Pending	pending
Comments: According to the law enforcement records the father was charged with Acting in a Manner to cause Injury to a Child which falls under the Endangering the Welfare of a Child section of the penal law. The father did violently shake the subject child and did strike her head on a hard arm of the couch causing serious physical injury to her. Endangering the physical welfare of a child.			

Criminal Charge: Murder Degree: 2			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
04/08/2016	Father	Pending	pending
Comments: At Grand Jury on 4/8/16 the father was indicted for the charge of Murder in the 2nd degree of the subject child.			

Criminal Charge: Manslaughter Degree: 1			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
04/08/2016	Father	Pending	pending
Comments: At Grand Jury on 4/8/16 the father was indicted for Manslaughter in the first degree of the subject child.			

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>



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Family planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Homemaking Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Parenting Skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Domestic Violence Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Early Intervention	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Alcohol/Substance abuse	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Child Care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Intensive case management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

Additional information, if necessary:
 The mother was referred to grief services in the community.

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

Explain:
 The mother was referred to grief services available in the community.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? No
- Was there an open CPS case with this child at the time of death? Yes
- 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? N/A
- 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:



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- 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)	Status/Outcome	Compliance Issue(s)
03/28/2016	9851 - Deceased Child, Female, 22 Days	9853 - Father, Male, 24 Years	Inadequate Guardianship	Indicated	No
	9851 - Deceased Child, Female, 22 Days	9853 - Father, Male, 24 Years	Choking / Twisting / Shaking	Indicated	
	9851 - Deceased Child, Female, 22 Days	9853 - Father, Male, 24 Years	Internal Injuries	Indicated	
	9851 - Deceased Child, Female, 22 Days	9852 - Mother, Female, 22 Years	Fractures	Unfounded	
	9851 - Deceased Child, Female, 22 Days	9853 - Father, Male, 24 Years	Fractures	Indicated	
	9851 - Deceased Child, Female, 22 Days	9852 - Mother, Female, 22 Years	Inadequate Guardianship	Unfounded	

Report Summary:

On March 28, 2016 the mother and father were named as subjects of a CPS regarding the 22 day old subject child alleging FX and IG. WCDSS conducted the investigation jointly with law enforcement, made a home visit, spoke with the mother, relatives, and appropriate collateral sources of information. Two days after receipt of this report, the subject child died and the fatality investigation was investigated concurrently with this investigation. WCDSS found credible evidence to substantiate the allegations of C/T/S, IG, FX, and II against the father. No credible evidence was found to substantiate the allegations of FX and IG against the mother. The report was indicated and closed on 5/5/16.

Determination: Indicated

Date of Determination: 05/05/2016

Basis for Determination:

Credible evidence was found to substantiate the allegations of C/T/S, IG, FX, and IG against the father as the father admitted to squeezing the subject child, shaking the subject child, and throwing the subject child on to the couch striking the child's head on the wooden arm of the couch, ultimately resulting in the subject child's death. The father was arrested and charged with Assault, Reckless Assault of a Child, and Acting in a Manner to cause Injury to a Child less than 17 years of age. Credible evidence was not found to substantiate the allegations of IG or FX against the mother as she was asleep during the incident and had no knowledge of the father's actions.

OCFS Review Results:

WCDSS gathered sufficient information to adequately assess the safety of the subject child prior to the death, gathered sufficient information to assess risk of future abuse and maltreatment, and gathered sufficient information to support the determination. WCDSS also offered and provided adequate services to the mother. Lastly, the record demonstrated good collaboration in the investigative process between WCDSS and law enforcement.

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

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



N/A

Known CPS History Outside of NYS

N/A

Services Open at the Time of the Fatality

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Preventive Services History

There is no record of Preventive Services History provided to the deceased child, the deceased child’s siblings, and/or the other children residing in the deceased child’s household at the time of the fatality.

Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

Yes No

Foster Care Placement History

There is no record of foster care placement history provided to the deceased child, the deceased child’s siblings, and/or the other children residing in the deceased child’s household at the time of the fatality.

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