

Report Identification Number: NY-17-081

Prepared by: New York City Regional Office

Issue Date: Feb 13, 2018

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 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	<u> </u>					



Case Information

Report Type: Child Deceased **Jurisdiction:** Queens **Date of Death:** 10/28/2015

Age: 3 day(s) Gender: Female Initial Date OCFS Notified: 08/17/2017

Presenting Information

On 8/17/17, the SCR was made aware of the death of a 3-day-old female child. The SC was born in 2015 and according to the narrative the SC died three days later as a result of the SM's methadone and alcohol ingestion. The report also alleged the BF was aware of the SM's drug and alcohol misuse but continued to leave the SM alone with the SS.

Executive Summary

On 8/17/17, the SCR registered a report regarding the death of two children. One child, a female infant was three days old at the time of her death on 10/28/15, and the second female child died on 8/5/17. The allegations of the 8/17/17 SCR report were DOA/Fatality of the SC and other deceased child by the SM and SF, EdN and LMC of the SS age 16 and cousin (age 17) by the SM and SF, IG of the SC, other deceased child and SS by the SM and SF and PD/AM of the SC, other deceased child and four surviving children by the SM.

Regarding the female infant who died on 10/28/15, ACS learned that following her birth, the infant had remained in the hospital and was not released to the SM. According to the ACS case record, the SC died of natural causes. ACS did not conduct a full child protective investigation into the death of this SC. ACS did not contact medical providers, the local hospital and ME regarding the death of the SC. ACS did not thoroughly interview the SM, interview the SF, or explore the circumstances of the SC's death.

On 11/29/17, ACS unsubstantiated the allegations of the 8/17/17 report which included DOA/Fatality, Parents Drug/Alcohol Misuse, and Inadequate Guardianship of the child who died in 2015 by the parents.

OCFS issued a separate report # NY-17-080 regarding the child who died on 8/5/17.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

• Was sufficient information gathered to make the decision recorded on the:

o Approved Initial Safety Assessment? No

• Safety assessment due at the time of determination? Yes

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

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

Was the decision to close the case appropriate?

N/A

Was casework activity commensurate with appropriate and relevant statutory No

or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

Explain:

As of 2/13/18, the case remained open for PPRS.

	Required Actions Related to the Fatality
Are there Required	Actions related to the compliance issue(s)? Yes No
ssue:	Adequacy of Progress Notes
Summary:	ACS did not enter the progress notes in a timely manner.
Legal Reference:	18 NYCRR 428.5
Action:	ACS must submit a PIP within 45 days that identifies the action the agency will take or has take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
ssue:	Overall Completeness and Adequacy of Investigation
Summary:	ACS did not thoroughly investigate the death of the 3-day-old infant (SC). ACS did not thoroughly interview the SM and SF about the SC's death.
Legal Reference:	SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency will take or took to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
ssue:	Pre-Determination/Supervisor Review
Summary:	The ACS supervisor did not direct the ACS Specialist to obtain further information regarding the SC's death in 2015, prior to closing the 8/17/17 investigation.
Legal Reference:	18 NYCRR 432.2(b)(3)(v)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency will take or took to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Fatality-Related Information and Investigative Activities

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	Incident	Information	
Date of Death: 10/28/2015		Time of Death: Unknown	
Time of fatal incident, if diff	ferent than time of death:		Unknown
County where fatality incide Was 911 or local emergency 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 alco	hol or drugs?	Queens Unknown Unknown N/A
☐ Sleeping ☐ Playing ☐ Other: The SS was in the	☐ Working ☐ Eating	☐ Driving☐ Unkno	g / Vehicle occupant wn
Did child have supervision a Is the caretaker listed in the At time of incident superviso	Household Composition? N		

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	3 Day(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	48 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	32 Year(s)
Deceased Child's Household	Other Child - Cousin	No Role	Male	15 Year(s)
Deceased Child's Household	Sibling	No Role	Male	2 Year(s)
Deceased Child's Household	Sibling	No Role	Male	14 Year(s)
Deceased Child's Household	Sibling	No Role	Female	12 Year(s)

LDSS Response

Prior to the 8/17/17 investigation ACS convened an ICSC on 8/10/17. ACS did not discuss the SC who died in 2015.

ACS interviewed the SM who confirmed the SC died in 2015. The SM stated that the cause of death of the SC was due to her medical condition. ACS did not obtain information from the ME or local hospital to verify the cause of the SC's death. ACS did not interview the SF to obtain further information about the SC's death.

On 8/18/17, ACS visited the local hospital and interviewed medical personnel regarding the death of the 1-day-old SS who

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died on 8/5/17. ACS did not interview medical personnel or obtain medical records to confirm if the SM gave birth to a child, who died in 2015.

The 8/17/17 investigation reflected ACS investigated the death of the 1-day-old infant SS. ACS conducted a home assessment and observed the surviving children did not have marks/bruises. ACS obtained a medical consult to discuss the SM's medical condition on 8/24/17. The medical consultant did not recommend that the ACS Specialist obtain further information regarding the SC who died in 2015.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? No

Comments: The investigation adhered to previously approved protocols for joint investigation.

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

Comments: There is no OCFS approved Child Fatality Review Team in the New York City region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
1	043842 - Mother, Female, 32 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
	043848 - Father, Male, 48 Year(s)	Inadequate Guardianship	Unsubstantiated
043588 - Deceased Child, Female, 3 Days	043842 - Mother, Female, 32 Year(s)	DOA / Fatality	Unsubstantiated
1 ' '	043848 - Father, Male, 48 Year(s)	DOA / Fatality	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?			\boxtimes	
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		
First Responders				

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Family Members	\boxtimes		
Public or Private Child Care	\boxtimes		
Caretakers / Babysitters	\boxtimes		
Emergency Room Personnel	\boxtimes		
Law Enforcement	\boxtimes		
School	\boxtimes		
Pediatrician	\boxtimes		
Medical Examiner / Coroner	\boxtimes		
Other	\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	
Did the investigation adhere to established protocols for a joint investigation?			
Was there timely entry of progress notes and other required documentation?	\boxtimes		
Additional information: There was no report registered to the SCR in 2015. ACS learned of the SC's dearfforts to contact relevant collaterals to investigate the death of the SC who died imely.			_

Fatality Safety Assessment Activities				
				Unable to
	Yes	No	N/A	Determine
Were there any surviving siblings or other children in the household?	\boxtimes			
Was there an adequate safety assessment of impending or immediate dang in the household named in the report:	ger to sur	viving sib	olings/oth	er children
Within 24 hours?		\square		
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?				
Are there any safety issues that need to be referred back to the local district?				
When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious	\boxtimes			

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harm, were the safety interventions, incladequate?	luding pare	ent/caretak	er actions				
Explain: ACS did not complete the 24-Hour safety a	assessment	within 24 h	ours of recei	ipt of the 8	3/17/17 fat	ality repor	t.
Fatali	ity Risk Asse	essment / Ris	k Assessment	Profile			
				Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate	in this case	?					
During the course of the investigation, we gathered to assess risk to all surviving sindusehold?							
Was there an adequate assessment of the	e family's n	need for se	rvices?				
Did the protective factors in this case rein Family Court at any time during or a	-		-				
Were appropriate/needed services offere	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 need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?				\boxtimes			
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?				\boxtimes			
Explain as necessary: There was no removal as a result of the SC	c's death.						
	Legal Activ	vity Related	to the Fatality	V			
Legal Activity Related to the Fatality Was there legal activity as a result of the fatality investigation? There was no legal activity.							
Services F	Provided to t	he Family in	Response to	the Fatality	У		
Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavaila	N/A	CDR Lead to Referral
Bereavement counseling							
Economic support							

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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: A report was not registered with the SCR regarding the SC's death until 2017.							

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? N/A

Explain:

There were no immediate needs regarding the SC's death.

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

Explain:

There were no immediate needs regarding the SC's death.

History Prior to the Fatality

Child Information Did the child have a history of alleged child abuse/maltreatment? Was there an open CPS case with this child at the time of death? 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? Yes 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	
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	
C15 Investigative History More Than Three Tears Thor to the Tataney	
There was no CPS history more than three years prior to the fatality.	
Known CPS History Outside of NYS	
There was no longerous CDC history systelly af NIVC	
There was no known CPS history outside of NYS.	
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	
Additional Local District Comments	
Tawayana Local District Comments	
There are no additional Local district comments.	
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? $\nabla V_{es} \nabla N_{o}$	