

**Report Identification Number: NY-18-005** 

Prepared by: New York City Regional Office

**Issue Date: Jul 10, 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	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							



## **Case Information**

**Report Type:** Child Deceased **Jurisdiction:** Kings **Date of Death:** 01/14/2018

Age: 1 month(s) Gender: Female Initial Date OCFS Notified: 01/14/2018

#### **Presenting Information**

On 1/14/18, two reports were registered regarding the death of the SC.

The first report alleged the one-month-female child (SC) died while in the care of her parents. The report alleged SC had no diagnosed medical condition(s) that would cause her death; therefore, the parents were listed as alleged subjects relative to the SC's death until the investigation could ascertain otherwise. The roles of the five-year-old male child and seven-year-old female child were unknown.

The second report alleged on 1/14/18 the one-month-old SC died while in the care of her parents. The parents fed the SC, placed the SC on her back to sleep, then checked the SC around 2:00 PM, and found her unresponsive. The SC went into cardiac arrest. The report alleged the SC was otherwise healthy with no known medical issues or visible injuries. The parents were listed as the alleged subjects of the report.

## **Executive Summary**

This one-month-old female child (SC) died on 1/14/18. The ME did not conduct an autopsy due to parents' religious objections. The ME completed an external examination of the body and concluded the cause and manner of death were undetermined; there were no signs of trauma or neglect noted.

The 1/14/18 reports alleged the SC died while in the care of her parents. The SC had no diagnosed medical condition(s) that would cause her death; therefore, the parents were listed as alleged subjects. The allegations of the reports were DOA/Fatality and Inadequate Guardianship of the SC by the parents. No allegations were registered for the seven-year-old and five-year-old surviving siblings.

Upon receipt of the fatality report, ACS made face-to-face contact with the family and assessed the safety of the surviving siblings. ACS documented the children were well cared for in the home and there were adequate provisions for them. ACS spoke with law enforcement, medical providers, EMS technicians, and other family members. No one had any concerns regarding what they observed in the home, or with the information the parents provided about the period before the death of the child. The home was described as being clean and clutter free. The sleeping arrangements were appropriate. The parents denied alcohol use and the Specialist did not observe any paraphernalia to indicate the possibility of drug or alcohol misuse.

ACS utilized language interpretation services in all their contacts with the family. ACS learned on 1/13/18 extended family had gathered at the home to celebrate the SC's birth. The parents denied alcohol use at the family event. On 1/14/18, the parents woke up at 6:00 AM, and the mother breastfed the SC. The parents said the father then performed a hair shaving ceremony for the SC as per their custom, and after the ceremony, the SC was placed in bassinet on her back to sleep. The family also went back to sleep. The parents added at 10:30 AM the SC began crying and the mother breastfed the SC again. The SC was again placed in a supine position in the bassinet; there were no pillows or blankets in the bassinet. The parents went back to sleep.

Between 2:00 PM and 2:15 PM, the father got up to check the children as usual. When he went to the bassinet he observed the SC was not moving. The father said he tapped the SC and did not observe any movement. The father said he noticed blood on the SC's sheet and on the SC's nose and mouth. The father said he called 911 for assistance and began CPR

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based on the instructions provided by the 911 operator. ACS confirmed with EMS the call was received at 2:26 PM. The ambulance arrived at 2:34 PM and the technicians began resuscitative efforts. The parents and SC were transported to the Coney Island Hospital while the surviving siblings remained with an aunt. As per the parents, the doctors allowed them to remain in the room while medical staff continued efforts to revive the child. Shortly thereafter, the doctor told them the SC had died. The time of death was listed as 2:54 PM on 1/14/18.

ACS noted there was a crib in the home; however, it was cluttered. The parents said the SC had never used the crib as there was no mattress in the frame; the SC was always placed in the bassinet in a supine position; family members confirmed the information.

During the course of the investigation, ACS maintained contact with LE and the ME. LE said no arrests would be made as there was no evidence of criminality. The ME indicated due to the parents' objections, a full autopsy was not completed; however, based on the external examination of the SC's body and the absence of trauma and neglect, the cause and manner of death would be listed as Undetermined.

On 3/13/18, after reassessing the safety of the surviving siblings, ACS unsubstantiated the allegations of the report due to lack of credible evidence.

# 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? Yes

Safety assessment due at the time of determination?

Yes

• Was the safety decision on the approved Initial Safety Assessment No 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 Yes appropriate?

## **Explain:**

Although there were no safety factors documented throughout the progress notes that presented an immediate or impending danger to the surviving siblings, the caseworker selected safety factor #16 and recorded safety decision #3; this was not appropriate.

Was the decision to close the case appropriate?

Yes

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

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# Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the consultation.

## **Explain:**

The decision to close the case was appropriate as the level of casework activity, which includes contact with the family and others from the receipt of the report through case conclusion was commensurate with the case circumstances. The case record has details of supervisory consultation during the investigation.

		•••
	Required Actions Related to the Fata	lity
Are there Require	d Actions related to the compliance issue(s)? <b>Yes</b>	No
Issue:	Timely/Adequate 24 Hour Assessment	<u></u>
	The 24-hour safety assessment while timely, was not con	mpleted appropriately. The safety decision
Summary:	was incorrect and the comments associated with the sele	
·	deceased child and not the surviving siblings.	·
Legal Reference:	SSL 424(6);18 NYCRR 432.2(b)(3)(i)	
	ACS must submit a PIP within 45 days that identifies the	e action the agency has taken or will take to
Action:	address the citations identified in the fatality report. ACS	
Tittlein.	fatality investigation and inform NYCRO of the date of	the meeting, who attended and what was
	discussed.	
		· • • · · · · · · · · · · · · · · · · ·
	Fatality-Related Information and Investig	ative Activities
	Incident Information	
Date of Death: 01/	14/2018 Time of Death:	02:54 PM
Time of fatal incid	ent, if different than time of death:	02:20 PM
County whom foto	lity incident occurred:	Kings
•	mergency number called?	Yes
Time of Call:	mergency number cancu.	02:20 PM
Did EMS respond	to the scene?	Yes
-	leading to death, had child used alcohol or drugs?	No
Child's activity at	,	1.0
		Driving / Vehicle occupant
Playing	Eating	Unknown
Other		_
_ <del>_</del>		
Did child have sup	ervision at time of incident leading to death? Yes	
~	ncident was the child last seen by caretaker? 001 Hours	
Is the caretaker lis	ted in the Household Composition? Yes - Caregiver 2	

Total number of deaths at incident event:

At time of incident supervisor was: Not impaired.

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Children ages 0-18: 001

Adults: 000

## **Household Composition at time of Fatality**

Household	Relationship	Role Gender		Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	1 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	029 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	028 Year(s)
Deceased Child's Household	Sibling	No Role	Male	005 Year(s)
Deceased Child's Household	Sibling	No Role	Female	007 Year(s)

### **LDSS Response**

On 1/14/18, following the receipt of the fatality report, ACS applied their heightened oversight process (HOP) to the report since the SC was under 3 years old. ACS also made contact with LE including detectives and the ADA on 1/14/8 and 1/17/18. The detectives indicated there was no evidence or suspicion of foul play in connection with the death of the SC. The ADA indicated no charges would be filed against the adults pending the autopsy report. On 1/17/18 LE closed their case.

On 1/14/18, ACS interviewed members of the family, including the parents, and paternal aunts. The parents reported on 1/13/18 extended family had gathered at the home to celebrate the SC's birth. The parents denied alcohol use at the family event. On 1/14/18, the parents woke up at 6:00 AM, and the mother breastfed the SC. The parents said the father then performed a hair shaving ceremony for the SC as per their custom, and after the ceremony, the SC was placed in the bassinet on her back, and family went back to sleep. The parents added at 10:30 AM the SC began crying and the mother breastfed the SC again. The SC was again placed in a supine position in the bassinet; there were no pillows or blankets in the bassinet. The parents went back to sleep.

Between 2:00 PM and 2:15 PM, the father got up to check the children as usual and when he went to the bassinet he noticed the SC was not moving. The father said he tapped the SC with his hand and did not observe any movement. The father said he noticed blood on the SC's blanket and on the SC's nose and mouth. The father said he called 911 for assistance and began CPR based on the instructions provided by the 911 operator. ACS confirmed with EMS the call was received at 2:26 PM. The ambulance arrived at 2:34 PM and the technicians began resuscitative efforts. The parents and SC were transported to the Coney Island Hospital while the surviving siblings remained with an aunt. As per the parents, the doctors allowed them to remain in the room while medical staff continued efforts to revive the child. Shortly thereafter, the doctor told them the SC had died; the time of death was 2:54 PM on 1/14/18.

ACS noted there was a crib in the home; however, it was cluttered. The parents said the SC had never used the crib as there was no mattress in the frame; the SC was always placed in the bassinet in a supine position; family members confirmed the information.

Contact with the medical provider for the family reflected the surviving siblings were up-to-date with immunizations and there were no concerns for their care.

On 1/14/18, ACS's Investigative Consultants indicated there was no history of any criminal activity or domestic violence involving the family.

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On 1/15/18, 1/19/18, 2/16/18, and 3/12/18, ACS completed Safety Assessments for the surviving siblings. While the Safety Assessment completed at the 24-hour juncture was incorrectly documented, the subsequent assessments accurately reflected the case circumstances. The Risk Assessment was appropriate.

On 1/18/18, ACS determined the family could benefit from grief counseling services and referred the family for PPRS. The family was engaged in services until 3/12/18.

On 3/13/18, following the completion of services and a re-assessment of the surviving siblings, ACS unsubstantiated the allegations of the report on the basis of lack of credible evidence. ACS documented there were no marks or bruises on the SC, and no evidence of negligence by the parents.

### Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: Undetermined if injury or medical cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

### 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 NYC region.

## **SCR Fatality Report Summary**

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
045442 - Deceased Child, Female, 1 Mons	045443 - Mother, Female, 028 Year(s)	DOA / Fatality	Unsubstantiated
045442 - Deceased Child, Female, 1 Mons	045443 - Mother, Female, 028 Year(s)	Inadequate Guardianship	Unsubstantiated
045442 - Deceased Child, Female, 1 Mons	045444 - Father, Male, 029 Year(s)	DOA / Fatality	Unsubstantiated
045442 - Deceased Child, Female, 1 Mons	045444 - Father, Male, 029 Year(s)	Inadequate Guardianship	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?	$\square$			
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)?	$\boxtimes$			
Coordination of investigation with law enforcement?	$\boxtimes$			
Did the investigation adhere to established protocols for a joint investigation?	$\boxtimes$			
Was there timely entry of progress notes and other required documentation?				
Additional information: N/A				
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 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?		$\boxtimes$		
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?				
		Γ	Γ	
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?				
<b>Explain:</b> Although there were no safety factors documented throughout the progress not impending danger to the surviving siblings, the caseworker selected safety fact did not complete a safety plan The comments entered were about the SC and not complete the surviving siblings.	-			

Fatality Risk Assessment / Risk 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 sit household?			$\boxtimes$				
Was there an adequate assessment of th	Was there an adequate assessment of the family's need for services?						
Did the protective factors in this case rein Family Court at any time during or a	-		-		$\boxtimes$		
Were appropriate/needed services offer	ed in this ca	ase					
Explain:							
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?							
Explain as necessary: N/A				1	1		
	Legal Activ	ity Related	to the Fatalit	y			
Was there legal activity as a result of the			? There was		•		
	Provided	Offered,	Offered,	<b></b>	Needed		CDR
Services	After Death	but Refused	Unknown if Used	Not Offered	but Unavailabl	N/A	Lead to Referral
Bereavement counseling							
<b>Economic support</b>							
Funeral arrangements							
Housing assistance							
Mental health services							
Foster care						$\boxtimes$	

Office of Children and Family Services	Child	Fatality	y Report	t			
Health care							
Legal services							
Family planning						$\boxtimes$	
<b>Homemaking Services</b>						$\boxtimes$	
Parenting Skills						$\boxtimes$	
<b>Domestic Violence Services</b>						$\boxtimes$	
<b>Early Intervention</b>						$\boxtimes$	
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 referred for PPRS, specific  Were services provided to siblings or oth their well-being in response to the fatalit Explain: The surviving siblings were referred for con Were services provided to parent(s) and fatality? Yes Explain: The parents were referred to grief counseling	er childrency? Yes unseling. other care	n in the hou	isehold to a	immediate	y immediate	needs an	d support
Did the child have a history of alleged ch Was there an open CPS case with this ch Was the child ever placed outside of the Were there any siblings ever placed outs	ild abuse/r ild at the t home prior ide of the l	hild Information in altreatme ime of deater to the dearen ome prior	ntion nt? :h? th?			No No No No	
Was the child acutely ill during the two v		s Under One	Year Old			No	
<b>During pregnancy, mother:</b>							

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Had heavy alcohol use

☐ Smoked tobacco

Used illicit drugs

Had medical complications / infections

Experienced domestic violence

☐ Misused over-the-counter or prescription drugs

Office of Children and Family Services Child Fatality Report
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
There is no CPS history more than three years prior to the fatality.
Known CPS History Outside of NYS
There is 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** 

Recommended Action(s)

Are there any recommended actions for local or state administrative or policy changes?  $\square Yes \boxtimes No$ 

Are there any recommended prevention activities resulting from the review?  $\square$ Yes  $\boxtimes$ No

N/A

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