



**Report Identification Number: NY-20-084**

**Prepared by: New York City Regional Office**

**Issue Date: Mar 14, 2021**

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

<b>Relationships</b>		
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	
<b>Contacts</b>		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
<b>Allegations</b>		
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	
<b>Miscellaneous</b>		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation	ASTO-Allowing Sex Abuse to Occur	



## Case Information

**Report Type:** Child Deceased  
**Age:** 2 month(s)

**Jurisdiction:** New York  
**Gender:** Female

**Date of Death:** 09/18/2020  
**Initial Date OCFS Notified:** 09/18/2020

## Presenting Information

On 9/18/20, at approximately 1:47 AM, the SM placed the SC in a small portable crib and went to the kitchen to smoke a cigarette. Within five minutes, she returned to her bedroom to find the SC in the crib unresponsive and blue in color. The SM called 911, EMS responded and transported the SC to Harlem Hospital (HH) where she was pronounced dead at 2:37 AM. The SC was an otherwise healthy child and the parents had no explanation for her death. The allegations were DOA/Fatality and IG of the SC by the parents. The SCR registered three additional reports that alleged LS and PD/AM of the SM.

## Executive Summary

This fatality report concerns the death of a two-month-old female infant (SC) that occurred on 9/18/20.

ACS Manhattan Field Office Specialist initiated an investigation within the timeframe by contacting the hospital staff, LE, and the ME. LE reported the 911 call was received at 1:47 AM on 9/18/20. EMS responded to the case address at 1:51 AM and transported the SC to the hospital where the medical staff observed the SC to be in cardiac arrest upon arrival. There was a concern regarding the time the SM left the SC unsupervised. The SF(father of the SC), reported the SM stepped away for 20 minutes. The SC had no visible, physical marks. She was pronounced dead at 2:36 AM. The ME's final report regarding the cause and manner of the SC's death is pending. The ADA's case is pending the final autopsy report.

According to the reported information, the SC was an otherwise healthy child and the parents had no explanation for her death. The allegations were DOA/Fatality and IG of the SC by the parents. The 8, 5, 3 and two-year-old SS, who were asleep in their bedroom, were deemed safe and remained in the care of the SM. The SM declined to be interviewed or to have the SS interviewed.

The SM received limited prenatal care due to the pandemic. There were concerns of her alcohol use during pregnancy and history of mental health. However, the SM tested negative for illicit drugs at the time of the SC's birth. The SC was born at 33 weeks and remained hospitalized for one month. She tested negative for alcohol syndrome and had no medical conditions at the time she was discharged to the SM on 8/7/20. The ACS case documentation reflected the SF reported the SC was seen at HH on 9/11/20, and although her white cell blood count was a little high, the SC was deemed a well-baby. On 9/14/20, HH staff called and informed the parents that SC was to return on 9/18/20 to discuss the blood test result.

ACS held a CSC on 9/23/20, that resulted in the enrollment of the Family Preservation Program (FPP) that assisted with services that included substance abuse, MH, DV, bereavement and parenting skills for the SM. The family received home attendant services. The eight-year-old SS was engaged and will continue with services rendered by Office for People With Developmental Disabilities (OPWDD). The SS will receive evaluations, daycare, and kindergarten referrals. The SS have been assessed safe in the care of the SM.

ACS had not yet made a determination on the case at the time this report was written.

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

### Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? The CPS report had not yet been determined at the time this Fatality report was issued.
- Was the determination made by the district to unfound or indicate appropriate? N/A

Was the decision to close the case appropriate? N/A

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:

The case remains open with services.

### Required Actions Related to the Fatality

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

<b>Issue:</b>	Adequacy of Risk Assessment Profile (RAP)
<b>Summary:</b>	ACS collected sufficient information to complete a RAP and had not done so to the date this report was issued.
<b>Legal Reference:</b>	18 NYCRR 432.2(d)
<b>Action:</b>	ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who will attend and what was discussed.
<b>Issue:</b>	Timely/Adequate 30-Day Safety Assessment
<b>Summary:</b>	ACS did not complete a 30-Day Safety Assessment to the date this report was issued.
<b>Legal Reference:</b>	CPS Program Manual, Chapter 6, K-2
<b>Action:</b>	ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who will attend and what was discussed.

### Fatality-Related Information and Investigative Activities



### Incident Information

**Date of Death:** 09/18/2020

**Time of Death:** 14:36 AM

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

01:45 AM

**County where fatality incident occurred:**

New York

**Was 911 or local emergency number called?**

Yes

**Time of Call:**

01:47 AM

**Did EMS respond to the scene?**

Yes

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

No

**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**

**How long before incident was the child last seen by caretaker? 20 Minutes**

**At time of incident supervisor was:**

Drug Impaired

Absent

Alcohol Impaired

Asleep

Distracted

Impaired by illness

Impaired by disability

Other:

**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	2 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	28 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	22 Year(s)
Deceased Child's Household	Sibling	No Role	Female	2 Year(s)
Deceased Child's Household	Sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Male	5 Year(s)
Deceased Child's Household	Sibling	No Role	Female	8 Year(s)

### LDSS Response

At the time of this report, the ACS had recently closed a case on 9/10/20 that was unfounded with allegations of IG, LS and PD/AM by the SM.



On 9/18/20, the Specialist interviewed the SF who was in the home at the time the SC was discovered unresponsive, despite an active OP against him on behalf of the SM. The SF told the Specialist the SM fed the SC and placed her in the baby swing, where she fell asleep. The SM moved the SC to the crib where she laid her on her back. The SF stated it was approximately twenty minutes that the SM stepped away from the SC. He heard the SM scream that the SC was not breathing, and he called 911. The SM declined an interview with the Specialist; she was very angry that ACS visited her home at such a time; she allowed the SS to be assessed for safety and demanded the Specialist leave. Further attempts to reach the SF has been unsuccessful.

On 9/18/20, the Specialist received information from LE reported that the SM stated she left the SC asleep in the crib and went to the kitchen for five minutes; she returned to find the SC unresponsive. She immediately placed the SC on the floor and initiated CPR while the SF contacted 911. LE observed the crib without blankets or pillows and the SM did not appear under the influence of drugs or alcohol. Since this interview occurred on 9/18/20, the Specialist made multiple attempts for an update of LE's investigation, to no avail.

The medical staff reported to the Specialist that the SM disclosed she had used marijuana and alcohol in the past; however, she stopped smoking and drinking just prior to becoming pregnant with the SC. She told them she had completed drug treatment for marijuana use and a mental health evaluation.

ACS held a CSC on 9/23/20 and made referrals for services such as bereavement and drug/alcohol counseling to be incorporated in the SM's services. ACS held the follow-up CSC on 11/24/21 and FPP was implemented to provide additional services and to monitor the family. The Specialist made the required bi-weekly home visits and documented that the SS were observed with no marks and they were dressed appropriately; the home was clean and safe. There was ample food and diapers for the SS. The Specialist provided the SM with clothing for the SS. The SM's random drug test results had been negative.

According to ACS' case documentation, the SM has a history of intimate partner violence with two of her children's father. The BF of the five and three-year-old SS was incarcerated for acts of violence toward the SM, threats to hurt the eight-year-old SS and he had a violation of an OP. The OP was obtained in 2017 and is active until 9/27/2022. The SM had relocated and had been receiving services from Safe Horizon. The documentation also reflected an active OP against the SF on behalf of the SM. A Safety Plan was discussed with the SM. The father of the eight-year-old SS has not been involved in her life.

The Specialist received information from medical that confirmed the scheduled appointment to discuss the SC tests results mentioned by the SF. It also reflected the SM had missed the 8/10/20 medical appointment for the SC. However, she walked-into the clinic on 8/17/20; the SC had gained weight and was doing well. The SM received Safe Sleep training.

The MGM and the PGM along with family friends and other collaterals were interviewed and they all reported the SM and SS are doing well despite the recent incident.

The Specialist interviewed the case planner who provided services to the family from 2/2019 to 5/29/20, when the agency's contract ended. According to the case planner, the family was stable, and the SS basic needs were met. The SM was receiving prenatal and MH services, and she had a court appointed advocate. The eight-year-old SS continued to receive services and on 8/6/20, she was seen by multiple medical specialists.

ACS had not yet made a determination on the case at the time this report was written.

## Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** Pending



**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?** 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
056398 - Deceased Child, Female, 2 Mons	056399 - Mother, Female, 22 Year(s)	DOA / Fatality	Pending
056398 - Deceased Child, Female, 2 Mons	056399 - Mother, Female, 22 Year(s)	Inadequate Guardianship	Pending
056398 - Deceased Child, Female, 2 Mons	056400 - Father, Male, 28 Year(s)	DOA / Fatality	Pending
056398 - Deceased Child, Female, 2 Mons	056400 - Father, Male, 28 Year(s)	Inadequate Guardianship	Pending

**CPS Fatality Casework/Investigative Activities**

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

**Fatality Safety Assessment Activities**

	Yes	No	N/A	Unable to Determine



Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:</b>				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Explain:</b> ACS did not complete a 30-day Safety Assessment.				

### Fatality Risk Assessment / Risk Assessment Profile

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

### Placement Activities in Response to the Fatality Investigation

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



**Explain as necessary:**

The SS remained in the care of the SM.

**Legal Activity Related to the Fatality**

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

**Services Provided to the Family in Response to the Fatality**

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Legal services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Domestic Violence Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Early Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Alcohol/Substance abuse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Intensive case management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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 SS were in another bedroom asleep at the time of the incident. FPP services were implemented. The eight-year-old SS continued to receive home health aid and daycare services. The five-year-old SS was evaluated and resulted in therapy given by the school. The three and two-year-old SS were evaluated and received vouchers for daycare and pre-kindergarten. The family received homemaker services.

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

**Explain:**

The SM was enrolled in substance abuse, mental health, bereavement counseling and parenting skills.

## History Prior to the Fatality

### Child Information

- Did the child have a history of alleged child abuse/maltreatment? 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? No
- Was the child acutely ill during the two weeks before death? No

### Infants Under One Year Old

**During pregnancy, mother:**

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

**Infant was born:**

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

## CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/13/2020	Sibling, Female, 8 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 8 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 5 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 5 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 2 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 2 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Sibling, Male, 5 Years	Mother, Female, 22 Years	Lacerations / Bruises / Welts	Unsubstantiated
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**Report Summary:**

The report alleged the SM used cocaine and alcohol until she was intoxicated and falling over; she was unable to function. She was lazy, mentally unstable and erratic at times. She hit the five-year-old SS and the other children; however, they had no bruises.

**Report Determination:** Unfounded**Date of Determination:** 09/19/2020**Basis for Determination:**

The CPS documented that the SM was hospitalized at the time of this report and the five-year-old SS reported he was not being hit. She tested negative for all substances. She also had a lot of family support and had completed services that ended in March 2020. The CPS offered the SM PPRS and she declined.

The last CPS home visit occurred on 9/10/20 and the CPS documented no concerns. It was noted that CPS counseled the SM on safe sleep practices and she stated she was aware. The last visit by the community health nurse occurred on 9/16/20, documented everything was "great."

**OCFS Review Results:**

The investigation was conducted appropriately and the family were receiving the appropriate services. Details regarding the order of protection against the SF were not available.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/29/2020	Sibling, Female, 1 Years	Mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 1 Years	Mother, Female, 21 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 4 Years	Mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 21 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 8 Years	Mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 8 Years	Mother, Female, 21 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Female, 8 Years	Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 2 Years	Mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 2 Years	Mother, Female, 21 Years	Lack of Supervision	Unsubstantiated	



Sibling, Female, 2 Years	Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Female, 8 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 2 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated

**Report Summary:**

The report alleged that the SM was alcohol intoxicated until she had hallucinations and passed out. The SM was high and experienced hallucination that someone was breaking into the home; she contacted 911. SM received violent threats.

**Report Determination:** Indicated**Date of Determination:** 06/26/2020**Basis for Determination:**

ACS substantiated PD/AM of the SS by the SM based on the SM's disclosure that she consumed 3 beers to the point of hallucinations and she passed out in the presence of the SS, while she was their sole caretaker.

LS and IG were unfounded citing the SS needs were being met and there was no credible evidence that the SS were not being supervised at any time; they were with the homemaker or the SM. The court modified the OP to include the SS.

**OCFS Review Results:**

The PD/AM was substantiated based that the SM's admitted she was inebriated while being the sole caretaker stands to reason that the LS should have been substantiated also.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/16/2019	Sibling, Female, 7 Years	Father, Male, 32 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 4 Years	Father, Male, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 2 Years	Father, Male, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Years	Father, Male, 32 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

On the report date, the father of the then four-year-old SS entered the home and destroyed furniture and other items while brandishing a knife in the presence of the children. No one was hurt; however, there were death threats texted to the mother. The mother was not in the home at the time of the incident.

**Report Determination:** Indicated**Date of Determination:** 01/14/2020**Basis for Determination:**

ACS substantiated the IG allegation of the then 7, 4, 2, and 1-year-old SS by the BF of the 4 and 2-year-old SS. ACS stated they gathered some credible evidence that the incident occurred. LE was contacted and a report was filed against the BF.

The CPS reported the family is engaged in multiple services and the SM was in compliance with all services. A DV protocol was completed. An OP was already opened on behalf of the SM from 9/2017 to expire 9/27/2022. The family was in the process of being relocated for their safety.

**OCFS Review Results:**

The investigation was conducted appropriately.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/08/2018	Sibling, Female, 6 Years	Mother, Female, 20 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 6 Years	Mother, Female, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 8 Months	Mother, Female, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 8 Months	Mother, Female, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 8 Months	Mother, Female, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 8 Months	Mother, Female, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The report alleged that the SM was using drugs and pills and became incapable and raised issues of safety for the SS. The SM accepted drugs from visitors in addition to going out and returning under the influence. The SM appeared unkempt, drowsy and she relied on others to provide care to the SS.

**Report Determination:** Unfounded

**Date of Determination:** 07/06/2018

**Basis for Determination:**

The ACS' case investigation documented unannounced home visits were completed and the SM was observed to be appropriate. She had tested negative for drugs and there were no concerns reported by service providers.

**OCFS Review Results:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/21/2017	Sibling, Male, 2 Years	Mother, Female, 20 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 2 Years	Mother, Female, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Other - Parent Substitute, Male, 40 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The report alleged that the SM had been violent with the then two-year-old SS and struck him in the torso out of anger; however, there were no reported injuries. It was also alleged that the SM and the parent substitute used drugs/alcohol when alone with the SS and that rendered them unable to care for the SS.



**Report Determination:** Unfounded **Date of Determination:** 02/16/2018

**Basis for Determination:**  
The CPS documented the SM met the reasonable standard of care to the SS. The SS basic needs were met as the home health aide and homemaker were in the home daily. The CPS found no credible evidence of the SM intoxication and the collaterals denied they observed the SM under the influence.

**OCFS Review Results:**  
The CPS had completed prior investigations into this family who was engaged in multiple services and it was reported that the reports were called in maliciously.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/10/2017	Sibling, Female, 5 Years	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	No
	Sibling, Male, 2 Years	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 2 Months	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 5 Years	Mother, Female, 19 Years	Educational Neglect	Unsubstantiated	

**Report Summary:**  
The report alleged that at times the SM was alcohol intoxicated while she was the sole caretaker of the then five and two-year-old SS and the then two-month-old SS. It was alleged she was unable to provide adequate care; the five-year-old was left in dirty diapers and she had excessive absences in school. The report alleged that the SM locked her bedroom door as lots of men were in and out.  
The SCR registered another report on 12/21/2017 with similar allegations.

**Report Determination:** Unfounded **Date of Determination:** 01/05/2018

**Basis for Determination:**  
For the IG allegation, ACS documented the five-year-old SS missed a few days of school, however, they had no concerns. The PD/AM allegation was determined based on the lack of evidence found, the SS were not being neglected and the SM denied drug/alcohol use. ACS changed the service; FSS was closed and the SM engaged in PPRS.

**OCFS Review Results:**  
The CPS noted that ACS received conflicting information regarding the SM alleged drug/alcohol use from collaterals; however, the SS were not found to have been neglected. ACS referred the SM to a drug treatment program.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/06/2017	Sibling, Male, 2 Years	Mother, Female, 19 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 2 Years	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Other Adult - Parent Substitute, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The report alleged that the SM, out of anger, struck the then one-year-old SS in the torso, on one occasion. The SM and twenty-nine-year-old BF (of that SS) use narcotics and alcohol while in the SS's presence and were unable to care for him.

**Report Determination:** Unfounded**Date of Determination:** 10/05/2017**Basis for Determination:**

ACS' case documentation reflected that the SM was a teen-mother who was on trial discharge and was monitored by a foster care agency as she transitioned from care to independence. She was engaged in PPRS, in addition to being monitored by Elizabeth Seton Pediatric Hospital since the discharge of the then five-year-old SS to the SM's care. The CPS wrote that the SM displayed no negative behavior towards the one-year-old SS in addition to collaterals who reported no concerns. The CPS referenced the negative drug test result in July of 2017.

**OCFS Review Results:**

A review of the ACS' casework documentation reflected that a thorough investigation was completed.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/11/2017	Sibling, Male, 1 Years	Mother, Female, 19 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 1 Years	Other - SM's Foster Parent, Female, 57 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The report alleged that the SM abused alcohol and marijuana while caring for the now five-year-old SS when he was one-year-old. On other occasions such as in 11/2016, the SM was intoxicated and slashed/stabbed that SS's BF in the presence of the children. The FP was alleged to have not provided proper care to the children and they did not change the diaper of the now eight-year-old SS. The report alleged the parents left the children in the care of minors.

During the investigation, the CPS found no police report of an altercation. The SM reported the BF of the then one-year-old SS had been harrassing her; however, she relocated and he was unaware of their whereabouts.

**Report Determination:** Unfounded**Date of Determination:** 06/09/2017**Basis for Determination:**

The IG allegation of both SS was unsubstantiated as CPS found no evidence and there were no reported concerns; the SS needs were met. The SM denied drug use and decline drug testing citing her legal representative's advise. CPS observed no evidence of drug use or the SM intoxicated during unannounced home visits.

**OCFS Review Results:**

The investigation was conducted appropriately.

**Are there Required Actions related to the compliance issue(s)?**  Yes  No**CPS - Investigative History More Than Three Years Prior to the Fatality**

The SM became known to the ACS since 1/25/08, she was involved in 27 reports prior to the fatality. The SM was a child in 10 SCR reports dating from 1/25/08 to 10/2/15. The SM was in foster care from 3/13/14 until 6/27/17 when she transitioned to independent living. As a mother, she was named the subject in 17 reports dating from 2/6/15 to 7/13/20. Of



those reports, ten were unfounded, three were suspended, and four were indicated. The common thread of allegations was IG, EdN and multiple concerns of PD/AM (alcohol) by the SM.

### Known CPS History Outside of NYS

There was no known CPS History outside of NYS.

### Preventive Services History

According to ACS' case documentation, an FSS was opened 6/27/17 and advanced to intensive case management on 12/22/2017 that included multiple services to the family. The SM engaged in counseling to address her mental conditions, DV, parenting and drug/alcohol use. The SS received evaluations, Speech, Physical, Occupational therapies and vouchers for daycare etc. The eight-year-old SS received home health aid services daily from 8:00 AM to 4:00 PM; a nurse visited the home and monitored her due to her medical conditions. The family received homemaker services daily from 3:00 PM to 8:00 PM. Some services had ended and the service case was closed until an SCR report dated 12/26/18. The family received services as a result of a family court case filed in January 2019 due to IG, EdN and PD/AM of the children by the SM. PPRS reconvened on 1/4/2019 and ended in March 2020.

### 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