

Report Identification Number: NY-16-138

Prepared by: New York City Regional Office

Issue Date: Jun 30, 2017

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
FM-Foster Mother	SS-Surviving Sibling	

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	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	

Case Information



Report Type: Child Deceased
Age: 17 year(s)

Jurisdiction: Richmond
Gender: Female

Date of Death: 12/27/2016
Initial Date OCFS Notified: 12/28/2016

Presenting Information

The 1/4/17 report alleged the parental substitute (PS) drank six to seven 24-ounce beers and smoked marijuana on a daily basis. While under the influence, he had a history of being violent and throwing objects in the presence of the 17-year-old (SC), 12-year-old, 10-year-old, 4-year-old, and 1-year-old children. As a result of his behaviors, the PS was no longer allowed to be around the children. The SC had engaged in multiple arguments with the SM and PS regarding the tumultuous household environment as well as the PS getting into a car crash with the children in the car, while highly intoxicated. On 11/20/16, the PS was under the influence of alcohol and engaged in an argument with the SC. As a result of the ongoing household issues, including the PS ongoing alcohol use and violence towards the SM, the SC became extremely upset and overdosed on pills. The SC suffered seizures, and fell into a coma. On 12/27/16, the SC was removed from life support and died.

Executive Summary

The 17-year-old female child (SC) died on 12/27/16. ACS verified there was no autopsy completed. The ME stated that an autopsy was not needed as the SC was in the hospital for a long period of time. A physical examination of the outer body was conducted. There were no findings to this examination. The cause of death was complications following acute mixed drugs interaction including Depakote, Atomoxetine (Strattera), and Ibuprofen, and the manner of death was Suicide.

The allegations of the 1/4/17 report were DOA/Fatality and IG of the SC by the SM and Parent Substitute (PS), and IG of the 12-year-old, 10-year-old, 4-year-old, and 1-year-old children by the SM and PS, and PD/AM of the five children by the PS. The OCFS-Form 7065 was completed by ACS on 12/28/16.

At the time of the fatality report the five children were on trial discharge to the SM. ACS learned that on 11/20/16, the SC wanted to go to the mall and she told the SM she was going with a friend and her mother. The SM learned that no adults were going to the mall with the SC and friend. The SM said the SC was already at the friend's home. The PS went downstairs to confront the SC about not telling the truth. The SM remained in the apartment. The SM denied that the PS drank alcohol that day or at any point since the children were removed. The SM said that according to the PS, he spoke with the SC but the SC was not paying attention to him as she was using her phone. The SM said the PS took the cell phone out of the SC's hand and the PS returned to the apartment with the SC's cell phone. Once the SM saw the cell phone, she knew the SC would be upset and she immediately went downstairs to return it to her, but she had already left. The SC's friend did not know the SC's destination. Sometime later the SM received a call from the MGM who said the SC swallowed her pills. The SM said the 10-year-old child was with the PS and she was with the other three children when the incident occurred.

On 1/6/17, the Chemical Dependency Program (CDP) said the PS re-entered the program. The PS began the program on 8/2/16 and completed it on 12/8/16. The only concern was after learning about the SC's passing that the PS would relapse. The PS maintained all of his appointments and drug tested negative each time.

The Heartshare/St. Vincent's staff described the PS as a "dedicated and reliable client." He began therapy on 9/1/16. The PS requested to increase his appointments with Heart Share/St. Vincent's to two days a week.



On 1/11/17, the ME informed ACS that an autopsy was not completed, and only a physical examination of the outer body was conducted. There were no findings in this examination. An autopsy was not needed as the SC was in the hospital for a long period of time. The SC was admitted for acute drug intentional overdose. The ME said the SC self-admitted to taking the drugs.

On 2/8/17, ACS went to court for a Permanency Hearing. The decision was made to extend the trial discharge of the four children.

On 2/22/17, the SM's therapist said the SM's treatment plan included weekly therapy, navigating through the ACS case, anger management and referral to parenting. She denied any concerns for the SM's ability to care for the children.

On 2/24/17, an Assistant District Attorney (ADA) said the records only showed that the grand jury was waived. The ADA said this usually meant they were working on a plea.

On 3/30/17, ACS Unsub the allegations of DOA/Fatality and IG of the SC by the SM and PS, PD/AM of the SC by the PS, and IG of the four surviving children by the SM. ACS Sub the allegations of IG and PD/AM of the four surviving children by the PS. The PS admitted to relapsing about 2-3 weeks after the SC was hospitalized. At the time, there was a Family Court order indicating the PS was not to be under the influence of alcohol while caring for or around the children. The PS violated that order.

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?** 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 or regulatory requirements? Yes

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

Explain:

NA



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: 12/27/2016

Date of fatal incident, if different than date of death: 11/20/2016

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

County where fatality incident occurred:

RICHMOND

Was 911 or local emergency number called?

Yes

Time of Call:

12:54 PM

Did EMS to respond to the scene?

Yes

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

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other: The SC was upset at her stepfather for taking away

Did child have supervision at time of incident leading to death? No - Not needed given developmental age or circumstances

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	17 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	34 Year(s)
Deceased Child's Household	Other	Alleged Perpetrator	Male	35 Year(s)
Deceased Child's Household	Sibling	No Role	Male	18 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	4 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	10 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	12 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	1 Year(s)

LDSS Response

The documentation reflected the 10-year-old child was present when the PS took the SC's cell phone away and then she left for the MGP's home. On 1/4/17, the 10-year-old child said since he had returned home, he had not seen the PS drink alcohol. The PS was not violent or loud towards anyone in the home. The SM and PS were upset with the SC as she had lied to them about visiting the mall. The PS went downstairs to the SC friend's home and asked her why she lied to the SM about going to the mall with her friend. He said the SC had an attitude and talked back to the PS. The SC was also texting on her cell phone and the PS took the cell phone away from her. The SC got upset and yelled, and screamed at the PS. He said the PS was not saying anything to the SC and they left and returned upstairs. He denied the PS was drinking.

On 1/5/17, the PS said he was still residing with his sister. He said he relapsed approximately 2 ½ to 3 weeks from when the SC entered into the hospital. He said he drank 2-3 cans of 24-ounce beer about once per week. He said he did not drink prior to the SC's hospitalization. The PS explained that the SC made the SM think she was going out with her friend and her friend's mother, but this was not true. He went to the friend's apartment to speak with the SC about her not telling the truth. The SC was using her cell phone and her behavior was inappropriate. He took the cell phone away from the SC and the SC became upset. He took the cell phone and returned to the apartment. The PS said the 10-year-old child was with him the entire time. When he returned to the apartment, the SM took the SC's cell phone from him and went to return it, but the SC already left the friend's home. He said he had not utilized marijuana since before the car accident. He said he had an appointment with his counselor to re-enter the program. He said he continued to attend parenting and treatment through the HeartShare agency. The documentation reflected the PS resumed using alcohol and was excluded from the home on 12/28/16.

ACS interviewed the 12-year-old child who denied the PS was drinking and that she saw the PS drinking since returning home. The child said she only knew of the PS drinking last week earlier in the day prior to ACS coming to the home. She saw the PS had one beer. She did not know how much alcohol he had, but he acted differently as he yelled at the SM over the phone. The child said she was upstairs in the apartment the day the PS took the cell phone way from the SC. The child stated she did not see the PS use alcohol that day.

The adult sibling said since he returned home, he had not observed the PS drinking or under the influence. He normally could tell when the PS was drinking as the PS would yell and have a change in demeanor. He had not observed any of these behaviors. He denied there was fighting between the PS and SC. He said he did not anticipate the SC harming herself as the SC was happy. He said he knew the SC did not mean to hurt herself.

On 1/19/17, a Child Safety Conference (CSC) occurred. The documentation of the conference reflected the members who were present, but there was no information about the outcome.

On 2/15/17, the SC friend's mother said the PS came to her door and asked to speak with the SC. She said the PS cursed at the SC. The PS reached over the friend's mother and took the SC's phone out of her hands. The SC became upset, they argued, the SC cursed at the PS, and then the SC ran away and left. Shortly after, the SM came to the friend's home and gave her the SC's phone. Some time went by before the SM came and asked for her phone.

Official Manner and Cause of Death

Official Manner: Suicide

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)?No

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

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

Comments: There is no OCFS approved Child Fatality Review Team in NYC.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
037661 - Deceased Child, Female, 17 Yrs	037882 - Other - Parent Substitute, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
037661 - Deceased Child, Female, 17 Yrs	037882 - Other - Parent Substitute, Male, 35 Year(s)	Inadequate Guardianship	Unsubstantiated
037661 - Deceased Child, Female, 17 Yrs	037882 - Other - Parent Substitute, Male, 35 Year(s)	DOA / Fatality	Unsubstantiated
037661 - Deceased Child, Female, 17 Yrs	037662 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
037661 - Deceased Child, Female, 17 Yrs	037662 - Mother, Female, 34 Year(s)	DOA / Fatality	Unsubstantiated
037665 - Sibling, Male, 1 Year(s)	037662 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
037665 - Sibling, Male, 1 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
037665 - Sibling, Male, 1 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
037666 - Sibling, Female, 4 Year(s)	037662 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
037666 - Sibling, Female, 4 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
037666 - Sibling, Female, 4 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
037667 - Sibling, Male, 10 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
037667 - Sibling, Male, 10 Year(s)	037662 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
037667 - Sibling, Male, 10 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
037668 - Sibling, Female, 12 Year(s)	037662 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
037668 - Sibling, Female, 12 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
037668 - Sibling, Female, 12 Year(s)	037882 - Other - Parent Substitute, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated



Year(s)	35 Year(s)	Misuse	
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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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the investigation adhere to established protocols for a joint investigation?	<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"/>

Additional information:

The documentation of the 1/4/17 report did not reflect a death scene investigation occurred.

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"/>
Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
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 checked="" type="checkbox"/>	<input 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"/>
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Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 siblings/other children in the household removed as a result of this fatality report/investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
The four surviving siblings remained on trial discharge to the respondent SM.

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation?
 Family Court Criminal Court Order of Protection

Have any Orders of Protection been issued? Yes	
From: 12/28/2016	To: Unknown



Explain:
The Family Service Progress Notes reflected that the RCFC granted a full stay away order of protection for the children against the PS.

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

Additional information, if necessary:
The SM attended the St. Vincent's/Heart Share agency program for individual therapy and parenting classes at Community Health Action. The SM was also engaged with Children's Aid Society foster care agency.

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 RCFC ordered that the children, SM and PS be referred for grief counseling. Documentation reflected that the children were receiving grief counseling through the Children's Aid Society.

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



fatality? Yes

Explain:

The FSPN reflected that ACS would assist the family with burial expenses. In addition, the RCFC ordered that the children, SM and PS be referred for grief counseling.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
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? Yes
Were there any siblings ever placed outside of the home prior to this child's death? Yes
Was the child acutely ill during the two weeks before death? Yes

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)
07/18/2016	16456 - Sibling, Female, 11 Years	16453 - Other - Parent Substitute, Male, 35 Years	Lacerations / Bruises / Welts	Indicated	Yes
	16456 - Sibling, Female, 11 Years	16453 - Other - Parent Substitute, Male, 35 Years	Fractures	Indicated	
	16458 - Sibling, Female, 3 Years	16453 - Other - Parent Substitute, Male, 35 Years	Fractures	Indicated	
	16458 - Sibling, Female, 3 Years	16453 - Other - Parent Substitute, Male, 35 Years	Internal Injuries	Indicated	
	16451 - Deceased Child, Female, 16 Years	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	16456 - Sibling, Female, 11 Years	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	16456 - Sibling, Female, 11 Years	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated	
	16457 - Sibling, Male, 9 Years	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated	
	16458 - Sibling, Female, 3 Years	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated	
	16455 - Sibling, Male, 11 Months	16453 - Other - Parent Substitute, Male, 35 Years	Lacerations / Bruises / Welts	Indicated	
	16455 - Sibling, Male, 11	16453 - Other - Parent	Parents Drug /	Indicated	

Months	Substitute, Male, 35 Years	Alcohol Misuse	
16456 - Sibling, Female, 11 Years	16453 - Other - Parent Substitute, Male, 35 Years	Parents Drug / Alcohol Misuse	Indicated
16457 - Sibling, Male, 9 Years	16453 - Other - Parent Substitute, Male, 35 Years	Lacerations / Bruises / Welts	Indicated
16457 - Sibling, Male, 9 Years	16453 - Other - Parent Substitute, Male, 35 Years	Parents Drug / Alcohol Misuse	Indicated
16458 - Sibling, Female, 3 Years	16453 - Other - Parent Substitute, Male, 35 Years	Lacerations / Bruises / Welts	Indicated
16458 - Sibling, Female, 3 Years	16453 - Other - Parent Substitute, Male, 35 Years	Parents Drug / Alcohol Misuse	Indicated
16457 - Sibling, Male, 9 Years	16453 - Other - Parent Substitute, Male, 35 Years	Fractures	Indicated
16457 - Sibling, Male, 9 Years	16453 - Other - Parent Substitute, Male, 35 Years	Internal Injuries	Indicated
16454 - Sibling, Male, 17 Years	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
16455 - Sibling, Male, 11 Months	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
16457 - Sibling, Male, 9 Years	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
16458 - Sibling, Female, 3 Years	16452 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
16451 - Deceased Child, Female, 16 Years	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated
16454 - Sibling, Male, 17 Years	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated
16455 - Sibling, Male, 11 Months	16453 - Other - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Indicated

Report Summary:

The 7/18/16 report alleged on 7/18/16, the PS was driving his vehicle while intoxicated with alcohol while transporting four of the children. The PS crashed into a telephone pole on 7/18/16 at 4:29 PM. As a result, 12 year-old child sustained a broken pelvic bone, the 10-year-old child sustained facial fractures to the left jaw or cheek bone and internal injuries and bleeding, the 4-year-old child and 1-year-old child sustained cuts and bruises. The SM was riding in the passenger seat, but had an unknown role.

Determination: Indicated

Date of Determination: 09/02/2016

Basis for Determination:

According to LE, on 7/18/16, the PS drove the now 12-year-old, 10-year-old, 4-year-old and 1-year-old children, and the SM home while intoxicated and crashed into a telephone pole, causing injuries to all four children as well as the SM. The four children were hospitalized due to the incident. The PS sustained injuries and was arrested for driving while intoxicated, vehicular assault and four counts of Leandra's Law. The PS took a breathalyzer test and blew a 0.205. The PS admitted to LE that he had consumed 2 fireball shots and a can of beer before driving. The now 12-year-old sustained a pelvic fracture, left inner thigh laceration and a left femur fracture.

OCFS Review Results:

The PS admitted he drank alcohol at the beach. He and the SM were talking in the car. He said he attempted to turn on



the road and his wheel locked going into the opposite direction. The PS drove into a pole. The now 12 year-old child sustained a fractured pelvis to the left side, a laceration to the pelvic area and abrasions to her face, chest, arm and foot. The now 10-year-old had a fractured pelvis to the left and right side, fractured right orbital, nose bleed, abrasion to the right cheek, and cuts on his abdominal area. The now 4-year-old had a grade 2 splenic laceration and scratches to the abdomen. ACS filed an Article Ten petition in Family Court.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

The documentation did not reflect that ACS interviewed the SC's therapist and clinician. ACS also did not attempt to interview the uncle. The uncle allegedly observed the PS buy and drink alcohol.

Legal Reference:

18 NYCRR 432.2(b)(3)(ii)(b)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

Issue:

Failure to provide notice of report

Summary:

The Event List reflected that although the SM was provided with a Notice of Existence for the 7/18/16 report; the PS was not provided a Notice of Existence.

Legal Reference:

18 NYCRR 432.2(b)(3)(ii)(f)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/06/2015	16403 - Sibling, Male, 16 Years	16401 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	Yes
	16404 - Deceased Child, Female, 15 Years	16401 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	16406 - Sibling, Female, 10 Years	16401 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	16407 - Sibling, Male, 8 Years	16401 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	16403 - Sibling, Male, 16 Years	16402 - Other - Parent Substitute, Male, 34 Years	Inadequate Guardianship	Unfounded	
	16404 - Deceased Child, Female, 15 Years	16402 - Other - Parent Substitute, Male, 34 Years	Inadequate Guardianship	Unfounded	
	16405 - Sibling, Female, 2 Years	16402 - Other - Parent Substitute, Male, 34 Years	Inadequate Guardianship	Unfounded	



16406 - Sibling, Female, 10 Years	16402 - Other - Parent Substitute, Male, 34 Years	Inadequate Guardianship	Unfounded
16407 - Sibling, Male, 8 Years	16402 - Other - Parent Substitute, Male, 34 Years	Inadequate Guardianship	Unfounded
16403 - Sibling, Male, 16 Years	16402 - Other - Parent Substitute, Male, 34 Years	Parents Drug / Alcohol Misuse	Unfounded
16404 - Deceased Child, Female, 15 Years	16402 - Other - Parent Substitute, Male, 34 Years	Parents Drug / Alcohol Misuse	Unfounded
16405 - Sibling, Female, 2 Years	16402 - Other - Parent Substitute, Male, 34 Years	Parents Drug / Alcohol Misuse	Unfounded
16405 - Sibling, Female, 2 Years	16401 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded
16406 - Sibling, Female, 10 Years	16402 - Other - Parent Substitute, Male, 34 Years	Parents Drug / Alcohol Misuse	Unfounded
16407 - Sibling, Male, 8 Years	16402 - Other - Parent Substitute, Male, 34 Years	Parents Drug / Alcohol Misuse	Unfounded

Report Summary:

The 2/6/15 report alleged that on 2/5/15 the PS was driving while intoxicated with child, who was then 16 years old child, SC, who was then 15 years old, and the other children who were then 2 years old, 4 years old and 10 years old in the vehicle. The PS was driving recklessly. The SM was in the vehicle at the time, and she allowed the PS to drive in his condition. The PS had drove while intoxicated with the children in the vehicle in the past, and he drank on a daily basis.

Determination: Unfounded**Date of Determination:** 04/02/2015**Basis for Determination:**

ACS based the determination on findings that showed the SM and PS demonstrated a minimum degree of care in reference to adequate food, clothing, shelter, education, medical, dental, optometric and financial stability. There was no credible evidence for the allegation of IG. The schools said the SM and PS participated in events, attended meetings, and showed a deep interest in the education of the children. The staff made comment about the good grades the children received. The family Dr. said the immunizations were current and there were no concerns about the SM and PS. There was no credible evidence to demonstrate the misuse of alcohol to the extent that the PS lost self control.

OCFS Review Results:

Although ACS completed the Seven Day safety assessment in a timely manner, it was inadequate as ACS did not identify the safety factors which placed the children in immediate danger. The documentation of the SM's and PS's interview on 2/6/15 did not reflect that the allegations of the report were addressed. The now adult sibling said the PS did not drink until he got home. He said the PS did not drink and drive and only drank once or twice weekly. On 2/20/15, Richmond University Medical Center told ACS not only was the SC taken to the hospital as she was trying to cut herself, she did it again in the hospital with a bottle cap. The hospital provided a Home-based Crisis Intervention program.

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

Timely/Adequate Seven Day Assessment

Summary:

Although ACS completed the Seven Day safety assessment in a timely manner it was inadequate as ACS did not identify the safety factors which placed the children in immediate danger.

Legal Reference:

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will



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.

Issue:

Pre-Determination/Supervisor Review

Summary:

The 4/2/15 safety assessment was inadequate as ACS did not identify the safety factors which placed the children in immediate danger.

Legal Reference:

18 NYCRR 432.2(b)(3)(v)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

Issue:

Failure to provide notice of report

Summary:

The Event List did not reflect that the Notice of Existence was provided to the subjects of the report; the SM and PS.

Legal Reference:

18 NYCRR 432.2(b)(3)(ii)(f)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/01/2014	16393 - Deceased Child, Female, 14 Years	16391 - Mother, Female, 31 Years	Internal Injuries	Unfounded	Yes
	16393 - Deceased Child, Female, 14 Years	16392 - Other - Parent Substitute, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16394 - Sibling, Male, 15 Years	16392 - Other - Parent Substitute, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16395 - Sibling, Female, 1 Years	16392 - Other - Parent Substitute, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16396 - Sibling, Female, 9 Years	16392 - Other - Parent Substitute, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16397 - Sibling, Male, 7 Years	16392 - Other - Parent Substitute, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16393 - Deceased Child, Female, 14 Years	16391 - Mother, Female, 31 Years	Lack of Medical Care	Unfounded	
	16393 - Deceased Child, Female, 14 Years	16391 - Mother, Female, 31 Years	Lacerations / Bruises / Welts	Unfounded	
	16393 - Deceased Child, Female, 14 Years	16392 - Other - Parent Substitute, Male, 33 Years	Lacerations / Bruises / Welts	Unfounded	
	16393 - Deceased Child,	16391 - Mother, Female, 31	Inadequate	Unfounded	

Female, 14 Years	Years	Guardianship	
16394 - Sibling, Male, 15 Years	16391 - Mother, Female, 31 Years	Inadequate Guardianship	Unfounded
16395 - Sibling, Female, 1 Years	16391 - Mother, Female, 31 Years	Inadequate Guardianship	Unfounded
16396 - Sibling, Female, 9 Years	16391 - Mother, Female, 31 Years	Inadequate Guardianship	Unfounded
16397 - Sibling, Male, 7 Years	16391 - Mother, Female, 31 Years	Inadequate Guardianship	Unfounded
16393 - Deceased Child, Female, 14 Years	16392 - Other - Parent Substitute , Male, 33 Years	Inadequate Guardianship	Unfounded
16394 - Sibling, Male, 15 Years	16392 - Other - Parent Substitute , Male, 33 Years	Inadequate Guardianship	Unfounded
16395 - Sibling, Female, 1 Years	16392 - Other - Parent Substitute , Male, 33 Years	Inadequate Guardianship	Unfounded
16396 - Sibling, Female, 9 Years	16392 - Other - Parent Substitute , Male, 33 Years	Inadequate Guardianship	Unfounded
16397 - Sibling, Male, 7 Years	16392 - Other - Parent Substitute , Male, 33 Years	Inadequate Guardianship	Unfounded

Report Summary:

The 5/1/14 report alleged that the PS had beaten the SC, who was then 14 years old, with his hands and hangers leaving bruises and scars on the child's body. The adults called the SC degrading names and she was made to stay in her room. As a result of the abuse, the SC did not go home on 4/30/14. The adults continued to engage in physical fights with each other in the presence of the children, who were then 15 years old, 9 years old, 7 years old, and 1 year old). There were holes in the walls due to the violence. The PS was intoxicated when fighting the SM and beating the SC.

Determination: Unfounded

Date of Determination: 06/24/2014

Basis for Determination:

ACS based the determination on finding of no credible evidence. During the investigation ACS saw the SM provide appropriate and adequate care to all children. The SC no longer wanted to reside in the family's home and wanted to reside with her paternal family. Following ACS intervention, the SC changed her mind and returned home. ACS made announced/unannounced visits to the home and had not observed the PS to be under the influence of alcohol. The PS seemed to be meeting the children's needs and neither child had made any disclosures stating otherwise. ACS had not observed the PS was negligent in providing each child with the appropriate supervision that they needed.

OCFS Review Results:

ACS completed the Seven Day safety assessment in a timely manner as it was completed on 5/5/14. The SC said she no longer wanted to remain at home. The SC said she and the PS had frequent arguments and the SM took his side. The SC's school told ACS that the SC wrote on school computer "can she kill herself." The SC was taken to the hospital. On 6/5/14, the SM said the SC decided to return home. The SC was prescribed medication. The PS completed an assessment. Based on the assessment, the PS did not have an issue with substances and there were no services recommended.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

The documentation did not reflect that medical staff at Bayley Seaton Hospital or Richmond University Medical Center were interviewed regarding the SC's treatment and condition.

Legal Reference:



18 NYCRR 432.2(b)(3)(ii)(b)

Action:

ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

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

The SM and stepfather were known to the SCR and ACS as subjects of reports. The SM and two other adults were known in a report dated 1/11/99. The allegations were FX, IG, LS, and S/D/S. On 3/26/99, ACS IND the report.

The SM and stepfather were known as subjects in reports dated 2/18/07, 2/10/11, 3/27/12, and 3/19/13. The allegations of the 2/18/07 report were IG of the child, who was then 2 years old, by the SM and stepfather. ACS later added the allegation of PD/AM by the stepfather. On 4/27/07, ACS Sub the allegations. The allegations of the 2/10/11 report were IG and L/B/W of the now adult sibling and SC (then 11 years old) by the stepfather, and IG of the now adult sibling and SC by the SM. On 4/14/11, ACS Unsub the allegations. The allegations of the 3/27/12 report were L/B/W, IG and XCP of the SC (then 12 years old) by the stepfather and SM. On 5/18/12, ACS Unsub the allegations. The allegations of the 3/19/13 report were IG of the SC (then 13 years old) by the SM and stepfather. On 5/17/13, ACS Unsub the allegations.

Known CPS History Outside of NYS

There was no known history outside of NYS.

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes

Date the preventive services case was opened: 07/20/2016

Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes

Date the Child Protective Services case was opened: 07/20/2016

Evaluative Review of Services that were Open at the Time of the Fatality

	Yes	No	N/A	Unable to Determine
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
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Was the most recent FASP approved on time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the FASP consistent with the case circumstances?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closing

	Yes	No	N/A	Unable to Determine
Was the decision to close the Services case appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Provider

	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:
 During the 7/18/16 investigation, an Article Ten Petition was filed naming the mother and PS as respondents. The 17-year-old child and sibling (now adult) were released to the maternal grandparents. The four younger children were placed into Foster Care through the CAS agency. The 4 younger children were trial discharged to the SM and PS.

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?
 Yes No

Preventive Services History

During the 2/6/15 investigation, ACS opened a Family Service Stage (FSS) on 2/12/15 as the PS's intoxicated related behavior placed the lives of the children and SM in danger. ACS closed the FSS on 4/22/15 as the family did not want to receive PPRS Functional Family Therapy (FFT).

An Article Ten Neglect Petition was filed in the Richmond County Family Court naming the SM and PS as respondents on 7/20/16. The 17-year-old child and sibling (now adult) were released to the care of the MGP's. The four younger children were removed and placed in Kinship foster care through the Children's Aid Society (CAS) agency. The documentation reflected that the four younger children were trial discharged to the SM and PS. The SC was released to the care of the SM on 10/25/16. Court Ordered Supervision was to be implemented for one year.

Between 8/1/16 and 10/24/16, ACS conducted the required number of visits to the MGP's home. ACS continued to visit the family after they were trial discharged to the SM and PS. The FSPN showed that between 8/1/16 and 12/31/16, ACS did not contact the SC's therapist regarding the SC. On 11/15/16, the SM said the SC was still refusing to live with them.



On 11/21/16, ACS received a message from the SM who said the SC took pills and was in the hospital. Later, the SM said that on 11/20/16, the SC overdosed on all her medication.

Required Action(s)

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

Yes No

Issue:	Timely/Adequate Case Recording/Progress Notes
Summary:	The CAS agency Family Service Progress Notes reflected that notes were not entered contemporaneously. An event occurred on 9/14/16 and was not entered until 1/17/17.
Legal Reference:	18 NYCRR 428.5(a) and (c)
Action:	ACS must submit a performance improvement plan within 45 days that identifies the action the agency has taken or will 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.

Foster Care Placement History

During the 1/11/99 investigation, an Article Ten Abuse petition was filed against the SM on 1/19/99. The sibling, who was then one month old, was placed in foster care. He was discharged to the SM on 12/21/99.

During the 7/18/16 investigation, an Article Ten petition was filed in the Richmond County Family Court naming the SM and PS as respondents on 7/20/16. The 17-year-old child and sibling (now adult) were released to the care of the maternal grandparents. The four younger children were removed and placed in kinship foster care through the CAS agency. The judge issued a full stay away OOP for both the SM and PS except for agency supervised visits. The 10/18/16 FASP reflected that the PS's service plan included substance abuse treatment, clinical health evaluation, parenting skills, random drug screenings, and visitation. The SM's service plan included: clinical health treatment, parenting skills, and visitation. The PS had been engaged in the Chemical Dependency Program at St. Vincent's/HeartShare agency as of 9/6/16. The program reported he was consistent in treatment and had consistently tested negative for all illicit substances including alcohol. He attended therapy consistently since 9/1/16. The therapist recommended he should continue with therapy until reunification with the children.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation?

Family Court Criminal Court Order of Protection

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
07/20/2016	Adjudicated Neglected	Return to Parent
Respondent:	037662 Mother Female 34 Year(s)	



Comments:	The documentation of the 7/18/16 investigation reflected that on 7/20/16, an Article Ten Neglect petition was filed in the Richmond County Family Court (RCFC) naming the SM and PS as respondents. The now adult sibling (then 17 years old) and the SC (then 16 years old) was 1017 released to the care of the maternal grandparents (MGP). The now 1-year-old, 4-year-old, 10-year-old, and 12-year-old child (then 11 months old, 3 years old, 9 years old, and 11 years old) were remanded to the Commissioner of ACS. A full stay away order of protection was issued for both parents except for agency supervised visits.
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Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)		
Date Filed:	Fact Finding Description:	Disposition Description:
05/01/2014	There was not a fact finding	Petition Dismissed
Respondent:	None	
Comments:	The documentation reflected that on 5/1/14 a custody petition was filed by the PGM. The allegations stated that the SC told an aunt that the SM and her "boyfriend/husband" had been physically abusing her and she no longer wished to live in the home with the SM. The SC stated she would rather die than return to that home as she was tired of the abuse. The petition was dismissed without prejudice on 9/10/14.	

Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)		
Date Filed:	Fact Finding Description:	Disposition Description:
05/05/2014	There was not a fact finding	Petition Dismissed
Respondent:	None	
Comments:	The documentation reflected that the SM sought final sole order of physical and legal custody over the children. The SM alleged she had been the primary caretaker of the children since the child's birth and felt best suited to continue raising children and making all decisions regarding the children. The petition was dismissed without prejudice on 9/10/14.	

Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)		
Date Filed:	Fact Finding Description:	Disposition Description:
11/12/2014	There was not a fact finding	Petition Dismissed
Respondent:	None	
Comments:	The documentation reflected that a Family Offense Petition was filed against the SM's aunt. The petition involved the SM and her aunt. The petition was dismissed for failure to prosecute/without prejudice on 12/19/14.	

Criminal Charge: Assault Degree: NA			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
07/18/2016	Parent Substitute	Unknown	Unknown



Comments:	The documentation reflected that the PS had an arrest for vehicular assault, aggravated driving while intoxicated (DWI) and DWI.
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Have any Orders of Protection been issued? Yes

From: 10/25/2016	To: 10/25/2017
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Explain:
 The order of protection reflected that the PS was required to observe the following conditions of behavior: refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion, or any criminal offense against the SC, 12-year-old child, 10-year-old child, 4-year-old child, 1-year-old child, and adult sibling.

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