

Report Identification Number: NY-19-007

Prepared by: New York City Regional Office

Issue Date: Jul 08, 2019

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns: A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
The death of a child for whom child protective services has an open case.
The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child's family; any extraordinary or pertinent information concerning the circumstances of the child's death; whether the child or the child's family received assistance, care or services from the social services district prior to the child's death; any action or further investigation undertaken by OCFS or the social services district since the child's death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child's household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may <u>only</u> be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household.

OCFS' review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS' assessment and the performance of these agencies.



Abbreviations

Relationships					
BM-Biological Mother	SM-Subject Mother	SC-Subject Child			
BF-Biological Father	SF-Subject Father	OC-Other Child			
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father			
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider			
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father			
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle			
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub			
CH/CHN-Child/Children	OA-Other Adult				
	Contacts				
LE-Law Enforcement	CW-Case Worker	CP-Case Planner			
DrDoctor	ME-Medical Examiner	EMS-Emergency Medical Services			
DC-Day Care	FD-Fire Department	BM-Biological Mother			
CPS-Child Protective Services					
	Allegations				
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts			
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding			
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse			
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect			
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive			
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision			
Ab-Abandonment	OTH/COI-Other				
	Miscellaneous				
IND-Indicated	UNF-Unfounded	SO-Sexual Offender			
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence			
LDSS-Local Department of Social	ACS-Administration for Children's	NYPD-New York City Police			
Service	Services	Department			
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care			
Rehabilitative Services	Families				
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services			
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan			
FAR-Family Assessment Response	Hx-History	Tx-Treatment			
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old			
CPR-Cardiopulmonary Resuscitation					



Case Information

Report Type: Child Deceased **Jurisdiction:** Bronx **Date of Death:** 01/15/2019

Age: 11 day(s) Gender: Male Initial Date OCFS Notified: 01/17/2019

Presenting Information

According to the information provided to ACS, in January 2019, the infant was admitted to the hospital immediately following his birth. He remained in the hospital where he received treatment for extreme prematurity and other pre-existing conditions. The infant died in the hospital on 1/15/19. He was never released to the BM's care.

Executive Summary

This medically fragile male infant was approximately two weeks old when he died on 1/15/19. ACS documentation showed the infant was pronounced dead by an attending physician. The death was due to natural causes. There was no ME assigned to the case.

At the time of the infant's death, the BM had an open investigation that began on 1/5/19. ACS investigative findings showed between 1/11/19 and 1/14/19, the BM did not visit the hospital to discuss plans for the infant. The BM resided with the MGM, and MAs: ages 11 and 14, MU: age 13, and their father. ACS obtained LE assistance to locate the BM, while the hospital assigned the MGM as the legal proxy for the infant. The MGM informed ACS of the infant's death.

ACS obtained information from medical staff who said the infant was born prematurely at approximately 24 weeks gestation and had a very low birth weight. At birth he was admitted to the hospital for evaluation of extreme prematurity, respiratory distress syndrome and newborn sepsis. He remained hospitalized and was in an incubator in the neonatal intensive care unit. He received maximum support and treatment to maintain his breathing. He did not test positive for substances although the BM had a positive toxicology for marijuana and benzodiazepines. On 1/14/19, during a visit to the hospital, ACS interviewed the staff, and learned the infant was in a "decomposition stage" and not expected to survive. The infant had no surviving siblings and there were no other children in the BM's care.

ACS submitted the OCFS-7065 Agency Reporting Form for Serious Injuries, Accidents or Deaths of Children in Foster Care and Deaths of Children in Open Child Protective or Preventive Cases. The information regarding the infant's death was reported to OCFS under Chapter 485 of the Laws of 2006. ACS incorporated the information into the open investigation for further exploration.

ACS engaged the family through home visits and telephone contacts. ACS interviewed the BM, MGM, and MAs, MU and their father. The results of the interviews revealed the family members were distraught about the infant's death. The family received counseling, housing, bereavement, burial assistance services. The BM did not comply with service implementation. She was truant from school, used illicit substances, and exhibited aggressive behavior. The BM was listed as a child on the MGM's open preventive services court ordered supervision (COS) case since September 2017. ACS addressed the BM's needs through the open case until COS ended on 6/12/19.

The MGM's case remained open for PPRS at the time of writing of this fatality.

Findings Related to the CPS Investigation of the Fatality

NY-19-007 FINAL Page 3 of 10



Safety Assessment:						
• Was sufficient information gathered to make the decision recorded on the:						
Safety assessment due at the time of determination?	N/A					
Determination:						
 Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? 	ons N/A					
 Was the determination made by the district to unfound or indicate appropriate? 	N/A					
Explain: 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: There was no SCR report and no allegations regarding the infant's death.						
Required Actions Related to the Fatality						
Are there Required Actions related to the compliance issue(s)?						
Fatality-Related Information and Investigative Activ	vities					
Incident Information						
Date of Death: 01/15/2019 Time of Death: 03:40 PM						
County where fatality incident occurred:	Bronx					
Was 911 or local emergency number called?						
Did EMS respond to the scene? At time of incident leading to death, had child used alcohol or drugs?	No N/A					
At time of incident leading to death, had child used alcohol or drugs? Child's activity at time of incident:	IN/A					

Did child have supervision at time of incident leading to death? Yes At time of incident supervisor was: Not impaired.

☐ Sleeping ☐ Playing

Other: Hospitalized

Working

Eating

NY-19-007 FINAL Page 4 of 10

Driving / Vehicle occupant

Unknown



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	Aunt/Uncle	No Role	Female	14 Year(s)
Deceased Child's Household	Aunt/Uncle	No Role	Female	11 Year(s)
Deceased Child's Household	Aunt/Uncle	No Role	Male	13 Year(s)
Deceased Child's Household	Deceased Child	No Role	Male	11 Day(s)
Deceased Child's Household	Grandparent	No Role	Female	41 Year(s)
Deceased Child's Household	Mother	No Role	Female	16 Year(s)
Deceased Child's Household	Unrelated Home Member	No Role	Male	44 Year(s)

LDSS Response

ACS interviewed the BM in the home on 1/15/19 and on 1/16/19, respectively. The BM did not provide details regarding the infant's death. The BM said she went to a friend's home to use drugs, became ill and was transported to the hospital where she gave birth to the infant. According to the BM's account, following discharge from the hospital she was at a friend's home from 1/14/19 through the afternoon of 1/15/19. She did not inform the MGM of her whereabouts. She said she used marijuana in her friends' homes. She was unable to recall the location of the homes.

ACS counseled the BM about the dangers of using illicit drugs and leaving the home without the MGM's knowledge. The BM did not agree to in-patient services for substance abuse. She said she was depressed due to the infant's death. ACS provided referral for mental health consultation and bereavement. The MGM agreed to participate in individual and family counseling for bereavement.

The MGM had an active Family Court case under an Article Ten Neglect petition that began in September 2017. ACS addressed the BM's behavior as she was listed as a child in the MGM's case. ACS obtained Family Court Legal Services (FCLS) consultation and discussed the BM's behavioral concerns and mental health needs on 1/17/19. The participants discussed plans to enroll the BM in a specialized school setting. The documentation did not include details although an ACS Specialist requested additional FCLS assistance on 3/19/19.

Between January 2019 and June 2019, ACS and PPRS staff visited the family, observed and interviewed household members, monitored elevated risk concerns, and assessed safety of the BM, MAs and PU. ACS noted the BM, MAs and PU did not have observable marks/bruises, the home was well organized, and the family had adequate sleeping arrangements, food and household supplies. The family participated in bereavement and therapeutic services. The family received housing support, and financial assistance for the SC's cremation. ACS visited the schools, interviewed counselors, reviewed details of attendance and academic performance, and addressed education concerns. The documentation showed the BM was truant from school and continued to misuse drugs. The MGM was unable to manage the BM's behavior.

ACS did not enter progress notes contemporaneously, including activities that occurred in February and March 2019 but were not entered until June 2019.

Official Manner and Cause of Death



Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Hospital physician

Multidisciplinary Investigation/Review

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.

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	\square			
When appropriate, children were interviewed?	\boxtimes			
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?			\boxtimes	
Coordination of investigation with law enforcement?	\square			
Was there timely entry of progress notes and other required documentation?				

Additional information:

ACS did not enter progress notes contemporaneously.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?				
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?				
At 7 days?	\boxtimes			
At 30 days?	\boxtimes			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?			\boxtimes	
Are there any safety issues that need to be referred back to the local district?		\boxtimes		

NY-19-007 FINAL Page 6 of 10



Services	Provided After	Offered, but	Offered, Unknown	Not Offered	Needed but	l N/A	CDR Lead to
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							
Legal Activity Related to the Fatality							
Explain as necessary: There was no removal of the surviving children in the home.							
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?							
Did the safety factors in the case show the siblings/other children in the household care at any time during this fatality investigation.	be removed				\boxtimes		
				Yes	No	N/A	Unable to Determine
Placement	Activities in	Response to	the Fatality l	Investigatio	n		
Explain: The family received court ordered services	with ACS	supervision	ı .				
Were appropriate/needed services offere							
Did the protective factors in this case red in Family Court at any time during or a	-		-				
Was there an adequate assessment of the	e family's n	eed for se	rvices?				
During the course of the investigation, we gathered to assess risk to all surviving sit household?							
Was the risk assessment/RAP adequate	in this case	?					
				Yes	No	N/A	Unable to Determine
Fatali	ty Risk Asse	ssment / Ris	k Assessment	Profile			
adequate?							
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							

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Bereavement counseling	\boxtimes					
Economic support	\boxtimes					
Funeral arrangements	\boxtimes					
Housing assistance	\boxtimes					
Mental health services	\boxtimes					
Foster care					\boxtimes	
Health care					\boxtimes	
Legal services	\boxtimes					
Family planning	\boxtimes					
Homemaking Services					\boxtimes	
Parenting Skills					\boxtimes	
Domestic Violence Services					\boxtimes	
Early Intervention					\boxtimes	
Alcohol/Substance abuse	\boxtimes					
Child Care						
Intensive case management	\boxtimes					
Family or others as safety resources	\boxtimes					
Other						
Additional information, if necessary: The family received preventive services and community based services.						

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:

ACS referred the family to bereavement services.

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

Explain:

ACS referred the BM to drug treatment and case management services.

History Prior to the Fatality

Did the child have a history of alleged child abuse/maltreatment? Was the child ever placed outside of the home prior to the death? Were there any siblings ever placed outside of the home prior to this child's death? No Was the child acutely ill during the two weeks before death? Yes



		Infants Under O	ne 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 list			☐ Had heavy a ☐ Smoked tob ☑ Used illicit o	acco	
Infant was Drug ex With ne		d in case record	☐ With fetal a	lcohol effects or	syndrome
	CPS - Invest	igative History Thre	ee Years Prior to the Fa	tality	
Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/15/2019	Deceased Child, Male, 11 Days	Mother, Female, 16 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Male, 11 Days	Mother, Female, 16 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
1	mmary: O SCR report alleged the BM toxicity screen was negative		= = = = = = = = = = = = = = = = = = = =	o the infant in Ja	nuary 2019.
Report Det	termination: Unfounded		Date of Determination: 03	3/01/2019	
ACS unsub infant was l	etermination: stantiated the allegations of nospitalized at the time of bithysician on 1/15/19.		<u> </u>		
OCFS Rev ACS intervishe became	iew Results: iewed the BM and MGM in ill and was transported to the	ne hospital where she ga	ve birth to the infant. She sa	id she used marij	juana during
benzodiaze	ed the infant was born at app pines. The BM did not visit MAs, PA and their father, m	the infant between 1/9/1	9 and 1/14/19. ACS visited	the home, intervi	
Are there I	Required Actions related to	the compliance issue(s)? Yes No		
	CPS - Investi	gative History More Than	Three Years Prior to the Fata	ality	

The BM was not listed as a subject of a SCR report more than three years prior to the fatality.

Known CPS History Outside of NYS

The family had no know CPS History outside of NYS.

NY-19-007 FINAL Page 9 of 10



	Requ	uired Action(s)					
Are there Require ⊠Yes □No	ed Actions related to compliance issu	ues for provisions of CPS or Preventive services ?					
Issue:	Timely/Adequate Case Recording/Pro	Γimely/Adequate Case Recording/Progress Notes					
Summary:		ACS did not enter progress notes contemporaneously. Some of the events that occurred in February and March 2019 were not entered until June 2019.					
Legal Reference:	18 NYCRR 428.5						
Action:	address the citations identified in the	ys that identifies the action the agency has taken or will take to fatality report. ACS must meet with the staff involved with this CRO of the date of the meeting, who attended and what was					
	Preventiv	ve Services History					
and BM did not alw	vays attend scheduled appointments. T	tion and health needs. The family was non-compliant as the PGM he case was open for services when ACS received information of listed in the household composition.					
	Legal History Within T	Three Years Prior to the Fatality					
Was there any leg ⊠Family Court	al activity within three years prior t	<u> </u>					
Family Court Pet	tition Type: FCA Article 10 - CPS						
Date Filed:	Fact Finding Description:	Disposition Description:					
09/05/2017	There was not a fact finding	Adjourned in Contemplation of Dismissal (ACD)					
Respondent:	050398 Grandparent Female 41 Year	(s)					
Comments:	COS expired on 6/12/19.						
'							
	Recomi	mended Action(s)					
-		administrative or policy changes? ☐Yes ☑No Ilting from the review? ☐Yes ☑No					