



Report Identification Number: NY-19-032

Prepared by: New York City Regional Office

Issue Date: Sep 23, 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 **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	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
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
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 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		



Case Information

Report Type: Child Deceased
Age: 2 year(s)

Jurisdiction: Queens
Gender: Male

Date of Death: 04/12/2019
Initial Date OCFS Notified: 04/12/2019

Presenting Information

The 4/12/19 report alleged the SM took the SC to the babysitter's home. While in the babysitter's care, the SC became unresponsive. The babysitter called the SM rather than calling 911 to obtain urgent medical care. The SM arrived at the babysitter's home and she also failed to call 911. The SM transported the SC to the hospital. The SC was subsequently transferred to another hospital. It was determined that the SC suffered a traumatic brain injury and developed a brain hemorrhage. The SC was placed on life support. The SC remained in the hospital and was pronounced dead on 4/12/19. The SC had no pre-existing medical condition, making the injury suspicious in nature. The SC sustained the injury while in the care of the SM, SF or the babysitter, therefore all the adults were named as subjects of the report.

Executive Summary

The 2-year-old male child (SC) died on 4/12/19. NYCRO had not yet received a copy of the ME's report at the time of issuance of this fatality report.

At the time of the SC's death, the family had an open investigation that began on 4/5/19. The 4/5/19 report included allegations of II, LMC and IG of the SC by the SM and SF. On 4/12/19, the 4/5/19 investigation was in progress when the SCR registered a report with the allegations of DOA/Fatality, IG, II and LMC of the SC by the SM and babysitter, and DOA/Fatality, IG, and II of the SC by the SF.

ACS continued the investigation and learned the babysitter shook the SC to keep him from falling and then placed him to sit at the table where he later fell backwards and hit the floor. The SC fainted twice and later succumbed to his injuries. The babysitter was arrested on 5/7/19 and charged with Manslaughter in the 2nd Degree, Reckless Assault of a CH, and Endangering the Welfare of a CH.

The SC had an adult sibling who resided in the home, and 17-yo, 14-yo and 12-yo SS who resided abroad. The documentation reflected the SF, SM, SC, and the adult SS resided in separate rooms in the PU's home. The PU and PA had two CHN, ages: 5 and 3 years old. Another PU and his 13-yo CH shared the apartment prior to 2/4/19. The babysitter resided with her 5-yo and 1-yo female CHN in a separate home.

On 4/12/19, ACS filed an Article Ten Abuse petition in Queens County Family Court (QCFC) naming the SM, SF, babysitter, and babysitter's paramour as the respondents. The 3-yo and 5-yo cousins were released to the PA and PU's care due to lack of evidence. The 13-yo CH was released to the non-respondent mother on 4/10/19. The babysitter's two CHN were placed in non-kinship foster care with Little Flower Children and Family Services (LFCFS) on 4/11/19.

The PU and the 13-yo CH were not listed on the Article Ten petition. ACS provided community based services for the 13-yo CH as his mother did not request further services from ACS. This PU's services case was closed on 5/24/19.

ACS opened a foster care case for the babysitter's family. On 4/18/19, the babysitter and her paramour participated in a conference. The participants discussed parenting classes, family and individual counseling, and clinical health evaluations. On 4/19/19, ACS opened a preventive services case for the SM's family.

On 5/9/19, the babysitter's 5-yo CH was transported to the CAC for an interview. According to this CH's account, the SC



was looking at an item while he stood and then fell. The babysitter stood the SC up and he fell again. The CH did not observe the SC fall; she heard him fall and heard the item fall. She observed the babysitter, who was looking at the SC in the living room. The babysitter picked him up under his arms and sat him on the sofa.

On 4/16/19, the SCR registered a new report with allegations of IG of the babysitter's CHN (5 years old and 1-yo) by the babysitter and the father of the CHN. On 6/14/19, ACS Sub the allegation of IG of the two CHN by the babysitter. ACS Unsub the allegation concerning the father.

ACS had not yet determined the 4/12/19 report at the time of issuance of this fatality report.

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? N/A
- 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

Explain:

NA

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:

ACS opened a foster care services case for the babysitter's family on 4/9/19.

Required Actions Related to the Fatality

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

Issue: Timely/Adequate 24 Hour Assessment



Summary:	For the SCR report dated 4/12/19, ACS did not complete a 24-hour safety assessment document until 4/19/19.
Legal Reference:	SSL 424(6);18 NYCRR 432.2(b)(3)(i)
Action:	ACS must submit a PIP 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:	Timely/Adequate Seven Day Assessment
Summary:	The 4/19/19 seven day safety assessment document did not reflect that the other children in the home were assessed although an emergency removal was conducted.
Legal Reference:	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
Action:	ACS must submit a PIP 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:	A 24-hour Fatality Report is required to be completed in CONNECTIONS within 24 hours of receipt of a report alleging the death of a child as a result of abuse or maltreatment.
Summary:	The 24-Hour Child Fatality Summary Report was not completed in a timely manner as it was not completed until 4/19/19.
Legal Reference:	CPS Program Manual, Chapter 6, K-1
Action:	ACS must submit a PIP 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/Assessment of Current Safety/Risk
Summary:	The 5/10/19 safety assessment was inadequate. The safety assessment reflected comments regarding the SC and did not include information about the surviving children in the household.
Legal Reference:	18 NYCRR 432.2 (b)(3)(iii)(b)
Action:	ACS must submit a PIP 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.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 04/12/2019

Time of Death: 04:39 PM

Date of fatal incident, if different than date of death:

04/05/2019

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

Unknown



County where fatality incident occurred: Queens
 Was 911 or local emergency number called? No
 Did EMS respond to the scene? No
 At time of incident leading to death, had child used alcohol or drugs? N/A

Child's activity at time of incident:

- Sleeping Working Driving / Vehicle occupant
 Playing Eating Unknown
 Other: SC fell and hit his head.

Did child have supervision at time of incident leading to death? Yes

At time of incident supervisor was: Not impaired.

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	Male	2 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	43 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	36 Year(s)
Deceased Child's Household	Sibling	No Role	Male	19 Year(s)
Other Household 1	Other - Babysitter	Alleged Perpetrator	Female	24 Year(s)
Other Household 1	Other - babysitter's paramour	Alleged Perpetrator	Male	20 Year(s)
Other Household 1	Other Child - babysitter	No Role	Female	5 Year(s)
Other Household 1	Other Child - babysitter	No Role	Female	1 Year(s)
Other Household 2	Aunt/Uncle	No Role	Female	31 Year(s)
Other Household 2	Aunt/Uncle	No Role	Male	33 Year(s)
Other Household 2	Other Child - cousin	No Role	Female	1 Year(s)
Other Household 2	Other Child - cousin	No Role	Female	5 Year(s)

LDSS Response

ACS obtained information that reflected on 4/12/19, an attending physician listed the official time of brain death as 4/12/19, at 4:38 PM. The SC had remained on life support although his medical status did not change since admittance to the hospital on 4/5/19.

The SM said she did not receive new information about the case since 4/5/19. She denied there were court orders against her and she said on 4/12/19, the 3-yo and 5-yo CHN were returned to the PU and PA. Regarding service needs, the SM said hospital staff offered assistance with funeral arrangements. ACS offered additional assistance with burial arrangements and bereavement counseling for the family. Later, during a Family Team Meeting with the SM and SF, ACS discussed the case circumstances and timeline of events. The SM said on 4/5/19, the SC was fine at the time she left him in the babysitter's care. According to the SM's account, she contacted the babysitter at 5:00 PM to inform her she would be



picking up the SC, and she thought he was asleep when she returned to pick him up. She said the babysitter later informed her that the SC had fainted. She said her initial intent was to protect the babysitter. During the meeting, ACS reviewed plans for bereavement counseling, individual counseling, anger management services for both parents and mental health evaluations for the SM and SF.

On 4/26/19, LE reported the autopsy was performed on 4/18/19 and was pending results of additional testing. ACS learned that the babysitter was arrested on 5/7/19. The babysitter admitted to shaking the SC. The babysitter shook the SC then placed him to sit at the table where he later fell and hit the floor. She said he fainted.

The documentation included the service plan for the babysitter and her paramour, including: clinical health evaluations, parenting classes, anger management, early intervention for the 1-yo CH, and trauma therapy coupled with play therapy for both CHN.

On 5/20/19, ACS held a Family Meeting during which the SM explained the family's previous relationship with the babysitter. She said the babysitter cared for the SC since he was six months old. She explained that the babysitter previously resided at her home along with her paramour and their 5-yo child. The SM said she realized the SC had a serious health condition after she observed the SC in the hospital and learned the babysitter may have shaken or hit the SC.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

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
051155 - Deceased Child, Male, 2 Yrs	051156 - Mother, Female, 36 Year(s)	Internal Injuries	Pending
051155 - Deceased Child, Male, 2 Yrs	051156 - Mother, Female, 36 Year(s)	Inadequate Guardianship	Pending
051155 - Deceased Child, Male, 2 Yrs	051156 - Mother, Female, 36 Year(s)	Lack of Medical Care	Pending
051155 - Deceased Child, Male, 2 Yrs	051157 - Father, Male, 43 Year(s)	DOA / Fatality	Pending
051155 - Deceased Child, Male, 2 Yrs	051158 - Other - Babysitter, Female, 24 Year(s)	Lack of Medical Care	Pending
051155 - Deceased Child, Male, 2 Yrs	051159 - Other - babysitter's paramour, Male, 20 Year(s)	Inadequate Guardianship	Pending



Child Fatality Report

051155 - Deceased Child, Male, 2 Yrs	051157 - Father, Male, 43 Year(s)	Internal Injuries	Pending
051155 - Deceased Child, Male, 2 Yrs	051158 - Other - Babysitter, Female, 24 Year(s)	DOA / Fatality	Pending
051155 - Deceased Child, Male, 2 Yrs	051159 - Other - babysitter's paramour, Male, 20 Year(s)	DOA / Fatality	Pending
051155 - Deceased Child, Male, 2 Yrs	051158 - Other - Babysitter, Female, 24 Year(s)	Inadequate Guardianship	Pending
051155 - Deceased Child, Male, 2 Yrs	051158 - Other - Babysitter, Female, 24 Year(s)	Internal Injuries	Pending
051155 - Deceased Child, Male, 2 Yrs	051159 - Other - babysitter's paramour, Male, 20 Year(s)	Internal Injuries	Pending
051155 - Deceased Child, Male, 2 Yrs	051157 - Father, Male, 43 Year(s)	Inadequate Guardianship	Pending
051155 - Deceased Child, Male, 2 Yrs	051156 - Mother, Female, 36 Year(s)	DOA / Fatality	Pending

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 checked="" type="checkbox"/>	<input 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"/>

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 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
 ACS executed an emergency removal for the derivative neglect of the CHN who resided in the SC's home on 4/8/19. A 1026 petition was filed in QCFC on 4/9/19. The babysitter and her paramour, SF, PU (father of 13-yo CH), PU and PA (parents of 5-yo and 3-yo CHN), and the adult SS were listed as respondents. On 4/12/19, ACS filed an Article Ten



Abuse petition in QCFC naming the SM, SF, babysitter and her paramour as the respondents. The 3-yo and 5-yo CHN were returned to their parents.

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation?

Family Court

Criminal Court

Order of Protection

Criminal Charge: Manslaughter **Degree:** 2

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
05/07/2019	Babysitter	Unknown	Unknown
Comments: On 5/9/19, LE informed ACS the babysitter was arrested on 5/7/19. The babysitter admitted to shaking the SC. She was charged with Manslaughter in the Second Degree, Reckless Assault of a Child, and Endangering the Welfare of a Child.			

Have any Orders of Protection been issued? No

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"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Child Fatality Report

Child Care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Intensive case management	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Additional information, if necessary: The family received foster care 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:
The SC had no minor siblings residing in the home. The SC's 5-yo and 3-yo cousins received foster care services. The babysitter's 5-yo and 1-yo CHN received foster care services.

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

Explain:
A referral for a mental health evaluation was completed for the SM and SF. ACS referred the SM and SF for anger management, grief counseling and individual counseling on 5/8/19.

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?	N/A
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)	Allegation Outcome	Compliance Issue(s)
04/05/2019	Deceased Child, Male, 2 Years	Father, Male, 43 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Male, 2 Years	Father, Male, 43 Years	Lack of Medical Care	Unsubstantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 36 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 36 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 36 Years	Internal Injuries	Unsubstantiated	



Deceased Child, Male, 2 Years	Father, Male, 43 Years	Internal Injuries	Unsubstantiated
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Report Summary:

The 4/5/19 report alleged on 4/3/19, while in the care of the SM and SF, the SC fell and sustained a subdural hematoma. The SM and SF did not call an ambulance or seek medical care immediately. As a result, on 4/5/19, the SC was unresponsive, and needed to be placed on a ventilator. The SC's prognosis was poor and it was possible the SC would succumb to the injuries.

Report Determination: Indicated**Date of Determination:** 05/31/2019**Basis for Determination:**

The SM initially informed ACS and LE that she was at home caring for the SC, and she said she shook the SC. The SM was arrested, and upon further investigation, LE found the SM's account was not plausible. LE obtained video surveillance which placed her at work and not caring for the SC as she initially stated. The SM caused confusion in the investigation and used poor judgment by providing false information.

The babysitter was arrested for causing the SC's injuries. The SM was informed by the babysitter that the SC fainted twice while at her home. The SM arrived at the babysitter's home to retrieve the SC. The SM failed to call 911.

OCFS Review Results:

On 4/6/19, ACS observed an interview of the SM which was conducted by LE. The SM said she was at home with the SC when he fell in the bedroom and again in the living room on 4/5/19. LE told the SM that the injury was not from a fall or bump. LE discontinued the interview and ACS was no longer allowed to interview the SM. Later, LE said the SM admitted to shaking the SC. LE said the SF stated the SM provided false information as the SM was at work and the SC was with the babysitter. LE confirmed both parents were at work and the SC at the babysitter. On 4/8/19, ACS removed the 13-yo, 5-yo and 3-yo cousins, and the babysitter's two children from their respective parents' homes.

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

Issue:

Confidentiality of CPS Information

Summary:

The Investigation Progress Notes reflected on 4/6/19, ACS included details of a household composition for a family that was not related and had no role in the case.

Legal Reference:

SSL 422(4) and (5)

Action:

ACS must submit a PIP 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 babysitter, babysitter's paramour, and parents of the SC were not known to the SCR or ACS more than three years prior to the fatality.

Known CPS History Outside of NYS

There was no known CPS History outside of NYS.



Legal History Within Three Years Prior to the Fatality

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

Family Court

Criminal Court

Order of Protection

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
04/12/2019	There was not a fact finding	There was not a disposition
Respondent:	051158 Other Female 24 Year(s)	
Comments:	On 4/12/19, ACS filed an Article Ten Abuse petition in QCFC naming the SM, SF, and the babysitter and her paramour as the respondents. The 3-yo and 5-yo CHN were returned to their parents' care as there was lack of evidence to file against them. The 13-yo CH was released to the non-respondent mother on 4/10/19.	

Have any Orders of Protection been issued? Yes

From: 04/09/2019

To: Unknown

Explain:
ACS executed an emergency removal for the CHN who resided in the home on 4/8/19. The babysitter's CHN were also removed on 4/8/19. ACS completed a 1026 pre-petition on 4/9/19 for the SC, babysitter's two CHN, 13-yo, 5-yo and 3-yo CHN in QCFC. The Court issued a temporary OP for all the CHN with supervised visits. The judge granted a remand, and an OP of all the CHN on 4/10/19.

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