



Report Identification Number: NY-20-057

Prepared by: New York City Regional Office

Issue Date: Dec 18, 2020

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	ASTO-Allowing Sex Abuse to Occur	



Case Information

Report Type: Child Deceased
Age: 9 year(s)

Jurisdiction: Kings
Gender: Female

Date of Death: 01/13/2020
Initial Date OCFS Notified: 06/23/2020

Presenting Information

The 6/24/20 report alleged in 2012, while in the care of the SF and SM, the SC was struck in the head by a television and cable box, while supervised. The SF and SM did not ensure the television was stable on the stand and as a result, the SC was able to push the stand against the wall and the television and cable box fell forward on her head. As a result, the SC sustained a traumatic brain injury causing lifelong respiratory, walking and speaking issues. On 1/8/20, the SC had difficulty breathing and had muscle spasms. The SM was aware the SC was high risk, but the SM did not give the SC her medication and did not bring her to the hospital. As a result of the lack of medical care, on 1/13/20, the SC was found unresponsive in her room by the SM. The SC was brought to the hospital where she was pronounced dead. The roles of the parent substitute, siblings, and the other child were unknown.

Executive Summary

The 9-year-old female SC died on 1/13/20. The ACS case record reflected the ME listed the cause of death as acute bronchial pneumonia and listed the manner of death as accidental.

At the time of the SC's death, the family had an open preventive services case. The case was opened to address the family's history of DV, and SC's medical needs. The SC sustained serious injuries in May of 2012 when a television fell on her. As a result of the injuries, she was non-verbal, required motorized equipment for movement, and medical devices for feeding and breathing. She received in-home nursing, therapeutic and education services. The family also had an open investigation that began on 11/20/19.

During the 11/20/19 investigation, ACS found on 1/13/20, at an undetermined time after 1:00 AM, the SM fell asleep and when she awoke at approximately 4:00 AM, she checked the SC and found her unresponsive. The SM administered CPR to SC while the cousin, who resided in the home, contacted 911 for assistance. EMS responded to the home, continued CPR and transported the SC to the hospital. The medical personnel continued resuscitative efforts until the attending physician pronounced the SC dead.

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 Services Cases. The information regarding the SC's death was reported to OCFS under Chapter 485 of the Laws of 2006.

OCFS reviewed the ACS case record and prepared and issued Report Identification Number NY-20-2008 in regard to the SC's death on 5/26/20.

On 6/26/20, the SCR registered a report regarding the SC's death. The allegations of the report were DOA/Fatality of the SC by SM, IG, LMC and LS of the SC by the SM and SF, and IG, IF/C/S, and LS of the SS and cousin by the SM.

The SC had two male SS, one female SS, and one male cousin who resided with the SM. ACS visited the family, assisted with burial arrangements and offered referrals for bereavement. ACS made the required safety assessments and risk assessments and determined the SM provided a minimum degree of care to the surviving children.

On 8/3/20, ACS interviewed the ME, who said the SC's weight was within normal range for a child her age, and the concerns were her injuries, history of surgeries and risk factor for pneumonia. On 8/14/20, the ME informed ACS the



autopsy findings showed the SC died due to acute bronchial pneumonia and the manner of death was accidental.

On 8/18/20, ACS unsubstantiated the allegation of DOA/Fatality, IG, LS and LM of the SC on the basis of the ME's findings that determined the cause of death was due to a medical condition, and the manner was accidental. ACS unfounded the report on the basis the SM provided the children's basic needs.

The case remained open for preventive services at the time this fatality report was issued.

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:

As of 12/18/20, the case remained open for preventive services.

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: 01/13/2020

Time of Death: 05:02 AM

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

04:00 AM

County where fatality incident occurred:

Kings

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown

Did EMS respond to the scene?

Yes

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

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

How long before incident was the child last seen by caretaker? 3 Hours

At time of incident supervisor was:

Drug Impaired

Absent

Alcohol Impaired

Asleep

Distracted

Impaired by illness

Impaired by disability

Other:

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	9 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	34 Year(s)
Deceased Child's Household	Other Child - Cousin	Alleged Victim	Male	17 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	5 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	12 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	15 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	39 Year(s)

LDSS Response

On 6/24/20, ACS interviewed the SF by telephone. The SF said the SM did not take the SC to the physician three days before 1/13/20, the date the SC died. He said the SM misused prescribed medication, and in the past the SM pulled a knife on him. The SF denied he hit the SM. He stated that on 12/26/19, he relocated to a foreign country where he continued to reside. He said he requested the SM's assistance, the SM refused to assist him, and her refusal made him suspicious of her actions.



ACS visited the home and interviewed the SM, who denied the allegations of the report. According to the SM's account, the SC received medical care and in-home nursing service. The SM presented the death certificate which showed the immediate cause of death was pending further studies. She said she did not misuse substances. ACS discussed bereavement and the history of domestic violence. The SM said with the exception of the female SS, the family received therapeutic services, and she explained that she terminated her relationship with the SF. ACS observed the SS and cousin, found they had no visible marks/bruises, assessed the home conditions and determined there were no safety factors that placed them in danger. The family had sufficient supplies and food, appropriate sleeping arrangements and there were no hazardous conditions in the home.

ACS attempted to interview the surviving children. The cousin said on 1/13/20, he called 911 after the SM asked him to contact medical emergency for assistance. The cousin told ACS he did not want to discuss the SC's death. The 12-year-old SS seemed sad and did not respond to questions about the SC's death. The 14-year-old SS said he remembered the circumstances of the SC's death, he began to cry and ACS discontinued questions about the fatality. The 5-year-old SS did not have information about the SC's death.

ACS interviewed LE and found there was no police investigation regarding the SC's death. LE said it was likely the death was due to medical causes and not deemed suspicious.

On 7/8/20, ACS interviewed the agency that provided the in-home nursing care to the SC prior to her death. According to the agency's account, the SC had a history of chronic illness, required frequent hospital visits to change medical equipment, the SC received appropriate care, her skin was intact without ulcers, and her weight growth was normal. The agency explained that the SM and SF received full training to provide care for the SC although there was nursing services in the home for approximately 20 hours each day.

ACS reviewed medical records that showed between 10/12/19 and 1/15/20 the three SS received well-child examinations, they were healthy and there were no concerns. The documentation showed ACS obtained and reviewed medical records for the SC and requested medical records for the cousin.

On 7/14/20, ACS noted that on 6/22/20, Family Court dismissed an Article Ten Neglect petition that was filed on behalf of the surviving children, naming the SF as the respondent. The family no longer required Court Ordered Supervision as the SF resided in a foreign country.

On 7/26/20, ACS interviewed community-based organization personnel, who said the family continued to receive therapeutic and support services, but the SM was not consistent with the services plan.

On 10/20/20, the SCR registered a report regarding the family. As of 12/18/20, this investigation was in progress, and the family continued to receive preventive services.

Official Manner and Cause of Death

Official Manner: Accident

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?No

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

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



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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
055781 - Deceased Child, Female, 9 Yrs	055782 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
055781 - Deceased Child, Female, 9 Yrs	055783 - Father, Male, 39 Year(s)	Lack of Supervision	Unsubstantiated
055781 - Deceased Child, Female, 9 Yrs	055783 - Father, Male, 39 Year(s)	Inadequate Guardianship	Unsubstantiated
055781 - Deceased Child, Female, 9 Yrs	055782 - Mother, Female, 34 Year(s)	Lack of Medical Care	Unsubstantiated
055781 - Deceased Child, Female, 9 Yrs	055782 - Mother, Female, 34 Year(s)	Lack of Supervision	Unsubstantiated
055781 - Deceased Child, Female, 9 Yrs	055782 - Mother, Female, 34 Year(s)	DOA / Fatality	Unsubstantiated
055784 - Sibling, Female, 5 Year(s)	055782 - Mother, Female, 34 Year(s)	Lack of Supervision	Unsubstantiated
055784 - Sibling, Female, 5 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
055784 - Sibling, Female, 5 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
055785 - Sibling, Male, 12 Year(s)	055782 - Mother, Female, 34 Year(s)	Lack of Supervision	Unsubstantiated
055785 - Sibling, Male, 12 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
055785 - Sibling, Male, 12 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
055786 - Sibling, Male, 15 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
055786 - Sibling, Male, 15 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
055786 - Sibling, Male, 15 Year(s)	055782 - Mother, Female, 34 Year(s)	Lack of Supervision	Unsubstantiated
055787 - Other Child - Cousin, Male, 17 Year(s)	055782 - Mother, Female, 34 Year(s)	Lack of Supervision	Unsubstantiated
055787 - Other Child - Cousin, Male, 17 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
055787 - Other Child - Cousin, Male, 17 Year(s)	055782 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Unsubstantiated

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

Additional information:

ACS contacted LE and verified there was no police investigation pertaining to the SC's death. ACS was unable to make a face-to-face contact with the SF, who resided in a foreign country.

Fatality Safety Assessment Activities
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	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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 type="checkbox"/>	<input checked="" 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"/>
Explain: The family was already receiving services.				

Placement Activities in Response to the Fatality Investigation

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

Legal Activity Related to the Fatality

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

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Legal services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? Yes

Explain:

The surviving children received case management services.

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

Explain:

The SM received burial and court ordered services.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes

Was the child ever placed outside of the home prior to the death? No

Were there any siblings ever placed outside of the home prior to this child's death? No

Was the child acutely ill during the two weeks before death? 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)
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11/20/2019	Deceased Child, Female, 9 Years	Father, Male, 38 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 5 Years	Father, Male, 38 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 11 Years	Father, Male, 38 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 15 Years	Father, Male, 38 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Male, 16 Years	Father, Male, 38 Years	Inadequate Guardianship	Substantiated	

Report Summary:

The 11/20/19 report alleged there were physical and verbal altercations between the SM and SF in the presence of the children. The SF was violent towards the SM. The SF yelled at and hit the SM. On 11/19/19, the SM and SF had an argument in the presence of the children. The SF threatened to kill the SM and children during the altercation.

Report Determination: Indicated**Date of Determination:** 01/19/2020**Basis for Determination:**

ACS substantiated the allegation of IG of the children by the SF on the basis of credible evidence. The SF threatened to kill the SM and children.

OCFS Review Results:

ACS initiated the 11/20/19 investigation within the required timeframe, completed the required safety and risk assessments and monitored the service plan for the family. The ACS findings showed the SF threatened to kill the SM and children. ACS filed an Article Ten Neglect petition on behalf of the SM and children naming the SF as the respondent. The judge released the children to the SM with ACS supervision and issued an OP.

The progress notes showed the SF relocated to a foreign country in December of 2019. The SM provided a minimum degree of care to the children. The investigation was in progress when ACS received information about the SC's death.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/05/2019	Sibling, Male, 11 Years	Father, Male, 37 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 14 Years	Father, Male, 37 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 11 Years	Father, Male, 37 Years	Excessive Corporal Punishment	Unsubstantiated	
	Deceased Child, Female, 8 Years	Father, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 5 Years	Father, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Male, 16 Years	Father, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

On 9/4/19, the SF hit the 11-year-old SS one time with an open hand on the right shoulder, as a form of discipline. As a result, the SS sustained two marks on the right shoulder. The SF had a history of throwing objects while the children were in the home. The SF's actions placed the children at risk of harm. The SM had an unknown role.



Report Determination: Indicated			Date of Determination: 11/04/2019		
Basis for Determination: ACS substantiated the allegation of IG of the 11-year-old and 14-year-old SS on the basis of credible evidence that showed the SF hit the two SS as a form of discipline.					
ACS unsubstantiated the allegation of IG of the SC, 5-year-old SS and cousin, and XCP of the 11-year-old SS on the basis of no credible evidence. ACS explained that the SF and SM provided the basic needs of the children in the household. Regarding the XCP allegation, ACS added that the discipline method was not excessive.					
OCFS Review Results: The findings showed the SF hit the siblings. ACS observed the SC, SS and cousin and noted they did not have visible marks/bruises. The SM denied the SF hit her. She said the SF used verbal aggression in the home.					
Are there Required Actions related to the compliance issue(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/07/2019	Sibling, Female, 4 Years	Father, Male, 38 Years	Emotional Neglect	Unsubstantiated	Yes
	Sibling, Female, 4 Years	Father, Male, 38 Years	Inadequate Guardianship	Unsubstantiated	
Report Summary: The 5/7/19 report alleged the SF hit three of the children in an excessive manner. As a result, one SS threatened to kill himself. The SF attempted to hit the SM resulting in the children interfering to stop him. The roles of the SM and SC were unknown.					
Report Determination: Unfounded			Date of Determination: 07/06/2019		
Basis for Determination: ACS unsubstantiated the allegations of the report on the basis of no credible evidence.					
OCFS Review Results: ACS visited the home, interviewed the SM, SF, SS and cousin, observed the SC, and obtained relevant information from collateral contacts. ACS found there were no safety factors that placed the children in danger.					
There were three subject children listed in the 5/7/19 report. However, in the CPS Investigation Summary, ACS did not include the allegation of IG of two of the three subject children. ACS listed these two children as having no role.					
ACS completed a Risk Assessment Profile document and selected a Final Risk Rating of "Low," which did not reflect the SF was a perpetrator of domestic violence within the two-year period, prior to the 5/7/19 report.					
Are there Required Actions related to the compliance issue(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Issue: Pre-Determination/Assessment of Current Safety/Risk					
Summary: Prior to determining the 5/7/19, ACS completed a Risk Assessment Profile and selected a Final Risk Rating of "Low," which did not reflect the SF was a perpetrator of domestic violence within the two-year period, prior to the 5/7/19 report.					
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.					
Issue:					



Case record contains information that is relevant, useful, factual and objective

Summary:

There was an allegation of IG of three children listed in the 5/7/19 report. However, in the CPS Investigation Summary, ACS did not include the allegation of IG of two of these three children, who were listed in the 5/7/19 report.

Legal Reference:

18 NYCRR 428.1(a) and 18 NYCRR 428.1(b)(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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/21/2018	Sibling, Male, 10 Years	Father, Male, 37 Years	Excessive Corporal Punishment	Unsubstantiated	No
	Sibling, Male, 10 Years	Father, Male, 37 Years	Lacerations / Bruises / Welts	Substantiated	

Report Summary:

The report alleged the SF used excessive force to punish the 10-year-old SS. The SF used a "flip flop" to hit the SS in the face, causing the SS to sustain a cut inside his upper lip. The roles of the SM, SC and other SS were unknown.

Report Determination: Indicated

Date of Determination: 02/19/2019

Basis for Determination:

ACS substantiated the allegation of L/B/W of the 10-year-old SS by the SF as the SS sustained a mark/bruise that was the result of the SF hitting him.

ACS unsubstantiated the allegation of XCP on the basis of no credible evidence.

OCFS Review Results:

ACS findings showed the SM and SF utilized corporal punishment to discipline the children. ACS addressed proper forms of discipline with the SM and SF, discussed the allegations during a Family Team Meeting, and addressed the concerns with the CP. The ACS safety interventions included Intensive Home Based Family Preservation Services, immediate supervision/monitoring and Family Court intervention. The judge issued a limited OP against the SF. The Risk Assessment Profile did not include the SM and SF's inappropriate use of corporal punishment in the home.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/06/2017	Deceased Child, Female, 6 Years	Father, Male, 36 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 3 Years	Father, Male, 36 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 9 Years	Father, Male, 36 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 13 Years	Father, Male, 36 Years	Inadequate Guardianship	Substantiated	

Report Summary:

The 11/6/17 report alleged, during the weekend, the SM and SF engaged in physical altercation in the presence of the children. The SF struck the SM while the children were at home. It was unknown if the children were injured. The SM had an unknown role.

Report Determination: Indicated

Date of Determination: 01/05/2018



Basis for Determination:

ACS substantiated the allegation of IG on the basis of credible evidence. The SF committed acts of domestic violence in the presence of the children. The SF used verbal threats and harassed the SM in the presence of the children.

OCFS Review Results:

ACS interviewed the SM and older SS and found the SF verbally abused, threatened and hit the SM. The SS witnessed the DV incidents and they exhibited behavioral problems. ACS interviewed the SF, who denied DV occurred in the family. He did not attend a batterer's intervention program.

ACS filed an Article Ten Neglect petition naming the SF as the respondent. The judge issued an OP that stipulated the SF must refrain from harassing, menacing, assaulting or arguing with the SM in the presence of the children. The family received Court Ordered Supervision with ACS. The SC received nursing and therapeutic services. ACS completed ongoing safety assessments and risk assessments.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/16/2017	Deceased Child, Female, 6 Years	Mother, Female, 31 Years	Inappropriate Custodial Conduct	Unsubstantiated	No
	Sibling, Female, 3 Years	Mother, Female, 31 Years	Inappropriate Custodial Conduct	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 31 Years	Inappropriate Custodial Conduct	Unsubstantiated	
	Sibling, Male, 12 Years	Mother, Female, 31 Years	Inappropriate Custodial Conduct	Unsubstantiated	

Report Summary:

The report alleged the SM missed her appointment for services. The SM would have no food for the children. The home was unfit for the children because of the infestation, trash, dirty clothes and dirty dishes throughout the home.

Report Determination: Unfounded

Date of Determination: 10/15/2017

Basis for Determination:

ACS unsubstantiated the allegation of IG on the basis of no credible evidences. The SM and SF provided the SC and SS with their basic needs.

OCFS Review Results:

ACS visited the home, interviewed the SM, SF and older SS, and observed the home conditions. ACS obtained information from collateral contacts and verified the SM received services as scheduled. The investigative findings showed the family had a history of DV. ACS contacted LE and initiated interventions to address the history of DV. The SM and SF experienced difficulty in meeting the needs of the SC. ACS referred the family for PPRS and community-based services to address the SC's medical and developmental needs, and to provide support services to the family.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/23/2017	Deceased Child, Female, 6 Years	Mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Deceased Child, Female, 6 Years	Mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	



Deceased Child, Female, 6 Years	Mother, Female, 31 Years	Lack of Medical Care	Unsubstantiated
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Report Summary:

The 6/23/17 report alleged the SC had a brain injury and other medical condition. The SM failed to provide an adequate amount of nutrition to ensure the SC was growing. As a result, the SC was frail and underweight.

Report Determination: Unfounded**Date of Determination:** 08/22/2017**Basis for Determination:**

ACS unsubstantiated the allegations of the report on the basis of no credible evidence. The SC and SS received adequate care in the home. The medical records showed the SM took the SC to scheduled medical appointments.

OCFS Review Results:

ACS did not make diligent efforts to observe the family until 6/26/17. During the investigation, ACS interviewed household members and assessed the home conditions. The SM and SF denied the allegations of the report. ACS obtained information from collateral contacts and verified the children received a minimum degree of care. ACS, the SM and SF discussed medical care concerns, and the SC received prescribed in-home nursing services. The investigative findings showed the SF yelled and used derogatory words when speaking with the SM and children. ACS obtained LE involvement to address domestic violence concerns in the home.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/14/2017	Sibling, Male, 12 Years	Father, Male, 36 Years	Inadequate Guardianship	Unsubstantiated	No

Report Summary:

The 4/14/17 report alleged the SF was violent and out of control. He screamed at the SM and children and threw items and broke doors and household items. He threatened physical violence towards the SM. The roles of the other family members were unknown.

Report Determination: Unfounded**Date of Determination:** 06/16/2017**Basis for Determination:**

ACS unsubstantiated the allegation of the report on the basis of no credible evidence. ACS added that the SM was the sole caretaker of the children, the SF assisted with supervising the children and he addressed their needs.

OCFS Review Results:

ACS engaged all household members and assessed the home conditions. During separate interviews with ACS, the SM and SF denied the allegation of the report. The SM and SF said they spoke in a loud manner in the home. ACS visited the home, obtained information from collateral contacts, and noted there was no sign of physical abuse, and no recent DV incident report. The children did not have suspicious marks/bruises. ACS addressed Early Intervention services for the 2-year-old SS, and the medical needs of the SC, who required in-home nursing care. ACS opened a preventive services case to monitor the SC's needs and support the family.

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

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

Between 2009 and 2016, there were 11 SCR reports that involved the family. The allegations of the 11 reports were a combination of IG, LS, IF/CS, and II pertaining to the children in the SM and SF's household.

ACS investigated the 11 reports and substantiated the allegations of IG, II and LS. Six of the 11 reports were indicated, four were unfounded, and one was merged into an ongoing investigation.

Known CPS History Outside of NYS



There was no known CPS 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: 06/14/2017

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: 06/14/2017

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

	Yes	No	N/A	Unable to Determine
Did the service provider(s) comply with the timeliness and content requirements for progress notes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did all service providers comply with mandated reporter requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

Casework Contacts

	Yes	No	N/A	Unable to Determine
Did the service provider comply with case work contacts, including face-to-face contact as required by regulations pertaining to the program choice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Services Provided

	Yes	No	N/A	Unable to Determine
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<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



Child Fatality Report

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:
The family received PPRS.

Preventive Services History

During the 12/1/09 investigation, ACS found there were domestic violence incidents in the family. ACS provided court ordered supervision under an Article Ten Neglect petition that was filed in Family Court in January of 2010. ACS closed the case after the SM and SF completed counseling, and other required services in May of 2011.

The family received preventive services from October of 2011 to January of 2016. The services addressed the domestic violence, mental health concerns, and the children's developmental and Early Intervention needs. The preventive services case was open when the SC sustained brain injuries from a television that fell on her. The SC was hospitalized, transferred to long-term rehabilitation care, and received therapeutic and nursing services in the home. ACS closed the preventive services case as there were no safety factors the placed the children in danger, the SM and SF received training to care for the SC in the home, and risk issues were addressed.

On 6/14/17, ACS opened a preventive services case for the family to address domestic violence and monitor the SC's needs. ACS and the provider agency completed the required number of casework contacts. A home visit occurred on 1/10/20. The progress notes showed there were no safety concerns.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation? There was no legal activity

Recommended Action(s)



Are there any recommended actions for local or state administrative or policy changes? Yes No

Are there any recommended prevention activities resulting from the review? Yes No