



Report Identification Number: RO-21-020

Prepared by: New York State Office of Children & Family Services

Issue Date: Feb 28, 2022

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: 0 day(s)

Jurisdiction: Chemung
Gender: Male

Date of Death: 07/02/2021
Initial Date OCFS Notified: 09/07/2021

Presenting Information

On 7/3/21, Chemung County Department of Social Services (CCDSS) learned of the death of the 1-day-old infant subject child that occurred on 7/2/21. There was an open investigation at the time of the child's death regarding concerns for the care and well-being of the 17-year-old sibling. On 9/7/21, CCDSS completed the 7065 Agency Reporting Form.

Executive Summary

On 7/3/21, CCDSS was notified by the hospital the subject child passed away on 7/2/21 having never left the hospital. CCDSS had an open CPS investigation at the time, which was initiated on 4/23/21. The CPS report alleged there was no plan for the care of the 17-year-old sibling as his father was incarcerated and the mother kicked him out of her home. There was a 14-year-old sibling residing in the home with the mother. The father of the siblings was incarcerated. The father of the subject child was involved with the mother but reportedly did not reside in the home and was uncooperative with CCDSS.

The subject child had multiple diagnoses, including extreme prematurity. The mother did not receive prenatal care and went into labor at 22 weeks and 3 days. The mother reported she had been experiencing abdominal pain for weeks leading up to the birth and experienced a spontaneous gush of membrane at 5:30AM on 7/2/21.

Due to the circumstances surrounding the subject child's death, an autopsy was not performed, and a law enforcement investigation was not conducted. The death certificate was received and listed the cause of death as "prematurity at 22 weeks." Medical records revealed the mother gave birth at 22 weeks after receiving poor prenatal care. The mother was diagnosed with chorioamnionitis following the premature rupture of the placenta. The plan was for the medical team to proceed with induction of a chorio nonviable pregnancy. The mother was not agreeable to the plan and wanted everything done to assist the survival rate for the subject child. The subject child was born at 6:21PM and expired at approximately 6:30PM on the same date. The mother tested positive for amphetamines and buprenorphine at the hospital. The mother reported to medical personnel that she smoked marijuana several days prior and it had been "laced" with something.

CCDSS investigated the circumstances surrounding the subject child's death and determined his death was the result of his medical condition and not caused by abuse or maltreatment. The record reflected services related to bereavement and mental health counseling were provided to the mother following the death. The siblings were assessed and deemed safe in the care of the mother. There was no credible evidence the 17-year-old sibling's needs were not being met by the mother and there was no validity to the claim that he had been kicked out of her home. CCDSS closed their investigation once case objectives were met. CCDSS determined Preventive Services were not appropriate as the mother historically refused to cooperate with the department. Community-based referrals were provided to the family and the mother was receptive to those resources.

PIP Requirement

CCDSS will submit a PIP to the Rochester Regional Office within 30 days of receipt of this report. The PIP will identify action(s) CCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, CCDSS will review the plan and revise as needed to address ongoing concerns.



Findings Related to the CPS Investigation of the Fatality

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? N/A
- Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

This was not an SCR reported fatality. CCDSS determined there was no reasonable cause to suspect the death was a result of abuse or maltreatment.

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:

CCDSS was informed of the death and spoke with familial and collateral contacts to obtain information about the fatality, and determined there was no reasonable cause to suspect the death was a result of abuse or maltreatment.

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: 07/02/2021

Time of Death: 06:50 PM (Approximate)

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

County where fatality incident occurred: Chemung

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? No

Child's activity at time of incident:



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- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other: hospitalized

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

At time of incident was supervisor impaired? Not impaired.

At time of incident supervisor was:

- Distracted
- Absent
- Asleep
- Other: N/A, the infant died of medical complications.

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	No Role	Male	0 Day(s)
Deceased Child's Household	Mother	No Role	Female	37 Year(s)
Deceased Child's Household	Sibling	No Role	Male	17 Year(s)
Other Household 1	Sibling	No Role	Female	14 Year(s)

LDSS Response

Within 72 hours of learning of the subject child's death, CCDSS notified the Rochester Regional Office via a phone call. The required 7065-Agency Reporting Form was completed and submitted on 9/7/21. CCDSS contacted hospital staff and learned the subject child died shortly after birth.

Through interviews with the mother, it was learned she left the hospital against medical advice after the subject child was pronounced deceased. The mother refused to discuss the subject child's birth and the concern for her illicit substance misuse during pregnancy. The mother was receptive to referrals for bereavement and mental health counseling but was uncooperative with further intervention from CCDSS.

CCDSS contacted collaterals, including hospital staff and relatives. Hospital records confirmed the subject child passed away due to prematurity and complications during birth and not due to abuse or maltreatment by the mother or father. CCDSS contacted the SCR in an attempt to make a hotline report regarding the child fatality. The record reflected the SCR determined the conditions surrounding the child's death were not deemed acceptable for a hotline report.

Throughout the investigation, CCDSS consulted with their legal department on separate occasions due to the parents' noncompliance, significant CPS history, and ongoing concerns for the siblings. After the legal consultation it was determined the department did not have enough evidence for legal intervention. CCDSS offered community-based services to the family and closed the investigation that was open at the time of the death, finding no credible evidence to substantiate the allegations.

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 referred to an OCFS approved Child Fatality Review Team? Yes

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"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

This was not an SCR reported fatality. Relevant collateral sources were contacted regarding the subject child's death. Progress notes were entered contemporaneously to their event dates. The 7065-Agency Reporting Form was not received until more than two months after the subject child's death.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>
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Explain:
An Initial Safety Assessment was not required due to the fact that the death was not an SCR reported fatality.

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:
CCDSS gathered information to assess risk to the surviving siblings. CCDSS provided referrals for community based services to the family.

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 siblings.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:
 CCDSS offered community-based services related to grief and mental health counseling to the mother, but it was unknown if the mother utilized services. CCDSS requested the mother complete a substance abuse evaluation and also requested the mother complete an oral drug screen but the mother refused.

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:
 Services related to bereavement and mental health counseling were provided to the family but it was unknown if the resources were utilized.

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

Explain:
 Services related to bereavement and mental health counseling were provided to the family but it was unknown if the resources were utilized.

History Prior to the Fatality



Did the child have a history of alleged child abuse/maltreatment? No
 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

Infants Under One Year Old

During pregnancy, mother:

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

Infant was born:

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

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/23/2021	Sibling, Male, 17 Years	Mother, Female, 37 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Sibling, Male, 17 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 17 Years	Other Adult - Father of Siblings, Male, 43 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 17 Years	Other Adult - Father of Siblings, Male, 43 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

CCDSS received a report from the SCR on 4/23/21 alleging the father of the 17-year-old sibling failed to make a plan for his care while the father was incarcerated. The 17-year-old sibling was homeless, sleeping in the park. The 17-year-old did not have suitable housing and, at times, no access to food. During the investigation, the subject child was born prematurely and died on the same date.

Report Determination: Unfounded**Date of Determination:** 09/24/2021**Basis for Determination:**

CCDSS determined there was no credible evidence to substantiate the allegations. CCDSS determined the 17-year-old sibling was residing with his mother and was not homeless. His needs were being met during and prior to the investigation. CCDSS determined there was no evidence that the death of the subject child was the result of abuse or neglect.

OCFS Review Results:

Though the 7-day safety assessment was not completed in CONNECTIONS until 10 days after receipt of the SCR report, CCDSS documented assessment of the siblings' safety in the progress notes. CCDSS exhausted efforts to locate the



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parents and consulted their legal department. Once the parents were located, CCDSS provided them with NOEs. After a thorough investigation, CCDSS determined the subject child's death was not the result of abuse or maltreatment.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/29/2020	Sibling, Male, 17 Years	Grandparent, Male, 45 Years	Childs Drug / Alcohol Use	Unsubstantiated	Yes
	Sibling, Male, 17 Years	Grandparent, Male, 45 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 17 Years	Grandparent, Male, 45 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 17 Years	Grandparent, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 13 Years	Grandparent, Male, 45 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Sibling, Female, 13 Years	Grandparent, Male, 45 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 13 Years	Grandparent, Male, 45 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Grandparent, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 36 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 36 Years	Educational Neglect	Substantiated	
	Sibling, Female, 13 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 17 Years	Mother, Female, 36 Years	Childs Drug / Alcohol Use	Substantiated	
	Sibling, Male, 17 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
Sibling, Male, 17 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated		
Sibling, Male, 17 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated		

Report Summary:

CCDSS received a report from the SCR alleging the mother and grandfather used illicit substances to the point of impairment while caring for the 13 and 17 year old siblings. The adults provided the 17-year-old with marijuana and allowed him to use it in the home. A subsequent report was received the same day alleging the mother's partner was a



convicted sex offender and the mother allowed him into the home. The mother allowed the 17yo to engage in sexual activity with his 15yo girlfriend in the home.

Report Determination: Indicated

Date of Determination: 04/13/2021

Basis for Determination:

CCDSS determined the 13-year-old was an educationally neglected child as she missed 51 days of school and was failing as a result. CCDSS also determined there was credible evidence that the 17-year-old sibling was using marijuana and the mother was aware. CCDSS found no evidence that the mother was using illicit substances or impaired while caring for the siblings. The investigation determination screen in CONNECTIONS did not address whether the mother's partner was a sex offender or whether he had access to the siblings. The investigation conclusion screen also did not address whether the 17yo sibling engaged in a sexual relationship with his 15yo girlfriend in the home.

OCFS Review Results:

CCDSS notified appropriate household members of the existence of a report. CCDSS completed the 7-day safety assessment inaccurately as they chose a safety factor stating the children's whereabouts were unknown, but then chose a safety decision 2 rather than safety decision 5. The case record states an "email was sent to legal asking for a conference" but does not reflect whether a conference was had as the investigation was closed the following day. There were concerns for the mother's drug use as well as the 13-year-old sibling's truancy, but those concerns were not addressed further and a conversation was not had with the mother regarding the child's education.

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

Issue:

Overall Completeness and Adequacy of Investigations

Summary:

CCDSS reported there were concerns with the mother's substance use and requested the mother go immediately for a urine toxicology screen, though the record does not reflect whether the mother obtained a urine drug screen nor the results. CCDSS indicated educational neglect for the sibling but there was no conversation documented with the mother or sibling about the sibling's truancy. CCDSS completed the 7-day safety assessment and determined there was a safety factor related to the siblings' whereabouts not able to be ascertained. CCDSS selected safety decision 2, which reflected safety factors existed, but did not rise to the level of immediate or impending danger of serious harm rather than selecting safety decision 5 reflecting safety factors were present and the siblings' whereabouts were unknown. CCDSS documented a request for legal consultation though the case record did not reflect whether the consultation occurred nor the outcome of the consultation.

Legal Reference:

SSL 424.6 and 18 NYCRR 432.2(b)(3)

Action:

CCDSS will review and adhere to regulations regarding casework practice in general. CCDSS will make collateral and familial contacts, address all potential areas of concern with all relevant parties, and adequately monitor any on-going concerns when it is necessary to remain involved.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/21/2020	Sibling, Female, 13 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	No
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 13 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Sibling, Male, 16 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 13 Years	Other Adult - Other adult living in the home, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 16 Years	Other Adult - Other adult living in the home, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 13 Years	Father, Male, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 13 Years	Father, Male, 23 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 16 Years	Father, Male, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Male, 16 Years	Father, Male, 23 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 13 Years	Mother, Female, 36 Years	Excessive Corporal Punishment	Unsubstantiated
Sibling, Female, 13 Years	Mother, Female, 36 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Female, 13 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 13 Years	Mother, Female, 36 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 16 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 16 Years	Mother, Female, 36 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 13 Years	Other Adult - Other adult living in the home, Male, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 13 Years	Other Adult - Other adult living in the home, Male, 23 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 16 Years	Other Adult - Other adult living in the home, Male, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 16 Years	Other Adult - Other adult living in the home, Male, 23 Years	Inadequate Guardianship	Substantiated

Report Summary:

CCDSS received a report from the SCR alleging the mother, father, and other adult were using illicit substances in the presence of the siblings. The substances were accessible to the siblings and the home had been raided in the past. There were additional concerns that the mother kicked the then 16-year-old sibling out of the home and did not make a plan for his care.

Report Determination: Indicated**Date of Determination:** 06/24/2020**Basis for Determination:**

CCDSS determined there was credible evidence that the mother was allowing the father and another adult to reside in the home when both adults were known to law enforcement and the father had a warrant out for his arrest. The adults hid illicit substances in the siblings' bedrooms and the siblings reported fear of being in the home. Both siblings report knowledge of substance use in the home.

**OCFS Review Results:**

CCDSS completed casework within the required timeframes. In addition to the concerns alleged in the initial report, CCDSS addressed new concerns that arose during the investigation.

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)
02/12/2020	Sibling, Female, 12 Years	Mother, Female, 36 Years	Educational Neglect	Unsubstantiated	Yes
	Sibling, Female, 12 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 12 Years	Mother, Female, 36 Years	Lack of Medical Care	Unsubstantiated	
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

CCDSS received a report from the SCR alleging the mother was allowing the then 16-year-old sibling to use illicit substances in the home. The mother allegedly tried to get the 12-year-old sibling to also use illicit substances. The 12-year-old sibling missed over 30 days of school and her absences negatively impacted her academic performance. The 12-year-old sibling was referred for community-based counseling, but the mother failed to get the child engaged in services.

Report Determination: Unfounded

Date of Determination: 04/16/2020

Basis for Determination:

CCDSS determined there was no credible evidence to substantiate the allegations. The mother was unaware the 16-year-old sibling was using illicit substances. CCDSS completed a urine toxicology on the sibling and results came back negative for all substances. The school district the 12-year-old sibling attended shut down and there was no way to track the child's progress remotely at the time the investigation was closed.

OCFS Review Results:

CCDSS completed case objectives within the required timeframes. CCDSS attempted to contact the father of the siblings; but due to COVID restrictions at the jail, contact was not made. NOEs were provided to appropriate casework contacts. Concerns regarding the 12-year-old sibling's educational neglect were not fully explored. The record did not reveal collateral contact was made with the school regarding her attendance, nor was there follow-up on prior to CCDSS closing the investigation.

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

Issue:

Pre-Determination/Nature, Extent and Cause of Any Condition

Summary:

The case was pre-determined to the assessment of the allegations. The record did not reflect that concerns regarding the 12-year-old sibling's education neglect were fully explored. The record did not reflect an effort at gathering relevant collateral information that could have potentially provided further information on the sibling's attendance and grades.

Legal Reference:

18 NYCRR 432.2(b)(3)(iii)(c)

Action:

CCDSS will make an adequate assessment of the nature, extent and cause of any condition which may constitute abuse or maltreatment, whether contained in the original SCR report or discovered during the open investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
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Child Fatality Report

10/23/2019	Sibling, Female, 12 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 12 Years	Other Adult - Father of Sibling, Male, 41 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:
 CCDSS received a report from the SCR alleging the then 12-year-old sibling was being physically abused by the mother and the sibling's father. The child was allegedly exposed to drug use and sales in the home.

Report Determination: Unfounded **Date of Determination:** 12/16/2019

Basis for Determination:
 CCDSS determined there was no credible evidence to substantiate the allegations. CCDSS found no evidence of illicit substance use or sales in the home. There was no evidence to support the allegation that the father was using excessive discipline on the then 12-year-old sibling.

OCFS Review Results:
 CCDSS completed case objectives within the required timeframes. CCDSS spoke with the father of the siblings via phone, but he refused to cooperate with CCDSS. CCDSS made multiple attempts to engage the father but were unsuccessful. All appropriate persons were notified of the SCR report.

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)
03/25/2019	Sibling, Male, 16 Years	Mother, Female, 35 Years	Educational Neglect	Substantiated	Yes
	Sibling, Female, 12 Years	Mother, Female, 35 Years	Educational Neglect	Substantiated	
	Sibling, Male, 17 Years	Mother, Female, 35 Years	Educational Neglect	Substantiated	

Report Summary:
 CCDSS received a report from the SCR alleging the then 11-year-old child had missed 20 days of school and was failing her classes as a result.

Report Determination: Indicated **Date of Determination:** 08/16/2019

Basis for Determination:
 CCDSS determined there was credible evidence to support the allegations. The three siblings missed a significant amount of school and were failing as a result. The mother did not take steps to ensure the siblings attended school regularly and failed to follow through with services and referrals provided to her.

OCFS Review Results:
 The 7-day safety assessment was not completed until 7/31/19, more than four months after receipt of the report. The NOEs were not provided until more than four months after receipt of the report. There was no casework documented between 4/1/19 and 7/3/19 despite concerns all three siblings were failing school as a result of their ongoing truancy.

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

Issue:
 Timely/Adequate Seven Day Assessment

Summary:
 The 7-day safety assessment was not completed until more than four months after receipt of the SCR report.

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

Action:
 Within seven days of receiving a report, CCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

**Issue:**

Failure to provide notice of report

Summary:

CCDSS did not notify the appropriate casework contacts of the existence of the report within the first seven days. NOEs were not documented as being delivered until more than four months after receipt of the report.

Legal Reference:

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

Action:

CCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report. When other persons are identified as residing in the household and added to the case, they will be notified in writing as well.

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

There were multiple indicated historical cases dating back to 2007 regarding inadequate guardianship, lack of supervision, parent's drug and alcohol misuse, and educational neglect. Preventive Services were offered and accepted on several occasions due to the concerns in the home and the siblings' at-risk behaviors.

Known CPS History Outside of NYS

There was no known history outside of New York State.

Preventive Services History

A Preventive Services case was opened on 12/4/09 due to the then 9-year-old sibling failing to attend school regularly. The sibling was not receiving his prescribed medication, which impacted his ability to be successful while at school. The mother complied with services and was more attentive to the sibling's medical and educational needs and services ended on 2/6/10.

A Preventive Services case was opened from 10/27/2014 to 4/20/15 due to the sibling's behaviors at school and substance misuse. The sibling had 3 suspensions from school for fighting and possession of drugs. Though the sibling made improvements with his behaviors at home, he continued to struggle with his performance in school and in the community. The mother requested the service case be closed and the sibling remained engaged in community-based counseling.

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