

Report Identification Number: NY-22-042

Prepared by: New York City Regional Office

Issue Date: Nov 18, 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	DA-District Attorney	
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	SXTF-Sex Trafficking
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: 1 day(s)

Jurisdiction: Richmond
Gender: Male

Date of Death: 06/04/2022
Initial Date OCFS Notified: 06/06/2022

Presenting Information

On 6/6/2022, the NYC Regional Office was notified, via the 7065 Agency Reporting Form, of the death of the 1-day-old subject child that occurred on 6/4/2022. The subject child was born on 6/3/2022, at 25 weeks gestation, and the subject mother tested positive for cocaine and benzodiazepines at the time of the birth. On 6/4/2022, the subject child coded while at the hospital, medical staff attempted CPR and efforts were unsuccessful. The subject child was pronounced deceased at 1:00 PM. The 8-year-old and 16-year-old surviving siblings were removed and placed with a relative due to concerns for the mother's substance abuse.

Executive Summary

This report regards the death of the 1-day-old male subject child which occurred on 6/4/2022. At the time of the subject child's death, he resided with his mother, biological father, and surviving siblings aged 8-years-old and 16-years-old. The mother, the 16-year-old surviving sibling, the 8-year-old surviving sibling, and that sibling's biological father, were receiving court-ordered preventive services at the time of the death. There was an order of protection in place against the 8-year-old sibling's biological father and he had court-ordered visitation with the 8-year-old sibling, monitored by the New York City Administration for Children's Services (ACS). The 16-year-old sibling visited with his father as agreed upon by the parents.

On 6/3/2022, ACS received an SCR report which alleged the subject child was born that day and the child and mother tested positive for cocaine and benzodiazepines at the time of the birth. The subject child was born premature at 25 weeks gestation. On 6/4/2022, ACS was notified the subject child had passed away at the hospital.

The mother admitted to cocaine use in the days leading up to the birth, during which time she had been the sole caretaker of the surviving siblings. The mother planned for the surviving siblings to stay with their maternal aunt during her hospital stay. On 6/6/2022, ACS filed a neglect petition against the mother and the biological father of the subject child, as he had been determined to be a person legally responsible for the surviving siblings. ACS removed the surviving siblings from their mother's custody on 6/7/2022, and the children remained in the home of their maternal aunt, who had previously been a kinship resource for the 16-year-old sibling. An order of protection was issued by the family court barring the mother from unsupervised contact with the surviving siblings and barring the biological father of the subject child from any contact with the surviving siblings.

The record does not reflect if an autopsy was performed and does not reflect any contact or attempt at contact with the medical examiner or law enforcement. The record reflected the subject child was born severely premature and was in critical condition; however, the record does not reflect a conversation was had with medical or hospital staff to determine the cause of death.

As the subject child's death was not reported to the SCR, there were no allegations of DOA/Fatality to be determined. The investigation open at the time of the fatality regarded allegations of substance misuse against the mother. Those allegations of Parent's Drug / Alcohol Misuse were indicated against the mother regarding the subject child and both surviving siblings. The determination notes the mother tested positive for cocaine and benzodiazepines when the subject child was born and admitted to using cocaine during the pregnancy, at which time she was the sole caretaker for the surviving siblings.

Services were provided to the mother regarding her mental health concerns, substance misuse issues, and parenting abilities. Services were provided to the surviving siblings and they were referred to mental health counseling after the death of the subject child.

PIP Requirement

ACS must meet with the staff involved in this fatality investigation, inform NYCRO of the date of the meeting, who attended, what was discussed, and submit a Performance Improvement Plan within 45 days that identifies what action it has taken or will take to address this issue.

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:

The death of the subject child was not reported to the SCR; therefore, there was no safety assessment or determination of allegations.

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 thoroughly assessed the cause and circumstances surrounding the SC's death.

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: 06/04/2022

Time of Death: 01:00 PM

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

Unknown

County where fatality incident occurred: Richmond
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

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	1 Day(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	37 Year(s)
Deceased Child's Household	Sibling	No Role	Male	16 Year(s)
Deceased Child's Household	Sibling	No Role	Female	8 Year(s)
Other Household 1	Father	No Role	Male	37 Year(s)
Other Household 2	Other Adult - Biological Father to the 16-year-old sibling	No Role	Male	40 Year(s)
Other Household 3	Other Adult - Biological Father to the 8-year-old sibling	No Role	Male	38 Year(s)

LDSS Response

Upon learning of the subject child's death, ACS investigated the circumstances surrounding the subject child's death by interviewing the mother, the biological father of the subject child, and the 8-year-old and 16-year-old surviving siblings. ACS made collateral contacts with relatives, hospital staff, and service providers as appropriate. ACS notified the New York City Regional Office of the death of the child in an open investigation.

ACS interviewed the mother alone at the hospital after the subject child's birth. The mother admitted to cocaine use in the days leading up to the subject child's birth but denied using benzodiazepines. The mother reported she was unaware of the pregnancy until recently and, as such, did not seek out prenatal care.

ACS attempted to interview the biological father of the subject child who was uncooperative and declined to answer

questions for ACS. ACS interviewed the father of the 8-year-old surviving sibling who reported he was unaware of the mother's substance use while she was pregnant and stated he did not learn about this until after the subject child was born. ACS made efforts to interview the biological father of the 16-year-old surviving sibling; however, he did not engage with ACS.

The maternal aunt and maternal step-uncle were certified as foster parents. The surviving siblings remained in the care of the maternal aunt and uncle and were assessed to be safe in their care.

Official Manner and Cause of Death

Official Manner: Unknown

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

Was the fatality referred to an OCFS approved Child Fatality Review Team?No

Comments: The NYC region does not have an OCFS-approved Child Fatality Review Team.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input 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"/>

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Explain:
 The death of the subject child was not reported to the SCR; therefore, the 24-hour and 30-day safety assessments were not required.

Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Explain:
 The fatality was not reported to the SCR; therefore, the Risk Assessment Profile was not required. ACS did appropriately gather information to assess risk for the surviving siblings.

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:
 The surviving siblings were removed and placed in kinship foster care with their maternal aunt due to concerns for the mother's substance misuse.



Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
06/06/2022	There was not a fact finding	There was not a disposition
Respondent:	061652 Mother Female 37 Year(s)	
Comments:	ACS filed neglect petitions against the mother for both surviving siblings, which resulted in the children being placed with a kinship foster care resource and court-ordered visitation. Family court proceedings remained ongoing.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
06/06/2022	There was not a fact finding	There was not a disposition
Respondent:	061655 Father Male 37 Year(s)	
Comments:	ACS filed neglect petitions against the father of the subject child regarding the surviving siblings. The father has yet to engage with the family court process.	

Have any Orders of Protection been issued? Yes

From: 06/07/2022	To: Unknown
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Explain:
Orders of Protection were put in place against the mother protecting both surviving siblings.

From: 06/07/2022	To: Unknown
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Explain:
Orders of protection were put in place against the father of the subject child protecting both surviving siblings.

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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? | Yes |
| Was the child acutely ill during the two weeks before death? | Yes |

Infants Under One Year Old

During pregnancy, mother:

- | | |
|---|---|
| <input type="checkbox"/> Had medical complications / infections
<input checked="" type="checkbox"/> Misused over-the-counter or prescription drugs
<input type="checkbox"/> Experienced domestic violence
<input type="checkbox"/> Was not noted in the case record to have any of the issues listed | <input type="checkbox"/> Had heavy alcohol use
<input type="checkbox"/> Smoked tobacco
<input checked="" type="checkbox"/> Used illicit drugs |
|---|---|

Infant was born:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Drug exposed
<input type="checkbox"/> With neither of the issues listed noted in case record | <input type="checkbox"/> 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)
06/03/2022	Sibling, Female, 8 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Substantiated	Yes
	Deceased Child, Male, 0 Days	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 16 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:

The SCR report alleged the mother had given birth to the subject child that day and that at the time of the birth, the mother tested positive for cocaine and benzodiazepines. The subject child was born at 25 weeks gestation and remained in the NICU. The roles of the biological father as well as the 8yo and 16yo surviving siblings were unknown.

Report Determination: Indicated

Date of Determination: 07/26/2022

Basis for Determination:

ACS interviewed the mother, who admitted to using cocaine in the days leading up to the birth of the SC. The allegations of Parent's Drug / Alcohol Misuse were substantiated against the mother regarding all three of her children. The subject child died at the hospital on 6/4/2022 and the surviving siblings were removed from the mother and placed in a kinship foster care setting with their maternal aunt and her husband.

OCFS Review Results:

ACS did not speak with pertinent collaterals such as hospital staff, the medical examiner, or other medical professionals regarding the mother's substance misuse and if that may have had an effect on the subject child's premature birth or subsequent death. ACS did not add the biological fathers of the surviving siblings to the case composition and did not provide them notification of the SCR report in writing.

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

Issue:

Failure to provide notice of report

Summary:

The biological fathers of the surviving siblings were not added to the investigation, nor were they provided written notice of the report.

Legal Reference:

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

Action:

ACS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Issue:

Adequacy of Risk Assessment Profile (RAP)

Summary:

The mother reported a mental health diagnosis as well as mobility issues related to a diagnosed medical condition, neither of which were documented in the Risk Assessment Profile. There was no secondary caretaker identified when it was known that the biological father of the subject child had a regular caretaking role for the surviving siblings.

Legal Reference:

18 NYCRR 432.2(d)

Action:

ACS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

Issue:
Contact/Information From Reporting/Collateral Source

Summary:
There were missed opportunities to gather pertinent collateral information, such as from emergency room staff, hospital staff, or the medical examiner.

Legal Reference:
18 NYCRR 432.2(b)(3)(ii)(b)

Action:
ACS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/14/2021	Sibling, Male, 16 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Substantiated	No
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 8 Years	Mother, Female, 36 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 8 Years	Mother, Female, 36 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 8 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 16 Years	Mother, Female, 36 Years	Emotional Neglect	Unsubstantiated	

Report Summary:
The SCR report alleged the mother was misusing substances and was unable to adequately care for the then 8-year-old and 16-year-old surviving siblings. The report alleged there was not adequate food or clothing in the home for the children, the 16-year-old would be bullied due to the condition of his clothes, and both children would miss meals and go hungry.

Report Determination: Indicated **Date of Determination:** 12/13/2021

Basis for Determination:
Through investigation, ACS found the home to be in deplorable condition with no appropriate sleeping arrangement for the 16-year-old surviving sibling. Interviews with the children and contact with collaterals showed there was a lack of food in the home for the children. The mother and children denied any substance misuse for the mother; however, the mother failed to attend multiple toxicology screenings despite agreeing to do so. The determination notes the allegations of Emotional Neglect were unfounded as the 16-year-old sibling reported having a close and healthy relationship with his mother.

OCFS Review Results:
ACS conducted a thorough investigation, interviewed the family and relevant collaterals, and documented their investigatory efforts timely. ACS documented the mother's substance abuse history and her failure to submit to a toxicology screen, and referred the mother for substance abuse services. Frequent home visits were made to ensure the

home remained safe and appropriate for the children. ACS appropriately conferenced the case and coordinated services with existing service providers.

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)
06/09/2021	Sibling, Male, 15 Years	Mother, Female, 36 Years	Educational Neglect	Unsubstantiated	Yes
	Sibling, Male, 15 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 36 Years	Educational Neglect	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The SCR report alleged the then 7-year-old and 15-year-old surviving siblings had excessive school absences and were failing as a result. Both children missed over 40 days of school and had a history of poor attendance. The mother was aware of the children's absences and failed to ensure they attended school. The mother also allowed the 15-year-old child to get a tattoo on his body.

Report Determination: Unfounded

Date of Determination: 07/30/2021

Basis for Determination:

The allegations of Educational Neglect and Inadequate Guardianship were unsubstantiated against the mother regarding both surviving siblings. The determination noted school staff reported no concerns regarding the children to ACS. Regarding the 15-year-old sibling's tattoo, the determination noted the mother allowed the child to get a tattoo to commemorate his grandmother's recent passing.

OCFS Review Results:

The case record does not reflect pertinent information was gathered to determine the allegations of educational neglect. ACS gathered attendance records for only May and June 2021 regarding the then 15-year-old-sibling and gathered no school documentation pertaining to the then 7-year-old sibling. The biological fathers of the siblings were spoken with; however, neither were added to the case, nor were they provided notification of the report in writing.

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. ACS did not gather relevant collateral information from the children's schools that could have provided further insight as to the determination of the allegations.

Legal Reference:

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

Action:

ACS 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.

Issue:

Failure to provide notice of report

Summary:

ACS did not add the biological fathers of the surviving siblings to the case composition and did not provide them with notification of the report in writing.

Legal Reference:

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

Action:

ACS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/18/2020	Sibling, Female, 6 Years	Other Adult - Biological father to the 6-year-old sibling, Male, 36 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Female, 6 Years	Other Adult - Biological father to the 6-year-old sibling, Male, 36 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 6 Years	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The SCR report alleged the biological father of the then 6-year-old surviving sibling physically attacked the mother in the presence of the 6-year-old.

Report Determination: Indicated

Date of Determination: 07/08/2020

Basis for Determination:

Through investigation, ACS learned the biological father of the 6-year-old sibling had a verbal argument with the mother and refused to leave her home. The father pushed the mother with enough force to break her bed and further attacked the mother. The mother called 911 and the 6-year-old child could be heard in the background yelling for her father to stop. The father was intoxicated at the time of the incident. The father was arrested and an order of protection was put in place, barring him from contact with the mother. ACS appropriately substantiated the allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse against the father.

OCFS Review Results:

ACS conducted a thorough investigation, interviewing family members and collaterals to gather pertinent information. Referrals for services were made as appropriate. ACS filed a neglect petition in family court against the father and requested orders of protection against him protecting both children, which were granted.

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

Issue:

Failure to provide notice of report

Summary:

The biological father of the then 15-year-old sibling was not added to the investigation or notified of the report in writing.

Legal Reference:

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

Action:

ACS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/19/2019	Sibling, Male, 13 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 13 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 6 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 6 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:
 The SCR report alleged the mother was misusing substances in the presence of, and while the sole caretaker to, the then 6-year-old and 13-year-old siblings.

Report Determination: Unfounded **Date of Determination:** 11/18/2019

Basis for Determination:
 The determination notes the mother was prescribed a controlled substance due to a diagnosed medical condition. The mother submitted to two toxicology screenings. An initial screening was inconclusive due to a diluted sample and the subsequent screening was negative for all substances other than the mother's prescribed medication. Both siblings were interviewed and reported no knowledge of their mother misusing substances. A family services stage was opened for the purposes of holding a family team meeting in an attempt to provide services to the family; however, those services were declined.

OCFS Review Results:
 ACS made home visits, conducted interviews, contacted collaterals, and provided services to the family as appropriate. The biological fathers of both surviving siblings were not added to the case nor were they provided notification of the report. The Risk Assessment Profile did not accurately reflect the mother's physical disability.

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

Issue:
 Failure to provide notice of report

Summary:
 The biological fathers of the surviving siblings were not added to the case composition or provided with written notice of the report.

Legal Reference:
 18 NYCRR 432.2(b)(3)(ii)(f)

Action:
 ACS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Issue:
 Adequacy of Risk Assessment Profile (RAP)

Summary:
 The Risk Assessment Profile does not reflect the mother's physical disability.

Legal Reference:
 18 NYCRR 432.2(d)

Action:
 ACS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

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

The mother and the biological father of the 8-year-old surviving sibling have CPS history dating back to 2012 with common concerns of substance misuse. Both were named as subjects on a 9/1/2012 SCR report with substantiated allegations of Inadequate Guardianship, Parent's Drug and Alcohol Misuse, and Inadequate Food Clothing and Shelter regarding the now 16-year-old surviving sibling. An SCR report dated 10/15/2013 similarly contains substantiated allegations against both parents for Inadequate Guardianship regarding the now 8-year-old surviving sibling. The mother alone was listed as a subject on an SCR report dated 8/12/2014 with substantiated allegations of Parent's Drug and Alcohol Misuse regarding both surviving siblings. Both parents are listed as subjects on similar SCR reports received 5/9/2015, 7/13/2015, and 2/26/2018 for allegations substance misuse and lack of supervision which were unsubstantiated.

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: 06/09/2020

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: 06/09/2020

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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
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:
Preventive services were provided by a community agency.

Preventive Services History

A Preventive Services case was opened 6/9/2020 due to concerns for substance misuse and domestic violence in the home and in the presence of the surviving siblings. The biological father of the 8-year-old surviving sibling had attacked the mother while under the influence of substances in the presence of the child. The father was arrested and a stay away order was put in place to protect the mother only. ACS filed a neglect petition against the father requesting an order of protection to protect the children as well as court-ordered services, which were granted. Services were provided by a community agency with oversight by ACS. Appropriate services were referred for all family members, though the father only fitfully engaged with the services. The Preventive Services case remained open at the time of the fatality after which the surviving siblings were removed from the mother and placed in kinship foster care with their maternal aunt.

Foster Care Placement History

On 9/13/2012, the now 16-year-old surviving sibling was removed from his mother and placed in kinship foster care with his maternal aunt pursuant to concerns for the mother and the biological father of the now 8-year-old sibling misusing substances to the point they were unable to care for the child. The mother and father were court ordered to engage with substance misuse treatment services and parenting classes; however, only the mother engaged with those services. Upon the birth of the now 8-year-old surviving sibling on 10/14/2013, that child was removed and placed with the maternal aunt; however, both children were returned to the mother shortly thereafter on 10/22/2013.

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:
06/11/2020	There was not a fact finding	Order of Supervision
Respondent:	061657 Other Adult Male 38 Year(s)	
Comments:	Neglect petitions were filed against the biological father of the 8-year-old sibling regarding both surviving siblings due to concerns for his substance misuse and physical violence towards the mother in the presence of their child.	

Criminal Charge: Assault Degree: NA

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
05/17/2020	The father of the 8-year-old surviving sibling	Unknown	unknown
Comments:	The father of the 8-year-old surviving sibling was charged with assault, harassment, and criminal mischief after an incident wherein he physically attacked the mother.		

Have any Orders of Protection been issued? Yes

From: 06/11/2020	To: Unknown
Explain: Orders of Protection were put in place against the father of the 8-year-old surviving sibling protecting both surviving siblings.	

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