Child Fatality Report

Report Identification Number: SY-22-057

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

Issue Date: Jun 08, 2023

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 had an open investigation or a CPS monitored services 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: 5 year(s)
Jurisdiction: Oneida
Gender: Male
Date of Death: 12/24/2022
Initial Date OCFS Notified: 12/24/2022

Presenting Information

Two SCR reports alleged that on the morning of 12/24/22, the 5-year-old subject child went outside to play unsupervised in 3 degree weather for an unknown amount of time, while in the care of foster mother 1 (FM1) and foster mother 2 (FM2). At some point, the child came into the home and was found unconscious and unresponsive by the 3-year-old sibling. The sibling informed FM2, and then FM1 called 911 at 9:23 AM. Emergency Medical Services (EMS) arrived at the home a short time later. The child's body temperature was 80 degrees at that time. EMS performed CPR in the home and continued while in route to the hospital. The child had swelling with fluid on the back of his head. CPR continued for 3 hours; however, the child could not be resuscitated and he was pronounced deceased at the hospital at 12:31 PM. The cause of death was unknown. The foster parents were unable to provide an explanation as to why the child was outside or how he sustained the injury to the back of his head.

Executive Summary

On 12/24/22, the Oneida County Department of Social Services (OCDSS) received two SCR reports regarding the death of the 5-year-old male subject child. At the time of the subject child's death, he and his 3-year-old sibling were in the custody of the Commissioner of OCDSS and placed in a foster boarding home that was licensed by a foster care agency. The children were previously in the Article 6 custody of their mother's friend (female custodian) after they were born with a positive toxicology to drugs. The children were removed from the female custodian's custody and placed in foster care on 6/17/21. The children had been residing in their current foster boarding home with foster mother 1 (FM1) and foster mother 2 (FM2) since 4/26/22. The mother and sibling's father had supervised visitation with the children. The subject child's father was unknown.

OCDSS conducted a joint investigation with law enforcement, and they learned that on the morning of 12/24/22, the subject child was playing outside at the foster boarding home. The outside temperature was 3 degrees at that time, and it was unclear if the subject child had on the proper clothing. Due to the foster parents' varying accounts of the events, it was unclear if the foster parents were aware the child went outside to play. According to the foster parents, sometime after 8:30 AM, FM2 told the child to come inside. After the child returned inside, he passed out and became unresponsive. The foster parents reported the child may have hit his head when he fell forward and passed out. The foster parents called 911 at 9:23 AM and performed CPR until EMS arrived and took over. The child was transported to the hospital by ambulance, where life-saving measures continued. The child's temperature was 81.2 degrees upon arrival to the hospital. Life-saving measures continued for 3 hours until the child's temperature reached 89 degrees. The child did not regain a pulse and he was pronounced deceased at 12:31 PM. The sibling was inside the foster boarding home throughout the incident and witnessed the events.

An autopsy was performed, and the cause of death was hypothermia from environmental exposure with a contributory factor of blunt head trauma (sub scalp hematoma). The manner of death was undetermined. The autopsy report stated the child sustained blunt head trauma, without identifiable organic brain injury, either before developing hypothermia or during the resuscitation efforts. The law enforcement investigation remained open, and no charges had been filed at the time this report was written.

Immediately following the subject child's death, the sibling was moved to another foster boarding home licensed by the same foster care agency. The sibling was enrolled in play therapy and she was assessed to be safe in the new foster boarding home. The mother and sibling's father were notified of the child's death and were provided with information on

bereavement services. FM1 and FM2 were also provided with information on bereavement services. The CPS investigation and the foster care services case remained open at the time this report was written.

PIP Requirement

OCFS' review resulted in citations. In response, OCDSS and the cited agency will submit a Program Improvement Plan (PIP) to the Syracuse Regional Office which will identify what action(s) the respective agencies have taken, or will take, to address the cited issues.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
  - **Approved Initial Safety Assessment?** Yes
  - **Safety assessment due at the time of determination?** N/A
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** Yes

Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** The CPS report had not yet been determined at the time this Fatality report was written.
- **Was the determination made by the district to unfound or indicate appropriate?** N/A

Explain:

The CPS investigation and Foster Care Case remained open at the time this report was written.

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:

Casework activity was commensurate with case circumstances.

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: 12/24/2022 **Time of Death:** 12:31 PM

Time of fatal incident, if different than time of death: 09:23 AM

County where fatality incident occurred: Oneida
Was 911 or local emergency number called? Yes
Time of Call: 09:23 AM
Did EMS respond to the scene? Yes
At time of incident leading to death, had child used and/or ingested alcohol or drugs? No
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	5 Year(s)
Deceased Child's Household	Foster Parent	Alleged Perpetrator	Female	42 Year(s)
Deceased Child's Household	Foster Parent	Alleged Perpetrator	Female	41 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	3 Year(s)
Other Household 1	Other Adult - Female Custodian	No Role	Female	47 Year(s)
Other Household 2	Mother	No Role	Female	30 Year(s)
Other Household 3	Other Adult - Sibling's Father	No Role	Male	59 Year(s)

LDSS Response

OCDSS investigated the subject child's death by reviewing SCR history, the 911 call, photos taken by law enforcement, hospital records and the children's medical records. They spoke to the sources of the reports, law enforcement, the district attorney's office, EMS, hospital staff, the medical examiner, and the foster care agency. OCDSS interviewed the foster parents, the mother, the sibling's father, and the sibling. Notice of the report was provided to the parents and foster parents.

The foster parents were interviewed at the law enforcement barracks on 12/24/22. They gave varying accounts of the timeline for that morning and what the child was wearing while he was playing outside. FM1 kept nodding off during the interview and reported she was very tired. FM1 reported she woke up between 7:00-8:00 AM and the subject child was already outside playing. She said he was wearing a coat, hat, sweatpants, short sleeved shirt, and a scarf. When he came

inside his coat was unzipped, his hat was off, and his scarf was not tied. FM1 said FM2 was in the bedroom and knocked on the window to get the child to come inside. After he came inside he was laying on the floor unresponsive. FM1 said she realized he was cold, and she tried to warm him up with the fireplace and a blow dryer, but he did not respond. FM2 reported she asked where the subject child was when she woke up, and FM1 told her he was outside. FM2 said she took a 5–7-minute shower, and when she got out of the shower, the child was laying on the floor unresponsive.

On 12/28/22 the foster parents were interviewed at their home, and they gave another account of the events. FM1 reported she had the children use the bathroom at 7:30 AM, then she went to her bedroom and the child went outside to play at 8:00 AM. She said the children always went outside into the backyard by themselves and they watched the children through the window and constantly checked on them. FM2 said she got up at 8:30 AM and she opened the door to check on the child outside, but she could not see him. She yelled for the child, and he came inside and appeared to be fine at that time. The child took off his coat, hat, and boots and both children sat at the kitchen table and decorated a gingerbread house while FM2 took a shower and FM1 remained in the bedroom. The foster parents said the subject child ate some of the frosting and then threw up. FM2 said she got out of the shower when she heard the sibling yell that the subject child fell. FM2 said she believed the child hit his head when he fell off his chair and passed out. FM2 picked the child up and brought him into the living room. FM1 said she thought the child was faking and playing dead when he was laying on the floor with his eyes closed. The foster parents said they called 911 around 9:20 AM when the child would not respond, and they started CPR. FM1 said the sibling accidentally called 911 at 9:00 AM on a wooden phone in the shape of a duck that the sibling played with, and she told the sibling to hang up. She said the phone was preprogrammed to dial 911 if you press the number 1 and the sibling was aware of this. The foster parents denied that the subject was unresponsive or needed medical attention at that time. The foster parents completed a drug screen on 12/28/22, and they both tested positive for prescribed medications.

The sibling was interviewed at the CAC on 12/24/22. Attempts to conduct a full interview were unsuccessful; however, she reported that the subject child fell, she said something about the shower, and she said the child was outside. During a second interview on 12/27/22, the sibling said the subject child was in the shower and hit his head. She said, “they said to get in the shower now”, but OCDSS was unable to determine who she was referring to. The sibling said that the child was told to go outside, and he was outside crying, but she could not say who told him to go outside or why he was crying. She said FM2 told him to come inside.

The children's mother reported that she received a call from the foster parents at 10:30 AM informing her the child was at the hospital. When she arrived, she found out the child had no pulse. She voiced concerns about the foster parents’ foster care certification, as they had self-disclosed a criminal history and she said the child’s medication had not been picked up from the pharmacy for 9 days. The case record did not reflect that the pharmacy was contacted regarding this concern. The sibling’s father reported that the mother informed him of the child’s passing and he did not have any direct knowledge of the incident.

Law enforcement reported there were no safety hazards in the foster home and the foster parents’ prescribed medication, including medical marijuana, was locked up. Law enforcement said FM2 initially reported that she got out of the shower and asked where the subject child was. She said FM1 reported she “guessed” the child was outside. FM2 found the child outside and brought him inside. She said he was wearing a heavy winter coat, hat, scarf, and wind pants over his sweatpants, but he was not wearing gloves.

Hospital staff reported when the child arrived at 9:25 AM, his core body temperature was 81.2 degrees, and his pupils were fixed and dilated. He was wearing sweatpants, underwear, a t-shirt, and a sweatshirt, which were "drenched". The child had no frost bite on his fingers or other parts of his body and no trauma or injury was observed. The doctor said typically that low of a body temperature would occur from being outside for 1-1.5 hours with proper clothing; however, the child’s temperature could have dropped that low in around 30 minutes if the child was not wearing proper winter clothing. Medical records showed the child had a diagnosed respiratory disease that he was receiving medical treatment for and he had recently undergone allergy testing, which showed the child had some sensitivities. The doctor reported that the foster

parents missed the last two scheduled allergy appointments to go over the results of the testing. The subject child's last pediatrician appointment was 12/14/22 and no concerns were noted.

Official Manner and Cause of Death

Official Manner: Undetermined
Primary Cause of Death: From an injury - external cause
Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes

Was the fatality referred to an OCFS approved Child Fatality Review Team? Yes

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
063617 - Deceased Child, Male, 5 Yrs	063619 - Foster Parent, Female, 42 Year(s)	DOA / Fatality	Pending
063617 - Deceased Child, Male, 5 Yrs	063619 - Foster Parent, Female, 42 Year(s)	Inadequate Guardianship	Pending
063617 - Deceased Child, Male, 5 Yrs	063619 - Foster Parent, Female, 42 Year(s)	Lack of Supervision	Pending
063617 - Deceased Child, Male, 5 Yrs	063620 - Foster Parent, Female, 41 Year(s)	DOA / Fatality	Pending
063617 - Deceased Child, Male, 5 Yrs	063620 - Foster Parent, Female, 41 Year(s)	Inadequate Guardianship	Pending
063617 - Deceased Child, Male, 5 Yrs	063620 - Foster Parent, Female, 41 Year(s)	Lack of Supervision	Pending
063617 - Deceased Child, Male, 5 Yrs	063619 - Foster Parent, Female, 42 Year(s)	Swelling / Dislocations / Sprains	Pending
063618 - Sibling, Female, 3 Year(s)	063619 - Foster Parent, Female, 42 Year(s)	Inadequate Guardianship	Pending
063618 - Sibling, Female, 3 Year(s)	063620 - Foster Parent, Female, 41 Year(s)	Inadequate Guardianship	Pending

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	☒	☐	☐	☐
When appropriate, children were interviewed?	☒	☐	☐	☐
Alleged subject(s) interviewed face-to-face?	☒	☐	☐	☐
All 'other persons named' interviewed face-to-face?	☒	☐	☐	☐

Contact with source?	☒	☐	☐	☐
All appropriate Collaterals contacted?	☒	☐	☐	☐
Was a death-scene investigation performed?	☒	☐	☐	☐
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)?	☒	☐	☐	☐
Coordination of investigation with law enforcement?	☒	☐	☐	☐
Was there timely entry of progress notes and other required documentation?	☒	☐	☐	☐

Fatality Safety Assessment Activities

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

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?	☒	☐	☐	☐

Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	☐	☐	☒	☐
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	☒	☐	☐	☐
Was there an adequate assessment of the family's need for services?	☒	☐	☐	☐
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?	☐	☒	☐	☐
Were appropriate/needed services offered in this case	☒	☐	☐	☐

Explain:
The RAP had not yet been completed. The sibling remained in foster care and the family was referred for bereavement 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?	☐	☐	☒	☐
Were there surviving children in the household that were removed as a result of information uncovered during the fatality investigation?	☐	☒	☐	☐

Explain as necessary:
The sibling was already in foster care at the time of the subject child's death. The sibling remained in the custody of the Commissioner of OCDSS and she was moved to another foster boarding home.

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	☒	☐	☐	☐	☐	☐	☐
Economic support	☐	☐	☐	☐	☐	☒	☐
Funeral arrangements	☒	☐	☐	☐	☐	☐	☐
Housing assistance	☐	☐	☐	☐	☐	☒	☐
Mental health services	☒	☐	☐	☐	☐	☐	☐
Foster care	☒	☐	☐	☐	☐	☐	☐
Health care	☐	☐	☐	☐	☐	☒	☐
Legal services	☐	☐	☐	☐	☐	☒	☐
Family planning	☐	☐	☐	☐	☐	☒	☐
Homemaking Services	☐	☐	☐	☐	☐	☒	☐
Parenting Skills	☐	☐	☐	☐	☐	☒	☐
Domestic Violence Services	☐	☐	☐	☐	☐	☒	☐
Early Intervention	☐	☐	☐	☐	☐	☒	☐
Alcohol/Substance abuse	☒	☐	☐	☐	☐	☐	☐

Child Care	☐	☐	☐	☐	☐	☒	☐
Intensive case management	☐	☐	☐	☐	☐	☒	☐
Family or others as safety resources	☐	☐	☐	☐	☐	☒	☐
Other	☐	☐	☐	☐	☐	☒	☐

Additional information, if necessary:
Following the subject child's death the foster parents were referred for drug tests due to FM1 nodding off during the interview. The foster parents, mother and sibling's father were provided with information on bereavement services and the sibling was enrolled in play therapy.

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 sibling continued to received foster care services and she was enrolled in play therapy.

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? Yes
Explain:
The mother, sibling's father and foster parents were referred for bereavement services.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
Was the child acutely ill during the two weeks before death? No

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)
09/07/2022	Deceased Child, Male, 4 Years	Other Adult - Custodian , Female, 46 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Male, 4 Years	Other Adult - Custodian , Female, 46 Years	Sexual Abuse	Unsubstantiated	

Report Summary:
An SCR report alleged while the subject child was residing with the female custodian she was sexually abusing him. It was unknown how often it occurred or how long the subject child was residing with the custodian. The subject child had sexual knowledge beyond his years and was sexually acting out.

Report Determination: Unfounded | **Date of Determination:** 10/10/2022

Basis for Determination:
The allegations were Unsub based on a lack of a fair preponderance of the evidence. The female custodian denied the

allegations. The subject child was interviewed at the CAC and he did not make any disclosure of sexual abuse. Attempts were made to interview the sibling at the CAC; however, were unsuccessful due to her age. FM1 expressed that the subject child exhibited sexual behaviors in the foster home. The subject child was enrolled in counseling. The services case remained open and the subject child and sibling remained in foster care. The female custodian was trying to obtain custody back of the subject child and sibling.

OCFS Review Results:
The subject child was interviewed at the CAC and attempts were made to interview the sibling. A home visit at the foster home was not documented. The female custodian's home was assessed for safety and she was interviewed. Attempts were made to interview the mother and sibling's father. Safety Assessments and the RAP were completed timely and accurately. The source was spoken to and notice of the report was provided to the mother, sibling's father, and female custodian. Collateral contacts were made with law enforcement, the foster care agency, and FM1.

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

[redacted]

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/09/2022	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 40 Years	Childs Drug / Alcohol Use	Unsubstantiated	Yes
	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 40 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 40 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 39 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 39 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Foster Child , Female, 14 Years	Foster Parent, Female, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:
An SCR report alleged on more than one occasion FM1 and FM2 allowed a then 14-year-old foster child to use marijuana to impairment and the foster parents used marijuana with the foster child. The most recent incident occurred on 8/8/22. The foster parents also provided the foster child with marijuana and the foster child was found to be in possession of the drug. The roles of the subject child and sibling were unknown.

Report Determination: Unfounded | **Date of Determination:** 01/07/2023

Basis for Determination:
The foster child consistently disclosed FM1 and FM2 smoked marijuana with her during the 3 days she was in the foster parents' care and that they provided her with marijuana "for the road" when she moved to a relative foster home. The foster child reported no concerns for the subject child or sibling in the care of the foster parents. The foster child's relative found marijuana in the child's possession after arrival to the relative's home. The foster child continued to use marijuana and she underwent a drug treatment evaluation to assess her treatment needs. The foster parents denied the allegations and provided proof of legal medical marijuana cards. The marijuana was observed to be locked up in the foster parents' bedroom. The foster parents said the foster child had behavioral issues that they reported to the foster care agency; however, the foster care agency denied having any contact with the foster parents during the foster child's placement in their home. The foster parents denied using marijuana in the presence of the children and reported 1 adult was sober at all times. After the subject child's death the sibling was moved to another foster boarding home. The foster parents had no children in their care at the time the investigation closed.

OCFS Review Results:
Upon receipt of the report, OCDSS spoke to the source of the report, reviewed some SCR history, made a foster home visit, and they interviewed the foster parents. It was documented that the subject child and sibling were observed but not capable of being interviewed; however, the reason was not stated. A home visit was conducted and the then 14-year-old foster child and her relative were interviewed on 8/12/22. Notice of Existence was mailed to the foster parents on 8/18/22. After this date, there was no casework activity until 12/14/22. Additional investigative steps were then completed, including a thorough SCR history review, the biological parents of the children were added to the case and attempts were made to locate and notify them. Contact was made with the foster care agency, the foster child's school staff, and drug treatment center staff. The foster child and foster parents were interviewed a second time, the foster parents completed drug tests, and the foster child was referred for drug treatment services. Attempts to interview the sibling about the subject child's death were unsuccessful due to the sibling's age. The case was determined and closed 3 months after the due date.

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

Issue:
Timeliness of Determination

Summary:
There was no casework activity from 8/18/22-12/14/22 and the case was determined 3 months after the due date. The child protective service has the sole responsibility for making a determination within 60 days after receiving the report as to whether there is some credible evidence of child abuse and/or maltreatment so as either to “indicate” or “unfound” a report of child abuse and/or maltreatment.

Legal Reference:
SSL 424(7);18 NYCRR 432.2(b)(3)(iv)

Action:
OCDSS will make a determination of either “indicated” or “unfounded” within 60 days after receiving the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/01/2022	Sibling, Female, 2 Years	Other Adult - Sibling's Father , Male, 57 Years	Fractures	Unsubstantiated	No
	Sibling, Female, 2 Years	Other Adult - Sibling's Father , Male, 57 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 2 Years	Other Adult - Sibling's Father , Male, 57 Years	Swelling / Dislocations / Sprains	Unsubstantiated	

Report Summary:
Two SCR reports were received on 3/1/22 that alleged on that date, while in the care of the sibling's father, the sibling sustained an injury to her left arm, which caused the arm to be deformed and swollen. The deformity of the arm was determined to be a fracture. The only explanation given for the injury was not plausible, making the injury suspicious.

Report Determination: Unfounded | **Date of Determination:** 08/09/2022

Basis for Determination:
The allegations were Unsub based on a lack of a fair preponderance of the evidence. At the time the SCR report was received, the sibling and subject child were in the sibling's father's home on a trial discharge from foster care. The sibling sustained a fractured arm and medical professionals determined the injury was consistent with the father's explanation that the sibling was jumping on the bed and she fell onto the floor. The sibling's father sought medical care immediately after the injury occurred. Medical professionals did not believe the injury was caused by non-accidental trauma. The

children returned to a foster boarding home for reasons unrelated to the incident and the Foster Care Services case remained open.

OCFS Review Results:
Home visits were conducted, the father and mother were interviewed, and the sibling and subject child were observed at the father's home and the foster home. The source was spoken to and SCR history was reviewed. Notice of the report was provided to both parents. Safety Assessments and the RAP were completed timely and accurately. Collateral contacts were made with the foster care agency, medical professionals and family members.

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)
06/02/2021	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	No
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Other Child - Other Child , Male, 9 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Male, 9 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated	
	Other Child - Other Child , Male, 9 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Male, 9 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated	

Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lacerations / Bruises / Welts	Substantiated
Other Child - Other Child , Female, 15 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 15 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 15 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 15 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Unsubstantiated

Report Summary:
An SCR report alleged the female custodian had custody of the subject child, sibling, and then 13, 9, and 1-year-old children and the male custodian had custody of a then 15-year-old child. It was alleged the 13-year-old child was acting out sexually with the subject child and the 9-year-old child. The custodians recently became aware of these concerns, and continued to leave the 13-year-old child unsupervised with the sibling and 15, 9, and 1-year-old children. A subsequent SCR report was received on 6/16/21 and merged, alleging the 9-year-old child had a history of acting out violently toward other children in the home. On 6/16/21, the 9-year-old child was left unsupervised in a room with the then 1-year-old child and sibling despite the child's history. The then 9-year-old child got ahold of a knife and cut the then 1-year-old child's face, causing a laceration.

Report Determination: Indicated | **Date of Determination:** 07/07/2021

Basis for Determination:
The allegations against the male custodian were Unsub since he resided in a separate home and he had no knowledge of the 13-year-old child acting out sexually. The custodians denied knowledge of the 13-year-old child acting out sexually with another child. The 9-year-old child did not disclose being inappropriately touched by anyone and he denied seeing the subject child being touched sexually. The allegations against the female custodian were Sub. The 9-year-old child disclosed seeing the 13-year-old child hitting the 1-year-old child while all the children were in the home unsupervised. He also admitted to cutting the 1-year-old child's face with a knife because he did not want to be at the custodian's home anymore. The 13-year-old child denied inappropriately touching any other child; however, she would not answer questions regarding the injuries sustained by the 1-year-old child and she did not deny causing the injuries. This case was investigated concurrently with the 4/16/21 investigation. The 13-year-old child received JD charges for injuring the 1-year-old child. A neglect petition was filed against the female custodian and she consented to the children being placed in foster care.

OCFS Review Results:
Home visits were conducted and the custodians were interviewed. The verbal children were interviewed at the CAC. Safety Assessments and the RAP were completed timely and accurately. SCR history was reviewed, the sources of the reports were spoken to, and notice of the report was provided to all parents. Collateral contacts were made with law enforcement, mental health providers, school staff, medical professionals, and the foster care agency. The children were placed in foster care and placement resources were explored with the parents of the children. The mother and sibling's father had a history of neglecting the sibling and subject child, and they failed to plan for the children's care when they

were removed from the female custodian's care; however, neglect petitions were not filed against them. The parents were referred for substance and mental health evaluations.

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)
04/16/2021	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	No
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Substantiated	
	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated	
	Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated	

Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lack of Supervision	Substantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Substantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Substantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Substantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Lack of Supervision	Substantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Lacerations / Bruises / Welts	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Lacerations / Bruises / Welts	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Swelling / Dislocations / Sprains	Substantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Lacerations / Bruises / Welts	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 45 Years	Other	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Mother of 13yo Child , Female, 35 Years	Other	Unsubstantiated

	Other Child - Other Child , Female, 13 Years	Other Adult - Father of 13yo Child , Male, 42 Years	Other	Unsubstantiated

Report Summary:
An SCR report alleged on an ongoing basis, the custodians were abusing cocaine, marijuana, and alcohol to the point of impairment while being the sole caregivers to the subject child, sibling, and the then 13, 8, 4, and 1-year-old children. In addition, the custodians were regularly locking the children in the home from the outside. As a result, the children were left unsupervised for extended periods of time, and they were at risk due to being unable to evacuate the home in case of an emergency. Subsequent SCR reports were received on 5/13/21, 5/25/21, and 6/1/21 and merged, alleging the sibling had marks on her legs and buttocks, the female custodian inflicted injuries to the then 1-year-old child, and the then 13 and 8-year-old children had behavioral issues and the custodians and other adult failed to provide a higher level of supervision as required, resulting in the then 1-year-old child sustaining injuries.

Report Determination: Indicated | **Date of Determination:** 11/19/2021

Basis for Determination:
PD/AM was Unsub since the custodians and children denied the allegations and the custodians completed drug tests, which were negative for all substances. The allegation of Other was Unsub regarding the 13-year-old child pertaining to a court ordered investigation. The allegations regarding the 14-year-old child were Unsub since she resided with the male custodian and there were no concerns for her care. The remaining allegations were Sub due to the custodians leaving the children unsupervised in the home on several occasions despite knowledge the children required a higher level of supervision due to the 13 and 8-year-old children's behavior and mental health issues. As a result, the 1-year-old child sustained injuries including bite marks on her face, arms and back, scratches on her face, bruising on her eye, and a cut on her face from a knife. It was believed the injuries were inflicted by the 13 and 8-year-old children. A safety plan was made that the children would not be left unsupervised; however, the custodians did not follow the plan and the 1-year-old child continued to sustain injuries. The female custodian admitted she was unable to provide the appropriate level of supervision to the children and consented to the children being removed from her custody. A neglect petition was filed in family court and the children were placed in foster care. The case was opened for Foster Care Services.

OCFS Review Results:
Home visits were conducted and the custodians were interviewed. The verbal children were interviewed at the CAC. SCR history was reviewed, the sources of the reports were spoken to, and notice of the report was provided to all parents. Safety Assessments and the RAP were completed timely and accurately. Collateral contacts were made with law enforcement, mental health providers, school staff, medical professionals, and the foster care agency. The children were appropriately placed in foster care and placement resources were explored with the parents of the children. The mother and sibling's father had a history of neglecting the sibling and subject child, and they failed to plan for the children's care when they were removed from the female' custodian's care; however, neglect petitions were not filed against them. The parents were referred for substance abuse and mental health evaluations.

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)
01/23/2021	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated	

Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 3 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Years	Other Adult - Custodian , Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:
An SCR report alleged the custodians drank alcohol and abused cocaine and crack on an ongoing basis while caring for the subject child, sibling, and the then 13, 8, and 1-year-old children. The custodians were also selling drugs from the home in the presence of the children. The male custodian sexually abused children in the past. The female custodian was aware of the sexual abuse, yet allowed him to have ongoing contact with the children in the home.

Report Determination: Unfounded | **Date of Determination:** 02/19/2021

Basis for Determination:
The allegations were Unsub based on a lack of credible evidence. The custodians and children denied drug use or sales in the home. The custodians did not appear to be under the influence of drugs during casework contacts and there were no drugs or paraphernalia observed in the home. The custodians completed a drug test in August 2020 and they tested negative for all substances. There was no evidence the male custodian was a sex offender or that he had sexually abused a

child. The custodians expressed they felt the numerous SCR reports were made against them as a form of harassment. The children appeared to be well-cared for and safe in the care of the custodians.

OCFS Review Results:
Home visits were conducted and the custodians and verbal children were interviewed. Safety Assessments and the RAP were completed timely and accurately. The source of the report was spoken to and SCR history was reviewed. Notice of the report was provided to all parents of the children and efforts were made to speak to all parents.

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

[redacted]

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/27/2020	Sibling, Female, 1 Years	Other Adult - Custodian , Female, 45 Years	Inadequate Guardianship	Unsubstantiated	No

Report Summary:
An SCR report alleged the female custodian was selling drugs from her home while the sibling was present.

Report Determination: Unfounded **Date of Determination:** 02/03/2021

Basis for Determination:
The allegation was unsubstantiated due to a lack of credible evidence. The custodians and children denied the adults used or sold drugs. The custodians did not appear to be under the influence of drugs during casework contacts and there were no drugs or paraphernalia observed in the home. The custodians completed a drug test in August 2020 which was negative for all substances. The custodians expressed they felt numerous SCR reports were made against them as a form of harassment. The children appeared to be well-cared for and safe in the care of the custodians.

OCFS Review Results:
Home visits were conducted and all verbal children and the custodians were interviewed. Safety Assessments and the RAP were completed timely and accurately. The source of the report was contacted and SCR history was reviewed. Notice of the report was provided to the parents whose locations were known and those parents were spoken to about the allegations. Efforts were made to locate the rest of the parents. Collateral contacts were made with the male custodian's mental health provider.

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

[redacted]

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/21/2020	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	

Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 10 Months	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 10 Months	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 10 Months	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 10 Months	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Sibling, Female, 10 Months	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 10 Months	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 10 Months	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 10 Months	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Other Adult , Female, 18 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Other Adult , Male, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 1 Years	Other Adult - Custodian , Male, 44 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 44 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 44 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Other Adult , Male, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Other Adult , Male, 23 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 13 Years	Unrelated Home Member, Male, 21 Years	Sexual Abuse	Substantiated

Report Summary:
An SCR report alleged the then 18-year-old dropped the then 1-year-old child when she was 9 days old. As a result, the child sustained a traumatic brain injury. The then 1-year-old child had a nervous condition, which caused the child to pull her hair out and eat it. The hair pulling caused bumps on the child's head. The female custodian was aware of the child's brain injury and hair pulling condition, but the custodian dyed the child's hair on 9/19/20, with blonde hair dye. As a result, the child's scalp was irritated. Subsequent reports were received on 9/24/20, 10/13/20, 10/14/20, and 10/15/20 and merged, with concerns that the custodians had custody of the sibling and wanted her removed from their home due to the sibling's father harassing them, there were physical altercations in the presence of the children with some of the incidents involving a gun, the custodians excessively physically disciplined the children, the custodians misused drugs, the custodians and mother of the subject child and sibling sold and bought drugs while the children were present, and the male custodian was alleged to have been a registered sex offender and he sexually abused the then 1-year-old child.

Report Determination: Indicated | **Date of Determination:** 01/29/2021

Basis for Determination:
The allegation of SA was added and Sub against the unrelated home member regarding the then 13-year-old child. The then 13-year-old child disclosed that she had sex with the unrelated home member when he resided in the home. The custodians acted appropriately upon finding out about the sexual abuse of the 13-year-old child and another child in the home. The allegation of II and IG was Sub against the 18-year-old regarding the 1-year-old child. The allegations had previously been indicated against her due to the child sustaining a head injury in September 2019 while in the care of the 18-year-old and the 18-year-old provided several explanations for the injury. The custodian obtained custody of the child following the incident. The remaining allegations were Unsub. The adults and children denied the allegations regarding physical altercations, weapons in the home, the misuse and sale of drugs, and excessive physical discipline. The male custodian denied being a sex offender or sexually abusing any child. The female custodian admitted to dying the then 1-year-old child's hair and there was no negative impact. The children were free from injuries and appeared safe in the care of the custodians.

OCFS Review Results:
The sources of the reports were spoken to, SCR history was reviewed, and notice of the report was provided to all parents that were able to be located. Attempts were made to locate and speak to the remaining parents. Home visits were conducted and all adults and verbal children were interviewed. Attempts were made to locate and interview the unrelated home member. Safe sleep guidelines were discussed and the children were assessed to be safe. Safety Assessments and the RAP were completed timely and accurately. Collateral contacts were made with law enforcement, the family's service providers, and other family members. OCDSS offered preventive services to the custodians and they declined.

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)
07/17/2020	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Other Child , Male, 8 Years	Other Adult - Other Adult , Female, 36 Years	Inadequate Guardianship	Unsubstantiated	

Other Child - Other Child , Male, 8 Years	Other Adult - Other Adult , Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Male, 8 Years	Other Adult - Other Adult , Female, 36 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Sibling's Father , Male, 55 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Other Adult , Female, 36 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 8 Months	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Other Adult , Female, 36 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 8 Months	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 8 Months	Other Adult - Other Adult , Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 8 Months	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Other Child - Other Child , Female, 10 Months	Other Adult - Other Adult , Female, 36 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Other Adult , Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 10 Months	Other Adult - Other Adult , Female, 36 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Other Adult , Female, 36 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Other Adult , Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 14 Years	Unrelated Home Member, Male, 21 Years	Sexual Abuse	Substantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Other Adult , Female, 36 Years	Inadequate Guardianship	Unsubstantiated

Deceased Child, Male, 2 Years	Other Adult - Other Adult , Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Unrelated Home Member, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Lacerations / Bruises / Welts	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Lacerations / Bruises / Welts	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Other Adult , Female, 36 Years	Lacerations / Bruises / Welts	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Other Adult , Female, 36 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Unrelated Home Member, Male, 21 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Female, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Female, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Male, 44 Years	Lack of Supervision	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Other Adult - Custodian , Male, 44 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child , Female, 12 Years	Unrelated Home Member, Male, 21 Years	Sexual Abuse	Substantiated

Report Summary:
An SCR report alleged the custodians and the other adults used alcohol and marijuana to impairment on a regular basis while being the sole caregivers of the sibling, subject child, and 4 other children they had custody of. On 7/17/20, while impaired, all of the adults engaged in a physical altercation in the presence of the children. The sibling's father was aware there was no sober caregiver in the home for the sibling, but left the sibling in the care of the other adults without an alternative plan. It was unknown of the children sustained any injuries during the incident. Additionally, the female custodian and the other adults sold liquor and crack cocaine in the home. The drugs were left accessible to the children. The adults left the sibling in soiled diapers for several hours. Subsequent reports were received on 7/27/20, 8/11/20, 8/20/20, 8/22/22, 8/31/20 and 9/6/20, and were merged into the initial report. There were concerns for inadequate supervision, the male custodian being a registered sex offender and having access to the children, the unrelated home member sexually abusing the then 14 and 13-year-old children, the male custodian pointing a gun at the sibling's father while the sibling was present, and the mother misusing drugs while pregnant with the sibling.

Report Determination: Indicated	**Date of Determination:** 12/17/2020

Basis for Determination:

The allegation of SA was Sub against the unrelated home member regarding the then 13 and 14-year-old children. The children disclosed they were having sex with the unrelated home member during the time that he resided in the home. The custodians contacted law enforcement as soon as they became aware. The unrelated home member was no longer residing in the home and was unable to be located and interviewed. The remaining allegations were Unsub based on a lack of credible evidence. The adults and children denied the adults used drugs or alcohol while being the sole caretaker of the children or that they sold drugs. They denied that physical altercations had taken place, that a gun was pointed at anyone, or that the children were outside unsupervised. The adults appeared sober at all contacts and no drugs or paraphernalia were observed in the home. The custodians completed drug tests and they tested negative for all substances. The children were observed to have no marks, bruises or diaper rash, and they appeared safe.

OCFS Review Results:

The sources of the reports were spoken to, SCR history was reviewed, and notice of the report was provided to all parents that were able to be located. Attempts were made to locate and speak to the remaining parents. Home visits were conducted and all adults and verbal children were interviewed. Attempts were made to locate and interview the unrelated home member. Safe sleep guidelines were discussed and the children were assessed to be safe. Safety Assessments and the RAP were completed timely and accurately. Collateral contacts were made with law enforcement, the family's service providers, and other family members. OCDSS offered preventive services to the custodians and they declined.

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

[redacted]

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/04/2020	Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Custodian , Female, 44 Years	Other	Unsubstantiated	No
	Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Mother of 17-year-old , Female, 34 Years	Other	Unsubstantiated	
	Other Child - Other Child , Female, 17 Years	Other Adult - Mother of 17-year-old , Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Custodian , Female, 44 Years	Poisoning / Noxious Substances	Unsubstantiated	
	Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Custodian , Male, 44 Years	Poisoning / Noxious Substances	Unsubstantiated	
	Other Child - Other Child , Female, 17 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Other Child , Male, 7 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 2 Years	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Custodian , Female, 44 Years	Inadequate Guardianship	Unsubstantiated	

Other Child - Other Child , Female, 17 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 7 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Custodian , Male, 44 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 17 Years	Other Adult - Other Adult , Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 13 Years	Other Adult - Other Adult , Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Male, 7 Years	Other Adult - Other Adult , Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 2 Years	Other Adult - Other Adult , Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - 17-year-old's Child , Female, 5 Months	Other Adult - Other Adult , Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child , Female, 17 Years	Other Adult - Custodian , Female, 44 Years	Other	Unsubstantiated
Other Child - Other Child , Female, 17 Years	Other Adult - Mother of 17-year-old , Female, 34 Years	Other	Unsubstantiated
Other Child - Other Child , Male, 7 Years	Other Adult - Custodian , Male, 44 Years	Sexual Abuse	Unsubstantiated

Report Summary:
An SCR report alleged the male custodian sexually abused the then 13-year-old child. As a result, the male custodian went to prison and was on a sex offender registry. He was released from prison and returned to the home. The female custodian and the mother of the then 17-year-old child were aware of the male custodian's status and they allowed the then 17-year-old child to reside in the home and failed to protect her and the other children in the home. The male custodian was engaging in a sexual relationship with the then 17-year-old child. In January 2020 the custodians over medicated the then 17-year-old child on purpose to ensure she had a miscarriage to hide the fact the male custodian was the father of the unborn child.

Report Determination: Unfounded | **Date of Determination:** 03/31/2020

Basis for Determination:
The adults and children denied that the male custodian was a sex offender or that he had ever been charged with a sex crime. All household members denied that he sexually abused any child or that the then 17-year-old child had been pregnant with his child. Law enforcement confirmed the male custodian had not been charged with a sex crime and that he was not a sex offender. The adults denied they over medicated the 17-year-old child or that she had a miscarriage. The allegation of SA was incorrectly listed at the time of intake and Unsub regarding the then 7-year-old child instead of the then 17-year-old child.

OCFS Review Results:
SCR history was reviewed, attempts to speak to the source of the report and all absent parents were made. Notice of the report was mailed to all parents who's location was known. Home visits were conducted and all adults and verbal children were interviewed. Safety Assessments and the RAP were completed timely and accurately. Safe sleep guidelines were

discussed and the children were assessed to be safe. Collateral contacts were made with a service provider that worked with the then 13-year-old child, the probation officer of the 17-year-old child's mother, and a friend of 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

The mother, subject child and sibling had CPS history in Oneida County:

An SCR report dated 10/13/17 was Sub against the mother for the allegation of PD/AM regarding the subject child. An SCR report dated 11/12/19 was Sub against the mother for the allegations of IG and PD/AM regarding the sibling. Both children were born with a positive toxicology for cocaine. Neglect petitions were filed against the mother and the children were removed from the mother's custody.

An SCR report dated 12/20/19 was Unsub against the male custodian for the allegation of IG regarding the sibling.

FM1 and FM2 had CPS history in Suffolk and Oneida Counties:

An SCR report dated 1/13/04 was Sub by Suffolk County Department of Social Services (SCDSS) against FM1 for the allegations of XCP, IG and L/B/W regarding FM1's then 6-year-old son. The son had a handprint on his face and welt marks on his shoulder consistent with a belt and FM1 admitted to hitting him. An Article 10 Neglect Petition was filed, there was a finding of Neglect, and the case was opened for court ordered services. The services case closed on 8/17/05 after court orders were completed.

An SCR report dated 8/24/06 was Sub by SCDSS against FM1 and FM2 for the allegations of IG and PD/AM regarding FM1's then 9-year-old son, FM1's then 14-year-old sister, and FM2's then 4-year-old nephew whom she had custody of. An SCR report dated 9/7/06 was Sub against FM2 for the allegations of IG and PD/AM regarding her then 4-year-old nephew. The 3 children were present when FM1 and FM2 were arrested for selling crack/cocaine to federal law enforcement officers. Article 10 Neglect Petitions were filed and the nephew and son were placed in foster care. FM1 received 3 years of federal probation and a Foster Care Services case opened regarding FM1 and her son. FM1's son was placed in the custody of a relative under Article 1017. FM1 engaged in drug treatment and her son returned to her custody on 4/24/09. The services case closed on 11/17/09 after FM1 completed all court orders.

SCDSS received a subsequent SCR report dated 11/14/12 with allegations of EdN, IG, L/B/W, LS and SA against FM2 regarding a then 16-year-old other child. The report was merged into an initial SCR report dated 11/8/12 that contained allegations regarding another adult. The allegations against FM2 were not added to the initial report or determined and FM2 was incorrectly listed on the case with no role.

A court ordered investigation dated 6/14/19 was Unsub by OCDSS against FM2 for the allegation of Other regarding a relative's then 12-year-old child.

Known CPS History Outside of NYS

There was no known CPS history outside of New York State.

Services Open at the Time of the Fatality

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: 06/02/2021

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?	☒	☐	☐	☐
Did the services provided meet the service needs as outlined in the case record?	☒	☐	☐	☐
Did all service providers comply with mandated reporter requirements?	☒	☐	☐	☐
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?	☐	☒	☐	☐

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?	☒	☐	☐	☐
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	☒	☐	☐	☐

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?	☒	☐	☐	☐
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	☒	☐	☐	☐

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	☐	☒	☐	☐
If not, how many days was it overdue? The Reassessment FASP was due on 12/19/22 and was approved on 3/1/23.				
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	☒	☐	☐	☐
Was the FASP consistent with the case circumstances?	☒	☐	☐	☐

Closing

	Yes	No	N/A	Unable to Determine
Was the decision to close the Services case appropriate?	☐	☐	☒	☐

Preventive Services History

A services case opened on 11/14/19 regarding the mother and sibling due to the sibling having a positive toxicology for cocaine at the time of her birth and the mother having a history of drug misuse that resulted in previously losing custody of the subject child. There was a finding of neglect on 1/7/20, and the sibling was placed in the joint custody of the mother and her friend (female custodian), with the custodian having primary physical custody and the mother having supervised visitation. The services case closed on 1/8/20.

Foster Care at the Time of the Fatality

The deceased child(ren) were in foster care at the time of the fatality? Yes
Date deceased child(ren) was placed in care: 06/17/2021
Date of placement with most recent caregiver? 04/26/2022
How did the child(ren) enter placement? Emergency removal without Court Order

Review of Foster Care When Child was in Foster Care at the time of the Fatality

	Yes	No	N/A	Unable to Determine
Does the case record document that sufficient steps were taken to safeguard this child's safety while in this placement?	☒	☐	☐	☐
Did the placement comply with the appropriateness of placement standards?	☒	☐	☐	☐
Was the most recent placement stable?	☒	☐	☐	☐
Did the agency comply with sibling placement standards?	☒	☐	☐	☐
Was the child AWOL at the time of death?	☐	☒	☐	☐

Visitation

	Yes	No	N/A	Unable to Determine
Was the visitation plan appropriate for the child?	☒	☐	☐	☐
Was visitation facilitated in accordance with the regulations?	☒	☐	☐	☐
Was there supervision of visits as required?	☒	☐	☐	☐

Casework Contacts

	Yes	No	N/A	Unable to Determine

Were face-to-face contacts with the child in the child's placement location made with the required frequency?	☒	☐	☐	☐
Were face-to-face contacts with the parent/relative/discharge resource made with required frequency?	☒	☐	☐	☐
Were face-to-face contacts with the parent/relative/discharge resource in the parent/relative/discharge resource's home made with required frequency?	☒	☐	☐	☐
Were all of the casework contact requirements for contacts with the caretakers made, including requirements for contact at the child's placement location?	☒	☐	☐	☐

Provider Oversight/Training

	Yes	No	N/A	Unable to Determine
Did the agency provide the foster parents with required information regarding the child's health, handicaps, and behavioral issues?	☐	☒	☐	☐
Did the provider comply with discipline standards?	☒	☐	☐	☐
Were the foster parents receiving enhanced levels of foster care payments because of child need?	☐	☐	☒	☐
If yes, was foster parent provided a training program approved by OCFS that prepared the foster parent with appropriate knowledge and skills to meet the needs of the child?	☐	☐	☒	☐
Was the certification/approval for the placement current?	☒	☐	☐	☐
Was a Criminal History check conducted? **Date:** 05/13/2021	☒	☐	☐	☐
Was a check completed through the State Central Register? **Date:** 02/28/2022	☒	☐	☐	☐
Was a check completed through the Staff Exclusion List? **Date:** 05/27/2021	☒	☐	☐	☐

Additional information, if necessary:
Although the foster parents were medically cleared to become foster parents at the time of certification, the record did not reflect that there was an ongoing assessment of their significant physical and mental health diagnoses to assess their current ability to provide adequate care to foster children. The home study and criminal clearances documented that FM1 was convicted of presumptively disqualifying crimes in 2011 and served 42 months in prison and 2 year of post release parole and FM2 had been convicted of presumptively disqualifying crimes in 2015 and 2018. The case record did not reflect that the circumstances of these crimes were fully explored. It was not documented if the foster parents' arrests for selling drugs in 2006 were divulged by the foster parents or explored by the foster care agency. The foster parents' previous parenting and childcare experience was not gathered. Had this been done, information regarding FM1's now adult son and FM2's nephew being placed in foster care at the time the 2006 crime was committed, and the subsequent finding of neglect, may have been revealed. Learning this information may have assisted the foster care agency with making a more informed decision about the approval and certification of the foster boarding home. The Foster Care Case remained open at the time this report was written; however, the foster boarding home was closed.

Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

☒Yes ☐No

Issue:	Failure to offer essential services to children in care
Summary:	FM1 and FM2 reported to the foster care agency that the subject child was displaying sexualized and aggressive behaviors in the foster boarding home; however, a referral for the child to receive specialized services was not documented.
Legal Reference:	18 NYCRR 441.15
Action:	Psychiatric, psychological and other essential services shall be made available appropriate to the needs of the children in care.
Issue:	Failure to Adhere to Authorized Agency Operating Requirements
Summary:	The case record did not reflect that FM1 and FM2's previous parenting or childcare experience was gathered and evaluated by the foster care agency to determine acceptance of their application to become certified foster parents. Upon placement of the subject child and sibling in the foster boarding home, OCDSS nor the foster care agency provided the foster parents with crucial information about the children's behavioral needs.
Legal Reference:	18 NYCRR 443.2
Action:	(a)(13) Each agency must establish a procedure to review and evaluate the backgrounds of and information supplied by all applicants for certification or approval. As part of this procedure, applicants must be required to submit the following information: (i) a statement or summary of the applicant's employment history, including but not limited to any relevant child-caring experience. (e)(3) Authorized agencies shall provide basic information to foster parents about each child who is to be placed in the home. Information shall include, but need not be limited to, the following topics: (iii) handicaps or behavior problems.
Issue:	Certification or Approval of Foster Family Homes
Summary:	On 6/13/22, the foster care agency told the foster parents a meeting would be scheduled to address the foster parents' concerns for the subject child’s ongoing aggressive and sexualized behaviors in the foster boarding home. A meeting was not documented to have occurred and the foster parents were not provided with specific training to manage the level of behaviors being displayed.
Legal Reference:	18 NYCRR 443.3
Action:	(h)(2) Authorized agencies shall arrange for conferences with foster parents regarding acute problems, emergencies or crisis situations whenever necessary to provide services that are responsive to the problems and that protect the best interests of the child.
Issue:	Timeliness of completion of FASP
Summary:	The Initial FASP was due on 7/2/21 and was approved on 11/17/21, the Comprehensive FASP was due on 8/31/21 and was approved on 11/17/21, the first Reassessment FASP was due on 12/29/21 and was approved on 5/12/22, and the most recent Reassessment FASP was due on 12/19/22 and was approved on 3/1/23.
Legal Reference:	18 NYCRR428.3(f)

Action:	The foster care agency will complete timely FASPs. OCDSS will complete, or see to the completion of FASPs by service providers when applicable, in a timely fashion when OCDSS maintains a case management role.

Foster Care Placement History

The subject child was born with a positive toxicology for cocaine in 2017. He was removed from the mother's custody and placed in foster care due to the mother's history of drug misuse and untreated mental health concerns. There was a finding of neglect and the female custodian was granted Article 6 custody of the subject child on 3/13/18, with the mother having supervised visitation. The Foster Care services case closed on 5/30/18 and the child remained in the custody of the female custodian.

The subject child and sibling were removed from the female custodian's custody on 6/17/21 and a Foster Care Services case opened. A neglect petition was filed against the custodian. Despite the mother having joint custody of the sibling, and the parents' failure to plan for the children's care, neglect petitions were not filed against the parents at the time of their removal from the female custodian. The children were placed in a foster boarding home licensed by a foster care agency. The children were moved to separate foster boarding homes on 7/19/21, and the subject child was moved to a third foster boarding home in September 2021, due to aggressive behavior.

On 11/5/21, the female custodian made an admission of neglect, and the children were ordered to remain in foster care. Although the mother and sibling's father were non-respondents, they were placed under an order of supervision with supervised visitation and ordered to refrain from substance misuse and domestic violence, and to comply with mental health services and drug/alcohol treatment services.

The sibling's father regularly visited the children and he engaged in mental health and drug/alcohol treatment services. On 2/2/22, the children went to the sibling's father's home on a trial discharge. The sibling's father did not attend a mental health appointment in March 2022, and he did not complete a drug screen as requested, so the children were placed in the foster boarding home of FM1 and FM2 on 4/26/22. The foster parents were not informed of the subject child's and sibling's behavioral issues.

On 5/17/22, 6/13/22, 7/7/22 and 8/24/22 the foster parents reported to the foster care agency that the subject child was displaying sexualized behavior, he was hitting the sibling and other foster children in the foster home, he was urinating all over the foster home, and he required constant supervision. On 6/13/22, the agency told the foster parents a meeting would be scheduled to address the subject child's behaviors and they instructed the foster parents not to leave the children alone with each other or any other child without supervision. A meeting was not documented to have occurred.

On 8/31/22, FM1 gave a letter to the foster care agency stating the subject child needed to be monitored 24/7 due to sexualized behaviors, he needed a mental health evaluation, and she requested assistance from the agency. The case record did not reflect that the foster parents were provided with additional assistance or training in managing the subject child's behaviors. It was documented that the subject child was enrolled in mental health counseling and Health Homes services through the foster care agency, as well as OT, PT, and speech services at school; however, contact with the child's mental health counselor and school staff was not documented. A referral for specialized services to address the subject child's behavioral concerns was not documented.

Throughout the children's placement in foster care, the mother sporadically visited the children, and she reported that she wanted the sibling's father to obtain custody of the children. At the time of the child's passing, the sibling's father had not visited the children since 7/19/22 and he had been discharged from mental health treatment in September 2022 due to lack

of attendance. The sibling was moved to another foster boarding home after the child's death, and the Foster Care Case remained open.

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:**
06/22/2021	Adjudicated Neglected	Care/Custody to Local Social Services District
Respondent:	063621 Other Adult Female 47 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the female custodian on 6/22/21 regarding the subject child and sibling. There was a finding of neglect against the custodian with an order of placement on 11/5/21. The mother and sibling's father were placed under an order of supervision.	

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