Child Fatality Report

Report Identification Number: NY-25-024

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

Issue Date: Aug 12, 2025

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: 3 year(s)
Jurisdiction: Bronx
Gender: Male
Date of Death: 03/09/2025
Initial Date OCFS Notified: 03/09/2025

Presenting Information

The New York Administration for Children's Services (ACS) received two SCR reports on 3/9/25, alleging at an unknown time the SM found the 3yo male SC unconscious and unresponsive in the home. The SM transported the SC to the ER where, despite attempts to revive him, the SC was pronounced deceased at 10:41AM. The SC was observed to be skinny, malnourished, and had bruising to his face and body. The SC was also dressed in dirty clothing. The cause and manner of death was unknown, and the SM provided no explanation for the SC's death or the bruises that were still visible all over his body.

Executive Summary

This report concerns the death of the 3-year-old male child that occurred on 3/9/25. The New York City Administration for Children's Services (ACS) received an SCR report on 3/9/25, regarding the fatality. The report contained allegations of DOA/Fatality, Lacerations/Bruises/Welts, Emotional Neglect, Excessive Corporal Punishment, Lack of Medical Care, Inadequate Food/Clothing/Shelter, Internal Injuries, and Malnutrition/Failure-to-thrive, against the subject mother (SM) and parent substitute (PS) regarding the subject child (SC). At the time of his death, the subject child, the subject mother and the parent substitute resided in a car. There were no surviving siblings.

ACS communicated with the emergency room physician who reported that the subject child was carried into the emergency room by his mother on 3/9/25 at 10:36AM. Upon arrival, the subject child had a bluish discoloration of the skin, he was cold to the touch, and he was unresponsive. CPR was administered immediately; however, there was no cardiac activity discovered. The subject child was pronounced deceased at 10:41am. The physician reported the subject child was observed to have a large area of bruising to the left side of his face, bruising to both thighs, bruising around both wrists and hands, his pupils were fixed and dilated, and he was skinny and malnourished.

The medical examiner was notified on 3/9/25. The medical examiner confirmed, findings of bruising on both sides of the subject child's face, bruising and swelling on the back of both hands, and bruising on both thighs with associated deep hemorrhaging extending into the muscle. The child had extreme thinness and dry skin, indicating significant dehydration. The medical examiner added that testing was expected to take a few months to complete. It was advised that the final cause of death determination would not be made until all results were available; however, preliminary findings were consistent with severe and prolonged abuse and neglect. Additionally, it was noted dehydration and emaciation were consistent with prolonged food deprivation.

Law enforcement arrested the parent substitute on 3/11/25 regarding the death of the child. He was remanded and charged with Assault. It was determined that the fatality of the subject child was the result of physical abuse and neglect. The criminal investigation remained open at the time of this writing. The subject mother had no other children in her care and the parent substitute remains incarcerated.

On 3/19/25, ACS contacted the biological father of the SC via phone as he was incarcerated. He advised ACS that the maternal grandmother was the primary caretaker of the subject child, not the subject mother. He had not seen the subject child as he has been incarcerated for over a year. He denied observing the subject child with any marks or bruises in the past.

On 3/25/25, ACS conducted interviews with the parent substitute's biological children. Though not related to the subject child, they visited the parent substitute and had frequent contact with the child. They reported their father would kick, punch, and strike the subject child in the face. They reported that the subject mother laughed during the assaults and made no attempt to protect the subject child. They reported their father beat the subject child all the time. The children also confirmed the family had been living in a car. All the children of the parent substitute were deemed safe in the care of their biological mothers.

ACS made the appropriate determination to substantiate the allegations contained in the SCR report against the subject mother and parent substitute regarding the death of the subject child.

ACS did not offer bereavement services to the mother as she was uncooperative and hard to locate. The fatality investigation was closed on 5/8/25 as there are no shared surviving siblings.

PIP Requirement

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
  - **Safety assessment due at the time of determination?** Yes

Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** Yes, sufficient information was gathered to determine all allegations.
- **Was the determination made by the district to unfound or indicate appropriate?** Yes

Was the decision to close the case appropriate? Yes

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? No

Was there sufficient documentation of supervisory consultation? Yes, the case record has detail of the consultation.

Explain:

A CPS history check was not conducted.

Required Actions Related to the Fatality

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

Issue:	Review of CPS History
Summary:	There was no documentation of a CPS history check for the PS.
Legal Reference:	18 NYCRR 432.2(b)(3)(i)
Action:	Within five business days of the report, ACS will review and document all CPS record(s) that apply to the prior reports where the current report involves a subject of the report, a child named in the report or a child's sibling named in the report.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/09/2025 **Time of Death:** 10:41 AM

Date of fatal incident, if different than date of death: 03/08/2025
Time of fatal incident, if different than time of death: 08:00 PM

County where fatality incident occurred: Bronx
Was 911 or local emergency number called? No
Did EMS respond to the scene? No
At time of incident leading to death, had child used and/or ingested alcohol or drugs? Unknown
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	3 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	25 Year(s)
Deceased Child's Household	Other Adult - Parent Substitute	Alleged Perpetrator	Male	39 Year(s)

LDSS Response

On 3/9/25, ACS received a report regarding the death of the SC. ACS initiated their investigation within 24 hours, communicated with law enforcement, contacted the source of the report, completed a CPS history check, and informed the DA of the fatality.

On 3/12/25, ACS interviewed the SM. When questioned about the night of the fatal incident, the SM stated that she and the SC were living in the PS's car. The SM and SC were previously residing in a shelter, but at the urging of the PS, the mother and child moved into his car. The SM explained that on 3/8/25, around 8PM, the SC was sleeping in the back seat of the car when he urinated on himself. This infuriated the PS. He took the SC out of the back seat and smacked him in the face three times with the palm of his hand. The SM told the PS to stop hitting the SC which infuriated him even more resulting in the PS smacking her in the face with his cell phone, he then continued to beat the SC with a belt. The SM explained that the PS hit the SC with the long part of the belt about five to six times on his legs. She stated that while the SC was getting beat, the SC was pleading with her to make it stop. The SM told the PS to beat her instead of the child, but he would not stop hitting the SC. When asked what happened next, the SM stated that she bought the SC some chicken to eat, and he went to sleep. The SM admitted that she feared the PS but failed to apply for an order of protection for her and the SC stating because she loved the PS. The next morning, 3/9/25, the SM advised that she and the PS woke up and observed that the SC was not breathing. She immediately jumped into the back seat of the car and started to administer CPR. She did not believe he was deceased at the time she was administering CPR. The PS rushed them to the hospital where she carried the SC into the hospital at 10:36AM and placed him in the arms of a nurse. The physician pronounced the SC deceased at 10:41AM. The nurse told her she could leave. The SM reported that the PS had been disciplining the SC for about three months. She explained that the PS always hit the SC with a belt, never his hands. When she tried to feed the SC, the PS would smack the food out of her hand or take the food and not allow her to feed the SC. She stated that the day prior to his death, the child ate and was drinking water and juice. The PS's biological children visited them and stayed in the car as well. She denied that the PS physically abused his biological children. The SC had chronic respiratory issues and was prescribed medication; however, the SM would not identify what medication the SC was prescribed. The SM stated the PS was gang related, and he used illicit drugs. She denied that she had any substance misuse issues. She had a domestic violence relationship with the SC's father. She had two orders of protection against him. When informed that the autopsy report came back, and it showed the SC was bleeding internally, his hands were swollen, he was dehydrated, and he did not have any food in his system, she advised she knew he was bruised because the PS hit him but denied the rest could be true. She denied that the PS had any opportunities to be alone with the SC as they were always together.

On 3/26/25, ACS conducted an interview with the PS via phone as he was incarcerated at the time. When questioned about the fatal incident, he stated he was not with the SM or SC the day before the incident. He explained the day before the death the SC was sick. He got him Ensure for his stomach, and he drank it and went to sleep. When the SC woke up, he was not breathing. He denied using physical discipline. He denied that he used illicit drugs.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Pending

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? No

Comments: The New York City region does not have an OCFS approved Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	DOA / Fatality	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Emotional Neglect	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Excessive Corporal Punishment	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Inadequate Guardianship	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Internal Injuries	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Lacerations / Bruises / Welts	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Lack of Medical Care	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	Inadequate Guardianship	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071683 - Mother, Female, 25 Year(s)	Malnutrition / Failure to Thrive	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	DOA / Fatality	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	Lacerations / Bruises / Welts	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	Lack of Medical Care	Substantiated
071682 - Deceased Child, Male, 3 Year(s)	071684 - Other Adult - Parent Substitute, Male, 39 Year(s)	Excessive Corporal Punishment	Substantiated

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?	☐	☒	☐	☐
First Responders	☐	☒	☐	☐
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?	☒	☐	☐	☐

Additional information:

The PS was interviewed via phone as he was incarcerated.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	☐	☒	☐	☐

Legal Activity Related to the Fatality

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

☐Family Court ☒Criminal Court ☐Order of Protection

Criminal Charge: Assault **Degree:** 2

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
03/11/2025	The parent substitute	Unknown	The criminal case remains open.
Comments:	The parent substitute was arrested and charged with assault as a result of physically abusing the subject child.		

Services at the Time of and/or in Response to the Fatality

Services	Received	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A
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	☐	☐	☐	☐	☐	☒
Preventive Services	☐	☐	☐	☐	☐	☒
Other	☐	☐	☐	☐	☐	☒

Were services offered to and/or received by siblings or other children in the household at the time of and/or in response to the fatality? N/A
Explain:
There were no surviving siblings. The PS's biological children were interviewed. The children were not siblings of the SC.

Were services offered to and/or received by parent(s) and other care givers at the time of and/or in response to the fatality? No
Explain:
The case record did not reflect that services were offered to the subject mother regarding the fatality.

History Prior to the Fatality

Child Information

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

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)
04/18/2024	Other Child - OA2's Child, Female, 4 Years	Father, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - OA2's Child, Female, 4 Years	Father, Male, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA2's Child, Female, 4 Years	Father, Male, 37 Years	Sexual Abuse	Unsubstantiated	

Report Summary:
An SCR report was received alleging that PS (biological father of 4yo OC) was smoking marijuana in front of her, exposing her to secondhand smoke. The PS sexually abused the OC. The OA2 (biological mother to the 4yo OC) was not present at that time.

Report Determination: Unfounded | **Date of Determination:** 05/27/2024

Basis for Determination:
The allegations of Sexual Abuse, PD/AM and IG against the PS were Unsubstantiated due to insufficient evidence. The OC was hard to engage so a comprehensive interview was not obtained due to the child's developmental age. The child was observed to be free of any visible marks or bruises. The PS declined to be interviewed. LE did not interview the OC. The OA2 reported that she never left her child alone with the PS. The case was unfounded and closed.

OCFS Review Results:
ACS immediately initiated their investigation and completed a history check. Interviews and home assessments were completed. ACS spoke with collateral contacts. Safety assessments and risk assessment profiles were consistent with case circumstances. Progress notes were entered contemporaneously, and the case was closed timely.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

ACS failed to contact the source of the report.

Legal Reference:

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

Action:

ACS will contact, or make diligent efforts to contact, the source of all SCR reports to verify adequacy of report and possibly glean additional information.

PIP Requirement:

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Issue:

Adequacy of Risk Assessment Profile (RAP)

Summary:

The PS (biological father) was not added as a caretaker to the risk assessment, despite being the subject of the report.

Legal Reference:

18 NYCRR 432.2(d)

Action:

ACS will accurately reflect the current caretakers of children in risk assessments, and accurately assess and document each respective risk element identified into the Risk Assessment Profile.

PIP Requirement:

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/07/2024	Other Child - OA1's Child, Female, 14 Years	Other Adult - Parent Substitute, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - OA1's Child, Female, 14 Years	Other Adult - Parent Substitute, Male, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA1's Child, Female, 14 Years	Other Adult - Parent Substitute, Male, 37 Years	Sexual Abuse	Unsubstantiated	
	Other Child - OA2's Child, Female, 4 Years	Other Adult - Parent Substitute, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OA1's Child, Female, 10 Years	Other Adult - Parent Substitute, Male, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OA1's Child, Female, 10 Years	Other Adult - Parent Substitute, Male, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA1's Child, Female, 10 Years	Other Adult - Parent Substitute, Male, 37 Years	Sexual Abuse	Unsubstantiated	

Other Child - OA2's Child, Female, 4 Years	Other Adult - Parent Substitute, Male, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OA2's Child, Female, 4 Years	Other Adult - Parent Substitute, Male, 37 Years	Sexual Abuse	Unsubstantiated

Report Summary:
An SCR report was received that alleged, sometime in the past, the PS, sexually abused the 10yo OC by inappropriately touching her and penetrating her. In addition, the PS would bring unknown women to the home and engage in sexual acts in the presence of the child. This occurred when the PS resided with the OA1 (mother) and the child. The OA1 was aware of the sexual abuse of the child but did not intervene on her behalf. The OA1 attempted to force the child to see the PS while on unsupervised visitation and to talk to him on the phone.

Report Determination: Unfounded | **Date of Determination:** 05/06/2024

Basis for Determination:
ACS determined there was no fair preponderance of evidence to support the allegations of SA against the PS. It was determined that the OC's disclosure was inconclusive as she was unable to give an accurate timeline of details. The allegation of SA was unsubstantiated against the PS.

OCFS Review Results:
ACS immediately initiated their investigation and completed a history check. Interviews and home assessments were completed. ACS spoke with collateral contacts. Safety and risk assessments were consistent with case circumstances. Progress notes were entered contemporaneously, and the case was closed timely. There was no documentation of an interview with the PS. This was previously cited for in a prior report dated 9/9/22 , so another citation was not issued for this case. Although law enforcement did not find criminal culpability, ACS had a preponderance of evidence to substantiate the allegations and did not do so. Appropriateness of determination will not be recited as this specific issue was addressed in the 11/14/22 investigation.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/14/2022	Other Child - OA1's Child, Female, 13 Years	Other Adult - OA1, Female, 35 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - OA1's Child, Female, 9 Years	Other Adult - OA1, Female, 35 Years	Inadequate Guardianship	Substantiated	
	Other Child - OA1's Child, Male, 28 Days	Other Adult - OA1, Female, 35 Years	Inadequate Guardianship	Substantiated	
	Other Child - OA1's Child, Female, 13 Years	Other Adult - Parent Substitute, Male, 36 Years	Sexual Abuse	Unsubstantiated	

Report Summary:
An SCR report was received on 11/14/22 alleging that the PS (family friend), sexually abused the 13yo OC. The PS pulled down the OC's pants, and then he pulled down his pants and started humping her from behind. He then raped the OC. The PS has regular and consistent contact with the OC. The OA1(mother)was in the hospital at the time, and she left

the 13yo OC and the 9yo OC in the OA's care. The mother was aware that there were concerns in the past of the PS being inappropriate with the 13yo OC and she still left the children in the PS's care.

Report Determination: Unfounded	**Date of Determination:** 01/14/2023

Basis for Determination:
The allegations of Sexual Abuse against the PS were Unsubstantiated due to insufficient evidence. The OC was interviewed regarding the sexual abuse allegations she made against the PS. The OC reported that the PS pulled her pants down, then pulled his pants down, then he started humping her from behind. The child reported that the PS did not penetrate her. The OC disclosed that the incident happened in 2021 but did not give an exact period or description. LE reported that there was nothing criminal about what the children disclosed.

OCFS Review Results:
ACS immediately initiated their investigation and completed a history check. Interviews and home assessments were completed. ACS spoke with collateral contacts. Safety assessments and risk assessment profiles were consistent with case circumstances. Progress notes were entered contemporaneously, and the case was closed timely. There was no documentation of an interview with the PS. ACS did not complete an interview with the PS regarding the allegations in the SCR report; however, this will not be cited again as this specific issue was addressed in the 9/9/22 investigation.

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

Issue:

Appropriateness of allegation determination

Summary:

The allegation of SA was unsubstantiated against the PS; however, there was a preponderance of the evidence to substantiate the allegations based on interviews with the children. LE maintained the children were not credible due to being unable to give an accurate timeline of events; however, the decisions by law enforcement not to pursue criminal charges is not the deciding factor as to whether there is fair preponderance evidence to substantiate one or more allegations.

Legal Reference:

FCA 1012 (e) & (f);18 NYCRR 432.2(b)(3)(iv)

Action:

ACS will refer to the CPS Program Manual when determining the appropriateness of allegations and will consult with the (whichever) Regional Office if further guidance is needed.

PIP Requirement:

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/09/2022	Other Child - OA1's Child, Female, 13 Years	Other Adult - Parent Substitute, Male, 36 Years	Sexual Abuse	Unsubstantiated	Yes
	Other Child - OA1's Child, Female, 9 Years	Other Adult - Parent Substitute, Male, 36 Years	Sexual Abuse	Unsubstantiated	

Other Child - OA1's Child, Female, 13 Years	Other Adult - OA1, Female, 35 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OA1's Child, Female, 9 Years	Other Adult - OA1, Female, 35 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:
The PS has touched both 13yo OC and 9yo OC in a sexual manner. He held the OC age 13 down by her arms, pulled her pants down and got on top of her while they were on the bed. Prior to this, the OC age 9 was trying to walk past the PS and he grabbed her waist and pressed his penis against her buttocks. The OA (mother) was aware but failed to intervene to protect the children and she allowed the PS to remain in the home.

Report Determination: Unfounded | **Date of Determination:** 11/07/2022

Basis for Determination:
There was no fair preponderance of evidence to support the allegations of SA against the PS. The OCs denied that the PS pulled down their pants or touched them inappropriately.

OCFS Review Results:
ACS immediately initiated their investigation and completed a history check. Interviews and home assessments were completed. ACS spoke with collateral contacts. Safety assessments and risk assessment profiles were consistent with case circumstances. Progress notes were entered contemporaneously, and the case was closed timely. ACS did not complete an interview with the PS regarding the allegations in the CPS report.

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

Issue:
Review of CPS History

Summary:
A CPS history check was completed untimely. The SCR report was received on 9/9/22; however, the history check was completed on 10/27/22.

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

Action:
Within five business days of the report, ACS will review and document all CPS record(s) that apply to the prior reports where the current report involves a subject of the report, a child named in the report or a child's sibling named in the report.

PIP Requirement:
ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Issue:
Adequacy of face-to-face contacts with the child and/or child's parents or guardians

Summary:
There was no face-to-face contact with the parent sub regarding the allegations against him in the SCR report.

Legal Reference:
18 NYCRR 432.1 (o)

Action:

ACS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians.

PIP Requirement:

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/09/2022	Other Child - OA1's Child, Female, 8 Years	Other Adult - Parent Substitute, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - OA1's Child, Female, 8 Years	Other Adult - Parent Substitute, Male, 35 Years	Sexual Abuse	Unsubstantiated	

Report Summary:

An SCR report was received alleging that on multiple unknown dates, the PS sexually abused the 8yo OC by humping on the child in a sexual manner. It is unknown if this was done with or without clothing or if the sexual abuse has gone further than humping.

Report Determination: Unfounded

Date of Determination: 04/08/2022

Basis for Determination:

There was not a fair preponderance of evidence to support the allegations of IG and SA. The OC was forensically interviewed, and she made a disclosure of sexual abuse; however, the child was not deemed credible as she kept changing her story. The case was unfounded and closed.

OCFS Review Results:

ACS immediately initiated their investigation and completed a history check. Interviews and home assessments were completed. ACS spoke with collateral contacts. Safety assessments and risk assessment profiles were consistent with case circumstances. Progress notes were entered contemporaneously, and the case was closed timely. Attempts were made to contact the PS; however, he was not interviewed regarding these allegations.

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

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

11/27/21-01/26/22: IG and PD/AM were Unsub against the SM Re: the SC.

07/07/16-07/20/16: IG, PD/AM and SA were Unsub against PS Re: OC age 2-months, OC 2yo and OC 1yo.

07/08/16-07/20/16: IG was Sub against PS Re: OC age 2-months, 2yo OC and 1yo OC.

07/08/16-08/22/16: IG was Sub against PS Re: OC age 2-months, 2yo OC and 1yo OC.

07/08/16-08/22/16: IF/C/S and PD/AM were Unsub against PS Re: 2yo OC and 1yo OC.

07/18/16-07/21/16: IG was Sub against PS Re: 2-month-old OC.

12/10/19-02/21/20: IG was Sub against PS Re: 7-month-old OC.

10/31/16-12/23/16: IG was Sub against PS Re: 2yo and 1yo OC.

12/12/16-08/02/19: A Family Services Stage (FSS) was open due to the OA and PS failing to provide a safe and sanitary living environment for the 2yo OC and 1yo OC. The parents required assistance with housing, mental health services, parenting support, substance misuse assistance, and parenting classes. ACS referred the family for PPRS services. There were no petitions filed in family court.

01/12/17-03/14/17: IG was Sub against PS Re: 3yo OC.

02/04/17-04/05/17: IG and PD/AM were Unsub against PS Re: 3yo OC and 2yo OC.

12/21/17-02/13/18: IG and PD/AM were Unsub against PS Re: 4yo OC and 3yo OC.

03/15/18-05/24/18: IG was Sub against PS Re: 4yo OC and 3yo OC.

03/12/19-04/24/19: IG was Unsub against PS Re: 5yo OC and 4yo OC.

Known CPS History Outside of NYS

There is no known history outside of NYS.

Legal History Within Three Years Prior to the Fatality

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

Recommended Action(s)

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

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