



Report Identification Number: AL-15-021

Prepared by: Albany Regional Office

Issue Date: 5/20/2016

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child's family; any extraordinary or pertinent information concerning the circumstances of the child's death; whether the child or the child's family received assistance, care or services from the social services district prior to the child's death; any action or further investigation undertaken by OCFS or the social services district since the child's death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child's household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household.**

OCFS' review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS' assessment and the performance of these agencies.



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
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
CPR-Cardio-pulmonary Resuscitation		
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-Others	
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		

Case Information



Report Type: Child Deceased
Age: 6 year(s)

Jurisdiction: Franklin
Gender: Male

Date of Death: 10/25/2015
Initial Date OCFS Notified: 10/26/2015

Presenting Information

The subject child was a medically fragile 7-year-old child. There was an open family services case at the time of the fatality to provide the family with assistance in obtaining the in-home support and care services for the child. On 10/25/15, the mother checked on the subject child and he was non-responsive. She contacted 911 while her paramour attempted cardio-pulmonary resuscitation (CPR). Emergency Medical Services and local law enforcement officers responded to the home, and the child was transported to Adirondack Medical Center where he was pronounced dead at 8:00 AM. No autopsy was performed because the coroner and pediatrician agreed that the child's medical fragility had already severely diminished life expectancy, and that his demise was anticipated to have happened far earlier than it did.

Executive Summary

On 10/25/15, the subject child was discovered by the mother to be unresponsive. After resuscitation efforts by the mother's paramour, law enforcement and emergency medical services, the child was transported to Adirondack Medical Center. The ER doctor indicated cause of death was respiratory arrest. The subject child's persistent fragile medical health dated back to 5/11/09. The subject child suffered from Microcephaly, Apnea/Bradypnea, and other medical conditions, which were diagnosed to severely diminish his life expectancy.

At the time of the subject child's death, FCDSS had an open services case, to monitor the mother's compliance with family court orders of supervision and protection. The subject child and his 3 and 4-year old siblings had previously been removed and placed in foster care on 2/26/13. The children were placed following an incident between the parents, where the father pointed and discharged a loaded firearm toward the mother in the presence of the children. The children were placed in foster care. The subject child was placed at St. Margaret's Center, due to his medical fragility. The subject child received medical care, occupational, physical and speech therapy while in placement.

The mother gave birth to another child in November 2013. The child remained in the mother's care contingent on her compliance with extended court orders of supervision and protection. The mother had engaged in court ordered services, and the siblings had been returned to the mother on a trial discharge on 10/25/13 with a final discharge on 5/23/14. The subject child remained in foster care until 5/26/15, due to his continued needs for 24-hour medical care and supervision. The court orders expired on 12/5/15 based on the mother's continued cooperation and participation with services.

The father was arrested and charged with felony and misdemeanor counts of assault in February 2013, which resulted in the father's incarceration and the children's removal. The father remained incarcerated at the time of the subject child's death. The father had not complied with court orders while incarcerated. The father failed to petition the court for visits with his children and failed to engage in services.

FCDSS provided the mother with supportive services and assisted with transportation for visits with the subject child and siblings in placement. FCDSS maintained regular contact with the mother, father, foster parents, and with the subject child and siblings in their respective placements. The mother and her paramour regularly visited with the



subject child at the health care facility, and actively participated in planning for the subject child’s return home, which occurred on 5/26/15. FCDSS maintained regular contact with the mother, her paramour and all children in the home of the paramour. FCDSS continued to provide the family with supportive services before and after the subject child’s death.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

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

Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? N/A
- Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

There was no SCR report and no CPS investigation required.

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:

FCDSS continued to provide preventive services to the family following the subject child's death and casework activity was commensurate with case circumstances. There were no concerns regarding the mother's or her paramour's care and supervision of the children.

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: 10/25/2015

Time of Death: 08:00 AM

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

County where fatality incident occurred: FRANKLIN

Was 911 or local emergency number called? Yes



NYS Office of Children and Family Services - Child Fatality Report

Time of Call: 07:21 AM

Did EMS to respond to the scene? Yes

At time of incident leading to death, had child used alcohol or drugs? No

Child's activity at time of incident:

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

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

Is the caretaker listed in the Household Composition? Yes - Caregiver

1

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	No Role		
Deceased Child's Household	Mother	No Role	Female	38 Year(s)
Deceased Child's Household	Mother's Partner	No Role	Male	50 Year(s)
Deceased Child's Household	Sibling	No Role	Male	22 Month(s)
Deceased Child's Household	Sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Male	4 Year(s)

LDSS Response

On 10/25/15, FCDSS was notified by local law enforcement that the mother had found the subject child to be unresponsive. He was transported to Adirondack Medical Center and the attending physician pronounced time of death at 8:00 AM. FCDSS was also informed of discussions between hospital staff, the coroner and the subject child's pediatrician about the child's medically fragile condition directly contributing to the child's early demise. The coroner determined no autopsy was necessary. No concerns were identified during conversations regarding the mother's care of the subject child. FCDSS met with the family to offer assistance with any funeral or other arrangements, and provide support. The surviving siblings were assessed and no concerns were identified. The surviving siblings remained in the care of the mother and paramour. FCDSS continued to provide day care assistance to the family while the mother and paramour attended to other matters. Local law enforcement and FCDSS notified the father in prison of the subject child's death and to offer counseling and support.

The cause of death recorded on the death certificate was respiratory arrest as a result of the medical condition of the subject child. There was no reasonable cause to suspect that child abuse/maltreatment by either the mother or paramour



NYS Office of Children and Family Services - Child Fatality Report

around the subject child’s death. Therefore, no report was made to the SCR. FCDSS continued to provide preventive services to the family following the child’s death to monitor the mother’s compliance with court orders and supervision.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Hospital physician

Multidisciplinary Investigation/Review

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

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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At 30 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explain:
 There was no SCR report regarding the death of the subject child. There were no safety concerns regarding the surviving children.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
 All surviving siblings remained in the family home and no removal was required.

Legal Activity Related to the Fatality

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

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



NYS Office of Children and Family Services - Child Fatality Report

Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:
 FCDSS provided additional unlimited hours of child care as the parents needed to attend to the necessary arrangements around the death of the subject child.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
 Was there an open CPS case with this child at the time of death? No
 Was the child ever placed outside of the home prior to the death? Yes
 Were there any siblings ever placed outside of the home prior to this child's death? Yes
 Was the child acutely ill during the two weeks before death? No

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR	Alleged	Alleged	Allegation(s)	Status/Outcome	Compliance
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NYS Office of Children and Family Services - Child Fatality Report

Report	Victim(s)	Perpetrator(s)			Issue(s)
01/17/2013	8241 - Deceased Child, Male, 4 Years	8244 - Mother, Female, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	Yes
	8241 - Deceased Child, Male, 4 Years	8244 - Mother, Female, 35 Years	Inadequate Guardianship	Far-Closed	
	8242 - Sibling, Male, 2 Years	8244 - Mother, Female, 35 Years	Inadequate Guardianship	Far-Closed	
	8242 - Sibling, Male, 2 Years	8244 - Mother, Female, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	8243 - Sibling, Female, 4 Months	8244 - Mother, Female, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	8243 - Sibling, Female, 4 Months	8244 - Mother, Female, 35 Years	Inadequate Guardianship	Far-Closed	
	8241 - Deceased Child, Male, 4 Years	8245 - Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	8243 - Sibling, Female, 4 Months	8245 - Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	8243 - Sibling, Female, 4 Months	8245 - Father, Male, 35 Years	Inadequate Guardianship	Far-Closed	
	8241 - Deceased Child, Male, 4 Years	8245 - Father, Male, 35 Years	Inadequate Guardianship	Far-Closed	
	8242 - Sibling, Male, 2 Years	8245 - Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	8242 - Sibling, Male, 2 Years	8245 - Father, Male, 35 Years	Inadequate Guardianship	Far-Closed	

Report Summary:

On 1/17/13, an SCR report alleged IFCS against the parents regarding the subject child and siblings. It was reported that garbage and numerous dogs were in the home. One of the dogs was vicious, and there was a strong unexplained odor. The case was appropriately screened and assigned to the FAR track. Interviews, home visits, review of medical records, and completion of the FLAG revealed that the parents provided appropriate care to the children, and the home met minimal standards for cleanliness. On 2/26/13, a new SCR report alleged IG due to a domestic incident between the parents involving a shotgun being fired in the presence of the children, and the case was no longer eligible for FAR.

OCFS Review Results:

Although FCDSS interviewed the mother, reviewed medical records and conducted home visits, caseworkers only observed part of the home and did not contact collateral sources to further explore what caused the strong odor in the home. Caseworkers did not gather sufficient information to assess safety and risk of future abuse/maltreatment. On 2/26/13, the case was no longer eligible for FAR, and was investigated from this point as a case of child abuse/maltreatment after a domestic incident occurred between the parents in the presence of the children.

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

Issue:

Overall Completeness and Adequacy of Investigation

Summary:

Sufficient information was not gathered to assess safety at the time of the 7-day assessment. Collateral contacts were not made to explore what caused the strong odor in the home.



NYS Office of Children and Family Services - Child Fatality Report

Legal Reference:

SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)

Action:

FCDSS must develop and implement a corrective action plan that addresses gathering sufficient information to support assessments of safety and risk, including contacting all significant collaterals.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/26/2013	8246 - Deceased Child, Male, 4 Years	8249 - Mother, Female, 35 Years	Inadequate Guardianship	Indicated	Yes
	8247 - Sibling, Male, 2 Years	8250 - Father's Partner, Male, 35 Years	Inadequate Guardianship	Indicated	
	8247 - Sibling, Male, 2 Years	8249 - Mother, Female, 35 Years	Inadequate Guardianship	Indicated	
	8248 - Sibling, Female, 5 Months	8249 - Mother, Female, 35 Years	Inadequate Guardianship	Indicated	
	8246 - Deceased Child, Male, 4 Years	8250 - Father's Partner, Male, 35 Years	Inadequate Guardianship	Indicated	
	8248 - Sibling, Female, 5 Months	8250 - Father's Partner, Male, 35 Years	Inadequate Guardianship	Indicated	

Report Summary:

On 2/26/13, an SCR report alleged that the birth parents failed to provide adequate shelter to the deceased child, and the then 5-month- and 2- year old siblings, due to the number of dogs residing in the home with the family, creating deplorable conditions. It was also alleged that the birth parents' involvement in a domestic incident in which a firearm was discharged in the home, in the presence of the children, placed the children in imminent danger.

Determination: Indicated

Date of Determination: 04/30/2013

Basis for Determination:

The allegations were substantiated based on the father's admission to pointing the loaded firearm at the mother in the home and in the presence of the children, and to discharging the firearm in the children's presence. The allegations of IFCS were also substantiated based on multiple rooms being observed to contain dog feces and floors stained and soaked with urine. The case was closed on 4/30/13.

OCFS Review Results:

While FCDSS interviewed the mother, and obtained records from collateral sources such as law enforcement and dog control officer, there were no efforts made to interview the father or the aforementioned collateral contacts. As a result, sufficient information was not gathered to assess safety (at 24 hours, 7 days or at time of determination), risk of future abuse/maltreatment, and to make a determination, nor was there sufficient information gathered to assess the family's service needs.

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

Issue:

Overall Completeness and Adequacy of Investigation

Summary:

Sufficient information was not gathered to support decisions of safety, risk, determination, service needs, or removal of children. Collateral contacts were not made to resolve the conflicting accounts of events between the parents, as well as to support decisions that inform safety and risk of future abuse/maltreatment.



NYS Office of Children and Family Services - Child Fatality Report

Legal Reference:

SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)

Action:

FCDSS must develop and implement a corrective action plan that addresses gathering sufficient information to support decisions of safety, risk, determination, service needs or removal of children, including contacting all significant collaterals.

Issue:

Face-to-Face Interview (Subject/Family)

Summary:

The father, who was one of the subjects on the report, was not interviewed.

Legal Reference:

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

Action:

FCDSS must develop and implement a corrective action plan that addresses interviewing all subjects listed on the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/28/2013	8251 - Other Child - Paramour's Child, Female, 17 Years	8252 - Mother's Partner, Male, 48 Years	Inadequate Guardianship	Far-Open	No

Report Summary:

On 2/28/13, an SCR report alleged IG against the mother's paramour regarding his then 17-year-old child. The child was forced to walk to medical appointments and ordered by the father to move out of the home by 3/1/13 with no alternate plan. The case was appropriately screened and assigned to the FAR track. Interviews, home visits, and completion of the FLAG revealed that the father had sought medical treatment for the child. The father had concerns about the child's substance use and had explored alternate options for the child's care by contacting family members, and explored a PINS petition. On 3/8/13, the family was referred for preventive services; the FAR case was closed on 3/6/13.

OCFS Review Results:

FCDSS interviewed the father, child, conducted home visits, and completed the FLAG. The current living arrangements in the father's home were determined to be suitable. The father had appropriately sought and coordinated medical care for the child, and appropriately explored alternative care arrangements with other family members and pursuit of legal activity, in an effort to ensure adequate care and supervision of the child. FCDSS appropriately opened a family services case to assist with continued case management and support.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
03/01/2013	8254 - Sibling, Male, 2 Years	8253 - Foster Parent, Female, 53 Years	Lack of Medical Care	Indicated	Yes
	8254 - Sibling, Male, 2 Years	8253 - Foster Parent, Female, 53 Years	Inadequate Guardianship	Indicated	

Report Summary:

On 3/1/13, an SCR report alleged that the foster mother of the then 5-month and 2-year old siblings failed to provide adequate guardianship due to an incident in which the 2-year-old sibling was bitten by a dog while in the foster home, and that the foster parent failed to seek appropriate medical care for the child following the incident.



NYS Office of Children and Family Services - Child Fatality Report

Determination: Indicated **Date of Determination:** 04/03/2013

Basis for Determination:

The allegations were substantiated based on the foster mother's admission to withhold from FCDSS information about the dog biting the child and her decision to provide only basic first aid to the child. FCDSS reviewed police records from three prior incidents in which the dog had bit other children, and one in which the dog was unattended in the community, observed to be ill, and taken by law enforcement for medical examination because there were no caretakers present. The case was closed on 4/3/13.

OCFS Review Results:

FCDSS interviewed the foster mother, moved the children to a new foster home, and obtained records from law enforcement. However, there were no efforts to interview law enforcement about the prior dog bite incidents, required precautions to be taken thereafter, or to interview the child's medical provider regarding the decision not to seek further medical care after the incident. The foster parent's friend and co-owner of the dog was also present but not interviewed. As a result, sufficient information was not gathered to assess safety (at 24 hours, 7 days or at time of determination), risk of future abuse/maltreatment, or to make a determination, or to assess the family's service needs.

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

Issue:

Overall Completeness and Adequacy of Investigation

Summary:

Caseworkers did not conduct an adequate investigation, as sufficient information was not gathered to support assessments of safety and risk, determination and service needs. Collateral contacts were not made to gather key information regarding prior dog bite incidents, any required precautions, and regarding the adequacy of medical care for the child after the incident.

Legal Reference:

SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)

Action:

FCDSS must develop and implement a corrective action plan to ensure that sufficient information is gathered to support assessments of safety and risk, determination and service needs, including contacting significant collaterals.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/13/2013	8256 - Sibling, Male, 5 Days	8257 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	Yes
	8256 - Sibling, Male, 5 Days	8258 - Father, Male, 35 Years	Inadequate Guardianship	Indicated	

Report Summary:

On 11/13/13, an SCR report alleged that the birth parents failed to provide adequate guardianship of the then 4-day-old infant sibling based on the parent's prior maltreatment of the deceased child and then 1-year and 3-year old siblings, which had resulted in the prior removal of the children into foster care.

Determination: Indicated **Date of Determination:** 02/05/2014

Basis for Determination:

The allegations were substantiated and the infant child was determined to have been derivatively neglected based on the parents' prior neglect findings for the deceased child and two siblings. The prior neglect of the children had resulted in their foster care placement and family court orders of supervision and protection.

OCFS Review Results:

While FCDSS interviewed the birth parents, public health nurse, and temporary assistance worker, there were no



documented assessments of the safety, risk and service needs related to the subject child, or of overall assessments of future risk/maltreatment for the siblings or of family service needs. Caseworkers gathered sufficient information to assess risk and family service needs in a concurrent services case, but did not sufficiently document the information in this investigation record. There was no credible evidence to support the child was derivatively neglected as he was receiving adequate care in the home.

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

Issue:

Adequacy of Progress Notes

Summary:

Based on concurrent open foster care services case with the family, caseworkers gathered, but did not sufficiently document in the investigation record, information to assess safety of the deceased child (who resided in a health care facility), of risk of future abuse/maltreatment to all children in the home, and of family service needs.

Legal Reference:

18 NYCRR 428.5

Action:

FCDSS must develop and implement a corrective action plan to ensure that any relevant information gathered from concurrent open services cases with a family will be consistently documented in the investigation record.

Issue:

Appropriateness of allegation determination

Summary:

Based on the trial discharge of the siblings and the mother's adequate care of the infant sibling, there was not credible evidence to support the determination of allegations.

Legal Reference:

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

Action:

FCDSS must develop and implement a corrective action plan to ensure that appropriate determination of the allegations is made based on the information gathered throughout the investigation.

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

On 2/5/10, an SCR report alleged IG and F/C/S against the parents regarding the subject child; these allegations were unsubstantiated. On 11/23/10, an SCR report alleged F/C/S and IG against the parents regarding the subject child; these allegations were unsubstantiated. On 5/7/11, an SCR report alleged F/C/S and IG against the parents regarding the subject child and the then 4-month-old sibling; these allegations were unsubstantiated. On 1/5/12, an SCR report alleged F/C/S and IG against the parents regarding the subject child and the then 4-month-old sibling; the allegations were unsubstantiated.

On 8/18/10, an SCR report alleged CD/A, IG, and PD/AM against the mother's paramour regarding his then 14-year old child; these allegations were unsubstantiated. On 5/2/11, an SCR report alleged IG against the paramour and his wife regarding their then 16-year-old child; the allegation of IG was substantiated against the paramour's wife and unsubstantiated against the paramour. On 7/21/11, an SCR report alleged IG and Other against the paramour and his wife regarding their then 15-year-old and 16-year-old children; the allegation of IG was substantiated against the paramour's wife and all other allegations were unsubstantiated.



NYS Office of Children and Family Services - Child Fatality Report

Known CPS History Outside of NYS

No known CPS history outside of NYS.

Services Open at the Time of the Fatality

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If not, how many days was it overdue? The FASP which had been due 3/24/15 was not approved until 2/2/16. The FASP which had been due 9/24/15 has been launched and is pending completion.				
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provider

	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional information, if necessary: FCDSS continued to provide preventive services to the family after all of the children were discharged from foster care, to monitor the mother's compliance with court orders of supervision and protection.				

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Preventive Services History

FCDSS opened a preventive services case on 7/14/09 for the parents and SC. Limited financial resources impeded the family's ability to attend to the child's medical needs. FCDSS provided referrals for supportive services, assisted with utility costs, and with transportation. The case was closed on 2/4/10; the family was stable and there were no safety or risk concerns.

FCDSS opened a preventive services case on 7/29/10 for the family to assist in meeting SC's medical needs. FCDSS assisted the family with transportation for the child's medical treatment. The case was closed on 9/10/10.



NYS Office of Children and Family Services - Child Fatality Report

FCDSS opened a preventive services case on 7/29/11 for the SM's paramour and his then 15-year and 16-year old children due to the children's substance abuse. FCDSS provided referrals for substance abuse treatment, case management and respite services. The case was closed on 7/5/12; the children had completed services, and there were no further service needs.

FCDSS opened a preventive services case on 3/8/13 for the SM's paramour and his then 17-year-old child due to the child's substance abuse and lack of attendance at school. FCDSS provided referrals for substance abuse treatment, and case management to address attendance in school. The case was closed on 9/25/14; the child had attained eighteen years of age on 10/25/13, and there were no further concerns regarding the child's substance use.

Required Action(s)

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

Yes No

Foster Care Placement History

On 2/26/13, FCDSS removed the SC and siblings from the parents after an incident in which the father fired a loaded gun at the mother in the presence of the children. There were also concerns about the home's deplorable and unsafe condition. The siblings were placed in a certified non-relative foster home. The SC was admitted to a health care facility due to his condition, which required a higher level of care and supervision not available in a foster home.

In November 2013, the mother gave birth to a sibling, and this infant remained in the mother's care pursuant to court orders of supervision and protection pending her completion of court ordered services. The mother engaged in services, and the siblings were returned on a trial discharge on 10/25/13, with a final discharge from foster care on 5/23/14. The father was incarcerated for assault, and sentenced to prison until 2016. The father was not compliant with court orders, nor did he petition for visits with the children or engage in any services.

The SC remained at the health care facility for intensive 24-hour medical care and supervision. The mother and her paramour were actively involved in planning for the discharge of the SC, and the SC was returned to the mother's care on 5/26/15. FCDSS preventive services remained open with the family at the time of the fatality.

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:
02/27/2013	Adjudicated Neglected	Care/Custody to Local Social Services District
Respondent:	026564 Mother Female 38 Year(s)	
Comments:	Family court adjudicated the subject child and siblings as neglected children. All children remained in foster care pending the mother's compliance with court orders of supervision and protection.	

Family Court Petition Type: FCA Article 10 - CPS



NYS Office of Children and Family Services - Child Fatality Report

Date Filed:	Fact Finding Description:	Disposition Description:
	Adjudicated Neglected	Care/Custody to Local Social Services District
Respondent:	026564 Mother Female 38 Year(s)	
Comments:	On 5/23/14, Family Court ordered an Adjournment in Contemplation Of Dismissal (ACOD), which continued foster care placement of the subject child and then 3- and 2- year old siblings; the infant sibling remained in the mother's care. Court orders of supervision and protection against the mother regarding all of the children were extended for one year until 5/23/15.	

Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)		
Date Filed:	Fact Finding Description:	Disposition Description:
	Other, Specify	Care/Custody to Local Social Services District
Respondent:	None	
Comments:	ON 5/7/15, Family Court ordered the extension of Orders of Supervision and Protection regarding all of the children until further notice. These orders were expired on 12/5/15 based on the mother's continued cooperation and participation with services.	

Have any Orders of Protection been issued? Yes	
From: 06/23/2014	To: 05/12/2029
Explain: The Order of Protection against the father was extended until 5/12/2029. The order prohibited any contact with the mother in the presence of the children, and any unsupervised contact with all of his children.	
From: 02/26/2013	To: 06/23/2014
Explain: Order of Protection issued against the father prohibited any contact with the mother in the presence of the children, and any unsupervised contact with all of his children.	

Recommended Action(s)

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

Action:	The fatality review noted an issue of the FASP completion and approval being overdue. The record reflects it took 11 months to complete and approve the FASP. This is beyond the required timeframes.
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Are there any recommended prevention activities resulting from the review? Yes No

Explain: The preventive services case, opened to the mother's paramour and his then 17-year-old child on 3/8/13, for continued assistance with case management and support, was not closed in a timely manner. The child had attained eighteen years of age on 10/25/13 and the case was not closed until 9/25/14. It is recommended that FCDSS develop and implement a plan to ensure that cases are closed in a timely



manner.