

Report Identification Number: AL-17-004

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

Issue Date: May 16, 2017

Thi	s report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:
\boxtimes	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 <u>only</u> 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						

Contacts							
LE-Law Enforcement	CW-Case Worker	CP-Case Planner					
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police					
Service	Services	Department					
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care					
MH-Mental Health	ER-Emergency Room						

Case Information

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Report Type: Child Deceased **Jurisdiction:** Schenectady **Date of Death:** 01/24/2017

Age: 5 month(s) Gender: Male Initial Date OCFS Notified: 01/24/2017

Presenting Information

On 1/27/17 The SCR received a report regarding the death of the 6-month-old SC. The report stated, earlier that morning, at 8:00 a.m., the SC was found face down and unresponsive in a crib. SM and an unrelated home member delayed notifying Emergency Medical Services (EMS) by 47 minutes. After attempts of Cardio Pulmonary Resuscitation (CPR) proved unsuccessful, the SC was pronounced dead at the hospital at 9:38 a.m. The cause of death had been listed as cardiac arrest. The delay in notifying EMS is considered a contributing factor to the death. No marks or other injuries were noted on the SC's body. There are 3-year-old twin SS residing in the home. No concerns were noted regarding the SS.

Executive Summary

On 1/24/17 an SCR report was received, with allegations of DOA/Fatality, IG and LM against the SM and an unrelated home member (UHM) regarding the SC. The SC was found unresponsive in his bassinet by the SM the morning of 1/24/17. The SM woke up the UHM and told her the SC was not breathing and asked for her help. The UHM began CPR while the SM called 911. Emergency Personnel responded and continued CPR while transporting the SC to the ER. The SC was pronounced deceased at the hospital. The birth of the SC was premature, but he had no known medical conditions. The SM and the UHM gave accounts of what occurred leading up to the death of the SC, but the SM changed her account slightly when re-interviewed. The SM denied co-sleeping with the SC and reported she heard him making noises and breathing through the night before she fell asleep. The SM and UHM denied having any knowledge of what caused the death of the SC. The UHM reported she resided with the SM to help her care for the children, because the SM was ill and unable to manage on her own. The ME was notified of the SC's death and an autopsy was completed. The manner and cause of death were pending at the time of this report.

Schenectady County Department of Social Services (SCDSS) made an immediate safety plan that the SM would not be unsupervised with the twin SS. The SM and SS went to live with the MGF and his girlfriend. There was a concern that the SM was regularly giving the SS and the SC Nyquil each night so they slept. The SS were taken to the doctor and had drug testing done, days after the fatality. All the drug test results were negative for the SS. SCDSS made an additional plan with the SM that she would not administer any medications to the SS unless advised to do so by a doctor.

SCDSS worked with LE and medical professionals to gather pertinent information. LE took photos of the home and expressed concern regarding its condition at the time of the fatality. Several first responders further expressed concern to SCDSS regarding the SC being very small for his age. SCDSS enlisted the services of a Pediatric Specialist to review the medical records of the SC. Based on this review and interviews with the SM and UHM, the SC was not being fed enough food to provide adequate nutrition. SM was directed by a physician to have SC seen by an ophthalmologist, but SM failed to do so. As a result of those findings, allegations of LS and M/FTTH were added against the SM. SCDSS also learned the SM was misusing prescription medication and had a history of using illicit drugs. The SM also had a history of substance abuse and mental health concerns, and was not receiving treatment. SCDSS observed and documented that the SM was under the influence several times during their interactions with her. SCDSS appropriately added allegations of PD/AM against the SM for the SS and SC.



SCDSS provided the family with numerous services following the fatality and maintained frequent contact with SM and SS. SCDSS assisted with housing, food, mental health/counseling services and drug treatment for the SM. SCDSS also opened a protective daycare case for the SS and they were enrolled in nursery school. SCDSS had appropriately consulted their legal department and planned on filing a neglect petition against the SM. SCDSS opened a case for SM and the children at the conclusion of the CPS Investigation and continue to work with her and monitor her progress in treatment. At the time of this report, the aforementioned safety plan remained in place.

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?
 Safety assessment due at the time of determination?

Yes

• Was the safety decision on the approved Initial Safety Assessment Yes

appropriate?

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?

N/A

Yes

Was the decision to close the case appropriate?

N/A

Was casework activity commensurate with appropriate and relevant statutory Yes

or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

Explain:

The case was opened for Preventive Services and the SM was cooperative with services. The SS attended Protective Child Care and the family continued to reside with the MGF and his girlfriend. The notes document a petition will be filed in Family Court to mandate the SM to successfully complete treatment and programs in which she was enrolled.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

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

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ed:	SCHE	NECTADY
called?	Yes	
	08:47 A	AM
	Yes	
ad child used alcohol	or drugs? No	
☐ Working		☐ Driving / Vehicle occupant
☐ Eating		□ Unknown
d last seen by caretak	er? 6 Hours	
ent:		
	ad child used alcohol Working Eating ncident leading to ded last seen by caretaked Composition? Yes	walled? Yes 08:47 A Yes ad child used alcohol or drugs? No Working Eating ncident leading to death? Yes d last seen by caretaker? 6 Hours d Composition? Yes - Caregiver nknown if they were

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	6 Month(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	30 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	3 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	3 Year(s)
Deceased Child's Household	Unrelated Home Member	Alleged Perpetrator	Female	31 Year(s)
Other Household 1	Father	No Role	Male	29 Year(s)
Other Household 2	Father	No Role	Male	33 Year(s)

LDSS Response

On 1/24/17, the SCR received a report with allegations against SM and an UHM regarding the death of the SC. SCDSS began the investigation by contacting LE, the source, Medical Personnel and observing LE interviews of both the SM and UHM.

The SC was found unresponsive in his bassinet between 7:30am and 8:30am by the SM. There were conflicting reports from the UHM and the SM of when he was last seen alive. The SM and UHM both reported the SC was put in the bassinet to sleep at 7:30pm the previous evening and never awoke in the morning. In a second instance, the SM reported she awoke at 4:00am to feed the SC and he was alive and well. In another version, the SM told the UHM she gave the SC a bottle



between 7:30am and 8:00am. The twin SS were sleeping in a bedroom in their cribs at the time of the fatality. The SM was sleeping on the couch next to the SC's bassinet. SM reports hearing him making noises throughout the night and until she fell asleep around 2:00am. The SC was put on his back to sleep but found lying on his side. The SC regularly rolled on his side while asleep. There were several blankets in the bassinet with the SC.

When the SM found the SC, she woke the UHM, who began CPR. The SM delayed calling 911, according to the UHM. The 911 call was made at 8:47am. Emergency medical personnel responded to the home and continued CPR. The SC was taken to the hospital and pronounced dead at 9:38am. There were no visible signs of injury or abuse to the SC. The SC was not on any prescribed medication, but was regularly given gas drops and Children's NyQuil, along with the SS to sleep at night. The SM denied ever co-sleeping with the SC and reported she had been given information on safe sleep. The BF was contacted and had no contact with the SC since 10/2016. The BF had a history of MH and drug use.

SCDSS found the SM was regularly taking prescription pain killers, but she denied she was ever impaired or purchased pills illegally. SM and UHM denied they were intoxicated the evening of the fatality. SCDSS observed the SM to be impaired by drugs during their investigation. The SM continuously tested positive for medications she was not prescribed. SCDSS made a safety plan that the SM could not be alone with the SS, and as a result the SM and the children lived at the MGF's home and visited the home of the MGM. The SS were taken to the doctor for physicals and toxicology testing days after the fatality, and no concerns were noted. The SS were enrolled in nursery school and protective daycare services arranged by SCDSS. SM admitted having an addiction to her prescription pain killers, as well as a significant MH history. The SM enrolled in SA and MH services. SCDSS continued to monitor her progress and continued discussions surrounding filing a neglect petition. At the time of this report, no criminal charges had been filed; the DA was awaiting the autopsy results.

The cause and manner of death were pending toxicology reports and other tests. The ME was initially concerned regarding the weight of the SC and questioned if malnutrition was an issue. SCDSS enlisted a pediatrician to review the records for a professional consult. The pediatrician concluded the SC's weight gain was inadequate for his age and although the SM was given explicit feeding instructions, the amount of food the SM reported she gave the SC did not provide adequate nutrition. SCDSS added allegations in regard to this issue, as well as allegations regarding the SS. The allegations of DOA/Fatality, IG, LM, LS, PD/AM and M/FTTH were all substantiated against the SM because there was evidence the SM failed to properly care for the children and used drugs regularly while caring for them. Another allegation of P/NX was also added against the SM regarding the SC, but was unsubstantiated because the blood test results were not back at the time the case was closed. All allegations against the UHM were unsubstantiated because there was no credible evidence.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Undetermined if injury or medical 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 reviewed by an OCFS approved Child Fatality Review Team? No

SCR Fatality Report Summary

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Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
035781 - Deceased Child, Male, 6 Mons	035801 - Unrelated Home Member, Female, 31 Year(s)	DOA / Fatality	Unsubstantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Poisoning / Noxious Substances	Unsubstantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Lack of Supervision	Substantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Inadequate Guardianship	Substantiated
035781 - Deceased Child, Male, 6 Mons	035801 - Unrelated Home Member, Female, 31 Year(s)	Inadequate Guardianship	Unsubstantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Malnutrition / Failure to Thrive	Substantiated
035781 - Deceased Child, Male, 6 Mons	035801 - Unrelated Home Member, Female, 31 Year(s)	Lack of Supervision	Unsubstantiated
035781 - Deceased Child, Male, 6 Mons	035801 - Unrelated Home Member, Female, 31 Year(s)	Lack of Medical Care	Unsubstantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	Lack of Medical Care	Substantiated
035781 - Deceased Child, Male, 6 Mons	035802 - Mother, Female, 30 Year(s)	DOA / Fatality	Substantiated
035803 - Sibling, Female, 3 Year(s)	035802 - Mother, Female, 30 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
035803 - Sibling, Female, 3 Year(s)	035801 - Unrelated Home Member, Female, 31 Year(s)	Lack of Supervision	Unsubstantiated
035804 - Sibling, Female, 3 Year(s)	035802 - Mother, Female, 30 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
035804 - Sibling, Female, 3 Year(s)	035801 - Unrelated Home Member, Female, 31 Year(s)	Lack of Supervision	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	\boxtimes			
When appropriate, children were interviewed?	\boxtimes			
Alleged subject(s) interviewed face-to-face?	\boxtimes			
All 'other persons named' interviewed face-to-face?	\boxtimes			
Contact with source?	×			

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All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?	\boxtimes			
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)?	X			
Coordination of investigation with law enforcement?	X			
Was there timely entry of progress notes and other required documentation?	X			
Fatality Safety Assessment Activi	tios			
Patanty Safety Assessment Activi	ities			
	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	X			
Was there an adequate safety assessment of impending or immediate d in the household named in the report:	langer to su	ırviving sib	lings/other	children
Within 24 hours?	\boxtimes			
At 7 days?	X			
At 30 days?	X			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	X			
Are there any safety issues that need to be referred back to the local district?		X		
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?	X			
Fatality Risk Assessment / Risk Assessm	ent Profile			
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	\boxtimes			
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	X			
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	×			

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Health care

Legal services

Family planning

Child Fatality Report

petition in Family Court at any time during or after the investigation?							
Were appropriate/needed services offered in this case							
Place	ment Activit	ies in Respor	se to the Fat	ality Investig	gation		
		•					
				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 siblings/other removed as a result of this fatality is			hold		×		
A safety plan was put in place by SCI members agreed with this plan and the SM and SS as they have an open I	e plan conti	nued at the	close of the	investigatio			•
	Legal	Activity Rel	ated to the Fa	ntality			
Was there legal activity as a result of	of the fatali	ty investiga	tion? There	was no leg	al activity.		
Have any Orders of Protection been	issued? No	0					
Serv	vices Provide	d to the Fam	ily in Respon	se to the Fat	ality		
~~~			J m				
	Provided	Offered,	Offered,	Needed	Needed		CDR
Services	After	but	Unknown	but not	but	N/A	Lead to
Bereavement counseling	<b>Death</b> ⊠	Refused	if Used	Offered	<b>Unavaliable</b>		Referral
Economic support	×						
Funeral arrangements	$\boxtimes$						
Housing assistance	$\boxtimes$						
Mental health services	⊠						
						$\boxtimes$	
oster care				🗀		🗀	

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X

X

X



And Family Services	C	nild Fat	ality Rep	ort			
Homemaking Services						×	
Parenting Skills	X						
Domestic Violence Services						×	
Early Intervention						×	
Alcohol/Substance abuse	X						
Child Care	X						
Intensive case management						×	
Family or others as safety resources	×						
Other						×	
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 SS were taken to the doctor for toxicology testing after the fatality. SCDSS assisted with enrolling and payment for the SS to attend daycare.							
Were services provided to parent(fatality? Yes Explain: The SM was referred to Mental Headarrangements and advocating for chaoffered counseling services by SCDS	th and Drug	and Alcoho	l counseling ult of the fat	services. So	CDSS also as	sisted with t	funeral

# **History Prior to the Fatality**

Child Information				
Did the child have a history of alleged child abuse/maltreatment?	No			
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?	No			
Were there any siblings ever placed outside of the home prior to this child's death?	No			
Was the child acutely ill during the two weeks before death?	No			

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									Ξ

During	pregn	ancy,	mot	her:
_				

☑ Had medical complications / infections

☐ Misused over-the-counter or prescription drugs

☐ Experienced domestic violence

 $\square$  Had heavy alcohol use

⊠ Smoked tobacco

☑ Used illicit drugs

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☐ Was not noted in the case	e record to have any of the issues	listed			
Infant was born:  ☐ Drug exposed  ☑ With neither of the issue:	s listed noted in case record	☐ With fetal alcohol effects or syndrome			
CF	PS - Investigative History Tl	hree Years Prior to the Fatality			
There is no CPS investigative history in NYS within three years prior to the fatality.					
	CPS - Investigative History More T	han Three Years Prior to the Fatality			
There is no history in New Y	York State meeting this criteria.				
	Known CPS Histo	ory Outside of NYS			
There is no known CPS His	tory outside of New York State.				
	Required	l Action(s)			
Are there Required Action  ☐Yes ☒No	ns related to compliance issues	for provisions of CPS or Preventive services ?			
Preventive Services History					
	ntive Services History provided to e deceased child's household at t	o the deceased child, the deceased child's siblings, and/or the he time of the fatality.			
Legal History Within Three Years Prior to the Fatality					
Was there any legal activit ☐Family Court	ty within three years prior to th   Criminal Court	ne fatality investigation? ⊠Order of Protection			
<b>Have any Orders of Protection</b>	ction been issued? Yes				
From: 11/16/2016		To: 05/15/2017			
SS. The SM reported she ha	· ·	BF of the SC. It provided protections for the SM, SC and paying child support and the BF threatened to harm her and			

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Recommended Action(s)



Are there any recommended actions for local or state administrative or policy changes? $\Box$	∃Yes ⊠No
Are there any recommended prevention activities resulting from the review? □Yes ⊠No	

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