



Report Identification Number: AL-22-002

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

Issue Date: Jun 23, 2022

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

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

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

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

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

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

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

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



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
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	
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	ASTO-Allowing Sex Abuse to Occur	



Case Information

Report Type: Child Deceased
Age: 5 month(s)

Jurisdiction: Schenectady
Gender: Female

Date of Death: 01/08/2022
Initial Date OCFS Notified: 01/10/2022

Presenting Information

The death of the 5-month-old infant was reported to OCFS by the Schenectady County Department of Social Services (SCDSS) through the required 7065 Agency Reporting Form. The infant was born with complex medical needs and she was hospitalized in the Neonatal Intensive Care Unit (NICU) since birth. The infant was diagnosed with an infection on 1/6/22, and she passed away from natural causes on 1/8/22.

Executive Summary

On 1/10/22, SCDSS was notified that the female 5-month-old infant passed away in the hospital on 1/8/22. At the time of the infant's death, SCDSS had an open CPS investigation regarding alleged drug misuse and concerns for supervision of the 6, 4, and 3-year-old siblings while in the care of their father and his partner. Additionally, there were concerns regarding the alleged deplorable conditions of the siblings' father's home. The mother had full custody of the siblings and there was an Article 10 Neglect Petition pending against the siblings' father and his partner. The father of the infant resided with the mother and siblings. He had an additional 13-year-old child who resided with the child's mother, and the father did not have regular contact with the child. The child was assessed to be safe in his mother's care.

SCDSS learned that the infant was born at 39 weeks gestation with complex medical needs following a high-risk pregnancy with complications. The infant had been in the NICU since birth and she required several surgical interventions and the assistance of a feeding tube and breathing tube to sustain her primary life functions. On 1/6/22, the infant was diagnosed with an infection, and she was prescribed antibiotics. On 1/8/22, the infant's heart stopped beating. Life-saving measures were unsuccessful, and the infant was pronounced deceased at 4:15 PM.

The attending physician at the hospital stated that the infant died from natural causes and her death could not have been prevented. He reported the preliminary cause of death was asystole. Hospital staff reported that an autopsy was performed, and the results were pending at the time this report was written.

SCDSS assessed the safety of the siblings, and they offered the family bereavement services. SCDSS determined the infant's death was not the result of abuse or maltreatment by a caretaker, therefore the death was not reported to the SCR.

PIP Requirement

For citations identified in historical cases, SCDSS will submit a PIP to the Albany Regional Office within 30 days of receipt of this report. The PIP will identify action(s) SCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, SCDSS 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? N/A

Determination:

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

Explain:

The death of the infant was not reported to the SCR, therefore Safety Assessments and a determination were not 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:

Casework activity was commensurate with case circumstances.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 01/08/2022

Time of Death: 04:15 PM

County where fatality incident occurred: Albany

Was 911 or local emergency number called? No

Did EMS respond to the scene? No

At time of incident leading to death, had child used alcohol or drugs? N/A

Child's activity at time of incident:

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

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

At time of incident was supervisor impaired? Not impaired.

At time of incident supervisor was:

- Distracted
- Absent
- Asleep
- Other: Providing Medical Care



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	No Role	Female	5 Month(s)
Deceased Child's Household	Father	No Role	Male	33 Year(s)
Deceased Child's Household	Mother	No Role	Female	29 Year(s)
Deceased Child's Household	Sibling	No Role	Female	6 Year(s)
Deceased Child's Household	Sibling	No Role	Female	4 Year(s)
Deceased Child's Household	Sibling	No Role	Male	3 Year(s)
Other Household 1	Other Adult - Siblings' Father	No Role	Male	33 Year(s)

LDSS Response

Upon learning of the infant’s death, SCDSS notified OCFS through the required 7065 Agency Reporting Form, and they investigated the circumstances surrounding the death. They spoke to hospital staff, law enforcement and the siblings’ pediatrician. On 1/10/22, SCDSS conducted a home visit at the parents’ home, and they assessed the siblings to be safe.

The parents reported that they were home when they received a call from the hospital informing them that the infant’s heart stopped beating and she passed away. They immediately drove to the hospital and spent time holding the infant. They requested an autopsy be performed to find out the exact cause of death. The 6-year-old sibling reported that her sister died because she was very sick. The 4 and 3-year-old siblings did not provide any details about the infant’s death.

SCDSS spoke to hospital staff, who reported that the infant was diagnosed with an infection on 1/6/22, but she appeared to be getting better and there were no signs that she was going to pass away. On 1/8/22, her heart stopped beating and the infant passed away from natural causes. Hospital staff reported that the parents were actively involved in the infant’s care, and they had been participating in the discussion for the infant’s discharge plan.

During the open CPS investigation, the sibling’s father was incarcerated for unrelated charges, and he remained incarcerated at the time this report was written. The CPS investigation was indicated against the siblings’ father and his partner on 3/7/22, and opened for ongoing CPS services. On 3/14/22, the siblings' father consented to a finding of Neglect and the mother retained full custody of the siblings. The ongoing CPS services case closed on 4/21/22.

Official Manner and Cause of Death

Official Manner: Pending
Primary Cause of Death: Pending
Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

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



Comments: Schenectady County does not have an OCFS approved Child Fatality Review Team.

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input 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 assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Explain:
 The infant's death was not reported to the SCR, therefore Safety Assessments were not required to be completed in Connections. The siblings' safety was assessed within 24 hours of the infant's death. There was a pending Neglect Petition against the siblings' father and his partner at the time of the infant's death.

Fatality Risk Assessment / Risk Assessment Profile



	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
 Risk was adequately assessed. There was a Neglect Petition pending against the siblings' father and his partner at the time of the infant's death and they were referred for the necessary services. There were no service needs identified for the mother and infant's father.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
 The siblings remained in the mother's custody.

Legal Activity Related to the Fatality

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

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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? No

Explain:

There were no service needs identified for the siblings.

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No

Explain:

The parents were provided with information on bereavement services and funeral assistance and they declined.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? 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? Yes

Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- Used illicit drugs



Infant was born:

Drug exposed

With fetal alcohol effects or syndrome

With neither of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/29/2021	Sibling, Female, 5 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Food / Clothing / Shelter	Substantiated	Yes
	Sibling, Female, 5 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 4 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 4 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 4 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 4 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 3 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Male, 3 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 3 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 3 Years	Other Adult - Siblings' Father's Partner , Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father , Male, 32 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 5 Years	Other Adult - Siblings' Father , Male, 32 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 4 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Food / Clothing / Shelter	Substantiated	
Sibling, Female, 4 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Guardianship	Substantiated		



Sibling, Female, 4 Years	Other Adult - Siblings' Father , Male, 32 Years	Lack of Supervision	Substantiated
Sibling, Female, 4 Years	Other Adult - Siblings' Father , Male, 32 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Male, 3 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 3 Years	Other Adult - Siblings' Father , Male, 32 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 3 Years	Other Adult - Siblings' Father , Male, 32 Years	Lack of Supervision	Substantiated
Sibling, Male, 3 Years	Other Adult - Siblings' Father , Male, 32 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Female, 5 Years	Aunt/Uncle, Female, 37 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 4 Years	Aunt/Uncle, Female, 37 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 3 Years	Aunt/Uncle, Female, 37 Years	Inadequate Guardianship	Substantiated

Report Summary:

An SCR report alleged the siblings' father and his partner were the sole caretakers of the siblings on 6/28/21, when the home was raided by police. When the raid occurred, the siblings' father and his partner were not supervising the siblings. The siblings were with the partner, who had used crack-cocaine to the point of impairment and she was unconscious. The siblings' father was in the process of using crack-cocaine and he was selling drugs out of the home in the presence of the children. He and his partner left drugs and drug paraphernalia accessible to the siblings. They failed to maintain a safe home environment for the siblings and the home was in deplorable condition.

Report Determination: Indicated

Date of Determination: 03/07/2022

Basis for Determination:

The siblings' father's home was raided by law enforcement on 6/28/21, and the siblings' father was using drugs, his partner was unconscious from drug use, there was drugs and drug paraphernalia throughout the home accessible to the siblings, and the siblings were not being supervised. The home was in deplorable condition with rotting food, garbage, empty alcohol containers, broken glass, and several knives strewn throughout the home. There was no edible food in the home for the siblings to eat.

OCFS Review Results:

SCDSS interviewed the mother, father, paternal aunt, siblings' father, his partner, and the now 6 and 4-year-old siblings. Attempts were made to interview the youngest sibling. Safety Assessments and the RAP were completed timely and accurately. Notice of Existence was provided timely to the required adults. SCDSS made relevant collateral contacts. There were 25 out of 63 progress notes entered non-contemporaneously. During the investigation, the infant was born with complex medical needs and she died from natural causes. SCDSS filed a Neglect Petition against the siblings' father and his partner and they opened the case for ongoing CPS services.

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

Issue:

Timely/Adequate Case Recording/Progress Notes

Summary:

There were 25 out of 63 progress notes entered more than 30 days past their event dates.

Legal Reference:

18 NYCRR 428.5

Action:



The Albany Regional Office informed there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. SCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/19/2020	Sibling, Female, 5 Years	Father, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 5 Years	Father, Male, 32 Years	Sexual Abuse	Unsubstantiated	

Report Summary:

Three SCR reports were received on 10/19/20 and one SCR report was received on 10/20/20, that alleged on 10/18/20, the siblings' father sexually abused the now 6-year-old sibling by inappropriately touching her in her vaginal area. It was unknown if the sexual abuse had taken place on any other occasion.

Report Determination: Unfounded

Date of Determination: 12/28/2020

Basis for Determination:

There was a lack of credible evidence to support the allegations. The now 6-year-old sibling disclosed that her father touched her vagina, but she was inconsistent in her account of the incident. A sexual abuse examination was conducted and there were no concerns noted. The siblings' father denied the allegations. He believed the allegations stemmed from a custody battle he was in the process of having with the mother regarding the siblings. The siblings were assessed to be safe.

OCFS Review Results:

Home visits were conducted at the mother's and siblings' father's homes and the mother, father, siblings' father, two oldest siblings, and the aunt were interviewed. Safety Assessments and the RAP were completed timely and accurately and Notice of Existence was provided to the required adults. Collateral contacts were made with law enforcement and medical professionals.

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)
05/08/2020	Sibling, Female, 4 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 3 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 4 Years	Grandparent, Female, 43 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Grandparent, Female, 43 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Grandparent, Female, 43 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

An SCR report alleged the maternal grandmother had mental health concerns that caused her to be paranoid and delusional when she refused to take her mental health medication. The mother was aware that the grandmother was non-compliant with her medication and continued to allow the grandmother to regularly care for the siblings for three to four days at a time. There were concerns that the grandmother was incapable of adequately caring for the three siblings when she was their sole caretaker due to her severe mental health concerns.

**Report Determination:** Unfounded**Date of Determination:** 09/23/2020**Basis for Determination:**

There was a lack of credible evidence to support the allegations. The maternal grandmother and mother denied the allegations. The grandmother's mental health provider reported that the grandmother was actively engaged in mental health treatment and the provider had no concerns for the grandmother caring for the siblings. The grandmother's home was assessed to be safe for the siblings.

OCFS Review Results:

SCDSS conducted home visits at the maternal grandmother's, mother's and paternal aunt's homes and they interviewed the mother, father, grandmother, siblings' father, and aunt. The siblings were observed, but attempts to interview the siblings were not documented. Safety Assessments and the RAP were completed timely and accurately and Notice of Existence was provided timely to the required adults. The siblings' doctor and the grandmother's mental health provider were spoken to and they had no concerns.

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

Issue:

Failure to Conduct a Face-to-Face Interview (Subject/Family)

Summary:

Attempts to conduct face-to-face interviews with the siblings were not documented in the case record.

Legal Reference:

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

Action:

The full child protective investigation must include face-to-face interviews with subjects of the report and family members of such subjects, including children named in the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/03/2019	Sibling, Female, 4 Years	Father, Male, 31 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 4 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

An SCR report alleged that the father had a history of becoming violent towards others including the now 6-year-old sibling. The father hit the sibling, pulled her hair, and "plucked" her on her face. As a result, the sibling was afraid of the father. The mother was aware of the father's actions, but she did not adequately address them or intervene.

Report Determination: Unfounded**Date of Determination:** 11/19/2019**Basis for Determination:**

There was a lack of credible evidence to support the allegations. An attempt to fully interview the now 6-year-old sibling was unsuccessful due to her developmental level. During a brief interview, she did not disclose any physical discipline from the mother or the father. The siblings appeared comfortable with the mother and it was determined her home was safe. The father did not reside in the mother's home and he denied being the sole caretaker for the siblings. He also denied that he used physical discipline on the siblings.

OCFS Review Results:

Home visits were conducted, the mother and father were interviewed, and the siblings were observed to be free from marks and bruises. The siblings' father was interviewed over the phone since he was incarcerated at the time of the investigation. He was concerned for the mother and siblings' safety and he said the father was abusive in the past. Safety Assessments and the RAP were completed timely and accurately and Notice of Existence was provided timely to the required adults. The case record did not reflect that collateral sources were contacted. Medical and law enforcement records were requested; however, receipt of the records was not documented prior to case closure.

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

**Issue:**

Contact/Information From Reporting/Collateral Source

Summary:

The case record did not reflect that collateral sources were contacted. Medical and law enforcement records were requested; however, receipt of the records was not documented prior to case closure.

Legal Reference:

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

Action:

The Albany Regional Office informed there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. SCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

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

An SCR report dated 9/29/10 was substantiated against the father for the allegations of Fracture and Inadequate Guardianship regarding the father's now 13-year-old child.

An SCR report dated 12/11/12 was unsubstantiated against the mother for the allegation of Inadequate Guardianship regarding two other children.

An SCR report dated 7/14/17 was substantiated against the mother and siblings' father for the allegations of Inadequate Guardianship, Inadequate Food/Clothing/Shelter, Lack of Medical Care and Malnutrition/Failure to Thrive regarding the now 4-year-old sibling. The mother declined preventive services.

Known CPS History Outside of NYS

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

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:
	Adjudicated Neglected	Order of Supervision
Respondent:	060555 Other Adult Male 33 Year(s)	
Comments:	On an unknown date, an Article 10 Neglect Petition was filed against the siblings' father and his partner. On 3/14/22, the siblings' father consented to a finding of Neglect with a one-month Order of Supervision and the mother retained full custody of the siblings. The disposition of his partner's petition was not documented.	



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