



**Report Identification Number: AL-22-027**

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

**Issue Date: Mar 24, 2023**

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

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

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

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

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

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

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

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



## Abbreviations

<b>Relationships</b>		
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	
<b>Contacts</b>		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services	DA-District Attorney	
<b>Allegations</b>		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	SXTF-Sex Trafficking
<b>Miscellaneous</b>		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation		



## Case Information

**Report Type:** Child Deceased  
**Age:** 15 year(s)

**Jurisdiction:** Otsego  
**Gender:** Male

**Date of Death:** 10/04/2022  
**Initial Date OCFS Notified:** 10/05/2022

## Presenting Information

On 10/5/2022, Otsego County Department of Social Services (OCDSS) received an SCR report that alleged the 15-year-old male subject child had a history of mental health issues and suicidal ideation when he was left home alone by his mother on 10/4/2022. The subject child made a social media post threatening to harm himself and then committed suicide by hanging in the basement of the family's home. The SCR report further alleged the subject child's suicide was the result of the mother's delay in obtaining mental health services for the child and leaving the subject child home without adequate supervision in light of his suicidality. The SCR report also contained allegations of past physical altercations between the mother and the subject child and concerns for the mother's alcohol misuse. There were no surviving siblings or other children residing in the home.

## Executive Summary

This fatality report regards the death of the 15-year-old subject child that occurred on 10/4/2022. At the time of his death, the subject child resided with his mother. The subject child was in regular contact with his father and visited with him sporadically.

The subject child had a history of depression, was engaged in mental health counseling, and was prescribed medications for his depression. In the weeks leading to the subject child's suicide, the subject child had expressed suicidal ideation, experienced issues with his prescribed medications, and harmed himself. On 10/3/2022, the subject child was scheduled for a session with his mental health counselor; however, the counselor called to cancel. The mother spoke with the counselor and explained the subject child was having a bad day and would benefit from a counseling session. The counselor was unable to accommodate a session and the appointment was rescheduled to 10/6/2022.

On 10/4/2022, the subject child made a social media post and expressed suicidal ideation. A person unrelated to the family contacted 911 and law enforcement responded to the home to perform a wellness check. Law enforcement contacted the mother, who was at work, and the mother directed the police to search the subject child's bedroom as well as the basement of the home. Law enforcement found the subject child in the basement. The subject child had hung himself from a pipe with a rope and was pronounced deceased at 6:10 PM.

An autopsy was completed on 10/5/2022, and OCDSS received a copy of the death certificate, which listed the cause of death as "asphyxia due to hanging" and the manner of death as "suicide." The death certificate noted the subject child tested positive for marijuana. The law enforcement investigation was closed with no charges or arrests and there was no suspicion of criminality related to the death.

The allegations of DOA/Fatality, Inadequate Guardianship, Lacerations / Bruises / Welts, Lack of Medical Care, Lack of Supervision, and Parent's Drug / Alcohol Misuse were substantiated against the mother regarding the subject child. The allegation of Inadequate Guardianship was substantiated against the father regarding the subject child. The investigation conclusion narrative noted the mother had expressed an awareness that the subject child was at risk of suicide and did not take appropriate measures to ensure his safety. The mother did contact the subject child's mental health provider; however, did not seek an alternate crisis evaluation when the mental health counselor was unavailable. The mother left the child home alone, unsupervised, and with no plan for his care on the day of his suicide. The investigation conclusion narrative noted the father was aware of the mother's alcohol use and abusive behavior towards the subject child; however, did not intervene to ensure the child's safety.



OCDSS offered the mother and father grief counseling, addiction recovery services, and mental health counseling. The mother engaged in grief counseling. The father reported he would seek services with a prior mental health provider if he felt he needed help. The CPS investigation was closed on 1/17/2023.

### PIP Requirement

For citations identified in historical cases, OCDSS will submit a PIP to the Albany Regional Office within 30 days of receipt of this report. The PIP will identify action(s) OCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, OCDSS 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 as well as any others identified in the course of the investigation? Yes, sufficient information was gathered to determine all allegations.
- Was the determination made by the district to unfound or indicate appropriate? Yes

Was the decision to close the case appropriate? Yes

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? Yes

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

**Explain:**  
OCDSS gathered information related to the circumstances of the fatality, offered appropriate fatality-related services to the mother and father, and closed the investigation after meeting regulatory guidelines.

## 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: 10/04/2022

Time of Death: 06:10 PM



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

02:40 PM

**County where fatality incident occurred:**

Otsego

**Was 911 or local emergency number called?**

Yes

**Time of Call:**

Unknown

**Did EMS respond to the scene?**

Yes

**At time of incident leading to death, had child used and/or ingested alcohol or drugs?**

Yes

**Child's activity at time of incident:**

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

**Total number of deaths at incident event:**

**Children ages 0-18: 1**

**Adults: 0**

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	15 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	57 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	48 Year(s)

### LDSS Response

Upon receipt of the SCR report on 10/5/2022, OCDSS spoke with the source of the report, coordinated the investigation with law enforcement, contacted the mother and father, conducted a search of the family's CPS history, and gathered information from relevant collateral sources.

OCDSS interviewed the mother at the home of the maternal aunt. The mother reported that in the weeks leading up to the subject child's suicide, she was concerned as she believed the dosages of his prescribed mental health medications were too high. The mother stated that the subject child had broken into and stolen medication from a lockbox in the home. The mother stated the subject child's mental health counselor called on 10/3/2022 to reschedule an appointment that was planned for that day. The mother told the counselor that the subject child was having a bad day and needed to talk; however, the counselor was not available until 10/6/2022. The mother stated to OCDSS the subject child was regularly mentioning the suicide of an acquaintance which occurred about 1 year prior.

OCDSS interviewed the father at the OCDSS office. The father stated he had been in contact with the subject child a few times a week prior to his suicide. The father reported the subject child was misusing his prescription medication, using marijuana daily, and was depressed; however, he was not aware of the subject child expressing suicidal ideation. The father stated the mother was an alcoholic and physically abusive to the subject child when she was intoxicated.

Through contact with law enforcement, OCDSS learned the subject child was located by the responding officers in the basement of the home. The subject child hung himself from a pipe with a rope. The subject child left a suicide note that



indicated he was angry with his mother for being an alcoholic and asked when it would end.

OCDSS attempted multiple times to gather information from the subject child’s mental health counselor; however, that agency had not responded with any information at the time the CPS investigation was closed.

During the 5/31/2022 investigation, which remained open at the time of the subject child’s death, the mother disclosed a concern that the subject child may be suicidal. OCDSS noted that was a serious concern; however, the record did not reflect OCDSS offered appropriate crisis services and did not follow-up to discuss this concern further prior to the subject child’s suicide.

**Official Manner and Cause of Death**

**Official Manner:** Suicide

**Primary Cause of Death:** From an injury - external cause

**Person Declaring Official Manner and Cause of Death:** Coroner

**Multidisciplinary Investigation/Review**

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

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

**Comments:** The fatality was reported to Otsego County's Child Fatality Review Team.

**SCR Fatality Report Summary**

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	DOA / Fatality	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Inadequate Guardianship	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Lacerations / Bruises / Welts	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Lack of Medical Care	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Lack of Supervision	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
062913 - Deceased Child, Male, 15 Yrs	062914 - Mother, Female, 57 Year(s)	Swelling / Dislocations / Sprains	Unsubstantiated
062913 - Deceased Child, Male, 15 Yrs	062915 - Father, Male, 48 Year(s)	Inadequate Guardianship	Substantiated

**CPS Fatality Casework/Investigative Activities**

	Yes	No	N/A	Unable to Determine



All children observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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"/>





# Child Fatality Report

<b>Homemaking Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parenting Skills</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Domestic Violence Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Early Intervention</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alcohol/Substance abuse</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Child Care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Intensive case management</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family or others as safety resources</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<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:**

The mother requested help with funeral arrangements. OCDSS coordinated for the mother to apply; however, she was deemed ineligible for those services.

**Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? Yes**

**Explain:**

OCDSS offered the mother and father grief counseling, addiction recovery services, and mental health counseling. The mother engaged in grief counseling. The father reported he would seek services with a prior mental health provider if he felt he needed help.

## History Prior to the Fatality

### Child Information

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

## CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/31/2022	Deceased Child, Male, 15 Years	Mother, Female, 57 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Male, 15 Years	Mother, Female, 57 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 57 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 57 Years	Swelling / Dislocations / Sprains	Substantiated	



**Report Summary:**

The SCR report alleged the mother and subject child engaged in an altercation during which they struck each other. The mother sustained injuries during the altercation. There was a history of altercations between the mother and subject child. A subsequent SCR report was received on 7/16/2022, and merged into the initial report. The subsequent report alleged the mother had been under the influence of alcohol and punched and bit the subject child. The subject child sustained swelling to his forehead and a laceration to his hand.

**Report Determination:** Indicated**Date of Determination:** 01/17/2023**Basis for Determination:**

The investigation conclusion narrative noted the allegations of Inadequate Guardianship, Parent's Drug / Alcohol Misuse, Lacerations / Bruises / Welts, and Swelling / Dislocations / Sprains were substantiated against the mother regarding the subject child. The subject child, law enforcement officers, and multiple collaterals confirmed the mother was drinking alcohol regularly and was intoxicated when she injured the subject child on 7/16/2022. The mother had a history of alcohol abuse and her behaviors put the subject child at risk of harm. Law enforcement observed and removed from the home an unsecured .22 caliber rifle which the mother had given the subject child.

**OCFS Review Results:**

OCDSS learned the mother was arrested after striking and biting the subject child while she was intoxicated. The subject child disclosed his mother had been drinking regularly and presented with injuries. The subject child was staying with his girlfriend and her mother and did not wish to return home. Based on the information gathered, controlling interventions were required; however, the record did not reflect a safety plan, legal consultation, or other controlling measures. On 9/29/2022, the mother disclosed a concern that the subject child was suicidal. OCDSS noted that was a serious concern; however, did not offer crisis services or other resources.

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

Adequacy of Documentation of Safety Assessments

**Summary:**

Based on the information gathered pursuant to the subsequent SCR report, a safety plan and modification safety assessment were required; however, were not completed. OCDSS allowed the subject child to devise his own safety plan, did not discuss the plan with the mother, and did not monitor the safety plan.

**Legal Reference:**

18 NYCRR432.2(b)(3)(ii)(c)&amp;(iii)(b)

**Action:**

OCDSS will document all applicable actions and considerations with respect to safety planning, including but not limited to: including all family members when devising the plan; adequately monitoring the plan; and, consulting the legal department if there is reason to believe the safety plan may not be sufficient to protect the child.

**Issue:**

Assessment as to need for Family Court Action

**Summary:**

Despite the mother's arrest and the evidence gathered establishing the mother's alcohol use constituting a safety risk to the subject child, the case record did not reflect a legal consultation or discussion regarding potential family court action.

**Legal Reference:**

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

**Action:**

OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

**Issue:**

Failure to Offer Appropriate Services

**Summary:**



The mother reported a concern that the subject child might be suicidal. OCDSS noted that was a serious concern; however, the record did not reflect OCDSS offered appropriate crisis services.

**Legal Reference:**

SSL §424(10);18 NYCRR 432.3(p)

**Action:**

Based on the investigation and evaluation conducted, OCDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/01/2022	Deceased Child, Male, 15 Years	Mother, Female, 56 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Male, 15 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

The SCR report alleged the subject child engaged in a physical altercation with a peer. The mother and father were present when the altercation occurred and allowed it to continue. During the incident, a vehicle drove toward the father with the intention of striking him. The mother, father, and subject child began punching the windows of the vehicle and shouting obscenities. The parents' choice to engage in that behavior placed the subject child in danger of harm.

**Report Determination:** Indicated

**Date of Determination:** 04/20/2022

**Basis for Determination:**

The investigation conclusion narrative noted the allegations of Inadequate Guardianship were substantiated against the mother and father regarding the subject child. There was a video of the incident which showed the subject child engaging in a physical fight while the parents allowed and encouraged him. The video further showed the parents striking a vehicle and allowing the child to do so as well.

**OCFS Review Results:**

OCDSS initiated an investigation immediately upon receipt of the SCR report. OCDSS spoke with the source, interviewed the mother and subject child, assessed for the subject child's safety, and gathered information from appropriate collaterals. OCDSS attempted contact with the father, who was also a subject of the report, via telephone and mail; however, the record did not reflect attempts made to interview the father face-to-face.

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

**Issue:**

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

**Summary:**

The father was an alleged subject of the report and was present for the incident that occurred. OCDSS did attempt contact with the father via telephone and mail; however, the record did not reflect attempts made to interview the father face-to-face.

**Legal Reference:**

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

**Action:**

A full Child Protective investigation shall include face-to-face interviews with subjects of the report and family members of such subjects, including children named in the report. Such interviews or reasons why an interview was not possible should be documented in progress notes.

Date of	Alleged	Alleged	Allegation(s)	Allegation	Compliance
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SCR Report	Victim(s)	Perpetrator(s)		Outcome	Issue(s)
12/21/2021	Deceased Child, Male, 15 Years	Mother, Female, 56 Years	Excessive Corporal Punishment	Unsubstantiated	No
	Deceased Child, Male, 15 Years	Mother, Female, 56 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 56 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The SCR report alleged the mother had a history of drinking to the point of intoxication while caring for the subject child. The mother drove the child in the car while intoxicated, and had recently become angry with the subject child and bit him.

**Report Determination:** Unfounded**Date of Determination:** 01/14/2022**Basis for Determination:**

The investigation conclusion narrative noted the allegations of Excessive Corporal Punishment, Inadequate Guardianship, and Parent's Drug / Alcohol Misuse were unsubstantiated against the mother regarding the subject child. The mother and subject child denied all reported allegations and contact with service providers and other collaterals did not reveal concerns for the subject child in the care of the mother.

**OCFS Review Results:**

OCDSS interviewed all family members, gathered information from pertinent collaterals, documented a search of the family's CPS history, assessed for safety and risk as required and completed the corresponding documentation. OCDSS gathered all required information to make a determination of the allegations and closed the case.

**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)
09/09/2021	Deceased Child, Male, 14 Years	Mother, Female, 56 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Male, 14 Years	Mother, Female, 56 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The SCR report alleged the mother was an alcoholic and became out of control with anger when intoxicated. The mother would hit other people, including the then 14-year-old subject child, when she was intoxicated. The mother would also call the subject child derogatory names. It was unknown if the child was injured.

**Report Determination:** Unfounded**Date of Determination:** 11/04/2021**Basis for Determination:**

The investigation conclusion narrative stated the allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse were unsubstantiated against the mother regarding the subject child. The mother and subject child both denied any drug or alcohol use by the mother in the presence of or while caring for the subject child. The mother submitted to a random screening for alcohol and drugs which was negative for all substances.

**OCFS Review Results:**

Upon receipt of the SCR report, OCDSS initiated a timely investigation, interviewed all family members, completed and documented a history check, and assessed the safety of the subject child. Due to her history of substance abuse, OCDSS asked the mother to submit to an alcohol and drug screen which was negative for all substances. The record reflected the mother had mental health diagnoses and signed a release for OCDSS to speak with her provider; however, there was no documented conversation with the mother's provider. OCDSS noted potential evidence of marijuana use for the subject



child; however, this was not discussed with either parent.

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

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

The mother reported she had mental health diagnoses and signed a release for OCDSS to speak with her mental health service provider; however, the record did not reflect any contact with or information gathered from that provider.

**Legal Reference:**

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

**Action:**

OCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

**Issue:**

Pre-Determination/Nature, Extent and Cause of Any Condition

**Summary:**

OCDSS noted an odor of marijuana in the home during a home visit with the subject child. The record did not reflect any follow-up with the mother or father regarding that concern.

**Legal Reference:**

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

**Action:**

In addition to conditions enumerated in a report, CPS is required to determine any other condition that may constitute abuse or maltreatment. OCDSS will address new concerns as they arise with all applicable caregivers, in an effort to determine whether the action(s)/inaction(s) constitute as abuse or maltreatment.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/16/2020	Deceased Child, Male, 14 Years	Mother, Female, 55 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Male, 14 Years	Mother, Female, 55 Years	Parents Drug / Alcohol Misuse	Substantiated	

**Report Summary:**

The SCR report alleged the mother regularly drank alcohol to the point of intoxication while caring for the then 14-year-old subject child. On 11/13/2020, there was an incident when the mother was intoxicated and urinated on the floor, after which the subject child entered the room and the mother attacked him.

**Report Determination:** Indicated

**Date of Determination:** 04/07/2021

**Basis for Determination:**

The investigation conclusion narrative noted the allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse were substantiated against the mother regarding the subject child. The subject child disclosed his mother had been intoxicated, urinated on the floor in front of him, and struck him. The family was open with a court-ordered preventive services case and the mother was in violation of court orders when she drank alcohol while caring for the subject child. OCDSS filed a violation petition in family court, and the family remained open for preventive services.

**OCFS Review Results:**

OCDSS contacted the source and assessed for the child's immediate safety upon receipt of the SCR report. OCDSS conducted interviews with the mother, father, and subject child and made home visits as required. OCDSS missed opportunities to gather information from collaterals, including substance abuse providers and an unrelated member of the



mother's household. A history check was completed late and there was a gap in caseworker activity from 12/31/2020 to 3/25/2021.

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

**Issue:**  
Timely/Adequate Case Recording/Progress Notes

**Summary:**  
The record reflected 11 out of 22 progress notes were entered over 30 days after their corresponding event date.

**Legal Reference:**  
18 NYCRR 428.5

**Action:**  
Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.

**Issue:**  
Contact/Information From Reporting/Collateral Source

**Summary:**  
An unrelated home member was residing at the mother's home, was listed on the report, and was provided notification of the report; however, the record did not reflect the unrelated home member was interviewed regarding the report allegations.

**Legal Reference:**  
18 NYCRR 432.2(b)(3)(ii)(b)

**Action:**  
OCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

**Issue:**  
Review of CPS History

**Summary:**  
A CPS history check was completed untimely. The SCR report was received on 11/16/2020; however, the history check was completed on 3/25/2020.

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

**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. OCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

**Issue:**  
Overall Completeness and Adequacy of Investigations

**Summary:**  
The record did not reflect any contact with the family or casework activity between 12/31/2020 and 3/25/2021. A progress note dated 3/25/2021 noted a safety plan for the mother to be supervised with the subject child was no longer needed; however, the record did not reflect information gathered regarding substance abuse treatment or any other change in circumstances leading to that decision.

**Legal Reference:**  
SSL 424.6 and 18 NYCRR 432.2(b)(3)

**Action:**  
OCDSS must continue to gather and document information to reassess safety of the child(ren), throughout the time child welfare staff are involved with the family and until the case is closed, because safety is not static.

**Issue:**



## Pre-Determination/Nature, Extent and Cause of Any Condition

### Summary:

OCDSS conducted a home visit and noted an odor of marijuana coming from the bedroom of the subject child; however, this was not addressed with the mother, father, or the subject child at any time during the investigation.

### Legal Reference:

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

### Action:

In addition to conditions enumerated in a report, CPS is required to determine any other condition that may constitute abuse or maltreatment. OCDSS will address new concerns as they arise with all applicable caregivers, in an effort to determine whether the action(s)/inaction(s) constitute as abuse or maltreatment.

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

The mother was the subject of 4 unfounded CPS investigations between 2009 and 2017 with unsubstantiated allegations of Inadequate Guardianship, Lack of Medical Care, and Parent's Drug / Alcohol Misuse.

The father was the subject of 3 indicated CPS investigations dated 10/5/2009, 11/16/2009, and 5/12/2017 with substantiated allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse. The father exhibited a pattern of physical violence and assault against the mother, threats of self-harm, and other inappropriate behavior while intoxicated in the presence of the subject child in 2009 and struck the subject child during a violent episode in 2017. The father was the subject of an unfounded investigation in 2015 for allegations of Inadequate Guardianship and Lack of Medical Care.

## Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

## Preventive Services History

A court-ordered preventive services case opened on 8/21/2017 after an incident when the mother and father engaged in a physical fight in the presence of the subject child. The subject child attempted to intervene and was shoved and hit by the father. Law enforcement responded to the home and the father was intoxicated. The father was arrested and OCDSS filed a neglect petition. Orders of protection and supervision were issued and the parents were required to comply with substance abuse evaluations. Both parents continued to use substances throughout the long-term case and a further petition was filed against the mother after an incident when she was intoxicated in the presence of the subject child, urinated in front of him, and struck him in November of 2020. Both parents eventually engaged with services, their court orders expired, and the preventive services case was closed 9/9/2021.

## Legal History Within Three Years Prior to the Fatality

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

## Recommended Action(s)

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



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