



**Report Identification Number: BU-15-036**

**Prepared by: Buffalo Regional Office**

**Issue Date: 5/19/2016**

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

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

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

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

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

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

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

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



**Abbreviations**

<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
<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
CPR-Cardio-pulmonary Resuscitation		
<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-Others	
<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		

**Case Information**



# NYS Office of Children and Family Services - Child Fatality Report

**Report Type:** Child Deceased  
**Age:** 4 year(s)

**Jurisdiction:** Allegany  
**Gender:** Male

**Date of Death:** 10/09/2015  
**Initial Date OCFS Notified:** 10/09/2015

## Presenting Information

On October 8, 2015 subject father was driving his vehicle with subject child, age 4, and other child cousin, age 7, and got into an accident with a tractor trailer. Subject child and other child cousin were not wearing seat belts. As a result, subject child passed away from his injuries on October 9, 2015 at 11:21AM. Subject child had a severe traumatic brain injury and was brain dead. Other child cousin sustained a broken femur and needed emergency surgery. Subject mother and subject grandfather had unknown roles.

## Executive Summary

This fatality review case involved a four year old male child in an open SCR report investigation that succumbed to injuries resulting from a motor vehicle accident. The open 10/7/15 SCR report did not involve the fatality accident and instead involved allegations of IG and PD/AM, against subject mother (SM) and subject father (SF). Subsequent reports, regarding the fatality auto accident, on 10/8/15 with allegations of IG and II against SF and 10/9/15 with allegations of DOA/Fatality, FX, and II against SF were consolidated into the open report. OCFS was notified by Allegany County DSS of the child death in an open report on 10/9/15.

The combined investigations included appropriate case and collateral contacts including family members, Pediatrician, medical personnel, school, law enforcement, and first responders. In addition, several county DSS agencies had secondary roles regarding this report and were contacted for information including Niagara, Wyoming, and Erie counties. There was also extensive case history with out-of-state agencies in Pennsylvania and Missouri that was obtained. SCR history, criminal background checks, and documentation of case work activities were completed with timely entry.

Law enforcement reported SF drove his truck into the back of a semi-truck that was turning into a business entrance. There were no skid marks or other evidence that SF attempted to stop prior to the accident. SF toxy tested positive for methamphetamine and other narcotics. He was also driving recklessly and texting while driving prior to the accident. SF was charged with Vehicular Manslaughter 1st degree on 1/26/16. The outcome of these charges is pending Court trial. SF has plead not guilty.

Four year old SC suffered major head trauma and internal injuries from the accident. He succumbed to his injuries 10/09/16, while in hospital care. No autopsy was performed. Several motor vehicle laws were violated with both children not having required child car seats, only wearing waist seat belts with no shoulder harness, and sitting in the front seat of the vehicle. Seven year old OC survived, but suffered a serious broken femur requiring surgery. SF was initially in critical condition, but survived.

OC was residing with SF and SM at the time of the fatality. The paternal grandfather had obtained Article 6 custody of OC and her sibling in Niagara County Family Court, but then gave the children to other inappropriate family members. Niagara County DSS did not have supervision of the children under the paternal grandfather's custody orders. OC is SF and SM's niece. After release from hospital treatment, OC was placed in the custody of her paternal grandmother (PGM) in Wyoming County. PGM and PGF are divorced and reside in different counties.



On 2/9/16 the allegations of DOA/Fatality, FX, II, IG, and PD/AM were INDICATED against SF. SF did not take reasonable precautions by transporting SC and OC without child car seats, appropriate seat belts, and as passengers in the front seat of his pickup truck which are violations of NYS motor vehicle laws. In addition, SF had a positive toxy for Methamphetamine and other narcotics, was texting while driving, driving recklessly, and failed to make any efforts to stop his vehicle before slamming into the back of a semi-truck. As a result, SC suffered major head trauma and internal injuries and succumbed to these injuries. OC also received a broken leg and other injuries, but survived. Allegations of IG and PD/AM in relation to the initial report, were INDICATED against SM stemming from use of alcohol and methamphetamine while caring for the children. There was no petition filed against SF or SM as a result of this motor vehicle fatality accident as there was no surviving child in their care at case closing. Services were offered and declined.

## 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?** Yes
  - **Safety assessment due at the time of determination?** Yes
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** Yes

### Determination:

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

### Explain:

The casework activity was commensurate with the case circumstances of this high profile fatality investigation. Case and collateral contacts were required in several NYS counties and two States outside NYS.

**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:

There were no surviving children in the home following the fatality incident as the only surviving child was a niece whom the subject mother and father did not have legal custody. Following the fatality accident, this child was placed with the paternal grandmother.

## 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:** 10/09/2015

**Time of Death:** 11:21 AM

**Date of fatal incident, if different than date of death:** 10/08/2015

**Time of fatal incident, if different than time of death:** 01:25 PM

**County where fatality incident occurred:**

ERIE

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

Yes

**Time of Call:**

01:34 PM

**Did EMS to respond to the scene?**

Yes

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

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

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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

1

**At time of incident supervisor was:**

Drug Impaired

Absent

Alcohol Impaired

Asleep

Distracted

Impaired by illness

Impaired by disability

Other:

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

**Children ages 0-18:** 1

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	4 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	32 Year(s)
Deceased Child's Household	Mother	No Role	Female	32 Year(s)
Deceased Child's Household	Other Child	Alleged Victim	Female	7 Year(s)
Other Household 1	Grandparent	No Role	Male	60 Year(s)
Other Household 2	Aunt/Uncle	No Role	Male	38 Year(s)
Other Household 2	Aunt/Uncle	No Role	Female	36 Year(s)

**LDSS Response**

On 10/7/15, Allegany County CPS received an SCR report with allegations of IG and PD/AM, against subject mother (SM) and subject father (SF). Subsequent reports, regarding a fatality auto accident, on 10/8/15 with allegations of IG and II against SF and 10/9/15 with allegations of DOA/Fatality, FX, and II against SF were consolidated into the open report.

The CW made case and collateral contacts including family members, Pediatrician, medical personnel, school, Police, and first responders. In addition, several county DSS agencies had secondary roles regarding this report and were contacted for information including Niagara, Wyoming, and Erie counties. There was also extensive case history with out-of-state agencies in Pennsylvania and Missouri that was obtained. SCR history, criminal background checks, and documentation of case work activities were completed with timely entry.

Law enforcement reported SF was texting when he drove his truck into the back of a semi-truck that was turning into a business entrance. There were no skid marks or other evidence that SF attempted to stop prior to the accident. The entire cab of the extended cab pickup truck was cut off and the truck was under the rear of the semi-truck box. SF, subject child (SC), and other child (OC) were removed from the vehicle by EMS, witness citizens, and law enforcement. All three were transported by Mercy Flight for hospital care.

Four year old SC suffered major head trauma and internal injuries from the accident. He succumbed to his injuries 10/09/16, while in hospital care. No autopsy was performed. Per first responders, written citizen witness statements, and law enforcement, SC and OC were not in required child car seats, were only wearing a waist seat belts with no shoulder strap, and were sitting in the front seat of the vehicle. Seven year old OC survived, but suffered a serious broken femur requiring surgery. SF was initially in critical condition, but survived.

SF denied using alcohol or narcotics prior to driving, but had a positive toxy for methamphetamine. SM reported she and SF had on-going use of methamphetamine. SM also reported SF had sent her text messages just prior to the accident while driving and phone records also documented this. SF was charged with Vehicular Manslaughter 1st degree on 1/26/16. The outcome of these charges is pending Court. SF has plead not guilty.

OC was residing with SF and SM at the time of the fatality incident due to her and her brother being removed from their parent's custody due to their parent's operating a Meth lab in their home. The Paternal grandfather obtained Article 6 custody in Niagara Co., but then gave the children to other family members. OC is SF and SM's niece. After release from hospital treatment, OC was placed in the custody of her paternal grandmother (PGM) in Wyoming County. PGM and PGF are divorced and reside in different counties.

On 2/9/16 the allegations of DOA/Fatality, FX, II, IG, and PD/AM were INDICATED against SF. SF did not take reasonable precautions by transporting SC and OC without child car seats, appropriate seat belts, and as passengers in the front seat of his pickup truck which are violations of NYS motor vehicle laws. In addition, SF had a positive toxy for Methamphetamine and other narcotics, was texting while driving, and failed to make any efforts to stop his vehicle before slamming into the back of a semi-truck. As a result, SC suffered major head trauma and internal injuries and succumbed to these injuries. OC also received a broken leg and other injuries, but survived. Allegations of IG and PD/AM in relation to the initial report, were INDICATED against SM stemming from use of alcohol and methamphetamine while caring for the children. There was no petition filed against SF or SM as a result of this fatality accident because there was no surviving child in their care at case closing. Services were offered to SF/SM and declined.



# NYS Office of Children and Family Services - Child Fatality Report

## Official Manner and Cause of Death

**Official Manner:** Accident

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

**Person Declaring Official Manner and Cause of Death:** Hospital physician

## Multidisciplinary Investigation/Review

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

**Comments:** Allegany County's Multi-disciplinary team was involved in this fatality investigation.

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

**Comments:** Allegany County's OCFS approved Child Fatality Review Team did not review this fatality report.

## SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
027441 - Deceased Child, Male, 4 Yrs	027442 - Father, Male, 32 Year(s)	DOA / Fatality	Substantiated
027441 - Deceased Child, Male, 4 Yrs	027442 - Father, Male, 32 Year(s)	Internal Injuries	Substantiated
027441 - Deceased Child, Male, 4 Yrs	027442 - Father, Male, 32 Year(s)	Inadequate Guardianship	Substantiated
027441 - Deceased Child, Male, 4 Yrs	027442 - Father, Male, 32 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
027443 - Other Child - Cousin, Female, 7 Year(s)	027442 - Father, Male, 32 Year(s)	Inadequate Guardianship	Substantiated
027443 - Other Child - Cousin, Female, 7 Year(s)	027442 - Father, Male, 32 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
027443 - Other Child - Cousin, Female, 7 Year(s)	027442 - Father, Male, 32 Year(s)	Fractures	Substantiated

## 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"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

**Additional information:**

This case involved a number of County DSS agencies in New York State as well as agency DSS contacts in Pennsylvania and Missouri.

**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"/>
<b>Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:</b>				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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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**Fatality Risk Assessment / Risk Assessment Profile**

	Yes	No	N/A	Unable to Determine
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Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

## 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Explain as necessary:

SM and SF did not have custody of the surviving OC who was their niece. The OC had been removed from her parents along with her brother due to the parents operating a Meth lab in their home. The paternal grandfather was given custody of these children, but then put them in the care of other family members. Niagara Co. did not have supervision after the PGF obtained custody. After the fatality, the surviving OC was placed in the custody of her paternal grandmother in Wyoming County, NY.

## Legal Activity Related to the Fatality

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

Family Court

Criminal Court

Order of Protection

<b>Criminal Charge:</b> Vehicular manslaughter <b>Degree:</b> 1			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
01/26/2016	subject father	Pending	Pending Court
<b>Comments:</b>	On 1/26/2016, subject father was arrested and charged with vehicular manslaughter 1st degree, a class C felony punishable by up to 15 years incarceration. Subject father plead not guilty. The disposition is		



# NYS Office of Children and Family Services - Child Fatality Report

pending Court trial.

### Have any Orders of Protection been issued? Yes

From: 10/07/2015

To: 12/07/2015

#### Explain:

Order of Protection filed against SF by SM.

### Services Provided to the Family in Response to the Fatality

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

#### Additional information, if necessary:

Offered services were declined by subject mother and subject father. There were no surviving children in the home after the fatality as the only surviving child was an other child cousin whom subject mother and father did not have custody. Following the fatality accident, this child was placed into the custody of the paternal grandmother.



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: Other child cousin in the home was in the custody of a paternal grandfather as the result of her parents being found to be operating a Meth lab in their home. The parents were imprisoned. The paternal grandfather then, without DSS approval, sent the other child cousin to reside with the subject mother and father (her aunt and uncle). Niagara Co. DSS did not have supervision. Following the fatality, the other child cousin and her sibling brother were placed with their paternal grandmother.

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

Explain: The subject father remained hospitalized, following the fatality motor vehicle accident, and was listed in critical condition receiving treatment for his medical injury needs. Subject mother continued to be resistive to intervention efforts. There were no surviving children remaining in the care of subject father or subject mother following the fatality.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? Yes
Was there an open CPS case with this child at the time of death? 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? Yes
Was the child acutely ill during the two weeks before death? No

CPS - Investigative History Three Years Prior to the Fatality

Table with 6 columns: Date of SCR Report, Alleged Victim(s), Alleged Perpetrator(s), Allegation(s), Status/Outcome, Compliance Issue(s). Contains 5 rows of data for the date 06/28/2012.

8823 - Other Child - Cousin, Male, 7 Years	8821 - Aunt/Uncle, Female, 33 Years	Lack of Medical Care	Unfounded
8824 - Other Child - Cousin, Female, 4 Years	8821 - Aunt/Uncle, Female, 33 Years	Inadequate Guardianship	Unfounded
8824 - Other Child - Cousin, Female, 4 Years	8821 - Aunt/Uncle, Female, 33 Years	Lack of Medical Care	Unfounded
8823 - Other Child - Cousin, Male, 7 Years	8822 - Aunt/Uncle, Male, 35 Years	Parents Drug / Alcohol Misuse	Unfounded
8823 - Other Child - Cousin, Male, 7 Years	8821 - Aunt/Uncle, Female, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
8823 - Other Child - Cousin, Male, 7 Years	8822 - Aunt/Uncle, Male, 35 Years	Inadequate Guardianship	Unfounded
8823 - Other Child - Cousin, Male, 7 Years	8822 - Aunt/Uncle, Male, 35 Years	Lack of Medical Care	Unfounded

**Report Summary:**

Parents abuse suboxone and alcohol to the point of impairment while caring for the children. BM had a long history of abusing heroin, cocaine, meth and marijuana. The children had several illnesses including worms, parasites and numerous skin infections. The parents allowed the children to play in a non-working Jacuzzi. The children continued to get skin infections as a result. The children had spider bites all over their bodies. The four-year-old child had severe infections in her ear. The child had a toy earring lodged into the ear which caused a major infection on the eardrum. The parents never sought medical care for any of the illnesses.

**Determination:** Unfounded

**Date of Determination:** 07/06/2012

**Basis for Determination:**

The parents denied the allegations. The parents appeared sober and coherent. HV found the house to be above minimal standards with no drugs or drug paraphernalia seen. Child did have a parasite due to eating undercooked food and was treated at an emergency room in Syracuse and followed up with pediatrician. Children were seen and appeared healthy and well cared for. Collateral contact made with school and pediatrician with no concerns. Services offered and declined.

**OCFS Review Results:**

ECDSS completed unannounced HV and observed the children and the home to be safe. The CW spoke with the pediatrician and the school, who had no concerns for the children. The family denied services.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/21/2013	8951 - Deceased Child, Male, 2 Years	8952 - Mother, Female, 30 Years	Malnutrition / Failure to Thrive	Unfounded	No
	8951 - Deceased Child, Male, 2 Years	8953 - Father, Male, 30 Years	Parents Drug / Alcohol Misuse	Unfounded	
	8951 - Deceased Child, Male, 2 Years	8952 - Mother, Female, 30 Years	Inadequate Guardianship	Unfounded	
	8951 - Deceased Child, Male, 2 Years	8953 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	
	8951 - Deceased Child, Male, 2 Years	8953 - Father, Male, 30 Years	Malnutrition / Failure to Thrive	Unfounded	



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8951 - Deceased Child, Male, 2 Years	8952 - Mother, Female, 30 Years	Parents Drug / Alcohol Misuse	Unfounded
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**Report Summary:**

Subject father and subject mother are abusing methamphetamine. SF cooked the meth in the basement. SM had a psychotic episode and tested positive for the drug. She requires hospitalization. The parents are failing to properly care for two year old subject child who looks malnourished and underweight.

**Determination:** Unfounded **Date of Determination:** 07/24/2014

**Basis for Determination:**

SF has custody of SC. SM visits the home, but is not allowed to have unsupervised visits with SC until she completes a Court menu to deal with her mental health and substance abuse issues. SM had a psychotic episode and test positive for methamphetamine. SC was not under SM's care or supervision when SM used drugs. SF will not allow SM unsupervised visits with SC. SM states she will complete her Court menu at her own pace. No further CPS intervention appears necessary. Services offered and declined. SC appears safe at this time.

**OCFS Review Results:**

No concerns upon OCFS review.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
12/06/2013	8827 - Other Child - Cousin, Male, 8 Years	8825 - Aunt/Uncle, Female, 34 Years	Inadequate Guardianship	Indicated	No
	8827 - Other Child - Cousin, Male, 8 Years	8825 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Indicated	
	8828 - Other Child - Cousin, Female, 5 Years	8826 - Aunt/Uncle, Male, 36 Years	Inadequate Guardianship	Indicated	
	8828 - Other Child - Cousin, Female, 5 Years	8825 - Aunt/Uncle, Female, 34 Years	Inadequate Guardianship	Indicated	
	8828 - Other Child - Cousin, Female, 5 Years	8825 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Indicated	
	8827 - Other Child - Cousin, Male, 8 Years	8826 - Aunt/Uncle, Male, 36 Years	Parents Drug / Alcohol Misuse	Indicated	
	8828 - Other Child - Cousin, Female, 5 Years	8826 - Aunt/Uncle, Male, 36 Years	Parents Drug / Alcohol Misuse	Indicated	
	8827 - Other Child - Cousin, Male, 8 Years	8826 - Aunt/Uncle, Male, 36 Years	Inadequate Guardianship	Indicated	

**Report Summary:**

The mother and father were abusing Meth while caring for children eight and five-years-old. The parents had a Meth lab in the home that was located off one of the bedrooms. The great grandfather was unaware and had no role. The mother had been detained by the police and the father was on the run. A plan was needed for the children's care when they returned home from school.

**Determination:** Indicated **Date of Determination:** 12/24/2013

**Basis for Determination:**

There was an active meth lab discovered in the home where the family lived with their children. Both parents were arrested and charged with unlawful manufacturing of methamphetamine, 7th degree criminal possession of a controlled



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substance, and 1st degree unlawfully dealing with a child. A neglect petition was filed and removal was granted in family court. The children were residing with a MA under the N-docket.

**OCFS Review Results:**

NCDSS completed home visit's and spoke to all party's involved. NCDSS filed a petition in family court and children were placed with a relative resource and a services case was opened.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/10/2014	8842 - Deceased Child, Male, 2 Years	8843 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	No

**Report Summary:**

Subject father has been physically abusive toward subject child. Subject father punches the SC. It is unknown if the SC has sustained injuries. SC suffers from asthma. At times when the SC is having an asthma attack, SF refuses to give the SC the inhaler to help the SC breathe better. Subject mother has had to intervene. The role of SM is unknown.

**Determination:** Unfounded

**Date of Determination:** 12/31/2014

**Basis for Determination:**

CW found no credible evidence to support that SF refuses to give SC his inhaler and breathing treatment for SC's asthma. SF showed CW SC's prescription and nebulizer machine. Both SM and SF denied SF not assisting SM with SC's asthma care. SC's Pediatrician verified that SC was seen 11/12/14 for well child and asthma visit. SC advised both parents assist him with his asthma treatments. SM and SC denied SF ever using physical discipline and SC has never been observed with marks or bruises. Case is closed. No services are needed. SC appears safe at this time.

**OCFS Review Results:**

No concerns upon OCFS review.

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

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

There are two cross-referenced SCR reports more than three years before the fatality report involving the adult subject in the fatality report. These reports are as follows:

06/17/2011 with allegations of IG and Parent D/A Misuse INDICATED 06/29/2011 against SF and SM. Findings: SM was under the influence of alcohol and both SM and SF engaged in domestic violence with SC present. SM sustained marks and bruises. Voluntary Preventive services started.

08/15/2011 with allegations of IG and Parent D/A misuse against SF and SM. Also, two subsequent reports consolidated into the open report with allegations of IG and Parent's D/A misuse against SF and SM. INDICIATED 08/31/2011 against SF and SM. Findings: SF and SM engaging in DV in presence of SC. Both parents abusing alcohol and drugs and engaging in on-going DV in presence of SC. Article 10 filed. Court Ordered preventive services started 8/29/10.

**Known CPS History Outside of NYS**

There is significant history for SM outside New York State in Missouri including a voluntary surrender of one child born 6/22/05 that was adopted by his foster parents and four children residing in Pennsylvania with the maternal grandparents



who filed for and obtained custody. The four children in Pennsylvania had the same mother and father. The child that was adopted had the same mother and different father. The five children's dates of birth are 4/14/01, 6/21/02, 6/22/05, 5/10/20/06 and 5/6/09.

St. CHARLES COUNTY, MISSOURI. (No copies of reports or details/ just history notes in files as listed below)  
10/21/06. SM had positive toxy for marijuana during pregnancy. SM and child not positive during birth.

1/24/08. SM and children residing in Shelter. SM and father involved in DV. Father abusing drugs/alcohol. Services initiated.

2/8/08. Allegations of sex abuse against children's father. Children report father making them watch movies with sex in them. The report was unfounded.

**ST. FRANCIS COUNTY, MISSOURI**

8/20/08. SM physically abusing the children. This was unfounded, but children reported physical abuse by father. Father was already incarcerated due to a violation of parole. SM and children living with Paternal Grandparents and appear safe.

5/6/09. SM toxy positive for marijuana at child's birth. SM gave custody of child to Maternal grandparents who already had custody of her three other children.

9/12/01. Father leaving child unsupervised and gripping child by arm and dropping in fits of anger. Outcome: Services needed.

9/17/01 SM obtained OOP against father for five month old child. SM threatening to drive her car into a wall to kill herself. Outcome: services needed.

10/11/02. SM obtained OOP against father for child age 6 months due to father anger issues. Outcome: Services needed.

11/05/07. Allegations of physical abuse and failure to give medications to 1 year old child. SM could not be located. Children living with father in paternal grandparent's home. Outcome: No services needed.

9/5/07. Two year old child voluntarily surrendered and adopted by his foster parents. Case opened since 8/19/05.

7/6/09 hearing. One report unknown details requested by Family Court resulting from maternal grandparents petitioning for guardianship of SM's three children. The grandparents were awarded guardianship.

**Services Open at the Time of the Fatality**

**Required Action(s)**

**Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?**  
Yes No



Preventive Services History

Following receipt of an SCR report, with allegations of IG and Parent's Drug/Alcohol misuse, SF/SM/SC received Preventive Services starting 06/24/2011. The report was INDICATED on 6/29/11. The Preventive Services became Court Ordered following the filing of an Article 10 Abuse/Neglect petition in Erie County Family Court on 08/29/2011. Preventive Services were ended and subject child's track was closed on 08/16/2013 with goal achieved.

OC's parents, the paternal aunt (PA) and paternal uncle (PU) to SC, had an open services case with Niagara County DSS from 12/11/13 - 3/26/15. The case was opened due to PA and PU being arrested for operating a Methamphetamine Lab in their home. PA and PU's two children, OC age five and her sibling age eight years old, were removed from their care and placed into foster care until 4/5/14 when they were placed with their PGF. PA and PU were receiving services including; a parenting worker, supervised visitation, and substance abuse treatment. On 1/7/15, the parents admitted in Family Court to manufacturing meth in their home while the children were in the home. PA and PU were sentence to Federal prison on 1/14/15. The PU received 20 months in jail and the PA received 12 months in jail. The PGF was granted Article 6 custody on a V-Docket on 3/11/15. Niagara County did not have supervision after PGF obtained custody.

Casework Contacts

Table with 5 columns: Question, Yes, No, N/A, Unable to Determine. Row 1: Were face-to-face contacts with the child in the child's placement location made with the required frequency? (Yes: [ ], No: [ ], N/A: [x], Unable to Determine: [ ])

Required Action(s)

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

[ ] Yes [x] No

Foster Care Placement History

OC's parents, PA and PU, were arrested for operating a Meth lab in their home. OC and her sibling were initially placed with a paternal great aunt from 12/6/13 to 1/8/14. The aunt however, did not want to be a resource for an extended period and the children were then placed into foster care until 4/5/14 when OC and her sibling were then placed with the PGF as a relative resource. The PGF obtained Article 6 custody on a V-Docket on March 11, 2015. Following the fatality accident, it was learned that the PGF had, upon obtaining custody, subsequently sent OC to reside with SF, SM, and SC. OC's sibling was residing back and forth between the SF/SM/SC home and another paternal uncle's home. At the time of the fatality accident, OC's sibling was not residing in the SF/SM/SC home. Niagara County did not have supervision of the children after the PGF obtained custody.

During this time, PA and PU were receiving services including; a parenting worker, supervised visitation, and substance abuse treatment. On 1/7/15, the parents admitted in Family Court to manufacturing Methamphetamine in their home while the children were in the home. PA and PU were sentence to Federal prison on 1/14/15. The PU received 20 months in jail and the PA received 12 months in jail.



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## 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:
12/09/2013	Adjudicated Neglected	Custody Transferred to Relative or Non-Relative Foster Care
<b>Respondent:</b>	027781 Aunt/Uncle Male 38 Year(s)	
<b>Comments:</b>	12/9/13 Custody transferred to relative. 1/9/14 Custody to LDSS. 3/11/15 Article 6 Custody to relative. Paternal grandfather obtained custody. Niagara County DSS did not have supervision after paternal grandfather obtained custody.	

### Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
12/09/2013	Adjudicated Neglected	Custody Transferred to Relative or Non-Relative Foster Care
<b>Respondent:</b>	027782 Aunt/Uncle Female 36 Year(s)	
<b>Comments:</b>	12/9/13 Custody transferred to relative. 1/9/14 Custody to LDSS. 3/11/15 Article 6 Custody to relative. Paternal grandfather obtained custody. Niagara County DSS did not have supervision after paternal grandfather obtained custody.	

## 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