



Report Identification Number: BU-18-025

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

Issue Date: Jan 11, 2019

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		



Case Information

Report Type: Child Deceased
Age: 2 month(s)

Jurisdiction: Erie
Gender: Male

Date of Death: 08/07/2018
Initial Date OCFS Notified: 08/07/2018

Presenting Information

An SCR report stated that on 8/7/18 the 3-month-old infant was sleeping in the bed with the mother and she found him unresponsive. The mother brought the baby to the father in the living room, and the father called 911. First responders arrived at the home and found the baby unresponsive and a relative performing CPR. EMS took over CPR and transported the child to the ER. The home was reportedly deplorable and posed a health and safety hazard to the surviving siblings.

Executive Summary

This report concerns the death of the 2-month-old male child. Erie County Department of Social Services (ECDSS) received an SCR report regarding the infant's death on 8/7/18. The baby was an otherwise healthy child, and died suddenly after he was placed to sleep in an adult sized bed.

On 8/6/18 the father placed the infant on the bed, positioned on his side and propped with a pillow. SF checked on the child 15 minutes later and the baby was alive and sleeping. The SM went to check on the child a short time after and found the baby face down in the mattress and unresponsive. The SM called 911 and the SF began CPR. EMS responded and the baby was taken to the hospital. EMS and hospital staff continued attempts to resuscitate the infant, but were unsuccessful.

The ME was notified and performed an autopsy. The ME's final report noted the cause of death was positional asphyxia and the manner of death was accidental.

LE investigated the death of the infant, and closed their case without pursuing criminal charges, due to the ME's report.

ECDSS located the surviving siblings, ages 10, 5 and 1, and assessed them to be safe. After the death of the infant, and in consideration of the family's CPS history, ECDSS asked the mother to agree to a safety plan in which the surviving siblings stayed in the home of their grandfather while more information was gathered about the death of the infant. The SM and SF agreed to the plan, and the children returned to the parents' home after preventive services were promptly put in place. ECDSS also saw the father's 4yo child that was visiting him after the baby's death. The child was assessed to be safe, and resided with his mother. ECDSS arranged for the 3 surviving siblings to have medical exams at the CAC, and the children were given immunizations that were overdue.

ECDSS spoke with extended family members, including the uncle that was at the home at the time of the death. ECDSS gathered pertinent information through interviews with collaterals.

In ECDSS review of the family's history it was found the SM had a child die in 2016 as a result of ingesting medication left out in the home. At that time, ECDSS removed the surviving siblings, and they were placed in the custody of their maternal grandparents, from 11/2016 through 12/2017; the siblings were then returned to the custody of the mother.

After the death of the subject child, ECDSS swiftly consulted their legal department, and filed a neglect petition in Family Court against the mother and father. The court granted ECDSS supervision over the mother and father, and ECDSS immediately put services in place to assist the mother and father in keeping the surviving children in their care. ECDSS began preventive services, until intensive prevention services began. ECDSS provided the mother and father referrals for



mental health counseling, substance abuse counseling, grief counseling and early intervention. The parents were also provided with counseling referrals for the surviving siblings. ECDSS continued to oversee the goals and services for the family and made home visits. The parents were cooperative with court supervision and were actively engaged in the referred services at the time of this writing.

ECDSS properly substantiated the allegations of IG and DOA/Fatality against the mother and father regarding the infant child. The parents failed to provide a minimum degree of care by placing the infant to sleep on an adult size bed, propped on his side. The infant rolled over and asphyxiated as a result of the sleep environment. ECDSS also appropriately added and indicated an allegation of PD/AM against the maternal uncle and father regarding the day of the fatality, as they admitted to marijuana use in the home while the children were present. The allegation of IF/C/S was unsubstantiated against the mother, father and uncle in regard to all the children, as the home was deemed appropriate and did not pose a hazard to the children.

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:

ECDSS gathered sufficient information throughout the course of their investigation to make a determination and conclude the CPS investigation.

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:

The casework was commensurate with the case circumstances and ECDSS clearly documented all activities throughout the investigation.



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: 08/07/2018

Time of Death: 12:24 AM

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

12:00 AM

County where fatality incident occurred:

Erie

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 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

How long before incident was the child last seen by caretaker? 30 Minutes

At time of incident supervisor was: Not impaired.

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	2 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	24 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	5 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	1 Year(s)
Deceased Child's Household	Sibling	No Role	Female	10 Year(s)
Other Household 1	Aunt/Uncle	Alleged Perpetrator	Male	19 Year(s)
Other Household 2	Other Adult - BF of 10yo sibling	No Role	Male	29 Year(s)
Other Household 4	Other Adult - BF of 1yo sibling	No Role	Male	28 Year(s)
Other Household 5	Other Adult - BF of 5yo sibling	No Role	Male	26 Year(s)



LDSS Response

After receiving an SCR report on 8/7/18 regarding the death of the child, ECDSS contacted the source, ME, DA and LE. ECDSS completed a review of the family's CPS history and consulted with their legal department due to the extent of previous involvement with the family. ECDSS saw the three surviving siblings at the homes of family members and deemed they were safe. Only the 5yo and 1yo were home at the time of the baby's death, and they did not have any information to share. The 10yo sibling was at the maternal grandfather's home when the incident occurred.

ECDSS conducted an initial home visit and observed the home environment. ECDSS noted a crib and bassinet in the home and both were suitable sleep environments for the infant. The home was not observed to be a safety hazard to the children. The father told ECDSS that on 8/6/18 the children were home with their maternal uncle and himself. The father left the home around 5PM to visit his uncle and when he returned he watched movies with the mother, uncle, infant, 5yo and 1yo siblings. The father made dinner around 8PM and the baby fell asleep in the mother's arms around 10PM, after she had fed him. The father took the baby into the bedroom and placed him on the bed, positioned on his side. The father checked on the baby at around 10:15 and he was snoring and still lying on his side. Around 11PM the father was leaving the home to walk to the store and he heard the mother yelling that the baby wasn't breathing. The father went back into the home and began CPR while the mother called 911. EMS arrived and transported the baby to the hospital.

The mother reported the same events as the father and denied the baby was recently ill or taking medication. The mother explained they never slept in the bed with the baby, they always moved him to a toddler bed before laying in their bed. The mother said they did not use the crib or bassinet because they were too big for the baby and they could not clearly see him while he was sleeping. The mother reported the baby spit up a lot and they were told by the pediatrician to lay him on his side while he slept. The mother explained that a small pillow was placed behind his back, causing his left side to be raised. When she checked on the baby at 11PM, she found him face down and then realized he wasn't breathing when she picked him up. The mother assumed the child rolled over onto his stomach. The mother said they did not use a blanket to cover the baby. When the mother found the baby, he was in the middle of the bed and the pillow and blanket were away from him. The mother screamed for help and the father responded.

Both the parents received safe sleep education. The pediatrician stated the parents had told him about the baby spitting up. The Dr. told them to sit the baby upright for 30-60 minutes after feedings, to minimize the reflux. The Dr. had no concerns about the parents' care of the baby.

The father and uncle admitted they had been smoking marijuana earlier in the day, but not in front of the children. The father reported last using marijuana at 7PM, on 8/6/18. The father stated he smoked marijuana each day, but not when he was alone with the children. The mother denied using marijuana in the time before the baby's death and stated she only used it occasionally. Both parents denied alcohol use.

LE reported when they arrived at the home the parents had already gone to the ER with the baby. LE took a small pillow and a blanket that were found on the adult mattress where the baby was found unresponsive. LE reported there were no sheets on the bed. LE went to the ER to speak with the parents and stated they were visibly upset. LE reported the preliminary autopsy showed no signs of injury.

ECDSS notified and attempted to contact the fathers of the siblings. ECDSS was only able to locate the father of the 1yo sibling, and he had no contact with her due to an OP that had previously been issued. He had no information to share.

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: Medical Examiner

Multidisciplinary Investigation/Review

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

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

Comments: Erie County does not have an OCFS approved child fatality review team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
048709 - Deceased Child, Male, 2 Mons	048710 - Mother, Female, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048709 - Deceased Child, Male, 2 Mons	048710 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Substantiated
048709 - Deceased Child, Male, 2 Mons	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Guardianship	Substantiated
048709 - Deceased Child, Male, 2 Mons	048710 - Mother, Female, 24 Year(s)	DOA / Fatality	Substantiated
048709 - Deceased Child, Male, 2 Mons	048712 - Aunt/Uncle, Male, 19 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048709 - Deceased Child, Male, 2 Mons	048711 - Father, Male, 24 Year(s)	DOA / Fatality	Substantiated
048709 - Deceased Child, Male, 2 Mons	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048709 - Deceased Child, Male, 2 Mons	048711 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
048709 - Deceased Child, Male, 2 Mons	048711 - Father, Male, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048709 - Deceased Child, Male, 2 Mons	048711 - Father, Male, 24 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048714 - Sibling, Female, 5 Year(s)	048711 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
048714 - Sibling, Female, 5 Year(s)	048710 - Mother, Female, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048714 - Sibling, Female, 5 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048714 - Sibling, Female, 5 Year(s)	048710 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Substantiated
048714 - Sibling, Female, 5 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Guardianship	Substantiated
048714 - Sibling, Female, 5 Year(s)	048711 - Father, Male, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated



Child Fatality Report

048714 - Sibling, Female, 5 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048714 - Sibling, Female, 5 Year(s)	048711 - Father, Male, 24 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048715 - Sibling, Female, 1 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048715 - Sibling, Female, 1 Year(s)	048711 - Father, Male, 24 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048715 - Sibling, Female, 1 Year(s)	048710 - Mother, Female, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048715 - Sibling, Female, 1 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Guardianship	Substantiated
048715 - Sibling, Female, 1 Year(s)	048712 - Aunt/Uncle, Male, 19 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048715 - Sibling, Female, 1 Year(s)	048711 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
048715 - Sibling, Female, 1 Year(s)	048711 - Father, Male, 24 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
048715 - Sibling, Female, 1 Year(s)	048710 - Mother, Female, 24 Year(s)	Inadequate Guardianship	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"/>
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"/>

Additional information:

The casework was commensurate with the case circumstances; pertinent information was gathered from collaterals.

Fatality Safety Assessment Activities



Child Fatality Report

	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 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 checked="" type="checkbox"/>	<input 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
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 checked="" type="checkbox"/>	<input 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:
 The calculated future risk to the surviving children was "very high" based on the completed Risk Assessment tool. ECDSS filed a neglect petition in Family Court and put appropriate services in place, in an effort to mitigate the risk. ECDSS continued court ordered supervision of the family at the time of this writing.

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"/>



Child Fatality Report

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"/>
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Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
08/10/2018	There was not a fact finding	Order of Supervision
Respondent:	048710 Mother Female 24 Year(s)	
Comments:	At the initial court appearance when the petition was filed by ECDSS, Court ordered services were put in place. These services were supervised by ECDSS and a Preventive Services case was opened.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/10/2018	There was not a fact finding	Order of Supervision
Respondent:	048711 Father Male 24 Year(s)	
Comments:	At the initial court appearance when the petition was filed by ECDSS, Court ordered services were put in place. These services were supervised by ECDSS and a Preventive Services case was opened.	

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Homemaking Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Parenting Skills	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Alcohol/Substance abuse	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety resources	<input checked="" type="checkbox"/>	<input 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:

The family received food stamps, temporary financial assistance and a housing subsidy at the time of the infants death. As a result of Family Court proceedings that were initiated by ECDSS, the family agreed to participate in court ordered services. As part of the services the family received intensive prevention services within the home. The services included support with housekeeping goals.

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? Yes

Explain:

The siblings were provided intensive prevention services, grief counseling and early intervention.

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

Explain:

The mother and father were offered intensive prevention services, grief counseling, MH and substance abuse treatment screening and early intervention.

History Prior to the Fatality

Child Information

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

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)
01/10/2017	Sibling, Female, 8 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 4 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 5 Months	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The SCR report stated that the 3 surviving siblings were removed from the care of the mother due to neglect and were residing with their maternal grandparents. The mother was only permitted supervised contact with the children. The report alleged that the children were in the care of a babysitter on 1/9/17, and she left the children alone and unsupervised with the mother. In that time, the mother took the children with her to her home, without notifying the babysitter. The mother was aware she can not have unsupervised contact with the children, yet continued to do so.

Report Determination: Unfounded**Date of Determination:** 06/22/2017**Basis for Determination:**

ECDSS found no evidence that the mother was having unsupervised contact with the children. The relatives with custody of the children, mother and all the children denied this ever happened. All adults were aware the mother's visits had to be supervised. They also denied anyone outside of family ever babysat for the children. During the investigation the children moved to the home of an uncle and the mother continued to follow through with her court ordered services.

OCFS Review Results:

ECDSS contacted several collaterals and the adults listed on the case. The children were also seen and interviewed. There were no concerns regarding the care of the children noted, and the mother was in compliance with all court ordered services. The safety and risk assessments were completed and written notification of the report was sent to all adults. There was a services case open at the time of this investigation, due to the past removal of the children and the case remained open when the investigation concluded.

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)
10/25/2016	Sibling, Female, 8 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated	No
	Sibling, Female, 8 Years	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 3 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 3 Years	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 2 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated	

Sibling, Female, 2 Years	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 2 Months	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 2 Months	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 2 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	DOA / Fatality	Substantiated
Sibling, Female, 8 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 8 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 8 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Female, 3 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 3 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 3 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Female, 2 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 2 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 2 Years	Other Adult - BF of 2-month-old SS, Male, 26 Years	Parents Drug / Alcohol Misuse	Substantiated
Sibling, Female, 2 Months	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 2 Months	Other Adult - BF of 2-month-old SS, Male, 26 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 2 Months	Other Adult - BF of 2-month-old SS, Male, 26 Years	Parents Drug / Alcohol Misuse	Substantiated

Report Summary:

An SCR report was received that alleged on 10/24/16, a sibling died while in the care of the father of a surviving sibling. The sibling's father took sleeping pills while he was caring for the siblings (ages 8,3,2,1 and 2-months at the time of the report). The father fell asleep and when he woke the then 1yo sibling was unresponsive on the bathroom floor. The home had several hazardous materials accessible to the children. The mother was working at the time of the child's death.

Report Determination: Indicated

Date of Determination: 12/23/2016

Basis for Determination:

ECDSS found evidence that the sibling's father was drinking alcohol and took sleep medication while he was alone caring for the children. He then went to sleep in a bedroom and left the children unsupervised. The children were awake and playing while he slept. There was medication and cleaning supplies accessible to the children in the home and the child ingested medication and it caused her to die. The mother was aware of the conditions of the home and failed to intervene on behalf of the children's safety. The father woke to find the child lying on the floor unresponsive. The father failed to supervise the children and the household environment was hazardous.

**OCFS Review Results:**

OCFS previously reviewed this investigation and issued a fatality report regarding the death of the child in this report. As a result of this fatality the surviving siblings were removed from the mother's care and placed with relatives under Article 1017 of the NYS Family Court Act. A preventive services case was opened and the mother was court ordered to participate in and complete several services, before her children were returned to her care. The subject child had not yet been born at the time of this report. There were no issues regarding the investigation and the casework was commensurate with the circumstances.

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)
12/19/2015	Other Child - child of unrelated household member, Male, 3 Years	Father, Male, 21 Years	Inadequate Guardianship	Substantiated	No
	Other Child - child of unrelated household member, Male, 3 Years	Father, Male, 21 Years	Lack of Supervision	Substantiated	
	Other Child - child of unrelated household member, Male, 3 Years	Unrelated Home Member, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Months	Unrelated Home Member, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

An SCR report was received and alleged that the subject father was caring for a 3yo unrelated child while the child's mother was working and he left the child home alone. The child was found alone in the street and was crying. The home was littered with garbage, cigarette butts and debris, which posed a hazard to the children living there. The subject father and mother failed to address the safety concerns in the home.

Report Determination: Indicated

Date of Determination: 01/26/2016

Basis for Determination:

ECDSS found no evidence that the mother of the child was responsible for the child being alone and wandering the streets. The mother was working at the time and left the child in the care of the subject father. ECDSS confirmed the 3yo was alone outside while he was in the care of the father. A neighbor found the child and brought him home. The police were contacted and responded, and the father arrived home stating he had left the child with a friend. There was no adult caring for the child and the home was messy. The subject father and mother cleaned the home and it was found free of safety concerns at subsequent home visits.

OCFS Review Results:

The adults and the children were seen. The subject father stated he left the 3yo child with a friend while he went to the store. The friend was interviewed and stated he was at the home on same day around the time of the incident, but stated that when he left the home the father was there. ECDSS did initially discuss the incident with the mother and subject father, but did not document revisiting the circumstances after the father's friend denied he left the child alone. There was also no documentation that a discussion occurred about the danger of leaving the 3yo home alone and whether or not the subject father would do so in the future.

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

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

5/14/2015-03/31/2016-An SCR report with an allegation of LS unsubstantiated against the mother regarding the 5yo SS.



Known CPS History Outside of NYS

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

Preventive Services History

There was a Preventive Services case opened on 10/28/16, after the death of one of the siblings occurred. The home was found to be extremely unkempt and there were drugs and toxic chemicals left out and accessible to the children. The deceased child died as the result of ingesting medication that was left out. The 1yo sibling's father was responsible for watching the children on the day of the fatal incident and he was intoxicated and failed to supervise them. The mother was working at the time of the incident, but was aware the siblings father had been drinking alcohol and also aware of the dangers in the environment of the home. ECDSS filed a neglect petition in Family Court and the children were removed and placed in the home of the maternal grandparents under Article 1017 of the Family Court Act. The father of the 1yo SS was not required to participate in services because an OP was put in place, which prohibited him from having contact with any of the siblings until they were 18 years old. The mother participated in parent education, mental health services, grief counseling, housing assistance, homemaking services and had supervised visits with the children. The mother successfully completed all court ordered services and regained custody of the children on 12/21/17. The court ordered supervision ended on 2/2/18, and the Preventive Services case was closed on 2/21/18.

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

Have any Orders of Protection been issued? Yes

From: Unknown

To: 08/30/2034

Explain:

An Order of Protection was put in place against the biological father of the 1yo surviving sibling, as a result of a previous child fatality that occurred on 10/24/2016. The order was for the three surviving siblings.

Additional Local District Comments

We appreciate the opportunity given to us to review the draft report in advance. We find that the facts, as written, describe the unfortunate events and the actions taken in response. We are pleased that OCFS found that the fatality investigation was conducted appropriately and that there are no required actions related to the fatality or to the CPS investigations conducted during the three years preceding the fatality.

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