



**Report Identification Number: BU-18-037**

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

**Issue Date: Jun 10, 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:** 0 day(s)

**Jurisdiction:** Niagara  
**Gender:** Male

**Date of Death:** 12/20/2018  
**Initial Date OCFS Notified:** 12/21/2018

## Presenting Information

An SCR report received on 12/21/18 alleged the mother, who was pregnant, became so impaired by marijuana, opiates, and benzodiazepines that labor was induced at 23 weeks gestation. The mother did not seek any medical attention when she realized she was in labor, but took another handful of opiates and benzodiazepines to address the pain. The mother gave birth to the subject child who was breathing but not crying. The mother then called 911, and the child was brought to the hospital where he was pronounced deceased on 12/20/18. The report further alleged the father and mother would have escalating verbal arguments in front of their three children, ages 5, 2, and 10 months old, and the mother had a long history of untreated mental health concerns.

## Executive Summary

This fatality report concerns the death of a one-day-old subject child (SC) that occurred on 12/20/18. A report was made to the SCR on 12/21/18, with allegations of Inadequate Guardianship, Parent’s Drug/Alcohol Misuse, and DOA/Fatality against the child’s mother (SM) and father (SF). Niagara County Department of Social Services (NCDSS) received the report and began an investigation into the child’s death. An autopsy was completed and the medical examiner noted the child was born at 22-23 weeks gestation and died of natural causes.

At the time of the child’s death, his mother and father resided together with their 3 other children in common, ages 5, 2, and 10 months old. The mother had 3 additional daughters, ages 14, 13, and 11 years old; these children resided with their biological father. The father had three additional children, ages 17, 16, and 13 years old, who resided with their biological mother.

It was discovered on the evening of 12/19/18, the mother, who was approximately six months pregnant, was at her sister’s home and began experiencing cramping and bleeding. The investigation revealed the mother took several of her sister’s controlled substance medications and smoked marijuana in the hours leading up to the child’s birth. The mother reported she did so due to the pain she was experiencing. In the early morning hours of 12/20/18, the mother gave birth to the child at her sister’s home, and the child was breathing but did not cry. The sister and sister’s boyfriend were present for the birth, and 911 was called. EMS responded to the address and transported the mother and child to the hospital. Although resuscitation efforts were made, medical staff declared the infant “non-viable”, and the child was pronounced deceased at 6:30AM. Medical staff and the medical examiner could not say for certain that the mother’s drug use caused the preterm labor and subsequent death of the child.

From the time the investigation began to the time of its closure, NCDSS met with the mother, father, and all surviving siblings and half-siblings on more than one occasion. Home environments were assessed and safety plans were implemented when needed. NCDSS filed a petition in Family Court and initiated court proceedings. NCDSS spoke with many collateral sources and offered the family appropriate referrals in response to the child’s death. There were no criminal charges brought against either parent. At the time of the investigation’s closure, the 3 youngest siblings were in the care and custody of a paternal uncle. The record did not reflect the mother’s sister and her boyfriend were interviewed as collateral sources. Review of the case record revealed the Safety Assessments and Risk Assessment Profile to be inaccurate. NCDSS closed the investigation and opened the case for mandated CPS services, which remained ongoing at the time of this writing.

### PIP Requirement



NCDSS will submit a Program Improvement Plan (PIP) to their Regional Office within 30 days of issuance of this report. This PIP will identify what action(s) NCDSS has taken, or will take, to address the cited issue(s). For citations where a PIP is currently implemented, NCDSS will review the plan(s) and revise as needed to further address on-going concerns.

## 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:

NCDSS gathered sufficient information to appropriately reflect the chosen safety decisions; however, the completed assessments did not reflect new information gathered.

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 decision to determine the investigation allegations and open the case for CPS services was appropriate.

## Required Actions Related to the Fatality

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

<b>Issue:</b>	Adequacy of Documentation of Safety Assessments
<b>Summary:</b>	Although all safety assessments were completed timely, each assessment is identical to the 24 hour assessment, and there was no updated information regarding any of the noted safety concerns.
<b>Legal Reference:</b>	18 NYCRR432.2(b)(3)(ii)(c)&(iii)(b)



<b>Action:</b>	The investigation conducted by the child protective service shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment in the form and manner provided by OCFS.
<b>Issue:</b>	Adequacy of Risk Assessment Profile (RAP)
<b>Summary:</b>	The Elevated Risk Factors note the newborn "died as a result of abuse by the mother"; however, the case record reflected several times that the ME ruled the death to be from natural causes.
<b>Legal Reference:</b>	18 NYCRR 432.2(d)
<b>Action:</b>	NCDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.
<b>Issue:</b>	Contact/Information From Reporting/Collateral Source
<b>Summary:</b>	Although the case record noted the mother's sister and her boyfriend were present at the time the mother gave birth to the subject child, NCDSS did not make attempts to interview either as collateral sources.
<b>Legal Reference:</b>	18 NYCRR 432.2(b)(3)(ii)(b)
<b>Action:</b>	NCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

## Fatality-Related Information and Investigative Activities

### Incident Information

**Date of Death:** 12/20/2018

**Time of Death:** 06:30 AM

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

Unknown

**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: Had just been born.

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

**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**

**Adults: 0**

**Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	0 Day(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	39 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	34 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	2 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	5 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	10 Month(s)
Other Household 1	Other Adult - BF of 3 Half-Siblings	No Role	Male	33 Year(s)
Other Household 1	Sibling	No Role	Female	11 Year(s)
Other Household 1	Sibling	No Role	Female	13 Year(s)
Other Household 1	Sibling	No Role	Female	14 Year(s)
Other Household 2	Other Adult - BM of 2 Half-Siblings	No Role	Female	49 Year(s)
Other Household 2	Sibling	No Role	Male	16 Year(s)
Other Household 2	Sibling	No Role	Male	17 Year(s)
Other Household 2	Sibling	No Role	Female	13 Year(s)

**LDSS Response**

On 12/21/18, NCDSS received an SCR report regarding the death of the subject child, which occurred on 12/20/18. NCDSS initiated their investigation into the reported fatality within 24 hours, coordinated their efforts with their Multidisciplinary Team, and promptly assessed the safety of the nine surviving siblings and half-siblings.

On 12/21/18, NCDSS spoke with medical staff who confirmed the mother admitted to using drugs and reported the father was abusive toward her. Medical staff later reported the mother and child tested positive for opiates, THC, and benzodiazepines at the time of the subject child's birth. The child was born at 23 weeks gestation. NCDSS also spoke to the father via phone, who reported the mother had taken her sisters medications in the hours leading up to the birth of their child. The father also stated that he smoked marijuana regularly. Due to the family's extensive CPS history, as well as concerns regarding drug use and interpersonal violence, NCDSS removed the 10-month-old, 2- and 5-year-old surviving siblings from the home. NCDSS reached out to the maternal grandfather, who agreed to have the siblings stay in his care while the fatality was investigated; he signed a relative placement agreement. During the investigation, the grandfather was granted temporary custody of the siblings via Family Court. The 6 half-siblings were not in the care of the mother or father, and therefore a plan was not needed.

On the same date, NCDSS met with the verbal sibling and half-siblings at their schools, and no concerns regarding their care when with their mother and/or father were noted. Only the eldest half-siblings had knowledge of the fatality, and reported the baby died due to being born too early.

It was revealed through interviews that the mother had gone to the hospital on 12/18/18 due to cramping and bleeding. Medical staff found the mother was not contracting, and therefore discharged her. The mother reported to NCDSS that she



went from the hospital to her sister’s home, and on 12/20/18, awoke in the middle of the night with more cramping and bleeding. The mother admitted she took “more than 5” of her sister’s controlled substance medications due to the pain. The mother stated she delivered the baby at her sister’s home and called 911 after the baby was born. She stated she and the child were then transported to the hospital. The mother also admitted to using marijuana daily.

NCDSS filed a Severe Abuse Petition against both parents in Family Court on 12/28/18. The judge ruled the siblings were to remain in the care of their grandfather and the mother and father were to have no unsupervised contact. Throughout the investigation, NCDSS gathered information surrounding the mother and father’s drug use. It was discovered the mother engaged in using crack in August 2018. It was further discovered the mother had untreated clinical concerns that also affected her ability to care for her children. On 2/6/19, the mother and father appeared in Family Court and the mother entered an admission of abuse/neglect; however, the father did not. A return court date was scheduled for July 31, 2019, and the orders of supervision remained in place. The custody of the 3 youngest siblings was transferred to a paternal uncle.

Throughout the investigation, NCDSS completed home visits to assess the safety of the siblings and half-siblings. NCDSS spoke with many collateral sources, including law enforcement, the medical examiner, hospital staff, pediatricians, and school staff. The final autopsy noted the child’s cause of death as “double outlet right ventricle” and the manner as natural. The allegations regarding the subject child were unsubstantiated, as medical professionals could not confirm the child’s premature birth was due to the mother’s illicit drug use. All other allegations in the report were substantiated. NCDSS closed the investigation and a services case remained open at the time of this writing.

### Official Manner and Cause of Death

**Official Manner:** Natural

**Primary Cause of Death:** From a medical cause

**Person Declaring Official Manner and Cause of Death:** Medical Examiner

### Multidisciplinary Investigation/Review

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

**Comments:** This fatality investigation was conducted by the Niagara County Multidisciplinary Team.

**Was the fatality reviewed by an OCFS approved Child Fatality Review Team?** Yes

**Comments:** This fatality was reviewed by the Niagara County Child Fatality Review Team.

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
050156 - Deceased Child, Male, 0 Days	050157 - Mother, Female, 34 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
050156 - Deceased Child, Male, 0 Days	050157 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
050156 - Deceased Child, Male, 0 Days	050157 - Mother, Female, 34 Year(s)	DOA / Fatality	Unsubstantiated
050159 - Sibling, Female, 10 Month(s)	050158 - Father, Male, 39 Year(s)	Inadequate Guardianship	Substantiated
050159 - Sibling, Female, 10 Month(s)	050157 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated



# Child Fatality Report

050159 - Sibling, Female, 10 Month(s)	050157 - Mother, Female, 34 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
050160 - Sibling, Male, 2 Year(s)	050157 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
050160 - Sibling, Male, 2 Year(s)	050157 - Mother, Female, 34 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
050160 - Sibling, Male, 2 Year(s)	050158 - Father, Male, 39 Year(s)	Inadequate Guardianship	Substantiated
050161 - Sibling, Female, 5 Year(s)	050157 - Mother, Female, 34 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
050161 - Sibling, Female, 5 Year(s)	050157 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
050161 - Sibling, Female, 5 Year(s)	050158 - Father, Male, 39 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 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 type="checkbox"/>	<input checked="" 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:**

NCDCSS spoke with several appropriate collateral sources; however, did not speak with SM's sister and her boyfriend, both of whom were present during SC's premature birth.

### Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input 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 type="checkbox"/>	<input checked="" 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 elevated risk factors in the RAP were not accurate. Appropriate and needed services were offered to the family. A Severe Abuse petition was filed in Family Court, and a CPS services case was opened in response to the fatality investigation.

### 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 children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<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:**  
 With agreement by SM and SF, the three youngest surviving siblings were placed in relative custody with their maternal



grandfather within the few days preceding SC's death. At the close of the investigation, a Family Court Judge ordered the siblings into the care and custody of a paternal uncle.

### 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:
12/28/2018	Adjudicated Abused	CustodyGuardianship assigned to relative or non-relative (Article 6 non-foster care)
<b>Respondent:</b>	050157 Mother Female 34 Year(s)	
<b>Comments:</b>	NCDSS filed a Severe Abuse Petition against both parents in Family Court on 12/28/18. On 2/6/19, the mother entered an admission of abuse/neglect; however, the father did not. A return court date was scheduled for July 31, 2019, and orders of supervision remained in place. The custody of the 3 youngest siblings was transferred to a paternal uncle.	

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

Date Filed:	Fact Finding Description:	Disposition Description:
12/28/2018	Adjudicated Abused	CustodyGuardianship assigned to relative or non-relative (Article 6 non-foster care)
<b>Respondent:</b>	050158 Father Male 39 Year(s)	
<b>Comments:</b>	NCDSS filed a Severe Abuse Petition against both parents in Family Court on 12/28/18. On 2/6/19, the mother entered an admission of abuse/neglect; however, the father did not. A return court date was scheduled for July 31, 2019, and orders of supervision remained in place. The custody of the 3 youngest siblings was transferred to a paternal uncle.	

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

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 case was opened for court ordered CPS services in response to the fatality investigation. SM and SF may have benefited from Family Planning services and Parenting Skills services; however, the record did not reflect if these services were offered.

**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:**  
 NCDSS provided grief and bereavement counseling referrals to the parents for the surviving siblings and half-siblings. The case was opened for CPS services.

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

**Explain:**  
 NCDSS provided grief and bereavement counseling referrals to the parents in response to the fatality. The case was opened for CPS services to address an array of other family needs.

## History Prior to the Fatality

### Child Information

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

### 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 neither of the issues listed noted in case record
- With fetal alcohol effects or syndrome

**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)
10/24/2018	Sibling, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Excessive Corporal Punishment	Unsubstantiated	Yes
	Sibling, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Lacerations / Bruises / Welts	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 14 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 14 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Girlfriend's CH, Female, 5 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Girlfriend's CH, Female, 5 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Girlfriend's CH, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Girlfriend's CH, Female, 11 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

This report was received with concerns the BF of the now 14, 13, and 11yo half-sibling was hitting the CHN with a wooden spoon and leaving bruises. The report further alleged the BF was using marijuana while caring for his CHN and his girlfriend's 2 CHN.

**Report Determination:** Unfounded**Date of Determination:** 02/25/2019**Basis for Determination:**

NCDSS interviewed family members and assessed the safety of the CHN on numerous occasions. NCDSS spoke with



several collateral sources, and provided referrals to the family. NCDSS did not find evidence that the BF's marijuana use negatively impacted the CHN, nor was evidence found to corroborate any excessive corporal punishment was occurring in the home. NCDSS unfounded and closed the case.

**OCFS Review Results:**

NCDSS completed the 7 Day Safety Assessment late, and several progress notes were entered more than one month after their event dates. The record did not reflect any attempts to interview the SM or the biological fathers of the girlfriend's CHN. The 5yo CH was not interviewed regarding all allegations.

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

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

The 7 Day Safety Assessment was not completed until 12/24/18, 54 days late.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

Within seven days of receiving a report, NCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Several progress notes were entered more than one month after event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

NCDSS will enter progress notes contemporaneously as events occur.

**Issue:**

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

**Summary:**

The record did not reflect any attempts to interview the SM or the biological fathers of the unrelated children. NCDSS did not fully interview the 5yo CH regarding the allegations in the report.

**Legal Reference:**

432.1 (o)

**Action:**

NCDSS will make efforts to interview all persons named in a report, face to face, who may have been present during what was alleged in the report, and/or may have information pertinent to the safety and well-being of children that reside in the home, including absent biological parents.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/16/2018	Sibling, Female, 12 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 12 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 32 Years	Lack of Medical Care	Unsubstantiated	
	Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	



Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 33 Years	Lack of Medical Care	Unsubstantiated
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**Report Summary:**

This report was received with concerns the BF of the now 14, 13, and 11 yo half-siblings was not compliant with the 13yo's clinical appointments and recommendations. As a result, the child was missing needed treatment. The roles of the other household members were unknown.

**Report Determination:** Unfounded**Date of Determination:** 09/18/2018**Basis for Determination:**

NCDSS interviewed the biological father of the half-siblings and his girlfriend, who lived in the home with her two CHN. NCDSS also spoke with appropriate collateral sources. It was determined the caregivers were experiencing barriers to getting the half-sibling into needed counseling appointments. The CW advocated for the family and assisted getting the half-sibling her medications and scheduled appointments. There were no other safety concerns noted. NCDSS unfounded and closed the case.

**OCFS Review Results:**

None of the children living in the household, including the subject child, were interviewed. There were several progress notes entered more than one month after event dates. The record did not reflect any attempts to interview the SM or the biological fathers of the girlfriend's CHN.

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

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

Although 5 verbal children resided in the household, including the subject child, NCDSS failed to interview any of them; therefore, current safety/risk were not appropriately assessed prior to case closure.

**Legal Reference:**

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

**Action:**

Prior to making a determination, NCDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Several progress notes were entered more than one month after event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

NCDSS will enter progress notes contemporaneously as events occur.

**Issue:**

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

**Summary:**

The record did not reflect any attempts to interview SM, or the biological fathers of the unrelated children that resided in the household.

**Legal Reference:**

432.1 (o)

**Action:**



NCDSS will make efforts to interview all persons named in a report, face to face, who may have been present during what was alleged in the report, and/or may have information pertinent to the safety and well-being of children that reside in the home, including absent biological parents.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/15/2018	Sibling, Female, 13 Years	Mother, Female, 33 Years	Inadequate Guardianship	Far-Closed	Yes
	Sibling, Male, 2 Years	Mother, Female, 33 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Female, 1 Days	Mother, Female, 33 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Female, 4 Years	Mother, Female, 33 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Female, 13 Years	Mother, Female, 33 Years	Lack of Medical Care	Far-Closed	
	Sibling, Female, 4 Years	Father, Male, 38 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 2 Years	Father, Male, 38 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Female, 1 Days	Father, Male, 38 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Female, 13 Years	Father, Male, 38 Years	Inadequate Guardianship	Far-Closed	

**Report Summary:**

This report was received with concerns SM gave birth to the now 10-month-old SS six weeks premature, and SM tested positive for marijuana and opiates at the time of the birth. NCDSS appropriately tracked the case as FAR when it was received. The contract agency worked with the family under the supervision of NCDSS to address the concerns and family needs. A FLAG was completed, and all family members were seen and spoken with on more than one occasion. By the close of the case, NCDSS provided the parents with referrals for a dentist of the CHN and counseling services for SM and closed the case.

**OCFS Review Results:**

Although there was a need for services for the family and referrals were provided, by the close of the case, the parents had not followed through with engaging in any of the services, including substance abuse and mental health evaluations for the parents and counseling for the then 13yo. During the case, safety concerns arose that warranted a discussion about shifting the case to the investigative track, but this discussion did not take place. The contract agency provided incorrect and unsafe safe sleep education to SM.

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

**Issue:**

FAR-Failure to Offer and/or Provide Needed Services

**Summary:**

Several family needs were identified, and referrals were provided. The FAR worker followed up several times with SM and SF to see if they scheduled and attended appropriate appointments, and over the course of 2 months, the family had not engaged in any services. Regardless, the FAR worker did not problem solve with the family, and closed the case.

**Legal Reference:**

18 NYCRR 432.13 (e)(2) (vi) & (vii)

**Action:**

Where appropriate, family assessment response workers must offer assistance to the family in implementing solutions to their identified needs that will be supportive of family functioning, meet the children’s needs and reduce risk to children in the family.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
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11/03/2017	Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Emotional Neglect	Unsubstantiated	Yes
	Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Unrelated CH, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Unrelated CH, Female, 4 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Female, 4 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Choking / Twisting / Shaking	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Emotional Neglect	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Excessive Corporal Punishment	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Internal Injuries	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Lacerations / Bruises / Welts	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Lack of Medical Care	Unsubstantiated	
	Sibling, Female, 12 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 12 Years	Mother, Female, 33 Years	Childs Drug / Alcohol Use	Substantiated	
	Sibling, Female, 12 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Lack of Medical Care	Unsubstantiated	
Sibling, Female, 13 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated		

**Report Summary:**

This report, as well as 4 subsequent reports were received with the following concerns: the BF of the now 14, 13, and





11yo half-siblings, and his girlfriend, were drinking while caring for the CHN, including the girlfriend's now 11 and 5yo. There were further concerns of verbal abuse and physical abuse in the home, and the 14yo had serious mental health issues. Lastly, the reports alleged SM provided the 14yo with marijuana and the 14yo brought it to school.

**Report Determination:** Indicated

**Date of Determination:** 06/12/2018

**Basis for Determination:**

NCDSS interviewed the BF of the half-siblings, his girlfriend, the CHN, SM and observed the two homes. NCDSS obtained police reports regarding the BF and SM. The 13yo CH stated SM gave her marijuana. The parents reported they were having a difficult time managing the 14yo's behaviors and mental health. At the close of the INV, the 14yo was inpatient at a psychiatric center. NCDSS indicated allegations against SM, and Unsub all others.

**OCFS Review Results:**

NCDSS did not address all allegations in the reports during interviews with the parents and CHN. The 7 Day Safety Assessment was late. NCDSS did not speak with appropriate collateral sources. The record did not reflect if the Notices of Existence were sent for the initial report and all subsequent reports. There were no efforts documented to locate and/or interview the BFs of the girlfriend's CHN. NCDSS did not offer the family any services or referrals for such.

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

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

NCDSS did not address alcohol use or discipline with the BF of the half-siblings and his girlfriend. The BF admitted to hitting the 14yo, but NCDSS did not ask anything further. NCDSS did not fully explore the allegations with the CHN. SM was not interviewed regarding allegations against her in a subsequent report, yet NCDSS substantiated those allegations.

**Legal Reference:**

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

**Action:**

Prior to making a determination, NCDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment.

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

The 7 Day Safety Assessment was completed 6 days after its due date, and the concerns regarding the family were not addressed in the assessment.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

Within seven days of receiving a report, NCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

The family reported the 14yo was involved with probation, counseling services, and was admitted to a psychiatric hospital; however, NCDSS did not speak to any of those collateral sources. NCDSS also failed to speak with the 13yo's probation officer, the CHN's pediatricians, and any of the CHN's schools. NCDSS made no attempts to locate/interview the fathers of the girlfriend's CHN.

**Legal Reference:**

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

**Action:**

NCDSS 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:**

Failure to provide notice of report

**Summary:**

The record did not reflect if NCDSS mailed/delivered Notice of Existence letters for the initial report or all subsequent reports.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Failure to offer services

**Summary:**

NCDSS did not offer services to the family at any point during the investigation.

**Legal Reference:**

SSL §424(10);18 NYCRR 432.3(p)

**Action:**

NCDSS will offer families available services that are appropriate for the child(ren), the family, or both, prior to case closing.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/20/2017	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 12 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 10 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 10 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Emotional Neglect	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - BF of 3 Half-Siblings, Male, 32 Years	Emotional Neglect	Unsubstantiated	
	Sibling, Female, 13 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 12 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	



Sibling, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 4 Years	Other Adult - Girlfriend to BF of Half-Siblings, Female, 31 Years	Inadequate Guardianship	Unsubstantiated

**Report Summary:**

This report was received with concerns the now 14yo half-sibling was suicidal and self-harming due to ongoing verbal conflicts in the home. Further, the report alleged the BF hit the child on the arms regularly, and the BF's girlfriend would hit her two CHN in an excessive manner. The role of the other CHN was unknown.

**Report Determination:** Unfounded**Date of Determination:** 08/21/2017**Basis for Determination:**

NCDSS interviewed the BF of the half-siblings, his girlfriend, SM, and all CHN named in the report. NCDSS assessed the home environment to be safe and no safety concerns were reported by any of the CHN. NCDSS followed up with appropriate collaterals and found no evidence to support the allegations. NCDSS unfounded the case and closed.

**OCFS Review Results:**

The record did not reflect any attempts to locate/interview the biological fathers of the girlfriend's children. A parent substitute was named on the report; however, there were no attempts to interview him, and it was unclear what his relationship was to any of the other individuals in the household.

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

Timely/Adequate Seven Day Assessment

**Summary:**

The Seven Day Safety Assessment was 3 days late.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

Within seven days of receiving a report, NCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

**Issue:**

Failure to provide notice of report

**Summary:**

Notice of Existences letters were mailed/delivered late. The record did not reflect if letters were mailed/delivered to the biological fathers of the girlfriend's children.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

NCDSS did not make attempts to interview the biological fathers of the girlfriend's children, nor the individual listed as a Parent Substitute on the report.

**Legal Reference:**

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

**Action:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/05/2016	Sibling, Female, 8 Years	Mother, Female, 31 Years	Educational Neglect	Unsubstantiated	Yes

**Report Summary:**

This report was received with concerns the now 14yo half-sibling was missing school and failing her subjects as a result. The now 14 and 11yo half-siblings' attendance was also in question, although they were not failing their classes. The report alleged SM was aware but would not intervene. The roles of the other household members were unknown.

**Report Determination:** Unfounded

**Date of Determination:** 07/27/2016

**Basis for Determination:**

NCDSS interviewed SM and assessed the home environment. NCDSS partially interviewed all verbal children together but away from SM. NCDSS followed up with the schools regarding grades and attendance. By the close of the investigation, the now 14yo half-sibling was going to be promoted to the next grade and SM had dependable transportation for the CHN to get to school. NCDSS unfounded and closed the case.

**OCFS Review Results:**

The RAP was inaccurate and NCDSS did not offer the family any services. Notices of Existence were not mailed to the biological fathers of the children, nor were any attempts made to interview them. The children were not interviewed regarding SM's drug use. The caseworker did not educate SM surrounding safe sleep practices, nor observe a safe sleep environment for the then 3-month-old child.

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

**Issue:**

Adequacy of Risk Assessment Profile (RAP)

**Summary:**

The RAP was inaccurate regarding SM's history of interpersonal violence relationships, her mental health issues, and a recent history of unstable housing. These elements should have been marked "yes," but were marked as "no."

**Legal Reference:**

18 NYCRR 432.2(d)

**Action:**

NCDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

**Issue:**

Failure to provide safe sleep education/information

**Summary:**

NCDSS did not educate SM surrounding safe sleep practices nor document that a safe sleep environment was observed for the then 3-month-old surviving sibling.

**Legal Reference:**

13-OCFS-ADM-02

**Action:**

NCDSS will provide information on sleep safety to the parents and caretakers of infants whom they encounter, and see that necessary steps are taken to provide safe sleeping conditions for the children in their care.

**Issue:**

Failure to offer services



**Summary:**

NCDSS did not offer the family any services prior to case closure.

**Legal Reference:**

SSL §424(10);18 NYCRR 432.3(p)

**Action:**

NCDSS will offer families available services that are appropriate for the child(ren), the family, or both, prior to case closing.

**Issue:**

Failure to provide notice of report

**Summary:**

The record did not reflect if Notice of Existence Letters were sent to the biological fathers of the children.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

**Summary:**

NCDSS did not make attempts to interview the biological fathers of the children.

**Legal Reference:**

432.1 (o)

**Action:**

NCDSS will make efforts to interview all persons named in a report, face to face, who may have been present during what was alleged in the report, and/or may have information pertinent to the safety and well-being of children that reside in the home, including absent biological parents.

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

- 1/13/15: UNF allegations of IG, PD/AM against SM and SF regarding now 5yo SS and 4 half-siblings.
- 4/8/13: FAR report with concerns SM and now 5yo SS were positive for marijuana at time of birth.
- 7/23/12: UNF allegations of IG and PD/AM against SM regarding 3 half-siblings.
- 1/6/12: UNF allegations of IG against SM, SF and BF of now 11, 13, 14yo half-siblings.
- 9/9/10: UNF allegations of XCP, IF/C/S, IG, L/B/W, and PD/AM against SF and his then wife, regarding his biological CHN (including 3 half-siblings to SC).
- 4/29/10: UNF allegations of EdN, IG, and LM against SM and his then wife, regarding now adult CH and now 17yo half-sibling.
- 8/18/09: IND allegations of IG, LM, and LS against SM and BF regarding 3 half-siblings.
- 3/6/08: IND allegations of IG against SM and BF regarding 3 half-siblings.

### Known CPS History Outside of NYS

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



### Legal History Within Three Years Prior to the Fatality

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

### Additional Local District Comments

NCDSS disagrees with the safety assessment issue comment. There were no changes regarding safety through the history of the investigation and the children remained removed from the parent’s custody at the conclusion of the investigation. Even on non-fatality reports, it is common practice to use the same language on safety assessments if nothing has changed. NCDSS also disagrees with the RAP issue comment. NCDSS filed a severe abuse petition alleging abuse had caused the death of this infant. NCDSS was instructed by the CAC to ask the pediatrician if drugs were a contributing factor to the infant’s death. NCDSS had already been told by the CAC it was unlikely any medical professional would say that. Of course, the pediatrician could not say if drugs were a contributing factor. NCDSS always wants to be consistent in what is alleged and determined. NCDSS filed a severe abuse petition alleging the mother’s abuse caused this infant’s death therefore abuse by the mother caused the death of this infant and it is reflected in the RAP and safety assessments.

### 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