



Report Identification Number: BU-19-009

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

Issue Date: Jul 16, 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: 3 month(s)

Jurisdiction: Niagara
Gender: Female

Date of Death: 02/23/2019
Initial Date OCFS Notified: 02/23/2019

Presenting Information

An SCR report was received and stated that on 2/21/19 the mother brought the subject infant to the babysitter (OA2) to care for. OA2 was staying at the home of a friend (OA1). Before the mother brought the infant to OA1's home the infant had sustained a bruise on her right temple. There was no explanation given for the bruise. On the evening of 2/22/19, the infant slept a lot, stopped eating and had a fever. OA2 gave the infant a bath to try to lower her temperature and the infant became unresponsive and cold. OA2 dressed the infant and called 911 on 2/23/19 around 1:00AM. The infant was declared deceased and had skull fractures, a subdural hematoma, clotted blood in her spine and a bruised right temple. There was no explanation given for the injuries. The mother had a history of aggression and reportedly punched the surviving sibling in the past.

Executive Summary

This report concerns the death of the 3-month-old female. Niagara County Department of Social Services (NCDSS) received an SCR report regarding the fatality on 2/23/19. The report alleged the child died as a result of inflicted injuries and there was no explanation for the injuries provided. All adults that cared for the child in the 48 hours leading up to the fatality were named as alleged subjects in her death.

The mother left the infant in the care of her friend (OA2) on 2/21/19. OA2 resided in a home with another friend (OA1) and OA1's 4 children (ages 9,7,5 and 3). The 9yo (OC1) and 7yo (OC2) were in the home the morning of 2/22/19 for about an hour while the infant was there. The 5yo (OC3) and 3yo (OC4) were with alternate caregivers during the timeframe. The surviving sibling was in the care of her paternal grandmother and was not at OA1's home. During the 48 hours the infant was in the care of OA1 and OA2 she appeared feverish and was sleeping a lot. In the early morning of 2/23/19, OA2 discovered that the infant was cold and unresponsive and 911 was called. EMS came to the home and transported the infant to the ER, where her death was declared. OA1 and OA2 deny any knowledge of injury to the infant while in their care and no explanation was given for the injuries she sustained.

The ME performed an autopsy and issued a preliminary report. The infant had bruising to her extremities, 2 right side skull fractures, subdermal hemorrhaging, hemorrhaging along the nerves to the eye and several hematomas. The initial cause of death on the preliminary report was blunt force trauma and the manner of death was homicide.

LE interviewed everyone present at OA1's home in the time leading up to the incident, as well as the mother. All adults denied responsibility for the infant's injuries and gave no explanation as to a possible cause. LE ruled the mother out as a possible suspect and reported OA1 provided no information to implicate herself or anyone else. The criminal investigation remained open at the time of this report, but LE and the DA were pursuing criminal charges against OA2 and were awaiting a convening of a grand jury related to those charges.

NCDSS worked with OA1 and the mother to make safety plans for their children. OA1's 3 eldest children went to live with their father and her youngest child with the girlfriend of the child's father. The surviving sibling was living with her paternal grandmother. NCDSS monitored the safety of the children throughout the investigation and filed petitions in Family Court against the mother, OA1 and OA2.

The biological fathers of all the surviving children were notified and interviewed, but no contact was made with the father of the infant. NCDSS did speak to several collateral contacts throughout their investigation, but missed the opportunity to



Speak with EMS that responded to the 911 call, as well as the infant's pediatrician. These contacts may have provided insight into the infant's overall care. NCDSS completed the 24-hour fatality report, but did not complete the report as required at the 30-day interval of the investigation.

The CPS investigation remained open at the time of this writing and no determination had been made. NCDSS offered bereavement services to the mother and surviving sibling. NCDSS opened ongoing preventive cases for the mother and OA1 and were continuing their work with them at the time of this report. OA2 had no children. NCDSS gave OA1 referrals for mental health and substance abuse treatment.

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? N/A
- 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? The CPS report had not yet been determined at the time this Fatality report was issued.
- Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

The CPS investigation remained open at the time of this writing.

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 CPS investigation remained open at the time of this writing.

Required Actions Related to the Fatality

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

Issue:	The 30-Day Fatality Report is required to be completed in CONNECTIONS within 30 Days of receipt of a report alleging the death of a child as a result of abuse or maltreatment.
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Summary:	NCDSS did not complete the 30-day fatality report in CONNECTIONS.
Legal Reference:	CPS Program Manual, Chapter 6, K-2
Action:	NCDSS is required to complete the 30-Day Fatality Report within 30 days of receipt of a report alleging the death of a child as a result of child abuse or maltreatment.
Issue:	Adequacy of face-to-face contacts with the child and/or child's parents or guardians
Summary:	The father of the deceased child was identified by NCDSS and provided written notification of the report, however there is no documentation in the case record that attempts were made to interview him.
Legal Reference:	432.1 (o)
Action:	NCDSS will make casework contacts in accordance with the following regulation: Casework contacts mean face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.
Issue:	Contact/Information From Reporting/Collateral Source
Summary:	There were missed opportunities to gather information from the deceased child's pediatrician, first responders that treated the deceased child and OA1's boyfriend that was present at the time of the infant's death.
Legal Reference:	18 NYCRR 432.2(b)(3)(ii)(b)
Action:	NCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 02/23/2019

Time of Death: Unknown

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

Unknown

County where fatality incident occurred:

Niagara

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



At time of incident supervisor was: Unknown if they were 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	Female	3 Month(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	3 Year(s)
Other Household 1	Other Adult - father of surviving sibling	No Role	Male	29 Year(s)
Other Household 2	Father	No Role	Male	19 Year(s)
Other Household 3	Other Adult - OA1	Alleged Perpetrator	Female	28 Year(s)
Other Household 3	Other Adult - OA2	Alleged Perpetrator	Female	30 Year(s)
Other Household 3	Other Child - OC1	No Role	Female	9 Year(s)
Other Household 3	Other Child - OC2	No Role	Female	7 Year(s)
Other Household 3	Other Child - OC3	No Role	Female	5 Year(s)
Other Household 3	Other Child - OC4	No Role	Female	3 Year(s)
Other Household 4	Other Adult - father to OC1, OC2 and OC3	No Role	Male	30 Year(s)
Other Household 5	Other Adult - father to OC4	No Role	Male	25 Year(s)

LDSS Response

After receiving an SCR report regarding the death of the infant on 2/23/19, NCDSS contacted the source, ME, DA and LE. NCDSS completed a history search for the mother, OA1, OA2 and the children listed on the report. NCDSS located and assessed the safety of the surviving sibling and OA1's four children. NCDSS made appropriate safety plans for all the children.

Both OA1 and OA2 told NCDSS they had the infant in their care from 8:00pm on 2/21/19, until the early morning hours of 2/23/19, when she became unresponsive. OA2 was asked to watch the infant by the mother and was living in OA1's home at the time. OA1 left the home for 1 hour on the morning of 2/23/19, but was otherwise home the period the infant was there. Two of OA1's children were at the home for an hour on 2/22/19, and then went to their father's home. OC3 and OC4 were not in the home at all while the infant was there. The surviving sibling was with her paternal grandmother. OA1's boyfriend was also in the home, but was not interviewed by NCDSS.

OA2 stated when the mother dropped off the infant on 2/21/19 she had a bruise on her cheek and the mother had no explanation. OA2 said the infant was feeding normally but was drowsy throughout the 2 days she watched her. The child may have had a fever, but neither adult took her temperature or contacted the mother. OA2 asked OA1 to feel the infant's head and it was warm. OA2 stated they had no infant fever reducer, so did nothing further. OA2 said she changed the infant's diaper at about 9:30pm on 2/22/19 and put her in her car seat to sleep for the night. At 12:30am on 2/23/19, the infant woke and OA2 gave her a bottle. A short while later OA2 picked up the infant to kiss her goodnight and noticed the infant was cold, limp and unresponsive. OA2 took the infant to the bathroom and ran water over her face, but she did not respond. OA2 then dressed the infant and woke OA1 and her boyfriend for help. OA1's boyfriend performed CPR and 911 was called. EMS and LE responded and took the infant to the ER.



OA1 reported the infant was acting strange during the time she was at her home. The infant was not feeding well, her head felt warm and she was making grunting and whining noises as if she were having a bad dream. OA1 also stated the infant's eyes were open when she was sleeping and she closed them, but thought it appeared strange. OA1 denied caring for the infant at all and stated that OA2 was the person watching her. OA1 denied any alcohol or drug use in the time leading up to the fatality. NCDSS discovered OA2 had a recent arrest for drug sales and asked OA1 about it. OA1 denied any knowledge of whether or not OA2 had been using drugs.

NCDSS spoke with the mother and she denied the infant was ill or acting out of the ordinary when she dropped her off to OA2 to babysit. She reported that OA2 had watched the infant at OA1's home a couple of times prior to the fatality. The mother told NCDSS in the past relatives had commented that the infant had bruising on her face when she returned from OA2's care, but she assumed it was from lying on a pacifier. She was cooperative with LE and ruled out as a suspect in the death of her daughter.

NCDSS spoke with several collateral contacts during the investigation. LE shared the information from interviews with OA1, OA2, OA1's boyfriend and the mother with NCDSS. Both OA1 and her boyfriend told LE that the infant had been making grunting noises throughout the time OA2 watched her. The timeline OA1 and OA2 gave LE was consistent with what was reported to NCDSS. OA1's children that were at the home in the time leading up to the infant's death were interviewed. OC1 told her teacher's that she held the infant on the morning of 2/22/19 and she was cold and not moving. OC2 was unable to offer any additional information.

All of the children remained with alternative caregivers at the time of this report and family court proceedings against OA1, OA2 and the mother continued.

Official Manner and Cause of Death

Official Manner: Homicide

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? Yes

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
050427 - Deceased Child, Female, 3 Mons	050429 - Mother, Female, 24 Year(s)	DOA / Fatality	Pending
050427 - Deceased Child, Female, 3 Mons	050440 - Other Adult - OA2, Female, 30 Year(s)	Inadequate Guardianship	Pending
050427 - Deceased Child, Female, 3 Mons	050429 - Mother, Female, 24 Year(s)	Internal Injuries	Pending
050427 - Deceased Child, Female, 3 Mons	050440 - Other Adult - OA2, Female, 30 Year(s)	Fractures	Pending



Child Fatality Report

050427 - Deceased Child, Female, 3 Mons	050440 - Other Adult - OA2, Female, 30 Year(s)	Internal Injuries	Pending
050427 - Deceased Child, Female, 3 Mons	050429 - Mother, Female, 24 Year(s)	Lacerations / Bruises / Welts	Pending
050427 - Deceased Child, Female, 3 Mons	050439 - Other Adult - OA1, Female, 28 Year(s)	Inadequate Guardianship	Pending
050427 - Deceased Child, Female, 3 Mons	050429 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Pending
050427 - Deceased Child, Female, 3 Mons	050439 - Other Adult - OA1, Female, 28 Year(s)	DOA / Fatality	Pending
050427 - Deceased Child, Female, 3 Mons	050440 - Other Adult - OA2, Female, 30 Year(s)	DOA / Fatality	Pending
050427 - Deceased Child, Female, 3 Mons	050429 - Mother, Female, 24 Year(s)	Fractures	Pending
050428 - Sibling, Female, 3 Year(s)	050429 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Pending

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 checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
First Responders	<input type="checkbox"/>	<input checked="" 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:

The father of the deceased child was notified, but not spoken to. There was another adult (male friend of OA1) present in the home at the time of the fatality that was not interviewed. EMS staff were not contacted.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
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Child Fatality Report

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"/>

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

Explain as necessary:

OA1's children were removed and placed with relative resources. The SS was also removed and placed with a relative.



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:
04/11/2019	There was not a fact finding	There was not a disposition
Respondent:	050429 Mother Female 24 Year(s)	
Comments:	The petition was filed against the mother in regard to the surviving sibling, due to ongoing mental health and substance abuse concerns that were untreated. The sibling was removed and is living with her paternal grandmother under a direct placement of the court. The mother has supervised visitation as agreed upon with the grandmother. The sibling's father was a non-respondent parent in the neglect proceedings because he was recently released from incarceration and agreed for the sibling to reside with her paternal grandmother. The father visits the child regularly. The court proceedings were ongoing at the time of this writing.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
03/18/2019	There was not a fact finding	There was not a disposition
Respondent:	050439 Other Adult Female 28 Year(s)	
Comments:	OA1 was in the home when the infant was injured and died from her injuries. Abuse and neglect were filed against her as there was no explanation given for the injuries. After filing the petition OC1, OC2 and OC3 remained with their biological father and he was awarded custody of the children. OC4 was placed in the home of her biological father's girlfriend, as the girlfriend cared for her regularly and her father was incarcerated. NCDSS was providing services to the mother and court was ongoing at the time of this writing.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
03/18/2019	There was not a fact finding	There was not a disposition
Respondent:	050440 Other Adult Female 30 Year(s)	
Comments:	OA2 was babysitting the infant at the time of the fatal incident and had no explanation for how the baby sustained the injuries that caused her death. OA2 was uncooperative with CPS during the investigation. OA2 was in jail for unknown reasons at the time of this writing and the neglect proceedings continued.	

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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 children of OA1 and the surviving sibling were placed in safety plans with relatives initially following the infant's death. All the children were later removed from OA1 and the mother after neglect petitions were filed. The children remained with the relatives that were their safety plans. The surviving sibling received counseling after the fatality.

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

Explain:

OA1 received parent education, substance abuse treatment and mental health services. The mother received funeral assistance, and referrals for mental health treatment, grief groups/counseling, parenting classes and substance abuse treatment. NCDSS also initially offered the mother preventive services.

History Prior to the Fatality

Child Information

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

Yes



Was the child ever placed outside of the home prior to the death? No
 Were there any siblings ever placed outside of the home prior to this child's death? 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)
11/13/2018	Other Child - OC4, Female, 2 Years	Other Adult - OA1, Female, 28 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - OC4, Female, 2 Years	Other Adult - OA1, Female, 28 Years	Lack of Medical Care	Substantiated	
	Other Child - OC4, Female, 2 Years	Other Adult - stepmother of OC4, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OC4, Female, 2 Years	Other Adult - stepmother of OC4, Female, 31 Years	Lack of Medical Care	Unsubstantiated	

Report Summary:

An SCR report was received alleging that OC4 was diagnosed with a severe infection and given an antibiotic. OA1 was advised the child needed follow up medical treatment for the condition and should be monitored. She also needed blood work for another condition and OA1 and another unrelated adult failed to get OC4 the recommended follow up treatment.

Report Determination: Indicated

Date of Determination: 03/13/2019

Basis for Determination:

OA1 informed NCDSS the health insurance for the child had lapsed. NCDSS gave her guidance on resolving the issue and the mother delayed in doing so. OA1 failed to make a follow up medical appointment for the child, despite telling NCDSS she would. OC4 also needed to see a dentist and OA1 did not arrange for this. NCDSS spoke with the reported pediatrician for the child and her siblings and learned they had not been to the doctor in 3 years. The unrelated adult that regularly cared for OC4 took her for initial treatment and follow up blood work, with the mother's consent. At the conclusion of the investigation OC4 was residing with the other adult.

OCFS Review Results:

NCDSS discussed concerns regarding the medical care of the children and encouraged OA1 to make appointments for the doctor. NCDSS also offered to help her get medical insurance for the children. OA1 stated she would make appointments, but failed to do so. NCDSS spoke with the doctor and learned the children had not been seen since 2015. NCDSS followed up once with the mother regarding this concern on 12/5/18, and OA1 still had not made appointments



for the children. NCDSS did not have contact with OA1 again until 2/25/19, after the fatality occurred. It is not documented if this issue was addressed. Notice of existence letters were not provided for this SCR report.

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

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

Summary:
NCDSS did not thoroughly explore the allegation relating to the medical treatment of OC4.

Legal Reference:
18 NYCRR 432.2(b)(3)(iii)(c)

Action:
NCDSS will make an adequate assessment of the nature, extent and cause of any condition which may constitute abuse or maltreatment, whether contained in the original SCR report or discovered during the open investigation.

Issue:
Failure to provide notice of report

Summary:
There is no documentation in the case record that notice of existence letters were provided to any of the adults named on the report, including alleged subjects and absent parents.

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

Action:
NCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report. When other persons are identified as residing in the household and added to the case, they will be notified in writing as well.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/05/2018	Deceased Child, Female, 1 Days	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Pending	Yes

Report Summary:
An SCR report was received that alleged the mother gave birth to the deceased infant on 11/5/18 and the mother tested positive for THC. The infant's toxicology was pending and the surviving sibling had an unknown role. The infant's father was incarcerated at the time of the report.

Report Determination: Undetermined

OCFS Review Results:
The infant's toxicology results were negative, but the mother admitted to regular marijuana use throughout her pregnancy. There is no documentation in the case record that NCDSS explored with the mother if her drug use had an impact on the surviving sibling. Safety factors were not sufficiently addressed during the investigation. Although a supervisor consult noted safe sleep education was to be provided to the mother, the record does not reflect education. There was a gap in contact with the family of two months during the investigation. The infant died during the open case, and an additional SCR report was made regarding the death and there were ongoing neglect proceedings.

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

Issue:
Failure to provide safe sleep education/information

Summary:



There was mention in a supervisor consult that safe sleep education would be provided to the mother, however the record does not reflect NCDSS provided the information to the mother.

Legal Reference:

13-OCFS-ADM-02

Action:

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

The report was received on 11/5/18 and the 7-day safety assessment was approved on 11/26/18.

Legal Reference:

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

Action:

NCDSS will complete all safety assessments in the amount of time required.

Issue:

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

Summary:

Although the mother's marijuana use was noted as a safety factor in the safety assessment, there was no discussion with the mother to explore the impact her drug use may have had on the sibling. The mother admitted to regular marijuana use and the case record did not explore if she was impaired while caring for the sibling or if there was a sober caregiver.

Legal Reference:

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

Action:

NCDSS will fully explore the extent of what is alleged as it pertains to the safety and risk to the children named in the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/07/2018	Other Child - OA1, Female, 8 Years	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - OA2, Female, 6 Years	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OC4, Female, 2 Years	Other Adult - OA2, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OC4, Female, 2 Years	Other Adult - father to OC4, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

An initial SCR report was received alleging that 3 unknown males were smoking marijuana on the front porch of the home while the children were home. The report also alleged there was discussion among the males that someone may be driving by the home with a gun. The home was OA1's and OA2 was also alleged to be present. A subsequent report was received that alleged OA1 yelled and cursed at her children regularly and they often had no food in the home. The two reports were consolidated into one investigation.

Report Determination: Unfounded

Date of Determination: 11/21/2018



Basis for Determination:

OA1 told NCDSS that on the day in question OA2 was babysitting OC1, OC2, OC3 and OC4. OA1 came home after OA2 called her and told her someone broke into the home. OA1 and OA2 stated there was a post on social media that someone wanted to drive by the home and shoot at it, so when they saw a car moving slow they were cautious of it. All adults denied the allegations and the children stated they always had food. NCDSS observed all the children to be clean, happy and without marks or bruises at home visits. There was no credible evidence found to suggest there was drug use occurring in the home.

OCFS Review Results:

The casework was commensurate with the case 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)
03/27/2017	Sibling, Female, 1 Years	Mother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Sibling, Female, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated friend of mother, Male, 17 Years	Mother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated friend of mother, Male, 17 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 15 Years	Mother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 15 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 14 Years	Mother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 14 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated friend of mother's, Male, 7 Months	Mother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated friend of mother's, Male, 7 Months	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 14 Years	Mother, Female, 22 Years	Emotional Neglect	Unsubstantiated	
	Other Child - unrelated friend of mother, Male, 17 Years	Mother, Female, 22 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 15 Years	Mother, Female, 22 Years	Childs Drug / Alcohol Use	Unsubstantiated	
	Other Child - unrelated friend of mother, Female, 14 Years	Mother, Female, 22 Years	Childs Drug / Alcohol Use	Unsubstantiated	

Report Summary:

An SCR report was received that alleged while the mother and sibling were residing with the mother's boyfriend and his underage family members there were drugs sold from the home. There were drugs and guns left out and accessible to the sibling and another child residing in the home. The boyfriend's sister was 15-years-old and not attending school and the



mother, boyfriend and sister were all using marijuana. It further alleged that there was no food in the home and the children were hungry. The mother was the only adult in the home and therefore responsible for the concerns in the home.

Report Determination: Unfounded

Date of Determination: 07/03/2017

Basis for Determination:

NCDSS discovered that the mother and sibling were not residing in the home as reported, they lived alone in their own home. The mother visited the reported home on occasion. During the investigation the mother moved and disconnected her telephone to avoid CPS contact. NCDSS was unable to locate the mother, sibling or the sibling's father (who was unknown to NCDSS). The report had a companion report regarding the other unrelated individuals in the reported household composition. All unrelated children and adults were seen and interviewed and allegations were denied. NCDSS was unable to see the sibling as the mother was uncooperative.

OCFS Review Results:

Many attempts were made to locate the mother and child after NCDSS had one face-to-face contact with the mother. The mother was avoiding CPS and would not cooperate. The 7-day safety assessment was not completed until the closing of the investigation. No attempts to identify and locate the father of the sibling were noted in the case record.

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

Issue:

Failure to provide notice of report

Summary:

There were no attempts documented to identify and locate the sibling's father, or provide him with written notification of the report.

Legal Reference:

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

Action:

NCDSS will make efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Issue:

Timely/Adequate Seven Day Assessment

Summary:

The report was received on 3/27/17 and the 7-day safety assessment was completed on 7/3/17 at the time of the case closing.

Legal Reference:

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

Action:

NCDSS will complete all safety assessments in the amount of time required.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/17/2016	Other Child - OC4, Female, 9 Months	Other Adult - father of OC4, Male, 23 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - OC1, Female, 6 Years	Other Adult - OA1, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - OC1, Female, 6 Years	Other Adult - OA1, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OC1, Female, 6 Years	Other Adult - OA1, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Other Child - OC2, Female, 5 Years	Other Adult - OA1, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC2, Female, 5 Years	Other Adult - OA1, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC2, Female, 5 Years	Other Adult - OA1, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA1, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA1, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA1, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA1, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA1, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA1, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC1, Female, 6 Years	Other Adult - OA2, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC1, Female, 6 Years	Other Adult - OA2, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC1, Female, 6 Years	Other Adult - OA2, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC2, Female, 5 Years	Other Adult - OA2, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC2, Female, 5 Years	Other Adult - OA2, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC2, Female, 5 Years	Other Adult - OA2, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA2, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA2, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC3, Female, 3 Years	Other Adult - OA2, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA2, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA2, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - OC4, Female, 9 Months	Other Adult - OA2, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

An SCR report was received alleging the biological father of OC4 was selling drugs from his car with the OC4 present. The activity was recurring. A subsequent report was received that alleged OA1 and OA2 abused alcohol and marijuana in



the presence of OC1, OC2, OC3 and OC4. The report further stated OA1 and OA2 were selling drugs from the home and it was infested with bugs. The two reports were consolidated into one investigation.

Report Determination: Unfounded **Date of Determination:** 03/19/2017

Basis for Determination:
OC4's father, OA1 and OA2 denied the allegations against them and all caretakers were observed to be sober during interactions with NCDDSS. All the children were seen and interviewed and disclosed no concerns. There were no safety or health concerns noted in either home and minimal standards were observed. The father and OA1 were establishing custody and visitation at the time the investigation was concluded.

OCFS Review Results:
NCDSS interviewed all children. OA1 and OC4's father and step-mother were also interviewed. NCDSS did not notify or interview OA2 regarding the allegations and report. Appropriate collateral contacts were made. Notice of existence letters were not sent for the subsequent report. The 7-day safety assessment was not completed timely.

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

Issue:
Failure to provide notice of report
Summary:
NCDSS did not provide written notification of the subsequent report to the adults listed.
Legal Reference:
18 NYCRR 432.2(b)(3)(ii)(f)
Action:
NCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report. When other persons are identified as residing in the household and added to the case, they will be notified in writing as well.

Issue:
Timely/Adequate Seven Day Assessment
Summary:
The report was received on 10/17/16 and the 7-day safety assessment was approved on 11/7/16.
Legal Reference:
SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
Action:
NCDSS will complete all safety assessments in accordance with statutory requirements.

Issue:
Face-to-Face Interview (Subject/Family)
Summary:
OA2 was listed as a subject on the report and she was not interviewed. NCDSS asked OA1 for her contact information and she was uncooperative, but there are no other documented attempts to locate OA2.
Legal Reference:
18 NYCRR 432.2(b)(3)(ii)(a)
Action:
A full Child Protective investigation shall include face-to-face interviews with subjects of the report and family members of such subjects, including children named in the report. Such interviews or reasons why an interview was not possible should be documented in progress notes.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
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Child Fatality Report

07/13/2016	Other Child - OC1, Female, 6 Years	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - OC1, Female, 6 Years	Other Adult - OA1, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA2, Female, 4 Years	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OA2, Female, 4 Years	Other Adult - OA1, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA3, Female, 2 Years	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OA3, Female, 2 Years	Other Adult - OA1, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - OA4, Female, 6 Months	Other Adult - OA1, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - OA4, Female, 6 Months	Other Adult - OA1, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

An SCR report was received that alleged OA1 was allowing inappropriate individuals in her home to sell drugs in the presence of OC1, OC2, OC3 and OC4. The report further alleged OA1 was using cocaine, pills and marijuana to the point of impairment, and was unable to care for the children. The home was reportedly unsanitary for the children and there were guns left out and accessible to the children.

Report Determination: Unfounded

Date of Determination: 09/28/2016

Basis for Determination:

NCDSS found the OA1 to be sober during home visits and there were no signs of drug use in the home. The children did not disclose any concerns regarding OA1. OA1 denied drug use or guns in the home. NCDSS found the home met minimal standards and no health or safety concerns were observed. The children appeared healthy and well cared for during the investigation.

OCFS Review Results:

The casework was commensurate with the case circumstances, however the biological fathers of the children were not notified or interviewed.

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

Issue:

Failure to provide notice of report

Summary:

A notification of existence of the report was not sent to the fathers of OC1, OC2, OC3 and OC4.

Legal Reference:

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

Action:

NCDSS will make efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/08/2016	Sibling, Female, 1 Years	Mother, Female, 21 Years	Inadequate Food / Clothing / Shelter	Far-Closed	Yes



Sibling, Female, 1 Years

Mother, Female, 21 Years

Inadequate Guardianship

Far-Closed

Report Summary:

An SCR report was received alleging the mother and sibling were homeless and the mother was unable to provide the sibling basic needs, including food. The mother had no income or other resources and had allegedly been denied public assistance because she failed to follow application guidelines.

OCFS Review Results:

NCDSS completed the FLAG and safety assessments. The mother and sibling were not homeless as they were living with the sibling's paternal grandmother and all the sibling's needs were being met. NCDSS assisted the mother in applying for financial assistance and the mother was cooperative and received services. The case was closed as the family had no further needs and the sibling was safe. The mother disclosed that the sibling's father was incarcerated, and NCDSS did not provide him with notification of the FAR case.

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

Issue:

FAR-Failure to Provide Notice of Report

Summary:

NCDSS did not provide the sibling's father with written notification of the FAR case.

Legal Reference:

18 NYCRR 432.13 (e)(2)(i)(a)-(d)

Action:

No later than seven days after receipt of a child protective report that has been assigned to the family assessment response track, the child protective service must provide written notification to every parent, guardian or other person legally responsible for the child or children named in the report.

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

- 4/29/15- An SCR report was received with allegations of IG and PD/AM Unsub against the mother regarding the surviving sibling.
- 7/27/14- An SCR report was received with allegations of IG and FX Sub against OA1 regarding OC3.
- 12/17/13- An SCR report was received with an allegation of IG Unsub against an unrelated adult regarding OC1, OC2 and OC3.
- 11/14/12- An SCR report was received with allegations of IG and PD/AM against OA1 regarding OC1 and OC2. There was no determination of the allegations as the investigation was tracked FAR.
- 6/30/10- An SCR report was received with an allegation of IG Sub against the father of OC1, OC2 and OC3 regarding OC1.

Known CPS History Outside of NYS

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

Legal History Within Three Years Prior to the Fatality

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



Additional Local District Comments

The 30 day safety should have been completed on time.

The caseworker said deceased infant's father was incarcerated in Franklin County in state prison prior to the infant's death. There was no opportunity to speak to him about the death as the prisons do not allow CPS interviews.

There was an open services case which was opened. There was sufficient information to determine the cause of death without contacting the pediatrician. The first responders were not contacted but the lack of contact had no effect on the ability of the caseworker to make a determination.

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