



## Report Identification Number: BU-20-002

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

Issue Date: Jun 10, 2020

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	ASTO-Allowing Sex Abuse to Occur	



## Case Information

**Report Type:** Child Deceased  
**Age:** 2 year(s)

**Jurisdiction:** Erie  
**Gender:** Male

**Date of Death:** 01/07/2020  
**Initial Date OCFS Notified:** 01/07/2020

## Presenting Information

An SCR report was received with concerns that on 1/7/20, the 2-year-old subject child was in the care of the mother's boyfriend when the child suffered serious injuries and became unresponsive. The child was transported to the hospital by his mother, where he was pronounced deceased. The child's mother was at work when the incident occurred.

## Executive Summary

This fatality report concerns the death of a 2-year-old male subject child that occurred on 1/7/20. A report was made to the SCR on the same date with allegations of Sexual Abuse, Internal Injuries, Inadequate Guardianship, Lacerations/Bruises/Welts and DOA/Fatality against the mother's boyfriend. There was an additional allegation of Inadequate Guardianship against the child's mother. An autopsy was completed and noted the immediate cause of death was consistent with massive intra-abdominal blood loss from traumatic hepatic laceration, and the manner was homicide.

Erie County Department of Social Services (ECDSS) became involved when the child presented to the hospital unresponsive with severe injuries. At the time of the child's death, he resided with his mother and her boyfriend. There were no surviving siblings or other children residing in the home. The child's biological father resided at a separate residence and had sporadic contact with the child. It was discovered on 1/7/20, the mother's boyfriend watched the child while the mother was at work. The mother stayed in communication with her boyfriend throughout the day and reported they were amid a disagreement over the boyfriend wanting the child to call him "dad", to which the mother was opposed. The mother arrived home from work to find the subject child unresponsive and covered in bruises. The mother reported she called 911 and there was no answer. She brought the child to the hospital, where he was pronounced dead. ECDSS reviewed records and reached out to LE and found no evidence that the mother ever called 911.

From the time the investigation began to the time of its closure, ECDSS interviewed family members and numerous collateral sources. Due to the criminal investigation, ECDSS was unable to gather information from the mother's boyfriend regarding the death, though they interviewed him in jail. The boyfriend was arrested and charged with Murder in the 2nd Degree, and the criminal proceedings remained ongoing at the time of this writing. There was no criminality found on behalf of the mother. ECDSS found evidence to substantiate the allegations of Inadequate Guardianship, Internal Injuries, Lacerations/Bruises/Welts and DOA/Fatality against the mother's boyfriend. Additionally, ECDSS determined there was credible evidence to substantiate the allegation of Inadequate Guardianship against the mother as the record reflects physical abuse was ongoing with the subject child and the abuse at the time of death was not an isolated incident. There was no evidence found to substantiate the allegation of Sexual Abuse against the mother's boyfriend.

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:



○ Safety assessment due at the time of determination? 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:**

ECSSS gathered sufficient information to appropriately determine the allegations. There were no surviving siblings; however, the boyfriend was found at his sister's home at the time of his arrest. The safety of the sister's children was assessed and referrals were provided to her.

Was the decision to close the case appropriate? Yes

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

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

**Explain:**

The case record reflected supervisory consultations throughout the investigation. The level of casework activity was commensurate with the case circumstances

### Required Actions Related to the Fatality

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

### Fatality-Related Information and Investigative Activities

#### Incident Information

Date of Death: 01/07/2020

Time of Death: 04:16 PM

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: 04:21 PM

Did EMS respond to the scene? No

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	Male	2 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	21 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	23 Year(s)
Other Household 1	Father	No Role	Male	22 Year(s)

### LDSS Response

On 1/7/20, ECDSS received an SCR report regarding the death of SC, which occurred on the same date. ECDSS initiated their investigation and coordinated efforts with law enforcement, completed a CPS history check and spoke to the source of the report. ECDSS learned there were no surviving siblings or other children residing in the home. ECDSS learned the child had been found unresponsive at home around 4PM on 1/7/20 and was taken by his mother to a nearby hospital, where he was pronounced deceased. ECDSS learned the mother's boyfriend had been caring for the subject child during the day; however, his whereabouts immediately following the death were unknown. It was later learned the boyfriend went to his sister's home where he was found by LE and a 2-hour standoff ensued. Ultimately, the boyfriend's sister allowed LE into the home and the boyfriend was arrested.

On 1/9/20, ECDSS interviewed the mother at her family's home. The mother stated her boyfriend was residing with her and the subject child. The mother reported the day before the death was typical. The boyfriend worked a night shift and before leaving for work they had an argument regarding whether the subject child should call the boyfriend "dad." The mother did not believe it was appropriate, which upset the boyfriend. The mother said the argument dissolved and the boyfriend left for work. He watched the child the following day while the mother worked. She had no concerns for her boyfriend watching the subject child. The mother became uncooperative during the interview when her family members were present. ECDSS was unable to gather further information from the mother regarding the death. The mother refused to cooperate following the initial interview. ECDSS provided the mother with a plethora of service referrals, but it was unknown if any were utilized.

ECDSS learned the boyfriend's sister was at her home during the police standoff with her children, ages 5-months and 1-year-old. ECDSS assessed the safety of those children and provided a multitude of resources to the sister for her children. The sister reported she was unaware why her brother was at her home and why LE was making an arrest. She asked for an explanation and learned the subject child had passed away. The boyfriend refused to provide any additional information to his sister.

ECDSS interviewed the biological father who reported having sporadic contact with the child. The father reported he and the mother had a combative relationship and, though attempts were made, he was unable to see the child. ECDSS spoke with the mother's boyfriend at the jail where he was incarcerated. The boyfriend refused to cooperate with ECDSS and would not provide any information regarding the death of the child.

ECDSS received the final autopsy report which listed the cause of death as blunt impact injuries of head and torso and the



manner of death as homicide. The autopsy further stated there were 27 recent injuries to the child's head and neck as well as more than 110 injuries to the torso. There were recent fractures with surrounding hemorrhage of at least the anterior left 5th and 6th ribs and posterior left 8th and 9th ribs. There were 45 injuries to the right upper extremity and 15 injuries to the left upper extremity. There were 2 injuries to the right lower extremity and 10 to the left lower extremity. Internal injuries involved the brain, thymus, lungs, inferior vena cava, liver, spleen, pancreas, right adrenal gland and small and large intestines. Approximately more than half of the child's total blood volume was in his abdomen. The boyfriend was arrested and charged with 2nd degree murder on 1/7/20. LE found no criminality on behalf of the mother.

ECDSS substantiated the allegations against mother's boyfriend as well as Inadequate Guardianship against the mother. The case was indicated and closed. ECDSS planned to file a severe abuse petition in Family Court against the mother and her boyfriend.

### 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
054033 - Deceased Child, Male, 2 Yrs	054034 - Mother, Female, 21 Year(s)	Inadequate Guardianship	Substantiated
054033 - Deceased Child, Male, 2 Yrs	054035 - Mother's Partner, Male, 23 Year(s)	Inadequate Guardianship	Substantiated
054033 - Deceased Child, Male, 2 Yrs	054035 - Mother's Partner, Male, 23 Year(s)	DOA / Fatality	Substantiated
054033 - Deceased Child, Male, 2 Yrs	054035 - Mother's Partner, Male, 23 Year(s)	Internal Injuries	Substantiated
054033 - Deceased Child, Male, 2 Yrs	054035 - Mother's Partner, Male, 23 Year(s)	Lacerations / Bruises / Welts	Substantiated
054033 - Deceased Child, Male, 2 Yrs	054034 - Mother, Female, 21 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated
054033 - Deceased Child, Male, 2 Yrs	054035 - Mother's Partner, Male, 23 Year(s)	Sexual Abuse	Unsubstantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
<b>All children observed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



# Child Fatality Report

When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Legal Activity Related to the Fatality

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

- Family Court                       Criminal Court                       Order of Protection

<b>Criminal Charge: Murder    Degree: 2</b>			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
Pending	The Parent Substitute	Pending	PENDING
<b>Comments:</b>	The mother's boyfriend was arrested on 1/7/20 and charged with murder in the 2nd degree. At the time of this writing, the boyfriend remains incarcerated pending trial.		

### 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"/>



<b>Economic support</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Funeral arrangements</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Housing assistance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Mental health services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Foster care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Health care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Legal services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family planning</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Homemaking Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parenting Skills</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Domestic Violence Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Early Intervention</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alcohol/Substance abuse</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Child Care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Intensive case management</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family or others as safety resources</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**  
 ECDSS provided the family a multitude of service referrals following the death including, mental health counseling, bereavement services, and grief support group information. It was unknown if services were being utilized at the time of this writing as the family became uncooperative with ECDSS.

**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?** N/A

**Explain:**  
 There were no surviving siblings.

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

**Explain:**  
 ECDSS offered services to the mother and father related to mental health counseling, and bereavement services. At the time of this writing, the mother was being uncooperative with ECDSS so it is unknown if any services were utilized.

## History Prior to the Fatality

## Child Information

<b>Did the child have a history of alleged child abuse/maltreatment?</b>	Yes
<b>Was the child ever placed outside of the home prior to the death?</b>	No
<b>Were there any siblings ever placed outside of the home prior to this child's death?</b>	N/A
<b>Was the child acutely ill during the two weeks before death?</b>	No



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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/30/2017	Deceased Child, Male, 7 Months	Mother, Female, 19 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Deceased Child, Male, 7 Months	Mother, Female, 19 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 7 Months	Mother, Female, 19 Years	Lack of Medical Care	Unsubstantiated	

**Report Summary:**

An SCR report alleged the mother exposed the SC to marijuana smoke. The SC had breathing problems since he was around 3 months old due to his trachea being too small. As a result, the child wheezed and struggled to breathe. The mother had been recommended to take the child to a specialist to address his breathing problems and she failed to do so. The living environment was unsanitary, infested with cockroaches and bedbugs, had no windows or running water in the bathroom, and had a leaking ceiling that caused the kitchen to flood when it rained. The mother brought the SC to a home for child care that was also infested with cockroaches and bed bugs. The father had an unknown role.

**Report Determination:** Unfounded**Date of Determination:** 09/27/2017**Basis for Determination:**

Home visits were completed and there were no safety concerns observed in the home. There were windows in the home and running water. There was no evidence of ceilings leaking. The mother did not appear to have knowledge of the child having a small trachea and the child's medical records did not indicate there was any issue with his breathing. The mother did follow up with a medical specialist for the child. The mother denied using drugs.

**OCFS Review Results:**

ECDSS completed a CPS history check, contacted the source, completed home visits and interviews with all appropriate parties, obtained medical documentation, reviewed safe sleep with the mother and offered services. The case was appropriately determined and closed.

**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)
05/17/2017	Deceased Child, Male, 3 Months	Father, Male, 19 Years	Inadequate Guardianship	Substantiated	No

**Report Summary:**

An SCR reported alleged on 5/17/17, the father had a verbal argument with the mother before becoming violent. The father broke and shattered a glass window from outside the home, above where the child was sleeping. As a result, the glass shattered onto the child. There were no known injuries.

**Report Determination:** Indicated**Date of Determination:** 07/31/2017**Basis for Determination:**

ECDSS determined there was credible evidence that the father broke the window in the home knowing the mother and child were present inside. The father was arrested and an OP was issued. Domestic violence had been an ongoing concern with the father acting as the perpetrator.

**OCFS Review Results:**

ECDSS completed a thorough investigation into the allegations. All casework activity was completed in a timely fashion



commensurate with case circumstances. ECDSS appropriately determined the allegations given the information obtained during the investigation and offered a multitude of services. Once all case objectives were met and services were offered, the investigation was appropriately closed.

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)
03/06/2017	Deceased Child, Male, 2 Months	Father, Male, 19 Years	Inadequate Guardianship	Unsubstantiated	No

**Report Summary:**

An SCR report alleged the mother and father got into a verbal altercation that became physical in the presence of the subject child on 3/3/17. The father pushed the mother and hit her head. There was a history of physical abuse between the father and mother.

**Report Determination:** Unfounded

**Date of Determination:** 04/12/2017

**Basis for Determination:**

ECDSS determined there was no credible evidence that domestic violence between the parents had a negative impact on the child. During the investigation, it was learned the child was sleeping while the parents argued in a separate room.

**OCFS Review Results:**

ECDSS completed a thorough investigation into the allegations. All casework activity was completed in a timely fashion commensurate with case circumstances. ECDSS appropriately determined the allegations given the information obtained during the investigation and offered a multitude of services. Once all case objectives were met and services were offered, the investigation was appropriately closed.

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

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

There was no history more than three years prior to the fatality.

**Known CPS History Outside of NYS**

There was no known CPS history outside of New York.

**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**

We at the Erie County Department of Social Services appreciate the opportunity given us to review the draft report in advance. We find that the facts, as written, describe the unfortunate events and the actions taken in response. We are



pleased that OCFS found that the fatality investigation was conducted appropriately and that there are no required actions related to the fatality or to the CPS investigations conducted during the three years preceding the fatality.

**Recommended Action(s)**

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

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