



Report Identification Number: BU-23-024

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

Issue Date: Jan 02, 2024

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 had an open investigation or a CPS monitored services 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	DA-District Attorney	
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	SXTF-Sex Trafficking
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: 13 year(s)

Jurisdiction: Erie
Gender: Female

Date of Death: 07/07/2023
Initial Date OCFS Notified: 07/10/2023

Presenting Information

Erie County Department of Social Services (ECDSS) was notified on 7/11/23, that the 13-year-old female subject child was deceased. The subject child was struck in the head by gunfire on 7/7/23, while she was out in the community with friends. The subject child died at the scene. The family had an open CPS investigation at the time of the subject child's death. ECDSS completed a 7065 Agency Reporting Form and notified the Buffalo Regional Office on 7/11/23.

Executive Summary

This fatality report concerns the death of the 13-year-old female subject child that occurred on 7/7/23. The subject child was a victim of a homicide. At the time of the subject child's death, the subject child resided with her mother, her 11 and 9-year-old siblings, a 9-month-old cousin, and an unrelated home member. ECDSS assessed the siblings and the cousin as safe with the mother.

Upon learning of the death, ECDSS spoke with the mother and collateral contacts. On 7/6/23 at about 9:00PM, the subject child told her mother she was going to a friend's home, and later attended a party with some friends. The mother told the subject child to be home by 11:00PM. By 11:30PM, the subject child had not returned home and the mother called her phone; however, the subject child did not answer. ECDSS learned the subject child and a group of her friends were on a street corner in the community, when an unknown person in a vehicle fired a single gunshot, striking the subject child in the head. An unknown person called 911. Upon the arrival of first responders, the subject child was found supine in the grass, with a gunshot wound to her head and her brain matter exposed. At 12:44AM on 7/7/23, the subject child was pronounced dead at the scene and was transported directly to the medical examiner's office.

An autopsy was performed; however, the final autopsy report was not available at the time this report was written. The record reflected ECDSS spoke with the medical examiner's office and learned the subject child died from a gunshot wound to the head. Toxicology reports were still pending, and the final autopsy report was not completed. The record reflected that law enforcement investigated the death as a homicide and the criminal investigation was ongoing at the time this report was written.

At the time of the fatality, ECDSS had an open CPS investigation which alleged the mother's mental health impaired her ability to care for the children, and the mother assaulted another adult in the presence of the children. Based on the information available regarding the subject child's death, a report was not accepted by the State Central Registry. ECDSS had no evidence to support that the mother's actions or inactions had any relation to the death of the subject child.

After learning of the subject child's death, ECDSS made a home visit on 7/11/23 and assessed the safety of the two siblings and the cousin. There were no concerns noted and all the children appeared free of any marks or bruises. The home was found to be appropriate and there were no safety hazards.

Following the fatal incident, ECDSS offered the mother and two siblings mental health and grief counseling services. The mother accepted the services that were offered; however, she later declined the services. The mother was provided with a list of community-based resources for the siblings. The mother continued with her ongoing mental health services. ECDSS offered the unrelated home member bereavement services, and she declined. The record did not reflect the mother was offered burial assistance. ECDSS closed the open CPS investigation on 9/13/23.



PIP Requirement

ECDSS will submit a PIP to the Buffalo Regional Office within 30 days of receipt of this report. The PIP will identify action(s) ECDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ECDSS will review the plan and revise as needed to address ongoing concerns.

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? N/A

Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? N/A
- Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

The fatality was not SCR reported; therefore, certain casework activity was not required.

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:

ECDSS gathered information regarding the death and documented supervisory conferences.

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: 07/07/2023

Time of Death: 12:44 AM (Approximate)

Date of fatal incident, if different than date of death:

07/06/2023

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: 11:35 PM
Did EMS respond to the scene? Yes
At time of incident leading to death, had child used and/or ingested alcohol or drugs? Unknown

Child's activity at time of incident:

- Sleeping Working Driving / Vehicle occupant
 Playing Eating Unknown
 Other: With friends in the community

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	No Role	Female	13 Year(s)
Deceased Child's Household	Mother	No Role	Female	32 Year(s)
Deceased Child's Household	Other Child - Cousin	No Role	Female	9 Month(s)
Deceased Child's Household	Sibling	No Role	Female	11 Year(s)
Deceased Child's Household	Sibling	No Role	Male	9 Year(s)
Deceased Child's Household	Unrelated Home Member	No Role	Female	24 Year(s)
Other Household 1	Other Adult - Father of the Cousin (OA1)	No Role	Male	39 Year(s)
Other Household 2	Other Adult - Father of the Subject Child (OA2)	No Role	Male	33 Year(s)
Other Household 3	Other Adult - Father of the 9yo SS (OA3)	No Role	Male	30 Year(s)
Other Household 4	Other Adult - Father of the 11yo SS (OA4)	No Role	Male	32 Year(s)

LDSS Response

ECDSS was notified of the subject child's death on 7/11/23. ECDSS had an open CPS investigation prior to the subject child's death. Upon notice of the death, ECDSS completed the required 7065 Agency Reporting Form timely, spoke with the mother and siblings, made a home visit, spoke with collaterals, and assessed the safety of the siblings.

ECDSS spoke with the mother and learned on 7/6/23, the subject child left the mother's home at about 9:00PM to go visit friends in the neighborhood and was to return home by 11:00PM. When the subject child had not returned home by 11:30PM, the mother called her phone and there was no answer. At an unknown time, the mother received a call from a friend of the subject child that the subject child was dead.

ECDSS learned from collateral sources the subject child and some friends were hanging out in a side yard near an apartment building in the community. Two vehicles circled around the block twice and gained the attention of the subject child and her friends. A gunshot was fired from one of the vehicles at the group, and the subject child was struck in the head. An unknown person called 911, and first responders arrived at the scene. Upon arrival the subject child was found lying in the grass, with a fatal gunshot wound that entered the right side of her head and exited on the left. The subject child was pronounced dead at the scene and transported directly to the medical examiner's office.



ECDSS observed and interviewed the 11yo and 9yo siblings. The 9-month-old cousin was observed and was free of any visible marks or bruises. The siblings were aware of the subject child’s passing. The siblings confirmed being at the waterpark earlier in the day with the subject child; however, they denied being with the subject child when the fatal incident occurred. The 9yo sibling stated the subject child was talking about going to a party while they were at the waterpark, and he was asleep before the subject child left the home. The siblings had no information to provide regarding the death and had no concerns for the subject child.

ECDSS spoke with the unrelated home member, who reported she had not been at the home for a few days prior to the subject child’s death. The unrelated home member had no concerns for the subject child or the mother’s care of the children.

ECDSS contacted collateral sources, including the children’s pediatrician, law enforcement, school staff, and the mother’s mental health providers. ECDSS offered the family bereavement services, and the mother accepted; however, the mother later declined the services. The mother was engaged with mental health services prior the subject child’s death and continued with those services after the death. ECDSS provided the mother with a list of community-based resources. The unrelated home member declined bereavement services that were offered by ECDSS. The open CPS investigation was closed, and the siblings and the cousin were deemed safe with the mother.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

Was the fatality referred to an OCFS approved Child Fatality Review Team?No

Comments: ECDSS has an OCFS approved Child Fatality Review Team; however, the 7065 form reflected the fatality would not be referred to the Child Fatality Review Team.

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"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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:

ECDSS contacted appropriate collaterals and investigated the circumstances surrounding the child's death. The child was a victim in a drive-by shooting while out in the community.



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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explain:
As there was no SCR report regarding the fatality, the completion of safety assessments was not required; however, ECDSS documented an assessment of the surviving children's safety following the death.

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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
As there was no SCR report surrounding the fatality, the completion of risk assessments was not required. ECDSS offered the family bereavement services and the mother initially accepted the services and later declined. The record did not reflect burial assistance was offered to the mother.

Placement Activities in Response to the Fatality Investigation



Child Fatality Report

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed as a result of information uncovered during the fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: No children needed to be removed.				

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? There was no legal activity.

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

Additional information, if necessary:
 Bereavement services were offered to the family and declined. The mother was engaged with mental health services prior to the child's death and remained engaged after the death. Following the death of the subject child, ECDSS referred



the siblings for therapeutic grief counseling and the mother originally accepted the services; however prior to the case closure the mother declined the services. The record did not reflect ECDSS offered the mother burial assistance.

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? No

Explain:
ECDSS offered the mother bereavement services on behalf of the children and ECDSS made a referral for therapeutic services. The mother initially accepted the services, and later declined.

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

Explain:
ECDSS offered the mother bereavement and mental health services, which she initially accepted but later declined.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
Was the child acutely ill during the two weeks before death? 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)
06/20/2023	Deceased Child, Female, 13 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Female, 13 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 13 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 10 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 10 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Female, 10 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin, Female, 9 Months	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	



Other Child - Cousin, Female, 9 Months	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 9 Months	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Female, 2 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 2 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 2 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 13 Years	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 13 Years	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 13 Years	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 10 Years	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 10 Years	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 10 Years	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 9 Years	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 9 Years	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 9 Years	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Female, 9 Months	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 9 Months	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 9 Months	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 3 Years	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated



Child Fatality Report

Other Child - Cousin, Female, 2 Years	Unrelated Home Member, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 2 Years	Unrelated Home Member, Female, 24 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin, Female, 2 Years	Unrelated Home Member, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 13 Years	Mother, Female, 32 Years	Childs Drug / Alcohol Use	Unsubstantiated

Report Summary:

An SCR report alleged the mother and unrelated home member(UHM) smoked marijuana and abused alcohol to impairment, while caring for the SC, the two SSs and the three cousins. The adults were unable to care for the children. The mother smoked marijuana with the SC to impairment on a daily basis. The mother allowed the SC and the SSs to engage in physical altercations with each other. The mother and UHM failed to adequately supervise the children and often left the children home alone unsupervised. The mother had a history of mental health concerns and on 6/6/23, she attempted suicide and had to be hospitalized. The mother was overwhelmed with caring for the children and no longer wanted the responsibility of caring for them. The mother's mental health was an ongoing concern.

Report Determination: Unfounded**Date of Determination:** 09/13/2023**Basis for Determination:**

The allegations of IG, LS, and PD/AM against the mother and UHM regarding the SC, two siblings and the three cousins were unsubstantiated. The allegation of CD/A against the BM regarding the SC was unsubstantiated. The investigation revealed there was no evidence the BM or the UHM used marijuana or alcohol to impairment while caring for the children. There was no evidence that the SC used marijuana, or the mother used marijuana with the SC. The children denied being left home alone unsupervised and denied getting into altercations with each other. ECDSS learned the mother felt overwhelmed at times regarding her mental health; however, she sought out appropriate services to address her mental health and had family supports. The mother voluntarily went to the hospital to address her mental health and was released. The mother was engaged with services prior to the close of the investigation. ECDSS found the mother's mental health had no impact on her ability to care for the children. The death of the SC occurred during this investigation and ECDSS linked the family with appropriate services.

OCFS Review Results:

ECDSS began the investigation within 24 hours of the report, contacted the source, conducted a home visit, and interviewed the adults and children in the home. ECDSS contacted biological fathers and spoke with collateral contacts, such as school staff, medical providers, law enforcement and mental health providers. ECDSS completed a CPS history check untimely, and the 7-day Safety Assessment was completed nine days late. The record did not reflect ECDSS made diligent efforts to contact the 10yo or the 9yo SSs fathers.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

The 7-Day Safety Assessment completed untimely. The safety assessment was due 6/27/23; however, it completed and approved 9 days late on 7/6/23.

Legal Reference:

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

Action:

ECDSS will document and approve all safety assessments within the required timeframes.

Issue:

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

Summary:



The record did not reflect ECDSS made diligent efforts to contact the father of the 10yo SS and 9yo SS. The record reflected an address check was completed for the 10yo SS's father on 8/18/23; however, the record did not reflect a home visit was attempted, and one attempted phone call was made on 8/21/23, with no success. The record reflected an attempted phone call to the 9yo SS's father on 7/11/23, an address check on 8/18/23, and another attempted phone call on 8/21/23; however, the record did not reflect a home visit was attempted. The record reflected Notice of Existence Letters were mailed to the biological fathers on 8/18/23, at their last know addresses.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

ECDSS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/23/2023	Deceased Child, Female, 12 Years	Mother, Female, 31 Years	Childs Drug / Alcohol Use	Unsubstantiated	Yes
	Deceased Child, Female, 12 Years	Mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 3 Years	Aunt/Uncle, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Female, 3 Years	Aunt/Uncle, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - Cousin, Female, 3 Years	Aunt/Uncle, Female, 30 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Female, 30 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Other Child - Cousin, Female, 7 Months	Aunt/Uncle, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Female, 7 Months	Aunt/Uncle, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - Cousin, Female, 7 Months	Aunt/Uncle, Female, 30 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Other Child - Cousin, Male, 10 Years	Aunt/Uncle, Female, 30 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Male, 10 Years	Aunt/Uncle, Female, 30 Years	Lack of Supervision	Unsubstantiated	
Other Child - Cousin, Male, 10 Years	Aunt/Uncle, Female, 30 Years	Parents Drug / Alcohol Misuse	Unsubstantiated		

Report Summary:

An SCR report alleged on 4/23/23, at about 12:50PM, the Maternal Aunt (MA) passed away due to a cocaine overdose. The MA was on a cocaine binge for 3-days and was breastfeeding the then 7-month-old cousin throughout the binge. The



then 3 and 2-year-old and the then 7-month-old cousins were in the MA's care, and the MA was incapable of supervising the cousins due to her level of impairment. The 10-year-old cousin was not in the home during this time. A subsequent report dated 4/24/23 alleged the MA overdosed and died due to her use of cocaine. On an ongoing basis, the mother of the SC provided the SC with marijuana to smoke and get high. The mother also smoked marijuana with the SC.

Report Determination: Indicated

Date of Determination: 09/12/2023

Basis for Determination:

The allegations of LS, IG, and PD/AM against the MA regarding the then 3yo, 2yo, and 7-month-old cousins were substantiated. The allegations of IG and PD/AM against the MA regarding the then 10yo cousin was unsubstantiated. The investigation revealed the 10yo cousin was not at the home when the MA overdosed. The 10yo cousin informally resided with a relative during that time and visited with the MA. The 3yo, 2yo, and 7-month-old cousins were home with the MA while the MA was using drugs and overdosed. The 3yo, 2yo, and 7-month-old cousins were unable to be interviewed; however, were seen and appeared free of any marks or bruises. The 7-month-old cousin was seen medically and evaluated at the hospital. The 7-month-old cousin's urine toxicology was positive for cocaine. Medical collaterals had no concerns for the two older cousins. At the close of the CPS investigation the maternal great aunt obtained Article 6 custody of the 10yo cousin. The biological father and the SC's mother were informally caring for the 3yo, 2yo, and 7-month-old cousins. Prior to the case closure, ECDSS assessed the cousins' safety with the relatives, and there were no concerns. ECDSS unsubstantiated the allegations of CD/A and IG against the mother regarding the SC. There was not a fair preponderance of evidence to support the allegations. The mother denied using marijuana around the children, and the SC denied she or the mother used marijuana.

OCFS Review Results:

ECDSS began the investigation within 24 hours of the report, contacted the sources of the reports, interviewed the adults caring for the children, and observed and interviewed the children who were verbal. ECDSS spoke with collaterals. The record did not reflect ECDSS made diligent efforts to contact the father of the SC. A CPS history check and the 7-day Safety Assessment were completed untimely. The Investigation Determination Safety Assessment and RAP were completed inaccurately.

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

Issue:

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

Summary:

The record did not reflect ECDSS attempted to contact or speak with father of the SC.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

ECDSS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

Issue:

Adequacy of Documentation of Safety Assessments

Summary:

In the Investigation Determination Safety Assessment, safety factor three was checked as a present safety concern and stated that the MA was using drugs and died while caring for her children. This was no longer a present safety factor as the MA had passed away and was not caring for the children. ECDSS had no concerns for the relatives that were caring for the children at the close of the investigation.

Legal Reference:

18 NYCRR432.2(b)(3)(ii)(c)&(iii)(b)

Action:

Prior to making a determination, ECDSS will complete an assessment of the current safety and the risk of future abuse and maltreatment to the children in the home and document such assessment in the form and manner provided by OCFS.

**Issue:**

Adequacy of Risk Assessment Profile (RAP)

Summary:

The Risk Assessment Profile was completed inaccurately. Despite being deceased and not posing a future risk, the MA was identified as a primary caregiver, resulting in a very high risk rating that did not accurately reflect case circumstances.

Legal Reference:

18 NYCRR 432.2(d)

Action:

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/02/2022	Other Child - Cousin, Male, 9 Years	Aunt/Uncle, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Cousin, Male, 9 Years	Aunt/Uncle, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin, Female, 1 Years	Aunt/Uncle, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 1 Years	Aunt/Uncle, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin, Female, 14 Days	Aunt/Uncle, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 14 Days	Aunt/Uncle, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin, Male, 9 Years	Other Adult - Father of the 2yo, 1yo, and 14 day old Cousins, Male, 38 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 2 Years	Other Adult - Father of the 2yo, 1yo, and 14 day old Cousins, Male, 38 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin, Female, 1	Other Adult - Father of the 2yo, 1yo, and 14 day old Cousins, Male, 38 Years	Inadequate Guardianship	Unsubstantiated	



Child Fatality Report

Years			
Other Child - Cousin, Female, 14 Days	Other Adult - Father of the 2yo, 1yo, and 14 day old Cousins, Male, 38 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

An SCR report alleged the MA used cocaine on an ongoing basis while caring for the cousins, ages 10yo, 2yo, 1yo, and 14 days old. The MA sometimes passed out when she was high and was unable to care for the children. The MA was angry when she ran out of drugs and punched the 10yo cousin on multiple occasions. It was unknown if the 10yo cousin sustained any injuries as a result of the MA's actions. The father of the then 2yo, 1yo, and 14 day old children was aware of the MA's actions and failed to intervene.

Report Determination: Unfounded

Date of Determination: 12/01/2022

Basis for Determination:

The allegations of IG and PD/AM against the MA regarding the then 10yo, 2yo, 1yo, and 14-day old cousins were unsubstantiated. The allegations of IG against the father of the 2yo, 1yo, and 14-day old cousins were unsubstantiated. ECDSS unfounded the investigation due to a lack of fair preponderance of evidence. The MA admitted to smoking marijuana and that she used to have a substance abuse problem but worked with services in the past and no longer used cocaine. ECDSS spoke with collateral contacts regarding the MA using drugs and there was no evidence that suggested that MA was using cocaine. ECDSS learned the MA tested positive for marijuana at time of birth of the 14-day old cousin and was negative for other substances. ECDSS conducted multiple home visits, the MA appeared sober and coherent, and the cousins all appeared well cared for. ECDSS was not able to locate the father to interview him. ECDSS offered the MA preventive services, and she declined.

OCFS Review Results:

The investigation was initiated within 24 hours, the source was contacted, and a history review was completed. ECDSS made a home visit and assessed the safety of the children. ECDSS interview the MA and the 10yo cousin, and observed the 2yo, 1yo, and 14-day old cousins. Diligent efforts were made to contact both biological fathers; however, ECDSS was unsuccessful. ECDSS spoke with collateral contacts, such as medical providers, school staff, and law enforcement.

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)
06/08/2021	Sibling, Male, 7 Years	Mother, Female, 30 Years	Burns / Scalding	Unsubstantiated	Yes
	Sibling, Male, 7 Years	Mother, Female, 30 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 7 Years	Mother, Female, 30 Years	Lacerations / Bruises / Welts	Unsubstantiated	

Report Summary:

On 5/30/21, an SCR report alleged the mother struck the then 7yo SS in the face and pushed him into a metal porch railing. As a result, the 7yo SS sustained bruising on his face. The 7yo SS suffered from respiratory issues and was holding his chest during the incident. During the same incident, the mother struck another adult in the presence of the 7yo SS. The mother had previously burned the 7-year-old SS's back, chest, and torso with cigarettes. The 7yo SS had scars on his legs and buttocks from the mother hitting him in the past, and she previously caused lacerations to his face. The concerns were ongoing for about a month.

Report Determination: Unfounded

Date of Determination: 07/23/2021

Basis for Determination:

The allegations of IG, L/B/W, and B/S against the mother regarding the then 7yo SS were unsubstantiated. ECDSS interviewed the family; the mother and the SS denied the allegations in the report. ECDSS observed the SS, and he had no bruising to his face, one small scar on his back, and dry skin patches that were not consistent with cigarette burns. The mother and SS denied there was an altercation with another adult. The family remained engaged with voluntary



preventive services at the closing of the CPS investigation.

OCFS Review Results:

ECDSS initiated the investigation within 24 hours, contacted the source, completed a CPS history check, made a home visit, and interviewed the family. ECDSS spoke with collateral contacts. The record did not reflect ECDSS thoroughly addressed the allegation in the report regarding the mother striking another adult in the presence of the SS on 5/30/23. The record did not reflect ECDSS made diligent efforts to speak to one of the biological fathers that was incarcerated, and ECDSS was aware of his location.

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

Issue:

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

Summary:

ECDSS was aware that the father of the then 7yo SS was incarcerated; however, no attempts were made to facilitate a phone call with the facility or to see him in person at the facility.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

ECDSS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

Issue:

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

Summary:

The record reflected ECDSS addressed the allegation of the mother striking another adult in the presence of the children and she denied the allegations. ECDSS received Law Enforcement records which contradicted the mother's denial of the allegation; however, the record does not reflect ECDSS spoke with the mother about the alleged assault after ECDSS received the records.

Legal Reference:

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

Action:

ECDSS will fully explore the extent of what is alleged as it pertains to the safety and risk to the allegedly maltreated child.

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

On 3/18/19, the mother was a named subject on an unfounded investigation with allegations of IG, LS, and SA regarding the SC and IG and LS regarding the now 11yo SS.

On 1/29/19, the now 11yo SS was named as a maltreated child on a CPS investigation with allegations of IG and L/B/W against the paternal grandmother that were substantiated. The SC and now 9yo SS were named as maltreated children with allegations of PD/AM and IG against the paternal grandmother that were unsubstantiated.

On 8/31/18, the SC, and now 11yo SS, and 9yo SS were named as maltreated children on an unfounded investigation with allegations PD/AM, IG, IF/C/S, P/Nx, LS, and L/B/W against the paternal grandmother.

On 6/25/18, the now 11yo SS and 9yo SS were named as a maltreated children on an unfounded investigation with allegations of IF/C/S, IG, L/B/W, LS and PD/AM against the paternal grandmother.



On 4/24/18, the now 11yo SS was named as a maltreated child on an unfounded investigation with allegations of XCP, IG, and L/B/W against the paternal grandmother.

On 7/24/16, the SC, the now 11yo SS, and 9yo SS were named maltreated children on an unfounded investigation with allegations of IF/C/S, IG, LS, and PD/AM against the paternal grandmother.

On 2/06/15, the SC, the now 11yo SS, and 9yo SS were named maltreated children on an indicated report with allegations of IG against the mother. An FSS was opened regarding to the mother’s mental health and a neglect petition was filed against the mother.

On 5/9/14, the now 9yo SS was named a maltreated child on an indicated report with allegations of IG against the father of the 9yo SS.

On 10/2/13, the now 11yo SS and 9yo SS were named as maltreated children on an indicated report with allegations of IG against the mother and the father of the 9yo SS.

On 6/18/13, the SC and now 11yo SS were named as maltreated children on an unfounded report with allegations of IG against the mother.

On 1/24/13, the SC and now 11yo SS were named a maltreated children on an indicated report with allegations of Inappropriate Custodial Conduct, IG, and PD/AM against the mother.

Known CPS History Outside of NYS

There was no known history outside of NYS.

Preventive Services History

From 2/10/15-11/29/2019, the family had a preventive services case. The preventive service case was originally opened regarding the mother’s mental health concerns. The mother needed assistance and support with daycare, organizational skills, parenting skills, and getting to mental health appointments. On 9/9/2015, the SC, and the now 11yo and 9yo SSs were placed in foster care under Family Court Article 1017 placement with the PGM.

From 2010 to 2015, the mother had three voluntary Preventive Service cases. The preventive service cases were opened due to the mother needing support regarding her mental health appointments, day care, and taking her prescribed medications. The first case was closed due to the mother’s whereabouts being unknown, the second case was closed due to the mother no longer wanting services, and the third case was closed due to the mother being compliant with her mental health treatment and no longer needed preventive services.

Foster Care Placement History

On 9/9/2015, the SC, and the now 11yo and 9yo SSs were placed in foster care under Family Court Article 1017 placement with the PGM due to the mother’s mental health concerns and her non-compliance with treatment. The SC and SSs returned to the mother’s care on 6/14/2019, due to the mother completing her family court orders and her participation and engagement in mental health treatment.

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 (ECDSS) 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. With respect to the SCR reports dated April 23, 2023 and June 20, 2023, we must unfortunately concur with the reviewer's findings relative to a late safety assessment, a lack of diligent efforts to make face-to-face contact with biological fathers, and a failure to account for a reduction in safety and risk concerns resulting from the death of a substance-abusing relative. With regard to the SCR report dated June 8, 2021, ECDSS recognizes, after further discussion and consultation with the reviewer, that although efforts were made to contact a biological father who was incarcerated, said efforts did not meet the required standard of diligent effort, nor was ECDSS sufficiently clear and detailed in following up on information contained in law enforcement reports regarding a physical altercation between the mother and another adult in the presence of the children. The required actions related to the above findings continue to be part of a consolidated Program Improvement Plan (PIP) currently being reviewed and addressed with the assistance and support of the OCFS Buffalo Regional Office. Additionally, the particulars of the above findings will be discussed in an upcoming Team Leader meeting to further reinforce the learnings gleaned from the review.

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