



Report Identification Number: NY-15-020

Prepared by: New York City Regional Office

Issue Date: 8/31/2015

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
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
CPR-Cardio-pulmonary Resuscitation		
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	MN-Medical Neglect	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-Others	
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		

Case Information



Report Type: Child Deceased
Age: 3 year(s)

Jurisdiction: Bronx
Gender: Male

Date of Death: 02/27/2015
Initial Date OCFS Notified: 02/27/2015

Presenting Information

The first SCR report alleged on 2/27/15, the three-year-old male child had difficulty breathing. The mother called 911 and when the police arrived, the child was found unconscious and unresponsive. After attempting CPR, the child could not be revived. The child had a pre-existing medical condition but was an otherwise healthy child. The child was sick and was given over-the-counter medication by the mother. The roles of the sixteen-year-old, thirteen-year-old and nine-year-old siblings were unknown.

The subsequent report alleged the child had difficulty breathing. The child was diagnosed with a pre-existing medical condition and required medication to treat his condition. Two days prior to 2/26/15, the mother was instructed by authorities to have the child examined by a physician. The mother did not seek medical care for the child on that day and the child continued to have breathing issues. On 2/27/15, the child began foaming at the mouth and his body became limp.

Executive Summary

The three-year-old male child died on 2/27/15. The ME listed the cause of death as acute lymphoblastic leukemia and the manner of death as natural.

The SCR reports included the allegations of DOA/Fatality; IG and IF/C/S of the child by the parents and M/FTTH and MN of the child by the mother.

ACS' investigation revealed on 2/27/15, at about 1:00 PM, the mother observed the child appeared ill and she gave him one teaspoon of over-the-counter medication. The mother began to prepare the child to take him to the physician and then she observed he was unresponsive. A friend, who was in the home, contacted 911 for medical assistance. The mother administered CPR to the child. At 1:25 PM, law enforcement (LE) staff responded and continued administering CPR to the child until EMS responded. EMS continued resuscitative efforts while transporting the child to the hospital; the ambulance arrived at 1:40 PM. The child was pronounced dead upon arrival at the hospital. EMS reported there was garbage and debris near the child.

During the home visit, the LE staff observed the child was on the floor while the mother administered CPR. The LE staff did not observe suspicious marks/bruises on the child. Regarding the home conditions, the LE staff stated the home was not clean.

ACS' staff interviewed the parents, siblings, and relatives. ACS found that, on 2/27/15, prior to the time the thirteen-year-old and nine-year-old siblings left the home to attend school, they observed the child was alive and active. The sixteen-year-old male sibling was not in the home and he said he last observed the child on 2/21/15. Later, ACS addressed concerns about the activities of the sixteen-year-old sibling as there were several instances during which the mother was not aware of his whereabouts. The father resided elsewhere and he was not in the mother's home. The four youngest siblings were in their foster care placement under the supervision of the Catholic Guardian Society agency.



The mother participated in the 3/2/15 Child Safety Conference (CSC). The mother was involved in the development of a service plan which addressed: bereavement services, the mother’s mental health condition; child care, deep cleaning of the home, homemaking, and an Order of protection to address the father’s aggressive behavior.

On 4/22/15, the ME informed ACS staff that the cause of death was acute leukemia, cancer of the blood, which spread to the child’s organs. The ME was unable to state the length of time the child had the illness. Also, the ME had contacted the child's physician but was unable to determine whether the physician had detected the child had leukemia prior to death.

On 6/8/15, ACS substantiated the allegation of MN of the child by the mother on the basis that on 2/9/15, the mother failed to take the child to the scheduled medical appointment and she failed to reschedule the appointment. ACS added that the mother did not take the child to the ER as instructed by the child’s physician on 1/15/15.

ACS substantiated the allegations of IF/C/S and IG of the child and three siblings, and EdN of these siblings by the mother. The mother failed to provide a clean and sanitary home environment for the children, on many occasions she did not know the whereabouts of the oldest male sibling, and she failed to follow up with the children’s schools regarding attendance. Additionally, the three older children had all failed their classes.

ACS unsubstantiated the allegations of DOA/Fatality of the child by the parents, M/FTTH of the child by the mother, and IF/C/S and IG of the child by the father. The ME listed the cause of death as acute lymphoblastic leukemia and the manner of death as natural. ACS determined that the actions of the mother did not cause the death of the child.

ACS inadvertently added and subsequently unsubstantiated the allegation of Inappropriate Custodial Conduct of the nine-year-year-old sibling by the mother.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
 - **Approved Initial Safety Assessment?** Yes
 - **Safety assessment due at the time of determination?** Yes
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** No

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:

N/A

Was the decision to close the case appropriate? N/A



NYS Office of Children and Family Services - Child Fatality Report

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:
Investigative Closing- Response to Question #1 - ACS did not conduct follow up casework activity to obtain information about the sixteen-year-old child's activities and his behavioral needs. Also, the ACS case record did not reflect whether the agency obtained updated information about the father's medical and mental health status.

Required Actions Related to the Fatality

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

Issue:	Contact/Information From Reporting/Collateral Source
Summary:	Although ACS learned the father had preexisting medical and mental health conditions, ACS did not obtain information about the father's diagnosis to determine his ability to provide care of the siblings.
Legal Reference:	18 NYCRR 432.2(b)(3)(ii)(b)
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.
Issue:	Overall Completeness and Adequacy of Investigation
Summary:	During the investigation of the 2/27/15 report, the findings showed that the oldest sibling was frequently out of the home and he had excessive school absences. However, ACS did not obtain details about his activities.
Legal Reference:	SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.
Issue:	Pre-Determination/Assessment of Current Safety/Risk
Summary:	The 6/2/15 safety assessment did not identify the safety factors which placed the surviving siblings in immediate danger of serious harm.
Legal Reference:	18 NYCRR 432.2(b)(3)(iii)(b)
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.
Issue:	Provision of Notice of Indication
Summary:	For the 2/27/15 reports, the CONNECTIONS records did not reflect that ACS provided the required Notice of Indication to the subjects of the reports.
Legal Reference:	18 NYCRR 432.2(f)(3)(xi)
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the



date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 02/27/2015

Time of Death: 02:04 PM

Time of fatal incident, if different than time of death: 01:00 PM

County where fatality incident occurred:

BRONX

Was 911 or local emergency number called?

Yes

Time of Call:

01:09 PM

Did EMS to respond to the scene?

Yes

At time of incident leading to death, had child used alcohol or drugs? N/A

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other: The child was unresponsive.

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

Is the caretaker listed in the Household Composition? Yes - Caregiver

1

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	3 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	34 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	16 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	9 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	13 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	34 Year(s)
Other Household 2	Sibling	No Role	Male	7 Year(s)



Other Household 3	Sibling	No Role	Male	7 Year(s)
Other Household 3	Sibling	No Role	Male	6 Year(s)
Other Household 3	Sibling	No Role	Female	4 Year(s)

LDSS Response

During the interviews with ACS staff, the mother said on 2/27/15 the child had difficulty breathing and a runny nose. She said at about 1:00 PM, she gave him over-the-counter medication. Also, she prepared the child to take him to the physician and while she was obtaining his clothing, she observed he was unresponsive and there was foam on his mouth. A family friend contacted 911, the mother administered CPR to the child and she observed liquid leaking from the child's nose and mouth.

The oldest sibling said on 2/21/15, he last observed the child. He stated that the mother had advised him that the child had a medical condition, and he observed the mother gave the child medical treatment. Later, the Specialist visited the home where the sixteen-year-old sibling's infant son resided. The Specialist observed the infant was in a bassinet and he was alert and active. The Specialist instructed the infant's maternal grandmother that this sibling was allowed to visit the fourteen-year-old mother and infant son but not remain overnight.

The Specialist engaged the thirteen-year-old and nine-year-old siblings in the paternal aunt's (PA) home. The Specialist found on 2/27/15, at about 7:45 AM, these siblings left the home and went to school. Prior to the time they left the home, they observed the child was active.

ACS noted that LE informed ACS that upon arrival in the home, they observed the child lying on the floor while the mother administered CPR. LE personnel continued CPR until EMS responded, and transported the child to the hospital. The responders explained that the mother said the child was ill and she gave him a teaspoon of over-the-counter medication. The LE staff, who had responded to the home, found there were no visible signs of trauma to the child's body and no suspicions regarding the death. Also, the staff observed the home was not clean and there were dog feces on the floor.

EMS stated they received a call on 2/27/15 at 1:09 PM, reporting that the child had difficulty breathing. The dispatcher noted that at 1:13 PM, CPR was in progress. At 1:17 PM, EMS staff responded to the home and they observed the child appeared malnourished; with distended abdomen, thin arms, chest/ribs showing and dirty fingernails and feet. There was fecal matter on the floor.

The ACS case record showed that the mother attended the 3/2/15 child safety conference (CSC). The ACS, foster care, preventive services staff and medical consultant participated in the CSC. The participants discussed the physician's records which showed on 1/15/15, the child last had a medical examination at which time the child was prescribed medication and multi vitamins. The physician noted the child was not growing properly due to a medical condition. The mother said about two weeks prior to 2/27/15, the child was diagnosed with an illness for which the physician had referred the child to a medical specialist. The mother said that on the day she received the written referral by mail, the date of the appointment had passed. She said she did not reschedule the appointment.

ACS reviewed and discussed the older siblings' school attendance; Native American Indian affiliation; mother's relationship to a male adult who was observed in the home; and hazardous home conditions, including care of animals. ACS found that the mother continued to test negative for illicit drugs and she attended her mental health program.



NYS Office of Children and Family Services - Child Fatality Report

ACS obtained and reviewed the siblings' medical records and obtained medical consultation as needed. Also, ACS maintained contact with family members, homemaking services, schools, American Indian Community House, the District Attorney's office, Family Court and the ME. On 4/22/15 and 5/12/15, the ME informed ACS staff that the cause of death was acute leukemia/cancer. The ME was unable to provide facts regarding the onset of the child's illness.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?No

Comments: The investigation adhered to previously approved protocols for joint investigations.

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

Comments: There is no OCFS approved Child Fatality Review Team in the NYC region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
019146 - Deceased Child, Male, 3 Yrs	019148 - Father, Male, 34 Year(s)	DOA / Fatality	Unsubstantiated
019146 - Deceased Child, Male, 3 Yrs	019185 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
019146 - Deceased Child, Male, 3 Yrs	019185 - Mother, Female, 34 Year(s)	DOA / Fatality	Unsubstantiated
019146 - Deceased Child, Male, 3 Yrs	019148 - Father, Male, 34 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
019146 - Deceased Child, Male, 3 Yrs	019148 - Father, Male, 34 Year(s)	Inadequate Guardianship	Unsubstantiated
019146 - Deceased Child, Male, 3 Yrs	019185 - Mother, Female, 34 Year(s)	Malnutrition / Failure to Thrive	Unsubstantiated
019146 - Deceased Child, Male, 3 Yrs	019185 - Mother, Female, 34 Year(s)	Lack of Medical Care	Substantiated
019146 - Deceased Child, Male, 3 Yrs	019185 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
019182 - Sibling, Male, 16 Year(s)	019185 - Mother, Female, 34 Year(s)	Educational Neglect	Substantiated
019182 - Sibling, Male, 16	019185 - Mother, Female, 34	Inadequate Guardianship	Substantiated



NYS Office of Children and Family Services - Child Fatality Report

Year(s)	Year(s)		
019182 - Sibling, Male, 16 Year(s)	019185 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
019184 - Sibling, Female, 13 Year(s)	019185 - Mother, Female, 34 Year(s)	Educational Neglect	Substantiated
019184 - Sibling, Female, 13 Year(s)	019185 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
019184 - Sibling, Female, 13 Year(s)	019185 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
019186 - Sibling, Female, 9 Year(s)	019185 - Mother, Female, 34 Year(s)	Inadequate Guardianship	Substantiated
019186 - Sibling, Female, 9 Year(s)	019185 - Mother, Female, 34 Year(s)	Educational Neglect	Substantiated
019186 - Sibling, Female, 9 Year(s)	019185 - Mother, Female, 34 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
019186 - Sibling, Female, 9 Year(s)	019185 - Mother, Female, 34 Year(s)	Inappropriate Custodial Conduct	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the investigation adhere to established protocols for a joint investigation?	<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:

ACS made appropriate contact with Homemaking services staff. On 5/18/15, the Specialist learned that the homemaker had been cleaning and organizing the home. There was little improvement as the family members did not maintain the



cleanliness.

Fatality Safety Assessment Activities

Table with 5 columns: Question, Yes, No, N/A, Unable to Determine. Rows include: 'Were there any surviving siblings or other children in the household?', 'Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report: Within 24 hours? At 7 days? At 30 days?', 'Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?', 'Are there any safety issues that need to be referred back to the local district?'.

Table with 5 columns: Question, Yes, No, N/A, Unable to Determine. Row: '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?'.

Fatality Risk Assessment / Risk Assessment Profile

Table with 5 columns: Question, Yes, No, N/A, Unable to Determine. Rows include: 'Was the risk assessment/RAP adequate in this case?', 'During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?', 'Was there an adequate assessment of the family's need for services?', '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?', 'Were appropriate/needed services offered in this case'.

Placement Activities in Response to the Fatality Investigation



NYS Office of Children and Family Services - 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 and 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 siblings/other children in the household removed as a result of this fatality report/investigation?	<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? There was no legal activity

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Health care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Legal services	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Domestic Violence Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				



NYS Office of Children and Family Services - Child Fatality Report

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

Other, specify: Indian Child Welfare Act related services

Additional information, if necessary:

ACS obtained (from the family) the tribal related information. According to the ACS case record, the mother signed the consent for ACS to contact the American Indian Community House (AICH) agency. ACS' staff contacted AICH regarding services for the family. ACS learned that the mother was not an enrolled member.

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:
Four of the surviving siblings continued to receive foster care services. The three older siblings remained at home in the mother's care and they received services to address their mental health, medical, housing, educational and other needs. However, the service plan did not reflect whether the sixteen-year-old sibling's behavioral needs were identified.

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

Explain:
The parents who had a history of drug use received drug treatment services, mental health, domestic violence, homemaking services and case management services. According to the ACS case record, on 4/30/15, the father enrolled in a substance abuse treatment program. He participated in group counseling sessions. In June 2015, ACS noted the results of random drug screening showed the mother continued to test negative; however, she did not consistently attend her scheduled therapy sessions.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? Yes
- Was there an open CPS case with this child at the time of death? Yes
- Was the child ever placed outside of the home prior to the death? Yes
- Were there any siblings ever placed outside of the home prior to this child's death? Yes
- Was the child acutely ill during the two weeks before death? Yes

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/08/2013	4355 - Sibling, Male, 14	4354 - Father, Male,	Childs Drug / Alcohol	Indicated	Yes



NYS Office of Children and Family Services - Child Fatality Report

Years	32 Years	Use	
4352 - Deceased Child, Male, 1 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4355 - Sibling, Male, 14 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4356 - Sibling, Female, 11 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4356 - Sibling, Female, 11 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4356 - Sibling, Female, 11 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4361 - Sibling, Female, 7 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4361 - Sibling, Female, 7 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4362 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4363 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4363 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4364 - Sibling, Male, 4 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4364 - Sibling, Male, 4 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4364 - Sibling, Male, 4 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4365 - Sibling, Female, 2 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4365 - Sibling, Female, 2 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4365 - Sibling, Female, 2 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4355 - Sibling, Male, 14 Years	4353 - Mother, Female, 32 Years	Childs Drug / Alcohol Use	Indicated
4352 - Deceased Child, Male, 1 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4352 - Deceased Child, Male, 1 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4355 - Sibling, Male, 14 Years	4353 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4355 - Sibling, Male, 14 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4361 - Sibling, Female, 7	4353 - Mother,	Inadequate Food /	Indicated



NYS Office of Children and Family Services - Child Fatality Report

Years	Female, 32 Years	Clothing / Shelter	
4362 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4362 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4363 - Sibling, Male, 6 Years	4353 - Mother, Female, 32 Years	Inadequate Guardianship	Indicated
4352 - Deceased Child, Male, 1 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4352 - Deceased Child, Male, 1 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4352 - Deceased Child, Male, 1 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4355 - Sibling, Male, 14 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4355 - Sibling, Male, 14 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4355 - Sibling, Male, 14 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4356 - Sibling, Female, 11 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4356 - Sibling, Female, 11 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4356 - Sibling, Female, 11 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4361 - Sibling, Female, 7 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4361 - Sibling, Female, 7 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4361 - Sibling, Female, 7 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4362 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4362 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4362 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4363 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4363 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4363 - Sibling, Male, 6 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4364 - Sibling, Male, 4	4354 - Father, Male,	Inadequate Food /	Indicated



NYS Office of Children and Family Services - Child Fatality Report

Years	32 Years	Clothing / Shelter	
4364 - Sibling, Male, 4 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4364 - Sibling, Male, 4 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4365 - Sibling, Female, 2 Years	4354 - Father, Male, 32 Years	Inadequate Food / Clothing / Shelter	Indicated
4365 - Sibling, Female, 2 Years	4354 - Father, Male, 32 Years	Inadequate Guardianship	Indicated
4365 - Sibling, Female, 2 Years	4354 - Father, Male, 32 Years	Parents Drug / Alcohol Misuse	Indicated
4364 - Sibling, Male, 4 Years	4353 - Mother, Female, 32 Years	Internal Injuries	Unfounded
4364 - Sibling, Male, 4 Years	4354 - Father, Male, 32 Years	Internal Injuries	Unfounded

Report Summary:

On 2/7/13, the sibling, who was then four years old, presented with internal injuries. The parents' explanation that a television fell on top of the sibling was inconsistent with the nature of the sibling's injuries. The sibling's injuries were suspicious and it was unknown whether they were caused accidentally or intentionally inflicted. In addition, the sibling appeared to be extremely filthy and unkempt. The roles of the other siblings were unknown.

Determination: Indicated**Date of Determination:** 04/02/2013**Basis for Determination:**

ACS substantiated the allegations of CD/A of the oldest sibling and IG, IF/C/S and PD/AM of all the children by the parents on the basis that investigative findings showed the parents allowed the oldest sibling to drink beer and use marijuana. The home conditions were deplorable and insect infested. The parents tested positive for marijuana use, the father tested positive for cocaine and the parents were not engaged in drug treatment.

ACS unsubstantiated the allegation of II of the sibling, who was then four year old, by the parents.

OCFS Review Results:

ACS' findings showed on 2/7/13, the sibling who was then four years old sustained serious internal injuries which resulted from a television falling on his body. The parents said on 2/7/13 at about 9:00 PM, they placed this sibling in his room to sleep. They said they did not observe the television fall on this sibling. The ACS case record showed the sibling received medical care for his injuries. ACS found the physical home condition was hazardous and there was drug/alcohol misuse in the family. ACS filed an Article Ten Neglect petition in Family Court which resulted in the remand of all the children to care and custody of ACS. The family received foster care services.

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

Issue:

Appropriateness of allegation determination

Summary:

In the Investigation Conclusion narrative, with the exception of the sibling who sustained internal injuries, ACS did not provide an explanation for the decision to substantiate the allegation of Inadequate Guardianship of the children.

Legal Reference:

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

Action:



NYS Office of Children and Family Services - Child Fatality Report

The Administration for Children's Services must submit a corrective action plan within 45 days that identifies what action it has, or will take to address the citation identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
07/14/2014	4371 - Deceased Child, Male, 3 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	Yes
	4374 - Sibling, Male, 16 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4375 - Sibling, Female, 13 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4376 - Sibling, Female, 8 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4379 - Sibling, Male, 6 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4380 - Sibling, Male, 6 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4381 - Sibling, Male, 5 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4382 - Sibling, Female, 4 Years	4372 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated	
	4371 - Deceased Child, Male, 3 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
	4374 - Sibling, Male, 16 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
	4375 - Sibling, Female, 13 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
	4376 - Sibling, Female, 8 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
	4379 - Sibling, Male, 6 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
	4380 - Sibling, Male, 6 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated	
4381 - Sibling, Male, 5 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated		
4382 - Sibling, Female, 4 Years	4373 - Father, Male, 33 Years	Inadequate Guardianship	Indicated		

Report Summary:

The parents grabbed the sibling, who was then five years old, by the arm with such force that this sibling sustained scratch marks and fingerprint marks on his arms. The siblings who were fifteen and thirteen years old punched the five-year-old sibling in the back of the head. The parents were aware of this; however, they failed to intervene. As a result, the behavior continued to happen.

Determination: Indicated	Date of Determination: 09/12/2014
---------------------------------	--

**Basis for Determination:**

ACS substantiated the allegation of IG of the child and seven siblings by the parents on the basis that the mother was enrolled in medication management and counseling services but she missed scheduled appointments with her mental health provider. ACS added that the mother failed to maintain a clean environment for the children, the home was usually found with filth and debris throughout the floor and there was an excessive amount of flies in the home. The father was aware of the home conditions; however, during his unsupervised visits with the siblings who were in foster care, he brought these siblings to the mother's home.

OCFS Review Results:

The parents and the two older siblings denied they grabbed, hit or allowed other children to hit the sibling as alleged in the report. The Specialist interviewed the five-year-old sibling who said when he did not behave properly; his parents and oldest sibling hit and punched him. The Specialist observed all the children and found they did not have marks/bruises.

ACS made relevant collateral contacts. During the investigation, the mother stated that she felt overwhelmed whenever the four children who had remained in foster care visited the home. However, the ACS case record did not include updated information and assessment of the father's ability to provide care of the children.

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

Issue:

Predetermination/Assessment of Current Safety and Risk

Summary:

Although four of the siblings had remained in foster care placement, in the 7/21/14 and 9/12/14 safety assessments, ACS did not select the Safety Decision to reflect there were safety factors that placed the children in danger of serious harm and continued placement was necessary as a Controlling Intervention.

Legal Reference:

18 NYCRR 432.1(aa)

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Issue:

Appropriate Application of Legal Standards (Abuse/Maltreatment)

Summary:

Although ACS did not add to the report the allegation of MN of the then eight-year-old sibling by the mother, in the Investigation Conclusion Narrative, ACS included a statement which stated this allegation was substantiated based on the mother's failure to schedule a medical appointment.

Legal Reference:

SSL 412(1) and 412(2)

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
12/11/2014	4393 - Deceased Child, Male, 3 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated	Yes

4398 - Sibling, Female, 9 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated
4399 - Sibling, Male, 7 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated
4401 - Sibling, Male, 5 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated
4393 - Deceased Child, Male, 3 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4398 - Sibling, Female, 9 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4402 - Sibling, Female, 4 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4396 - Sibling, Male, 16 Years	4394 - Mother, Female, 33 Years	Sexual Abuse	Unfounded
4393 - Deceased Child, Male, 3 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4398 - Sibling, Female, 9 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4399 - Sibling, Male, 7 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4393 - Deceased Child, Male, 3 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4399 - Sibling, Male, 7 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4400 - Sibling, Male, 7 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4402 - Sibling, Female, 4 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated
4397 - Sibling, Female, 13 Years	4394 - Mother, Female, 33 Years	Educational Neglect	Indicated
4398 - Sibling, Female, 9 Years	4394 - Mother, Female, 33 Years	Educational Neglect	Indicated
4393 - Deceased Child, Male, 3 Years	4394 - Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded
4396 - Sibling, Male, 16 Years	4394 - Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded
4397 - Sibling, Female, 13 Years	4394 - Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded
4401 - Sibling, Male, 5 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4396 - Sibling, Male, 16 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4397 - Sibling, Female, 13 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated

4401 - Sibling, Male, 5 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4402 - Sibling, Female, 4 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4396 - Sibling, Male, 16 Years	4394 - Mother, Female, 33 Years	Educational Neglect	Indicated
4398 - Sibling, Female, 9 Years	4394 - Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded
4396 - Sibling, Male, 16 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4397 - Sibling, Female, 13 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4400 - Sibling, Male, 7 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4402 - Sibling, Female, 4 Years	4394 - Mother, Female, 33 Years	Inadequate Guardianship	Indicated
4398 - Sibling, Female, 9 Years	4395 - Father, Male, 34 Years	Inadequate Guardianship	Indicated
4400 - Sibling, Male, 7 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Indicated
4399 - Sibling, Male, 7 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4400 - Sibling, Male, 7 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4401 - Sibling, Male, 5 Years	4395 - Father, Male, 34 Years	Lack of Supervision	Indicated
4396 - Sibling, Male, 16 Years	4394 - Mother, Female, 33 Years	Lack of Supervision	Unfounded

Report Summary:

The mother allowed the sixteen-year-old sibling to have sex with his pregnant girlfriend in the home. The five-year-old sibling witnessed this. The mother was unable to provide enough food for her children and there were times when there was no food for the children to eat. The mother had four children in foster care and they visited the home on weekends. The mother was aware that she must supervise the children at all times. When the children were not supervised, the sixteen-year-old showed the six-year-old a pornographic movie. There was a stay away order of protection (OOP) until 2018 for the father and he stayed with the mother and children on a regular basis.

Determination: Indicated

Date of Determination: 02/09/2015

Basis for Determination:

ACS substantiated the allegation of IG of the children, LS of seven children and EdN of three older siblings by the parents. ACS noted that the younger siblings were exposed to pornographic material at the mother's home and two of these siblings enacted sexual behavior. Also, despite the active OOP, the foster care children observed the father visiting the mother's home. The three older siblings had excessive school absences and below average academic performances. This matter had been addressed with the mother; however, she did not follow up.

ACS unsubstantiated the allegations of I/F/C/S of all the children, and LS and SA of the sixteen-year-old sibling by the mother.



OCFS Review Results:

ACS obtained information through relevant collaterals. The findings showed the younger children engaged in sexual behavior which these siblings said they learned in the mother's home. Also, the siblings who were in foster care observed the father in the home. As a result, the unsupervised visits were changed to supervised visits with the parents.

Also, three of the siblings who resided in the home had excessive school absences, the mother was aware of school absences but she did not take steps to rectify the situation and as a result, these siblings failed their classes. The Specialist observed that despite having homemaking services, the mother did not maintain healthy home condition

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

An Investigation Progress Note dated 12/30/14 showed the child (now deceased) was ill. Also, on 1/29/15, the Specialist observed the mother's prescribed medication and on 2/5/15, the father showed the Specialist his prescribed medication. However, ACS did not conduct the necessary follow up casework activity to obtain the updated medical records.

Legal Reference:

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

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Issue:

Pre-Determination/Assessment of Current Safety/Risk

Summary:

In the 12/18/14 and 2/9/15 safety assessments, ACS included comments which showed that four of the siblings remained in foster care placement. Also, the parents did not adhere to the stay away order of protection and unsupervised visits were discontinued. Yet, ACS did not identify the safety factors which actually placed the children in immediate danger.

Legal Reference:

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

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Issue:

Provision of Notice of Indication

Summary:

For the 12/11/14 report the CONNECTIONS record did not reflect that ACS provided the Notice of Indication to the subjects.

Legal Reference:

18 NYCRR 432.2(f)(3)(xi)

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

**Issue:**

Coordination of Services

Summary:

During the investigation, the mother and children informed ACS that the sixteen-year-old sibling spent a significant amount of time at his girlfriend's home. Also, this sibling had excessive school absences and it appeared that the mother did not always know his whereabouts. However, ACS did not assist the parents with developing a plan for monitoring his behavior.

Legal Reference:

18 NYCRR 432.2(b)(4)(i) and 432.2 (b)(4)(viii)

Action:

ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

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

The family was known to the SCR and ACS in reports dated 4/1/05, 8/4/08 and 12/24/08. These reports were indicated. The allegations were: XCP, IF/C/S, IG, PD/AM and S/D/S. ACS substantiated the allegations of IF/CF, IG and PD/AM. ACS unsubstantiated the allegations of XCP and S/D/S.

According to the ACS case record, during the 4/1/05 investigation, the family received Family Preservation and Home Making services, the parents registered for anger management and parenting classes to address domestic violence concerns, and Early Intervention services for the younger sibling. On 6/13/05, ACS closed the investigation stage of the 4/1/05 report using the closure reason: Case Open CPS required. CONNECTIONS records showed on 8/28/05, the case was opened in the Family Services Stage.

ACS addressed the allegations of the 8/4/08 and 12/24/08 reports and found that the parents did not maintain sanitary housing conditions; domestic violence incidents continued to occur in the home; the parents had been misusing marijuana and the father misused alcohol. On 8/12/08, ACS filed an Article Ten Neglect petition in the Bronx County Family Court on behalf of the siblings naming the parents as the respondents. The siblings were remanded to ACS and they were placed in kinship foster care.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes

Date the preventive services case was opened: 02/11/2013

Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes

Date the Child Protective Services case was opened: 02/11/2013



NYS Office of Children and Family Services - Child Fatality Report

Evaluative Review of Services that were Open at the Time of the Fatality

	Yes	No	N/A	Unable to Determine
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If not, how many days was it overdue? The Reassessment FASP had a due date of 3/9/15 and on 3/16/15, it was approved.				
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the FASP consistent with the case circumstances?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closing

	Yes	No	N/A	Unable to Determine
Was the decision to close the Services case appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Provider

	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Additional information, if necessary: The Lutheran Social Services agency provided preventive services.				

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No



NYS Office of Children and Family Services - Child Fatality Report

Issue:	Adequacy of case recording in FASP
Summary:	In the FASP risk assessment, the preventive services agency did not address the hazardous home conditions, the father's threatening behavior, the children's needs and the parents' inability/unwillingness to meet the three older sibling's needs.
Legal Reference:	18 NYCRR 428.6(a)
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Preventive Services History

In August 2005 the family was referred for preventive services to address concerns of domestic violence; hazardous home conditions and to monitor family functioning. The family received casework counseling, referrals for mental health counseling and furniture for the siblings. In May 2008, the preventive agency closed the case. The agency documented that the family achieved the service plan goals with the exception of mental health counseling and homemaking services.

Also, beginning December 2008, the family received Court Ordered Services. A Family Services Progress Note (FSPN) dated 2/13/09 stated that the father was absent from the siblings' lives. In December 2010, the case was closed after the mother tested negative during random drug screenings, participated in counseling, and maintained stable Public Assistance and housing.

In addition, beginning June 2013, the family again received preventive services. On 2/24/15, the Specialist last visited the home and observed the child had difficulty breathing. The Specialist discussed the child's medical care as the mother had missed a 2/9/15 appointment. The mother said the child was scheduled for a medical examination on 2/27/15. The Specialist advised the mother to discuss with the physician the child's weight loss and lack of stamina.

Family Assessment Service Planning (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent required FASP approved on time?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If not, how many days was it overdue?				
The Reassessment FASP had a due date of 3/9/15 and on 3/16/15, it was approved.				

Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

Yes No

Issue:	Timely/Adequate Case Recording/Progress Notes
Summary:	There were a significant number of ACS and service provider agency Family Services Progress Notes which were not entered contemporaneously. For many of these entries, there was a time span of about 60 days



NYS Office of Children and Family Services - Child Fatality Report

	between the event and entry dates.
Legal Reference:	18 NYCRR 428.5(a) and (c)
Action:	ACS must meet with the staff involved in this fatality investigation and inform the NYCRO of the date of the meeting, who attended, and what was discussed. ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address this issue.

Foster Care Placement History

As a result of an Article Ten Neglect petition, which was filed on 8/12/08 in the Bronx County Family Court, the five older siblings were remanded to the care and custody of the Commissioner of ACS. These siblings were removed from the mother's care and placed in kinship foster care under the supervision of Graham Windham foster care agency. The siblings who were then ten, seven, and two years old were placed with the paternal grandmother (PGM) until 10/21/08 when they were transferred to a non-kinship foster home. The twin siblings (then infants) were placed with the paternal aunt. On 11/25/08, the foster care placement ended when the Bronx County Family Court judge paroled the siblings to the mother's care with Court Ordered Supervision. The Court ordered ACS to explore Adjournment in Contemplation of Dismissal.

Also, on 2/13/13, the child (now deceased) and seven siblings were remanded to the care and custody of the Commissioner of ACS. In June 2013, the three older siblings were returned to the mother. On 9/16/13, the child (now deceased) was discharged to the mother. The other four siblings remained in foster care.

During foster care placement the agency provided monitoring of medical health status, therapeutic and mental health services and reinforcement of the behavioral plan for the children.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation?

Family Court Criminal Court Order of Protection

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
02/13/2013	Adjudicated Neglected	Foster Care Placement to Continue
Respondent:	019185 Mother Female 34 Year(s)	
Comments:	<p>According to the ACS case record, on 1/21/14 and 4/24/14, a finding of neglect was entered for the mother and father, respectively. The foster care placement was continued for the male twins, six-year-old and four-year-old siblings. The three older siblings and the child (deceased) were returned to the mother's care with Court Ordered Supervision (COS) until 9/22/15. The child and three siblings remained in the mother's care with COS until 9/22/15. According to CONNECTIONS records, on 12/2/14, a goal change conference was held and the mother agreed to surrender her parental rights and there was filing to terminate the parental rights on the father. The goal was adoption for the children in care.</p> <p>The father was not compliant with the service plan and he was unavailable for contact. He did not</p>	



follow up with the agency's plan for reunification. Effective 12/6/14, the visits with the four children and the parents were supervised at the agency.

Regarding the Indian Child Welfare Act, the Family Court Legal Services provided the necessary information to Family Court. The mother was not a registered tribe member. The children were not registered for the services as they are not the birth children of a registered tribe member.

Have any Orders of Protection been issued? Yes

From: 09/23/2014

To: 09/22/2015

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

Explain: NYCRO recommends that ACS develop and distribute specific procedures to provide guidance to child welfare staff for cases where medical records show evidence of patterns of illnesses for young children. The medical records revealed the child had medical examinations on 9/22/14, 12/18/14, 12/23/14, 1/2/15, 1/8/15 and 1/15/15. During the five most recent medical examinations, there was reference to symptoms of illness. However, there did not appear to be coordination between the parents, physician or medical consultant to determine whether the child needed urgent monitoring of his health needs.