



Report Identification Number: NY-15-026

Prepared by: New York City Regional Office

Issue Date: 10/7/2015

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 Not Found
Age: Unknown

Jurisdiction: Bronx
Gender: Unknown

Date of Death: Unknown
Initial Date OCFS Notified: 04/07/2015

Presenting Information

The 4/7/15 SCR report alleged that on an unknown date (sometime prior to April 2014), the mother gave birth to an infant; however, the infant passed away. The circumstances surrounding the child's death were unknown. The report also alleged that the mother disposed of the infant's body in a garbage can.

The mother has four children in foster care.

Executive Summary

The infant was reported to have died sometime in 2014; however, the infant's body was not found. The ME concluded that there was no record of the death; therefore, there was no autopsy.

The allegations of the 4/7/15 report were DOA/Fatality and IG of the infant by the mother.

ACS initiated the investigation on 4/7/15. ACS staff observed and engaged the three siblings and eight-year-old half sibling (HS) who were in non-kinship foster care with Edwin Gould (EG) Family Services. ACS' investigation revealed that the eight-year-old HS said her mother had an infant and threw the infant in the trash. The HS was not certain about the location where the incident allegedly occurred, but said the incident occurred after the youngest child who is now five years old was born. The Assistant District Attorney was consulted about the statement the eight-year-old child made. The five-year-old and three-year-old children denied the mother's pregnancy, and the birth and death of the infant. The HS could not provide information to definitively confirm previously reported information.

The ACS supervisor interviewed the mother who denied she gave birth to a fifth child while living in the US. The mother returned to a foreign country on 3/27/14. She stated that the last time she had contact with the father of the three children (date not specified), the father was incarcerated.

The ACS supervisor provided information to the ME including but not limited to the fact that the family resided with the MU and his family from January 2013 until 3/27/14. The ME reported that a search of their records, with parameters provided, did not reveal any cases that matched the description. The documentation reflected that LE informed ACS that there was no credible evidence of the existence of a child based on information obtained from the interviews with the four children.

On 6/9/15, ACS unsubstantiated the allegations of DOA/Fatality and IG. ACS did not find credible evidence to substantiate the allegations. The ME reported that there was no recorded evidence of the birth or death of the child within that period. LE stated there was no credible evidence to support the existence of the reported child. The mother denied having a fifth child. She stated that she had only four children that were born in the US.

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?** No
 - **Safety assessment due at the time of determination?** Yes
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** Yes

Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** Yes, sufficient information was gathered to determine all allegations.
- **Was the determination made by the district to unfound or indicate appropriate?** Yes

Explain:

NA

Was the decision to close the case appropriate? Yes**Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?** Yes**Was there sufficient documentation of supervisory consultation?** Yes, the case record has detail of the consultation.**Explain:**

NA

Required Actions Related to the FatalityAre there Required Actions related to the compliance issue(s)? Yes No**Fatality-Related Information and Investigative Activities****Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	No Role	Male	33 Year(s)
Deceased Child's Household	Aunt/Uncle	No Role	Female	37 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim		
Deceased Child's Household	Father	No Role	Male	26 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	28 Year(s)
Deceased Child's Household	Other Child	No Role	Male	6 Year(s)
Deceased Child's Household	Other Child	No Role	Male	13 Year(s)



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Deceased Child's Household	Other Child	No Role	Female	2 Year(s)
Deceased Child's Household	Sibling	No Role	Male	3 Year(s)
Deceased Child's Household	Sibling	No Role	Female	5 Year(s)
Deceased Child's Household	Sibling	No Role	Female	8 Year(s)
Deceased Child's Household	Sibling	No Role	Female	4 Year(s)

LDSS Response

Following the receipt of the SCR report, ACS contacted the social worker, LE, the foster parents, the four children, and the ME. The ACS Specialist also attempted to contact the foster care agency Edwin Gould (EG) Services for Children and Families CP. However, documentation reflected that contact was not successful and diligent efforts were not made to contact the foster care CP. ACS documentation did not reflect an attempt to interview staff at the eight-year-old and five-year-old children's school.

ACS visited the home of the MU and MA which was the last known address for the mother in NYC. The MU and MA said the mother had resided in the home until she left in March 2014 and they did not have any knowledge of the mother being pregnant or giving birth to a child; the children were removed from the MA and MU's home shortly after.

The supervisor provided information to the ME including but not limited to the fact that the family resided with the MU and his family from January 2013 until 3/27/14 when the mother returned to her native country. The ME reported that a search of their records with the date parameters revealed no cases that matched the description provided by LE and ACS. Documentation reflected that LE informed that there was no credible evidence obtained with the interviews with the four children.

The supervisor spoke with the mother who denied she gave birth to a fifth child while living in the US. She said she had only four children who were born in the US. She said that the last time she had contact with the father of the three children, he was incarcerated.

ACS conducted visits to the foster home and documented that the four children were well cared for by the foster parent. The children were receiving and/or scheduled to receive the therapy and other services identified in the Family Assessment and Service Plan (FASP).

The 24-Hour Safety Assessment of the 4/7/15 report was not completed until 4/10/15.

On 6/9/15, ACS unsubstantiated the allegations of DOA/Fatality and IG. ACS did not find credible evidence to substantiate the allegations. The ME reported that after checking their records there was no recorded evidence of such birth or death within that period. The mother denied having a fifth child; she had only four children that were born in the US. LE stated there was no credible evidence to substantiate that an alleged infant existed.

Multidisciplinary Investigation/Review

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

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



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

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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
019321 - Deceased Child, ,	019402 - Mother, Female, 28 Year(s)	DOA / Fatality	Unsubstantiated
019321 - Deceased Child, ,	019402 - Mother, Female, 28 Year(s)	Inadequate Guardianship	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Case Planners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pediatrician	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

The mother was interviewed by phone; she resided in her native country. Since October 2014, the whereabouts of the father of the three siblings were unknown. The children's school was not contacted. The children receive medical care at EG.



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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 safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input 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"/>

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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siblings/other children in the household be removed and placed in foster care at any time during this fatality investigation?				
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: At the time the report was registered on 4/7/15, the three siblings and HS were previously placed in foster care.				

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>



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Family or others as safety resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

Additional information, if necessary:
 The children were in foster care at the time of the 4/7/15 report. The mother resided outside of the US.

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? N/A

Explain:
 At the time that the report was registered, the children were in foster care.

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

Explain:
 At the time the report was registered on 4/7/15, the mother resided in a foreign country.

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)
11/10/2013	4485 - Sibling, Female, 3 Years	4482 - Father, Male, 24 Years	Inadequate Guardianship	Indicated	Yes
	4485 - Sibling, Female, 3 Years	4482 - Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Indicated	
	4486 - Sibling, Female, 6 Years	4482 - Father, Male, 24 Years	Inadequate Guardianship	Indicated	
	4483 - Sibling, Male, 2 Years	4482 - Father, Male, 24 Years	Inadequate Guardianship	Indicated	
	4484 - Sibling, Female, 4 Years	4482 - Father, Male, 24 Years	Inadequate Guardianship	Indicated	
	4484 - Sibling, Female, 4 Years	4482 - Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Indicated	
	4483 - Sibling, Male, 2 Years	4482 - Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Indicated	
	4486 - Sibling, Female, 6 Years	4482 - Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Indicated	

Report Summary:
 The father was physically abusive towards the mother in the presence of the six-year-old, four-year-old, three-year-old and two-year-old children. In the past the father put a gun to the mother's head. Most recently, on 10/28/13, the father beat the mother with a belt and choked her with a phone wire. The children were present for both of these incidences.

Determination: Indicated **Date of Determination:** 01/09/2014



Basis for Determination:

The four-year-old child reported she had observed physical fights between the parents. She said she saw the father bite the mother on her chest, cut the mother's shirt and throw it in the trash, and hit the mother. According to the mother, the father struck her with a belt and choked her with a cell phone cord. She admitted that the father had forced himself on her in the past, pulled a gun on her, cut her face with a knife resulting in a four-inch scar on her face. She said the father made the children drink beer and grabbed them by their hair and pulled them up.

OCFS Review Results:

The investigation began in a timely manner. ACS interviewed relevant collateral contacts such as the police, mother, children, and other relatives. However, the father who was a subject of the report was not interviewed. ACS' documentation did not reflect that LE, including the the Assistant District Attorney's Office, or CPS authorities out of state were contacted, as the family relocated to New York State (NYS). A Family Services Stage (FSS) was opened on 11/14/13 and closed on 1/10/14 as services were no longer needed. There were no FSS progress notes. The family was referred for community based services.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

Although the Seven Day Safety Assessment for the 11/10/13 report was completed in a timely manner, ACS did not identify the safety factors which actually placed the children in immediate danger.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Issue:

Pre-Determination/Assessment of Current Safety/Risk

Summary:

The 1/9/14 Safety Assessment for the 11/10/13 report was inconsistent as 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 submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

ACS documentation of the 11/10/13 report did not reflect that the Assistant District Attorney's Office was contacted to obtain information regarding the father.

Legal Reference:

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

Action:



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ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Issue:

Face-to-Face Interview (Subject/Family)

Summary:

ACS documentation reflected that although a subject of the 11/10/13 report, the father was not interviewed by ACS.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Issue:

Provision of Notice of Indication

Summary:

The CONNECTIONS record did not reflect that the Notice of Indication was provided to the parents for the 11/10/13 report.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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)
03/30/2014	4487 - Sibling, Female, 7 Years	4431 - Mother, Female, 27 Years	Inadequate Guardianship	Indicated	Yes
	4489 - Sibling, Male, 2 Years	4431 - Mother, Female, 27 Years	Inadequate Guardianship	Indicated	
	4490 - Sibling, Female, 4 Years	4431 - Mother, Female, 27 Years	Inadequate Guardianship	Indicated	
	4487 - Sibling, Female, 7 Years	4431 - Mother, Female, 27 Years	Educational Neglect	Indicated	
	4489 - Sibling, Male, 2 Years	4431 - Mother, Female, 27 Years	Lack of Supervision	Indicated	
	4487 - Sibling, Female, 7 Years	4431 - Mother, Female, 27 Years	Lack of Supervision	Indicated	
	4488 - Sibling, Female, 3 Years	4431 - Mother, Female, 27 Years	Inadequate Guardianship	Indicated	
	4488 - Sibling, Female, 3 Years	4431 - Mother, Female, 27 Years	Lack of Supervision	Indicated	
	4490 - Sibling, Female,	4431 - Mother, Female,	Lack of	Indicated	



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	4 Years	27 Years	Supervision	
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Report Summary:

On 3/28/14, the mother left the seven-year-old, four-year-old, three-year-old, and two-year-old children in the home of their uncle and aunt without establishing a plan for their care. The mother left the children alone in the home for an undetermined amount of time unsupervised, locked inside a room.

Determination: Indicated**Date of Determination:** 05/23/2014**Basis for Determination:**

ACS found credible evidence to substantiate the allegations. ACS found credible evidence that the mother left the children without appropriate supervision and adequate provisions. The mother did not notify any adult in the home; she was leaving the children in the MU's care to return to Mexico. The mother left a notarized letter in the bedroom she and the children shared. The MU found the letter on or about 3/30/14. The local authorities were notified. ACS was contacted and the children removed.

OCFS Review Results:

The investigation began in a timely manner. The MU informed ACS that the father was incarcerated and there was no other family resource for the children. He and the MA could not care for the four children. The MU requested a removal of the children from the home. ACS saw the notarized letter the mother left asking the MU to care for her children. On 4/2/14, ACS filed an Article Ten Petition and was granted remand of the four children. The children were taken into protective custody. The foster care agency was Edwin Gould. The Investigation Conclusion did not reflect that ACS addressed the allegation of EdN of the then seven-year-old child despite the substantiation of the allegation.

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

Timely/Adequate Case Recording/Progress Notes

Summary:

The Investigation Conclusion Narrative of the 3/30/14 report did not reflect ACS addressed the allegation of EdN of the then seven-year-old child despite its substantiation.

Legal Reference:

18 NYCRR 428.5(a) and (c)

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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)
04/10/2014	4455 - Sibling, Female, 7 Years	4454 - Foster Parent, Female, 52 Years	Educational Neglect	Unfounded	Yes

Report Summary:

The seven-year-old child had excessive school absences. The foster parent did not send the child to school at all despite the child already being enrolled. The foster parent's actions placed the child at risk of educational impairment.

Determination: Unfounded**Date of Determination:** 05/09/2014**Basis for Determination:**

The child was placed with the foster parent from 4/4/14 to 4/9/14. The foster parent did not receive any school information from the foster care agency nor was she provided any instructions to enroll the child into school. ACS' documentation reflected that there was no evidence to substantiate the allegation.



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OCFS Review Results:

The investigation began in a timely manner. ACS' documentation reflected that the foster parent reported the children were placed in her home from 4/4/14 to 4/9/14, then replaced in another foster home. The foster parent said that she was a new foster parent and the children were the first children placed in her home. When the children were placed in her home, she did not have information about the school the children were to attend. The foster parent contacted the agency regarding the documents she received. The document that she received was one document for each child stating that the children received medical clearance. She said that was all the information she received.

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

Issue:

Failure to Monitor

Summary:

When the children were placed in the FP's home on 4/4/14, the FP did not have information about the school the children were to attend. The foster care agency EG did not contact her regarding this matter when the children were placed in her care.

Legal Reference:

18 NYCRR 432.2(b)(5)

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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)
10/15/2014	4491 - Sibling, Female, 7 Years	4497 - Father, Male, 26 Years	Inadequate Guardianship	Indicated	Yes
	4493 - Sibling, Female, 3 Years	4497 - Father, Male, 26 Years	Inadequate Guardianship	Unfounded	
	4494 - Sibling, Female, 5 Years	4497 - Father, Male, 26 Years	Inadequate Guardianship	Unfounded	
	4492 - Sibling, Female, 4 Years	4497 - Father, Male, 26 Years	Inadequate Guardianship	Unfounded	
	4491 - Sibling, Female, 7 Years	4497 - Father, Male, 26 Years	Sexual Abuse	Indicated	

Report Summary:

Although the then seven-year-old child had the father's last name, she was not his biological daughter. For a time in the past, however, he had resided in the home with the mother and the children that they had in common. During this time, the stepfather sexually abused the then seven-year-old child. He also physically attacked the mother and threatened her with a firearm on multiple occasions while the children were present.

Determination: Indicated

Date of Determination: 11/24/2014

Basis for Determination:

The stepfather did not provide appropriate guardianship for the then seven-year-old child. At the CAC, the child stated the stepfather sexually abused her. The CAC interviewer noted that the then seven-year-old child suffered from a medical condition and was in need of trauma focused therapy. The then seven-year-old and four-year-old children saw the father physically abusing the mother with a belt and with his fists. The then four-year-old child said her father hit her with a belt. She also exhibited sexual behavior indicating that she may have been exposed to inappropriate sexual behavior. The



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then three-year-old and five-year-old child said the father physically abused the mother.

OCFS Review Results:

The investigation was initiated in a timely manner. The Specialist interviewed the four children, foster parent, Edwin Gould staff, and other collateral contacts. The documentation did not reflect that the the seven-year-old child's school staff was interviewed. On 10/21/14, a forensic interview of the then seven-year-old child occurred at the Montefiore CAC. The Specialist met with LE and the Assistant District Attorney (ADA). Documentation reflected the stepfather was incarcerated from 11/12/13 until 10/9/14. His current whereabouts are unknown.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

Documentation of the 10/15/14 report did not reflect that the then seven-year-old child's school was interviewed.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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)
02/27/2015	4502 - Sibling, Male, 2 Years	4501 - Foster Parent, Female, 50 Years	Excessive Corporal Punishment	Indicated	Yes
	4502 - Sibling, Male, 2 Years	4501 - Foster Parent, Female, 50 Years	Inadequate Guardianship	Indicated	
	4503 - Sibling, Female, 5 Years	4501 - Foster Parent, Female, 50 Years	Inadequate Guardianship	Indicated	
	4505 - Sibling, Female, 8 Years	4501 - Foster Parent, Female, 50 Years	Inadequate Guardianship	Indicated	
	4503 - Sibling, Female, 5 Years	4501 - Foster Parent, Female, 50 Years	Excessive Corporal Punishment	Indicated	
	4504 - Sibling, Female, 4 Years	4501 - Foster Parent, Female, 50 Years	Excessive Corporal Punishment	Indicated	
	4504 - Sibling, Female, 4 Years	4501 - Foster Parent, Female, 50 Years	Inadequate Guardianship	Indicated	
	4505 - Sibling, Female, 8 Years	4501 - Foster Parent, Female, 50 Years	Excessive Corporal Punishment	Indicated	

Report Summary:

The foster parent was physically aggressive to the foster children: the eight-year-old, five-year-old, four-year-old and three-year-old. When angered the foster parent pulled the hair of the three girls, cursed at them and called them names. When the three-year-old soiled his diaper, she hit the child. She frequently hit all of the children as a form of discipline; however, the children had no injuries. In December 2014, the foster parent went on vacation and they were placed in a respite home where they disclosed the abuse. The children were replaced into a new home in January 2015.

Determination: Indicated

Date of Determination: 04/28/2015



Basis for Determination:

ACS documented there was credible evidence to substantiate the allegations. ACS found the children's statements credible. On 2/27/15, an Independent Review occurred. The decision was that the children were not to be returned to the foster home. The children reported the foster parent hit them with slippers, pulled their hair, hit them and called them names as a form of punishment.

OCFS Review Results:

The investigation was initiated in a timely manner. The seven-day safety assessment was completed timely. ACS documentation reflected the foster care agency issued a notice of removal on 2/4/15. The children remained in the respite home. On 2/27/15, ACS held an Independent Review requested by the foster parent. The decision of the Independent Review was that the children should not be returned to the foster home. There were concerns regarding the foster parent's capability to ensure the well being of the foster children.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

Although ACS received a copy of a letter from Community Counseling and Mediation sent to Edwin Gould regarding the eight-year-old and five-year-old children, the documentation did not reflect that this service provider was interviewed to obtain further details to address the allegations.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Issue:

Provision of Notice of Indication

Summary:

The CONNECTIONS record did not reflect that the Notice of Indication was provided to the foster parent who was a subject of the 2/27/15 report.

Legal Reference:

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

Action:

ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

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

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

Known CPS History Outside of NYS

ACS documented that the family was known to the child welfare authorities in the state of North Carolina; however, ACS documentation did not reflect any details regarding this history.



Services Open at the Time of the Fatality

Required Action(s)

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

Yes No

Preventive Services History

There is no record of Preventive Services History provided to the deceased child, the deceased child’s siblings, and/or the other children residing in the deceased child’s household at the time of the fatality.

Required Action(s)

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

Yes No

Issue:	Failure to Monitor
Summary:	When the children were placed in the FP's home on 4/4/14, the FP did not have information about the school the children were to attend. The foster care agency EG did not contact her regarding this matter when the children were placed in her care.
Legal Reference:	18 NYCRR 432.2(b)(5)
Action:	ACS must submit a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations 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.

Foster Care Placement History

A SCR report was registered on 3/30/14 as the mother left the four children in the home of their MU and MA. The mother left the children without provisions, and without telling the MU in the home she was leaving the children with him and returning to a foreign country. MU was unable to care for the children and requested the children be removed.

On 4/2/14, an Article Ten Petition was filed. A remand order was granted and the children were placed in foster care. According to the 4/28/15 Family Assessment and Service Plan (FASP), the mother resided in a foreign country and her whereabouts were unknown. Edwin Gould (EG) did not have contact with her and she was not participating in any services. The respondent father was incarcerated until October 2014. EG had been able to make successful contact once in January 2015. He was not participating in any services. The father contacted the agency by phone on 1/8/15 in which he stated he was living in North Carolina. The service plan for the father included: individual counseling, anger management, batterer's accountability, and parenting skills. The eight-year-old and five-year-old attend therapy. The 4/28/15 FASP reflected the goal of return to parent. Documentation reflected that on 8/3/15 EG staff, spoke with the mother who said she had family members who could help her return to NYC but she was not sure when they could do it.



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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:
04/02/2014	There was not a fact finding	There was not a disposition
Respondent:	019402 Mother Female 28 Year(s)	
Comments:	ACS documentation reflected that on 4/2/14, an Article Ten Petition was filed in Bronx Family Court against the respondent mother and father of the now four-year-old, five-year-old, and three-year-old children and the eight-year-old half sibling. On the same date, all of the children were remanded and continued in care since then. The children are placed with Edwin Gould Services and have been in foster care for over 12 months. On 2/2/15, the mother's petition was withdrawn without prejudice as she could not be served.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
01/05/2015	There was not a fact finding	There was not a disposition
Respondent:	019401 Father Male 26 Year(s)	
Comments:	Documentation reflected that while the children were in foster care, the eight-year-old child disclosed that the father of the five-year-old, four-year-old and three-year-old children had sexually abused her and an Addendum Sex Abuse Petition was filed, in addition to the petition in 2014. The father relocated to another state with an unknown contact address or phone. The case was still active in Bronx Family Court.	

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