



Report Identification Number: NY-19-044

Prepared by: New York City Regional Office

Issue Date: Nov 04, 2019

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child’s family; any extraordinary or pertinent information concerning the circumstances of the child’s death; whether the child or the child’s family received assistance, care or services from the social services district prior to the child’s death; any action or further investigation undertaken by OCFS or the social services district since the child’s death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child’s household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child’s siblings or other children in the household.**

OCFS’ review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS’ assessment and the performance of these agencies.



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation		



Case Information

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

Jurisdiction: Queens
Gender: Female

Date of Death: 05/05/2019
Initial Date OCFS Notified: 05/06/2019

Presenting Information

The SCR report fatality narrative alleged at 8:50PM on 5/5/19, the BF intentionally set fire to his car using a propane tank from a gas grill and another container of gasoline to set fire with himself and the 3-year-old SC inside the car. The SC sustained multiple burns as a result. The SC died due to smoke inhalation and severe injuries due to the burns from the fire.

Executive Summary

On 5/5/19, the three-year-old female SC died after the SF strapped the SC in his car, doused her with propane or another inflammable liquid and intentionally set the car on fire with the SC inside the car. The ME determined the SC's cause of death was cardiac arrest due to smoke inhalation/thermal injuries. The manner of death was homicide. According to ACS documentation, on 5/5/19, the SF went to the BM's home to pick up the SC and an argument ensued between the biological parents (BPs).

The BF took the SC and left the home. At approximately 8:30PM, the SF contacted the BM and stated he was going to kill the SC and himself. The BM immediately alerted LE who began searching for the SF and SC, then responded to the BM's home. While at the BM's home, LE received a radio call about a car on fire at a public park in Queens. The BM heard the radio call which provided a description of the car, she told LE the car was that of the SF. FDNY responded to the scene and found the car on fire with the rear doors chained together. The SC was in the car as well as a portable gas can and an open propane canister. FDNY got the SC out of the car and rushed her to the hospital where she was pronounced DOA at 9:03PM. LE found the BF in a nearby pond at the park with burns to 70% of his body. The BF was also rushed to the hospital and then transferred to a specialized hospital for further treatment. He was in critical but stable condition.

At the time of the fatality, the SC resided with the BM who had custody but visited the SF every other weekend. The SF resided in Nassau County. The SC did not have any surviving siblings.

On 5/6/19, ACS initiated the CPS fatality investigation within the required timeframe. During the investigation, ACS obtained information from collaterals which indicated ongoing DV and custody issues between the BPs. The BPs were in both Nassau County and Queens County Family Courts regarding custody and visitation petitions for the SC. The SF wanted custody of the SC while the BM wanted the SF to have supervised visits with the SC.

The BM and the maternal family declined an interview by ACS regarding the incident and they also refused services. ACS was unable to interview the BF due to the active criminal investigation.

Also during the investigation, ACS exhibited good casework practice by collaborating with the Nassau County Department of Social Services (NCDSS). The NCDSS conducted a courtesy home visit to the SF's home where the paternal family did not report any concerns for the BF prior to the incident. They denied he had a clinical health condition nor did the family report observing any indications the SF was suicidal.

On 8/5/19, ACS substantiated the allegations of the report against the SF, but failed to explain in the Investigation Conclusion Narrative how the evidence obtained during the investigation supported the findings of abuse. ACS documented the SF remained incarcerated; however, the case records did not reflect what criminal charges were filed against the SF.



Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Safety assessment due at the time of determination? Yes

Determination:

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

Was the decision to close the case appropriate? Yes

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? No

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

Explain:

There were no surviving siblings and the BM refused services.

Required Actions Related to the Fatality

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

Issue:	Appropriateness of allegation determination
Summary:	ACS' determination narrative did not provide information explaining how the evidence obtained during the investigation supported the findings of abuse of the SC by the SF.
Legal Reference:	FCA 1012 (e) & (f); 18 NYCRR 432.2(b)(3)(iv)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency will take or took 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:	Timely/Adequate Case Recording/Progress Notes
Summary:	ACS' case documentation stated the SF remained incarcerated; however, the documentation did not reflect what criminal charges were filed against the SF or of any ACS attempts to obtain the information.
Legal Reference:	18 NYCRR 428.5
Action:	ACS must submit a PIP within 45 days that identifies the action the agency will take or took 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.



Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 05/05/2019

Time of Death: 09:03 PM

County where fatality incident occurred:

Queens

Was 911 or local emergency number called?

Yes

Time of Call:

08:16 PM

Did EMS respond to the scene?

Yes

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

No

Child's activity at time of incident:

- Sleeping
- Playing
- Other

- Working
- Eating

- Driving / Vehicle occupant
- Unknown

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

At time of incident supervisor was: Unknown if they were impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	3 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	39 Year(s)
Deceased Child's Household	Mother	No Role	Female	36 Year(s)
Other Household 1	Aunt/Uncle	No Role	Male	49 Year(s)
Other Household 1	Aunt/Uncle	No Role	Female	42 Year(s)
Other Household 1	Grandparent	No Role	Male	64 Year(s)
Other Household 1	Other - Paternal Cousin	No Role	Female	14 Year(s)

LDSS Response

On 5/6/19, ACS contacted LE and the ER Dr. LE reported the SF was in the hospital under police custody and that criminal charges were pending. The ER Dr. stated that the SC was pronounced dead at 9:03PM on 5/5/19. The SC had 4th degree burns to her face and hands. According to ACS documentation, due to the physical condition of the SC's body it was impossible for first responders to give the SC CPR. The SF's attending Dr. reported the BF had extensive burns and hypothermia when he arrived at the hospital. ACS attempted to interview the SF; however, the SF's Dr. stated the SF was



intubated and was unable to speak due to the seriousness of his injuries and medical condition.

Following the contact with LE and the Dr., ACS visited the case address to interview the BM. The BM declined an interview by ACS. The MGM blamed the SC's death on ACS and the Family Court system for not listening to her and the BM's concerns about the SF. The MGM declined an interview by ACS.

Later that same day, ACS contacted NCDSS and requested a courtesy visit to the SF's home.

On 5/7/19, NCDSS visited the SF's home. The paternal family did not report any concerns for the SF prior to the incident. They denied he had a clinical health condition or indications he was suicidal. They stated the SF loved the SC very much and wanted the SC safe. The SC visited the SF the weekend prior to the incident and there were no concerns for the SC. The SF's attitude and behavior were normal at the time. The paternal family reported concerns about the BM and MGM smoking marijuana around the SC. NCDSS assessed the home to be safe with appropriate provisions.

On 5/7/19, the ME reported the SC's initial cause of death was smoke inhalation and thermal injuries pending further investigation.

On 5/8/19, NCDSS provided the paternal family with counseling referrals to deal with the SC's death.

On 5/9/19, ACS contacted the BM regarding assistance with the funeral arrangements and bereavement services. She declined all services.

Between 5/14/19 and 7/23/19, ACS and the NCDSS made multiple casework contacts with both maternal and paternal families, and other collaterals. The BM continued to decline an interview by ACS. The NCDSS assessed all the minor children in the PGF's home and deemed them safe at every home visit. During the same period, ACS documented unsuccessful attempts to obtain information regarding the criminal investigation from LE. The ME reported the autopsy had been completed and the official cause of death was smoke inhalation/thermal injuries.

On 8/5/19, ACS documented the SF remained incarcerated.

Official Manner and Cause of Death

Official Manner: Homicide

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?Yes

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

Comments: There is no OCFS approved Child Fatality Review Team in the New York City region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
050010 - Deceased Child, Female, 3 Yrs	050012 - Father, Male, 39 Year(s)	Inadequate Guardianship	Substantiated



Child Fatality Report

050010 - Deceased Child, Female, 3 Yrs	050012 - Father, Male, 39 Year(s)	Burns / Scalding	Substantiated
050010 - Deceased Child, Female, 3 Yrs	050012 - Father, Male, 39 Year(s)	DOA / Fatality	Substantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public or Private Child Care	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

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

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? 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	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Explain:

The BM refused services and wanted no contact with ACS.

History Prior to the Fatality

Child Information

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

CPS - Investigative History Three Years Prior to the Fatality



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/22/2019	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

The BM, the MGM and the MU failed to supervise the SC and the 2-yo boy. All 3 adults drink and smoke marijuana to the point of impairment while caring for the 2 children. The children were left alone and unsupervised for an unknown amount of time. On one occasion while the 3 adults were smoking marijuana and while the children were unsupervised, the 2-yo cut his hand on a broken glass. As a result, the boy required emergency medical intervention and stitches. The SC was close to the boy when he cut his hand and she was covered in the 2-yo's blood. The 3 adults used excessive physical punishment with the SC resulting in her having pain in her stomach and head.

Report Determination: Unfounded**Date of Determination:** 05/17/2019**Basis for Determination:**

The biological parents of the two-year-old child denied the allegations. They stated the child accidentally sustained the injury from a candy dish that fell and broke. The child was reportedly seen at the hospital and discharged.

OCFS Review Results:

Based on the information from the case records, ACS decision to unsubstantiate the allegations was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/20/2019	Deceased Child, Male, 3 Years	Father, Male, 39 Years	Other	Unsubstantiated	No
	Deceased Child, Male, 3 Years	Mother, Female, 36 Years	Other	Unsubstantiated	
	Deceased Child, Male, 3 Years	Grandparent, Female, 64 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 3 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 3 Years	Grandparent, Female, 64 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 3 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	



Deceased Child, Male, 3 Years	Father, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Male, 3 Years	Grandparent, Female, 64 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 3 Years	Mother, Female, 36 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 3 Years	Grandparent, Female, 64 Years	Other	Unsubstantiated
Deceased Child, Male, 3 Years	Father, Male, 39 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 3 Years	Father, Male, 39 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 39 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 39 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 39 Years	Other	Unsubstantiated
Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

The report stated the BM had a history of drinking and using marijuana while being the sole caretaker of the SC. On at least one occasion recently, the BM was drinking and smoking marijuana to the extent that the SC smelled strongly of marijuana. Recently, the BM became angry with the SC and punched the SC in the stomach and head. This resulted in the SC having stomach pain.

Report Determination: Unfounded

Date of Determination: 05/17/2019

Basis for Determination:

The BM denied all the allegations and stated that the allegations stemmed from her breaking up with the BF and kicking him out of the home. Throughout the investigation, CPS did not assess the child to be in imminent danger while being cared for by the BM. Additionally, the BM submitted to drugs/alcohol screen and the results were negative.

OCFS Review Results:

On 4/25/19, ACS suspended the CPS investigation and closed the case as a Duplicate. The report was merged and investigated with the 4/22/19 report. Based on the information from the case records, ACS decision to unsubstantiate the allegations was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/28/2019	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Other	Unsubstantiated	



Deceased Child, Female, 3 Years	Father, Male, 39 Years	Other	Unsubstantiated
Deceased Child, Female, 3 Years	Father, Male, 39 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 3 Years	Father, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

Nassau Family Court issued an investigation into the allegation of "Other." The allegation of "other" refers to a Court Ordered Investigation. The report was due back to the Court on 4/4/19.

Report Determination: Unfounded

Date of Determination: 05/17/2019

Basis for Determination:

The allegation of XOTH against the BM was unsubstantiated for the SC. Based on the information obtained from multiple collaterals, such as the investigative consultant, the physician, FDNY, Nassau County CPS and the family members, there was no credible evidence to substantiate the allegation against the BM. The BM denied she smoked marijuana or drank alcohol to the point of impairment while caring for the SC. She also denied punching the BF while he was driving. Additionally, the BM and the BF submitted to drugs/alcohol screen and the results were negative. On 4/4/19, the report of the COI was submitted to Family Court. The court did not request any other updates.

OCFS Review Results:

The COI investigation was conducted appropriately and a report was submitted to Family Court. However, the SC died on 5/6/19, prior to the court making a decision regarding the COI.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/18/2019	Deceased Child, Female, 3 Years	Father, Male, 39 Years	Other	Unsubstantiated	No
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 3 Years	Mother, Female, 36 Years	Other	Unsubstantiated	
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 3 Years	Grandparent, Female, 64 Years	Other	Unsubstantiated	
	Deceased Child, Female, 3 Years	Father, Male, 39 Years	Inadequate Guardianship	Unsubstantiated	



Child Fatality Report

Deceased Child, Female, 3 Years	Father, Male, 39 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 3 Years	Father, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Male, 39 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Male, 39 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Male, 39 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Male, 39 Years	Other	Unsubstantiated

Report Summary:

On 3/18/19, Nassau County Family Court ordered a child protective investigation into the allegation that the BM drank excessive amounts of alcohol and smokes marijuana to the point of impairment while caring for the SC. The BM became angry and violent at times. On 3/13/19, the BM became angry while in the car with the BF and the SC. The BM began yelling and cursing at, and punching the BF while he was driving, causing him to have to pull the car over. The BM sometimes drove her car while impaired with the SC riding along as a passenger.

Report Determination: Unfounded**Date of Determination:** 05/17/2019**Basis for Determination:**

Based on the information obtained from multiple collaterals, such as the investigative consultant, the physician, FDNY, Nassau County CPS and the family members, there was no credible evidence to substantiate the allegation against the BM. The BM denied she smoked marijuana or drank alcohol to the point of impairment while caring for the SC. She also denied punching the BF while he was driving. Additionally, the BM and the BF submitted to drugs/alcohol screen and the result were negative. On 4/4/19, the report of the COI was submitted to Family Court. The court did not request any other updates.

OCFS Review Results:

The COI investigation was conducted appropriately and a report was submitted to Family Court. However, the SC died on 5/6/19, prior to the court making a decision regarding the COI.

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

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

The family did not have any CPS history more than three years prior to the fatality.

Known CPS History Outside of NYS

The family did not have any known CPS history outside of New York State.

Legal History Within Three Years Prior to the Fatality

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



Child Fatality Report

Family Court

Criminal Court

Order of Protection

Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)

Date Filed:	Fact Finding Description:	Disposition Description:
03/18/2019	There was not a fact finding	There was not a disposition
Respondent:	None	
Comments:		

Have any Orders of Protection been issued? Yes

From: 03/18/2019

To: 09/17/2019

Explain:

On 3/18/19, Nassau County Sheriffs issued a Temporary Order of Protection for the BF and the SC against the BM. This Order expires on 09/17/19.

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