

Report Identification Number: NY-19-054

Prepared by: New York City Regional Office

Issue Date: Nov 12, 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: 2 month(s)

Jurisdiction: Kings
Gender: Male

Date of Death: 05/16/2019
Initial Date OCFS Notified: 05/16/2019

Presenting Information

The narrative of the SCR reports alleged on 5/15/19, the SM and the SF took the SC and the two SS to the park. The parents engaged in a heated verbal argument. The SM left the children with the SF in the park and returned to the home. At about 7:00PM, the SF brought the children home. The parents continued to argue. The argument turned physical when the SF assaulted the SM in the presence of the children. The SF then left the home. The SM sustained swelling and bruising to her lips. The children did not sustain any injuries. At about 11:00PM, the SC was in the crib and the SM went to sleep. At about 10:45AM on 5/16/19, the SM awoke and observed the SC in the crib and assumed he was asleep. Shortly after, the eight-year-old SS told the SM something was wrong with the SC. The SM touched the SC who was cold to the touch and he appeared not breathing. 911 was called at that time. EMS and the FD arrived and attempted CPR on the SC but were unsuccessful.

Executive Summary

On 5/16/19, the two-month-old male SC was found unresponsive while in the SM's home and pronounced dead by the responding EMS personnel. The ME determined the SC's cause and manner of death were undetermined. A review of the case records revealed that at the time of the fatality, there was a criminal OP against the SM on behalf of the children and an active OP against the SF on behalf of the SM. During a supervised visit with the SM on 5/15/19, a verbal dispute occurred between the SF and the SM which escalated into physical assault of the SM by the SF in the presence of the children. The SM sustained bruising to her lips. The children did not sustain any physical injuries. After the incident, the SF left the children in the home with the SM in violation of the OP.

At about 11:00PM, the children and the SM went to sleep. At about 10:45AM on 5/16/19, the female SS checked the SC in his crib, and he appeared unresponsive. She immediately alerted the SM to the SC's condition. The SM attempted to revive the SC and then called the children's former FM who called 911. First responders arrived at the home and gave the SC CPR; however, CPR attempts were unsuccessful. There was no trauma to the SC's body.

Following the fatality, ACS did an emergency removal of the two SS. The SF's whereabouts were unknown. A warrant was issued for the SF's arrest for physically assaulting the SM. ACS explored kinship resources for the SS, but no viable resources were located. The SS were medically cleared at the Child Advocacy Center and taken to the Children's Center pending placement. The older SS remained in the care of his BF. The two SS were subsequently placed in a non-kinship foster home (FH) under the auspices of Jewish Child Care Association. ACS assessed the SS in their FH and deemed them safe.

During the investigation, the SCR registered a report that alleged IG, and LS of the two SS by the FM. The FM had left the SS unattended for an unknown amount of time. The two SS left the FH and wandered on the streets. ACS investigated and substantiated the allegations of the report against the FM. The SS were replaced in a new therapeutic FH.

At the time of writing this report, ACS had not determined the CPS investigation. The two SS remained safe in non-kinship foster care. The older SS was doing fine in his BF's care. All the SS' needs were being met and their safety was assessed through casework home visits. The SM was having supervised visits with the SS at the foster care agency (FCA). The visits had been going on well. Also, ACS provided the older SS' BF with MetroCard to facilitate sibling visitation. Additionally, the SM and all the SS had engaged in services. There were no new concerns. The SF remained incarcerated.



ACS had not determined the CPS fatality investigation.

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? N/A
- 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? The CPS report had not yet been determined at the time this Fatality report was issued.
- Was the determination made by the district to unfound or indicate appropriate? N/A

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

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:

ACS did not complete the 30-Day Safety Assessment and 30 Day Fatality Report.

Required Actions Related to the Fatality

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

Issue:	The 30-Day Fatality Report is required to be completed in CONNECTIONS within 30 Days of receipt of a report alleging the death of a child as a result of abuse or maltreatment.
Summary:	ACS did not complete the 30-Day Fatality Report.
Legal Reference:	CPS Program Manual, Chapter 6, K-2
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 30-Day Safety Assessment
Summary:	ACS did not complete a 30-Day Safety Assessment



Legal Reference:	CPS Program Manual, Chapter 6, K-2
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: 05/16/2019

Time of Death: 11:20 AM

County where fatality incident occurred:

Kings

Was 911 or local emergency number called?

Yes

Time of Call:

11:13 AM

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

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	2 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	41 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	35 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	8 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	2 Year(s)

LDSS Response

On 5/16/19, ACS visited the oldest SS at his BF's home. ACS did not document any concerns for the SS. ACS did not interview the SS who was sleeping at the time of the visit but observed him to be safe in the home.

The BF stated he would enforce the OP against the SM for the SS.

ACS removed the two SS from the SM's home and escorted them to the Child Advocacy Center where they were medically cleared. The SM and the female SS reported the account of events leading up to the SC's death which was consistent with the information that was already known. The SM denied she drank alcohol at the time of the incident. The SS stated prior to the night of the incident, she and her siblings resided with the SF at a different address. ACS later transported the SS to the Children's Center.

On that same day, the responding EMS did not report any trauma to the SC's body. ACS contacted LE. LE stated the SM's friend reported that at about 6:00AM, the SF came to her home and stated, "I think the SC is dead." The SF told the friend he could not take care of the kids anymore. The friend went into the SM's home and observed the SM and the female SS to be asleep. The SC was in the playpen. The friend briefly provided care to the SC and put him back to sleep in the playpen. The friend left the home at 6:25AM. LE deemed the SM's home a crime scene. ACS documented unsuccessful attempts to contact the SM's friend.

On 5/17/19, ACS informed Family Court about the SC's death. The court ordered a full stay away OOP against the parents.

On 5/17/19, the paternal relatives reported they were willing to care for the two SS. ACS conducted SCR and DIR clearances on the relatives and found them not to be viable resources for the SS.

On 5/22/19, the SM's neighbors reported concerns about the SM's alcohol abuse and ongoing DV by the parents. They reported the parents were fighting through the night of the incident.

The SC's primary Dr. stated the SC was born at 36weeks gestation and was in the neonatal intensive care unit due to low weight. The SM had inconsistent prenatal care due to her non-compliance with ordered tests. The three SS' immunizations were current. They did not have any medical condition.

On 5/23/19, the SF's parole officer (PO) denied knowledge of the SF's whereabouts. The PO stated the SF came under the supervision of the PO in October 2018 and had not violated parole.

On 5/27/19, ACS visited the two SS at the Children's Center and did not document any concerns for them at the time of the visit.

On 5/28/19, the MGM declined an interview by ACS. She blamed ACS for allowing the SF to have her grandchildren.

On 6/4/19, the SF was arrested and charged with assault in the 3rd. Degree.

On 6/5/19, the older SS' BF reported the SS had started therapy. The SS also had a supervised visit with the SM and his siblings. The visit went well and there were no concerns.

Later that same day, the Family Court ordered a limited OP and ACS' supervision to allow the family to attend the SC's funeral service; however, the SF was ordered not to attend.

Also, on 6/5/19, the therapist reported the two SS began therapy on 6/3/19 and there were no concerns.

On 6/7/19, ACS attended the SC's funeral with all the SS. ACS did not document any concerns. Following the funeral, the two SS were placed in a non-kinship FH.

On 6/10/19, the CP visited the SS and deemed the FH safe for the SS. The FP reported behavioral concerns for the female



SS.

Later that same day, the two SS left the FH while being left unsupervised by the FP for an unknown amount of time. The SS were replaced in a new therapeutic FH.

On 6/11/19, the CP visited the SS in their replacement FH. The CP and the FP discussed a safety plan for both SS. The CP did not report any concerns for the SS.

Between 6/11/19 and 9/5/19, ACS made several casework contacts with the family, service providers, and the ME. The ME reported the SC's cause and manner of death were undetermined.

Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: Undetermined if injury or 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)? 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
050104 - Sibling, Male, 2 Year(s)	050103 - Father, Male, 41 Year(s)	Inadequate Guardianship	Pending
050105 - Sibling, Female, 8 Year(s)	050103 - Father, Male, 41 Year(s)	Inadequate Guardianship	Pending
050106 - Deceased Child, Male, 2 Month(s)	050102 - Mother, Female, 35 Year(s)	Internal Injuries	Pending
050106 - Deceased Child, Male, 2 Month(s)	050102 - Mother, Female, 35 Year(s)	Inadequate Guardianship	Pending
050106 - Deceased Child, Male, 2 Month(s)	050102 - Mother, Female, 35 Year(s)	DOA / Fatality	Pending
050106 - Deceased Child, Male, 2 Month(s)	050103 - Father, Male, 41 Year(s)	Inadequate Guardianship	Pending
050106 - Deceased Child, Male, 2 Month(s)	050102 - Mother, Female, 35 Year(s)	Lacerations / Bruises / Welts	Pending

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 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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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"/>
Explain: ACS did not complete the 30-Day Safety Assessment				

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"/>



Child Fatality Report

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 checked="" type="checkbox"/>	<input 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 siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<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: Following the incident, ACS conducted an emergency removal of the two SS. The older SS remained in the care of his BF.				

Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
05/17/2019	There was not a fact finding	There was not a disposition
Respondent:	050103 Father Male 41 Year(s)	
Comments:	Following the death of the SC, on 5/17/19, ACS filed an Article 10 Petition in Family Court. The SM and the SF were the respondents in the petition. The court granted a remand for the two younger SS and a full stay away order of protection for both parents.	

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality



Child Fatality Report

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

Additional information, if necessary:
 ACS documented as of 8/7/19, the older SS' BF completed parenting, anger management, and domestic violence.

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? Yes
- Was the child acutely ill during the two weeks before death? No

Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- Used illicit drugs



Infant was born:

Drug exposed

With fetal alcohol effects or syndrome

With neither of the issues listed noted in case record

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)
03/27/2019	Sibling, Male, 10 Years	Mother, Female, 35 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 10 Years	Mother, Female, 35 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 10 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 35 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 35 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Deceased Child, Male, 21 Days	Mother, Female, 35 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 21 Days	Mother, Female, 35 Years	Lack of Supervision	Substantiated	
	Deceased Child, Male, 21 Days	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 10 Years	Father, Male, 36 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The 3/27/19 report alleged sometime during the weekend of 3/23/19 and 3/24/19, the 10-yo child's BF punched the child in the head and kicked him in his private area for unknown reasons. It was unknown if the child sustained injuries, but he felt pain as a result. Also on 4/8/19 and 5/1/19, the SCR registered subsequent and duplicate reports with concerns of the SM being intoxicated and not appropriately supervising the children.

Report Determination: Indicated

Date of Determination: 05/31/2019

Basis for Determination:

The SM became intoxicated, was verbally and physically abusive towards the 10-yo child which caused child to run away from home. Also, the statements given by the children and key collaterals confirmed the SM abused alcohol daily. As a result, the children were removed from the SM's care and paroled to the respective BFs. The 10-yo child was released to his BF and the three younger SS were released to the SF. There was a full OOP in place for the children against the SM unless supervised by ACS.

ACS UNSUB the allegation IG against the BF. The 10-yo SS denied the BF punched him in the head and kicked him in his private. ACS did not observe the child with any marks/bruises.

OCFS Review Results:

ACS merged and investigated the 4/8/19 and 5/1/19 reports with the 3/27/19 report/open investigation. Based on the



information in the case records, ACS decision to substantiate the allegations of the report was appropriate. The case notes reflected ACS objected to the release of the three younger SS to the SF; however, the court overruled ACS and temporarily released the three SS to the SF. The court ordered the SF to comply with ACS supervision, announced and unannounced visits, reside in ACS approved and cleared housing, exclude the SM from any home in which the SS resided, produce the SS for court ordered visitation. Also, the SF was not to supervise the visits between the SS and the SM.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/12/2018	Sibling, Male, 17 Months	Mother, Female, 34 Years	Lack of Supervision	Unsubstantiated	No
	Sibling, Female, 7 Years	Mother, Female, 34 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 17 Months	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 17 Months	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 34 Years	Lack of Supervision	Substantiated	

Report Summary:

The SM had a clinical health condition and a history of alcohol abuse and was hospitalized sometime in the month of April 2018 for suicidal ideations. On 6/11/18, the SM went to do chores and left her nine and seven-year-old and seventeen-month-old children with a friend. She did not return to pick up the children and failed to put an appropriate safety plan in place for them. On 6/12/18, the SM was found and brought into the hospital for aggressive behavior. She was at an extremely high level of intoxication. She was in no condition to adequately care for the children. There was concern about the SM being the sole caretaker for the children with her alcohol abuse and mental instability.

Report Determination: Indicated

Date of Determination: 07/27/2018

Basis for Determination:

On 7/13/18, the nine-year-old child was hit by a car while crossing the street alone. The SM stated she sent the child across the street to the store. She did not watch the child as he crossed the street.

On 7/22/18, the BM had a verbal altercation with a neighbor while being heavily intoxicated by alcohol and left the children unattended. The altercation resulted in the SM being arrested and the children being placed with relatives. On 7/24/18, a remand for the children was granted by Family Court.

ACS UNSUB the allegation LS of the 2 younger children by the SM. Although the SM had a few alcoholic drinks while she went to do laundry, she asked her friend to watch the children.

**OCFS Review Results:**

On 7/23/18, the SCR registered a subsequent report which alleged on 7/22/18, the SM was intoxicated while she was the sole caretaker of her three children. She left the children unsupervised in the home for an unspecified amount of time, while she was involved in a verbal altercation with another adult elsewhere in the building. She was yelling and belligerent. The children did not sustain any injuries. ACS merged the report and consolidated it with the open investigation. Based on the information in the case records, ACS decision to substantiate the allegations of the report 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)
01/31/2017	Sibling, Male, 8 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 8 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 6 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 6 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 1 Months	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Months	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

On a regular basis, the SM drank alcohol to impairment. She had slurred speech and was violent when intoxicated. When intoxicated, the SM was aggressive and out of control towards the children by cursing, yelling, and beating them with a belt or other object. The SM's newborn often cried for unknown reasons.

Report Determination: Unfounded

Date of Determination: 04/01/2017

Basis for Determination:

ACS did not find any evidence that suggested the SM used excessive force to discipline, cursed or called the children names. The children denied the SM called them names or physically disciplined them. In addition, ACS did not observe any marks or bruises on the children's bodies. The SM denied she drank alcohol to the point of impairment. ACS documented since January 2016, the SM had been testing negative to random drug testing.

ACS continued to monitor the family under COS and engaged in preventive services with Community Counseling and Mediation.

OCFS Review Results:

The investigation determination 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)
12/30/2016	Sibling, Male, 8 Years	Father, Male, 39 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 8 Years	Father, Male, 39 Years	Inadequate Guardianship	Substantiated	



Sibling, Male, 25 Days	Father, Male, 39 Years	Inadequate Guardianship	Substantiated
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Report Summary:

On 12/29/16, the parents got into a domestic altercation. The SF punched the SM in her face repeatedly in the presence of their three children. The children were not injured. The BF resided at a different address at the time.

Report Determination: Indicated**Date of Determination:** 02/28/2017**Basis for Determination:**

The children witnessed the physical altercation between the parents. The SM sustained some swelling to her face which caused the children to be afraid. The SF was arrested following the incident and incarcerated. On 1/24/17, ACS filed an Article 10 Petition in Brooklyn Family Court against the SF for the three children. The court granted ACS COS and an OP against the respondent SF.

OCFS Review Results:

The determination of the allegation IG 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)
05/31/2016	Sibling, Male, 7 Years	Father, Male, 39 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 6 Years	Father, Male, 39 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

On 5/30/16, the parents engaged in a verbal argument that escalated into a physical altercation. The SF hit the SM and fired a shot from his gun during the incident. The incident occurred near the children the family's six and seven-year-old children. The children woke up from the noise and intervened and asked the SF not to hurt the SM. On another occasion, the SF threatened the SM and an unknown MU with a gun.

Report Determination: Unfounded**Date of Determination:** 08/02/2016**Basis for Determination:**

During the investigation it was learned that, the parents were having inappropriate conversations while the children were asleep and there was no weapon found. Also, there was no physical altercation in the incident. At the time the incident allegedly occurred, the SM and the children resided in a secure DHS shelter, where visitors were not allowed. The family was referred to preventive services with Community Counseling and Mediation 1st Step 2 Preventive.

OCFS Review Results:

The evidence gathered during the investigation did not support a finding of maltreatment. The SF did not reside with the SM and the children at the time.

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

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

Between 7/5/11 and 12/3/15, the family had nine prior SCR reports. Four of the reports were indicated while five were unfounded. The allegations of the indicated reports pertained to the SM's excessive use of alcohol and DV incidents by the parents in the presence of the children. On 2/24/15, ACS filed an Article 10 Neglect Petition in Brooklyn Family Court against the respondent BM for the two children. The court released the children to the SM's care with COS. The family continued to engage in preventive services with PPRS services with Community Counseling and Mediation.

Known CPS History Outside of NYS

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

Services Open at the Time of the Fatality



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: 01/05/2015

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

	Yes	No	N/A	Unable to Determine
Did the service provider(s) comply with the timeliness and content requirements for progress notes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did all service providers comply with mandated reporter requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

Casework Contacts

	Yes	No	N/A	Unable to Determine
Did the service provider comply with case work contacts, including face-to-face contact as required by regulations pertaining to the program choice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Services Provided

	Yes	No	N/A	Unable to Determine
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" type="checkbox"/>	<input 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"/>

Preventive Services History

Between 2011 to present, PPRS services were placed in the home through Community Counseling and Mediation (CCM) to address concerns of IG, LS, PD/AM, DV, MH and ExCP. The family also received play therapy, grievance and emotional distress counseling for the children. However, there was minimal change in the parents' behaviors.

At the time of the SC's death, both preventive services and COS were working with the family. Last documented casework contact with family occurred on 5/10/19 when ACS transported the children and the SF from the Child Advocacy Center to PATH. ACS did not document any concerns for the children at the time.

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:
07/24/2018	There was not a fact finding	There was not a disposition
Respondent:	050102 Mother Female 35 Year(s)	
Comments:	On 7/22/18, the BM had a verbal altercation with a neighbor while being heavily alcohol intoxicated, and left the children unattended. The altercation resulted in the BM being arrested for endangering the welfare of a child. The children were placed in kinship foster care with the PA. On 7/24/18, a remand for the children was granted by Family Court. An OP was placed against the BM for all the children; however, she was granted supervised visits with the children.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
05/01/2019	There was not a fact finding	There was not a disposition
Respondent:	050102 Mother Female 35 Year(s)	
Comments:	On 4/8/19 and 5/1/19, the SCR registered subsequent and duplicate reports with concerns of the SM being intoxicated and not appropriately supervising the children. The SM was verbally and physically abusive towards the 10-yo child which caused the child to run away from home. The 10-yo child was released to his BF and the three younger SS were paroled to the SF. There was a full OP in place for the children against the BM unless supervised by ACS.	

Family Court Petition Type: FCA Article 10 - CPS



Date Filed:	Fact Finding Description:	Disposition Description:
01/24/2017	There was not a fact finding	There was not a disposition
Respondent:	050103 Father Male 41 Year(s)	
Comments:	On 1/24/17, ACS filed an Article 10 Petition in Brooklyn Family Court regarding the then eight, six-year and three-week-old children. The SF was the respondent in the petition. The court granted ACS COS and an OP against the SF.	

Have any Orders of Protection been issued? Yes	
From: 07/24/2018	To: Unknown
Explain: On 7/22/18, the SM had a verbal altercation with a neighbor while being heavily alcohol intoxicated, and left the children unattended. The altercation resulted in the SM being arrested for endangering the welfare of a child. The children were placed in kinship foster care with the PA. On 7/24/18, Queens Family Court granted an OP against the SM for all the children. The SM was granted supervised visits with the children	
From: 01/24/2017	To: Unknown
Explain: On 1/24/17, ACS filed an Article 10 Petition in Brooklyn Family Court regarding the then eight, six-year and three-week-old children. The SF was the respondent in the petition. The court granted ACS COS and an OP against the SF.	

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