



Report Identification Number: NY-19-087

Prepared by: New York City Regional Office

Issue Date: Jan 10, 2020

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: 8 month(s)

Jurisdiction: Bronx
Gender: Female

Date of Death: 07/13/2019
Initial Date OCFS Notified: 07/15/2019

Presenting Information

The 7/15/19 report alleged on 7/3/19, the SM left the SC (8 months) unsupervised in the bathtub for a total of forty-five minutes, intermittently checking the SC every five minutes. The SM found the SC unresponsive in the bathtub and called 911. The SC was revived by emergency medical services and transported to the hospital. The SC was placed on life support for ten days. The SC was taken off life support on 7/13/19 due to lack of brain activity, and died. The BF lived outside the home and was not present during the incident, therefore he had an unknown role. The SS had an unknown role.

Executive Summary

This 8-month-old female SC died on 7/13/19. NYCRO had not yet received the ME report at the time this fatality report was issued.

At the time of the SC's death, the family had an open investigation that began on 7/3/19. ACS initiated the investigation and found that the SM left the SC unsupervised in the bathtub and found her unresponsive. The SC was transported to the local hospital and intubated for ten days.

The SCR registered a subsequent report on 7/15/19, that included the allegations of DOA/Fatality, IG and LS of the SC by the SM.

During the investigation, ACS visited the local hospital and interviewed the SM, LE and medical personnel. ACS learned that the SM was watching three other children in her home on 7/3/19. After the children left, the SM put the SC in the bathtub with running water and toys. The SM cleaned and checked the SC while the water in the tub was on and running. The SM returned to check the SC 5 minutes later and found the SC face down in the tub with a toy shovel obstructing the drain. The SM took the SC out of the bathtub and called 911 at approximately 6:31 PM. The SM attempted CPR about 4-5 times; however, CPR attempts were unsuccessful.

LE investigated the scene of the accident. LE placed the toy shovel in the drain with running water. LE and ACS observed the toy shovel held down by the force of water going down the drain, while filming from 5:45 PM to 5:50 PM. (the outcome resulted in standing water that measured 4 inches in height).

ACS obtained information regarding the SC's medical history from medical professionals. Per the medical professionals' account, the SC was an otherwise healthy child with no medical concerns. The SC was unresponsive when EMS arrived at the case address. EMS attempted CPR and was successful in reviving the SC. The family arrived at the hospital at 7:00 PM via ambulance. Upon arrival to the hospital, the SC was reportedly in cardiac arrest from drowning.

ACS assessed the subject family's home throughout the investigation by conducting announced and unannounced home visits. ACS observed food and working safety devices in the home. ACS made pertinent collateral contacts and interviewed a neighbor, the MA and BF, the SS's father and PGM. The information reflected there were no concerns regarding the care the SM provided to the SC and SS.

On 9/4/19, ACS substantiated the allegations of DOA/Fatality, IG and LS of the SC by the SM based on credible evidence found during the investigation; the SC was critically injured while in the care of the SM. The findings revealed the SM left



the SC unsupervised in a bathtub with running water and the SC drowned. The SC was rushed for immediate medical care; however, the SC died.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Approved Initial Safety Assessment? Yes
 - Safety assessment due at the time of determination? Yes
- Was the safety decision on the approved Initial Safety Assessment appropriate? 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:

Sufficient information was gathered to determine all allegations.

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

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? Yes

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

Explain:

ACS obtained relevant information from the collateral contacts.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 07/13/2019

Time of Death: 03:30 PM



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

07/03/2019
06:31 PM

County where fatality incident occurred:
Was 911 or local emergency number called?

Bronx
Yes

Time of Call:

06:31 PM

Did EMS respond to the scene?

Yes

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

N/A

Child's activity at time of incident:

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other: In the bathtub

Did child have supervision at time of incident leading to death? No - but needed

At time of incident supervisor was:

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	8 Month(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Sibling	No Role	Male	4 Year(s)
Other Household 1	Father	No Role	Male	24 Year(s)
Other Household 1	Father	No Role	Male	24 Year(s)

LDSS Response

On 7/15/19, ACS interviewed medical personnel and learned that the SM and BF withdrew medical care of the SC on 7/13/19. The SC was then pronounced dead on 7/13/19.

Between 7/16/19 and 7/17/19, ACS contacted the medical consultant and ME. ACS and the consultant reviewed the SC's and SS's medical records. The SS had no chronic medical diagnoses and appeared an otherwise healthy child.

ACS met with the Investigative Consultants to discuss a Heightened Oversight meeting (HOP). A HOP meeting was held on 7/5/19 as a result of the SC's injuries. ACS determined that an Initial Child Safety Conference would be held and a remand of the SS would be sought.

Between 7/25/19 and 8/2/19, ACS interviewed LE and met with the Investigative Consultants. ACS learned that there was a pending arrest for the SM regarding the death of the SC. On 8/2/19, ACS held a 30-day HOP conference with the investigative consultants to discuss the case details. There were no recommendations during the meeting. On 8/14/19, ACS interviewed the Assistant District Attorney to inquire about the criminal investigation.



Between 8/1/19 and 8/14/19, ACS made several referrals for the SM, SS and father of the SS as a result of the SC's death. The SM was referred for bereavement counseling, substance abuse and mental health services. The father of the SS was referred to parenting, bereavement counseling and offender services. The SS was placed in foster care with his MA and referred for play therapy services.

On 8/22/19, ACS documented that the SS was placed with his PGM.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

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

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

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
052561 - Deceased Child, Female, 8 Mons	052563 - Mother, Female, 24 Year(s)	Lack of Supervision	Substantiated
052561 - Deceased Child, Female, 8 Mons	052563 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Substantiated
052561 - Deceased Child, Female, 8 Mons	052563 - Mother, Female, 24 Year(s)	DOA / Fatality	Substantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input 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 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 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 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"/>
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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 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"/>

Explain:
The SM was offered mental health counseling, substance abuse and parenting services. The SM was referred to bereavement counseling.



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: On 7/11/19, ACS determined that an Article Ten Neglect petition against the SM would be filed in Bronx County Family Court (BxCFC) to request a remand of the SS. On 7/12/19, ACS filed the Article Ten Neglect petition and a remand of the SS was granted.				

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:
07/12/2019	There was not a fact finding	There was not a disposition
Respondent:	052563 Mother Female 24 Year(s)	
Comments:	On 7/12/19, ACS filed an Article Ten Neglect petition in BxCFC. ACS sought a remand of the SS. According to ACS, a remand of the SS was granted.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
07/12/2019	There was not a fact finding	There was not a disposition
Respondent:	051301 Other	
Comments:	On 7/12/19, ACS filed an Article Ten Neglect petition in BxCFC. ACS sought a remand of the SS. According to ACS, a remand of the SS was granted.	

Criminal Charge: Criminally negligent homicide Degree: NA

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
09/12/2019	Subject Mother	Pending	The Disposition is pending.



Comments: The SM was arrested on 9/10/19 and charged with criminally negligent homicide and endangering the welfare of a child (acting in a manner injurious to a child 17 and under).

Have any Orders of Protection been issued? Yes

From: 07/12/2019

To: Unknown

Explain:
On 7/12/19, BxCFC granted an OP on behalf of the SS against the SS's father. The SS's father was ordered to comply with the the court ordered visitation and abide by the order of protection.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:

The SM was referred to bereavement, mental health counseling, substance abuse and parenting classes. The SS's father was referred to mental health counseling, parenting and substance abuse services. The BF was referred to bereavement counseling. The SS was referred for play therapy. ACS utilized family as kinship resources, once the SS was remanded to ACS.



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

Explain:

The SS was remanded and placed in a kinship foster home. The SS was referred for play therapy.

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

Explain:

The SM was referred for substance abuse services, bereavement, mental health counseling and parenting. The SS's father was referred to parenting classes, substance abuse and mental health services. On 8/14/19, ACS mailed a referral for bereavement counseling to the BF.

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? Yes

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 neither of the issues listed noted in case record
- With fetal alcohol effects or syndrome

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)
07/03/2019	Deceased Child, Female, 8 Months	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Female, 8 Months	Mother, Female, 23 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 4 Years	Mother, Female, 23 Years	Inadequate Guardianship	Substantiated	



Sibling, Male, 4 Years	Other Adult - Surviving Sibling BF, Male, 27 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 4 Years	Mother, Female, 23 Years	Lack of Supervision	Substantiated
Sibling, Male, 4 Years	Other Adult - SC's BF, Male, 23 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Other Adult - SC's BF, Male, 23 Years	Lack of Supervision	Unsubstantiated

Report Summary:

The 7/3/19 report alleged the SM left the 8-month-old SC unattended in the bathtub. When she returned, the SC was unresponsive. The SM called 911 and the SC was found to be in cardiac arrest. The SC was revived and transported to the hospital.

Report Determination: Indicated**Date of Determination:** 09/04/2019**Basis for Determination:**

During the 7/3/19 investigation, ACS found credible evidence to substantiate the allegations of IG and LS of the SC by the SM, and IG of the SS by the SM and father of the SS, and LS of the SS by the SM. ACS unsubstantiated the allegations of IG and LS of the SS by the BF. The investigative findings showed the SM left the SC in the tub with running water to clean the house and reportedly went back and forth between cleaning and checking the SC. The SC drowned, and was taken to the local hospital where she remained on life support for ten days.

OCFS Review Results:

Based on the information obtained during the investigation, ACS' decision to substantiate the allegations of the report was appropriate. ACS assessed the SC and SS during the investigation and continued to monitor the SS after the investigation. ACS obtained information from various collateral contacts. There was no safe sleep discussion documented.

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

Issue:

Failure to provide safe sleep education/information

Summary:

The case record did not reflect ACS discussed safe sleep practices with the SM.

Legal Reference:

13-OCFS-ADM-02

Action:

ACS must submit a PIP 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)	Allegation Outcome	Compliance Issue(s)
04/04/2018	Sibling, Male, 3 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Male, 3 Years	Mother, Female, 22 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 3 Years	Other Adult - SC's BF, Male, 22 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 3 Years	Other Adult - SC's BF, Male, 22 Years	Lack of Supervision	Substantiated	

Sibling, Male, 3 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Other	Unsubstantiated
Sibling, Male, 3 Years	Mother, Female, 22 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - SC's BF, Male, 22 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Male, 3 Years	Mother, Female, 22 Years	Other	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Unknown, Male, 28 Years	Other	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - SC's BF, Male, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 3 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Unknown, Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - SC's BF, Male, 22 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - Unknown, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - SC's BF, Male, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - Surviving Sibling BF, Male, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unknown, Male, 6 Years	Other Adult - Unknown, Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 3 Years	Other Adult - Unknown, Male, 28 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

A Family Court judge issued a Court Ordered Investigation with a return date of 5/11/18, at Bronx Supreme Court. There was an allegation that the SM's previous paramour was a gang member and was wanted for murder and stabbing the SM's current paramour in the house. The SM allowed the SS around drugs. The SM smoked marijuana, drank alcohol and consumed pills in the presence of the SS. The SM did not keep up with the SS's hygiene and there were two cats urinating on the SS's clothes and the area where he slept. The judge instructed ACS to conduct an investigation on behalf of the child.



Report Determination: Indicated

Date of Determination: 06/03/2018

Basis for Determination:

ACS found there was credible evidence to substantiate the allegations of IG and LS of the SS by the SM and BF. ACS unsubstantiated the allegations of L/B/W, PD/AM and Other of the SS by the SM and BF. ACS unsubstantiated the allegations of PD/AM, IG, LS and Other of the SS by his father. ACS noted that the SM and BF assaulted the father of the SS in the presence of the SS. The SM and BF's actions created a substantial risk for an emotional impairment of the SS who was unable to articulate his experience stemming from the incident. The SM and BF's actions lead to their arrest.

OCFS Review Results:

Based on the information obtained during the investigation, ACS' decision to substantiate the allegations of IG and LS was appropriate. ACS assessed the SS and the SM throughout the investigation. ACS obtained information from the physician and criminal history, made referrals for DV and MH consultations, attempted contact with neighbors and referred the SM for MH services. The case record did not reflect an interview with the BF (subject of the report). The progress notes were not written contemporaneously. Several of the supervisory directives were not followed or were incomplete at the closure of the investigation.

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

Issue:

Timely/Adequate Case Recording/Progress Notes

Summary:

The 4/4/18 Investigative Progress Notes were not documented timely. A progress note had an event date of 4/5/18 and an entry date of 6/1/18.

Legal Reference:

18 NYCRR 428.5

Action:

ACS must submit a PIP 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:

Failure to Conduct a Face-to-Face Interview (Subject/Family)

Summary:

The 4/4/18 initial investigation did not reflect documentation or an interview of the SM's paramour, who was a subject of the report.

Legal Reference:

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

Action:

ACS must submit a PIP 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:

Overall Completeness and Adequacy of Investigations

Summary:

Several of the supervisory directives were not followed up by the ACS Specialist or were incomplete at the closure of the investigation.

Legal Reference:

SSL 424.6 and 18 NYCRR 432.2(b)(3)

Action:



ACS must submit a PIP 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)	Allegation Outcome	Compliance Issue(s)
05/12/2017	Sibling, Male, 2 Years	Mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 2 Years	Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Other Adult - SC's BF, Male, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Other Adult - SC's BF, Male, 21 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

The SM and parent substitute engaged in physical altercations in the presence of the SS. When intoxicated and high the parents physically hit one another. Approximately one month prior to 5/12/17, the BF stabbed a third individual in the home. The SM lived in a car when the SS was 4 months old. The SM left the SS with inappropriate caregivers who were intoxicated and high. The SM was aware and continued to leave the SS in their care. The father of the SS had an unknown role.

Report Determination: Unfounded**Date of Determination:** 07/13/2017**Basis for Determination:**

ACS unsubstantiated the allegation of IG and PD/AM of the SS by the SM and BF on the basis of no credible evidence. ACS documented that there was no indication the SM did not meet the minimum degree of care for the SS. ACS learned that the SS was not present when the altercation occurred between the BF and a male individual.

OCFS Review Results:

Based on the information obtained during the investigation the determination was appropriate. ACS assessed the SS and SM throughout the investigation. ACS obtained information from the SC's physician, SM's foster care provider, and obtained a mental health consultation. ACS assessed the family's home. The ACS case record did not reflect an interview or diligent efforts to interview the BF (subject of the report).

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

Issue:

Failure to Conduct a Face-to-Face Interview (Subject/Family)

Summary:

The ACS case record did not reflect an interview or diligent efforts to interview the BF.

Legal Reference:

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

Action:

ACS must submit a PIP 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

The SM was an alleged subject in a report dated 6/5/16. The allegations of the 6/5/16 report were IG, L/B/W, and PD/AM



of the SS by the SM and father of the SS. ACS investigated the report and on 8/4/16, unsubstantiated the allegations on the basis of no credible evidence. During ACS home visits the SS was observed to have no marks, bruises or rashes. There was no evidence gathered to support the allegation that the BF had the SS in his care during the time of his Marijuana usage nor was there evidence gathered to support that his parental abilities were compromised by smoking Marijuana.

Known CPS History Outside of NYS

There was no CPS History outside 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: 07/04/2019

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

Preventive Services History

On 6/3/2018, ACS opened a preventive services case for the family. In October 2018, ACS completed a joint home visit with the preventive services agency (SCAN-New York). At the time of the joint home visit, the SM reported that she would go to the agency to sign for services; however, SCAN notified ACS that the SM refused to accept PPRS. At the time, the SM engaged in mental health counseling and was referred for therapeutic services. ACS confirmed that the SM engaged in parenting and mental health services at a community based agency. ACS closed the preventive services case on 10/12/18.

Foster Care Placement History

As a result of the SC's injuries sustained on 7/3/19, ACS held an Initial Child Safety Conference on 7/11/19 and determined that an Article Ten Neglect petition would be filed against the SM. On 7/12/19, ACS filed the Article Ten Neglect petition in BxCFC and requested a remand of the SS; thereafter, a remand of the SS was granted. The SS was placed in his MA's home on 7/11/19.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation? There was no legal activity

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