

Report Identification Number: NY-20-079

Prepared by: New York City Regional Office

Issue Date: Feb 19, 2021

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 <u>only</u> 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			
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police			
Service	Services	Department			
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care			
Rehabilitative Services	Families				
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	ASTO-Allowing Sex Abuse to Occur				



Case Information

Report Type: Child Deceased **Jurisdiction:** Bronx **Date of Death:** 08/21/2020

Age: 15 year(s) Gender: Male Initial Date OCFS Notified: 08/21/2020

Presenting Information

On 8/21/20, the parents and the 19-year-old sibling allowed the 15-year-old subject child to ride an All-Terrain Vehicle (ATV) despite being aware that he was not wearing any protective gear. While riding at a high rate of speed, the child was ejected from the ATV when the front tire of this vehicle struck a tree. As a result, the child sustained a neck fracture and at approximately 2:16 P.M., he succumbed to his injuries and died.

Executive Summary

This 15-year-old male child died on 8/21/20. The cause of death was listed as blunt trauma to the child's neck and chest and the manner of death was listed as accident.

On the same date, the SCR registered a report with allegations of DOA/Fatality, Fractures, and Inadequate Guardianship of the 15-year-old child by the parents. It was alleged the parents allowed the 15-year-old child to ride an ATV despite knowing the child was not wearing any protective gear. The child was involved in an accident involving the ATV and died shortly thereafter.

ACS's Bronx Office conducted the investigation and made contact with pertinent collateral sources which included law enforcement and medical personnel. ACS also contacted the school the child attended and spoke with members of the family and community where the family resided.

From law enforcement, ACS learned the incident occurred on 8/21/20 between the hours of 1:00pm and 2:00pm. According to the Sheriff, the family was visiting for the weekend and the brothers had been driving around on an unpaved town road all day. The Sheriff said the boys were not wearing any helmets. The 15-year-old child was speeding when he lost control of the ATV, hit a tree, and was ejected from the vehicle. He was transported from the accident scene to his home by his adult brother and then airlifted from that location, by helicopter, to the hospital where he died of the injuries he sustained in the accident.

An autopsy was not conducted as the parents refused due to religious reasons. However, the medical examiner noted the child had trauma to his neck and chest and a broken arm. The Medical Examiner deemed the child's death a tragic accident. The child was buried on 8/23/2020.

School staff were contacted as collateral. The children's principal indicated there were no concerns for the children who attended consistently and performed well academically.

ACS convened an initial Child Safety Conference and determined no court intervention was necessary. ACS referred the family to their family preservation program and preventive services for functional family therapy.

On 10/14/20, ACS unsubstantiated the allegations of the report. The case was unfounded.

Findings Related to the CPS Investigation of the Fatality

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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:

By the close of the investigation, ACS made the decision that there were no safety factors present in the home. The safety decision was #1. The casework activity was commensurate with case circumstances.

Was the decision to close the case appropriate?

Was casework activity commensurate with appropriate and relevant statutory Yes

or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

Explain:

The level of casework activity, which includes contact with the family and others from the receipt of the report through case conclusion, was commensurate with the case circumstances. There was documentation of supervisory consultation during the investigation. The decision to close the case was appropriate.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 08/21/2020 Time of Death: 02:16 PM

County where fatality incident occurred:

Delaware

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown



Did EMS respond to the s	scene?	Yes
At time of incident leadin	g to death, had child used alcohol or dr	ugs? 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? No - Not needed given developmental age or circumstances

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	Adult Sibling	Alleged Perpetrator	Male	19 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Male	15 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	45 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	50 Year(s)
Deceased Child's Household	Sibling	No Role	Male	15 Year(s)

LDSS Response

On 8/21/20, ACS received the SCR report regarding the death of SC, which occurred on that same date. ACS initiated their investigation within 24 hours and coordinated their efforts with their multidisciplinary team. ACS learned there was one SS and worked promptly to assess his safety.

On 8/21/20, ACS visited the family's home in the Bronx. ACS documented the family resided in a two-family private home. The home was nicely furnished, neat and clean. There was food in the home for the family. There were two smoke and carbon monoxide detectors properly installed in the home. Following the assessment of the home, the Specialist interviewed the adult brother who had been with the 15-year old child at the time of the accident.

According to the adult brother, he and the 15-year-old child were driving their ATVs up and down the road, The adult brother said that he had slowed down as they got to one end of the road but the 15-year-old kept going "pretty fast". The brother said he told the child to slow down, but he did not. When the child's vehicle got to a grass area, it hit a stump, which caused the child to be ejected from the ATV. The brother said he rode his ATV over to the child to check him. The child was responsive when the incident first happened, as he was able to identify himself and was able to identify the brother. The brother said when he asked the child if anything hurt, the child responded that his "whole body" hurt. The brother reported he then tried to help the child on the back of his ATV, so he could drive him to the house to get help, but the child kept sliding off. The brother reported the child was awake during the travel to his house. The brother said when he reached home, he called for help, and laid the child on the grass while the family called 9-1-1. The family said help arrived quickly; however, as they were laying Kyle on the grass, his eyes appeared to "glaze over". Enroute to the hospital the child went into cardiac arrest. He was revived but went into arrest again and was pronounced dead on arrival.



In subsequent home visits the parents were interviewed. The parents' accounts from the time the adult brother brought home the 15-year-old were consistent with the account provided by law enforcement. The parents added they know the boys would be going to ride the ATVs. The parents had not questioned the boys about the safety features of these vehicles.

Also, on 8/21/20, the Specialist contacted law enforcement and learned the incident occurred between 1:00PM and 2:00PM. The Sheriff reported the brothers had been riding around the town road without helmets. The 15-year-old was speeding when he lost control of the ATV and hit a tree. Law enforcement and EMS responded to a 911 call at 1:46 PM

Later that day, ACS staff contacted the Medical Examiner and learned due to religious observance, the family opted not to have an autopsy performed. The ME stated the 15-year-old child had been driving at approximately 60-70 mph and was trying to make a 90 degree turn in the road. However, at such high speed it would be impossible for the child to complete. The ME also said the accident was further compounded by the fact that the child was unfamiliar with the dirt trail on which he was driving. The ME reported the child did not have a fractured neck. The child struck the tree on the right side of his body after losing control of the ATV. The child also sustained a fractured right elbow. The ME determined the cause of death was due to blunt trauma to the child's neck and chest. The manner of death was an accident. The child was buried on 8/23/2020.

School staff were interviewed as collateral. The children's principal indicated that there were no concerns for the children and the children performed well academically and attending consistently.

On 9/1/20, ACS convened a Child Safety Conference and determined no court intervention was necessary. The family was referred to the Family Preservation Program and preventive services for functional family therapy.

During the course of the investigation, ACS completed safety assessments forms on 8/23/20, 8/28/20, 9/18/20, and 10/7/20. The safety decisions were appropriate and reflected case circumstances.

On 10/14/20, both the services case and the investigation of the report were closed. ACS unfounded the allegations of the report and unfounded the report.

Official Manner and Cause of Death

Official Manner: Accident

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 NYC region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
054886 - Deceased Child, Male, 15 Yrs	054890 - Father, Male, 45 Year(s)	DOA / Fatality	Unsubstantiated

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054886 - Deceased Child, Male, 15	054890 - Father, Male, 45 Year(s)	Fractures	Unsubstantiated
Yrs			
054886 - Deceased Child, Male, 15	054890 - Father, Male, 45 Year(s)	Inadequate	Unsubstantiated
Yrs		Guardianship	
054886 - Deceased Child, Male, 15	054889 - Mother, Female, 50 Year(s)	DOA / Fatality	Unsubstantiated
Yrs			
054886 - Deceased Child, Male, 15	054889 - Mother, Female, 50 Year(s)	Fractures	Unsubstantiated
Yrs			
054886 - Deceased Child, Male, 15	054889 - Mother, Female, 50 Year(s)	Inadequate	Unsubstantiated
Yrs		Guardianship	
054886 - Deceased Child, Male, 15	056385 - Adult Sibling, Male, 19	DOA / Fatality	Unsubstantiated
Yrs	Year(s)		
054886 - Deceased Child, Male, 15	056385 - Adult Sibling, Male, 19	Fractures	Unsubstantiated
Yrs	Year(s)		
054886 - Deceased Child, Male, 15	056385 - Adult Sibling, Male, 19	Inadequate	Unsubstantiated
Yrs	Year(s)	Guardianship	

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	\boxtimes			
When appropriate, children were interviewed?	\boxtimes			
Alleged subject(s) interviewed face-to-face?	\boxtimes			
All 'other persons named' interviewed face-to-face?			\boxtimes	
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?	\boxtimes			
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)?				
Coordination of investigation with law enforcement?	\boxtimes			
Was there timely entry of progress notes and other required documentation?	\boxtimes			

Additional information:

ACS made visits to the family's home and to the vacation home where the incident occurred.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	\boxtimes			

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Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	urviving	siblings/o	ther child	dren in the	
Within 24 hours?	\boxtimes				
At 7 days?	\boxtimes				
At 30 days?	\boxtimes				
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	\boxtimes				
Are there any safety issues that need to be referred back to the local district?					
			ı	1	
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?					
	D #1				
Fatality Risk Assessment / Risk Assessment	Profile				
	Yes	No	N/A	Unable to Determine	
Was the risk assessment/RAP adequate in this case?	\boxtimes				
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?					
Was there an adequate assessment of the family's need for services?					
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?					
Were appropriate/needed services offered in this case	\boxtimes				
Explain: The family was provided grief counseling services until the closing of the inve	stigation.	•			
Placement Activities in Response to the Fatality In	ivestigatio	n			
	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?					
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?					
Explain as necessary: ACS documented safety factors existed but these factors did not place the surviving sibling in impending or immediate danger or serious harm.					

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Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? There was no legal activity.

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							
Economic support						\boxtimes	
Funeral arrangements						\boxtimes	
Housing assistance						\boxtimes	
Mental health services						\boxtimes	
Foster care						\boxtimes	
Health care						\boxtimes	
Legal services						\boxtimes	
Family planning						\boxtimes	
Homemaking Services						\boxtimes	
Parenting Skills							
Domestic Violence Services						\boxtimes	
Early Intervention						\boxtimes	
Alcohol/Substance abuse						\boxtimes	
Child Care						\boxtimes	
Intensive case management						\boxtimes	
Family or others as safety resources						\boxtimes	
Other						\boxtimes	

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:

Sibling was referred for grief counseling.

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

Explain:

Parents were referred for grief counseling.

History Prior to the Fatality



Child Information	
Did the child have a history of alleged child abuse/maltreatment?	No
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?	No
Was the child acutely ill during the two weeks before death?	No
· G	
CPS - Investigative History Three Years Prior to the Fatal	lity
The state of the s	
There is no CPS investigative history in NYS within three years prior to the fatality.	
CPS - Investigative History More Than Three Years Prior to the Fatality	y
There was no CPS investigative history more than three years prior to the fatality.	
Known CPS History Outside of NYS	
The family had no known CPS history outside NYS.	
Legal History Within Three Years Prior to the Fatality	
Was there any legal activity within three years prior to the fatality investigation? There w	as no legal activity
Recommended Action(s)	
Are there any recommended actions for local or state administrative or policy changes?	□Ves ⊠No
The more any recommended actions for focus of state administrative of policy changes.	T top Mills
Are there any recommended prevention activities resulting from the review? \square Yes \boxtimes N	lo