



**Report Identification Number: NY-21-022**

**Prepared by: New York City Regional Office**

**Issue Date: Sep 04, 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 **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	ASTO-Allowing Sex Abuse to Occur	



## Case Information

**Report Type:** Child Deceased  
**Age:** 10 year(s)

**Jurisdiction:** New York  
**Gender:** Male

**Date of Death:** 03/06/2021  
**Initial Date OCFS Notified:** 03/06/2021

## Presenting Information

Between 3/6/21 and 3/10/21 the SCR registered five reports alleging on 3/6/21, the ten-year-old male child died while in the care of his mother and her paramour. The report alleged at about 8:00AM, the paramour and mother were asleep in their bedroom. The paramour awoke and heard the child in the bathroom. The paramour went back to sleep. At 10:00AM, the paramour awoke and did not see the child. The paramour went back into the bedroom where the mother remained.

At about 2:00PM, the paramour found the child unresponsive, and sitting up against the wall in the living room. The child was completely naked. The paramour splashed water on the child's face in an attempt to wake him. After about five minutes, the paramour called 911. There was no attempt by the mother or the paramour to begin Cardiopulmonary Resuscitation. At about 2:40PM, emergency personnel arrived at the home and began Cardiopulmonary Resuscitation and at about 2:45PM, the child was transported to the hospital where attempts to revive him continued. At about 4:20PM, the child was pronounced dead. The report alleged the child was an otherwise healthy child and the mother and the paramour had no explanation for his death. At the time of his death, the child had multiple bruises on his body in various stages of healing as well as sexual trauma.

## Executive Summary

This fatality report concerns the death of a ten-year-old male child that occurred on 3/6/21. Reports were made to the SCR on that same date with allegations of DOA/Fatality, Lacerations/Bruises/Welts, Sexual Abuse, and Inadequate Guardianship of the child by the mother and her paramour. The Administration for Children's Services (ACS) received the reports, combined the information, and investigated the child's death. The Medical Examiner listed the cause of death as Battered Child Syndrome and the manner of death as Homicide.

At the time of the child's death, he resided with his mother and her paramour. There were no surviving siblings or other children in the home, although the paramour had children of his own, from another relationship. These children resided elsewhere with their mother.

The mother and paramour reported the child had left the home the night before and in the morning at about 8:00AM they heard banging on the door. When they checked they found the child on the floor making "guttural sounds" and it appeared he was beaten. The paramour said he removed the child's clothes and tried to use water to revive the child; his efforts were unsuccessful and EMS was called. However, the investigation revealed on 3/6/21, EMS was called to the family's residence because the ten-year-old child was unresponsive. Upon arrival first responders found the child naked on the living room floor. The child's body was covered in bruises and were concentrated to the left side of his body. EMS attempted resuscitative efforts and transported the child to the hospital where he was pronounced dead.

Medical information from the hospital and the Medical Examiner reflected the child's injuries appeared to be consistent with physical assault. The child had bruises and abrasion on his head and neck, scratches on his lower back and lacerations to his eyes. The injuries were noted to be in various healing stages and were on the front and back of his body. The child was initially assessed to have been a victim of sexual assault as well.

Law enforcement conducted their investigation and charged the paramour for the death of the child. Further, it was reported someone heard the beating which lasted for 40 minutes on the night of 3/5/21 and for 10 minutes on the morning



of 3/6/21.

From the time the investigation began to the time of its closure, ACS interviewed family members and pertinent collateral sources. The subjects were not interviewed although diligent efforts were made to interview them. The paramour was arrested and charged with Murder in the Second Degree. He remains incarcerated. The mother was held for questioning then released. The mother moved out of state and her current whereabouts are unknown.

On 5/5/21, ACS substantiated the allegations of the report against the mother and her paramour based on some credible evidence. According to ACS, the Medical Examiner ruled the child's death a homicide due to Battered Child Syndrome. Law enforcement and first responders observed the paramour's hand to be swollen to three times the regular size. Additionally, the accounts provided by the mother and the paramour at the time of the incident could not be corroborated by anyone. ACS's decision to substantiate the allegation of Sexual Abuse was incorrect as case notes reflected the Medical Examiner reported there was no evidence of sexual trauma.

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

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

### Determination:

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

### Explain:

Sufficient information was gathered to make a determination for all allegations on the intake report.

Was the decision to close the case appropriate? Yes

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

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

### Explain:

The level of casework activity, which included contact with the family and others from the receipt of the report through case conclusion, was commensurate with the case circumstances.

## Required Actions Related to the Fatality

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

Issue:	Appropriate Application of Legal Standards (Abuse/Maltreatment)
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<b>Summary:</b>	ACS documented there was credible evidence to substantiate the allegation of Sexual Abuse; however, prior to AS making the determination, case notes reflected the Medical Examiner reported there was no evidence of sexual trauma regarding the ten-year-old child.  ACS must amend the decision regarding the allegation of Sexual Abuse of the ten-year-old child by the mother and her paramour to reflect the information documented in case notes.
<b>Legal Reference:</b>	SSL 412(1) and 412(2)
<b>Action:</b>	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.

## Fatality-Related Information and Investigative Activities

### Incident Information

**Date of Death:** 03/06/2021

**Time of Death:** 03:20 PM

**Time of fatal incident, if different than time of death:**

08:00 AM

**County where fatality incident occurred:**

New York

**Was 911 or local emergency number called?**

Yes

**Time of Call:**

02:35 PM

**Did EMS respond to the scene?**

Yes

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

No

**Child's activity at time of incident:**

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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

**At time of incident supervisor was:**

Distracted

Absent

Asleep

Other:

**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	10 Year(s)



Deceased Child's Household	Mother	Alleged Perpetrator	Female	32 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	34 Year(s)

### LDSS Response

Between 3/6/21 and 3/10/21 ACS received the SCR reports regarding the death of the child and initiated their investigation within 24 hours. ACS coordinated their efforts with their multidisciplinary team. ACS learned there were no surviving siblings or children in the home; however, the paramour had two children residing elsewhere. ACS worked promptly to assess the safety of those children.

On 3/6/21, ACS made contact with the hospital where the child had been taken. Medical information from the hospital reflected the extent of the child's injuries. The child had several bruises covering his entire body from the lower extremities to the upper body. He had bruising in various sizes and stages of healing on his back, buttocks, and neck; lacerations on his eye brow and neck area. There were no fractures or broken bones noted. The child was initially assessed to have been a victim of sexual assault as well; however, the Medical Examiner reported there was no evidence of sexual assault.

According to the hospital, the mother shared the child left the home on 3/5/21 and did not return until 3/6/21. The mother did not notify the law enforcement or report the child missing. The mother reported that she was in the bedroom when the child returned on 3/6/21. She did not provide a time frame for the events. The mother said the paramour was in the other room with the child and mentioned she observed her paramour spilling water on the child's face at some point.

The paramour indicated the child had the habit of leaving the home and engaging in conflicts with unknown individuals in the neighborhood. The paramour said he woke up at about 8:00AM on 3/6/21 and heard water running in the bathroom. At 10:00AM, he got up again and noticed that the child was not in the home. He then locked the door. At about 2:00PM, the child returned, and he allowed him into the home. The paramour said the child's eyes were open, but he did not appear to be well. The paramour said he took the child to the bathroom, poured water on his face, and removed his clothes. He said he later called 911 for medical assistance.

EMS records reflected the call for assistance was received at 2:23PM, technicians arrived on scene at 2:26PM, left the scene at 2:45PM and arrived at the hospital 2:50PM.

On 3/11/21, ACS learned the mother was held for questioning and then released. The ADA reported the mother was not charged with any crimes. The mother's whereabouts since that time were unknown. ACS learned the paramour was charged with Murder in the Second Degree.

On 3/12/21, An ICSC was held as a result an Article Ten Petition filed in Family Court against the paramour for his children. The Court ordered the children to be released to their mother with supervision by ACS. A full stay away Order of Protection was issued against the paramour. This course of action was decided because of the paramour's role in death of the ten-year-old child; it was noted that his children, with whom he had ongoing contact needed to be protected.

On 3/12/21, ACS attempted to visit the home; however, law enforcement asked ACS to refrain from entering the home as it could compromise the crime scene.

On 3/18/21, ACS contacted the father of the ten-year-old child. He last saw his child on 6/19/19 as the mother refused to allow him to see the child and blocked him from all her social media accounts. He said all contacts with the family ceased in August 2020. He said he learned of his child's death via the news media.

Throughout the investigation, ACS spoke with numerous collateral sources including law enforcement and medical



providers. ACS contacted family members to ascertain the whereabouts of the mother; this was to no avail. The paramour remained incarcerated.

On 5/5/21, ACS substantiated the allegations of DOA/Fatality, Lacerations/Bruises/Welts, Sexual Abuse and Inadequate Guardianship of the ten-year-old child by the mother and paramour. ACS's decision to substantiate the allegation of Sexual Abuse was incorrect as case notes reflected the Medical Examiner reported there was no evidence of sexual trauma.

### Official Manner and Cause of Death

**Official Manner:** Homicide

**Primary Cause of Death:** From an injury - external cause

**Person Declaring Official Manner and Cause of Death:** Medical Examiner

### Multidisciplinary Investigation/Review

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

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

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

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
058040 - Deceased Child, Male, 10 Yrs	058042 - Mother's Partner, Male, 34 Year(s)	Sexual Abuse	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058041 - Mother, Female, 32 Year(s)	DOA / Fatality	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058041 - Mother, Female, 32 Year(s)	Inadequate Guardianship	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058042 - Mother's Partner, Male, 34 Year(s)	DOA / Fatality	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058042 - Mother's Partner, Male, 34 Year(s)	Inadequate Guardianship	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058042 - Mother's Partner, Male, 34 Year(s)	Lacerations / Bruises / Welts	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058041 - Mother, Female, 32 Year(s)	Lacerations / Bruises / Welts	Substantiated
058040 - Deceased Child, Male, 10 Yrs	058041 - Mother, Female, 32 Year(s)	Sexual Abuse	Substantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
<b>All children observed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>When appropriate, children were interviewed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Alleged subject(s) interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information:**

ACS was unable to interview BM and paramour during the life of the case. ACS made numerous attempts to locate the mother and interview the paramour, who is incarcerated, to no avail. The mother was arrested and the released; however, the ADA did not provide the mother's whereabouts.

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

<b>Legal Activity Related to the Fatality</b>
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Was there legal activity as a result of the fatality investigation?

Family Court

Criminal Court

Order of Protection

<b>Family Court Petition Type:</b> FCA Article 10 - CPS		
<b>Date Filed:</b>	<b>Fact Finding Description:</b>	<b>Disposition Description:</b>
03/12/2021	There was not a fact finding	Return to Parent
<b>Respondent:</b>	058042 Mother's Partner Male 34 Year(s)	
<b>Comments:</b>	The petition was filed against the paramour for his children from a previous relationship. This course of action was determined because of the death of the 10-year-old child caused by the paramour. It was noted that his children, with whom he had ongoing contact, needed to be protected. The Court ordered the children to be returned/released to their mother with Court Ordered Supervision.	

<b>Criminal Charge:</b> Murder <b>Degree:</b> 2			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
03/09/2021	The paramour in the fatality report.	03/09/2021	The paramour has been remanded.



**Comments:** The paramour was charged with Murder in the Second Degree.

**Have any Orders of Protection been issued?** No

**Services Provided to the Family in Response to the Fatality**

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:**  
 The mother's only child had died and the mother did not make herself available for services to be offered. The paramour was incarcerated.

**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?** No

**Explain:**

There were no surviving siblings or other children in the home.

**Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality?** No



**Explain:**

The mother's whereabouts were unknown following the fatality and the paramour was incarcerated.

## History Prior to the Fatality

### Child Information

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

## CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/30/2020	Other Child - Child, Female, 12 Years	Father, Male, 34 Years	Inadequate Guardianship	Substantiated	No
	Other Child - Child, Male, 6 Years	Father, Male, 34 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

On 12/29/20, the paramour and the mother of his children engaged in a verbal argument. The paramour became irate and out of control, punched the mother of his children on the right side of her face, and began to choke her. The incident occurred in the presence of their 12-year-old and 6-year-old children. The 12-year-old child jumped on the paramour's back in an attempt to intervene during the altercation. Neither child sustained injuries as a result. The role of the mother was unknown. A duplicate report was registered with the same concerns, three days later. ACS consolidated the investigation of both reports.

**Report Determination:** Indicated **Date of Determination:** 02/26/2021

**Basis for Determination:**

ACS indicated the report on the basis of some credible evidence.

**OCFS Review Results:**

ACS investigated the report and made collateral contact with law enforcement. ACS also assisted the mother with obtaining an order of protection. ACS assessed the children were physically safe in the care of their mother. The safety decisions were appropriate. A Safety Plan was implemented; the safety plan outlined the steps the mother would take, should the paramour try to contact them. Additionally, it was documented the locks on the apartment doors were changed and the paramour did not have any keys.

At the time of the investigation, the paramour was arrested and charged with Criminal Obstruction of Breathing, Harassment in the Second Degree, Assault with the Intent to cause Physical Injury, Acting in a manner to Injure a Child, and Menacing in the Third Degree. On 1/4/21, a full active stay away Order of Protection was issued for the children's mother and the two children against the paramour for Criminal Obstruction of Breathing, with an expiration date of 7/31/21. The report was appropriately indicated.

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



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

The mother of the subject child in the fatality report was known to the SCR in one report registered on 10/5/2010. The report alleged the mother, suffered from mild clinical illness and had difficulty properly caring for herself without assistance. The report further stated the mother was not capable of providing adequate care to her the subject child who was three days old at the time. The report also stated the mother and biological father failed to provide a safe and clean living environment for the child as the home was infested with bed bugs and mice. There were 10 cats that urinated and defecated on the floors and there was mold throughout the home.

The allegations of the report were Inadequate Food/Clothing/Shelter, and Inadequate Guardianship of the child. ACS investigated the report and unsubstantiated the allegations as there was no credible evidence to support the allegations made in the report.

## Known CPS History Outside of NYS

There was no known CPS History outside of NYS.

## 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

**Have any Orders of Protection been issued? Yes**

**From:** 01/04/2021

**To:** 07/31/2021

**Explain:**

The full stay away order of protection was issued against the paramour as a result of the domestic violence incident involving the mother of his children.

## 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