



Report Identification Number: NY-22-099

Prepared by: New York State Office of Children & Family Services

Issue Date: May 25, 2023

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 had an open investigation or a CPS monitored services 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	DA-District Attorney	
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	SXTF-Sex Trafficking
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: 1 month(s)

Jurisdiction: Bronx
Gender: Male

Date of Death: 11/30/2022
Initial Date OCFS Notified: 11/30/2022

Presenting Information

On 11/30/2022, the New York City Administration for Children's Services (ACS) received an SCR report regarding the death of the 1-month-old subject child. The report alleged the maternal grandfather took the subject child from his crib around 6:00 AM, fed the child, and returned the child to his crib which was in the room of the mother. No details were known about the child's condition, the condition of the crib or surrounding area, or the child's placement in the crib at the time he was placed back to sleep. At approximately 7:30 AM, the grandfather attempted to wake the subject child and found him unresponsive. The grandfather attempted CPR and called 911. EMS responded to the home and transported the child to the hospital, where he was pronounced deceased. The child was noted to be otherwise healthy and there was no explanation for his death.

Executive Summary

This report concerns the death of the 1-month-old male subject child which occurred on 11/30/2022. At the time of his death, the subject child was residing with his mother, 16-year-old maternal aunt, and maternal grandfather.

At approximately 4:00 AM on 11/30/2022, the mother fed formula to the subject child, burped him, and placed him to sleep on his back in a portable crib located in the mother's bedroom. The subject child was wrapped in a blanket when placed to sleep. The mother woke around 7:00 AM and found the subject child unresponsive. The mother called for the grandfather and then called 911. The grandfather began to perform CPR on the subject child and continued to do so until the arrival of first responders. The subject child was transported to the hospital via ambulance and pronounced deceased at 8:31 AM.

ACS spoke with the office of the medical examiner and learned an autopsy had been completed on 12/1/2022. The cause and manner of the death were pending at the time this report was written; however, a representative from the medical examiner's officer stated there was no suspicion of abuse or neglect to the subject child. ACS coordinated their investigation with law enforcement and learned there was no suspected criminality related to the death. The law enforcement investigation remained open pending the final autopsy report.

The allegations of Inadequate Guardianship and DOA/Fatality were unsubstantiated against the paternal grandfather. ACS found there was not a preponderance of evidence to support the allegations as the subject child was placed to sleep on his back in a portable crib.

ACS provided bereavement services and burial assistance to the family. The investigative stage was closed on 2/3/2023; however, the a preventive services case remained open to continue work with the family.

PIP Requirement

ACS will submit a PIP to the New York City Regional Office within 45 days of the receipt of this report. The PIP will identify action(s) the ACS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS will review the plan and revise as needed to address ongoing concerns.

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

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

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

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

Explain:
There were issues with casework practice. The biological father of the deceased child was identified and ACS was provided his phone number; however, there was no documented attempt to contact, interview, or notify him.

Required Actions Related to the Fatality

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

Issue:	Adequacy of face-to-face contacts with the child and/or child's parents or guardians
Summary:	ACS was provided with the name and contact information for the biological father of the subject child; however, the record did not reflect any attempt to contact, locate, or interview the father.
Legal Reference:	18 NYCRR 432.1 (o)
Action:	ACS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 11/30/2022

Time of Death: 08:31 AM



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

County where fatality incident occurred: Bronx

Was 911 or local emergency number called? Yes

Time of Call: Unknown

Did EMS respond to the scene? Yes

At time of incident leading to death, had child used and/or ingested alcohol or drugs? No

Child's activity at time of incident:

Sleeping Working Driving / Vehicle occupant

Playing Eating Unknown

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	Aunt/Uncle	No Role	Female	16 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Male	1 Month(s)
Deceased Child's Household	Grandparent	Alleged Perpetrator	Male	60 Year(s)
Deceased Child's Household	Mother	No Role	Female	17 Year(s)
Other Household 1	Grandparent	No Role	Female	45 Year(s)

LDSS Response

ACS initiated their investigation immediately upon receipt of the SCR report on 11/30/2022. Interviews were conducted with the mother, grandfather, aunt, law enforcement, first responders, hospital staff, and the office of the medical examiner. The maternal aunt and the 17-year-old mother were assessed to be safe in the care of the grandfather throughout the investigation.

The mother and grandfather were interviewed separately, and both provided a similar account of the events of 11/30/2022. The mother woke to feed the subject child every 3 hours overnight from 11/29/2022 to 11/30/2022. The mother fed the subject child formula around 4:00 AM and the grandfather assisted in burping the child. The subject child was placed to sleep in his portable crib, on his back, wrapped in a blanket. When the mother woke around 7:00 AM, she found the subject child on his side and unresponsive. The mother called to the grandfather for help and then contacted 911. The grandfather attempted CPR on the subject child at the direction of the 911 operator and continued to do so until the arrival of first responders. The mother and grandfather both stated the subject child had been to a pediatric appointment on 11/25/2022 with no concerns for his health and stated the subject child did not exhibit any signs of illness in the immediate time leading to his death.

The aunt was interviewed and stated she woke the morning of 11/30/2022 when she heard yelling from the mother and grandfather. The aunt was unaware of any illness or other health issues that may have contributed to the death of the



subject child and stated she had no concerns for the care of the subject child with the mother and grandfather.

ACS gathered information from the subject child’s pediatrician and verified the child was seen for a well-visit on 11/25/2022. The pediatrician stated there was a previous concern for the subject child's weight and the mother was unsure if she should be waking the subject child overnight to feed. The mother was counseled to feed the subject child regularly overnight and the child had gained weight by the 11/25/2022 well-visit. The pediatrician noted no other concerns during the well-visit.

ACS gathered information from the school of the maternal aunt as there were ongoing concerns for her absenteeism and school performance. School staff reported the aunt had a history of absenteeism; however, her attendance and grades had been improving throughout the school year.

The above information regarding contact with the pediatrician and school staff was not reflected in the record for the fatality investigation and was instead found in the progress notes for the ongoing preventive services case. There was other documentation and information, including descriptions of home visits and collateral contacts, that were not properly reflected in the case record of the fatality investigation, resulting in the record appearing incomplete. While ACS did gather the information and document such in the ongoing preventive services case, each investigative stage should stand on its own and include a full representation of the information gathered.

The record reflected the mother identified the biological father during a home visit and provided ACS with his telephone number; however, there was no documented attempt to contact, locate, or interview the father.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Pending

Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

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

Was the fatality referred to an OCFS approved Child Fatality Review Team? No

Comments: The New York City Area does not have an OCFS-approved Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
063368 - Deceased Child, Male, 1 Mons	063370 - Grandparent, Male, 60 Year(s)	DOA / Fatality	Unsubstantiated
063368 - Deceased Child, Male, 1 Mons	063370 - Grandparent, Male, 60 Year(s)	Inadequate Guardianship	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
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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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Child Fatality Report

household?	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed as a result of information uncovered during the fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Activity Related to the Fatality

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

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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:

Services were provided to the family including bereavement counseling and burial assistance.

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

Explain:

Services were provided to the family including bereavement counseling and burial assistance.

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?** N/A
- Was the child acutely ill during the two weeks before death?** No

Infants Under One Year Old

During pregnancy, mother:

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

Infant was born:

- With a positive toxicology
- Exhibiting withdrawal symptoms
- With fetal alcohol effects or syndrome
- With none of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of	Alleged	Alleged	Allegation(s)	Allegation	Compliance
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SCR Report	Victim(s)	Perpetrator(s)		Outcome	Issue(s)
04/05/2022	Other Child - Other Child, Female, 17 Years	Grandparent, Female, 45 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - Other Child, Female, 17 Years	Grandparent, Female, 45 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Aunt/Uncle, Female, 15 Years	Grandparent, Female, 45 Years	Educational Neglect	Substantiated	
	Aunt/Uncle, Female, 15 Years	Grandparent, Female, 45 Years	Inadequate Guardianship	Substantiated	
	Aunt/Uncle, Female, 15 Years	Grandparent, Female, 45 Years	Lack of Medical Care	Substantiated	
	Aunt/Uncle, Female, 15 Years	Grandparent, Female, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Aunt/Uncle, Female, 15 Years	Mother's Partner, Male, 45 Years	Educational Neglect	Unsubstantiated	
	Aunt/Uncle, Female, 15 Years	Aunt/Uncle, Male, 18 Years	Educational Neglect	Unsubstantiated	

Report Summary:

The SCR report alleged the grandmother was aware the then 15-year-old aunt had missed 49 days of the 2021-2022 school year and was failing as a result. A subsequent report made on 5/12/2022 alleged the aunt was experiencing stomach pain and the grandmother became erratic at the hospital and tried to make the aunt leave without treatment. Subsequent reports made on 5/24/2022 and 5/26/2022 alleged the grandmother was intoxicated and physically assaulted an adult sibling in the presence of the aunt and a 17-year-old other child.

Report Determination: Indicated

Date of Determination: 05/27/2022

Basis for Determination:

ACS found a preponderance of evidence to substantiate the allegations of Educational Neglect, Inadequate Guardianship, Lack of Medical Care, and Parent's Drug / Alcohol Misuse against the grandmother. The aunt had 54 absences and was failing, the grandmother was aware of the absenteeism and did not act to prevent the behavior. The grandmother initially refused medical treatment for the aunt, after which the aunt had to return to the emergency room for care. The grandmother was arrested as a result of being intoxicated and attacking the adult sibling in the presence of the children. The allegation of Educational Neglect was unsubstantiated against the maternal uncle and parent substitute.

OCFS Review Results:

ACS interviewed the grandmother, children, and collateral sources. ACS coordinated with the children's school and medical providers as appropriate. The record did not reflect the grandfather or maternal uncle were provided notification letters, nor was the adult sibling provided notice of the indication. There are gaps in the case record regarding the 5/24/2022 and 5/26/2022 subsequent reports and the record does not reflect documentation of source contact, collateral interviews, or an interview with the grandmother regarding the reported allegations. The preventive services case remained open and the aunt and other child were remanded to the care of a paternal cousin.

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

Issue:

Failure to Provide Notice of Indication

Summary:

The maternal uncle was not provided written notice of the indication.

Legal Reference:

18 NYCRR 432.2(f)(3)(xi)

Action:



When a report is determined to be "indicated" ACS will deliver or mail to the subject(s) and other persons named in the report, except children under the age of 18 years, a written notification, within seven days of the determination, in such form as required by OCFS

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

The record did not reflect the sources of the 5/24/2022 and 5/25/2022 reports were contacted or interviewed. The record reflected the mother was arrested; however, the record did not reflect contact with or records gathered from law enforcement.

Legal Reference:

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

Action:

ACS will contact, or make diligent efforts to contact, the source of all SCR reports so as to verify adequacy of report and possibly glean additional information. ACS will document the contact or attempts at contact. ACS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/19/2021	Other Child - Other Child, Female, 16 Years	Grandparent, Female, 43 Years	Educational Neglect	Unsubstantiated	No
	Aunt/Uncle, Female, 15 Years	Grandparent, Female, 43 Years	Educational Neglect	Unsubstantiated	

Report Summary:

The SCR report alleged the then 14-year-old aunt and 16-year-old other child were absent from school over 80 days for the 2020-2021 school year. Both children were failing school as a result. The grandmother was aware of the children's absenteeism but did not intervene or correct the problem.

Report Determination: Unfounded

Date of Determination: 05/18/2021

Basis for Determination:

The investigation conclusion narrative noted the allegation of Educational Neglect was unsubstantiated against the grandmother regarding the aunt as the grandmother did not have caretaking responsibilities for the aunt at the time of the concern. The aunt had been in the kinship foster care of a relative for several years at the time the report was made. The allegations regarding the other child were unsubstantiated and the conclusion narrative noted the other child was refusing to attend school. While school staff reported the other child had been absent 104 days, the electronic attendance record reflected the other child was regularly present at school.

OCFS Review Results:

ACS visited and assessed the homes of the grandmother and the foster mother to be safe for the children. Interviews were conducted with the children, caregivers, and appropriate collateral sources. Records were gathered from the children's school and did not support the allegations of educational neglect. ACS offered services as appropriate, though they were declined by the family.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/31/2020	Aunt/Uncle, Male, 16 Years	Grandparent, Female, 43	Inadequate Food /	Unsubstantiated	Yes



	Years	Clothing / Shelter	
Aunt/Uncle, Male, 16 Years	Grandparent, Female, 43 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Grandparent, Female, 43 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Grandparent, Female, 43 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Grandparent, Female, 43 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Grandparent, Female, 43 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Aunt/Uncle, Female, 18 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Aunt/Uncle, Female, 18 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Aunt/Uncle, Female, 18 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Aunt/Uncle, Female, 18 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Aunt/Uncle, Female, 18 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Aunt/Uncle, Female, 18 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 1, Male, 45 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 1, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 1, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 1, Male, 45 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 1, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 1, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 2, Male, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 2, Male, 26 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Male, 16 Years	Other - Unknown Adult 2, Male, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 2, Male, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 2, Male, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 2, Male, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated



Female, 15 Years	Male, 26 Years	Misuse	
Aunt/Uncle, Male, 16 Years	Grandparent, Female, 43 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Grandparent, Female, 43 Years	Sexual Abuse	Unsubstantiated
Other Child - Other Child, Female, 15 Years	Other - Unknown Adult 2, Male, 26 Years	Sexual Abuse	Unsubstantiated

Report Summary:

The SCR report alleged the grandmother was failing to maintain a safe home environment for the then 15-year-old other child and a then 17-year-old maternal uncle. The grandmother had men visiting the home who acted violent toward her and hit her while the children were present. There was no food in the home for the children. A subsequent report received on 8/31/2020 alleged an unknown home member was sexually abusing the other child, the maternal uncle was engaging in sexual intercourse, and the grandmother and an adult aunt did not act to stop those behaviors. The subsequent report alleged further domestic violence towards the grandmother and unsanitary home conditions.

Report Determination: Unfounded**Date of Determination:** 10/30/2020**Basis for Determination:**

The investigation conclusion narrative noted all allegations from the initial and subsequent reports were unsubstantiated. The grandmother, adult aunt, and both children were interviewed and denied sexual abuse, substance abuse, and physical violence in the home. Multiple unannounced home visits were made and no evidence was found of either of the unknown adults residing in the home. The home was observed to be appropriate for the children with adequate food. The determination noted the family was open with a preventive services case and their case manager had no immediate concerns for the children's safety.

OCFS Review Results:

ACS conducted home visits and interviewed all home members immediately upon receipt of the report. The other child and maternal uncle were assessed as safe in the home and in the care of the grandmother. ACS conducted a family team meeting and made referrals for additional services as appropriate. The record did not reflect the fathers of the other child or maternal uncle were contacted, interviewed, added to the case.

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

Issue:

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

Summary:

The record did not reflect attempts to contact or interview the biological fathers of other children and maternal uncle.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

ACS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

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

An SCR report dated 9/11/2019 contained unsubstantiated allegations of IG against the grandmother regarding the other child and the aunt. The report alleged the grandmother was aware an unknown parent substitute was selling drugs from the home.

An SCR report dated 3/26/2019 contained unsubstantiated allegations of IG against the grandmother regarding the other child. The report alleged an unknown parent substitute struck the grandmother in the presence of the other child.



An SCR report dated 2/11/2013 contained substantiated allegations of IG and PD/AM against the grandmother and grandfather regarding the other child and the aunt. The report alleged the grandparents were using and selling illegal drugs out of the home where the children were present. The grandparents were arrested and charged for possession and sale of cocaine. ACS filed neglect petitions in family court and the children were removed and remanded to foster care.

Known CPS History Outside of NYS

There was no known history outside of NYS.

Preventive Services History

A family services stage was opened 3/21/2013 and remained open at the time this report was written. Preventive services were provided to the grandmother, other child, and maternal aunt. Services provided to the grandmother included substance abuse treatment and counseling, parenting services, mental health services, and case management services. There were concerns for intimate partner violence toward the grandmother from her partners throughout the services case and domestic violence services were provided. Services for the children included mental health counseling, family therapy, and educational services.

The grandfather admitted to a finding of neglect in December 2013 and did not engage with services. The grandfather had only supervised visits with the children until 2022. After the children were removed from the grandmother on 5/27/2022, ACS was ordered by family court to explore the grandfather as a placement resource for the children. The children were placed with the grandfather with Court-ordered supervision and orders that the grandfather would cooperate with preventive services. The preventive services case remained open at the time this report was written.

Foster Care Placement History

The aunt and other child were removed from the care of the grandmother and grandfather on 3/22/2013 after the grandparents were arrested and charged with the possession and sale of cocaine. The children were placed in the kinship foster home of their paternal cousin. The other child was returned to the care of the grandmother on 2/27/2019 and the aunt was returned to the grandmother on a trial discharge on 8/30/2021. Both children were removed from the grandmother again on 5/27/2022, due to concerns for the grandmother's mental health and her arrest for physically attacking an unrelated adult in the presence of the children. The children were placed first with a paternal aunt and then with the non-respondent grandfather and were discharged from foster care on 7/27/2022.

Legal History Within Three Years Prior to the Fatality

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

Family Court

Criminal Court

Order of Protection

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
05/27/2022	There was not a fact finding	There was not a disposition
Respondent:	063372 Grandparent Female 45 Year(s)	
Comments:	An article 10 petition was filed against the grandmother after her arrest for attacking an adult in the presence of the other child and the aunt. The family court process remained ongoing at the time of the fatality.	



Criminal Charge: Endangering the welfare of a child		Degree: NA	
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Unknown	The grandmother	Unknown	Unknown
Comments:	The grandmother was arrested in May 2022 after assaulting an adult in the presence of the other child and aunt.		

Have any Orders of Protection been issued? Yes	
From: 05/27/2022	To: Unknown
Explain: There is a stay away order of protection against the grandmother protecting the other child and aunt.	

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