



Report Identification Number: NY-23-032

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

Issue Date: Aug 17, 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

Jurisdiction: Office Of Special Investigations

Date of Death: 03/03/2023

Age: 14 year(s)

Gender: Male

Initial Date OCFS Notified: 03/15/2023

Presenting Information

On 3/4/2023, the New York City Administration for Children's Services learned of the death of the 14-year-old subject child which occurred on 3/3/2023. The death was reported to the SCR and was registered as an Additional Information Report. The subject child died when he fell onto train tracks while walking between cars of a moving subway train.

Executive Summary

This report concerns the death of the 14-year-old subject child which occurred on 3/3/2023. At the time of his death, the subject child resided at an agency foster care placement with the foster mother, foster father, and an unrelated foster child. There were surviving siblings, ages 6 and 9-years-old who were placed in the kinship foster home of their paternal aunt. At the time of the fatality, the mother was incarcerated, and the father resided out of state.

ACS learned of the death of the subject child upon receipt of an Additional Information report on 3/4/2023. The Additional Information report alleged the subject child had fallen from a moving subway train while walking between two train cars and had been either crushed by the train or electrocuted on the rail.

On 3/4/2023 and 3/6/2023, ACS made attempted telephone calls to law enforcement to gather information regarding the death; however, were unable to speak with the detective involved with the investigation. On 3/6/2023, a member of law enforcement stated the assigned detective would return to work on 3/7/2023 and be available to speak; however, the record reflected no further contact or attempted contact with law enforcement.

The record reflected ACS made no contact or attempted contact with the medical examiner, first responders, or medical professionals involved with the emergent care, treatment, autopsy, or medical examination regarding the death of the subject child.

All information gathered by ACS regarding the circumstances of the subject child's death was received from the foster mother and from the source of the Additional Information report, who also received their information from the foster mother.

The Additional Information report did not contain allegations of abuse or neglect related to the death of the subject child and, as such, there were no allegations to be determined regarding the fatality.

At the time of the death, the subject child was listed on an open foster care case and was placed at an agency foster home. There was also an ongoing CPS investigation against the agency foster mother, opened on 2/6/2023, regarding the subject child leaving the foster home without permission, missing school, and using marijuana.

Services were offered to the foster mother and unrelated foster child but were declined. The surviving siblings were already receiving therapeutic services pursuant to their foster care placement with their paternal aunt and those services continued after the death. The foster care agency coordinated with the mother and father of the subject child and arranged for all funeral expenses to be paid.

PIP Requirement



ACS and the cited agency 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) ACS and the cited agency have taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, ACS and the cited agency 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:
 - Safety assessment due at the time of determination? N/A

Determination:

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

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

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

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

Explain:

The level of casework activity was not commensurate with the circumstances of the case. ACS did not gather information related to the fatality from any first-hand collateral sources.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/03/2023 Time of Death: Unknown

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

County where fatality incident occurred: Bronx

Was 911 or local emergency number called? Unknown

Did EMS respond to the scene? Unknown

At time of incident leading to death, had child used and/or ingested alcohol or drugs? Unknown

Child's activity at time of incident:



Child Fatality Report

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other: Riding the subway

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	No Role	Male	14 Year(s)
Deceased Child's Household	Foster Parent	No Role	Female	78 Year(s)
Deceased Child's Household	Foster Parent	No Role	Male	75 Year(s)
Deceased Child's Household	Other Child - Unrelated Foster Child	No Role	Female	12 Year(s)
Other Household 1	Aunt/Uncle	No Role	Female	50 Year(s)
Other Household 1	Sibling	No Role	Female	9 Year(s)
Other Household 1	Sibling	No Role	Female	6 Year(s)
Other Household 2	Mother	No Role	Female	39 Year(s)

LDSS Response

Upon learning of the death of the subject child, ACS contacted the source of the Additional Information report and coordinated with the foster care agency through which the subject child was placed. The mother and father of the subject child were notified of his passing by the foster care agency.

OCFS was notified of the death of the subject child on 3/15/2023, via the transmittal of the required 7065 Agency Reporting Form by the foster care agency. The 7065 Reporting Form notes that foster care agency staff spoke with the assigned law enforcement officer and verified the circumstances of the subject child's death; however, the foster care case record contains no information regarding that interaction.

The surviving siblings were seen face-to-face and observed to be safe in the continued kinship foster care of their paternal aunt. The unrelated foster child was seen face-to-face and assessed to be safe in the continued care of the agency foster mother.

Official Manner and Cause of Death

Official Manner: Unknown
Primary Cause of Death: Unknown
Person Declaring Official Manner and Cause of Death: Unknown

Multidisciplinary Investigation/Review

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.

CPS Fatality Casework/Investigative Activities

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explain:
There were no SCR reported allegations of abuse or neglect related to the death of the subject child; as such, the safety assessments were not required.

Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to
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Child Fatality Report

	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>	<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"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
 Bereavement services were offered to the foster mother, unrelated foster child, and the surviving siblings. Funeral and burial costs were paid for the family. The record did not reflect bereavement services were offered to the mother and father of the subject child.

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:
The surviving siblings were already receiving services pursuant to the foster care case. Services were offered to the unrelated foster child in the home of the agency foster mother, but were declined.

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

Explain:
ACS coordinated with the family and arranged for burial and funeral services. The mother was incarcerated at the time of the death and already in receipt of services pursuant to the open foster care case. Services were offered to the foster mother but were declined.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
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)
02/06/2023	Deceased Child, Male, 14 Years	Foster Parent, Female, 78 Years	Childs Drug / Alcohol Use	Unsubstantiated	Yes



Deceased Child, Male, 14 Years	Foster Parent, Female, 78 Years	Educational Neglect	Unsubstantiated
Deceased Child, Male, 14 Years	Foster Parent, Female, 78 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

An SCR report alleged the subject child ran away from his foster home on 1/31/2023 and did not return until 2/2/2023. During that time, the foster mother did not file a missing person's report and did not attempt to locate the subject child. The subject child was using marijuana and alcohol and the foster mother was aware but failed to intervene. The subject child had missed 20 days of school and was failing as a result. The foster mother was aware the subject child was missing school but failed to rectify the situation.

Report Determination: Unfounded**Date of Determination:** 03/17/2023**Basis for Determination:**

The Investigation Conclusion Narrative noted the foster mother contacted law enforcement the morning of 1/31/2023 to report the subject child left the day prior and had not returned home. There were ongoing concerns for the subject child using marijuana; however, that concern predated the subject child's time in the foster mother's home and there was no evidence found that the foster mother condoned or allowed that activity. Similarly, the subject child's school attendance and performance was an issue prior to his placement with the foster mother and the foster mother did make attempts to engage the subject child with school while he was in her care.

OCFS Review Results:

ACS initiated a timely investigation, interviewed the subject child face-to-face, and assessed him to be safe in the care of the foster mother. ACS gathered information from appropriate collaterals to make a determination of the allegations. Upon learning of the death of the subject child, ACS offered bereavement services to the foster mother which were declined. The mother and father were not added to the case composition or informed of the investigation in writing as required. ACS learned of the death of the subject child on 3/4/2023; however, the NYC Regional Office was not notified of the death until 3/15/2023, when they received the 7065 reporting form via email.

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

Failure to report death of child in Foster Care to RO in timely manner

Summary:

ACS learned of the death of subject child on 3/3/2023; however, the required 7065 Reporting Form was not provided to the NYC Regional Office until 3/15/2023.

Legal Reference:

18 NYCRR 441.7 (c)

Action:

ACS will complete the OCFS 7065 form and send it to the appropriate Regional Office of the New York State Office of Children and Family Services within 72 hours of the injury, accident, or death.

Issue:

Failure to provide notice of report

Summary:

The record reflected the mother and father of the subject child were not added to the case composition, were not notified of the report in writing, and were not contacted or informed of the investigation in any way.

Legal Reference:

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

Action:

The parents or guardians of a child in foster care alleged to be abused or maltreated in a foster home must be added to the report as "other" and CPS must provide these parents/guardians with a Notice of Existence letter regarding the report and and their rights to request a copy of the report. (CPS Program Manual Chapter 7, Section B - Investigations in foster



homes)

Issue:

Pre-Determination/Nature, Extent and Cause of Any Condition

Summary:

ACS did not gather information surrounding the death from any first-hand collateral sources such as law enforcement, first responders, hospital staff, or the medical examiner.

Legal Reference:

18 NYCRR 432.2(b)(3)(iii)(c)

Action:

ACS will make an adequate assessment of the nature, extent and cause of any condition which may constitute abuse or maltreatment, whether contained in the original SCR report or discovered during the open investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/12/2021	Deceased Child, Male, 13 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Female, 7 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 5 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 13 Years	Other Adult - parent substitute, Male, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 7 Years	Other Adult - parent substitute, Male, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 5 Years	Other Adult - parent substitute, Male, 28 Years	Inadequate Guardianship	Substantiated	

Report Summary:

An SCR report alleged the mother and the parent substitute were shoplifting with the then 13-year-old subject child and the then 7 and 5-year-old surviving siblings. The mother and parent substitute were arrested and there was no one to care for the children. There were further concerns the mother was using crack cocaine.

Report Determination: Indicated**Date of Determination:** 01/03/2022**Basis for Determination:**

The Investigation Conclusion Narrative noted the mother and parent substitute were arrested due to the incident and an emergency removal was conducted as there was no appropriate caretaker for the children at that time. All allegations were substantiated as there was credible evidence of the shoplifting incident and the mother's substance misuse. The children were placed with a foster care agency, briefly with the maternal grandmother, and finally with a paternal aunt with whom they resided at the close of the investigation.

OCFS Review Results:

ACS initiated their investigation immediately upon receipt of the report. Due to the nature of the incident and ongoing concerns for the mother's substance misuse, the children were removed on an emergency basis and placed in the care of the ACS commissioner. ACS gathered information from pertinent collaterals and explored familial resources for the children. The father of the surviving siblings had supervised visitation with the children on multiple occasions during the investigation; however he was not added to the case composition nor was he interviewed.

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

Issue:

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

Summary:

ACS was aware the father of the surviving sibling was having supervised visitation; however, the record did not reflect he was added to the case composition or interviewed.

Legal Reference:

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

Action:

ACS will make casework contacts in accordance with the following regulation: Casework contacts mean face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/21/2021	Deceased Child, Male, 12 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Male, 12 Years	Mother, Female, 38 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 38 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 5 Years	Mother, Female, 38 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 5 Years	Mother, Female, 38 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 38 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 5 Years	Mother, Female, 38 Years	Lack of Supervision	Substantiated	
	Deceased Child, Male, 12 Years	Mother, Female, 38 Years	Educational Neglect	Substantiated	

Report Summary:

An SCR report alleged the then 7-year-old surviving sibling was observed playing alone in a public park. The sibling had special needs and was non verbal. The mother was unaware the sibling had exited the home and failed to provide adequate supervision. A subsequent SCR report dated 10/13/2021 alleged the subject child had missed 20 days of school and was failing as a result. A subsequent SCR report dated 11/1/2021 alleged the mother seemed to often be impaired by substances and unable to adequately care for the then 7-year-old sibling on a regular basis.

Report Determination: Indicated

Date of Determination: 11/22/2021

Basis for Determination:

The investigation conclusion narrative noted the children were enrolled and attended school late and only due to ACS involvement. The subject child was failing all classes as a result of school absences. The mother and children provided inconsistent accounts of the incident when the 7-year-old sibling was able to exit the home unsupervised. During the investigation, the mother was arrested for Possession of a Controlled Substance, Endangering the Welfare of a Child, and Petit Larceny and was found to have a crack pipe in her purse during her arrest. All allegations were substantiated, a petition was filed in family court, the children were removed, and the case was opened for services.



OCFS Review Results:

ACS initiated an investigation and assessed for safety immediately upon receipt of the initial and subsequent SCR reports. ACS gathered information from the mother and children and from appropriate collaterals. The mother was uncooperative and ACS utilized multiple investigative efforts including contacting the landlord, the children's pediatrician, and the children's schools to gather information. The case record reflects ACS met with the father of the surviving siblings upon the removal of the children; however, the father of the siblings was not added to the case composition nor interviewed regarding the reported allegations.

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

Issue:

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

Summary:

ACS became aware of the contacting and locating information for the father of the surviving siblings during the process of removing the children from the mother and learned the children were visiting with the father on weekends; however, the case record did not reflect the father was added to the case composition or interviewed regarding the reported allegations.

Legal Reference:

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

Action:

ACS will make casework contacts in accordance with the following regulation: Casework contacts mean face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/13/2021	Deceased Child, Male, 12 Years	Mother, Female, 37 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Deceased Child, Male, 12 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 12 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 5 Years	Mother, Female, 37 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 5 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 5 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Lacerations / Bruises / Welts	Unsubstantiated	



Child Fatality Report

Deceased Child, Male, 12 Years	Other Adult - Unknown Adult, Male, 43 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 12 Years	Other Adult - Unknown Adult, Male, 43 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 7 Years	Other Adult - Unknown Adult, Male, 43 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 7 Years	Other Adult - Unknown Adult, Male, 43 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 5 Years	Other Adult - Unknown Adult, Male, 43 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 5 Years	Other Adult - Unknown Adult, Male, 43 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

An SCR report alleged the mother was misusing illegal substances while caring for the then 12-year-old subject child and the then 7 and 5-year-old surviving siblings. Illegal substances were being left accessible to the children. The mother was prostituting and was leaving the children home alone and unsupervised. The children were going unfed due to a lack of food in the home and the then 7-year-old sibling had injuries to her face which were unexplained. A subsequent report was received on 8/14/2023 and alleged further substance misuse by the mother and an unknown adult in the presence of the children and alleged the unknown adult viewed pornography in the presence of the children.

Report Determination: Unfounded

Date of Determination: 09/11/2021

Basis for Determination:

The investigation conclusion narrative noted the mother and children were interviewed and denied all reported allegations. The home was observed to be free of illegal substance or paraphernalia and the mother was observed to be sober and appropriate during all home visits. ACS observed sufficient food in the home and the children reported they are always fed. The children were observed to be free of suspicious or apparently inflicted injuries. The family denied knowledge of any other adult residing in the home.

OCFS Review Results:

ACS conducted an investigation which met regulatory guidelines. Within 24-hours of receipt of the report, ACS contacted the source, visited the home, and made face-to-face contact with the mother and children to assess for safety. The mother was not cooperative with ACS; however, ACS made diligent efforts to gather information as needed in order to assess the safety of the children and determine the reported allegations.

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)
03/16/2021	Deceased Child, Male, 12 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Male, 12 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 7 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 4 Years	Mother, Female, 37 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 4 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



	Years	Misuse	
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Report Summary:

An SCR report alleged the mother was using illegal substances to the point of impairment and was unable to care for then 12-year-old subject child and the then 7 and 4-year-old surviving siblings.

Report Determination: Unfounded**Date of Determination:** 05/14/2021**Basis for Determination:**

The investigation conclusion narrative noted the mother and children denied any substance misuse for the mother. Announced and unannounced home visits found no evidence of illegal substances or drug paraphernalia in the home and the mother appeared to be sober during all casework contacts. The children reported feeling safe in the care of their mother and collaterals denied any specific concerns for the children in the care of the mother.

OCFS Review Results:

ACS conducted an investigation which met all regulatory guidelines. Face-to-face contact was made with the family immediately upon receipt of the report. The safety of the children was assessed within 24-hours and continually assessed throughout the investigation. Although the mother and children were only partially cooperative with the CPS investigation, pertinent information was gathered from collateral sources such as the children's school and medical providers.

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 and the father of the surviving siblings had CPS history more than 3 years prior to the fatality.

An SCR report dated 7/10/2014 contained allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse which were unsubstantiated against the mother regarding the surviving siblings.

An SCR report dated 4/1/2016 contained allegations of Lack of Medical Care, Inadequate Guardianship, and Parent's Drug / Alcohol Misuse which were indicated against the mother and the father of the surviving siblings regarding the surviving siblings. The now 6-year-old surviving sibling was born with a positive toxicology for marijuana and the mother refused further drug testing. Both surviving siblings were missing required immunizations.

An SCR report dated 8/17/2016 contained allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse which were indicated against the mother and the father of the surviving siblings regarding the surviving siblings. The mother and the father of the surviving siblings lost their housing due to repeated instances of illegal substance use and physical fighting.

An SCR report dated 8/7/2019 contained allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse which were indicated against the father of the surviving siblings regarding the subject child and surviving siblings. The father of the surviving siblings attacked the mother in the presence of the children while he was under the influence of alcohol.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Family Assessment and Service Plan (FASP)



	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Preventive Services History

On 8/11/2019, a Preventive Services Case was opened pursuant to the 8/7/2019 investigation. Neglect petitions were filed against the father of the surviving siblings regarding the subject child and surviving siblings. A stay-away order of protection was issued in favor of the mother and children. The father of the surviving siblings was referred to batterer's counseling but did not engage with the counseling or with the preventive services case, and could not be located in the time the case was open. A 1-year order of supervision was granted by family court on 1/28/2020 and expired on 1/27/2021. The preventive services case was closed at that time as there was no evidence the father of the surviving siblings had any contact with the children in that time and the mother declined all services offered.

On 9/29/2021, a Preventive Services Case was opened pursuant to the 9/21/2021 investigation. Neglect petitions were filed against the mother regarding the subject child and surviving siblings. The children were not enrolled in or attending school and there were concerns for supervision of the children and substance misuse by the mother. The mother was referred to substance abuse treatment and a mental health evaluation. On 11/12/2021, the children were removed from the mother and placed in foster care after the mother was arrested.

Foster Care at the Time of the Fatality

The deceased child(ren) were in foster care at the time of the fatality? Yes
 Date deceased child(ren) was placed in care: 11/12/2021
 Date of placement with most recent caregiver? 12/22/2022
 How did the child(ren) enter placement? Emergency removal without Court Order

Review of Foster Care When Child was in Foster Care at the time of the Fatality

	Yes	No	N/A	Unable to Determine
Does the case record document that sufficient steps were taken to safeguard this child's safety while in this placement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the placement comply with the appropriateness of placement standards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the most recent placement stable?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the agency comply with sibling placement standards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the child AWOL at the time of death?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Visitation

	Yes	No	N/A	Unable to Determine



Was the visitation plan appropriate for the child?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was visitation facilitated in accordance with the regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there supervision of visits as required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Casework Contacts

	Yes	No	N/A	Unable to Determine
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were face-to-face contacts with the parent/relative/discharge resource made with required frequency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were face-to-face contacts with the parent/relative/discharge resource in the parent/relative/discharge resource's home made with required frequency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were all of the casework contact requirements for contacts with the caretakers made, including requirements for contact at the child's placement location?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Provider Oversight/Training

	Yes	No	N/A	Unable to Determine
Did the agency provide the foster parents with required information regarding the child's health, handicaps, and behavioral issues?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the provider comply with discipline standards?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were the foster parents receiving enhanced levels of foster care payments because of child need?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, was foster parent provided a training program approved by OCFS that prepared the foster parent with appropriate knowledge and skills to meet the needs of the child?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was the certification/approval for the placement current?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a Criminal History check conducted? Date: 07/28/2011	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a check completed through the State Central Register? Date: 06/13/2011	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a check completed through the Staff Exclusion List? Date: 05/31/2017	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:

There were no concerns documented regarding the subject child's care at his final foster care placement.

Required Action(s)

**Are there Required Actions related to the compliance issues for provision of Foster Care Services?** Yes No

Issue:	Timely/Adequate Case Recording/Progress Notes
Summary:	In the year prior to the fatality, 52 of 240 progress notes were entered over 30 days after the corresponding event date.
Legal Reference:	18 NYCRR 428.5
Action:	Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.
Issue:	Failure to Complete a Plan Amendment
Summary:	There was no Plan Amendment FASP completed after the death of the subject child and the next FASP completed after the death did not document the death or end of services for the subject child.
Legal Reference:	18 NYCRR 428.7
Action:	A plan amendment must be completed any time a significant change occurs in the status of the case, which includes when services end for a family member due to death. This will be done within 30 days of the change if an initial FASP has already been completed unless the change occurs within 60 days of the next FASP. In that instance, the change can be documented at that time.

Foster Care Placement History

The subject child and surviving siblings were removed from the mother and placed in foster care on 11/12/2021. The mother had been arrested along with her paramour for shoplifting. During the arrest, the mother was found to be in possession of a crack pipe. The children were placed with a foster care agency, briefly with the maternal grandmother, and finally with a paternal aunt through a kinship foster care placement. On 12/22/2022, The subject child was transferred to an agency foster home as the kinship guardian requested he be moved due to his behaviors in the home. The surviving siblings remained with the kinship foster parents and subject child remained in the care of the agency foster mother until his death. The mother has not engaged with services and has had infrequent contact with the children.

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:
11/15/2021	There was not a fact finding	Article 10 Remand
Respondent:	064585 Mother Female 39 Year(s)	
Comments:	Neglect petitions were filed against the mother regarding the subject child and surviving siblings after the mother was arrested for shoplifting and had illegal substances on her person while the children were in her care.	



Criminal Charge: Endangering the welfare of a child Degree: NA			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
11/12/2021	The mother	Unknown	Unknown
Comments:	The mother was arrested and charged with Endangering the Welfare of a Child, Petit Larceny, and Possession of Paraphernalia on 11/12/2021 when she was caught shoplifting with the subject child and surviving siblings in her care.		

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