



**Report Identification Number: NY-23-037**

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

**Issue Date: Sep 18, 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

<b>Relationships</b>		
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	
<b>Contacts</b>		
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	
<b>Allegations</b>		
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
<b>Miscellaneous</b>		
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:** 2 month(s)

**Jurisdiction:** Kings  
**Gender:** Female

**Date of Death:** 04/23/2022  
**Initial Date OCFS Notified:** 04/04/2023

## Presenting Information

On 4/4/2023, the New York City Administration for Children's Services received an SCR report that alleged the death of the 7-day-old subject child which occurred at some time in 2022. The subject child had stopped breathing and the mother or father contacted 911. The subject child was transported to the hospital and was pronounced deceased. There were further allegations in the report that the mother had struck the 8, 7, 4, and 1-year-old surviving siblings with a belt and that the father of the 4-year-old sibling had been physically aggressive towards the mother in the presence of the 4-year-old surviving sibling.

## Executive Summary

This report concerns the death of the 2-month-old subject child that occurred on 4/23/2022. At the time of her death, the subject child resided with the mother, father, and 8, 7, 4, and 1-year-old surviving siblings. The 8-year-old sibling's father resided out of state and had limited contact. The 7-year-old sibling's father was not involved with the sibling since birth. The 4-year-old sibling had regular visitation with his father. The father of the 1-year-old surviving sibling was unknown. After the death, another surviving sibling was born to the mother and father and that sibling was 2 months old at the time the SCR report was made on 4/3/2023.

The subject child was diagnosed at birth with Situs Inversus Totalis and displacement of her arteries. The subject child remained hospitalized for about 2 months and underwent multiple surgeries to her stomach. The subject child could not feed normally and had a feeding tube. The subject child was discharged from the hospital and resided with the mother and surviving siblings. Around 6:00 AM on 4/23/2022, the mother and father woke to administer the subject child's medications and found the child was unresponsive and not breathing. The parents contacted 911 and emergency services responded to the home and transported the subject child to the hospital where she was pronounced deceased.

There was no autopsy completed and the medical examiner was unable to provide further information to ACS. Law enforcement reported they responded and investigated the death in April of 2022. Law enforcement stated all medical providers denied concerns for abuse or maltreatment related to the death, which appeared to be the result of the subject child's medical condition. There were no charges or arrests related to the fatality.

The allegations of DOA/Fatality and Inadequate Guardianship were unsubstantiated against the mother and father as there was no evidence gathered to support the parents were responsible for the death of the subject child. The allegations of Inadequate Guardianship were unsubstantiated against the mother as there was no evidence found that she was physically violent towards the surviving siblings. The allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse were substantiated against the father as ACS found evidence the father was verbally aggressive towards the mother while intoxicated and the surviving siblings reported being fearful for their safety and the safety of their mother during those incidents.

The reported allegations of Inadequate Guardianship and Parent's Drug / Alcohol Misuse against the father of the 4-year-old sibling were erroneously transferred to the father of the subject child. ACS learned, through a telephone call with the source of the SCR report, that the source was reporting a historical incident regarding the father of the 4-year-old sibling attacking the mother in the presence of the 4-year-old sibling. Due to the misattribution of those allegations by ACS, there was no investigation or determination of the allegations which should have been substantiated as they were previously.



The record contained further inaccuracies. The father of the subject child and the father of the 2-month-old sibling born after the death appear to be the same person. Their names appear to be different spellings of the same name, but the record noted different dates of birth. The discrepancy was never mentioned or rectified in the case record. The case record was contradictory in referring to these persons as the same person in some progress notes and as different persons in other progress notes. There was no documented conversation with the father of the deceased child regarding the circumstances of the child’s death.

Fatality related services were provided to the mother, father, and surviving siblings. A voluntary preventive services case was opened for the mother and surviving siblings on 4/11/2023 and remained open at the time this report was written.

### 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?** No, sufficient information was gathered to determine some allegations only.
- **Was the determination made by the district to unfound or indicate appropriate?** No

### Explain:

The record did not reflect any discussion of the fatality with the father of the subject child. Allegations reported at intake against the father of the 4-year-old surviving sibling were later misattributed to another subject and were not addressed or determined appropriately.

**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:



Casework activity was not commensurate with case circumstances. The record reflected the father of the subject child was not interviewed regarding the fatality. Furthermore, allegations of domestic violence against the father of the 4-year-old sibling were not addressed. The case was appropriately opened for voluntary preventive services.

### Required Actions Related to the Fatality

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

<b>Issue:</b>	Appropriateness of allegation determination
<b>Summary:</b>	The father of the 4-year-old sibling was listed as a subject on the SCR report. The allegations against him were erroneously transferred to the father of the deceased child resulting in an incorrect determination regarding the father of the sibling.
<b>Legal Reference:</b>	FCA 1012 (e) & (f); 18 NYCRR 432.2(b)(3)(iv)
<b>Action:</b>	ACS will refer to the CPS Program Manual when determining the appropriateness of allegations, and will consult with the New York City Regional Office if further guidance is needed. When determining allegations, ACS will ensure all allegations are attributed to the appropriate subjects.
<b>Issue:</b>	Case record contains information that is relevant, useful, factual and objective
<b>Summary:</b>	The case record contains conflicting information regarding the father of the subject child and the father of the 2-month-old surviving sibling. In multiple instances the fathers were referred to as different persons and also as the same person.
<b>Legal Reference:</b>	18 NYCRR 428.1(a) and 18 NYCRR 428.1(b)(1)
<b>Action:</b>	ACS records must contain information that is relevant, useful, factual and objective to best reflect accuracy throughout documentation. Such information is pertinent to investigations and the review of service needs.
<b>Issue:</b>	Pre-Determination/Nature, Extent and Cause of Any Condition
<b>Summary:</b>	The circumstances surrounding the death of the subject child were never explored with the father of the subject child.
<b>Legal Reference:</b>	18 NYCRR 432.2(b)(3)(iii)(c)
<b>Action:</b>	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.

### Fatality-Related Information and Investigative Activities

#### Incident Information

Date of Death: 04/23/2022

Time of Death: Unknown

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

Unknown

County where fatality incident occurred:

Kings

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
- Playing
- Other

- Working
- Eating

- Driving / Vehicle occupant
- Unknown

**Total number of deaths at incident event:**

**Children ages 0-18: 1**

**Adults: 0**

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	2 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	36 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	27 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	8 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	7 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	4 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	1 Year(s)
Other Household 1	Other Adult - Father of the 8-year-old sibling	No Role	Male	28 Year(s)
Other Household 2	Other Adult - Father of the 7-year-old sibling	No Role	Male	29 Year(s)
Other Household 3	Other Adult - Father of the 4-year-old sibling	No Role	Male	33 Year(s)

### LDSS Response

ACS initiated an investigation immediately upon receipt of the SCR report on 4/04/2023. ACS coordinated with law enforcement who declined to respond to the reported fatality allegations, as they had done so in 2022. ACS gathered information from appropriate collateral sources including law enforcement, hospital staff, the childrens' pediatrician, family members, and the medical examiner's office. A review of history was completed and documented as appropriate.

The mother was interviewed alone and reported the subject child passed away 4/23/2022 of a congenital medical defect. The mother provided information that matched the account of law enforcement and denied any abuse or neglect related to the death. The mother denied she had struck any of the surviving siblings with a belt or other object but admitted she had threatened to do so. The mother reported harassment and verbal disputes from the father in the presence of the children and stated he acted that way when intoxicated. The mother denied she had received bereavement services at the time of the subject child's death and accepted services for herself and the surviving siblings. The mother agreed to a voluntary preventive services case and moved herself and the surviving siblings to a shelter to distance the family from the father.

The father was interviewed regarding the domestic violence allegations and denied he was inappropriate or threatening towards the mother or the surviving siblings while intoxicated. The father was not questioned regarding the circumstances surrounding the death of the subject child.

The surviving siblings that were verbal were interviewed at the Child Advocacy Center. The siblings reported the father





would regularly consume alcohol and would harass their mother. The siblings reported they feared for their safety and for their mother’s safety during these incidents. The siblings were assessed to be safe in the care of their mother during the initial home visit, and safety was assessed continually throughout the investigation.

Familial collaterals, including a maternal aunt, reported knowledge of the father’s alcohol use but denied he had ever been physically violent towards the mother or the surviving siblings.

**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 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
064753 - Deceased Child, Female, 2 Month(s)	064754 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Unsubstantiated
064753 - Deceased Child, Female, 2 Month(s)	064754 - Mother, Female, 27 Year(s)	DOA / Fatality	Unsubstantiated
064753 - Deceased Child, Female, 2 Month(s)	064755 - Father, Male, 36 Year(s)	DOA / Fatality	Unsubstantiated
064753 - Deceased Child, Female, 2 Month(s)	064755 - Father, Male, 36 Year(s)	Inadequate Guardianship	Unsubstantiated
064756 - Sibling, Male, 8 Year(s)	064755 - Father, Male, 36 Year(s)	Inadequate Guardianship	Substantiated
064756 - Sibling, Male, 8 Year(s)	064755 - Father, Male, 36 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
064756 - Sibling, Male, 8 Year(s)	064754 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Unsubstantiated
064757 - Sibling, Female, 7 Year(s)	064755 - Father, Male, 36 Year(s)	Inadequate Guardianship	Substantiated
064757 - Sibling, Female, 7 Year(s)	064755 - Father, Male, 36 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
064757 - Sibling, Female, 7 Year(s)	064754 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Unsubstantiated
064759 - Sibling, Male, 4 Year(s)	064755 - Father, Male, 36 Year(s)	Inadequate Guardianship	Substantiated
064759 - Sibling, Male, 4 Year(s)	064755 - Father, Male, 36 Year(s)	Parents Drug / Alcohol Misuse	Substantiated



# Child Fatality Report

	Year(s)	Misuse	
064759 - Sibling, Male, 4 Year(s)	064754 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Unsubstantiated
064760 - Sibling, Female, 1 Year(s)	064755 - Father, Male, 36 Year(s)	Inadequate Guardianship	Substantiated
064760 - Sibling, Female, 1 Year(s)	064755 - Father, Male, 36 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
064760 - Sibling, Female, 1 Year(s)	064754 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Unsubstantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input type="checkbox"/>	<input checked="" 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"/>

**Additional information:**

There was no conversation with the father of the subject child regarding the circumstances of the child's death.

### 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"/>
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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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**Fatality Risk Assessment / Risk Assessment Profile**

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input 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"/>



<b>Economic support</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Funeral arrangements</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Housing assistance</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Mental health services</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Foster care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Health care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Legal services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family planning</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Homemaking Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parenting Skills</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Domestic Violence Services</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Early Intervention</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alcohol/Substance abuse</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Child Care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Intensive case management</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family or others as safety resources</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<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:**

Fatality related services were provided to the family.

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

**Explain:**

Fatality related services were provided to the family.

## History Prior to the Fatality

### Child Information

**Did the child have a history of alleged child abuse/maltreatment?**

No

**Was the child acutely ill during the two weeks before death?**

No

### Infants Under One Year Old

**During pregnancy, mother:**

Had medical complications / infections

Had heavy alcohol use

Misused over-the-counter or prescription drugs

Smoked tobacco

Experienced domestic violence

Used illicit drugs



# Child Fatality Report

- Had a positive toxicology at the time of delivery
- Used prescription drugs
- Used marijuana
- Was not noted in the case record to have any of the issues listed

**Infant was born:**

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

## 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)
02/02/2020	Sibling, Male, 2 Years	Other Adult - Father of the 4-year-old sibling, Male, 31 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Male, 2 Years	Other Adult - Father of the 4-year-old sibling, Male, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the father of the now 4-year-old sibling had a history of physical violence towards the mother while intoxicated. On 1/31/2020, the father aggressively pulled the mother during an argument while the mother was holding the now 4-year-old sibling.

**Report Determination:** Indicated**Date of Determination:** 04/02/2020**Basis for Determination:**

The Investigation Conclusion Narrative noted the father of the now 4-year-old surviving sibling pushed the mother to the bed causing the now 4-year-old sibling to fall to the floor. The mother contacted the police and left the home with the now 4-year-old child. Upon the arrival of law enforcement, the father of the now 4-year-old sibling was found asleep and intoxicated. Law enforcement records showed a past incident wherein law enforcement was contacted when the father of the now 4-year-old sibling was intoxicated and asked to leave the mother's home. The allegation of Inadequate Guardianship was substantiated and the allegation of Parent's Drug/Alcohol Misuse was unsubstantiated.

**OCFS Review Results:**

ACS initiated a timely investigation and assessed for the safety of the now 4, 7, and 8-year-old siblings. Interviews were conducted with all family members and appropriate collaterals. The mother filed a petition in family court and a stay away order of protection was put in place against the father of the now 4-year-old sibling. The mother was already open with a community based services case and those services continued. The biological fathers of the 8 and 9-year-old siblings were not added to the household composition and there was no documented attempt made to interview them. The allegation of Parent's Drug/Alcohol Misuse was incorrectly unfounded.

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

**Issue:**

Appropriateness of allegation determination

**Summary:**

The mother and the father of the now 4-year-old sibling reported he was intoxicated on the morning of the altercation. Information from law enforcement noted the father of the 4-year-old sibling was found asleep and intoxicated after the mother contacted the police. As a result of this information, it would have been appropriate to substantiate the allegation of Parent's Drug / Alcohol Misuse.

**Legal Reference:**

FCA 1012 (e) & (f); 18 NYCRR 432.2(b)(3)(iv)

**Action:**



ACS will refer to the CPS Program Manual when determining the appropriateness of allegations, and will consult with the (whichever) Regional Office if further guidance is needed.

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

**Summary:**  
The now 8 and 9-year-old siblings were listed in the case composition with no role. The mother provided identifying and contacting information for the father of the 9-year-old sibling and identifying information for the father of the 8-year-old sibling; however, the case record reflected no attempts made to contact, notify, or interview either of those fathers.

**Legal Reference:**  
18 NYCRR 432.1 (o)

**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.

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

On 3/15/2016, ACS received an order from family court to conduct a Court Ordered Inquiry after the mother petitioned in family court for sole custody of the 8-year-old sibling. ACS interviewed the mother and that sibling's father and reported to family court there were no specific child safety concerns. The Court Ordered Inquiry was closed on 7/14/2016. There were no allegations and no determination due to the nature of the Court Ordered Inquiry.

### Known CPS History Outside of NYS

There was no known history outside of NYS.

### Preventive Services History

On 7/2/2019, the mother applied for a voluntary Advocates Preventive Services case and an FSS was opened to provide services to the mother and the now 4, 7, and 8-year-old surviving siblings. After the incident that occurred on 1/31/2020, the FSS was re-assigned as an ACS Child Welfare Services stage and a Child Safety Conference was completed. The mother filed a petition in family court and was granted an Order of Protection against the father of the now 4-year-old sibling. The outcome of the Child Safety Conference was for the mother and surviving siblings to continue their voluntary services with the Advocates Preventive Services Agency and the FSS reverted accordingly. Services provided to the family included counseling services, shelter services, and family advocacy services.

### Legal History Within Three Years Prior to the Fatality

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

Family Court                       Criminal Court                       Order of Protection

Have any Orders of Protection been issued? Yes

From: 02/05/2020

To: Unknown



**Explain:**

The mother filed in family court and obtained a full stay away order of protection against the father of the now 4-year-old surviving sibling.

**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