



## Report Identification Number: RO-19-017

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

Issue Date: Oct 17, 2019

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child’s family; any extraordinary or pertinent information concerning the circumstances of the child’s death; whether the child or the child’s family received assistance, care or services from the social services district prior to the child’s death; any action or further investigation undertaken by OCFS or the social services district since the child’s death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child’s household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child’s siblings or other children in the household.**

OCFS’ review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS’ assessment and the performance of these agencies.



## Abbreviations

<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		
<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	
<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 Not Found  
**Age:** Unknown

**Jurisdiction:** Monroe  
**Gender:** Female

**Date of Death:** Unknown  
**Initial Date OCFS Notified:** 05/09/2019

## Presenting Information

On 5/9/19 an SCR report was received alleging approximately two to three years ago when the subject child was two or three years old, the mother and the father were in the living room with the subject child. The parents became frustrated with the subject child because she was crying. The mother then left the room leaving the father alone with the subject child. The father hit the subject child with a blunt object causing her to sustain a skull fracture, swelling and bleeding to her head. The father also squeezed the subject child causing rib fractures. When the mother returned to the room she found the subject child unresponsive and having difficulty breathing. The subject child subsequently died from her injuries.

## Executive Summary

This report concerns the alleged death of a two or three-year-old female child. Monroe County Department of Human Services (MCDHS) received an SCR report on 5/9/19. The report alleged that the subject child was severely beaten and died from her injuries. The date of the alleged incident was approximately two to three years ago and there was no further information provided.

MCDHS promptly began their investigation and coordinated with LE. MCDHS, through an exhaustive investigation found no evidence that this child ever existed. MCDHS did find through review of the mother’s history that the mother and the alleged father in this report did have a child together in 2016. That child was removed from their care via an Article 10 neglect petition and placed in foster care on 7/2/2016. Their parental rights were later terminated and that child was freed for adoption on 3/29/18. The parents had no other children in their care at the time of the reported fatality and were not together.

MCDHS completed all reports and assessments in a timely manner and their case notes were entered promptly.

MCDHS appropriately unsubstantiated the allegations of DOA/Fatality, fractures, internal injuries, swelling dislocations sprains and inadequate guardianship against the mother and the father for the alleged subject child. MCDHS determined through reviewing medical collaterals, past CPS history, and contact with multiple agencies, there was no credible evidence to support the allegations.

While the fatality was under investigation, the mother gave birth on 6/26/19 and a new report was received with concerns for the mother’s ability to care for the newborn infant. MCDHS added the newborn infant and the infant’s biological father to the report along with the additional allegation of inadequate guardianship for the infant against his parents. MCDHS substantiated the allegations of inadequate guardianship against the parents for the infant. On 7/2/19, MCDHS filed an Article 10 neglect petition in Family Court against the parents due to their homelessness and ongoing mental health issues. The Family Court Judge ordered a temporary removal and the infant was placed in foster care pending further orders of the court. MCDHS opened a family services case on 7/2/19. The infant remained in foster care at the time of this writing.

## Findings Related to the CPS Investigation of the Fatality

**Safety Assessment:**

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

**Determination:**

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

**Explain:**

MCDHS conducted an exhaustive investigation and there was no deceased child found; however, the mother gave birth during the open fatality investigation and MCDHS filed an Article 10 neglect petition in Family Court on behalf of that child. The infant was placed in foster care and the case was opened for services at the time of this writing.

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

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

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

**Explain:**

The mother gave birth during the open fatality investigation and an Article 10 neglect petition was filed in Family Court. The Family Court Judge granted the removal of the infant and the infant was placed in foster care with supervised visits. MCDHS opened the case for services and the case remained open at the time of this writing.

**Required Actions Related to the Fatality**

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

**Fatality-Related Information and Investigative Activities****Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	2 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	33 Year(s)
Deceased Child's Household	Mother	No Role	Female	25 Year(s)

**LDSS Response**

On 5/9/19, MCDHS received a report regarding the death of a two or three-year-old child. MCDHS spoke with the source



who stated she had learned this information from the mother and was not able provide further details. MCDHS performed an SCR history search, contacted LE and the DA’s office. MCDHS interviewed the parents, family members and collaterals. There was no information found that the mother ever had a child that died. The SCR history did show the parents had a child together in 2016.

The mother gave birth during the open fatality investigation and a new SCR report was received with concerns the mother was not able to provide for the newborn infant. MCDHS was providing foster care services to the newborn infant and the case remained open for services at the time of this writing. The parents had a child in 2016 that was removed and placed in foster care via an Article 10 neglect petition filed in Family Court on 7/2/16. Subsequently, the parents’ rights were terminated in Family Court and the child was adopted on 3/29/18. The parents had no other children in their care at the time of the reported fatality.

MCDHS coordinated their investigation with law enforcement. MCDHS interviewed multiple collaterals, contacted multiple state and local agencies to determine the existence of the alleged subject child. There was no evidence this child ever existed. Law enforcement concluded their investigation and closed their case.

**Multidisciplinary Investigation/Review**

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

**Was the fatality reviewed by an OCFS approved Child Fatality Review Team?** Yes

**SCR Fatality Report Summary**

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
051661 - Deceased Child, Female, 2 Year(s)	051550 - Father, Male, 33 Year(s)	Swelling / Dislocations / Sprains	Unsubstantiated
051661 - Deceased Child, Female, 2 Year(s)	051550 - Father, Male, 33 Year(s)	Fractures	Unsubstantiated
051661 - Deceased Child, Female, 2 Year(s)	051550 - Father, Male, 33 Year(s)	Inadequate Guardianship	Unsubstantiated
051661 - Deceased Child, Female, 2 Year(s)	051550 - Father, Male, 33 Year(s)	DOA / Fatality	Unsubstantiated

**CPS Fatality Casework/Investigative Activities**

	Yes	No	N/A	Unable to Determine
<b>All children observed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>When appropriate, children were interviewed?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alleged subject(s) interviewed face-to-face?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>All 'other persons named' interviewed face-to-face?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Contact with source?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>All appropriate Collaterals contacted?</b>	<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 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Mental health services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Foster care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Health care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Legal services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Family planning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Homemaking Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Parenting Skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
Domestic Violence Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				



<b>Early Intervention</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<b>Alcohol/Substance abuse</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<b>Child Care</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<b>Intensive case management</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<b>Family or others as safety resources</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				
<b>Other</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

**Additional information, if necessary:**  
MCDHS conducted a thorough investigation and there was no child found.

**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? N/A**

**Explain:**

There was no deceased child.

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

**Explain:**

There was no deceased child; however, the mother gave birth on 6/25/19 during the open fatality investigation. MCDHS remained open with the family for the newborn infant and services were being provided at the time of this writing.

## 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)
09/29/2016	Sibling, Female, 1 Days	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 1 Days	Father, Male, 31 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

The report alleged the mother gave birth to a baby girl on 9/28/16. It was learned the father had lost custody of two children from a previous relationship due to his abusive behaviors. There was concern as the father had pushed the mother down the stairs when she was pregnant and the mother continued to allow him in the home regardless of his violent tendencies. There was concern for the safety of the newborn.

**Report Determination:** Indicated **Date of Determination:** 10/09/2016

**Basis for Determination:**

Due to the significant history of neglect against the father and the ongoing serious mental health concerns, the infant was determined to be at immediate risk and placed in protective custody with an emergency removal. An Article 10 neglect petition was filed in Family Court and an order of removal was granted on 10/4/16 by the Family Court Judge. The allegations of inadequate guardianship were substantiated against the parents for the infant. The infant remained in foster care and the case was opened for services.

**OCFS Review Results:**

MCDHS completed adequate safety and risk assessments, implemented safety plans when necessary and gathered sufficient information to make a determination. Service needs were adequately assessed, offered and put in place when necessary.

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



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

The alleged father of the child not found had a significant child protective history with another woman in 2013. Allegations of inadequate guardianship, internal injuries and burns/scalding were substantiated against him for these other children. In 2014 the father of the child not found had a child with this woman and that child was removed from their care and placed in foster care via an Article 10 Neglect Petition. The father's parental rights were terminated for this child.

SCR report received 9/15/15, with the allegation of inadequate guardianship was unsubstantiated against mother for the infant. There was no child found.

### Known CPS History Outside of NYS

Monroe County Department of Human Services contacted the Missouri Department of Children's Services for any CPS history in regards to the mother. Missouri sent history they had in regards to the mother when she was a child.

### Foster Care Placement History

The father had a child with another woman in 2014. That child was placed in foster care via an article 10 neglect petition on 7/2/14. The child was freed for adoption on 9/27/16 and was adopted on 10/3/18.

The mother and the father had a child together that was removed and placed in foster care via an Article 10 neglect petition on 10/4/16. Their parental rights were terminated and the child was adopted on 3/29/18.

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

**Was there any legal activity within three years prior to the fatality investigation?** There was no legal activity

### Additional Local District Comments

MCDHS agrees with the facts as presented in this draft report. A thorough investigation was completed in determining if there was indeed a deceased child. A neglect petition was filed when mother gave birth due to safety concerns.

### 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