

Report Identification Number: RO-19-027

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

Issue Date: Dec 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 <u>only</u> 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				
DrDoctor	ME-Medical Examiner	EMS-Emergency Medical Services				
DC-Day Care	FD-Fire Department	BM-Biological Mother				
CPS-Child Protective Services						
	Allegations					
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts				
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding				
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse				
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect				
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive				
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision				
Ab-Abandonment	OTH/COI-Other					
	Miscellaneous					
IND-Indicated	UNF-Unfounded	SO-Sexual Offender				
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence				
LDSS-Local Department of Social	ACS-Administration for Children's	NYPD-New York City Police				
Service	Services	Department				
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care				
Rehabilitative Services	Families					
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:** Monroe **Date of Death:** 07/16/2019

Age: 1 year(s) Gender: Female Initial Date OCFS Notified: 07/19/2019

Presenting Information

An SCR report alleged that on 7/15/19, a one-year-old child was dropped off at daycare at 6:56 AM. Sometime after nap time, the child presented with a fever of 104 degrees, appeared lifeless, pale, and limp. The daycare providers were aware of the fever and attempted to contact the director; however, there was a delay in response for unknown reasons. The director and daycare providers failed to seek immediate medical attention for the child and delayed calling the mother by an hour. The mother picked up the child from the daycare at 1:54 PM and immediately took her to the hospital emergency room. Due to the delay in medical care, the child passed away on 7/16/19 with an unknown infection. The role of the mother and father were unknown.

Executive Summary

This report concerns the death of a one-year-old (18 months) female child that occurred on 7/16/19. On 7/19/19, Monroe County Department of Human Services (MCDHS) received a report from the SCR regarding the death. The SCR report was taken against four daycare staff members at the daycare the child attended. The report contained allegations of lack of medical care and DOA/Fatality. Upon receipt of the report, MCDHS coordinated investigative efforts with law enforcement and the OCFS Division of Child Care Services. The child had a four-year-old surviving sibling who was assessed to be safe.

On 7/15/19, the mother brought the child to daycare, and the child developed a fever later in the day. The daycare notified the mother who then took the child for medical treatment at the hospital. Upon returning home late that night, the child became ill and the mother found her to be blue in color and called 911. The child was transported to the hospital via EMS and was pronounced deceased at 12:20PM on 7/16/19.

Medical staff informed the family the child likely died from strep pneumonia; therefore, the family declined an autopsy. The medical examiner's office confirmed an autopsy was not completed for the child. The child's blood culture was determined to be resistant to most antibiotics. Law enforcement found no criminality in the case and declined to participate in the investigation.

The father was a Marine and was deployed at the time of the child's illness and death. All daycare staff that were alleged subjects were interviewed and reported the child woke from her nap visibly ill with a fever. There was some discrepancy over the child's temperature, the difference of one degree, and if there was a delay in calling the mother or calling for medical assistance. Physicians who reviewed the medical documentation reported that even if there was a delay in medical care or a change of documentation of the temperature by one degree, it would not have changed the outcome of the child's illness which caused her death.

The child had been fighting an illness since 6/27/19 and mother had sought appropriate medical care. The child had been on antibiotics for ten days in the two weeks prior to her death.

MCDHS contacted and obtained records from first responders, medical staff, the pediatrician, and the medical examiner. All alleged subjects and collateral contacts were interviewed.

Home visits were completed, and the family was offered trauma/grief services. MCDHS completed required reports adequately and on time and conducted a thorough investigation.

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County where fatality incident occurred:

Child Fatality Report

The case was unfounded and closed on 9/3/19. There was no credible evidence the actions or inaction of the daycare staff contributed to the child's death. Hospital physicians who treated the child believed the streptococcus pneumonia bacteria is what caused her death.

Findings Related to the CPS Investigation of the	e 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
Was the decision to close the case appropriate?	Yes
Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?	Yes
Was there sufficient documentation of supervisory consultation?	Yes, the case record has detail of the consultation.
Explain: Casework activity was commensurate with best casework practice as outlined in the	e CPS manual.
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: 07/16/2019	PM
Time of fatal incident, if different than time of death:	Unknown

Was 911 or local emergency number called?

Time of Call:

Did EMS respond to the scene?

Yes

Yes

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Monroe



t time of incident leading to death, had child used alcohol or drugs?				
Child's activity at time of incide	nt:			
	Working	Driving / Vehicle occupant		
☐ Playing	☐ Eating	Unknown		
Other				

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

If the child was in day care at the time of the fatality, was the day care program duly licensed or

registered? Unknown

At time of incident supervisor was: Not impaired.

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	1 Year(s)
Deceased Child's Household	Father	No Role	Male	29 Year(s)
Deceased Child's Household	Mother	No Role	Female	28 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	26 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	24 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	23 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	49 Year(s)

LDSS Response

On 7/19/19, MCDHS received the SCR report regarding the child's death and immediately initiated their investigation and coordinated investigative efforts with LE and the OCFS Division of Child Care Services. The CW completed a CPS history check and confirmed the report with the source.

On 7/26/19, the mother was interviewed at the CAC and reported she dropped the child off at daycare on 7/15/19 around 7 AM and the daycare director called her around 1:30 PM saying the child woke up with a fever of 103.3. The mother picked the child up at 1:56 PM and the daycare director provided her with a sheet that said the child's temperature was 104.3. Daycare staff reported when they take a child's axillary temperature, they add a degree. The mother reported when they got home, she gave the child 5ml of Tylenol and a little while later, she saw the child have a febrile seizure. The mother contacted the pediatrician's office who instructed her to bring the child to the hospital emergency department, which she did. The mother and child arrived at the hospital around 3 PM and were discharged around 7:30 PM on 7/15/19; the child's temperature had gone down to 99.9. Around 10:40 PM, the child vomited. The mother laid down with the child, nursed her and tried getting her to sleep. The mother said that around 3:40 AM, the child looked blue and she saw red dots all over the child's face and neck and that is when she called 911. While waiting for the ambulance, the mother said the child became unresponsive. The child died later that day at 12:20 PM. The hospital informed the mother the child's blood cultures came back showing strep pneumonia. The mother said the hospital advised the family this was likely the cause of the child's death; therefore, they declined an autopsy. The mother was offered services and burial assistance, but she declined, as they were already receiving assistance from the Marines.

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A home visit was completed, and the MGM (who lived in the home) confirmed the mother's account. The MGM was provided a packet of information with resources for the family.

MCDHS received EMS records showing a 911 call was received on 7/16/19 at 3:45 AM, EMS was dispatched at 3:47 AM, at the child's home at 3:59 AM and was then transported to the hospital. The mother reported to EMS the child had been discharged from the hospital the night before around 7:30 PM. The mother reported that since 10 PM on 7/15/19, the child had vomited multiple times and had diarrhea.

MCDHS obtained pediatric records showing the child was up to date on well child visits. The child was seen on 6/27/19 for a cough, runny nose, and spiking fever. The mother contacted the pediatric office saying the child was having diarrhea and diaper rash. The doctor told her this was normal but put the child on a new ten-day antibiotic which the child took from 7/2/19 to 7/12/19.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Hospital physician

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
052126 - Deceased Child, Female, 1 Yrs	052129 - Day Care Provider, Female, 24 Year(s)	DOA / Fatality	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052127 - Day Care Provider, Female, 49 Year(s)	DOA / Fatality	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052127 - Day Care Provider, Female, 49 Year(s)	Lack of Medical Care	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052128 - Day Care Provider, Female, 26 Year(s)	DOA / Fatality	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052129 - Day Care Provider, Female, 24 Year(s)	Lack of Medical Care	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052130 - Day Care Provider, Female, 23 Year(s)	Lack of Medical Care	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052130 - Day Care Provider, Female, 23 Year(s)	DOA / Fatality	Unsubstantiated
052126 - Deceased Child, Female, 1 Yrs	052128 - Day Care Provider, Female, 26 Year(s)	Lack of Medical Care	Unsubstantiated

CPS Fatality Casework/Investigative Activities

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	Yes	No	N/A	Unable to Determine
All children observed?	\boxtimes			
When appropriate, children were interviewed?	\boxtimes			
Alleged subject(s) interviewed face-to-face?	\boxtimes			
All 'other persons named' interviewed face-to-face?	\boxtimes			
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?	\boxtimes			
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)?				
Coordination of investigation with law enforcement?	\boxtimes			
Was there timely entry of progress notes and other required documentation?				
Fatality Safety Assessment Activities				
	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	\boxtimes			
Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	urviving	siblings/o	ther chil	dren in the
Within 24 hours?	\boxtimes			
At 7 days?	\boxtimes			
At 30 days?	\boxtimes			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?				
Are there any safety issues that need to be referred back to the local district?				
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?				
Fatality Diely Assessment / Diely Assessment	Profile			
Fatality Risk Assessment / Risk Assessment 1	rome			
		1		

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Was the risk assessment/RAP adequ	ate in this case	2?					
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?							
Was there an adequate assessment of	of the family's 1	need for se	rvices?				
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?							
Were appropriate/needed services o	ffered in this c	ase					
		_					
Placen	nent Activities in	Response to	the Fatality	Investigation	on		
				Yes	No	N/A	Unable to Determine
Did the safety factors in the case sho siblings/other children in the househ care at any time during this fatality	old be remove		0				
Were there surviving children in the as a result of this fatality report / inv to this fatality?							
	T 11.11						
	Legal Activ	vity Related	to the Fatalit	y			
Was there legal activity as a result of					ctivity.		
		vestigation	? There was	no legal a			
	ces Provided to t Provided After	vestigation he Family in Offered, but	? There was Response to Offered, Unknown	no legal a	Needed but	N/A	
Services	ces Provided to t Provided After Death	vestigation he Family in Offered,	? There was Response to Offered,	no legal a	y Needed		
Services Bereavement counseling	ces Provided to t Provided After	vestigation he Family in Offered, but	? There was Response to Offered, Unknown	no legal a	Needed but	le	Lead to
Services Services Bereavement counseling Economic support	ces Provided to t Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements	ces Provided to t Provided After Death	vestigation he Family in Offered, but	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Services Bereavement counseling Economic support	ces Provided to t Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but	le	Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to
Services Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning	res Provided to to the Provided After Death	vestigation he Family in Offered, but Refused	? There was Response to Offered, Unknown	no legal a	Needed but		Lead to

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	of Children mily Services	Child	Fatality	Repo	ort		
Early Intervention	on						
Alcohol/Substance	ce abuse						
Child Care							
Intensive case ma	anagement						
Family or others	as safety resources						
Other							
			1		•		
	H	listory [Prior to th	ne Fata	lity		
		C	hild Informa	tion			
Did the child hav	e a history of alleged child	abuse/n	naltreatme	nt?		No	
Was the child eve	er placed outside of the hor	me prior	to the dear	th?		No	
Were there any si	iblings ever placed outside	of the h	ome prior	to this c	hild's death?	No	
Was the child acu	itely ill during the two wee	eks befor	re death?			Yes	;
	•						
	CPS - Investigativ	e Histo	ry Three	Years 1	Prior to the Fa	tality	
Date of	Alleged		Alleged			Allegation	Compliance
SCR	Victim(s)	P	erpetrator((2	Allegation(s)	Outcome	Issue(s)
Report	v ictim(s)	1	or petrator (3)		Outcome	Issue(s)
11/01/2018 Other	Child - Daycare particpant,	Day Ca	re Provider,	I	nadequate	Unsubstantiated	l No
Femal	e, 2 Years	Female,	, 48 Years	(Guardianship	Ulisuostalitiated	1 110
Report Summary	y:						
An SCR daycare r	report alleged that on 11/1/1	8, the DO	CP put a 2-y	ear-old	child in a Med-ca	re cab and sent h	ier home
without confirmin	g if the parent was home to	receive t	he child. Th	ne driver	arrived at the ho	me and no one w	as home to
receive the child.							
Report Determin	ation: Unfounded			I	Date of Determin	nation: 04/04/20	19
Basis for Determ	ination:						
The DCP admitted	d she made a mistake and ap	peared r	emorseful w	hen the	CW went over th	ne allegations of t	the report
with her. The mot	her arrived home and found	the child	d waiting in	the back	of the cab. The	child did not app	ear fearful,
	n any way. Although it was						
harmed in any way	y.	-		-			
OCFS Review Re	esults:						

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

MCDHS completed a history check, conducted thorough interviews, and completed casework activities timely. The

There was no CPS history more than three years prior to the fatality.

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

appropriate determination was made and the case was closed.

Known CPS History Outside of NYS



There was no known CPS history outside of NYS.

Provider Oversight/Training							
	Yes	No	N/A	Unable to Determine			
Did the provider comply with discipline standards?							
Was a Criminal History check conducted? Date:				\boxtimes			
Was a check completed through the State Central Register? Date:							
Was a check completed through the Staff Exclusion List? Date:							
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							
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							