

Report Identification Number: RO-20-023

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

Issue Date: Feb 25, 2021

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 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	ASTO-Allowing Sex Abuse to Occur				



Case Information

Report Type: Child Deceased **Jurisdiction:** Wayne **Date of Death:** 09/16/2020

Age: 11 year(s) Gender: Male Initial Date OCFS Notified: 09/17/2020

Presenting Information

An SCR report alleged on 9/15/2020, the 11-year-old subject child experienced nausea and vomited prior to going to bed. The mother and parent substitute continuously checked on the child into the night. At approximately 4:00 AM, the adults heard gurgling sounds and checked on the child. The child was unresponsive. The parent substitute immediately began CPR while the mother called EMS. CPR was continued by EMS during transport to the hospital. The child arrived at the Emergency Department at 5:45 AM. The child was resuscitated and carried a pulse for a few minutes before he coded and passed away at 6:48 AM. The child was otherwise healthy with no known preexisting medical conditions.

Executive Summary

This fatality report concerns the death of the 11-year-old male subject child that occurred on 9/16/2020. The following day, a report was made to the SCR which alleged the child had no known preexisting medical conditions that would explain his death. At the time of his death, the child resided with his mother, parent substitute and three siblings, ages 5, 9 and 12 years. The parent substitute had a 11-year-old child who visited the home frequently. The children were assessed to be safe in the care of their respective parents. The father of the child was believed to reside in Mexico and there was no known contact information for him.

Wayne County Department of Social Services (WCDSS) coordinated investigative efforts with law enforcement immediately upon receipt of the SCR report. Law enforcement closed their investigation without any criminal charges filed. An autopsy was performed, and the cause of death was "massive cryptogenic intracerebral hemorrhage, right parietal area" and the manner of death was natural.

The family explained the child acted normally during the day of 9/15/2020; however, in the late afternoon he complained of blurred vision in one eye, a headache, and nausea. The child cried, but said he was fine. The mother gave the child a pain reliever and the child laid in his bed. Throughout the evening, the mother and parent substitute checked on the child and he said he felt better but remained in bed. Around 4:30 AM, the mother heard a gurgling noise and checked on the child and discovered he was unresponsive and not breathing. The parent substituted called 911 and began CPR until first responders arrived, took over resuscitation efforts, and transported the child to the hospital where he was pronounced deceased.

WCDSS gathered information regarding the family and the child's death from family members, school staff, first responders and the pediatrician. Collateral contacts did not have concerns for the care of the child or the other children.

Home visits were conducted, and the safety of the siblings and parent substitute's child was assessed. In response to the fatality, WCDSS offered the family referrals for trauma counseling, bereavement services and victim services. The family accepted the services and were engaged in counseling during the investigation.

After required reports, Safety Assessments and casework activity was completed, WCDSS unsubstantiated the mother and parent substitute for the Inadequate Guardianship and DOA/Fatality of the child. The investigation revealed the adults did not abuse or maltreat the child, and the child's death was not preventable.

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Date of 1	Death: 09/16/2020 Time of Death: 06:48	3 AM
	· · · · · · · · · · · · · · · · · · ·	Activities
Are thei	re Required Actions related to the compliance issue(s)? Yes No Fatality-Related Information and Investigative	Activities
	Required Actions Related to the Fatality	
The deci	ision to close the case was appropriate.	
Explain	:	consultation.
_	re sufficient documentation of supervisory consultation?	Yes, the case record has detail of the
	ework activity commensurate with appropriate and relevant statutory atory requirements?	Yes
Was the	decision to close the case appropriate?	Yes
Explain Casewor	: rk activity was commensurate with case circumstances.	
	Was the determination made by the district to unfound or indicate appropriate?	Yes
• V	Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the nvestigation?	Yes, sufficient information was gathered to determine all allegations.
Determi	ination:	
	Was the safety decision on the approved Initial Safety Assessment appropriate?	Yes
	 Safety assessment due at the time of determination? 	Yes
	 Approved Initial Safety Assessment? 	Yes
• V	Nas sufficient information gathered to make the decision recorded on he:	
•	Assessment:	

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12/15/2020

Unknown

Wayne

Date of fatal incident, if different than date of death:

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

County where fatality incident occurred:



Was 911 or local emergency num	iber called?		Yes
Time of Call:			Unknown
Did EMS respond to the scene?			Yes
At time of incident leading to dea	ath, had child used alcol	hol or drugs?	No
Child's activity at time of incider	nt:		
⊠ Sleeping	☐ Working	Driving / Vehic	le occupant
☐ Playing	☐ Eating	Unknown	
Other			
Did child have supervision at time. How long before incident was the At time of incident supervisor was a Drug Impaired. Alcohol Impaired. Distracted. Impaired by disability.	e child last seen by care		
Total number of deaths at incide Children ages 0-18: 1 Adults: 0	nt event:		

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	11 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	31 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	39 Year(s)
Deceased Child's Household	Sibling	No Role	Female	9 Year(s)
Deceased Child's Household	Sibling	No Role	Male	5 Year(s)
Deceased Child's Household	Sibling	No Role	Male	12 Year(s)
Other Household 1	Other Adult - Mother of Other Child	No Role	Female	44 Year(s)
Other Household 1	Other Child - Mother's partner's child	No Role	Female	11 Year(s)
Other Household 2	Father	No Role	Male	37 Year(s)

LDSS Response

WCDSS initiated their investigation and coordinated investigative efforts with law enforcement upon receipt of the SCR report, which was received on 9/17/2020. Within the first 24 hours of the investigation, WCDSS contacted the source of the report, completed a CPS history check and notified the district attorney's office of the death. A home visit was made, and the safety of the siblings was assessed. A phone call was made to the mother of the parent substitute's child and that child was deemed safe with her mother.

On 9/18/2020, a home visit was made, and the mother and parent substitute were interviewed together. The mother reported around 3:00 PM, the child got off the school bus and appeared fine. The child helped with chores, and then said he had a headache and one of his eyes had blurred vision. The mother took his temperature and the child did not have a

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fever. The parent substitute said it was not uncommon for the child to have headaches. The mother left the home between 6:00-8:00 PM and asked the parent substitute to check on the child while she was gone. The child was laying down and said he felt better but did not want to eat dinner. The parent substitute applied pressure to the child's stomach as he reported nausea and the parent substitute wanted to examine the child's appendix; however, the child felt no abdominal pain with the applied pressure. The family went to bed around 9:00 PM, and the mother heard someone walking around at approximately 2:00 AM. She checked on the child, who said he was fine and was using the bathroom. She reported his speech was clear and normal. Approximately two hours later, the mother heard moaning and checked on the child. He was unresponsive. The mother screamed and the parent substitute and siblings came into the room. The parent substitute was unable to detect a pulse, so he called 911, moved the child from his bed to the floor and began resuscitation efforts as blood came from the child's nose and mouth. First responders arrived and took over CPR and transported the child to the hospital where he was pronounced deceased. The adults said the bus driver and school staff reported the child was healthy at school that day.

The siblings were interviewed alone and in private and reported no concerns for their safety. The 12yo sibling said the child seemed fine after school, but then cried and said he had a bad headache. The child laid down and placed a blanket over his face stating he was sensitive to light. The 12yo sibling woke to the sounds of the mother screaming and sat with his siblings on the couch as the parent substitute performed lifesaving measures.

The 9yo sibling said the children played outside after school, but the child cried and said he felt like he had to vomit. The child laid down and the adults checked on him throughout the evening. The 5yo sibling corroborated that the child had blurred vision in one eye and that the child was sensitive to light on the day of his death.

On 9/21/2020, a home visit was made to the home of the parent substitute's child. Her mother did not have concerns for the care the parent substitute or the child's mother provided to the children. The parent substitute's child was not present on the day of the fatal incident but reported no concerns of safety at the child's home.

A law enforcement officer who was first to arrive at the case address reported when he arrived, the parent substitute was performing CPR and he assisted until EMS responded and took over resuscitation efforts. He reported the adults seemed appropriate and he did not find any reason to believe there was foul play. The child did not have any marks or bruises on his body. An EMS worker also reported there was not physical trauma to the child and reported the house was immaculate.

WCDSS completed all required casework activity, offered the family services in response to the fatality and closed their investigation in a timely manner.

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: Coroner

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? No

Comments: Wayne County did not have a Child Fatality Review Team at the time this report was written.

SCR Fatality Report Summary

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Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
056212 - Deceased Child, Male, 11 Yrs	056213 - Mother, Female, 31 Year(s)	DOA / Fatality	Unsubstantiated
056212 - Deceased Child, Male, 11 Yrs	/ /	Inadequate Guardianship	Unsubstantiated
056212 - Deceased Child, Male, 11 Yrs	056214 - Mother's Partner, Male, 39 Year(s)	DOA / Fatality	Unsubstantiated
056212 - Deceased Child, Male, 11 Yrs		Inadequate Guardianship	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?				
When appropriate, children were interviewed?				
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?				
Was a death-scene investigation performed?				
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?	\boxtimes			

Additional information:

There was no known contact information for the father.

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 child	dren in the
Within 24 hours?	\boxtimes			
At 7 days?	\boxtimes			
At 30 days?				

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Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	\boxtimes			
Are there any safety issues that need to be referred back to the local district?		\boxtimes		
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?			\boxtimes	
Fatality Risk Assessment / Risk Assessment	Profile			
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?				
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	\boxtimes			
Was there an adequate assessment of the family's need for services?	\boxtimes			
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?		\boxtimes		
Were appropriate/needed services offered in this case	\boxtimes			
Explain: The family accepted services referred by WCDSS.				
Placement Activities in Response to the Fatality In	avastigatio	n		
Tracement Activities in Response to the Patanty II	ivestigatio	11		
	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?				
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?				
Explain as necessary: The children were not removed.				
Legal Activity Related to the Fatality				

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

Services Provided to the Family in Response to the Fatality



CDR

Provided Offered Offered

Services	After Death	but Refused	Unknown if Used	Not Offered	Needed but Unavailable	N/A	Lead to Referral
Bereavement counseling							
Economic support							
Funeral arrangements			\boxtimes				
Housing assistance							
Mental health services							
Foster care							
Health care							
Legal services							
Family planning							
Homemaking Services							
Parenting Skills							
Domestic Violence Services			\boxtimes				
Early Intervention							
Alcohol/Substance abuse							
Child Care							
Intensive case management							
Family or others as safety resources							
Other						\boxtimes	
Additional information, if necessary: The family was accepting of counseling services that were offered to them. The mother was referred to a domestic							

The family was accepting of counseling services that were offered to them. The mother was referred to a domestic violence advocate as she had a history with the father, and funeral assistance was offered. It remained unknown if the mother utilized the services.

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 children were referred to and engaged in counseling at the time of case closure.

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

Explain:

The mother and parent substitute were engaged in counseling at the time of case closure. The mother was referred to a domestic violence program as she had a history with the father.

History Prior to the Fatality

Child Information



Did the child have a history of alleged child abuse/maltreatment?	Yes
Was the child ever placed outside of the home prior to the death?	No
Were there any siblings ever placed outside of the home prior to this child's death?	No
Was the child acutely ill during the two weeks before death?	No
CPS - Investigative History Three Years Prior to the Fatali	ty
There is no CPS investigative history in NYS within three years prior to the fatality.	
CPS - Investigative History More Than Three Years Prior to the Fatality	
5/17/17- 7/7/17 The mother was unsubstantiated for Inadequate Guardianship regarding her chil Lacerations/Bruises and Welts for the child.	dren and
Known CPS History Outside of NYS	
There was no known CPS history outside of New York.	
Legal History Within Three Years Prior to the Fatality	
Was there any legal activity within three years prior to the fatality investigation? There was	as 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)

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