



## Report Identification Number: RO-24-001

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

Issue Date: Jun 17, 2024

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:** 7 day(s)

**Jurisdiction:** Wayne  
**Gender:** Male

**Date of Death:** 01/18/2024  
**Initial Date OCFS Notified:** 01/19/2024

## Presenting Information

On 1/19/24, the death of the 7-day-old subject child was reported to OCFS by the Wayne County Department of Social Services (WCDSS) through the required 7065 Agency Reporting Form. The child was born on 1/11/24 and remained hospitalized until his death.

## Executive Summary

On 1/19/24, WCDSS was notified of the death of the 7-day-old subject child. The subject child was born on 1/11/24 and remained hospitalized until his death. At the time of his death, the subject child was listed on an open CPS investigation that was initiated on 1/11/24. There were three surviving siblings ages 10, 5 and 1 years old. The 10 and 5-year-old siblings resided with a cousin, his partner, and their children. The cousin had obtained temporary Article 6 custody. The 1-year-old sibling resided with her maternal grandmother who also had temporary Article 6 custody of the child. It was unknown where the mother and father were residing.

The subject child was listed on an open CPS investigation because at the time of his birth, he had a positive toxicology for unprescribed substances. Additionally, there were concerns that the parents were homeless and did not have proper provisions for the subject child. The investigation contained allegations against the mother and father for Inadequate Guardianship and Inadequate Food/ Clothing/ Shelter. In addition, the allegation of Parent's Drug/ Alcohol Misuse was listed against the mother.

During WCDSS' involvement with the family, it was learned the mother gave birth to the subject child on 1/11/24. The subject child was born at 32 weeks gestation and had a positive toxicology. While the subject child remained hospitalized for medical observation, it was discovered he was born with a congenital heart disease, and he would likely be hospitalized for 1-2 months and need surgery. The subject child's condition began deteriorating and it was determined surgery would not repair his heart condition. Medical staff discussed concerns with the mother and father, and it was determined the subject child would be removed from his ventilator. The subject child was pronounced deceased at the hospital on 1/18/24 at 11:14PM. At the time this report was written, it was unknown if the child's death was referred to the medical examiner's office.

Bereavement services were not discussed with the parents or the siblings. In addition, burial assistance was not discussed with either parent. Attempts to contact the parents after the fatality were unsuccessful. WCDSS received the SCR report on 1/11/24 and closed their investigation on 1/30/24.

### PIP Requirement

For citations identified in historical cases, WCDSS will submit a PIP to the Rochester Regional Office within 30 days of receipt of this report. The PIP will identify action(s) WCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, WCDSS will review the plan and revise as needed to address ongoing concerns.

## Findings Related to the CPS Investigation of the Fatality

**Safety Assessment:**

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

**Determination:**

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

**Explain:**

There was no SCR report regarding the death; therefore, there were no allegations regarding the fatality and the completion of safety assessment tools was not required.

Was the decision to close the case appropriate? Unknown

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:**

WCDSS investigated the circumstances surrounding the death and determined an SCR report was not necessary as there was no suspicion of abuse or neglect. OCFS was unable to determine if the decision to close the CPS investigation was appropriate as the siblings were said to be in the care of relatives but there was no follow up with the parents or relatives caring for the eldest siblings.

**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: 01/18/2024

Time of Death: 11:14 PM

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

County where fatality incident occurred: Monroe

Was 911 or local emergency number called? No

Did EMS respond to the scene? No

At time of incident leading to death, had child used and/or ingested alcohol or drugs? No

Child's activity at time of incident:



# Child Fatality Report

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other: Hospitalized.

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

**Children ages 0-18: 1**  
**Adults: 0**

**Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	No Role	Male	7 Day(s)
Deceased Child's Household	Father	No Role	Male	36 Year(s)
Deceased Child's Household	Mother	No Role	Female	29 Year(s)

**LDSS Response**

WCDSS completed an OCFS-7065 Agency Reporting Form on 1/19/24, after learning of the 7-day-old male child's death. There was an open CPS investigation at the time of death.

Throughout the CPS investigation, WCDSS was in communication with hospital staff regarding the subject child's medical treatment. Initially, it was believed that the child would be in the hospital for 1-2 weeks; however, further testing identified the child had a congenital heart disease that required surgery and a much longer hospital stay. Hospital staff determined that surgery would not repair the child's heart condition and discussed the concerns with the parents. The child was taken off life support and was pronounced deceased on 1/18/24 at 11:14PM. WCDSS learned from hospital staff that the child's death was due to his underlying cardiac anomalies which resulted in acute hypoxic respiratory failure. It was noted that child's exposure to illegal substances in utero did not contribute to the death.

WCDSS attempted to speak with the parents after the fatality; however, were unsuccessful. The maternal grandmother was contacted and explained the parents were homeless and were residing in their vehicle. The maternal grandmother gave contact information for the parents; however, the record did not reflect that WCDSS attempted to contact the parents after receiving the information. There were no attempts by WCDSS to see the surviving siblings or verify with the parents and family court that relatives had temporary custody of the siblings.

The CPS investigation was received on 1/11/24 and closed on 1/30/24. Bereavement services and burial assistance were not discussed with either parent. In addition, no services were offered to the siblings or their caretakers.

**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 referred to an OCFS approved Child Fatality Review Team?**No

**Comments:** Wayne County Department of Social Services does not have an OCFS approved Child Fatality Review Team.

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:**

The three surviving siblings were never observed or interviewed. It was noted that relatives had temporary custody, but this was never confirmed or explored by WCDSS.

### 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Legal Activity Related to the Fatality

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

### Services at the Time of and/or in Response to the Fatality

Services	Received	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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

**Additional information, if necessary:**  
WCDSS attempted to meet with the parents; however, were unsuccessful. The record did not reflect the parents were offered bereavement services or burial assistance. In addition, the mother reported being engaged with her own substance abuse provider. The surviving siblings were in the care of relatives through Article 6 custody.

**Were services offered to and/or received by siblings or other children in the household at the time of and/or in response to the fatality?** No

**Explain:**  
The surviving siblings were in the care and temporary custody of relatives under Article 6 custody. There were no services provided to the siblings as a result of the fatality.

**Were services offered to and/or received by parent(s) and other care givers at the time of and/or in response to the fatality?** No

**Explain:**  
The mother and father were not provided any services relating to the fatality. WCDSS attempted to make contact with the parents; however, were unsuccessful.

## History Prior to the Fatality

### Child Information

**Did the child have a history of alleged child abuse/maltreatment?** Yes  
**Was the child acutely ill during the two weeks before death?** No

### Infants Under One Year Old

**During pregnancy, mother:**

- Had medical complications / infections       Had heavy alcohol use



# Child Fatality Report

- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Had a positive toxicology at the time of delivery
- Used marijuana
- Smoked tobacco
- Used illicit drugs
- Used prescription drugs
- Was not noted in the case record to have any of the issues listed

**Infant was born:**

- With a positive toxicology
- Exhibiting withdrawal symptoms
- With fetal alcohol effects or syndrome
- 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)
01/11/2024	Deceased Child, Male, 7 Days	Mother, Female, 29 Years	Inadequate Food / Clothing / Shelter	Substantiated	Yes
	Deceased Child, Male, 7 Days	Mother, Female, 29 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 7 Days	Mother, Female, 29 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Deceased Child, Male, 7 Days	Father, Male, 36 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Deceased Child, Male, 7 Days	Father, Male, 36 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

An SCR report was received on 1/11/24, alleging the mother gave birth to the male SC. The SC's toxicology was positive for unprescribed substances, he was born at 32 weeks gestation, and he had a breathing tube. The mother admitted to using drugs during her pregnancy. The mother did not receive prenatal care. The mother and father were homeless, and they did not have provisions for the SC. The mother had three other children who were not in her care.

**Report Determination:** Indicated**Date of Determination:** 01/30/2024**Basis for Determination:**

WCDSS substantiated the allegation of IG and IF/C/S against the mother and father regarding the subject child. In addition, the allegation of PD/AM was substantiated against the mother regarding the subject child. It was confirmed the child had a positive toxicology for two substances. The mother and father were initially spoken to at the hospital, but all further attempts were unsuccessful. It was confirmed with family collaterals that the parents were evicted from their residence in November 2023 and had been residing in their car.

**OCFS Review Results:**

WCDSS spoke to the source of the report and completed a CPS history review. WCDSS and Monroe County Department of Human Services (MCDHS) attempted to interview the parents on several occasions; however, the parents did not respond to their attempts. The 10, 5 and 1yo siblings were reported in error along with the MGM. There was no documentation in the case record as to why their roles were changed. The allegations of IG and IF/C/S were inaccurately substantiated. The 7-day Safety Assessment was not completed timely. There was no confirmation from the parents that family members had temporary custody of the siblings and there was a lack of follow up with family court to verify.

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

**Issue:**

Adequacy of Progress Notes



**Summary:**

There was no documentation in the case record as to why the surviving siblings' and the maternal grandmother's roles were changed to reported in error.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

WCDSS will accurately document all casework activity into progress notes.

**Issue:**

Appropriateness of allegation determination

**Summary:**

WCDSS justified substantiating the allegation of IF/C/S and IG because they were unable to assess if the parents had provisions for the child or a residence. Per the record, a relative was prepared to provide primary care for the child. In addition, the child never left the hospital and there was no evidence that the parents did not have appropriate provisions as CWs never met the parents.

**Legal Reference:**

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

**Action:**

WCDSS will refer to the CPS Program Manual when determining the appropriateness of allegations and will consult with the Rochester Regional Office if further guidance is needed.

**Issue:**

Overall Completeness and Adequacy of Investigations

**Summary:**

The SSs were temporarily in the care of relatives under Article 6 custody. The relatives who were believed to have temporary custody of the 10 and 5yo SS's were never spoken to and it was never verified the relatives had custody. In addition, family court proceedings were scheduled prior to case closure and there was no follow up to determine if the children remained in the custody of relatives.

**Legal Reference:**

SSL 424.6 and 18 NYCRR 432.2(b)(3)

**Action:**

WCDSS will make diligent efforts to contact collaterals. If concerns have been disclosed and limited information is available, WCDSS will adequately monitor so as to respond to potential safety concerns in a timely and effective manner.

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

The case was pre-determined to the assessment of safety and risk, due to the fact that efforts were not made to assess the 10, 5 and 1yo siblings. In addition, relevant collaterals were not contacted such as the cousin and family court, to verify if the relative had custody or if the parents had visitation with the surviving siblings.

**Legal Reference:**

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

**Action:**

WCDSS will prioritize making an adequate assessment of safety and risk to all children in the household, and continue an on-going assessment of safety and risk throughout the length of the investigation.

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

The 7-Day Safety Assessment was not completed timely.



**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

WCDSS will document and approve all safety assessments within the required timeframes.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/17/2023	Sibling, Male, 9 Years	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 9 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	

**Report Summary:**

An SCR report was received and alleged that the mother and the father were away from the home for approximately 2 weeks and left the 10yo sibling in the care of the two unrelated home members. The two unrelated home members were not adequate caretakers, and despite knowing that, the parents left the sibling in their care. The sibling was running around the town vandalizing property. He spray painted an empty house and a shed in the neighborhood. In addition, the 10yo sibling was also playing with matches and gasoline. There was no running water in the home since 5/8/23, and the sibling was unable to bath or clean himself.

**Report Determination:** Unfounded

**Date of Determination:** 07/05/2023

**Basis for Determination:**

WCDSS unsubstantiated the allegation of IG against the mother and father regarding the 10yo sibling. All the children were left in the care of their maternal grandmother. The water was turned off for a period of time; however, that was during the time they were at their grandmothers. The 10yo sibling did vandalize property; however, when the mother was informed, she acted appropriately, and the child was unable to go outside without proper supervision. The 10yo denied that he set fires but admitted he spray painted a shed. The home met minimal standards, and code enforcement observed the property and noted the running water as the only issue that the parents rectified.

**OCFS Review Results:**

WCDSS immediately initiated their investigation, spoke to the source of the report and completed a CPS history check. Interviews were completed with the mother and father and 10yo sibling. An interview was attempted with the 5yo sibling, and he would not speak to CPS. There were no further attempts to interview the 5yo sibling. WCDSS communicated with collaterals such as the MGM, a neighbor, code enforcement, the 5 and 1yo siblings' pediatrician and law enforcement. The record lacked communication with the 10yo sibling's pediatrician and the mother substance abuse provider. The 7-day Safety Assessment was four days overdue and progress notes were not entered contemporaneously.

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

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

The 7-Day Safety Assessment was not completed timely.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

WCDSS will document and approve all safety assessments within the required timeframes.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

12 out of 30 progress notes were entered more than 30 days after their corresponding event date.

**Legal Reference:**



18 NYCRR 428.5

**Action:**

Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/09/2023	Sibling, Female, 7 Months	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 7 Months	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 4 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 9 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 9 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 7 Months	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 7 Months	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Father, Male, 35 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 9 Years	Father, Male, 35 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 28 Years	Lack of Supervision	Unsubstantiated	
Sibling, Male, 9 Years	Mother, Female, 28 Years	Lack of Supervision	Unsubstantiated		

**Report Summary:**

An SCR report was received and alleged the mother, father and OA were using and selling drugs from out of the home while the then 9yo, 4yo and 6-month-old were present. There were people coming and going from the home buying drugs at all hours of the day and into the night. The mother had a history of abusing substances and the mother and father continued to use drugs. In the past, the 9 and 4yo siblings were outside playing in the cold elements, dressed only in their underwear and socks. A subsequent report was received on 2/6/23 and alleged the mother and father sniffed and injected drugs while the children were present and left them accessible to the children

**Report Determination:** Unfounded

**Date of Determination:** 04/12/2023

**Basis for Determination:**

The parents denied any current drug use and denied any drug sales or activity within the home or in the presence of the



children. The mother completed a drug screen; however, it was unclear if the father completed a screen. Law enforcement was contacted and there were no incident reports involving drug activity. The 9 and 4-year-old siblings were interviewed and denied concerns for drugs use or sales in the home.

**OCFS Review Results:**

WCDSS immediately initiated their investigation, contacted the source of the report and reviewed CPS history. Upon the initial home visit the mother reported the family was suffering from a respiratory virus. The home was not observed for two days even though the mother agreed to allow CPS to observe the home. WCDSS referred the mother and father for drug screens. The mother completed her screen, but the record lacked information regarding the father's drug screen. In addition, the mother admitted to taking an old, prescribed medication that was a controlled substance and there was no follow up by CPS. Collaterals such as the mother's substance abuse provider were not contacted.

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

**Issue:**

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

**Summary:**

WCDSS did not attempt to observe the home during the initial contact despite there being allegations of drug use and sales within the home. There was lack of follow up regarding the father's drug screen leaving it unclear if he completed one. The mother admitted to taking an old prescription which was a controlled substance and there was no follow up regarding her admission.

**Legal Reference:**

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

**Action:**

WCDSS 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.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

There was no effort at gathering relevant collateral information from the mother's substance abuse provider that could have potentially provided further information regarding her compliance and progress with treatment.

**Legal Reference:**

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

**Action:**

WCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/14/2022	Sibling, Male, 8 Years	Mother, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Sibling, Male, 8 Years	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 8 Years	Mother, Female, 28 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 8 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 28	Inadequate Food / Clothing /	Unsubstantiated	



	Years	Shelter	
Sibling, Male, 4 Years	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Mother, Female, 28 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 4 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 3 Months	Mother, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 3 Months	Mother, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 3 Months	Mother, Female, 28 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 3 Months	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 8 Years	Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Male, 8 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 8 Years	Father, Male, 35 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 8 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 3 Months	Father, Male, 35 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 3 Months	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 3 Months	Father, Male, 35 Years	Lack of Supervision	Unsubstantiated
Sibling, Female, 3 Months	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

**Report Summary:**

An SCR report was received and alleged on a daily basis, the mother and father abused drugs while being the sole caretakers of the children. The parents were selling baby formula out of the home for drugs. The parents could not provide adequate care or supervision to the children when they were using drugs. The then 8 and 4-year-old siblings would often run around outside, until 11:00PM. This occurred while the parents were impaired and inside of the home. The condition of the home was atrocious as there was feces smeared on the walls of the home, dog feces on the floors, and holes in the flooring of the home.

**Report Determination:** Unfounded

**Date of Determination:** 10/07/2022

**Basis for Determination:**

WCDSS unsubstantiated the allegations of IG, IF/C/S, LS and PD/AM against the mother and father as they did not find a fair preponderance of evidence to support the allegations. The mother and father denied the allegations and appeared sober and coherent during home visits. Both parents submitted to a urine drug screen which were negative for all substances. The mother had an additional screen which was also negative. The children denied being outside late at night



and reported no concerns for the parents. The home was observed and there were no health and safety concerns identified.

**OCFS Review Results:**

WCDSS immediately initiated their investigation and reviewed CPS history. Safe sleep information was provided and discussed. Interviews were completed with the mother, father and children who were of age. WCDSS spoke with sufficient collaterals and WCDSS referred the mother and father for unannounced drug screens. Safety assessments were completed timely and accurately. The Risk Assessment Profile was reflective of case circumstances. Letters of notification were provided to all adults listed on the investigation.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/07/2022	Sibling, Male, 8 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 8 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 1 Days	Mother, Female, 27 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Days	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Substantiated	

**Report Summary:**

An SCR report was received and alleged on 6/6/22, the mother gave birth to the 1-day-old sibling. The baby was born early, at 33 weeks. The mother tested positive for unprescribed substances and the sibling's toxicology was pending. The mother admitted to using several substances. The mother also purchased medication on the street despite being prescribed the medication. The mother was unable to adequately care for the newborn sibling and her other children, ages 4 and 8, while under the influence of drugs.

**Report Determination:** Indicated

**Date of Determination:** 09/14/0022

**Basis for Determination:**

WCDSS substantiated the allegations of IG and PD/AM against the SM regarding the then 1-day-old sibling. The mother admitted to using fentanyl and believed it was mixed with cocaine. The 1-day-old sibling was born at 33 weeks gestation, experienced withdrawal symptoms and needed medication to assist with her symptoms. The allegations of IG and PD/AM were unsubstantiated against the mother regarding the then 4 and 8-year-old siblings. The mother denied substance use around the children and had a sober caretaker if she was under the influence. The mother engaged in substance abuse treatment and completed two negative drugs screens.

**OCFS Review Results:**

WCDSS immediately initiated their investigation, spoke to the source of the report and reviewed CPS history. A plan of safe care was completed, and safe sleep information was provided and discussed. WCDSS spoke with numerous collaterals such as the mother's treatment provider, pediatrician, hospital staff and a traveling nurse. In addition, WCDSS referred the mother and father for unannounced drug screens. Services were discussed with the family but declined due to the family already being established with a community agency. Safety assessments were completed timely and accurately. The RAP was reflective of case circumstances and the 1-day old sibling was referred to early intervention.

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



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

Steuben County Department of Social Services unsubstantiated the allegation of PD/AM against the mother regarding the 10yo sibling. The investigation was received on 11/24/14 and closed 1/20/15.

Steuben County Department of Social Services unsubstantiated the allegations of PD/AM and IG against the mother regarding the 10yo sibling. The case was received on 5/8/15 and closed 7/21/15.

Wayne County Department of Social Services unsubstantiated allegations of IG and LS against the mother and father. The allegations were regarding the 6yo and 10yo siblings. The case was received on 5/22/20 and closed 6/3/20.

### Preventive Services History

Steuben County Department of Social Services opened an FSS to provide supportive services to the mother and 10yo sibling. The case was opened on 5/12/15 and closed 11/10/15.

Steuben County Department of Social Services opened an FSS to provide supportive services to the mother and 10yo sibling. The case was opened on 1/30/17 and closed 6/16/17.

Wayne County Department of Social Services opened a family services intake (FSI) on 8/11/23 as the mother and father requested preventive services. During the case, family members had filed Article 6 custody for the three siblings. The parents and family members were provided community referrals and services were discussed. The parents minimally engaged with services and the case was closed due to the relatives obtaining temporary Article 6 custody of the surviving siblings. The case was closed on 11/16/23.

### 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