



## Report Identification Number: SV-20-050

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

Issue Date: May 27, 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 **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

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
Dr.-Doctor	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 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	ASTO-Allowing Sex Abuse to Occur	



## Case Information

**Report Type:** Child Deceased  
**Age:** 14 day(s)

**Jurisdiction:** Dutchess  
**Gender:** Male

**Date of Death:** 11/30/2020  
**Initial Date OCFS Notified:** 11/30/2020

## Presenting Information

An SCR report alleged that on 11/30/20, the mother was laying down breastfeeding the male subject infant and realized that the infant was not latching. When the mother looked at the infant she realized that the infant was not breathing. An unknown female called 911 at 8:45 AM. EMS and the fire department were dispatched to the residence and began CPR. Mobile life support services then responded and transported the infant to the hospital. Emergency Department staff worked on the infant for one hour before the infant's death was pronounced. The infant was otherwise healthy and the mother and father had no explanation for his death.

## Executive Summary

On 11/30/20, the Dutchess County Department of Community and Family Services (DCDCFS) received an SCR report regarding the death of the 14-day-old male subject infant that had occurred on that date. The infant resided with his mother and two siblings, ages 8 and 3. The family had been homeless in Dutchess County since February 2020 and at the time of the infant's death they were housed at a motel. The infant's father was also homeless, and he stayed in the family's motel room on the night of the incident. The father of the 8-year-old sibling was barred from contact with the mother and 8-year-old until 2023 as the result of an order of protection that was issued in 2014 following a domestic violence incident. The father of the 3-year-old sibling had been incarcerated since 2018 for unrelated charges and he had no contact with the 3-year-old.

DCDCFS coordinated investigative efforts with law enforcement upon receipt of the SCR report. An autopsy was performed; however, the final report was not yet available at the time this report was written. Law enforcement reported that the autopsy examination showed no signs of trauma and that the cause and manner of death were undetermined. The law enforcement investigation did not reveal any criminality and their case closed.

The mother and father reported that they placed the infant to sleep in a bassinet in their motel room, then the father went to sleep on one bed and the siblings slept on a second bed. The infant became fussy around 6:00 AM and the mother placed him on top of a u-shaped nursing pillow at the end of the bed the father was sleeping on. The mother sat on a cooler at the foot of the bed and she breast bed the infant. The mother fell asleep and when she woke up around 8:30 AM, her left breast was still in the infant's mouth and he was unresponsive. The father woke up and called 911 and the mother attempted to perform CPR. Neighbors entered the room and assisted the parents. EMS arrived and transported the infant to the hospital via ambulance. Resuscitative measures were unsuccessful, and the infant was pronounced deceased at 10:00 AM.

Following the infant's death, the family temporarily stayed with a family member and then the mother returned to the motel and the siblings stayed with their stepmother from December 2020-February 2021. The siblings were assessed to be safe in the care of the relatives.

DCDCFS substantiated the allegation of Inadequate Guardianship against the mother for placing the infant on a nursing pillow on the bed and nursing the infant while she was tired due to her self-reported sleeping condition, resulting in her falling asleep with her breast in the premature infant's mouth. The allegation of Inadequate Food/Clothing/Shelter was substantiated against the mother regarding all three children due to the mother's history of homelessness since August 2018, despite having a Section 8 voucher since November 2020, and against both parents due to the motel room being unsafe and unsanitary for the children. The allegation of Educational Neglect was substantiated against the mother



regarding the 8-year-old sibling due to the sibling not attending school since December 2019. Allegations of DOA/Fatality were unsubstantiated due to a lack of credible evidence that the parents' actions caused the infant's death. The parents were referred for mental health and grief counseling and they were provided with funeral assistance.

The case was opened for Preventive Services on 1/6/21. In March 2021, DCDCFS learned that the mother was no longer compliant with substance abuse treatment, she tested positive for illegal substances, her mental health had become unstable and the sibling still had not attended school. On 3/26/21, an Article 10 Neglect Petition was filed, and the siblings were placed in Foster Care. On 4/14/21 the siblings were placed with the maternal grandmother under Article 1017, and they remained in her custody at the time of this report.

### PIP Requirement

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

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
  - **Approved Initial Safety Assessment?** Yes
  - **Safety assessment due at the time of determination?** Yes
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** Yes

### Determination:

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

### Explain:

Credible evidence was gathered to substantiate the allegations and the case was opened for Preventive Services.

**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:

Casework activity was commensurate with best casework practice.



### 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: 11/30/2020

Time of Death: 10:00 AM

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

Unknown

County where fatality incident occurred:

Dutchess

Was 911 or local emergency number called?

Yes

Time of Call:

08:45 AM

Did EMS respond to the scene?

Yes

At time of incident leading to death, had child used alcohol or drugs?

N/A

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

How long before incident was the child last seen by caretaker? 2 Hours

At time of incident was supervisor impaired? Not impaired.

At time of incident supervisor was:

Distracted

Absent

Asleep

Other:

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	Male	14 Day(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	26 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	8 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	3 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	31 Year(s)
Other Household 2	Other Adult - 3-year-old Sibling's Father	No Role	Male	25 Year(s)
Other Household 3	Other Adult - 8-year-old Sibling's Father	No Role	Male	28 Year(s)



## LDSS Response

DCDCFS investigated the incident by searching SCR history and speaking to the source of the report, the mother, father, siblings, and the siblings' fathers. They made collateral contacts with neighbors, family members, law enforcement, EMS, the medical examiner, school staff, the pediatrician, the family's housing and Section 8 workers and the mother's substance abuse treatment provider.

During interviews with the mother and father they reported that the infant was born premature at 37 weeks gestation. The infant was healthy, and he had not sustained any injuries. They stated that on 11/30/20 at 2:00 AM, the mother bathed the infant and swaddled him with a blanket, then the father placed him on his back to sleep in a bassinet. The siblings were sleeping when the father went to sleep between 5:30 and 6:00 AM. The mother shared that she had a sleeping condition that caused her to have trouble sleeping at night and she would nap during the day while the father cared for the children.

The mother stated that around 6:00 AM the infant became fussy and she took him out of the bassinet and placed him on a u-shaped nursing pillow at the end of the bed that the father was sleeping on. The mother pulled a cooler up to the bed, placed a pillow on top of the cooler so that she was level with the bed, and she sat on the cooler. The mother laid the top half of her body on the bed and she began to breastfeed the infant. The mother said she must have dozed off because when she woke up around 8:30 AM, her breast was still in the infant's mouth. When she removed her breast, she saw that there was milk coming out of the infant's nose and he was not breathing. The mother started screaming, which woke up the father and siblings. The mother said she blew air into the infant's mouth and milk came out. She used an infant nasal aspirator to clean out the infant's nose and mouth. Two neighbors heard the mother screaming and they entered the room. The father called 911 and one of the neighbors brought the siblings to her motel room while the other neighbor followed the 911 dispatcher's instructions for CPR.

The 8-year-old sibling stated that he woke up when the mother screamed and his mother said she was breastfeeding the infant. Attempts to interview the 3-year-old sibling were unsuccessful. A neighbor reported hearing the mother screaming and when she entered the room, she observed that the infant was unresponsive. She said she performed CPR until EMS arrived. When she pressed on the infant's chest, she could hear milk in the infant's lungs. A second neighbor reported that she was sleeping when she received a phone call and she could hear the 8-year-old sibling telling her that the infant was dead and adults yelling for her to come to their room. When the neighbor entered the room, she saw the other neighbor performing CPR and the infant appeared deceased. She took the siblings to her room to remove them from the situation. She said the 8-year-old sibling told her that the mother fell asleep while feeding the infant and milk came out of the infant. She reported having ongoing concerns for the condition of the motel room.

Following the incident, the mother's substance abuse treatment provider reported that the mother had been compliant with treatment and she had only tested positive for prescribed medication. First responders denied that the parents appeared to be under the influence and they reported that the motel room was cluttered. Hospital records showed that the infant arrived pulseless and a physical examination revealed no bruising. The records further stated that the infant was declared deceased from cardiopulmonary arrest.

## Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** Pending

**Person Declaring Official Manner and Cause of Death:** Medical Examiner

## 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: Dutchess County does not have an OCFS approved Child Fatality Review Team.

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
057157 - Deceased Child, Male, 14 Days	057161 - Father, Male, 31 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057157 - Deceased Child, Male, 14 Days	057158 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057157 - Deceased Child, Male, 14 Days	057158 - Mother, Female, 26 Year(s)	DOA / Fatality	Unsubstantiated
057157 - Deceased Child, Male, 14 Days	057161 - Father, Male, 31 Year(s)	DOA / Fatality	Unsubstantiated
057157 - Deceased Child, Male, 14 Days	057158 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
057157 - Deceased Child, Male, 14 Days	057161 - Father, Male, 31 Year(s)	Inadequate Guardianship	Unsubstantiated
057159 - Sibling, Male, 8 Year(s)	057158 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057159 - Sibling, Male, 8 Year(s)	057161 - Father, Male, 31 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057159 - Sibling, Male, 8 Year(s)	057158 - Mother, Female, 26 Year(s)	Educational Neglect	Substantiated
057160 - Sibling, Male, 3 Year(s)	057158 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057160 - Sibling, Male, 3 Year(s)	057161 - Father, Male, 31 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information:**

The fathers of the siblings were interviewed over the phone.

### Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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### Fatality Risk Assessment / Risk Assessment Profile

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



**Explain:**

Risk to the siblings was assessed and an Article 10 Neglect Petition was filed to obtain court ordered services.

**Placement Activities in Response to the Fatality Investigation**

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Explain as necessary:</b>                      The siblings were removed and placed in Foster Care on 3/26/21, then placed in the maternal grandmother's custody under Article 1017 on 4/14/21.</p>				

**Legal Activity Related to the Fatality**

Was there legal activity as a result of the fatality investigation?

Family Court

Criminal Court

Order of Protection

**Family Court Petition Type: FCA Article 10 - CPS**

Date Filed:	Fact Finding Description:	Disposition Description:
03/26/2021	There was not a fact finding	There was not a disposition
<b>Respondent:</b>	057158 Mother Female 26 Year(s)	
<b>Comments:</b>	On 3/26/21, an Article 10 Neglect Petition was filed against the mother and the siblings were placed in Foster Care. The siblings were placed in the custody of the maternal grandmother under Article 1017 on 4/14/21. The petition was pending in Family Court at the time this report was written.	

**Services Provided to the Family in Response to the Fatality**

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>					



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

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? Yes

Explain:

The oldest sibling was referred for mental health and grief counseling.

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

Explain:

The mother and father were referred for mental health services, grief counseling, and funeral assistance.

## History Prior to the Fatality

### Child Information

- Did the child have a history of alleged child abuse/maltreatment? No
- 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

### Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- Used illicit drugs

Infant was born:



Drug exposed

With fetal alcohol effects or syndrome

With neither 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)
11/04/2020	Sibling, Male, 7 Years	Mother, Female, 26 Years	Educational Neglect	Substantiated	No

### Report Summary:

An SCR report alleged that the oldest sibling had not received any type of education since December 2019. The mother was aware but failed to adequately address the situation.

**Report Determination:** Indicated

**Date of Determination:** 01/08/2021

### Basis for Determination:

The family had been homeless in Dutchess County since February 2020 and the oldest sibling was last registered and attended school in Albany County in December 2019. The mother reported that she was unable to register the sibling due to the family's homelessness and being moved from shelter to shelter. The mother acknowledged being aware of McKinney's law, which requires districts to enroll children who are homeless. The mother took no steps to register the sibling in school until CPS became involved. The case was opened for Preventive Services.

### OCFS Review Results:

DCDCFS made numerous attempts to meet with the mother face-to-face at the motel where the family was being housed. DCDCFS spoke to the mother on the phone on three occasions and she was not home for the scheduled home visits. On 11/13/20, the mother allowed CPS to speak briefly to the siblings at the door of the motel and she refused to allow CPS into the room. On 11/18/20, the subject infant was born premature and the mother and infant were seen at the hospital. The mother refused to cooperate with CPS and several home visits were unsuccessful after the infant was discharged. The mother cooperated with CPS after the infant passed away on 11/30/20, and she agreed to Preventive Services.

**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)
08/21/2020	Sibling, Male, 7 Years	Mother, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 7 Years	Mother, Female, 25 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 3 Years	Mother, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 3 Years	Mother, Female, 25 Years	Lack of Supervision	Unsubstantiated	

### Report Summary:

An SCR report alleged that the mother regularly left the two siblings alone and unsupervised for unknown lengths of time. The siblings were too young and immature to be left alone and the oldest sibling was not an appropriate caretaker for the youngest sibling. Sometimes the oldest sibling wandered alone throughout the building and outside. The mother had been confronted with concerns on multiple occasions, but the situation was ongoing. A subsequent SCR report received on 8/22/20 alleged the siblings were alone and unsupervised on that date and the mother was nodding on and off and appeared to be under the influence of illegal substances.

**Report Determination:** Unfounded

**Date of Determination:** 10/19/2020

### Basis for Determination:

The mother denied that she left the siblings unsupervised in the motel room where they were residing. She reported that a neighbor watched the siblings for her. The siblings denied that they were left unsupervised or that the mother used drugs.



The siblings were assessed to be safe and the oldest sibling was registered and attending school. The mother was engaged in a Methadone treatment program and on 8/26/20, the mother tested negative for all nonprescribed substances. There was no evidence gathered that the mother was using illegal substances or failing to properly supervise the siblings. The mother was working to obtain Section 8 housing in Orange County and the case was closed.

**OCFS Review Results:**

DCDCFS interviewed the mother and siblings and they spoke to housing staff, the mother's housing worker, and a friend. Attempts to speak to the oldest sibling's father were unsuccessful. Safety Assessments and the RAP were completed timely and accurately. Notice of Existence of the report was provided to the mother and oldest sibling's father. Notice of Existence was not provided to the youngest sibling's father and attempts to contact him were not documented.

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

**Issue:**

Failure to provide notice of report

**Summary:**

The father of the youngest sibling was not provided with Notice of Existence of the report and attempts to contact him were not documented.

**Legal Reference:**

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

**Action:**

DCDCFS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/28/2020	Sibling, Male, 7 Years	Mother, Female, 25 Years	Educational Neglect	Substantiated	Yes
	Sibling, Male, 7 Years	Mother, Female, 25 Years	Lack of Medical Care	Substantiated	

**Report Summary:**

An SCR report alleged that the oldest sibling had missed 23 days of school in the 2019-2020 school year and he was failing as a result. In addition, the sibling was to receive counseling and occupational therapy services when he was in school. As a result of the absences, the sibling was not receiving these services. The mother was aware but failed to address the situation. A subsequent SCR report was received on 2/27/20 and alleged that two weeks prior the mother and siblings moved into a shelter. Despite having the paperwork, the mother failed to enroll the oldest sibling in school.

**Report Determination:** Indicated

**Date of Determination:** 04/01/2020

**Basis for Determination:**

The mother resided with relatives in Albany County until she went to Dutchess County to attend a funeral in December 2019 and she never returned to Albany County. The mother and siblings stayed with relatives in Dutchess until 2/20/20 when they were housed in an emergency shelter. The family was moved to several different shelters due to the mother not complying with the rules. The mother failed to enroll the oldest sibling in school in Dutchess County. Schools closed in March due to a pandemic and the mother was unable to register the sibling at that time. The sibling had not attended school since December, causing him to fail the school year and not receive his school-based services.

**OCFS Review Results:**

DCDCFS interviewed the mother, stepmother and the oldest sibling. They spoke to extended family members, school staff and the housing worker. Safety Assessments and the RAP were completed timely and accurately. The fathers of the siblings were not provided with Notice of Existence of the report and attempts to contact them were not documented.

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

**Issue:**

Failure to provide notice of report

**Summary:**

The fathers of the siblings were not provided with Notice of Existence of the report and attempts to contact them were not documented.

**Legal Reference:**

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

**Action:**

DCDCFS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/02/2019	Sibling, Male, 6 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 6 Years	Stepmother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Stepmother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 2 Years	Stepmother, Female, 23 Years	Lack of Supervision	Unsubstantiated	

**Report Summary:**

An SCR report received by Orange County Department of Social Services (OCDSS) alleged that on 8/2/19, the mother and stepmother had a physical altercation in the presence of the siblings. The family was in the lunch room of the homeless shelter. The mother and stepmother were verbally arguing and it escalated. The adults were throwing chairs around the room. The siblings did not sustain any injuries. A subsequent SCR report received on 8/28/19 alleged that on 8/27/19, the mother and stepmother left the youngest sibling unsupervised in the motel room for approximately 15 minutes while they engaged in an argument in the parking lot.

**Report Determination:** Unfounded

**Date of Determination:** 10/09/2019

**Basis for Determination:**

The mother and stepmother denied that their argument became physical. They reported that they were arguing and the stepmother shoved the chair out of the way, she did not throw the chair. The oldest sibling denied that the stepmother threw the chair and he was not afraid of either parent. Following the incident, the family was moved to a motel and then another homeless shelter. The family was not interviewed regarding the subsequent report. On 9/21/19, the mother and stepmother separated and the mother and siblings moved into the maternal grandmother's home in Albany County. Albany County CPS was unsuccessful in their attempts to make contact with the mother and siblings.

**OCFS Review Results:**

OCDSS interviewed the mother, stepmother and oldest sibling, and spoke to shelter staff and the siblings' pediatrician. The two shelters and the motel were assessed to be safe. Safety Assessments and the RAP were completed timely and accurately. Although the fathers of the siblings were added to the case, they were not provided with Notice of Existence of the report and attempts to contact the youngest sibling's father were not documented. Attempts to contact the oldest sibling's father were unsuccessful.

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

**Issue:**

Failure to provide notice of report

**Summary:**

Although the fathers of the siblings were added to the case, they were not provided with Notice of Existence of the report and attempts to contact the youngest sibling's father were not documented.

**Legal Reference:**



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

**Action:**

OCDSS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

**PIP Requirement:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/27/2019	Sibling, Male, 6 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 6 Years	Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 6 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 6 Years	Stepmother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Years	Stepmother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report received by Orange County Department of Social Services alleged the mother and stepmother were abusing drugs and getting high and impaired around the siblings. Three weeks prior the mother went to jail and the mother left the siblings in the care of the stepmother. The stepmother continued to abuse drugs and allowed other people to use drugs with her around the siblings. The stepmother was not changing the youngest sibling's diapers regularly. As a result, the youngest sibling had diaper rashes.

**Report Determination:** Unfounded

**Date of Determination:** 08/01/2019

**Basis for Determination:**

The mother was incarcerated for theft at the time of the intake and the siblings remained in a homeless shelter with the stepmother. The stepmother denied using drugs and she reported she was regularly drug tested for her job. Staff at the shelter denied any concerns that the stepmother was using drugs. The case remained open for Preventive Services.

**OCFS Review Results:**

OCDSS interviewed the mother, stepmother and extended family members and spoke to shelter staff and school staff. They assessed the shelter to be safe for the siblings. Safety Assessments and the RAP were completed timely and accurately. Notice of Existence was provided to the required adults.

**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)
03/29/2019	Sibling, Male, 6 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 6 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated	

**Report Summary:**

An SCR report received by Orange County Department of Social Services alleged that the mother was not adequately supervising the oldest sibling. The mother was aware that the sibling had access to a knife and brought it to school. The sibling cut school bus seats and displayed the knife to other students. The sibling was too young to have access to sharp objects and the mother was not supervising the sibling adequately or checking his belongings to see if he was taking them to school.

**Report Determination:** Unfounded**Date of Determination:** 05/24/2019**Basis for Determination:**

The oldest sibling took a knife to school and he was suspended for 5 days. The mother and stepmother denied that the sibling had access to knives at home and it was unable to be determined how the sibling obtained the knife. The sibling received counseling in school and the mother and stepmother began to check the sibling's backpack each morning before school. The family resided in a homeless shelter and the case remained open for Preventive Services.

**OCFS Review Results:**

OCDSS interviewed the mother and stepmother as well as school staff and the family's Preventive Services worker. The oldest sibling was not interviewed about the allegations. Safety Assessments and the RAP were completed timely and accurately. Notice of Existence was provided to the required adults.

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

**Issue:**

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

**Summary:**

The oldest sibling was not interviewed about the allegations of the report.

**Legal Reference:**

18 NYCRR 432.1 (o)

**Action:**

OCDSS will make face-to-face contacts with a child and/or a child's parents or guardians, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

**PIP Requirement:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/08/2019	Sibling, Male, 6 Years	Mother, Female, 24 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 6 Years	Mother, Female, 24 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 24 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 6 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 6 Years	Stepmother, Female, 22 Years	Lack of Supervision	Substantiated	
	Sibling, Male, 2 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Substantiated	



Sibling, Male, 2 Years	Stepmother, Female, 22 Years	Lack of Supervision	Substantiated
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**Report Summary:**

An SCR report received by Orange County Department of Social Services alleged that on 2/7/19, the mother engaged in a physical altercation with another woman in the presence of the siblings. The mother was angry and out of control during the altercation; punching, pulling hair and wrestling. The mother and the other woman fell on top of the youngest sibling while he was in his stroller. It was unknown if the siblings sustained any injuries as a result of the altercation.

**Report Determination:** Indicated**Date of Determination:** 05/23/2019**Basis for Determination:**

On 2/8/19, the mother engaged in a physical altercation with another woman in the presence of the siblings. The stepmother was present and she was inciting the fight. During the altercation the mother and other woman fell into the youngest sibling's stroller, knocking it over and causing the sibling to sustain a scratch to his face. The stepmother picked up the sibling without checking to make sure he was ok and she continued to instigate the fight. Both adults placed the siblings at risk of harm and failed to protect them. The youngest sibling often wandered off when not properly supervised and the oldest sibling was left to care for the youngest sibling during the altercation.

**OCFS Review Results:**

OCDSS interviewed the mother, stepmother and oldest sibling and observed the youngest sibling. OCDSS contacted the Preventive Services caseworker and witnesses to the incident. Safety assessments and the RAP were completed accurately and timely. Notice of Existence was provided to the required adults. The case remained open for Preventive Services.

**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)
11/12/2018	Sibling, Male, 5 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated	Yes
	Sibling, Male, 1 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated	

**Report Summary:**

An SCR report received by Orange County Department of Social Services alleged that the mother left the siblings unsupervised in common areas of the shelter where the family resided. The mother left the siblings and went back to her unit by herself. The mother was told numerous times that she could not leave the children unattended, but she continued to do it. On 11/12/18, one of the siblings was climbing on a wall and fell. The sibling was not injured, but could have been. The mother was often heard screaming curse words at the siblings.

**Report Determination:** Unfounded**Date of Determination:** 01/28/2019**Basis for Determination:**

The mother denied leaving the siblings unsupervised. The mother was having a difficult time caring for the siblings on her own at the shelter, but she was providing a minimum degree of care. The mother obtained housing with the stepmother, who assisted the mother with caring for the siblings. The mother was receptive to assistance from OCDSS and she was engaged in Preventive Services, substance abuse treatment and mental health treatment.

**OCFS Review Results:**

OCDSS interviewed the mother, stepmother, shelter staff and the oldest sibling and they assessed the siblings to be safe throughout the investigation. OCDSS contacted the mother's Preventive Services worker and her treatment provider. Safety Assessments and the RAP were completed timely and accurately. The siblings' fathers were added to the case although they were not provided with Notice of Existence and no attempts to contact them were documented.

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

**Issue:**

Failure to provide notice of report

**Summary:**



Although the fathers of the siblings were added to the case, they were not provided with Notice of Existence of the report and attempts to contact them were not documented.

**Legal Reference:**

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

**Action:**

OCDSS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

**PIP Requirement:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/30/2018	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Lack of Supervision	Unsubstantiated	

**Report Summary:**

An SCR report received by Orange County Department of Social Services alleged for the previous week the mother and stepmother failed to provide adequate housing and or a plan for housing for the siblings. The mother and stepmother did not have any money and did not have access to provide food to the siblings. The mother failed to provide adequate supervision of the siblings. As a result, the youngest sibling fell off the bed and sustained an injury to his back and on a separate date, the youngest sibling had possession of a sharp knife.

**Report Determination:** Unfounded

**Date of Determination:** 11/28/2018

**Basis for Determination:**

The family was staying with friends until they found shelter at an emergency housing shelter. The family then went to reside with the maternal great-grandmother. The mother and stepmother had food for the siblings and the mother denied leaving the siblings unsupervised. The case remained open for Preventive Services.

**OCFS Review Results:**

OCDSS interviewed the mother and stepmother and assessed the siblings' safety throughout the investigation. Relevant collateral contacts were made. The stepmother was not listed as a secondary caretaker on the RAP despite being a regular and consistent caretaker for the siblings and the mother's mental health diagnoses were omitted from the RAP. Although the fathers of the siblings were added to the case, they were not provided with Notice of Existence of the report and attempts to contact them were not documented.

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

**Issue:**

Adequacy of Risk Assessment Profile (RAP)

**Summary:**

The stepmother was not listed as a secondary caretaker on the RAP despite being a regular and consistent caretaker for the siblings and the mother's mental health diagnoses were omitted from the RAP.

**Legal Reference:**

18 NYCRR 432.2(d)

**Action:**

OCDSS will reflect the current caretakers of children in risk assessments, and assess and document each respective risk element identified into the Risk Assessment Profile.

**PIP Requirement:**

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

**Issue:**

Failure to provide notice of report

**Summary:**

Although the fathers of the siblings were added to the case, they were not provided with Notice of Existence of the report and attempts to contact them were not documented.

**Legal Reference:**

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

**Action:**

OCDSS will make diligent efforts to contact absent parent(s) of children named in a report and will send a Notice of Existence letter if contact information is available within seven days of receipt of the report.

**PIP Requirement:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/10/2018	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Far-Closed	Yes
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed	



Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Far-Closed
Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed
Sibling, Male, 5 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed
Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Far-Closed
Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Far-Closed
Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Parents Drug / Alcohol Misuse	Far-Closed
Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Far-Closed
Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Far-Closed
Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Parents Drug / Alcohol Misuse	Far-Closed

**Report Summary:**

An SCR report received by Orange County Department of Social Services was tracked FAR that alleged that the family resided in a hotel room that was in deplorable condition. The mother and stepmother failed to address the situation, creating a health and safety hazard for the siblings. The mother and stepmother abused alcohol and the mother abused drugs to the point of impairment while caring for the siblings. In the past, the mother and stepmother engaged in physical altercations in the presence of the siblings.

**OCFS Review Results:**

The hotel room was assessed to be cluttered and dirty, but was not a safety hazard to the siblings. The family moved into an emergency housing shelter which was assessed to be safe. The mother was engaged in substance abuse treatment and the family had an open Preventive Services case. The FAR case was closed when a subsequent SCR report was received. The FLAG was completed as required. The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

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

**Issue:**

FAR-Failure to Provide Notice of Report

**Summary:**

The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

**Legal Reference:**

18 NYCRR 432.13 (e)(2)(i)(a)-(d)

**Action:**

No later than seven days after receipt of a child protective report that has been assigned to the FAR track, and within seven days of closing a FAR case, the child protective service must provide written notification to every parent, guardian or other person legally responsible for the child or children named in the report.

**PIP Requirement:**

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



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
06/26/2018	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Far-Closed	Yes
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Lack of Medical Care	Far-Closed	
	Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	Sibling, Male, 1 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 22 Years	Lack of Medical Care	Far-Closed	

**Report Summary:**

SCR reports received by Orange County Department of Social Services and tracked FAR alleged that the home was unsanitary and the mother and stepmother failed to adequately address the situation. The family was being evicted from their home and the mother and stepmother had not found alternative housing. The stepmother smoked marijuana in the presence of the children. The mother had a history of mental health concerns and she was refusing therapy and she was inconsistent with taking her medication. The mother and stepmother engaged in altercations in the presence of the siblings. The oldest sibling had mental health concerns and needed an evaluation.

**OCFS Review Results:**

OCDCSS assessed the home to be in disarray and cluttered at times and the family was evicted and moved into a hotel. Collaterals confirmed that the mother, stepmother and oldest sibling had mental health concerns and they were not engaged in mental health services. The mother was on Probation and engaged in substance abuse treatment and the mother and stepmother worked with Healthy Families and Preventive Services to meet the siblings' needs. The FLAG was completed as required. The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

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

**Issue:**

FAR-Failure to Provide Notice of Report

**Summary:**

The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

**Legal Reference:**

18 NYCRR 432.13 (e)(2)(i)(a)-(d)

**Action:**



No later than seven days after receipt of a child protective report that has been assigned to the FAR track, and within seven days of closing a FAR case, the child protective service must provide written notification to every parent, guardian or other person legally responsible for the child or children named in the report.

**PIP Requirement:**

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/03/2018	Sibling, Male, 1 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	Yes
	Sibling, Male, 1 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Excessive Corporal Punishment	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Lacerations / Bruises / Welts	Far-Closed	
	Sibling, Male, 1 Years	Stepmother, Female, 21 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 1 Years	Stepmother, Female, 21 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 21 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 21 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 21 Years	Inadequate Food / Clothing / Shelter	Far-Closed	

**Report Summary:**

An SCR report received by Orange County Department of Social Services was tracked FAR and alleged that the mother and unknown adults were aware the home was in deplorable conditions and posed a health and safety risk to the oldest sibling. The oldest sibling additionally lit a fire in the bathroom garbage and it was unknown if he was injured. SCR reports received on 4/10/18 and 5/6/18 alleged concerns that the mother utilized excessive corporal punishment on the oldest sibling and that the mother and stepmother were using marijuana and alcohol to the point of impairment and engaging in physical altercations in the presence of the siblings.

**OCFS Review Results:**

OCDSS assessed the home to be in disarray and cluttered at times. OCDSS confirmed that the mother and stepmother were working with Probation and Healthy Families, the mother was engaged in substance abuse treatment and the stepmother was engaged in mental health counseling. The youngest sibling was referred for Early Intervention services and the oldest sibling was referred for a mental health evaluation due to behavioral concerns. The Flag was completed as



required and the case was opened for Preventive Services. The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

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

**Issue:**  
FAR-Failure to Provide Notice of Report

**Summary:**  
The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

**Legal Reference:**  
18 NYCRR 432.13 (e)(2)(i)(a)-(d)

**Action:**  
No later than seven days after receipt of a child protective report that has been assigned to the FAR track, and within seven days of closing a FAR case, the child protective service must provide written notification to every parent, guardian or other person legally responsible for the child or children named in the report.

**PIP Requirement:**  
OCDSS will submit a PIP to the Westchester Regional Office within 30 days of receipt of this report. The PIP will identify action(s) OCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, OCDSS will review the plan and revise as needed to address ongoing concerns.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
01/02/2018	Sibling, Male, 11 Months	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	Yes
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 11 Months	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 5 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Far-Closed	
	Sibling, Male, 11 Months	Stepmother, Female, 21 Years	Inadequate Guardianship	Far-Closed	
	Sibling, Male, 5 Years	Stepmother, Female, 21 Years	Inadequate Guardianship	Far-Closed	

**Report Summary:**  
An SCR report received by Orange County Department of Social Services was tracked FAR and alleged that the mother and stepmother failed to provide a clean home environment for the siblings and there was no food in the home. The mother smoked marijuana and used her money to support her drug habit. The siblings were dirty and unkempt.

**OCFS Review Results:**  
The home was observed to be free from safety hazards and it was determined the siblings' needs were being met. Collaterals confirmed that the mother was discharged from a substance abuse treatment program for non-compliance. The mother and stepmother were actively working with probation and Healthy Families and the mother was referred for mental health counseling. The FLAG was completed as required. The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

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

**Issue:**  
FAR-Failure to Provide Notice of Report

**Summary:**



The fathers of the siblings were not provided with written notification of receipt of the FAR case or FAR closing letter.

**Legal Reference:**

18 NYCRR 432.13 (e)(2)(i)(a)-(d)

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

5/2/13 and 8/27/14 SCR reports were both substantiated for the allegation of Inadequate Guardianship against the 8-year-old sibling's father regarding the 8-year-old sibling.

10/24/16 SCR report with the allegations of Inadequate Guardianship and Lack of Supervision against the mother and maternal aunt regarding the 8-year-old sibling was tracked FAR.

5/28/17 and 6/18/17 SCR reports with the allegations of Inadequate Guardianship and Lack of Supervision against the mother and stepmother regarding both siblings and the allegation of Child's Drug/Alcohol Misuse against the stepmother regarding the 8-year-old sibling were tracked FAR.

7/29/17 SCR report with the allegations of Inadequate Guardianship and Parent's Drug/Alcohol Misuse against the mother regarding both siblings was tracked FAR.

11/7/17 SCR report with the allegation of Inadequate Guardianship against the mother and stepmother regarding both siblings and the allegations of Lack of Supervision and Parent's Drug/Alcohol Misuse against the mother regarding both siblings was tracked FAR.

### Known CPS History Outside of NYS

There is no known CPS history outside of New York State.

### Preventive Services History

A Preventive Services case was opened with DCDCFS from 1/26/17-6/5/17 after the mother and two siblings were kicked out of emergency housing due to the mother's assault of another resident. The family was able to obtain stable housing. The mother's mental health became unstable and she was referred to mental health services and Healthy Families. The mother began receiving services from the Employment and Training Administration and Healthy Families and the case closed.

A Preventive Services case was opened with OCDSS from 6/15/18-9/27/18 to assist the mother with obtaining stable housing and employment, to address the mother and stepmother's substance abuse concerns and to assist in obtaining mental health services for the mother, stepmother and 8-year-old sibling. The mother was engaged in substance abuse



treatment, but did not engage with mental health services. The family moved in with the maternal grandmother in Albany County and the case closed.

### 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