



Report Identification Number: SY-15-013

Prepared by: Syracuse Regional Office

Issue Date: 2/8/2016

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
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
CPR-Cardio-pulmonary Resuscitation		
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-Others	
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		

Case Information



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Report Type: Child Deceased
Age: 10 month(s)

Jurisdiction: Oneida
Gender: Female

Date of Death: 04/17/2012
Initial Date OCFS Notified: 03/25/2015

Presenting Information

A 3/25/15 SCR report alleged that three years ago the mother abused alcohol and drugs and was slurring her words and incoherent. During that time, the mother took the SC (age 9 months) downstairs to co-sleep on a couch in the living room. While co-sleeping, the mother smothered the SC and woke up to find the SC unresponsive. The SC had no preexisting health conditions prior to death. The father was incarcerated at that time. Shortly after the SC's death, the father returned to the home and was abusing drugs along with the mother. As a result, there was a fire in the home due to the parents manufacturing methamphetamine. Siblings (ages 5 and 6) were not harmed. The father allowed his son who visited the home (age 17) to abuse illegal drugs and have sex with teenage girls. The mother and father also abused crack cocaine and alcohol daily to the point of being incoherent. On 3/21/15 there was a domestic violence incident between mother and father in the presence of the siblings

Executive Summary

This review concerns an SCR report dated 3/25/15 regarding a child fatality that occurred on 4/17/12. The subject child's fatality was reported to the SCR at the time of the incident. OCFS reviewed the case and Report #93-2012-00016 was issued on 1/23/13.

During the original 4/17/12 report, OCDSS determined that the mother of the SC had co-slept with the child on a couch and had found the child unresponsive the next morning, wedged into a couch cushion. Emergency medical services were called and the child was later pronounced deceased. Autopsy listed the Cause and Manner of death as undetermined but referenced a history of co-sleeping. The surviving siblings were assessed as safe and were not removed from their home. OCDSS unsubstantiated the allegation of DOA/Fatality but substantiated IG against the mother. The biological father was incarcerated at the time of SC's death and was determined to have no role in the fatality. The report was Indicated and closed.

During the investigation of the 3/25/15 SCR report, safety and risk were adequately assessed on an ongoing basis throughout the case. The surviving siblings (5 and 6-year old males) and half-sibling (14-year old female) in the household were assessed as safe and remained in their parents' care and custody. The half-sibling (17-year old male) who visited the home was also assessed as safe and remained in the care of an aunt and uncle, with whom he resided. Three other half-siblings (16-year old male, 17-year old female and 19-year old male) were not residing in the home or involved with the current report. The 17-year old female half-sibling, who resides with an aunt and aunt's paramour, has extensive CPS history within the last three years that was reviewed and included in this report. OCDSS found no new credible evidence related to the fatality during the current investigation. OCDSS unsubstantiated the allegations of DOA/Fatality, CDRG, IG, PDRG, and SA. Community services were offered to the family, which the family declined. The report was unfounded and closed on 7/10/15.

OCDSS's casework activities were commensurate with case circumstances. However, based on a re-review of the 2012 case as part of the CPS history, along with the lack of any new evidence found during the 2015 investigation, the allegation of DOA/Fatality should have been substantiated in both cases as sufficient credible evidence was found and documented to support this determination. Further, the allegation of IG should have been substantiated in the 2015 report as it was appropriately in 2012.



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? No

Explain:

No additional comments.

Was the decision to close the case appropriate? Yes

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

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

Explain:

Case Closing activities were appropriate.

Required Actions Related to the Fatality

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

Issue:	Appropriateness of allegation determination
Summary:	The allegations of DOA/Fatality and IG against the mother regarding the SC should have been substantiated based on evidence gathered during the original 2012 fatality investigation. No new evidence was found in the current report.
Legal Reference:	18 NYCRR 432.2(b)(3)(iii)(c)
Action:	OCDSS will develop a plan to insure that appropriate allegation determinations are made by caseworkers and their supervisors.

Fatality-Related Information and Investigative Activities

Incident Information



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Date of Death: 04/17/2012

Time of Death: Unknown

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

County where fatality incident occurred:

ONEIDA

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown

Did EMS to respond to the scene?

Yes

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

Child's activity at time of incident:

- Sleeping
- Playing
- Other

- Working
- Eating

- Driving / Vehicle occupant
- Unknown

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

Is the caretaker listed in the Household Composition? Yes - Caregiver

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At time of incident supervisor was:

- Drug Impaired
- Alcohol Impaired
- Distracted
- Impaired by disability
- Absent
- Asleep
- Impaired by illness
- Other:

Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	11 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	44 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	33 Year(s)
Deceased Child's Household	Sibling	No Role	Female	14 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	6 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	5 Year(s)
Other Household 2	Sibling	Alleged Victim	Male	17 Year(s)
Other Household 3	Sibling	No Role	Female	17 Year(s)
Other Household 4	Sibling	No Role	Male	16 Year(s)
Other Household 5	Sibling	No Role	Male	19 Year(s)



LDSS Response

OCDESS's response to the actual 2012 fatality is summarized in detail in OCFS Report #93-2012-00016.

Regarding the 3/25/15 SCR report - OCDESS coordinated the investigation with law enforcement appropriately. Home visits were conducted and all parties were interviewed regarding the allegations. OCDESS found no new evidence regarding the fatality that would change the original determination. OCDESS examined evidence from collateral contacts that was obtained during the 2012 investigation, and also obtained additional information such as the original 911/CAD and autopsy reports. Safety and risk assessments were completed on an ongoing basis and accurately reflected the documented case activities and information gathered. There was documentation of supervisory consultation at various points throughout the investigation. All children involved in the report were assessed as safe and no legal intervention was necessary. Updated medical, school, law enforcement and other collateral contacts were made to assess the family's current level of functioning.

OCDESS unsubstantiated all of the allegations in the report. Both parents voluntarily submitted to drug tests which came back negative for all substances. Community services such as a domestic violence referral were offered to the family and declined. OCDESS unfounded and closed the investigation on 7/10/15.

Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: Undetermined if injury or medical cause

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? Yes

Comments: Oneida County CFRT

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
022401 - Deceased Child, Female, 11 Mons	022402 - Mother, Female, 33 Year(s)	Inadequate Guardianship	Unsubstantiated
022401 - Deceased Child, Female, 11 Mons	022402 - Mother, Female, 33 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
022401 - Deceased Child, Female, 11 Mons	022402 - Mother, Female, 33 Year(s)	DOA / Fatality	Unsubstantiated
022782 - Sibling, Male, 6 Year(s)	022402 - Mother, Female, 33 Year(s)	Inadequate Guardianship	Unsubstantiated
022782 - Sibling, Male, 6 Year(s)	022402 - Mother, Female, 33	Parents Drug / Alcohol	Unsubstantiated



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	Year(s)	Misuse	
022783 - Sibling, Male, 5 Year(s)	022402 - Mother, Female, 33 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
022783 - Sibling, Male, 5 Year(s)	022402 - Mother, Female, 33 Year(s)	Inadequate Guardianship	Unsubstantiated

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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate safety 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"/>



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

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 and placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: No children were removed.				

Legal Activity Related to the Fatality

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

Have any Orders of Protection been issued? No



Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>	<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 fatality occurred in 2012 and was re-reported in 2015. Services were offered in response to the fatality during the initial report.

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

Explain:
The fatality occurred in 2012 and was re-reported in 2015. Services were offered in response to the fatality during the initial report.



History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? Yes
- Was there an open CPS case with this child at the time of death? 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? 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
 - 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 neither of the issues listed noted in case record
 - With fetal alcohol effects or syndrome

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/17/2012	7181 - Deceased Child, Female, 10 Months	7182 - Mother, Female, 30 Years	DOA / Fatality	Unfounded	Yes
	7181 - Deceased Child, Female, 10 Months	7182 - Mother, Female, 30 Years	Inadequate Guardianship	Unfounded	

Report Summary:

Original fatality report regarding same SC.

SC was found deceased at approximately 7am on 4/17/12. SC was healthy when put to bed last night. SC had no known pre-existing medical conditions. There was no explanation for SC's death. Therefore SC's death is deemed suspicious and mother was being named as subject pending the outcome of the investigation. Four other children resided in the home; their roles were unknown at intake.

Determination: Indicated **Date of Determination:** 08/13/2012

Basis for Determination:

OCDSS unsubstantiated DOA/Fatality but substantiated IG. Mother was sleeping on the couch with SC in an unsafe sleeping environment. Cause of death was undetermined at autopsy.



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OCFS Review Results:

Based on a re-review of this case, OCFS determined that allegations of DOA/Fatality should have been substantiated along with IG due to the mother co-sleeping in an unsafe sleep environment, which was found to have contributed to SC's death. The final autopsy report referenced mother's history of co-sleeping along with the undetermined causation.

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

Issue:

Appropriateness of allegation determination

Summary:

The allegation of DOA/Fatality against the mother regarding the SC should have been substantiated based on credible evidence gathered. The final autopsy report referenced a history of co-sleeping and the mother was sleeping with the child in an unsafe sleep environment.

Legal Reference:

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

Action:

OCDSS will develop a plan to insure that appropriate allegation determinations are made by caseworkers and their supervisors. This action will be incorporated into the Corrective Action Plan - Required Action related to the current fatality investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/30/2012	6245 - Sibling, Male, 2 Years	6241 - Mother, Female, 30 Years	Inadequate Guardianship	Unfounded	No
	6244 - Sibling, Male, 4 Years	6242 - Father, Male, 42 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6245 - Sibling, Male, 2 Years	6242 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded	
	6244 - Sibling, Male, 4 Years	6243 - Unrelated Home Member, Female, 28 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6245 - Sibling, Male, 2 Years	6243 - Unrelated Home Member, Female, 28 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6246 - Other Child - Household member, Female, 4 Years	6243 - Unrelated Home Member, Female, 28 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6244 - Sibling, Male, 4 Years	6241 - Mother, Female, 30 Years	Inadequate Guardianship	Unfounded	
	6245 - Sibling, Male, 2 Years	6241 - Mother, Female, 30 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6246 - Other Child - Household member, Female, 4 Years	6241 - Mother, Female, 30 Years	Inadequate Guardianship	Unfounded	
	6246 - Other Child - Household member, Female, 4 Years	6241 - Mother, Female, 30 Years	Parents Drug / Alcohol Misuse	Unfounded	



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6244 - Sibling, Male, 4 Years	6242 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
6244 - Sibling, Male, 4 Years	6243 - Unrelated Home Member, Female, 28 Years	Inadequate Guardianship	Unfounded
6245 - Sibling, Male, 2 Years	6243 - Unrelated Home Member, Female, 28 Years	Inadequate Guardianship	Unfounded
6246 - Other Child - Household member, Female, 4 Years	6243 - Unrelated Home Member, Female, 28 Years	Inadequate Guardianship	Unfounded
6244 - Sibling, Male, 4 Years	6241 - Mother, Female, 30 Years	Parents Drug / Alcohol Misuse	Unfounded
6245 - Sibling, Male, 2 Years	6242 - Father, Male, 42 Years	Parents Drug / Alcohol Misuse	Unfounded
6246 - Other Child - Household member, Female, 4 Years	6242 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
6246 - Other Child - Household member, Female, 4 Years	6242 - Father, Male, 42 Years	Parents Drug / Alcohol Misuse	Unfounded

Report Summary:

Report alleged that the SC's mother and father, as well as an unrelated adult household member, were abusing various drugs and engaging in sexual activity with one another while caring for the children - siblings age 5 and 4, as well as household member's child - age 4. Report alleged the the adults hit the children, resulting in bruises and black eyes.

Determination: Unfounded

Date of Determination: 11/27/2012

Basis for Determination:

Mother and household member tested negative for all substances. Father was unable to test due to work schedule but denied drug/alcohol use. Children were interviewed and denied physical discipline. Adults denied engaging in sexual activity in the presence of the children. Father had recently kicked his brother out of the home and stated he believed the report was filed maliciously as a result. No other credible evidence was found to substantiate the allegations.

OCFS Review Results:

OCFS review found that safety/risk were adequately assessed. The case determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/14/2013	6254 - Sibling, Male, 15 Years	6253 - Aunt/Uncle, Female, 52 Years	Inadequate Guardianship	Unfounded	No

Report Summary:

Report alleged that half-sibling (age 15), who was residing with an aunt, was a chronic marijuana abuser and scheduled for weekly mandated drug testing. Child was not going for testing and was attending school while under the influence of marijuana. The aunt was aware but neglecting to seek treatment or ensure that child attended testing.

Determination: Unfounded

Date of Determination: 07/31/2013

Basis for Determination:

There was no credible evidence found to substantiate the allegations against the aunt/caretaker. The child admitted to



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smoking marijuana but denied doing so in the presence of the aunt. The aunt did not allow the child to smoke marijuana and had enrolled the child in outpatient drug counseling. The aunt consented for the child to enter inpatient treatment and the child remained there at the conclusion of the investigation.

OCFS Review Results:

OCFS review found that safety/risk were appropriately assessed. Case determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
09/16/2013	6464 - Other Child - Cousin, Male, 16 Years	6462 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	No
	6465 - Other Child - Cousin, Male, 14 Years	6462 - Unrelated Home Member, Male, 38 Years	Inadequate Guardianship	Unfounded	
	6465 - Other Child - Cousin, Male, 14 Years	6461 - Aunt/Uncle, Female, 34 Years	Inadequate Guardianship	Unfounded	
	6463 - Sibling, Female, 14 Years	6462 - Unrelated Home Member, Male, 38 Years	Inadequate Guardianship	Unfounded	
	6463 - Sibling, Female, 14 Years	6462 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6465 - Other Child - Cousin, Male, 14 Years	6462 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6466 - Other Child - Cousin, Female, 13 Years	6462 - Unrelated Home Member, Male, 38 Years	Inadequate Guardianship	Unfounded	
	6467 - Other Child - Cousin, Female, 2 Years	6462 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6466 - Other Child - Cousin, Female, 13 Years	6461 - Aunt/Uncle, Female, 34 Years	Inadequate Guardianship	Unfounded	
	6464 - Other Child - Cousin, Male, 16 Years	6462 - Unrelated Home Member, Male, 38 Years	Inadequate Guardianship	Unfounded	
	6466 - Other Child - Cousin, Female, 13 Years	6462 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6467 - Other Child - Cousin, Female, 2 Years	6462 - Unrelated Home Member, Male, 38 Years	Inadequate Guardianship	Unfounded	

Report Summary:

Report alleged that then 14-year old half-sibling's aunt and aunt's paramour, whom half-sibling resided with along with cousins age 16, 14, 13, and 2, were addicted to painkillers and heroin. Aunt and paramour would become impaired while caring for the children. The teenage children moved from place to place and the adults had no control over them. The 13-year old cousin was sexually active and possibly pregnant. Three months prior the aunt had been arrested for shoplifting with the half-sibling and two-year old cousin in her care.

It was subsequently alleged that the aunt bought drug paraphernalia for the half-sibling and the 13-year old cousin.

Determination: Unfounded

Date of Determination: 11/21/2013

Basis for Determination:

OCDS found no credible evidence to support the allegations. Throughout the investigation, unannounced home visits were conducted and no evidence of drug use was observed. Family members were interviewed and also denied drug use.



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OCDESS found that the children continuously resided with their parents. Family denied that aunt ever bought drug paraphernalia for the children.

OCFS Review Results:

OCFS review found that case determination and activities were appropriate. Safety and risk were adequately assessed throughout 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)	Status/Outcome	Compliance Issue(s)
09/18/2013	6471 - Other Child - Cousin, Male, 16 Years	6468 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Unfounded	No
	6473 - Other Child - Cousin, Female, 13 Years	6469 - Unrelated Home Member, Male, 38 Years	Sexual Abuse	Unfounded	
	6474 - Other Child - Cousin, Female, 2 Years	6468 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6473 - Other Child - Cousin, Female, 13 Years	6468 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6470 - Sibling, Female, 14 Years	6468 - Aunt/Uncle, Female, 34 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6470 - Sibling, Female, 14 Years	6469 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6473 - Other Child - Cousin, Female, 13 Years	6468 - Aunt/Uncle, Female, 34 Years	Sexual Abuse	Unfounded	
	6473 - Other Child - Cousin, Female, 13 Years	6469 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6471 - Other Child - Cousin, Male, 16 Years	6469 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	
	6474 - Other Child - Cousin, Female, 2 Years	6469 - Unrelated Home Member, Male, 38 Years	Parents Drug / Alcohol Misuse	Unfounded	

Report Summary:

Report alleged that SC's aunt and aunt's paramour were aware that their 13-year old child (SC's cousin) was sexually active with another minor and may have been pregnant. Aunt and paramour were not intervening to stop the activity. Aunt and paramour used cocaine to the point of impairment while sole caretakers for SC's cousins age 13, 16, 2 and SC's half-sibling age 14 (who resided with them).

This report was subsequent to Intake Stage ID 29222540 and was not consolidated due to AB allegations.

Determination: Unfounded

Date of Determination: 11/14/2013

Basis for Determination:

OCDESS found no credible evidence to substantiate the allegations. The aunt and paramour were unaware of the child's sexual activity and once they were made aware they responded appropriately and protectively. The aunt and paramour denied drug use in the home and the half-sibling did not provide credible information pertaining to the allegations.

OCFS Review Results:

OCFS review found that the case activities and determination were appropriate. Safety and risk were adequately assessed throughout the course of the investigation.



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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/14/2014	6489 - Sibling - Cousin, Female, 15 Years	6481 - Aunt/Uncle, Female, 36 Years	Educational Neglect	Indicated	No
	6489 - Sibling - Cousin, Female, 15 Years	6481 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6489 - Sibling - Cousin, Female, 15 Years	6482 - Unrelated Home Member, Male, 40 Years	Inadequate Guardianship	Indicated	
	6485 - Other Child - Cousin, Male, 17 Years	6482 - Unrelated Home Member, Male, 40 Years	Inadequate Guardianship	Indicated	
	6485 - Other Child - Cousin, Male, 17 Years	6482 - Unrelated Home Member, Male, 40 Years	Parents Drug / Alcohol Misuse	Indicated	
	6486 - Other Child - Cousin, Male, 15 Years	6481 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6486 - Other Child - Cousin, Male, 15 Years	6481 - Aunt/Uncle, Female, 36 Years	Parents Drug / Alcohol Misuse	Indicated	
	6486 - Other Child - Cousin, Male, 15 Years	6482 - Unrelated Home Member, Male, 40 Years	Parents Drug / Alcohol Misuse	Indicated	
	6487 - Other Child - Cousin, Female, 13 Years	6481 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6487 - Other Child - Cousin, Female, 13 Years	6481 - Aunt/Uncle, Female, 36 Years	Parents Drug / Alcohol Misuse	Indicated	
	6487 - Other Child - Cousin, Female, 13 Years	6482 - Unrelated Home Member, Male, 40 Years	Parents Drug / Alcohol Misuse	Indicated	
	6488 - Other Child - Cousin, Female, 2 Years	6483 - Other - Cousin's Biological Mother, Female, 29 Years	Inadequate Guardianship	Indicated	
	6488 - Other Child - Cousin, Female, 2 Years	6484 - Other - Cousin's Biological Father, Male, 39 Years	Burns / Scalding	Indicated	
	6488 - Other Child - Cousin, Female, 2 Years	6481 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6488 - Other Child - Cousin, Female, 2 Years	6481 - Aunt/Uncle, Female, 36 Years	Lack of Supervision	Indicated	
	6488 - Other Child - Cousin, Female, 2 Years	6481 - Aunt/Uncle, Female, 36 Years	Parents Drug / Alcohol Misuse	Indicated	
6488 - Other Child - Cousin, Female, 2 Years	6482 - Unrelated Home Member, Male, 40 Years	Inadequate Guardianship	Indicated		



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6488 - Other Child - Cousin, Female, 2 Years	6482 - Unrelated Home Member, Male, 40 Years	Lack of Supervision	Indicated
6489 - Sibling - Cousin, Female, 15 Years	6481 - Aunt/Uncle, Female, 36 Years	Parents Drug / Alcohol Misuse	Indicated
6489 - Sibling - Cousin, Female, 15 Years	6482 - Unrelated Home Member, Male, 40 Years	Educational Neglect	Indicated
6489 - Sibling - Cousin, Female, 15 Years	6482 - Unrelated Home Member, Male, 40 Years	Parents Drug / Alcohol Misuse	Indicated
6485 - Other Child - Cousin, Male, 17 Years	6481 - Aunt/Uncle, Female, 36 Years	Childs Drug / Alcohol Use	Indicated
6485 - Other Child - Cousin, Male, 17 Years	6481 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated
6485 - Other Child - Cousin, Male, 17 Years	6481 - Aunt/Uncle, Female, 36 Years	Parents Drug / Alcohol Misuse	Indicated
6485 - Other Child - Cousin, Male, 17 Years	6482 - Unrelated Home Member, Male, 40 Years	Childs Drug / Alcohol Use	Indicated
6486 - Other Child - Cousin, Male, 15 Years	6482 - Unrelated Home Member, Male, 40 Years	Inadequate Guardianship	Indicated
6487 - Other Child - Cousin, Female, 13 Years	6482 - Unrelated Home Member, Male, 40 Years	Inadequate Guardianship	Indicated
6488 - Other Child - Cousin, Female, 2 Years	6483 - Other - Cousin's Biological Mother, Female, 29 Years	Burns / Scalding	Indicated
6488 - Other Child - Cousin, Female, 2 Years	6484 - Other - Cousin's Biological Father, Male, 39 Years	Inadequate Guardianship	Indicated
6488 - Other Child - Cousin, Female, 2 Years	6482 - Unrelated Home Member, Male, 40 Years	Parents Drug / Alcohol Misuse	Indicated

Report Summary:

Report alleged that 14-year old half-sibling's aunt and aunt's paramour (whom half-sibling resided with) were aware that their 17-year old son (cousin of SC) was abusing drugs and were not addressing the substance abuse issues. Three subsequent reports were received that were consolidated - adding allegations of drug use while caring for all children, educational neglect of the half-sibling, domestic violence in the presence of the 13-year old cousin, and lack of supervision of the 2-year old cousin. Allegations were also received related to a 2012 incident in which the 2-year old cousin was burned in a fire that her biological parents started while cooking methamphetamine.

Determination: Indicated

Date of Determination: 04/29/2014

Basis for Determination:

OCDSS found credible evidence to substantiate all of the allegations. OCDSS found that the half-sibling had missed school and that her academic performance was significantly affected in that she was failing classes.

OCFS Review Results:

OCFS review found that the case determination and activities were appropriate. Safety and risk were adequately assessed throughout the investigation.

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



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Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
07/06/2014	6453 - Sibling, Female, 15 Years	6451 - Aunt/Uncle, Female, 36 Years	Inadequate Food / Clothing / Shelter	Indicated	No
	6453 - Sibling, Female, 15 Years	6452 - Unrelated Home Member, Male, 39 Years	Inadequate Food / Clothing / Shelter	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6452 - Unrelated Home Member, Male, 39 Years	Inadequate Food / Clothing / Shelter	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6451 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6454 - Other Child - Cousin, Female, 14 Years	6452 - Unrelated Home Member, Male, 39 Years	Inadequate Guardianship	Indicated	
	6455 - Other Child - Cousin, Male, 15 Years	6452 - Unrelated Home Member, Male, 39 Years	Parents Drug / Alcohol Misuse	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6452 - Unrelated Home Member, Male, 39 Years	Parents Drug / Alcohol Misuse	Indicated	
	6454 - Other Child - Cousin, Female, 14 Years	6451 - Aunt/Uncle, Female, 36 Years	Lack of Supervision	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6451 - Aunt/Uncle, Female, 36 Years	Inadequate Food / Clothing / Shelter	Indicated	
	6455 - Other Child - Cousin, Male, 15 Years	6452 - Unrelated Home Member, Male, 39 Years	Inadequate Guardianship	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6452 - Unrelated Home Member, Male, 39 Years	Inadequate Guardianship	Indicated	
	6456 - Other Child - Cousin, Female, 3 Years	6451 - Aunt/Uncle, Female, 36 Years	Lack of Supervision	Indicated	
	6454 - Other Child - Cousin, Female, 14 Years	6451 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	
	6455 - Other Child - Cousin, Male, 15 Years	6451 - Aunt/Uncle, Female, 36 Years	Inadequate Guardianship	Indicated	

Report Summary:

Report alleged that a domestic violence incident occurred between the aunt of SC's then 15-year old half-sibling and the aunt's paramour in the presence of SC's three cousins - ages 15, 14 and 3. The half-sibling was residing in the home at the time.

Determination: Indicated

Date of Determination: 09/29/2014

Basis for Determination:

OCDSS found credible evidence that the paramour did physically assault the aunt while under the influence of drugs and in the presence of the aunt's children. He was arrested and incarcerated. The half-sibling was not present during the incident. During the course of the investigation, OCDSS found credible evidence of unstable/unsuitable housing conditions related to the half-sibling and cousins. Further evidence also arose that the aunt was failing to provide appropriate supervision to the three-year cousin.

OCFS Review Results:

OCFS review found that the investigation was conducted appropriately. Safety and risk were accurately assessed



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throughout 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)	Status/Outcome	Compliance Issue(s)
10/05/2014	6251 - Sibling, Female, 13 Years	6252 - Aunt/Uncle, Female, 32 Years	Inadequate Guardianship	Unfounded	No

Report Summary:

Report alleged that aunt of half-sibling (13) allowed half-sibling to engage in a physical altercation with another child. Aunt would not allow another child to intervene as aunt wanted half-sibling to continue fighting. Aunt had regular and consistent contact with child, making her a person legally responsible.

Determination: Unfounded

Date of Determination: 10/15/2014

Basis for Determination:

There was no credible evidence found to substantiate the allegations. OCDSS determined that the aunt was not a caretaker to the half-sibling. The child had gotten into a fight with another child living across the street from the aunt. The aunt denied being aware of the fight until it had already started, and once aware attempted to intervene and stop it. Parties denied that the aunt attempted to keep another child from intervening.

OCFS Review Results:

OCFS review found that safety and risk were adequately assessed. The case determination was appropriate.

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

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

CPS history prior to the actual fatality (and older than three years prior to the current report) was reviewed and summarized in detail in OCFS Report #93-2012-00016.

8/02 - 6/06 - SC's father as subject on 5 SCR reports; 2 were IND for LSUP, PDRG, IFCS, IG, and EN regarding SC's five half-siblings.

6/07 - SC's father and mother IND for EN and IG regarding two of SC's half-siblings.

10/07-12/07 - SC's father as subject on 2 SCR reports; first report UNF and second IND for IG and PDRG regarding one of SC's half-siblings.

5/08 - SC's father and mother as subjects; report IND for IG and PDRG regarding two half-siblings and infant sibling. Another 5/08 report listed aunt as subject and was UNF for IG and LSUP regarding two half-siblings.

7/08 - SC's father and mother as subjects; UNF for IG, PDRG and LSUP regarding two half-siblings and infant sibling.

7/10 - SC's father and mother as subjects; LSUP, IG, PDRG; IND for IG and PDRG; LSUP unsubstantiated regarding half-siblings and sibling.

8/11 - SC's father and mother as subjects; IND for LSUP, PDRG, IG regarding SC, two siblings and one half-sibling.

Known CPS History Outside of NYS

There is no known history outside of NYS.

Services Open at the Time of the Fatality



Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Preventive Services History

Preventive history prior to the actual fatality (and older than three years prior to the current report) was also reviewed and summarized in detail in OCFS Report #93-2012-00016.

7/13/06 - Neglect petition filed on the SC's father and the mother of five older half-siblings (not SC's mother). Three half-siblings were placed with relatives via N-Docket which ultimately changed to V-Docket after parents did not comply with services. Parents surrendered their rights to the two oldest half-siblings (now adults).

8/13/07 - Mandated preventive services opened for SC's mother and father after neglect petition filed due to DV in the presence of SC's two half-siblings. Children were placed with relatives under N-Docket. The children were reunified with their mother in 11/08 following her successful completion of services. The father had separated from the mother by this time and had not completed mandated services; his orders expired in 12/08.

7/24/12 - 17-year old half-sibling initially listed as household member on cousin's PINS case; on 5/7/14 a Protective Program Choice was added due to DV/PDRG concerns in the aunt/custodian's home. Preventive Mandated also added on 8/20/14. On 12/4/14 child placed via N-Docket with a relative due to a neglect petition which later became kinship FC on 6/6/15. Case remains open as of this writing.

Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

Yes No

Foster Care Placement History

Foster care placement history prior to the actual fatality (and older than three years prior to the current report) was reviewed and summarized in detail in OCFS Report #93-2012-00016.

8/07 - Two older half-siblings (now adults) were placed in foster care. The oldest was discharged on 7/30/12 as he had reached 21 years of age. The next was discharged on 3/20/12 after he had turned 18 and wished to reside with his father rather than remain in care.

6/15 - SC's 17-year old half-sibling was placed in kinship foster care with her aunt/custodian's maternal aunt. Child had previously been residing with this placement resource on an N-Docket since 12/4/14 due to her aunt and aunt's partner's domestic violence and drug use, which had resulted in OCDSS filing a neglect petition and requesting the child's removal. Child was discharged from foster care to V-Docket custody with a family friend on 12/15/15.

Legal History Within Three Years Prior to the Fatality



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Was there any legal activity within three years prior to 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:
12/04/2014	There was not a fact finding	Direct Custody Transferred to Continued with Relative (Article 10)
Respondent:	022785 Aunt/Uncle Female 54 Year(s)	
Comments:	<p>On 12/4/14 an appearance was held based on a violation petition that OCDSS filed requesting that half-sibling be removed from her caretakers' custody due to ongoing concerns of domestic violence and drug use. Child was placed via N-Docket with a relative. On 1/26/15 a pre-trial conference was held in which a temporary order of supervision was converted to a permanent order of placement under N-Docket, which satisfied the violation order.</p> <p>On 6/6/15 the order was modified to a kinship foster care placement with the child remaining in the same relative's home. Child's PPG was Return to Parent.</p> <p>On 12/15/15 child was discharged from foster care into the V-Docket custody of a family friend.</p>	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
04/29/2014	Adjudicated Neglected	Adjourned
Respondent:	022785 Aunt/Uncle Female 54 Year(s)	
Comments:	<p>Article 10 Neglect petition was filed against half-sibling's aunt/custodian and her paramour due to drug and DV issues. Mandated preventive services were ordered and the half-sibling remained in the aunt's care at the time the petition was filed.</p> <p>Orders of Disposition were issued requiring the aunt/custodian to submit to mental health evaluations and follow through with treatment recommendations, submit to drug/alcohol evaluation and follow through with treatment recommendations, and submit to random drug testing within four hours of request by DSS.</p>	

Have any Orders of Protection been issued? Yes

From: 09/11/2014	To: Unknown
Explain: Orders of Protection were issued against half-sibling's aunt/custodian and her partner which stated that they should not engage in any domestic violence, should not be under the influence of alcohol or drugs, and should not leave half-sibling unsupervised except with maternal grandmother or other person deemed appropriate by DSS, and ensure that the half-sibling attend school daily and on time.	
From: 05/07/2014	To: 11/07/2014
Explain: Orders of Protection were issued against the half-sibling's aunt/custodian and her partner stating that the children could not be left unsupervised except with the aunt, maternal grandmother, or someone approved by OCDSS. In addition, it	



was ordered that the aunt and partner needed to ensure that the half-sibling attended school daily and on time.

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