



Report Identification Number: SY-19-014

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

Issue Date: Sep 12, 2019

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child’s family; any extraordinary or pertinent information concerning the circumstances of the child’s death; whether the child or the child’s family received assistance, care or services from the social services district prior to the child’s death; any action or further investigation undertaken by OCFS or the social services district since the child’s death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child’s household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **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		



Case Information

Report Type: Child Deceased
Age: 16 year(s)

Jurisdiction: Onondaga
Gender: Male

Date of Death: 12/17/2018
Initial Date OCFS Notified: 03/16/2019

Presenting Information

An SCR report received on 3/16/19, alleged the 16-year-old subject child engaged in risky behaviors including stealing cars, engaging in fights, and committing robberies. The parents were not able to control the subject child's behaviors and were aware he required a higher level of supervision. The parents failed to provide the subject child with the appropriate supervision needed. As a result the subject child's behaviors continued and in late November of 2018 the subject child robbed a convenient store. The owners of the store tracked him down on December 17, 2018 and shot him in the head, killing him. The subject child was pronounced dead at the scene and transported directly to the medical examiner's office.

Executive Summary

This report concerns the death of a 16-year-old male child. Onondaga County Department of Social Services (OCDSS) received an SCR report on 3/16/19 regarding the death of the subject child that occurred on 12/17/18. The subject child was entering an apartment when two men shot the subject child in the head; the subject child was pronounced dead at the scene. It was believed the two men shot the subject child because he robbed a convenience store they were associated with. Law enforcement investigated the fatality and concluded their investigation. The two men were arrested and charged with murder.

The subject child had two surviving half siblings. OCDSS interviewed and observed the 8-year-old surviving sibling who resided with the subject child and there were no noted safety concerns. The 2-year-old surviving sibling resided with the subject child's mother and had different father. OCDSS appropriately assessed the safety of that child in her home environment and there were no noted safety concerns.

OCDSS obtained a copy of the medical examiner's report which listed the cause of death was a gunshot wound to the head and the manner of death was homicide.

OCDSS unsubstantiated the allegations of DOA/Fatality, lack of supervision and inadequate guardianship against the father and the step-mother for the subject child, based on conversations with law enforcement, the family and community members. There was no credible evidence the parent's actions or inactions caused the death of the child. Law enforcement and the medical examiner's office provided OCDSS with the information they needed about the death of the subject child. The allegation of inadequate guardianship against the father and the step mother (biological mother of the surviving sibling) for the 8-year-old surviving sibling was unsubstantiated. OCDSS provided the family with information and referrals for bereavement services and the parents declined. The 8-year-old surviving sibling was in counseling at school at the time of the case closing. The case was unfounded and closed.

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:

N/A

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:

N/A

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: 12/17/2018

Time of Death: Unknown

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

County where fatality incident occurred: Onondaga

Was 911 or local emergency number called? Yes

Time of Call: 10:31 PM

Did EMS respond to the scene? Yes

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

Child's activity at time of incident:



- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other: entering his home

Did child have supervision at time of incident leading to death? No - Not needed given developmental age or circumstances

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	16 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	36 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	8 Year(s)
Deceased Child's Household	Stepmother	Alleged Perpetrator	Female	30
Other Household 1	Mother	No Role	Female	35 Year(s)

LDSS Response

On 3/16/19, OCDSS received an SCR report regarding the death of the subject child that occurred on 12/17/18 and initiated their investigation within 24 hours. They contacted the source, district attorney and law enforcement. OCDSS completed a CPS history check.

In addition to the death of the subject child the SCR report alleged that on 3/16/19, the father was intoxicated and became out of control. The father was breaking and throwing things in the presence of the 8-year-old surviving sibling. The step-mother (the biological mother of the 8-year-old surviving sibling) and the surviving sibling fled the home.

OCDSS appropriately addressed these allegations and the father admitted he was grieving the death of the subject child and had been drinking. The 8-year-old surviving sibling left the residence and went to the paternal aunt's home across the street at the time of the incident. The step-mother of the subject child denied fleeing the residence. The step-mother told OCDSS that her husband was having difficulty dealing with the death of his son. The step-mother said neither her or the 8-year-old surviving sibling were fearful of the father.

OCDSS spoke with law enforcement, the father, the step-mother, the mother, the 8-year-old surviving sibling and the 2-year-old was observed in her home environment. The homes were observed and there were no noted safety concerns for the care of the surviving siblings. OCDSS appropriately offered bereavement referrals and services to all family members. The family declined services. The parents had multiple family supports. The 8-year-old surviving sibling was in counseling through his school to assist in coping with the death of the subject child.

Official Manner and Cause of Death

Official Manner: Homicide

Primary Cause of Death: From an injury - external 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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
051008 - Deceased Child, Male, 16 Yrs	051009 - Father, Male, 36 Year(s)	DOA / Fatality	Unsubstantiated
051008 - Deceased Child, Male, 16 Yrs	051012 - Stepmother, Female, 30	Inadequate Guardianship	Unsubstantiated
051008 - Deceased Child, Male, 16 Yrs	051012 - Stepmother, Female, 30	Lack of Supervision	Unsubstantiated
051008 - Deceased Child, Male, 16 Yrs	051012 - Stepmother, Female, 30	DOA / Fatality	Unsubstantiated
051008 - Deceased Child, Male, 16 Yrs	051009 - Father, Male, 36 Year(s)	Inadequate Guardianship	Unsubstantiated
051008 - Deceased Child, Male, 16 Yrs	051009 - Father, Male, 36 Year(s)	Lack of Supervision	Unsubstantiated
051011 - Sibling, Male, 8 Year(s)	051009 - Father, Male, 36 Year(s)	Inadequate Guardianship	Unsubstantiated
051011 - Sibling, Male, 8 Year(s)	051012 - Stepmother, Female, 30	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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
First Responders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency Room Personnel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pediatrician	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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"/>

Additional information:

The father refused to sign releases for EMS, hospital records, or the subject child's doctor. The father said the subject was murdered by two men and died of a gun shot wound to the head and this was all the information OCDSS needed.



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 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"/>

Explain:
 OCDSS offered appropriate referrals to all family members. The surviving sibling was receiving counseling services in school at the time of this writing and the parents declined services for themselves.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
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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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: N/A				

Legal Activity Related to the Fatality

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

Services Provided to the Family in Response to the Fatality

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 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"/>

Additional information, if necessary:
 The father admitted to a history of domestic violence in the past with the mother of the subject child. There was information that the step-mother was a victim of domestic violence. The step-mother denied this to OCDSS. OCDSS provided her with information for domestic violence services.



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

Explain:
 OCDSS offered referrals to the surviving sibling and the surviving sibling was receiving counseling services through his school to assist him in coping with the death of the subject child.

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

Explain:
 OCDSS offered appropriate referrals to all family members and the services were declined.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
Was the child ever placed outside of the home prior to the death? No
Were there any siblings ever placed outside of the home prior to this child's death? No
Was the child acutely ill during the two weeks before death? No

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/23/2018	Sibling, Female, 2 Years	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 2 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 34 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 34 Years	Lack of Supervision	Substantiated	
	Deceased Child, Male, 15 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:
 The report alleged the SC and the 2-year-old surviving sibling resided with their mother. The subject child sold drugs and had automatic weapons in his possession. The mother was aware of the subject child's criminal activity and failed to intervene. On 6/19/18, some unknown persons came to the home looking for the subject child and fired guns at the residence. The bullet penetrated a wall of the home. The fathers of the SC and the surviving sibling were listed with no role.

Report Determination: Indicated **Date of Determination:** 09/27/2018

Basis for Determination:
 The allegations of IG, PD/AM and LS were substantiated against the mother for the SC. The mother was aware of the



SC's criminal activity and drug misuse. The mother was indicated in the past for these allegations and refused to take action in Family Court against her son. The SC was arrested on multiple charges and was placed with his father under house arrest. The SC was sentenced to one year of probation and was residing with his father and step-mother. The mother refused to be drug tested and denied drug use. The mother and her 2-year-old surviving sibling moved in with the maternal grandmother in another county. The case was indicated and closed.

OCFS Review Results:

OCDSS gathered sufficient information to make a determination.

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)
09/29/2017	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Childs Drug / Alcohol Use	Substantiated	Yes
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Educational Neglect	Substantiated	
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 9 Months	Mother, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 9 Months	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 9 Months	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 14 Years	Father, Male, 35 Years	Educational Neglect	Substantiated	

Report Summary:

The report alleged the mother was a drug addict and used drugs in the presence of the subject child. The home was not safe and there were holes in the walls. There were piles of dirty clothes strewn throughout the home. The mother had been selling her food stamps for drug money. The subject child was using drugs and the mother knew and failed to intervene. The mother was leaving the subject child home alone and she knew he was robbing houses and cars to obtain money for drugs.

Report Determination: Indicated

Date of Determination: 06/11/2018

Basis for Determination:

The allegations of IG, EdN, LS, and the CD/A misuse were substantiated against the mother for the SC and the allegation of EdN was substantiated against the father for the SC. During the course of the investigation it was learned the SC had not been attending school and the parents failed to get the SC to school. The SC assaulted the mother and was using drugs and the parents were not able to control the SC and failed to take any action. The allegations of IF/C/S, LMC, and PD/AM were unsubstantiated against the mother for the SC. There was no evidence the mother was using drugs or selling her food stamps. The home was observed with no noted safety concerns.

**OCFS Review Results:**

OCDSS closed the case without offering the mother any services. OCDSS did not consult with their legal department although the SC had not attended school for 7 months while the case was still open. The SC assaulted his mother and was using drugs. The mother would not follow through with Family Court action against her son. The case was open from December of 2017 until June of 2018 with no documented contact with OCDSS in the connections case record. OCDSS was aware the father had another child (the SS) living with him but did not ask about, see or interview that child.

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

Issue:

Assessment as to need for Family Court Action

Summary:

OCDSS did not consult with their legal department although they knew the SC had not been attending school for over six months and was abusing drugs. OCDSS was aware the SC had not attended school for several months the previous school year as well.

Legal Reference:

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

Action:

OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

Issue:

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

Summary:

OCDSS did not ask about or add the surviving sibling to the investigation. The surviving sibling may have had relevant information about the investigation.

Legal Reference:

432.1 (o)

Action:

OCDSS will see and interview all of the children.

Issue:

Failure to offer services

Summary:

OCDSS did not offer the mother services even after learning the 14-year-old subject child had become violent and controlling on several occasions with the mother.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

When service needs are identified, OCDSS will make the appropriate referral to Preventive Services in an effort to determine whether there are services that can benefit the family.

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

There were missed opportunities to gather collateral information, such as OCDSS did not contact probation or school, who may have had relevant information about the subject child and the mother.

Legal Reference:

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

Action:



OCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/07/2017	Sibling, Male, 6 Years	Mother, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 6 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The report alleged the parents were not able to care for the 6-year-old surviving sibling. The father was taken to the hospital because he had overdosed, unknown on what. The father was transferred to the psychiatric hospital. The mother (step-mother of the SC) was homeless and was in and out of the apartment.

Report Determination: Unfounded

Date of Determination: 10/16/2017

Basis for Determination:

Based on interviews and information gathered it was learned the father had been hospitalized due to a reaction to a drug he had ingested. The 6-year-old surviving sibling was at his uncle's home at the time of the incident. The parents willingly submitted to random drug testing and the tests were negative. The parents had made a safety plan for the surviving sibling to stay with a family member until testing could be completed and records obtained. The allegation of inadequate guardianship against the parents was unsubstantiated.

OCFS Review Results:

OCDSS did not ask about the subject child (who resided with his mother) or add him to the case. The subject child was not seen or interviewed even though OCDSS was aware the father had another child who visited the home. OCDSS did not complete the 7-day safety assessment within the required time frame and was not completed until 45 days into the investigation. The notice of existence letters were not provided to the parents within the 7-day required time frame. The letters were provided to the parents two months after the case initiation date.

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

Issue:

Failure to provide notice of report

Summary:

OCDSS did not provide the notice of existence within the 7-day required time frame as per regulation.

Legal Reference:

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

Action:

OCDSS will provide the notice of existence within the required time frame.

Issue:

Timely/Adequate Seven Day Assessment

Summary:

OCDSS did not complete the 7-day safety assessment within the 7-day required time frame as per regulation.

Legal Reference:

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

Action:

OCDSS will complete the safety assessment within the required time frame as per regulation.

Issue:

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

Summary:



OCDSS did not ask about or add the subject to the investigation. The subject may have had relevant information about the investigation.

Legal Reference:

432.1 (o)

Action:

OCDSS will see and interview all of the children.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/29/2017	Deceased Child, Male, 14 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	Yes

Report Summary:

Sometime in the past the father hit the mother of the subject child breaking bones in her face in the presence of the subject child. The subject child was not injured.

Report Determination: Unfounded

Date of Determination: 08/31/2017

Basis for Determination:

OCDSS interviewed the parents and the subject child. OCDSS obtained and reviewed law enforcement records. The mother had been assaulted and robbed by three teenagers in 2015. They hit her with a bat and she sustained several broken bones. The father was not the one who caused the injuries to the mother. The allegations were unsubstantiated. The subject child had become violent with the mother while the case was open. The allegations of inadequate guardianship were unsubstantiated against the father.

OCFS Review Results:

OCDSS told mom to file for an order of protection against her son(the SC). The mother did call the police but the subject child was not arrested due to his age. OCDSS did not offer services to the mother. OCDSS did not talk to probation who may have had relevant information about the investigation and the subject child's violent behavior. OCDSS never spoke with or added the surviving sibling who resided with the father and the step-mother of the subject child to the case.

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

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

There were missed opportunities to gather collateral information, such as OCDSS did not contact probation who may have had relevant information about the subject child and the mother.

Legal Reference:

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

Action:

OCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

Issue:

Failure to offer services

Summary:

OCDSS did not offer the mother services even after learning the 14-year-old subject child had become violent and controlling on several occasions with the mother.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:



When service needs are identified, OCDSS will make the appropriate referral to Preventive Services in an effort to determine whether there are services that can benefit the family.

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

Summary:
OCDSS never interviewed the surviving sibling or added him to the case.

Legal Reference:
432.1 (o)

Action:
The father was named as a subject and all children should have been seen and interviewed. OCDSS will conduct face to face interviews with all family members.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/12/2017	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Childs Drug / Alcohol Use	Unsubstantiated	Yes
	Deceased Child, Male, 14 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 2 Months	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 14 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:
The mother of the subject child was unable to provide a safe environment for the subject child. The subject child was misusing drugs and selling drugs and guns. The subject child was not attending school. The mother was not addressing these issues.

Report Determination: Unfounded **Date of Determination:** 05/17/2017

Basis for Determination:
OCDSS based there determination on a couple of home visits and a discussion with a friend of the mothers. During the open investigation it was learned from the mother that the subject child had been on probation and had been successfully discharged. The child had not been enrolled in school since October and the mother had never completed the paper work to home school. The subject child finally returned to school in April but was then suspended. The mother told OCDSS she was actively trying to obtain counseling for the subject child. The allegations of IG and child's drug/alcohol misuse were unsubstantiated and the case was UNF and closed. OCDSS did not offer services.

OCFS Review Results:
OCDSS did not contact any collaterals that may have had relevant information pertaining to the investigation, such as probation, school, and the child's doctor. The SC was high on drugs during the open investigation and assaulted the mother and trashed the home. The father of the SC refused to speak with OCDSS. The SS who resided with the father was not added to the case or seen. There was no documentation the history was reviewed. Although the SC had not attended school since October, OCDSS had not consulted with legal or offered the mother services.

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

Issue:
Contact/Information From Reporting/Collateral Source

Summary:



There were missed opportunities to gather collateral information, such as OCDSS did not contact probation, school and subject child's doctor.

Legal Reference:

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

Action:

OCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

Issue:

Review of CPS History

Summary:

OCDSS did not document the history was reviewed in the connections case record.

Legal Reference:

18 NYCRR 432.2(b)(3)(i)

Action:

Within 1 business day of a report, OCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

Issue:

Failure to offer services

Summary:

OCDSS did not offer services to the mother.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

OCDSS will offer families available services that are appropriate for the child(ren), the family, or both, prior to case closing.

Issue:

Assessment as to need for Family Court Action

Summary:

OCDSS did not consult with legal even though the subject child had not been in school from October 2016 until March of 2017.

Legal Reference:

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

Action:

OCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

Issue:

Appropriateness of allegation determination

Summary:

OCDSS did not gather sufficient information to make a determination in this case.

Legal Reference:

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

Action:



OCDSS will refer to the CPS Program Manual and/or consult with the Syracuse Regional Office when determining the appropriateness of allegations, and will take into consideration all information when applying the circumstances to the definition(s).

Issue:

Failure to obtain the name, age, and condition of other children in the home

Summary:

OCDSS did not obtain or add information about the surviving sibling who resided with the father of the subject child. This child was not seen nor interviewed.

Legal Reference:

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

Action:

OCDSS will obtain the name, age and condition of other children in the home.

Issue:

Appropriate Application of Legal Standards (Abuse/Maltreatment)

Summary:

Although concerns of neglect were identified and addressed, OCDSS did not include all appropriate allegations for the mother. Educational Neglect by the mother should have been included. The subject child had not been in school from Oct. 2016 to March of 2017. The mother was supposed to be home schooling the subject child but was not and had not completed the paperwork to home school.

Legal Reference:

SSL 412(1) and 412(2)

Action:

OCDSS will apply appropriate legal standards when information obtained creates suspicion of child abuse or maltreatment whereby a child's physical, mental or emotional condition has been impaired or in imminent danger of becoming impaired as a result of the failure of his parent or other persons legally responsible for his care to exercise a minimum degree of care.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
01/14/2017	Sibling, Male, 6 Years	Father, Male, 34 Years	Inadequate Guardianship	Far-Closed	No

Report Summary:

On 1/14/17, it was alleged the father pulled the SS by the hair and forced him to the ground. It was unknown if the SS suffered any visible injuries. The mother (the step-mother of the SC) intervened and had no role.

OCFS Review Results:

The decision to track the case as Family Assessment Response (FAR) adhered to (OCDSS's) previously established assignment criteria; namely, reports with allegations of inadequate guardianship, supervision and/or hygiene issues, and cases where the initial assessment finds the children to be safe.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/08/2016	Sibling, Male, 5 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	Yes

Report Summary:

The report alleged on 6/7/16, the father, physically assaulted the mother of the surviving sibling in the presence of the SS.



The SS was standing next to his mother during part of the altercation and was punched in the face by the father. The father's actions placed the SS at risk.

Report Determination: Unfounded

Date of Determination: 06/22/2016

Basis for Determination:

There was no credible evidence to support the allegations. The parents denied the allegations and the SS had no bruises or marks. The home was observed and there were no noted safety concerns. OCDSS spoke with law enforcement and they had not been to the home.

OCFS Review Results:

OCDSS was aware the father had another child and they did not talk to the parents about this child or asked if he visited the home. The subject child may have had information that was relevant to the investigation. The 7-day safety assessment was not completed within the required time frame. It was completed 14 days past the 7-day required time frame.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

The 7-day safety assessment was not completed during the 7-day required time frame as per regulation.

Legal Reference:

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

Action:

OCDSS will complete the 7-day safety assessment within the required time frame as per regulation.

Issue:

Contact/Information From Reporting/Collateral Source

Summary:

There were missed opportunities to gather collateral information, such as the subject child who resided with his mother in another household. OCDSS was aware the father had another child but they did not ask about the subject child or attempt to interview the subject child.

Legal Reference:

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

Action:

OCDSS will make diligent efforts to contact collaterals to attempt to gather relevant information as it pertains to safety, risk, and a determination of the allegations.

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

SCR report received on 2/13/09, with allegation of IG against the father for the SC. The allegations were Unsub and the case closed on 2/26/09.

SCR report received on 10/14/10, with allegations of IG and PD/AM against mother for the SS. The case was tracked FAR and closed on 11/8/10.

SCR report received on 5/23/13, with allegations of PD/AM and IG against the mother for the SS. The allegations were Unsub and the case closed on 6/18/13.

SCR report received on 9/13/13, with allegations of PD/AM, IG, and LS against the father for the SS and the subject child. The allegations were Unsub for the SS and Sub for the subject child the case and closed on 11/13/13.



SCR report received on 5/22/14, with allegations of L/B/W, S/D/S, and IG against the father for the SS. The allegations were Unsub and the case closed on 6/12/14.

SCR report received on 6/10/14, with allegations of PD/AM and IG against the parents for the SS. The allegations were Sub and the case closed on 7/8/14.

SCR report received on 10/30/14, with allegations of IF/C/S and IG against the parents for the subject child. The allegations were Unsub and the case closed on 12/31/14.

SCR report received on 3/24/15, with allegation of IG and S/D/S against the father for the SC. The allegations were Unsub and the case closed on 8/26/15.

Known CPS History Outside of NYS

There was no known history outside of NYS.

Preventive Services History

On 9/11/2014, a person in need of supervision/preventive case was opened with Onondaga County Probation Department for the subject child. The subject child was required to complete 10 hours of community services and write apology letters to the victims. The subject child's ordered stated he was to attend school and abstain from disruptive behaviors at home, school and in the community. The parents were ordered to provide transportation for the subject child and probation will monitor the subject child's progress. The case was closed on 12/10/14 as the youth had completed his community service and wrote apology letters to the victims.

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