



Report Identification Number: SY-20-038

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

Issue Date: Feb 02, 2021

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

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

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

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

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

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

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child’s siblings or other children in the household.**

OCFS’ review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS’ assessment and the performance of these agencies.



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation	ASTO-Allowing Sex Abuse to Occur	



Case Information

Report Type: Child Deceased
Age: 2 month(s)

Jurisdiction: Oswego
Gender: Male

Date of Death: 08/12/2020
Initial Date OCFS Notified: 08/12/2020

Presenting Information

An SCR report was received with concerns that on 8/12/20, the two-month-old subject child died while in the care of a maternal uncle. The uncle had no explanation as to how the child died. There were further concerns the uncle and the child's mother had histories of substance abuse. The eldest sibling's father was also using illicit substances and physical altercations between him and the mother occurred in the presence of the children. The roles of the child's father, and the younger sibling's father were unknown.

Executive Summary

This fatality report concerns the death of a two-month-old male subject child that occurred on 8/13/20. An SCR report was made on that same date with allegations of Parent's Drug/Alcohol Misuse, Inadequate Guardianship and DOA/Fatality against the child's mother, father and maternal uncle. There were additional allegations of Inadequate Guardianship and Parent's Drug/Alcohol misuse against the child's mother and the biological father of one of the siblings. Oswego County Department of Social Services (OCDSS) received the report and investigated the child's death. An autopsy was completed, and the cause of death was noted as asphyxia due to becoming wedged between back pillows. The manner was accidental.

At the time of the child's death, he resided with his mother, maternal uncle, and two siblings, ages two and five years old. The child's biological father was involved in his life; however, did not live in the residence. The child also had half-siblings who did not visit the home. The investigation revealed that on the morning of 8/13/20, the uncle was asleep with the child on a sectional sofa, and the siblings were asleep upstairs in their room. The child was sleeping atop three pillows and a folded comforter. The father and mother left the home at approximately 8:30AM, without waking or informing the uncle. The uncle awoke at approximately 10:50AM and found the child face down with his head wedged into a couch cushion and the back of the sofa. The uncle called emergency services who arrived shortly thereafter and transported the child to a local hospital, where he was pronounced deceased at 11:24AM.

From the time the investigation began to the time of its closure, OCDSS spoke with family members and numerous collateral sources. There were no criminal charges brought against the parents regarding the death of the child. Concerns arose surrounding substance use and mental health issues involving the mother, father, uncle and biological father of the five-year-old sibling. In response, OCDSS removed the children from the home and filed a neglect petition in family court. Due to the parents' failure to leave the children with appropriate supervision, and their knowledge that the child was sleeping in an unsafe environment, OCDSS substantiated the allegations in the report regarding the fatality. A mandated preventive services case was opened and ongoing at the time of this writing.

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:

OCDSS gathered information to determine the allegations and assess the safety of the SS.

Was the decision to close the case appropriate? N/A

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

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

Explain:

The case record reflected supervisory consultations throughout the investigation. The level of casework activity was commensurate with the case circumstances.

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: 08/12/2020

Time of Death: 11:24 AM

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

County where fatality incident occurred: Oswego

Was 911 or local emergency number called? Yes

Time of Call: Unknown

Did EMS 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
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown



Other

Did child have supervision at time of incident leading to death? No - but needed

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
Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	Alleged Perpetrator	Male	29 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Male	2 Month(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	28 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	5 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	2 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	33 Year(s)
Other Household 2	Other Adult - BF of 5yo SS	Alleged Perpetrator	Male	38 Year(s)
Other Household 3	Other Adult - BF of 2yo SS	No Role	Male	31 Year(s)

LDSS Response

On 8/12/20, OCDSS received the SCR report regarding the death of SC, which occurred on that same date. OCDSS initiated their investigation within 24 hours and coordinated their efforts with their multidisciplinary team. OCDSS discovered there were two SS in the home and worked promptly to assess their safety.

On 8/12/20, safety plans were implemented on behalf of the SS, and home environments were assessed; no concerns were noted. OCDSS also assessed the SS and found they were safe in the care of their caregivers per the safety plan.

On 8/13/20, the 5yo SS was interviewed by LE, while OCDSS observed. The 5yo explained she and her sister awoke the previous morning and were going up and downstairs sneaking cookies from the kitchen. The 5yo stated they saw MU asleep on the living room couch with SC, and that he was the only adult home. She said SC was under a blanket and looked "brown." The 5yo reported she and her sister went upstairs to watch TV, and then heard a noise. She reported they went downstairs and saw a police officer holding SC. The 5yo had no further information surrounding the incident. On this same date, OCDSS observed LE interview SM and SF. SM explained SF spent the night on 8/11/20 and slept downstairs with MU and SC; SM slept upstairs. SM stated when she awoke the next morning, SF had to go to work and she decided to go for a walk. She said she thought she had heard SF tell MU to keep an eye on the kids as they were leaving; all 3 CHN were asleep, and MU also appeared to be "in and out" of sleep. SM said she looked at SC right before leaving the house. She denied she told MU to watch the CHN while they were gone and then reported she did not actually hear SF tell MU to watch the CHN either. SM stated SF did not have to go into work after all and joined her on her walk. SM reported some time later, MU called her screaming that SC was not breathing. Information from LE noted SM and SF left around



8:30AM and received the call from MU at 10:51AM. SF's account of events corroborated SM's, and he reiterated he had told MU to watch the CHN as he and SM were leaving the house.

Additional concerns arose regarding SM's untreated substance abuse and mental health, as well as the concern surrounding supervision. Due to this, the SS were removed from SM on 8/17/20, and a petition was filed in family court. At that time, the 5yo was placed in the care and custody of a family friend, while the 2yo SS was ordered to remain in the care of her BF.

Through speaking with collateral sources, OCDSS learned SC had been placed to sleep atop 3 pillows and a folded comforter, and those items were nearly as high as the back of the couch. A gap between the couch cushions where SC was found was also observed. LE reported SC was found face down, with his head wedged between the cushions and back of the couch, A bassinet and Pack 'n Play were observed in the home, and the parents had been previously educated surrounding safe sleep practices.

OCDSS' attempts to interview MU were unsuccessful; however, upon speaking to LE, OCDSS learned neither SM nor SF woke MU or informed him they were leaving that morning. When MU found SC unresponsive with his head in between the couch cushions, he immediately called SM and emergency services. MU had a history of substance abuse including overdosing in the presence of SM's CNH. SM was aware of these concerns yet still allowed MU to be alone with SC and the SS.

Throughout the investigation, OCDSS spoke with collateral sources and assessed the safety of all SS. Safety and legal interventions were sought when necessary. LE found no criminality on behalf of any of the adults in the home regarding SC's death. The ME noted there was no physical trauma to SC and he likely suffocated. OCDSS found evidence SM and SF placed SC at imminent risk by leaving and not waking MU to care for the CHN. The investigation was indicated, and a mandated preventive services case was opened.

Official Manner and Cause of Death

Official Manner: Accident

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

Comments: This fatality was conducted by the Oswego County MDT.

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? Yes

Comments: This fatality was reviewed by the Oswego County Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
055880 - Deceased Child, Male, 2 Mons	055881 - Mother, Female, 28 Year(s)	DOA / Fatality	Substantiated
055880 - Deceased Child, Male, 2 Mons	055881 - Mother, Female, 28 Year(s)	Inadequate Guardianship	Substantiated



Child Fatality Report

055880 - Deceased Child, Male, 2 Mons	055882 - Father, Male, 33 Year(s)	DOA / Fatality	Substantiated
055880 - Deceased Child, Male, 2 Mons	055882 - Father, Male, 33 Year(s)	Inadequate Guardianship	Substantiated
055880 - Deceased Child, Male, 2 Mons	055883 - Aunt/Uncle, Male, 29 Year(s)	DOA / Fatality	Unsubstantiated
055880 - Deceased Child, Male, 2 Mons	055883 - Aunt/Uncle, Male, 29 Year(s)	Inadequate Guardianship	Unsubstantiated
055880 - Deceased Child, Male, 2 Mons	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055880 - Deceased Child, Male, 2 Mons	055881 - Mother, Female, 28 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055880 - Deceased Child, Male, 2 Mons	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Inadequate Guardianship	Unsubstantiated
055884 - Sibling, Female, 5 Year(s)	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055884 - Sibling, Female, 5 Year(s)	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Inadequate Guardianship	Unsubstantiated
055884 - Sibling, Female, 5 Year(s)	055881 - Mother, Female, 28 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055884 - Sibling, Female, 5 Year(s)	055883 - Aunt/Uncle, Male, 29 Year(s)	Inadequate Guardianship	Unsubstantiated
055884 - Sibling, Female, 5 Year(s)	055881 - Mother, Female, 28 Year(s)	Inadequate Guardianship	Substantiated
055885 - Sibling, Female, 2 Year(s)	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Inadequate Guardianship	Unsubstantiated
055885 - Sibling, Female, 2 Year(s)	055881 - Mother, Female, 28 Year(s)	Inadequate Guardianship	Substantiated
055885 - Sibling, Female, 2 Year(s)	055886 - Other Adult - BF of 5yo SS, Male, 38 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055885 - Sibling, Female, 2 Year(s)	055881 - Mother, Female, 28 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
055885 - Sibling, Female, 2 Year(s)	055883 - Aunt/Uncle, Male, 29 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information:

OCDSS interviewed family and relevant collateral sources. Attempts were made to interview MU, but were unsuccessful. Progress notes and other documentation were completed and entered within the required timeframes.

Fatality Safety Assessment Activities

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

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

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
 The SS were removed after concerns of substance abuse and untreated mental health surfaced regarding SM. A neglect petition was filed in family court and a CPS services case was opened in response.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
 The SS were removed from SM's care after concerns arose regarding substance abuse and untreated mental health issues.

Legal Activity Related to the Fatality

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

- Family Court Criminal Court Order of Protection

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/14/2020	There was not a fact finding	Direct Custody to/or Continued with Relative (Article 10)
Respondent:	055881 Mother Female 28 Year(s)	
Comments:	On 8/17/20, a neglect petition was filed against SM and SF regarding both SS after concerns surrounding substance abuse and untreated mental health issues arose. Due to concerns surrounding domestic violence and ongoing legal issues, the 5yo's BF was not an appropriate resource for SS. The 5yo SS was initially placed in the custody of a family friend; however, on 10/15/20, was placed into OCDSS' custody due to the family friend not complying with an OP against SM and SF. The 2yo was placed with her BF and his significant other. The family court proceedings were ongoing at the time of this writing.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/17/2020	There was not a fact finding	Order of Supervision
Respondent:	055882 Father Male 33 Year(s)	
Comments:	OCDSS family court judge ordered no unsupervised contact between SM, SF and the SS.	



Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
10/15/2020	There was not a fact finding	Care/Custody to Local Social Services District
Respondent:	055881 Mother Female 28 Year(s)	
Comments:	On 8/17/20, a neglect petition was filed against SM and SF regarding both SS after concerns surrounding substance abuse and untreated mental health issues arose. Due to concerns surrounding domestic violence and ongoing legal issues, the 5yo's BF was not an appropriate resource for SS. The 5yo SS was initially placed in the custody of a family friend; however, on 10/15/20, was placed into OCDSS' custody due to the family friend not complying with an OP against SM and SF. The 2yo was placed with her BF and his significant other. The family court proceedings were ongoing at the time of this writing.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/17/2020	There was not a fact finding	Order of Supervision
Respondent:	055881 Mother Female 28 Year(s)	
Comments:	OCDSS family court judge ordered no unsupervised contact between SM, SF and the SS.	

Have any Orders of Protection been issued? Yes	
From: 08/17/2020	To: Unknown
Explain: Oswego County Family Court judge issued an OP against SM and SF regarding the SS; they were not to have any unsupervised contact with the children.	

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health care	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other, specify: CPS Services

Additional information, if necessary:

OCDSS provided the family with referrals for grief counseling. The record did not reflect if family planning services were discussed with SM. A mandated preventive services case was opened in response to concerns that arose during the investigation.

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 provided referrals for bereavement counseling for the SS. The family was engaged in an open mandated preventive services case at the close of the investigation.

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

Explain:

The family was engaged in an open mandated preventive services case at the close of the investigation to further address SM and the CHN's ongoing needs.

History Prior to the Fatality

Child Information

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

Infants Under One Year Old

During pregnancy, mother:

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



Infant was born:

Drug exposed

With fetal alcohol effects or syndrome

With neither of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/07/2020	Sibling, Female, 1 Years	Other Adult - BF of 2yo SS, Male, 30 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 1 Years	Other Adult - BF of 2yo SS, Male, 30 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 1 Years	Other Adult - Uncle to 1yo SS, Male, 26 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Other Adult - Uncle to 1yo SS, Male, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

This SCR report was received with concerns the BF of the 2yo SS and his brother were using illicit substances to the point of impairment while caring for the CH. There were further concerns the BF was physically aggressive toward SM while in the presence of SS.

Report Determination: Unfounded

Date of Determination: 04/07/2020

Basis for Determination:

OCSSS interviewed family and collateral sources. SM, BF and his brother did not appear under the influence during interactions, and the SS were assessed to be safe and well cared for, per observation and collateral contacts. SM reported BF hit her in the face once in the past, but denied this was in the presence of the CHN; she and BF were no longer in a relationship and SM denied any domestic violence concerns at the time of the report. Both parents had appropriate familial resources to assist with the CHN when needed. The investigation was unfounded and closed.

OCFS Review Results:

This investigation met all statutory requirements.

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)
05/15/2019	Sibling, Female, 1 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 1 Years	Mother, Female, 27 Years	Lack of Medical Care	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

This SCR report was received with concerns SM and MU were engaging in drug use in the presence of the CHN and had a history of physical altercations with one another. There were further concerns the youngest SS was suffering from a medical condition and SM failed to address it.

Report Determination: Unfounded**Date of Determination:** 06/25/2019**Basis for Determination:**

OCDSS completed interviews with family and collateral sources. SM was on probation and drug tested regularly by her probation officer; she tested positive once for marijuana. SM and MU denied having physical altercations; MU did not reside in the home nor provide childcare. The SS were too young for successful interviews with OCDSS, but were observed to be free from any marks or bruises and SM's home was appropriate. The investigation was unfounded and closed.

OCFS Review Results:

This investigation met all statutory requirements.

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)
09/10/2018	Sibling, Female, 6 Months	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Female, 3 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

This SCR report was received with concerns SM recently attempted suicide and was not complying with her necessary mental health treatment. Further, the report alleged SM would leave her CHN with others and not make a plan for their care.

Report Determination: Unfounded**Date of Determination:** 06/29/2019**Basis for Determination:**

OCDSS interviewed family and collateral sources. SM was engaged in outpatient mental health services and had made an appropriate plan for her CHN while she was in inpatient treatment. SM utilized family and close friends to help in the care of her CHN. The investigation was unfounded and closed.

OCFS Review Results:

A relative expressed concerns SM was engaging in substance use; however, the record reflected no follow-up from OCDSS for over 4 months, when a subsequent SCR report was received with further concerns of drug use. Numerous progress notes were entered more than one month after event dates.

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

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

Summary:

A relative expressed concerns SM was engaging in substance use; however, the record reflected no follow-up from OCDSS for over 4 months, after a subsequent SCR report was received with further concerns of drug use.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

Throughout the CPS investigation, OCDSS must facilitate information gathering, analyses of safety factors and the inter-relatedness of risk influences and individual risk elements affecting family functioning.

Issue:

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Numerous progress notes were entered more than one month after event dates.

Legal Reference:

18 NYCRR 428.5

Action:

OCDSS will enter progress notes contemporaneously as events occur.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/05/2018	Sibling, Female, 2 Years	Other Adult - BF of 2yo SS, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Female, 1 Months	Other Adult - BF of 2yo SS, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Months	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

This SCR report was received with concerns the now 2yo SS' BF was engaging in substance use and exhibiting violent, erratic behavior in the presence of his CH. A subsequent SCR report was received on 5/21/18 with further concerns SM left the now 5yo SS with an inadequate caregiver, and she and the 2yo's BF drove erratically with the SS in the car.

Report Determination: Unfounded

Date of Determination: 06/26/2018

Basis for Determination:

OCDSS interviewed family and collateral sources. Both SM and the now 2yo's BF were under the supervision of probation at the time of this investigation; however, only SM was compliant; SM and the SS were residing with a family friend at the close of the investigation. Both parents denied BF's behavior was erratic and denied any incidents of erratic driving and denied they were using drugs while the sole caretakers of the CHN. SM and BF felt the SCR reports were called in by a family member who was angry with them. There were no safety concerns noted regarding the CHN and OCDSS determined all their needs were being met. The case was unfounded and closed.

OCFS Review Results:

This investigation met all statutory requirements.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/08/2018	Sibling, Female, 14 Days	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	No

Report Summary:

This SCR report was received by Westchester County Department of Social Services (WCDSS) with concerns SM gave birth to the now 2yo SS while incarcerated and failed to make an appropriate plan for the CH. There were further concerns regarding SM's mental health.

Report Determination: Unfounded

Date of Determination: 03/28/2018

Basis for Determination:

WCDSS completed interviews with family and collateral sources; SM was unable to be interviewed due to mental health reasons. The paternal grandparents of the CH obtained custody and were found to be appropriate caregivers by the department. The case was unfounded and closed.

**OCFS Review Results:**

This investigation met all statutory requirements.

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)
02/22/2018	Sibling, Female, 1 Days	Mother, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	No

Report Summary:

This SCR report was received by Westchester County Department of Social Services (WCDSS) with concerns SM had a child removed from her care in the past and gave birth to another child on 2/22/18 while incarcerated. There were further concerns SM was actively using drugs.

Report Determination: Unfounded

Date of Determination: 02/22/2018

Basis for Determination:

WCDSS completed interviews with family and collateral sources. The CH was accepted into the correctional facility's nursery and SM tested negative for all substances. WCDSS explored potential resources for SM upon her release. SM remained incarcerated at the time the investigation concluded. The case was unfounded and closed.

OCFS Review Results:

This investigation met all statutory requirements.

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)
09/15/2017	Other Child - MU's CH, Male, 6 Years	Other Adult - MU's biological CH's mother, Female, 26 Years	Inadequate Guardianship	Substantiated	No
	Other Child - MU's CH, Male, 6 Years	Other Adult - MU's biological CH's mother, Female, 26 Years	Lack of Medical Care	Substantiated	
	Other Child - MU's CH, Male, 6 Years	Other Adult - MU's biological CH's mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Other Child - MU's CH, Male, 6 Years	Aunt/Uncle, Male, 26 Years	Inadequate Guardianship	Substantiated	
	Other Child - MU's CH, Male, 6 Years	Aunt/Uncle, Male, 26 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:

This SCR report was received with concerns MU and the mother to his CH engaged in drug use in the presence of the CH. There were further concerns of domestic violence occurring in the home and the mother was failing to bring the CH his needed physical and occupational therapy appointments.

Report Determination: Indicated

Date of Determination: 12/11/2017

Basis for Determination:

OCDSS interviewed family and collateral sources. MU was incarcerated throughout this investigation. He admitted to having a substance abuse problem and incidences of violence toward his son's mother. It was discovered the CH's mother was not compliant with the CH's medical needs, and failed to bring him to physical and occupational therapy appointments. OCDSS filed a neglect petition against MU and the CH's mother. The CH was removed and placed in the care of his grandmother. A CPS services case was opened in response.

**OCFS Review Results:**

This investigation met all statutory requirements.

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

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

From 2015 to 2016, MU was listed as a subject in two unfounded reports with allegations of PD/AM, LS, IS, and IF/C/S. He was also involved in a FAR case with concerns of EdN and LM.

From 2009 to 2015, the 5yo SS' BF was named in two unfounded reports for CH/T/S, IG, and PD/AM regarding his CHN, and an indicated report for IG; SM was also named as a subject in the indicated report.

Known CPS History Outside of NYS

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

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

Additional Local District Comments

Thank you for acknowledging the fatality report was done completely and properly. Of note is that the compliance issue did not contribute to the fatality.

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