



Report Identification Number: SY-23-003

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

Issue Date: Jul 06, 2023

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

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

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

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

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

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

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

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



Abbreviations

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	DA-District Attorney	
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	SXTF-Sex Trafficking
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: 5 month(s)

Jurisdiction: Broome
Gender: Male

Date of Death: 01/12/2023
Initial Date OCFS Notified: 01/12/2023

Presenting Information

On 1/12/2023, Broome County Department of Social Services received an SCR report that alleged the 5-month-old subject child was put to sleep in his crib by the mother and father sometime prior to 12:00 AM on 1/12/2023. Sometime later, the mother found the subject child unresponsive and called emergency services. Emergency services arrived at the home, performed CPR, and transported the subject child to the hospital where he was pronounced deceased at 3:07 AM. The 3-year-old and 1-year-old surviving sibling were listed on the report with no role. A subsequent SCR report was received later on 1/12/2023 regarding the fatality and also contained concerns the subject child showed signs of malnutrition.

Executive Summary

This report is regarding the death of the 5-month-old subject child that occurred on 1/12/2023. At the time of his death, the subject child resided with his mother, father, 1 year-old sibling, and 3-year-old half-sibling.

On 1/11/2023, between 8:00 PM and 9:00 PM, the subject child was placed to sleep in a crib by the mother. The mother swaddled the subject child in a blanket and placed the child on his back on top of two other blankets to support his hip, due to a concern the child had hip dysplasia. Also located inside the crib was a pillow, a stuffed toy, a music maker, and a bottle. The mother checked the subject child regularly until she went to bed between 9:30 PM and 10:00 PM, and the child appeared well. Around 1:30 AM on 1/12/2023, the mother woke to use the restroom. The mother passed the subject child's crib which was in the parents' bedroom and noticed the subject child was blue in color and not breathing. The subject child was still on his back and still swaddled as the mother had put him to sleep. The mother called to the father and brought the subject child downstairs where another couple was visiting and were still awake. The mother asked that someone call 911 and one of the visitors did so.

An emergency medical services dispatcher instructed the adults to place the subject child on a flat surface and explained the process for performing CPR. One of the unrelated home visitors began CPR at the direction of the dispatcher. First responders arrived at the home shortly thereafter and took over life saving efforts. The subject child was transferred to an ambulance and transported to the hospital. Lifesaving efforts were administered, including CPR, intubation, and multiple doses of epinephrine; however, the subject child was pronounced deceased at 3:07 AM.

Emergency Medical Services and hospital staff did not provide any opinion or diagnosis regarding the cause of the subject child's death; however, both noted the subject child appeared to be underweight.

BCDSS spoke with law enforcement and learned they spoke to the coroner and an autopsy was completed; however, the final autopsy report and death certificate were not yet available at the time this report was written. BCDSS received a preliminary death certificate which noted the manner and cause of death were pending. The coroner reported the initial autopsy did not show anything remarkable that would have caused the death of the subject child, and reported it was evident the subject child was being fed as there was stool in his colon. Law enforcement reported no criminality had been found pursuant to the investigation regarding the death of the subject child and the criminal investigation was closed with no criminal charges against the parents.

The CPS investigation remained ongoing at the time this report was written; as a result, the allegations of DOA / Fatality, Internal Injuries, Inadequate Guardianship, and Malnutrition / Failure to Thrive had not yet been determined.



BCDSS offered services and referrals related to the death of the subject child and as of the writing of this report, all services had been declined by the mother and father.

PIP Requirement

For citations identified in historical cases, BCDSS will submit a PIP to the Syracuse Regional Office within 30 days identifying action(s) BCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, BCDSS will review the plan and revise as needed. Tioga County DSS was also cited in a historical case and will respond to the RO in the same manner.

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?** N/A
- **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?** The CPS report had not yet been determined at the time this Fatality report was written.
- **Was the determination made by the district to unfound or indicate appropriate?** N/A

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:
BCDSS conducted an investigation which met regulatory guidelines. The investigation remained open at the time this report was written, pending the final autopsy report and death certificate.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities



Incident Information

Date of Death: 01/12/2023

Time of Death: 03:07 AM

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

Unknown

County where fatality incident occurred:

Broome

Was 911 or local emergency number called?

Yes

Time of Call:

01:38 AM

Did EMS respond to the scene?

Yes

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

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	5 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	34 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	23 Year(s)
Deceased Child's Household	Other Child - maternal half-sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Female	1 Year(s)

LDSS Response

Upon receipt of the SCR report, BCDSS initiated an investigation regarding the fatality of the subject child. BCDSS coordinated with law enforcement to make a joint home visit and interview the mother and father. The surviving siblings were assessed to be safe in the care of the mother and father during the initial home visit. Information was gathered from collateral sources including law enforcement, EMS, hospital staff, the children's pediatrician, and the office of the coroner. BCDSS conducted a search of the family's CPS history which noted the father had 2 other children who had no contact with the father for years prior to the fatality.

The mother and father were interviewed separately and provided similar accounts of the family's activities on 1/11/2023 and 1/12/2023. Both parents stated the mother placed the subject child to sleep between 8:00 PM and 9:00 PM and found him unresponsive around 1:30 AM. Both parents stated the subject child had been regularly put to sleep in a swing due to concerns for ongoing reflux; however, the evening of 1/11/2023 he was put to sleep in his crib. Due to concerns for the subject child's reflux and potential hip dysplasia, the subject child was placed to sleep swaddled in a blanket on his back, atop two small blankets, and with a pillow. The mother reported the subject child's pediatrician had advised the use of the



blankets to keep the subject child’s hip positioned for sleep. The parents reported 911 was contacted by friends visiting the home at the time of the subject child was found unresponsive. The parents both denied knowledge of any injury or trauma that could have contributed to the death of the subject child. The parents were questioned about the subject child’s alleged malnutrition and poor weight gain and stated the subject child had ongoing issues with reflux and would routinely spit up after feeding. The pediatrician had changed the subject child’s formula on multiple occasions and per the mother’s report, the subject child was started on a new formula in the past weeks that he had finally been able to keep down. The subject child was scheduled for a pediatric appointment to check his weight gain on the day of his death.

BCDSS observed and photographed the subject child’s sleeping arrangements and noted the crib contained multiple blankets, a pillow, a stuffed toy, a bottle, and a music device. The rest of the home was observed to be clean and appropriate for the surviving siblings. The siblings were observed to be clean, appropriately dressed, and free of injury. The siblings were not interviewed due to their ages.

BCDSS gathered records from and spoke with the pediatrician for the subject child and surviving siblings. The pediatrician denied providing any alternate guidance regarding the subject child’s sleep arrangements relative to his potential hip dysplasia. The pediatrician stated they believed the parents were receptive and following recommendations made regarding the care of the subject child. The subject child was seen in August and December of 2022 due to concerns for his poor weight gain and medial records show the child was started on multiple different formulas to address a potential dietary intolerance. Records showed the subject child missed a scheduled appointment in September 2022 due to the family’s unstable housing situation. There were no specific concerns documented for the children in the care of the mother and father.

The record reflected personal collateral contact with grandparents and friends of the family, all of whom voiced no concern for the subject child or surviving siblings in the care of the mother and father.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Pending

Person Declaring Official Manner and Cause of Death: Coroner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes

Was the fatality referred to an OCFS approved Child Fatality Review Team? Yes

Comments: The fatality was referred to Broome County's Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
063973 - Deceased Child, Male, 5 Mons	063974 - Mother, Female, 23 Year(s)	DOA / Fatality	Pending
063973 - Deceased Child, Male, 5 Mons	063974 - Mother, Female, 23 Year(s)	Inadequate Guardianship	Pending
063973 - Deceased Child, Male, 5 Mons	063974 - Mother, Female, 23 Year(s)	Internal Injuries	Pending
063973 - Deceased Child, Male, 5	063974 - Mother, Female, 23	Malnutrition / Failure to	Pending



Child Fatality Report

Mons	Year(s)	Thrive	
063973 - Deceased Child, Male, 5 Mons	063975 - Father, Male, 34 Year(s)	DOA / Fatality	Pending
063973 - Deceased Child, Male, 5 Mons	063975 - Father, Male, 34 Year(s)	Inadequate Guardianship	Pending
063973 - Deceased Child, Male, 5 Mons	063975 - Father, Male, 34 Year(s)	Internal Injuries	Pending
063973 - Deceased Child, Male, 5 Mons	063975 - Father, Male, 34 Year(s)	Malnutrition / Failure to Thrive	Pending

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

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Fatality Risk Assessment / Risk Assessment Profile

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

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed 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 as a result of information uncovered during the fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Activity Related to the Fatality

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

Services 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:
 BCDSS offered bereavement and trauma services as well as mental health services which were all declined by the mother and father. The mother and father further reported they received community support to help pay for funeral / burial costs.

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? No

Explain:

BCDSS offered fatality related services which were declined by the mother and father.

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No

Explain:

BCDSS offered fatality related services which were declined by the mother and father.

History Prior to the Fatality

Child Information

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

Was the child acutely ill during the two weeks before death? No

Infants Under One Year Old

During pregnancy, mother:

- | | |
|---|--|
| <input type="checkbox"/> Had medical complications / infections | <input type="checkbox"/> Had heavy alcohol use |
| <input type="checkbox"/> Misused over-the-counter or prescription drugs | <input type="checkbox"/> Smoked tobacco |
| <input type="checkbox"/> Experienced domestic violence | <input type="checkbox"/> Used illicit drugs |



Child Fatality Report

- Had a positive toxicology at the time of delivery
- Used prescription drugs
- Used marijuana
- Was not noted in the case record to have any of the issues listed

Infant was born:

- With a positive toxicology
- With fetal alcohol effects or syndrome
- Exhibiting withdrawal symptoms
- With none of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/29/2022	Other Child - paternal half-sibling, Male, 12 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Other Child - unrelated child, Male, 11 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 10 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 9 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 12 Years	Other Adult - unrelated father, Male, 41 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 11 Years	Other Adult - unrelated father, Male, 41 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 10 Years	Other Adult - unrelated father, Male, 41 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 9 Years	Other Adult - unrelated father, Male, 41 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	

Report Summary:

An SCR report alleged the mother of the now 12yo paternal half-sibling was homeless and living out of a van with the 12yo paternal half-sibling, her 3 other children, and the father of those children.

Report Determination: Unfounded**Date of Determination:** 03/01/2023**Basis for Determination:**

The record reflected the family had been homeless for several months and had sought the aid of emergency shelter services; however, emergency housing was unable to place the family due to the number of children in the household. All family members denied having to sleep in the family vehicle. The family was able to obtain adequate housing by the close of the investigation. All allegations were unsubstantiated.

OCFS Review Results:

On 12/29/2022, the mother admitted the family was homeless and provided BCDSS with the address at which the family would be staying with a relative; however, there was no documented attempt to visit the family at that or any other address until BCDSS observed the family's new apartment on 2/3/2023. BCDSS spoke with the father of the other



children via telephone, but did not did interview him face-to-face or document failed attempts at doing so.

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

Issue:

Pre-Determination/Assessment of Current Safety/Risk

Summary:

The case was pre-determined to the assessment of safety and risk. Efforts were not made to see where the family was living while they found permanent housing. The report was initiated on 12/29/22 and the home environment was not assessed until 02/03/23.

Legal Reference:

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

Action:

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/09/2022	Other Child - unrelated child, Male, 1 Years	Other Adult - mother of the unrelated children, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Other Child - unrelated child, Male, 1 Years	Other Adult - mother of the unrelated children, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated child, Female, 3 Years	Other Adult - mother of the unrelated children, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Female, 3 Years	Other Adult - mother of the unrelated children, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 2 Months	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - maternal half-sibling, Female, 8 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated child, Male, 1 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated child, Male, 1 Years	Father, Male, 33 Years	Excessive Corporal Punishment	Unsubstantiated	
	Other Child - unrelated child, Male, 1 Years	Father, Male, 33 Years	Lacerations / Bruises / Welts	Unsubstantiated	

Report Summary:

Tioga County Department of Social Services (TCDSS) received an SCR report that alleged the father hit a now 2yo unrelated child and threw him against a brick wall causing bruising and scratches. The father was aggressive towards the other children in the home. A subsequent SCR report alleged the now 12yo paternal half-sibling was allowed to be unsupervised around the now 2yo unrelated child despite previous concerns that he was inappropriate towards another



child. A further subsequent report alleged the mother of the unrelated child and her 3 children were kicked out of their residence and homeless as a result.

Report Determination: Unfounded

Date of Determination: 05/20/2022

Basis for Determination:

All allegations were unsubstantiated. The father denied he hit or threw the now 2yo unrelated child or harmed him in any way. The concerns regarding any inappropriate contact between the now 12yo paternal half-sibling and any other children were investigated and unfounded. According to the investigation conclusion narrative, the unrelated mother was determined to have an appropriate residence for herself and her children.

OCFS Review Results:

The record reflected the father was arrested regarding the incident with the unrelated child and injuries were observed on the unrelated child consistent with the reported allegations; however, the allegations against the father were unsubstantiated. The risk rating was very high; however, the record did not reflect any services offered.

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

Issue:

Appropriateness of allegation determination

Summary:

The case record reflected that injuries were observed on the unrelated child by law enforcement, CPS, and other collaterals. Law enforcement reported to CPS the father was to be arrested on multiple charges, including 2 felonies, related to the incident with the unrelated child. Despite the information gathered, the allegations against the father regarding the other child were unsubstantiated.

Legal Reference:

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

Action:

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

Issue:

Failure to Offer Appropriate Services

Summary:

The case was closed with a final risk rating of "very high" due to the father's history of violent behavior, mental health, and substance abuse issues. Despite those concerns documented in the Risk Assessment Profile, the case record did not reflect services were offered to the father.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

Based on the investigation and evaluation conducted, TCDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/25/2021	Other Child - paternal half-sibling, Male, 10 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - paternal half-sibling, Male, 10 Years	Father, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 10 Years	Father, Male, 33 Years	Lacerations / Bruises / Welts	Unsubstantiated	



Report Summary:

An SCR report alleged the father made the now 12yo paternal half-sibling and 3 other children jog in place for an unknown period of time as a form of punishment. The paternal half-sibling refused to jog in place and as a result the father grabbed the half-sibling by the shirt collar and dragged him resulting in bruising to the half-sibling's neck. The mother was present when this occurred and did not intervene.

Report Determination: Unfounded

Date of Determination: 11/24/2021

Basis for Determination:

All allegations were unsubstantiated. The paternal half-sibling reported there was an incident wherein he sustained a bruise to his neck because of the father pulling him; however, no injury was observed on the half-sibling's neck. The mother, father, and 3 other children were interviewed and denied the incident took place. The mother of the now 12yo paternal half-sibling denied knowledge of the incident or any concerns for the half sibling with his father.

OCFS Review Results:

BCDSS initiated an investigation timely upon receipt of the SCR report, interviewed all home members face-to-face, and assessed for the safety of the paternal half-sibling and the 3 other children residing in the home. A law enforcement referral was generated; however, law enforcement declined to pursue the investigation. BCDSS contacted appropriate collaterals and made home visits as required.

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)
10/28/2020	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated child, Male, 16 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 16 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	



Other Child - unrelated child, Male, 16 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - unrelated child, Male, 16 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated
Other Child - other child 1, Male, 8 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - other child 1, Male, 8 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated
Other Child - other child 2, Male, 7 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - other child 2, Male, 7 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated
Other Child - other child 3, Male, 6 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - other child 3, Male, 6 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated
Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated
Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated
Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated
Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Lacerations / Bruises / Welts	Unsubstantiated

Report Summary:

An SCR report alleged the mother of the now 12yo paternal half-sibling was physically aggressive towards her 4 children including the paternal half-sibling. A subsequent SCR report alleged further violence and deplorable conditions in the home.

Report Determination: Unfounded**Date of Determination:** 04/26/2021**Basis for Determination:**

All subject adults and children were interviewed face-to-face and denied violence from the mother towards the paternal half-sibling. The home was observed at case closing to meet minimal standards for the safety of the children. All allegations were unsubstantiated.

OCFS Review Results:

BCDSS initiated a timely investigation and assessed the safety of the children upon receipt of the report. Continued home visits were made as the mother initially declined to allow BCDSS to observe the state of the home. A history check was completed; however, was documented late

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



Child Fatality Report

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/24/2020	Other Child - unrelated child, Male, 16 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Other Child - unrelated child, Male, 16 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - unrelated child, Male, 16 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - unrelated child, Male, 16 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	



	Years		
Other Child - other child 3, Male, 6 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - other child 3, Male, 6 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

An SCR report alleged the other grandmother was not providing for the needs of a 16yo unrelated child. The unrelated child did not have a stable living environment and did not have his own food. The grandmother was homeless and moved from place to place without the unrelated child. A subsequent SCR report alleged the grandmother moved into the home of the mother of the now 12yo paternal half-sibling. There were concerns for the physical state of that home and for violence between the grandmother and mother in the presence of the paternal half-sibling and the 3 other children.

Report Determination: Unfounded

Date of Determination: 10/27/2020

Basis for Determination:

All allegations were unsubstantiated. The grandmother, mother, and all children were interviewed and denied the reported allegations. The unrelated child was located and interviewed and revealed he had been staying at the home of a friend. The grandmother reported the unrelated child left the home by choice and would not return. The home was found to meet minimal standards for the safety of the children.

OCFS Review Results:

BCDSS initiated an investigation upon receipt of the SCR reports, made home visits to assess the safety of all children listed in the reports, and completed all regulatory 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)
07/12/2020	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	No
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 1, Male, 8 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 2, Male, 7 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - other child 3, Male, 6 Years	Other Adult - other mother, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	



Child Fatality Report

Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other grandmother, Female, 50 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - paternal half-sibling, Male, 9 Years	Father, Male, 31 Years	Inadequate Guardianship	Unsubstantiated
Other Child - paternal half-sibling, Male, 9 Years	Father, Male, 31 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

An SCR report alleged the mother of the now 12yo paternal half-sibling allowed her mother to move into the home due to being homeless. While the grandmother was living in the home, her untreated mental health issues and marijuana caused her to be physically aggressive with half-sibling. A subsequent SCR report alleged the half-sibling was out of control and throwing objects around the house placing the other children and grandmother in harm's way. The report also alleged the mother's home did not meet a minimal degree for the children to be able to reside there. There were concerns for the half-sibling visiting with the biological father due to the father's drug use.

Report Determination: Unfounded

Date of Determination: 08/06/2020

Basis for Determination:

All allegations were unsubstantiated. The mother, grandmother, and interviewable children denied violence or drug use in the home. The home was found to be a safety concern; however, the family was given an opportunity to clean and did so. The mother and paternal half-sibling stated the half-sibling did not visit at the home of the biological father.

OCFS Review Results:

BCDSS made multiple home visits to assess and reassess the home until it was deemed to meet a minimal standard for the safety of the children. BCDSS interviewed all home members and referred the grandmother for a urine drug screen due to the reported allegations. The father was listed as a subject on the subsequent report; however, the record reflected only attempted phone calls to the father and no attempt to visit his home or interview him face-to-face.

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)
07/01/2020	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - other mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - other child 1, Male, 17 Years	Other Adult - other mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 2, Female, 1 Years	Other Adult - other mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - other child 3, Male, 1 Months	Other Adult - other mother, Female, 21 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

The SCR report alleged a mother unrelated to this report had a history of mental health issues including severe depression. For weeks the mother had not taken her prescribed medication and as a result was unable to care for the now 12yo paternal half-sibling and 3 other unrelated children. The other mother and the 17yo other child were in an intimate relationship. The biological father was listed on the report as the father of the paternal half-sibling.

Report Determination: Unfounded

Date of Determination: 08/03/2020

Basis for Determination:

The other unrelated mother denied any suicidal ideation and her mental health provider reported that she was prescribed medication; however, it was not required that she take it. The interviewable children did not disclose concerns for their care with the mother. The home was found to meet minimal standards and collaterals interviewed expressed no concern



for the children in the care of the mother. The allegations were unsubstantiated.

OCFS Review Results:

BCDSS interviewed the home members and assessed the home for safety. The biological parents of the children were added to the report and notified as appropriate. The record noted the mother of the now 12yo paternal half-sibling was notified of the report and advised of the allegations via telephone; however, the record did not reflect an attempt made to visit or assess her home despite that being the paternal half-sibling's primary residence.

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

Issue:

Pre-Determination/Home Visit

Summary:

The record reflected the 9-year-old paternal half-sibling did not reside at the case residence, but resided with his own mother. The mother of the paternal half-sibling was made aware of the report allegations over the phone; however, no attempt was made to observe or assess her home.

Legal Reference:

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

Action:

Prior to a determination being made, the investigation must include one home visit to evaluate the environment of the child named in the report as well as other children in the same home.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/13/2020	Other Child - paternal half-sibling, Male, 9 Years	Father, Male, 31 Years	Inadequate Guardianship	Substantiated	No
	Other Child - paternal half-sibling, Male, 9 Years	Father, Male, 31 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - unrelated child, Male, 8 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - unrelated child, Male, 7 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - unrelated child, Male, 6 Years	Other Adult - mother of the 12yo paternal half-sibling, Female, 30 Years	Lack of Supervision	Substantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - unrelated adult, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - paternal half-sibling, Male, 9 Years	Other Adult - unrelated adult, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the father and an adult unrelated to this report were using illegal substances while caring for the now 12yo paternal half-sibling. The report further alleged the father had a history of violence and aggression and had attacked the family's dog in the presence of the paternal half-sibling.

Report Determination: Indicated**Date of Determination:** 07/13/2020**Basis for Determination:**

Allegations of PDAM and IG were substantiated against the father regarding the paternal half-sibling. During the investigation the father tested positive for cocaine. Also during the investigation there was a violent incident wherein the father pushed an unrelated adult down a flight of stairs while the paternal half-sibling and another child were inside of the home. Allegations of IG were also substantiated against the mother of the paternal half-sibling regarding concerns her home was unsafe for her 4 children.

OCFS Review Results:

BCDSS interviewed all family members and appropriate collaterals. Safety was assessed for the children immediately and regularly throughout the investigation. The allegations were appropriately substantiated. Appropriate services were offered or were already in place for the family.

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)
04/21/2020	Other Child - paternal half sibling, Male, 9 Years	Other Adult - parent substitute to the paternal half-sibling, Male, 39 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - unrelated child, Male, 8 Years	Other Adult - parent substitute to the paternal half-sibling, Male, 39 Years	Inadequate Guardianship	Substantiated	

Report Summary:

The SCR report alleged that on 4/14/2020, the mother of the the now 12yo paternal half-sibling and the parent substitute engaged in a verbal altercation that became physical in the presence of the paternal half-sibling and another child. The other child threw something at the parent substitute who started to chase the other child as a result. The mother of the paternal half-sibling intervened to protect the other child and the parent substitute pushed her as a result.

Report Determination: Indicated**Date of Determination:** 06/22/2020**Basis for Determination:**

The allegations were substantiated against the parent substitute. Both parents admitted there was a dispute between them that turned physical. The mother of the paternal half-sibling contacted 911 as a result of the dispute. The parent substitute left the home as a result of the incident; however, the parent substitute engaged in further violence when he pushed the other child while arguing with the mother during a later visit.

OCFS Review Results:

Despite the concerns found during the investigation and a history of domestic violence, the record did not reflect domestic violence services were offered to the family. The parent substitutes pattern of violence continued after he moved out of the home; however, the record did not reflect a further assessment or planning regarding the safety of the children. The biological father was added to the household composition; however, the record reflected only one attempt made to contact him via telephone.

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

Issue:

Failure to Conduct a Face-to-Face Interview (Subject/Family)

Summary:

BCDSS did not conduct or attempt a face-to-face interview with the father of the paternal half-sibling nor were there documented attempts for such.



Legal Reference:

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

Action:

BCDSS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians.

Issue:

Failure to Offer Appropriate Services

Summary:

BCDSS documented concerns for past and current domestic violence between the mother of the paternal half-sibling and the parent substitute, including incidents which occurred in the presence of the children in the home; however, there was no documented effort to provide services or a referral for domestic violence services.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

Based on the investigation and evaluation conducted, BCDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Issue:

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

Summary:

BCDSS learned of further domestic violence occurring including an incident wherein the other child was pushed by the parent substitute and the parents physically fought in the presence of the children resulting in the police responding to the home. The record did not reflect further follow-up including a reassessment of safety or safety planning regarding the continued violence in the family.

Legal Reference:

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

Action:

BCDSS will make an adequate assessment of the nature, extent and cause of any condition which may constitute abuse or maltreatment, whether contained in the original SCR report or discovered during the open investigation.

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

Between 2012 and 2019, the now 12yo paternal half-sibling was listed as a maltreated child on 16 SCR reports with common allegations of IG, IFCS, LSUP, and LMED against the mother and stepfather of the now 12yo paternal-half sibling. There were ongoing concerns for domestic violence between the parents, excessive physical discipline towards the children, and unsafe and unsanitary living conditions. On 9 of those 16 investigations, the allegations were substantiated against the mother and stepfather regarding the now 12yo paternal half-sibling and 3 children unrelated to this report. The father was listed on all of those investigations with no role.

The father was listed as a subject on 3 investigations in 2018 and 2019 for substantiated allegations of IG, LSUP, and IFCS regarding children unrelated to this report. There were concerns the father had left a child in a car on a 90 degree day, had engaged in domestic violence against an unrelated partner and attempted to strangle her in the presence of an unrelated child, and had failed to supervise a child unrelated to him to the extent the child was injured and bitten by other children.

The father and the mother of the now 12yo paternal half-sibling were listed as subjects of an investigation in 2010 regarding domestic violence in the presence of a child unrelated to this report. Allegations of IG were substantiated against both parents.



Known CPS History Outside of NYS

There was no know history outside of NYS.

Preventive Services History

The now 12yo paternal half-sibling was listed in two Family Services Stages (FSS) along with his mother, stepfather, and 3 children unrelated to this report.

An FSS opened on 3/15/2018 and closed on 6/14/2019 regarded ongoing concerns of unsafe and unsanitary home conditions, excessive corporal punishment, and domestic violence. Services provided to the family included parenting classes, childcare, and mental health counseling. The mother and stepfather of the paternal half-sibling did not engage and requested the services case be closed.

An FSS opened on 8/7/2015 and closed on 12/28/2016 regarded ongoing concerns for unsafe and unsanitary home conditions. Services were provided including mental health, daycare, and early intervention. The mother and stepfather of the paternal half-sibling successfully engaged with the services and kept the home clean and appropriate for the children.

The father was listed on an FSS with a mother and child unrelated to this report. The FSS opened on 3/8/2019 and closed on 7/28/2022. The father and the unrelated mother did not follow service recommendations or meet goals and the unrelated child was placed in foster care. The father was ultimately stripped of his parental rights to the unrelated child.

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

BCDSS agrees with NYS OCFS' fatality investigation findings, that BCDSS' casework investigation and supervisory oversight of this fatality was appropriate and compliant with relevant statutory and regulatory requirements.

The following comments are directed to this report's three-year history review, unrelated to this fatality.

Oral Report Date (ORD) 12/29/22

Home environment not timely assessed. Homelessness is a serious issue in Broome County. This family had 2-3 temporary addresses. CPS maintained contact with family & Emergency Assistance staff during investigation. CPS does not have adequate staff to perform repeated home checks for temporary address changes.

ORD 7/1/2020

Pre-Determination/Home Visit. Paternal half-sibling was listed on 7/12/20 report; mother was interviewed, her home was assessed (mother references her active case when contacted by assigned worker). This information was not transferred between investigations in the State's CONNX computer system.

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