



**Report Identification Number: AL-18-021**

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

**Issue Date: Feb 05, 2019**

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

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

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

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

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

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

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

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



## Abbreviations

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



## Case Information

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

**Jurisdiction:** Saratoga  
**Gender:** Female

**Date of Death:** 07/23/2018  
**Initial Date OCFS Notified:** 09/12/2018

## Presenting Information

The deceased child and her four surviving siblings resided with their father at the time of the child's death. All of the children spent a period of time in foster care, and had recently returned to their father's care. On 9/19/18, an SCR report was received regarding the death. It alleged the father had given the deceased child a triple dose of prescribed pain medication with the intent of ending her life. It was alleged the child died as a result of the excessive medication she was given.

## Executive Summary

This report concerns the death of the 16-year-old female child. Saratoga County Department of Social Services (SCDSS) was working with the father and surviving siblings during an open foster care case at the time of her death. SCDSS completed and forwarded to OCFS, a 7065 form as notification. Subsequently, SCDSS received an SCR report on 9/19/18, regarding the teenager's death that occurred on 7/23/18. The report alleged the father had given the teenager more morphine than was prescribed, and this led to her death.

The teenager was diagnosed with cystic fibrosis and was under medical care for her condition at the time of her passing. The teenager was receiving in-home Hospice services and her death was expected.

There was no autopsy performed and the ME was not notified. The death certificate listed the cause of death as cystic fibrosis and the manner of death as natural causes.

LE was notified of the teenager's death after the SCR report was received. LE investigated the claims that the teenager may have been given an overdose of her prescribed morphine. LE found the claim to be lacking basis and they concluded their investigation and no criminal charges were filed.

SCDSS reviewed the family's CPS history and were familiar with the family dynamics, given their involvement with the family. SCDSS interviewed each of the surviving siblings, the father, the mother, the maternal grandmother and paternal grandmother. SCDSS also reviewed numerous medical records and spoke with doctors, nurses and social workers that had participated in the teenager's medical care. All collaterals consistently told SCDSS that the family and medical providers were aware the teenager's disease was in the end stages.

The family was offered bereavement counseling services and declined. The surviving siblings were already seeing a mental health counselor at the time of the fatality.

SCDSS appropriately unsubstantiated the allegations of DOA/Fatality, IG and P/Nx against the father in regard to the deceased child. SCDSS documented that based on medical records, the teenager's condition was expected to worsen quickly. There was no credible evidence that the father gave her more morphine than she was prescribed, and the doctor stated this would not have caused her death.

## 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:

The casework activity was commensurate with the case circumstances.

Was the decision to close the case appropriate? Yes

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

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

### Explain:

It was appropriate to close the investigation.

### 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: 07/23/2018

Time of Death: 06:10 PM

County where fatality incident occurred: Saratoga

Was 911 or local emergency number called? No

Did EMS respond to the scene? No

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: resting in bed

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

**At time of incident supervisor was:** Not impaired.

**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	Female	16 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	49 Year(s)
Deceased Child's Household	Sibling	No Role	Female	13 Year(s)
Deceased Child's Household	Sibling	No Role	Female	11 Year(s)
Deceased Child's Household	Sibling	No Role	Female	17 Year(s)
Deceased Child's Household	Sibling	No Role	Male	4 Year(s)
Other Household 1	Mother	No Role	Female	52 Year(s)

### LDSS Response

At the time of the teenager's death SCDSS had an open foster care case with her father and the surviving siblings. The teenager was previously discharged from foster care, into her father's custody on 6/27/18. The teenager was returned to her father's custody before her siblings so he could make end of life decisions with her. The siblings were on a trial discharge with their father, and he regained custody on 8/14/18. SCDSS also received an SCR report regarding the teenager's death on 9/19/18. SCDSS contacted the source of the report, LE, the ME and notified the DA. SCDSS immediately assessed the safety of the surviving children both at the time of death and after receiving the SCR report. The children were all deemed safe in the care of the father.

SCDSS reviewed the child's medical records and spoke with her medical providers. The deceased child was in the end stages of her illness and suffered from a bacterial infection in her lungs that was antibiotic resistant and made her ineligible for a lung transplant. The teenager had been discharged from the hospital on 7/16/18 with Hospice and a do not resuscitate order in place, as per her wishes. Medical providers expressed the teenager's death was expected and was imminent. SCDSS learned that upon her return home, her condition deteriorated quickly. The teenager had labored breathing and was receiving nutrition and hydration intravenously. Her condition continued to worsen and the decision was made to stop all medications and medical interventions, except those needed for pain. The child was given morphine to make her comfortable during the process. The medication was administered by the nurse in the home and the father. After conversations with the nurse, father and doctor prescribing the medication and monitoring the care plan, there was no suspicion that the teenager died as the result of too much morphine.

The father, maternal grandmother, paternal grandmother, and the surviving siblings were all in the home at the time of the death. There had also been several other relatives at the home throughout the day, to visit the teenager as she was in the end stages of her illness. All accounts of family were that the teenager was lying in her bed and resting. The father contacted Hospice when the teenager no longer had signs of life, and a nurse came to the home and declared the death. The



funeral home chosen by the family was contacted and there was no autopsy done.

The mother had been to visit the teenager earlier in the day and was notified via telephone when she passed. The mother had supervised visitation with all the children, as a result of not completing court ordered services. The siblings told SCDSS that they did not have a good relationship with their mother, and denied any concerns regarding their father's care of the deceased child.

#### Official Manner and Cause of Death

**Official Manner:** Natural

**Primary Cause of Death:** From a medical cause

**Person Declaring Official Manner and Cause of Death:** Other physician

#### Multidisciplinary Investigation/Review

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

**Was the fatality reviewed by an OCFS approved Child Fatality Review Team?** No

**Comments:** Saratoga County does not have an OCFS approved Child Fatality Review Team.

#### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
049001 - Deceased Child, Female, 16 Yrs	049006 - Father, Male, 49 Year(s)	Inadequate Guardianship	Unsubstantiated
049001 - Deceased Child, Female, 16 Yrs	049006 - Father, Male, 49 Year(s)	Poisoning / Noxious Substances	Unsubstantiated
049001 - Deceased Child, Female, 16 Yrs	049006 - Father, Male, 49 Year(s)	DOA / Fatality	Unsubstantiated

#### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Child Fatality Report

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

### Fatality Safety Assessment Activities

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

<b>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?</b>	<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
<b>Was the risk assessment/RAP adequate in this case?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there an adequate assessment of the family's need for services?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Were appropriate/needed services offered in this case</b>	<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
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# Child Fatality Report

Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Legal Activity Related to the Fatality

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

Have any Orders of Protection been issued? No

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

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	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 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 checked="" type="checkbox"/>	<input 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:**

The surviving siblings received counseling before the fatality, and continued these services after the child's death. The father and surviving siblings continued to receive foster care services from SCDSS until the children were returned to the





custody of their father on 8/14/18. The family was functioning well and their father had completed all court ordered services.

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

**Explain:**

Grief Counseling was discussed, but the siblings were already in counseling.

## History Prior to the Fatality

### Child Information

<b>Did the child have a history of alleged child abuse/maltreatment?</b>	Yes
<b>Was there an open CPS case with this child at the time of death?</b>	No
<b>Was the child ever placed outside of the home prior to the death?</b>	Yes
<b>Were there any siblings ever placed outside of the home prior to this child's death?</b>	Yes
<b>Was the child acutely ill during the two weeks before death?</b>	Yes

## 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)
04/10/2018	Deceased Child, Female, 15 Years	Father, Male, 49 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Female, 15 Years	Father, Male, 49 Years	Lack of Medical Care	Unsubstantiated	

**Report Summary:**

An SCR report was received that alleged the deceased child was discharged from the hospital and refusing to use required medical equipment. The child lost 6-7 pounds and had worsened breathing as a result of not using her feeding tube and Intrapulmonary Percussive Ventilator. The father was overwhelmed and had a history of not making sure the child had enough of her essential medication, and also gave her the wrong medication in the past. The father was described as overwhelmed with his responsibilities. The other children and mother had unknown roles.

**Report Determination:** Unfounded

**Date of Determination:** 06/14/2018

**Basis for Determination:**

SCDSS found that the deceased child was getting her medications and treatments as prescribed. She was struggling with eating and was seeing a specialist for the issue. The children all denied that the father was skipping medications or not providing the deceased child with nutrition. Collateral contacts were made with medical providers and they expressed no concerns for the care the child was receiving from the father. The mother had supervised contact with all the children and did not reside in the home. The deceased child was very ill with a terminal illness and the father was providing her appropriate care.

**OCFS Review Results:**

SCDSS interviewed both parents and each child living in the home. The children all denied that the father was mismanaging the deceased child's eating or medical schedule and medical professionals corroborated this. The children were on a trial discharge from foster care with the father since 1/20/18 and the foster care case was ongoing at the time of



# Child Fatality Report

the investigation. The mother was only permitted supervised contact with the children, and visits were in public locations. There was no credible evidence found to substantiate the allegations in the report.

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)
04/19/2017	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Other	Unsubstantiated	No
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Other	Unsubstantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Other	Unsubstantiated	
	Sibling, Female, 10 Years	Mother, Female, 50 Years	Other	Unsubstantiated	
	Sibling, Male, 3 Years	Mother, Female, 50 Years	Other	Unsubstantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated	
	Sibling, Female, 10 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated	
	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 10 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Male, 3 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Deceased Child, Female, 14 Years	Father, Male, 48 Years	Other	Unsubstantiated	
	Sibling, Female, 16 Years	Father, Male, 48 Years	Other	Unsubstantiated	
	Sibling, Female, 11 Years	Father, Male, 48 Years	Other	Unsubstantiated	
	Sibling, Female, 10 Years	Father, Male, 48 Years	Other	Unsubstantiated	
Sibling, Male, 3 Years	Father, Male, 48 Years	Other	Unsubstantiated		

**Report Summary:**

An SCR report was received as the result of The Family Court Judge requesting an investigation Under Article 1034 of the Family Court Act.

**Report Determination:** Indicated

**Date of Determination:** 06/30/2017



**Basis for Determination:**

After several home visits and interviews with collaterals, SCDSS found the condition of the home posed a safety concern to the children. The home was extremely cluttered and there was animal feces throughout the basement of the home. SCDSS determined the children may not be able to safely leave the home in the event of an emergency. SCDSS put a plan in place that the children would not be allowed at the home until it was cleaned, yet the mother continued to bring the children to the home. There was an order of protection in place prohibiting the mother from bringing the kids to the home. SCDSS had an ongoing Article 10 petition against the parents and continued services at the case closing.

**OCFS Review Results:**

Numerous home visits were made and both parents and all children were seen and interviewed several times. The father was not living in the home at the time of the open investigation and the mother was unable to improve the condition of the family home. The family was unable to return to the home at the conclusion of the investigation and remained living with family members. Family Court proceedings were ongoing at the case closing and a Preventive Services case remained open.

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)
01/27/2017	Sibling, Female, 11 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated	Yes
	Sibling, Female, 9 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated	
	Sibling, Female, 11 Years	Father, Male, 47 Years	Educational Neglect	Substantiated	
	Sibling, Female, 9 Years	Father, Male, 47 Years	Educational Neglect	Substantiated	
	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 3 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Male, 3 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	



Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 16 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 16 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 3 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 3 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 16 Years	Father, Male, 47 Years	Lacerations / Bruises / Welts	Unsubstantiated
Sibling, Male, 3 Years	Father, Male, 47 Years	Lacerations / Bruises / Welts	Unsubstantiated

**Report Summary:**

An SCR report was received alleging the condition of the home was unsanitary and unsafe for the deceased child given her sensitive immune system. The child had a medical condition that required oxygen to breathe and a feeding tube. Additionally the child had numerous allergies that were exacerbated by the dust, rotten food and clutter in the home. The mother was overwhelmed by her responsibilities in caring for the children and the home.

**Report Determination:** Indicated

**Date of Determination:** 03/31/2017

**Basis for Determination:**

SCDSS found that the 11 and 9yo siblings had each missed over 60 days of school and were medically excused. The parents failed to get their missed assignments from the school and regularly cancelled tutoring appointments, therefore they were both failing their classes as a result. During the investigation, SCDSS found the home to be unsanitary and unsafe and the children went to stay with relatives so the parents could clean the home. The parents made little progress in cleaning the home and therefore it continued to pose a danger to the children. SCDSS filed a neglect petition against the parents and opened an ongoing case, at the conclusion of the investigation.

**OCFS Review Results:**

SCDSS completed the safety and risk assessments timely and accurately. SCDSS contacted the schools and medical professionals that cared for the children to document the circumstances clearly. SCDSS interviewed the parents and children throughout the investigation. Although the parents were provided letters notifying them of this report, they were not provided notification letters for the subsequent 2/4/17 report, that was consolidated into this investigation.

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

**Issue:**

Failure to provide notice of report

**Summary:**



The parents were not provided notice of existence letters for the 2/4/17 SCR report that was consolidated with the 1/27/17 SCR report.

**Legal Reference:**

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

**Action:**

SCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/10/2016	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	Yes
	Deceased Child, Female, 14 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 16 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 11 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 50 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Male, 2 Years	Mother, Female, 50 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 16 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 16 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated	
Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated		



Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 2 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 2 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 11 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated
Sibling, Female, 9 Years	Mother, Female, 50 Years	Educational Neglect	Substantiated
Sibling, Female, 11 Years	Father, Male, 47 Years	Educational Neglect	Substantiated
Sibling, Female, 9 Years	Father, Male, 47 Years	Educational Neglect	Substantiated

**Report Summary:**

An SCR report was received that alleged the 13yo sibling had over 21 unexcused days from school and she was failing a class as a result. The 13yo had a medial condition that caused intermittent absence, but many of her school absences were not medically excused. The mother was asked for medical documentation and failed to provide it. The mother continued to keep the 13yo home from school despite her awareness of the absences on the child's academic progress.

**Report Determination:** Indicated

**Date of Determination:** 02/22/2017

**Basis for Determination:**

SCDSS advised the mother that medical documentation needed to be provided to the school for the 13yo's absenteeism and although the parents agreed to this, they failed to give the school what was required. The 13yo's absence from school continued throughout the CPS investigation and when the case was concluded in February of 2017, the child had missed 69 days of school. The school set up home tutoring and the parents regularly cancelled appointments. The parents failed to gather the child's overdue assignments from the school, and the 13yo was failing as a result of missing so much work. SCDSS continued to work with the family through another investigation at the time of this case closing.

**OCFS Review Results:**

The casework was commensurate with the case circumstances and SCDSS continued to work with the family at the conclusion of the investigation. There were several progress notes entered more than 30 days after the event date.

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

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

There are several progress notes than were entered more than 30 days after the event date.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

LDSS 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)
06/18/2016	Sibling, Female, 9 Years	Mother, Female, 49 Years	Inadequate Guardianship	Substantiated	No



Sibling, Male, 2 Years	Mother, Female, 49 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 2 Years	Mother, Female, 49 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 15 Years	Mother, Female, 49 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 15 Years	Mother, Female, 49 Years	Inadequate Guardianship	Substantiated
Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Deceased Child, Female, 14 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 11 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 9 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 2 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Male, 2 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 15 Years	Father, Male, 47 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 15 Years	Father, Male, 47 Years	Inadequate Guardianship	Substantiated
Deceased Child, Female, 14 Years	Mother, Female, 49 Years	Inadequate Food / Clothing / Shelter	Substantiated
Deceased Child, Female, 14 Years	Mother, Female, 49 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 11 Years	Mother, Female, 49 Years	Inadequate Food / Clothing / Shelter	Substantiated
Sibling, Female, 11 Years	Mother, Female, 49 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 9 Years	Mother, Female, 49 Years	Inadequate Food / Clothing / Shelter	Substantiated

**Report Summary:**

An SCR report was received alleging that the mother and father of the subject child and her siblings (ages 17, 13, 11 and 4) were aware that the family home was extremely cluttered with clothing, food, garbage and other items and they failed to clean the home. The condition of the home caused a safety hazard to the children as they would not be able to safely evacuate the home in the event of an emergency.

**Report Determination:** Indicated**Date of Determination:** 08/12/2016**Basis for Determination:**

SCDSS investigated and found the home to be unsafe throughout the investigation. The mother worked throughout the



investigation to clean the home and continued to do so at the investigation closing. Although the safety issues with the home environment were resolved by the time of closing, SCDSS observed obstructed pathways and severe clutter throughout the investigation and had to repeatedly verbally prompt the parents to resolve the concerns. The parents were offered preventive services and declined.

**OCFS Review Results:**

SCDSS made several home visits and interviewed all the children and both parents. SCDSS also contacted collaterals such as medical staff and the schools where the children attended. Appropriate services were offered to the family throughout and at the close of the investigation based on presenting concerns.

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

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

There is no CPS history more than three years prior to the fatality.

**Known CPS History Outside of NYS**

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

**Services Open at the Time of the Fatality**

**Was the deceased child(ren) involved in an open preventive services case at the time of the fatality?** Yes

**Date the preventive services case was opened:** 04/21/2017

**Evaluative Review of Services that were Open at the Time of the Fatality**

	Yes	No	N/A	Unable to Determine
<b>Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Family Assessment and Service Plan (FASP)**

	Yes	No	N/A	Unable to Determine
<b>Was the most recent FASP approved on time?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Provider**

	Yes	No	N/A	Unable to Determine
<b>Were Services provided by a provider other than the Local Department of Social Services?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**

SCDSS provided Preventive Services to the family.





## Preventive Services History

A Preventive Services case was opened for the family in April of 2017 as the result of a neglect petition SCDSS filed against the mother and father in Family Court. SCDSS had several CPS investigations with the family leading up to the court intervention. The mother and children lived in the family house and the father moved out due to marital discord. The parents were unable to keep the home clean, and in 1/2017, SCDSS noted the condition of the home was a safety hazard to the children. The mother made a safety plan and took the children to the homes of family and friends. There were also concerns about the 11yo and 13yo siblings failing school as a result of excessive absences. For several months, the mother failed to clean the home and the children remained in other homes. The father and mother were divorcing. The father was unable to clean the home as he was not permitted access by the mother, and the children chose to have little contact with him during that period. SCDSS attempted to assist the parents with case management services, through regular contact and home visits. On 6/7/17 an OP was granted by the court, ordering the mother to clean the home and the parents to get the children to school. The children were removed on 7/7/17 when the parents failed to follow the OP. The case transitioned to foster care, with a goal of returning the children to their parents.

## Foster Care Placement History

The youngest 3 children were placed together in a non-relative foster home, the deceased child in the home of the maternal grandmother and the eldest sibling in the care of a friend's parent. The father was able to return to the family home on 12/15/17 and he cleaned it, enabling the children to return to his care. The father had completed court ordered services, including anger management, custody stress prevention, an alcohol and drug evaluation, parenting classes, and medical training to care for the deceased child. The mother had not completed any court ordered services and had only begun parenting classes. The father had unsupervised visits with the children in the community, and eventually overnight visits. The mother had supervised visitation with the children during the case. In January of 2018, the surviving siblings began living with the father as part of a trial discharge, and the deceased child joined them in February of that year. The father continued to work with SCDSS and, he regained full custody of the deceased child on 6/27/18. The father regained custody of the four surviving siblings in August of 2018. The mother's court orders were added to the custody order and the foster care case was concluded. The children were all attending counseling, medical appointments and school, and the family home remained clean and safe.

## Legal History Within Three Years Prior to the Fatality

**Was there any legal activity within three years prior to the fatality investigation?**

Family Court

Criminal Court

Order of Protection

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
04/25/2017	There was not a fact finding	Petition Dismissed
Respondent:	049006 Father Male 49 Year(s)	
Comments:	A Preventive case was opened when the petition was initially filed and the children were later removed from the parents. Early in 2018, the children went to live with their father on a trial discharge. On 8/14/2018 the siblings were completely discharged from the care and custody on the SCDSS Commissioner and were placed in the full custody of their father. The court ordered services that the mother had not completed became part of the custody order, and the mother continued to have supervised visitation at the time of this report.	



Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
04/25/2017	There was not a fact finding	Petition Dismissed
Respondent:	049007 Mother Female 52 Year(s)	
Comments:	A Preventive case was opened when the petition was initially filed and the children were later removed from the parents. Early in 2018, the children went to live with their father on a trial discharge. On 8/14/2018 the siblings were completely discharged from the care and custody on the SCDSS Commissioner and were placed in the full custody of their father. The court ordered services that the mother had not completed became part of the custody order, and the mother continued to have supervised visitation at the time of this report.	

Have any Orders of Protection been issued? Yes	
From: 07/07/2017	To: Unknown
Explain:	An Order of Protection was issued against the mother and father in Family Court, in favor of all the children. The parents were ordered to clean the family home and to get the children to school each day.

### Additional Local District Comments

SCDSS is aware that notes were not entered contemporaneously in this case and will work with staff to ensure notes are entered in a more timely fashion.

### 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