

Report Identification Number: NY-17-077

Prepared by: New York City Regional Office

Issue Date: Dec 28, 2017

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 <u>only</u> 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				
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police				
Service	Services	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	<u> </u>					



Case Information

Report Type: Child Deceased Jurisdiction: Richmond Date of Death: 07/25/2017

Age: 2 month(s) Gender: Male Initial Date OCFS Notified: 07/25/2017

Presenting Information

On 7/25/17, the SCR registered a report concerning the death of the 2-month-old SC. The report alleged the mother was lying on her bed while breastfeeding the SC and fell asleep. The report noted the mother awoke at about 5:15 A.M and found the SC unresponsive. The SC was taken to the hospital and pronounced dead at 5:30 A.M. The cause of death was suspected to be accidental asphyxia.

Executive Summary

The SC was 2 months old at the time of his death. The preliminary cause of death as reported by the ME was positional asphyxia and the manner of death accidental.

On 7/25/17, the SCR registered a report concerning the SC's death. The allegations of the report were: DOA/Fatality and Inadequate Guardianship of the SC by the mother. There were no allegations regarding the SS.

At the time of the SC's death, he resided with his parents and his two-year-old sibling. ACS initiated the investigation within the required timeframe and assessed the SS was safe in the care of the parents. In addition, the home did not present any safety concerns.

ACS interviewed the parents and learned the SC was on the bed with the mother on the day of the incident. The parents noted bed sharing was a cultural practice. The parents indicated the father was in a second bedroom sleeping with the SS while the mother slept with the SC in the parents' bedroom.

According to ACS' investigation, the SC did not have a steady sleep schedule. The mother said she would breastfeed the SC every two to three hours. On 7/25/17, the mother last breastfed the SC at about 3:40 A.M. and drifted off to sleep. The mother woke up at about 5:15 A.M. and found the SC lying next to her face down on a pillow. The mother said the SC was unresponsive and she called out for the father who called 911. EMS responded to the home and transported the father with the SC to the hospital. The mother called the PGPs to watch the SS while she met the father. The parents reported the SC was pronounced dead at the hospital at 6:31 A.M.

ACS contacted the medical staff, NYPD and the ME and all found there were no signs of abuse or maltreatment. The NYPD reported there was no criminality suspected concerning the death of the SC.

On 10/1/17, the allegations of the report were unsubstantiated based on the cause and manner of death (positional asphyxia, accident) reported by the ME. ACS also noted the mother had drifted off to sleep while breastfeeding.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

• Was sufficient information gathered to make the decision recorded on the:

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O Approved Initial Safety Assessment?

Safety assessment due at the time of determination? Yes

• Was the safety decision on the approved Initial Safety Assessment appropriate?

No

No

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

Yes

Was the decision to close the case appropriate?

Was casework activity commensurate with appropriate and relevant statutory Yes

or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

Explain:

The Safety Assessment was not completed appropriately as the safety decision and safety factors were relevant to the SC and not the safety of the SS.

Required Actions Related to the Fatality

Are there Required Actions related to the compliance issue(s)?

Yes

No

The there requires	Actions related to the comphanic issue(s).
Issue:	Timely/Adequate Seven Day Assessment
Summary:	ACS completed the safety assessment timely, but selected a safety decision and safety factor relevant to the SC's death and not the safety of the SS. There were no safety concerns documented pertaining to the SS.
Legal Reference:	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
Action:	ACS must meet with the staff involved in this fatality investigation, inform NYCRO of the date of the meeting, who attended, what was discussed, and submit a Performance Improvement Plan within 45 days that identifies what action it has taken or will take to address this issue.
Issue:	Timely/Adequate 24 Hour Assessment
Summary:	ACS completed the safety assessment timely, but selected a safety decision and safety factor relevant to the SC's death and not on the safety of the SS. There were no safety concerns documented regarding the SS.
Legal Reference:	SSL 424(6);18 NYCRR 432.2(b)(3)(i)
Action:	ACS must meet with the staff involved in this fatality investigation, inform NYCRO of the date of the meeting, who attended, what was discussed; and submit a Performance Improvement Plan within 45 days that identifies what action it has taken or will take to address this issue.

Fatality-Related Information and Investigative Activities

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	Incident Info	ormation		
Date of Death: 07/25/2017	Т	ime of Death: 05	5:30 AM	
County where fatality incident occurre	ed:			Richmond
Was 911 or local emergency number c				Yes
Гime of Call:				Unknown
Did EMS respond to the scene?				Yes
At time of incident leading to death, h	ad child used alcohol	or drugs?		N/A
Child's activity at time of incident:				
	Working		Driving / Vehicle	occupant
☐ Playing	☐ Eating		Unknown	
Other				
Did child have supervision at time of in How long before incident was the child is the caretaker listed in the Household At time of incident supervisor was: Drug Impaired Alcohol Impaired	d last seen by caretak	er? 2 Hours Caregiver 1 Absent Asleep		
Distracted		Impaired b	y illness	
Impaired by disability		Other:		
Γotal number of deaths at incident evo Children ages 0-18: 1	ent:			

Adults: 0

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	2 Month(s)
Deceased Child's Household	Father	No Role	Male	40 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	37 Year(s)
Deceased Child's Household	Sibling	No Role	Male	2 Year(s)

Household Composition at time of Fatality

LDSS Response

At the time of the investigation, the mother was the primary caretaker of the children; the father provided financially for the family. Neither child had any child care services. The mother had no relatives in the USA, but the family received support from the PGPs.

The mother said from 7/23/17 through 7/24/17, the SC was up from 9:00 P.M. through 7:00 A.M. and slept for two hours



between 1:00 A.M to 3:00 A.M. On 7/24/17, the mother contacted the PGM to help care for the SS as she (the mother) had not been able to get any substantial sleep. The PGM went to the home to care for the SS until the father arrived (time not specified). Although the father was off from work during the summer, he was taking courses in NJ. The mother said that on 7/24/17 she fell asleep with the SC at about 9:00 P.M.

At the time of the incident, the father slept in a second bedroom with the SS who had a crib "attached" to a bed; the SS customarily slept in the room with the parents.

The mother said on 7/25/17, the SC woke up at 12:30 A.M and 3:40 A.M and she breastfed him on both occasions. The mother noted she must have fallen asleep while feeding the SC and woke up at about 5:15 A.M. The mother found the SC lying next to her face down on a pillow; he was pale and lifeless. The mother said she would "normally sit up and plant her feet on the ground" whenever she fed the SC. ACS did not document the position the mother was in when she last fed the SC. The mother weighed 132 pounds and was 5'5" tall, and the SC weighed 14 pounds and was 23" long.

ACS reviewed the 911 call which was made by the father at 5:25 A.M. The operator provided instructions for the father to administer CPR. The call recorded the NYPD were the first responders and EMS responded minutes later.

ACS contacted the NYPD, medical staff, and EMS and found no signs of abuse or maltreatment of the SC. The children's pediatrician confirmed the children were up to date with medical care and were healthy. There were no concerns reported by the pediatrician regarding the care the children received from the parents.

ACS also spoke to the PGPS who indicated the parents took good care of the children. The PGM noted the mother was very affectionate with the children and corroborated the mother's account of events.

ACS' investigation revealed there were no concerns about the safety of the SS. ACS held a child safety conference (CSC) on 8/9/17 and during the conference, ACS provided information regarding safe sleep practices, in the event the parents had another child in the future. The parents indicated that sharing a room and sleeping space with the children was a cultural practice. ACS documented the need for the SS to have his own bed, but the documentation did not support any safety concerns. The parents agreed to purchase a toddler bed for the SS. ACS determined there was no need for court intervention.

On 9/1/17, ACS held the 20-Day CSC and confirmed the parents had engaged in counseling services. In addition, the parents enrolled the SS in school prior to the closing of the investigation.

ACS was very thorough in documenting the condition of the home and the parents' ability to care for the children. However, with the exception of the determination safety assessment, ACS selected incorrect safety decisions and safety factors.

On 10/1/17, ACS unsubstantiated the allegations of the report; the report was unfounded.

Official Manner and Cause of Death

Official Manner: Accident

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? No

Comments: The investigation adhered to previously approved protocols for joint investigations.

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

Comments: There is no OCFS approved Child Fatality Review Team in the NYC region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
039821 - Deceased Child, Male, 2 Mons	039823 - Mother, Female, 37 Year(s)	DOA / Fatality	Unsubstantiated
039821 - Deceased Child, Male, 2 Mons	039823 - Mother, Female, 37 Year(s)	Inadequate Guardianship	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?				
When appropriate, children were interviewed?				
Alleged subject(s) interviewed face-to-face?				
All 'other persons named' interviewed face-to-face?				
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?				
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)?				
Coordination of investigation with law enforcement?	\boxtimes			
Did the investigation adhere to established protocols for a joint investigation?				
Was there timely entry of progress notes and other required documentation?				

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	\boxtimes			
Was there an adequate safety assessment of impending or immediate dang in the household named in the report:	ger to sur	viving sib	lings/oth	er children
Within 24 hours?		\boxtimes		
At 7 days?		\boxtimes		



	\boxtimes		
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Profile			
Yes	No	N/A	Unable to Determine
\boxtimes			
	\boxtimes		
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nvostigatio	n		
nvestigatio	11		
Yes	No	N/A	Unable to Determine
	nd no safe not consis	nd no safety concernot consistent with Profile Yes No	rot consistent with the document consistent con

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			\boxtimes				
Economic support							
Funeral arrangements				\boxtimes			
Housing assistance							
Mental health services							
Foster care							
Health care							
Legal services							
Family planning							
Homemaking Services							
Parenting Skills							
Domestic Violence Services							
Early Intervention							
Alcohol/Substance abuse							
Child Care							
Intensive case management							
Family or others as safety resources							
Other						\boxtimes	

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? N/A

Explain:

There were no immediate services for the surviving siblings to support his well being due to the fatality.

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

Explain:

The parents were offered bereavement counseling services.

History Prior to the Fatality Child Information

Did the child have a history of alleged child abuse/maltreatment?
Was there an open CPS case with this child at the time of death?

No

No

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Was the child ever placed outside of the home prior to the death?	No
Were there any siblings ever placed outside of the home prior to this c	hild's death? No
Was the child acutely ill during the two weeks before death?	No
Infants Under One Year Old	
During pregnancy, mother:	
Had medical complications / infections	Had heavy alcohol use
Misused over-the-counter or prescription drugs	Smoked tobacco
Experienced domestic violence	Used illicit drugs
Was not noted in the case record to have any of the issues listed	_
Infant was born:	
Drug exposed	With fetal alcohol effects or syndrome
With neither of the issues listed noted in case record	,
CPS - Investigative History Three Years	Drian to the Fetality
C13 - Investigative History Three Tears	Thor to the Patanty
There is no CPS investigative history in NYS within three years prior to the	ne fatality.
CPS - Investigative History More Than Three Yea	rs Prior to the Fatality
The family had no CPS history.	
Known CPS History Outside of NYS	
The family had no known CPS history outside NYS.	
Legal History Within Three Years Prior to the Fatality	
	•
Was there any legal activity within three years prior to the fatality investigation? There was no legal activity	
Recommended Action(s)	
Are there any recommended actions for local or state administrative or policy changes? ☐Yes ☒No	
Are there any recommended prevention activities resulting from the review? Yes No	