



Report Identification Number: NY-20-103

Prepared by: New York City Regional Office

Issue Date: May 11, 2021

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

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

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

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

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

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

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

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



Abbreviations

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



Case Information

Report Type: Child Deceased
Age: 5 year(s)

Jurisdiction: Kings
Gender: Male

Date of Death: 11/09/2020
Initial Date OCFS Notified: 11/09/2020

Presenting Information

The 11/9/20 SCR report alleged the subject child was pronounced dead while in the care of the maternal uncle and his paramour. According to the report, the adults went into the bedroom at 11:00 AM and found the child laying on the bed unresponsive. A call was made to 911, and EMS responded. The subject child was pronounced dead at 12:12 PM, on 11/9/20. The subject child was an otherwise healthy child and the adults had no explanation for his death. The report further alleged the home was in a deplorable condition; there was an accumulation of rotting food, garbage, debris, clutter, and clothing throughout the home. There was a flying insect and cockroach infestation which was a health and safety risk for the children.

Executive Summary

This report concerns the death of a five-year-old male child that occurred on 11/9/20. The autopsy report had not yet been received as of the writing of the report; however, ACS learned that the subject child was a medically fragile child who was tube fed, non-verbal, and wheelchair dependent. The subject child, mother, and an adult sibling resided together, and the subject child had been receiving appropriate services at home.

According to ACS, on 11/1/20, the mother left the subject child with the maternal uncle as she went on vacation. The mother was the sole caretaker up until she went on vacation. The subject child's father had not been involved in the child's life. The mother left food and supplies and was expected to return 11/4/20; however, she extended her stay for a few days. On the evening of 11/7/20, the subject child's feeding tube was dislodged and the caretakers informed the mother. The mother, according to the maternal uncle, directed them not to take the child to the hospital. The mother did not return, and the subject child remained in the care of the maternal uncle until the day of the incident.

The Medical Examiner reported no signs of suspected abuse or neglect were found on the subject child. LE made no arrest.

At the time of the incident, the maternal uncle and paramour's three children ages one, two, and three years old, were observed in deplorable and unsanitary conditions. The surviving children were found playing in the bed around the deceased subject child, and the three-year-old had attempted to wake the subject child. ACS completed an emergency removal and transported the children to the hospital where they were examined, and multiple immunizations were recommended. The children were taken to the CAC and later released to their maternal grand aunt. While at the CAC, the three-year-old was assessed and it was concluded she was unaware of the circumstances.

On 11/11/20, ACS filed an Article Ten Petition of Neglect and Abuse in Family Court, on behalf of the three children. The children were remanded to the care and custody of the Commissioner of ACS, and placed in the care of the maternal grand aunt. The maternal uncle and paramour agreed to the plan of care and supervised visits.

ACS was unable to interview the maternal uncle and paramour in person within the required timeframe because of the ensuing law enforcement investigation; the home was deemed a crime scene. The maternal uncle and paramour were later interviewed at the ACS office; they refused to provide any information and cited legal advice from their attorney. During the investigation, ACS made multiple attempts to interview the mother and adult sister to no avail; they declined to give their whereabouts and reported they were not yet comfortable to return to the home.

The maternal uncle and paramour admitted to marijuana use in the presence of the children; however, they declined drug screening and stated they were advised they did not have to comply. They also reported no mental health conditions and no recent domestic violence incidents. The maternal uncle and paramour accepted PPRS.

On 1/7/21, ACS substantiated the allegations of Inadequate Guardianship and Lack of Medical Care of the subject child by the mother as the mother left the medically fragile subject child in the care of the maternal uncle and paramour and when they informed her that the feeding tube had dislodged; the mother told the adults to not seek medical care. The five-year-old child died.

ACS unsubstantiated the allegation of DOA/Fatality of the subject child by the maternal uncle and his paramour as there was no credible evidence to support the allegation.

Through a clerical error ACS listed the allegation of Lacerations, Bruises, Welts as substantiated; however, the in the Investigation Conclusion, ACS documented the allegation was unsubstantiated due to a lack of credible evidence. ACS further documented although there was an open wound observed on the subject child's body, it was not the result of any intentional injury or actions by the caregivers or parent.

ACS substantiated the allegations of Lack of Medical Care, Inadequate Food, Clothing, Shelter, and Inadequate Guardianship of the subject child by the maternal uncle and paramour as they were aware the feeding tube was dislodged, and left open and subsequently became infected; however, they failed to seek medical care for the child.

The allegations of Inadequate Food, Clothing, Shelter and inadequate Guardianship of the one, two, and three-year-old children by their parents were substantiated. ACS found evidence that the parents failed to provide a clean and non-hazardous home environment for the children.

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:

Sufficient information was gathered to make determination for all allegations.

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

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

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

Explain:

The level of casework activity, which includes contact with the family and others from the receipt of the report through case conclusion, was commensurate with the case circumstances.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 11/09/2020

Time of Death: 12:21 PM

Time of fatal incident, if different than time of death: 12:00 PM

County where fatality incident occurred: Kings

Was 911 or local emergency number called? Yes

Time of Call: 12:05 PM

Did EMS respond to the scene? Yes

At time of incident leading to death, had child used alcohol or drugs? No

Child's activity at time of incident:

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other

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

How long before incident was the child last seen by caretaker? 6 Hours

At time of incident was supervisor impaired? Unknown if they were impaired.

At time of incident supervisor was:

- Distracted
- Absent
- Asleep
- Other: **Asleep in another room**

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	Adult Sibling	No Role	Female	18 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Male	5 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	35 Year(s)
Other Household 1	Aunt/Uncle	Alleged Perpetrator	Male	23 Year(s)
Other Household 1	Other Adult - MU's Paramour	Alleged Perpetrator	Female	23 Year(s)
Other Household 1	Other Child - Cousin	Alleged Victim	Female	1 Year(s)
Other Household 1	Other Child - Cousin	Alleged Victim	Male	2 Year(s)
Other Household 1	Other Child - Cousin	Alleged Victim	Female	3 Year(s)

LDSS Response

ACS gathered information, surrounding the death of the subject child, from Emergency Medical Services (EMS), law enforcement, and the Medical Examiner. EMS responded to the maternal uncle's home and observed the subject child lying with his feet dangling from the bed, and unresponsive. The subject child was found with a wound in his lower abdomen that appeared infected. At that time, EMS were told the feeding tube had fallen out; however, they searched for the tube to no avail. ACS learned that the subject child had been living with the maternal uncle and the paramour who agreed to provide care, as the mother was away on vacation. The last time an adult saw the subject child alive was at 6:00 AM on 11/9/20, when the maternal uncle touched the subject child's chest while he was asleep. The Medical Examiner reported they found no obvious cause of death.

Law enforcement took the maternal uncle, paramour, and their three children from the home because of the unhealthy and hazardous conditions in the home. According to documentation, the children were not bathed, they emanated a foul odor, the home contained rotten food, garbage, and there was an infestation of roaches.

The children were remanded and placed in kinship foster care. The court ordered the parents to have supervised visits and multiple services to address the plan for the return of the children to the parents. The surviving children were referred to play therapy and the three-year-old was referred to childcare.

ACS met regularly, both face-to-face and virtually, with the children in the foster home and documented that they were safe and comfortable. The parents visited the children as scheduled, both at the maternal grand aunt's home and at the ACS office. ACS interviewed the parents but received very little information surrounding the death of the subject child. The maternal uncle and paramour were aware of the subject child's medically fragile condition and that he required close supervision and monitoring. They agreed to provide care. The subject child was in their care from 11/1/20 until his demise on 11/09/20. On 11/07/20, the subject child's feeding tube was dislodged and subsequently the area became infected; both adults failed to seek medical care.

ACS provided clothing, cribs, Pack-n-Plays, a bunk bed and age appropriate foods, furniture and supplies for all children, in addition to safe sleep training to the maternal great aunt. ACS documented the children were safe.

On 1/7/21, ACS documented there was credible evidence to substantiate all allegations except DOA/Fatality and Lacerations, Bruises, Welts of the subject child by the maternal uncle and paramour. ACS cited the Medical Examiner's preliminary report that there was no obvious cause of death; there was no sign of grave neglect, the SC was clean, free of bruises and hydrated.

ACS substantiated the allegations on the basis that the paramour did not take the children for routine medical care prior to



the fatality and after the fatality, the paramour was adamant she did not want the two-year-old assessed for speech therapy. ACS documented on 3/3/21 that the paramour was actively engaged in counseling; however, she had not been randomly tested for drugs due to the COVID-19 pandemic.

On 3/12/21, the maternal uncle and paramour relocated to a new home. ACS assessed the home as safe, clean, and appropriate for the children to return to their care.

Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

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

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? 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
057072 - Deceased Child, Male, 5 Yrs	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Lack of Medical Care	Substantiated
057072 - Deceased Child, Male, 5 Yrs	057075 - Aunt/Uncle, Male, 23 Year(s)	Lack of Medical Care	Substantiated
057072 - Deceased Child, Male, 5 Yrs	057073 - Mother, Female, 35 Year(s)	Lack of Medical Care	Substantiated
057072 - Deceased Child, Male, 5 Yrs	057075 - Aunt/Uncle, Male, 23 Year(s)	Lacerations / Bruises / Welts	Substantiated
057072 - Deceased Child, Male, 5 Yrs	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Lacerations / Bruises / Welts	Substantiated
057072 - Deceased Child, Male, 5 Yrs	057075 - Aunt/Uncle, Male, 23 Year(s)	DOA / Fatality	Unsubstantiated
057072 - Deceased Child, Male, 5 Yrs	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	DOA / Fatality	Unsubstantiated
057072 - Deceased Child, Male, 5 Yrs	057073 - Mother, Female, 35 Year(s)	Inadequate Guardianship	Substantiated
057077 - Other Child - Cousin, Female, 1 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Guardianship	Substantiated
057077 - Other Child - Cousin, Female, 1 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057077 - Other Child - Cousin, Female, 1 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Guardianship	Substantiated



057077 - Other Child - Cousin, Female, 1 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057077 - Other Child - Cousin, Female, 1 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Lack of Medical Care	Substantiated
057077 - Other Child - Cousin, Female, 1 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Lack of Medical Care	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Lack of Medical Care	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Guardianship	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Lack of Medical Care	Substantiated
057078 - Other Child - Cousin, Male, 2 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Guardianship	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Inadequate Guardianship	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057075 - Aunt/Uncle, Male, 23 Year(s)	Lack of Medical Care	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Inadequate Guardianship	Substantiated
057079 - Other Child - Cousin, Female, 3 Year(s)	057076 - Other Adult - MU's Paramour, Female, 23 Year(s)	Lack of Medical Care	Substantiated

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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

Additional information:

It was unclear whether the maternal uncle had a criminal history as the clearance results were not documented; however, it was noted later the maternal uncle had an assigned probation officer. ACS did not document whether a death certificate was received. The BM and AS were not interviewed face to face. However, the record reflected contact with them via phone.

Fatality Safety Assessment Activities

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

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

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



Child Fatality Report

Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Explain:
During the course of the investigation sufficient information was gathered to assess risk to all surviving children in the household.

Placement Activities in Response to the Fatality Investigation

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

Explain as necessary:
ACS completed an emergency removal of the subject child on the same day. The court remanded the surviving children to kinship foster care on the following day.

Legal Activity Related to the Fatality

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

Family Court Criminal Court Order of Protection

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
11/10/2020	Adjudicated Neglected	There was not a disposition
Respondent:	057075 Aunt/Uncle Male 23 Year(s)	
Comments:	Children were placed in foster care.	

Have any Orders of Protection been issued? Yes

From: 11/11/2020 **To:** Unknown

Explain:
The ACS case documentation did not reflect the details of the OP.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

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:
The three-year-old was referred to daycare. The two and one-year-old were given Early Intervention assessments and all children were enrolled in Play Therapy.

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

Explain:
The parents were referred to case management, case counseling, unmarried parent services, parenting classes and a drug treatment program.

History Prior to the Fatality

Child Information

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



CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/31/2020	Other - Cousin, Male, 1 Years	Aunt/Uncle, Male, 23 Years	Inadequate Guardianship	Substantiated	No
	Other - Cousin, Male, 1 Years	Aunt/Uncle, Male, 23 Years	Lack of Supervision	Substantiated	

Report Summary:

According to the 1/31/20 SCR report, the father(of the three surviving children) was asleep in the shelter unit when the now two-year-old child left the apartment, entered the elevator, and rode it four floors away from the family unit. This was the second time a similar incident occurred within the previous two months.

During the investigation, it was discovered the one-year-old had not received a vaccine since she was four months old because the other children's leg was swollen after their injection. The doctor said it was normal but the mother refused the vaccines. Medical appointments were not kept, the home was found filthy, and DV was reported. The family was referred for service.

Report Determination: Indicated

Date of Determination: 03/26/2020

Basis for Determination:

The report was indicated against the father. The mother (now paramour) was given no role because she notified the father at the time she was leaving. She was not in the home when the two-year-old wandered out of the apartment. The family accepted services but did not show up for appointments. The family relocated.

OCFS Review Results:

The report was initiated in a timely manner and ACS made the appropriate collateral contacts. The subject was interviewed face-to-face. After exploring the allegations, ACS closed the investigation and referred the family to community based services to assist the young parents.

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)
07/19/2019	Deceased Child, Male, 4 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Male, 4 Years	Mother, Female, 33 Years	Lack of Supervision	Unsubstantiated	

Report Summary:

The 7/19/19 SCR report alleged the BM regularly left the SC who was severely disabled, nonverbal, and immobile, at home alone for several hours, and he had been screaming. The SM allegedly used drugs and alcohol in excess and had men in and out of the home. The concern was for the SC's welfare.

Report Determination: Unfounded

Date of Determination: 09/11/2019

Basis for Determination:

ACS documented that there were no concerns as the children's basic needs for food, clothing, shelter and supervision were met; they were doing well in the home environment. ACS explored drug use in the home, but found no evidence to support this concern. On 9/11/19, ACS unsubstantiated the allegations and referred the family to services; the SM accepted. The SM was a stay-at-home mother and collaterals reported she never left the SC unattended. The sibling



demonstrated her ability to feed the SC if necessary. The sibling was doing well in high school and stated she had no need to be involved with ACS.

OCFS Review Results:

The CPS and Case Planner worked together and was successful with providing assistance to a cooperative mother.

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

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

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

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

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: 11/10/2020

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

	Yes	No	N/A	Unable to Determine
Did the service provider(s) comply with the timeliness and content requirements for progress notes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did all service providers comply with mandated reporter requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Casework Contacts

	Yes	No	N/A	Unable to Determine
Did the service provider comply with case work contacts, including face-to-face contact as required by regulations pertaining to the program choice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Services Provided

	Yes	No	N/A	Unable to Determine
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Family Assessment and Service Plan (FASP)

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

Provider

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

Additional information, if necessary:
Preventive Services were provided to address the identified needs.

Preventive Services History

The SC received PPRS from 8/6/19 until his last home visit on 10/29/2020. He had been receiving physical, occupational and speech therapy through school. Applications for home health aid, medical transportation and other services were submitted. The CPS and CP worked together to assist the family with appropriate services.

Services were never recommended to the parents of the three surviving children.

Foster Care Placement History

On 11/9/20, the three surviving children were removed from the home after they were observed playing in the room with the deceased SC. The children were observed naked and dirty. The condition of the home was in a deplorable and unsanitary state. On 11/10/20, An Article Ten Petition was filed and the children were remanded to kinship care. They were placed with the MGA where they remain to date.

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