



Report Identification Number: SY-18-035

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

Issue Date: Jan 22, 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: 3 year(s)

Jurisdiction: Oneida
Gender: Male

Date of Death: 07/24/2018
Initial Date OCFS Notified: 07/24/2018

Presenting Information

An SCR report stated that on 7/23/18, at approximately 9:30PM, the mother and father put their three children (ages 4, 3, and 2) to bed in a back bedroom. The parents then went to bed with their 1-year-old daughter in a front bedroom. At 11:48PM, emergency personnel was notified of a fire in the home. The mother, father, and 1-year-old child were able to escape the home. The father made multiple unsuccessful attempts to get into the back of the home to rescue the other children. The three oldest children were unable to escape the fire and their remains were found on 7/24/18 in the back area of the home. The father was a known user and manufacturer of methamphetamine and the mother was aware, making the fire suspicious in nature. The youngest child did not have any visible injuries.

Executive Summary

This fatality report concerns the death of three children (4, 3, and 2 years old) that occurred on 7/24/18, as a result of a fire in the family's home. There was a one-year-old female sibling who survived the fire.

Oneida County Department of Social Services (OCDSS) coordinated efforts with law enforcement upon receipt of the report. Law enforcement believed the fire started from wiring in an appliance and did not believe the fire was due to illegal activity. Law enforcement found no criminality in their investigation.

On 7/23/18, at approximately 9:30PM, the mother and father put the three oldest children to bed in a back bedroom of the home. The parents went to bed with the youngest child in the bedroom at the front of the home. Shortly before midnight, the mother awoke unable to breathe due to the smoke, and she saw fire at the back of the home. The parents took the youngest child out of the house and ran to a neighbor's home to call 911. The father made attempts to rescue the rest of the children at the back of the home but was unsuccessful. EMS arrived and transported the surviving sibling to the hospital. The surviving sibling was admitted and treated for second degree burns.

OCDSS obtained the fire investigation report completed by the Rome Fire Department which stated the cause of the fire was accidental. OCDSS received the final autopsy report; for all three children, the cause of death was smoke inhalation and the manner was accidental.

Home visits were made and OCDSS contacted multiple collaterals such as law enforcement, relatives, EMS, and the pediatrician's office. Burial assistance and grief counseling services were offered to the parents. OCDSS completed required reports and safety assessments accurately and on time and conducted a thorough investigation. The case was unfounded on 12/13/18 and remained opened for services.

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

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:

OCDSS exhibited best casework practice as outlined in the CPS manual throughout their 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: 07/24/2018

Time of Death: 12:00 AM (Approximate)

Date of fatal incident, if different than date of death:

07/23/2018

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

11:48 PM

County where fatality incident occurred:

Oneida

Was 911 or local emergency number called?

Yes

Time of Call:

11:48 PM

Did EMS respond to the scene?

Yes

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

N/A

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

At time of incident supervisor was:

- Drug Impaired
- Alcohol Impaired
- Distracted
- Impaired by disability
- Absent
- Asleep
- Impaired by illness
- Other:

Total number of deaths at incident event:

Children ages 0-18: 3

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	3 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Female	2 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Female	4 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	25 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	1 Year(s)

LDSS Response

OCDSS initiated their investigation and coordinated efforts with LE upon receipt of the SCR fatality report which was received on 7/24/18. There was an open CPS investigation, received a month prior to the fatality. There was one surviving sibling; OCDSS observed this child in the hospital the day the report was received. The CW spoke to the source of the report and completed a CPS history check. The family had CPS history and was active in an open investigation.

OCDSS attempted to speak to the parents on this day but they refused and said they would speak to the CW at a later time. The CW provided the parents with referrals for bereavement services available to them and agreed to speak the following day.

On 7/25/18, the CW spoke with LE who said they believe the fire started due to an electrical wire in the family's washer or dryer, but it would take several weeks to confirm. LE said there was no indication of foul play. The CW spoke with a few relatives on this day who stated they had no concerns for the children in their parents care and denied the parents were using drugs or alcohol.

On 7/27/18, the CW visited the parents at the home, observed the fire damage and offered burial assistance. The parents declined the offer saying the funeral home was not charging them. The parents were still not ready to discuss the night of the incident during that meeting. The CW later interviewed the parents on 8/9/18 regarding the fire. The mother said the night of the incident, she woke up unable to breathe due to the smoke and saw there was a fire in the trailer. She said she screamed at the father telling him to get up and that there was a fire and he needed to get the children out of the back of the home. The father said he tried getting to the children but was unable to due to the fire. They said they took the youngest child out, ran to neighbors and called 911 at 11:48PM. Two fire departments and EMS arrived at the scene. The surviving sibling sustained 2nd degree burns to her back and arms and spent the night in the hospital. The mother followed up with the surviving sibling's medical appointments for the burns. The CW encouraged the parents to engage in grief counseling;



however, they were not interested at that time.

OCDSS obtained records from all hospitals and the children’s pediatrician’s office. The fire department declined to release records at that time. The CW spoke with EMS present the night of the incident and said they did not speak to the parents that night as it was a chaotic scene and they were rushing to get the surviving sibling medical treatment.

On 9/18/18, the CW made a home visit and observed a crib for the surviving sibling and smoke alarms in the home. The parents stated they were aware of safe sleep guidelines.

On 12/3/18, OCDSS received the fire investigation report which stated the cause of the fire was accidental. The final autopsy report was received on 12/12/18 and listed the cause of death for all three children as smoke inhalation with the manner being accidental.

The case was unfounded on 12/13/18 and was already open for protective services due to a previous neglect petition.

Official Manner and Cause of Death

Official Manner: Accident

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

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

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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
048796 - Deceased Child, Male, 3 Year(s)	048795 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Unsubstantiated
048796 - Deceased Child, Male, 3 Year(s)	048795 - Mother, Female, 24 Year(s)	DOA / Fatality	Unsubstantiated
048796 - Deceased Child, Male, 3 Year(s)	048792 - Father, Male, 25 Year(s)	DOA / Fatality	Unsubstantiated
048796 - Deceased Child, Male, 3 Year(s)	048792 - Father, Male, 25 Year(s)	Inadequate Guardianship	Unsubstantiated
048797 - Sibling, Female, 1 Year(s)	048792 - Father, Male, 25 Year(s)	Inadequate Guardianship	Unsubstantiated
048797 - Sibling, Female, 1 Year(s)	048795 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Unsubstantiated
048798 - Deceased Child, Female, 4 Year(s)	048795 - Mother, Female, 24 Year(s)	DOA / Fatality	Unsubstantiated
048798 - Deceased Child, Female, 4 Year(s)	048795 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Unsubstantiated



Child Fatality Report

048798 - Deceased Child, Female, 4 Year(s)	048792 - Father, Male, 25 Year(s)	DOA / Fatality	Unsubstantiated
048798 - Deceased Child, Female, 4 Year(s)	048792 - Father, Male, 25 Year(s)	Inadequate Guardianship	Unsubstantiated
048799 - Deceased Child, Female, 2 Year(s)	048792 - Father, Male, 25 Year(s)	Inadequate Guardianship	Unsubstantiated
048799 - Deceased Child, Female, 2 Year(s)	048795 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Unsubstantiated
048799 - Deceased Child, Female, 2 Year(s)	048792 - Father, Male, 25 Year(s)	DOA / Fatality	Unsubstantiated
048799 - Deceased Child, Female, 2 Year(s)	048795 - Mother, Female, 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed 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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input 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"/>

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

Explain:

Bereavement counseling was offered to the parents but it was unknown if they engaged in services.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? Yes
- Was there an open CPS case with this child at the time of death? Yes
- Was the child ever placed outside of the home prior to the death? Yes
- Were there any siblings ever placed outside of the home prior to this child's death? Yes
- 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)
06/28/2018	Other Child - cousin, Female, 12 Years	Aunt/Uncle, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - cousin, Female, 12 Years	Aunt/Uncle, Female, 31 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 4 Years	Aunt/Uncle, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 4 Years	Aunt/Uncle, Female, 31 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 3 Years	Aunt/Uncle, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 3 Years	Aunt/Uncle, Female, 31 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 2 Years	Aunt/Uncle, Female, 31 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 2 Years	Aunt/Uncle, Female, 31 Years	Lack of Supervision	Unsubstantiated	
	Other Child - cousin, Female, 12 Years	Aunt/Uncle, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - cousin, Female, 12 Years	Aunt/Uncle, Male, 34 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 4 Years	Aunt/Uncle, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 4 Years	Aunt/Uncle, Male, 34 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 3 Years	Aunt/Uncle, Male, 34 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 2 Years	Aunt/Uncle, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 2 Years	Aunt/Uncle, Male, 34 Years	Lack of Supervision	Unsubstantiated	
	Other Child - cousin, Female, 12 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 3 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - cousin, Female, 12 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 4 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	
Deceased Child, Female, 4 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated		



Deceased Child, Male, 3 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 2 Years	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 2 Years	Mother, Female, 24 Years	Lack of Supervision	Unsubstantiated
Other Child - cousin, Female, 12 Years	Father, Male, 25 Years	Inadequate Guardianship	Unsubstantiated
Other Child - cousin, Female, 12 Years	Father, Male, 25 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 4 Years	Father, Male, 25 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 4 Years	Father, Male, 25 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Male, 3 Years	Father, Male, 25 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Male, 3 Years	Father, Male, 25 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 2 Years	Father, Male, 25 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 2 Years	Father, Male, 25 Years	Lack of Supervision	Unsubstantiated

Report Summary:

An SCR report alleged that SM and SF allowed SF's sister's children to move into their home. SM and SF had been evicted from the home they were residing in with their children. The children were there with no supervision. It was unknown if the children were being fed. The parents of the children had been kicked out of the trailer park and were aware their children were staying in this home and failed to take action.

Report Determination: Unfounded

Date of Determination: 11/03/2018

Basis for Determination:

There was no credible evidence the children were residing in the home of SM and SF. SF's sister had her own home which was appropriate for her children to reside in. The sister and her children had stayed with SM and SF for a few days to visit.

OCFS Review Results:

The adults and children were interviewed; all parties denied the paternal aunt's children lived at SM & SF's home. CW's followed regulations of notifying the regional office when 3 of the children died during this open investigation. Even though safety of the children was assessed in the first seven days of receiving the report, the seven-day safety assessment was not completed until a month after it was due.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

The seven-day safety assessment was completed one month after receiving the report.

Legal Reference:

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

Action:

Seven-day safety assessments will be completed within the first seven days of receiving a report.



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/27/2017	Deceased Child, Female, 4 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Female, 4 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 4 Years	Father, Male, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 4 Years	Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 2 Years	Father, Male, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 2 Years	Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 2 Years	Mother, Female, 23 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 23 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 2 Years	Father, Male, 24 Years	Lack of Supervision	Unsubstantiated	
Deceased Child, Female, 1 Years	Father, Male, 24 Years	Lack of Supervision	Unsubstantiated		

Report Summary:

An SCR report alleged that on a regular basis, SM and SF were making and using methamphetamines at the home with the children present. The parents had a long history of drug abuse. The parents lost custody of their children due to drug use in the past. The parents moved a friend into their home to help them make methamphetamines. The friend had recently been released from prison. The SM had recently left two of the children outside the home alone while she went to a neighbor's house.

Report Determination: Unfounded**Date of Determination:** 11/28/2017**Basis for Determination:**

CW made contact with the family shortly after receiving the report. Everyone denied the allegations and the adults did not appear to be under the influence of drugs or alcohol. The state police accompanied the CW and searched the home



and property and found no evidence the parents were manufacturing methamphetamines. The parents were drug tested and tested negative for all substances.

OCFS Review Results:

OCDSS initiated their investigation promptly upon receiving the report. The CW appropriately brought law enforcement along given the seriousness of the allegations and the family's history with CPS. Father had almost completed his drug treatment for methamphetamines. CW spoke with collaterals who said the parents were doing well and they had no safety concerns for the children in their care.

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

Issue:

Timely/Adequate Case Recording/Progress Notes

Summary:

The record reflected some case notes were entered up to 2 months after the event date.

Legal Reference:

18 NYCRR 428.5

Action:

Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/16/2017	Deceased Child, Female, 3 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	No
	Deceased Child, Male, 2 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Days	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 1 Days	Father, Male, 24 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 3 Years	Father, Male, 24 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 2 Years	Father, Male, 24 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 1 Years	Father, Male, 24 Years	Inadequate Guardianship	Substantiated	

Report Summary:

An SCR report alleged that on 2/15/17, SM gave birth to a child and SM tested positive for marijuana at that time. The child's toxicology was pending. SF and the three other children had unknown roles.

Report Determination: Indicated

Date of Determination: 03/13/2017

Basis for Determination:

SM admitted to using marijuana during pregnancy to help her eat and calm her. SM tested positive for marijuana throughout her pregnancy. SM was on probation at the time and a violation was filed and SM was arrested. SM was ordered to serve 6 months in jail. SF was only allowed supervised visits at the time due to concerns of drug use. As a result, the children were removed and placed with relatives.

**OCFS Review Results:**

CW appropriately went over safe sleep guidelines. CW obtained medical records and spoke to appropriate collaterals. CW assisted in making an appropriate plan for the child upon discharge from the hospital. CPS history was reviewed and safety assessments were completed. The children were appropriately removed as the SM was incarcerated and SF was not allowed unsupervised contact with the children. The SC went to stay with an aunt.

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)
07/30/2016	Deceased Child, Female, 2 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	No
	Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 7 Months	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 23 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 1 Years	Father, Male, 23 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 7 Months	Father, Male, 23 Years	Inadequate Guardianship	Substantiated	

Report Summary:

An SCR report alleged that on 7/30/16, SM and SF were under a bridge manufacturing methamphetamine in close proximity to their three children (ages 2, 1, 9 months).

Report Determination: Indicated

Date of Determination: 08/25/2016

Basis for Determination:

LE found a large amount of methamphetamine in a car with SM and 2 of her children. SF was found with a large amount of methamphetamine on him while he was holding the youngest child. SF admitted to using methamphetamines that day. SM was drug tested and only tested positive for marijuana, which she admitted to using while not caring for the children. A neglect petition was filed and orders of protection were issued.

OCFS Review Results:

OCDSS contacted collaterals, obtained records and information from LE, the parents, and family. OCDSS conducted a thorough investigation and made the appropriate determination.

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)
06/13/2016	Deceased Child, Female, 2 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated	No
	Deceased Child, Female, 2 Years	Mother, Female, 22 Years	Lack of Supervision	Substantiated	
	Deceased Child, Female, 2 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Substantiated	



Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated
Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Lack of Supervision	Substantiated
Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Female, 7 Months	Mother, Female, 22 Years	Inadequate Guardianship	Substantiated
Deceased Child, Female, 7 Months	Mother, Female, 22 Years	Lack of Supervision	Substantiated
Deceased Child, Female, 7 Months	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Female, 2 Years	Father, Male, 23 Years	Inadequate Guardianship	Substantiated
Deceased Child, Female, 2 Years	Father, Male, 23 Years	Lack of Supervision	Substantiated
Deceased Child, Female, 2 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Male, 1 Years	Father, Male, 23 Years	Inadequate Guardianship	Substantiated
Deceased Child, Male, 1 Years	Father, Male, 23 Years	Lack of Supervision	Substantiated
Deceased Child, Male, 1 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Female, 7 Months	Father, Male, 23 Years	Inadequate Guardianship	Substantiated
Deceased Child, Female, 7 Months	Father, Male, 23 Years	Lack of Supervision	Substantiated
Deceased Child, Female, 7 Months	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Substantiated

Report Summary:

An SCR report alleged that on 6/13/15, SM and SF failed to supervise their two oldest children in the home. Both children exited the home and were outside for up to a half hour and they were not wearing any clothes. The children were not injured or harmed. The youngest child had an unknown role.

Report Determination: Indicated

Date of Determination: 08/24/2016

Basis for Determination:

LE arrested both parents for endangering the welfare of a child. The parents admitted to falling asleep while they were supposed to be supervising the children. SF's probation officer drug tested him and he tested positive for methamphetamines and marijuana. SM admitted to using marijuana but not while caring for the children. The parents were later found with a large quantity of methamphetamines and tools to produce methamphetamines.

OCFS Review Results:

The CW appropriately filed a neglect petition, spoke to collaterals, made several home visits, conducted a thorough investigation and made the appropriate determination.

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



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/24/2016	Deceased Child, Male, 1 Years	Father, Male, 23 Years	Lack of Supervision	Unsubstantiated	Yes
	Deceased Child, Male, 1 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 5 Months	Father, Male, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 5 Months	Father, Male, 23 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 5 Months	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 22 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 1 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Male, 1 Years	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 5 Months	Mother, Female, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 5 Months	Mother, Female, 22 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 5 Months	Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 23 Years	Lack of Supervision	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 1 Years	Father, Male, 23 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:
 An SCR report alleged the SM and SF abused drugs and alcohol in their home while caring for their three children. The parents had friends come over and drank and abused drugs with them. When the parents were impaired, they did not supervise the children. The children were not bathed regularly and the home was unclean with dirty dishes and old food all over.

Report Determination: Unfounded **Date of Determination:** 04/27/2016

**Basis for Determination:**

CW made unannounced home visits and observed the home to be clean and free of hazards. CW did not observe the parents to be under the influence of drugs or alcohol during any home visit. Home visits were made with SF's probation officer and there were no concerns for drugs or alcohol. The probation officer said the SF had always been cooperative.

OCFS Review Results:

CW interviewed collaterals who denied having concerns for the children in the parents care. CW provided information and reviewed safe sleep with the parents. Parents denied co-sleeping with the child and showed appropriate sleep accommodations for the child. CW obtained children's medical information and all CHN were up to date on wellness checks and immunizations.

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

Issue:

Review of CPS History

Summary:

CPS history was reviewed 3 weeks late.

Legal Reference:

18 NYCRR 432.2(b)(3)(i)

Action:

CPS history must be reviewed within 1 business day of receiving the report.

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

The mother and father had three CPS cases against them more than three years prior to the fatality. Between 2013 and 2015 there were three cases with allegations of IG, PD/AM, and IFCS; all were unfounded.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Preventive Services History

This case was opened on 8/9/16 due to an indicated case against the parents for their drug use. The parents each served jail time during this case and the children were placed with relatives. While the children were in placement, the parents completed mental health evaluations, drug/alcohol evaluations, met with a parent aide, and engaged in parenting classes. The parents completed their substance abuse programs and the children were returned to their care in August 2017. There continues to be an order of supervision in place until February 2019.

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:
02/23/2017	There was not a fact finding	There was not a disposition



Respondent:	048703 Mother Female 24 Year(s)
Comments:	A neglect petition was filed as SM violated probation by smoking marijuana. SM was incarcerated as a result and SF had supervised visitation with the children at the time. A neglect petition was filed, the children were removed and placed with relatives as neither parent could provide care for them.

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/09/2016	There was not a fact finding	There was not a disposition
Respondent:	048703 Mother Female 24 Year(s)	
Comments:	The parents failed to supervise the two oldest children who were found to be outside unsupervised for approximately 30 minutes. Both parents admitted to using drugs; the mother admitted to using marijuana and the father admitted to using methamphetamine.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/09/2016	There was not a fact finding	There was not a disposition
Respondent:	048704 Father Male 25 Year(s)	
Comments:	The parents failed to supervise the two oldest children who were found to be outside unsupervised for approximately 30 minutes. Both parents admitted to using drugs; the mother admitted to using marijuana and the father admitted to using methamphetamine.	

Criminal Charge: Endangering the welfare of a child Degree: NA			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
06/06/2016	SM & SF	Unknown	Unknown
Comments:	SM & SF fell asleep while they were supposed to be supervising the children and the children got out of the house and were found by neighbors.		

Have any Orders of Protection been issued? Yes	
From: 08/09/2016	To: Unknown
Explain: As the result of an endangering the welfare of a child charge, there was a temporary order of protection put in place against SM to refrain from using drugs/alcohol around the children, refrain from DV, and ensure the SF stay away from the children. There was a stay away order issued against the SF for the children.	

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