



Report Identification Number: AL-20-018

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

Issue Date: Jan 07, 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: 11 day(s)

Jurisdiction: Montgomery
Gender: Female

Date of Death: 07/31/2020
Initial Date OCFS Notified: 07/31/2020

Presenting Information

On 7/31/2020, the female subject child passed away at the hospital. At the time of her death, there was an open CPS investigation due to allegations the mother tested positive for cocaine and admitted to using heroin the day the child was delivered. A 7065-Agency Reporting Form was completed and sent to OCFS on the same day.

Executive Summary

This fatality report concerns the death of the 11-day-old female subject child who was declared deceased on 7/31/2020. The child died during an open CPS investigation that began on 7/21/2020. The SCR report received by Montgomery County Department of Social Services (MCDSS) included concerns the mother tested positive for illicit substances at the time she gave birth to the child. The child tested positive for opiates and cocaine. The child resided in the hospital for the entirety of her life. The child was born prematurely at 28 weeks gestation.

The mother had two other children, ages 2 and 9 years, who resided with their fathers at the time of the child’s death. The mother had a history of drug addiction and the siblings were placed with their fathers prior to the child’s birth. The family’s record noted that the siblings had been removed from their mother’s care through Article 6 Family Court proceedings and Preventive Services Cases were opened.

On 7/31/2020, MCDSS learned of the child’s death from the hospital. Prior to the child’s death, MCDSS observed the child via video chat in the hospital and she appeared to be doing well. Additionally, the grandparents obtained custody of the child soon after the child was born in an effort to keep the child protected, in consideration of the mother’s drug addiction history. Immediately after learning of the death, MCDSS informed OCFS timely by completing the 7065-Agency Reporting Form. The grandparents and maternal aunt were added to the case as the child was expected to reside with them after hospital discharge. The maternal aunt was assessed to be safe with the grandparents.

The mother provided information that she knew she was pregnant prior to giving birth and used illicit substances including heroin and crack-cocaine throughout her pregnancy. The mother reported being homeless and she gave birth to the child into a toilet prior to calling EMS and both the mother and child were transported to the hospital. The mother signed herself out of the hospital against medical advice and the child was sent to another hospital for a higher level of care.

During the investigation into the child’s death, MCDSS spoke with relevant collateral sources including the family and medical professionals. The 2-year-old sibling who resided out of state was unable to be assessed face-to-face despite diligent efforts by MCDSS. She was presumed to be safe in the care of her father after contact was made with her daycare. The 9-year-old sibling was assessed to be safe in the care of his father.

During involvement with the family, the hospital and MCDSS offered the mother mental health counseling, drug addiction services, housing, bereavement services, food allowance and a travel allowance for transportation to visit the child in the hospital. The mother declined all services. The family declined an autopsy be completed. The case was closed on 10/8/2020 as the mother did not have any children in her care.

PIP Requirement



A review of historical cases resulted in citations; therefore, MCDSS will submit a PIP to the Albany Regional Office within 30 days of the receipt of this report. The PIP will identify action(s) the MCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, MCDSS will review the plan and revise as needed to address ongoing concerns.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Safety assessment due at the time of determination? N/A

Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? N/A
- Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

Casework activity was commensurate with case circumstances. The death was not reported to the SCR.

Was the decision to close the case appropriate? Yes

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

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

Explain:

The decision to close the case was appropriate.

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: 07/31/2020

Time of Death: 08:10 AM

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

County where fatality incident occurred: Albany

Was 911 or local emergency number called? No

Did EMS respond to the scene? No



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

N/A

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other: Hospitalized

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

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	No Role	Female	17 Year(s)
Deceased Child's Household	Deceased Child	No Role	Female	11 Day(s)
Deceased Child's Household	Grandparent	No Role	Male	54 Year(s)
Deceased Child's Household	Grandparent	No Role	Female	52 Year(s)
Other Household 1	Father	No Role	Male	29 Year(s)
Other Household 1	Sibling	No Role	Female	3 Year(s)
Other Household 2	Other Adult - Father to the 9-year-old Sibling	No Role	Male	32 Year(s)
Other Household 2	Sibling	No Role	Male	32 Year(s)
Other Household 3	Mother	No Role	Female	29 Year(s)

LDSS Response

At the time of the child's death, there was an ongoing CPS investigation which began on 7/21/2020. The report alleged concerns the mother tested positive for illicit drugs when she gave birth to the child. During the investigation, MCDSS assessed the safety of the child at the hospital and began gathering information to assess the safety of the siblings. Multiple attempts were made to contact the mother upon receiving the SCR report; however, she was homeless and collateral contacts did not have a location for her.

On 7/21/2020, MCDSS called the grandmother who provided information the mother gave birth to the child into a toilet and was transported to the hospital. The grandmother was aware of the mother's drug use and that she was pregnant. The grandmother filed a petition in Family Court and was granted custody of the child.

Information gathered from the hospital noted following delivery, the mother immediately signed herself out against medical advice. The hospital staff said the child was brought to the hospital via ambulance and was pulseless. The child was transferred to another hospital for a higher level of care. The mother said she was walking outside when she felt the urge to push. She went into the first home she had access to and delivered the child in the toilet while she urinated. The mother provided the hospital with information that she used crack-cocaine and heroin regularly and used the day the child was born. The mother denied having any prenatal care and the child was born prematurely at 28 weeks gestation.

The father of the 2-year-old sibling, who was alleged to be the father of the child, resided out of state with the sibling. The



father thought the mother had an abortion, and the father and sibling did not have contact with the mother for several months. The sibling was assessed to be safe in his care.

On 7/31/2020, the hospital informed MCDSS that the child was "actively dying", and she was declared deceased on the same day at 8:10 AM.

Several attempts were made to contact the father of the 9-year-old sibling. He was contacted and his home was assessed to be safe on 8/26/2020. The 9-year-old sibling expressed no concerns when he did see the mother a couple months prior to the child's death. The sibling said when he did see his mother, she was slumped over on the couch and he believed she was sleeping.

MCDSS contacted law enforcement who noted the mother was known as a frequent drug user in town and it was believed she was homeless and resided near a parking lot of a local pub. The mother was on probation for drug related concerns and the police department offered to pick up the mother if they were able to find her.

Prior to case closure, the mother was picked up on a probation violation and was incarcerated where she was interviewed by MCDSS on 9/21/2020. The mother said she knew she was pregnant and was walking outside when she felt "weird" like she was going to have a bowel movement. The mother did not have a plan for the child after she was discharged from the hospital. As the mother did not have any children in her care and custody, and declined services, the case was closed on 10/8/2020.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Hospital physician

Multidisciplinary Investigation/Review

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

Comments: Montgomery County does not have an OCFS-approved CFRT at this time.

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input type="checkbox"/>	<input checked="" 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"/>
Contact with source?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Explain:
The siblings and maternal aunt were assessed to be safe with their parents.

Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Explain:
The mother was offered services; however, declined any assistance from community-based services or services through the Department.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
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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.

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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"/>

Additional information, if necessary:

The mother declined all services offered. The record did not reflect the mother was offered family planning information.

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

**Explain:**

In response to the fatality and involvement with the family, the hospital offered the mother drug addiction treatment, housing, mental health counseling, nutritional assistance, and travel vouchers to visit the child in the hospital. The mother declined all referrals.

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? 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? Yes

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 Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/21/2020	Deceased Child, Female, 1 Days	Mother, Female, 29 Years	Inadequate Guardianship	Substantiated	Yes
	Deceased Child, Female, 1 Days	Mother, Female, 29 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:

An SCR report alleged the mother gave birth to the subject child on 7/20/2020. The mother tested positive for cocaine and admitted to using heroin the day she delivered the child. The roles of the siblings and father were unknown. A duplicate report was received on the same day.

Report Determination: Indicated**Date of Determination:** 10/08/2020**Basis for Determination:**

The allegations of Inadequate Guardianship and Parent Drug/Alcohol Misuse were substantiated. The mother admitted to using heroin and crack-cocaine. The mother signed herself out of the hospital against medical advice and immediately used illicit substances after delivering the child. The mother did not have a plan for the child if she survived her



premature birth complications and made no attempts to see the child. Shortly after the child was born, the grandparents were awarded custody of the child.

OCFS Review Results:

The investigation was initiated timely and the sources of the reports were contacted. A CPS history check was completed timely, as was the 7-day Safety Assessment. The RAP was completed inaccurately. Home visits were made, and the family was interviewed. The record contained information to assess safety and risk from information gathered by relevant interviews with the family and collateral contacts. Relevant bereavement and drug addiction counseling services were offered to the mother. The case was appropriately determined and closed on 10/8/2020.

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

Issue:

Adequacy of Risk Assessment Profile (RAP)

Summary:

Although some risk factors were identified, the RAP did not include risk factors #2, #4, or #5. The 9-year-old sibling was in the care of the grandparents in 2018. The mother was homeless during the investigation and was not properly managing her finances to locate appropriate housing for herself and the child.

Legal Reference:

18 NYCRR 432.2(d)

Action:

MCDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/07/2019	Sibling, Female, 2 Years	Mother, Female, 28 Years	Inadequate Guardianship	Substantiated	Yes
	Sibling, Female, 2 Years	Grandparent, Female, 52 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 2 Years	Grandparent, Male, 53 Years	Inadequate Guardianship	Substantiated	
	Aunt/Uncle, Female, 16 Years	Mother, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Aunt/Uncle, Female, 16 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 2 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:

An SCR report alleged on 8/7/19, at 9:50 PM, the mother attempted suicide by using heroin to the point of overdose in the home. The 2-year-old sibling was present at the time of the overdose and the 16-year-old maternal aunt found the mother unresponsive in the bathroom. The mother had a history of drug use and was noncompliant with drug rehabilitation. She was unable to act as a caregiver to the children.

Report Determination: Indicated

Date of Determination: 09/20/2019

Basis for Determination:

The allegations of Inadequate Guardianship and Parent/Drug Alcohol Misuse regarding the aunt and the 2yo sibling were substantiated. The allegation of Inadequate Guardianship was added against the grandparents regarding the aunt and 2yo sibling. The mother was transported for a mental health evaluation and addiction treatment where she was overheard discussing buying drugs. The Investigation Conclusion did not include the basis of determination regarding the



grandfather. The grandmother was awarded custody of the 2yo sibling and knew the mother was not to be unsupervised with the sibling; however, failed to follow the plan which resulted in a Neglect Petition being filed in Family Court.

OCFS Review Results:

The investigation was initiated timely and the source of the report was contacted. An SCR history check was completed untimely. The Safety Assessments were completed with accuracy. Home visits were made and interviews with the family and collateral contacts were adequate. Although provided with written notice of the SCR report, with the exception of the father, written notice was provided untimely. Safety and risk was assessed throughout the investigation and services were offered to the mother. MCDSS appropriately opened a Preventive Services Case.

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

Issue:

Failure to provide notice of report

Summary:

Although written notice was provided to some of the adults, written notice was provided untimely on 9/18/19. The record did not reflect the father was provided with written notice of the SCR report.

Legal Reference:

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

Action:

MCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report.

Issue:

Review of CPS History

Summary:

Although a CPS history check was completed, the history check was completed untimely on 8/11/19.

Legal Reference:

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

Action:

Within one business day, MCDSS will review SCR records pertaining to all prior reports involving members of the family, including legally sealed unfounded reports where the current report involves a subject of the unfounded report, a child named in the unfounded report or a child's sibling named in the unfounded report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/03/2019	Sibling, Female, 1 Years	Mother, Female, 28 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 1 Years	Mother, Female, 28 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 1 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

An SCR report received by Fulton County Department of Social Services (FCDSS) alleged the mother lost custody of her oldest child in September 2018 because she used heroin in her car and nodded out. The 1-year-old and 7-year-old siblings were present for the incident. The siblings were placed in the custody of the grandmother and the mother was supposed to have supervised contact only. The grandmother allowed the 1-year-old sibling to live with the mother. There was concern for the 1-year-old sibling in the mother's care due to her heroin addiction. The mother hit the 1-year-old sibling; however, the details remained unknown. The father was a truck driver and was often out of town.



Report Determination: Indicated **Date of Determination:** 05/01/2019

Basis for Determination:

The allegations of Inadequate Guardianship and Parent Drug/Alcohol Misuse were substantiated against the mother regarding the 1-year-old sibling. FCDSS made collateral contact with the mother's addiction services specialist who stated the mother brought the 1-year-old sibling to an appointment, unsupervised. At that appointment, the mother tested positive for opiates. The investigation was closed as the family continued to work with preventive services. The allegation of Inadequate Guardianship against the grandmother regarding the 1-year-old sibling was unsubstantiated as the grandmother believed the mother had a sober caregiver to supervise the 1-year-old sibling.

OCFS Review Results:

The investigation was initiated timely and home visits were made. A CPS history check was completed timely. The Safety Assessments were completed timely and accurately. Collateral contacts made were relevant and gathered useful information to assess safety and risk. The case was determined appropriately.

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)
09/05/2018	Sibling, Male, 7 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 7 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 1 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

An SCR report received by FCDSS alleged the mother abused heroin to the point of impairment on a regular basis while caring for the siblings. The mother drove the siblings around while under the influence of heroin. The mother left drug paraphernalia accessible to the siblings. A subsequent report regarding the same concerns was received on 9/13/18 and was consolidated into the initial investigation.

Report Determination: Indicated **Date of Determination:** 02/02/2019

Basis for Determination:

The allegations of Inadequate Guardianship and Parent's Drug/Alcohol Misuse were substantiated against the mother with regard to the siblings. The investigation revealed LE arrested the mother when she was found using heroin in the presence of the siblings. The mother agreed to a Safety Plan; however, tested positive for illicit substances during the investigation. The case was opened for preventive services.

OCFS Review Results:

The investigation was initiated timely and a CPS history check was documented. The sources of the reports were contacted, and face-to-face contact was made with the family. The safety of the children was monitored throughout the investigation. A Safety Plan was implemented, and the Safety Assessments were completed with accuracy. FCDSS consulted with their legal department as necessary. Drug addiction services were offered to the mother and a voluntary Preventive Services Case was opened. The allegations were determined appropriately.

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)
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01/26/2018

Sibling, Female, 9 Months	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 9 Months	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 9 Months	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Mother, Female, 26 Years	Childs Drug / Alcohol Use	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated

Yes



Child Fatality Report

Other Child - Cousin, Male, 5 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 6 Years	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Male, 6 Years	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 9 Months	Grandparent, Female, 51 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 9 Months	Grandparent, Female, 51 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 6 Years	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Male, 6 Years	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 9 Months	Grandparent, Male, 52 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 9 Months	Grandparent, Male, 52 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Aunt/Uncle, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 17 Years	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Aunt/Uncle, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Aunt/Uncle, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Female, 10 Years	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated



Other Child - Cousin, Male, 5 Years	Aunt/Uncle, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin, Male, 5 Years	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 9 Months	Aunt/Uncle, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Sibling, Female, 9 Months	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated
Aunt/Uncle, Female, 15 Years	Aunt/Uncle, Male, 30 Years	Childs Drug / Alcohol Use	Unsubstantiated
Sibling, Male, 6 Years	Aunt/Uncle, Male, 30 Years	Inadequate Guardianship	Unsubstantiated

Report Summary:

An SCR report alleged the grandparents, parents and children, ages 16, 13, 8, 6 and 10 months lived in hazardous conditions. The home was filthy and had animal waste throughout. The adults were aware of the hazardous conditions but did not rectify the situation. The adults hit the 6, 8, 13, and 16-year-old children on the buttocks with belts and spoons. It was unknown how often or if any marks or bruises were left on the children. The mother used drugs, including Suboxone, to the point of impairment while caring for the children, which placed them in danger. The 16-year-old child smoked marijuana and drank alcohol. The parents of the 16-year-old child were aware and did not intervene.

Report Determination: Unfounded**Date of Determination:** 02/23/2018**Basis for Determination:**

MCDSS unsubstantiated the allegations noting that interviews were conducted with all family members and collateral contacts. The Investigation Conclusion Narrative stated interviews with the family members and collateral contacts did not reveal credible evidence to support the allegations.

OCFS Review Results:

MCDSS initiated the investigation timely and conducted home visits. The verbal children were interviewed appropriately. The record did not reflect the youngest child, the father or the grandfather were seen face-to-face. The record did not reflect the father or grandfather were interviewed. Although accurate, the 7-day Safety Assessment was completed untimely. Written notice was provided untimely and a CPS history check was untimely. Appropriate collateral contacts were made to assess safety and risk.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

Although completed accurately, the 7-day Safety Assessment was completed untimely on 2/5/18.

Legal Reference:

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

Action:

MCDSS will document and approve all safety assessments within the required timeframe.

Issue:

Failure to provide notice of report

Summary:

Although the adults were provided with written notice of the SCR report, the adults were provided with written notice untimely on 2/21/18.

Legal Reference:

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

**Action:**

MCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report.

Issue:

Review of CPS History

Summary:

Although a CPS history check was documented, the history check was documented to have been completed on 2/21/2018.

Legal Reference:

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

Action:

Within 1 business day of a report, MCDSS must review all SCR records of prior reports, including legally sealed reports, and document such. Within 5 business days, MCDSS will review its own CPS record(s) that apply to the prior reports, including legally sealed unfounded and family assessment response reports.

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

6/6/16- 8/5/16 - The father of the 9-year-old sibling was unsubstantiated for IF/C/S regarding the 9-year-old sibling.

Known CPS History Outside of NYS

There was no known CPS history outside of New York.

Preventive Services History

A Preventive Services Case was opened on 11/29/18 after being referred by a CW at FCDSS. The case was opened as the mother used heroin and was found under the influence with the siblings in her car. The family agreed to Safety Plan that the mother would not be around the siblings unsupervised and agreed to voluntary preventive services. The grandmother obtained custody of the 2-year-old sibling and the 9-year-old sibling was in the care and custody of his father. The mother complied with treatment services and probation. The case was closed on 7/9/19 as the family no longer needed services.

A Family Services Intake was opened by MCDSS on 9/20/19 after a referral was made by a caseworker. The reason for involvement with the family states there was a finding of neglect regarding the mother. The father was given custody of the 2-year-old sibling and they resided in North Carolina. The Family Services Intake was not advanced to a Family Services Stage, and therefore, no progress notes or casework activity, including FASPs were documented in the record. The case was closed on 1/27/2020 when the mother did not sign the services application and moved out of jurisdiction.

Although Preventive Services Cases were opened for the family and case notes reflect that there were court orders, the records did not reflect the children were tracked appropriately.

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