



Report Identification Number: BU-16-008

Prepared by: Buffalo Regional Office

Issue Date: 12/5/2016

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	

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
CPR-Cardio-pulmonary Resuscitation		

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-Others	

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	



Case Information

Report Type: Child Deceased
Age: 3 month(s)

Jurisdiction: Niagara
Gender: Female

Date of Death: 03/07/2016
Initial Date OCFS Notified: 03/07/2016

Presenting Information

The SM and her three children reside with step-MGF, MA and her two children. Today at 4:48 AM police and EMS responded to an emergency call at the home. SC was found to be deceased. The SC was cold and stiff and had dried blood around her nose. SC was transported to the hospital. When SM found the SC she picked up the infant and ran downstairs to MGF who called 911. Two inconsistent explanations were given to describe how the infant was found. One was that SM found SC lying on top of the air mattress with a blanket. The other explanation was that SM found SC lying on the floor between the air mattress and the wall. The SC did not have any known pre-existing medical conditions or any visible injuries.

Executive Summary

This report concerns the death of a three month old child (SC) who lived with (SM), (MA) and (MGF). The SF had children with both SM and MA so all the children residing in the home were surviving siblings (SS). Both the SM and MA had extensive CPS history with SF, with allegations of PDAM, IG, IFCS, LOM, SA LBW'S and LOS. Both the SM and MA had open CPS investigations at the time of fatality. The SM had an open Preventive Services case. Preventive Services was open with SM, because NCDSS filed a Neglect Petition in Family Court, due to domestic violence between SM and SF, Parent's drug use and multiple criminal charges against them and neither parent having a verifiable income.

An SCR report with allegations of DOA/fatality and IG was received by NCDSS against SM, MA and MGF with respect to SC. The SS ages seven, six, five, two –years-old and five months had no role. The SC was found deceased. The SC was cold and stiff; she had dried blood around her nose. SC was transported to the hospital. Before EMS arrived SM had entered the bedroom where SC and two-year-old SS were sleeping on an air mattress and found SC non-responsive. SM picked up SC and ran downstairs to MGF, who called 911. Two inconsistent explanations were given to describe how the SC was found. One was that SM found SC lying on top of the air mattress with a blanket. The other explanation was that SM found SC lying on the floor between the air mattress and the wall. NCDSS interviewed all adults named on the report. The SM stated that she gave SC a bottle at 11:30, burped her and laid her on the mattress, on a blanket on her stomach with another blanket over her. The two-year-old woke up about 5:00 AM and wanted a drink and this is when SM found SC unresponsive on the bed, under a blanket. SM denied using any drugs or alcohol that night. The MA denied ever seeing SC. MA stated her and SM did not get along. The MA had concerns regarding SM using drugs, but did not see SM using drugs or intoxicated. The SS did not see anything, but stated SC usually slept on the air mattress. The CW interviewed SF in jail, who said he had never seen his daughter. No other concerns were noted. NCDSS spoke to family members who did not have concerns for the SS's. NCDSS worked jointly with the police department, spoke with the hospital and children's doctors. The CW spoke with the case planner, who discussed SM not being compliant with services and NCDSS filed a violation in Niagara County Family Court.

The ME determined the Cause of Death was positional asphyxia and the Manner of Death was accident. On April 14, 2016 NCDSS indicated the report and substantiated the allegations of DOA/Fatality and IG. There were no signs of



trauma or abuse and no evidence to suggest that the child died from anything other than unsafe sleep. The SM received education regarding safe sleep practices and put SC lying face down on a soft air mattress on top of a blanket, with another blanket on top of her. Also sleeping on the air mattress was SM and SS. The allegations against MGF and MA were unsubstantiated, as they had no responsibility in the sleeping patterns of SC. There is an ongoing services case involving mother and her children that stem from previous neglect adjudications and disposition. The SM and SS are currently working with preventive 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

Explain:

NCDSS interviewed all adults named on the report. They spoke with police, first responders, pediatrician and family members. NCDSS filed a petition for extension of supervision in Niagara County Family Court.

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

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

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

Explain:

The family is currently working with Preventive Services.

Required Actions Related to the Fatality

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

Issue:	Contact/Information From Reporting/Collateral Source
Summary:	NCDSS spoke with SC's pediatrician. CW did not speak to the pediatrician regarding the SS's, including the MA's children who reside in the home. NCDSS had no collateral contacts regarding the SS's.
Legal Reference:	18 NYCRR 432.2(b)(3)(ii)(b)



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Action:	NCDSS must contact appropriate collateral contacts regarding all children and subjects listed in the household.
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Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/07/2016

Time of Death: 05:24 AM

Time of fatal incident, if different than time of death: 04:50 AM

County where fatality incident occurred:

NIAGARA

Was 911 or local emergency number called?

Yes

Time of Call:

04:50 AM

Did EMS to respond to the scene?

Yes

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

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

Is the caretaker listed in the Household Composition? Yes - Caregiver

1

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Female	3 Month(s)
Deceased Child's Household	Grandparent	Alleged Perpetrator	Male	64 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	26 Year(s)
Deceased Child's Household	Sibling	No Role	Male	2 Year(s)
Deceased Child's Household	Sibling	No Role	Male	4 Year(s)
Deceased Child's Household	Sibling	No Role	Male	5 Year(s)



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Deceased Child's Household	Sibling	No Role	Male	6 Year(s)
Other Household 1	Father	No Role	Male	30 Year(s)

LDSS Response

The CW observed all SS. The SM's children stayed with relatives for a couple of days as a safety plan following the death of the SC. The CW spoke with MGM who did not have concerns for the children. MGM and CW discussed the open CPS case involving SF getting arrested for drugs and guns with the two-year-old SS present. MGM agreed that the children have witnessed too much violence. SM's two oldest children, ages seven and six, stated they were sleeping and didn't wake until the police arrived at the home. The two-year-old SS was sleeping with SC but he wouldn't talk with CW. The children stated that SC always slept in the bed. The CW also spoke with Great Maternal Aunt (GMA), who had no concerns for the children's safety. The SM stated that she fed and burped SC at 11:30 PM and laid her on a blanket on the air mattress with another blanket on top of her. She then went to bed and woke up at 4:30 AM to get the two-year-old SS something to drink. SM stated she ran down stairs to change laundry around for school that morning and when she returned to the bedroom she noticed something was wrong with SC. The SM stated she picked up SC and ran to MGF's room and they called 911 and began CPR. The SM denied using any drugs or alcohol the night SC died. The CW interviewed the MA. The MA and SS's did not see anything as they were in a different room. The PGF had no safety concerns for the SS's. The MA stated she and SM do not get along and she had never seen SC. The MA stated she didn't know anything was wrong until EMTs arrived at the home. The MA believes SM was on drugs that night, but did not see SM or witness SM take any drugs. The CW spoke with SF who was incarcerated in Niagara County jail on gun and drug charges. He stated he is married to SM, but his girlfriend is MA. He stated he had never seen SC and believed he was going to be in jail for some time.

NCDSS met with Niagara Rapid Response team and discussed the case. The police stated that SC had no signs of abuse or trauma and no charges would be filed. The police had been to the home several times for fights between the SM and SF and SM and MA. The CW spoke with the hospital who stated SC was unresponsive and had no signs of trauma. The pediatrician had no concerns regarding SC's safety and was up-to-date with well visits. The CW spoke to first responders who had no concerns. The CW spoke with the preventive services worker who stated SM was not compliant with services. NCDSS filed a violation in Family Court and the family has an extension of services.

The ME determined the Cause of Death was positional asphyxia and the Manner of Death was accident. On April 14, 2016 NCDSS indicated the report and substantiated the allegations of DOA/Fatality and IG. There were no signs of trauma or abuse and no evidence to suggest that the child died from anything other than unsafe sleep. The SM received education regarding safe sleep practice and put SC lying face down on a soft air mattress on top of a blanket, with another blanket on top of her. Also sleeping on the air mattress was SM and SS. The allegations against MGF and MA were unsubstantiated, as they had no responsibility in the sleeping patterns of SC. There is an ongoing services case involving mother and her children that stem from previous neglect adjudications and disposition. The SM and SS are currently working with preventive services.

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



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Multidisciplinary Investigation/Review

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

Comments: NCDSS met with their Rapid Response team and discussed the fatality.

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

Comments: The fatality was reviewed by the CFRT and Niagara County Rapid Response Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
031721 - Deceased Child, Female, 3 Mons	031722 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
031721 - Deceased Child, Female, 3 Mons	031753 - Grandparent, Male, 64 Year(s)	Inadequate Guardianship	Unsubstantiated
031721 - Deceased Child, Female, 3 Mons	031724 - Aunt/Uncle, Female, 24 Year(s)	DOA / Fatality	Unsubstantiated
031721 - Deceased Child, Female, 3 Mons	031722 - Mother, Female, 26 Year(s)	DOA / Fatality	Substantiated
031721 - Deceased Child, Female, 3 Mons	031753 - Grandparent, Male, 64 Year(s)	DOA / Fatality	Unsubstantiated
031721 - Deceased Child, Female, 3 Mons	031724 - Aunt/Uncle, Female, 24 Year(s)	Inadequate Guardianship	Unsubstantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School	<input type="checkbox"/>	<input checked="" 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"/>



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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"/>

Additional information:

NCDSS worked closely with the police. NCDSS interviewed everyone named in the report but failed to get and follow-up with collateral contacts for all surviving children in the home.

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 safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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



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Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 siblings/other children in the household removed as a result of this fatality report/investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:

The SM's other children stayed with the GMA for a few days, until CPS could determine safety.

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? Family Court Criminal Court Order of Protection**Have any Orders of Protection been issued? Yes****From:** 03/17/2016**To:** 09/14/2016**Explain:**

The SM must refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against SS's.

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 family was working with Preventive Services.

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

Explain:
 The SS stayed with relatives for a couple of days. The family was already working with preventive services.

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

Explain:
 The family was already working with preventive 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? No
- Were there any siblings ever placed outside of the home prior to this child's death? No
- Was the child acutely ill during the two weeks before death? No



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Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- Used illicit drugs

Infant was born:

- Drug exposed
- With neither of the issues listed noted in case record
- With fetal alcohol effects or syndrome

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
06/08/2016	11599 - Sibling, Female, 5 Years	11598 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	No
	11600 - Sibling, Female, 5 Months	11598 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	
	11600 - Sibling, Female, 5 Months	11598 - Father, Male, 30 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11600 - Sibling, Female, 5 Months	11594 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded	
	11599 - Sibling, Female, 5 Years	11594 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded	
	11599 - Sibling, Female, 5 Years	11594 - Aunt/Uncle, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11600 - Sibling, Female, 5 Months	11594 - Aunt/Uncle, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11599 - Sibling, Female, 5 Years	11598 - Father, Male, 30 Years	Parents Drug / Alcohol Misuse	Unfounded	

Report Summary:

MA bailed SF out of jail four days ago and he and MA had been using cocaine and marijuana to the point of impairment and then driving SS's ages five-years-old and five-months-old around in the car with them.

Determination: Unfounded

Date of Determination: 07/08/2016

Basis for Determination:

CW was very familiar with family as there had been numerous recent investigations. The investigations revealed that SF had been in jail for several weeks and was bailed out recently. MA at first denied that she bailed him out, but SF confirmed that she did. SF is expecting to be sentenced and begin a 2-4 year sentence on unrelated drug charges. SF stated he was staying sober because of this. There had been no recent police encounter regarding either MA or SF being under the influence and no evidence any of the children were ill effected by substance use. The home met minimum standards and the childrens needs were met. MA declined recommended Preventive Servcies.



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OCFS Review Results:

NCDSS interviewed the MA, SF, MGF and observed the MA's children. NCDSS completed several home visits with the family. NCDSS did not add the SM or her children to the report although they were residing in the home. NCDSS did not complete any collateral contacts on MA's children, who were maltreated children on the report. OCFS has already addressed concerns of NCDSS not adding everybody who lives in the home to all SCR reports and not completing collateral contacts for all children named on SCR reports or that reside in the home in this fatality report.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/06/2016	11565 - Sibling, Male, 7 Years	11563 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	Yes
	11565 - Sibling, Male, 7 Years	11561 - Mother, Female, 26 Years	Inadequate Guardianship	Unfounded	
	11566 - Sibling, Male, 6 Years	11561 - Mother, Female, 26 Years	Excessive Corporal Punishment	Unfounded	
	11566 - Sibling, Male, 6 Years	11563 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	
	11565 - Sibling, Male, 7 Years	11561 - Mother, Female, 26 Years	Excessive Corporal Punishment	Unfounded	
	11566 - Sibling, Male, 6 Years	11561 - Mother, Female, 26 Years	Inadequate Guardianship	Unfounded	
	11565 - Sibling, Male, 7 Years	11563 - Father, Male, 30 Years	Excessive Corporal Punishment	Unfounded	
	11566 - Sibling, Male, 6 Years	11563 - Father, Male, 30 Years	Excessive Corporal Punishment	Unfounded	

Report Summary:

SM and SF had a history of being violent and using excessive corporal punishment towards their sons. On more than one occasion, as discipline, SM had chased seven-year-old around the house and swung a belt toward him. SM had struck child where ever the belt landed, his arm, leg, or buttocks. As discipline, SF had repeatedly and forcibly punch the boys.

Determination: Unfounded

Date of Determination: 07/12/2016

Basis for Determination:

There was no evidence found that parents used these types of discipline and no injuries seen throughout the investigations. The children did say that their parents sometimes used a belt on them, but were not injured. The boys also said that the only person who hit them was PGM. There are several other concerns with this family, especially the volatile family relationship between sisters, also concerns that SF will be going to jail. SM and her family receive a lot of help and support from MGF. SM is out of Jail, Preventive Services will continue with parenting support and supervision.

OCFS Review Results:

NCDSS interviewed SM's children at the schools and spoke with the school. The CW spoke with the parents, PGM and MGF and observed the home of PGM and where the children live. NCDSS documented a home visit with the SF where MA was present, but did not document interviewing MA or observing her children. NCDSS did not add MA's infant to the report or complete collateral contact involving the children, who were named on the report and lived in the home.

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

Issue:



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Adequacy of face-to-face contacts with the child and/or child's parents or guardians

Summary:

The MA and her children were named on the report. NCDSS did not document seeing MA's children or interviewing the verbal child or MA. NCDSS did not add MA's infant, who lived in the home to the report.

Legal Reference:

18 NYCRR 432.1 (b)(3)(ii)(a)

Action:

NCDSS must see and interview all persons named on an SCR report or live in the home.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
03/02/2016	11476 - Sibling, Male, 2 Years	11472 - Father, Male, 30 Years	Inadequate Guardianship	Indicated	No
	11476 - Sibling, Male, 2 Years	11473 - Grandparent, Female, 44 Years	Inadequate Guardianship	Unfounded	
	11476 - Sibling, Male, 2 Years	11472 - Father, Male, 30 Years	Parents Drug / Alcohol Misuse	Indicated	
	11476 - Sibling, Male, 2 Years	11473 - Grandparent, Female, 44 Years	Parents Drug / Alcohol Misuse	Unfounded	

Report Summary:

On a daily basis the MGM and SF are becoming impaired on crack-cocaine to the point where they are unable to care for two-year-old SS. At least several times per week, the father sells crack-cocaine out of his home in the presence of the child. The crack-cocaine is left out in the open on the table where the child could easily have access to it. The MGM is aware of this situation and allows it to occur.

Determination: Indicated

Date of Determination: 04/11/2016

Basis for Determination:

Child was placed at great risk for being with SF, with drugs reportedly accessible to him, plus allegations of drug dealing in his presence. Child was present when police conducted a drug raid and saw SF arrested. It is highly suspected that MGM is a drug user, but no evidence found that she is using in the presence of the child. MGM will not be indicated for her role in this matter. The parents and children are involved in an ongoing services at this time, stemming from a previous neglect proceeding. It is expected that SF will remain in prison for an extended length of time. A subsequent report was received regarding SC's death.

OCFS Review Results:

NCDSS interviewed all adults named on the report and interviewed verbal children. The CW spoke with police and children's schools. NCDSS had several investigations open with the family.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/22/2016	11403 - Sibling, Male, 5 Years	11402 - Father, Male, 30 Years	Inadequate Guardianship	Unfounded	Yes
	11403 - Sibling, Male, 5 Years	11402 - Father, Male, 30 Years	Sexual Abuse	Unfounded	
	11403 - Sibling, Male,	11401 - Aunt/Uncle,	Lacerations / Bruises	Unfounded	



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5 Years	Female, 23 Years	/ Welts	
11403 - Sibling, Male, 5 Years	11401 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded

Report Summary:

MA was physically abusive to her five-year-old child. MO was continuously beating child. MA hits child with her hands as well as objects such as phone cords. MA hit child in the face in the past causing him to sustain a black-eye. The MA's boyfriend is SF and was sexually abusing child. SF touched his private area including his penis for his own sexual gratification.

Determination: Unfounded**Date of Determination:** 05/12/2016**Basis for Determination:**

The school has not noticed any unusual bruising or injuries; child has not expressed this, although it is very difficult to communicate with him. Child has shown some behavior concerns of late and mother took him directly for an evaluation and seemed to be following though with their recommendations. SF has been in jail and not seen child in several months. SF denied any inappropriate behaviors towards child. The police investigated the allegations of sexual abuse and also closed it due to lack of evidence. MA has declined services suggested and recommended by cps.

OCFS Review Results:

NCDSS completed home visit's and interviewed verbal children. NCDSS did not document interviewing SF in this CPS investigation. CW did interview father in a subsequent CPS report on 3/2/16 but did not address the allegations of sexual abuse. NCDSS did not add SM and her children to the report. The SM, MA and all the children live in the home and need to be added to all SCR reports.

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

Adequacy of face-to-face contacts with the child and/or child's parents or guardians

Summary:

NCDSS did not document interviewing SF in this CPS investigation. CW did interview father in an subsequent CPS report on 3/2/16 but did not address the allegations of sexual abuse. NCDSS did not add SM and her children to the report. The SM, MA and all the children live in the home and need to be added to all SCR reports.

Legal Reference:

18 NYCRR 432.1 (b)(3)(ii)(a)

Action:

NCDSS must address all allegations with all subjects of all CPS reports and document it in the CPS investigation. NCDSS must add all household members to all SCR reports.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/06/2016	11393 - Sibling, Female, 2 Months	11391 - Aunt/Uncle, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	Yes

Report Summary:

The MA delivered a newborn on 2/5/16. At the time of delivery both MA and child had a positive toxicology for marijuana. Child was delivered premature at 36 weeks, had difficulty eating and was on an IV for nutrition.

Determination: Unfounded**Date of Determination:** 04/05/2016**Basis for Determination:**

The investigation revealed that mother and infant did test positive for THC, but that there appears to be no ill effects of this on the child. MO was made aware of possible consequences of drug use on the infant, and counseled not to use any

substances while caring for the children. The MO agreed and states she did not do this. The home met minimum standards; the children appeared to be receiving appropriate care at that time. SF was in jail for an uncertain length of time. MO is receiving PA for herself and children. MO was provided with community resources in case she was interested in further assistance for her family.

OCFS Review Results:

NCDSS completed several announced and unannounced HV's and spoke with MO and child. CW spoke with the school and medical providers assisting the family. NCDSS did not add SM, SF and SS to the case; they are all residing in the same home. Several CPS cases were open at the same time and everybody was seen.

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

Issue:

Failure to provide notice of report

Summary:

NCDSS did not notify SF that new born child was named on a SCR report.

Legal Reference:

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

Action:

NCDSS must add all biological fathers and anyone living in the home to all SCR reports.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
12/17/2015	11390 - Sibling, Male, 4 Years	11389 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded	No
	11390 - Sibling, Male, 4 Years	11389 - Aunt/Uncle, Female, 23 Years	Lack of Medical Care	Unfounded	

Report Summary:

SS four-years-old lived with his MO. The child was blind in one eye and had severe visual impairment in the other eye. The child needs eye glasses. The child wore eyeglasses in the past. The child lost his eyeglasses and had been without eyeglasses since June of this year. The child was unable to see anything without eyeglasses. The MO was aware and failed to obtain eyeglasses for the child.

Determination: Unfounded **Date of Determination:** 04/18/2016

Basis for Determination:

The child attends school very regularly, despite his age of 4. MO agreed that child needs glasses, and had glasses in the past, but they were lost; a new pair could not be provided for another year. MO worked well with the school in obtaining a doctor appointment and financial help to pay for a new pair. The home (a room in step-MGF house) was clean and appropriate in many unannounced visits. The child always appeared cared for and had been seen regularly by the doctor with no concerns. MO declined the need for preventive services.

OCFS Review Results:

NCDSS completed several announced and unannounced HV's and spoke with MO and child. CW spoke with the school and medical providers assisting the family. NCDSS did not add the new born baby that Mo delivered during the case, but NCDSS did document seeing the baby. NCDSS did not add SM, SF and SS to the case, they are all residing in the same home. Several CPS cases were open at the same time and everybody was seen. Not adding appropriate family members to the case has already been addressed in this fatality report.

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



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Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/12/2015	11375 - Sibling, Male, 2 Years	11371 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Unfounded	No
	11373 - Sibling, Male, 6 Years	11371 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	11373 - Sibling, Male, 6 Years	11371 - Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	
	11374 - Sibling, Male, 5 Years	11371 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	11374 - Sibling, Male, 5 Years	11371 - Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	
	11375 - Sibling, Male, 2 Years	11371 - Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	

Report Summary:

On an ongoing basis, the SM uses the family's resources to purchase drugs and as a result she is unable to adequately feed her children.

Determination: Unfounded

Date of Determination: 02/11/2016

Basis for Determination:

The was no evidence that SM was selling the food stamps. The needs of the children appeared to be met by SM. There was always several days worth of food in the home and the children appeared to be well fed. The Children see their father with the aid of PGM since SM and SF have a full OOP preventing them from contact. The SM and SS's live with step-MGF who helps the family in many ways. The SM and children often stay at friends houses, due to MA living in the home with SS and they do not get along. SM had an open services case with DSS as a result of a neglect finding. SM receives parenting and is scheduled for a MH and substance abuse evaluation and DV counseling.

OCFS Review Results:

NCDSS completed several announced and unannounced home visits. The CW spoke to all adults in the home and interviewed child. The CW spoke to several different collaterals. The SM and her children were living at the same address as the MA and her SS and were not added to the report. Not adding all household member and bio-fathers have already been addressed with corrective actions within this report.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/04/2015	11362 - Sibling, Male, 4 Years	11361 - Aunt/Uncle, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	Yes
	11362 - Sibling, Male, 4 Years	11361 - Aunt/Uncle, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	11362 - Sibling, Male, 4 Years	11361 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded	

Report Summary:

MA brought four-year-old SS to an address that was known as a drug house for days at a time. MA spent all of her money on drugs, alcohol and partying within the first two weeks of the month and did not have any money left to buy food for SS. MA begs from others to get money for food. It was unknown if SS had missed meals as a result of MA's



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actions. MA was at a drug house with SS. Subsequent report received on 10/11/15. MA did not have any food for child. MA begs for money to purchase food for child.

Determination: Unfounded

Date of Determination: 02/12/2016

Basis for Determination:

The child's doctor stated he was healthy; the school did not see that he acted hungry, although he did seek attention at school. The MA was pregnant throughout the investigation and did test positive for THC several times and on one occasion was positive for opiates. MA explained the opiate use because she did break her jaw at the time and did seek pain medication. The family home life is hectic as MA lives with her ex-step father and SM and SS's. MA does not get along with SM and this causes turmoil. This is why MA and her child leave the home and stay with friends. Child was having his needs met with living condition at a minimum level.

OCFS Review Results:

NCDSS completed several announced and unannounced home visits. The CW spoke to all adults in the home and interviewed child. The CW spoke to several different collaterals. NCDSS did not notify the SF or add him to the report. The SM and her children were living at the same address and were not added to the report. MA had a baby during the investigation and child was not added to the report. The child was seen but documented in another SCR report.

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

Issue:

A child was born during an open CPS investigation and never added to the report

Summary:

The MA gave birth to SS on 2/6/16 and NCDSS did not add the child to the SCR report. The child was seen during a subsequent SCR report.

Legal Reference:

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

Action:

NCDSS must add all family members and new born baby's to all SCR reports.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/20/2015	11304 - Sibling, Male, 6 Years	11301 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Indicated	Yes
	11304 - Sibling, Male, 6 Years	11302 - Father, Male, 29 Years	Inadequate Food / Clothing / Shelter	Indicated	
	11305 - Sibling, Male, 5 Years	11301 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Indicated	
	11305 - Sibling, Male, 5 Years	11301 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated	
	11307 - Sibling, Male, 2 Years	11301 - Mother, Female, 25 Years	Lack of Supervision	Unfounded	
	11305 - Sibling, Male, 5 Years	11302 - Father, Male, 29 Years	Inadequate Food / Clothing / Shelter	Indicated	
	11307 - Sibling, Male, 2 Years	11302 - Father, Male, 29 Years	Inadequate Food / Clothing / Shelter	Indicated	
	11304 - Sibling, Male, 6 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	

11305 - Sibling, Male, 5 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded
11304 - Sibling, Male, 6 Years	11301 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated
11304 - Sibling, Male, 6 Years	11302 - Father, Male, 29 Years	Lack of Supervision	Unfounded
11305 - Sibling, Male, 5 Years	11302 - Father, Male, 29 Years	Inadequate Guardianship	Indicated
11307 - Sibling, Male, 2 Years	11302 - Father, Male, 29 Years	Inadequate Guardianship	Indicated
11307 - Sibling, Male, 2 Years	11302 - Father, Male, 29 Years	Lack of Supervision	Unfounded
11305 - Sibling, Male, 5 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded
11307 - Sibling, Male, 2 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded
11307 - Sibling, Male, 2 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded
11304 - Sibling, Male, 6 Years	11301 - Mother, Female, 25 Years	Lack of Supervision	Unfounded
11304 - Sibling, Male, 6 Years	11302 - Father, Male, 29 Years	Inadequate Guardianship	Indicated
11305 - Sibling, Male, 5 Years	11301 - Mother, Female, 25 Years	Lack of Supervision	Unfounded
11307 - Sibling, Male, 2 Years	11301 - Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Indicated
11307 - Sibling, Male, 2 Years	11301 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated
11305 - Sibling, Male, 5 Years	11302 - Father, Male, 29 Years	Lack of Supervision	Unfounded
11304 - Sibling, Male, 6 Years	11303 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Unfounded

Report Summary:

On 8/19/15 at 9:00 PM SM and SF left 6-year-old SS, 4-year-old and two-year-old. The parents left the home while the children were asleep without any supervision for about two hours. The home is filthy, dirty, with dishes all over. The home was unsanitary for the children. Subsequent report received 8/30/15. The SM, SF and MA failed to maintain a home that is free of safety hazards for the children. The home had dog feces throughout the home. The adults are using drugs and they are accessible to the children.

Determination: Indicated

Date of Determination: 10/21/2015

Basis for Determination:

The investigations revealed multiple reports from various Law enforcement agencies for multiple charges against SP. Criminal charges include numerous DV incidents with several injuries to SM by SF; the children were present for many of these incidents. There are several concerns of drug dealing and drug use by both parents. SF had multiple drug charges pending in various courts and has been in and out of jail. SM has dealt with some of her criminal charges and (OOP



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against MA) but continues to have an open charge of unlawful possession of a hand gun. SP's have no verifiable income. A neglect petition was filed and OOP was put against SF.

OCFS Review Results:

NCDSS interviewed all adults and verbal children. NCDSS spoke to police, schools, and family members. NCDSS filed a neglect petition and opened a preventive services case. NCDSS inaccurately completed the risk assessment. There was no secondary care taker and did not answer corrections correctly.

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

Issue:

Pre-Determination/Assessment of Current Safety/Risk

Summary:

NCDSS inaccurately completed the rap. There was no secondary care taker and did not answer corrections correctly.

Legal Reference:

18 NYCRR 432.2(b)(3)(iii)(b)

Action:

NCDSS will identify all appropriate care takers and answer all question accurately on all RAP's and safety assessments.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
07/01/2015	11291 - Sibling, Male, 5 Years	11292 - Aunt/Uncle, Female, 23 Years	Inadequate Guardianship	Indicated	Yes
	11291 - Sibling, Male, 5 Years	11292 - Aunt/Uncle, Female, 23 Years	Malnutrition / Failure to Thrive	Unfounded	
	11291 - Sibling, Male, 5 Years	11292 - Aunt/Uncle, Female, 23 Years	Parents Drug / Alcohol Misuse	Indicated	
	11291 - Sibling, Male, 5 Years	11292 - Aunt/Uncle, Female, 23 Years	Inadequate Food / Clothing / Shelter	Indicated	

Report Summary:

The MA is the primary care taker of five year old SS. The MA abused drugs and alcohol on a regular basis while caring for the child. MA's drug and alcohol use impacted her ability to care for the child. The MA took the child's social security checks and spent the money on drugs or bailing SF out of jail. As a result of this the MA did not provide the child with adequate food and was under nourished and only weighed 30 pounds. It was unknown if drugs were in the home accessible to the child. It was unknown if SF resided in the home or provided any level of care for the child.

Determination: Indicated

Date of Determination: 09/15/2015

Basis for Determination:

The MA was sanctioned by DSS due to failure to participate in drug treatment. The MA and SF were arrested on 2 counts of possession of a controlled substance and criminally using drug paraphernalia. Although MA was staying with MGF, she had difficulty providing a stable home for her special needs son. MA was evicted from her apartment. Child needs stable housing, consistency, and an environment free of criminal type behavior. SF had violated several OOP's and MA continues associating with SF. MA needs drug treatment and refuses assistance. Both parents did not acknowledge problems with their behaviors.

OCFS Review Results:

NCDSS interviewed parents and child and completed scheduled and unscheduled home visits. NCDSS spoke to collateral contacts. NCDSS did not document the SCR history. The MA and SF was arrested when cocaine, marijuana, a scale and safe in the home the child was present in the home.



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

Issue:

Review of CPS History

Summary:

NCDSS did not document the SCR history.

Legal Reference:

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

Action:

NCDSS must document and review all SCR history with in 5 days of receiving the SCR report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/20/2015	11275 - Sibling, Male, 2 Years	11271 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated	No
	11273 - Sibling, Male, 6 Years	11271 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated	
	11274 - Sibling, Male, 5 Years	11271 - Mother, Female, 25 Years	Inadequate Guardianship	Indicated	
	11275 - Sibling, Male, 2 Years	11270 - Father, Male, 29 Years	Inadequate Guardianship	Indicated	

Report Summary:

SF assaulted SM in the presence of their one-year-old child. SF was arrested for the incident. There was a history of DV in the family's household.

Determination: Indicated

Date of Determination: 07/15/2015

Basis for Determination:

There was a long history of DV between SM and SF. They had a domestic dispute on a street where they were having a "a tug of war" with one-year-old child during an argument. SF was subsequently arrested. The child was not injured. During the investigations SM had an active warrant and was on the run with all the children for approximately 2 weeks and was unable to be located causing six-year-old child to miss a large amount of school. SM and SF were not together and SF was outside of the home. Both parents were cautioned that further instances of DV in front of the children may warrant family court action.

OCFS Review Results:

NCDSS spoke to both SM and SF and interviewed all verbal children. NCDSS spoke to appropriate collaterals police, family and schools.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/06/2015	11194 - Sibling, Male, 3 Years	11193 - Aunt/Uncle, Female, 22 Years	Inadequate Food / Clothing / Shelter	Unfounded	No
	11194 - Sibling, Male, 3 Years	11193 - Aunt/Uncle, Female, 22 Years	Inadequate Guardianship	Unfounded	
	11194 - Sibling, Male, 3 Years	11193 - Aunt/Uncle, Female, 22 Years	Parents Drug / Alcohol Misuse	Unfounded	



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Report Summary:

Four-year-old SS is autistic. His mother (the MA) often smoked marijuana, used cocaine and took illicit prescription pills. While the MA was using drugs she ostracized herself from child by staying in her bedroom and she made child stay in his room. The MA was often inebriated and she was unable to see child's room. There was also no food in the home. There was heavy traffic in and out of the home and the MA did not send child to school on a regular basis.

Determination: Unfounded**Date of Determination:** 05/29/2015**Basis for Determination:**

MA was attending treatment. MA admits to smoking marijuana only and stated she needs to stop, but did not smoke around her child. There was food seen in the home although MA only gets \$60.00 a month in benefits. Child attends Aspire; the school didn't provide free lunches but will assist families by providing food pantry items. Child was not mandated to attend school regularly as he was only four years old.

OCFS Review Results:

NCDSS completed unannounced and unannounced home visits. CW had child interviewed alone and spoke with the school. MA was working with community agencies and declined services.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/08/2014	11041 - Sibling, Male, 5 Years	11037 - Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unfounded	No
	11046 - Sibling, Male, 4 Years	11037 - Mother, Female, 24 Years	Inadequate Guardianship	Unfounded	
	11041 - Sibling, Male, 5 Years	11040 - Father, Male, 28 Years	Inadequate Guardianship	Unfounded	
	11046 - Sibling, Male, 4 Years	11040 - Father, Male, 28 Years	Inadequate Guardianship	Unfounded	
	11041 - Sibling, Male, 5 Years	11037 - Mother, Female, 24 Years	Inadequate Guardianship	Unfounded	
	11044 - Sibling, Male, 9 Months	11037 - Mother, Female, 24 Years	Inadequate Guardianship	Unfounded	
	11044 - Sibling, Male, 9 Months	11037 - Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11046 - Sibling, Male, 4 Years	11037 - Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11044 - Sibling, Male, 9 Months	11040 - Father, Male, 28 Years	Inadequate Guardianship	Unfounded	

Report Summary:

SM, SF and PGM were unable to provide children with a minimal degree of care. SM sold her food stamps to buy marijuana and SF sold drugs. PGM abused crack and was an alcoholic. SM left the children with inappropriate caregivers for days so she can spend time with SF who was released from prison In March 2014.

Determination: Unfounded**Date of Determination:** 07/08/2014**Basis for Determination:**

The allegations of IG and PDAM against SM and allegations of IG against SF with respect to the children were unsubstantiated. SM admitted to previous regular use of marijuana, she denied doing so while responsible for her



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children. She also denied that she sold her food stamps to buy marijuana for SF to sell. CW observed ample food in the home for the children and the children appeared healthy. SM denied leaving the children with inappropriate caregivers. She said children were always with her. CW discussed the importance of ensuring the children were properly supervised and not left in the care of individuals who weren't responsible.

OCFS Review Results:

NCDSS interviewed all adults and saw all children. The CW spoke with collateral contacts.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/22/2013	11028 - Sibling, Male, 3 Years	11021 - Mother, Female, 23 Years	Lack of Supervision	Unfounded	No
	11028 - Sibling, Male, 3 Years	11021 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11030 - Sibling, Male, 2 Months	11021 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11027 - Sibling, Male, 4 Years	11021 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11027 - Sibling, Male, 4 Years	11021 - Mother, Female, 23 Years	Lack of Supervision	Unfounded	

Report Summary:

SM used marijuana and cocaine to excess while caring for SS's ages three and four years-old. SM has passed out for an undetermined period of time while caring for the children, failing to provide adequate care and supervision for them. Subsequent report received 8/24/13. SM delivered a baby boy on 8/23/13 via C-section. SM tested positive for marijuana at the time of child's birth. The infant was full term, appears healthy and tested negative for drugs. SM tested positive for cocaine and marijuana during her pregnancy, but it is unknown if her drug use had a negative effect on the other children.

Determination: Unfounded

Date of Determination: 10/25/2013

Basis for Determination:

SM admitted during the interview that she smoked marijuana but denied abusing any other drugs. No safety issues were observed in the residence and the family had enough food. SS's pediatrician had no concerns. SM admitted to using marijuana while pregnant but denied having used since the child was born. There was no evidence to indicate that any drug use by SM was having an impact on her ability to care for the children.

OCFS Review Results:

NCDSS completed several home visits and interviewed adults named on the report. NCDSS completed collateral contacts regarding SM's children. NCDSS did not speak with SF who was named on the report. NCDSS add the MA and her son to the report but did not interview them. Concerns of not interviewing everybody named on the report and living in the home have already been addressed in this fatality report.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/21/2013	11000 - Sibling, Male, 2 Years	10996 - Aunt/Uncle, Female, 21 Years	Inadequate Guardianship	Unfounded	No
	11000 - Sibling,	10996 - Aunt/Uncle,	Parents Drug /	Unfounded	



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Male, 2 Years	Female, 21 Years	Alcohol Misuse	
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Report Summary:

The MA abused drugs to impairment. The MA is taking care of her child when she is high. As a result she is not meeting the child's needs most of the time. The MA drops the child off, leaving him in the care of kind people, and she will not pick the child up, when the people have their own commitments and they want the child off their hands.

Determination: Unfounded

Date of Determination: 10/18/2013

Basis for Determination:

A report was received by the SCR with allegations of IG and PDAM against MA with respect to her two-year-old son. MA was interviewed and she admitted to smoking marijuana but denied using in front of child and also claimed that she has other people watch him while she is using other adults live in the home. The home appeared appropriate and there was enough food in the home when CW made unannounced HV's. The child is receiving Early Interventions and the therapist and no concerns.

OCFS Review Results:

NCDSS interviewed MA and her son and completed several home visits. NCDSS spoke with MA regarding the allegations and SM and MGF and other collateral contacts. NCDSS did not add SM, MGF or SS's to the report. NCDSS did not add or talk with SF to the report. NCDSS must add and speak to everybody that lives in the home to all SCR reports. NCDSS must add all father and attempt to contact them during all SCR reports. OCFS has already addressed these concerns in this fatality report.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/01/2013	10976 - Sibling, Male, 3 Years	10972 - Aunt/Uncle, Female, 21 Years	Parents Drug / Alcohol Misuse	Unfounded	No
	10977 - Sibling, Male, 2 Years	10972 - Aunt/Uncle, Female, 21 Years	Parents Drug / Alcohol Misuse	Unfounded	
	10977 - Sibling, Male, 2 Years	10972 - Aunt/Uncle, Female, 21 Years	Inadequate Guardianship	Unfounded	
	10977 - Sibling, Male, 2 Years	10974 - Grandparent, Male, 62 Years	Inadequate Guardianship	Unfounded	
	10975 - Sibling, Male, 4 Years	10972 - Aunt/Uncle, Female, 21 Years	Parents Drug / Alcohol Misuse	Unfounded	
	10975 - Sibling, Male, 4 Years	10973 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	10976 - Sibling, Male, 3 Years	10973 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	10977 - Sibling, Male, 2 Years	10973 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	

Report Summary:

The MA is failing to provide adequate care to SS two-years-old (who is her child) and was disabled. The MA is the sole care taker to the SS and she was engaging in drug use, cocaine, ecstasy and marijuana use and she was always under the influence while caring for SS. At time the MA pawns the SS off to others. The home was in deplorable condition. Subsequent report received on 5/15/13. MA and SS reside in the home with MGF and SM her children ages two and four years old. The adults smoke marijuana and drink alcohol to the point of impairment in front of the children. They could not provide adequate care of all the children. Unrelated male has unknown role.



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Determination: Unfounded **Date of Determination:** 07/03/2013

Basis for Determination:
The allegations of IG, PDAM at MA, MGF and SM was unsubstantiated. MA admitted to smoking marijuana, she denies using in the presence of her child. The bedroom was searched by the police and they did not find any drug paraphernalia. MA hit a girl with a hammer and was arrested as a result. She also was arrested for cutting up her sister's (SM) wedding dress. There is no evidence that her son was present or at risk during these incidents. The SM denied the use of any drugs or alcohol. She always appeared sober and coherent and no drug paraphernalia was found in the home. The MA was involved in family court to mandate her to work with services drug treatment, MH treatment and parenting.

OCFS Review Results:
NCDSS completed several announced and unannounced home visits and interview all adults in the home. NCDSS did not add or contact bio-father's of the children living in the home. Concerns of NCDSS not adding BF's to all SCR report sand attempting to interview them have already been addressed in this fatality report.

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

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

The SM was the subject in seven unfounded SCR reports, with allegations of IG, PDAM, LOS and IFCS. SM was a no role in an indicated SCR report against SF because of DV. The MA was the subject of one unfounded SCR report with allegations of IG and PDAM. MA was also indicated for PDAM and IG against her son in 2013. The SF was named on both the SM and MA SCR reports.

Known CPS History Outside of NYS

NO known history outside NYS.

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes
Date the preventive services case was opened: 10/22/2015

Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes
Date the Child Protective Services case was opened: 10/22/2015

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

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



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requirements?				
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Casework Contacts

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

Services Provided

	Yes	No	N/A	Unable to Determine
Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Assessment and Service Plan (FASP)

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

Closing

	Yes	No	N/A	Unable to Determine



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Was the decision to close the Services case appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Provider

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

Additional information, if necessary:
 NCDSS had a voluntary agency assisting the family with parenting.

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Preventive Services History

On October 22, 2015 NCDSS opened a preventive services case after filing a neglect petition in Niagara County Family Court, because of the violence between SM and SF. The SM agreed to get a mental health evaluation, drug and alcohol evaluation, attend DV counseling, working with a parenting worker. The SM was not meeting with the CP or the parenting worker on a regular basis. SM did not follow through with getting any of the evaluations. The NCDSS filed a violation in Family Court on March 14, 2016. The family is still currently working with services. SM is also working with probation who has mandated her to the complete a mental health and drug evaluation.

Casework Contacts

	Yes	No	N/A	Unable to Determine
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

Yes No

Foster Care Placement History



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There is no record of foster care placement history provided to the deceased child, the deceased child's siblings, and/or the other children residing in the deceased child's household at the time of the fatality.

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:
09/22/2015	There was not a fact finding	Not LDSS Custody
Respondent:	031722 Mother Female 26 Year(s)	
Comments:	The SM admitted to multiple episodes of verbal and physical violence between herself and SF.	

Have any Orders of Protection been issued? Yes

From: 09/24/2015 **To:** 12/24/2015

Explain:
SF must stay away from SS's. The SM must refrain from assault, stalking, harassment, aggravated harassment, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or circulation, disorderly conduct, criminal mischief, sexual abuse, sexual misconduct, forcible touching, intimidation, threats, identity theft, grand larceny, coercion or any criminal offense against SS's.

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