



Report Identification Number: NY-16-099

Prepared by: New York City Regional Office

Issue Date: 10/31/2016

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: Bronx
Gender: Female

Date of Death: 06/23/2010
Initial Date OCFS Notified: 04/22/2016

Presenting Information

NYCRO learned of the death during a case review involving an older half sibling. The case review revealed the mother gave birth to the infant in the hospital on 6/23/10. Following birth the infant remained in the hospital until the time of death. The infant was pronounced dead by an attending Dr. on 6/23/10. NYCRO did not receive notification of the infant's death.

Executive Summary

This medically fragile 3-month-old female infant died on 6/23/10. The infant was pronounced dead by the hospital attending physician. NYCRO contacted the ME's office and requested information about the infant's death. The ME's office said the infant's name did not appear in their database.

NYCRO became aware of this infant's death following the 1/22/16 investigation pertaining to the death of the 16-year-old male half sibling. NYCRO's review revealed the family had an open PPRS case at the time of the infant's death in June 2010. The service plan included batterer's counseling, domestic violence services, financial management and housing services for the mother and case management and monitoring of after-school programs for the half siblings. The Graham Windham Family and Community Support Services program had case planning responsibility.

Neither the Graham Windham agency nor ACS completed the OCFS-7065 Agency Reporting Form for Serious Injuries, Accidents or Deaths of Children in Foster Care and Deaths of Children in Open Child Protective or Preventive Cases. The information regarding this infant's death was not reported to OCFS under Chapter 485 of the Laws of 2006. In the Family Services Progress Notes (FSPN), ACS did not provide an explanation for the failure to notify OCFS of the infant's death. The agency did not update CONNECTIONS record to reflect the infant's date of death until 2016.

According to the FSPN, at birth the hospital Dr. diagnosed the infant had serious medical conditions. The infant remained in the hospital and was not discharged to the BM's care. The infant received specialized medical care and the family received support from the hospital. The mother maintained adequate contact with the newborn infant in the hospital; she attended medical meetings and participated in developing long term plans for the infant. The Graham Windham case planner (CP) visited the home and monitored family functioning. The FSPN showed that an adult family relative supervised the children in the home to allow the mother to visit the infant in the hospital.

Following notification of the infant's death, the CP (by telephone) contacted the family and offered assistance with needed services. The CP verified that the Children's Hospital at Montefiore assisted the family with burial arrangements. The CP did not visit the family within seven days of notification of the infant's death. Eventually, the CP visited the family on 7/7/10 and observed the home was well organized and the mother and extended family member appeared to have been providing adequate care of the children. There was no ACS involvement between 6/19/10 and 9/27/10. The family received PPRS until 2/15/13 under the supervision of Graham Windham.



The family continued to have extensive child welfare involvement. The case was open for PPRS when the SCR registered a report regarding the family on 9/28/10. Subsequently, the mother was listed as a subject in nine reports between 12/2/10 and 1/22/16. NYCRO issued fatality report number NY-16-006 concerning the death of the 16-year-old half sibling. The NY-16-006 report included a comprehensive review of the family's child welfare history.

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:

ACS did not notify OCFS of the fatality. The infant's date of death was not entered in CONNECTIONS.

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

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? No

Was there sufficient documentation of supervisory consultation? No

Explain:

The case record did not include adequate details about the agency's response to the infant's death.

Required Actions Related to the Fatality

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

Issue:	Requirement to Report Death of a Child receiving CPS or Preventive Services
Summary:	ACS did comply with the requirement for reporting the death of a child in an open Child Protective or Preventive Services case.
Legal Reference:	06-OCFS-LCM-13
Action:	ACS must obtain a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Required data and official documents
Summary:	The ACS case record did not reflect whether the agency completed the OCFS Form 7065, obtained official records to verify cause and manner of death and update CONNECTIONS to reflect the



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	infant's date of death in a timely manner.
Legal Reference:	428.3(b)(2)(i)
Action:	ACS must obtain a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 06/23/2010

Time of Death: Unknown

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

County where fatality incident occurred:

BRONX

Was 911 or local emergency number called?

No

Did EMS to 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

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

Is the caretaker listed in the Household

Composition? No

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	Deceased Child	No Role	Female	3 Month(s)
Deceased Child's Household	Mother	No Role	Female	32 Year(s)
Deceased Child's Household	Other Adult	No Role	Female	26 Year(s)
Deceased Child's Household	Other Child	No Role	Female	5 Year(s)



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Deceased Child's Household	Sibling	No Role	Male	10 Year(s)
Deceased Child's Household	Sibling	No Role	Female	9 Year(s)
Deceased Child's Household	Sibling	No Role	Female	7 Year(s)
Deceased Child's Household	Sibling	No Role	Female	4 Year(s)

LDSS Response

The Graham-Windham staff (by telephone) attempted to contact the mother on 6/24/10. According to the Family Services Progress Notes (FSPN), the attempt was unsuccessful because a household member said the mother was unable to respond to the telephone contact. The staff maintained telephone contact with the hospital social worker who said the family initiated burial arrangements for the deceased infant. The CP interviewed the mother during a telephone contact on 7/1/10. The mother said the newborn was buried on 6/28/10.

The CP observed the mother and three female children in the home on 7/7/10. One of the female half siblings was not in the home as she was visiting her grandmother in a foreign country. This female half sibling was expected to return to the mother's care on 8/30/10. The male half sibling had been visiting his grandmother in Brooklyn and the other male child was in his father's care at the time of the 7/7/10 visit. The mother provided the contact information for the half sibling's grandmother who resided in the foreign country.

The CP visited the father of the two older half sibling on 7/27/10 and noted the home conditions appeared satisfactory. The oldest half sibling was in the home; he was well groomed and had no apparent marks or bruises. Subsequently, the CP observed the four half siblings and the other two children on 9/9/10. The CP found the children were fine. There was no identified safety factor regarding the children.

The Graham Windham agency made frequent home visits and other face-face contacts to monitor family functioning. The CP documented that the mother received community based services to address the family history of DV. The batterer was incarcerated and he no longer resided at the case address. The CP did not specify the details of the incarceration.

The FSPN showed that the family had significant rent arrears and the CP assisted the with the application process for housing entitlements. The four half siblings attend counseling services to address issues related to the infant's death. The CP provided to the mother parenting education through casework counseling. The CP monitored the school-aged children's educational needs and found they had improved academic performance. The CP made adequate follow up activities concerning the children's medical needs.

There was no ACS response pertaining to the infant's death although the case had remained open for PPRS.

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



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

Comments: There is no OCFS approved Child Fatality Review Team in New York City.

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"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information:

Some of the events were not entered within the 30-day timeframe.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input checked="" 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 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	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?

Explain:
Following the infant's death on 6/23/10, the Graham Windham staff did not observe the parents and children until 7/7/10. The documentation did not state whether ACS attempted to contact or visit the family.

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"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Placement Activities in Response to the Fatality Investigation

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

Explain as necessary:
N/A

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? There was no legal activity.

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided	Offered,	Offered,	Needed	Needed	N/A	CDR
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	After Death	but Refused	Unknown if Used	but not Offered	but Unavailable		Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Mental health services	<input checked="" 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"/>				
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"/>				
Domestic Violence Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" 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 received PPRS.

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 family received PPRS and community based services.

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

Explain:
The family received housing assistance, casework counseling and domestic violence services.

History Prior to the Fatality

Child Information



- Did the child have a history of alleged child abuse/maltreatment? No
- 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? Yes

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)
04/20/2010	11053 - Sibling, Female, 4 Years	11065 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	No
	11053 - Sibling, Female, 4 Years	11064 - Father, Male, 33 Years	Inadequate Guardianship	Unfounded	
	11053 - Sibling, Female, 4 Years	11064 - Father, Male, 33 Years	Lacerations / Bruises / Welts	Unfounded	
	11053 - Sibling, Female, 4 Years	11065 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded	

Report Summary:

The 4/20/10 SCR report alleged that the half sibling, who was then four years old, had suspicious bruising to both eyes and all over her legs. The report also alleged that in the past the half sibling had belt marks over her body. Because the bruising was suspicious in nature and there was no consistent explanation, the SM and the infant's father were held responsible. The roles of the other children were unknown.

Determination: Unfounded

Date of Determination: 06/19/2010

Basis for Determination:

ACS unsubstantiated the allegation of L/B/W and IG of the SC by the SM and infant's father on the basis that during interviews with household members, ACS found the SC had sustained a scratch as a result of an accident. The household members said the SC ran into a broken door and sustained a scratch on the door knob. The infant's father was not in the home at the time the SC sustained the injury.



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OCFS Review Results:

ACS interviewed the household members within 24 hours of receipt of the 4/20/10 report. ACS found the SC sustained an injury on a broken door in the family home. The family removed the broken door and the home conditions were satisfactory. The SC denied the mother hit her. ACS obtained a medical consultation for the children, verified the mother sought medical care for the SC's injury, and assessed the half siblings' academic needs. The mother planned to obtain a crib for the medically fragile newborn infant who had remained hospitalized. The SC's paternal aunt supervised the children in the mother's absence. The fathers did not participate in the children's care.

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)
01/11/2010	11072 - Sibling, Female, 6 Years	11077 - Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unfounded	No
	11076 - Other Child - Family Member, Male, 7 Years	11067 - Other Adult - Family Member, Female, 26 Years	Lacerations / Bruises / Welts	Unfounded	
	11072 - Sibling, Female, 6 Years	11066 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded	
	11072 - Sibling, Female, 6 Years	11077 - Aunt/Uncle, Female, 28 Years	Lacerations / Bruises / Welts	Unfounded	
	11076 - Other Child - Family Member, Male, 7 Years	11067 - Other Adult - Family Member, Female, 26 Years	Inadequate Guardianship	Unfounded	
	11072 - Sibling, Female, 6 Years	11066 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	11072 - Sibling, Female, 6 Years	11067 - Other Adult - Family Member, Female, 26 Years	Inadequate Guardianship	Unfounded	
	11072 - Sibling, Female, 6 Years	11067 - Other Adult - Family Member, Female, 26 Years	Lacerations / Bruises / Welts	Unfounded	
	11076 - Other Child - Family Member, Male, 7 Years	11067 - Other Adult - Family Member, Female, 26 Years	Emotional Neglect	Unfounded	
	11076 - Other Child - Family Member, Male, 7 Years	11067 - Other Adult - Family Member, Female, 26 Years	Excessive Corporal Punishment	Unfounded	

Report Summary:

The 1/11/10 report alleged the mother's family relative hit her child, who was then seven years old, with excessive force. The report also alleged the family relative hit her child as punishment and at times for no reason. The child had a bruise on his left arm and a scratch on his right arm that was inflicted by his mother. The child became sad, fearful and cried often as a result of his mother's emotional neglect. Another child, who was then six years old, had a bruise on her left eye. The explanations for the injuries were inconsistent and not plausible. The injuries were very suspicious. The adults in the household were held accountable.

Determination: Unfounded

Date of Determination: 03/12/2010

Basis for Determination:



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ACS unsubstantiated the allegations of EN and XCP on the basis that the SC said his SM did not call him names, threaten or hit the child and the SM did not use excessive corporal punishment. ACS noted that all "parties" said the SC was active and did not appear fearful of being in the home.

ACS unsubstantiated the allegations of L/B/W on the basis that all the children in the household said their parents did not have anything to do with the children sustaining any marks or bruises. One SC said she fell in the school bathroom and the other SC said he sustained a mark on skin during an incident with another child in school.

OCFS Review Results:

ACS staff visited the home and engaged household members on 1/11/10. All the children denied the parents hit them. ACS staff observed there were marks/bruise on the two children named in the report. These children provided separate explanations to ACS staff, and they said they sustained the marks/bruises in school. ACS obtained information from school staff who expressed concern about possible use of corporal punishment in the home. The school staff did not have concerns about the children's attendance and academic performance. ACS obtained medical records and found all the children had well-child examinations between 10/29/09 and 2/22/10. The family continued to receive PPRS.

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)
07/03/2009	11112 - Sibling, Female, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	No
	11113 - Sibling, Female, 6 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	11113 - Sibling, Female, 6 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11115 - Sibling, Male, 9 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	11115 - Sibling, Male, 9 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11117 - Other Child - Family Member, Female, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	11117 - Other Child - Family Member, Female, 3 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11118 - Other Child - Family Member, Male, 5 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	11278 - Other Child - Family Member, Female, 12 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded	
	11280 - Other Child - Family Member, Male, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded	
	11280 - Other Child -	11111 - Mother, Female, 32	Parents Drug /	Unfounded	



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Family Member, Male, 3 Years	Years	Alcohol Misuse	
11278 - Other Child - Family Member, Female, 12 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded
11280 - Other Child - Family Member, Male, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11113 - Sibling, Female, 6 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11118 - Other Child - Family Member, Male, 5 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11117 - Other Child - Family Member, Female, 3 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11278 - Other Child - Family Member, Female, 12 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11113 - Sibling, Female, 6 Years	11279 - Other Adult - Family Member, Male, 28 Years	Inadequate Guardianship	Indicated
11113 - Sibling, Female, 6 Years	11276 - Aunt/Uncle, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
11114 - Sibling, Female, 8 Years	11276 - Aunt/Uncle, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
11115 - Sibling, Male, 9 Years	11276 - Aunt/Uncle, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
11112 - Sibling, Female, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11114 - Sibling, Female, 8 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded
11112 - Sibling, Female, 3 Years	11276 - Aunt/Uncle, Male, 33 Years	Inadequate Guardianship	Unfounded
11112 - Sibling, Female, 3 Years	11276 - Aunt/Uncle, Male, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
11115 - Sibling, Male, 9 Years	11276 - Aunt/Uncle, Male, 33 Years	Inadequate Guardianship	Unfounded
11114 - Sibling, Female, 8 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11115 - Sibling, Male, 9 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded
11280 - Other Child - Family Member, Male, 3 Years	11111 - Mother, Female, 32 Years	Lacerations / Bruises / Welts	Unfounded

Years			
11112 - Sibling, Female, 3 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded
11113 - Sibling, Female, 6 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11114 - Sibling, Female, 8 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11114 - Sibling, Female, 8 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded
11115 - Sibling, Male, 9 Years	11111 - Mother, Female, 32 Years	Inadequate Guardianship	Unfounded
11117 - Other Child - Family Member, Female, 3 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11118 - Other Child - Family Member, Male, 5 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11118 - Other Child - Family Member, Male, 5 Years	11111 - Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Unfounded
11278 - Other Child - Family Member, Female, 12 Years	11111 - Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unfounded
11114 - Sibling, Female, 8 Years	11279 - Other Adult - Family Member, Male, 28 Years	Inadequate Guardianship	Indicated
11115 - Sibling, Male, 9 Years	11279 - Other Adult - Family Member, Male, 28 Years	Inadequate Guardianship	Indicated
11113 - Sibling, Female, 6 Years	11276 - Aunt/Uncle, Male, 33 Years	Inadequate Guardianship	Unfounded
11114 - Sibling, Female, 8 Years	11276 - Aunt/Uncle, Male, 33 Years	Inadequate Guardianship	Unfounded
11112 - Sibling, Female, 3 Years	11279 - Other Adult - Family Member, Male, 28 Years	Inadequate Guardianship	Indicated

Report Summary:

The 7/3/09 SCR report alleged the SM and the four surviving half siblings resided with the PU. The half sibling, who was then nine years old, had special needs due to a medical condition. The adults had about 20 "unknown" people in and out of the home, who all smoked marijuana in the home in the presence of the children, exposing them to the negative effects of the drug. The adults handled firearms and drugs from home as well as prostitution in the presence of the children. There were drugs, drug paraphernalia and weapons/firearms, accessible to the children on a regular basis. There was concern for the immediate safety of the children.

Determination: Indicated	Date of Determination: 08/26/2009
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Basis for Determination:

ACS substantiated the allegation of IG of the four surviving half siblings by the youngest half sibling's father on the basis that he harassed and threatened the SM. ACS noted there was LE involvement and youngest half sibling's father was arrested.

ACS unsubstantiated all the allegation pertaining to the SM and other adult household members on the basis that the children did not have marks/bruises, the children were not left alone and ACS staff had observed the home conditions were satisfactory. In the supporting narrative, ACS did not address the allegations regarding the firearms, drug use, drug sales, prostitution and medical needs referenced in the 7/3/09 report.

OCFS Review Results:

ACS was in the process of investigating the 7/3/09 report when the SCR registered reports dated 7/10/09, 7/17/09 and 7/20/09. ACS consolidated the investigations of the Initial and Subsequent reports. ACS addressed all the allegations of the reports. ACS observed and engaged the household members and found that the maternal relatives were in the home to support the family. The household conditions were satisfactory and the mother and other adults provided the children's basic needs. The family had domestic violence (DV) history and the mother agreed to participate in PPRS to address the DV issues. ACS opened the Family Services Stage of the case on 8/26/09.

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)
08/06/2008	11285 - Sibling, Female, 7 Years	11281 - Mother, Female, 31 Years	Inadequate Guardianship	Indicated	No
	11283 - Sibling, Female, 2 Years	11282 - Other Adult - Family Member, Male, 27 Years	Inadequate Guardianship	Indicated	
	11284 - Sibling, Female, 5 Years	11282 - Other Adult - Family Member, Male, 27 Years	Inadequate Guardianship	Indicated	
	11283 - Sibling, Female, 2 Years	11281 - Mother, Female, 31 Years	Inadequate Guardianship	Indicated	
	11285 - Sibling, Female, 7 Years	11282 - Other Adult - Family Member, Male, 27 Years	Inadequate Guardianship	Indicated	
	11284 - Sibling, Female, 5 Years	11281 - Mother, Female, 31 Years	Inadequate Guardianship	Indicated	
	11286 - Sibling, Male, 9 Years	11281 - Mother, Female, 31 Years	Inadequate Guardianship	Indicated	
	11286 - Sibling, Male, 9 Years	11282 - Other Adult - Family Member, Male, 27 Years	Inadequate Guardianship	Indicated	

Report Summary:

The 8/6/08 SCR report alleged that the mother was prescribed medication in 2007 . For the past four years, the mother and parent substitute engaged in DV and property destruction in the presence of the children. For the past six months the mother had been unable to provide a stable home environment for the children while residing out of New York state. The 7-year-old female child was diagnosed with a medical condition and she received medical treatment in New York. On 8/2/08, the mother and parent substitute had physical altercation outside the hospital. There was concern the mother's instability, on-going DV, inadequate home environment and health insurance.

Determination: Indicated

Date of Determination: 10/02/2008

Basis for Determination:



ACS substantiated the allegation of IG of the four half siblings by the mother and the father of the youngest half sibling (perpetrator) on the basis that the mother acknowledged she went to a domestic violence shelter but returned to the home to reside with the perpetrator. The hospital staff verified information about the DV incident and LE involvement. The youngest half sibling's father was arrested after he violated an order of protection (OOP). The mother said she had not been using her prescribed medication. ACS noted the mother failed to ensure the safety and well being of the children resulting in IG.

OCFS Review Results:

ACS initiated the investigation within 24 hours of receipt of the 8/6/008 report. ACS addressed the allegation of the report and found there was an escalating pattern of DV in the mother's relationship with the perpetrator. ACS staff observed an OOP issued on behalf of the mother against the perpetrator. The OOP was dated 8/7/08 due to expire on 12/5/08. The mother engaged in community based services to address the history of DV. The mother follow up with medical appointments and academic referrals for the half sibling who had been diagnosed with a serious medical condition. The mother received individual counseling services.

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

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

The family was known to the SCR and ACS in three reports dated 4/23/07. The allegations of the reports were XCP, IG and L/B/W of a male child, who resided in the deceased child's household, by a parent. The deceased child's mother was listed as having "No Role." ACS consolidated the investigations of the three 4/23/07 reports. ACS substantiated the allegations of the three reports. The report was indicated and closed after the family refused the ACS offer for services.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes

Date the preventive services case was opened: 08/26/2009

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: 08/26/2009

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

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



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Family Assessment and Service Plan (FASP)

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

Provider

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

Additional information, if necessary:

The Graham Windham agency had planning responsibility at the time of the infant's death.

Required Action(s)

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

Yes No

Issue:	Failure to Monitor
Summary:	The documentation did not include information about ACS monitoring activities and the agency's response to the infant's death.
Legal Reference:	18 NYCRR 432.2(b)(5)
Action:	ACS must obtain a corrective action plan within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Preventive Services History



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As a result of the 7/3/09 investigation, ACS found the family needed domestic violence services. The family required support services to monitor medical needs and parental supervision. ACS opened the Family Services Stage (FSS) on 8/26/09 and the Graham-Windham agency was assigned case planning responsibility. The mother gave birth to the infant in March 2010. Following birth, the infant was admitted to the hospital and was not released to the mother's care.

The household composition included the mother and half siblings, and a family relative and her two children. The case planner (CP) visited the home and observed the four half siblings and the two other children on 6/21/10. The six children were in the care of the family relative. The CP visited the hospital and observed the infant on 6/23/10. The CP interviewed the social worker who noted that the infant's health continued to deteriorate. The SW said the mother may have attended one group counseling session at the hospital.

The CP noted the mother did not attend a scheduled intake appointment for counseling services. The Graham-Windham agency provided assistance with health, education, financial and housing needs.

Required Action(s)

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

Yes No

Foster Care Placement History

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

Have any Orders of Protection been issued? Yes

From: Unknown

To: 08/20/2014

Explain:

According to the ACS case record, the mother was listed as a victim in several domestic violence incidents. A temporary order of protection was issued against the suspect in July 2009. ACS Investigation Progress Note dated 4/20/10 reflected that the mother showed ACS staff documentation for an order of protection (OOP) issued on her behalf. The order was due to expire on 8/20/14.

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