



**Report Identification Number: AL-22-009**

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

**Issue Date: Aug 29, 2022**

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

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

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

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

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

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

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

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



## Abbreviations

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



## Case Information

**Report Type:** Child Deceased  
**Age:** 25 day(s)

**Jurisdiction:** Rensselaer  
**Gender:** Female

**Date of Death:** 03/22/2022  
**Initial Date OCFS Notified:** 03/22/2022

## Presenting Information

On 3/22/22, a report was received from the SCR that alleged on the same day, the father took a nap at 8:00AM with the four-week-old subject child in his bed. The father woke up and found the subject child unresponsive with blood coming from her mouth and nose. The father called emergency medical services at 10:14AM. The subject child was pronounced deceased at the scene, and was then transported to the hospital.

## Executive Summary

This fatality report concerns the death of a 25-day-old female subject child that occurred on 3/22/22. The report contained allegations of DOA/Fatality and Inadequate Guardianship against the father. At the time of her death, the subject child resided with her mother, father, and two surviving siblings, ages 12 and 4. The father had two other children, ages 7 and 15, that resided with their respective mothers in separate households. The father of the 4-year-old sibling resided in Florida, while the father of the 12-year-old sibling was incarcerated. There was an open CPS investigation, with Rensselaer County Department of Social Services (RCDSS), at the time of the subject child's death that has since been unfounded and closed.

The investigation revealed that on 3/22/22, the mother fed the subject child around 6:40AM before she left for work. The father then took the subject child and laid with her in the parents' queen-sized bed. The father put the subject child on her back, lying next to him. The father woke up around 9:00AM due to the subject child becoming fussy, and made a bottle; however, the subject child had fallen back to sleep before feeding. When the father awoke again at approximately 10:00AM, he observed the subject child to be on her side and not breathing. The father called 911, performed cardiopulmonary resuscitation until EMS arrived, and then called the mother.

An autopsy was performed, and the final cause and manner of death had not yet been received at the time this report was written. The medical examiner reported there were no signs of trauma to the subject child; however, noted there was fluid on the subject child's spine which was being tested for viral infections, and there was a small cyst on her fallopian tube. Additionally, the subject child had signs of mottling to the left side, which was noted to be consistent with the father finding the subject child on her side and there were no signs of overlay or suffocation.

RCDSS interviewed the mother and father and assessed for the safety of the four surviving siblings. RCDSS completed interviews and assessed the homes of the 4, 12 and 15-year-old siblings. While the 7-year-old was interviewed at school, and his mother was contacted via phone, numerous attempts to conduct a home visit were made, but were unsuccessful. RCDSS attempted to obtain contact information for the fathers of the 4 and 12-year-old; however, were unsuccessful.

The allegations of DOA/Fatality and Inadequate Guardianship were unsubstantiated against the father, as RCDSS did not find a fair preponderance of evidence to support that the father failed to meet minimal standards of care for the subject child, due to the preliminary autopsy showing no signs of suffocation or overlay. Services were offered to the family; however, declined. The case was unfounded and closed on 8/3/22.

### PIP Requirement

For citations identified in historical cases, RCDSS will submit a PIP to the Albany Regional Office within 30 days of receipt of this report. The PIP will identify action(s) RCDSS has taken, or will take, to address the cited issue(s). For



issues where a PIP is currently implemented, RCDSS will review the plan and revise as needed to address ongoing concerns.

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
  - Approved Initial Safety Assessment? Yes
  - Safety assessment due at the time of determination? Yes
- Was the safety decision on the approved Initial Safety Assessment appropriate? Yes

### Determination:

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

Was the decision to close the case appropriate? Yes

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

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

### Explain:

Casework activity was commensurate with case circumstances.

## Required Actions Related to the Fatality

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

## Fatality-Related Information and Investigative Activities

### Incident Information

Date of Death: 03/22/2022

Time of Death: 10:50 AM

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

Unknown

County where fatality incident occurred:

Rensselaer



Was 911 or local emergency number called?

Yes

Time of Call:

10:14 AM

Did EMS respond to the scene?

Yes

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

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

How long before incident was the child last seen by caretaker? 1 Hours

At time of incident was supervisor impaired? Not impaired.

At time of incident supervisor was:

Distracted

Absent

Asleep

Other:

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	25 Day(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	35 Year(s)
Deceased Child's Household	Mother	No Role	Female	33 Year(s)
Deceased Child's Household	Sibling	No Role	Male	12 Year(s)
Deceased Child's Household	Sibling	No Role	Male	4 Year(s)
Other Household 1	Father	No Role	Male	42 Year(s)
Other Household 2	Father	No Role	Male	31 Year(s)

### LDSS Response

Upon receipt of the fatality report, RCDSS initiated their investigation within 24 hours, coordinated their efforts with law enforcement, spoke to the source of the report, notified the DA's office and ME of the death, and interviewed the mother and father.

RCDSS interviewed the mother and father on 3/22/22. The mother reported that she had put the subject child to sleep the previous night around 10:00PM, swaddled on her back in her bassinet. The mother reported the subject child woke up around 2:00AM, 5:30AM and again at 6:40AM to feed. The mother and father reported that mother had work around 7:00AM and gave the subject child to the father after her last feeding at 6:40AM. The mother left for work, and the father laid the subject child in bed with him, in the parents' queen-sized bed. The father awoke to the subject child fussing around 9:00AM and went to make her a bottle. Before the father could feed the subject child, she fell back to sleep. The father reported the subject child still being on her back and noted she appeared fine at that time. The father went back to sleep, and when he woke up at 10:00AM observed that the subject child was not breathing. The father called 911, and attempted



CPR before calling the mother at work to inform her of what happened.

RCDSS conducted a home visit and observed safe sleep provisions for the subject child, including a bassinet. The mother reported that safe sleep was reviewed at the hospital; however, the parents declined to watch the educational video since they had other children. The mother and father reported the subject child was always swaddled and placed to sleep on her back at night but noted that they put the subject child to sleep in various locations, including on the mother and father, a swing, a bouncer, and in her bassinet. When law enforcement responded to the home, there was a pool of blood observed on the parents' bed.

The siblings, ages 7, 12 and 15, were interviewed by RCDSS and did not disclose any concerns. The mother did not allow RCDSS to conduct a full interview of the 4-year-old sibling, as he did not know what happened at that time. RCDSS attempted to obtain contact information for the fathers of the 4 and 12-year-old siblings. The 4-year-old's father was noted to be incarcerated, but RCDSS was unable to confirm this or locate him. The 12-year-old's father was reportedly in Florida, but his exact whereabouts were unknown by the mother, as there was an Order of Protection in place due to the father's history of domestic violence toward the mother. The 7-year-old was interviewed at school; his mother was spoken to via phone, and numerous home visits were attempted to assess his residence; however, were unsuccessful. The siblings were all deemed to be safe with their respective parents.

### Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** Pending

**Person Declaring Official Manner and Cause of Death:** Medical Examiner

### Multidisciplinary Investigation/Review

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

**Was the fatality referred to an OCFS approved Child Fatality Review Team?** Yes

**Comments:** Rensselaer County Department of Social Services referred this fatality to their OCFS approved Child Fatality Review Team.

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
060794 - Deceased Child, Female, 25 Days	060796 - Father, Male, 35 Year(s)	DOA / Fatality	Unsubstantiated
060794 - Deceased Child, Female, 25 Days	060796 - Father, Male, 35 Year(s)	Inadequate Guardianship	Unsubstantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
<b>All children observed?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>When appropriate, children were interviewed?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alleged subject(s) interviewed face-to-face?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Child Fatality Report

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

### Fatality Safety Assessment Activities

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

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

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



Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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 children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Legal Activity Related to the Fatality

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

### Services Provided to the Family in Response to the Fatality

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



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

Explain:

RCDSS offered services on behalf of the surviving siblings.

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

Explain:

RCDSS offered services to the mother and father; however, the parents stated they wanted to think about it.

## History Prior to the Fatality

### Child Information

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

### 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)	Allegation Outcome	Compliance Issue(s)
01/05/2022	Sibling, Male, 12 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 12 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Sibling, Male, 12 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 12 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Father, Male, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

**Report Summary:**

The SCR report alleged that at a visitation exchange location, the father assaulted the biological father of the 4-year-old sibling, in the presence of the sibling and as a result, he was crying. The mother set up the assault, and was at the location; however, did not intervene to protect the sibling. The mother and father sold drugs out of the home, in the presence of the 4-year-old and 12-year-old sibling.

**Report Determination:** Unfounded

**Date of Determination:** 06/14/2022

**Basis for Determination:**

RCDSS determined there was not a fair preponderance of evidence to substantiate the allegations. The mother and father denied the allegations, and law enforcement had no record of drug sales pertaining to the mother or father. Video footage from the parking lot of the exchange was reviewed, and there was no altercation observed. The children denied observing any incident and reported feeling safe. The subject child passed away during this investigation, and that case remained open.

**OCFS Review Results:**

RCDSS initiated the investigation in 24-hours by contacting the source of the report and attempted a home visit on 1/5/22; however, was unable to make contact with the family until 1/7/22. RCDSS interviewed the household members regarding the allegations of the report and risk assessment questions. The record does not reflect the biological father of the 12-year-old sibling being notified of the report in writing. There was no casework activity documented from 2/4/22 to 6/14/22, including after RCDSS learned of the subject child's death.

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

**Issue:**

Failure to provide notice of report

**Summary:**

The record did not reflect the biological father of the 12-year-old sibling was notified in writing of the CPS report, despite being added to the case composition.

**Legal Reference:**

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

**Action:**

RCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**PIP Requirement:**

The Albany Regional Office informed OCFS there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. RCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

There were 13/28 progress notes completed more than 30 days after the event date.

**Legal Reference:**

18 NYCRR 428.5

**Action:**



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

**PIP Requirement:**

The Albany Regional Office informed OCFS there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. RCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

**Issue:**

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

**Summary:**

There is no documentation that the father's two other children were interviewed or seen to assess for their safety, despite the father being listed as the subject of the report. The record does not reflect that RCDSS spoke to, or attempted to contact the biological father of the 12-year-old sibling.

**Legal Reference:**

18 NYCRR 432.1 (o)

**Action:**

RCDSS will make casework contacts in accordance with the following regulation: Casework contacts mean face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

**PIP Requirement:**

The Albany Regional Office informed OCFS there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. RCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

**Issue:**

Overall Completeness and Adequacy of Investigations

**Summary:**

There is no documented casework activity from 2/4/22 to 6/14/22, aside from case conferences and receipt of law enforcement records. During this timeframe, the subject child was born and subsequently died.

**Legal Reference:**

SSL 424.6 and 18 NYCRR 432.2(b)(3)

**Action:**

RCDSS must continue to gather information to reassess safety of the child(ren), throughout the time child welfare staff are involved with the family and until the case is closed, because safety is not static.

**Issue:**

Failure to provide safe sleep education/information

**Summary:**

Although aware the mother was 9 months pregnant, RCDSS did not document provisions for when the subject child was born or review safe sleep guidelines.

**Legal Reference:**

13-OCFS-ADM-02 & CPS Program Manual, Chapter 6, J-1

**Action:**

RCDSS will provide information on sleep safety to the parents and caretakers of infants and parents-to-be whom they encounter and see that parents and caretakers take the steps necessary to provide safe sleeping conditions for the children in their care.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)



04/04/2021	Sibling, Male, 3 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Sibling, Male, 3 Years	Mother, Female, 32 Years	Inadequate Guardianship	Unsubstantiated	

**Report Summary:**

The SCR report alleged the mother did not bathe the now 4-year-old sibling, and the sibling was often dirty, with dried feces on his buttocks and his hair had an odor. The mother dressed the sibling in dirty clothes that were too small for him, and the situation was ongoing.

**Report Determination:** Unfounded**Date of Determination:** 05/03/2021**Basis for Determination:**

RCDSS determined there was no credible evidence to substantiate the allegations. The now 4-year-old sibling was observed to be clean and dressed in clean clothes. The mother showed RCDSS that she had clean, appropriately sized clothes for both the now 4 and 12-year-old siblings. Collateral sources were contacted and reported no concerns for the children.

**OCFS Review Results:**

The investigation was initiated within 24-hours, the source of the report was contacted, and a CPS history check was conducted. The parents and household members were interviewed regarding the allegations of the report. The biological father of the now 12-year-old sibling was not added or notified of the report in writing.

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

**Issue:**

Failure to provide notice of report

**Summary:**

The biological father of the now 12-year-old sibling was never added to the report or notified of the report in writing. The record did not reflect any attempt to contact the biological father.

**Legal Reference:**

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

**Action:**

RCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**PIP Requirement:**

The Albany Regional Office informed OCFS there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. RCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/10/2020	Other Child - Mother of Sibling's Other Child, Male, 13 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - Mother of Sibling's Other Child, Male, 13 Years	Father's Partner, Female, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Mother of Sibling's Other Child, Male, 13 Years	Father, Male, 34 Years	Inadequate Guardianship	Unsubstantiated	

**Report Summary:**

The SCR report alleged the mother of the now 7-year-old surviving sibling, the father and the biological father's girlfriend failed to provide adequate care for the 15-year-old unrelated child with special needs. The unrelated child's parents hit him with excessive force, threw him across the room, threw objects at him, and screamed at him. As a result,



the child cut himself and expressed suicidal ideation. The child brought a backpack full of knives to school, with the intent to harm himself.

**Report Determination:** Unfounded

**Date of Determination:** 10/01/2020

**Basis for Determination:**

RCDSS determined there was no credible evidence to substantiate the allegations. The investigation revealed the unrelated child suffered from mental health disorders, as well as behavioral and neurological disorders. It was unknown how the child obtained knives; however, all adults denied the allegations and stated the child made suicidal statements to avoid doing tasks. The mother of the now 7-year-old sibling made a safety plan with the child’s school and the child reported feeling safe at home and services were in place at the time of case closure.

**OCFS Review Results:**

The investigation was initiated in 24-hours. RCDSS made caseworker contacts, spoke with collateral sources, and assessed for the children’s safety. RCDSS interviewed the household members; however, safety of the father’s now 15-year-old child was not established. The CPS history check was completed late on 9/17/20.

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

**Issue:**

Review of CPS History

**Summary:**

The CPS history check was completed late on 9/17/20.

**Legal Reference:**

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

**Action:**

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

**PIP Requirement:**

The Albany Regional Office informed OCFS there is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. RCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

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

There were two unfounded reports and two indicated reports between 2006-2018. The two unfounded reports from 2015 and 2018 had common allegations of IG and L/B/W against the mother and father. The allegations against the father on the indicated report from 2006 were unsubstantiated and it was determined he was not a person legally responsible for the child listed on the report. The indicated report from 2018 was due to the biological father of the 4-year-old sibling being physically violent toward the mother in the presence of the children and breaking into the mother’s home.

### Known CPS History Outside of NYS

There is no known CPS history outside of New York State.

### Legal History Within Three Years Prior to the Fatality



**Was there any legal activity within three years prior to the fatality investigation?** There was no legal activity.

**Recommended Action(s)**

**Are there any recommended actions for local or state administrative or policy changes?**  Yes  No

**Are there any recommended prevention activities resulting from the review?**  Yes  No