



Report Identification Number: BU-17-005

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

Issue Date: Sep 13, 2017

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		
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-Cardiopulmonary 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-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



Case Information

Report Type: Child Deceased
Age: 2 year(s)

Jurisdiction: Erie
Gender: Male

Date of Death: 03/12/2017
Initial Date OCFS Notified: 03/13/2017

Presenting Information

On 3/10/17, around 10PM, SC was transported by ambulance to the hospital in cardiac arrest. SC had bruising on his face, buttocks, and arms. SC had abrasions all over his body, blood in his stomach, bruising on his ribs, and bleeding on his brain. The injuries were in various stages of healing, and the explanation provided was inconsistent with the injuries SC sustained.

Executive Summary

This fatality report concerns the death of a 2-year-old male SC that occurred on 3/12/17. The final autopsy report noted the cause of death as "Blunt Impact Injuries of Head", and the manner of death as "Homicide."

An initial SCR report was received on 2/27/17 with concerns unrelated to the fatality investigation. Erie County Department of Social Services (ECDSS) had been investigating the allegations of PD/AM against PS, regarding SC and the three SS (ages 10 y/o, 6 y/o, and 8 months). As part of this investigation, ECDSS inquired about any family members or friends that could assist with caring for the children while the allegations against PS were being explored. SM had disclosed to the CW they had a 17-year-old family friend (an Unrelated Minor; UM) who was willing to assist with babysitting the children; at that time, UM was not yet living in the household. SM supplied the CW with the name of the family friend, and, per an Addendum Note added later to the case record, the CW advised SM this was not an appropriate caretaker for the children due to his age and the case circumstances. There were no other alternative caregivers that could assist explored at that time.

On 3/11/17, several subsequent SCR reports were received regarding injuries sustained by SC while in the care of UM. ECDSS learned UM had moved in with SM, PS and the children approximately nine days prior to SC's death, and was caring for the children daily while SM and PS worked. After SC's death, UM had reported that SC fell from his bunk bed on the night of 3/10/17, but did not appear to be injured. SM reported to ECDSS and LE that on the night of 3/10/17, she noticed bruising, red marks, and a tongue laceration on SC while bathing him; however, she did not feel she needed to seek medical treatment for the injuries. SM and PS left SC and the youngest SS to be cared for by UM the following day (3/11/17); the two older SS were in school. Later that night, SC was allegedly found unresponsive by UM, while SS were asleep and SM was at work. PS arrived to the home shortly after SC was found not breathing, and was noted as appearing intoxicated by first responders. SC was transported to the hospital and was given a poor prognosis. SC died on 3/12/17, and several more subsequent SCR reports were received regarding his death. The allegations received in the various reports were as follows: IG and IF/C/S against SM and PS regarding UM, SC, and all SS; II, L/B/W, LM, and DOA/Fatality against SM and PS regarding SC. UM was arrested and charged with Second Degree Murder in the death of SC; UM was not named as a subject in this report due to his age.

ECDSS collaborated with LE and gathered information about the circumstances of SC's death from family members and numerous collateral contacts. From the time the investigation began to its conclusion, ECDSS met regularly with SM, PS, and SS, appropriately filed a Neglect Petition in Family Court, opened the case for services, and frequently assessed the safety of SS in their foster homes (the two older SS were placed with SC's BF, and the youngest SS was placed with his PGM, in response to the concerns in the reports). At the time of this writing, the family had begun to engage in services, and the criminal investigation remained on-going.



Review of this investigation resulted in citations related to casework practices for both ECDSS and CCDSS. In response, they will each submit a Program Improvement Plan (PIP) to the Regional Office within 30 days of issuance of this report. These PIPs will identify what action(s) ECDSS/CCDSS has taken, or will take, to address the cited issues. For citations where a PIP is currently implemented, ECDSS/CCDSS will review the plan(s) and revise as needed to further 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? 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:
ECDSS thoroughly investigated the death of SC; however, failed to address UM's treatment needs for identified MH issues and violent tendencies. Furthermore, they failed to corroborate information, such as the SM and PS's level of awareness of UM's MH issues and violent tendencies.

Required Actions Related to the Fatality

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

Issue:	Adequacy of Documentation of Safety Assessments
Summary:	ECDSS based the assessment of SS safety on the assumption SM and PS were fully aware of UM's mental health concerns; however, ECDSS gathered no evidence to corroborate this, so failed to identify Safety Factors in the 24 Hour Assessment.
Legal Reference:	18 NYCRR432.2(b)(3)(ii)(c)&(iii)(b)
Action:	ECDSS will base their Safety Assessments on factual information, corroborated throughout the



investigation. ECDSS will identify any Safety Factors present when completing Safety Assessments in which there are safety concerns.

Issue:	Timely/Adequate Case Recording/Progress Notes
Summary:	ECDSS did not enter many progress notes until two months after the event date.
Legal Reference:	18 NYCRR 428.5(a) and (c)
Action:	ECDSS will enter progress notes into Connections contemporaneously as events occur.
Issue:	Review of CPS History
Summary:	ECDSS did not obtain, or attempt to obtain CPS records from South Dakota or Ohio, where SM and SS were living previously, despite SM reporting there was CPS history in those states.
Legal Reference:	18 NYCRR 432.2(b)(3)(i)
Action:	ECDSS will conduct out of state CPS history checks as required by case circumstances.
Issue:	Overall Completeness and Adequacy of Investigation
Summary:	It was clear UM was not receiving appropriate intervention, despite BM and BF's knowledge of his MH issues/violent tendencies, and BM's awareness that UM was responsible for SC and SS. The safety of the UM was not adequately assessed/explored.
Legal Reference:	SSL 424(6); 18 NYCRR 432.2(b)(3)
Action:	ECDSS will complete thorough and adequate investigations that assess and address the safety of all children listed on a report.
Issue:	Mandated reporters did not report potential abuse or maltreatment of a child
Summary:	Despite knowledge that UM's MH needs were not being met by his BM or BF, and direction from OCFS to do so, ECDSS did not add UM's BM or BF as subjects on the report or cause a report to be made to the SCR regarding the concerns. Additionally, when the child told his BM he was overwhelmed with the care of the 4 young children and wanted to return home, she took no action.
Legal Reference:	SSL 413 and 415
Action:	ECDSS will report or cause a report to be made when there is reasonable cause to suspect that a child is abused or maltreated.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/12/2017

Time of Death:

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

03/11/2017

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

09:09 PM

County where fatality incident occurred:

Erie

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown



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
- Playing
- Other

- Working
- Eating

- Driving / Vehicle occupant
- Unknown

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: Unknown if they were impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	2 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	26 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	20 Year(s)
Deceased Child's Household	Other Child - Babysitter	Alleged Victim	Male	17 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	6 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	8 Day(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	10 Year(s)
Other Household 1	Father	No Role	Male	35 Year(s)
Other Household 2	Father	No Role	Male	28 Year(s)
Other Household 3	Mother	No Role	Female	35 Year(s)

LDSS Response

On 3/11/17, ECDSS received 3 subsequent reports during an investigation that initially began on 2/27/17 with concerns unrelated to the fatality. The subsequent reports were regarding injuries SC sustained while in the care of UM. ECDSS initiated the investigation within 24 hours, and was made aware by medical staff that SC would not survive. ECDSS coordinated their investigation with LE and other members of their MDT, completed a New York State CPS history check, and obtained police records involving the individuals named on the report. Due to the nature of SC's injuries, ECDSS worked promptly to establish a safety plan for the 3 SS, which entailed the SS staying with SC's BF. Cattaraugus County Department of Social Services (CCDSS) was assigned a secondary role to assess BF's home for safety, as he lived in that county. There were no concerns noted and the safety plan for the SS was deemed appropriate. ECDSS spoke at length with LE, hospital staff, and sources of the reports to obtain specifics surrounding SC's injuries and to ensure information was accurate. ECDSS interviewed SM, PS, and BF at the hospital to gather a detailed timeline of events. ECDSS explored multiple familial resources in the event the SS needed to be placed. ECDSS ensured all SS were assessed and cleared medically prior to leaving the hospital.

On 3/12/17, SC succumbed to his injuries and an SCR report was received regarding his death. ECDSS confirmed the



information with the source of the report, appropriately initiated a fatality investigation, and again had CCDSS go out and assess the safety of the SS. On 3/14/17, ECDSS filed a Neglect Petition in Family Court with SM and PS listed as respondents. All SS were placed into 1017 custody; the 2 older SS with SC's BF, and the youngest SS with his PGM. ECDSS reviewed safe sleep with PGM and deemed PGM's home safe for the child. On 3/15/17, ECDSS again interviewed PS and SM, and assessed the home environment. ECDSS utilized their Child Advocacy Center to complete forensic interviews of the two older SS and to speak again with BF. Throughout the investigation, grief counseling and other services were offered to all family members, including the 1017 caregivers.

ECDSS interviewed UM in jail as he was incarcerated following receipt of the first report, and established UM as a person who regularly cared for SC and the SS. ECDSS determined UM had two sisters and added UM's BM to the report as having "No Role", but did not add her children to the report. ECDSS interviewed UM's BM at length, and learned UM had a lengthy history of mental health concerns, non-compliance with treatment, and violent tendencies. BM also informed ECDSS she told SM and PS about her son's mental health problems, and had made numerous attempts to seek professional help for her child, but ECDSS failed to corroborate this. BM was also aware UM was regularly babysitting young children, was feeling stressed regarding that responsibility, and wanted to go back home with BM; however, UM had expressed to BM he felt obligated to care for SC and the SS since PS was unfit due to drug/alcohol use. Upon learning this information, ECDSS did not find any evidence that BM and/or UM's BF had attempted to get their son the mental health treatment he needed.

ECDSS spoke with first responders, which included EMS and LE. ECDSS completed all required assessments/reports for this investigation; however, some information in the Safety Assessments was inaccurate. ECDSS consulted with numerous collateral contacts, including SC and SS pediatricians, SS school, emergency room/hospital staff and the ME. The autopsy was obtained and noted SC's cause of death as "Blunt Impact Injuries of Head", and the manner of death as "Homicide." ECDSS determined all allegations in the reports, court ordered services were opened, and the SS remained remanded and in the care of family at the time of this writing.

Official Manner and Cause of Death

Official Manner: Homicide

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

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

Comments: The fatality investigation was conducted by the ECDSS MDT.

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

Comments: ECDSS does not have an OCFS approved Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
039564 - Deceased Child, Male, 2 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Guardianship	Substantiated
039564 - Deceased Child, Male, 2 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039564 - Deceased Child, Male, 2	039565 - Mother, Female, 26	Inadequate Food / Clothing	Substantiated



Year(s)	Year(s)	/ Shelter	
039564 - Deceased Child, Male, 2 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
039564 - Deceased Child, Male, 2 Year(s)	039565 - Mother, Female, 26 Year(s)	DOA / Fatality	Substantiated
039564 - Deceased Child, Male, 2 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	DOA / Fatality	Substantiated
039564 - Deceased Child, Male, 2 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
039567 - Sibling, Male, 10 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039567 - Sibling, Male, 10 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Guardianship	Substantiated
039567 - Sibling, Male, 10 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
039567 - Sibling, Male, 10 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039568 - Sibling, Female, 6 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039568 - Sibling, Female, 6 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
039568 - Sibling, Female, 6 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Guardianship	Substantiated
039568 - Sibling, Female, 6 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039569 - Sibling, Male, 8 Day(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039569 - Sibling, Male, 8 Day(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039569 - Sibling, Male, 8 Day(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Guardianship	Substantiated
039569 - Sibling, Male, 8 Day(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
039570 - Other Child - Babysitter, Male, 17 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039570 - Other Child - Babysitter, Male, 17 Year(s)	039565 - Mother, Female, 26 Year(s)	Inadequate Guardianship	Substantiated
039570 - Other Child - Babysitter, Male, 17 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
039570 - Other Child - Babysitter, Male, 17 Year(s)	039566 - Mother's Partner, Male, 20 Year(s)	Inadequate Guardianship	Substantiated

CPS Fatality Casework/Investigative Activities

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

Additional information:

Many progress notes were not entered into Connections until nearly two months after the event date.

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"/>
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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: All three SS were remanded and placed. The two older SS were placed with SC's BF, and the youngest SS was placed with his PGM.				

Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
03/14/2017	Adjudicated Neglected	Direct Custody Transferred to Continued with Relative (Article 10)
Respondent:	039565 Mother Female 26 Year(s)	
Comments:	ECDSS filed a Neglect Petition in Family Court on 3/14/17 in response to the fatality investigation. All three SS were remanded into 1017 custody and placed. The two older SS were placed with SC's BF, and the youngest SS was placed with his PGM. SM and PS were ordered to engage in services. The services case and court motions remained on-going at the time of this writing.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
03/14/2017	Adjudicated Neglected	Direct Custody Transferred to Continued with Non-Relative (Article 10)
Respondent:	039566 Mother's Partner Male 20 Year(s)	
Comments:	ECDSS filed a Neglect Petition in Family Court on 3/14/17 in response to the fatality investigation. All	



three SS were remanded into 1017 custody and placed. The two older SS were placed with SC's BF, and the youngest SS was placed with his PGM. SM and PS were ordered to engage in services. The services case and court motions remained on-going at the time of this writing.

Criminal Charge: Murder Degree: 2			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
03/14/2017	UM	Unknown	Unknown
Comments:	UM was charged with 2nd Degree Murder in relation to SC's death. UM pleaded "Not Guilty" and the criminal case remained on-going at the time of this writing.		

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:

Court ordered services were implemented after SC's death. The SS were placed into 1017 care and SM and PS were



ordered to engage in services. Grief/counseling services were offered to the SS as well as the 1017 caregivers. Family members were explored as safety resources.

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:
Grief services were offered for the children as well as additional school counseling supports. A services case was opened as a result of the fatality to engage the family in services.

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

Explain:
Services were offered to SM, BF, PS, and BM in response to the fatality investigation. A court ordered services case was opened as a result of SC's death to compel the family to engage in needed 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

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)
03/11/2017	Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	No
	Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Lacerations / Bruises / Welts	Indicated	
	Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Lack of Medical Care	Indicated	
	Sibling, Male, 8 Months	Mother's Partner, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 8 Months	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 10 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	
	Sibling, Female, 6 Years	Mother's Partner, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	



Sibling, Female, 6 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated
Unrelated Home Member, Male, 17 Years	Mother's Partner, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded
Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated
Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Internal Injuries	Indicated
Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Lack of Medical Care	Indicated
Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded
Sibling, Male, 8 Months	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Sibling, Female, 6 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Sibling, Female, 6 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated
Sibling, Male, 10 Years	Mother's Partner, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded
Unrelated Home Member, Male, 17 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Unrelated Home Member, Male, 17 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated
Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Lacerations / Bruises / Welts	Indicated
Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Internal Injuries	Indicated
Sibling, Male, 8 Months	Mother, Female, 26 Years	Inadequate Guardianship	Indicated
Sibling, Male, 10 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Sibling, Male, 10 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated
Unrelated Home Member, Male, 17 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated

Report Summary:

Initial report, two subsequent reports and a duplicate report received with the following allegations: IF/C/S, II, IG, L/B/W, LM against SM and PS. During this investigation, another report was received due to SC's death. Both reports were investigated concurrently; however, could not be consolidated due to allegation of DOA/Fatality. Therefore, refer to the Executive Summary and LDSS Response in this Fatality Report for further information.

Determination: Indicated**Date of Determination:** 05/30/2017**Basis for Determination:**

Refer to the Fatality Report for information surrounding these reports.



OCFS Review Results:

The investigation met all statutory requirements; however required actions surrounding casework practice were necessary. Refer to the Fatality Report for more information surrounding these reports.

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)
02/27/2017	Deceased Child, Male, 2 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	No
	Sibling, Female, 6 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	
	Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 10 Years	Mother's Partner, Male, 20 Years	Parents Drug / Alcohol Misuse	Indicated	
	Deceased Child, Male, 2 Years	Mother's Partner, Male, 20 Years	Parents Drug / Alcohol Misuse	Indicated	
	Sibling, Male, 10 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 8 Months	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 8 Months	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	
	Sibling, Female, 6 Years	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 10 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Indicated	
	Sibling, Female, 6 Years	Mother's Partner, Male, 20 Years	Parents Drug / Alcohol Misuse	Indicated	
	Sibling, Male, 8 Months	Mother's Partner, Male, 20 Years	Parents Drug / Alcohol Misuse	Indicated	

Report Summary:

Report received with allegations of IG against SM, and IG and PD/AM against PS regarding all SS and SC. There were concerns PS was abusing drugs and on 2/24/17, and had an adverse reaction to LSD, which caused PS to try and strangle his friend. PS had to be taken to the hospital. Report alleged SM was aware of PS's continued drug use and violence, and did not make an appropriate plan regarding the children's care.

Determination: Indicated

Date of Determination: 05/12/2017

Basis for Determination:

ECDSS completed an investigation into the allegations and found that PS did overdose on drugs, but not in the presence of the children or while he was a caretaker. PS admitted to ECDSS that he used marijuana, but never around the children or while caring for them. ECDSS conducted appropriate interviews with household members and collateral contacts, and found evidence to indicate the allegations in the report, due to PS' drug/alcohol use effecting his ability to care for the children. During this investigation, subsequent reports were made surrounding SC's injuries and then his death. The fatality investigation was investigated separately. ECDSS indicated and closed the 2/27/17 case.

OCFS Review Results:

The investigation met all statutory requirements.

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)
11/10/2016	Sibling, Male, 9 Years	Mother, Female, 26 Years	Lack of Supervision	Unfounded	Yes
	Sibling, Female, 6 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Unrelated Child, Female, 8 Months	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 4 Months	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 9 Years	Aunt/Uncle, Male, 22 Years	Inadequate Guardianship	Unfounded	
	Other Child - Cousin, Female, 2 Years	Grandparent, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Cousin, Female, 2 Years	Aunt/Uncle, Male, 22 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 4 Months	Other Adult - BM of unrelated CHN, Female, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 4 Months	Grandparent, Male, 58 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 4 Months	Aunt/Uncle, Male, 22 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Male, 9 Years	Grandparent, Male, 58 Years	Lack of Supervision	Unfounded	
	Sibling, Male, 9 Years	Grandparent, Female, 50 Years	Lack of Supervision	Unfounded	
	Other Child - Cousin, Female, 2 Years	Other Adult - BM of unrelated CHN, Female, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Female, 6 Years	Other Adult - BM of unrelated CHN, Female, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Female, 6 Years	Grandparent, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Sibling, Female, 6 Years	Aunt/Uncle, Male, 22 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Unrelated Child, Female, 8 Months	Grandparent, Male, 58 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Unrelated Child, Female, 8 Months	Grandparent, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Unrelated Child, Female, 8 Months	Aunt/Uncle, Male, 22 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Other Child - Unrelated Child, Female, 8 Months	Other Adult - BM of unrelated CHN, Female, 20 Years	Inadequate Guardianship	Unfounded	
Sibling, Male, 4 Months	Grandparent, Female, 50 Years	Inadequate Food / Clothing / Shelter	Unfounded		
Sibling, Male, 9 Years	Mother, Female, 26 Years	Inadequate	Unfounded		



		Guardianship	
Sibling, Male, 9 Years	Grandparent, Male, 58 Years	Inadequate Guardianship	Unfounded
Sibling, Male, 9 Years	Grandparent, Female, 50 Years	Inadequate Guardianship	Unfounded
Sibling, Male, 9 Years	Aunt/Uncle, Male, 22 Years	Lack of Supervision	Unfounded
Other Child - Cousin, Female, 2 Years	Mother, Female, 26 Years	Inadequate Food / Clothing / Shelter	Unfounded
Other Child - Cousin, Female, 2 Years	Grandparent, Male, 58 Years	Inadequate Food / Clothing / Shelter	Unfounded
Sibling, Female, 6 Years	Grandparent, Male, 58 Years	Inadequate Food / Clothing / Shelter	Unfounded
Other Child - Unrelated Child, Female, 8 Months	Other Adult - BM of unrelated CHN, Female, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded
Other Child - Unrelated Child, Female, 8 Months	Grandparent, Male, 58 Years	Parents Drug / Alcohol Misuse	Unfounded
Other Child - Unrelated Child, Female, 8 Months	Other Adult - BM of unrelated CHN, Female, 20 Years	Lack of Medical Care	Unfounded

Report Summary:

Initial and two subsequent reports received with concerns At the time of the reports, SM, SC, and the SS resided with MGM, MGF, MU, and his girlfriend (BM of the 2 y/o and 8 m/o). There were concerns that the BM was failing to provide appropriate care to her children. Further concerns that MGF was an alcoholic and driving with the children in a car while he was under the influence, and the home was unsanitary with several safety hazards, including mold and exposed insulation. There were also concerns SM was not appropriately supervising or caring for SS, and an unknown adult household member was hitting the 6 y/o SS with a stick.

Determination: Unfounded

Date of Determination: 12/19/2016

Basis for Determination:

Cattaraugus County Department of Social Services (CCDSS) appropriately consolidated the reports when able, and fully investigated all the allegations. CCDSS assigned ECDSS a secondary role to assist in the investigation after SM and the SS moved out of county. Through interviews with children, household members, and collateral contacts, CCDSS gathered evidence to determine the report and appropriately unsubstantiated all allegations. CCDSS also assessed the home environments and safety of all the children on more than one occasion.

OCFS Review Results:

OCFS agreed with the determination; however, the RAP was inaccurate in that it did not note SM’s history of domestic violence (the answer selected should have been “yes”).

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

Issue:

Adequacy of Risk Assessment Profile (RAP)

Summary:

The RAP for the investigation was inaccurate in that it did not note SM’s history of domestic violence (the answer selected should have been “yes”).

Legal Reference:

18 NYCRR 432.2(d)

Action:

Cattaraugus County Department of Social Services (CCDSS) will complete all RAPs accurately.



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/10/2016	Other Child - UM's sibling, Female, 9 Years	Mother, Female, 34 Years	Sexual Abuse	Unfounded	Yes
	Other Child - UM's sibling, Female, 14 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unfounded	
	Other Child - UM's sibling, Female, 14 Years	Mother, Female, 34 Years	Sexual Abuse	Unfounded	
	Other Child - UM's sibling, Female, 9 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unfounded	
	Other Child - UM, Male, 16 Years	Mother, Female, 34 Years	Sexual Abuse	Unfounded	
	Other Child - UM, Male, 16 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unfounded	

Report Summary:

Report received with concerns that two years ago, then 15-year-old UM exposed himself to his then 9-year-old sister, and thus, UM inappropriately touched his then 13-year-old sister one year ago. Furthermore, UM’s BM was aware of the situation, and took no action to intervene. Report alleged that sometime within the past week, UM’s BM left UM alone with his siblings, and UM again inappropriately touched his then 9-year-old sister.

Determination: Unfounded

Date of Determination: 10/24/2016

Basis for Determination:

ECDSS unsubstantiated the allegations in the report stating they did not obtaining disclosures from the siblings that UM touched them inappropriately during interviews. ECDSS closed the case noting the children were engaged in MH services and appeared safe at the time of the investigation’s conclusion.

OCFS Review Results:

ECDSS noted they did not obtain disclosures from the CHN, but the 9 y/o child at first disclosed UM touched her while she slept, and that she recently walked in on UM while he was masturbating; in response, UM asked her if she wanted to “touch it”. ECDSS reported in the conclusion that the CHN were engaged in MH treatment; however, ECDSS only confirmed that intake appointments had been scheduled, and not that the CHN were engaged. Due to the nature of the concerns and the family’s history, ECDSS should have confirmed the CHN were engaged in services. ECDSS did not follow up with probation/parole officers involved with BM and BF’s wife. The Safety Assessments contained conflicting information.

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

Issue:

Adequacy of Documentation of Safety Assessments

Summary:

The Safety Assessments in this case contained conflicting information.

Legal Reference:

18 NYCRR432.2(b)(3)(ii)(c)&(iii)(b)

Action:

ECDSS will complete accurate Safety Assessments.

Issue:

Overall Completeness and Adequacy of Investigation

Summary:



ECSS did not contact all appropriate collaterals, including parole and probation officers involved with the family, as well as following up with MH providers to ensure the family begun to engage in needed services.

Legal Reference:

SSL 424(6); 18 NYCRR 432.2(b)(3)

Action:

ECSS will contact all appropriate collaterals.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/09/2015	Sibling, Male, 8 Years	Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	No
	Sibling, Male, 8 Years	Mother, Female, 25 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Sibling, Female, 5 Years	Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	
	Sibling, Female, 5 Years	Mother, Female, 25 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Deceased Child, Male, 1 Years	Mother, Female, 25 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Sibling, Male, 8 Years	Mother's Partner, Male, 18 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Sibling, Female, 5 Years	Mother's Partner, Male, 18 Years	Lack of Supervision	Unfounded	
	Sibling, Female, 5 Years	Mother's Partner, Male, 18 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Sibling, Female, 5 Years	Mother, Female, 25 Years	Lack of Supervision	Unfounded	
	Deceased Child, Male, 1 Years	Mother's Partner, Male, 18 Years	Inadequate Guardianship	Unfounded	
	Sibling, Male, 8 Years	Mother, Female, 25 Years	Lack of Supervision	Unfounded	
	Deceased Child, Male, 1 Years	Mother, Female, 25 Years	Inadequate Guardianship	Unfounded	
	Deceased Child, Male, 1 Years	Mother, Female, 25 Years	Lack of Supervision	Unfounded	
	Sibling, Male, 8 Years	Mother's Partner, Male, 18 Years	Inadequate Guardianship	Unfounded	
	Sibling, Male, 8 Years	Mother's Partner, Male, 18 Years	Lack of Supervision	Unfounded	
	Sibling, Female, 5 Years	Mother's Partner, Male, 18 Years	Inadequate Guardianship	Unfounded	
	Deceased Child, Male, 1 Years	Mother's Partner, Male, 18 Years	Lack of Supervision	Unfounded	
Deceased Child, Male, 1 Years	Mother's Partner, Male, 18 Years	Parents Drug / Alcohol Misuse	Unfounded		

Report Summary:

Report received with allegations of LS, IG, and PD/AM against PS and SM regarding the then 8 and 5-year-old SS, as well as the then 1 year old SC. The youngest SS had not yet been born. There were concerns PS and SM were abusing drugs daily, and were unable to appropriately supervise and care for the children.



Determination: Unfounded	Date of Determination: 12/21/2015
Basis for Determination: ECDSS completed an investigation into the allegations and found the parents to appear sober and coherent during several unannounced home visits. ECDSS spoke with appropriate collateral contacts and assessed the safety of the children, as well as the home environment. ECDSS found no evidence to substantiate the allegations, and unfounded the report.	
OCFS Review Results: The investigation met all statutory requirements.	
Are there Required Actions related to the compliance issue(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

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

5/26/09: UNF allegations of LG, LS, PD/AM against SM.
6/18/08: UNF allegations of IG, L/B/W, PD/AM against SM.
12/24/09: UNF allegations of IG against SM.

9/11/02: Report IND for IG against UM's BM regarding UM and his siblings.
6/7/08: Report IND for IG against UM's BM regarding UM and his siblings.
12/4/09: Report UNF for IG, PD/AM, XCP against UM's BM regarding UM and his siblings.
10/8/10: Report UNF for IF/C/S and PD/AM against UM's BM regarding UM and his siblings.
1/4/11: Services Case opened regarding UM's attendance/school concerns.
5/26/11: Report UNF for PD/AM and IG against UM's BM regarding UM and his siblings.
9/30/11: Services case opened regarding UM and his youngest sibling; MGM was caretaker at the time due to UM's BM and BF being incarcerated.
12/12/13: Report UNF for LM and IG against UM's BF and his girlfriend, regarding UM.
2/26/14: Report IND for SA and IG against UM's BM's boyfriend (PLR) regarding UM.

There is no Connections history found more than 3 years prior to the fatality for PS.

Known CPS History Outside of NYS

Although the SM was noted to have resided in South Carolina and Ohio, the record does not reflect ECDSS conducted a CPS history check in those states.

Required Action(s)

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

Yes No

Preventive Services History

1/4/11: Services case opened regarding UM and his BM. This case was initiated to avoid PINS/Out of Home Placement for UM. The referral was made by UM's school due to attendance and behavior issues effecting his educational success. UM was age 11 at this time. The case was closed in March of 2011 due to the family moving out of the school district and to another county; no further follow-up was noted.

9/30/11: Services case opened via school referral regarding UM, his younger sibling, and MGM. Both of UM's parents



were incarcerated at the time, and grandparents had custody of the two children. This case remained open until November 2013. UM's BM was added to the case as a secondary caretaker. Assessments completed speak to UM receiving inpatient mental health (MH) treatment due to suicidal ideations, and a discharge to his BF's custody, who lived in a different county. At case closing, it was noted that UM remained in outpatient MH treatment. There was nothing in the notes to indicate UM's CW attempted to speak with UM's father or whoever was involved with the family in the new county regarding any of the concerns involving UM over the past two years. There was no follow up with UM's MH providers during his two inpatient stays. It is unclear how the CW knew UM was engaging in MH treatment in the new location.

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

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? There was no legal activity

Additional Local District Comments

We at the Erie County Department of Social Services (ECDSS) find that the facts as written describe the unfortunate events but do not accurately reflect the actions taken in response. We find that the reviewer was too severe in the analysis of the fatality investigation which we contend was very thorough. The reviewer notes that the progress notes were not entered contemporaneously. ECDSS disagrees with the reviewer's findings. The progress notes were copied between reports causing a later entry date in one of the reports. The reviewer also cites that the Safety Assessment for the fatality was not completed accurately. ECDSS disagrees with this finding. This was in fact based on information obtained from family members and collaterals. With regard to the out of state history checks, they have been completed at this time and the family had no out of state CPS history. With regard to the unrelated minor (UM) who the reviewer felt was not appropriately assessed for safety or mental health treatment, we would also disagree. ECDSS had lengthy conversations with the parents about the UM's past mental health care, checked the CPS history, and consulted the police about their contacts with his family. When CPS became involved with the UM he was immediately incarcerated which limited the options ECDSS would have to address this child's mental health needs. With regard to ECDSS's failure to make a report of neglect against the UM's parents or add allegations, we disagree. ECDSS had communication with the reviewer during the open investigation and discussed adding allegations against his parents. ECDSS advised the reviewer of their point of view which was that the parents of the UM were appropriately devastated and concerned about their child and had done what was in their power to address the concerns. With respect to the history review we concur with some of the reviewer's points, namely a safety assessment that was inaccurate and a collateral contact that could have provided useful



information. These issues are being addressed ongoing through Program Improvement Plans of which OCFS is aware. For a complete copy of ECDSS' concerns with this report, please contact ECDSS.

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