



Report Identification Number: BU-20-033

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

Issue Date: May 18, 2021

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

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

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

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

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

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

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

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



Abbreviations

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



Case Information

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

Jurisdiction: Erie
Gender: Female

Date of Death: 11/18/2020
Initial Date OCFS Notified: 11/18/2020

Presenting Information

On 11/18/20, Erie County Department of Social Services (ECDSS) received an SCR report that stated on 11/18/20, the 3-month-old subject child passed away for unknown reasons and was an otherwise healthy child. Neither the aunt or the aunt's partner had an explanation regarding the death of the child. The child was found unresponsive between the hours of 8:30 AM and 12:35 PM. The aunt's partner left the child in her car-seat swing at 8:30 AM, in the sole care of the aunt. At an unknown time, the aunt sent the 12yo cousin downstairs to bring the child upstairs to her. The child was unresponsive at that time. At an unknown time, the aunt called her partner and possibly others, to inform them of the child's condition. Emergency medical personnel arrived and attempted to resuscitate the child, but were unsuccessful. The child was pronounced dead at the hospital at 2:02 PM. The child did not have any visible injuries or other conditions at that time.

Executive Summary

On 11/18/20, the Erie County Department of Social Services (ECDSS) received an SCR report regarding the death of the 3-month-old female child that occurred on the same day. At the time of the SC's death, she resided with her MA and three cousins, ages 12, 7 and 5 years old. The SC was also cared for by the MA's partner, who resided in a separate home with her 6yo child. There was an open CPS investigation at the time of the death, which included concerns regarding the supervision and discipline of the CHN, conditions of the home and drug use and sales in the home.

It was learned through the historical case review and fatality investigation that the SC was born with a positive toxicology for marijuana. The BM received late prenatal care; however, there were no other health concerns for the SC. While pregnant with the SC, the BM decided she was unable to provide care for her and gave the SC to the MA and MA's partner immediately after discharge from the hospital. There were inconsistent accounts provided by the family on whether the plan for the SC was adoption by the MA and her partner. ECDSS had an open investigation after the SC's birth due to the positive toxicology. The safety of the SC and the home environment of the MA was assessed, and guidance on safe sleep and caring for a newborn was provided.

ECDSS conducted a joint investigation with LE and gathered information regarding the fatality through interviews with the adults and children. It was learned the morning of the fatality, the SC was home with the MA, 12yo cousin and 6yo unrelated child. The MA's partner had left the home before 8:00AM and the MA asked the 12yo to watch the SC while the MA slept. The 12yo fed and changed the SC and then placed her in a swing while she attended virtual school. The MA asked the 12yo to bring her the SC between 11:00AM and 11:30AM. The 12yo stated when she gave the SC to the MA, the SC's head was slumped to one side and she was stiff and the MA said the SC was not breathing. The MA did not call 911, but proceeded to call her partner to report something was wrong with the SC. The MA's partner told the MA to not do anything until she returned home. A 911 call was made by a relative who was made aware of the situation via telephone by the MA's partner. EMS arrived at 12:35PM and the SC was transported via ambulance to the hospital where she was pronounced deceased at 2:02PM.

ECDSS spoke to the ME, who reported the cause and manner of death were pending further testing. There were no concerns for bruises, fractures, malnutrition, or abuse of the child. At the time the case was closed, no criminal charges had been filed related to the SC's death, and LE's investigation was pending upon receipt of the final autopsy report.

ECDSS removed the surviving CHN and placed them with relatives. There were concerns with the conflicting accounts



provided by the MA and the MA’s partner regarding the amount of time passed between finding the SC unresponsive and 911 being called. First responders reported that the SC was cool to touch upon arrival and that the MA and her partner were not cooperative with LE. It was determined that the 12yo was the primary caretaker for the SC and other CHN in the home. Abuse Petitions regarding the SC and Neglect Petitions regarding the other CHN were filed against the MA and her partner. After a hearing, the judge returned the 6yo to his mother. The cousins remained with the MGM.

ECDSS substantiated the allegations of DOA/Fatality and IG against the MA and the MA's partner. ECDSS determined that there was credible evidence that the MA and her partner's actions contributed to the death of the SC. The MA and her partner had unrealistic expectations of the 12yo cousin by having her act as the primary caretaker of the SC and the other children. The family was offered MH and grief counseling. The CPS investigation was closed on 1/15/21 and the family remained open with mandatory preventive services.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

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

Determination:

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

Explain:

Casework activity was commensurate with case circumstances.

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:

There was detailed supervisory consultation documented throughout the investigation. Once all casework tasks were completed, ECDSS closed the CPS investigation, and the family remained open with mandatory preventive and foster care services.

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: 11/18/2020

Time of Death: 02:02 PM

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

Unknown

County where fatality incident occurred:

Erie

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown

Did EMS respond to the scene?

Yes

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

N/A

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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	Aunt/Uncle	Alleged Perpetrator	Female	28 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Female	3 Month(s)
Deceased Child's Household	Other Child - Cousin	No Role	Female	12 Year(s)
Deceased Child's Household	Other Child - Cousin	No Role	Male	7 Year(s)
Deceased Child's Household	Other Child - Cousin	No Role	Male	5 Year(s)
Other Household 1	Mother	No Role	Female	24 Year(s)
Other Household 2	Father	No Role	Male	26 Year(s)
Other Household 3	Other Adult - Aunt's partner	Alleged Perpetrator	Female	29 Year(s)
Other Household 3	Other Child - Child of aunt's partner (unrelated)	No Role	Male	6 Year(s)
Other Household 4	Other Adult - Father of unrelated child	No Role	Male	41 Year(s)



Other Household 5	Other Adult - Father of 12yo cousin	No Role	Male	33 Year(s)
Other Household 6	Other Adult - Father of 5yo and 7yo cousins	No Role	Male	29 Year(s)

LDSS Response

Upon receipt of the SCR report on 11/18/20, ECDSS initiated their investigation and coordinated efforts with LE, notified the DA's Office, contacted the ME, and spoke to the source. ECDSS assessed the safety of the cousins and unrelated child and determined an emergency placement in relative foster care was necessary for their safety.

ECDSS completed interviews with the cousins. The 12yo cousin was interviewed at the CAC. It was learned that the night prior to the fatality, the SC was happy and there were no concerns with her. During the night, the SC was fussing. The 7yo cousin woke and retrieved the SC and placed her on the 12yo's stomach to wake her. The 12yo cousin gave the SC a pacifier and placed her on her back in a bassinette and then went back to sleep. The 12yo reported there were no items in the bassinette with the SC. The MA and MA's partner were sleeping upstairs, and the SC was downstairs with the 12yo. The morning of the fatality, the MA's partner left with the 5yo and 7yo cousins, dropped them off at the bus, then went to a nail appointment. The 12yo said she was asked to watch the SC while the MA slept. The 12yo retrieved the SC from a swing in the MA's bedroom. The 12yo made the 6yo child breakfast, fed and changed the SC, and placed her in a swing with the television on. The MA asked the 12yo to bring the SC upstairs to her. The 12yo stated the SC was sitting up in her swing, with her head to one side and appeared to be sleeping. The SC felt heavy to the 12yo when she brought her to the MA. When the 12yo gave the SC to the MA, the SC would not wake up and the MA stated she was not breathing.

ECDSS gathered information from first responders. Upon arrival to the scene, EMS reported the SC was not breathing, was cold and had no pulse. The adults were described as very distraught. The SC did not have any visible injuries. There were no concerns reported by first responders about the adults being impaired at the time of the fatality.

ECDSS spoke to school personnel, as the 12yo cousin was attending a virtual class when the SC was found unresponsive. Between 11:00AM and 11:30AM, the 12yo cousin stated she was having a family emergency and logged off the class. The 12yo then logged back on around 1:30PM and told the teacher the SC was not breathing. The cousin then spoke to the teacher around 4:00PM and informed her that the SC had died and was dead for 9 hours. School personnel reported the cousin had been seen caring for the SC during virtual school in the past.

ECDSS attempted to obtain information from the MA and the MA's partner. They were minimally cooperative with interviews. The MA's partner confirmed that she left the home to drop the cousins off at school and get her nails done. The MA's partner reported when she left the home, the SC was alive and being cared for by the 12yo cousin. At some point, the MA's partner got a call from the MA that something was wrong with the SC. The MA's partner told the MA to wait to call anyone until she arrived home, and she came home about 2 hours later and found the SC to not be responsive. The MA and MA's partner refused to provide further information regarding a timeline, and when interviewed by LE, changed the time of the phone call regarding the SC being unwell. The nail salon provided that the MA's partner was there from 9:00AM until 12:30PM and received calls throughout her appointment that something was wrong with the SC.

The SC had been seen by the pediatrician on 10/23/20. The MA reported the SC was sleeping 8 hours through the night and only napping once per day. The SC was reported to be gaining weight and was well-nourished.

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 reviewed by an OCFS approved Child Fatality Review Team? Yes

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
056781 - Deceased Child, Female, 3 Mons	056782 - Aunt/Uncle, Female, 28 Year(s)	DOA / Fatality	Substantiated
056781 - Deceased Child, Female, 3 Mons	056782 - Aunt/Uncle, Female, 28 Year(s)	Inadequate Guardianship	Substantiated
056781 - Deceased Child, Female, 3 Mons	056788 - Other Adult - Aunt's partner, Female, 29 Year(s)	DOA / Fatality	Substantiated
056781 - Deceased Child, Female, 3 Mons	056788 - Other Adult - Aunt's partner, Female, 29 Year(s)	Inadequate Guardianship	Substantiated

CPS Fatality Casework/Investigative Activities

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

Additional information:

ECDSS documented diligent efforts to locate and interview all absent parents. ECDSS attempted phone calls and home visits with the father of the 5yo and 7yo cousins and the father of the subject child, which were not successful.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	-------------------------------------	--------------------------	--------------------------	--------------------------

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"/>

Explain:
 The aunt was not cooperative with referrals for services during the investigation. The aunt's partner was accepting of services and was enrolled in parenting classes and counseling at the time the CPS investigation was closed.

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:
 The cousins were removed from the MA and placed into foster care with the MGM who became emergency certified. The MGM did not complete her certification and the cousins placement continued with the MGM through a 1017 placement. The 12yo cousin was discharged to the care of her BF and then later returned to the MGM due to concerns with the care her BF provided. The 6yo unrelated child was removed from the MA's partner and placed with a relative. The 6yo was later returned to the MA's partner.

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:
11/20/2020	There was not a fact finding	There was not a disposition
Respondent:	056782 Aunt/Uncle Female 28 Year(s)	
Comments:	ECDSS filed a Derivative Neglect Petition against the aunt in regard to the surviving children.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
11/23/2020	There was not a fact finding	There was not a disposition
Respondent:	056782 Aunt/Uncle Female 28 Year(s)	
Comments:	ECDSS filed a Derivative Abuse Petition against the aunt regarding the surviving children.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
11/20/2020	There was not a fact finding	There was not a disposition
Respondent:	056788 Other Adult Female 29 Year(s)	
Comments:	ECDSS filed a Derivative Neglect Petition against the aunt's partner regarding the surviving children.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
11/23/2020	There was not a fact finding	There was not a disposition
Respondent:	056788 Other Adult Female 29 Year(s)	
Comments:	ECDSS filed a Derivative Abuse Petition against the aunt's partner in relation to the surviving children.	

Have any Orders of Protection been issued? Yes

From: 11/23/2020	To: Unknown
-------------------------	--------------------



Explain:

There was an order of protection issued which required the aunt to have supervised visits with the cousins and no contact with her partner or the partner's child.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input 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"/>				
Foster care	<input checked="" type="checkbox"/>	<input 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 checked="" 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:

ECDSS discussed services for the surviving children, including mental health and grief counseling, with their parents and caretakers.

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

Explain:

ECDSS offered the mother, aunt and aunt's partner grief counseling services and the grandmother emergency financial assistance.



History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment? Yes
- Was the child ever placed outside of the home prior to the death? Yes
- Were there any siblings ever placed outside of the home prior to this child's death? 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 fetal alcohol effects or syndrome
- With neither of the issues listed noted in case record

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/19/2020	Other Child - Cousin , Female, 12 Years	Aunt/Uncle, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	Yes
	Other Child - Cousin , Female, 12 Years	Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin , Female, 12 Years	Aunt/Uncle, Female, 28 Years	Lack of Supervision	Unsubstantiated	
	Other Child - Cousin , Female, 12 Years	Aunt/Uncle, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin , Male, 7 Years	Aunt/Uncle, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Cousin , Male, 7 Years	Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin , Male, 7 Years	Aunt/Uncle, Female, 28 Years	Lack of Supervision	Unsubstantiated	
	Other Child - Cousin , Male, 7 Years	Aunt/Uncle, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin , Male, 5 Years	Aunt/Uncle, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	



Child Fatality Report

Other Child - Cousin , Male, 5 Years	Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Aunt/Uncle, Female, 28 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Aunt/Uncle, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Female, 28 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 3 Years	Aunt/Uncle, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Aunt/Uncle, Female, 28 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Aunt/Uncle, Female, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Aunt/Uncle, Female, 28 Years	Lack of Supervision	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Aunt/Uncle, Female, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Female, 12 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin , Female, 12 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Female, 12 Years	Other Adult - Aunt's partner, Female, 29 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin , Female, 12 Years	Other Adult - Aunt's partner, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Male, 7 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin , Male, 7 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Male, 7 Years	Other Adult - Aunt's partner, Female, 29 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin , Male, 7 Years	Other Adult - Aunt's partner, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Other Adult - Aunt's partner, Female, 29 Years	Lack of Supervision	Unsubstantiated
Other Child - Cousin , Male, 5 Years	Other Adult - Aunt's partner, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated



Deceased Child, Female, 3 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Deceased Child, Female, 3 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 3 Years	Other Adult - Aunt's partner, Female, 29 Years	Lack of Supervision	Unsubstantiated
Deceased Child, Female, 3 Years	Other Adult - Aunt's partner, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Other Adult - Aunt's partner, Female, 29 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Other Adult - Aunt's partner, Female, 29 Years	Lack of Supervision	Unsubstantiated
Other Child - Child of aunt's partner, Male, 6 Years	Other Adult - Aunt's partner, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Male, 7 Years	Other Adult - Aunt's partner, Female, 29 Years	Fractures	Unsubstantiated
Other Child - Cousin , Female, 12 Years	Aunt/Uncle, Female, 28 Years	Fractures	Unsubstantiated

Report Summary:

ECDSS received an SCR report that stated the MA left the 12yo cousin locked in the basement for hours at a time. The dog defecated and urinated on the mattress the 12yo was sleeping on in the basement. The MA only allowed the 12yo out from the basement when she wanted her to help clean, cook, etc. If the 12yo refused to help, the MA would beat her. The MA had punched and smacked the 12yo. The MA's partner punched the 6yo unrelated child in the face, causing bruising. Last year, the MA's partner broke the 6yo's arm. The home was filthy and cluttered. The CHN were often left unsupervised. Subsequent reports were received with concerns about discipline, drug use and conditions of the home.

Report Determination: Unfounded

Date of Determination: 02/09/2021

Basis for Determination:

Through home visits, interviews with all relevant parties and collateral contacts ECDSS determined there was no credible evidence to substantiate the allegations. The aunt and cousins denied physical discipline and the aunt denied she sold drugs. There was a bed discovered in the basement, but the 12yo denied it was her bedroom. The home had appropriate provisions for the cousins. Although cluttered, the home was not found in the condition as described in the SCR report. It was discovered the 12yo sometimes cared for the younger siblings, but the aunt and 12yo had no concerns with her capability to do so.

OCFS Review Results:

ECDSS completed all required face-to-face contacts, spoke to necessary collaterals, contacted the source and conducted several home visits. Safe sleep guidance was provided to all caretakers of the subject child. The concerns of the SCR report were thoroughly addressed and additional concerns enumerated during the investigation were discussed. ECDSS documented diligent efforts to locate and contact absent parents. A CPS history check was not documented timely and the record reflected that only one of the adults was provided with notice of the SCR report in writing. The determination of the allegations was not supported by the information gathered in the investigation.

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

Issue:

Review of CPS History

Summary:

The CPS history check was documented late on 11/19/20.

**Legal Reference:**

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

Action:

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

Issue:

Failure to provide notice of report

Summary:

Not all of the adults were provided with notice of the report in writing.

Legal Reference:

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

Action:

ECDSS 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.

Issue:

Appropriate Application of Legal Standards (Abuse/Maltreatment)

Summary:

The surviving children were removed from the care of the aunt and the aunt's partner following the subject child's death. ECDSS filed Derivative Neglect and Abuse Petitions in relation to the surviving children; however, there were no substantiated allegations regarding the children listed on the petitions.

Legal Reference:

SSL 412(1) and 412(2)

Action:

ECDSS will apply the appropriate legal standards of abuse and maltreatment when making a determination of an allegation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/18/2020	Deceased Child, Female, 1 Days	Mother, Female, 24 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Female, 1 Days	Mother, Female, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

ECDSS received an SCR report that stated on 8/17/20, the mother gave birth to the subject child. The mother tested positive for marijuana. The child's drug test was negative.

Report Determination: Unfounded

Date of Determination: 10/13/2020

Basis for Determination:

ECDSS spoke to collateral and familial contacts and determined there was no credible evidence to corroborate the allegations. The mother denied drug use and the child's drug screen was negative. Upon discharge from the hospital, the child was informally placed with the aunt. The mother wished for the aunt to adopt the child and the aunt was in the process of obtaining legal custody through family court.

OCFS Review Results:

ECDSS completed all required face-to-face contacts, spoke to necessary collaterals and conducted several home visits. A Plan of Safe Care was documented and safe sleep guidance was provided to all adult caretakers of the subject child. The



concern of the SCR report was thoroughly addressed and additional concerns enumerated during the investigation were discussed with the aunt. ECDSS documented diligent efforts to locate and contact absent parents. All required casework activity was completed timely and accurately. There was supervisory consultation documented through the investigation.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/26/2019	Other Child - Child of aunt's partner, Male, 4 Years	Other Adult - Aunt's partner, Female, 28 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Child of aunt's partner, Male, 4 Years	Other Adult - Aunt's partner, Female, 28 Years	Lacerations / Bruises / Welts	Unsubstantiated	

Report Summary:

ECDSS received an SCR report that stated the aunt's partner hit the then 4yo unrelated child with a charger to an unknown electronic device. The 4yo sustained a bruise on his forehead near his hairline. The aunt's partner continued to hit him when he cried and tried to hide. It was unknown why the aunt's partner hit the 4yo.

Report Determination: Unfounded

Date of Determination: 04/08/2019

Basis for Determination:

ECDSS determined through home visits, interviews with all relevant people and collateral contacts that there was lack of credible evidence to substantiate the allegations. The 4yo unrelated child was interviewed and denied the mark on his forehead was caused by his mother. The aunt's partner denied the use of physical discipline. Collateral contacts reported no concern for the care of the 4yo.

OCFS Review Results:

ECDSS completed all required face-to-face contacts, contacted the source and spoke to necessary collaterals. Notes and assessments were documented within required timeframes. All required casework activity was completed timely and accurately. There was supervisory consultation documented throughout the investigation.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/05/2019	Other Child - Unrelated , Female, 13 Years	Aunt/Uncle, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - Unrelated, Male, 12 Years	Aunt/Uncle, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated , Female, 13 Years	Other Adult - Mother of 12yo and 13yo unrelated children, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated, Male, 12 Years	Other Adult - Mother of 12yo and 13yo unrelated children, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated, Male, 12 Years	Other Adult - Mother of 12yo and 13yo unrelated children, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Other Child - Unrelated , Female, 13 Years	Other Adult - Mother of 12yo and 13yo unrelated children, Female, 29 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
--	--	-------------------------------	-----------------

Report Summary:

ECDDSS received an SCR report that stated an unrelated adult had a history of substance abuse. Her children, ages 13 and 12, were placed in guardianship with the aunt. The children were not supposed to be in the care of the unrelated adult and the aunt allowed the children to go back into her care. The unrelated adult was impaired while caring for her children.

Report Determination: Unfounded**Date of Determination:** 07/03/2019**Basis for Determination:**

ECDDSS determined during their investigation that the two unrelated children were not left unsupervised with the unrelated adult. The aunt had temporary custody of the unrelated children at the time the SCR report was received; however, they were found to in the care of another unrelated adult who obtained custody of them at the time the investigation was closed. The unrelated children, cousins, aunt and relatives denied the allegations and any additional child welfare concerns.

OCFS Review Results:

ECDDSS contacted the source, spoke with collaterals, completed a CPS history check, mailed notification letters, completed assessments within required timeframes and documented diligent efforts to interview absent parents. The case record reflected that the unrelated adult appeared pregnant at a home visit and then had a baby during the investigation. The baby was added to the investigation; however, it was not documented that safe sleep guidance was provided to the unrelated adult or the custodian of the baby.

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

Issue:

Failure to provide safe sleep education/information

Summary:

The unrelated adult was pregnant at the time the SCR report was received and the baby was born during the investigation. It was not documented in the case record that safe sleep guidance was provided to the unrelated adult or the legal custodian of the baby after the birth.

Legal Reference:

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

Action:

ECDDSS will provide safe sleep guidance to the parents and caretakers of infants and expectant parents 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)
12/13/2018	Other Child - Child of aunt's partner, Male, 4 Years	Other Adult - Aunt's partner, Female, 27 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - Child of aunt's partner, Male, 4 Years	Other Adult - Aunt's partner, Female, 27 Years	Lacerations / Bruises / Welts	Substantiated	
	Other Child - Child of aunt's partner, Male, 4 Years	Other Adult - Aunt's partner, Female, 27 Years	Swelling / Dislocations / Sprains	Unsubstantiated	

Report Summary:

ECDDSS received an SCR report that stated the aunt's partner punched the then 4yo unrelated child in the head. As a result, he sustained swelling and redness to his forehead. It was unknown why the aunt's partner punched the 4yo.

Report Determination: Indicated**Date of Determination:** 12/19/2018

**Basis for Determination:**

ECDSS determined there was sufficient credible evidence to substantiate the allegations. The 4yo disclosed that the aunt's partner hit him and there was a mark on his forehead when ECDSS interviewed him.

OCFS Review Results:

ECDSS spoke to the source, completed a CPS history check, completed safety assessments and provided notification letters within required timeframes and entered all notes contemporaneously with their event dates. ECDSS documented diligent efforts to locate and contact the absent parent. ECDSS found there was some credible evidence that the 4yo was hit by the aunt's partner, causing bruises to the 4yo's face; however, it was not documented that services were offered to address the concerns.

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

Issue:

Failure to Offer Appropriate Services

Summary:

ECDSS determined that there was some credible evidence that that then 4yo child was punched in the face by the aunt's partner. It was not documented that services were discussed with or offered to the aunt's partner to address the concerns.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

Based on the investigation and evaluation conducted, ECDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/26/2018	Other Child - Cousin, Female, 10 Years	Aunt/Uncle, Female, 27 Years	Inadequate Guardianship	Substantiated	Yes
	Other Child - Cousin , Male, 5 Years	Aunt/Uncle, Female, 27 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Male, 3 Years	Aunt/Uncle, Female, 27 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Female, 10 Years	Other Adult - Father of 3yo and 5yo cousins, Male, 27 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin , Male, 5 Years	Other Adult - Father of 3yo and 5yo cousins, Male, 27 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin, Male, 3 Years	Other Adult - Father of 3yo and 5yo cousins, Male, 27 Years	Inadequate Guardianship	Substantiated	

Report Summary:

ECDSS received an SCR report that stated that father of the 3yo and 5yo cousins had a history of hitting the aunt in the presence of the cousins. At the time of the SCR report, there was a 5 year order of protection against the cousins' father regarding the aunt. On 11/23/18, the cousins' father showed up where the cousins were and threatened to harm the cousins and the grandmother. He was screaming and yelling and the cousins were frightened. He then called the aunt and threatened her. The aunt had an unknown role.

Report Determination: Indicated

Date of Determination: 03/15/2019

Basis for Determination:

ECDSS determined through casework and collateral contacts that there was credible evidence to indicate the SCR report. The cousins disclosed that their father followed them to the grandmother's home and threatened the family. The cousins



further stated they have witnessed domestic violence by the aunt toward the cousins' father. The cousins' father was arrested for the incident mentioned in the SCR report.

OCFS Review Results:

ECDSS spoke to the source, documented notes contemporaneously with their event dates, and completed assessment tools within required timeframes. ECDSS spoke to collaterals and made diligent efforts to complete an interview with the aunt; however, her whereabouts were unknown at case closure, and the cousins stayed with their grandmother. Although the notification of existence letters were provided, the record reflected they were provided late on 3/5/19. It was not documented that services related to the needs of the cousin were offered. The record did not reflect attempted contact with all absent parents.

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

Issue:

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

Summary:

Although it was documented that the then 10yo cousin did not have contact with her father, there were no efforts documented to speak to the cousin's father regarding the SCR report or overall safety and risk of his child.

Legal Reference:

18 NYCRR 432.1 (o)

Action:

ECDSS will make efforts to make face-to-face contact with a child and/or a child's parents or guardians and document efforts that were unsuccessful.

Issue:

Failure to Offer Appropriate Services

Summary:

The then 10yo cousin disclosed that she had nightmares related to the domestic violence witnessed in her household. It was not documented that services were offered related to this, including mental health counseling.

Legal Reference:

SSL §424(10);18 NYCRR 432.3(p)

Action:

Based on the investigation and evaluation conducted, ECDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Issue:

Failure to provide notice of report

Summary:

Notification of existence letters were provided late on 3/5/19.

Legal Reference:

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

Action:

ECDSS 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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/04/2018	Other Child - Child of aunt's partner, Male, 3 Years	Other Child - Aunt's partner, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No



Child Fatality Report

Other Child - Child of aunt's partner, Male, 3 Years	Other Child - Aunt's partner , Female, 27 Years	Lack of Supervision	Unsubstantiated
Other Child - Child of aunt's partner, Male, 3 Years	Other Child - Aunt's partner , Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Child of aunt's partner, Male, 3 Years	Other Adult - Unknown , Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Child of aunt's partner, Male, 3 Years	Other Adult - Unknown , Male, 28 Years	Lack of Supervision	Unsubstantiated
Other Child - Child of aunt's partner, Male, 3 Years	Other Adult - Unknown , Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

Report Summary:

ECDSS received an SCR report which stated the aunt's partner and an unrelated adult abused drugs in the presence of the unrelated 3yo child. There were also concerns of drug sales and physical altercations in the presence of the 3yo. It was reported the police had responded to the home several times. In addition, there were concerns for the supervision of the 3yo and verbal abuse toward the 3yo.

Report Determination: Unfounded**Date of Determination:** 06/15/2018**Basis for Determination:**

ECDSS determined there was insufficient evidence to support the allegations. The unknown adult was not able to be identified and was believed to have been made up. The aunt's partner denied drug use or that the 3yo was left unsupervised. The 3yo was not able to engage in the interview process due to his lack of speech. Collateral contacts denied concern for the care of the 3yo unrelated child. ECDSS referred the aunt's partner for a substance abuse evaluation and speech services for the 3yo.

OCFS Review Results:

ECDSS completed all required face-to-face contacts, spoke to necessary collaterals, contacted the source and conducted several home visits. The concerns of the SCR report were thoroughly addressed and additional concerns enumerated during the investigation were discussed. ECDSS documented diligent efforts to locate and contact the absent parent. All required casework activity was completed timely and accurately. Referrals for community services were made. There was supervisory consultation documented throughout the investigation.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/20/2018	Other Child - Child of aunt's partner , Male, 3 Years	Other Adult - Aunt's partner , Female, 27 Years	Excessive Corporal Punishment	Unsubstantiated	No
	Other Child - Child of aunt's partner , Male, 3 Years	Other Adult - Aunt's partner , Female, 27 Years	Inadequate Guardianship	Unsubstantiated	

Report Summary:

ECDSS received an SCR report that stated the aunt's partner and another adult in the home used excessive force when they disciplined the then 3yo unrelated child.

Report Determination: Unfounded**Date of Determination:** 06/15/2018**Basis for Determination:**

ECDSS determined there was insufficient evidence to support the allegations. The aunt's partner denied physical discipline and the unrelated child had no marks or bruises. Collateral contacts were made and they denied concerns for the unrelated child's care.

OCFS Review Results:

ECDSS completed all required face-to-face contacts, spoke to necessary collaterals, contacted the source and conducted



several home visits. The concerns of the SCR report were thoroughly addressed and additional concerns enumerated during the investigation were discussed. ECDSS documented diligent efforts to locate and contact the absent parent. All required casework activity was completed timely and accurately. Referrals for community services were made. There was supervisory consultation documented throughout the investigation.

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

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

Between 2012 and 2017, the aunt and the father of the 5yo and 7yo cousins had a CPS FAR case, 2 indicated CPS investigations and 1 unfounded CPS investigation. The substantiated allegations were IG and PD/AM against the cousins' father in relation to the cousins. The aunt had unsubstantiated allegations of IG and LS.

In 2015, the aunt's partner had one unfounded CPS investigation with an allegation of IG against the 6yo unrelated child.

Known CPS History Outside of NYS

There was no known CPS History outside of NYS.

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 appreciate the opportunity given us to review the draft response in advance. We find that the facts, as written, describe the unfortunate events of the fatality and the actions taken in response. We are pleased that OCFS found that the fatality investigation was conducted appropriately and that there are no required actions related to the fatality. However, with respect to the SCR investigations conducted during the three year period preceding the fatality, we unfortunately must concur with the citations listed in the draft report. With regard to the citations for failing to provide written notice of a report to all required adults in a timely manner, failing to complete a history check in a timely manner, failing to contact a child's parent as part of the investigation (even a parent with whom the child has no contact), and failing to document the offer of appropriate services, please be advised that a comprehensive Performance Improvement Plan developed with the OCFS Buffalo Regional Office covers these compliance issues and is currently under implementation. With regard to the citation for failing to provide safe sleep education and information, please be advised that this issue was discussed at length at a CPS Team Leader meeting on 4/20/21, during which Erie County's new Safe Sleep Coordinator was introduced to CPS. Finally, with regard to the citation for failing to apply the appropriate legal standards of abuse and maltreatment when determining an allegation, please be advised that our Administrative Director had already reviewed (prior to the issuance of this fatality report) the cited report and had addressed this very matter in detail with the Team Leader who oversaw the investigation of said report.

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