



Report Identification Number: NY-19-135

Prepared by: New York City Regional Office

Issue Date: Apr 29, 2020

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: 11 year(s)

Jurisdiction: New York
Gender: Male

Date of Death: 02/02/2019
Initial Date OCFS Notified: 12/05/2019

Presenting Information

A new SCR report was received on 12/5/19 regarding the previously reported fatality that occurred on 2/2/19. It was alleged the parent substitute was angry with the mother for terminating a pregnancy for which he was the father. The parent substitute directed the mother to take the 7-year-old sibling from the home, leaving the 11-year-old subject child alone with him. The mother was aware the parent substitute had a history of being violent with the child, but left the child in his care anyway. After the mother and sibling left, the parent substitute strangled and drowned the child under the running shower. When the mother returned to the home, the child was found lifeless, nude on the floor of the bathroom, and there was blood everywhere. The father was unable to make a plan for the sibling and she was placed in Foster Care. The mother gave birth to a baby on 12/4/19 and there was concern for the mother's ability to care for her.

Executive Summary

This fatality report concerns the death of the 11-year-old subject child that occurred on 2/2/19. A previous fatality report was issued by OCFS on 6/10/19 regarding the child's death. On 12/5/19, the fatality was reported again to the SCR with the added allegations of Inadequate Guardianship against the mother for the newborn sibling and Inadequate Guardianship against the father for the now 8-year-old sibling. NYC Administration for Children's Services (ACS) conducted the investigation, as the mother moved to NYC following the death of the subject child.

During the 2/2/19 fatality investigation, Broome County Department of Social Services (BCDSS) learned the parent substitute was at the mother's home with the subject child on 2/2/19 while the mother and seven-year-old sibling were running errands. The mother returned home around 2:15 PM and found the child fully clothed and unresponsive in the shower. The parent substitute provided no explanation for the child's condition. The mother and parent substitute took the child out of the shower and called 911 at 2:25 PM. The mother performed CPR until EMS arrived and transported the child to the hospital. The child was pronounced deceased by the hospital physician at 3:23 PM. The children's father resided in New York City and he was unable to seek custody of the sibling because of unstable housing. BCDSS initially placed the sibling in foster care and on 3/19/19 she was placed in the custody of her MA in NYC under Article 1017.

The 2/2/19 fatality investigation remained open and the cause of death was pending at the time the previous fatality report was issued in June 2019. In August 2019, BCDSS received a copy of the death certificate which listed the cause of death as pending investigation and the manner of death as asphyxiation due to probable suffocation due to drowning. On 11/26/19, BCDSS substantiated the allegations of Inadequate Guardianship, DOA/Fatality and Lack of Medical Care against the mother and parent substitute, Lacerations/Bruises/Welts against the parent substitute and Lack of Supervision against the mother regarding the subject child. The allegation of Inadequate Guardianship was substantiated regarding the sibling.

ACS thoroughly addressed the new report by conducting interviews with the family and all collaterals. They learned that the mother pled guilty to hindering prosecution and endangering the welfare of a child and she served four months in jail. She consented to a finding of neglect and the sibling remained in the custody of the MA in NYC under Article 1017. The mother continued to have supervised visitation. The newborn sibling remained hospitalized due to being born premature. ACS spoke to the father of the newborn and a safe discharge plan was in the process of being made for the newborn. The Abuse Petition filed against the parent substitute was pending in Family Court and there was an order of protection issued barring him from all contact with the sibling until age 18. The parent substitute was indicted on 2nd degree murder and 1st degree manslaughter and he was awaiting trial.



ACS substantiated the allegations of Inadequate Guardianship against the mother and parent substitute and DOA/fatality and Choking/Twisting/Shaking against the parent substitute regarding the subject child. They additionally substantiated the allegation of Inadequate Guardianship against the mother regarding the newborn sibling based on the death of the subject child. The allegation of Inadequate Guardianship against the father regarding the sibling was unsubstantiated as the father had no role in the death of the child.

The case remained open for ongoing CPS services with BCDSS with ACS monitoring the sibling's placement and the newborn sibling's safety. The mother was engaged in domestic violence services, mental health counseling, parenting skills and anger management and the sibling was engaged in trauma therapy.

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:

ACS gathered sufficient information to determine the allegations.

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:

Casework activity was commensurate with case circumstances. The case remained open for services and the sibling remained in the custody of the MA under Article 1017.

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: 02/02/2019

Time of Death: 03:23 PM

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

Unknown

County where fatality incident occurred:

Broome

Was 911 or local emergency number called?

Yes

Time of Call:

02:25 PM

Did EMS respond to the scene?

Yes

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

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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	11 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	30 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	7 Year(s)
Other Household 1	Mother's Partner	Alleged Perpetrator	Male	44 Year(s)
Other Household 2	Father	Alleged Perpetrator	Male	29 Year(s)

LDSS Response

ACS received an SCR report on 12/5/19, concerning a previously reported fatality that occurred in Broome County on 2/2/19. The death was initially reported to the SCR on 2/2/19 and was investigated by BCDSS and LE. A Child Fatality Report was issued by NYS Office of Children and Family Services on 6/10/19.

ACS conducted a thorough investigation into the incident. They contacted all necessary collaterals, including the source of the report, school staff, hospital staff and the mother's and sibling's treatment providers. They reviewed SCR history, including the previous fatality investigation, and criminal history. They received a copy of the child's death certificate, but



law enforcement would not release a copy of the autopsy report due to the criminal investigation. ACS assessed the MGGM's home, where the mother was residing, and interviewed the mother and MGGM. The sibling and maternal aunt were interviewed, and the MA's home was assessed to be safe. Attempts to interview the father were unsuccessful. The newborn sibling was observed to be safe in the hospital neonatal intensive care unit as she was born premature, and the newborn's father was interviewed. There were concerns for the mother's ability to keep the newborn safe and for the newborn's father's ability to care for her as he resided out of state and he had an extensive criminal background. Following the closure of the investigation, ACS continued to explore a safe discharge plan through the open CPS Services case.

Information gathered about the child's death was consistent with the information gathered during the previous investigation. On 2/2/19 around 12:00 PM, the mother and sibling left the home, leaving the subject child alone with the parent substitute. The parent substitute asked to be left alone with the child so they could talk about the child's statement the previous day about the parent substitute hitting him. About an hour later, the mother received a call from the parent substitute stating that the child was "acting crazy." When the mother and sibling returned home at 2:15 PM, the parent substitute was standing in the doorway talking to the landlord and she told the sibling to go to her bedroom. The mother reported that she found the child unresponsive and cold on the couch, although she previously reported she found the child in the shower. The mother said she blacked out but was later told that she went to a nearby pharmacy, arriving at 2:17 PM, and asked for a nebulizer and oxygen. She left a minute later when she was told they did not sell those items. She returned home and called 911 at 2:25 PM. The parent substitute left the home prior to EMS arriving. EMS arrived and continued CPR in route to the hospital. Resuscitative efforts were not successful, and the child was pronounced deceased by the ER physician at 3:23 PM.

Following the incident, the mother and parent substitute denied causing the child's injuries. The parent substitute's criminal charges were pending, and ACS confirmed he remained incarcerated. The mother told ACS she was still unsure what happened to the child and although she had previously denied domestic violence, she disclosed the parent substitute had been verbally and physically abusive towards her. She said he was angry that she terminated a pregnancy two days prior to the incident and he was angry that the child told school staff he hit the child.

The sibling previously stated that her brother was in the shower when she got home, she went right to her bedroom and she did not know what happened to him. After the incident she received a full skeletal x-ray and there were no injuries found. She did not disclose any additional details and she would not speak to ACS about the incident.

At the time the investigation closed, ACS continued to monitor the sibling's placement with the MA and BCDSS was in the process of transferring the Family Court case to NYC since all family members resided there.

Official Manner and Cause of Death

Official Manner: Pending

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

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

SCR Fatality Report Summary



Child Fatality Report

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
053843 - Deceased Child, Male, 11 Yrs	053844 - Mother, Female, 30 Year(s)	Inadequate Guardianship	Substantiated
053843 - Deceased Child, Male, 11 Yrs	053847 - Mother's Partner, Male, 44 Year(s)	Inadequate Guardianship	Substantiated
053843 - Deceased Child, Male, 11 Yrs	053847 - Mother's Partner, Male, 44 Year(s)	DOA / Fatality	Substantiated
053843 - Deceased Child, Male, 11 Yrs	053847 - Mother's Partner, Male, 44 Year(s)	Choking / Twisting / Shaking	Substantiated
053846 - Sibling, Female, 7 Year(s)	053848 - Father, Male, 29 Year(s)	Inadequate Guardianship	Unsubstantiated

CPS Fatality Casework/Investigative Activities

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

Additional information:

The parent substitute was not interviewed by ACS as he remained incarcerated and his criminal charges were pending.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain: Risk was adequately assessed and services were court ordered following a finding of Neglect.				

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input 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 sibling was placed in Foster Care on 2/2/19, following the death of the child. The sibling was then placed in the custody of the MA under Article 1017.				

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:
Unknown	Adjudicated Neglected	Direct Custody to/or Continued with Relative (Article 10)
Respondent:	053820 Mother Female 30 Year(s)	
Comments:	On 2/7/19, BCDSS filed an Article 10 Neglect Petition against the mother in Family Court. The mother consented to a finding of Neglect and court ordered services were issued. The sibling remained in the custody of the MA under Article 1017.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
02/07/2019	There was not a fact finding	There was not a disposition
Respondent:	053821 Mother's Partner Male 44 Year(s)	
Comments:	BCDSS filed an Article 10 Abuse/Neglect Petition against the parent substitute. The petition was pending in Family Court.	

Criminal Charge: Manslaughter Degree: 2

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
02/08/2019	Mother	05/01/2019	Hindering Prosecution, EWOC
Comments:	The mother was charged with 2nd degree manslaughter. She plead guilty to hindering prosecution and endangering the welfare of a child.		

Criminal Charge: Murder Degree: 2

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
04/24/2019	Parent Substitute	Pending	Charges Pending
Comments:	The parent substitute was charged with 2nd degree murder and 1st degree manslaughter. The criminal proceedings were pending at the time this report was written.		

Have any Orders of Protection been issued? Yes

From: 02/08/2019	To: 09/06/2029
Explain: An order of protection was issued that barred the parent substitute from all contact with the sibling until she turned 18 years old.	



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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<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"/>

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:
Following the child's death, the sibling received Foster Care services, a full medical exam and skeletal x-rays, and she engaged in mental health counseling.

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

Explain:
Following the child's death, the mother received emergency mental health services and the mother and parent substitute were provided with information on grief resources and funeral 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? 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)	Allegation Outcome	Compliance Issue(s)
02/02/2019	Sibling, Female, 7 Years	Mother, Female, 29 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 7 Years	Mother's Partner, Male, 44 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 29 Years	DOA / Fatality	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 29 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 29 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	DOA / Fatality	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 29 Years	Lack of Supervision	Substantiated	

Report Summary:

Three SCR reports were received that alleged on 2/2/19, the 11-year-old child passed away due to unknown circumstances and his death was considered suspicious. The mother and parent substitute were caring for the child at the time of his death and were named as subjects.

Report Determination: Indicated

Date of Determination: 11/26/2019

Basis for Determination:

On 2/1/19, the child reported that the parent substitute hit him and left a bruise on his face. On 2/2/19, the mother left the child in the care of the parent substitute despite knowledge the parent substitute was violent. While the mother was gone the parent substitute strangled and drowned the child in the shower. The parent substitute was charged with second degree murder and first degree manslaughter and the mother was charged with hindering prosecution and endangering the welfare of a child for leaving the child in a dangerous situation. The sibling was removed and placed in Foster Care.

OCFS Review Results:

BCDSS conducted a home visit upon receipt of the report on 2/1/19 and interviewed the children privately with law enforcement present. The children were consistent in their accounts that the child sustained the marks on his face while playing in the snow, although the child appeared coached. Based on the information gathered, the children were



appropriately assessed as safe at that time. The child died on 2/2/19 and BCDSS conducted a through investigation into his death and appropriately substantiated the allegations.

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)
02/01/2019	Sibling, Female, 7 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Female, 7 Years	Mother's Partner, Male, 44 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 30 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Male, 11 Years	Mother's Partner, Male, 44 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Male, 11 Years	Mother, Female, 30 Years	Lack of Supervision	Substantiated	

Report Summary:

An SCR report alleged on 1/31/19, the parent substitute punched the subject child in the face and he sustained a bruise next to his left eye. It also alleged ongoing domestic violence in the home that the children had witnessed. A subsequent report was received on 2/2/19 and merged, with allegations the mother was aware for several days that the child was suicidal and she left him unsupervised for 45 minutes while she went shopping. The mother allegedly found the child unresponsive from an unknown suicide attempt when she returned home and the child was hospitalized in critical condition.

Report Determination: Indicated

Date of Determination: 11/26/2019

Basis for Determination:

On 2/1/19, the child reported that the parent substitute hit him and left a bruise on his face. On 2/2/19, the mother left the child in the care of the parent substitute despite knowledge the parent substitute was violent. While the mother was gone the parent substitute strangled and drowned the child in the shower. The parent substitute was charged with degree murder and first degree manslaughter and the mother was charged with hindering prosecution and endangering the welfare of a child for leaving the child in a dangerous situation. The sibling was removed and placed in Foster Care.

OCFS Review Results:

BCDSS conducted a home visit upon receipt of the report on 2/1/19 and interviewed the children privately with law enforcement present. The children were consistent in their accounts that the child sustained the marks on his face while playing in the snow, although the child appeared coached. Based on the information gathered, the children were appropriately assessed as safe at that time. The child died on 2/2/19 and BCDSS conducted a through investigation into his death and appropriately substantiated the allegations.

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)
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Child Fatality Report

02/07/2018	Deceased Child, Male, 10 Years	Mother, Female, 29 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Male, 10 Years	Mother, Female, 29 Years	Lack of Medical Care	Unsubstantiated	
	Deceased Child, Male, 10 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 10 Years	Father, Male, 28 Years	Lack of Medical Care	Unsubstantiated	

Report Summary:
 An SCR report alleged on 1/15/18, the child was wrestling with the father and broke his wrist. The parents did not seek medical attention until three days later on 1/18/18, and the injury was not healing correctly.

Report Determination: Unfounded **Date of Determination:** 04/23/2018

Basis for Determination:
 It was determined the child accidentally broke his wrist while wrestling with the parent substitute, not the father as alleged, on 1/15/18. The child did not disclose being in pain at the time. The mother and parent substitute sought the appropriate medical care on 1/18/18, when his wrist was still swollen. Although there was a delay in seeking medical care, the mother followed the doctor's recommendations and his wrist healed properly. The injury did not appear to be intentional and the children did not express any fear of the adults or disclose any physical discipline.

OCFS Review Results:
 The children, mother, and parent substitute were interviewed and the home was assessed as safe. BCDSS spoke to school staff, the doctor, a relative, and the parent substitute's prior partner as collaterals. Out of 22 progress notes, 10 notes were entered more than 30 days past the event date. Notice of Existence Letters were required to be provided to the adults by 2/14/18 and were not mailed until 4/2/18. The RAP was not completed accurately as there was no secondary caretaker listed and the history of violence between the mother and father was not documented. Attempts were not made to interview the father, who was a subject of the report.

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

Issue:
 Timely/Adequate Case Recording/Progress Notes
Summary:
 Out of 22 progress notes, 10 were entered more than 30 days past the event date.
Legal Reference:
 18 NYCRR 428.5
Action:
 There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Issue:
 Failure to provide notice of report
Summary:
 Notice of Existence Letters were required to be provided to the adults by 2/14/18 and were not mailed until 4/2/18.
Legal Reference:
 18 NYCRR 432.2(b)(3)(ii)(f)
Action:
 There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Issue:
 Adequacy of Risk Assessment Profile (RAP)

**Summary:**

There was no secondary caretaker listed on the RAP, although the father and parent substitute both had consistent caretaking roles for the children. The history of physical violence between the mother and father was not documented in the RAP.

Legal Reference:

18 NYCRR 432.2(d)

Action:

There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Issue:

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

Summary:

Attempts were not made to interview the father, who was a subject of the report.

Legal Reference:

432.1 (o)

Action:

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/09/2017	Deceased Child, Male, 10 Years	Mother, Female, 28 Years	Educational Neglect	Unsubstantiated	Yes
	Sibling, Female, 6 Years	Mother, Female, 28 Years	Educational Neglect	Unsubstantiated	
	Deceased Child, Male, 10 Years	Father, Male, 28 Years	Educational Neglect	Unsubstantiated	
	Sibling, Female, 6 Years	Father, Male, 28 Years	Educational Neglect	Unsubstantiated	
	Deceased Child, Male, 10 Years	Grandparent, Female, 45 Years	Educational Neglect	Unsubstantiated	
	Sibling, Female, 6 Years	Grandparent, Female, 45 Years	Educational Neglect	Unsubstantiated	

Report Summary:

An SCR report alleged the subject child and sibling missed 11 days of school and were late 17 days that year and both were failing as a result. The parents and paternal grandmother were aware and failed to adequately address the situation.

Report Determination: Unfounded

Date of Determination: 02/27/2018

Basis for Determination:

It was determined the children were missing school because the mother and grandmother worked, had no transportation and could not get them there on time. The father had been away from the home for work. He returned home and assisted in getting the children to school on time and their grades and attendance improved.

OCFS Review Results:

BCDSS completed the safety assessments accurately and on time and provided Notice of Existence letters to the required



persons within the required time frame. They spoke to all household members, relatives and school staff. There were no concerns expressed for the children after their attendance improved and the case was appropriately unfounded and closed. The father was not listed as a secondary caretaker in the RAP though he was a consistent caretaker for the children. The RAP did not reflect there was a history of physical violence perpetrated toward the mother by the father.

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

Issue:
Adequacy of Risk Assessment Profile (RAP)

Summary:
The father was not listed as a secondary caretaker in the RAP though he was a consistent caretaker for the children. The RAP did not reflect there was a history of physical violence perpetrated toward the mother by the father.

Legal Reference:
18 NYCRR 432.2(d)

Action:
There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/10/2016	Other Child - Parent Substitute's Child, Male, 4 Years	Mother's Partner, Male, 41 Years	Inadequate Guardianship	Substantiated	Yes

Report Summary:
An SCR report alleged on 2/10/16, the parent substitute pushed his partner at the time, causing her to fall into the stairs while she was holding their son. The child fell and hit his chin on the wall.

Report Determination: Indicated **Date of Determination:** 08/30/2016

Basis for Determination:
Police were called after an argument between the parent substitute and his partner turned physical and he pushed her, causing her to fall while she was holding their son. His partner and the child were not injured, but the child was placed at risk of harm during the altercation. The parent substitute was charged with harassment and endangering the welfare of a child. The county documented the child was safe in the care of his mother because the adults did not reside together.

OCFS Review Results:
BCDSS made several attempts to assess the home for safety and spoke to the parent substitute's partner on the phone on two occasions. Attempts were made to locate the parent substitute who was homeless. BCDSS observed the child at a relative's home and interviewed the child at daycare, although did not speak to the relative and daycare provider as collateral resources. There was no follow up with law enforcement regarding the parent substitute's criminal charges or to inquire if there was an order of protection issued. Ongoing safety of the child was not assessed as there was no case activity between 2/19/16 and 7/20/16.

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

Issue:
Contact/Information From Reporting/Collateral Source

Summary:
BCDSS missed opportunities to speak to collateral resources such as the daycare provider, law enforcement and relatives, to gather relevant information pertaining to safety, risk and determination of the allegations.

Legal Reference:
18 NYCRR 432.2(b)(3)(ii)(b)

Action:



There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

Issue:

Pre-Determination/Assessment of Current Safety/Risk

Summary:

BCDSS did not assess the ongoing safety of the child as there was no case activity between 2/19/16 and 7/20/16.

Legal Reference:

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

Action:

There is currently an existing PIP in place for this issue, as a result of a prior finding by OCFS. BCDSS will continue to work on this issue and revise their current PIP if deemed necessary.

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

11/12/15 SCR report unsubstantiated for IG, IF/C/S and PD/AM against the mother and father regarding both children.

12/21/12 SCR report unsubstantiated for IG and PD/AM against the mother, father and paternal grandmother regarding both children.

9/14/10 SCR report substantiated for IG against the mother and father and LS and PD/AM against the father regarding the child.

6/20/10 SCR report substantiated for IG, IF/C/S and PD/AM against the mother and father regarding the child.

1/15/10 SCR report substantiated for IG and PD/AM against the mother and father regarding the child and unsubstantiated for IG and PD/AM against the paternal grandmother regarding the child.

2/25/09 SCR report unsubstantiated for IG and Other against the parent substitute regarding his daughter.

8/18/08 SCR report unsubstantiated for IG and IF/C/S against the mother and father and PD/AM against the father regarding the child.

6/23/08 SCR report substantiated for IG against the mother and father and PD/AM against the father regarding the child.

Known CPS History Outside of NYS

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

Preventive Services History

ACS opened a PPRS case with Harlem Children's Zone Project on 7/19/10, due to the mother and father admitting to using marijuana daily and not understanding how their drug use affected their ability to parent the children. There was also a history of the father being physically violent toward the mother. The services recommended for the parents were individual counseling, substance abuse treatment, Early Intervention and domestic violence services. The parents completed a substance abuse evaluation and treatment was recommended. The parents did not engage in the recommended substance abuse services, but participated in a marijuana support group. Updated drug screens were not completed, although the



parents denied they were using drugs and they appeared sober. The parents were otherwise cooperative throughout the case; they enrolled the child in a pre-kindergarten school program, the sibling was deemed to be developmentally on target and they were meeting the children's needs. The parents improved their communication and there had been no additional incidents of violence. A Service Termination Conference was held on 7/31/12 and the case was to be closed due to the significant progress the family made on their goals. The last progress note was entered on 8/14/12, although the case was not closed until 1/23/14.

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

Concerning this child's 2/2019 fatality, Broome County DSS (BCDSS) agrees with OCFS' determination: "BCDSS contacted all necessary collaterals and conducted a thorough investigation."

In response to this report's three-year prior regulatory compliance review, unrelated to the fatality, OCFS cites issues concerning completion of OCFS' mandated Risk Assessment Profile (RAP) form and collateral contact interviews. BCDSS has already addressed these issues. Prior to this report's publication, BCDSS underwent an OCFS Ongoing Monitoring Assessment (OMA). The OMA was a collaboration between BCDSS and OCFS' Syracuse Regional Office. Through the OMA random CPS case records were reviewed towards improving local practice. Through the OMA, accurate completion of OCFS' mandated RAP form was addressed. BCDSS supervisors now regularly meet with staff to review RAP form completion. Further, when cases close, supervisors again review the RAP form, double checking with staff to assure error free completion. Concerning collateral contact interviews, as an outcome of BCDSS' OMA, BCDSS addressed this issue through a staff division meeting. Further, supervisors train new staff on the importance of obtaining meaningful collateral interviews related to case allegations.

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