



## Report Identification Number: NY-20-101

Prepared by: New York City Regional Office

Issue Date: Apr 30, 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

<b>Relationships</b>		
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	
<b>Contacts</b>		
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		
<b>Allegations</b>		
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	
<b>Miscellaneous</b>		
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:** 7 month(s)

**Jurisdiction:** Queens  
**Gender:** Male

**Date of Death:** 10/30/2020  
**Initial Date OCFS Notified:** 10/31/2020

## Presenting Information

The report alleged that the subject child passed away last night, 10/30/20, at 10:35 PM. The subject child was malnourished, very dehydrated, and underweight. The mother, maternal grandmother and maternal aunt had no explanation for the subject child's condition. The mother, maternal grandmother, and maternal aunt also had no explanation as to how the subject child died. It was unknown if the subject child being malnourished, dehydrated, or underweight contributed to his death. The report alleged the mother laid the subject child down on the couch with a blanket, at about 8:45 PM, and when she checked the subject child an hour later he was not breathing and cold to the touch. The mother, maternal grandmother, maternal aunt, and maternal uncle had failed to change the subject child's diaper on a regular basis and as a result, the subject child was left in a diaper with feces and urine in it. As a result, the subject child sustained an extreme rash to the point where his skin was very dry and raw.

The subsequent report alleged that the subject child and surviving sibling lived with the mother, maternal grandmother, maternal great aunt, and maternal uncle. On 10/30/20, the subject child was found unresponsive. The subject child was found dehydrated and malnourished due to the mother not feeding the subject child adequately.

## Executive Summary

The seven-month-old male subject child (SC) died on 10/30/20. As of the issuance of this report, NYCRO had not received a copy of the ME's report.

A subsequent report was registered the same day with allegations of DOA/Fatality and Inadequate Guardianship of the subject child by the mother, maternal grandmother, maternal great aunt, and maternal uncle. The subject child had three female surviving siblings ages two years old, four years old, and seven years old. The four-year-old and seven-year-old children resided with their respective fathers. The seven-year-old sibling resided outside NYS, while the four-year-old resided in NYS. The two year old sibling resided in the home with the mother.

ACS learned, at about 7:00PM on 10/30/20, the mother placed the subject child to sleep on a loveseat in the family's living room. There were pillows placed around the child so that he would not fall. At approximately 10:00PM the mother yelled out the child was not responding. The child was found lying on his stomach, facing right. The child's body was warm, but his arms were cold. The mother called 911 while the maternal grandaunt called the maternal aunt who was a nurse and lived in the area. In a few minutes, the aunt arrived at the home and initiated CPR. Upon the arrival of EMS, the technicians attempted CPR and transported the child to the hospital. The child was pronounced dead at 10:35PM.

ACS later learned the subject child was significantly under the average weight for a child his age, weighing between 8.5 and 9 pounds. The child also had a severe diaper rash, and his body was dirty. ACS learned the subject child had been discharged 2 to 3 days after birth, but the mother had not returned with him for any follow-up visits. The mother had also stopped all milk at two months of age, and had put the child on a vegan diet.

On 11/2/20, ACS filed an Article Ten Abuse petition in Family Court on behalf of all the surviving children and naming the mother as the respondent. The Court issued a remand order and a warrant for the mother to produce the surviving sibling to ACS, and an Order of Protection for the siblings. The four-year-old was released to her father with ACS's supervision. During the investigation, the mother fled with the two-year-old surviving sibling. On 11/4/20, after a search, the mother and two-year-old child were found in a motel out of state.



ACS documentation reflected a service plan for the mother that included: completing random drug screening, drug assessment and compliance with all recommendations and clinical health evaluation, complete parenting skills training, and sign a Health Insurance Portability and Accountability Act (HIPAA) document.

On 12/9/20, the mother rejected ACS’s referrals for services and indicated she would not accept any services from the foster care agency. The mother and social worker said the mother was referred for Trauma Focused therapy and parenting classes.

On 3/12/21, law enforcement said no arrest was made and could not state if criminal charges would be filed. The law enforcement investigation remained open.

On 3/22/21, ACS substantiated the allegations of DOA/Fatality and Inadequate Guardianship of the subject child by the mother and maternal grandmother, and the allegations of Inadequate Food, Clothing, Shelter and Malnutrition, Failure to Thrive of the subject child by the mother. The decision to substantiate the allegation was based on medical information obtained from physicians at the hospital where the child was taken at the time of the time of the incident. The information reflected the child was dehydrated and underweight, and there was no food in his stomach upon examination. This information was supported by the Medical Examiner's preliminary statement. The subject child weighed approximately nine pounds when he died.

ACS added and substantiated the allegation of Inadequate Guardianship of the two-year-old surviving sibling by the mother. ACS documented the mother was not ensuring the child's basic needs were being met. The child was not receiving routine medical care.

ACS unsubstantiated the allegations of DOA/Fatality and Inadequate Guardianship of the subject child by the maternal great aunt, and Inadequate Food, Clothing, Shelter and Malnutrition, Failure to Thrive relating to the subject child by the maternal grandmother, maternal uncle, and maternal great aunt.

## 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?** No

### 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:**

The determination made by the district to indicate the report was appropriate.

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:**

On 11/4/20, ACS opened a Family Service Stage to document the provision of services.

### Required Actions Related to the Fatality

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

<b>Issue:</b>	Timely/Adequate 24 Hour Assessment
<b>Summary:</b>	The 24-Hour safety assessment of 11/1/20 was inadequate. The associated comment did not reflect the drug use by the mother and father of the four-year-old surviving sibling had a negative impact on their ability to supervise, protect, and/or care for the children.
<b>Legal Reference:</b>	SSL 424(6);18 NYCRR 432.2(b)(3)(i)
<b>Action:</b>	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
<b>Issue:</b>	Timely/Adequate Seven Day Assessment
<b>Summary:</b>	The 11/6/20 safety assessment was inadequate. The associated comment that the surviving sibling was vulnerable based on her age and inability to self protect did not support the selected safety factor.
<b>Legal Reference:</b>	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
<b>Action:</b>	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
<b>Issue:</b>	Pre-Determination/Assessment of Current Safety/Risk
<b>Summary:</b>	The 3/22/21 safety assessment was inadequate. The associated comment regarding the two-year-old surviving sibling was vulnerable based on her age and inability to self protect did not support the selected safety factor.
<b>Legal Reference:</b>	18 NYCRR 432.2 (b)(3)(iii)(b)
<b>Action:</b>	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.



## Fatality-Related Information and Investigative Activities

### Incident Information

**Date of Death:** 10/30/2020

**Time of Death:** 10:30 PM (Approximate)

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

Unknown

**County where fatality incident occurred:**

Queens

**Was 911 or local emergency number called?**

Yes

**Time of Call:**

09:46 PM

**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	Male	31 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Male	7 Month(s)
Deceased Child's Household	Grandparent	Alleged Perpetrator	Female	64 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	28 Year(s)
Deceased Child's Household	Other Adult - maternal great aunt	Alleged Perpetrator	Female	62 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	2 Year(s)
Other Household 1	Other Adult - Father of 4-yo SS	No Role	Male	29 Year(s)
Other Household 1	Sibling	No Role	Female	4 Year(s)
Other Household 2	Other Adult - Father of 7-yo SS	No Role	Male	26 Year(s)
Other Household 2	Sibling	No Role	Female	7 Year(s)

## LDSS Response

On 10/31/20, ACS spoke with the attending physician at the hospital who reported the child was pronounced dead at about 10:30 PM. The physician said the child presented with a flat anterior fontanelle which was indicative of dehydration. The child seemed small and weighed 9.5 pounds. The physician explained that the weight of a healthy 7-month-old child was between 16 to 17 pounds; confirming the child was underweight. He had a severe diaper rash with peeling skin; indicative of extremely poor hygiene. The child also had excoriation (a significant rash) on his entire diaper area (front and back) and testes. The physician stated this kind of rash occurred over time which meant the child was not changed regularly. Additionally, the child seemed to be dehydrated as there was no blood flow when attempts were made to draw his blood. The physician said he did not observe other marks or bruises. The physician said the mother's affect at the hospital was "odd" as once she was informed of the child's death, she went to the room, took a picture of the child and said she "did not want to be here" before she left. According to the physician, the mother said the child was in the pack n play unit asleep on his stomach. She left him for an hour and when she returned, he was cold.

The documentation reflected that the seven-year-old surviving sibling was in the care of her father who resided out of state. The Sheriff's Department personnel visited and observed that the surviving sibling was healthy and did not have any marks or bruises.

On 10/31/20, ACS conducted a visit to the home and interviewed the mother. The mother refused to speak with ACS staff, but brought the surviving two-year-old sibling to the door. The sibling was observed asleep in the mother's arms. The child appeared well. Given the seriousness of the allegations, and the mother's history of absconding when there was an active CPS investigation, ACS should have contacted law enforcement and executed a child protective removal of the two-year-old surviving sibling.

On the same date, ACS contacted law enforcement personnel and learned on 10/30/20, the mother placed the child on the sofa to sleep and went into the bathroom to get the two-year-old child ready for bed. When she checked the child, she saw that he was not breathing. The mother called 911 at 9:46 PM. Law enforcement said the mother also called the maternal grandmother. The maternal grandmother entered the room and contacted the maternal aunt who was a registered nurse and who resided in the area. The maternal aunt responded and began CPR while EMS was en-route to the home. The mother said the child was on a vegan diet, which included smoothies made with walnuts, apples, and avocados. Law enforcement personnel said according to the mother prior to his death, the subject child was taken to the doctor three times for treatment of thrush. Law enforcement said there were no concerns regarding the two-year-old sibling.

On 10/31/20, ACS visited the home of the biological father of the four-year-old sibling. A paternal aunt reported she had seen the mother the week before and it appeared the mother was under the influence, but could not state if the mother had used drugs or alcohol. The aunt explained that the child had been living with her father since birth; however, the custody arrangement was not through the court. ACS observed the four-year-old child was well.

On 10/31/20, the maternal aunt informed ACS that the two-year-old sibling was safe in the mother's care and did not believe the sibling was in any danger. The aunt said it was her understanding that the subject child was on a vegan diet and had encouraged the mother to provide the child with other options such as oatmeal and cornmeal. She acknowledged the child was smaller than he should have been, but did not think it was significant enough as a mandated reporter to contact the SCR with allegations of maltreatment.

On 10/31/20, ACS visited the home and interviewed the maternal grandmother. The maternal grandmother reported she did not know the mother's whereabouts or how to contact her. She said the mother believed law enforcement thought she killed the subject child and that ACS planned on removing the two-year-old sibling. The maternal grandmother confirmed the children were on a vegan diet, but the two-year-old was permitted to eat fish and seafood. The maternal grandmother said she voiced her concern that the subject child was too small for his age, but the mother ultimately refused to listen to her. She said the mother feared the removal of the subject child. The maternal grandmother said the children were not

vaccinated as the mother believed the immunizations were poison.

The maternal grandmother said on 10/30/20 late evening, she heard the mother screaming there was something wrong with the subject child. She said she picked up the child and observed his eyes open and close, and shortly thereafter the subject child became unresponsive. The maternal aunt and 911 were contacted. The maternal grandmother said when the mother heard EMS had arrived, she grabbed the child and gave him to the EMS technicians.

The maternal grandmother added that the mother later came to the home, packed a suitcase and left with the two-year-old sibling. The maternal grandmother confirmed the mother's drug use, but stated the mother did not smoke in the home or in the presence of the children.

Using the information obtained from previous reports and from relatives, on 10/31/20, ACS contacted out of state DSS to obtain information regarding the mother. ACS later learned there was no CPS history involving the mother in that state. ACS also contacted the National Center for Missing Children in an attempt to locate the two-year-old sibling.

On 10/31/20, ACS interviewed the maternal great aunt. Her account of the events leading up to the death of the child was consistent with other relatives.

On 10/31/20, ACS discussed the case with Family Court Legal Service (FCLS). FCLS said the case could not be filed on 10/31/20 as weekend filings were for emergency orders. Additionally, ACS could not file for an order to produce as the whereabouts of the mother and surviving sibling were unknown.

On 11/1/20, ACS returned to the case address. The mother and surviving two-year-old child were not there. The maternal grandmother also said she had not spoken with the mother since the mother left.

On 11/1/20, the father of the four-year-old reported he had last seen the mother on 10/20/20, and on 10/31/20 at 2:00AM he received a call from the mother informing him of the subject child's death "in his sleep". Since that time the mother did not contact him again.

On 11/2/20, ACS filed an Article 10 Petition in Family Court for all the surviving siblings. A remand for the two-year-old surviving sibling was granted. The seven-year-old sibling would remain with her father out of state, and the four-year-old sibling was released to her father with ACS supervision. The Court issued a warrant for the mother to produce the two-year-old sibling and also issued an Order of Protection against the mother for all the surviving siblings.

On 11/3/20, the Medical Examiner discussed the preliminary findings of the autopsy. The Medical Examiner reported there were no obvious injuries, but the subject child had a diaper rash, and was severely underweight. The Medical Examiner described the subject child as being the size of a 1 to 2-month-old newborn. The Medical Examiner also added this was not a case of failure to thrive; it was a failure to feed. The Medical Examiner stated the mother was medically negligent, nutritionally negligent, and displayed poor hygiene relative to the child. From the malnourishment and neglect, the child also had one of the tubes in his kidneys larger than the other. The Medical Examiner said it seemed the death was due to neglect and it appeared to be a homicide; however, more testing was pending.

On 11/4/20, after days of searching, the mother and the two-year-old child were found out of state. According to law enforcement, at the time the surviving sibling was found, the mother had disguised the child as a boy; she shaved the child's hair very low and had dressed the child in boys clothing. The child was taken to the hospital where she was medically assessed and cleared for discharge.

According to the case documentation, on 11/4/20 when the mother was found, she was argumentative and emotional. She said the subject child died of natural causes and had died in his sleep. She showed the detectives and ACS staff the bottles of food she had for the surviving sibling. The mother then demanded a "transfer" of her case to her current location as she



was not planning to return to New York.

On 11/4/20, ACS staff took physical custody of the surviving sibling and returned with the child to the Children's Center to await placement.

On 11/5/20, ACS convened a Child Safety Conference. A review of the case was completed. The mother and her supports/resources attended and participated. Services were discussed with the mother who refused all assistance from ACS. The mother indicated she would bury the child after the autopsy report was received.

Between 11/6/20 and 12/8/20, ACS continued to make contact with the family and continued attempts to locate the maternal uncle who resided in the home. No new information was obtained.

On 12/9/20, ACS again attempted to refer the mother for Trauma Based Therapy and parenting skills training; the mother refused.

Between 12/10/20 and 3/5/21 ACS continued contacts with the surviving children. ACS assessed the children as doing well in their respective homes.

On 3/12/21, ACS made contact with law enforcement regarding the possible criminal case. ACS was informed no arrests had been made and the police investigation remained open.

On 3/22/21, ACS substantiated the allegations of DOA/Fatality, and Inadequate Guardianship of the seven-month-old child by the mother and MGM. ACS also substantiated the allegation of Inadequate Guardianship of the two-year-old surviving sibling by the mother. ACS further substantiated the allegation of Malnutrition, Failure to Thrive against the mother for the subject child.

ACS unsubstantiated the allegation of DOA/Fatality and Inadequate Guardianship of the child by the maternal great aunt and the maternal uncle. The uncle was not in the home, and based on the investigation the maternal great aunt had advised the mother to seek medical attention for the child.

The case remains open - CPS required.

### 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

**Comments:** ACS case notes reflected the MDT team was notified of the fatality and ACS confirmed there was an MDT response.

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

**Comments:** There is no OCFS approved Child Fatality Review Team in the NYC region.

### SCR Fatality Report Summary



Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
056604 - Deceased Child, Male, 7 Mons	056607 - Grandparent, Female, 64 Year(s)	DOA / Fatality	Substantiated
056604 - Deceased Child, Male, 7 Mons	056609 - Aunt/Uncle, Male, 31 Year(s)	Malnutrition / Failure to Thrive	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056609 - Aunt/Uncle, Male, 31 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056608 - Other Adult - maternal great aunt, Female, 62 Year(s)	Malnutrition / Failure to Thrive	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056608 - Other Adult - maternal great aunt, Female, 62 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056606 - Mother, Female, 28 Year(s)	Malnutrition / Failure to Thrive	Substantiated
056604 - Deceased Child, Male, 7 Mons	056606 - Mother, Female, 28 Year(s)	Inadequate Food / Clothing / Shelter	Substantiated
056604 - Deceased Child, Male, 7 Mons	056609 - Aunt/Uncle, Male, 31 Year(s)	DOA / Fatality	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056607 - Grandparent, Female, 64 Year(s)	Malnutrition / Failure to Thrive	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056608 - Other Adult - maternal great aunt, Female, 62 Year(s)	Inadequate Guardianship	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056608 - Other Adult - maternal great aunt, Female, 62 Year(s)	DOA / Fatality	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056606 - Mother, Female, 28 Year(s)	Inadequate Guardianship	Substantiated
056604 - Deceased Child, Male, 7 Mons	056606 - Mother, Female, 28 Year(s)	DOA / Fatality	Substantiated
056604 - Deceased Child, Male, 7 Mons	056607 - Grandparent, Female, 64 Year(s)	Inadequate Guardianship	Substantiated
056604 - Deceased Child, Male, 7 Mons	056607 - Grandparent, Female, 64 Year(s)	Inadequate Food / Clothing / Shelter	Unsubstantiated
056604 - Deceased Child, Male, 7 Mons	056609 - Aunt/Uncle, Male, 31 Year(s)	Inadequate Guardianship	Unsubstantiated
056610 - Sibling, Female, 2 Year(s)	056606 - Mother, Female, 28 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pediatrician	<input type="checkbox"/>	<input checked="" 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 maternal uncle was not interviewed. ACS attempted to contact him, but he was not home when visits to the home were conducted. The phone numbers led back to the maternal grandmother. The mother told ACS she took the child to the doctor 4-5 months prior to the investigation, while she was residing out of state. The mother did not sign a HIPAA release for medical information.

### 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Explain:**  
Given the allegations, information obtained from the attending physician, and the mother's history, ACS should have contacted law enforcement and executed a child protective removal of the two-year-old surviving sibling when contact was established with the mother on 10/31/20.

### Fatality Risk Assessment / Risk Assessment Profile



# Child Fatality Report

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:**  
 During the course of the investigation, sufficient information was gathered to assess risk to all surviving children in the household. The two-year-old sibling was placed in foster care.

### 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:**  
 On 11/2/20, an Article Ten petition was filed in Family Court. A remand for the two-year-old surviving sibling was issued as well as a warrant for the mother to produce the surviving sibling. An Order of Protection was issued for the four-year-old and seven-year-old surviving siblings. The four-year-old and seven-year-old siblings resided with their respective birth fathers.

### 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:
11/02/2020	There was not a fact finding	There was not a disposition
<b>Respondent:</b>	056606 Mother Female 28 Year(s)	
<b>Comments:</b>	On 11/2/20, ACS filed an Article Ten Abuse petition in Family Court. A remand was issued as well as a warrant for the mother to produce the two-year-old surviving sibling. The four-year-old surviving sibling, who resided with her father, was released to his care with ACS supervision. The seven-year-old surviving	



sibling who resided outside NYS with her father, was released to him without ACS supervision. The two-year-old surviving sibling was remanded to the Commissioner of ACS.

**Have any Orders of Protection been issued? Yes**

**From:** 11/02/2020

**To:** Unknown

**Explain:**

The documentation reflected that the QCFC issued an OP for all the three SS's.

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

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**

The documentation reflected the mother said she would not accept any services from ACS, and declined burial assistance. The father of the four-year-old surviving sibling was provided a childcare voucher by ACS.

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

**Explain:**

The two-year-old surviving sibling was placed into foster care.

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

**Explain:**

The notes reflected on 12/9/20, the mother informed ACS she did not want anything from ACS. The mother also said she would not accept any services from the foster care agency. The mother declined burial assistance and indicated she had the financial resources. The father of the four-year-old surviving sibling was provided a childcare voucher by ACS.

## 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

### 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)
03/04/2020	Deceased Child, Male, 1 Days	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	Yes

**Report Summary:**

The report alleged the mother gave birth to a male infant. At the time of delivery, the subject child tested positive for Tetrahydrocannabinol (THC). The mother's toxicology results were still still pending. The maternal grandmother and the unknown child listed on the report had unknown roles.

**Report Determination:** Unfounded

**Date of Determination:** 03/23/2020

**Basis for Determination:**

Both the mother and subject child tested positive for THC (marijuana) at birth. SM admitted to smoking marijuana since



she was a teenager and did not stop smoking during her pregnancy. The mother failed to obtain regular prenatal care during her pregnancy. The mother fled NYC with the children once ACS became involved. The mother also had not followed up with medical appointments for the subject child.

**OCFS Review Results:**

ACS initiated the investigation of the report within the mandated time frames and made the appropriate collateral contacts including the hospital, and relatives.

The hospital social worker said subject child tested positive for THC. The mother's drug screening results were negative and THC screening was pending. The subject child did not have withdrawal symptoms and was reported to be healthy. Later, the mother's screening was positive. On 3/4/20, the mother said she had been smoking marijuana since she was a teenager and smoked almost daily. The mother said she last used marijuana a week prior to 3/4/20. The mother did not receive prenatal care. The mother said she took care of her body, ate healthy, drank smoothies, ate vegetables, and "vegan stuff". The mother also told ACS she would engage in services.

The maternal grandmother said the mother did not use marijuana around the children. However, ACS did not interview the maternal uncle. Later, the mother left NYC with the children.

A Family Service Stage (FSS) was opened 3/6/20 and closed 3/20/20.

ACS provided the appropriate notices to the subjects . The safety assessments were completed timely.

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

**Issue:**

Pre-Determination/Supervisor Review

**Summary:**

The CPS Investigation Summary reflected that the Allegation Information for PD/AM was unsubstantiated; however, the Investigation Conclusion Narrative reflected the allegation was substantiated against the mother.

**Legal Reference:**

18 NYCRR 432.2(b)(3)(v)

**Action:**

ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

The documentation did not reflect that ACS utilized diligent efforts to interview the MU.

**Legal Reference:**

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

**Action:**

ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

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

The aunt and uncle were not known to the SCR or ACS as subjects. The maternal grandmother was known to the SCR and



ACS as a subject in a report dated 5/12/08. The allegation of the 5/12/08 report was Educational Neglect of the mother (who was a child at the time of the report) by the maternal grand parents. The allegation was substantiated against the maternal grandmother and unsubstantiated against the maternal grandfather.

The SM was known to the SCR and ACS in three reports dated: 1/20/14, 1/25/14, and 3/4/14. The allegations of the 1/20/14 report was Choking, Twisting, Shaking, Parent's Drug/Alcohol Misuse, and Inadequate Guardianship of the now seven-year-old surviving sibling by the mother. On 3/19/14, ACS unsubstantiated the allegations. The report was closed as the family was unable to be contacted or had moved out of jurisdiction. The reports of 1/25/14 and 3/4/14 were closed as duplicate intakes and consolidated.

### 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

### 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