

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

CHILD FATALITY REPORT

Report Identification Number: AL-13-009 Prepared by: Albany Regional Office

Issue Date: 12/18/2013

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 individuals.

Individual Child Fatality Report

Case ID: AL-13-009

Jurisdiction: RENSSELAER

Date of Death: 04/18/2013

Report Type: Child Deceased

Age: 3 years

Official Manner and Primary Cause of Death

Official manner of death: Accident

Primary cause of death: From an injury - external cause

Injury or external cause description: Fall or crush

Person declaring official manner and cause of death: Medical Examiner

Presenting Information

Fatality Narrative:

On April 18, 2013 the subject child, age 3 was alone in the living room watching television by herself. The subject child was found under the television with a crushed skull at about 7:30pm. The television which weighs 100 pounds, had been sitting on a board laid across the top of a broken cabinet which was on wheels. The mother was aware that the cabinet was wobbly, unstable, and unsecured. The cabinet was found tipped over on the subject child. The home itself was a safety hazard to the subject child and siblings age 15, 12, and 10 with old food on the floor and piles of clothing strewn throughout the home. The police were contacted and the child was brought to the hospital and pronounced dead at 8:45pm. An autopsy will be completed on April 19. The smell of marijuana was noticed in the home. The mother denied using marijuana and did not present as impaired. Mother was in the kitchen at the time of the incident.

Incident Information

Date of fatal incident event if different than date of death: Same as Date of Death Unknown

Time of fatal incident event if different than time of death: 7:30 PM Unknown

County where fatal incident occurred: RENSSELAER

Was 911 or local emergency number called?: Yes

Time call to 911 or local emergency number was placed: 7:35 PM

EMS to Scene?: Yes

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

Child's activity at time of incident:

- | | | |
|---|----------------------------------|---|
| <input type="checkbox"/> Sleeping | <input type="checkbox"/> Working | <input type="checkbox"/> Driving / Vehicle occupant |
| <input checked="" type="checkbox"/> Playing | <input type="checkbox"/> Eating | <input type="checkbox"/> Unknown |
| <input type="checkbox"/> Other: | | |

Total number of deaths at incident event:

Children ages 0-18: 1

Unknown

Adults: 0

Unknown

Child Information

Age: 3 years Gender: Female

Was there an open CPS case with this child at the time of death? No

Child had a history of child abuse / maltreatment? Yes

Were there any siblings ever placed outside the home prior to this child's death? No

Was child ever placed outside of the home prior to the death? No

Was child acutely ill during the two weeks before death? No

Primary Caregiver #1 Information

Relationship to the deceased child: Biological Parent

Gender: Female

Speak English: Yes

Received DSS Benefits in the past 12 months: Yes

Has a history of substance abuse? Yes

- | | | |
|----------------------------------|--|---|
| <input type="checkbox"/> Alcohol | <input type="checkbox"/> Methamphetamine | <input type="checkbox"/> Over-the-counter drugs |
| <input type="checkbox"/> Cocaine | <input type="checkbox"/> Opiates | <input type="checkbox"/> Other: |

Marijuana Prescription drugs Unknown type

Has a history of child abuse/maltreatment as a child? No

Has a history of child abuse/maltreatment as a perpetrator? Yes

Was receiving mental health services? No

Has prior child deaths? No

Has a history of domestic violence? Unknown

Has a history of delinquent / criminal activity? No

Primary Caregiver #2 Information

Relationship to the deceased child: There is no Primary Caregiver 2

Supervisor Information

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

How long before incident did supervisor last see child? 45 Minutes

Is this person a primary caregiver as listed in previous section? Yes - Caregiver 1

At time of incident supervisor was:

- Drug Impaired Absent
 Alcohol Impaired Asleep
 Distracted Impaired by illness
 Impaired by disability Other: **Mom was in the kitchen and did not check on child**

Household Composition

Household	Relationship	Role	Gender	Age	ID
Deceased Child's Household	Deceased Child	Alleged Victim	Female	3 Years	001301
Deceased Child's Household	Mother	Alleged Perpetrator	Female	34 Years	001302
Deceased Child's Household	Sibling	Alleged Victim	Female	7 Years	001306
Deceased Child's Household	Sibling	Alleged Victim	Male	12 Years	001304
Deceased Child's Household	Sibling	Alleged Victim	Female	15 Years	001303
Deceased Child's Household	Sibling	Alleged Victim	Male	9 Years	001305

Fatality Report Allegations

Victim	Allegation	Perpetrator	Substantiated
Deceased Child Female 3 Yrs	Inadequate Guardianship	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Deceased Child Female 3 Yrs	DOA / Fatality	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Deceased Child Female 3 Yrs	Inadequate Food / Clothing / Shelter	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Female 15 Yrs	Inadequate Food / Clothing / Shelter	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Female 15 Yrs	Inadequate Guardianship	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Female 7 Yrs	Inadequate Guardianship	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Female 7 Yrs	Inadequate Food / Clothing / Shelter	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Male 12 Yrs	Inadequate Food / Clothing / Shelter	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Male 12 Yrs	Inadequate Guardianship	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Male 9 Yrs	Inadequate Food / Clothing / Shelter	Mother Female 34 Yrs	<input checked="" type="checkbox"/>
Sibling Male 9 Yrs	Inadequate Guardianship	Mother Female 34 Yrs	<input checked="" type="checkbox"/>

History (General)

Was anyone listed in household composition receiving public assistance (TANF, Medicaid, HEAP, Food Stamps, etc.) in NYS at the time of the fatality?

- Yes No unable to determine
- If Yes, Assistance Received?**
- TANF Food Stamps
 Medicaid WIC
 HEAP Other:

Were preventive or foster care services ever provided to the deceased child, the deceased child's siblings, or any child listed in the household composition?

- Yes No Unable to determine

Had a parent of the deceased child been in foster care during the 5 years prior to the fatality?

- Yes
- No
- unable to Determine

Summary:

There is no services history through prevention or foster care.

CPS History

Has any member of this household been previously involved in a reported case of child abuse/maltreatment?

Prior to the report of this child's death?

- Yes **if yes**
- No # CPS Reports: 12
- Unknown # FAR Reports Referred: 6
- # CPS Reports Indicated: 1

Since the report of this child's death?

- Yes **if yes**
- No # CPS Reports: 1
- Unknown # FAR Reports Referred: 6
- # CPS Reports Indicated: 1

Allegations prior to incident:

- Lack of Medical Care
- Sexual Abuse
- Inadequate Guardianship
- Inadequate Food / Clothing / Shelter
- Lack of Supervision
- Parent's Drug / Alcohol Misuse

Allegations since incident:

- Sexual Abuse
- Inadequate Guardianship
- Other allegation since incident:** Other, Court Ordered Investigation

Summary of CPS history

On 9/27/07, an SCR report was received alleging Inadequate Food, Clothing and Shelter against the mother of the subject child and the father of three of the children in the home, regarding each child in the home then ages nine, seven, four, and one.

On 11/20/07 the SCR report dated 9/27/07 alleging Inadequate Food, Clothing and Shelter regarding the four children was unfounded and closed. The caseworker made home and field visits, interviewed family members and made collateral contacts and did not find some credible evidence to substantiate the allegations.

On 3/18/09, an SCR report was received alleging Inadequate Food, Clothing, Shelter and Inadequate Guardianship against the subject child's mother regarding her four children, then ages ten, eight, five, and three. The narrative alleged that the home was a health and safety hazard for the children with a foul odor, piles of garbage and piles of dirty dishes in the home.

The assigned case worker made a home visit and observed the home to be clean with minor articles on the floor. All the children were observed in the home and appeared clean, happy and healthy.

Collateral contacts were made with the children's school and doctor's office. The school reported no concerns. The children were up to date with their immunizations and well child checks were being scheduled. The RCDSS case worker contacted the mother's father who resided next door. He denied any concerns for the care of his grandchildren.

On 4/9/09 the SCR report dated 3/18/09 alleging Inadequate Food, Clothing and Shelter and Inadequate Guardianship against the mother regarding her four children was unfounded and closed.

On 3/1/10, an SCR report was received alleging Inadequate Food, Clothing and Shelter against the mother of the subject child regarding the then seven-month-old subject child and siblings ages eleven, nine, six, and four. The narrative stated that the home was in deplorable condition with garbage piled up all over, old food, clothes and other things on the floor. In addition, it was reported that there was no food in the home and the children had no beds.

The assigned caseworker made a home visit on 3/1/10 and met with the family. The apartment was observed to be cluttered with toys and clothing mostly on the bedroom floors. A pack n play was observed for the subject child and a bed in each of the bedrooms. The caseworker observed food in the home and it appeared the mother had been cleaning before the caseworker's arrival. The mother reported that code enforcement had just given her a week to clean up the apartment or they would be evicted. The mother reported the six and four-year-old children needed lead tests and she was getting bunk beds for the two boys. She was working with Project Hire and Safety Net for support. She reported that the four-year-old slept with her and the nine and six-year-olds slept on the couch. The eleven-year-old reportedly slept in her room. The caseworker met with the children then ages eleven, nine, six, and four. The children reported they had enough

food to eat and were never left home alone. Their grandfather lived next door and watched them sometimes. The mother reported that the biological father of the nine, six, and four-year-old children moved to NYC and she did not have a phone number to reach him. The location of the biological father of the 11-year-old was unknown.

On 3/4/10, the caseworker made another home visit. The home was picked up and organized. On that date, the 11 and nine-year-old children had stayed home because they would not wake up for school in the morning. The caseworker spoke to both the mother and the children about the importance of attending school every day. On 3/8/10 the mother contacted the caseworker and stated that the family was being evicted by code enforcement due to overcrowding. The mother stated she was receiving support from family and friends.

On 3/8/10 a subsequent SCR report was received by RCDSS. The report alleged Inadequate Guardianship against the mother of the subject child for all five children. The report also alleged Lack of Medical Care against the mother of the subject child for the six and four-year-old children. The report listed the father as an alleged subject for Inadequate Guardianship for all five children and Lack of Medical Care for the six and four-year-old children. The father referred to the biological father of the nine, six and four-year-old children. The narrative stated that the parents failed to maintain a safe home for the children. The home was in poor condition and the children were being subjected to high levels of lead. The six and four-year-old children had high and potentially dangerous levels of lead poisoning. The parents have failed to follow up with health services.

On 3/9/10 the caseworker advised the mother of the subsequent SCR report during a home visit. The mother stated she was taking the six and four-year-old to get their lead levels tested the next day. The caseworker followed up with collateral contacts regarding the housing concerns, medical appointments and lead test results. The lead test results for the six and four-year-olds came back normal. The other children were scheduled for well child visits and the appointments were made with no concerns noted. The children's school records revealed that the eleven, nine and six-year-old had 14, 22, and 18 unexcused absences respectively. The absences had primarily occurred prior to the caseworker's involvement with the family.

On 4/23/10 the SCR report dated 3/1/10 alleging Inadequate Food, Clothing and Shelter against the mother of the subject child regarding the five children was unfounded. The subsequent SCR report dated 3/8/10 alleging Inadequate Guardianship against the mother and father for all children and Lack of Medical Care against the mother and father for the six and four-year-old was also unfounded. The home was free of health and safety hazards throughout the investigation. The family was being evicted due to overcrowding; however a room was being converted into another bedroom which would allow the family to remain there. The six and four-year-old lead levels were tested and the results were normal. All children were up to date with medical appointments at the time of case closure. The caseworker had already been informed during the start of the first investigation that the father of the nine, six and four-year-old children had moved to NYC and the mother did not have any contact information for him. There was not some credible evidence to support the allegations and therefore they were unfounded and the case was closed.

On 7/16/10 an SCR report was received alleging Inadequate Guardianship and Lack of Supervision against the mother of the subject child regarding the siblings ages ten, seven and four. Another child was listed with an unknown role. The narrative of the report stated that the mother failed to make adequate plans for the children's care and they played by themselves for hours outside without adult supervision. The children played near a busy street and the four-year-old was often out wearing just underwear. The youngest child, who was an infant, had an unknown role. The case was tracked as a FAR case consistent with the county's established criteria.

On 7/16/10 the on-call caseworker made a home visit and met with the mother of the subject child and the siblings then ages ten, seven, and four. The 12-year-old sibling was at a relative's house at the time of the home visit. The mother reported the children played outside alone and she watched from the window. The worker suggested that the mother stay outside with the children when they were outside and she agreed to provide adult supervision. The children were all in their underwear and their faces, hands and feet were dirty. The four-year-old child had a scratch under her eye which she stated came from her cousin. The ten-year-old reported that he had to watch his siblings when they played outside because sometimes the seven and four-year-old run out in the street. The seven-year-old child complained that his mouth hurt when he ate or talked and the worker observed a blister on the back right underside of the child's tongue. The worker suggested that the mother make a dentist appointment and she agreed.

On 7/17/10 the on-call caseworker met with the 12-year-old sibling at the family's home. She stated that she and her siblings played outside and the mother watched from the window. She stated that she or her ten-year-old sibling watched their younger siblings.

A different RCDSS caseworker was assigned to the case and met with the on-call caseworker to review the initial contact.

On 7/21/10 the caseworker made phone contact with the mother and reviewed the FAR approach. On 7/22/10, the caseworker made a home visit and again spoke about the FAR approach instead of traditional CPS cases. The caseworker reviewed the FLAG and identified the family's strengths and needs. The apartment had some maintenance issues including the refrigerator leaking, cockroaches and no screens in the living room windows. Regarding the children, mental health services, medical and educational services were both ranked as a need; however services were being received prior to FAR involvement. The mother acknowledged that she needed assistance with obtaining beds for all the children. She was involved in the Safety Net Program and the caseworker agreed to contact the Safety Net worker to see if they could be of assistance. The caseworker continued to follow up on the family's needs. The mother was able to get beds for the children from the oldest child's father. She continued to have issues with the refrigerator and a heater that did not work in the kitchen. The children were observed to be happy and healthy and presented with no concerns. On 11/12/10 the FAR case dated 7/16/10 was closed, consistent with established protocols.

On 10/17/11 an SCR report was received alleging Inadequate Guardianship against the mother of the subject child regarding her three children then ages eleven, eight, and five. A parent substitute grandmother and grandfather were all listed as alleged subjects with an allegation of Inadequate Guardianship regarding the same three children. The other two children of the mother, age 13 and two were listed with unknown roles. The narrative of the report stated that the children ages eleven, eight and five were filthy, covered with dirt on a regular basis and had chronic head lice. The mother, her boyfriend and the grandparents were aware of the concerns but had failed to intervene. The narrative also stated that the home was overcrowded as the children slept three to a bed and the children washed up when they got to school. The case was tracked as a FAR case according to established protocols.

On 10/17/11, the caseworker made contact with the family and met with the maternal grandfather and the children. The mother had not returned from her college class yet. The home and children were observed with no concerns. The children reported they always had food to eat and a place to sleep. The grandfather reported the children bathed regularly and they had been treated for head lice. He reported the washing machine had not been working well and they were having it fixed.

On 10/27/11 the caseworker met with the mother. She reported that the children were bathed regularly and acknowledged that the washer and dryer were not working; therefore laundry had not been done regularly. The mother reported that they either stayed with the maternal grandfather or the paternal grandmother who lived in close proximity to each other. The worker explained the difference between FAR and traditional CPS cases. The FLAG was used to assess the family strengths, needs and risk. The only area identified as an opportunity for strength building was stable housing. The family rated this need as a one, which indicated that there was no need for a service action.

From 12/6/11 to 12/19/11 the caseworker made diligent efforts to follow up with the mother to make sure all her family's needs were addressed. The caseworker met with a supervisor on 12/19/11 and it was determined that there were no concerns with the family at the last visit. The concern of housing was addressed through the family led process; the mother utilized natural resources of their extended family to make sure their housing needs were met. It was determined the case should be closed at that time.

On 12/21/11 the FAR case was closed. The mother was attending community college and receiving support from the children's grandparents to take care of them. The adults reported that the children all bathed regularly and they treated the head lice when they had it. They acknowledged the broken washer and dryer and planned to have it fixed. The children denied any concerns.

On 4/21/12 an SCR report was received regarding a household of three adults and seven children. The report alleged Inadequate Food, Shelter, Clothing and Parent Drug/Alcohol Misuse against the mother of the subject child regarding the two-year-old subject child and four siblings then ages 13, 10, eight, and five. The report also alleged the same allegations against the subject child's mother regarding her two-year-old niece and infant nephew. There were allegations against the mother's sister toward her own two children (aged two and infant) and her five nieces and nephews for Inadequate Food, Clothing, Shelter; Parent Drug/Alcohol Misuse and Other for each child. The third adult in the home, an unrelated adult male was listed as an alleged subject for Other regarding all seven children in the home. The narrative of the report stated that the mother and her five children, including the subject child, all lived with her sister. The sister had two children, aged two and infant. The narrative stated the two mothers smoke marijuana to the point of impairment and in close proximity to the children. The sister's boyfriend was a Level II registered child sex offender. The home was in deplorable condition with excessive clutter, dirty clothes, dishes and spoiled food. The infant was sleeping in a car seat as the crib was filled with other things. The allegation Other referred to the child sex offender as a person legally responsible for the children. The case was tracked as a FAR case, consistent with established protocols. The subject child's aunt already had an open FAR case at the time of this report.

On 4/21/12, the on-call caseworker made contact with the family. The mother of the subject child and her five children were staying with the subject child's aunt and were in the process of getting their own apartment. The aunt of the subject child reported that she was dating man who was a registered sex offender; however he did not reside in the home. She reported that he occasionally spent the night. The caseworker requested that this individual not spend the night to which the aunt agreed.

On 4/24/12 the caseworker made contact with the aunt of the subject child. She reported that she had been seen over the weekend by the on-call worker. She stated that her sister and her five children had moved into their own apartment.

From 4/26/12 to 6/5/12, six attempts were made to make contact with the family. On 6/6/12 the caseworker met with the father of the two-year-old and infant siblings listed on the report. The caseworker met and observed the 12 and two-year-old cousins on the subject child, and spoke to the father about how difficult it had been to get in touch with the children's mother (subject child's aunt). He reported that the mother of his children was purposely avoiding the caseworker. The father had no concerns regarding how she cares for his children when they were at her house.

On 7/3/12 the caseworker met with the aunt of the subject child and addressed the concerns on the most recent report regarding a sex offender living in the home. The aunt denied seeing the man since three days before the report came in on April. When she became aware of his status, she stopped spending time with him. She reported that the subject child's mother and her five children who were listed on the report had since moved into their own apartment.

The caseworker reviewed the case with the supervisor. It was decided that the unrelated home member, identified as a sex offender was reported in error to the subsequent report, as the aunt of the subject child denied contact with him since before the April report. The FAR case dated 4/21/12 was closed on 7/3/12.

On 6/14/12 an SCR report was received alleging Inadequate Guardianship against the mother regarding the six-year-old sibling of the subject child. Other children listed in the home with unknown roles were then ages 14, 11, nine, and the two-year-old subject child. The narrative reported that the mother had failed to address significant behavioral concerns of the six-year-old child. The behaviors had escalated over the last few months. Several attempts had been made to contact the mother to address the concerns, however the mother had not responded. The caseworker made a home visit and found the 11, nine and six-year-olds home alone. The case was determined to go on the FAR track, consistent with established protocols.

A home visit was made on 6/14/12 and the caseworker explained the FAR approach and reviewed the allegations. The mother reported she did not see any concerning behaviors at home and they only happened at school. The case worker provided contact information for the County Mental Health clinic as the mother requested an evaluation and counseling for the six-year-old. The children were observed to be slightly dirty as they were just playing in the back yard. The caseworker asked if there was anything the family needed and the mother requested help with obtaining furniture.

On 7/18/12 another SCR report was received alleging Inadequate Guardianship and Lack of Supervision against an unknown mother regarding unknown children. The narrative stated that the mother had several children under the age of 10 and that she often locked the children out of the house and left them in the yard all day. At times the mother was not home or not supervising the children for hours at a time. The children climbed in the windows of the home to get in, climbed fences, and pulled on electrical wires outside. The report was screened for the FAR track, consistent with established protocols. It was later discovered to be a report regarding the subject child's family. The report was merged into the initial report and this subsequent report was closed as a duplicate.

On 7/19/12 a home visit was made where the father of three of the children was found to be at the home supervising the 14, 12, nine and three-year-old children in addition to two friends of the children. The caseworker observed the children to be running in and out of the home and in the backyard. The caseworker advised the father that he needed to be with the children at all times. The father reported the mother was at an appointment and would return in a few hours. He denied the children were ever locked out of the home or climbed through windows or over fences. The father was asked to have the mother contact the caseworker.

On 8/31/12 a subsequent SCR report was received alleging Inadequate Guardianship against the mother for children then aged 14, 12, nine and three. The narrative of the report stated that the mother allowed drug dealers to frequent the home and they made transactions in front of the children. The report stated that drugs were accessible to the children and the mother failed to provide basic provisions for the children. The caseworker met with the family on 8/31/12. When the caseworker arrived, the 12 and nine-year-olds were home with another adult male and the mother was reportedly at her boyfriend's house with the other children. The caseworker spoke to the adult male in the home who stated that he was a family friend and did not know how long the mother would be gone. He agreed to ask her to call the caseworker. Since the

family already had an open case in the FAR Unit, the subsequent report was tracked as FAR.

On 9/1/12 an SCR additional information report was received. The report narrative stated that the father of some of the children touched his 12-year-old child. It was unknown how or where the father touched the child. An on-call caseworker received the additional information report and spoke with a supervisor and the source. On 9/4/12, 9/10/12, 9/11/12, and 9/14/12 the caseworker attempted to make contact with the family and no contact was made. On 9/24/12 the caseworker made a home visit and the 14-year-old was found to be home alone with a male who she reported was her boyfriend. The mother and other children were not home. The caseworker spoke to the child about the concerns reported on the 8/31/12 SCR report. The child denied her siblings were ever locked out of the house and denied anyone was selling drugs out of her home.

On 9/25/12 the caseworker and another caseworker from the CPS sexual abuse unit went to the school to see the six and nine-year-old children. The caseworkers met with the children together and the six-year-old child reported that their mother stays at her boyfriend's house a lot. The six and nine-year-old children reported that the mother's boyfriend hits them and then started talking about other men who hit them too. They reported that the mother and father both hit them, which means "tap them." The six-year-old whispered to the case worker that her father had touched her.

On 9/25/12 the caseworker made phone contact with the mother at her place of employment. The caseworker explained the need to follow up on another report that came in at the end of August regarding drug sales out of her home and also the allegations of sexual abuse toward her six and nine-year-old children. The mother stated that when she found out about the sexual abuse she kicked the father out of the residence and brought the children to the hospital. The mother denied that anyone in her home used or sold drugs.

The caseworker met with a supervisor and a caseworker from the sex abuse unit. A new report would be called in based on the disclosure of sexual abuse.

On 9/26/12 an SCR report was received alleging Sexual Abuse against the biological father regarding his children, 12-year-old and six-year-old siblings of the subject child. Also listed on the report was the mother with an unknown role, and three other children with unknown roles ages 14, nine, and three. The narrative stated that on an unknown occasion the father rubbed the crotch of the six-year-old child. The father also touched the 12-year-old child's private area.

On 9/27/12 the caseworker met with a supervisor to review the report. The case was already open and the children had been seen on 9/26/12 but not interviewed. The father was no longer staying at the home as a result of the alleged sexual touching. The unrelated home member the children call "Uncle", reported he would not allow the father in the home.

The caseworker met with the caseworkers who already had the open case. The two children made the disclosure when interviewed at school on 9/25/12. The caseworker made a home visit on 9/27/12, however no one was home.

On 9/28/12, the caseworker made phone contact with the mother who reported that she made the biological father leave the home. The mother reported she filed a report with the police. The children were taken for medical exams. An appointment was made to see the children.

On 10/1/12 the caseworker spoke to local law enforcement and set up an interview for 10/4/12 at the Child Advocacy Center for forensic interviews. The caseworker made a home visit on 10/1/12 and observed all the children. The mother provided possible contact information for the father. The caseworker explained the process for a sexual abuse allegation and forensic interview appointments were set up with the mother.

On 10/4/12 the caseworker met the mother, the children and the law enforcement detective at the Child Advocacy Center. All five children were interviewed separately by the caseworker and not in the presence of their mother. The 14-year-old child denied that she was ever touched inappropriately by her siblings' father or anyone else. She reported that her sibling's father left the home when her mother found out that he touched her brother inappropriately. She denied hearing the disclosure first hand or any knowledge about any of her other siblings making a disclosure of sexual abuse. She reported that the father of her siblings did not drink alcohol often but when he did it was "a lot." She had witnessed a time when the father was drunk and damaged their car and got in fights with people. The 14-year-old sibling thought he went to rehabilitation at some point but she did not know for what. The 12-year-old child was interviewed and reported that his father touched his private part one night while he was sleeping. The father touched the child on his private part under his clothes. The child reported the touching stopped when his nine-year-old sibling walked into the room. The child reported that he knows his six-year-old sibling also reported being touched on her private part by their father. The six-year-old child was interviewed and reported that her father doesn't live with her anymore because he touched her crotch. The child was able to identify her "crotch" by pointing to it. The child was sleeping and woke up to her father touching her private part

over her clothes. She demonstrated how he rubbed her private part with a back and forth motion. The six-year-old child reported this touching happened two times. The nine-year-old child was interviewed. He denied ever being touched inappropriately by his father or by anyone else. He said his father didn't live in the home anymore because his six-year-old sibling said that the father touched her private part. The nine-year-old child stated that he thought his sister made this up because she didn't like him. He described a time that the father touched his private "accidentally" when they were play wrestling. He reported that his mother's ex-boyfriend drank a lot and it scared him. He also reported spending a lot of time at the ex-boyfriend's home where he drank alcohol and smoked weed when the children were there. He then reported that he saw his mother smoke weed one time. He denied she acted any differently. At the conclusion of the interviews, the caseworker spoke to the mother about her ex-boyfriend. The mother agreed to not allow her children at the home of her ex-boyfriend anymore without her supervision. The mother admitted to using marijuana and state she must have "slipped" one day but would no longer be using in front of her children.

When collateral contacts were made with the school, the caseworker was informed that the children had head lice and often wear clothes that do not fit properly. Throughout the investigation the caseworker followed up with the mother and the school to ensure the head lice were being treated properly. The caseworker also found out that the 14, 12, nine and three-year-old children were all due for routine medical appointments. The six and nine-year-old children were given referrals by the pediatrician to the County Mental health clinic regarding behavioral difficulties. The three-year-old subject child was also referred for early intervention services, a genetic evaluation, to an ophthalmologist and to get lead levels checked. The mother had not followed through on any of these referrals. The mother was provided with contact information from the caseworker for the children to receive counseling services at either the Child Advocacy Center or the County Mental Health Clinic.

The caseworker made contact with the biological father. On 12/6/12 the caseworker spoke to the father of the 12, nine, and six-year-old children. An appointment was made for face to face contact and the caseworker met with him on 12/12/12. The father denied the allegations of sexual abuse against his children. The father denied being back to the mother's house since the allegation occurred. He expressed concerns that the mother was buying food for the home and her adult male friends were eating it all and that a man living in the home was selling marijuana.

On 10/5/12 the caseworker met with the mother and children to complete the Family Led Assessment Guide (FLAG). The caseworker explained the difference between traditional CPS and FAR. The caseworker explained FLAG to assess safety of children, family strengths and needs. It was identified that the family had appropriate housing with proper provisions at this time. They had medical insurance and public assistance/food stamps. The mother was working on a degree in accounting at a local community college. The mother was able to identify relatives as supports for her and the children. The family rated better communication and conflict resolution between parents and children for the family as a whole, the children's relationship with parents, and boundaries and developmentally appropriate expectations for the children as a number two. This indicated that services were being received before the FAR case and there was no need for action at this time. The only need rated a level three, which requires immediate action, was mental health services for the six-year-old child. On the date the FLAG was completed, the other CPS investigation regarding the sexual abuse disclosure had already started, which then addressed the six-year-old child's mental health needs.

Also on 10/9/12 the FAR case, including the reports dated 6/14/12 and 8/31/12, was closed. Any further concerns will be addressed through the subsequent report. A FLAG assessment on 9/4/12 identified only one need and that was for the mother to get the child involved in counseling. The worker gave the family a referral for counseling services.

On 12/13/12 the SCR report dated 9/26/12 alleging Sexual Abuse against the biological father regarding the 12 and six-year-old children was indicated based on the disclosures of the children. The mother acted appropriately by contacting law enforcement, taking the children for medical exams and not allowing the father to have contact with the children. It was recommended that the mother engage the children in counseling.

On 12/5/12 a subsequent SCR report was received alleging Inadequate Food, Clothing, Shelter; Inadequate Guardianship, and Parent's Drug/Alcohol Misuse against the mother of the subject child regarding the subject child and siblings (14, 11, eight). Three unknown, unrelated home members were also listed as alleged subjects on the report. Inadequate Food, Shelter, Clothing and Inadequate Guardianship was alleged for each unrelated home member to the subject child and siblings (14, 11, eight). The report stated that the mother and unrelated household members were abusing drugs to the point of impairment and selling marijuana out of the home in the presence of the children. The report narrative listed another sibling. The report stated that drugs were accessible to the children and the children slept on the floor. The home was reported to be in deplorable condition with dirty clothes, food and urine on the floor. The children were reported to have hair and body lice.

On 12/5/12, the caseworker made a home visit and discussed the report with the mother who denied the allegations. The mother reported that the six-year-old sibling had difficult behaviors and a mental health diagnosis. She was in the process

of getting the child in services. The mother acknowledged that the children have had head lice that she then treated with medication and cleaned their bedding. She admitted to using marijuana one time last week but never in the presence of the children or while caring for them. She denied a history of substance abuse. The caseworker provided information on a drug treatment program. All the children were observed, with no health or safety concerns. The home had adequate provisions and did not present with any visible safety concerns.

On 12/12/12, the caseworker spoke to the biological father of the three middle surviving siblings (11, eight, six) regarding concerns from the previous SCR report. He expressed concerns that the mother was buying food for the home but her adult male friends come in and eat it all. He also reported hearing that one of the mother's friends was selling marijuana.

A home visit was made on 12/20/12 by the caseworker. The mother reported that two of the children (ages six and eight) had counseling appointments scheduled. The house was messy but free from safety hazards. The mother provided the household composition as herself, her five children and an adult male (24) the children called "Uncle." The mother reported another male friend (27) did not live in the home but often spent nights at the house. The two adult males were in the home at the time of the caseworker's visit. The caseworker addressed the allegations of the report with the two unrelated home members. Both denied the allegations and did not appear under the influence of any substances. The mother reported that the children were still sleeping on the couches and that she was still looking for beds. The caseworker observed food in the home.

The six-year-old sibling was added to the report as the child was initially left off of the family composition on the SCR report. The adult male "Uncle" (24) was identified on the SCR report as he was initially listed as unknown. He was added as he had a bedroom at the residence and lived there. The two other unknown members were reported in error.

The caseworker contacted the school and met with the children on 1/23/13. The eight-year-old was absent from school. The six-year-old sibling was known to have lice on 1/7/13 and still had head lice at the time of the caseworker's visit to school. The child reported that her mother treated the head lice and washed the sheets frequently. She reported that she slept in bed with the two-year-old deceased child and the eight and 11-year-olds slept together on the pull out couch. She acknowledged the adult male she calls "Uncle" who lives in the home. The child likes "Uncle" and expressed no concerns. She reported two other men live in the home that she did not like because they were mean, called the children names, and threatened to hit them. The six-year-old reported that the mother and the two men smoked "weed" and "acted drunk." The child could not describe how they acted.

The caseworker met with the 11-year-old sibling at the Middle School on the same date. The child reported that the man they called "Uncle" and another man lived in the home along with his mother and siblings. The child denied the third adult male lived there. He reported that he liked "Uncle" but the other two men were mean and he was scared of them. The child denied that the mother or any of the men used or sold drugs in his presence.

On 2/19/13, the caseworker made a home visit and spoke with the mother. She reported that the six-year-old's head lice was treated and gone. The mother reported that she went to the initial counseling appointment for the six and eight-year-olds but missed the next appointment and needed to reschedule. The caseworker spoke to the mother privately regarding the men who were living and visiting the home and that the children were afraid of two of the men. The mother denied that the men called the children names or were mean to them. The caseworker explained that she was being made aware now that the children were afraid of them and if she continued to allow them in the home, she would be held responsible. The mother reported that she would never allow the men to cause harm to children and if they did, she would not allow them to come to her home. The caseworker observed all children except for the subject child on this date as the child was not home. The caseworker made an appointment to see the child the next day.

On 2/20/13 the caseworker made a home visit and observed the subject child. There were no concerns noted. The mother had rescheduled the counseling appointments for the six and eight-year-old children. The eight-year-old child who was absent from school on the day the caseworker went to speak with him was home. The caseworker interviewed the eight-year-old sibling and he reported that one of the men that came to the house yelled and was mean and could be too rough when he wrestled with him. The eight-year-old sibling reported that the man used "weed" in the bedroom but he had never seen it. On the same day, the caseworker called the 15-year-old sibling on her own cell phone. The 15-year-old reported that the same man that her eight and six-year-old sibling did not like, sometimes yelled at the children and her mom told him to stop. She reported that this man had threatened to hurt her siblings before but he had never actually done it. She denied anyone used or sold marijuana in her home.

The caseworker made collateral contacts with the counselor for the six and eight-year-old children and confirmed attendance at their appointments. The caseworker spoke to the family pediatrician who reported all children were up to date with well-child visits.

On 2/21/13, the SCR report dated 12/5/12 alleging Inadequate Guardianship; Inadequate Clothing, Food and Shelter; and Parent Drug/Alcohol Misuse against the mother in regards to children age 15, nine, eight, and three was unfounded and closed. The six-year-old child was added to the report with no role. During the investigation, the caseworker identified one of the unknown adults listed as an unrelated home member who lives in the home. The other two adults listed were reported in error. The investigation revealed that the children had knowledge about marijuana; however, all denied that is was being used or sold from their home. The mother and unrelated home member denied using marijuana in the presence of or while caring for the children and denied selling it. The caseworker confirmed with collateral contacts that the two children were attending counseling and that all children were up to date medically. The SCR report dated 12/5/12 was unfounded and closed due to lack of some credible evidence to substantiate the allegations.

Summary of known CPS history outside of NYS

There is no known CPS history outside of NYS.

Preventive Services History

Summary of Preventive History:

There is no preventive services history.

Placement History

Summary of Placement History

There is no placement history.

Legal History

Family Court Petitions

There were no Family Court Petitions filed prior to the fatality.

Orders of Protection

There were no Orders of Protection filed prior to the fatality.

Casework / Investigative Activities

Was fatality investigation conducted by an MDT? Yes No

If no, did the investigation adhere to previously approved protocols for joint investigation?

Yes No

Did the Investigation include the following activities?

if NO, were diligent efforts made?

For ALL Fatality Investigations

	Yes	No	N/A	Yes	No	Couldn't determine
Coordinate investigation with Law Enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
At least one home visit?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>All appropriate Collaterals contacted?</u>						
First Responders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Case Planners	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Agency Personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Members	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public or Private Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Caretakers / Babysitters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Emergency Room Personnel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Law Enforcement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Daycare Provider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Pediatrician	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical Examiner / Coroner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For SCR Reports

Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth and staff) who were present that day (or if nonverbal, an observation and comment they were nonverbal)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Timely entry of progress notes and all other required documentation? Yes No

If no to any of the above, explain:

Casework / Investigative Activities Comments

Describe how DSS responded to information about the child fatality:

On 4/18/13 an SCR report was received alleging Inadequate Guardianship; Inadequate Food, Clothing, Shelter and DOA/Fatality against the mother of the subject child regarding the three-year-old subject child. Allegations of Inadequate Guardianship and Inadequate Food, Clothing, Shelter were also made against the mother of the subject child regarding three surviving siblings, ages 15, 12, and nine. The subject child was found under the television with a crushed skull at approximately 7:30pm. The television which weighs 100 pounds, had been sitting on a board laid across the top of a broken cabinet which was on wheels. The mother was aware that the cabinet was wobbly, unstable, and unsecured. The cabinet was found tipped over on the subject child. The home itself was a safety hazard to the subject child and siblings age 15, 12, and 10 with old food on the floor and piles of clothing strewn throughout the home. The police were contacted and the child was brought to the hospital and pronounced dead at 8:45pm. An autopsy was completed on 4/19/13. The smell of marijuana was noticed in the home. The mother denied using marijuana and did not present as impaired. The mother of the subject child was in the kitchen at the time of the incident. It was later learned that there was a seven-year-old surviving sibling that was left off the SCR household composition.

An on-call caseworker immediately made contact with the source of the report and then consulted with a supervisor. The source provided additional information that the incident was not believed to be a criminal matter and appeared accidental. The mother and an adult male, who was an unrelated home member, were in the kitchen making dinner. The unrelated home member's girlfriend was lying down in a bedroom. The 15-year-old surviving sibling was in her room. The 12 and nine-year-old siblings were outside playing and the other seven-year-old surviving sibling was in the bathroom. It was reported to the source that the mother of the subject child and the unrelated home member heard a loud noise and ran into the living room to see what it was. They found the three-year-old subject child lying on the floor with the television on top of her. The unrelated home member's girlfriend called 911 and an officer responded immediately. The subject child was taken to the hospital where she was pronounced dead. The source reported that the siblings were with a family friend and the mother was at the hospital and did not plan to return to the home. The source stated there was a smell of marijuana in the home, however, no marijuana was found and denied any adults appeared under the influence of drugs/alcohol. The on-call caseworker's supervisor contacted the Deputy Commissioner and all parties agreed the family did not need to be seen that night.

On 4/19/13, the supervisor notified the child fatality review team of the subject child's death and the team notified the District Attorney. The supervisor also made contact with the medical examiner's office and provided information regarding the investigation and family's case history. The medical examiner did not find anything suspicious during the autopsy. A caseworker was assigned and completed a history check of the family in Connections. The caseworker made an announced home visit to meet with the family at the apartment where they were staying with a friend. The mother of the subject child and all children were outside upon the caseworker's arrival. The mother requested that the caseworker not interview the surviving siblings at that time and wait until the funeral services were completed. The caseworker agreed and was able to observe all four surviving siblings to be physically clean, free from marks and appropriately dressed. The mother reported that she would not be returning to her apartment and would need assistance with finding housing. The mother stated that she and the surviving siblings would need counseling but was not ready for referral information yet. The family friend provided contact information and stated the family could stay with her as long as they needed.

On 4/19/13 the caseworker went to the home of the subject child where the incident occurred. The unrelated home member was at the apartment and allowed the worker to enter the apartment. The caseworker described the living room immediately upon entering the front door. There were two bedrooms in the front of the apartment, the mother's bedroom to

the right of the living room and the oldest surviving sibling's room to the left of the living room. There was a sectional couch in the living room and a coffee table in front of the couch. The unrelated home member pointed out where the television was and where the subject child was found with the television on top of her. This was a distance of approximately two feet. There was a hallway leading from the living room to the kitchen and two bedrooms located off of the kitchen. It was reported that the 12, nine, and seven-year-old surviving siblings slept on the couch or the floor in the mother's room as they did not have beds. The caseworker noted old food and dishes, clothing and garbage throughout the house that would have posed a safety hazard to the three-year-old subject child. The unrelated home member stated that he was not going to repeat the story of what happened and the caseworker could get his statement from the police.

The caseworker received the incident report from the police agency involved. The incident report provided the names of who was at the crime scene and the information was consistent with the reports provided by the source and the unrelated home member. The seven-year-old surviving sibling reported she was in the bathroom at the time of the incident and ran out when she heard the loud noise. She observed her three-year-old sibling lying on the floor bleeding and did not know what happened. The 12 and nine-year-old siblings were across the street playing. The incident report notes a statement was taken from the 15-year-old surviving sibling and photos of the scene were taken as well. The caseworker observed the television and the stand it was on at the police station. The television was large, 32 inches, with the screen still intact. The TV stand was a cabinet with a top board which was being used to put the television on top of, however it was not attached to the stand. The stand had two drawers on the top and two doors that open on the bottom. The stand was approximately four feet tall. The caseworker took photographs of the stand. The caseworker spoke to the Detective investigating the case who confirmed the information already received. The only difference in information was that the mother of the subject child lifted the television off the child. In other statements, it was reported that the unrelated male home member lifted the television off the child. Later in the case, the caseworker followed up on this discrepancy and spoke with the patrolman who responded to the scene first. He explained that it was verbally reported to him that the television was moved by the mother of the subject child which matched the unrelated home member's account. The patrolman acknowledged he had mistakenly documented that the unrelated home member lifted the television off the child in his supplemental police report.

The caseworker contacted the family friend and requested to conduct a home visit as this was where the mother of the subject child and surviving siblings were planning to stay for the time being. An appointment was made for 7:00pm, and the on-call caseworker made a home visit and observed the home to be clean and free of any safety hazards. The caseworker observed where the children would be sleeping, on a love seat in the living room and another couch. There was also a mattress that would be placed on the floor that could be used for the family.

The caseworker made collateral contacts with each one of the surviving siblings' schools. The seven and nine-year-old surviving siblings attend the same school. The school reported concerns of poor hygiene and chronic head lice. In addition, school absences had been an issue for both children and the mother had been notified by letter and in person. The 15-year-old surviving sibling was an honor roll student and the school denied any concerns. The school denied any concerns for the 12-year-old surviving sibling as well. Collateral contacts were also made with local law enforcement inquiring about any reports or history with the family. Two incident reports listed the mother of the subject child regarding code enforcement violations in places where she lived in 2010. In September 2012, a complaint was made by the mother of the subject child that two of her children were touched inappropriately in a sexual manner by their biological father.

On 4/22/13, the caseworker made contact with three first responders from the Fire Department. The fire fighters confirmed information that the caseworker had already received. In addition, they each reported that upon entering the home, the unrelated home member was sitting near the subject child, who was laying on her right side. All parties observed the subject child lying in a pool of blood. One fire fighter observed the TV off to the side of the child with the screen facing down on the ground. The firefighters did not know who moved the television. The rest of the family members were outside upon their arrival. The only other person in the home was the first responder patrolman from the police department.

The caseworker made phone contact with the mother of the subject child and set up an appointment to meet with her and the surviving siblings for 4/25/13 which was a day after the funeral services.

On 4/25/13 the caseworker met with the mother who reported that prior to the fatality, she and her five children lived in the home. Her friend and his paramour stayed over occasionally and had been in the home for two or three nights before the incident. The children all attended school except for the subject child who was watched by either the unrelated home member or another one of the mother's adult male friends. The mother of the subject child attended the work ready program at the YMCA during the day. The mother reported that the subject child slept in bed with her. The 15-year-old had her own room where she slept and the three other surviving siblings slept on the couch, which was a pull out bed. The unrelated home member and his paramour were using the back bedroom off the kitchen.

The mother of the subject child stated that on 4/18/13 she woke up late as she did not hear her alarm. She brought the

subject child to the babysitter's house around 8:45am and then received a call from the school regarding her seven-year-old child. The seven-year-old was sick and the mother went to pick the child up, called the work ready program to let them know she would be absent, and then spent the day with the seven-year-old and the three-year-old subject child at the babysitter's house. Around 2:00pm, the mother fed the children hot dogs and noodles. The rest of the children took the bus to the babysitter's house and then the family returned to their own house around 6:30pm. When they arrived, the unrelated home member and his paramour were there watching television and the 15-year-old sibling was in her room doing homework. The 12 and nine-year-old siblings went next door to ride bikes, and the mother and the unrelated home member started cooking dinner in the kitchen. The seven-year-old was in the living room with the subject child but got up to use the bathroom at the rear of the apartment. At approximately 6:45pm, the subject child came into the kitchen near the stove and the mother asked her to go back into the living room so she wouldn't get burned. The subject child returned to the living room and shortly after, the mother heard a loud bang. It was around 7:30pm. The mother ran into the living room and saw the subject child on the floor, lying on her back, with the television on top of her and blood surrounding her. The unrelated home member and his paramour ran into the living room right behind the mother and the mother lifted the television off the child. The unrelated home member rolled the subject child on her side. The mother then ran outside and started screaming for help. The paramour of the unrelated home member called 911. The mother reported that the television was on a stand in the corner of the living room.

The caseworker then interviewed all of the surviving siblings. The 15-year-old and seven-year-old siblings confirmed the whereabouts of the other household members which matched all other reports. The nine and 12-year-old surviving siblings reported they were outside playing and after hearing yelling they went toward the house. The 12-year-old did not go inside the home and stayed outside. The nine-year-old went inside and saw his three-year-old sibling lying on the floor in a pool of blood and he went back outside. All four surviving siblings reported that their deceased sibling did climb and jump on things like the couch and coffee table but denied that she had ever climbed on the TV stand before.

Later in the case, on 5/16/13 the caseworker met with three of the surviving siblings at school and clarified information about the television and TV stand. All three surviving siblings reported that the TV used to be in their mother's room on her dresser. It was moved to the living room because the nine-year-old needed the TV on in order to sleep. It was moved to the living room several months prior to the death of their sibling. The seven and 12-year-old siblings denied knowledge that the TV stand was wobbly. The nine-year-old sibling reported the stand was not sturdy.

During a follow up home visit on 6/17/13, the caseworker spoke to the mother of the deceased child regarding the TV and TV stand. The mother reported that she had owned both the TV and stand for quite some time. It had been moved throughout the house since they have owned it and the TV was at one point on her dresser in her bedroom. She stated she did not think the stand would not be able to hold the weight of the TV. At this visit, the caseworker discussed a referral to preventive services and the mother agreed and requested to work on finding an apartment, medical appointments and counseling. One grief program that the family was referred to could not begin until the mother had her own apartment due to confidentiality reasons.

The caseworker made contact with the Emergency Room physician who reported that the mother's statement of how the incident occurred coincided with the injuries the child sustained. The caseworker obtained medical records for the subject child including birth records. The subject child was born on the toilet at home and then transported to the hospital. At that time the subject child was seen for possible head trauma, although no problems were found. The subject child was seen for some well child visits on-time and at other times, the doctor's office sent a notice that the appointment was missed. It was noted that the subject child had a developmental and language delay and the family failed to follow through on a follow-up lead test and a medical test for the subject child. There was also a missed appointment on 9/12/12 for a genetic evaluation. The medical histories of the four surviving siblings were obtained as well. The children typically attended routine doctor visits. It was noted that the seven and nine-year-old siblings had behavior problems and referrals had been made by the doctor's office for mental health treatment.

On 5/14/13, the caseworker obtained crime scene photographs from the police department. The caseworker was informed that they closed the case as the fatality had been considered accidental.

Throughout the case, the caseworker made contact with the biological father of the three youngest surviving siblings. He refused to meet with the caseworker and also did not attend a court date that was set for a Family Court custody petition. The caseworker also made attempts to contact the biological father of the oldest surviving sibling and of the subject child, however no contact was made. The fathers were added to the case for notification purposes and each mailed a letter.

On 7/1/13, the caseworker was assigned a court ordered investigation by the Family Court Judge to be completed and returned on 7/12/13. The petition was filed by the mother of the subject child requesting full custody of the three youngest surviving siblings against their father. The court ordered investigation was completed and submitted to Family Court on

7/11/13.

On 7/12/13, the caseworker made a follow up home visit to the mother of the subject child at their temporary residence. The caseworker observed several adults to be standing on the steps in front of the residence passing around what appeared to be a marijuana joint in the presence of the children. The mother of the subject child denied knowledge that there was a Family Court appearance earlier that day which she did not attend. The caseworker shared concerns regarding the surviving children being unsupervised outside and the adults using marijuana in the presence of the children. The mother denied that she or the surviving siblings have been to any counseling appointments. The Judge ordered that a neglect petition be filed on both the mother of the subject child and the biological father of the three youngest surviving siblings as they both missed the court appearance. The caseworker explained to the mother that she had not followed through with obtaining an order of protection or attending the court appearance for custody and the caseworker must ensure the safety of the surviving siblings. On this date, the case worker also informed the mother of the subject child that the allegations of DOA/Fatality and Inadequate Guardianship were being indicated against her based on the fact that the investigation revealed that the mother did not exercise a minimum degree of care for the children in providing adequate shelter for the children, free of safety hazards. The condition of the home, as well as the unstable television stand presented a safety hazard to the children. It was determined that it was reasonable to believe that if the mother had removed the unsafe piece of furniture holding the television, there would not have been imminent danger to the children and the subject child's death would have been prevented.

Throughout the case, the caseworker made telephone and in person attempts to contact the two unrelated home members who were present on the day of the child fatality. On 7/17/13, a caseworker from another county was able to meet with and interview the two unrelated home members. They reported that on 4/18/13 they were at the home of the deceased child and her family. The female unrelated home member was lying down in a bedroom near the kitchen. The male unrelated home member was in the kitchen with the mother of the deceased child making dinner. The deceased child came into the kitchen for a minute and then went back into the living room. The male unrelated home member estimated about five minutes later they heard a loud bang. The female unrelated home member recalled it was more like two minutes later they heard the loud bang. They ran into the living room along with the mother of the deceased child. They both reported that the upper half of the child's body was covered by the fallen television. The mother of the subject child moved the television off the child. The unrelated adult male turned the child on her side and the female unrelated home member called 911. The two provided further information regarding the television. The adult male said that the television was about 70lbs and an old box TV. He believed the TV stand was not very sturdy but thought it was sturdy enough to accommodate the television and had never seen the stand wobble. He described the TV stand as 3-4 feet tall and that the top of the stand was like gravel, or a kitchen counter, and was probably not part of the original construction of the stand.

On 7/15/13, the caseworker received a subsequent SCR report with allegations of Other, which was a Court Ordered Investigation against the mother of the subject child and the biological father of the three youngest surviving siblings. The allegations were in regards to the 15, 12, 10 and seven-year-old surviving siblings. The return date was listed as 7/22/13. The Family Court Judge ordered that CPS investigate and file an abuse petition on the biological father regarding the sexual abuse and a neglect petition against the mother as she was failing to protect the children by not following through with her custody petition and an order of protection for her children.

The caseworker working on the initial report resumed working with the family of the deceased child on the subsequent report. On 7/16/13, the caseworker made a home visit and spoke with the mother of the deceased child. She reported that she had not heard any more about obtaining her own apartment and she also denied scheduling another counseling appointment for the seven-year-old surviving sibling. During this home visit, the caseworker spoke with the 12 and seven-year-old children privately. The seven-year-old child reported that she had not seen or talked to her biological father because he touched her private part. The 12-year-old sibling reported that he had also not seen or spoken to his father because he did bad things to him and his sister. Both children reported that they did not want to see their father and did not want to talk about it further.

The caseworker filed an Article 10 Neglect petition (as ordered by court) against the mother of the deceased child alleging Lack of Supervision; Inadequate Guardianship and Inadequate Food, Clothing and Shelter (with regard to the shelter); and an Article 10 Abuse petition against the father of three surviving siblings alleging sexual abuse regarding all four children.

On 7/24/13 the SCR report dated 4/18/13 with the allegations of Inadequate Food, Shelter and Clothing and Inadequate Guardianship against the mother of the deceased child was indicated in regards to all five children, which were the four surviving siblings and the deceased child. The allegation of DOA/Fatality against the mother regarding the deceased child was also indicated. The investigation revealed that the mother of the deceased child did not exercise a minimum degree of care in providing adequate shelter for the children that was free of safety hazards. The home was observed to be in disarray with old food, dirty dishes and clothing throughout the home. The condition of the home, as well as the furniture

the television was on, presented a safety hazard to the children and placed them in imminent danger of impairment. The mother confirmed that the family had owned the TV and stand for a while and the 10-year-old child reported the mother knew the stand was wobbly, yet the mother continued to use it. The mother reported that she knew the deceased child liked to climb on things. It was reasonable to believe that if the mother had removed the unsafe piece of furniture holding the TV, there would not have been imminent danger to the children and the child's death could have been prevented. The case was indicated and was originally going to remain open for prevention services, which the mother voluntarily agreed upon. However, a subsequent SCR report dated 7/15/13 was received by RCDSS that ordered an Article 10 neglect/abuse petition be filed in Family Court by the county. All safety and risk assessments were done in a timely manner.

On 7/24/13, the casework supervisor contacted OCFS and discussed the issue of the subsequent SCR report and the Article 10 petition that was filed in Family Court. It was determined that the allegation of sexual abuse needed to be added to the report as it was not listed on the initial fatality report or the subsequent report. The allegation of Inadequate Guardianship against both the mother of the deceased child and the father of the three of the surviving siblings was added to the SCR report as well.

On 7/31/13, the caseworker met with her supervisor and determined that the SCR report dated 7/15/13 with allegations of Inadequate Guardianship and Other was indicated against both parents in regards to all children. A neglect petition was filed against the mother with regards to all her children. There were concerns with the family's history of homelessness, hygiene issues, chronic head lice, marijuana use by the mother and constant hazardous condition of the house. There is also concern with the mother's lack of follow through with regard to her custody petition to adequately protect the children from the father of three of the surviving siblings. The allegation of Sexual Abuse against the father in regards to his 12 and seven-year-old children was indicated. An abuse petition was filed against the father regarding the 10 and seven-year-old and also derivative abuse concerning the 15 and 10-year-old children in the home due to the fact that the children disclosed sexual abuse. The case was transferred to long term CPS for monitoring and court ordered services would be provided to the family.

On 9/3/13 the mother was granted the Order of Protection against the father. The order will remain in place for two years and is a complete stay away order.

Also on 9/3/13, the mother was awarded full legal custody of the three children.

On 9/17/13 the mother plead guilty with a Lamont Admission. The Order of Disposition was put into place for one year and states that the mother must attend substance abuse and mental health treatment; must get the children to school on time; and must get the children to medical appointments as needed.

The case remains open in long-term CPS for monitoring.

Safety Assessment

Were there any surviving children? Yes No

Was there an adequate assessment of impending or immediate danger to any surviving children named in the report within 24 hours?

- Yes
 No
 N/A
 Unable to Determine

Is there an approved Initial Safety Assessment for all surviving children within 24 hours?

- Yes
 No
 N/A
 Unable to Determine

If Yes, give date(s):
Completed: 04/19/2013
Approved: 04/19/2013

Was sufficient information gathered to make the decision recorded on the approved Initial Safety Assessment?

- Yes
 No
 Unable to Determine

Was the safety decision recorded on the approved Initial Safety Assessment appropriate?

- Yes

No

When safety factors were present that placed the child in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?

Yes

No

N/A

Unable to Determine

All of the following selected items apply:

Child was assessed as having safety factors present and reader does not agree.

Child was assessed as having no safety factors present or safety factors present that did not place the child in impending or immediate danger of serious harm, however, an intervention was put in place, and the intervention is appropriate.

Child was assessed as having no safety factors present that placed the child in impending or immediate danger requiring a safety intervention and no safety intervention was put in place, reader does not agree.

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?

No other children in this household

No removal regarding the surviving children

Yes, Informal removal

Yes, Court Ordered removal

Are there any safety issues that need to be referred back to the local district?

Yes

No

Risk Assessment

During the course of the investigation, was sufficient information gathered to assess risk to all surviving children in the household?

N/A

Yes

No - Adequate for some but not adequate for others

No - Not adequate for any of the children

Unable to determine

Was the risk assessment adequate in this case?

N/A

Yes

No

Unable to determine

Did the protective factors in this case require the LDSS to file a petition in Family Court at anytime during or after the investigation? (Consider either a new Article 10 petition, or follow-up court activity on existing Article 10 petitions)

Yes, was required and filed.

Yes, was required and considered, but not filed

Yes, was required, but neither considered nor filed

N/A - Not needed for this case.

Unable to determine

Did the safety factors in the case require the surviving child(ren) to be removed and placed in foster care at anytime during the investigation?

Yes - All children needed to be placed in Foster Care and were placed.

Yes - Some children needed to be placed in Foster Care and were placed.

Yes - Children needed to be placed in Foster Care but were NOT.

No children needed to be placed in Foster Care.

N/A - Caretaker has refused access to the child or fled, or child's whereabouts are unknown.

N/A

Unable to determine

Risk Assessment Profile (RAP)

If the RAP rating was High or Very High, were the reasons selected as to why the family is not receiving services consistent with the case circumstances?

- N/A
 N/A - Rating is NOT High or Very High
 N/A - Rating is High or Very High, and the case was opened
 yes
 No

Legal/Court activity in response to the Fatality Investigation

Orders of Protection

Order of Protection

From Date: unknown

To Date: unknown

Explanation:

A complete stay away order was granted against the father. The order was granted on 9/3/13 and will remain in place for two years.

Criminal Charges

There have been no Criminal Charges filed as a result of the fatality.

Family Court Activity

FCA Article 10 - (CPS)

Date filed: 07/18/2013

Was there a Fact Finding?

- Yes Date: 09/17/2013
 No
 Unable to Determine

Fact Finding Description:

Adjudicated Neglected

Explain Fact Finding:

The mother plead guilty by Lamont Admission.

Was there a Disposition?

- Yes Date: 09/17/2013
 No
 Unable to Determine

Disposition Description:

Court Ordered Supervision

Explain Disposition:

The Court ordered one year of supervision; as well as disposition of services to include: substance abuse treatment, mental health treatment; getting kids to school on time; getting kids to medical appointments as needed.

FCA Article 10 - (CPS)

Date filed: 07/18/2013

Was there a Fact Finding?

- Yes
 No
 Unable to Determine

Was there a Disposition?

- Yes
- No
- Unable to Determine

Services in Response to the Fatality

All selected items apply:	Provided after death	Offered but refused	Offered unknown if used	Should be offered	Needed but not available	N/A	CDR review led to referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Funeral arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Housing assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Other, specify: Preventive Services for assistance with housing, maintaining the condition of the home and helping to follow up with medical and counseling appointments.

Grief support program.

Child therapy services to manage behavior and help with grief.

The Court has since ordered a Article 10 petition to be filed and therefore, court ordered services will now be put in place and monitored under long term CPS.

Closing

Was the level of casework activity, which includes contact with the family and others from the receipt of the report through case conclusion, commensurate with the case circumstances?

- Yes
- No

Other than electronic approvals/rejections, is there any documentation of supervisory/consultation during the investigation

- Yes , Case record has detail of the consultation
- Yes , record notes a consultation took place, but no details noted
- Yes , signature or initials recorded (other than on FASP)
- No

Was the decision to close the case appropriate?

- Yes
- No
- N/A - case opened or already open for service
- Unable to Determine

Review Findings

Was sufficient information gathered to make determination for all allegations including those on the intake report as well as any identified in the course of the investigation?

- The CPS report had not yet been determined at the time this Fatality report was issued
- Yes, sufficient information was gathered to determine all allegations
- No, sufficient information was gathered to determine some allegations only
- No, sufficient information was not gathered to determine any of the allegations
- Unable to determine - insufficient documentation
- N/A

Was the determination made by the district to unfound or indicate appropriate?

- Yes
- No
- Unable to determine

Was sufficient information gathered to make the decision recorded on the safety assessment due at the time of the determination?

- Yes
- No
- N/A - No Safety Assessment required - report was determined within 7 days of completing the 7-Day Safety Assessment
- Unable to determine

Was the safety decision recorded on the safety assessment at the time of the Investigation Determination appropriate?

- Yes
- No

Required Actions

Are there any Required Actions? Yes No

Required Action - Issue: Assessment as to need for Family Court Action

Legal reference: 18 NYCRR 432.2(b)(3)(vi)

Explanation: Failure to file Abuse Petition in Family Court

Action: In 2012 RCDSS developed a corrective action plan for adequate assessment of court action. The plan was submitted and approved by OCFS. The policy developed wasn't followed in this case or adequately assessed. DSS needs to ensure that the family court policy is accurately utilized in a timely manner.

Required Action - Issue: Assessment as to need for Family Court Action

Legal reference: 18 NYCRR 432.2(b)(3)(vi)

Explanation: Failure to file Neglect Petition

Action: In 2012 RCDSS developed a corrective action plan for adequate assessment of court action. The plan was submitted and approved by OCFS. The policy developed wasn't followed in this case or adequately assessed. DSS needs to ensure that the family court policy is accurately utilized in a timely manner.

Recommended Actions

Are there any Recommended Actions? Yes No