

Report Identification Number: SV-15-036 Prepared by: Spring Valley Regional Office

Issue Date: 12/15/2015

This	s report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:
X	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 State of New York.

This report may <u>only</u> 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.

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## **Abbreviations**

	Relationships							
BM-Biological Mother	SM-Subject Mother	SC-Subject Child						
BF-Biological Father	SF-Subject Father	OC-Other Child						
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father						
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider						
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father						
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle						
	Contacts							
LE-Law Enforcement	CW-Case Worker	CP-Case Planner						
DrDoctor	ME-Medical Examiner	EMS-Emergency Medical Services						
DC-Day Care	FD-Fire Department	BM-Biological Mother						
CPR-Cardio-pulmonary Resuscitation								
	Allegations							
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts						
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding						
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse						
CD/A-Child's Drug/Alcohol Use	MN-Medical Neglect	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-Others							
	Miscellaneous							
IND-Indicated	UNF-Unfounded	SO-Sexual Offender						
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence						
LDSS-Local Department of Social	ACS-Administration for Children's	NYPD-New York City Police						
Service	Services	Department						
PPRS-Purchased Preventive Rehabilitative Services								

## **Case Information**

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**Report Type:** Child Deceased **Jurisdiction:** Suffolk **Date of Death:** 07/24/2015

Age: 1 year(s) Gender: Male Initial Date OCFS Notified: 07/25/2015

## **Presenting Information**

On 7/25/2015, a case was called in to the New York Statewide Central Register of Child Abuse and Maltreatment with allegations of DOA/Fatality and Inadequate Guardianship against the mother and the father on behalf of the 1-year-old male subject child. The report alleged on 7/24/2015 at 10:41 AM the mother checked on the subject child as he had slept longer than usual and found him unresponsive and face down in his crib. The subject child was noted to be an otherwise healthy child and there was no plausible explanation for his death. The report noted the time of death was 11:09 AM and the subject child had no apparent or visible injuries.

#### **Executive Summary**

Suffolk County Department of Social Services, (SCDSS), conducted an investigation into the allegations listed on the report, and worked in conjunction with local law enforcement officials. The mother and the father were not interviewed as they had retained an attorney and were not cooperative with the investigation. The safety of the surviving 7-year-old male sibling was assessed and he was interviewed at the school regarding the allegations. There were no concerns noted for his safety and weekly counseling was arranged with the schools social worker.

As per the Suffolk County Medical Examiner's Office, the final autopsy results were not yet available as a full pediatric work up was ordered.

Local law enforcement officials briefly interviewed the mother in regard to the incident. The mother reportedly put the subject child down to sleep at 8:30 PM on 6/23/2015. At 10:41 AM, the mother checked on the subject child and found him face down and un-responsive in his crib. A 911 call was then placed. The family attorney would not allow for any additional questions and neither the police department nor the Medical Examiner's Office were permitted to conduct a reenactment of the incident or take necessary statements. SCDSS made numerous attempts to interview the family through the attorney, unsuccessfully.

The surviving sibling was determined to have been safe in the care of the parents and the level of future risk of maltreatment was determined to have been low.

On 09/22/2015, SCDSS made the determination to unsubstantiate the allegations of DOA/Fatality Inadequate Guardianship listed on the report against the mother and father on behalf of the subject child. The parents were uncooperative with the investigation and the attorney the family had retained limited contact with the family. As a result, there was no credible evidence to support the allegations. Weekly counseling sessions for the surviving sibling was arranged via the caseworker and the school social worker. The school social worker explained the surviving sibling does speak about the subject child and there were never any concerns raised. The school social worker noted no concerns for the safety and well-being of the surviving sibling. The surviving sibling made mention of the parents' recent separation and potential concerns regarding both parents' prescription drug and alcohol misuse, however the school social worker did not observe the mother to ever appear under the influence of drugs and/or alcohol at any time. At the close of the investigation, there was no evidence to support the mother and/or father were misusing prescription drugs or alcohol. The school social worker agreed to monitor the concerns and notify the caseworker or

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#### NEW YORK STATE

## NYS Office of Children and Family Services - Child Fatality Report

the SCR if necessary. A full pediatric work-up was ordered by the Medical Examiner resulting in the delay of the final autopsy report being issued. Once the final autopsy report is received, SCDSS noted that they will proceed accordingly if any suspicions were raised.

## 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 Yes appropriate?

#### **Determination:**

- Was sufficient information gathered to make determination(s) for all No, sufficient information was not allegations as well as any others identified in the course of the investigation?

  No, sufficient information was not gathered to determine any of the allegations.
- Was the determination made by the district to unfound or indicate Yes appropriate?

### **Explain:**

All safety assessment were appropriate, timely, and accurately reflected the known circumstances of the case.

Was the decision to close the case appropriate?

Yes

Was casework activity commensurate with appropriate and relevant

Yes

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of the

consultation.

## **Explain:**

The decision to close the case was appropriate.

## Required Actions Related to the Fatality

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

## **Fatality-Related Information and Investigative Activities**

#### **Incident Information**

**Date of Death:** 07/24/2015 Time of Death: Unknown

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

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County where fatality incident occurred:

## NYS Office of Children and Family Services - Child Fatality Report

SUFFOLK

Was 911 or local emerger	ncy number called?	Yes
Time of Call:		Unknown
Did EMS to respond to th	ne scene?	Unknown
At time of incident leadin	g to death, had child used alcohol o	or drugs? No
Child's activity at time of	incident:	
⊠ Sleeping	☐ Working	☐ Driving / Vehicle occupant
☐ Playing	☐ Eating	□ Unknown
☐ Other		
*	n at time of incident leading to deat was the child last seen by	th? Yes
Is the caretaker listed in t	the Household Composition? Yes -	Caregiver 1
At time of incident supervimpaired.	visor was: Unknown if they were	
Total number of deaths a Children ages 0-18: 1		

#### **Household Composition at time of Fatality**

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	1 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	38 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	39 Year(s)
Deceased Child's Household	Sibling	No Role	Male	7 Year(s)

## **LDSS Response**

Suffolk County Department of Social Services, (SCDSS), conducted an investigation into the allegations listed on the report, and worked in conjunction with collateral contacts and local law enforcement officials. SCDSS did make collateral contact with the source of the report, homicide detectives, the Medical Examiner, personnel from the school the surviving sibling attends, and the maternal uncle, who is also representing the family as their attorney. The surviving sibling was observed and interviewed while in school, however the mother and father were not interviewed as the attorney would not allow the caseworker to speak with them, or aid in setting up an interview with the family.

As per the Medical Examiner, the subject child had some lung congestion, though non-specific; a bruise on his head, small hemorrhaging around his brain and one of his eyes, which were noted to be indicative of blunt head trauma. The Medical Examiner could not state, however, that this injury was inflicted as it is possible for a child the subject child's age to fall. Further studies were being conducted at the time of case closure.

The safety to the surviving 7-year-old male sibling was assessed. The family attorney would not aid the caseworker in SV-15-036 FINAL Page 5 of 11



speaking with the sibling, so the caseworker went through the school to obtain needed information. All Safety Assessments as well as the Risk Assessment Profile (RAP) were appropriate, timely, and accurately reflected the known circumstances of the case. The case notes were well documented, detailed and contemporaneous.

There was documentation of supervisory conferences noted. The investigation was closed on 9/22/2015 and the allegations on the report were determined to have been appropriately unsubstantiated against the mother and the father on behalf of the subject child. The family was uncooperative with SCDSS and insufficient evidence was obtained as a result. The final results of the autopsy were still pending at the time of the closure of the investigation. SCDSS noted in the current system of record that they will proceed accordingly if any pertinent information is obtained once the final autopsy report is received.

#### Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

### Multidisciplinary Investigation/Review

## Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?No

**Comments:** Suffolk County Department of Social Services worked in conjunction with Law Enforcement Officials.

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

**Comments:** Suffolk County does not have an OCFS approved Child Fatality Review Team.

#### **SCR Fatality Report Summary**

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
021361 - Deceased Child, Male, 1 Yrs	021363 - Father, Male, 38 Year(s)	DOA / Fatality	Unsubstantiated
021361 - Deceased Child, Male, 1 Yrs	021363 - Father, Male, 38 Year(s)	Inadequate Guardianship	Unsubstantiated
021361 - Deceased Child, Male, 1 Yrs	021362 - Mother, Female, 39 Year(s)	DOA / Fatality	Unsubstantiated
021361 - Deceased Child, Male, 1 Yrs	021362 - Mother, Female, 39 Year(s)	Inadequate Guardianship	Unsubstantiated

#### **CPS Fatality Casework/Investigative Activities**

Ves	No	N/A	<b>Unable to</b>
1 68	110	IN/A	Determine



All children observed?	×			
When appropriate, children were interviewed?	X			
Alleged subject(s) interviewed face-to-face?		×		
All 'other persons named' interviewed face-to-face?			X	
Contact with source?	×			
All appropriate Collaterals contacted?		$\boxtimes$		
Family Members		X		
Pediatrician				×
Was a death-scene investigation performed?		×		
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)?		×		
Coordination of investigation with law enforcement?	X			
Did the investigation adhere to established protocols for a joint investigation?	×			
Was there timely entry of progress notes and other required documentation?	×			
Additional information:	•			

The family attorney and would not allow the caseworker and/or local law enforcement officials to interview the family or obtain any pertinent information from the family. The caseworker made numerous attempts to maintain contact to no avail.

## **Fatality Safety Assessment Activities**

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	×			
Was there an adequate safety assessment of impending or immediate din the household named in the report:	langer to su	ırviving sib	lings/other	children
Within 24 hours?	×			
At 7 days?	$\boxtimes$			
At 30 days?	$\boxtimes$			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	×			
Are there any safety issues that need to be referred back to the local district?		X		

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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?						X	
1	Fatality Risk	Assessment	/ Risk Assessi	ment Profile			
							T 1
				Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adeq	uate in this	case?		×			
During the course of the investigation gathered to assess risk to all survivies household?				$\boxtimes$			
Was there an adequate assessment	of the famil	ly's need fo	r services?	×			
Did the protective factors in this case petition in Family Court at any time investigation?	-		) file a		×		
Were appropriate/needed services of	offered in th	his case		×			
Place	ment Activiti	ies in Respon	se to the Fata	ality Investig	gation		I nable to
Place	ment Activiti	ies in Respon	se to the Fata	lity Investig	gation	N/A	Unable to Determine
Did the safety factors in the case she siblings/other children in the house foster care at any time during this f	ow the need hold be ren	l for the su	rviving			N/A	
Did the safety factors in the case she siblings/other children in the house	ow the need hold be ren atality inve	I for the su noved and pestigation?	rviving placed in	Yes	No		
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Did the safety factors in the case she siblings/other children in the house foster care at any time during this f Were there surviving siblings/other removed as a result of this fatality r	ow the need hold be reneated in the children in the central tegal of the fatality	I for the sunoved and pestigation? In the house stigation?  Activity Relation	rviving placed in hold	Yes  Lality  was no leg	No ⊠  ⊠ al activity		
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#### Additional information, if necessary:

It was noted in the progress notes the mother had gone for a psychiatric evaluation and referred to the EAC in 3/2015. It was also noted that there may have been concerns regarding prescription drug and alcohol misuse however due to the family attorney not permitting the caseworker access to speak with the family additional information could not have been obtained.

# 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? No

#### **Explain:**

The Caseworker was unable to have a discussion with the parents regarding the service needs of the surviving sibling as they had retained an Attorney and were not permitted to speak with the family. The surviving sibling was receiving counseling on a weekly basis in school and the Caseworker had maintained contact with the school's Social Worker. No concerns were noted.

# Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No

## **Explain:**

The caseworker was unable to have a discussion with the parents regarding the service needs of the family as the family had retained an Attorney and were not permitted to speak with the family. The caseworker was able to provide the family with bereavement referrals. It was learned, via the surviving siblings school social worker that the mother was in counseling; However it was unclear if the mother had obtained the services within the community or from the referral.



## **History Prior to the Fatality**

## **Child Information** Did the child have a history of alleged child abuse/maltreatment? No Was there an open CPS case with this child at the time of death? No Was the child ever placed outside of the home prior to the death? No Were there any siblings ever placed outside of the home prior to this child's death? No Was the child acutely ill during the two weeks before death? No **CPS - Investigative History Three Years Prior to the Fatality** There is no CPS investigative history within three years prior to the fatality. CPS - Investigative History More Than Three Years Prior to the Fatality There is no known CPS history on file for the family.

#### **Known CPS History Outside of NYS**

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

## **Services Open at the Time of the Fatality**

# Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services? □Yes ⊠No

## **Preventive Services History**

There is no record of Preventive Services History provided to the deceased child, the deceased child's siblings, and/or the other children residing in the deceased child's household at the time of the fatality.

#### Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

□Yes ⊠No



## **Foster Care Placement History**

There is no record of foster care placement history provided to the deceased child, the deceased child's siblings, and/or the other children residing in the deceased child's household at the time of the fatality.

## **Legal History Within Three Years Prior to the Fatality**

Was there any legal activity within three years prior to the fatality investigation? There was no legal activity

### **Recommended Action(s)**

Are there any recommended actions for local or state administrative or policy changes?  $\square Yes \boxtimes No$ 

Are there any recommended prevention activities resulting from the review?  $\square$ Yes  $\boxtimes$ No