



Report Identification Number: SY-20-051

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

Issue Date: May 03, 2021

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

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

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

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

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

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

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

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



Abbreviations

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



Case Information

Report Type: Child Deceased
Age: 1 year(s)

Jurisdiction: Oswego
Gender: Female

Date of Death: 11/09/2020
Initial Date OCFS Notified: 11/09/2020

Presenting Information

An SCR report alleged the 1-year-old child was found deceased face down in the home on 11/9/20. The exact location in the home was unknown. The child was in the care of the mother and maternal uncle at the time. The child was an otherwise healthy child and the adults had no explanation for the child's death. The cause of death was unknown. There were drugs found in the home that were accessible to the child.

Executive Summary

On 11/9/20, the Oswego County Department of Social Services (OCDSS) received an SCR report regarding the death of the 1-year-old female child. At the time of her death, the child resided with her mother, mother's partner, 2-year-old sibling, maternal grandparents, a maternal uncle and his 8-year-old child (cousin) and a second maternal uncle. The child's father was incarcerated on an unrelated matter and he had no contact with the child.

Through a joint investigation with law enforcement it was learned that on the morning of 11/9/20 the mother was home with the sibling, maternal uncle, and his child (the cousin). The mother went into her bedroom to check on the child and she found the child laying on her left side, face down in the portable crib and she was unresponsive. The mother attempted to perform CPR and she screamed for the uncle. The uncle called 911 at 10:50 AM. The cousin entered the bedroom and cried as she witnessed the mother's attempts to perform CPR on the child. The mother picked up the child and ran outside, where a bystander attempted to perform CPR until first responders arrived. When EMS arrived the child was unresponsive and rigor mortis had set in. The child was pronounced deceased in the ambulance on the way to the hospital at 11:01 AM.

An autopsy was performed, and the manner of death was homicide. The cause of death was multiple injuries with asphyxia by smothering. The child was observed to have discolorations to the face, head and chest, multiple facial and scalp contusions, face abrasions, injuries to the inner lips, pulmonary edema and recent fractures of the right radius and ulna. The criminal investigation remained open and no charges had been filed at the time this report was written.

The mother had a history of mental health concerns with suicidal ideation, self-inflicted injuries, violent behavior towards others and hearing voices. The mother reported that she was not taking any medication and she was not in mental health treatment. Family members expressed concerns that the mother had been violent towards her children and other adults in the home. The mother's mental health was deemed unstable following the child's death, and she was temporarily admitted to a psychiatric hospital. The mother, her partner and the two uncles admitted to smoking marijuana regularly and they said they smoked marijuana on the evening of 11/8/20. The home was assessed to be safe except for paraphernalia used for smoking marijuana that was visible in the second uncle's bedroom and the mother's bedroom.

A safety plan was initiated on 11/9/20 that the mother and her partner would leave the home and their contact with the sibling would be supervised. On 11/12/20, an Article 10 Neglect Petition was filed against the mother and her partner and the sibling was placed in foster care. An order of protection was issued against the mother and her partner barring them from unsupervised contact with the sibling. At the time this report was written, the sibling's father had applied for custody and his petition was pending. The cousin went to live with her maternal grandparents, whom filed for custody, and their petition was also pending.

OCDSS substantiated the allegation of Inadequate Guardianship against the maternal grandparents and both uncles due to them having knowledge of the mother's history of violence and their failure to intervene to protect the children. The



mother was substantiated for Inadequate Guardianship, DOA/Fatality, Excessive Corporal Punishment, Lacerations/Bruises/Welts, and Internal Injuries as all evidence suggested that the mother caused the child’s injuries and subsequently her death. The mother engaged in mental health treatment, substance abuse treatment and parent education. The sibling received Early Intervention services and the cousin received counseling through school. The case was opened for CPS Services.

PIP Requirement

For issues identified in historical cases, OCDSS will submit a PIP to the Syracuse Regional Office within 30 days of receipt of this report. The PIP will identify action(s) OCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, OCDSS will review the plan and revise as needed to address ongoing concerns.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

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

Determination:

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

Explain:

OCDSS indicated and opened the case for ongoing CPS services after concluding their investigation.

Was the decision to close the case appropriate? N/A

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

Was there sufficient documentation of supervisory consultation? Yes, the case record has detail of the consultation.

Explain:

Casework activity was commensurate with best casework practice.

Required Actions Related to the Fatality



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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 11/09/2020

Time of Death: 11:01 AM

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

Unknown

County where fatality incident occurred:

Oswego

Was 911 or local emergency number called?

Yes

Time of Call:

10:50 AM

Did EMS respond to the scene?

Yes

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

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

At time of incident was supervisor impaired?

Drug Impaired

Alcohol Impaired

Impaired by illness

Impaired by disability

At time of incident supervisor was:

Distracted

Absent

Asleep

Other:

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	Alleged Perpetrator	Male	27 Year(s)
Deceased Child's Household	Aunt/Uncle	Alleged Perpetrator	Male	26 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim	Female	1 Year(s)
Deceased Child's Household	Grandparent	Alleged Perpetrator	Female	43 Year(s)
Deceased Child's Household	Grandparent	Alleged Perpetrator	Male	46 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	27 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	22 Year(s)
Deceased Child's Household	Other Child - Cousin	Alleged Victim	Female	8 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	2 Year(s)



Other Household 1	Other Adult - Cousin's Mother	No Role	Female	27 Year(s)
Other Household 2	Other Adult - Sibling's Father	No Role	Male	31 Year(s)
Other Household 3	Father	No Role	Male	29 Year(s)

LDSS Response

OCDSS thoroughly investigated the child’s death through a joint response with law enforcement. They interviewed all household members, the parents of the children, the source of the report, the medical examiner, school staff, pediatrician, and EMS. They conducted home visits, searched SCR history, and provided notification of the report to the required adults.

Through interviews with the family it was learned that the mother, her partner, the child, and sibling all shared a bedroom in the home and the child slept in a portable crib with a pillow and a blanket. The child was reported to be healthy, and it was denied that she had sustained any serious injuries since birth. All family members reported that prior to going to bed on 11/8/20, the only mark the child had was a bruise on her forehead that was caused by the sibling. They said the child appeared to be acting fine, but she was teething, and she felt warm, so the mother gave her infant Tylenol. The children both fell asleep in the grandfather’s arms and the mother put them to bed at 8:30 PM.

The mother and her partner stated that they went to bed around 1:00 AM. The child woke up crying at 2:00 AM and then again between 4:00 and 5:00 AM, and the mother’s partner gave the child a pacifier and a drink and she went back to sleep both times. The sibling woke up between 7:30 and 8:00 AM and he went into the kitchen to have breakfast with the grandparents. Around 9:00 AM, the mother and her partner got up. The mother told the grandmother that the child was still tired since she was rubbing her eyes and falling down while she was trying to sit up so the Tylenol must have “thrown her for a loop.” The grandmother asked the mother’s partner to check on the child and when he returned from the bedroom, he reported that the child was sleeping, and she was fine. The mother was in the kitchen caring for the sibling and cousin and the uncle was in the shower when the mother’s partner and the grandparents each left the home around 10:00 AM. When the mother checked on the child, she did not respond, and she was stiff. The uncle called 911 at 10:50 AM and then called the grandfather to tell him about the incident. The grandfather called the mother’s partner at 11:21 AM and told him to come home because the child was dead.

The mother and her partner reported they were the only ones caring for the child and they both denied causing the child’s injuries. The mother’s partner completed a polygraph exam and law enforcement reported that he appeared to be telling the truth when he said that he didn’t cause the injuries to the child, but he showed deception when he denied knowing who caused the injuries and death of the child. The mother refused the take a polygraph exam at the advice of her attorney.

Pediatrician records confirmed that both children were healthy, and they had not been seen for any injuries.

Official Manner and Cause of Death

Official Manner: Homicide

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes

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



SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
056897 - Deceased Child, Female, 1 Yrs	056899 - Mother, Female, 27 Year(s)	Internal Injuries	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056899 - Mother, Female, 27 Year(s)	Lacerations / Bruises / Welts	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056898 - Grandparent, Female, 43 Year(s)	Inadequate Guardianship	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056899 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056901 - Aunt/Uncle, Male, 27 Year(s)	DOA / Fatality	Unsubstantiated
056897 - Deceased Child, Female, 1 Yrs	056899 - Mother, Female, 27 Year(s)	Excessive Corporal Punishment	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056900 - Grandparent, Male, 46 Year(s)	Inadequate Guardianship	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056903 - Mother's Partner, Male, 22 Year(s)	Inadequate Guardianship	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056901 - Aunt/Uncle, Male, 27 Year(s)	Inadequate Guardianship	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056899 - Mother, Female, 27 Year(s)	DOA / Fatality	Substantiated
056897 - Deceased Child, Female, 1 Yrs	056902 - Aunt/Uncle, Male, 26 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056903 - Mother's Partner, Male, 22 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056902 - Aunt/Uncle, Male, 26 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056898 - Grandparent, Female, 43 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056900 - Grandparent, Male, 46 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056899 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Substantiated
056904 - Other Child - Cousin , Female, 8 Year(s)	056901 - Aunt/Uncle, Male, 27 Year(s)	Inadequate Guardianship	Substantiated
056905 - Sibling, Male, 2 Year(s)	056902 - Aunt/Uncle, Male, 26 Year(s)	Inadequate Guardianship	Substantiated
056905 - Sibling, Male, 2 Year(s)	056900 - Grandparent, Male, 46 Year(s)	Inadequate Guardianship	Substantiated
056905 - Sibling, Male, 2 Year(s)	056903 - Mother's Partner, Male, 22 Year(s)	Inadequate Guardianship	Substantiated



Child Fatality Report

056905 - Sibling, Male, 2 Year(s)	056899 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Substantiated
056905 - Sibling, Male, 2 Year(s)	056899 - Mother, Female, 27 Year(s)	Excessive Corporal Punishment	Substantiated
056905 - Sibling, Male, 2 Year(s)	056898 - Grandparent, Female, 43 Year(s)	Inadequate Guardianship	Substantiated
056905 - Sibling, Male, 2 Year(s)	056901 - Aunt/Uncle, Male, 27 Year(s)	Inadequate Guardianship	Substantiated

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information:

The father was incarcerated and he was not interviewed face to face.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Child Fatality Report

Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain:
Risk was adequately assessed and a petition was filed in Family Court to obtain court ordered services.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Explain as necessary:
The sibling was removed and placed in Foster Care and the cousin went to reside with her maternal grandparents.

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation?

Family Court Criminal Court Order of Protection

Family Court Petition Type: FCA Article 10 - CPS



Date Filed:	Fact Finding Description:	Disposition Description:
11/12/2020	There was not a fact finding	There was not a disposition
Respondent:	056899 Mother Female 27 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the mother and her partner on 11/12/20. The sibling was placed in the custody of the Commissioner of OCDSS and the petition was pending in Family Court at the time this report was written.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
11/12/2020	There was not a fact finding	There was not a disposition
Respondent:	056903 Mother's Partner Male 22 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the mother and her partner on 11/12/20. The sibling was placed in the custody of the Commissioner of OCDSS and the petition was pending in Family Court at the time this report was written.	

Have any Orders of Protection been issued? Yes	
From: 11/12/2020	To: Unknown
Explain: An order of protection was issued against the mother and her partner barring them from unsupervised contact with the sibling.	

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Early Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
Alcohol/Substance abuse	<input checked="" type="checkbox"/>	<input 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"/>

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

Explain:
The sibling was placed in Foster Care and the cousin was placed with her maternal grandparents. The cousin was referred for counseling and the sibling received a full medical examination.

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

Explain:
The mother was admitted for inpatient psychiatric treatment following the child's death.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment?** Yes
- Was the child ever placed outside of the home prior to the death?** No
- Were there any siblings ever placed outside of the home prior to this child's death?** No
- Was the child acutely ill during the two weeks before death?** No

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/21/2019	Deceased Child, Female, 1 Days	Mother, Female, 19 Years	Inadequate Guardianship	Substantiated	No
	Deceased Child, Female, 1 Days	Mother, Female, 19 Years	Parents Drug / Alcohol Misuse	Substantiated	

Report Summary:

An SCR report alleged that on 7/20/19, the mother gave birth to the subject infant. At the time of delivery, the mother and infant tested positive for marijuana.

Report Determination: Indicated **Date of Determination:** 09/17/2019

Basis for Determination:

The mother admitted to having a history of substance abuse and using marijuana during her pregnancy. The mother had three positive toxicology screens for marijuana during her pregnancy. The mother resided with the maternal grandparents



and uncle and they supported her with caring for the children. OCDSS referred the mother for a substance abuse evaluation and she enrolled in treatment. OCDSS advised the mother if she did not comply with treatment recommendations and another SCR report was received, Family Court action may be necessary.

OCFS Review Results:

Home visits were conducted and all household members were interviewed. A Plan of Safe Care was completed, safe sleep education was provided and family planning was discussed with the mother. OCDSS spoke to the children's pediatricians who reported the children were healthy. The mother's OBGYN confirmed the mother was being treated for mental health concerns and the mother's substance abuse treatment provider confirmed she was enrolled in treatment. Safety Assessments and the RAP were completed timely and accurately.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/04/2019	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Inadequate Guardianship	Unsubstantiated	No
	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Sexual Abuse	Unsubstantiated	

Report Summary:

SCR reports received on 6/4/19 and 6/10/19 alleged the cousin was using the bathroom an excessive amount of times per day and it was painful for her to urinate. The uncle was waking the cousin up in the middle of the night and hurting the cousin. It was suspected the uncle was sexually abusing the cousin and caused an infection.

Report Determination: Unfounded

Date of Determination: 08/16/2019

Basis for Determination:

There was a lack of credible evidence that the cousin was sexually abused by the uncle. The cousin was forensically interviewed and did not disclose sexual abuse. The cousin had a history of having persistent UTIs and she was referred to a specialist. The cousin was enrolled in counseling at the CAC.

OCFS Review Results:

OCDSS interviewed the cousin and family members at the CAC, home visits were conducted and the uncle was interviewed. Safe sleep was discussed with the family. OCDSS spoke to the children's pediatrician, school staff and the cousin's mother. The safety of the children was assessed timely and the 7-Day Safety Assessment and RAP were completed accurately.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/19/2019	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Inadequate Guardianship	Substantiated	No
	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Lack of Supervision	Substantiated	

Report Summary:

An SCR report alleged the cousin was being sexually abused by the uncle and he was taking pictures and videos of her.

Report Determination: Indicated

Date of Determination: 06/04/2019

Basis for Determination:

There was credible evidence that the uncle allowed a level 2 sex offender to sleep alone upstairs in the home in a bedroom next to the cousin's bedroom. OCDSS advised the sex offender could not be left alone with the children. The



uncle moved the cousin's bed to the living room where the uncle slept. The family denied that the cousin was being sexually abused and the cousin did not disclose sexual abuse.

OCFS Review Results:

Home visits were conducted and all household members were interviewed. The 7-Day Safety Assessment and the RAP were completed timely and accurately. OCDSS spoke to the children's parents, other family members and school staff.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/18/2018	Sibling, Male, 4 Months	Mother, Female, 18 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 4 Months	Mother, Female, 18 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

An SCR report alleged the mother was using marijuana and molly to the point of impairment as the sole caretaker of the sibling. The roles of the maternal grandparents was unknown.

Report Determination: Unfounded

Date of Determination: 06/03/2019

Basis for Determination:

The basis for unounding the investigation was not documented in the Investigation Conclusion Narrative. A case conference progress note dated 6/3/19 stated that the home was observed to meet minimal standards and the sibling was observed to be well-cared for. The mother admitted to using marijuana when she was not caring for the sibling but she denied using molly. The note further stated that the mother had diagnosed mental health concerns and she was in mental health treatment, although contact with the mother's treatment provider was not documented.

OCFS Review Results:

All regulatory requirements for a CPS Investigation were not met. The case was opened for 6 months and there were only 6 progress notes entered. Supervisory directives documented on 1/18/19 were not completed prior to case closure. A 6/3/19 case conference note stated that two home visits were conducted and the family was interviewed, although only a phone call with the grandmother was documented. The 7-day Safety Assessment was not completed timely, Notice of Existence was not provided timely, the father of the sibling was not added to the case or provided with Notice of Existence, the Investigation Conclusion Narrative was blank and pertinent collaterals were not contacted.

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

Issue:

Overall Completeness and Adequacy of Investigations

Summary:

All regulatory requirements for a CPS Investigation were not completed prior to closing the investigation.

Legal Reference:

SSL 424.6 and 18 NYCRR 432.2(b)(3)

Action:

OCDSS will complete all regulatory requirements prior to closing a CPS investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
12/05/2018	Other Child - Teenager, Female, 16 Years	Mother's Partner, Male, 20 Years	Inadequate Guardianship	Substantiated	No



Other Child - Teenager, Female, 16 Years	Mother's Partner, Male, 20 Years	Sexual Abuse	Substantiated
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Report Summary:

An SCR report alleged the mother's partner was an unrelated home member at another household and he engaged in sexual relations with the 16-year-old teenager that resided in the home.

Report Determination: Indicated

Date of Determination: 07/14/2019

Basis for Determination:

The teenager disclosed that she was having a sexual relationship with the mother's partner, who was staying with her family at the time. The teenager's mother contacted law enforcement and pressed charges upon finding out about the sexual relationship. The mother's partner was arrested and he no longer had contact with the teenager.

OCFS Review Results:

OCDFS conducted home visits and interviewed all household members. They assessed the teenager and her siblings to be safe in their mother's care and safety assessments and the RAP were completed timely and accurately. Relevant collaterals were contacted, including the teenager's pediatrician. Attempts were made to interview the mother's partner without success.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/17/2018	Other Child - Uncle's Partner's Child, Male, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Excessive Corporal Punishment	Unsubstantiated	No
	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Uncle's Partner's Child, Male, 5 Years	Aunt/Uncle, Male, 25 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Cousin #2, Male, 2 Years	Aunt/Uncle, Male, 25 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Cousin , Female, 6 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Uncle's Partner's Child, Male, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Cousin #2, Male, 2 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Inadequate Guardianship	Substantiated	
	Other Child - Uncle's Partner's Child, Male, 5 Years	Aunt/Uncle, Male, 25 Years	Inadequate Guardianship	Substantiated	
	Other Child - Cousin #2, Male, 2 Years	Aunt/Uncle, Male, 25 Years	Inadequate Guardianship	Substantiated	
Other Child - Cousin , Female, 6 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Guardianship	Unsubstantiated		



Other Child - Uncle's Partner's Child, Male, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin #2, Male, 2 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin #2, Male, 2 Years	Other Adult - Maternal Uncle's Partner, Female, 24 Years	Excessive Corporal Punishment	Unsubstantiated
Other Child - Cousin , Female, 6 Years	Aunt/Uncle, Male, 25 Years	Lacerations / Bruises / Welts	Unsubstantiated

Report Summary:

An SCR report alleged the maternal uncle and his partner failed to maintain a safe and sanitary living environment for the two cousins and the partner's child. The children had head lice and the adults were failing to treat it adequately. An SCR report received on 11/27/18 alleged the uncle was angry with the cousin and he struck the child's foot in an excessive manner, resulting in redness to the cousin's foot. An SCR report received 11/29/18 alleged the uncle's partner hit her child and cousin #2 with excessive force. The partner threw objects at the children and yelled at them.

Report Determination: Indicated

Date of Determination: 01/04/2019

Basis for Determination:

OCDSS found credible evidence to substantiate IG against the uncle and his partner but an administrative review found there was not a fair preponderance of evidence to substantiate IG against the uncle's partner. There was a history of domestic disputes and an altercation took place that resulted in the uncle and cousin moving out of the home, a Family Court petition being filed, and a stay away order of protection being issued against the uncle. There was a lack of credible evidence that the adults used excessive corporal punishment and there was no indication of lacerations, bruises or welts. There were bed bugs in the home, although the home met minimum standards.

OCFS Review Results:

OCDSS conducted home visits and interviewed all household members. Safe sleep education was provided to the family. Safety assessments and the RAP were completed timely and accurately. OCDSS spoke to the children's pediatrician, the parents of the children, and other family members.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/05/2018	Sibling, Male, 2 Months	Mother, Female, 18 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 2 Months	Grandparent, Female, 41 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Months	Grandparent, Male, 44 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Months	Mother, Female, 18 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

Report Summary:

An SCR report alleged the mother had a history of mental health issues and several different diagnosis. The mother had failed to adequately address her mental health and she was not compliant with treatment or taking her medication. The mother regularly consumed marijuana, as a result, she was unable to adequately care for the oldest sibling. At times, while impaired the mother cut herself and had suicidal ideation. The maternal grandparents were aware of the mother's actions, however condoned them and do not intervene.

Report Determination: Unfounded

Date of Determination: 06/03/2019

**Basis for Determination:**

The basis for unfounding the investigation was not documented in the Investigation Conclusion Narrative. It was documented in progress notes that the family reported that the mother was receiving mental health treatment and the maternal grandparents were a support for the mother. The sibling was well-cared for and the mother reported occasional marijuana use when the sibling was not in her care.

OCFS Review Results:

All regulatory requirements for a CPS Investigation were not met. The case was opened for 8 months and there were only 9 progress notes entered. Supervisory directives documented on 3/21/19 were not completed prior to case closure. A 6/3/19 progress note stated that the sibling was observed on three occasions, although progress notes were not entered for those dates. The 7-day Safety Assessment was not completed timely, Notice of Existence was not provided timely, the father of the sibling was not added to the case or provided with Notice of Existence, the Investigation Conclusion Narrative was blank, pertinent collaterals were not contacted and safe sleep education was not provided.

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

Issue:

Overall Completeness and Adequacy of Investigations

Summary:

All regulatory requirements for a CPS Investigation were not completed prior to closing the investigation.

Legal Reference:

SSL 424.6 and 18 NYCRR 432.2(b)(3)

Action:

OCSSS will complete all regulatory requirements prior to closing a CPS investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/06/2018	Other Child - Uncle's Partner's Child, Male, 4 Years	Aunt/Uncle, Male, 24 Years	Excessive Corporal Punishment	Unsubstantiated	Yes
	Other Child - Uncle's Partner's Child, Male, 4 Years	Aunt/Uncle, Male, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Uncle's Partner's Child, Male, 4 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Uncle's Partner's Child, Male, 4 Years	Aunt/Uncle, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Uncle's Partner's Child, Male, 4 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin #2, Male, 1 Years	Aunt/Uncle, Male, 24 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Cousin #2, Male, 1 Years	Aunt/Uncle, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Cousin #2, Male, 1 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	



Other Child - Cousin #2, Male, 1 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Aunt/Uncle, Male, 24 Years	Excessive Corporal Punishment	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Aunt/Uncle, Male, 24 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Aunt/Uncle, Male, 24 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Excessive Corporal Punishment	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Cousin , Female, 5 Years	Other Adult - Maternal Uncle's Partner, Female, 23 Years	Lacerations / Bruises / Welts	Unsubstantiated

Report Summary:

An SCR report alleged the maternal uncle and his partner were using drugs in the home around the cousin, the other cousin and the partner's child. The adults were verbally abusive towards each other in front of the children. The children had marks on their bodies from fighting with each other and the parents had no control over them. The cousin was pale, tired and looked to be sick. A subsequent report was received on 3/7/18 that alleged the uncle was physically violent toward the children.

Report Determination: Unfounded

Date of Determination: 06/14/2018

Basis for Determination:

Although OCDSS found some credible evidence that the cousin was spanked by the uncle's partner and as a result the cousin had a bruise and she was fearful of the uncle's partner, an administrative review determined that there was not a fair preponderance of the evidence. There was a lack of credible evidence that the adults used drugs in the home or in the presence of the children. The adults admitted to engaging in verbal arguments and there being an incident where the uncle pinched the children's mother, but there was no negative effect on the children.

OCFS Review Results:

OCDSS conducted home visits and interviewed all household members. Although the children's safety was assessed within 24 hours of receipt of the report, the 7-day Safety Assessment was completed 14 days late on 3/26/18. Safe sleep was discussed with the family and the necessary collaterals were contacted.

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

Issue:

Timely/Adequate Seven Day Assessment

Summary:

the 7-day Safety Assessment was completed 14 days late on 3/26/18.

Legal Reference:

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

Action:

OCDSS will document and approve all safety assessments within the required timeframe.



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

The maternal grandparents had 4 unfounded SCR reports between 2008 and 2013 regarding the mother and her siblings when they were children, and 1 unfounded SCR report in 2014 regarding the cousin.

The maternal uncle had an extensive unfounded SCR history between 2010-2017 regarding his children and one SCR report that was indicated in 2013 for Inadequate Guardianship regarding the cousin.

Known CPS History Outside of NYS

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

Preventive Services History

The uncle and cousin's mother had an open CPS Services case from 11/18/15-4/12/18 after an indicated SCR report due to the cousin's mother spanking the cousin and leaving a mark and the cousin's mother having untreated mental health issues. An Article 10 Neglect Petition was filed and an order of supervision was issued for 12 months. The uncle and the cousin's mother were awarded joint Article 6 custody of the cousin. The cousin and her mother both engaged in mental health counseling and the cousin's mother completed an anger management group and completed parent education. The uncle completed parent education and he was removed from the services case in 2016. After the court orders expired in 2017, the case remained open for Preventive Services to assist the cousin's mother, who had another child, with finding stable housing and with domestic violence services. The cousin went to reside with the uncle and she was removed from the case on 1/12/18.

Legal History Within Three Years Prior to the Fatality

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

Additional Local District Comments

Thank you for acknowledging the fatality report was done completely and properly. Given caseloads, staffing issues and the worldwide pandemic, we will do our best going forward. Of note is that the compliance issues did not contribute to the fatality.

Recommended Action(s)

Are there any recommended actions for local or state administrative or policy changes? Yes No

Are there any recommended prevention activities resulting from the review? Yes No