



**Report Identification Number: BU-18-027**

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

**Issue Date: Mar 18, 2019**

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

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

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

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

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

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

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

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



## Abbreviations

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



## Case Information

**Report Type:** Child Deceased  
**Age:** 2 year(s)

**Jurisdiction:** Erie  
**Gender:** Female

**Date of Death:** 09/22/2018  
**Initial Date OCFS Notified:** 09/24/2018

## Presenting Information

An SCR report was received with concerns that on 9/10/18, the parent substitute called 911 and stated the subject child was having an allergic reaction and needed medical care. The child was unresponsive and began seizing when she was admitted to the hospital. Medical scans showed the child had bilateral hematomas and a right clavicle fracture. Due to the extent of her injuries and permanent damage sustained, the child's family removed life support on 9/21/18, and the child died on 9/22/18.

## Executive Summary

This fatality report concerns the death of a 2-year-old female subject child (SC) that occurred on 9/22/18. A report was made to the SCR on that same date, with allegations of DOA/Fatality, Inadequate Guardianship, Lack of Medical Care, Fractures, Swelling/Dislocation/Sprains, and Internal Injuries against the subject child's mother (SM) father (SF), and the father's girlfriend (PS). Erie County Department of Social Services (ECDSS) received the fatality report and conducted a thorough investigation into the subject child's death.

ECDSS had been involved with the family since 6/11/18, as they were investigating initial concerns surrounding the care of the child when with her mother. On 9/10/18, the child sustained serious, life-threatening injuries while in the care of the father's girlfriend. The child was hospitalized for 12 days with multiple injuries and a poor prognosis before the family made the decision to cease care. The child passed away on 9/22/18 at 1:50PM. The father's girlfriend was arrested and facing several charges, including Reckless Assault of a Child, Endangering the Welfare of a Child, Assault, and Murder 2 at the time of this writing.

At the time of the child's death, she resided with her father, his girlfriend, and the girlfriend's 5-year-old daughter (OC); there were no surviving siblings. It was discovered on the day the child was severely injured, the father's girlfriend was caring for her while he was at work. ECDSS was unable to interview the father during the fatality investigation due to direction from his lawyer. The girlfriend was interviewed in jail and reported the father had thrown the child to the floor in the early morning of 9/10/18. The girlfriend stated she did not injure the child, but did not seek medical care for the child until she was unresponsive later that day. Law Enforcement ruled out the father as a suspect. At the time of the child's death, she had been diagnosed with a healing fracture of the right clavicle, bilateral subdural hematomas, ischemia, acute intraocular hemorrhages, mild, non-acute vertebrae compression fractures, and failure to thrive. Although the official autopsy was not yet released at the time of this writing, the Medical Examiner informed ECDSS some of the child's injuries were "highly indicative" of Shaken Baby Syndrome and the manner of death would "more than likely" be homicide.

From the time the investigation began to the time of its conclusion, ECDSS interviewed, or made attempts to interview, all individuals listed on the report as well as an abundance of collateral sources. Grief and trauma services were offered to family members, and ECDSS filed Abuse and Neglect Petitions in Family Court against the parents and the father's girlfriend. All allegations were substantiated, and the case was opened for services. Criminal and Family Court proceedings remained ongoing at the time this report was issued.

### PIP Requirement

ECDSS and NCDSS will submit Program Improvement Plans (PIP) to the Regional Office within 30 days of issuance of this report. These PIPs will identify what action(s) ECDSS and NCDSS have taken, or will take, to address the cited



issue(s). For citations where a PIP is currently implemented, ECDSS and NCDSS will review the plan(s) and revise as needed to further 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:

The decision to substantiate the allegations was appropriate, and casework activity was commensurate with the case circumstances.

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:

The decision to conclude the investigation and open the case for services was appropriate.

## 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: 09/22/2018

Time of Death: 01:50 PM



**Date of fatal incident, if different than date of death:** 09/10/2019  
**Time of fatal incident, if different than time of death:** Unknown

**County where fatality incident occurred:** Erie  
**Was 911 or local emergency number called?** Yes  
**Time of Call:** Unknown  
**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:**

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

**Did child have supervision at time of incident leading to death?** Yes  
**At time of incident supervisor was:** Not impaired.

**Total number of deaths at incident event:**  
**Children ages 0-18:** 1  
**Adults:** 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	2 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	20 Year(s)
Deceased Child's Household	Father's Partner	Alleged Perpetrator	Female	25 Year(s)
Deceased Child's Household	Other Child - PS' CH	Alleged Victim	Female	5 Year(s)
Other Household 1	Mother	Alleged Perpetrator	Female	20 Year(s)
Other Household 2	Other Adult - OC's BF	No Role	Male	20 Year(s)

### LDSS Response

On 9/22/18, ECDSS received a report regarding the death of SC. ECDSS initiated their investigation within 24 hours and coordinated their efforts with their Multidisciplinary Team. ECDSS learned SC resided with SF, PS and the OC, and SF had just recently gained custody of SC in June 2018. SC had no SS.

Although the fatality report was received on 9/22/18, ECDSS had been involved with the family since June 2018, as they were investigating two SCR reports: One was received on 6/11/18 and alleged SC sustained marks and bruises while in the care of SM and SM's boyfriend. It was during this investigation that SF was granted custody of SC and began residing with SF, PS, and OC in their home. On 9/10/18, a subsequent report was received with concerns SC sustained serious injuries while in the care of SF and PS. The SC was hospitalized as a result, from 9/10/18 until 9/22/18. Hospital physicians reported SC suffered from multiple subdural hematomas, retinal hemorrhages in all four quadrants of both eyes, a broken right clavicle, and failure to thrive with a weight less than the 5th percentile. During this investigation, SC was removed from SF's custody and placed in the care of her maternal grandparents, and OC was placed in foster care. SC was



given an extremely poor prognosis, and on 9/22/18, the family made the decision to remove SC from all life-sustaining interventions. The fatality report was received after SC passed away on 9/22/18.

On the date the fatality report was received, ECDSS assessed the safety of OC in her foster care placement and noted no concerns. On this same date, ECDSS met with SC’s maternal grandparents in their home. The foster home was assessed as safe, and interviews were conducted. Both MGM and MGF reported they had expressed concerns regarding SC’s weight over the past several months, and had encouraged SF to have SC seen by her pediatrician. MGM reported SF and PS would tell her SC was just going through a growth spurt. MGM and MGF also expressed concerns regarding SF’s alcohol use, and possible interpersonal violence between SF and PS.

On 9/22/18, ECDSS met with SF in his home. SF’s attorney had requested SF not speak with ECDSS regarding the injuries SC sustained or the allegations in the report, so a full interview was not conducted. ECDSS observed the home and noted no concerns.

On 10/1/18, ECDSS met with PS at the Erie County Holding Center. PS reported she did not harm SC, but SF did. PS stated she is “guilty of not reporting SC’s injuries.” PS explained SC lost weight quickly over the summer, but was never taken to see her pediatrician. PS said she felt SC suffered “brain damage” because SF threw SC on the floor. PS stated on the morning of 9/10/18, she was downstairs and heard a “loud thud” from upstairs, where SF and SC were. PS said SF told her SC fell and hit her head, and PS thought SC seemed “very tired.” SF went to work, and PS said throughout the day, SC did not want to eat and slept more than normal. PS stated around 3:15PM, SC woke up and had saliva and mucus on her face. PS gave SC Benadryl because she felt maybe SC was not feeling well. PS explained she began to make dinner for the CHN and SC hit her head on the freezer door while PS was holding her. Shortly thereafter, SC became unresponsive and PS called EMS. PS denied intentionally causing injury to SC, and accused SF of shaking SC on more than one occasion.

ECDSS completed a thorough investigation into the injuries and death of SC. Interviews were completed with those named on the report, as well as an abundance of collateral sources. At the time the fatality investigation concluded, PS was facing various criminal charges including Murder 2; LE had not named SF as suspect. ECDSS filed Abuse and Neglect petitions against SM, SF, and PS and opened the case for services. Although the ME reported some of SC’s injuries were consistent with Shaken Baby Syndrome, the official cause and manner death remained pending.

### Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** From an injury - external cause

**Person Declaring Official Manner and Cause of Death:** Medical Examiner

### Multidisciplinary Investigation/Review

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

**Comments:** This fatality investigation was conducted by the Erie County Multidisciplinary team.

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

**Comments:** Erie 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
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049316 - Deceased Child, Female, 2 Yrs	049318 - Father's Partner, Female, 25 Year(s)	Swelling / Dislocations / Sprains	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049318 - Father's Partner, Female, 25 Year(s)	Internal Injuries	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049318 - Father's Partner, Female, 25 Year(s)	Fractures	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049318 - Father's Partner, Female, 25 Year(s)	DOA / Fatality	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049318 - Father's Partner, Female, 25 Year(s)	Inadequate Guardianship	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049320 - Mother, Female, 20 Year(s)	Inadequate Guardianship	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049317 - Father, Male, 20 Year(s)	Inadequate Guardianship	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049317 - Father, Male, 20 Year(s)	Lack of Medical Care	Substantiated
049316 - Deceased Child, Female, 2 Yrs	049320 - Mother, Female, 20 Year(s)	Lack of Medical Care	Substantiated
049319 - Other Child - PS' CH, Female, 5 Year(s)	049318 - Father's Partner, Female, 25 Year(s)	Inadequate Guardianship	Substantiated
049319 - Other Child - PS' CH, Female, 5 Year(s)	049317 - Father, Male, 20 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information:**

All appropriate collateral sources were contacted and progress notes were entered contemporaneously.



## Fatality Safety Assessment Activities

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

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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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:**  
Abuse and Neglect petitions were filed in Family Court and a court ordered services case was opened in response. The services case remained ongoing at the time of this writing.

## 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"/>





<b>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?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>If Yes, court ordered?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Explain as necessary:**  
 On 9/19/18, OC was removed from the care of her maternal grandmother and placed into foster care. There were no other surviving children in the household.

**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:
09/14/2018	There was not a fact finding	There was not a disposition
<b>Respondent:</b>	049318 Father's Partner Female 25 Year(s)	
<b>Comments:</b>	ECDSS filed a Severe Abuse petition against PS and SF on 9/14/18, and OC was placed into foster care on 9/19/18; SF's only child was SC. On 1/9/19, OC's paternal grandmother and biological father were ordered full custody of OC and would reside with them in Pennsylvania. On 1/9/19, SF's petition was amended to a Neglect. Family Court proceedings remained ongoing at the time this report was issued.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
09/14/2018	Adjudicated Neglected	There was not a disposition
<b>Respondent:</b>	049320 Mother Female 20 Year(s)	
<b>Comments:</b>	A Neglect Petition was filed against SM on 9/14/18, in response to the fatal injuries SC sustained. SM had no other children. On 1/9/19, SM made an admission to the court for medical neglect, and there was no disposition. On this same date, SF's Severe Abuse petition was amended to a Neglect, with a follow up court date scheduled for 3/15/19.	

Criminal Charge: Murder    Degree: 2			
Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Pending	PS	Pending	Unknown
<b>Comments:</b>	At the time this report was issued, PS was facing several criminal charges in response to SC's injuries and subsequent death.		

Have any Orders of Protection been issued? Yes	
<b>From:</b> 09/14/2018	<b>To:</b> Unknown

**Explain:**

Orders of Protection were put in place against SM, SF, and PS regarding SC and OC, prior to SC's death, limiting unsupervised contact between the adults and the children. Family Court proceedings involving these orders remained ongoing at the time of this writing.

**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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**

Grief services were offered to the family in response to SC's death. On 9/24/18, a mandated services case was opened in response to the fatality focusing on the needs of OC. Due to PS' incarceration, it was unclear which services, if any, she would be receiving.

**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:**

Grief counseling and bereavement services were offered to all family members. OC was placed in foster care and a services case was opened to address the family's ongoing needs.

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



**Explain:**  
A court-ordered services case was opened in response to the fatality to further address the family's ongoing needs.

## History Prior to the Fatality

### Child Information

**Did the child have a history of alleged child abuse/maltreatment?** Yes  
**Was there an open CPS case with this child at the time of death?** Yes  
**Was the child ever placed outside of the home prior to the death?** Yes  
**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)
09/10/2018	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Fractures	Substantiated	No
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Internal Injuries	Substantiated	
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Lack of Medical Care	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Fractures	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Internal Injuries	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Lack of Medical Care	Substantiated	
	Other Child - PS' CH, Female, 5 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Substantiated	
	Other Child - PS' CH, Female, 5 Years	Father, Male, 20 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Mother, Female, 20 Years	Inadequate Guardianship	Substantiated	



Deceased Child, Female, 2 Years	Mother, Female, 20 Years	Lack of Medical Care	Substantiated
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**Report Summary:**

This report was received with concerns SC, while in the care of SF and PS, sustained a fractured clavicle, multiple bilateral subdural hematomas, and a bruise on her face. The report stated on 9/10/18, SC became unresponsive and suffered multiple seizures because of her injuries. Multiple inconsistent explanations were provided for how SC sustained the injuries, and none were plausible.

<b>Report Determination:</b> Indicated	<b>Date of Determination:</b> 10/10/2018
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**Basis for Determination:**

ECDSS completed a thorough investigation into the allegations. The SC died due to her injuries while this investigation was open. ECDSS interviewed all individuals named on the report as well as numerous collateral sources. ECDSS removed the OC and filed an Abuse/Neglect petition in Family Court. ECDSS found evidence to support the allegations and indicated and closed their investigation.

**OCFS Review Results:**

This investigation met all statutory requirements. No required actions were necessary.

**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)
06/11/2018	Deceased Child, Female, 2 Years	Other Adult - SF's boyfriend's Mo, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Female, 2 Years	Other Adult - SM's boyfriend, Male, 18 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Other Adult - SM's boyfriend, Male, 18 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Female, 2 Years	Mother - PS' CH, Female, 19 Years	Inadequate Food / Clothing / Shelter	Substantiated	
	Deceased Child, Female, 2 Years	Mother - PS' CH, Female, 19 Years	Inadequate Guardianship	Substantiated	
	Deceased Child, Female, 2 Years	Mother - PS' CH, Female, 19 Years	Lacerations / Bruises / Welts	Substantiated	
	Deceased Child, Female, 2 Years	Other Adult - SM's boyfriend, Male, 18 Years	Inadequate Food / Clothing / Shelter	Substantiated	

**Report Summary:**

This report was initially received by Allegany County CPS, but primary jurisdiction was changed to ECDSS on or about 7/5/18 due to the discovery SC and OC resided in Erie County; the exact date of transfer was not documented. The report alleged SC had sustained a pattern of marks and injuries while in the care of SM and SM's boyfriend. The report also alleged SC had blood stains on the inside of her lip from being thrown around or hit, and SC also had marks on her legs from being dragged or hit. Further, the report alleged SC was hungry and filthy with diaper rash, and BM and her boyfriend were not tending to SC's needs.

<b>Report Determination:</b> Indicated	<b>Date of Determination:</b> 09/28/2018
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**Basis for Determination:**

ECDSS substantiated the allegations based upon interviews with SM, her boyfriend, SF and PS, as well as observation of SC. ECDSS observed marks on the back of SC's legs and ECDSS did not find BM's explanation plausible. This investigation was open at the time of SC's death.

**OCFS Review Results:**

At no point during this investigation did ECDSS have the family seek a medical evaluation of SC. ECDSS did not contact SC's pediatrician until after SC's fatal injuries were reported. OC was not seen or assessed until after the subsequent report was received on 9/10/18. SM and her boyfriend lived with the boyfriend's mother and her 2 CHN. All household members were not added to the report. The RAP was inaccurate and not all safety concerns were addressed. From 7/5/18-9/11/18, there was no casework activity. Most progress notes were entered more than one month after event dates.

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

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Most progress notes were entered more than one month after event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

ECDSS will enter progress notes contemporaneously as events occur.

**Issue:**

Adequacy of Risk Assessment Profile (RAP)

**Summary:**

The RAP was inaccurate regarding SM's mental health. SM reported to the CW she had a mental health diagnosis and had received treatment in the past.

**Legal Reference:**

18 NYCRR 432.2(d)

**Action:**

ECDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

**Issue:**

Overall Completeness and Adequacy of Investigations

**Summary:**

There was no documented casework activity from 7/5/18 to 9/11/18, after SC sustained serious injuries and was hospitalized.

**Legal Reference:**

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

**Action:**

ECDSS will review and adhere to regulations regarding casework practice. ECDSS will complete collateral and familial contacts, address all potential areas of concern with all relevant parties, and adequately monitor any on-going concerns when it is necessary to remain involved.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

Despite the allegations relating directly to possible medical concerns/injuries, ECDSS did not contact SC's pediatrician until after the subsequent report regarding SC's serious injuries was received on 9/10/18.

**Legal Reference:**

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

**Action:**



ECDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children

**Issue:**  
Pre-Determination/Nature, Extent and Cause of Any Condition

**Summary:**  
Although the allegations were regarding suspicious marks on the SC, at no point during the investigation did ECDSS have the family seek a medical evaluation of SC. It was discovered during the 9/10/18 investigation that SC was failure to thrive, weighing only 16 pounds, and had not been seen by her pediatrician since April 2017.

**Legal Reference:**  
18 NYCRR 432.2(b)(3)(iii)(c)

**Action:**  
Prior to making a determination of a report of abuse and/or maltreatment, the investigation conducted by the child protective service shall include a determination of the nature, extent and cause of any condition enumerated in the report.

**Issue:**  
Pre-Determination/Assessment of Current Safety/Risk

**Summary:**  
SM resided with her boyfriend, his mother, his mother's husband and their two children. ECDSS did not add the mother, husband, or CHN to the report, nor did they interview the CHN or the husband. ECDSS did not drug test SF, PS, or SM's boyfriend's mother. ECDSS did not assess the safety of OC until after the subsequent report was received on 9/10/18.

**Legal Reference:**  
18 NYCRR 432.2 (b)(3)(iii)(b)

**Action:**  
Prior to making a determination, ECDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
01/17/2018	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Female, 2 Years	Father, Male, 20 Years	Lacerations / Bruises / Welts	Unsubstantiated	
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 2 Years	Father's Partner, Female, 25 Years	Lacerations / Bruises / Welts	Unsubstantiated	

**Report Summary:**  
Niagara County Department of Social Services (NCDSS) received this report with concerns SC sustained red marks and a bruise to her head while in the care of SF and PS, and SF's explanation was inconsistent with the injuries.

**Report Determination:** Unfounded **Date of Determination:** 03/13/2018

**Basis for Determination:**  
NCDSS interviewed SM and observed SC. SM reported to NCDSS that SC was "clumsy and falls a lot" and denied any concerns for SC when with SF or PS. SM stated she took SC to an urgent care due to "acting funny" and SC was diagnosed with the flu, but otherwise healthy. NCDSS followed up with SC's pediatrician who had no serious health concerns noted for SC, but SC was overdue for a well child checkup; NCDSS informed SM of this. NCDSS was unable to locate SF or PS. The report was unfounded and closed.

**OCFS Review Results:**

The 7 Day Safety Assessment was completed two days late. A CPS history check was not completed. CPS history would have shown OC lived with PS. NCDSS did not add OC to the case, nor make any attempts to assess OC's safety. NCDSS only made one attempt to contact the source of the report. NCDSS did not follow up with the urgent care that allegedly examined SC and diagnosed her with the flu.

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 two days late.

**Legal Reference:**

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

**Action:**

Within seven days of receiving a report, NCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

**Issue:**

Review of CPS History

**Summary:**

The record did not reflect a CPS history review was completed.

**Legal Reference:**

18 NYCRR 432.2(b)(3)(i)

**Action:**

Within 1 business day of a report, NCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

NCDSS did not add OC to the case, nor make any attempts to assess OC's safety.

**Legal Reference:**

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

**Action:**

Prior to making a determination, NCDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

NCDSS only made one attempt to contact the source of the report and did not follow up with the urgent care that allegedly examined SC and diagnosed her with the flu.

**Legal Reference:**

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

**Action:**

NCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/18/2017	Other Child - Unrelated CH, Male, 15 Years	Other Adult - Unrelated Adult, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	Yes
	Other Child - Unrelated CH, Male, 15 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Male, 15 Years	Father, Male, 20 Years	Lack of Supervision	Unsubstantiated	
	Other Child - Unrelated CH, Male, 15 Years	Other Adult - Unrelated Adult, Female, 25 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Male, 15 Years	Other Adult - Unrelated Adult, Female, 25 Years	Lack of Supervision	Unsubstantiated	
	Other Child - Unrelated CH, Male, 15 Years	Other Adult - Unrelated Adult, Male, 22 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Male, 15 Years	Other Adult - Unrelated Adult, Male, 22 Years	Lack of Supervision	Unsubstantiated	

**Report Summary:**

NCDSS received this report with concerns regarding an unrelated CH, his mother, his parent substitute, and SF, who was living in the home at the time as a roommate. The report alleged the mother had MH issues, and was aggressive in the presence of the CH. There were further concerns all adults in the home were using and selling drugs, had multiple firearms accessible to the CH, and were not supervising the CH appropriately. The report noted police were called to the home in 2015 when the family was robbed of their drugs and money.

**Report Determination:** Unfounded**Date of Determination:** 02/04/2018**Basis for Determination:**

NCDSS met with all household members and all denied the allegations. The CH was seen twice during this investigation and assessed as safe both times. NCDSS received medical records for CH and no concerns were noted. NCDSS unfounded and closed their case.

**OCFS Review Results:**

The CPS history was not reviewed until 10/23/17. Several progress notes were entered later than one month after event dates. Notice of Existence Letters were not mailed until 11/7/17. There were no documented attempts to locate or interview the CH's biological father; a Notice of Existence letter was also not mailed. The last time CH's safety was assessed was 1/10/18. NCDSS did not follow up with law enforcement regarding any police activity within the household.

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

**Issue:**

Review of CPS History

**Summary:**

The CPS history was not reviewed until 10/23/17, 4 days late.

**Legal Reference:**

18 NYCRR 432.2(b)(3)(i)

**Action:**

Within 1 business day of a report, NCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

**Issue:**





## Failure to provide notice of report

**Summary:**

Notice of Existence Letters were not mailed until 11/7/17. A letter was not sent to the CH's biological father.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

There were no documented attempts to locate or interview the CH's biological father. NCDSS did not follow up with law enforcement regarding any police activity within the household, which was alleged in the report narrative.

**Legal Reference:**

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

**Action:**

NCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

The investigation remained open until 2/4/18, but the last time CH's safety was assessed was 1/10/18.

**Legal Reference:**

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

**Action:**

Prior to making a determination, NCDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment. The CPS manual (Ch. 6, D-1) states a formal safety assessment must take place within the seven days prior to completing an investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/04/2017	Other Child - Unrelated CH, Male, 15 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Sexual Abuse	Unsubstantiated	Yes
	Deceased Child, Female, 1 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 1 Years	Father, Male, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - PS' CH, Female, 4 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - PS' CH, Female, 4 Years	Father, Male, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Other Child - Unrelated CH, Male, 10 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated	
	Other Child - Unrelated CH, Male, 10 Years	Father, Male, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	



Other Child - Unrelated CH, Female, 10 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Father, Male, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Father, Male, 20 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Father, Male, 20 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 1 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 1 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Inadequate Guardianship	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Other Adult - Uncle to Unrelated CHN, Male, 19 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 1 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 1 Years	Father's Partner, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Father's Partner, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Father's Partner, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Father's Partner, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Father's Partner, Female, 25 Years	Inadequate Guardianship	Unsubstantiated



Other Child - Unrelated CH, Male, 15 Years	Father's Partner, Female, 25 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Deceased Child, Female, 1 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 1 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - PS' CH, Female, 4 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 10 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Female, 10 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Inadequate Guardianship	Unsubstantiated
Other Child - Unrelated CH, Male, 15 Years	Other Adult - MGM to Unrelated CHN, Male, 45 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

**Report Summary:**

NCDSS received this report with 41 allegations against 4 adults, including SF, PS, PS's mother and an unrelated home member (UHM). The report alleged the UHM sexually abused an unrelated 11 yo CH approximately 11 years ago, and PS's mother was aware and encouraged the behavior. The report further alleged the adults in the home were abusing and selling drugs and were violent in the presence of SC, OC, and 4 unrelated CHN.

**Report Determination:** Unfounded

**Date of Determination:** 12/01/2017

**Basis for Determination:**

NCDSS interviewed all individuals listed on the report, including all verbal CHN. NCDSS spoke with several collateral sources throughout the investigation. NCDSS discovered there was a supervision plan in place where CHN's aunt or other adult home member would assist with supervising. All CHN were assessed and noted to be safe. NCDSS found no evidence to support the allegations and unfounded and closed the case.

**OCFS Review Results:**

The CPS history check and Notices of Existence were not completed until 10/24/17. SC was named as maltreated on this report, but SM was not added, notified, nor interviewed; NCDSS did not ask about SM or visitation during interviews with SF and PS. The unrelated CHN's pediatrician had concerns that the CHN were not seen regularly, some were not up to date with immunizations, and the 11 yo female CH's weight/height were not appropriate for her age; NCDSS did not follow up with the CHN's mother regarding these concerns.

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

**Issue:**

Review of CPS History

**Summary:**

The CPS history check was not completed until 10/24/17, 19 days late.

**Legal Reference:**

18 NYCRR 432.2(b)(3)(i)

**Action:**

Within 1 business day of a report, NCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

**Issue:**

Failure to provide notice of report

**Summary:**

Notices of Existence were not mailed until 10/24/17. SM was never added to the case or notified of the report.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

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

**Summary:**

NCDSS did not interview, or attempt to interview, SM.

**Legal Reference:**

432.1 (o)

**Action:**

NCDSS will make efforts to make casework contacts with biological parents and/or other persons named in a report. Casework contacts mean face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians.

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

NCDSS did not follow up with the CHN's mother regarding concerns the pediatrician had for her CHN.

**Legal Reference:**

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

**Action:**

Prior to making a determination, NCDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/13/2017	Deceased Child, Female, 9 Months	Mother, Female, 19 Years	Inadequate Guardianship	Unsubstantiated	Yes

**Report Summary:**

NCDSS received this report with concerns SM was not adequately bathing SC, and it was irritating her skin.

**Report Determination:** Unfounded

**Date of Determination:** 07/27/2017

**Basis for Determination:**

NCDSS met with SM, SF, and assessed SC's safety. SM reported SC was dirty once when SF picked her up for visitation due to just having eaten. NCDSS followed up with the pediatrician's office, and no concerns regarding SC's hygiene or



health were noted. NCDSS interviewed the maternal grandparents and they had no concerns. NCDSS unfounded and closed their case.

**OCFS Review Results:**

A CPS history check was not completed. The case record does not reflect if Notice of Existence letters were sent to household members. Several progress notes were entered more than one month after event dates.

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

**Issue:**

Review of CPS History

**Summary:**

The record did not reflect a CPS history review was completed.

**Legal Reference:**

18 NYCRR 432.2(b)(3)(i)

**Action:**

Within 1 business day of a report, NCDSS must review all SCR records of prior reports, including legally sealed reports, involving the subject of the report, the allegedly abused or maltreated child, or the child's sibling, and, for indicated reports, must also review prior reports pertaining to other children in the household or other persons named in the report, and document such.

**Issue:**

Failure to provide notice of report

**Summary:**

The case record does not reflect if Notices of Existence letters were sent.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Several progress notes were entered more than one month after event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

NCDSS will enter progress notes contemporaneously as events occur.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/05/2016	Other Child - PS' CH, Female, 2 Years	Father's Partner, Female, 23 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Other Child - PS' CH, Female, 2 Years	Father's Partner, Female, 23 Years	Lack of Supervision	Unsubstantiated	
	Other Child - PS' CH, Female, 2 Years	Father's Partner, Female, 23 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

NCDSS received this report with concerns PS drank alcohol to impairment while the sole caregiver to the OC. The report



alleged PS would get drunk and leave OC unattended and would scream at OC. The OC's biological father was a drug addict and lived in a different state.

**Report Determination:** Unfounded

**Date of Determination:** 12/25/2016

**Basis for Determination:**

NCDSS interviewed PS and assessed the safety of her home with no concerns noted. NCDSS assessed OC's safety on two occasions and followed up with her pediatrician; no concerns noted. NCDSS found no evidence of alcohol or drug use and no other persons were living in PS' home. NCDSS unfounded and closed their investigation.

**OCFS Review Results:**

The case record does not reflect any attempts to interview the biological father of the OC or have his home assessed, although he did have regular contact with OC. NCDSS did not request any out of state CPS records. The Notices of Existence were not mailed until 11/10/16. The last time OC's safety was assessed was 11/16/16; however, the investigation remained open until 12/28/16.

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

**Issue:**

Failure to provide notice of report

**Summary:**

Notice of Existence letters were not mailed/delivered until 11/10/16, 29 days late.

**Legal Reference:**

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

**Action:**

NCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

The case record does not reflect any attempts to interview the biological father of the OC or have his home assessed, as he did have regular contact with OC. OC's father resided in Pennsylvania; however, NCDSS did not request any out of state CPS records.

**Legal Reference:**

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

**Action:**

NCDSS will obtain information from collateral contacts who may have information relevant to the allegations in the report and to the safety of the children.

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

The last time OC's safety was assessed was 11/16/16, but the investigation remained open until 12/28/16.

**Legal Reference:**

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

**Action:**

Prior to making a determination, LDSS shall include an assessment of the current safety and the risk of future abuse and maltreatment to the child(ren) in the home and documenting such assessment. The CPS manual (Ch. 6, D-1) states a formal safety assessment must take place within the seven days prior to completing an investigation.



9/2014: UNF report with allegations of IG and L/B/W against PS, and PS's mother and father regarding PS's 13 yo cousin.

7/2014: UNF report with allegations of XCP, IG, PD/AM against PS, PS's mother, and PS's step-father regarding 3 unrelated CHN.

9/2013: IND report with 54 allegations against 4 adults, including PS, PS's mother, PS's step-father, and PS's grandmother. The allegations were EdN, IF/C/S, IG, LS, PD/AM, CD/AM regarding OC and 3 unrelated CHN. IND allegations were regarding PS's step-father only.

7/2013: UNF report with allegations of IG, L/B/W and LM against PS and PS's mother regarding 3 unrelated CHN.

### Known CPS History Outside of NYS

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

### Preventive Services History

On 9/14/18, Severe Abuse petitions were filed against PS and SF in Family Court, and a court ordered services case was opened. This services case remained ongoing at the time this report was issued.

### Foster Care Placement History

Both SC and OC were placed in 1017 care of relatives on 9/14/18; SC with her maternal grandparents and OC with her maternal grandmother. On 9/19/18, OC was removed from the 1017 placement after concerns regarding OC's maternal grandmother were brought to the attention of ECDSS. OC was placed into foster care until January 2019. At the time of this writing, OC was in the care and custody of her biological father and paternal grandmother in Pennsylvania.

### 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

Re: the 6/11/18 SCR report, investigated by ECDSS: ECDSS agrees we did not accurately complete the RAP, although we note the progress notes clearly show the mother's mental health concerns were identified during the investigation. ECDSS agrees multiple progress notes were entered more than one month after the event dates. ECDSS disagrees that there was no casework activity from 7/5/18-9/11/18. The ECDSS worker tried to call the SF and PS on 8/8/18, but both phone numbers were shut off. ECDSS agrees additional contact efforts should have been made, but it is inaccurate to say no attempts were made between 7/5/18-9/11/18. ECDSS agrees there were no efforts to contact the SC's doctor until the SC passed, and the family was not asked to seek a medical evaluation of the SC. However, the record shows the SF provided paperwork on 6/15/18 showing the SC was seen at Children's Hospital on or about 6/10/18; this paperwork indicated a rash, but no signs of abuse. ECDSS agrees the SM lived with her boyfriend's family in Allegany County, and these family members were not added to the report, nor were some of them interviewed. ECDSS also agrees the SM's boyfriend's mother, SF and PS were not referred for drug testing. Although tasks related to Allegany residents could have been completed by Allegany as part of their investigation, when Erie assumed primary designation, Erie should have asked Allegany to complete incomplete tasks. Finally, we agree the safety of the OC named in the report, who resided in Erie County, was not assessed until the sub report was received. The above citations will all be addressed in a comprehensive PIP consolidation process currently being conducted by ECDSS and OCFS' Buffalo Regional Office.

### 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