



## Report Identification Number: SV-21-044

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

Issue Date: Apr 11, 2022

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 month(s)

**Jurisdiction:** Westchester  
**Gender:** Male

**Date of Death:** 10/15/2021  
**Initial Date OCFS Notified:** 10/15/2021

## Presenting Information

An SCR report alleged on 10/15/21, at approximately 12:00 AM, the parents placed the 1-month-old male subject child in the same bed as them and went to sleep. On 10/15/21, at 4:30 AM, the mother found the child unresponsive in the bed. At an unknown time between 4:30 AM and 5:16 AM, the child was transported to the local hospital. It was unknown who or how the child was transported to the hospital. At 5:16 AM, the child was pronounced deceased. The child was otherwise healthy and the parents did not have an explanation for the death.

## Executive Summary

This fatality report concerns the death of the 1-month-old child that occurred on 10/15/21. An SCR report was made on the same day alleging the mother co-slept with the child and woke to find the child unresponsive. The child subsequently passed away and the mother did not have a plausible explanation for the death. A subsequent report was made to the SCR on 10/25/21 with the concerns the mother did not call 911 timely after finding the child unresponsive and that she may have been intoxicated while caring for the child. The child was born during an open CPS investigation that involved the half-siblings, the mother's children, aged 5, 6 and 11 years. The half-siblings were in a Kinship Guardianship Assistance Program and resided with the maternal grandmother. At the time of his death, the child resided with his mother. The father had children who did not have a relationship with the subject child and were not in his care.

Westchester County Department of Social Services (WCDSS) coordinated investigative efforts with law enforcement upon receipt of the SCR report. The results of the criminal investigation remained unknown. An autopsy was performed; however, the final autopsy was not yet available at the time of case closure. The preliminary autopsy report indicated there were no external or internal signs of trauma. The preliminary cause of death was asphyxiation.

The mother reported to WCDSS that she fell asleep with the child on her chest while laying on a couch around 10:30 PM. The mother woke up around 4:30 AM and found the child unresponsive and not breathing with his face between her breasts. The mother called 911 and performed CPR until first responders arrived and took over resuscitation efforts. The child was transported to the hospital where he was pronounced deceased.

WCDSS contacted family members and first responders. The grandmother expressed concern the mother may have been intoxicated while caring for the child; however, she did not have evidence to support her concern. First responders did not have reason to believe the mother was impaired at the time of the fatal incident.

WCDSS conducted home visits and interviewed the mother, and offered her services including substance misuse treatment and bereavement services. The investigation revealed the father was not present at the time of the fatal incident; however, the record did not reflect diligent attempts to contact the father regarding the SCR report.

WCDSS appropriately substantiated the allegations of Inadequate Guardianship and DOA/Fatality against the mother. The investigation revealed the mother co-slept with the child and there was credible evidence the child died as a result of the unsafe sleeping environment. The allegations of Lack of Medical Care and Parent Drug/Alcohol Misuse against the mother were unsubstantiated. During the investigation, the mother did not present as intoxicated. The mother was not reported to appear intoxicated at the time she discovered the child unresponsive and there was no delay in her calling 911. The allegations were unsubstantiated against the father as he was not present at the time of the fatal incident, nor was he a caretaker of the child.



## PIP Requirement

WCDSS will submit a PIP to the Westchester Regional Office within 30 days of the receipt of this report. ACS will submit a PIP to the New York City Regional Office within 45 days. The PIPs will identify action(s) WCDSS/ACS has taken/will take to address the cited issues. For issues where a PIP is currently implemented, they 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:**
  - **Safety assessment due at the time of determination?** N/A

### 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 close the case was appropriate.

**Was the decision to close the case appropriate?** Yes

**Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?** No

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

### Explain:

The record did not reflect reasonable attempts to contact the father who was a subject of the report.

## Required Actions Related to the Fatality

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

<b>Issue:</b>	Failure to Conduct a Face-to-Face Interview (Subject/Family)
<b>Summary:</b>	Although the SM did not provide the SF's contact information, the record did not reflect additional means of gathering the SF's information including asking LE or the grandmother, or calling the number listed for the father in Connections.
<b>Legal Reference:</b>	18 NYCRR 432.2(b)(3)(ii)(a)
<b>Action:</b>	WCDSS will make casework contacts in accordance with the following regulation: 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, which may include but are not limited to



facilitating information gathering and analysis of safety and risk factors and determining the allegations.

## Fatality-Related Information and Investigative Activities

### Incident Information

**Date of Death:** 10/15/2021

**Time of Death:** 05:16 AM

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

Unknown

**County where fatality incident occurred:**

Westchester

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

Yes

**Time of Call:**

04:33 AM

**Did EMS respond to the scene?**

Yes

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

N/A

**Child's activity at time of incident:**

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

**At time of incident was supervisor impaired?** Not impaired.

**At time of incident supervisor was:**

Distracted

Absent

Asleep

Other:

**Total number of deaths at incident event:**

**Children ages 0-18:** 1

**Adults:** 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	1 Month(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	35 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	35 Year(s)

### LDSS Response

On 10/15/21, WCDSS received the fatality report from the SCR. Within the first 24 hours of the investigation, WCDSS completed a CPS history check, contacted the source of the report, notified the district attorney and medical examiner's offices of the death, conducted a home visit and coordinated the investigation with law enforcement.



The district attorney’s office provided information that the mother laid down on the couch with the child on her chest and they both fell asleep. The mother woke and found the child unresponsive, called the grandmother and then called 911. The mother performed CPR until first responders arrived and transported the child to the hospital.

On 10/15/21, the mother was interviewed. She stated that the father was not present at the time of the fatal incident. The mother recalled on 10/14/21, around 9:30 PM, she fed the child and around 10:00 PM, she laid down with him on the couch. The child fell asleep around 10:30 PM, and the mother fell asleep soon after. The mother said the child fell asleep on her chest with his face turned to the side with a pacifier in his mouth. Prior to falling asleep, the mother set an alarm for 4:30 AM as she was exhausted and wanted to wake up to feed the child. When the mother woke, she found the child’s face lodged between her breasts. The child was not moving or breathing, was limp and had blood coming from his nose. The mother called the grandmother, who did not answer, and then she called 911. She performed CPR while speaking to the 911 operator until EMS responded to the home and took over. The record reflected the mother did not appear intoxicated at the time of the interview, nor was there any liquor observed in the home. The mother agreed to contact a mental health therapist and accepted a domestic violence referral as she had a history of being physically assaulted by multiple partners, including the father.

WCDSS gathered information from EMS, the mental health provider and the grandmother. EMS records stated upon their arrival to the home, the mother was on the floor with the child, and she was performing chest compressions. According to the records, the mother said she fell asleep around 12:00 AM and woke to find the child unresponsive and called 911. WCDSS reached out to the mental health provider out of concern the mother was traumatized from the death, and information was gathered that the mother was receiving services.

On 11/3/21, WCDSS contacted the grandmother who had custody of the siblings. The grandmother expressed her concern for the mother’s alcohol addiction and wondered if the mother was intoxicated while caring for the subject child, or if the death was a result of the mother’s drinking. The record did not reflect the grandmother was asked about the wellbeing and safety of the siblings.

At the time of case closure, the mother had accepted services in response to the fatality. It remained unknown if the mother was receiving services for her alcohol addiction.

### Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** Pending

**Person Declaring Official Manner and Cause of Death:** Unknown

### Multidisciplinary Investigation/Review

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

**Was the fatality referred to an OCFS approved Child Fatality Review Team?** Yes

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
059848 - Deceased Child, Male, 1 Mons	059849 - Mother, Female, 35 Year(s)	DOA / Fatality	Substantiated



# Child Fatality Report

059848 - Deceased Child, Male, 1 Mons	059849 - Mother, Female, 35 Year(s)	Inadequate Guardianship	Substantiated
059848 - Deceased Child, Male, 1 Mons	059850 - Father, Male, 35 Year(s)	DOA / Fatality	Unsubstantiated
059848 - Deceased Child, Male, 1 Mons	059850 - Father, Male, 35 Year(s)	Inadequate Guardianship	Unsubstantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input 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"/>

### Fatality Safety Assessment Activities

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



<b>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?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Explain:**  
Although it was not required to complete Safety Assessments in Connections, the record did not reflect the surviving siblings were assessed to be safe with the grandmother.

**Fatality Risk Assessment / Risk Assessment Profile**

	Yes	No	N/A	Unable to Determine
<b>Was the risk assessment/RAP adequate in this case?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Was there an adequate assessment of the family's need for services?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Were appropriate/needed services offered in this case</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Placement Activities in Response to the Fatality Investigation**

	Yes	No	N/A	Unable to Determine
<b>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?</b>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Explain as necessary:**  
The surviving siblings who were children of the mother, were previously placed in Foster Care and at the time of the subject child's death, the siblings resided with the maternal grandmother.

**Legal Activity Related to the Fatality**

**Was there legal activity as a result of the fatality investigation?** There was no legal activity.

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



# Child Fatality Report

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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**  
 The record did not reflect the mother was offered family planning services. WCDSS appropriately offered bereavement services, addiction services and domestic violence referrals as the mother was battered by the father prior to and during the investigation.

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

### Infants Under One Year Old

**During pregnancy, mother:**  
 Had medical complications / infections  Had heavy alcohol use  
 Misused over-the-counter or prescription drugs  Smoked tobacco



- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed

Used illicit drugs

**Infant was born:**

- Drug exposed
- With neither of the issues listed noted in case record

With fetal alcohol effects or syndrome

## 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)
09/20/2021	Deceased Child, Male, 1 Months	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 11 Years	Other Adult - Mother's husband, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 11 Years	Other Adult - Mother's husband, Male, 35 Years	Sexual Abuse	Unsubstantiated	
	Sibling, Male, 11 Years	Other Adult - Other adult (AS), Male, 23 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 11 Years	Other Adult - Other adult (AS), Male, 23 Years	Sexual Abuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged between October 2017- March 2018, the SM’s husband and another adult sexually abused the 11-year-old SS. The adults would force the SS to touch and kiss their penises. They recorded the SS while he carried out the sexual acts. If the SS did not comply, the adults would slap him in the face, swear at him, and call him names. It was unknown if the SS sustained injuries. The SM and the husband were aware of the abuse and did not intervene. The SM’s husband had a history of physically abusing the SM in the presence of the SS. The SM had ongoing untreated mental illness, developmental delays, and suffered from alcoholism. The SM was not in treatment.

**Report Determination:** Unfounded

**Date of Determination:** 11/19/2021

**Basis for Determination:**

The allegation against the SM was unsubstantiated. The SM was engaged in appropriate services at the time of the report. The SM denied the other adult resided with the family and she was not aware of SXAB. The SS was interviewed at the CAC and disclosed sexual abuse by the other adult years prior to the date of the SCR report. The investigation revealed the other adult was not a person legally responsible for the SS and the allegations were unsubstantiated. The investigation did not reveal the SM’s husband knew of or engaged in the SXAB. The SS began living with the MGM in 2019. The Investigation Conclusion Narrative did not address the concerns the husband physically assaulted the SS.

**OCFS Review Results:**

The investigation was initiated timely, and a home visit was made. The source of the report was contacted. A CPS history check, and the 7-day Safety Assessment were completed timely. Notice of Existence letters were provided timely. Safe sleeping recommendations were provided. The investigation revealed credible evidence the husband physically assaulted the SS, yet the allegation of Inadequate Guardianship was unsubstantiated. The record did not reflect LE was immediately called upon receipt of the SCR report despite containing a SXAB allegation.

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

**Issue:**

Appropriateness of allegation determination

**Summary:**

Although the SS disclosed the mother's husband physically assaulted him prior to being placed with the grandmother, and the SS was made to stand in front of a cold window, the allegation of Inadequate Guardianship was unsubstantiated.

**Legal Reference:**

FCA 1012 (e) & (f);18 NYCRR 432.2(b)(3)(iv)

**Action:**

WCDSS will refer to the CPS Program Manual when determining the appropriateness of allegations and will consult with the Westchester Regional Office if further guidance is needed.

**Issue:**

Assessment as to need for Family Court Action

**Summary:**

Upon learning of the child's birth, the record did not reflect a legal consultation took place regarding the mother being the sole caretaker of the subject child despite the siblings being in the care and custody of the grandmother due to the mother's extensive history of alcohol misuse.

**Legal Reference:**

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

**Action:**

WCDSS shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary.

**Issue:**

Failure to Offer Appropriate Services

**Summary:**

The record did not reflect the SM was offered preventive services after WCDSS learned of the birth of the subject child. The SM may have benefited from the services as there was an extensive history involving her alcohol misuse and her inability to care for her children.

**Legal Reference:**

SSL §424(10);18 NYCRR 432.3(p)

**Action:**

Based on the investigation and evaluation conducted, WCDSS will offer to the family such services for its acceptance or refusal as appear appropriate for a child, family, or both.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/26/2021	Sibling, Male, 10 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 6 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 5 Years	Mother, Female, 34 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 10 Years	Other Adult - Mother's Husband, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 6 Years	Other Adult - Mother's Husband, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 5 Years	Other Adult - Mother's Husband, Male, 35 Years	Inadequate Guardianship	Unsubstantiated	



Sibling, Male, 10 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Male, 6 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Unsubstantiated
Sibling, Female, 5 Years	Mother, Female, 34 Years	Parents Drug / Alcohol Misuse	Unsubstantiated

**Report Summary:**

An SCR report received by the Administration for Children Services (ACS) alleged the SM and her husband were physically aggressive toward the 10-year-old SS sometime between 2019-2020. The SM hit the sibling in the head with an iron and the SM's husband hit the SS with a belt. The SM's husband poured water on the SS and made him stand in front of a fan or the window to make the SS cold. The SM's husband was physically aggressive toward the SM while the SSs, ages 5, 6, and 10 years, were present. The SM drank to the point of intoxication while caring for the SS.

**Report Determination:** Unfounded**Date of Determination:** 06/23/2021**Basis for Determination:**

The allegations of IG and PD/AM against the SM regarding the siblings were unsubstantiated. The investigation revealed the SM was incarcerated at the time of the report and that the siblings were in the care of the grandmother since 2019 with only supervised contact with the SM. The allegation of IG against the SM's husband was unsubstantiated. The investigation revealed he did not have unsupervised contact with the siblings. No drugs or drug paraphernalia was observed, nor were there any marks or bruises on the children.

**OCFS Review Results:**

The investigation was initiated timely, and a home visit was made. A CPS history check was documented. The source of the report was contacted, and the safety of the siblings was assessed. The SM's husband was interviewed via phone. The record did not reflect attempts to interview the father of the 10-year-old sibling or the SM. The allegations were inappropriately determined. The record did not reflect written notice of the SCR report was provided to the father of the 10-year-old sibling. The 7-day Safety Assessment was completed timely.

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

**Issue:**

Failure to provide notice of report

**Summary:**

Although the mother and her husband were provided with written Notice of Existence, the record did not reflect the father of the 10-year-old sibling was provided with notice of the SCR report.

**Legal Reference:**

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

**Action:**

ACS 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:**

The record did not reflect attempts to contact the father of the 10-year-old sibling regarding the SCR report. The record did not reflect the mother's husband was interviewed face-to-face. Although the mother was incarcerated, the record did not reflect attempts to include her in the investigation.

**Legal Reference:**

18 NYCRR 432.1 (o)

**Action:**

ACS will make casework contacts in accordance with the following regulation: 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, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

**Issue:**

Appropriateness of allegation determination

**Summary:**

The record reflected the 10-year-old sibling disclosed being physically assaulted by the mother's husband; however, the allegations were unsubstantiated. The mother had a history of caring for the siblings while intoxicated yet the allegation was unsubstantiated. The record did not reflect the sibling's disclosure was not credible.

**Legal Reference:**

FCA 1012 (e) & (f);18 NYCRR 432.2(b)(3)(iv)

**Action:**

ACS will make casework contacts in accordance with the following regulation: 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, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/02/2020	Sibling, Male, 10 Years	Grandparent, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 5 Years	Grandparent, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 4 Years	Grandparent, Female, 50 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 10 Years	Grandparent, Female, 50 Years	Fractures	Unsubstantiated	

**Report Summary:**

An SCR report received by ACS alleged on more than one occasion, the grandmother physically assaulted the 5 and 10-year-old siblings with a belt and at times, with a hammer. The grandmother hit the 5-year-old sibling in the face and broke his hand. Due to the physical assaults occurring in the home, there were safety concerns for the 4-year-old sibling.

**Report Determination:** Unfounded

**Date of Determination:** 09/02/2020

**Basis for Determination:**

The allegations of FX and IG were unsubstantiated against the grandmother. The family denied the allegations and there was no credible evidence to support them.

**OCFS Review Results:**

The investigation was initiated timely, a home visit was made, and the siblings were assessed to be safe. A CPS history check was completed timely, and the source was contacted. Family members and collateral contacts were made. The 7-day Safety Assessment was completed timely. The fathers of the children were not interviewed or provided with written Notice of Existence.

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

**Issue:**

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

**Summary:**

Although the mother and grandmother were interviewed, the record did not reflect attempts to interview the fathers of the children.



**Legal Reference:**

18 NYCRR 432.1 (o)

**Action:**

ACS will make casework contacts in accordance with the following regulation: 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, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

**Issue:**

Failure to provide notice of report

**Summary:**

Although the grandmother and mother were provided with written notice of the SCR report, the record did not reflect the fathers of the children were provided with written notice.

**Legal Reference:**

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

**Action:**

ACS 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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
07/03/2019	Sibling, Male, 9 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Substantiated	Yes
	Sibling, Male, 4 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Female, 3 Years	Mother, Female, 32 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 4 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Female, 3 Years	Mother, Female, 32 Years	Inadequate Food / Clothing / Shelter	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Internal Injuries	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 4 Years	Mother, Female, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 3 Years	Mother, Female, 32 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 3 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 9 Years	Mother, Female, 32 Years	Lack of Medical Care	Unsubstantiated	



Sibling, Male, 9 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 4 Years	Mother, Female, 32 Years	Lack of Supervision	Unsubstantiated
Sibling, Male, 9 Years	Other Adult - Other adult, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Other Adult - Other adult, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 3 Years	Other Adult - Other adult, Female, 32 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 9 Years	Other Adult - Mother's Cousin, Female, 31 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Male, 4 Years	Other Adult - Mother's Cousin, Female, 31 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 3 Years	Other Adult - Mother's Cousin, Female, 31 Years	Inadequate Guardianship	Unsubstantiated

**Report Summary:**

An SCR report alleged the SM drove while intoxicated with the SSs in the car. The SM had slurred speech, was aggressive and drove erratically. Subsequent reports were received on 8/2/19 alleging the SM left the SSs unsupervised for up to 6 hours while she was intoxicated. The SM was physically aggressive toward the SSs, leaving marks and bruises. While intoxicated, the SM hit and threw the SSs, causing injuries. The adult cousin and an unrelated home member sold drugs out of the home in the presence of the SSs and the drugs were accessible to the SSs. The 4yo SS brought marijuana into the community. The SSs drank alcohol thinking it was juice.

**Report Determination:** Unfounded

**Date of Determination:** 09/05/2019

**Basis for Determination:**

The allegations of IG and PD/AM were substantiated against the SM. The investigation revealed the SM cared for the SSs while intoxicated. The SM admitted to relapsing and drove the SSs while impaired. The SM assaulted another adult with a hammer and was arrested. A 1022 application requesting the removal of the SSs was filed on 8/2/19 and the SSs were placed with the grandmother. The allegations of IF/C/S, LMC, II, LS were unsubstantiated against the SM. There was no credible evidence to support the allegations. The allegations against the cousin and unrelated home member were unsubstantiated as there was no evidence revealed that they placed the SSs at risk of harm.

**OCFS Review Results:**

The investigation was initiated timely, and the safety of the SSs was assessed. A CPS history check was completed. Home visits were made, and interviews with the family and collateral contacts were documented. A safety plan was created and monitored until the SSs were removed from the care of the mother and placed with the grandmother. The mother was arrested for violating probation and was incarcerated. A Services case remained open at the time of determination.

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

**Issue:**

Failure to provide notice of report

**Summary:**

Although the mother and her husband were provided with written Notice of Existence, the record did not reflect the unrelated home member, father of the 9-year-old sibling or cousin were notified of the SCR report in writing.

**Legal Reference:**

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

**Action:**



WCDSS 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.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
02/12/2019	Sibling, Male, 8 Years	Other Adult - Mother's Husband, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 4 Years	Other Adult - Mother's Husband, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Female, 3 Years	Other Adult - Mother's Husband, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	

**Report Summary:**

An SCR report alleged the mother's husband, father to the 2 youngest siblings, visited the children and while they were in the home, the husband pushed the mother to the floor causing her to hurt her knee.

**Report Determination:** Unfounded

**Date of Determination:** 04/12/2019

**Basis for Determination:**

The allegation of IG was unsubstantiated against the mother's husband. Although the mother was pushed by her husband for blocking him from leaving, no further violence ensued. The children were asleep at the time of the incident and did not have knowledge of the physical interaction.

**OCFS Review Results:**

The investigation was initiated timely, and the source of the report was contacted. A home visit was made, and the family was interviewed. A CPS history check was completed untimely. Collateral contacts were made, and the safety of the siblings was assessed. The record did not reflect the father of the 8-year-old sibling was interviewed or provided with written notice. The mother and ex-husband were provided with written notice untimely.

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

**Issue:**

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

**Summary:**

The record did not reflect attempts to contact the father of the 8-year-old sibling regarding the SCR report.

**Legal Reference:**

18 NYCRR 432.1 (o)

**Action:**

WCDSS will make casework contacts in accordance with the following regulation: 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, which may include but are not limited to facilitating information gathering and analysis of safety and risk factors and determining the allegations.

**Issue:**

Review of CPS History

**Summary:**

Although a CPS history check was documented, it was completed untimely on 2/22/19.

**Legal Reference:**

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

**Action:**



Within 1 business day of a report, WCDSS must review all SCR records of prior reports, including legally sealed reports, and document such. Within 5 business days, WCDSS will review its own CPS record(s) that apply to the prior reports, including legally sealed unfounded and family assessment response reports.

**Issue:**

Failure to provide notice of report

**Summary:**

Although written Notice of Existence was provided to the mother and her husband, it was provided untimely on 3/27/19. The record did not reflect the father of the 8-year-old sibling was provided with written notice.

**Legal Reference:**

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

**Action:**

WCDSS 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.

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

From 2/2014 to 10/2018, the mother was the subject of 12 investigations, 5 of which were indicated. The mother had an extensive history regarding her children, who were removed from her care and placed in the care and custody of the grandmother. The allegations substantiated against the mother included IG, LS, PD/AM, and EdN. The SCR reports additionally contained allegations of IF/C/S, L/B/W, FX, II, and LMC.

### Known CPS History Outside of NYS

There was no known CPS history outside of New York.

### Preventive Services History

A services case was opened on 9/14/16 as a result of a Neglect Petition filed against the SM in Yonkers Family Court. On 1/5/17, the SM consented to the Neglect Petition and agreed to a 1-year order of supervision. An OP was granted on behalf of the SSs and the SM was to refrain from alcohol consumption. The SM had to complete parenting classes and random alcohol/drug screenings. The court order expired yet the case remained open. In 8/2019, the SM was determined to be intoxicated while caring for the children and a Neglect Petition was filed. The SSs were removed and placed with the MGM through a 1055 placement and there was a Neglect finding against the SM. The MGM was granted a KinGap on 7/23/21. The SC was born during the case and the record did not reflect a legal consultation took place regarding the SC being in the SM's care with consideration to her alcoholism. The case was closed on 9/20/21.

Services cases were open between 10/27/15- 11/6/15 and 2/26/16- 6/24/16 regarding concerns for the SM's alcohol misuse. In both cases, WCDSS gathered information from service providers that the SM was engaged in substance abuse programs and there was not a need for a continuation of the preventive services.

### Foster Care Placement History

The siblings were removed from the mother's custody and placed with the maternal grandmother on 8/2/19 due to the mother's alcoholism and inability to adequately care for the children. WCDSS monitored the family and the grandmother was granted a Kinship Guardianship Assistance Program and the children were discharged from Foster Care and into her custody on 7/23/21.



## Legal History Within Three Years Prior to the Fatality

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

## Recommended Action(s)

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

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