

Report Identification Number: NY-16-123

Prepared by: New York City Regional Office

Issue Date: Jun 30, 2017

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	

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
CPR-Cardio-pulmonary Resuscitation		

Allegations

FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	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-Others	

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	

Case Information



Report Type: Child Not Found
Age: Unknown

Jurisdiction: Bronx
Gender: Female

Date of Death: Unknown
Initial Date OCFS Notified: 11/29/2016

Presenting Information

The SCR report dated 11/29/16 alleged the BM has been diagnosed with Schizophrenia and Bipolar Disorder and was prescribed medication which she refuses to take. On 11/22/16, the mother gave birth to her daughter at Montifiore Hospital. On 1/26/16, the BM became upset because her daughter would not stop crying and she smothered her to death by putting her hands over her daughter's nose and mouth. The BM then disposed of the body by throwing it into her building trash compactor. The report also alleged the BM drinks Alcohol to the point of intoxication daily and becomes violent and hits to the six and two-year-old children resulting in welts on the older child. The report further alleged the BM is a prostitute and she leaves the children alone at times for two days to go out to work.

Executive Summary

This is a re-reported fatality that was initially reported on 4/3/16 and ACS investigated and determined all of the allegations were unsubstantiated and the case was unfounded on 6/23/16.

The 11/29/16 report alleged the BM gave birth to a baby on 11/26/16 and on 11/26/16 she placed her hands over the newborn child's mouth and nose and smothered her to death. The BM disposed of the body by throwing it into her building trash compactor. The BM reported she takes her medications as prescribed. The report further alleged the BM drinks alcohol to the point of intoxication daily, becomes violent and hits to the six and two-year-old children resulting in welts on the older child. The report further alleged the BM was a prostitute and left the children alone for two days at a time to go to work. The allegations of the report were DOA/Fatality, IG, XCP, LS, L/B/W,PD/AM of the surviving siblings by the BM. ACS' investigation revealed there was no newborn infant in the home and no child had died.

ACS' investigation of the 4/3/16 fatality report revealed no child died and the allegations were similar to those in the current fatality report and they were unfounded. ACS documented the BM was not pregnant during the previous investigation and there was no baby born. The investigation documented a myriad of reports registered to this family with similar allegations that were all unfounded. During the year 2016, 18 subsequent and duplicate reports were registered to this family, 17 of those reports were registered before the fatality that was registered on 11/29/16 and one after (12/7/16). In 2017, the SCR registered four additional reports. ACS has been working closely with the family and although the family was relocated, the SCR reports continued.

On 11/29/16, ACS made contact with the school and the day care and was informed that neither child had attended that day because the two-year-old sibling had a doctor's appointment. Later that day, the Specialist visited the BM and children at the Montefiore clinic and noted that the children had no signs of abuse or neglect. The BM denied all allegations of the 11/29/16 report and submitted to a random drug test that day; the results were negative. The six-year-old sibling stated his mother did not have a baby. ACS received documentation that the children's immunizations were up to date there were well cared for by the BM. The two-year-old child's health issue was address. There was no LE involvement as they had not been notified.

According to the case documentation, the six-year-old sibling missed thirty-two days of school and had been late seventeen times. The school staff reported this had no impact on the child's academic progress. The child is enrolled



in special education. The Daycare provider had not seen the BM pregnant and had no concerns with the care she provided.

On 12/27/16, the shelter staff reported the BM is compliant with rules and the BM's apartment was clean and had an adequate amount of food. ACS assisted the BM with applications for permanent housing. The BM reported she takes her medications and continues to see her psychiatrist. The BF resides with his parents and documentation reflected that ACS made numerous visits to the home but was denied access.

3/7/17, ACS unsubstantiated all of the allegations of the 11/29/16 report citing no credible evidence and unfounded the case.

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?** No

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:

ACS worked very closely with the family and each time there was a new report registered, ACS investigated and met the required time-frames.

Was the decision to close the case appropriate? Yes

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:

Required Actions Related to the Fatality

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

Issue:	Adequacy of Risk Assessment Profile (RAP)
Summary:	The RAP did not correctly reflect the circumstances of the case resulting in a higher risk score and rating.



Legal Reference:	18 NYCRR 432.2(d)
Action:	ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address the issues cited in this report. ACS staff must meet with staff involved with this fatality investigation and NYCRO of the date of the meeting, who attended, and what was discussed.
Issue:	Predetermination/Assessment of Current Safety and Risk
Summary:	The investigation determination safety assessment decision was inconsistent with the case circumstances. There was no documentation that indicated the children were in immediate or impending danger of serious harm.
Legal Reference:	18 NYCRR 432.1(aa)
Action:	ACS must submit a performance plan within 45 days that identifies what action it has taken or will take to address the issues cited in this report. ACS staff must meet with staff involved with this fatality investigation and NYCRO of the date of the meeting, who attended, and what was discussed.

Fatality-Related Information and Investigative Activities

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	
Deceased Child's Household	Mother	Alleged Perpetrator	Female	23 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	2 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	6 Year(s)

LDSS Response

The 11/29/16 report alleged the mother gave birth to a baby on 11/22/16 and on 11/26/16 she smothered her to death and disposed it into the trash compactor. The allegations of this report were DOA/Fatality, IG, XCP, LS, L/B/W, PD/AM of the surviving siblings by the BM. This alleged fatality was initially reported on 4/3/16 and was been re-reported on 11/29/16.

ACS' investigation revealed there was no newborn infant in the home and no child had died. ACS contacted the school and the daycare center who reported the children were absent because the two-year-old child had an appointment. Later that day, ACS visited the family at Montefiore Medical Center and noted they were free of marks or bruises that would indicate neglect or abuse. The pediatrician reported their immunizations are current and there were no concerns regarding the BM's care of the children. ACS documented the visit with photographs of the children. The BM was notified of the allegations of the 11/29/16 report and she responded " you were with me in court on the day before and you saw that I was not pregnant and I did not have a baby." The BM denied any current DV in her home and stated the BF no longer resides in the home. She also denied XCP and the six-year-old child confirmed stating that she takes away his toys/games as punishment. The BM submitted a random drug test on 11/29/16; the results were negative.

On 12/27/16, ACS visited the shelter and staff reported the BM was always seen with her children and she was compliant



with shelter rules. The BM's apartment was clean and had an adequate amount of food for the children. ACS reported the issue of bedbugs and it was addressed by the staff. LE reported they had no involvement and they were not notified of the report. According case documentation, the six-year-old sibling missed thirty-two days of school and had been late seventeen times; however, the school staff reported the absences had no negative impact on the child's academic progress. The child is enrolled in special education. The Daycare provider had not seen the BM pregnant and had no concerns with the care she provided.

ACS assisted the BM with obtaining permanent housing. The BM reported she continues to see her psychiatrist; however she is in the process of changing her therapist. According to ACS, the BM has cooperated with ACS all investigations. The BM reported she visits her ailing mother while the children are at daycare and school; however, the documentation did not reflect that ACS interviewed the MGM. It was also documented that the BF frequently picked up and drop off the children at school.

At the time of this report, there was an open CPS investigation that was registered with the SCR on 10/27/16. The allegations of that report were B/S, C/T/S, EDNG, XCP, IF/C/S, IG, LBW, LMC, LS and PD/AM. The investigations were conducted simultaneously.

During the investigation, the BM denied all of the reported allegations. On 11/21/16, a fact finding hearing was held in the Bronx Family Court with the BP's named as the respondents. The BF admitted to smoking marijuana but not in the presence of the children. The BF tested positive for marijuana and Family Court encouraged him to engage in a drug treatment program and allowed him to continue the unsupervised visits stating "there was no evidence that his behavior negatively impacted the children." The BF declined all services. The BM was ordered to comply with mental health service providers and ensure that the six-year-old child received speech therapy.

On 3/7/17, ACS unsubstantiated the allegation of DOA/fatality and IG of the unknown baby by the BM citing there is no record of a child born to the BM during the time period mentioned. The result of their investigation citing no one saw the BM pregnant during that period. ACS unsubstantiated the allegations of IG, PD/AM, LBW, LS, XCP, of the six and

Multidisciplinary Investigation/Review

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

Comments: The ACS investigation adhered to previously approved protocols for joint investigation.

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

Comments: New York City does not have an OCFS approved Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
037501 - Deceased Child, Female,	037502 - Mother, Female, 23 Year(s)	DOA / Fatality	Unsubstantiated



037501 - Deceased Child, Female,	037502 - Mother, Female, 23 Year(s)	Inadequate Guardianship	Unsubstantiated
037503 - Sibling, Male, 6 Year(s)	037502 - Mother, Female, 23 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated
037503 - Sibling, Male, 6 Year(s)	037502 - Mother, Female, 23 Year(s)	Excessive Corporal Punishment	Unsubstantiated
037503 - Sibling, Male, 6 Year(s)	037502 - Mother, Female, 23 Year(s)	Inadequate Guardianship	Unsubstantiated
037503 - Sibling, Male, 6 Year(s)	037502 - Mother, Female, 23 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
037507 - Sibling, Male, 2 Year(s)	037502 - Mother, Female, 23 Year(s)	Excessive Corporal Punishment	Unsubstantiated
037507 - Sibling, Male, 2 Year(s)	037502 - Mother, Female, 23 Year(s)	Inadequate Guardianship	Unsubstantiated
037507 - Sibling, Male, 2 Year(s)	037502 - Mother, Female, 23 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
037507 - Sibling, Male, 2 Year(s)	037502 - Mother, Female, 23 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Did the investigation adhere to established protocols for a joint investigation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:

ACS determined that no child died. There was no LE involvement as there was no knowledge of a fatality. There was no autopsy, death scene investigation or first responders regarding a newborn during the time alleged in the report.



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 safety 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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"/>

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
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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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Economic support	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:
 According to ACS, there was no child fatality; however, ACS case documentation reflected the BM is receiving clinical health services. In addition, the economic support and housing assistance continues. The two-year-old attends daycare

and the six-year-old attends school and receives speech therapy. The BF declined all services.

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? N/A

Explain:
There was no child fatality. However, the BM and children were relocated to another family shelter to avoid a pattern of false reporting against the BM.

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

Explain:
The BM and children were relocated to another family shelter. The BM completed PPRS services and the BF refused any services. There were no immediate needs related to a fatality because no fatality occurred.

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/24/2016	16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Lack of Supervision	Unfounded	No
	16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Burns / Scalding	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Choking / Twisting / Shaking	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Educational Neglect	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Inadequate Guardianship	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Lack of Supervision	Unfounded	
	16482 - Sibling, Male, 6 Years	16481 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Burns / Scalding	Unfounded	
	16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Choking / Twisting / Shaking	Unfounded	
	16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Educational Neglect	Unfounded	



16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded
16483 - Sibling, Male, 2 Years	16481 - Mother, Female, 23 Years	Inadequate Guardianship	Unfounded

Report Summary:

The report alleged that the BM hits the six and two-year-old children with her hand and other objects as a form of punishment. In the past, the six-year-old sustained bruising on his back and both children sustained cuts to their lips by the BM. The report further alleged that the six-year-old missed 14 days of school this year and is falling behind; the BM is aware but fails to adequately address the situation.

The BM was the subject on this report.

During the investigation, four reports dated 10/27, 10/31, 11/14 and 11/16/16, has been registered with a combination of allegations of the two children against the BM. The reports were consolidated.

Determination: Unfounded

Date of Determination: 11/16/2016

Basis for Determination:

ACS wrote that all allegations were unsubstantiated as they lack merit. Regarding IG,LS, IF/C/S, the shelter staff reported the BM was always seen with her children, the room was clean and safe with an adequate amount of food. Regarding XCP, LBW and EDNG, unannounced visits reflected the children were not found with marks or bruises and the school reported no concerns.

OCFS Review Results:

ACS has been working closely with this family as there have been numerous reports registered; however, multiple investigations has been completed and unfounded.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
09/17/2016	16486 - Sibling, Male, 6 Years	16484 - Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	No
	16486 - Sibling, Male, 6 Years	16484 - Mother, Female, 23 Years	Inadequate Guardianship	Unfounded	
	16486 - Sibling, Male, 6 Years	16484 - Mother, Female, 23 Years	Lacerations / Bruises / Welts	Unfounded	
	16486 - Sibling, Male, 6 Years	16484 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16487 - Sibling, Male, 2 Years	16484 - Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	16487 - Sibling, Male, 2 Years	16484 - Mother, Female, 23 Years	Inadequate Guardianship	Unfounded	
	16487 - Sibling, Male, 2 Years	16484 - Mother, Female, 23 Years	Lacerations / Bruises / Welts	Unfounded	
	16487 - Sibling, Male, 2 Years	16484 - Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16486 - Sibling, Male, 6 Years	16485 - Father, Male, 23 Years	Inadequate Food / Clothing / Shelter	Unfounded	



16486 - Sibling, Male, 6 Years	16485 - Father, Male, 23 Years	Inadequate Guardianship	Unfounded
16486 - Sibling, Male, 6 Years	16485 - Father, Male, 23 Years	Lacerations / Bruises / Welts	Unfounded
16486 - Sibling, Male, 6 Years	16485 - Father, Male, 23 Years	Parents Drug / Alcohol Misuse	Unfounded

Report Summary:

The report alleged that the BM beat the three-year-old child and inflicted bruises on his legs. It further alleged that the BM suffers from bipolar and it is unknown whether she is on medication. The BM is an alcoholic. The report further alleged that the six-year-old is regularly outside unsupervised and he is also sexually promiscuous. The father fails to care for his children.

Both parents were the subjects of the report. On 9/20/16, the SCR registered another report and it was consolidated with this report.

Determination: Unfounded**Date of Determination:** 11/16/2016**Basis for Determination:**

ACS wrote that all allegations were unsubstantiated as they lack merit. Regarding IG, IF/C/S, the shelter staff reported the BM was always seen with her children, the room was clean and safe with an adequate amount of food. ACS wrote that although the child resides with the BM, the BF picks him up from school on occasion and the child stated he is never left alone. Regarding PD/AM, LBW and unannounced visits reflected the children were not found with marks or bruises. The BM's drug tests results were negative and the BF's was positive for marijuana; however, there appeared to be no impact on the care he provides.

OCFS Review Results:

There appear to be no safety concerns, housing was appropriate, the children's medicals were up to date and no sign of DV as the BF resides at a separate location. The investigation was thorough.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/03/2016	16377 - Deceased Child, Unknown, 0 Days	16492 - Father, Male, 23 Years	DOA / Fatality	Unfounded	No
	16377 - Deceased Child, Unknown, 0 Days	16491 - Mother, Female, 23 Years	DOA / Fatality	Unfounded	

Report Summary:

This report is the re-reported alleged fatality that determined no child was born or died during the reported period. The report alleged that the mother gave birth to a baby on 2/18/16 and smothered the newborn with a pillow, and put the newborn in a dumpster. No further details are known. The father was aware and did not intervene. The father abuses marijuana and the mother abuses pills and alcohol all day in the home while caring for the child. The parents are always impaired from substance abuse. They are failing to provide for their other child. The father is always physically assaulting the mother around the child. The home is always filthy.

Determination: Unfounded**Date of Determination:** 06/23/2016**Basis for Determination:**

ACS did not add the alleged DOA/Fatality allegation to the case determination for this report due to technical difficulties at the time.

OCFS Review Results:

The case investigation documentation reflected that the Specialist provided assistance, guidance and good referrals to the



BM.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/03/2015	16369 - Sibling, Male, 4 Years	16373 - Father, Male, 22 Years	Parents Drug / Alcohol Misuse	Unfounded	No
	16369 - Sibling, Male, 4 Years	16501 - Mother, Female, 22 Years	Burns / Scalding		
	16369 - Sibling, Male, 4 Years	16501 - Mother, Female, 22 Years	Lack of Supervision	Unfounded	
	16369 - Sibling, Male, 4 Years	16501 - Mother, Female, 22 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16369 - Sibling, Male, 4 Years	16373 - Father, Male, 22 Years	Lack of Supervision	Unfounded	
	16369 - Sibling, Male, 4 Years	16373 - Father, Male, 22 Years	Inadequate Guardianship	Unfounded	
	16369 - Sibling, Male, 4 Years	16373 - Father, Male, 22 Years	Lacerations / Bruises / Welts	Unfounded	
	16369 - Sibling, Male, 4 Years	16501 - Mother, Female, 22 Years	Lacerations / Bruises / Welts	Unfounded	
	16369 - Sibling, Male, 4 Years	16373 - Father, Male, 22 Years	Lack of Medical Care	Unfounded	
	16369 - Sibling, Male, 4 Years	16501 - Mother, Female, 22 Years	Inadequate Guardianship	Unfounded	

Report Summary:

This report alleged that the five and one-year-old children sustained marks, bruises, scratches, burn marks and welts on their bodies; while under the care of their parents. The BF punches the five-year-old in the ribs and slaps him in the face. The BF gets high on marijuana, violent and beats the BM in the presence of the children. The Bf sells drugs. It alleged that the one-year-old is left filthy and disheveled wearing a feces and urine filled diaper resulting in severe diaper rash that is left untreated. The report also alleged the grandparents use drugs while caring for the children who are left with them as caregivers.

The SCR registered a report on 11/08/15 and it was consolidated.

Determination: Unfounded**Date of Determination:** 12/21/2015**Basis for Determination:**

This report was a subsequent to an open investigation. There were no safety issues. ACS unfounded the allegations and the case remained open for services. ACS did not write a narrative to support the determination.

OCFS Review Results:

ACS did not write a narrative to support the determination.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/06/2015	16367 - Sibling, Male, 14	16366 - Father, Male, 22	Inadequate	Unfounded	No



Months	Years	Guardianship	
16367 - Sibling, Male, 14 Months	16365 - Mother, Female, 22 Years	Inadequate Guardianship	Unfounded

Report Summary:

While changing the one-year-old child, the parents saw bruises and scratches near his penis and thighs that he sustained while at the daycare he attended. The parents took the child back to the same daycare where he was maltreated the previous day.

The report alleged IG of the one-year-old child by the parents.

Determination: Unfounded

Date of Determination: 07/02/2016

Basis for Determination:

ACS unsubstantiated the allegation of IG of the child by the parents citing a lack of credible evidence.

OCFS Review Results:

The determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
09/06/2014	16362 - Sibling, Male, 4 Years	16361 - Mother, Female, 21 Years	Lack of Supervision	Unfounded	No
	16363 - Sibling, Male, 7 Months	16361 - Mother, Female, 21 Years	Lack of Supervision	Unfounded	
	16362 - Sibling, Male, 4 Years	16361 - Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16363 - Sibling, Male, 7 Months	16361 - Mother, Female, 21 Years	Parents Drug / Alcohol Misuse	Unfounded	
	16362 - Sibling, Male, 4 Years	16361 - Mother, Female, 21 Years	Inadequate Guardianship	Unfounded	
	16363 - Sibling, Male, 7 Months	16361 - Mother, Female, 21 Years	Inadequate Guardianship	Unfounded	

Report Summary:

This report alleged the MGM sniffs cocaine and smokes crack while caring for the five-year-old and the eight-month-old children. The smell of crack in the apartment is so severe that it permeates through the apartment. The MGM leaves the infant screaming for long periods of time while she is under the influence of drugs. The BM leaves the children in the care of the MGM. It is unknown whether the BM is aware of the MGM's drug use. Last month, the BM engaged in a physical altercation with her sister, while in the presence of the children, causing the oldest to become extremely upset and scream.

Determination: Unfounded

Date of Determination: 11/26/2014

Basis for Determination:

ACS unsubstantiated both allegations citing lack of credible evidence. ACS wrote that the MGM drug test were negative. ACS concluded that since the children were found to be well cared for and the family had a conflict with the neighbors who threatened to call in a report; the report was a retaliation.

OCFS Review Results:

The facts in the progress notes supported the determination.

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



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

The BM was known to ACS as a confirmed maltreated child in twelve reports and one report was unfounded.

As an adult, the BM was the subject of five reports from 9/23/11 to 6/6/12; two of those reports were consolidated into existing reports, two were indicated against the BM (one unfounded). The substantiated allegation was IG.

The BF was known to ACS as a confirmed maltreated child in one report. The BF was the subject of nine reports from 4/08/11 to 11/18/13; four of those reports were consolidated and five reports were indicated against the BF (four were unfounded). The allegation of the indicated reports were IG and PD/AM.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Preventive Services History

The family has been engaged in PPRS services since 02/22/12 until 8/2016, under the auspices of Good Shepherd agency. The BM was compliant and made improvement; however, continued to engage in services. The BF refused services in spite of a court order.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to 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:
04/05/2016	Adjudicated Abused	Adjourned
Respondent:	037504 Father Male 24 Year(s)	
Comments:		

Additional Local District Comments



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