



Report Identification Number: SY-15-037

Prepared by: Syracuse Regional Office

Issue Date: 5/16/2016

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
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		

Case Information



Report Type: Child Deceased
Age: 3 year(s)

Jurisdiction: Broome
Gender: Male

Date of Death: 10/19/2015
Initial Date OCFS Notified: 10/20/2015

Presenting Information

On 10/20/15 Broome County DSS notified OCFS via OCFS form 7065 of the death of the two Subject Children. The Subject Children were living with their BM. The BM's friend was staying the night with the Subject Children and the BM. The BM's friend's ex-boyfriend set fire to the home, and the Subject Children, the BM and the BM's friend were trapped inside. The BM and the BM's friend were able to escape the home, though they sustained serious burns. The Subject Children were killed in the fire. The police arrested the BM's friend's ex-boyfriend who remained in police custody. The BM and the Subject Children were listed as no role participants on an open CPS investigation at the time of the incident. They were listed as no role as they were staying in a home with friends, who had an open CPS investigation. The BM and the Subject Children moved out of the home soon after the initiation of the case, and the fatality occurred at this location.

Executive Summary

OCFS was notified of the fatalities in this case, via OCFS form 7065. The two subject children, who were siblings, were residing with their BM. The family was initially living with some friends, when an SCR report was received with allegations regarding some of the children and adults in that home. The BM and the Subject Children were listed as having no role in the case, as they moved out of the home prior to the determination of that case. While they were in at home, the LDSS CW met with the BM and the Subject Children and determined them to be safe in the BM's care. After the BM and the Subject Children moved to their new home, the LDSS ended their involvement with them, as they had no role in the CPS case and had been determined to be safe in their mother's care.

Once in their new home, the BM allowed an unrelated home member, her friend, to spend the night in their apartment. The BM's friend's ex-boyfriend found out that the BM's friend was staying at that address, and set fire to the home, resulting in the fatality. It is not clear that the ex-boyfriend knew that the BM and the Subject Children were in the home. The ex-boyfriend did not have a relationship with the Subject Children, and was not a person with legal responsibility for their care. The local law enforcement arrested him soon after the fatality and charged him with murder in the first degree and arson in the first degree.

Following the fire, the LDSS determined that making an SCR report for this incident was not necessary. The BM remained in the hospital with significant medical needs, and had no surviving children in her care. The LDSS continued to assess safety on the CPS case that was open on the BM's other friends, and ultimately determined that case to be unfounded and closed the case. The BM's friend's ex-boyfriend remained in custody, pending the criminal charges. The LDSS assisted the Subject Children's BF and the family with funeral expenses following the incident.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**



o Safety assessment due at the time of determination? Yes

Determination:

- Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation? N/A
Was the determination made by the district to unfound or indicate appropriate? N/A

Explain:

There was no new SCR report as a result of this fatality.

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:

The LDSS determined that a new SCR report was not required following the death's of the two SC's, as their deaths were not the result of actions or inactions by a person with legal responsibility for the SC's. The BM and SC were residing at the case address of a residence with an open CPS case, but were determined to have no role in that CPS case.

Required Actions Related to the Fatality

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

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 10/19/2015

Time of Death: 01:50 AM

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

County where fatality incident occurred: BROOME

Was 911 or local emergency number called? Yes

Time of Call: Unknown

Did EMS to respond to the scene? Yes

At time of incident leading to death, had child used alcohol or drugs? No

Child's activity at time of incident:

- [] Sleeping [] Working [] Driving / Vehicle occupant
[] Playing [] Eating [x] Unknown
[] Other

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



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Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	No Role	Male	5 Year(s)
Deceased Child's Household	Deceased Child	No Role	Male	3 Year(s)
Deceased Child's Household	Mother	No Role	Female	28 Year(s)

LDSS Response

When the LDSS was aware of the fatality they were able to determine that this case did not involve allegations of abuse or maltreatment. The BM had allowed her friend to spend the night at her apartment, and the BM's friend's boyfriend came to the home and started a fire. The boyfriend was not a person legally responsible for the SC's. The SC's had no surviving siblings still in the care of the BM. Based on this information the LDSS determined a report to the SCR was not required.

The BM and the SC's were listed on an open CPS report, though they were listed as having no role. The allegations in that CPS case were regarding other adults in the home. The LDSS assessed the SC's to be safe while they resided at that case address. While the case was open, The BM and the SC's moved to a new address, which is where the fatality occurred. The LDSS reviewed autopsy records and through contact with LE and the DA, determined that the actions that caused the death of the SC's was a criminal act, and not caused by a person with legal responsibility for the SC's. The BM was determined to have no role in the death of the SC's.

The LDSS provided the Subject Children's BF with financial assistance for the funerals for the Subject Children.

Official Manner and Cause of Death

Official Manner: Homicide

Primary Cause of Death: From an injury - external cause

Person Declaring Official Manner and Cause of Death: Coroner

Multidisciplinary Investigation/Review

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

Comments: This case still has pending criminal charges, and the county CFRT has not reviewed it yet.

CPS Fatality Casework/Investigative Activities



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	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"/>
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"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information:

In this case there was not a formal fatality investigation by the LDSS, as the death of the subject children was not caused by a person legally responsible for the children and was a criminal act.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<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?

Family Court Criminal Court Order of Protection

Criminal Charge: Murder **Degree:** 1

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Pending	An unrelated adult--an ex-boyfriend of the friend	Pending	Pending
Comments:	The ex-boyfriend of the friend of the BM was charged with first degree murder and first degree arson. He intentionally set the fire in a stairwell of the apartment building, using an accelerant. His charges are still pending in criminal court.		



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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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 were no surviving siblings, in the care of the BM.

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

Explain:

Assistance with funeral expenses was offered to the Subject Children's BF following the fatality. The BM required extensive medical care as a result of the fire.

History Prior to the Fatality



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Child Information

Did the child have a history of alleged child abuse/maltreatment? Yes
Was there an open CPS case with this child at the time of death? No
Was the child ever placed outside of the home prior to the death? No
Were there any siblings ever placed outside of the home prior to this child's death? Yes
Was the child acutely ill during the two weeks before death? No

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/06/2012	8381 - Deceased Child, Male, 5 Years	8382 - Mother, Female, 29 Years	Inadequate Guardianship	Unfounded	No

Report Summary:

The SCR report alleges that the BM hit the two year old SC, and did not feed the children. The report alleged that the BM also screamed at the SC.

Determination: Unfounded

Date of Determination: 10/22/2012

Basis for Determination:

Upon observation of the children, interviews with the BM, and collateral contacts, there was no evidence to support that the Subject Children were being maltreated.

OCFS Review Results:

The LDSS determined the children to be safe and made adequate collateral contacts and family contacts. Due the BM's history with CPS and her trying to parent two very small children on her own, she was offered services, but declined.

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)
01/14/2014	8384 - Deceased Child, Male, 5 Years	8386 - Mother, Female, 29 Years	Lack of Supervision	Unfounded	Yes
	8384 - Deceased Child, Male, 5 Years	8386 - Mother, Female, 29 Years	Parents Drug / Alcohol Misuse	Unfounded	
	8385 - Deceased Child, Male, 3 Years	8386 - Mother, Female, 29 Years	Lacerations / Bruises / Welts	Unfounded	
	8385 - Deceased Child, Male, 3 Years	8386 - Mother, Female, 29 Years	Parents Drug / Alcohol Misuse	Unfounded	
	8384 - Deceased Child, Male, 5 Years	8387 - Unrelated Home Member, Male, 28 Years	Inadequate Guardianship	Unfounded	
	8385 - Deceased Child, Male, 3 Years	8387 - Unrelated Home Member, Male, 28 Years	Lacerations / Bruises / Welts	Unfounded	

8384 - Deceased Child, Male, 5 Years	8386 - Mother, Female, 29 Years	Swelling / Dislocations / Sprains	Unfounded
8385 - Deceased Child, Male, 3 Years	8386 - Mother, Female, 29 Years	Lack of Supervision	Unfounded
8385 - Deceased Child, Male, 3 Years	8386 - Mother, Female, 29 Years	Swelling / Dislocations / Sprains	Unfounded
8384 - Deceased Child, Male, 5 Years	8387 - Unrelated Home Member, Male, 28 Years	Lacerations / Bruises / Welts	Unfounded
8384 - Deceased Child, Male, 5 Years	8387 - Unrelated Home Member, Male, 28 Years	Parents Drug / Alcohol Misuse	Unfounded
8385 - Deceased Child, Male, 3 Years	8387 - Unrelated Home Member, Male, 28 Years	Inadequate Guardianship	Unfounded
8385 - Deceased Child, Male, 3 Years	8387 - Unrelated Home Member, Male, 28 Years	Lack of Supervision	Unfounded
8385 - Deceased Child, Male, 3 Years	8387 - Unrelated Home Member, Male, 28 Years	Parents Drug / Alcohol Misuse	Unfounded
8384 - Deceased Child, Male, 5 Years	8386 - Mother, Female, 29 Years	Inadequate Guardianship	Unfounded
8384 - Deceased Child, Male, 5 Years	8386 - Mother, Female, 29 Years	Lacerations / Bruises / Welts	Unfounded
8385 - Deceased Child, Male, 3 Years	8386 - Mother, Female, 29 Years	Inadequate Guardianship	Unfounded
8384 - Deceased Child, Male, 5 Years	8387 - Unrelated Home Member, Male, 28 Years	Lack of Supervision	Unfounded
8384 - Deceased Child, Male, 5 Years	8387 - Unrelated Home Member, Male, 28 Years	Swelling / Dislocations / Sprains	Unfounded
8385 - Deceased Child, Male, 3 Years	8387 - Unrelated Home Member, Male, 28 Years	Swelling / Dislocations / Sprains	Unfounded

Report Summary:

The SCR report alleged that BM and her paramour at the time were using drugs and alcohol while caring for the Subject Children, impairing their ability to supervise them. The report also alleged that the BM and her paramour hit the Subject Children. A window was open on the second floor of the home, with no screen in it, and one of the SC's was hanging out the window. The paramour grabbed the SC and pulled him back in the window and the SC hit his head on the window, causing an injury. The report alleged that both the BM and the paramour have hit and pushed the Subject Children leaving marks and injuries.

Determination: Unfounded

Date of Determination: 07/22/2014

Basis for Determination:

Upon the LDSS's observation of the subject children, interviews with the BM and the paramour, and collateral contacts, they did not find evidence to support the allegations in the report, or that the Subject Children were being maltreated. There were no visible marks found on the subject children, and no collateral contacts expressed concern for the children.



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OCFS Review Results:

This case was open for roughly six months, with no documented explanation for why it was open for this time period. The CW made initial contact at the case opening in January 2014, and determined the SC's to be safe at that time. However, there was no further documented contact with the family until July 2014 just prior to the case closing. The LDSS assessed the children to be safe at this time and closed the case.

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

Issue:

Timeliness of Determination

Summary:

The case was open for roughly six months, with no documented explanation for why it was open beyond the required 60 day timeframe.

Legal Reference:

SSL 424(7);18 NYCRR 432.2(b)(3)(iv)

Action:

No corrective action required. The BLDSS has implemented policies and mechanisms to monitor for timeliness of case determinations. No safety issues were identified during the review of this case, and the case circumstances are not relevant to the fatalities of the Subject Children.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
12/01/2014	8472 - Other Child - SC's cousin, Female, 15 Years	8473 - Other Adult - SC's Aunt, Female, 35 Years	Emotional Neglect	Unfounded	No
	8472 - Other Child - SC's cousin, Female, 15 Years	8473 - Other Adult - SC's Aunt, Female, 35 Years	Inadequate Guardianship	Unfounded	

Report Summary:

This report involved allegations regarding the BM's niece and the BM's sister. The allegations stated that the BM's sister was being verbally abusive to the BM's niece. The BM and her older children were listed on the report, but had no role. The children were residing with their MGM, who was also listed on the case with no role.

Determination: Unfounded

Date of Determination: 02/24/2015

Basis for Determination:

There was no evidence found to substantiate the allegations. The LDSS did not discover any evidence that the BM's sister was being verbally abusive to the BM's niece.

OCFS Review Results:

The BM and her other children were found to have no role in this case. Through collateral contacts, interviews and contacts with the family, the LDSS determined all the children to be safe, and that there was no evidence found to support that any of the children were being maltreated.

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)
08/05/2015	8475 - Other Child - Friend, Female, 1 Years	8474 - Other Adult - Friend, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded	No
	8475 - Other Child - Friend, Female, 1 Years	8474 - Other Adult - Friend, Female, 33 Years	Inadequate Guardianship	Unfounded	



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8475 - Other Child - Friend, Female, 1 Years	8474 - Other Adult - Friend, Female, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8474 - Other Adult - Friend, Female, 33 Years	Lack of Supervision	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8478 - Unrelated Home Member, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8478 - Unrelated Home Member, Male, 30 Years	Inadequate Guardianship	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8478 - Unrelated Home Member, Male, 30 Years	Parents Drug / Alcohol Misuse	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8479 - Unrelated Home Member, Male, 31 Years	Inadequate Guardianship	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8479 - Unrelated Home Member, Male, 31 Years	Lack of Supervision	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8474 - Other Adult - Friend, Female, 33 Years	Lack of Supervision	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8474 - Other Adult - Friend, Female, 33 Years	Inadequate Food / Clothing / Shelter	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8474 - Other Adult - Friend, Female, 33 Years	Parents Drug / Alcohol Misuse	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8478 - Unrelated Home Member, Male, 30 Years	Lack of Supervision	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8478 - Unrelated Home Member, Male, 30 Years	Parents Drug / Alcohol Misuse	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8478 - Unrelated Home Member, Male, 30 Years	Inadequate Food / Clothing / Shelter	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8479 - Unrelated Home Member, Male, 31 Years	Inadequate Guardianship	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8479 - Unrelated Home Member, Male, 31 Years	Parents Drug / Alcohol Misuse	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8479 - Unrelated Home Member, Male, 31 Years	Inadequate Food / Clothing / Shelter	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8474 - Other Adult - Friend, Female, 33 Years	Inadequate Guardianship	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8478 - Unrelated Home Member, Male, 30 Years	Inadequate Guardianship	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8478 - Unrelated Home Member, Male, 30 Years	Lack of Supervision	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8479 - Unrelated Home Member, Male, 31 Years	Inadequate Food / Clothing / Shelter	Unfounded
8475 - Other Child - Friend, Female, 1 Years	8479 - Unrelated Home Member, Male, 31 Years	Lack of Supervision	Unfounded
8476 - Other Child - Friend, Female, 15 Years	8479 - Unrelated Home Member, Male, 31 Years	Parents Drug / Alcohol Misuse	Unfounded



NYS Office of Children and Family Services - Child Fatality Report

Report Summary:

The SCR received a report alleging that there were multiple adults living in the home, as well as multiple children. The report alleged that the adults use drugs and alcohol and also allow the teenage children in the home to use drugs and alcohol. Once under the influence of drugs and alcohol, the adults engaged in physical altercations in the presence of the children. The report stated the adults did not provide proper supervision for the children, or provide adequate food, clothing or shelter.

Determination: Unfounded**Date of Determination:** 12/01/2015**Basis for Determination:**

Based on collateral contacts and contacts with the family via home visits, the LDSS determined there was not enough credible evidence to substantiate the allegations. They found no evidence of drug use by the teenagers in the home, or by the adults in the home. There was no evidence that the adults in the home were not providing for the children's basic needs.

OCFS Review Results:

This report was open at the time of the fatality. The BM and the Subject Children were residing in the home at the time of case opening. The LDSS assessed all the children's safety in regard to this case. While the case was open, the BM and the Subject Children moved out of the home, into their own residence, which is where the fatality occurred.

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 named as a subject in 11 CPS cases. Of those 11, three were indicated. In 2006 the BM was indicated for engaging in DV in front of her children. In 2007, the BM was indicated for lack of medical care, for not getting adequate medical care for her son born with lung disease. As a result of this case, a neglect petition was filed, resulting in her children being placed with their MGM. In 2010, the BM was indicated for Inadequate Guardianship. The children involved in these reports are not the Subject Children in the fatality. The BM's older children were placed with their MGM and remained there in her care, at the time of the fatality. The BM was not having substantial contact with the SC's at the time of the fatality.

Known CPS History Outside of NYS

No known history outside of NYS.

Services Open at the Time of the Fatality**Required Action(s)****Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?**Yes No**Preventive Services History**



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Following indicated CPS case in 2006 for Lack of Medical Care and DV, the LDSS filed a neglect petition against the BM and placed her older children (The Subject Children's half siblings) with their MGM. Preventive services were opened in 2006 in an attempt to support the placement with MGM, monitor the health of the children, and offer rehabilitative services to the BM and the BF of these children. The BM did not cooperate with services, and though she maintained contact with these children neither she nor the BF worked to have them returned. The preventive case was closed in 2007, and the children remained in the care of their MGM.

Casework Contacts

	Yes	No	N/A	Unable to Determine
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Required Action(s)

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

Yes No

Foster Care Placement History

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

Legal History Within Three Years Prior to the Fatality

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

Recommended Action(s)

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

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