



**Report Identification Number: BU-16-037**

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

**Issue Date: Apr 14, 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 Deceased  
**Age:** 16 day(s)

**Jurisdiction:** Erie  
**Gender:** Male

**Date of Death:** 11/17/2016  
**Initial Date OCFS Notified:** 11/18/2016

### Presenting Information

SC was born on 11/1/16 with birth defects. These defects were known prior to the birth. SC's liver grew up into the diaphragm, affecting the development of the lungs. SC lived for 16 days and never left the hospital.

### Executive Summary

This fatality report concerns the death of a 16-day-old male (SC) that occurred on 11/17/16. The Erie County Department of Social Services (ECDSS) had been unsuccessful in obtaining a copy of the death certificate and/or autopsy at the time this report was written. However, collateral contacts with medical staff where SC died determined SC's death was due to severe medical complications at the time of his birth on 11/1/16. At the time of SC's death, the family had an open preventive services case, as well as an open CPS investigation with ECDSS; neither were related to the SC's death.

A voluntary preventive services case was opened in August 2013 involving SM, BF, and six SS (then 15 y/o female, 10 y/o female, 9 y/o female, 8 y/o male, 6 y/o male, 5 y/o female; SC and three other SS were not yet born). The services case was opened in response to an IND CPS investigation. Services were implemented to assist family members in engagement in counseling, housing assistance, substance abuse counseling for SM, and parenting classes. Since the opening of the services case, SM gave birth to SC and three other SS, and the HH composition at the time of this report included SM, BF, SC, and 7 SS. There was also an open CPS investigation at the time of SC's death, with allegations of LSUP, SA, and IG against SM and BF, unrelated to the SC's death. The investigation was determined to be unfounded by ECDSS.

SM had a high-risk pregnancy and it was noted by medical staff, prior to his birth, SC had poor prognostic factors on outside imaging due to birth defects. SM received frequent prenatal care and ECDSS assisted SM with getting to her many appointments. SC was born with complications at 38 weeks and 3 days' gestation; he was admitted to the hospital's neonatal intensive care unit and placed on a ventilator, and was in need of corrective surgeries once stable. SC never left the hospital and died due to his medical conditions. ECDSS was notified of SC's passing on 11/18/16, and ECDSS notified OCFS via 7065 on 11/21/16.

ECDSS gathered information about the circumstances of SC's death from SM, BF, and collateral contacts. ECDSS obtained copies of appropriate medical records and offered the family grief services on several occasions, which were refused. ECDSS assessed the safety and risk of the SS by conducting home visits and interviews with the children; all SS were deemed to be safe by the department.

From the time of this case opening in August 2013 to the writing of this report, ECDSS met regularly with the family, had frequent contact with service providers and other collateral contacts. ECDSS also assisted the family as needed with community-based services, transportation to and from appointments, and any other presenting needs. The case remained open with continued service plan goals at the time of this fatality report.

### 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? N/A
- Was the determination made by the district to unfound or indicate appropriate? N/A

### Explain:

This was a non-SCR reported fatality; no allegations were made, however, ECDSS assessed the safety of all SS and their home environment, as well as followed up with collateral contacts and referred the family to grief services.

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

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

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

### Explain:

This family remained involved in an open preventive services case at the time of this fatality report.

### Required Actions Related to the Fatality

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

### Fatality-Related Information and Investigative Activities

#### Incident Information

Date of Death: 11/17/2016

Time of Death: 04:29 PM

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

County where fatality incident occurred: ERIE

Was 911 or local emergency number called? No

Did EMS to respond to the scene? No

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

Child's activity at time of incident:

- Sleeping  Working  Driving / Vehicle occupant
- Playing  Eating  Unknown
- Other: Hospitalized.

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

Is the caretaker listed in the Household



**Composition?** No

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

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

**Children ages 0-18:** 1

**Adults:** 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	No Role	Male	16 Day(s)
Deceased Child's Household	Father	No Role	Male	42 Year(s)
Deceased Child's Household	Mother	No Role	Female	38 Year(s)
Deceased Child's Household	Sibling	No Role	Female	10 Year(s)
Deceased Child's Household	Sibling	No Role	Male	8 Year(s)
Deceased Child's Household	Sibling	No Role	Female	14 Year(s)
Deceased Child's Household	Sibling	No Role	Male	11 Year(s)
Deceased Child's Household	Sibling	No Role	Female	12 Year(s)
Deceased Child's Household	Sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Female	19 Year(s)
Deceased Child's Household	Sibling	No Role	Male	1 Year(s)

### LDSS Response

SC was born on 11/1/16, and ECDSS visited SM and SC in the hospital on that date. SM informed ECDSS SC was born with severe medical complications, was on a ventilator, and would need corrective surgery. On 11/18/16, ECDSS was informed that SC had passed away. ECDSS contacted BF via phone and confirmed, however BF refused to provide any details to ECDSS. ECDSS spoke with individuals at the SM's residence to ensure the SS were being supervised in SM and BF's absence. ECDSS attempted to speak with hospital staff on the same date, but was not provided any information due to not having a signed release.

On 11/22/16, ECDSS completed a HV to assess the safety of all SS; they were all deemed safe at that time. Several other HV were completed between November 2016 and the date of this report, and the safety of the SS was documented with no concerns at each visit. ECDSS made several attempts to obtain a death certificate from the medical examiner's office, however, had been unsuccessful as of the date of this report. ECDSS had SM sign releases for the hospital where SC was born, and ECDSS spoke with medical staff surrounding SC's death. ECDSS was informed by medical staff that SC had a poor prognosis prior to birth, and after birth, had severe medical difficulties. Medical staff reported to ECDSS SC died on 11/17/16 at 6:29PM; the diagnoses at the time were: "acute respiratory failure with hypoxia, congenital diaphragmatic hernia, disseminated intravascular coagulopathy, history of extracorporeal membrane oxygenation, newborn small for gestational age, sepsis of newborn due to Escherichia coli." Due to the SC's many medical complications pre- and post-birth, it was determined his death was not suspicious, and no report needed to be made to the State Central Register.

ECDSS completed and documented a detailed Connections history check on the family, and provided SM and BF with



grief counseling information for themselves and the SS. The services that were in place for this family prior to SC's death were continued. SM had recently completed a substance abuse program, and BF was involved in one at the time of this report.

### Official Manner and Cause of Death

**Official Manner:** Natural

**Primary Cause of Death:** From a medical cause

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

### Multidisciplinary Investigation/Review

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

**Comments:** There is no OCFS approved Child Fatality Review Team for ECDSS.

### 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<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"/>

### 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 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"/>

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input 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
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"/>
Explain as necessary: No SS were removed after SC's death.				

#### Legal Activity Related to the Fatality

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



**Have any Orders of Protection been issued? No**

**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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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"/>

**Additional information, if necessary:**  
 At the time of this fatality report, ECDSS remained working with the family in an open services capacity. ECDSS was encouraging and assisting SM and BF to have the older SS begin MH counseling/ Although SM and BF agreed, at the time of this report, the family had yet to engage in the services. ECDSS also provided a list of resources to assist the family with grief support and counseling.

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

**Explain:**  
 The services case remained open at the time of this fatality report. ECDSS was encouraging the family to get the older SS into MH counseling, and ECDSS also sent BF and SM a list of resources for grief counseling.



**Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No**

**Explain:**  
Grief counseling and MH services were offered to the family, but at the time of this report, these services had not yet been implemented.

## History Prior to the Fatality

### Child Information

- Did the child have a history of alleged child abuse/maltreatment? No
- Was there an open CPS case with this child at the time of death? Yes
- Was the child ever placed outside of the home prior to the death? 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? Yes

### Infants Under One Year Old

**During pregnancy, mother:**

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- 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)	Status/Outcome	Compliance Issue(s)
09/01/2016	14826 - Sibling, Female, 12 Years	14821 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded	Yes
	14830 - Other - Half-Sibling, Female, 7 Years	14821 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded	
	14830 - Other - Half-Sibling, Female, 7 Years	14821 - Mother, Female, 38 Years	Sexual Abuse	Unfounded	
	14831 - Sibling, Female, 2 Years	14821 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded	

14831 - Sibling, Female, 2 Years	14821 - Mother, Female, 38 Years	Sexual Abuse	Unfounded
14826 - Sibling, Female, 12 Years	14824 - Father, Male, 42 Years	Lack of Supervision	Unfounded
14830 - Other - Half-Sibling, Female, 7 Years	14824 - Father, Male, 42 Years	Sexual Abuse	Unfounded
14826 - Sibling, Female, 12 Years	14821 - Mother, Female, 38 Years	Lack of Supervision	Unfounded
14830 - Other - Half-Sibling, Female, 7 Years	14821 - Mother, Female, 38 Years	Lack of Supervision	Unfounded
14831 - Sibling, Female, 2 Years	14821 - Mother, Female, 38 Years	Lack of Supervision	Unfounded
14826 - Sibling, Female, 12 Years	14824 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
14826 - Sibling, Female, 12 Years	14824 - Father, Male, 42 Years	Sexual Abuse	Unfounded
14830 - Other - Half-Sibling, Female, 7 Years	14824 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
14830 - Other - Half-Sibling, Female, 7 Years	14824 - Father, Male, 42 Years	Lack of Supervision	Unfounded
14828 - Sibling, Female, 10 Years	14821 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded
14828 - Sibling, Female, 10 Years	14824 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
14826 - Sibling, Female, 12 Years	14821 - Mother, Female, 38 Years	Sexual Abuse	Unfounded
14831 - Sibling, Female, 2 Years	14824 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded
14831 - Sibling, Female, 2 Years	14824 - Father, Male, 42 Years	Lack of Supervision	Unfounded
14831 - Sibling, Female, 2 Years	14824 - Father, Male, 42 Years	Sexual Abuse	Unfounded

**Report Summary:**

Report received with allegations of SA, IG, and LSUP against SM and BF of then 12 y/o female SS, then 2 y/o female SS, and then 7 y/o female half-sibling (same BF as SC, but this SS resided with her mother in a different household). There were also allegations of IG against SM and BF regarding then 10 y/o female SS. The report alleged the 12 y/o SS had a history of sexually acting out and aggressive behaviors; SM and BF were aware yet failed to provide adequate supervision. As a result, 2 months ago, the 12 y/o SS touched the 2 y/o in a sexual manner, and on 8/31/16, the 12 y/o touched the 7 y/o half-sibling in a sexual manner.

**Determination:** Unfounded **Date of Determination:** 12/20/2016

**Basis for Determination:**

ECDSS based their determination on interviews, home visits, and collateral contacts. ECDSS reported in the investigation conclusion that there was no evidence to show SM and BF were aware the 12 y/o SS was touching any other child in the home inappropriately, and once they were made aware this occurred, they acted appropriately and complied with a Safety Plan. ECDSS had the half-sibling complete a forensic interview and ECDSS and LE decided



there was no disclosure. Also during this investigation, SC was born and died. At the conclusion of the investigation, the family's services case remained open, and the 12 y/o was awaiting MH placement.

**OCFS Review Results:**

ECDSS failed to adequately interview all of the children residing in the household regarding the allegations of the 12 y/o SS sexually acting out; although the children were observed and spoken with, ECDSS did not ask all of the children about SA. ECDSS did not readdress the allegations regarding the 2 y/o, nor was an interview with that child attempted. ECDSS did not observe the half-sibling's home for safety, nor did they follow up with that child's mother's concern another of BF's children had also been touched by the 12 y/o SS.

**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:**  
ECDSS did not adequately interview all of the children listed on the report/in the HH in regard to the allegation of SA. ECDSS was informed by the half-sibling's mother that another half-sibling (male, age unknown) reported to her he had also been touched appropriately by the then 12 y/o SS, but ECDSS did not make attempts to see that half-sibling or interview him.

**Legal Reference:**  
18 NYCRR 432.1 (b)(3)(ii)(a)

**Action:**  
ECDSS will fully and adequately interview, or attempt to interview, all children in a household in regard to the allegations in the report. ECDSS will appropriately follow up on concerns that other children may have been abused/neglected.

**Issue:**  
Pre-Determination/Home Visit

**Summary:**  
ECDSS did not assess the safety of the home of the half-sibling listed as maltreated on the report.

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

**Action:**  
ECDSS will assess the home environment of all children named on a report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/29/2016	14794 - Sibling, Female, 12 Years	14814 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded	Yes
	14794 - Sibling, Female, 12 Years	14815 - Father, Male, 41 Years	Inadequate Guardianship	Unfounded	

**Report Summary:**  
Report received with allegations of IG against SM and BF regarding then 12 y/o female SS. The report alleged SM and BF were having the SS urinate into a cup in order for SM and BF to pass drug screens. It was further alleged that when SS asked SM why she had to urinate in a cup, SM punched SS in the face.

**Determination:** Unfounded **Date of Determination:** 09/21/2016

**Basis for Determination:**  
ECDSS' investigation included interviews, home visits, and some collateral contacts. ECDSS did not find evidence to substantiate the allegations in the report, due to SM having completed her substance abuse treatment, and all SS having



denied physical discipline/violence in the home at that time. SS also denied any drug/alcohol use in the home at that time. ECDSS deemed all of the SS safe. At the conclusion of this investigation, another CPS report was called into the SCR, and the family also remained open with services.

**OCFS Review Results:**

Upon review, OCFS found ECDSS failed to contact SM and BF's substance abuse treatment providers as collateral contacts in this investigation. Significant information could have been gathered by these contacts, such as how urine screens are collected, if it is even possible for SM or BF to bring in their own urine, what their toxicology history has been, and the date SM completed her treatment program. ECDSS failed to attempt contact with the source of the report.

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

**Issue:**

Contact/Information From Reporting/Collateral Source

**Summary:**

ECDSS failed to contact, or make attempts to contact, the source of the report.

**Legal Reference:**

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

**Action:**

ECDSS will contact, or make attempts to contact, the source of a report.

**Issue:**

Overall Completeness and Adequacy of Investigation

**Summary:**

ECDSS failed to make all appropriate collateral contacts in this investigation. The allegations referred specifically to SM and BF's urine screens for drug treatment programs, however, ECDSS did not contact, or attempt to contact, either SM or BF's treatment providers.

**Legal Reference:**

SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)

**Action:**

ECDSS will contact all appropriate collaterals during an investigation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
01/07/2016	14581 - Sibling, Female, 12 Years	14582 - Mother, Female, 38 Years	Inadequate Guardianship	Unfounded	Yes
	14581 - Sibling, Female, 12 Years	14583 - Father, Male, 42 Years	Inadequate Guardianship	Unfounded	
	14581 - Sibling, Female, 12 Years	14582 - Mother, Female, 38 Years	Lack of Supervision	Unfounded	
	14581 - Sibling, Female, 12 Years	14583 - Father, Male, 42 Years	Lack of Supervision	Unfounded	

**Report Summary:**

Report received with allegations of IG against SM and BF re: then 12 y/o female SS. The concerns were that BF was using excessive force on SS, and that SM was aware and failed to intervene. Subsequent report received on 1/31/16 with allegations of IG and LSUP against SM and BF re: then 12 y/o female SS and then 2 y/o female SS. The concerns were that 12 y/o SS required a higher level of supervision which was not being provided, and as a result sexually acted out on 2 y/o SS.

**Determination:** Unfounded

**Date of Determination:** 05/02/2016

**Basis for Determination:**

ECDSS completed an investigation which included interviews, home visits, and collateral contacts. ECDSS also worked collaboratively with local Child Advocacy Center to have 12 y/o SS complete a forensic interview. ECDSS concluded BF was no longer residing with SM and the children, and 12 y/o SS was referring to an incident that occurred in the past and was previously investigated. 12 y/o SS also denied any current abuse/neglect; SM and the children in her care were residing in a facility where there was 24 hour supervision over her and the children at all times, and at the end of this investigation, services remained open and on-going.

**OCFS Review Results:**

The allegations in the subsequent report were not explored fully. SM stated the 2 y/o SS reported the sexual acting out to her, but ECDSS did not ask what was said, nor did ECDSS attempt to interview the SS; it was noted the SS spoke clearly, albeit with limited vocabulary. The school had concerns 12 y/o touched a peer inappropriately and ECDSS did not look into this fully. The forensic interview led to a statement by the 12 y/o that "something was going on", but this was not explored further. ECDSS failed to follow up with SS MH provider as a collateral, nor did ECDSS speak with SM about supervision of the 12 y/o and 2 y/o, despite having knowledge of 12 y/o's ongoing behavioral concerns.

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

**Issue:**

Pre-Determination/Assessment of Current Safety/Risk

**Summary:**

The allegations surrounding the then 12 y/o SS touching the then 2 y/o SS were not fully explored. ECDSS spoke with SM, who reported the 2 y/o disclosed to her. ECDSS did not ask what was said, nor did they interview the child. There was no documented conversation with SM regarding the importance of supervising the 12 y/o SS, despite having knowledge of that child's ongoing behavioral concerns.

**Legal Reference:**

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

**Action:**

ECDSS will complete a full and thorough assessment of safety/risk of all children prior to determining a report, and will implement safety interventions as appropriate.

**Issue:**

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

**Summary:**

ECDSS did not fully interview SM surrounding the allegations of LSUP/IG regarding the then 12 y/o SS touching the 2 y/o SS. ECDSS did not attempt to interview the then 2 y/o SS. The 12 y/o provided a partial disclosure, and the school and SM had additional concerns regarding sexual acting out, but ECDSS failed to document that they explored these concerns further.

**Legal Reference:**

18 NYCRR 432.1 (b)(3)(ii)(a)

**Action:**

ECDSS will attempt to interview all children listed as maltreated on a report, if they are of speaking age, and will follow up with children and parents/guardians when new concerns arise. ECDSS will adequately interview all subjects and other household members regarding all allegations in a report.

**Issue:**

Overall Completeness and Adequacy of Investigation

**Summary:**

ECDSS failed to fully discuss supervision with SM regarding her children, or document that such discussions took place. ECDSS did not follow up with all appropriate collaterals regarding the allegations of the then 12 y/o SS touching the 2 y/o SS (such as the 12 y/o's counselor, and the preventive caseworker).

**Legal Reference:**

SSL 424.6; 18 NYCRR 432.2(b)(3) and 18 NYCRR 432.2 (b)(3)(iii)(c)

**Action:**

ECDSS will complete thorough and adequate investigations which fully explore all allegations.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/20/2015	14575 - Sibling, Male, 10 Years	14571 - Mother, Female, 37 Years	Inadequate Guardianship	Indicated	No
	14575 - Sibling, Male, 10 Years	14572 - Father, Male, 41 Years	Inadequate Guardianship	Indicated	
	14576 - Sibling, Male, 1 Days	14571 - Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Indicated	
	14574 - Sibling, Female, 11 Years	14571 - Mother, Female, 37 Years	Inadequate Guardianship	Indicated	
	14574 - Sibling, Female, 11 Years	14572 - Father, Male, 41 Years	Inadequate Guardianship	Indicated	
	14576 - Sibling, Male, 1 Days	14571 - Mother, Female, 37 Years	Inadequate Guardianship	Indicated	
	14576 - Sibling, Male, 1 Days	14572 - Father, Male, 41 Years	Inadequate Guardianship	Indicated	

**Report Summary:**

Report received with allegations of IG against SM and BF regarding then 11 y/o, 10 y/o, and newborn SS. Also, an allegation of PD/AM against SM regarding then newborn SS. The concerns in the report were that SM and newborn tested positive for marijuana at child's birth. Additionally, the report alleged SM and BF were not following through with court menus and were failing to ensure the then 11 y/o and 10 y/o SS were attending their psychiatric appointments. The other SS, excluding the adult sibling, remained in placement at the time of this report.

**Determination:** Indicated**Date of Determination:** 09/01/2015**Basis for Determination:**

ECDSS completed a thorough investigation which included interviews, home visits, and collateral contacts. ECDSS found that SM and BF had made little progress with their court menus, which were a result of a neglect petition filed when all of the SS were remanded into ECDSS custody. At the time of this report, the then 11 y/o and 10 y/o SS were back in custody of SM and BF, one SS aged out, and the 3 other SS remained in placement. The newborn was placed into care for three days until SM found alternative assisted housing, and the newborn was then reunited with SM and BF. The positive toxicology of the newborn was found to have caused no negative effects on the child.

**OCFS Review Results:**

OCFS agreed with ECDSS' findings and 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)
04/23/2015	14515 - Other Child - Child in Guardian's Care, Female, 14 Years	14513 - Other - Guardian (1017), Female, 35 Years	Lack of Supervision	Unfounded	No



14516 - Sibling, Female, 11 Years	14513 - Other - Guardian (1017), Female, 35 Years	Inadequate Guardianship	Unfounded
14520 - Other Child - Child in Guardian's Care, Male, 2 Years	14513 - Other - Guardian (1017), Female, 35 Years	Lack of Supervision	Unfounded
14515 - Other Child - Child in Guardian's Care, Female, 14 Years	14511 - Other Adult - Guardian's Mother, Female, 59 Years	Inadequate Guardianship	Unfounded
14517 - Other Child - Child in Guardian's Care, Female, 9 Years	14511 - Other Adult - Guardian's Mother, Female, 59 Years	Inadequate Guardianship	Unfounded
14515 - Other Child - Child in Guardian's Care, Female, 14 Years	14513 - Other - Guardian (1017), Female, 35 Years	Inadequate Guardianship	Unfounded
14516 - Sibling, Female, 11 Years	14513 - Other - Guardian (1017), Female, 35 Years	Lack of Supervision	Unfounded
14517 - Other Child - Child in Guardian's Care, Female, 9 Years	14513 - Other - Guardian (1017), Female, 35 Years	Inadequate Guardianship	Unfounded
14517 - Other Child - Child in Guardian's Care, Female, 9 Years	14513 - Other - Guardian (1017), Female, 35 Years	Lack of Supervision	Unfounded
14520 - Other Child - Child in Guardian's Care, Male, 2 Years	14513 - Other - Guardian (1017), Female, 35 Years	Inadequate Guardianship	Unfounded
14516 - Sibling, Female, 11 Years	14513 - Other - Guardian (1017), Female, 35 Years	Emotional Neglect	Unfounded

**Report Summary:**

Initial report and 2 Subsequent reports received with allegations of EN, LSUP, and IG regarding then 11 y/o female SS against SS guardian at the time (family friend). There were also allegations of IG and LSUP against this guardian regarding three unrelated children (CHN) also living in the guardian's HH, and allegations of IG against guardian's MO regarding one of the unrelated CHN in the HH. The reports alleged concerns that SS had a history of MH concerns and was allowed to pick up another child at daycare unsupervised. Additional concerns were that the children were being punished inappropriately.

**Determination:** Unfounded**Date of Determination:** 05/04/2015**Basis for Determination:**

ECDSS completed the investigation, which included home visits, interviews, and collateral contacts. ECDSS discovered 11 y/o SS did pick up younger child from daycare, but this was due to a miscommunication between SS's guardian, the daycare, and the SS. ECDSS found no evidence to support the allegations regarding inappropriate punishment. At the end of the investigation, SS returned to the custody of SM and BF, and their services case remained open.

**OCFS Review Results:**

OCFS agreed with ECDSS' findings and 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)
03/06/2015	14507 - Sibling, Female, 11 Years	14502 - Grandparent, Male, 55 Years	Inadequate Guardianship	Unfounded	No



14507 - Sibling, Female, 11 Years	14501 - Grandparent, Female, 58 Years	Inadequate Guardianship	Unfounded
14507 - Sibling, Female, 11 Years	14506 - Father, Male, 35 Years	Inadequate Guardianship	Unfounded

**Report Summary:**

Report received with allegations of IG against PGM, PGF, and BF of then 11 y/o female SS (BF2). SM and BF were listed as having no role in this report. MA, who had custody of the SS at that time, was also listed as having no role. The reported alleged SS had an ongoing history of MH concerns, and on 3/5/15 she had run away from MA's home to BF2 and paternal grandparents' home. Report alleged BF2 had a history of abusing SS, and a history of sexually abusing the then 17 y/o SS. The report also alleged there were guns and drugs in BF2's home, and BF2 and the grandparents were refusing to bring SS back to MA's care.

**Determination:** Unfounded**Date of Determination:** 01/01/2016**Basis for Determination:**

ECDSS completed an investigation into the allegations which included home visits, interviews, and collateral contacts. ECDSS found insufficient evidence to prove any truth to the allegations in the report. ECDSS discovered BF2 did not live with the paternal grandparents. ECDSS also found there were no guns or drugs in the paternal grandparents' home, and the grandparents appeared coherent and sober during home visits. All other SS in the custody of MA were seen during this investigation and deemed safe in their placement. ECDSS found an alternative appropriate placement with a family friend for then 11 y/o SS. The case remained opened for services at the end of this investigation.

**OCFS Review Results:**

OCFS agreed with ECDSS' findings and 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)
08/11/2014	14461 - Sibling, Female, 17 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	No
	14464 - Sibling, Male, 9 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	
	14465 - Sibling, Female, 8 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	
	14463 - Sibling, Female, 11 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated	
	14462 - Sibling, Female, 12 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	
	14463 - Sibling, Female, 11 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	
	14466 - Sibling, Female, 6 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Indicated	
	14464 - Sibling, Male, 9 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated	
	14467 - Sibling, Female, 1 Years	14468 - Mother, Female, 36 Years	Inadequate Guardianship	Unfounded	
	14461 - Sibling, Female, 17 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated	



14462 - Sibling, Female, 12 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated
14465 - Sibling, Female, 8 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated
14466 - Sibling, Female, 6 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated
14467 - Sibling, Female, 1 Years	14469 - Father, Male, 40 Years	Inadequate Guardianship	Indicated

**Report Summary:**

Subsequent report received during open services case with allegations of IG against SM and BF regarding the now 19 y/o, 14 y/o, 13 y/o, 12 y/o, 11 y/o, 9 y/o and 3 y/o SS; SC and 1 y/o SS were not yet born. Report was received with concerns SM attempted suicide and was admitted to the hospital, and left BF to be the caretaker of the 7 SS. It was alleged BF also had MH issues and often refused to take his prescribed medication, which hinders BF ability to appropriately care for the SS. The report also alleged BF was having a sexual relationship with the now adult SS.

**Determination:** Indicated**Date of Determination:** 02/04/2015**Basis for Determination:**

ECDSS completed a full investigation which included interviews, home visits, and collateral contacts. ECDSS found sufficient credible evidence to SUB the allegations of IG against SM and BF re: all 7 SS. During this investigation, all concerns expressed by the source of the report were addressed, and the SS were ultimately remanded into ECDSS custody. The services case remained open at the conclusion of this investigation.

**OCFS Review Results:**

OCFS agreed with the determination and findings of this investigation.

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

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

- 5/2008 – Allegations of IG, L/B/W against SM and biological father of SS; UNF.
- 3/2008 – Allegations of IG, LS, IF/C/S, PD/AM, LMC against BM and biological father of SS; UNF.
- 9/2008 – Allegations of IG, LS, PD/AM against BM, biological father of SS, and SS’s PA; UNF.
- 5/2009 – Allegations of IG, LS against BM; UNF.
- 9/2009 - Allegations of Other, COI against BF re: then 15 y/o son. COI; UNF.
- 1/2011 – Allegations of IG, L/B/W, PD/AM against biological father of SS; IND. Additional allegations of C/T/S, S/D/S against biological father of SS; UNF. Allegations of IG, PD/AM against BM; UNF.
- 12/2012 – Allegations of IG against biological father of SS; UNF.
- 7/2013 – Allegations of IF/C/S, IG against biological father of SS; UNF.
- 9/2013 – Allegations of EN, IG against SM; UNF.

**Known CPS History Outside of NYS**

There is no known CPS history outside of NYS.

**Services Open at the Time of the Fatality**

**Was the deceased child(ren) involved in an open preventive services case at the time of the fatality?** Yes

**Date the preventive services case was opened:** 08/01/2013



Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes  
 Date the Child Protective Services case was opened: 08/01/2013

### Evaluative Review of Services that were Open at the Time of the Fatality

	Yes	No	N/A	Unable to Determine
Did the service provider(s) comply with the timeliness and content requirements for progress notes?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did all service providers comply with mandated reporter requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If yes, was the response appropriate to the circumstances?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Casework Contacts

	Yes	No	N/A	Unable to Determine
Did the service provider comply with case work contacts, including face-to-face contact as required by regulations pertaining to the program choice?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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"/>

### Services Provided

	Yes	No	N/A	Unable to Determine
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Family Assessment and Service Plan (FASP)



	Yes	No	N/A	Unable to Determine
<b>Was the most recent FASP approved on time?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If not, how many days was it overdue?</b> FASP was due on 2/21/17, and was in progress at the time this fatality report was written.				
<b>Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was the FASP consistent with the case circumstances?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Closing

	Yes	No	N/A	Unable to Determine
<b>Was the decision to close the Services case appropriate?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Provider

	Yes	No	N/A	Unable to Determine
<b>Were Services provided by a provider other than the Local Department of Social Services?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**  
There were multiple community preventive agencies involved with the family since the opening of the case in 2013, as well as preventive services provided by ECDSS.

### Required Action(s)

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

Yes No

### Preventive Services History

A voluntary preventive services case was initiated on 7/26/13 involving SM, BF, and 6 SS (15 y/o female, 10 y/o female, 9 y/o female, 8 y/o male, 6 y/o male, 5 y/o female; SC and three other SS were not yet born). This services case was opened in response to an IND CPS investigation, where the eldest SS was found to have been sexually abused by the biological father (BF2) of the other five SS living in the HH at the time; BF2 is not the biological father of the SS that was sexually abused. Services were implemented to assist family members in engagement in MH counseling, housing assistance, substance abuse counseling for SM, and parenting classes, as SM was pregnant at the time the case was opened. Wraparound services were implemented and ultimately ended due to non-compliance. Case planning services were implemented and the family remained non-compliant. As a result, Family Court intervention was sought and the children were placed. The preventive services case remained open at the time of this fatality report, as the family had a history of



noncompliance throughout the life of the case. Family Court action continues to be considered, as there are service goals that have yet to be achieved. Since the opening of this services case, SM gave birth to SC and three other SS, and the HH composition at the time of this report included SM, BF, SC, and 7 SS.

### 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

On 10/2/14, all SS in the care of SM and BF were remanded by ECDSS. At that time, there were 7 SS; SC and one other SS were not yet born. Six of the seven SS were placed in 1017 custody with a relative, and the youngest SS was placed into FC; the record was unclear as to why only this SS was placed into FC. The children (CHN) were remanded due to SM and BF's continued non-compliance with services. SM and BF failed to ensure their CHN attended necessary medical and MH appointments, and there were concerns regarding the supervision of the CHN. SM and BF also failed to comply with their own MH and substance abuse treatments, and were unable to appropriately budget their finances in order to provide basic needs to the CHN. On 3/23/15, the then 9 y/o SS was placed into FC due to unmanageable behaviors. On 4/27/15, the then 11 y/o SS returned to the custody of SM. On 6/18/15, the then 17 y/o and 9 y/o SS returned back to the custody of SM. In 8/15, the now 1 y/o SS was born and remained in the custody of SM and BF. On 9/28/15, the then 17 y/o SS turned 18, and returned home to SM and BF; this SS was no longer tracked on the services and FC cases. On 10/22/15, the then 1 y/o SS was returned to the custody of SM and BF. By 7/21/16, all SS had returned to the care and custody of SM and BF. Court menus were ordered to both SM and SF and the preventive services case remains open

### 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:
10/02/2014	Adjudicated Neglected	Article 10 Remand
<b>Respondent:</b>	035642 Mother Female 38 Year(s)	
<b>Comments:</b>	On 10/2/14, all of the SS in the care of SM and BF were remanded by ECDSS. At that time, there were 7 SS; SC and one other SS were not yet born. Six of the seven SS were placed in 1017 custody	



with a relative, and the youngest SS, who was 1 y/o at the time, was placed into FC. Court menus were ordered to both SM and SF and the preventive services case remains open.

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
10/02/2014	Adjudicated Neglected	Article 10 Remand
<b>Respondent:</b>	035643 Father Male 42 Year(s)	
<b>Comments:</b>	On 10/2/14, all of the SS in the care of SM and BF were remanded by ECDSS. At that time, there were 7 SS; SC and one other SS were not yet born. Six of the seven SS were placed in 1017 custody with a relative, and the youngest SS, who was 1 y/o at the time, was placed into FC. Court menus were ordered to both SM and SF and the preventive services case remains open.	

Family Court Petition Type: Other Family Court (Including Article 6 Custody/Guardianship)		
Date Filed:	Fact Finding Description:	Disposition Description:
04/13/2016	There was not a fact finding	Petition Dismissed
<b>Respondent:</b>	None	
<b>Comments:</b>	MA filed for Article 6 custody of the then 11 y/o and 9 y/o SS. SM asked the judge to dismiss the petitions, and this was granted.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/24/2015	Not Adjudicated	Return to Parent
<b>Respondent:</b>	035642 Mother Female 38 Year(s)	
<b>Comments:</b>	Then newborn male SS was remanded to ECDSS custody for three days until SM was able to move into a home where there was supervision at all times by missionaries that also resided there.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
08/24/2015	Not Adjudicated	Petition Dismissed
<b>Respondent:</b>	035643 Father Male 42 Year(s)	
<b>Comments:</b>	Then newborn male SS was remanded to ECDSS custody for three days until SM was able to move into a home where there was supervision at all times by missionaries that also resided there. Current OOP remained in effect for BF to have only supervised contact with SS.	

Have any Orders of Protection been issued? Yes	
<b>From:</b> 10/03/2014	<b>To:</b> Unknown
<b>Explain:</b> An Order of Protection was put into place against BF regarding all of the SS (prior to SC's birth). The order was vacated	



regarding the now adult SS on 1/12/15, and changed from a stay-away to a no illegal contact as of 04/27/2016 for all of the other SS; this was to permit BF to visit with the SS.

### Additional Local District Comments

There are areas of the review with which ECDSS concurs with a need for improvement, and ongoing quality assurances processes have been put in place to monitor casework over the years covered in this review. At the same time, we respectfully disagree with some of the OCFS citations. Specifically, the reviewer found that one of the homes listed on the report was not observed for safety, but this home was observed for safety during a concurrent investigation and was deemed safe. We would also disagree with the reviewer's assessment of the 1/17/16 case for which there were citations with very similar actions including: failure to discuss supervision of one of the surviving siblings with the mother; failure to interview a 2 year old; failure to explore a concern from the school; & failure to interview the preventive caseworker or counselor for one child. The reviewer notes a potential failure to document that these things occurred. We note that there was in fact collaboration amongst the caseworkers involved to ensure that these issues were addressed, but this may not have been reflected effectively in the progress notes. ECDSS will continue to strive to achieve best case practice.

### 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