Report Identification Number: NY-14-122 Prepared by: New York City Regional Office

Issue Date: 5/4/2015

This	s report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:
X	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 <u>only</u> 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				
DrDoctor	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	MN-Medical Neglect	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	ACS-Administration for Children's	NYPD-New York City Police				
Service	Services	Department				
PPRS-Purchased Preventive						
Rehabilitative Services						

Case Information

Report Type: Child Deceased **Jurisdiction:** Queens **Date of Death:** 11/10/2014

Age: 1 month(s) Gender: Female Initial Date OCFS Notified: 11/10/2014

Presenting Information

The parents and the one-month-old infant were sleeping together in the same bed on 11/10/14. At 6:04 A.M., the mother woke and found the infant unresponsive in the bed. 911 was contacted and the infant was pronounced dead at 6:42 A.M. The exact cause of death was unknown.

Executive Summary

The one-month-old female infant died on 11/10/14. The parents were co-sleeping with the infant when the mother awoke and found the infant unresponsive. The ME reported there were no signs of abuse, trauma or smothering and did not believe co-sleeping was the cause of infant's death. Neither LE or the DA found criminality in the child's death.

On 11/10/14, ACS interviewed the family at the case address. The mother told ACS she awoke and observed the infant lying on her side, unresponsive. The family reported the PGM summoned 911 who transported the infant to the morgue.

ACS documented the parents had received safe sleep education; however, they chose to co-sleep with the infant once in a while although they usually placed her in her crib. The mother stated although she "fell into a deep sleep," she did not roll over onto the infant.

The sibling's immunizations were current and he is receiving early intervention services. ACS provided a toddler bed for the sibling. ACS assessed the surviving and determined the child was safe and well cared for.

The family engaged in bereavement counseling, parenting classes and legal services.

On 1/9/15, ACS unsubstantiated the allegation of DOA/ Fatality of the one-month-old infant by the parents citing the ME's preliminary findings. The ME reported that co-sleeping did not appear to be the cause of the infant's death and there were no indications of trauma or suffocation.

On 1/9/15, ACS substantiated the allegation of IG of the one-month-old infant by the parents citing the parents failure to exercise the minimum degree of care. The parents received safe sleep education and had a crib, yet they opted to co-sleep.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Approved Initial Safety Assessment?

No

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• Safety assessment due at the time of determination?

Yes

• Was the safety decision on the approved Initial Safety Assessment appropriate?

Yes

Determination:

• Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the

Yes, sufficient information was gathered to determine all

gathered to determ

investigation?

allegations.

• Was the determination made by the district to unfound or indicate

Yes

appropriate?

Explain:

ACS made the necessary referrals to ensure the safety of the surviving sibling.

Was the decision to close the case appropriate?

Yes

Was casework activity commensurate with appropriate and relevant statutory

Yes

or regulatory requirements?

Yes, the case record has detail of

Was there sufficient documentation of supervisory consultation?

the consultation.

Explain:

The case determination was appropriate and made within the timeframe. The case remained open for services.

Required Actions Related to the Fatality

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

Issue:	Timely/Adequate 24 Hour Assessment
Summary:	The 24 Hour Safety Assessment was not approved within the 24 Hour time frame.
Legal Reference:	SSL 424(6);18 NYCRR 432.2(b)(3)(i)
Action:	The Administration for Children's Services (ACS) must submit a corrective action plan within 45 days that identifies what action it has, or will take, to address the citation(s) identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Fatality-Related Information and Investigative Activities

Incident Information

County where fatality incident occurred:

Was 911 or local emergency number called?

Yes

Time of Call: Unknown

Did EMS to respond to the scene? Yes

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At time of incident leading to death, had child used alcohol or drugs? No							
Child's activity at time of incide	ent:						
⊠ Sleeping	☐ Working	☐ Driving / Vehicle occupant					
☐ Playing	☐ Eating	□ Unknown					
☐ Other							
Did child have supervision at ti	me of incident leading to death'	? Yes					
How long before incident was the	ne child last seen by caretaker?	3 Hours					
Is the caretaker listed in the Ho	usehold Composition? Yes - Ca	nregiver					
1							
At time of incident supervisor v	vas:						
☐ Drug Impaired	☐ Absent						
☐ Alcohol Impaired	⊠ Asleep						
☐ Distracted	☐ Impaired by illnes	S					
☐ Impaired by disability	☐ Other:						
Total number of deaths at incid Children ages 0-18: 1	ent event:						

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	1 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	24 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Sibling	No Role	Male	2 Year(s)

LDSS Response

The SCR registered a report regarding the death of a one-month-old female infant on 11/10/14. The report alleged the parents were co-sleeping with the infant and at 6:04 A.M., the mother awoke and found the infant unresponsive. The report added that EMS responded to the home and at 6:42 A.M. transported the infant to the morgue. The allegations of the 11/10/14 report were DOA/ Fatality and IG of the infant by the parents.

ACS initiated the investigation by contacting the ME, LE, and the DA. The ME reported the infant had no signs of abuse, trauma or smothering; and "co-bedding" did not appear to be the cause of death. The ME explained the discoloration on the infant's face was due to positioning; however, pending tests results will explain the reason for the foaming at the mouth. LE nor the DA suspected foul play in the death of the infant and no arrests were made.

On 11/10/14, ACS used an interpreter to interview the parents and the paternal grandparents (PGP's) at the case address. ACS determined the two-year-old surviving sibling was safe. The mother reported that the day of the incident was a normal day. At 3:00 A.M., the mother nursed, burped and rocked the infant to sleep. She placed the infant on her back, at the end of the bed, next to the wall. The mother slept between the father and infant. At 6:04 A.M., the mother awoke the father so he could prepare for work when she observed the infant on her side, unresponsive. She alerted the father and the

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PGM, who called 911. The PGM stated she called for medical assistance twice; EMS arrived 20 minutes later and the EMS technicians declared the infant dead and transported the infant's body to the morgue.

According to the mother, at two-weeks-old, the infant was taken to the doctor because she was constipated. The mother stated although she "fell into a deep sleep," she did not roll onto the infant. According to the family, the infant regularly slept in the crib or in the car seat, co-sleeping was done periodically. The parents received safe sleep education from the hospital staff in addition to pamphlets that were not written in Spanish. The surviving sibling slept with the PGP. ACS provided safe sleep information in Spanish and a toddler bed for the sibling. The parents reported no mental illness, alcohol or drug use or DV in the home. The PGP were very supportive.

During the investigation, ACS obtained information that the sibling's immunizations were up to date. The Specialist documented the home was safe and contained a crib; however, ACS provided a toddler bed. The family engaged in bereavement counseling; the parents received parenting classes and legal services. The sibling received early intervention services.

On 1/9/15, ACS unsubstantiated the allegation of DOA/ Fatality of the one-month-old infant by the parents citing the ME's preliminary findings of no signs of trauma, smothering or suffocation to the infant. The ME reported that co-sleeping did not appear to be the cause of the infant's death.

On 1/9/15, ACS substantiated the allegation of IG of the one-month-old infant by the parents citing the parents failed to exercise the minimum degree of care. The narrative stated that the parents received safe sleep education and had a crib, yet they opted to co-sleep. However, the determination did not include the aggravating factors or address impairment or imminent risk of impairment when the decision was made to substantiate the IG allegation.

OCFS does not agree with this determination based on the ME findings that the infant was not smothered; ACS did not address imminent risk of impairment to the infant by the parents.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

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

Comments: During the investigation, ACS made contact with the ME, NYPD, and the family.

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

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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation
	2 ,		Outcome

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014521 - Deceased Child, Female, 1	014522 - Mother, Female, 24	DOA / Fatality	Unsubstantiated
Mons	Year(s)		
014521 - Deceased Child, Female, 1	014522 - Mother, Female, 24	Inadequate	Substantiated
Mons	Year(s)	Guardianship	
014521 - Deceased Child, Female, 1	014523 - Father, Male, 24 Year(s)	DOA / Fatality	Unsubstantiated
Mons			
014521 - Deceased Child, Female, 1	014523 - Father, Male, 24 Year(s)	Inadequate	Substantiated
Mons		Guardianship	

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	×			
When appropriate, children were interviewed?	×			
Alleged subject(s) interviewed face-to-face?	×			
All 'other persons named' interviewed face-to-face?	X			
Contact with source?	X			
All appropriate Collaterals contacted?	X			
Was a death-scene investigation performed?	X			
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	×			
Coordination of investigation with law enforcement?	X			
Did the investigation adhere to established protocols for a joint investigation?	X			
Was there timely entry of progress notes and other required documentation?	X			

Additional information:

ACS initiated the investigation within the required timeframe. The case documentation does not reflect any contact with EMS; however, the NYPD confirmed EMS transported the deceased child to the hospital morgue.

Fatality Safety Assessment Activities

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

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?	X			
At 7 days?	X			
At 30 days?	X			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?		X		
Are there any safety issues that need to be referred back to the local district?		X		
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?	×			
Fatality Risk Assessment / Risk Assessm	ent Profile			
				TT 11 4
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	×			
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	×			
Was there an adequate assessment of the family's need for services?	×			
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?		×		
Were appropriate/needed services offered in this case	×			
Placement Activities in Response to the Fatal	ity Investigat	ion		
-				
	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 and placed in foster care at any time during this fatality investigation?		X		
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?		X		
Legal Activity Related to the Fata	ality			

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

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavaliable	N/A	CDR Lead to Referral
Bereavement counseling	×						
Economic support						×	
Funeral arrangements	×						
Housing assistance						×	
Mental health services						×	
Foster care						×	
Health care						×	
Legal services	×						
Family planning						×	
Homemaking Services						×	
Parenting Skills						×	
Domestic Violence Services						×	
Early Intervention	\boxtimes						
Alcohol/Substance abuse						×	
Child Care						×	
Intensive case management	\boxtimes						
Family or others as safety resources	×						
Other	×						

Other, specify: The PGP were very supportive.

Additional information, if necessary:

The family (including the paternal grandparents) engaged in bereavement counseling. The parents received case management and legal services. The surviving sibling received early intervention services.

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

Explain:

The two-year-old surviving sibling receives early intervention Services.

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

Explain:

ACS provided a toddler bed for the two-year-old sibling. ACS also provided the family with bereavement counseling and case management services under the auspices of SCO. The family is willingly engaged and is benefiting from the services.

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? 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 the						
Was the child acutely ill during the two weeks before death?	No					
Infants Under One Year	·Old					
During pregnancy, mother:						
☐ Had medical complications / infections	☐ Had heavy alcohol use					
☐ Misused over-the-counter or prescription drugs	☐ Smoked tobacco					
☐ Experienced domestic violence	☐ Used illicit drugs					
■ Was not noted in the case record to have any of the issues listed	in osed interturage					
Infant was born:						
☐ Drug exposed	☐ With fetal alcohol effects or syndrome					
☑ With neither of the issues listed noted in case record						
CDS Investigative History Three Ver	and Duion to the Estality					
CPS - Investigative History Three Yea	irs ritor to the ratality					
There is no CPS investigative history within three years prior to the far	tality.					
CPS - Investigative History More Than Three	Years Prior to the Fatality					
The family had no known CPS history.						
Known CPS History Outside	e of NYS					
The family had no known CPS history outside of NYS.						
Services Open at the Time o	f the Fatality					

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Required Action(s)
Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?
Preventive Services History
There is no record of Preventive Services 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.
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
Additional Local District Comments
The final autopsy report has not yet been issued.
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

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