



**Report Identification Number: RO-20-008**

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

**Issue Date: Aug 28, 2020**

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child's family; any extraordinary or pertinent information concerning the circumstances of the child's death; whether the child or the child's family received assistance, care or services from the social services district prior to the child's death; any action or further investigation undertaken by OCFS or the social services district since the child's death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child's household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household.**

OCFS' review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS' assessment and the performance of these agencies.



## Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation	ASTO-Allowing Sex Abuse to Occur	



## Case Information

**Report Type:** Child Deceased  
**Age:** 28 day(s)

**Jurisdiction:** Ontario  
**Gender:** Female

**Date of Death:** 04/21/2020  
**Initial Date OCFS Notified:** 04/21/2020

## Presenting Information

An SCR report alleged on 4/21/2020, the 28-day-old female subject child woke up crying at 6:30 AM. The father moved the child from her Pack 'N Play into bed with he and the mother. The parents fell asleep. Around noon, the parents woke up to find the child between them. The child appeared pale, cold and was not breathing. At 12:06 PM, the great grandfather called 911 and attempted to resuscitate the child to no avail. The child had bruising on her face. The parents had no explanation for the bruising. The child had no known preexisting medical condition. The great grandparents had unknown roles. Subsequent reports were received on 4/30/20 and 5/18/20. The reports had similar concerns and concerns of the parents' drug abuse while caring for the child.

## Executive Summary

This fatality report concerns the death of the 28-day-old female subject child that occurred on 4/21/2020, during an open CPS investigation. A report was made to the SCR on the same date, with subsequent reports regarding concerns for the child's care on 4/30/2020 and 5/18/2020. The allegations included concerns for the parents' drug abuse while caring for the child. At the time of the child's death, she resided with her parents and her great grandparents. A 1-year-old surviving sibling resided with the maternal grandmother who had custody of the sibling prior to the child's death. The sibling was assessed to be safe throughout the investigation. The father had another child; however, the record did not reflect an assessment of this sibling, and it remained unknown if the father had a relationship with the sibling.

Ontario County Department of Social Services (OCDSS) coordinated investigative efforts with law enforcement upon receipt of the report. The criminal investigation was pending at the time OCDSS' investigation was determined. An autopsy was performed; however, had not yet been made available to OCDSS at the time this report was written. The medical examiner provided information that there was no trauma to the child's body.

The parents reported the child was up throughout the night and refused to sleep. The mother fed the child during the night and the father planned to stay awake to care for the child. Around 12:00 PM, the parents awoke to find the child in bed with them and was unresponsive and not breathing. The great grandfather called 911 and the family performed CPR until first responders arrived and took over resuscitation efforts; however, were unsuccessful and the child was pronounced deceased.

The safety of the 1-year-old sibling was assessed throughout the investigation. Several home visits were conducted to the parents' home and the maternal grandmother's home. A Family Services Case was opened per the grandmother's request to assist her in caring for the 1-year-old sibling's needs.

The allegations of Inadequate Guardianship and DOA/Fatality were substantiated against the parents. The investigation revealed the parents had knowledge of recommended safe sleep guidance and failed to provide an appropriate sleeping arrangement for the child. The allegations of Lacerations, Bruises and Welts, and Parent's Drug and Alcohol Misuse were unsubstantiated. Medical personnel did not report the child had any suspicious bruising to her body. The parents were drug tested by law enforcement and tested negative for illicit substances.

The family was offered an abundance of services including funeral assistance, grief and crisis counseling, addiction services and were referred to the Child Advocacy Center. The family accepted the bereavement services. The parents did not have a need for further intervention from OCDSS as there were no children in their care.



### PIP Requirement

OCDSS will submit a PIP to the Rochester Regional Office within 30 days of the receipt of this report. The PIP will identify action(s) the OCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, OCDSS will review the plan and revise as needed to address ongoing concerns.

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
  - Safety assessment due at the time of determination? 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? Yes, sufficient information was gathered to determine all allegations.
- Was the determination made by the district to unfound or indicate appropriate? Yes

### Explain:

The case record reflected that of best casework practice.

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 decision to close the case was appropriate. At the time the investigation was closed, the grandmother and sibling continued to receive preventive services through a case that was opened.

## 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: 04/21/2020

Time of Death: Unknown

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

Unknown



County where fatality incident occurred: Ontario  
 Was 911 or local emergency number called? Yes  
 Time of Call: 12:07 PM  
 Did EMS respond to the scene? Yes  
 At time of incident leading to death, had child used alcohol or drugs? N/A  
 Child's activity at time of incident:  
 Sleeping  Working  Driving / Vehicle occupant  
 Playing  Eating  Unknown  
 Other

Did child have supervision at time of incident leading to death? Yes  
 How long before incident was the child last seen by caretaker? 6 Hours

At time of incident supervisor was:  
 Drug Impaired  Absent  
 Alcohol Impaired  Asleep  
 Distracted  Impaired by illness  
 Impaired by disability  Other:

Total number of deaths at incident event:  
 Children ages 0-18: 1  
 Adults: 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	28 Day(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	28 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	27 Year(s)
Deceased Child's Household	Other Adult - Great Grandmother	No Role	Female	76 Year(s)
Deceased Child's Household	Other Adult - Great Grandfather	No Role	Male	80 Year(s)

### LDSS Response

On 4/21/2020, OCDSS received an SCR report alleging the death of the 28-day-old female subject child who died during an open CPS investigation regarding concerns for the parents' drug use. Within the first 24 hours of the investigation, OCDSS contacted the source of the report, coordinated with law enforcement and documented a CPS history check. Additionally, the district attorney was contacted, and family members were interviewed. The safety of the 1-year-old sibling was assessed immediately upon receipt of the report. Subsequent SCR reports were received regarding the child's death and parents' alleged drug abuse and were appropriately consolidated.

On 4/21/2020, OCDSS went to the family's home and interviewed the parents. The mother reported that the child would not sleep, and that she changed her diaper and fed her a bottle around 3:00 AM. The mother handed the child to the father, and it was planned he would stay awake to care for her. The mother woke around noon and saw the child on the bed with her, unresponsive and not breathing. She stated that she should have stayed up with the child and she should have put her



in a bassinet. Upon discovering the child unresponsive, the mother screamed for the great grandfather, who called 911. The father and great grandfather performed CPR until first responders arrived.

The father’s recollection corroborated the mother’s statement. The father said he remembered the mother feeding the child but did not remember if he put the child in her bassinet. The father reported being awoken by the mother’s screams and he began to perform CPR. He did not have additional information.

The great grandparents spoke highly of the parents and did not have concerns for the child’s care. The great grandfather noted he heard the child fussing around 6:30 AM, and she soon settled down. Hours later, he heard the mother scream for help, and he dialed 911 and took over resuscitation efforts from the father.

Law enforcement arrived at the home and CPR was continued. EMS arrived and contacted the hospital doctor, who ordered the termination of life-saving measures. OCDSS interviewed each first responder and found no concerns for the parents being under the influence of drugs or alcohol. Additionally, no concerns for the safety of the home were noted. Law enforcement clergy reported the mother stated the father rolled onto the child while he was sleeping, and the child was suffocated.

The sibling was assessed throughout the investigation. The maternal grandmother obtained custody of the 1-year-old sibling prior to the child’s death. During the investigation, a safety plan was created regarding the 1-year-old sibling. The grandmother’s mental health was negatively impacted as a result of the child’s death, which required safety planning for the 1-year-old sibling. OCDSS and the grandmother agreed the grandmother would have another adult assist her in caring for the 1-year-old sibling until she could care for the 1-year-old sibling independently. The grandmother requested ongoing casework involvement, and OCDSS opened a voluntary Preventive Services Case.

Appropriate services were offered to and accepted by the family. OCDSS appropriately completed all required reports timely and accurately. A thorough investigation was conducted and the record reflected best casework practice.

### Official Manner and Cause of Death

**Official Manner:** Pending

**Primary Cause of Death:** Pending

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

### Multidisciplinary Investigation/Review

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

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

**Comments:** Ontario County does not have an OCFS-approved Child Fatality Review Team at this time.

### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
054341 - Deceased Child, Female, 28 Days	054342 - Father, Male, 28 Year(s)	DOA / Fatality	Substantiated
054341 - Deceased Child, Female, 28 Days	054342 - Father, Male, 28 Year(s)	Inadequate Guardianship	Substantiated



# Child Fatality Report

054341 - Deceased Child, Female, 28 Days	054343 - Mother, Female, 27 Year(s)	DOA / Fatality	Substantiated
054341 - Deceased Child, Female, 28 Days	054343 - Mother, Female, 27 Year(s)	Inadequate Guardianship	Substantiated
054341 - Deceased Child, Female, 28 Days	054342 - Father, Male, 28 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated
054341 - Deceased Child, Female, 28 Days	054342 - Father, Male, 28 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated
054341 - Deceased Child, Female, 28 Days	054343 - Mother, Female, 27 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated
054341 - Deceased Child, Female, 28 Days	054343 - Mother, Female, 27 Year(s)	Parents Drug / Alcohol Misuse	Unsubstantiated

### CPS Fatality Casework/Investigative Activities

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

### Fatality Safety Assessment Activities

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



# Child Fatality Report

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input 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 children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Legal Activity Related to the Fatality

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

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

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral



<b>Bereavement counseling</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Economic support</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Funeral arrangements</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Housing assistance</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Mental health services</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Foster care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Health care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Legal services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family planning</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Homemaking Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Parenting Skills</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Domestic Violence Services</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Early Intervention</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alcohol/Substance abuse</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
<b>Child Care</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Intensive case management</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Family or others as safety resources</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Additional information, if necessary:**  
 The family members were offered services appropriately. The parents were accepting of alcohol/substance abuse counseling; however, were discharged from their providers prior to case closure due to noncompliance.

**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:**  
 The 1-year-old sibling was too young to benefit from services in response to the fatality.

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

**Explain:**  
 The adults were offered an abundance of services including grief counseling, crisis counseling, chemical dependency referrals and funeral assistance.

## History Prior to the Fatality

## Child Information

**Did the child have a history of alleged child abuse/maltreatment?** Yes  
**Was the child ever placed outside of the home prior to the death?** No  
**Were there any siblings ever placed outside of the home prior to this child's death?** Yes



Was the child acutely ill during the two weeks before death?

No

### Infants Under One Year Old

**During pregnancy, mother:**

- Had medical complications / infections
- 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)	Allegation Outcome	Compliance Issue(s)
04/16/2020	Deceased Child, Female, 2 Months	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No
	Deceased Child, Female, 2 Months	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Female, 2 Months	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Female, 2 Months	Father, Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the parents had a history of becoming impaired by heroin while caring for the child. It was unknown if the parents left drugs accessible to the child. The parents drove the child around while under the influence of heroin. It was unknown if the child sustained injuries due to the parents being impaired from heroin. The great grandparents had unknown roles.

**Report Determination:** Unfounded

**Date of Determination:** 06/03/2020

**Basis for Determination:**

The allegations of Inadequate Guardianship and Parents Drug/Alcohol Misuse were unsubstantiated against the parents. During casework contacts, the parents did not appear to be under the influence of substances. The parents reported they were in treatment for their additions. The parents tested negative for illicit substances. There was no credible evidence to support the allegations within the report.

**OCFS Review Results:**

The investigation was initiated timely and a CPS history check was documented. Interviews with the family were thorough and appropriate. Safe sleep information was provided to the parents. Written notice of existence was provided timely. The Safety Assessments and Risk Assessment Profile were completed with accuracy. Appropriate services were offered to the family.

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



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
03/12/2020	Sibling, Male, 1 Years	Other Adult - great grandfather, Male, 80 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 1 Years	Other Adult - great grandfather, Male, 80 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 1 Years	Other Adult - Great Grandmother, Female, 77 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Other Adult - Great Grandmother, Female, 77 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 27 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 1 Years	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 1 Years	Father, Male, 28 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 1 Years	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 1 Years	Father, Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the mother was allowed supervised visits with the sibling. The visits were supervised by the great grandparents. On 3/11/20, during a visit, the parents became impaired by using intravenous drugs to a point they were barely conscious and were incapable of providing supervision for the sibling. Despite being named as visitation supervisors, the great grandparents were also inadequate caregivers for the sibling, as they were frail and not physically healthy enough to keep up with the sibling or pick him up if necessary; therefore, not adequate supervisors. The adults kept the parents' drug paraphernalia accessible to the sibling.

**Report Determination:** Unfounded**Date of Determination:** 04/13/2020**Basis for Determination:**

The allegations of Inadequate Guardianship and Lack of Supervision against the adults, as well as Parent Drug/Alcohol Misuse regarding the sibling were unsubstantiated. OCDSS did not reveal credible evidence to support the allegations. Although the parents had a history of drug abuse, there was no evidence of drug abuse during the investigation. The adults denied the allegations. During the investigation, the subject child was born and neither the mother or the child tested positive for illicit drugs.

**OCFS Review Results:**

The investigation was initiated timely, the source of the report was contacted, and home visits were conducted. OCDSS provided the adults with safe sleep recommendations. A CPS history check was documented. The Safety Assessments and Risk Assessment Profile were completed accurately. Written notice of the SCR report was not provided to the adults timely.

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

**Issue:**

Failure to provide notice of report

**Summary:**



Although written notice of the SCR report was provided, it was provided to the adults untimely. Written notice of the SCR report was provided on 3/22/2020.

**Legal Reference:**

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

**Action:**

OCDSS will mail or deliver notification letters to subject(s), parent(s) and other adults named in the report within the first seven days following the receipt of the report.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/14/2019	Sibling, Male, 9 Months	Mother, Female, 27 Years	Other	Unsubstantiated	Yes
	Sibling, Male, 9 Months	Father, Male, 28 Years	Other	Unsubstantiated	
	Sibling, Male, 9 Months	Grandparent, Female, 51 Years	Other	Unsubstantiated	
	Sibling, Male, 9 Months	Mother, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 9 Months	Mother, Female, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 9 Months	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 9 Months	Father, Male, 28 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the parents used heroin to the point of impairment while acting as caregivers to the then 9-month-old sibling. While impaired by drugs, the parents became erratic, slurred their speech and fell asleep. On at least one occasion, the parents fell asleep while holding the sibling. The parents drove the sibling around while impaired. Additionally, the parents took the sibling with them to buy drugs.

**Report Determination:** Unfounded

**Date of Determination:** 12/06/2019

**Basis for Determination:**

OCDSS unsubstantiated the allegations of Inadequate Guardianship and Parent’s Drug/Alcohol Misuse against the parents regarding the sibling. The investigation revealed the maternal grandmother had custody of the sibling and the parents were only granted supervised visitation. OCDSS did not reveal credible evidence to support the allegations.

**OCFS Review Results:**

The investigation was initiated timely and the sibling was observed to be free from any visible marks or bruises. The case record contained information of casework activity completed two months prior to the receipt of the SCR report dated 10/14/19. Requirements including face-to-face contact with a subject of the report, providing written notice, and completing a CPS history check were not documented to be completed after the 10/14/19 SCR report was received. The Risk Assessment Profile was completed accurately. Although the 7-day Safety Assessment was completed accurately, it was not completed until 10/28/19. The case record did not reflect a “stand alone” investigation.

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

**Issue:**

Overall Completeness and Adequacy of Investigations

**Summary:**



The case record reflected casework completed two months prior to the receipt of the report. Despite similar allegations, this SCR report was unable to be consolidated and OCDSS used prior knowledge to complete the investigation. The record did not reflect the father was interviewed face-to-face. The Safety Assessment and written notice was untimely.

**Legal Reference:**

SSL 424.6 and 18 NYCRR 432.2(b)(3)

**Action:**

OCDSS will review and adhere to regulations regarding casework practice. OCDSS will make collateral and familial contacts, address all potential areas of concern with all relevant parties and document casework activity which occurred after the receipt of the report. OCDSS will use the CPS Manual to meet requirements for a CPS investigation which stands alone.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/16/2019	Sibling, Male, 7 Months	Grandparent, Female, 51 Years	Other	Unsubstantiated	Yes
	Sibling, Male, 7 Months	Grandparent, Female, 51 Years	Other	Unsubstantiated	
	Sibling, Male, 7 Months	Father, Male, 28 Years	Other	Unsubstantiated	
	Sibling, Male, 7 Months	Mother, Female, 26 Years	Other	Unsubstantiated	

**Report Summary:**

On 8/16/19, the Ontario County Family Court ordered a 1034 Court-Ordered Investigation in response to a custody petition. A subsequent Court-Ordered Investigation was ordered on 9/18/19. There were concerns the parents abused drugs.

**Report Determination:** Unfounded

**Date of Determination:** 12/06/2019

**Basis for Determination:**

The investigation was unfounded against the parents, maternal grandmother and the paternal grandmother. The Investigation Conclusion Narrative notes no credible evidence was revealed to support the allegations of abuse or maltreatment; however, OCDSS did not note specifics about the basis for determination.

**OCFS Review Results:**

The investigation was initiated timely and a CPS history check was documented. Home visits were made, and sibling was assessed to be safe. The 7-day Safety Assessment was completed untimely. No face-to-face contact was made with the paternal grandmother or the father. The paternal grandmother was not interviewed. The record did not reflect written notice was provided in accordance with regulations. The record did not reflect safe sleep guidelines were provided to the family with regard to the expected child.

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

**Issue:**

Failure to provide notice of report

**Summary:**

Although written notice of the initial SCR report was provided to the parents and the maternal grandmother, the letters were provided on 9/16/19; the adults were not provided written notice for the subsequent SCR report dated 9/18/19. The record did not reflect the paternal grandmother was provided with written notice.

**Legal Reference:**

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

**Action:**

OCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report. When other persons are identified as residing in the household and added to the case, they will be notified in writing as well.

**Issue:**

Failure to Conduct a Face-to-Face Interview (Subject/Family)

**Summary:**

Although the father was interviewed over the phone, he was not interviewed face-to-face regarding the SCR reports. Although an attempt was made to call the paternal grandmother on 10/2/19, the record did not reflect she was interviewed.

**Legal Reference:**

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

**Action:**

A full Child Protective investigation shall include face-to-face interviews with subjects of the report and family members of such subjects, including children named in the report. Such interviews or reasons why an interview was not possible should be documented in progress notes.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Progress notes were not entered contemporaneously with their event dates. Some progress notes were entered more than three months after their event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

Although the 7-day Safety Assessment was completed accurately, the Safety Assessment was not completed until 8/27/19.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

OCDSS will complete all Safety Assessments in the accordance with regulations.

**Issue:**

Failure to provide safe sleep education/information

**Summary:**

Although sleep provisions were observed for the infant sibling and OCDSS was aware the mother was pregnant, the record did not reflect the family was provided with educational safe sleep guidance during the investigation.

**Legal Reference:**

13-OCFS-ADM-02

**Action:**

OCDSS will provide information on sleep safety to the parents and caretakers of infants and parents-to-be whom they encounter and see that parents and caretakers take the steps necessary to provide safe sleeping conditions for the children in their care.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
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# Child Fatality Report

04/26/2019	Sibling, Male, 2 Months	Mother, Female, 26 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Sibling, Male, 2 Months	Mother, Female, 26 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 2 Months	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 2 Months	Father, Male, 27 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 2 Months	Father, Male, 27 Years	Lack of Supervision	Unsubstantiated	
	Sibling, Male, 2 Months	Father, Male, 27 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

An SCR report alleged the 2-month-old sibling lived with the parents. Both parents had a history of heroin use. The parents used unknown drugs until impairment in the presence of the sibling and were unable to provide the sibling with a minimum degree of care or adequate supervision when impaired. The mother gave the sibling a fever reducer and herbal remedy to make the sibling sleep.

**Report Determination:** Unfounded**Date of Determination:** 08/08/2019**Basis for Determination:**

The allegations were unsubstantiated. The investigation revealed the parents had supervised visitation with the sibling and although they abused drugs in the past, collateral contacts confirmed the parents were in recovery and following their treatment plans. Medical personnel deemed a fever reducer appropriate; however, the herbal remedy should not have been given to the sibling. Although the mother provided the sibling with the herbal remedy, there was no evidence the sibling suffered any symptoms as a result.

**OCFS Review Results:**

OCDSS initiated the investigation timely, contacted the source of the report and documented a CPS history check. Safe sleep recommendations were provided to the adults. Written notice of the report was not provided timely. The 7-day Safety Assessment was completed untimely. Some progress notes were not entered contemporaneously with their event dates.

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

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

The 7-day Safety Assessment was completely untimely. The Safety Assessment was completed on 5/6/19.

**Legal Reference:**

SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)

**Action:**

OCDSS will complete all Safety Assessments in the accordance with regulations.

**Issue:**

Failure to provide notice of report

**Summary:**

Although the parents and grandmother were provided with written notice of the SCR report, the notices were not provided timely. Written notice was provided on 5/14/19.

**Legal Reference:**

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

**Action:**



OCDSS will mail or deliver notification letters to subject(s), parent(s), and any other adult(s) named in the report within the first seven days following the receipt of the report. When other persons are identified as residing in the household, they will be notified in writing as well.

**Issue:**

Timely/Adequate Case Recording/Progress Notes

**Summary:**

Some progress notes, including casework contact activity, were not entered until approximately three months after their event dates.

**Legal Reference:**

18 NYCRR 428.5

**Action:**

Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
05/03/2018	Sibling, Male, 4 Years	Other Adult - Mother to 4-year-old sibling, Female, 27 Years	Inadequate Guardianship	Unsubstantiated	No
	Sibling, Male, 4 Years	Father, Male, 26 Years	Inadequate Guardianship	Substantiated	

**Report Summary:**

An SCR report alleged on 5/3/18, the mother of the then 4-year-old sibling and the father got into a verbal altercation that escalated into the father attempting to physically assault the mother of the 4-year-old sibling in the presence of the sibling. The father was slapped by the mother of the sibling. The father grabbed the mother by her neck and obstructed her breathing. The adults were arrested and charged with endangering the welfare of a child.

**Report Determination:** Indicated

**Date of Determination:** 06/29/2018

**Basis for Determination:**

The allegation of Inadequate Guardianship against the mother of the 4-year-old sibling was unsubstantiated. The same allegation was substantiated against the father. The investigation revealed that the father obstructed the airway of the mother of the sibling in the presence of the sibling. The sibling was able to tell the caseworker what happened and that the father went to jail for his actions.

**OCFS Review Results:**

The investigation was initiated timely, a CPS history check was completed, and written notice of the report were provided timely. A home visit was made and the safety of the 4-year-old sibling was assessed. The 7-day Safety Assessment was completed timely and accurately. The Risk Assessment Profile was accurate. Appropriate collateral contacts were made. Written notices of the SCR report and the indication were provided. A thorough investigation was completed.

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

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

06/18/08- 08/18/08 The MGM was substantiated for IG and EMOT of another child.

05/11/10- 05/19/10 The MGM was unsubstantiated for IG of another child.

09/09/15- 10/09/15 The father was unsubstantiated for IG of the 5-year-old sibling and another child.



## Known CPS History Outside of NYS

There is no known CPS history outside of New York.

## 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