

Report Identification Number: SV-18-040

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

Issue Date: Dec 20, 2018

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

<b>Relationships</b>		
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	
<b>Contacts</b>		
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		
<b>Allegations</b>		
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	
<b>Miscellaneous</b>		
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		



## Case Information

**Report Type:** Child Deceased  
**Age:** 10 year(s)

**Jurisdiction:** Sullivan  
**Gender:** Male

**Date of Death:** 06/21/2018  
**Initial Date OCFS Notified:** 06/21/2018

## Presenting Information

On 6/21/18, an SCR report was received alleging that on 6/20/18, the parent substitute was driving while intoxicated with the 10 yo SC and the 9 yo SS in the car. The PS drove into a pole and the 9 yo, who was secured in the vehicle, sustained multiple fractures to his legs and arms. The SC was not wearing a seat belt and was ejected from the car. As a result, the SC sustained a traumatic brain injury, multiple fractures, and organ failure. At 4:38 PM on 6/21/18, the SC died as a result of the injuries he sustained in the accident. The mother and the father had unknown roles.

## Executive Summary

An SCR report of a fatality was received by Sullivan Department of Social Services (SCDSS) on 6/21/18, was a subsequent to an open child protective investigation received on 6/20/18. The SCR report received on 6/20/18 alleged the parent substitute was driving while his ability was impaired by drugs and lost control of the vehicle, hitting a pole. The 10 yo SC was thrown from the vehicle and sustained multiple traumatic injuries. The SC was transported by helicopter to Westchester Medical Center (WMC) and was immediately put on life support. Subsequently, the SC was taken off life support and died as a result of the injuries he sustained in the accident. The SC was pronounced dead at 4:28 PM on 6/21/18. The report also alleged the 9 yo SS was also in the vehicle and sustained multiple fractures. The mother was listed as a subject as she knew the PS was impaired and had him drive the children to school that morning after they had missed the bus.

SCDSS assessed the immediate safety of the SS by contacting the hospital and the father of the SS, and coordinating with Westchester County Department of Social Services (WCDSS) to meet with the mother at WMC and assess the father's home as he resided in Westchester County. WCDSS met with the mother and she was uncooperative with WCDSS and denied the PS was impaired. SCDSS attempted to meet with the mother but were unsuccessful in their attempts. WCDSS assessed the safety of the father's home prior to the SS's release from the hospital. There were no safety concerns noted.

On 6/22/18, the father was granted sole custody of the SS under an Article 6 custody petition. The judge issued a stay away order of protection (OP) prohibiting contact between the mother and the SS. SCDSS provided the hospital with the OP for the SS's protection during his hospital stay.

SCDSS learned from LE that the PS was arrested on multiple charges and remained in jail with no bail. On 6/22/18, LE located the mother and she was arrested on two counts of endangering the welfare of a child and criminal possession of a controlled substance, and was arraigned in town court. A criminal stay away order of protection against the mother was issued by the town court judge on behalf of the SS.

On 6/25/18, SCDSS filed an Article 10 Abuse/Neglect petition in Family Court against the mother for the SC and the SS. On 6/26/18, the Judge granted a continuation of the previously issued OP against the mother on behalf of the SS pending further proceedings. The SS remained in the sole custody of the father under the Article 6 custody.

The ME's final autopsy report findings revealed the cause of death was blunt force trauma of the body with fractures to the skull and lower extremity; contusions of brain and lung; intrameningeal hemorrhages; and cerebral edema.

SCDSS substantiated the allegations against the PS and the mother for the SC and the SS. Based on interviews and documentation received from LE, medical personnel and based on LE's interview with the SS, there was credible evidence



that the actions/inactions of the mother and the PS caused the death of the SC and the injuries to the SS. The SS told LE the PS fell asleep and the SC undid his seat belt in an attempt to wake the PS prior to the accident. LE executed a search warrant of the home shortly after the accident and found illegal drugs and drug paraphernalia throughout the home. A criminal history check revealed a significant history of drug use by the PS and the mother. The case was IND and opened pending further Family Court proceedings.

### PIP Requirement

For issues identified in the fatality report and historical cases, SCDSS will submit a PIP to the Spring Valley Regional Office within 30 days of receipt of this report. The PIP will identify action(s) SCDSS has taken, or will take, to address the cited issue(s). For issues where a PIP is currently implemented, SCDSS 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:**
  - **Approved Initial Safety Assessment?** Yes
  - **Safety assessment due at the time of determination?** Yes
- **Was the safety decision on the approved Initial Safety Assessment appropriate?** 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:

SCDSS had sufficient information to make a determination in this case.

**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:

N/A

## Required Actions Related to the Fatality



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

<b>Issue:</b>	Adequacy of Risk Assessment Profile (RAP)
<b>Summary:</b>	There were incorrect answers to 2 of the Elevated Risk Elements, that the SC's death was a result of maltreatment, and that the CHN sustained serious physical injuries requiring hospitalization. This impacts the assessment of future risk to the SS.
<b>Legal Reference:</b>	18 NYCRR 432.2(d)
<b>Action:</b>	SCDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.
<b>Issue:</b>	Face-to-Face Interview (Subject/Family)
<b>Summary:</b>	SCDSS did not interview or attempt to interview the PS who was named as a subject in the report.
<b>Legal Reference:</b>	18 NYCRR 432.2(b)(3)(ii)(a)
<b>Action:</b>	SCDSS will interview or attempt to interview all subjects and other persons listed in a report.

## Fatality-Related Information and Investigative Activities

### Incident Information

Date of Death: 06/21/2018

Time of Death: 04:38 PM

Date of fatal incident, if different than date of death:

06/20/2018

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

Unknown

County where fatality incident occurred:

Sullivan

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown

Did EMS respond to the scene?

Yes

At time of incident leading to death, had child used alcohol or drugs?

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

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

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	Male	10 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	37 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	35 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	9 Year(s)
Other Household 1	Father	No Role	Male	40 Year(s)

## LDSS Response

On 6/21/18, SCDSS received an SCR report about the death of the SC. This report was a subsequent to a report received the previous day regarding the injuries to the SC and the SS as a result of a motor vehicle accident. The report alleged the PS was driving the children to school after they missed the bus. The PS was driving under the influence of drugs when the accident occurred. On 6/20/18, SCDSS learned the SC was not expected to live.

SCDSS learned from LE the PS was arrested on multiple charges including vehicular manslaughter in the first degree and was being held in jail without bail. LE provided SCDSS with documentation and statements obtained about the accident. LE interviewed the SS and the SS told LE that the SC had undone his seat belt to wake the PS who had fallen asleep while driving prior to the accident. The SS was properly secured in the vehicle at the time of the accident. The SC was air lifted to WMC due to the seriousness of his injuries. LE said the mother was refusing to cooperate and denied PS was misusing drugs. LE executed a search warrant and found drugs and drug paraphilia at the residence.

SCDSS completed an SCR and criminal history check. The PS and the mother had multiple arrests involving illegal drug use. The father had no criminal history.

SCDSS coordinated with Westchester County Department of Social Services to meet with the mother at Westchester Medical Center. WCDSS met with the mother and she refused to cooperate with WCDSS. The mother said, "I was not in the car and my boyfriend was not high." WCDSS gave the mother the name and phone number of the SCDSS and encouraged her to contact SCDSS.

SCDSS spoke with the father who lived in Westchester County. SCDSS coordinated with WCDSS to conduct a home visit of the father's home. WCDSS observed the father's home and there were no noted safety concerns. SCDSS continued to attempt to contact the mother without success.

SCDSS learned from LE that the mother was located and arrested on 6/22/18 on 2 counts of endangering the welfare of a child and criminal possession of a controlled substance. The mother was arraigned in town court and was released on bail. The town court Judge issued a stay away ordered of protection (OP) on behalf of the SS. The mother was ordered to have no contact with the SS.

The father was granted sole custody of the SS under an Article 6 custody petition on 6/22/18. The Family Court Judge issued a stay away order of protection (OP) on behalf of the SS. SCDSS provided the hospital social worker with a copy of the OP. The SS was released from the hospital on 6/25/18 to his father's care in Westchester County. On 6/25/18, SCDSS filed an Article 10 Abuse/Neglect petition in SCFC. The petition was heard on 6/26/18. The OP remained in place on behalf of the SS, the mother was to have no contact with the SS pending further SCFC proceedings. The SS remained in the sole custody of the father under Article 6.





The father told SCDSS he had ongoing concerns about the mother's possible drug use and had previously expressed those concerns to SCFC and SCDSS. The father had shared custody and had been trying to obtain full custody of the children for several years. SCDSS spoke with school staff who had observed the PS and the mother on school grounds and they appeared to be under the influence of drugs just days before the accident.

On 10/11/18, the mother consented to a finding of Abuse/Neglect in Family Court on behalf of the children. The mother was ordered to remain under the supervision of SCDSS By the Family Court Judge. The Mother was ordered by the Family Court Judge to follow all treatment recommendations. WCDSS connected the father and the SS with counseling services and the SS was to have no contact with the mother until her therapist and the SS's therapist agreed it would be therapeutically appropriate.

#### Official Manner and Cause of Death

**Official Manner:** Accident

**Primary Cause of Death:** From an injury - external cause

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

#### 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:** Sullivan County Department of Social Services does not have an OCFS approved CFRT.

#### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
048402 - Deceased Child, Male, 10 Yrs	048405 - Mother's Partner, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048405 - Mother's Partner, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048405 - Mother's Partner, Male, 35 Year(s)	DOA / Fatality	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048404 - Mother, Female, 37 Year(s)	Fractures	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048404 - Mother, Female, 37 Year(s)	Lacerations / Bruises / Welts	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048405 - Mother's Partner, Male, 35 Year(s)	Internal Injuries	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048405 - Mother's Partner, Male, 35 Year(s)	Fractures	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048404 - Mother, Female, 37 Year(s)	Inadequate Guardianship	Substantiated
048402 - Deceased Child, Male, 10 Yrs	048404 - Mother, Female, 37 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048403 - Sibling, Male, 9 Year(s)	048404 - Mother, Female, 37 Year(s)	Fractures	Substantiated



# Child Fatality Report

048403 - Sibling, Male, 9 Year(s)	048404 - Mother, Female, 37 Year(s)	Inadequate Guardianship	Substantiated
048403 - Sibling, Male, 9 Year(s)	048404 - Mother, Female, 37 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048403 - Sibling, Male, 9 Year(s)	048405 - Mother's Partner, Male, 35 Year(s)	Inadequate Guardianship	Substantiated
048403 - Sibling, Male, 9 Year(s)	048405 - Mother's Partner, Male, 35 Year(s)	Parents Drug / Alcohol Misuse	Substantiated
048403 - Sibling, Male, 9 Year(s)	048405 - Mother's Partner, Male, 35 Year(s)	Fractures	Substantiated

### CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
<b>All children observed?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>When appropriate, children were interviewed?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Alleged subject(s) interviewed face-to-face?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>All 'other persons named' interviewed face-to-face?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Contact with source?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>All appropriate Collaterals contacted?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Members	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pediatrician	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was a death-scene investigation performed?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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)?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Coordination of investigation with law enforcement?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there timely entry of progress notes and other required documentation?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Additional information:**

SCDSS attempted to interview the mother. However, the mother did not cooperate or return SCDSS phone calls. SCDSS did not interview or attempt to interview the PS who was named as a subject in the SCR report.

### Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
<b>Were there any surviving siblings or other children in the household?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there an adequate assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:</b>				
<b>Within 24 hours?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>At 7 days?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>





<b>At 30 days?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Are there any safety issues that need to be referred back to the local district?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
<b>Was the risk assessment/RAP adequate in this case?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Was there an adequate assessment of the family's need for services?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Were appropriate/needed services offered in this case</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Explain:</b> There were incorrect answers to 2 of the Elevated Risk Elements, that the SC's death was a result of maltreatment, and that the CHN sustained serious physical injuries requiring hospitalization. SCDSS mailed referrals to the mother and continued to try and engage the mother in appropriate services. See Family Court section for actions taken by SCDSS. SCDSS did not attempt to interview the PS.				

### Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
<b>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?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>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?</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Explain as necessary:</b> The father of the 9yo SS immediately applied for and obtained Article 6 custody in Family Court. The BF also obtained a temporary full stay away order naming the SS as the protected party. The mother was court ordered to have no contact with the SS.				



## Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
06/26/2018	Adjudicated Abused	CustodyGuardianship assigned to relative or non-relative (Article 6 non-foster care)
<b>Respondent:</b>	048404 Mother Female 37 Year(s)	
<b>Comments:</b>	The mother consented to a finding of Abuse/Neglect in Family Court for her children. The father of the SS was awarded sole custody under an Article 6 custody petition. Family Court issued a stay away OP against the mother for the SS under the Article 10 abuse/neglect petition. The Article 10 Family Court Order stated there was to be no contact between the mother and the SS, until his therapist and her therapist agreed that it would be therapeutically appropriate. The mother was ordered to remain under the supervision of SCDSS, undergo a psychiatric evaluation, enroll in a substance abuse treatment program and follow recommendations, remain drug and alcohol free, sign releases for all providers, remain medication compliant, if prescribed, comply with the OP and provide SCDSS with current address and phone numbers, and notify SCDSS immediately if this information changed.	

## Criminal Charge: Vehicular manslaughter Degree: 1

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Pending	Parent Substitute	Pending	pending
<b>Comments:</b>	The PS had multiple charges as a result of the accident that caused the SC's death in addition to the above charge. The charges were criminal possession of a controlled substance, operating a motor vehicle by unlicensed driver, aggravated unlicensed operation of a motor vehicle, operating vehicle while impaired by drugs, aggravated DWI with child passenger under the age of 16, aggravated vehicular assault causing serious physical injury to a child passenger, and assault 1st.		

## Criminal Charge: Endangering the welfare of a child Degree: NA

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Pending	Mother	Pending	pending
<b>Comments:</b>	The mother was charged with 2 counts of endangering the welfare of a child and criminal possession of a controlled substance.		

Have any Orders of Protection been issued? Yes



<b>From:</b> 10/11/2018	<b>To:</b> Unknown
<b>Explain:</b> On 10/11/18, The Family Court Judge entered a consent finding of abuse and neglect against the mother on behalf of the SC and the SS. See above for additional details.	
<b>From:</b> 06/22/2018	<b>To:</b> Unknown
<b>Explain:</b> The father of the SS applied for and was awarded sole custody under an Article 6 custody petition of the SS on 6/22/18. The Family Court Judge also granted a full stay away OP. The Order of Protection was against the mother and the SS was the protected party. The order of protection remained in effect at the time of this writing.	
<b>From:</b> 06/22/2018	<b>To:</b> Unknown
<b>Explain:</b> On 6/22/18 the mother was arrested for two counts of endangering the welfare of a child and criminal possession of a controlled substance. The town court issued an order of protection. The OP stated the mother was to have no contact with the SS. The order remained in effect at the time of this writing.	

### 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
Bereavement counseling	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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:**

The mother initially did not cooperate with SCDSS. SCDSS sent the mother referrals for services and continued to try and engage the mother in services. On 10/11/18, under the Article 10 Abuse/Neglect petition the Family Court Judge entered a consent finding of abuse and neglect against the mother on behalf of the children.

**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:**  
Westchester County Department of Social Services offered bereavement referral to the father and the 9yo SS. The father accepted and WCDSS filled out the appropriate paperwork and made the referral for the father and the SS.

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

**Explain:**  
See above.

## History Prior to the Fatality

### Child Information

- Did the child have a history of alleged child abuse/maltreatment?** Yes
- Was there an open CPS case with this child at the time of death?** 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?** No
- Was the child acutely ill during the two weeks before death?** No

## CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
06/20/2018	Sibling, Male, 9 Years	Mother, Female, 37 Years	Fractures	Substantiated	Yes
	Sibling, Male, 9 Years	Mother, Female, 37 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 37 Years	Lacerations / Bruises / Welts	Substantiated	
	Sibling, Male, 9 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Substantiated	
	Sibling, Male, 9 Years	Mother's Partner, Male, 35 Years	Fractures	Substantiated	
	Sibling, Male, 9 Years	Mother's Partner, Male, 35 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 9 Years	Mother's Partner, Male, 35 Years	Lacerations / Bruises / Welts	Substantiated	



Sibling, Male, 9 Years	Mother's Partner, Male, 35 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Male, 10 Years	Mother, Female, 37 Years	Lacerations / Bruises / Welts	Substantiated
Deceased Child, Male, 10 Years	Mother, Female, 37 Years	Fractures	Substantiated
Deceased Child, Male, 10 Years	Mother, Female, 37 Years	Inadequate Guardianship	Substantiated
Deceased Child, Male, 10 Years	Mother, Female, 37 Years	Internal Injuries	Substantiated
Deceased Child, Male, 10 Years	Mother, Female, 37 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Male, 10 Years	Mother's Partner, Male, 35 Years	Parents Drug / Alcohol Misuse	Substantiated
Deceased Child, Male, 10 Years	Mother's Partner, Male, 35 Years	Fractures	Substantiated
Deceased Child, Male, 10 Years	Mother's Partner, Male, 35 Years	Inadequate Guardianship	Substantiated
Deceased Child, Male, 10 Years	Mother's Partner, Male, 35 Years	Internal Injuries	Substantiated
Deceased Child, Male, 10 Years	Mother's Partner, Male, 35 Years	Lacerations / Bruises / Welts	Substantiated

**Report Summary:**

An SCR report alleged on 6/20/18 the parent substitute was driving while intoxicated with SS and SC in the vehicle. The mother was aware the PS was driving impaired. The PS hit a pole with the vehicle causing the vehicle to be torn in half. The SC was sitting in the backseat without a seat belt on and was ejected from the vehicle. The SC was brain dead and on life support. The SC sustained a skull fracture, multiple leg fractures and lacerations all over his body. The SC was expected to succumb to his injuries. The SS sustained a several fractures.

**Report Determination:** Indicated

**Date of Determination:** 07/16/2018

**Basis for Determination:**

Based on interviews, medical documentation, and documentation received from LE, the allegations were substantiated against the mother and the PS for the SC and the SS. Upon investigation it was learned the PS was impaired and the mother knew that he was impaired when he drove the children to school that morning. The SS told LE that the SC unfastened his seat belt to wake the PS who kept falling asleep while driving. As a result, there was a fatal car crash and the SC died from the injuries he sustained. The SS sustained multiple injuries as well. The case was indicated and opened.

**OCFS Review Results:**

There were incorrect answers to 2 of the Elevated Risk Elements, that the SC's death was a result of maltreatment, and that the CHN sustained serious physical injuries requiring hospitalization. This impacts the assessment of future risk to the SS. SCDSS did not attempt to interview the PS as per regulation.

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

**Issue:**

Adequacy of Risk Assessment Profile (RAP)

**Summary:**

There were incorrect answers to 2 of the Elevated Risk Elements, greatly affecting the overall score; particularly, that the SC's death was a result of maltreatment, and that the CHN sustained serious physical injuries requiring hospitalization.



**Legal Reference:**

18 NYCRR 432.2(d)

**Action:**

SCDSS will consider all risk elements identified throughout the course of the investigation and accurately document such elements into the Risk Assessment Profile.

**Issue:**

Face-to-Face Interview (Subject/Family)

**Summary:**

SCDSS did not interview or attempt to interview the PS who was also named as a subject in the SCR report.

**Legal Reference:**

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

**Action:**

SCDSS will interview or attempt to interview all subjects and other persons named in a report per regulation.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
11/05/2016	Deceased Child, Male, 9 Years	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Male, 9 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 7 Years	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 7 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 9 Years	Mother's Partner, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 9 Years	Mother's Partner, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 7 Years	Mother's Partner, Male, 33 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 7 Years	Mother's Partner, Male, 33 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The SCR report alleged for the past 8 years, the mother used heroin on a regular basis to the point of impairment while caring for the children. The mother and the parent substitute also sold drugs on the street and took the children with them to make the drug drops. The role of the father was unknown.

**Report Determination:** Unfounded

**Date of Determination:** 02/08/2017

**Basis for Determination:**

The allegations of IG and PD/AM were Unsubstantiated against the mother and the parent substitute for the children. There was no evidence that mother or the PS were misusing drugs or selling them. SCDSS made unannounced visits to the home and the mother did not appear to be under the influence. The children attended school regularly and there were no concerns noted. Family members were interviewed and had no concerns regarding the care of the children. The father was interviewed had concerns about the care of the children but there was no evidence to support the allegations. The case was UNF and closed.

**OCFS Review Results:**

SCDSS did not complete the seven day safety assessment within the required time frame as per regulation. It was completed 11 days after receipt of the report.

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

**Issue:**

Failure to provide notice of report

**Summary:**

SCDSS did not provide the notice of existence letter within the required time frame. The notice was provide four days late.

**Legal Reference:**

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

**Action:**

SCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

**Issue:**

Timely/Adequate Seven Day Assessment

**Summary:**

SCDSS did not complete the seven day safety assessment within the required time frame as per regulation and law. It was completed 11 days after receipt of the report.

**Legal Reference:**

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

**Action:**

Within seven days of receiving a report, SCDSS will conduct a preliminary assessment of safety to determine whether the child named in the report and any other children in the household may be in immediate danger of serious harm.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
04/11/2016	Deceased Child, Male, 9 Years	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	Yes
	Deceased Child, Male, 9 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 7 Years	Mother, Female, 35 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 7 Years	Mother, Female, 35 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Deceased Child, Male, 9 Years	Mother's Partner, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Deceased Child, Male, 9 Years	Mother's Partner, Male, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	
	Sibling, Male, 7 Years	Mother's Partner, Male, 32 Years	Inadequate Guardianship	Unsubstantiated	
	Sibling, Male, 7 Years	Mother's Partner, Male, 32 Years	Parents Drug / Alcohol Misuse	Unsubstantiated	

**Report Summary:**

The SCR report alleged the mother abused heroin on a daily basis while caring for the children. The mother would not





off and her speech was impaired. As a result of her drug use, the mother could not adequately care for the children. The role of the maternal grandfather was unknown.

**Report Determination:** Unfounded

**Date of Determination:** 08/26/2016

**Basis for Determination:**

Based on home visits and interviews with the children, family members and collaterals, there was no credible evidence that the mother was abusing drugs. Family members and collaterals denied the mother abused drugs and stated they had no concern for the care of the children. SCDSS made home visits and there was no evidence of drug use in the home. The case was UNF and closed and services were offered but refused.

**OCFS Review Results:**

SCDSS did provide the notice of existence letters but not within the required time frame. The letters were provided over a month after the SCR report was received.

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

**Issue:**

Failure to provide notice of report

**Summary:**

SCDSS did not provide the notice of existence letter within the required time frame. The notice was provide over thirty days after the report was received.

**Legal Reference:**

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

**Action:**

SCDSS will notify the subjects and other adults named in a report, as well as absent biological parents, in writing, no later than seven days after receipt of the oral report.

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

SCR report received on 3/22/11, with allegations of IG and PD/AM against mother for the SC and the SS. The allegations were Unsub and the case was UNF and closed with no services required on 6/23/2011.

SCR report received on 8/11/11, with allegations of IG and PD/AM against the mother for the SS and SC. The allegations were Unsub and the case closed on 10/27/11. Referrals were made for community based services only.

SCR report received on 10/9/11, with allegations IG against the mother for the SS and the SC. The allegations were Unsub and the case was closed on 12/27/11. Referrals were made for community based services only.

SCR report received on 2/16/12, with allegations of IG, LS and PD/AM against the mother for the SS and the SC. The allegations were Unsub and the case was UNF and closed with no services required on 9/21/12.

SCR report received on 10/15/12, with allegations of IG and EdN against the mother for the SS. The allegations were Unsub and the case was UNF and closed with no services required on 1/18/13.

SCR report received on 4/12/13, with allegations of IG and PD/AM against the mother for the SS and the SC. The allegations were Unsub and the case was UNF and closed with no services required on 6/28/13.

SCR report received on 10/27/13, with allegations of IG against the mother for the SS and the SC. The allegations were Unsub and the case was UNF and closed with no services required on 1/14/14.

### Known CPS History Outside of NYS



There was no known history outside of NYS.

### 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