

Report Identification Number: BU-20-020

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

Issue Date: Feb 01, 2021

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

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



Abbreviations

Relationships					
BM-Biological Mother	SM-Subject Mother	SC-Subject Child			
BF-Biological Father	SF-Subject Father	OC-Other Child			
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father			
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider			
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father			
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle			
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			
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police			
Service	Services	Department			
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care			
Rehabilitative Services	Families				
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 Jurisdiction: Cattaraugus Date of Death: 06/17/2020

Age: 5 year(s) Gender: Female Initial Date OCFS Notified: 08/10/2020

Presenting Information

An SCR report received on 8/10/2020 alleged that on 6/17/2020, the father allowed the 5-year-old female subject child to ride and operate a zero-turn ride-on lawnmower by herself. The mother was inside of the home. The child was mowing the lawn when she was thrown from the lawnmower and it ran her over. The parents called 911. The child died in the father's arms on the lawn due to trauma to the left side of her body prior to first responders arriving. The parents allowed the child to ride and operate the lawnmower on her own several times prior to the incident. The role of the 2-year-old sibling was unknown.

Executive Summary

This fatality report concerns the death of the 5-year-old female subject child that occurred on 6/17/2020. An SCR report regarding the death was made on 8/10/2020 alleging the parents did not provide proper supervision to the child when she was thrown from a zero-turn ride-on lawnmower. The lawnmower's safety features were disabled. The child sustained injuries and subsequently died as a result. At the time of her death, the child resided with her parents and her 2-year-old sibling. The sibling was deemed to be safe in the care of the parents.

Cattaraugus County Department of Social Services (CCDSS) contacted law enforcement immediately upon receipt of the SCR report. Law enforcement provided information that the death occurred on 6/17/2020 and officers did not find any evidence to support the child died as a result of criminal acts committed by the parents. No criminal charges were filed.

Law enforcement provided their records to CCDSS which gave the parents' accounts of the fatal incident. The records reflected the father left the child unsupervised for a couple of minutes while he went into the garage. While unsupervised, the child drove over a rut in the lawn which caused her to be thrown from the lawnmower and subsequently run over. The father discovered the child under the mower and attempted to render aid. The father screamed for the mother to call 911. The mother was inside at the time of the incident and did not witness the child being thrown from the lawnmower.

An autopsy was performed, and the coroner's report listed the cause of death as sharp force trauma to thorax and left upper extremity. The manner of death was accidental.

CCDSS interviewed the parents who reported the child had experience on snowmobiles and had mowed the lawn on approximately six occasions in the spring of 2020 with no concerns. Interviews with the parents remained consistent to their recollections of the events that were provided in law enforcement records.

CCDSS gathered information regarding the death from the coroner's office, service providers and family friends. There were no concerns identified for the 2-year-old sibling and he was deemed to be safe remaining in the care of the parents.

At the time of the death, law enforcement provided the family with grief counseling referrals and the parents were actively utilizing the services during the investigation.

CCDSS completed required reports and Safety Assessments with accuracy. Although accurate, the 7-day Safety Assessment was completed untimely. Relevant information was gathered and documented timely in the case record. The interviews with the parents and collateral contacts reflected best casework practice.

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The allegation of Lack of Supervision was unsubstantiated against the mother as she was not present at the time of the fatal incident and was substantiated against the father. The allegations of DOA/Fatality and Inadequate Guardianship were substantiated against both parents. The allegations were substantiated as the parents were aware of the dangers of allowing the child to use the lawnmower considering her age and inability to accurately control the machine. The parents were aware the safety features were rendered inoperable which created an unsafe environment for the child and ultimately resulted in her death.

PIP Requirement

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

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:

Casework activity was commensurate with case circumstances.

Was the decision to close the case appropriate?

Yes

Was casework activity commensurate with appropriate and relevant statutory Yes

or regulatory requirements?

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.

Required Actions Related to the Fatality

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	d Actions related to the complianc					
Issue:	Timely/Adequate Seven Day Asses					
Summary:	Although safety of the surviving si the 7-day Safety Assessment was c	bling was assessed within the first seven completed untimely on 8/19/2020.	en days of the investigation,			
Legal Reference:	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)					
Action:	CCDSS will complete all Safety A	ssessments within the regulatory times	frame.			
	Fatality-Related Inform	nation and Investigative Activities	es			
	Incid	dent Information				
Date of Death: 06/	17/2020	Time of Death: 08:47 PM				
Time of fatal incid	ent, if different than time of death	:	08:30 PM			
•	lity incident occurred:		Cattaraugus			
	mergency number called?		Yes			
Time of Call:			Unknown			
Did EMS respond			Yes			
	leading to death, had child used a	alcohol or drugs?	N/A			
Child's activity at						
☐ Sleeping			/ Vehicle occupant			
☐ Playing	L Eating	Unknow	n			
Other						
Did child have sup	ervision at time of incident leading	g to death? No - but needed				
At time of incident	supervisor was:					
Drug Impaired						
Alcohol Impaire	d	Asleep				
□ Distracted		☐ Impaired by illness				
Impaired by disa	ability	Other:				
	eaths at incident event:					
Children ages 0	1-18: 1 ults: 0					
Au	uits: 0					

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	5 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	32 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	31 Year(s)
Deceased Child's Household	Sibling	No Role	Male	2 Year(s)

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LDSS Response

CCDSS initiated their investigation immediately upon receipt of the SCR report. Within the first 24 hours of the investigation, the source of the report and law enforcement were contacted, and the district attorney and medical examiner were made aware of the SCR report. A CPS history check found no prior involvement. Additionally, CCDSS conducted a home visit and assessed the safety of the sibling.

Law enforcement provided information the family regularly used heavy equipment, and the child had mowed the lawn independently prior to the fatal incident. The family stated it was not abnormal for their family to allow children to operate the machinery. The child was aware of the safety precautions and how to properly use the lawnmower. Information gathered noted the pressure plate under the lawnmower's seat had been zip-tied together inhibiting the lawnmower to turn off if there was not weight on the seat. The father knew the safety feature did not work but was unsure why as the lawnmower was recently purchased used through an auction.

Information gathered from law enforcement records noted that although the father was aware the lawnmower would not shut off when a driver was not seated, he was unaware the safety feature had been disabled. The father thought the lawnmower did not have the safety feature as the lawnmower was an older model.

On 8/11/2020, CCDSS conducted a home visit and interviewed the parents. Attempts were made to interview the sibling; however, he would not engage. The record reflected the sibling was well nourished and did not appear fearful of his parents. The mother was inside at the time of the fatal incident. She saw the child operate the lawnmower throughout the spring without incident. The father reported on the day of the fatal incident, the child got off the lawnmower after she shut off the engine. He asked her what she was doing, and she said she had lost a flip flop. The child got back on the lawnmower, restarted the engine and continued to mow the lawn. The father went around the side of the garage, leaving the child unattended for approximately two minutes. When he returned, he saw the lawnmower parked in the corner of the yard and assumed the child went inside. As the father approached the lawnmower, he noticed the child was underneath and he immediately called 911. The father was aware the safety feature to the lawnmower was disabled and thought about installing a seatbelt for the child; however, as the lawnmower did not have a roll cage, the child would be further placed in danger if the lawnmower ever tipped over. The parents were offered services in response to the fatality; however, they were already engaged in grief counseling when the SCR report was received.

Information in the coroner's report noted the father left the child unsupervised momentarily while he went in the garage. The father heard the lawnmower race loudly and then shut off. The child hit a ditch and was thrown from the machine. The lawnmower came down on top of her and the blade was still engaged. The father discovered the child under the lawnmower, pulled her out and called 911. The child had severe trauma to the mid to upper torso with cardiac arrest due to blood loss. The child was pronounced deceased at the home at 8:47 PM.

Relevant collateral contacts were made with law enforcement, grief counselors and family friends. Collateral contacts did not express concerns for the care the parents provided to the children.

After completing all required casework activity, CCDSS closed their investigation on 8/27/2020 as the family did not require further intervention from the Department.

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: Coroner

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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: CCDSS does not have an OCFS-approved Child Fatality Review Team.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
054920 - Deceased Child, Female, 5 Yrs	054921 - Mother, Female, 31 Year(s)	DOA / Fatality	Substantiated
054920 - Deceased Child, Female, 5 Yrs	054921 - Mother, Female, 31 Year(s)	Inadequate Guardianship	Substantiated
054920 - Deceased Child, Female, 5 Yrs	054922 - Father, Male, 32 Year(s)	DOA / Fatality	Substantiated
054920 - Deceased Child, Female, 5 Yrs	054922 - Father, Male, 32 Year(s)	Inadequate Guardianship	Substantiated
054920 - Deceased Child, Female, 5 Yrs	054921 - Mother, Female, 31 Year(s)	Lack of Supervision	Unsubstantiated
054920 - Deceased Child, Female, 5 Yrs	054922 - Father, Male, 32 Year(s)	Lack of Supervision	Substantiated

CPS Fatality Casework/Investigative Activities

				T T T T (
	Yes	No	N/A	Unable to Determine
All children observed?				
When appropriate, children were interviewed?			\boxtimes	
Alleged subject(s) interviewed face-to-face?	\boxtimes			
All 'other persons named' interviewed face-to-face?	\boxtimes			
Contact with source?	\boxtimes			
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?	\boxtimes			
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?				
Coordination of investigation with law enforcement?			\boxtimes	
Was there timely entry of progress notes and other required documentation?				

Additional information:



Progress notes were entered contemporaneously to their event dates.

Fatality Safety Assessment Activities					
				TT 11 4	
	Yes	No	N/A	Unable to Determine	
Were there any surviving siblings or other children in the household?	\boxtimes				
Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	urviving	siblings/o	ther child	dren in the	
Within 24 hours?	\boxtimes				
At 7 days?	\boxtimes				
At 30 days?	\boxtimes				
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	\boxtimes				
Are there any safety issues that need to be referred back to the local district?		\boxtimes			
		Γ	Г		
When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?					
Fatality Risk Assessment / Risk Assessment	Profile				
	Yes	No	N/A	Unable to Determine	
Was the risk assessment/RAP adequate in this case?	\boxtimes				
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	\boxtimes				
Was there an adequate assessment of the family's need for services?	\boxtimes				
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?		\boxtimes			
Were appropriate/needed services offered in this case	\boxtimes				
Explain: The parents were engaged in counseling prior to the Department's involvement	t.				
Placement Activities in Response to the Fatality In	nvestigatio	n			
- V					
	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?		
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?		
Explain as necessary: The investigation did not reveal reasons to remove the sibling.		

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
Bereavement counseling	\boxtimes						
Economic support							
Funeral arrangements							
Housing assistance							
Mental health services							
Foster care							
Health care							
Legal services							
Family planning							
Homemaking Services							
Parenting Skills							
Domestic Violence Services							
Early Intervention							
Alcohol/Substance abuse							
Child Care							
Intensive case management						\boxtimes	
Family or others as safety resources							
Other							

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:

Service needs were not identified for the sibling as he was too young to speak.

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

Explain:

The parents were offered services which were declined as the family was engaged in counseling prior to involvement with the Department.

History Prior to the Fatality	
Child Information	
Did the child have a history of alleged child abuse/maltreatment? Was the child ever placed outside of the home prior to the death? Were there any siblings ever placed outside of the home prior to this child's death? Was the child acutely ill during the two weeks before death?	No No No No
CPS - Investigative History Three Years Prior to the Fatal	lity
There is no CPS investigative history in NYS within three years prior to the fatality.	
CPS - Investigative History More Than Three Years Prior to the Fatalit	y
There was no CPS investigative history more than three years prior to the fatality. Known CPS History Outside of NYS	
There is no known CPS 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 w	vas 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 ☒N	No

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