

**Report Identification Number: NY-16-125**

**Prepared by: New York City Regional Office**

**Issue Date: Jun 30, 2017**

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

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

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

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

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

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

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

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



## Abbreviations

### Relationships

BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	

### Contacts

LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPR-Cardio-pulmonary Resuscitation		

### Allegations

FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Others	

### Miscellaneous

IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	

## Case Information



**Report Type:** Child Deceased  
**Age:** 3 year(s)

**Jurisdiction:** Kings  
**Gender:** Male

**Date of Death:** 12/03/2016  
**Initial Date OCFS Notified:** 12/03/2016

### Presenting Information

On 12/3/16, the SCR received a report that alleged on 11/28/16 or 11/29/16, the SC was left in the care of the parent substitute (PS). While in the care of the PS the SC sustained a fibula and rib fracture, liver concussion and a spleen laceration. The explanation given for the SC's injuries was that he slipped in the shower and hit his head which rendered him unconscious. On 12/2/16, the SC was declared brain dead and on 12/3/16, the SC died from these injuries. The SC's injuries were inconsistent with the explanation provided. The report alleged the PS would be held culpable for the child's injuries and death. The role of the BM and BF were unknown.

### Executive Summary

The 3-year-old SC mentioned in the intake report died on 12/3/16. The allegations of the 12/3/16 SCR report were DOA/Fatality, L/B/W, IG, LMC, FX, II for the SC by the SM and PS. ACS later added the allegations of S/D/S, and XCP of the SC by the PS. While at the hospital, the SC was pronounced brain dead on 12/2/16 at 3:10 p.m.; life support was withdrawn on 12/3/16 at 6:55 p.m. As of 6/29/17, NYCRO has not yet received the autopsy report. However, ACS documented the ME listed the cause of death as abusive head and neck trauma that were inflicted. It was reported that the SC had a fibula fracture, rib fracture, spleen laceration, subdural hematoma, lacerated liver, swelling and herniation.

During the 12/3/16 investigation, ACS made diligent efforts to contact collateral resources such as the Dr., LE, neighbors, daycare, Social Worker, SC's BF, MGM, and the ME. According to the ACS case record, ACS completed three safety assessments and the safety decisions were appropriate. ACS reported there were no surviving siblings or other children in the home.

The SM told LE and the Specialist that she left her home at 8:45 a.m. to go to work. While at work the SM reported receiving a call from the PS at approximately 4:30 p.m. notifying her that the SC was not breathing. SM reported that the PS attempted CPR and called 911. SM informed ACS that the SC was transported by EMS to Coney Island Hospital. ACS documented that they did not interview the PS because LE reported that he was detained.

The Dr. reported that the SC's injuries were not consistent with the account the PS provided. The PS stated he left the SC in the tub and the SC fell. The Dr. reported that the SM stated the SC leapt from his bed four or five days prior to the child entering the hospital which caused the rug burn under his left eye and shoulder.

ACS learned there were no surviving children in the household. LE reported that the PS was charged with Murder, Manslaughter, and Endangering the Welfare of a Child. ACS documented that the PS was incarcerated awaiting disposition. LE also reported that there were no criminal charges pending for the SM.

ACS offered the SM domestic violence services through Sanctuary for Families, and trauma informed therapy; however, the SM refused. The SM reported that she received bereavement counseling through the District Attorney's victim services. ACS also documented providing an advocacy referral for the SC's SF.

On 3/27/16, ACS substantiated the allegations of LMC and IG of the SC by the SM. ACS substantiated the



allegations of DOA/Fatality, Fractures, Swelling, Dislocation, Sprains, Lack of Medical Care, Internal Injuries, Excessive Corporal Punishment, Lacerations, Bruises, Welts, and Inadequate Guardianship of the SC by the PS.

## 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

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:

ACS' case record documentation included contact with the household members, and collateral contact with the SC's Dr., LE, ME, Social Worker, BF and the MGM. ACS' case record reflected electronic approvals and supervisory consultation with the Specialist supervisor and manager. ACS concluded the 12/3/16 investigation on 3/27/17.

## Required Actions Related to the Fatality

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

<b>Issue:</b>	The 30-Day Fatality Report is required to be completed in CONNECTIONS within 30 Days of receipt of a report alleging the death of a child as a result of abuse or maltreatment.
<b>Summary:</b>	The 30 day Fatality report was not completed within the 30 day timeframe. The 30 day fatality report was due on January 2, 2017. The report was completed on March 7, 2017.
<b>Legal Reference:</b>	CPS Program Manual, VIII, B.2, page 4
<b>Action:</b>	The Administration for Children's Services (ACS) must request a program improvement plan from CAS and submit the plan within 45 days that identifies what action CAS has taken or will take, to address the citation(s) identified in the fatality report.

## Fatality-Related Information and Investigative Activities



### Incident Information

**Date of Death:** 12/03/2016

**Time of Death:** 06:55 PM

**Date of fatal incident, if different than date of death:** 11/28/2016

**County where fatality incident occurred:** KINGS

**Was 911 or local emergency number called?** No

**Did EMS to respond to the scene?** No

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

**Child's activity at time of incident:**

- Sleeping
- Working
- Driving / Vehicle occupant
- Playing
- Eating
- Unknown
- Other

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

**Is the caretaker listed in the Household Composition?** Yes - Caregiver

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**At time of incident supervisor was:** Unknown if they were impaired.

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

**Children ages 0-18:** 1

**Adults:** 0

### Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	3 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	24 Year(s)
Deceased Child's Household	Mother's Partner	Alleged Perpetrator	Male	24 Year(s)

### LDSS Response

ACS received the initial report on 11/28/16; a visit was made to Coney Island Hospital to engage the medical staff and family. ACS obtained a detailed account of the incident, collateral contact information and the SC's biological father's information from the SM. ACS learned the SC's biological father did not reside in the home. ACS also learned the SM and SC resided with a roommate and the SM's live in boyfriend. ACS documented the SC was transferred to the Morgan Stanley Children's Hospital at Columbia Presbyterian for further medical assistance.

On the same date, ACS made telephone contact with the SM's roommate. The roommate informed ACS that he had no concerns regarding the care of the SC. The roommate also disclosed he had not been home since 11/27/16 and was not home when the incident occurred. ACS' ECS made telephone contact with the Dr., who stated that the PS informed medical staff that the SC fell in the bathtub.



On 11/28/16 ACS attempted a home visit to the subject family's address. ACS documented that the Specialist was greeted by NYPD and was not allowed access to the case address because the home was deemed a crime scene. ACS conducted a visit to the NYPD's 61st precinct and met with LE. LE informed ACS that the PS was detained and they were not allowed to interview the PS.

On 11/30/16, ACS held a case conference with ACS' Medical Consultant, Deputy Director and Specialist. During the conference, ACS learned that the SC's condition had worsened.

On 12/3/16, the SCR received a subsequent fatality report because of the death of the SC. Upon receipt of the report, ACS contacted medical staff and learned the SC was pronounced brain dead on 12/2/16 at 3:10pm, (life support was withdrawn on 12/3/16 at 6:55pm).

On 12/5/16, ACS made successful contact with MGM who reported that the mother was temporarily staying with her for safety reasons. The MGM reported she would escort the mother to the Special Victim services agency to secure safe and supportive housing for the mother. ACS also documented telephone contact with the PS's mother. ACS learned that the PS had a severe mental illness. ACS inquired about the PS's violent history towards family member. The PS's mother refused to provide any additional information pertaining to PS's past behavior. ACS also learned that the PS remained incarcerated at Riker's Island.

On 12/6/16, ACS made telephone contact with the Social Worker from the Morgan Stanley Children's Hospital and was told the BF and SM visited the hospital and a family meeting was held to discuss the progress of the SC on 12/6/16. ACS requested the SC's medical records.

On 12/6/16 ACS interviewed the SM and learned that the SC had fallen from his bed and sustained injuries several days prior to the initial report. The SM reported contacting the SC's pediatrician after he fell. ACS conducted a follow up call to the SC's pediatrician to confirm the SM's statements and learned that the last time the SC was seen was in November of 2015. The SC's pediatrician further stated that the SM did not contact the pediatrician's office seeking medical attention.

On 12/20/16, ACS requested and received the physical medical results of the SC. ACS received the results of a Mental Health consultation of the SM on 12/21/16 which recommended the SM may benefit from trauma focused therapy. ACS' Domestic Violence/Mental Health Consultants provided the Specialist with a referral for the SM to St. Luke's Roosevelt Hospital.

On 2/6/17, ACS made contact with the Assistant District Attorney, who reported that there was not enough evidence to charge the SM with criminal charges; however, the PS was charged with murder. ACS documented that the Notice of Existence/Notice of Indication was mailed to the SM and PS.

### Official Manner and Cause of Death

**Official Manner:** Pending

**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)?**No



**Comments:** The ACS investigation adhered to previously approved protocols for joint investigations.

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

**Comments:** There is no OCFS approved Child Fatality Review Team in the New York City region.

#### SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
039287 - Deceased Child, Male, 3 Year(s)	038561 - Mother, Female, 24 Year(s)	Lack of Medical Care	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	DOA / Fatality	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Internal Injuries	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Fractures	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Swelling / Dislocations / Sprains	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Lack of Medical Care	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Excessive Corporal Punishment	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038561 - Mother, Female, 24 Year(s)	Inadequate Guardianship	Substantiated
039287 - Deceased Child, Male, 3 Year(s)	038562 - Mother's Partner, Male, 24 Year(s)	Choking / Twisting / Shaking	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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Alleged subject(s) interviewed face-to-face?</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>All 'other persons named' interviewed face-to-face?</b>	<input type="checkbox"/>	<input checked="" 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"/>
<b>Other</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Did the investigation adhere to established protocols for a joint investigation?	<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 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?

- Family Court
  Criminal Court
  Order of Protection

<b>Criminal Charge:</b> Endangering the welfare of a child <b>Degree:</b> NA			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
02/03/2017	Parent Substitute	Pending	The Disposition is pending.
<b>Comments:</b>	The PS was charged with Endangering the welfare of a child on 2/3/17.		

<b>Criminal Charge:</b> Manslaughter <b>Degree:</b> 1			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
02/03/2017	Parent Substitute	Pending	The Disposition is pending.
<b>Comments:</b>	The PS was charged with manslaughter in the 1st degree on 2/3/17.		

<b>Criminal Charge:</b> Murder <b>Degree:</b> 2			
<b>Date Charges Filed:</b>	<b>Against Whom?</b>	<b>Date of Disposition:</b>	<b>Disposition:</b>
02/03/2017	Parent Substitute	Pending	The Disposition is pending.
<b>Comments:</b>	The PS was charged with Murder 2nd degree on 2/3/17.		





Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Needed but not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input 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:**  
 ACS documented that the SM received bereavement counseling through Victim Services. ACS also obtained referrals for trauma informed therapy and domestic violence services through the Sanctuary for Families; however, the family refused services from ACS. The SM used the MGM as a family resource.

**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:**

ACS documented there were no surviving siblings or other children in the SC's household.

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

**Explain:**

ACS provided the SM with burial assistance and, on 3/10/17, ACS learned that the SM was receiving bereavement services from the DA's office.



## 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?	No
Was the child ever placed outside of the home prior to the death?	No
Were there any siblings ever placed outside of the home prior to 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)	Status/Outcome	Compliance Issue(s)
11/30/2016	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Inadequate Guardianship	Indicated	No
	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Swelling / Dislocations / Sprains	Indicated	
	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Excessive Corporal Punishment	Indicated	
	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Internal Injuries	Indicated	
	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Lacerations / Bruises / Welts	Indicated	
	16986 - Deceased Child, Male, 3 Years	16997 - Mother's Partner, Male, 24 Years	Lack of Medical Care	Indicated	
	16986 - Deceased Child, Male, 3 Years	16996 - Mother, Female, 24 Years	Fractures	Unfounded	
	16986 - Deceased Child, Male, 3 Years	16996 - Mother, Female, 24 Years	Lack of Medical Care	Indicated	

**Report Summary:**

On 11/26/16, the SC (age 3) sustained a left tibia fracture. The SM's explanation that he fell off a bed onto a carpeted floor in his room is inconsistent with the nature of the injury. The SM and PS were aware that the SC was uncomfortable, in pain, and was observed to be limping on Sunday, 11/27/16. The SM and PS did not seek medical attention. On 11/28/16, the SM left the SC in the care of the PS. while she was at work. At around 4:30 p.m. and for unknown reasons, the PS excessively and repeatedly physically assaulted the child. The PS explanation was that the SC fell in the bathtub, which is inconsistent with the nature of the injuries.

**Determination:** Indicated**Date of Determination:** 03/27/2017**Basis for Determination:**

The allegations of S/D/S, FX, XCP, IG, L/B/W and II were substantiated against the PS based on the autopsy findings



and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries.

ACS substantiated the allegations of IG and LMC, against the SM and PS, as the SC had bruising burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, but SM nor PS took the SC for medical care to address the SC's injuries.

**OCFS Review Results:**

The determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/30/2016	16987 - Deceased Child, Male, 3 Years	16998 - Mother, Female, 24 Years	Fractures	Unfounded	No
	16987 - Deceased Child, Male, 3 Years	16998 - Mother, Female, 24 Years	Internal Injuries	Unfounded	
	16987 - Deceased Child, Male, 3 Years	16998 - Mother, Female, 24 Years	Lack of Medical Care	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Excessive Corporal Punishment	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Lack of Medical Care	Indicated	
	16987 - Deceased Child, Male, 3 Years	16998 - Mother, Female, 24 Years	Inadequate Guardianship	Indicated	
	16987 - Deceased Child, Male, 3 Years	16998 - Mother, Female, 24 Years	Lacerations / Bruises / Welts	Unfounded	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Internal Injuries	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Lacerations / Bruises / Welts	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Fractures	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Inadequate Guardianship	Indicated	
	16987 - Deceased Child, Male, 3 Years	16999 - Mother's Partner, Male, 24 Years	Swelling / Dislocations / Sprains	Indicated	

**Report Summary:**

SC (age 3), was brought into the hospital on 11/28/2016 with a myriad of life threatening injuries including global brain damage that had left the SC brain dead. Subsequently, it was learned that the SC suffered from a tibia fracture, lacerated spleen, a liver contusion, a posterior rib fracture, and a skull fracture. SC did not survive the injuries and was taken off life support over a course of two days. SM and PS, provided information that the child fell off the bed onto a carpeted floor and was limping and complaining of pain on 11/27/16. Neither adult sought medical attention for the SC.

**Determination:** Indicated

**Date of Determination:** 03/27/2017

**Basis for Determination:**



The allegation of S/D/S, FX, XCP, IG, L/B/W and II was substantiated against the PS based on the autopsy findings and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries. ACS reported that the medical examiner ruled the SC's death a homicide.

ACS substantiated the allegation of IG and LMC, against the SM and PS, as the SC had rug burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, but SM nor PS took the SC for medical care to address the SC's injuries.

**OCFS Review Results:**

The determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/28/2016	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Lack of Medical Care	Indicated	No
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Inadequate Guardianship	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Lack of Medical Care	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Swelling / Dislocations / Sprains	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Inadequate Guardianship	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Fractures	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Lacerations / Bruises / Welts	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Excessive Corporal Punishment	Indicated	
	16982 - Deceased Child, Male, 3 Years	16990 - Mother's Partner, Female, 24 Years	Internal Injuries	Indicated	

**Report Summary:**

At around 4:30 p.m. on 11/28/2016, SC (age 3), was without a pulse, had blood coming from his nose and mouth and was covered in feces. SC had a faint pulse and was in grave condition. PS, name was unknown, and he had no reasonable explanation for SC's injuries.

**Determination:** Indicated

**Date of Determination:** 03/27/2017

**Basis for Determination:**

The allegation of FX, XCP, IG, L,B,W, II, and S/D/S was substantiated against the PS based on the autopsy findings and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries. ACS reported that the medical examiner ruled the SC's death a homicide.

ACS substantiated the allegation of IG and LMC, against the SM and PS, as the SC had bruising burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, neither SM or PS took the SC



for medical care to address the SC's injuries.

**OCFS Review Results:**  
The determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/28/2016	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Fractures	Indicated	No
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Lacerations / Bruises / Welts	Indicated	
	16984 - Deceased Child, Male, 3 Years	16992 - Mother, Female, 24 Years	Inadequate Guardianship	Indicated	
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Excessive Corporal Punishment	Indicated	
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Internal Injuries	Indicated	
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Lack of Medical Care	Indicated	
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Swelling / Dislocations / Sprains	Indicated	
	16984 - Deceased Child, Male, 3 Years	16993 - Mother's Partner, Male, 24 Years	Inadequate Guardianship	Indicated	
	16984 - Deceased Child, Male, 3 Years	16992 - Mother, Female, 24 Years	Lack of Medical Care	Indicated	

**Report Summary:**  
On 11/28/16, while in the care of PS, SC (age 3) sustained a fractured skull, a subdural hematoma, a bruise on his left cheek, and was found covered in feces and urine. The explanation that the child fell in the bathtub is not consistent with the severity of the injuries. The role of SM is unknown.

**Determination:** Indicated **Date of Determination:** 03/27/2017

**Basis for Determination:**  
The allegation of S/D/S, FX, XCP, IG, L/B/W and II was substantiated against the PS based on the autopsy findings and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries. ACS reported that the medical examiner ruled the SC's death a homicide.

ACS substantiated the allegations of IG and LMC, against the SM and PS, as the SC had bruising burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, neither SM or PS took the SC for medical care to address the SC's injuries.

**OCFS Review Results:**  
The determination was appropriate.

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

Date of SCR	Alleged	Alleged	Allegation(s)	Status/Outcome	Compliance
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Report	Victim(s)	Perpetrator(s)			Issue(s)
11/28/2016	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Fractures	Indicated	No
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Lacerations / Bruises / Welts	Indicated	
	16985 - Deceased Child, Male, 3 Years	16994 - Mother, Female, 24 Years	Inadequate Guardianship	Indicated	
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Excessive Corporal Punishment	Indicated	
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Internal Injuries	Indicated	
	16985 - Deceased Child, Male, 3 Years	16994 - Mother, Female, 24 Years	Lack of Medical Care	Indicated	
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Inadequate Guardianship	Indicated	
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Lack of Medical Care	Indicated	
	16985 - Deceased Child, Male, 3 Years	16995 - Mother's Partner, Male, 24 Years	Swelling / Dislocations / Sprains	Indicated	

**Report Summary:**

SC (age 3) is brain dead and not expected to survive. SC sustained a brain injury, bleeding from his nose and a bruise under his lip while in the care of the PS. The explanation provided by the PS is inconsistent with the severity of the SC's injuries.

**Determination:** Indicated**Date of Determination:** 03/27/2017**Basis for Determination:**

The allegation of S/D/S, XCP, IG, L,B,W, II was substantiated against the PS based on the autopsy findings and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries. ACS reported that the medical examiner ruled the SC's death a homicide.

ACS substantiated the allegations of IG and LMC, against the SM and PS. The SC had rug burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, neither SM nor PS took the SC for medical care to address the SC's injuries. ACS reported that the SM admitted the SC injured himself.

**OCFS Review Results:**

The determination was appropriate.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/26/2016	16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Excessive Corporal Punishment	Indicated	No
	16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Fractures	Indicated	
	16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Inadequate Guardianship	Indicated	



16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Internal Injuries	Indicated
16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Lack of Medical Care	Indicated
16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Swelling / Dislocations / Sprains	Indicated
16981 - Deceased Child, Male, 3 Years	16988 - Mother, Female, 24 Years	Excessive Corporal Punishment	Unfounded
16981 - Deceased Child, Male, 3 Years	16988 - Mother, Female, 24 Years	Lack of Medical Care	Indicated
16981 - Deceased Child, Male, 3 Years	16989 - Mother's Partner, Male, 24 Years	Lacerations / Bruises / Welts	Indicated
16981 - Deceased Child, Male, 3 Years	16988 - Mother, Female, 24 Years	Inadequate Guardianship	Indicated

**Report Summary:**

The SM and PS used the vicious pit bull to scare and intimidate SC (age 3). The adults force the child into the dog cage for hours as an excessive form of punishment. PS hits and chokes SM in the presence of SC. At times the PS strikes the SC resulting in marks and bruises. The home is filthy and the floors are covered in dog feces. There is minimal food in the residence. The adults are selling marijuana and cocaine out of the home.

**Determination:** Indicated

**Date of Determination:** 03/27/2017

**Basis for Determination:**

The allegation of FX, XCP, IG, L/B/W and II were substantiated against the PS based on the autopsy findings and the police reports. ACS found that the SC did not have any pre-existing conditions. The explanations provided by the adults were not consistent with the SC's injuries. ACS reported that the medical examiner ruled the SC's death a homicide.

ACS substantiated the allegation of IG and MN, against the SM and PS, as the SC had bruising burn on his left shoulder and left eye and was limping on his left leg. ACS reported that the SC complained of pain, neither SM or PS took the SC for medical care to address the SC's injuries.

**OCFS Review Results:**

The determination was appropriate.

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

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

As an adult, the PS was known in three reports dated 6/2/12, 8/15/12, and 5/31/14.

The 6/2/12 report was regarding the PS' nephew. The 6/2/12 report alleged C/T/S, IG, L/B/W and S/D/S of the PS' nephew by the PS. The report allegations were substantiated. The PS choked his 5-year-old nephew leaving marks, swelling and bruising on the child's neck. On 7/31/12 the report was indicated and the family was referred for community based services.

The 8/15/12 SCR report alleged B/S, IG, L/B/W, and LS of the male child by the PS and the child's mother (female paramour) was unsubstantiated. The child had suspicious 2nd degree burns at the top of both hands and his front left leg with bruising on his right cheek. The report was unfounded on 10/2/12.



The 5/31/14 SCR report involved the PS's female paramour and her two children. The PS was not the father of his paramour's children. The report alleged that at about 4:00 a.m. on 5/31/14, the mother physically assaulted the PS, hitting him with a baseball bat in the presence of the 4-year-old child. The mother was arrested. The PS had an unknown role. The mother was arrested due to the incident in which the PS sustained a bruise. On 7/15/14, the allegation of IG of the child by the mother was substantiated and the report was indicated.

### Known CPS History Outside of NYS

There is no known CPS History outside of NYS.

### Required Action(s)

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

Yes  No

### Preventive Services History

There is no record of Preventive Services History provided to the deceased child, the deceased child's siblings, and/or the other children residing in the deceased child's household at the time of the fatality.

### Casework Contacts

	Yes	No	N/A	Unable to Determine
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Required Action(s)

Are there Required Actions related to the compliance issues for provision of Foster Care Services?

Yes  No

### Foster Care Placement History





There is no record of foster care placement history provided to the deceased child, the deceased child's siblings, and/or the other children residing in the deceased child's household at the time of the fatality.

### Legal History Within Three Years Prior to the Fatality

**Was there any legal activity within three years prior to the fatality investigation?** There was no legal activity

### 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