Report Identification Number: RO-14-020 Prepared by: Rochester Regional Office

Issue Date: 5/5/2015

This	s 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.
\boxtimes	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.

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Abbreviations

Relationships								
BM-Biological Mother	SM-Subject Mother	SC-Subject Child						
BF-Biological Father	SF-Subject Father	OC-Other Child						
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father						
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider						
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father						
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle						
	Contacts							
LE-Law Enforcement	CW-Case Worker	CP-Case Planner						
DrDoctor	ME-Medical Examiner	EMS-Emergency Medical Services						
DC-Day Care	FD-Fire Department	BM-Biological Mother						
CPR-Cardio-pulmonary Resuscitation								
	Allegations							
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts						
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding						
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse						
CD/A-Child's Drug/Alcohol Use	MN-Medical Neglect	EdN-Educational Neglect						
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive						
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision						
Ab-Abandonment	OTH/COI-Others							
	Miscellaneous							
IND-Indicated	UNF-Unfounded	SO-Sexual Offender						
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence						
LDSS-Local Department of Social	ACS-Administration for Children's	NYPD-New York City Police						
Service	Services	Department						
PPRS-Purchased Preventive								
Rehabilitative Services								

Case Information

Report Type: Child Deceased **Jurisdiction:** Monroe **Date of Death:** 10/14/2014

Age: 11 month(s) Gender: Male Initial Date OCFS Notified: 10/14/2014

Presenting Information

The SC experienced oxygen loss at birth and he was medically fragile. He resided with his BM and 2 half-sisters. The SC died while in the care of his BF. The alarm on the SC's oxygen machine went off and the father had fallen asleep and did not hear the alarm.

Executive Summary

The family had an open preventive day care services case through Monroe County Department of Health and Human Services (MCDHS). The SC child was born with multiple medical complications he required oxygen 24/7 and frequent suction. The SC lived with his BM, and 2 OC. On the night of October 14, 2014 the BM left the SC with his BF during the night the BF fell asleep and did not hear the alarm ringing on the oxygen machine and the SC stopped breathing. The BF called Emergency Medical Services and the SC was taken to the hospital where he was pronounced deceased. The cause and manner of death is still pending with Monroe County Medical Examiner's office.

MCDHS received 2 SCR reports on 11/9/11, and 6/26/12 regarding the 2 OC. The subject was the BM with allegations of IG, and P/D/AM. MCDHS made all appropriate collateral contacts, referrals' to service providers and assessed safety and risk at each visit. The SCR reports of 11/9/11 and 6/26/12 were appropriately unfounded and closed. MCDHS received and SCR report on 4/2/14 with allegations of IG regarding the 2 OC and the SC the subject was the BM, the report was assigned to MCDHS FAR team. The reports alleged the BM was refusing to comply with training provided by the hospital for the care of the SC upon his release. MCDHS assisted the BM with completing training and the SC was discharged from the hospital. MCDHS also provided the BM with preventive day care for the 2 OC so the BM could attend to the needs of the SC. The SCR report of 4/2/14 was closed on 6/17/14 with on-going preventive day care for the 2 OC. There are no required actions.

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?

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.

Yes

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• Was the determination n	nade by the district to un	nfound or indicate	Yes
appropriate?	·		
Was the decision to close the cas	• • •		Yes
Was casework activity commens regulatory requirements?	surate with appropriate	and relevant statutory of	or Yes
Was there sufficient documenta	tion of supervisory cons	ultation?	Yes, the case record has detail of
vvas there sufficient documenta	tion of supervisory cons	untation.	the consultation.
	Required Actions	Related to the Fatality	
Are there Required Actions rela	ated to the compliance is	sue(s)? □Yes ⊠No	
Fatal	ity-Related Informati	on and Investigative	Activities
	Incident	Information	
Date of Death: 10/14/2014		Time of Death: 08:30	AM
County where fatality incident (occurred:	MONROE	3
Was 911 or local emergency nui	mber called?	Yes	
Time of Call:		08:00 AM	
Did EMS to respond to the scen		Yes	
At time of incident leading to de		hol or drugs? No	
Child's activity at time of incide			5
⊠ Sleeping	☐ Working		Driving / Vehicle occupant
☐ Playing	☐ Eating	L	Unknown
☐ Other			
Did child have supervision at tir	ne of incident leading to	death? Yes	
Is the caretaker listed in the Ho	usehold Composition? Y	'es - Caregiver	
At time of incident supervisor wimpaired.	vas: Not		
Total number of deaths at incid Children ages 0-18: 1	ent event:		

Deceased Child's Household	Deceased Child	No Role	Male	11 Month(s)

Role

Gender

Age

Household Composition at time of Fatality

Relationship

Household

Deceased Child's Household	Father	No Role	Male	33 Year(s)
Deceased Child's Household	Mother	No Role	Female	26 Year(s)
Deceased Child's Household	Sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Female	6 Year(s)

LDSS Response

On 4/2/14 MCDHS received an SCR report regarding the SC and the 2 OC with allegations of IG the subject was the BM, the report was assigned to MCDHS FAR team. The report stated the the SC was due to be released from the hospital and the BM has no complied with training on how to care for the SC upon his release. MCDHS assisted the BM with completing necessary training and the SC was discharged from the hospital. MCDHS also provided the BM with preventive day care for the 2 OC so the BM could attend to the needs of the SC. The SCR report of 4/2/14 was closed on 6/17/14 with on-going preventive day care for the 2 OC.

Upon learning of the SC death MCDHS notified the RRO of the death of a child in an open preventive services case. MCDHS made multiple home visits with the BM and 2 OC at each visit MCDHS assessed the home for safety and risk. MCDHS made all appropriate referrals for services. Preventive day care were extended to assist the BM in completing job search obligation. The BM was able to secure a full-time job, preventive day care was closed on 1/31/15.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Hospital physician

Multidisciplinary Investigation/Review

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

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	\boxtimes			
When appropriate, children were interviewed?	\boxtimes			
Contact with source?			×	
All appropriate Collaterals contacted?	×			
Was a death-scene investigation performed?			×	

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Legal Activity Related to the	e Fatali	ity							
	Legal Activity Deleted to the Fetality								
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?			×] ——		
		Yes	N	0	N/A	Unab Deter			
Placement Activities in Response to the	Fatality	y Investiga	tion						
	•			•					
When safety factors were present that placed the surviving siblings/other children in the household in impending or immedia danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	te	×]		
Are there any safety issues that need to be referred back to the lood district?	cal		×]		
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	5	X]		
At 30 days?		X]					
At 7 days?		×							
Was there an adequate safety assessment of impending or immeding the household named in the report: Within 24 hours?	iate da	inger to s	urvivir		lings/oth	ner childi			
Were there any surviving siblings or other children in the householder of the children in th		X					<u> </u>		
		Yes	N	0	N/A	Unab Deter			
Fatality Safety Assessment	Activiti	es							
		·			·				
Was there timely entry of progress notes and other required documentation?	×								
				Σ	₫				

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

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

Explain:

The BM was offered grief counseling after the death of the SC, but she declined services. MCDHS extended preventive day care for the siblings until 1/31/15.

History Prior to the Fatality

Child Information

Did the child have a history of alleged child abuse/maltreatment? 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

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		Infants Under One	Year Old		
During pregnance	ov mothor				
· ·	omplications / infections	g.	☐ Had heavy alco	shol use	
	the-counter or prescripti		☐ Smoked tobacc		
		on drugs			
☐ Experienced de		amu af tha iaguag ligta	☐ Used illicit dru	gs	
was not noted	in the case record to na	ve any of the issues liste	a		
Infant was born: ☐ Drug exposed ☑ With neither o	f the issues listed noted	in case record	☐ With fetal alcol	hol effects or sync	lrome
	CPS - Investig	gative History Three	Years Prior to the F	atality	
Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
06/26/2012	1065-Sibling,Female, 6 Years	1064-Mother,Female, 26 Years	Inadequate Guardianship	Unfounded	No
	1065-Sibling,Female, 6 Years	1064-Mother,Female, 26 Years	Parents Drug / Alcohol Misuse	Unfounded	
	1066-Sibling,Female, 3 Years	1064-Mother,Female, 26 Years	Inadequate Guardianship	Unfounded	
	1066-Sibling,Female, 3 Years	1064-Mother,Female, 26 Years	Parents Drug / Alcohol Misuse	Unfounded	
2 BF's were listed impairment in the children alone on	an SCR report with allowing as no role. The report as presence of the childrent a regular basis.	alleged the BM drinks alo	regarding the 2 half-siste cohol to intoxication and ala for the 7 month old ba	smokes marijuan aby. The BM also	a to
Determination: \(\)			Date of Determination	: 07/27/2012	
	to drinking alcohol and		reported that she does no BF assisted when needed		

MCDHS conducted an adequate investigation. **Are there Required Actions related to the compliance issue(s)?** □Yes ⊠No

for all allegations of abuse and maltreatment.

OCFS Review Results:

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/02/2014	1069-Sibling, Female, 6	1068-Mother, Female, 26	Inadequate	Far-Closed	No

and risk assessments, implemented safety plans when needed, and gathered sufficient information to make determinations

	Years	Years	Guardianship				
	1070-Sibling, Female, 3	1068-Mother, Female, 26	Inadequate	Ear Classed			
	Years	Years	Guardianship	Far-Closed			
Report Summary:							
MCDHS received	an SCR report with alleg	ations of IG regarding the	SC, the subject was	the BM. The 2 ha	alf-sisters and		
the BF's were liste	d as no role. The report a	lleged the BM was refusir	ng medical training of	on how to care for	the SC as a		
result the hospital	cannot safely discharge t	he SC.					
OCFS Review Re	sults:						
MCDHS complete	ed safety and risk assessm	nents, implemented safety	plans when needed,	gathered sufficien	nt information.		
MCDHS did exceptional work with the family.							
Are there Required Actions related to the compliance issue(s)? □Yes ⊠No							

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

MCDHS received an SCR report on 11/9/11 with allegations of PD/AM and IG regarding the half-sisters, the subject of the report was the BM. MCDHS conducted a safety assessment of immediate danger within 24 hours, completed safety and risk assessments, implemented safety plans when needed, and gathered sufficient information to make a determinations for all allegations of abuse and maltreatment The SCR report of 11/9/11 was unfounded and closed on 12/5/11.

Known CPS History Outside of NYS

There is no CPS history outside of NYS

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes Date the preventive services case was opened: 05/20/2014

Evaluative Review of Services that were Open at the Time of the Fatality

	Yes	No	N/A	Unable to Determine
Did the service provider(s) comply with the timeliness and content requirements for progress notes?	X			
Did the services provided meet the service needs as outlined in the case record?	X			
Did all service providers comply with mandated reporter requirements?	×			
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?		X		

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Casework Contacts				
	Yes	No	N/A	Unable to Determine
Did the service provider comply with case work contacts, including face-to-face contact as required by regulations pertaining to the program choice?	×			
Were face-to-face contacts with the child in the child's placement location made with the required frequency?	×			
Services Provided				
	Yes	No	N/A	Unable to Determine
Were services provided to siblings/other children in the household as necessary to achieve safety, permanency, and well-being?	X			
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	X			
Family Assessment and Service Plan	ı (FASP)			
	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	X			
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	X			
Provider				
	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	X			
Additional information, if necessary: The family recieved preventive daycare services.				

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Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ? □Yes ⊠No								
Preventive Ser	vices History							
MCDHS opened a preventive day care case on 5/20/14. The refragile child and the 2 half-sisters. MCDHS continued to provious offered grief counseling but declined services. The prevention	ide day care f	or the 2 half	-sisters, afte	er the SC di				
Family Assessment Service Planning (FASP)								
	Yes	No	N/A	Unable to	Determine			
Was the most recent required FASP approved on time?	×							
	l .			1				
Casework	Contacts							
					TT 11 (
		Yes	No	N/A	Unable to Determine			
Were face-to-face contacts with the child in the child's place location made with the required frequency?	cement	X						
Required A	Action(s)							
Are there Required Actions related to the compliance issue □Yes ☑No	es for provisi	on of Foste	r Care Serv	vices?				
Foster Care Plac	ement History	7						
There is no record of foster care placement history provided to other children residing in the deceased child's household at the			eceased chi	ld's sibling	s, and/or the			
Legal History Within Three	Years Prior to	the Fatality						
Was there any legal activity within three years prior to the	fatality inve	estigation?	There was no	o legal activ	vity			
Recommende	ed Action(s)							
Are there any recommended actions for local or state admi	inistrative or	· policy char	nges? □Y	es ⊠No				
Are there any recommended prevention activities resulting	g from the re	view? □Y	es 🗵 No					

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