



Report Identification Number: AL-15-013

Prepared by: Albany Regional Office

Issue Date: 12/23/2015

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
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	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 Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services		

Case Information



NYS Office of Children and Family Services - Child Fatality Report

Report Type: Child Deceased
Age: 1 year(s)

Jurisdiction: Albany
Gender: Male

Date of Death: 06/02/2015
Initial Date OCFS Notified: 06/02/2015

Presenting Information

The initial report dated May 31, 2015 stated the 18 month old male child was left unattended by his father in the bathtub during a weekend visitation. It was reported the father left the bathroom to check on something cooking on the stove and when he returned the child was unresponsive and floating. The child was hospitalized on life support and passed away on June 2, 2015. A subsequent report dated June 2, 2015 was made with allegations of DOA/Fatality against the father.

Executive Summary

On 5/31/15 ACDCYF received an SCR report involving allegations of IG and LOS against the father regarding his 1 ½ yr. and 2 ½ yr. old children. The initial report stated the father was bathing the 2 children and left the bathroom to check on food he remembered he had cooking on the stove. When the father returned to the bathroom he found the SC unresponsive. The father grabbed the SC and ran to a neighbor who was an EMT and CPR was initiated. It is unknown what actions the father took in regards to the 2 1/2 yr. old The child was transported to the hospital and remained on life support until his death on 6/2/15. Following his death on 6/2/15 a subsequent report was made alleging DOA/Fatality and Lack of Supervision against the father. The cause of death is believed to be the result of drowning but the final autopsy report has not yet been received.

Both parents are developmentally delayed and concerns by family members had been expressed to ACDCYF over their ability to care for the children. The parents have a history of domestic violence. Albany City Court issued a stay away OOP against the father in June 2012. The order was granted following an incident between the parents whereby the mother sustained a broken nose. The order remained in effect until September 2014. At the time the OOP was issued the mother was pregnant with the surviving sibling. Despite the order the parents continued to have contact and conceived the SC.

The mother of the SC has a history of homelessness and often residing in a shelter. The maternal grandmother has been a resource for the mother and the mother has often resided with her. Since the birth of the SC the mother was present when the father visited the children. The father petitioned the Albany County Family Court for visitation he was granted unsupervised visitation on April 13, 2015. Prior to the death of the child, the father had 4 weekends of unsupervised visitation. The father resided with a church member and that individual reported no concerns with the father and the care he provided for the children. The mother of the SC had spent time with the father and children during the father's visitation the weekend of the incident that resulted in the SC's death. She provided details around the time she spent with the father and children and no concerns regarding that time were identified by her.

Following the death of the SC the surviving sibling returned to the home of the mother. Initially, all visitations with the father were stopped and subsequently there was a modification of the prior Family Court Order whereby the father was granted supervised visitation.

On August 11, 2015 ACDCYF determined the report of 6/2/15 to be indicated against the father for DOA/Fatality and Lack of Supervision based on the father's failure to properly supervise the children when in the tub, resulting in

the SC becoming unresponsive and later passing away. The allegation LOS against the father regarding the sibling was also substantiated. At the time of determination the case remained opened for services.

The mother was pregnant with the father’s child at the time of the SC's death and she subsequently gave birth to a male child in 10/2015. A Preventive Service case has been opened. Although the mother repeatedly states she does not want Preventive Services there has been involvement with both mother and father. Both parents are developmentally delayed and have different limitations. Concerns regarding both parents ability to provide adequate care for the children have been expressed by service providers. Currently, both parents have separate residences. The MGM resides with the mother and the father continues to reside with a church member.

ACDCYF submitted a referral to their legal department for a Neglect Petition to be filed. There remains an open services case on the family.

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:

There was ongoing activity with the mother and father during this investigation.

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:

The case remains open for long term CPS.

Required Actions Related to the Fatality

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



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Issue:	Timely/Adequate Seven Day Assessment
Summary:	No seven-day safety assessment was completed.
Legal Reference:	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
Action:	ACDCYF must take steps to make sure that prior to the approval of a case determination all required safety assessments have been completed and approved.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 06/02/2015

Time of Death:

Date of fatal incident, if different than date of death: 05/31/2015

Time of fatal incident, if different than time of death: 08:40 AM

County where fatality incident occurred:

ALBANY

Was 911 or local emergency number called?

Yes

Time of Call:

08:48 AM

Did EMS to 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: bathing

Did child have supervision at time of incident leading to death? No - but needed

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

Total number of deaths at incident event:

Children ages 0-18: 1

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim		1 Year(s)
Deceased Child's Household	Grandparent	No Role	Female	46 Year(s)
Deceased Child's Household	Mother	No Role	Female	23 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Female	2 Year(s)
Other Household 1	Father	Alleged Perpetrator	Male	23 Year(s)



Other Household 1	Unrelated Home Member	No Role	Female	68 Year(s)
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LDSS Response

On 6/2/15 the SC passed away after being hospitalized on 5/31/15. On 5/31/15 the SC was found unresponsive in the bathtub at his father's residence and was hospitalized on life support. The incident occurred during the father's visitation with his 2 children. Prior to the death of the SC, ACDCYF had already initiated an investigation into the incident. ACDCYF completed interviews with the police, parents, hospital staff and pertinent collateral sources. ACDCYF learned the mother resided with SC and surviving sibling and MGM in a local shelter. The father resided with a church member. He had been having unsupervised weekend visitation since 4/15. Immediately following the incident the mother agreed not to allow the father to have any unsupervised contact. The mother subsequently went back to Family Court and obtained a modification of the order to supervised visitation for the father.

The father stated he started bathing both children and remembered he had food cooking on the stove. He left the bathroom to remove the food and reported he was gone "less than a minute." He returned to the bathroom and found the SC floating and unresponsive and his sibling playing in the tub. He grabbed the SC and went to a neighbor he knew was an EMT to do CPR. He stated he left the sibling in the tub and the water had been let out. He stated he panicked. The neighbor's wife went to his home after CPR was started. He denied ever leaving the children alone in the tub before. The mother, neighbors and 1st responders received the same details from the father. ACDCYF observed the father's residence and the bathroom where the incident occurred. The father showed the water level to be about a foot at the time. The individual with whom the father resided stated the father had just recently been granted weekend visitation and from her observations she believed he was doing a good job and had no concerns regarding his care of the children.

The area in which the mother resided was observed and there was contact with shelter staff. Other than housekeeping issues no concerns were identified. The surviving sibling was observed but would not engage in conversation. During additional visits to the mother's residence the MGM was often present with the sibling. The cleanliness of the residence was repeatedly addressed as well as observations around the care of the sibling. The mother, sibling and MGM moved into a new residence during the investigation and cleanliness has continued to be an ongoing concern.

It was learned from contacts with collateral sources both parents were developmentally delayed and previously concerns had been expressed to ACDCYF regarding their ability to adequately parent the children. Services were offered but refused. The mother was pregnant with the father's child at the time of the SC's death. The parent's were not residing together at this time and the father was not consistent in maintaining visits with the sibling. He stated it was due to difficulty in getting someone to supervise visits. The father has engaged with Preventive Services and appropriate supervision has been found.

A referral for Public Health Nursing was made since the mother was pregnant to monitor the mother's blood pressure and health. The PHN noted the services are voluntary. PHN expressed concern about mother's ability to care for sibling and new infant. ACDCYF shared Early Intervention Services and Healthy Families Preventive Services were involved.

On 8/11/15 report was indicated against father for DOA/Fatality and LOS. Case remained open for services to both parents . The mother and MGM were reluctant to services and repeatedly stated services were no longer wanted. Safe sleep was an on-going issue addressed with the mother.

In 10/2015 mother gave birth to a baby boy. Since the child's birth it has been noted by service providers that both parents exhibit difficulty in caring for two children at the same time. Services continue.



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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

Comments: ACDCYF worked with law enforcement and the case was reviewed at a CFRT meeting in June 2015.

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? Yes

Comments: The CRFT meeting was held on June 9, 2015. Information from several sources was shared.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
021421 - Deceased Child, , 1 Yrs	021901 - Father, Male, 23 Year(s)	DOA / Fatality	Substantiated
021421 - Deceased Child, , 1 Yrs	021901 - Father, Male, 23 Year(s)	Inadequate Guardianship	Substantiated
021421 - Deceased Child, , 1 Yrs	021901 - Father, Male, 23 Year(s)	Lack of Supervision	Substantiated
022421 - Sibling, Female, 2 Year(s)	021901 - Father, Male, 23 Year(s)	Lack of Supervision	Substantiated
022421 - Sibling, Female, 2 Year(s)	021901 - Father, Male, 23 Year(s)	Inadequate Guardianship	Substantiated

CPS Fatality Casework/Investigative Activities

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



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Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Placement Activities in Response to the Fatality Investigation



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	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 and placed in foster care at any time during this fatality investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving siblings/other children in the household removed as a result of this fatality report/investigation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Legal Activity Related to the Fatality

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

Have any Orders of Protection been issued? No

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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



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resources							
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>				

Additional information, if necessary:

The case remained opened for services and there was a referral for Preventive Services. the mother was pregnant with the father's child and a referral for a PHN to monitor the mother's blood pressure and weight was made. The surviving sibling was referred for Early Intervention Services. Parenting skills were provided to both parent's.

Were services provided to siblings or other children in the household to address any immediate needs and support their well-being in response to the fatality? N/A

Explain:

The surviving sibling returned to the mother's home. Visitation with the father was stopped temporarily and then returned to supervised visitation.

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

Explain:

Both parents are developmentally delayed in different areas and preventive services were provided. The mother and MGM continue to say services are not wanted but have continued. The father has engaged in preventive services. the surviving sibling receives early intervention and speech therapy.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment?** No
- 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)
03/07/2013	5625 - Sibling, Female, 18 Days	5623 - Mother, Female, 21 Years	Inadequate Guardianship	Unfounded	Yes
	5625 - Sibling, Female, 18 Days	5624 - Father, Male, 22 Years	Inadequate Guardianship	Unfounded	

Report Summary:



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The report alleged the parents have limited mental capacity and are unable to properly care for the then two-week-old surviving sibling due to their limitations. On 4/2/13 ACDCYF a subsequent report alleging the father assaulted the mother in the presence of the surviving was consolidated into this investigation. On 4/17/13 another subsequent report alleging the father was not taking his prescribed medication for anger management resulting in the father becoming physically and verbally aggressive toward the mother was consolidated into this report. It was also stated there was an OOP in effect against the father prohibiting contact with the mother.

Determination: Unfounded **Date of Determination:** 05/10/2013

Basis for Determination:
The investigation found the parents were observed by ACDCYF to interact positively with the child and appeared to have bonded with her. The father was easily distracted however the mother was the primary caretaker and did not leave the child unsupervised with him. The child was found to be clean and free of any marks or bruises. There were no safety concerns in the home. The parents denied the allegations and the mother was not observed with any marks or bruises. There were no police reports on calls to the home. No medical concerns regarding the child were identified. After the allegation of 4/17/13 the parents stopped responding to ACDCYF and no further contact was made.

OCFS Review Results:
OCFS found ACDCYF obtained information from observation and interviews with the parents to find the parents interacted positively with the child and appeared to have bonded with her. Medical providers did not have concerns regarding the child. The parents denied incidents of domestic violence between them and the mother was not observed with bruises. There were no police reports of calls to the home. However, the status and conditions of the OOP were not investigated. After 4/17/15 the parents stopped responding to ACDCYF and no further contact was made. The parents also did not respond to PHN or respond to the referrals for Healthy Families and Early Intervention Services.

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

Issue:
Determination of Nature, Extent and Cause of Conditions (Report)

Summary:
Allegation of domestic violence was not completely investigated. The existence and conditions of an OOP against the father was not verified and possible violations identified and evaluated. Other than a phone contact with the mother following the report of 4/17/13 there was no further contact with the family. The parents did not keep appointments with PHN or act on referral for services.

Legal Reference:
18 NYCRR 432.2(b)(3)(ii)(d)

Action:
ACDCYF must take steps to make sure each allegation is completely investigated.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/14/2013	5631 - Sibling, Female, 3 Months	5629 - Mother, Female, 21 Years	Other	Unfounded	Yes
	5631 - Sibling, Female, 3 Months	5630 - Father, Male, 22 Years	Other	Unfounded	

Report Summary:
This was a court ordered investigation. The mother of the subject filed a custody petition for then 3 month old child due to a prior incident of domestic violence between the parents. There was a OOP issued in 2012. Despite the OOP the parents conceived a child together and resided together until April 2013.

Determination: Unfounded **Date of Determination:** 06/21/2013



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Basis for Determination:

ACDCYF was unable to make contact with the mother and child during this investigation. ACDCYF made phone contact with the father. The father reported he was too busy to meet with the worker. He denied any contact with the mother or child since court and having any contact information for the mother. ACDCYF had no contact information for the mother and learned the mother had gone to DSS to seek assistance with shelter. She was provided with paperwork and never returned. ACDCYF did call an area motel to see if the mother was there. Her whereabouts remained unknown throughout the course of this investigation.

OCFS Review Results:

OCFS found that ACDCYF did not attempt to contact the MGM to see if she knew the mother's whereabouts. During one attempted homevisit to the father's home male and female baby clothing was observed outside drying. There was no additional follow-up to discuss the observations with the father or additional attempts to go to the residence to see if the mother and child were there.

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

Issue:

Determination of Nature, Extent and Cause of Conditions (Report)

Summary:

ACDCYF attempted to meet with the parents to discuss the report. There were other sources of information that may have been explored to determine the validity of the allegations. During one attempted home visit baby clothes were seen outside drying. ACDCYF failed to follow-up to determine if mother and child were residing there in violation of OOP.

Legal Reference:

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

Action:

ACDCYF must obtain sufficient information to address each of the allegations as well as to make diligent efforts to investigative behavior that may place a child at risk.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
11/06/2013	5628 - Sibling, Female, 9 Months	5626 - Mother, Female, 21 Years	Inadequate Guardianship	Unfounded	No
	5628 - Sibling, Female, 9 Months	5627 - Father, Male, 22 Years	Inadequate Guardianship	Unfounded	

Report Summary:

The report alleged IG against the mother and father of the subject child. It was report a verbal argument between the parents escalated and the father pushed the mother while she was holding the 8 month old sibling. The report stated that no one was injured. Reportedly the parents had a history of being physical with one another and there was a Stay Away Order of Protection valid until 9/14. The parents continued to violate the order since they resided together. It was reported both parents are mentally limited and that impairs their ability to care for the child. At the time of this report the mother was pregnant with the subject child.

Determination: Unfounded

Date of Determination: 02/07/2014

Basis for Determination:

The investigation found it was plausible the parents did not understand the OOP was still in effect since both are limited. Both parents denied an incident of domestic violence and provided the same explanation as to what happened. Both parents stated the mother had come to father's home to get items for the child and it was the neighbors that were fighting. Child was observed and no injuries observed. There were no concerns around the care of the child from the pediatrician. The maternal grandmother resided with the mother to assist her in the care of the child. The father was arrested for



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violation of the OOP and a warrant was issued for the mother on the same charge

OCFS Review Results:

OCFS found ACDCYF had difficulty maintaining contact with the family through out this investigation. The mother and surviving sibling moved several times and after giving birth to the subject child moved in to an apartment with the maternal grandmother. The information the mother provided as to where she was residing was often unreliable. ACDCYF spoke with both parents and the maternal grandmother around the conditions of the existing OOP. During the investigation the mother and surviving sibling often could not be located and it raised concern as to if they were with the father. The record indicated the father resided in the home of another person.

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)
09/24/2014	5643 - Sibling, Female, 18 Months	5632 - Mother, Female, 22 Years	Other	Unfounded	No
	5643 - Sibling, Female, 18 Months	5644 - Father, Male, 23 Years	Other	Unfounded	
	5642 - Deceased Child, Male, 2 Months	5632 - Mother, Female, 22 Years	Other	Unfounded	
	5642 - Deceased Child, Male, 2 Months	5644 - Father, Male, 23 Years	Other	Unfounded	

Report Summary:

The CPS report was a court ordered investigation based on the father's petition to Family Court around visitation with his children.

Determination: Unfounded

Date of Determination: 02/25/2015

Basis for Determination:

The investigation found there was no prior indicated CPS history on this family. the mother expressed concerns the father has limitations. Both parents were described as "slow" and having cognitive limitations. The mother and father both spoke of prior incidents of domestic violence between the 2 of them. Both parents denied any drug or alcohol use. The mother had no concerns regarding the visitation she was supervising between the father and children. The children were observed, found to be medically up to date with developmental delays that were being addressed. No services were being provided. On 2/24/15 Family Court granted the father unsupervised visitation.

OCFS Review Results:

OCFS found ACDCYF spoke with the mother, father and maternal grandmother with whom the mother and children resided. The children were observed and found to be clean and appropriately dressed. The pediatrician was contacted and no concerns were identified. The parents did have a history of domestic violence but were not residing together.

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)
05/31/2015	5646 - Sibling, Female, 2 Years	5649 - Father, Male, 23 Years	Inadequate Guardianship	Indicated	No
	5645 - Deceased Child, Male, 19 Months	5649 - Father, Male, 23 Years	Inadequate Guardianship	Indicated	



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5645 - Deceased Child, Male, 19 Months	5649 - Father, Male, 23 Years	Lack of Supervision	Indicated
5646 - Sibling, Female, 2 Years	5649 - Father, Male, 23 Years	Lack of Supervision	Indicated

Report Summary:

On 5/31/15 it was reported the father left his two children ages 2 and 1 years old in the bathtub unsupervised. The father left the bathroom to check on food he had left cooking on the stove. When the father returned to the bathroom the SC was floating and unresponsive. The 2 yr. old child was playing in the tub. The father grabbed the child and went to a neighbor's home where CPR was initiated and 911 was called. The child was transported to the hospital and remained hospitalized for two days until he was removed from life support and passed away. The incident occurred during visitation with their father.

Determination: Indicated**Date of Determination:** 09/21/2015**Basis for Determination:**

The determination was based on the fact the father left his 2 children unsupervised in a bathtub filled with water to go into the kitchen to check on cooking food. Upon returning to the bathroom, the father found his 1yr. old child unresponsive and floating in the tub. The child subsequently passed away 2 days later.

OCFS Review Results:

OCFS found ACDCYF immediately initiated an investigation into the incident. ACDCYF assessed the safety of the surviving sibling and implemented a safety plan. Interviews were completed with the parents and other collateral contacts prior to the death.

ACDCYF continued to investigate and contact necessary parties following the death of the SC on receipt of subsequent report on 6/2/15.

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

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

The father of the subject child was alleged to be a maltreated child in 3 reports between 1993 and 2008. All 3 reports were indicated for allegations including I.G., Lacerations, Bruises, Welts, and Choking.

The mother of the subject child was alleged to be a maltreated child in 3 reports between 1993 and 2005. The 3 reports were indicated for allegations for Inadequate Food, Clothing and Shelter, IG and Sex Abuse.

Known CPS History Outside of NYS

There is no known history outside of New York State.

Services Open at the Time of the Fatality**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.

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?

Family Court Criminal Court Order of Protection

Have any Orders of Protection been issued? Yes

From: 06/01/2012

To: 09/01/2014

Explain:

Albany City Court issued a stay away Order of Protection against the father following an incident of domestic violence between the parents.

Additional Local District Comments

Based on the guidelines for consolidated reports, Albany Department of Children, Youth and Families would recommend that NYS OCFS have a process in place to consistently review CPS investigations which contain consolidated reports as one investigation.

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