



Report Identification Number: BU-20-032

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

Issue Date: May 11, 2021

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

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

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

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

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

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

This report may **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	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
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
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation	ASTO-Allowing Sex Abuse to Occur	



Case Information

Report Type: Child Deceased
Age: 2 month(s)

Jurisdiction: Erie
Gender: Female

Date of Death: 11/11/2020
Initial Date OCFS Notified: 11/13/2020

Presenting Information

An SCR report alleged on 10/16/20, the subject infant was in the care of the mother and father. At 4:00 AM, the father woke up and checked on the infant and the infant was breathing and sleeping in a bouncy seat in the parents' bedroom. At 8:00 AM, the mother woke and found the infant in her bouncy seat unconscious, not breathing, and had pooled blood around her nose. The father called 911. When first responders arrived shortly after, the infant was in the living room unconscious, not breathing, and the mother was trying to resuscitate the infant. The infant was transported to the hospital where she was intubated. While the infant was intubated from 10/16/20-11/11/20, the infant's eyes were fixed with no dilation and she had no gag reflex. On 11/11/20 at 2:40 PM, the infant was removed from life support and pronounced deceased. The infant was otherwise healthy.

Executive Summary

The Erie County Department of Social Services (ECDSS) received an SCR report regarding the death of the 2-month-old infant that occurred on 11/11/20. ECDSS had an open CPS investigation at the time, which was received on 10/16/20, after the infant was found unresponsive at home. At the time of the incident, the infant resided with her mother, father, 13, 9, 7, and 5-year-old siblings and twin sibling. The father had two additional children ages 8 and 6, that resided with their mother and visited the father. The 13-year-old sibling's father resided out of state and he visited the sibling. The 9 and 5-year-old siblings regularly visited their father and the 7-year-old sibling's father was deceased. The father's cousin, cousin's partner and their baby stayed at the parents' home on the night of the incident.

ECDSS conducted a joint investigation with law enforcement and learned that on the morning of 10/16/20, the mother woke at 7:45 AM and she checked on the infant who was sleeping in an infant swing on the floor next to the adult bed. The mother discovered the infant was bleeding from her nose and she was unresponsive. The mother placed the infant on the floor, and she began CPR while the father called 911. First responders arrived at 7:55 AM and took over life-saving measures. The infant was transported to the hospital via ambulance, where she was diagnosed with anoxic encephalopathy and placed on a ventilator. It was determined the infant had no brain activity and she was extubated and declared deceased on 11/11/20 at 3:40 PM.

An autopsy was performed, and the infant was found to be well-nourished and well-developed with no injuries. The examination revealed anoxic-ischemic encephalopathy and pneumonitis and toxicological testing showed anticonvulsant medication and a high level of morphine consistent with terminal comfort measures. The final autopsy report stated that "As the decedent's prolonged hospitalization precluded a pathological assessment at the time of the anoxic-ischemic event, and as it is unclear to what extent, if any, a potentially unsafe sleep environment may have contributed to death via asphyxiation, the cause and manner of death are best certified as Sudden Unexplained Death in Infancy/Undetermined." Law enforcement determined the infant's death was not suspicious and they closed their investigation with no charges filed.

During interviews the siblings disclosed that they were given the responsibility of caring for the twins, that they witnessed incidents of domestic violence between the parents and that the younger siblings were alone with the 13-year-old sibling, who was required to be supervised with other children. An Article 10 Neglect Petition was filed against the parents on 10/23/20 and a CPS Services case was opened. The 9 and 5-year-old siblings were remanded and released to the custody of their father. The 7-year-old sibling was placed in the custody of her maternal aunt under Article 1017 and the 13-year-old sibling remained in the mother's custody. The mother was temporarily barred from unsupervised contact with the



siblings. The father moved out of the home and he was barred from contact with the four oldest siblings and unsupervised contact with the twin sibling. The siblings returned to the mother’s custody in January 2021 with a one-year order of supervision. The mother engaged in mental health counseling and she was referred for domestic violence counseling and parenting services. The 13-year-old sibling remained engaged in counseling and the siblings were referred for bereavement services.

ECDSS substantiated the allegation of Inadequate Guardianship against the parents for placing the infant at risk of harm when they utilized an unsafe sleep environment despite having a portable crib for the infant to sleep in. The allegations of DOA/Fatality and Internal Injuries were unsubstantiated due to a lack of credible evidence that the parents’ actions caused the infant's death.

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:

ECDSS indicated the investigation and the case remained open for services.

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:

Casework activity was commensurate with best casework practice.

Required Actions Related to the Fatality

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



Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 11/11/2020

Time of Death: 03:40 PM

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

10/16/2020

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

Unknown

County where fatality incident occurred:

Erie

Was 911 or local emergency number called?

Yes

Time of Call:

Unknown

Did EMS respond to the scene?

Yes

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

N/A

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

How long before incident was the child last seen by caretaker? 3 Hours

At time of incident was supervisor impaired? Not impaired.

At time of incident supervisor was:

Distracted

Absent

Asleep

Other:

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	2 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	28 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	30 Year(s)
Deceased Child's Household	Sibling	No Role	Male	13 Year(s)
Deceased Child's Household	Sibling	No Role	Female	9 Year(s)
Deceased Child's Household	Sibling	No Role	Female	7 Year(s)
Deceased Child's Household	Sibling	No Role	Female	5 Year(s)
Deceased Child's Household	Sibling	No Role	Female	2 Month(s)
Other Household 1	Other Adult - 13-year-old Sibling's Father	No Role	Male	35 Year(s)
Other Household 2	Other Adult - 9 and 5-year-old Siblings' Father	No Role	Male	27 Year(s)
Other Household 3	Other Adult - 7-year-old Sibling's Father	No Role	Male	39 Year(s)



LDSS Response

ECDSS started investigating the incident upon receipt of the SCR report following the incident on 10/16/20. They conducted home visits and interviewed the siblings, the parents of the siblings and additional family members. They searched SCR history and spoke to the source of the report, hospital staff, school staff, law enforcement, the medical examiner, and the pediatrician.

Through interviews with the family it was learned that the twins were born at 31 weeks gestation and they were in the neonatal intensive care unit (NICU) for 34 days when they were discharged home on 9/30/20. On 10/15/20, the twins were seen by their pediatrician for well visits and they received immunizations. The twins appeared to be fine after the appointment and they were given infant Tylenol. Around midnight that night, the parents put the twins to sleep in infant swings that were positioned on either side of the parents' bed. The infant's swing was near the mother's side of the bed and the twin sibling was near the father's side. The twins were placed in the swings on their backs and on top of infant blankets. The father woke and fed the twin sibling around 3:30 AM and then the mother woke and fed the subject infant around 4:30 AM. The mother placed the infant back in the swing and they both fell back asleep. The mother woke up at 7:45 AM and she noticed there was blood coming out of the infant's nose. The mother picked the infant up and realized she wasn't breathing. The father called 911 and the mother performed CPR until law enforcement arrived and took over.

The siblings reported that the infant appeared to be fine when they went to bed. The 9 and 5-year-old siblings said they went upstairs, and they saw that the infant wasn't breathing, and their mother was pushing on the infant's chest. The 13 and 7-year-old siblings stated that they were asleep when the incident happened, and they woke up when law enforcement arrived. The siblings described incidents of violence between the parents and stated that law enforcement was called to the home when the parents were fighting. The 9, 7 and 5-year-old siblings shared that they often cared for the twins and they had to make the twins bottles with iron drops. The twin sibling received a full medical evaluation after the infant's death and she was assessed to have no injuries. The father's two additional children were not in the home on the night of the incident. They were interviewed at their mother's home and they had no information about the incident or concerns to report.

The father's cousin and the cousin's partner reported that everyone was sleeping when they arrived at the home around midnight and they woke up in the morning when the mother yelled that the infant wasn't breathing. They had no concerns for the parents' care of the children.

Pediatrician records confirmed that the twins were seen for their two-month well visit on 10/15/20, and they were found to be healthy with no concerns. EMS reported that they suctioned blood and milk out of the infant's airway upon arrival. They did not observe any trauma or bruising, and they were able to regain a pulse in the ambulance in route to the hospital. Hospital records showed that the infant was assessed to have no injuries or trauma and the cause of the infant going into cardiac arrest was not determined. The infant was removed from life support on 11/11/20 and passed that afternoon.

Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes



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

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
056921 - Deceased Child, Female, 2 Month(s)	056922 - Mother, Female, 30 Year(s)	Inadequate Guardianship	Substantiated
056921 - Deceased Child, Female, 2 Month(s)	056923 - Father, Male, 28 Year(s)	Inadequate Guardianship	Substantiated
056921 - Deceased Child, Female, 2 Month(s)	056922 - Mother, Female, 30 Year(s)	DOA / Fatality	Unsubstantiated
056921 - Deceased Child, Female, 2 Month(s)	056922 - Mother, Female, 30 Year(s)	Internal Injuries	Unsubstantiated
056921 - Deceased Child, Female, 2 Month(s)	056923 - Father, Male, 28 Year(s)	DOA / Fatality	Unsubstantiated
056921 - Deceased Child, Female, 2 Month(s)	056923 - Father, Male, 28 Year(s)	Internal Injuries	Unsubstantiated

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

Additional information:

The 13-year-old sibling's father resided out of state and he was not interviewed face-to-face. ECDSS made multiple attempts to reach him by phone, which were unsuccessful.

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

Explain:

ECDSS filed an Article 10 Neglect Petition and obtained court-ordered services.

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Explain as necessary:

The four youngest siblings were temporarily removed and placed with relatives.

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	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

Explain:

The siblings were referred for Early Intervention services and counseling services and the twin sibling received a full medical examination.



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

Explain:
The mother engaged in mental health counseling and the parents were offered funeral assistance and bereavement services.

History Prior to the Fatality

Child Information

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

Was the child ever placed outside of the home prior to the death? No

Were there any siblings ever placed outside of the home prior to this child's death? Yes

Was the child acutely ill during the two weeks before death? Yes

Infants Under One Year Old

During pregnancy, mother:

- Had medical complications / infections
- Misused over-the-counter or prescription drugs
- Experienced domestic violence
- Was not noted in the case record to have any of the issues listed
- Had heavy alcohol use
- Smoked tobacco
- Used illicit drugs

Infant was born:

- Drug exposed
- With neither of the issues listed noted in case record
- With fetal alcohol effects or syndrome

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
10/16/2020	Sibling, Male, 13 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 13 Years	Mother, Female, 30 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 9 Years	Mother, Female, 30 Years	Lack of Supervision	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated	
	Sibling, Female, 7 Years	Mother, Female, 30 Years	Lack of Supervision	Substantiated	



Sibling, Female, 5 Years	Mother, Female, 30 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 5 Years	Mother, Female, 30 Years	Lack of Supervision	Substantiated
Sibling, Male, 13 Years	Father, Male, 28 Years	Inadequate Guardianship	Substantiated
Sibling, Male, 13 Years	Father, Male, 28 Years	Lack of Supervision	Substantiated
Sibling, Female, 9 Years	Father, Male, 28 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 9 Years	Father, Male, 28 Years	Lack of Supervision	Substantiated
Sibling, Female, 7 Years	Father, Male, 28 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 7 Years	Father, Male, 28 Years	Lack of Supervision	Substantiated
Sibling, Female, 5 Years	Father, Male, 28 Years	Inadequate Guardianship	Substantiated
Sibling, Female, 5 Years	Father, Male, 28 Years	Lack of Supervision	Substantiated
Deceased Child, Female, 1 Months	Mother, Female, 30 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 1 Months	Mother, Female, 30 Years	Internal Injuries	Unsubstantiated
Sibling, Female, 1 Months	Mother, Female, 30 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Months	Mother, Female, 30 Years	Internal Injuries	Unsubstantiated
Deceased Child, Female, 1 Months	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Deceased Child, Female, 1 Months	Father, Male, 28 Years	Internal Injuries	Unsubstantiated
Sibling, Female, 1 Months	Father, Male, 28 Years	Inadequate Guardianship	Unsubstantiated
Sibling, Female, 1 Months	Father, Male, 28 Years	Internal Injuries	Unsubstantiated

Report Summary:

An SCR report alleged that on 10/16/20, around 8:00 AM, the infant was not breathing and had blood coming from her nose. The mother and father had no explanation for what happened to the infant. The father called 911 and EMS arrived and performed CPR. The infant did not have a pulse when transported to the hospital.

Report Determination: Indicated

Date of Determination: 01/30/2021

Basis for Determination:

The parents had physical altercations in the presence of the children and law enforcement was contacted on several occasions. The parents left the younger siblings alone with the 13-year-old sibling and he was supposed to be supervised around any other child and the 9, 5 and 7-year-old siblings helped care for the twins. An Article 10 Neglect Petition was filed and an order of protection was issued barring the father from any contact with the four siblings and any unsupervised contact with the twin sibling. IG and II was unsubstantiated regarding the twins. The cause of the subject infant's death was Sudden Unexplained Death in Infancy.

OCFS Review Results:

ECDSS conducted home visits and interviewed all household members and the father's two other children who resided



with their mother. Safety assessments and the RAP were completed timely and accurately. Relevant collaterals were contacted and court ordered services were obtained.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
09/14/2019	Other Child - Other Child , Female, 2 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Inadequate Guardianship	Substantiated	No
	Sibling, Male, 12 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Sexual Abuse	Substantiated	
	Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Sexual Abuse	Substantiated	
	Sibling, Male, 12 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Sexual Abuse	Substantiated	
	Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Sexual Abuse	Substantiated	
	Sibling, Male, 12 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Sexual Abuse	Substantiated	
	Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Sexual Abuse	Substantiated	
	Sibling, Male, 12 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 5 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 3 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 2 Years	Other Adult - 13-year-old Sibling's Father's Partner, Female, 28 Years	Inadequate Guardianship	Substantiated	
	Sibling, Male, 12 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
	Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 5 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 3 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
	Other Child - Other Child , Female, 2 Years	Other Adult - 13-year-old Sibling's Father, Male, 34 Years	Inadequate Guardianship	Substantiated	
Sibling, Male, 12 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Inadequate Guardianship	Substantiated		
Other Child - 6-year-old Child , Female, 6 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Inadequate Guardianship	Substantiated		



Other Child - Other Child , Female, 5 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Inadequate Guardianship	Substantiated
Other Child - Other Child , Female, 3 Years	Other Adult - 6-year-old Child's Uncle, Male, 21 Years	Inadequate Guardianship	Substantiated

Report Summary:

An SCR report alleged the 13-year-old sibling sexually abused a 6-year-old child for the previous 7 months. The 13-year-old sibling's father, his partner and the 6-year-old child's uncle were aware of the abuse and they failed to act to protect the children.

Report Determination: Indicated**Date of Determination:** 01/30/2020**Basis for Determination:**

Credible evidence was gathered that the 13-year-old sibling was sexually abusing a 6-year-old child. The child disclosed the abuse to her uncle and then the adults contacted law enforcement. Prior to the disclosure, the child's sibling had witnessed the abuse and notified the father and his partner, and they failed to act. The children disclosed that they had watched the sibling's father and his partner have sex on cameras in the home. The adults were using marijuana in the home and the father's partner had a history of mental health issues and she was not in treatment. An Article 10 Neglect Petition was filed against the three adults and the children were removed from the home.

OCFS Review Results:

ECDSS conducted home visits and interviewed all adults and children. Safety assessments and the RAP were completed timely and accurately. ECDSS contacted relevant collaterals and filed the necessary petitions to obtain court-ordered services. The 6-year-old child and her siblings were placed in the custody of relatives under Article 1017 and the 13-year-old sibling was placed in a residential setting in Foster Care and the case was opened for services.

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

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome	Compliance Issue(s)
08/13/2018	Other Child - Father's 8-year-old Child , Female, 5 Years	Father, Male, 26 Years	Inadequate Guardianship	Substantiated	No
	Other Child - Father's 6-year-old Child, Female, 3 Years	Father, Male, 26 Years	Inadequate Guardianship	Substantiated	

Report Summary:

Niagara County Department of Social Services (NCDSS) received an SCR report that alleged that in December of 2017, the father physically assaulted the mother of his two additional children while she was holding the youngest child in her arms.

Report Determination: Indicated**Date of Determination:** 10/14/2018**Basis for Determination:**

Credible evidence was gathered that there was a history of the father assaulting the mother of his two other children. The children's mother reported that they separated in March 2017 and in April 2017 the father went to her home and assaulted her in the presence of the children and while she was holding the youngest child. She disclosed a second incident occurred in December 2017. The father reported that she was the aggressor. The children reported that they saw the father hit their mother and they were scared. The children's mother filed for a stay-away order of protection and they moved into a DV shelter for their safety. The father no longer had visitation with the children.

OCFS Review Results:

NCDSS interviewed the children and their mother at the shelter and ECDSS interviewed the father at his home. The Safety Assessments and the RAP were completed timely and accurately. Relevant collaterals were contacted and the children were assessed to be safe with their mother.

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



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

8/22/10 SCR report was unsubstantiated against the mother for the allegations of IFCS and IG regarding the 13-year-old sibling and two other children.

12/2/11 SCR report was unsubstantiated against the mother and the 7-year-old sibling's father for the allegation of IFCS, against the mother for PD/AM and against the 7-year-old sibling's father for IG regarding the 13 and 9-year-old siblings.

3/4/14 and 3/7/14 SCR reports were substantiated against the mother and 7-year-old sibling's father for the allegation of IG regarding the 9 and 7-year-old siblings and against the 7-year-old sibling's father for PD/AM regarding the 9-year-old sibling.

6/9/16 SCR report was unsubstantiated against a daycare provider for the allegations of LS regarding the 9, 7 and 5-year-old siblings.

8/7/16, 8/19/16 and 9/6/16 SCR reports were substantiated against the mother's partner at the time for IG and unsubstantiated against the mother, maternal grandfather and 7-year-old sibling's father for IG regarding the 9, 7 and 5-year-old siblings, against the mother and maternal grandfather for IG regarding the 13-year-old sibling, against the mother and her partner for PD/AM regarding the 9 and 7-year-old siblings and against the mother's partner for PD/AM regarding the 5-year-old sibling.

10/2/16 SCR report was unsubstantiated against the mother for the allegations of IG and PD/AM regarding the 9, 7 and 5-year-old siblings.

Known CPS History Outside of NYS

There is no known CPS history outside of New York State.

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: 10/27/2020

Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes

Date the Child Protective Services case was opened: 10/27/2020

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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the services provided meet the service needs as outlined in the case record?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did all service providers comply with mandated reporter requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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

Services Provided

	Yes	No	N/A	Unable to Determine
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were services provided to parents as necessary to achieve safety, permanency, and well-being?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the FASP consistent with the case circumstances?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closing

	Yes	No	N/A	Unable to Determine
Was the decision to close the Services case appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Provider

	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:
 ECDSS provided Preventive Services to the family.

Preventive Services History



A Preventive Services case opened on 5/9/17 to assist the mother and four oldest siblings with finding stable housing and income after the mother and siblings left their home due to domestic violence. The mother obtained and maintained stable housing and employment. The mother was arrested for DWI, which resulted in mandated weekly drug counseling and drug testing. The mother was successfully discharged from treatment and DWI court in April 2018. There were no concerns for the siblings' safety when the case closed on 4/30/18.

A CPS services case opened on 10/27/20 and an Article 10 Neglect Petition was filed against the mother and father due to domestic violence in the presence of the children, the younger siblings were parentified and caring for the twins and the 13-year-old sibling was left unsupervised with the younger children. The four younger siblings were initially placed with alternative caregivers, then returned to the mother's custody in January 2021. The father was barred from contact with the four oldest siblings and unsupervised contact with the twin sibling. The mother engaged in mental health counseling. On 1/19/21, the mother made an admission to Neglect and the mother was ordered to cooperate with Intensive Preventive Services and an Order of Supervision.

Foster Care Placement History

On 9/20/19, ECDSS opened a CPS services case after the 13-year-old sibling was placed in Foster Care for sexually abusing another child while he was residing in his father's home. The sibling was placed in a residential facility where he received mental health treatment and sex offender treatment. The sibling's father did not engage in services and the mother fully engaged in services and became the sibling's discharge resource. A safety plan was developed with the mother that she would supervise the 13-year-old sibling with the younger children and the sibling was discharged to the mother's custody on 8/21/20. A Preventive Services case remained open for the mother, 13-year-old sibling and his father. The other children were not added to the case or receiving any services. Neglect Petitions that had been filed against the sibling's father and his partner were dismissed on 3/3/21, and the services case closed on 3/30/21.

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

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
09/19/2019	Not Adjudicated	Petition Dismissed
Respondent:	056929 Other Adult Male 35 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the 13-year-old sibling's father and the father's partner on 9/14/19. On 3/3/21, the judge found that ECDSS had not met the burden of proof and the petitions were dismissed.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
10/23/2020	Adjudicated Neglected	Order of Supervision
Respondent:	056922 Mother Female 30 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the parents and on 1/19/21 the mother made an admission to Neglect.	



Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
10/23/2020	There was not a fact finding	There was not a disposition
Respondent:	056923 Father Male 28 Year(s)	
Comments:	An Article 10 Neglect Petition was filed against the parents and the outcome of the father's petition was unable to be determined.	

Have any Orders of Protection been issued? Yes	
From: 10/23/2020	To: Unknown
Explain:	
An order of protection was issued against the father barring him from contact with the 13, 9, 7 and 5-year-old siblings and unsupervised contact with the twin sibling.	

Additional Local District Comments

We at the Erie County Department of Social Services appreciate the opportunity given us to review the draft report in advance. We find that the facts, as written, describe the unfortunate events and the actions taken in response. We are pleased that OCFS found that the fatality investigation was conducted appropriately and that there are no required actions related to the fatality or to the CPS investigation that was being conducted at the time of the child's death. We are equally pleased that OCFS found no required actions related to the CPS investigations conducted during the three years preceding the fatality or to the open preventive service case that was active at the time of the child's death.

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