



Report Identification Number: NY-19-026

Prepared by: New York City Regional Office

Issue Date: Sep 05, 2019

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		



Case Information

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

Jurisdiction: Bronx
Gender: Male

Date of Death: 03/19/2019
Initial Date OCFS Notified: 03/19/2019

Presenting Information

The 3/19/19 report alleged on 3/18/19, during the night, while in the care of the SF, the SC sustained multiple skull fractures and multiple intercranial bleeds. The explanation given was not consistent with the nature of the injuries. The SC became unresponsive and required CPR. The SC was unable to be revived and died on 3/19/19.

The subsequent report reflected on 3/18/19, the SC was under the care of his parents when he suffered a skull fracture, a subdural hemorrhage, bruising to the right side of his head and swelling to the left side of his head. The SC was transported to the hospital and then transferred to another hospital where he went into cardiac arrest and was pronounced dead on 3/19/19.

Executive Summary

The 1-month-old male child (SC) died on 3/19/19. NYCRO had not yet received the ME report as of date of issuance of this fatality report.

On 3/19/19, the SCR registered five reports regarding the SC's death. Three reports included the allegations of II, IG, L/B/W, S/D/S, FX, and LMC of the SC by the SF. A report included the allegations of DOA/Fatality, FX, II, and IG of the SC by the SF, and another report included the allegations of DOA/Fatality, FX, II, IG, L/B/W and S/D/S of the SC by the SM and SF.

The SC had five SS: the 5-yo male SS who resided in the SM and SF's home, and 4-yo female, 7-yo female, 8-yo male, and 7-yo male, who resided with their respective mothers. The 7-yo female resided outside of NYC jurisdiction.

ACS learned from LE that while the SF initially stated he accidentally hit the SC's head on a wall while caring for him on 3/18/19, the SF later admitted he threw the SC on the floor as the SC was crying. ACS interviewed the SM who said the SF told her that while he was entering the SC's room with the stroller in one hand and the SC held in the other, the SC hit his head on the wall. The SM observed the SC had a bruise which appeared yellow and swollen. The SM said the SC sustained an injury near his temple on the right side. The SM did not know if the SF attempted to call 911. She called the MGM and then called the ambulance. ACS attempted to conduct a telephone interview of the SF who was incarcerated, but the documentation did not reflect ACS attempted to interview him in person.

On 3/19/19, ACS conducted an emergency removal of the 5-yo SS. The SM agreed for the SS to be cared for by his father. The SS and his father would temporarily reside in the home of a maternal relative while seeking placement in a shelter through Prevention Assistance Temporary Housing (PATH) and the Department of Homeless Service (DHS).

On 3/20/19, ACS filed an Article Ten Neglect petition in Family Court naming the SF and SM as the respondents. The Court released the 5-yo SS to his father with court ordered supervision (COS) and an OP against the SF. The 4-yo remained in the care of her mother. On 3/20/19, an Article Ten Neglect petition was filed and Family Court released the 4-yo SS to her mother with COS and an OP against the SF. The 8-yo and 7-yo male SS remained in their mother's care. On 3/20/19, an Article Ten Neglect Petition was filed and these two SS were released to their mother with COS and an OP against the SF.

On 3/22/19, ACS interviewed ME's staff and learned preliminary findings listed the cause of death as abusive head trauma



and the manner as homicide.

On 5/19/19, ACS Sub the allegations of DOA/Fatality, FX, II, IG, LMC, L/B/W and S/D/S of the SC by the SF, and IG of the 5-yo SS by the SF. ACS explained that the SF was the sole caretaker of the SC when the SC was hurt. The SF admitted to throwing the SC to the ground when the SC did not stop crying. ACS added that the findings showed the SC required two resuscitations while being transported between hospitals, and the SC died after 90 minutes of medical staff attempting to keep him alive. The ME provided preliminary findings that showed the SC’s death was caused by injuries sustained after being thrown to the ground by the SF.

ACS added the SM as a subject with the allegation of IG of the SC and 5-yo SS, and added the allegation of LMC, L/B/W, and S/D/S of the SC by the SF. ACS added and Sub the allegation of IG of the 5-yo SS by SF and SM.

On 5/19/19, ACS Sub the allegations of DOA/Fatality, II, FX, IG, LMC, L/B/W and S/D/S of the SC by the SF, and IG of the SC by the SM. ACS added the allegation of LMC. ACS interviewed the 5-yo SS who said the SF was mean as he hit the SS with belts. The SM allowed this go on without any intervention. ACS Unsub the allegations of DOA/Fatality, FX, II, L/B/W and S/D/S of the SC by the SM.

The case remained open for preventive services as of date of issuance of this fatality report.

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

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:

NA



Required Actions Related to the Fatality

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

Issue:	Timely/Adequate Case Recording/Progress Notes
Summary:	The documentation reflected the progress notes were not entered contemporaneously, including events that occurred on 3/28/19 and 3/29/19, but were not entered until 5/17/19.
Legal Reference:	18 NYCRR 428.5
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Timely/Adequate 24 Hour Assessment
Summary:	The 3/20/19 safety assessment was inadequate. The associated comments did not support the selected safety factors. ACS noted the SF used marijuana; however, ACS did not discuss whether the drug use had a negative impact on the care the SS received.
Legal Reference:	SSL 424(6);18 NYCRR 432.2(b)(3)(i)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Timely/Adequate Seven Day Assessment
Summary:	The 3/26/19 safety assessment was inadequate as the comment about SF's mental health history did not support the selected safety factors. ACS did not discuss whether the SF's mental health had a negative impact for the care he provided his CHN.
Legal Reference:	SSL 424(3);18 NYCRR432.2(b)(3)(ii)(c)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Timely/Adequate 30-Day Safety Assessment
Summary:	The 4/18/19 safety assessment was inadequate as the comments about the SF's clinical health history did not support the selected safety factors. ACS did not explain whether the SF's mental health had a negative impact on the care the SS received.
Legal Reference:	CPS Program Manual, Chapter 6, K-2
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Pre-Determination/Assessment of Current Safety/Risk



Summary:	The 5/17/19 safety assessment was inadequate as the associated comments did not support the selected safety factors. ACS did not explain whether the SF's clinical health had a negative impact on the care he provided the SS.
Legal Reference:	18 NYCRR 432.2 (b)(3)(iii)(b)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.
Issue:	Face-to-Face Interview (Subject/Family)
Summary:	ACS attempted to interview the SF who was incarcerated, but documentation did not reflect ACS attempted to interview him in person.
Legal Reference:	18 NYCRR 432.2(b)(3)(ii)(a)
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Fatality-Related Information and Investigative Activities

Incident Information

Date of Death: 03/19/2019

Time of Death: 03:16 AM

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

03/18/2019

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

Unknown

County where fatality incident occurred:

Bronx

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: The child was alert.

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

At time of incident supervisor was: Not impaired.

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0



Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	1 Month(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	24 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	22 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	5 Year(s)
Other Household 1	Other Adult - Father of 5-yo SS	No Role	Male	25 Year(s)
Other Household 2	Other Adult - Mother of 7-yo SS	No Role	Female	24 Year(s)
Other Household 2	Sibling	No Role	Female	7 Year(s)
Other Household 3	Other Adult - Mother of 4-yo SS	No Role	Female	25 Year(s)
Other Household 3	Sibling	No Role	Female	4 Year(s)
Other Household 4	Other Adult - Mother of 7-yo and 8-yo SS	No Role	Female	25 Year(s)
Other Household 4	Sibling	No Role	Male	7 Year(s)
Other Household 4	Sibling	No Role	Male	8 Year(s)

LDSS Response

On 3/19/19, LE said the SF stated he held the SC in his arm while fixing the stroller, and when he turned the SC's head hit the corner of the wall. According to LE's account, an attending physician found the SS sustained fractures on the right, left and front side of his head, and a hemorrhage in his brain. The physician's findings showed the SM and SF's explanations were not consistent with the injuries the SC sustained. ACS learned that the SM was no longer cooperating with the criminal investigation.

On 3/19/19, the MGGM said the SC and the 5-yo SS were in her home with the SM and SF. The SF left her home after 8:30 PM with the SC. After the SF left her home, the SM remained in her home for about 1 ½ hours before she left.

ACS interviewed the SM on 3/19/19. According to the SM's account, the family visited the great grandmother's (GGM) home at about 3:00 PM on 3/18/19. The SF and SC left as the SC became sleepy and fussy. She and the 5-yo SS left 10 minutes later. When she arrived home, she told the SS to prepare for bed. As she entered her bedroom, the SF was exiting the bedroom with the SC in his arms. He tried to soothe the SC who was crying. She observed the SC's color was normal. The SF told her the SC had a bruise on the side of his head and showed it to her. He said he held the SC in one arm as the SC screamed, and simultaneously grabbed the stroller to put into the SC's room with his other arm. While entering the room with the stroller in one hand and the SC in the other, the SC hit his head on the wall. The SC cried and he tried to calm him. The SC fell asleep after he hit his head, but awoke right away. The SM observed the SC had a bruise which seemed yellow and swollen. The SM did not know whether the SF attempted to call 911 for assistance. She called the MGM first and then called 911 for assistance.

ACS discussed the services and discipline of the 5-yo SS in the home. The SM said this SS received community based services. She said she disciplined the SS by taking toys away, using time-out measures, and having him stand near the wall in the home. She said she hit him on his buttocks or hand with her hand. She denied using other objects to hit the SS. The SM denied the SF hit the 5-yo SS. She denied drug use and said the SF only used alcohol and marijuana outside of the home. The 5-yo SS said the SF was mean as he hit him with belts. ACS observed the SS and found he did not have visible marks/bruises. The SM said she did not know about the SF's other CHN. She identified the 4-yo and 7-yo SS.

On 3/19/19, ACS visited the home of the mother of the 8-yo male, and 7-yo male SS. ACS interviewed the mother who



said the two SS did not know the SF was their father.

On 3/20/19, ACS interviewed the mother of the 4-yo SS who said she showed the SM pictures of the SS when she was hurt by the SF. ACS made a follow up visit to the home, and found the 4-yo SS seemed to have received a minimum degree of care.

On 3/26/19, ACS requested a courtesy home visit from the LDSS to assess the 7-yo SS outside of NYC. Later, the LDSS visited the home of the 7-yo SS. The SS's last phone contact with the SF was on 3/17/19. The 7-yo SS said she spoke with the SF regularly through messages on her mother's phone. She was unable to recall the time she last observed the SF.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Unknown

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?No

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

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

Comments: There is no OCFS approved Child Fatality Review Team in NYC.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	Lacerations / Bruises / Welts	Unsubstantiated
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	Internal Injuries	Unsubstantiated
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	DOA / Fatality	Unsubstantiated
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	Inadequate Guardianship	Substantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Lack of Medical Care	Substantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Lacerations / Bruises / Welts	Substantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	DOA / Fatality	Substantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Internal Injuries	Substantiated
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	Fractures	Unsubstantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Swelling / Dislocations / Sprains	Substantiated



050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Fractures	Substantiated
050818 - Deceased Child, Male, 1 Mons	050819 - Mother, Female, 22 Year(s)	Swelling / Dislocations / Sprains	Unsubstantiated
050818 - Deceased Child, Male, 1 Mons	050820 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
050821 - Sibling, Male, 5 Year(s)	050820 - Father, Male, 24 Year(s)	Inadequate Guardianship	Substantiated
050821 - Sibling, Male, 5 Year(s)	050819 - Mother, Female, 22 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Did the investigation adhere to established protocols for a joint investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information:

ACS did not attempt to interview the SF face to face. ACS attempted to conduct a telephone interview with the SF.

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"/>

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

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

Explain as necessary:

On 3/19/19, the 5-yo SS was removed from the SM's care and placed in the care of his father. On 3/20/19, judicial intervention was sought in Bronx County Family Court. An Article Ten Neglect petition was filed naming the SF and SM as the respondents. The 5-yo SS was released to the non-respondent father with court ordered supervision. The other three SS, ages: 8-yo, 7-yo and 4-yo, were released to the care of their respective mothers with court ordered supervision.

Legal Activity Related to the Fatality

Was there legal activity as a result of 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:
03/20/2019	There was not a fact finding	There was not a disposition
Respondent:	050820 Father Male 24 Year(s)	
Comments:	On 3/20/19, ACS filed an Article Ten Neglect petition in Family Court naming the SF and SM as the respondents. The 5-yo SS was removed from the SM's care and released to the care of the non-respondent father. The 5-yo was released to his father with court ordered supervision and an OP against the SF. The 4-yo SS remained in the care of his mother. On 3/20/19, an Article Ten Neglect petition was filed and the 4-yo SS was released to the care of the BM with court ordered supervision and an OP against the SF. The 8-yo and 7-yo male SS's remained in the care of his mother. On 3/20/19, an Article Ten Neglect Petition was filed and the two CHN were released to their mother with court ordered supervision and an OP against the SF.	

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
03/20/2019	There was not a fact finding	There was not a disposition
Respondent:	050819 Mother Female 22 Year(s)	
Comments:	On 3/20/19, ACS filed an Article Ten Neglect Petition in Family Court naming the SF and SM as the respondents. The 5-yo SS was removed from the SM's care and released to the care of the non-respondent father. The 5-yo was released to his father with court ordered supervision and an OP against the SF. The 4-yo remained in the care of the BM. On 3/20/19, an Article Ten Neglect Petition was filed and the 4-yo SS was released to the care of the BM with court ordered supervision and an OP against the SF. The 8-yo and 7-yo male SS's remained in the care of the BM. On 3/20/19, an Article Ten Neglect Petition was filed and the two CHN were released to the BM with court ordered supervision and an OP against the SF.	

Criminal Charge: Murder Degree: NA

Date Charges Filed:	Against Whom?	Date of Disposition:	Disposition:
Unknown	father	Unknown	Unknown
Comments:	On 4/9/19, ACS interviewed LE and verified the SF was indicted for murder. The SF's arrest charges were for Assault 1. The charges were changed to murder as the autopsy for the SC was ruled a homicide. ACS provided information that stated the SF was charged with murder, manslaughter, and manslaughter-reckless cause of death. He was arrested and charged on 3/19/19.		

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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mental health services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Foster care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

Additional information, if necessary:

The SM declined bereavement counseling.

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 family received court ordered supervision.

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No

Explain:

The SM declined bereavement counseling.

History Prior to the Fatality

Child Information

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



Was the child ever placed outside of the home prior to the death? 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

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

There is no CPS investigative history in NYS within three years prior to the fatality.

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

The SM was not known to the SCR or ACS as a subject more than three years prior to the fatality.

The SF was a subject in two reports dated 1/7/15. ACS consolidated the investigations of the two 1/7/15 reports. The allegations of the 1/7/15 reports were IG, L/B/W and S/D/S of the 4-yo SS by the SF, and IG and L/B/W of the SS by the mother, and step-parent. On 3/19/15, ACS Sub the allegations pertaining to the SF and mother. ACS Unsub the allegation concerning the step-parent.

Known CPS History Outside of NYS

There was no known CPS history outside of NYS.

Required Action(s)

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

Yes No

Issue:	Adequacy of Progress Notes
Summary:	The documentation of the visits in the Family Service Progress Notes conducted by ACS on 1/25/16, 2/25/16, 3/24/16 and 6/28/16 were inadequate as the visits documented lacked detail.
Legal Reference:	18 NYCRR 428.5
Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in the fatality report. ACS must meet with the staff involved with this fatality investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.



Preventive Services History

During the 1/7/15 investigation, ACS opened a preventive services case on 1/8/15. ACS filed an Article Ten Abuse petition in Family Court on behalf of the SS on 1/9/15. The allegations were IG, L/B/W and S/D/S. An OP was issued against the SF for the SS. The SS was paroled to the mother with COS. The Initial FASP reflected the mother received PPRS, home making, parenting education and counseling. The 8/27/15 FASP reflected the mother learned the SF dropped the SS head first on the playpen. The SS sustained bruises and laceration on her eye and lip. It was later reported SF hit the SS. The mother enrolled in parenting classes. She completed an individual parenting class. Homemaking services were terminated as the mother was able to meet the developmental, physical and emotional needs of the SS. There was an active OP that the mother remained motivated to comply with. The SF did not engage in services. On 8/18/16, ACS closed the preventive case as the family made improvement in reducing risk factors and increasing protective factors.

ACS made the adequate number of visits to the BM's home between 1/6/16 and 7/28/16. However, ACS did not include detailed progress notes for the visits that were conducted on 1/25/16, 2/25/16, 3/24/16 and 6/28/16.

Legal History Within Three Years Prior to the Fatality

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

Recommended Action(s)

Are there any recommended actions for local or state administrative or policy changes? Yes No

Are there any recommended prevention activities resulting from the review? Yes No