



**Report Identification Number: NY-20-049**

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

**Issue Date: Nov 29, 2020**

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 year(s)

**Jurisdiction:** Queens  
**Gender:** Male

**Date of Death:** 05/31/2020  
**Initial Date OCFS Notified:** 05/31/2020

## Presenting Information

On 5/31/20, two reports were registered by the SCR regarding the death of two children in the home. The first report stated the 2-year-old child was found at home with a bag on his head and was subsequently pronounced deceased. There was another child who was found deceased in the home. The mother was found hanging in a closet.

The second report alleged, on 5/31/20 the 10-year-old and 2-year-old children were found dead in the home while in the care of the mother. The report also alleged sometime between 8:00A.M. and 10:49A.M., the mother had placed a bag over the 2-year-old child's head, tied the hands of the 10-year-old child behind his back, tied a rope around his neck, and then tied his body to the bathroom door. The body of the 2-year-old child was found on the mother's bed, while the body of the 10-year-old child was found in the mother's bathroom. The mother was found deceased, hanged in her bedroom closet. The report further alleged on more than one occasion, the father was physically violent with the mother in the presence of the children.

## Executive Summary

These 2-year-old and 10-year-old male children died on 5/31/20 in Queens. The Medical Examiner (ME) listed the final cause of death for the children as asphyxia due to ligature strangulation and plastic over head; the manner of death was listed as homicide.

On 5/31/20 the SCR registered two reports regarding the death of the children. Both reports alleged DOA/Fatality and Inadequate Guardianship of the children by the mother who was named as the subject on the reports. ACS later added the allegation of Inadequate Guardianship of the children by the father.

It was alleged, on 05/31/20 the 10-year-old and 2-year-old children were found dead in the home while in the care of the mother. The report also alleged sometime between 8:00A.M. and 10:49A.M., the mother had placed a bag over the 2-year-old child's head, tied the hands of the 10-year-old child behind his back, tied a rope around his neck, and then tied his body to the bathroom door. The body of the 2-year-old child was found on the mother's bed, while the body of the 10-year-old child was found in the mother's bathroom. The mother was found deceased, hanged in her bedroom closet. The report further alleged on more than one occasion, the father was physically violent with the mother in the presence of the children.

ACS initiated the investigation and established the family had no prior child welfare history. The family had been in receipt of Food Stamp benefits for the children only.

ACS made contact with law enforcement, the family, EMS, school, and neighbors and learned there was nothing unusual about the family; no one had any concerns. From law enforcement ACS learned the parents had two recent reports of DV; one on 5/22/20 and another on 5/29/20. The children's pediatrician reported there were no medical concerns with the children and the school described the 10-year-old child as a child who had no behavioral or educational concerns, and the mother as "attentive".

Contact with the family revealed on 5/30/20 at about 8:30 AM the mother asked the grandparents to run an errand for her. The mother remained at home with the children. While they were out they received a call from the mother asking them to return home. When the grandparents returned home they could not enter the apartment as it was locked from the inside.



The grandparents contacted a paternal uncle who broke the door and entered the apartment. When they entered, they found the children and the mother dead.

Following repeated contact with law enforcement ACS established there were no surviving siblings and no other children in the home.

On 7/30/20 ACS substantiated the allegations and indicated the report. The surviving members of the family were referred for community-based grief counseling services. The father and grandparents relocated to a neighboring state.

## Findings Related to the CPS Investigation of the Fatality

### Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
  - **Safety assessment due at the time of determination?** Yes

### Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** Yes, sufficient information was gathered to determine all allegations.
- **Was the determination made by the district to unfound or indicate appropriate?** Yes

### Explain:

Sufficient information was gathered to make the determination the allegations listed on the intake report and the allegation added by ACS. ACS staff documented there were no safety factors as the two children in the home had died. Additionally, the casework activity was commensurate with case circumstances.

**Was the decision to close the case appropriate?** Yes

**Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?** Yes

**Was there sufficient documentation of supervisory consultation?** Yes, the case record has detail of the consultation.

### Explain:

The level of casework activity, which includes contact with the family and others from the receipt of the report through case conclusion, was commensurate with the case circumstances. There were no surviving siblings or children in the home.

## 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:** 05/31/2020

**Time of Death:** 10:30 AM

**County where fatality incident occurred:**

Queens

**Was 911 or local emergency number called?**

Yes

**Time of Call:**

10:30 AM

**Did EMS 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

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

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

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

**Children ages 0-18:** 002

**Adults:** 001

## Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	2 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	32 Year(s)
Deceased Child's Household	Grandparent	No Role	Female	54 Year(s)
Deceased Child's Household	Grandparent	No Role	Male	53 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	31 Year(s)
Deceased Child's Household	Other Deceased Child - Sibling	Alleged Victim	Male	10 Year(s)

## LDSS Response

On 5/31/20 upon receipt of the report ACS staff made contact with law enforcement and learned on 5/30/20 at about 8:30 AM the mother asked the grandparents to run an errand for her. The mother remained at home with the children. While they were out they received a call from the mother asking them to return home. When the grandparents returned home they could not enter the apartment as it was locked from the inside. The grandparents contacted an uncle who broke the door and entered the apartment. When they entered, they found the children and the mother dead. Law enforcement also revealed the father had been arrested on 5/29/20 when the mother reported he had hit in her chest and on her arms and leg. The father was arrested and released on 5/30/20 after appearing in court. An order of protection was issued against him for the mother and children. Subsequent contact with law enforcement revealed the father was not a suspect in the case as he had not returned to the home upon his release.

Between 6/1/20 and 6/30/20, ACS continued to contact the family. ACS learned the mother and children were buried and



that the grandparents and uncle had moved to a neighboring state. Diligent efforts were made via telephone and staff ultimately contacted the family. ACS learned on 5/29/20 the mother had called 911 to report that the father had assaulted her. The father was arrested. The family's account of what transpired between 8:30 AM and when they discovered the bodies in the apartment remained consistent. The family was offered referrals for grief counseling.

ACS contacted the father who reported that he and the mother were in a relationship for 15 years. He described the mother as being often angry. He said he realized he needed a break from the relationship; however, the mother refused to let him go as she thought it was best if they remained together for the sake of the children. The father said sometime in March after a verbal altercation, the mother said she would kill the kids and then die. The father said he did not place any emphasis on the mother's words. The father stated that regarding the domestic violence incident on 5/22/20, he and the mother had argued and she hit him on the shoulder. She then told him she would call the police and have him arrested for hitting her. The father said nothing happened for that week; however, on 5/29/20 upon returning home from work the police were there to arrest him. The father said on 5/30/20 he was released with a stay away order of protection. The father said at 9:15AM on 5/31/20 the mother called him three times, told him she needed money, and invited him over. The father said he declined the invitation to visit her citing the order of protection. The father said after he ended the call the next call he received on his phone was the NYPD detectives notifying him of the death of the mother and the children. ACS offered the father a referral to community-based grief counseling services.

On 6/2/20, ACS interviewed school staff from the school the 10-year-old child had attended. The school reported an attentive mother and a child who had no educational or behavioral concerns. The school said the mother participated in all school activities including remote parent-teacher's meetings.

On 6/3/20, ACS contacted the children's pediatrician. The pediatrician reported there were no concerns with the care the mother had provided, and the children's immunizations were current.

On 6/8/20, ACS contacted EMS and learned the call for assistance was received at 10:50 AM and an ambulance was dispatched within seconds of receiving the call. The ambulance arrived at 11:05 AM and left the scene at 11:39 AM. EMS technicians reported upon arrival at the case address they observed the 2-year-old male child laying supine, "unresponsive, apneic, and pulseless with obvious signs of death including rigor mortis and dependent lividity." The child had a piece of plastic inserted in his mouth along with plastic fully covering his head. The child was pronounced dead at 11:05 AM. The 10-year-old child was found in a prone position in the bathroom, and had a plastic bag tied over his head; his hands and feet were tied together.

On 7/20/20, ACS learned law enforcement had closed their case. The grandparents and uncle were provided with bereavement counseling information.

On 7/30/20, ACS substantiated the allegations of DOA/Fatality and Inadequate Guardianship of the children by the mother on the basis of some credible evidence that he mother "premeditated the killing of the children as she had made videos on her cellphone to justify her actions, conjured up a reason for the grandparents to leave the home on the day of the incident so she could enact her plan. To support the decision ACS cited the findings from the autopsy report which listed the cause of death for the 2-year-old child as asphyxia due to ligature compression of the neck and plastic bag placed over head , and for the 10-year-old child as asphyxia due to ligature strangulation with plastic bag over head. The manner of death for the children was listed as homicide.

ACS substantiated the allegation of Inadequate Guardianship of the children by the father on the basis that the father was aware of the mother's threats of harm but did nothing to safeguard the children.

ACS then closed the case.

**Official Manner and Cause of Death**

**Official Manner:** Homicide**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:** The case documentation reflected a Multidisciplinary Team response.**Was the fatality reviewed by an OCFS approved Child Fatality Review Team?** No**Comments:** There is no OCFS approved Child Fatality Review Team in the NYC region.**SCR Fatality Report Summary**

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
055681 - Deceased Child, Male, 2 Yrs	055683 - Mother, Female, 31 Year(s)	DOA / Fatality	Substantiated
055681 - Deceased Child, Male, 2 Yrs	055683 - Mother, Female, 31 Year(s)	Inadequate Guardianship	Substantiated
055681 - Deceased Child, Male, 2 Yrs	055684 - Father, Male, 32 Year(s)	Inadequate Guardianship	Substantiated
055682 - Other Deceased Child - Sibling, Male, 10 Year(s)	055683 - Mother, Female, 31 Year(s)	DOA / Fatality	Substantiated
055682 - Other Deceased Child - Sibling, Male, 10 Year(s)	055683 - Mother, Female, 31 Year(s)	Inadequate Guardianship	Substantiated
055682 - Other Deceased Child - Sibling, Male, 10 Year(s)	055684 - Father, Male, 32 Year(s)	Inadequate Guardianship	Substantiated

**CPS Fatality Casework/Investigative Activities**

	Yes	No	N/A	Unable to Determine
All children observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



# Child Fatality Report

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

### Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation? 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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? N/A

**Explain:**

Both children in the home were deceased.

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

**Explain:**

The father and grandparents were referred to community-based agencies for grief and bereavement services.

### History Prior to the Fatality

#### Child Information

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

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

There was no CPS investigative history more than three years prior to the fatality.

#### Known CPS History Outside of NYS

There is no known CPS history outside of NYS.

### 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: 05/30/2020

To: Unknown



**Explain:**

The father was issued a stay away order by the Queens Court.

**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