

Report Identification Number: SV-19-001

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

Issue Date: Apr 29, 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 <u>only</u> be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household.

OCFS' review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS' assessment and the performance of these agencies.



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					
DrDoctor	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	ACS-Administration for Children's	NYPD-New York City Police					
Service	Services	Department					
PPRS-Purchased Preventive	TANF-Temporary Assistance to Needy	FC-Foster Care					
Rehabilitative Services	Families						
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 **Jurisdiction:** Orange **Date of Death:** 01/01/2019

Age: 5 month(s) Gender: Male Initial Date OCFS Notified: 01/07/2019

Presenting Information

The death of the 5-month-old male infant was reported to OCFS by the Orange County Department of Social Services (OCDSS) through the required Agency Reporting Form 7065. The infant passed away on 1/1/19 while hospitalized at Maria Fareri Children's Hospital.

Executive Summary

On 1/1/19, the subject infant's mother notified Youth Advocacy Programs of Orange County (YAP) that the five-month-old infant passed away on that date at Maria Fareri Children's Hospital. At the time of the infant's death OCDSS had an open FAR case, which was received on 12/7/18, with concerns the mother drove with the siblings in the car while she was under the influence of her mental health medication. OCDSS opened a Preventive Services case with YAP's Improving Families Program on 12/27/18 to provide daycare assistance and support to the family.

The infant and his twin sibling were born prematurely at 27 weeks gestation on 7/21/18. The infant remained hospitalized due to serious medical complications and the twin sibling was discharged from the hospital in October 2018.

On 1/1/19 at 6:30 AM, the infant experienced cardio-respiratory failure and at 7:02 AM he was pronounced deceased by the hospital physician. The cause of death was determined to be cardio-respiratory failure secondary to severe bronchopulmonary dysplasia due to prematurity, with a secondary diagnosis of presumed sepsis. Due to the circumstances surrounding the infant's death, an autopsy was not performed and a law enforcement investigation was not conducted.

OCDSS thoroughly investigated the circumstances surrounding the infant's death and determined the six siblings, ages eleven, seven, four, three, one, and five months, were safe in the parents' care. The parents declined funeral assistance and the father declined counseling or bereavement services. The mother remained engaged in mental health treatment and she enrolled in bereavement services. The parents arranged for the school to provide counseling services to the two oldest siblings and the maternal grandmother stayed with the family for a period to provide support. OCDSS closed the FAR case on 3/5/19 and the Preventive Services case remained open at the time this report was written.

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?

N/A

Determination:

• Was sufficient information gathered to make determination(s) for all allegations N/A as well as any others identified in the course of the investigation?

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Children ages 0-18: 1

Adults: 0

Child Fatality Report

 Was the determination made by the district to unfound or indicate appropriate? 	N/A
Explain:	
The death of the infant was not reported to the SCR.	
Was the decision to close the case appropriate?	N/A
Was casework activity commensurate with appropriate and relevant statutory or	Yes
regulatory requirements?	
Was there sufficient documentation of supervisory consultation?	Yes, the case record has detail of the consultation.
Explain: The case remained open for Preventive Services.	
Required Actions Related to the Fatality	
Are there Required Actions related to the compliance issue(s)? \B\No	
Fatality-Related Information and Investigative Activ	vities
	, 1010 5
Incident Information	
Date of Death: 01/01/2019 Time of Death: 07:02 AM	
Time of fatal incident, if different than time of death:	06:30 AM
County where fatality incident occurred:	Westchester
Was 911 or local emergency number called?	No
Did EMS respond to the scene?	No
At time of incident leading to death, had child used alcohol or drugs?	N/A
Child's activity at time of incident:	
	ring / Vehicle occupant
☐ Playing ☐ Eating ☐ Unk	nown
Other: Hospitalized	
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:	

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	No Role	Male	5 Month(s)



Deceased Child's Household	Father	No Role	Male	34 Year(s)
Deceased Child's Household	Mother	No Role	Female	31 Year(s)
Deceased Child's Household	Sibling	No Role	Female	1 Year(s)
Deceased Child's Household	Sibling	No Role	Male	5 Month(s)
Deceased Child's Household	Sibling	No Role	Female	4 Year(s)
Deceased Child's Household	Sibling	No Role	Female	7 Year(s)
Deceased Child's Household	Sibling	No Role	Female	3 Year(s)
Deceased Child's Household	Sibling	No Role	Female	11 Year(s)

LDSS Response

On 1/2/19, OCDSS was notified by YAP that the infant passed away. Within 24 hours, OCDSS notified the Spring Valley Regional Office and submitted the required Agency Reporting Form 7065. OCDSS immediately inquired about funeral assistance for the family and contacted the parents to offer their condolences and support.

OCDSS and YAP met with the family at their home and assessed the six children to be safe. It was learned the infant had been hospitalized since birth due to complications from prematurity, and the parents took turns visiting him. Since the twin sibling was discharged from the hospital in October 2018, the parents met his medical needs through outpatient appointments with multiple specialists. The parents were home with the siblings at the time of the fatal incident and hospital staff were unable to reach them until after the infant passed.

The infant's medical records showed his health declined during the five days preceding his death and chest compressions needed to be administered. The infant developed what doctors believed to be a sepsis infection and on the morning of 1/1/19, he went into cardiopulmonary arrest and did not respond to life saving measures.

OCDSS contacted the necessary collaterals and determined the infant passed away from a medical condition and not due to abuse or neglect of a caretaker. The parents were actively engaged in services with YAP and they were benefiting from the added support and daycare assistance. The siblings were deemed safe in the parents' care and the Preventive Services case remained opened.

Official Manner and Cause of Death

Official Manner: Natural

Primary Cause of Death: From a medical cause

Person Declaring Official Manner and Cause of Death: Hospital physician

Multidisciplinary Investigation/Review

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

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?				

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When appropriate, children were interviewed?	\boxtimes			
Contact with source?				
All appropriate Collaterals contacted?	\boxtimes			
Was a death-scene investigation performed?				
Coordination of investigation with law enforcement?			\boxtimes	
Was there timely entry of progress notes and other required documentation?	\boxtimes			
Fatality Safety Assessment Activities				
	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	\boxtimes			
Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	urviving	siblings/c	other chil	dren in the
Within 24 hours?	\boxtimes			
At 7 days?				
At 30 days?				
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?				
Are there any safety issues that need to be referred back to the local district?				
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?				
Explain: The death of the infant was not reported to the SCR, although the siblings' safe within 24 hours of notification.	ty was pr	omptly an	d thoroug	hly assessed
Fatality Dialy Aggregation / Dialy Aggregation	Ductio			
Fatality Risk Assessment / Risk Assessment	rrome			
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	\boxtimes			
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	\boxtimes			
Was there an adequate assessment of the family's need for services?				
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?				

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Were appropriate/needed services offer								
Explain: Risk was adequately assessed and the family's service needs were being met through the open Preventive Services case.								
Placement Activities in Response to the Fatality Investigation								
Fracement	Activities in	Kesponse u	the Fatanty	mvesugaud	ш			
				Yes	No	N/A	Unable to Determine	
Did the safety factors in the case show the siblings/other children in the household care at any time during this fatality involves.								
Were there surviving children in the ho as a result of this fatality report / invest to this fatality?								
	T 14.4	'' D L (L	4 d E 4 P4					
	Legal Activ	ity Kelated	to the Fatalit	y				
Was there legal activity as a result of the	e fatality inv	vestigation	? There was	no legal a	ctivity.			
Services I	Provided to t	he Family ir	Response to	the Fatality	7			
	I	000 1	0.00		NY 7 7		CDD	
Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailab	N/A	CDR Lead to Referral	
Services Bereavement counseling	After	but	Unknown		but		Lead to	
	After Death	but	Unknown		but		Lead to	
Bereavement counseling	After Death	but	Unknown		but	ole	Lead to	
Bereavement counseling Economic support Funeral arrangements	After Death	but Refused	Unknown		but	ole	Lead to	
Bereavement counseling Economic support	After Death	but Refused	Unknown		but	le	Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance	After Death	but Refused	Unknown		but	le	Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services	After Death	but Refused	Unknown		but	le	Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care	After Death	but Refused	Unknown		but	le	Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care	After Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services	After Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning	After Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning Homemaking Services	After Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning Homemaking Services Parenting Skills	After Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning Homemaking Services Parenting Skills Domestic Violence Services	After Death Death Death	but Refused	Unknown		but		Lead to	
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care Health care Legal services Family planning Homemaking Services Parenting Skills Domestic Violence Services Early Intervention	After Death Death Death	but Refused	Unknown		but		Lead to	

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Family or others as safety resources							
Other							
Were services provided to siblings or ot their well-being in response to the fatali Explain: Preventive Services were provided to the f	ty? Yes						nd support
Were services provided to parent(s) and fatality? Yes Explain: Preventive Services were provided to the face services.			·				
	History	Prior to t	he Fatalit	y			
	C	hild Inform	ation				
Did the child have a history of alleged c						No	
Was there an open CPS case with this cl						Yes	
Was the child ever placed outside of the	-			dla daadh0		No No	
Were there any siblings ever placed out Was the child acutely ill during the two		-	to this chii	a's death?		No Yes	
was the child acutery in during the two	weeks belo	re death:				1 68	
	Infants	s Under One	Year Old				
During pregnancy, mother: ☐ Had medical complications / infections ☐ Misused over-the-counter or prescriptions			[☐ Had hea ☐ Smoked	vy alcohol us tobacco	se	
Experienced domestic violence	C.1		[Used illi	cit drugs		

Was not noted in the case record to have any of the issues listed

Infant was born:

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

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
12/07/2018	Sibling, Female, 1 Years	Mother, Female, 31 Years	Inadequate Guardianship	Far-Closed	No
	Sibling, Female, 4 Years		Parents Drug / Alcohol Misuse	Far-Closed	

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Sibling, Female, 3	Mother, Female, 31	Parents Drug / Alcohol	Far-Closed
Years	Years	Misuse	
Sibling, Female, 1	Mother, Female, 31	Parents Drug / Alcohol	Far-Closed
Years	Years	Misuse	
Sibling, Male, 4 Months	Mother, Female, 31 Years	Inadequate Guardianship	Far-Closed
Sibling, Female, 3 Years	Mother, Female, 31 Years	Inadequate Guardianship	Far-Closed
Sibling, Female, 4 Years	Mother, Female, 31 Years	Inadequate Guardianship	Far-Closed
Sibling, Male, 4	Mother, Female, 31	Parents Drug / Alcohol	Far-Closed
Months	Years	Misuse	

Report Summary:

An SCR report was received and tracked FAR that alleged the mother took three of her prescribed pills to calm herself in order to take the surviving twin to a medical appointment. As a result, the mother was under the influence of drugs as she drove with the twin, one, three and four-year old siblings in the vehicle.

OCFS Review Results:

OCDSS appropriately tracked the case FAR according to their OCFS-approved screening protocols. All family members were engaged, the FLAG was competed accurately and the family was referred for the needed services. Safe sleep education was provided to the parents. The infant passed away during the open FAR case and OCDSS thoroughly investigated the circumstances surrounding his death.

Are there Required Actions related to the compliance issue(s)? Yes	\times N $^{\circ}$
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CPS - Investigative History More Than Three Years Prior to the Fatality

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

Known CPS History Outside of NYS

There was 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: 12/27/2018

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?	\boxtimes			
Did the services provided meet the service needs as outlined in the case record?				
Did all service providers comply with mandated reporter requirements?	\boxtimes			
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?				



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?				
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?				
Were services provided to parents as necessary to achieve safety, permanency, and well-being?				
	(D)			
Family Assessment and Service Plan (FAS	6P)			
	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?			\boxtimes	
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?			\boxtimes	
Provider				
	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?				
Additional information, if necessary: Youth Advocacy Programs of Orange County provided Preventive Services to	the family	···		

Preventive Services History

The family was opened for Preventive Services with YAP Improving Families program on 12/27/18. The family was provided with daycare assistance for the younger siblings while the mother attended mental health treatment and the twin sibling's medical appointments. The infant passed away on 1/1/19 and the family received support from YAP and OCDSS. The initial FASP was due by 1/12/19 and was not completed until 3/1/19, although the comprehensive FASP was completed timely. Both FASPS accurately portrayed the family's strengths, needs and service plan goals. Improving Families services ended and the case transferred to ongoing Preventive Services with YAP on 2/22/19. The Preventive Services case remained open at the time of this writing.

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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	