

Report Identification Number: SV-20-004

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

Issue Date: May 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 <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	ASTO-Allowing Sex Abuse to Occur					



Case Information

Report Type: Child Deceased Jurisdiction: Rockland Date of Death: 01/29/2020

Age: 3 month(s) Gender: Male Initial Date OCFS Notified: 01/29/2020

Presenting Information

Rockland County Department of Social Services received a report from the SCR on 1/29/20 which alleged the 3-month-old child was being cared for at an unregistered daycare operated out of a home. The two caregivers were providing care for the subject child and three other 1-year-old children. On 1/29/20, at approximately 12:30PM, the two caregivers put the subject child down for a nap. The child was crying for 3 to 5 minutes and suddenly stopped. When one of the caregivers went into the room to check on the child after he stopped crying, he presented as purple in color and had stopped breathing. The caregiver started to perform CPR while the other caregiver called the local ambulance service directly. The child was taken to the hospital and pronounced dead. The child was otherwise healthy.

Executive Summary

This fatality report concerns the death of a 3-month-old male subject child that occurred on 1/29/20 at an unlicensed daycare facility. A report was made to the SCR on the same date with allegations of Inadequate Guardianship and DOA/Fatality against the owner of the daycare facility and a daycare staff member. At the time of the death, there were four children being cared for at the daycare, all under the age of 2. All children were assessed to be safe in the care of their parents. Additionally, the 4 and 7-year-old siblings of the subject child were assessed to be safe with their parents.

Rockland County Department of Social Services (RCDSS) coordinated investigative efforts with law enforcement immediately upon receipt of the SCR report. Neither the family nor the daycare had any CPS history. An autopsy was not performed due to the family's religious beliefs; however, the medical examiner did not find signs of trauma or injury upon external examination. The manner and cause of death were undetermined.

Through interviews, it was learned the child attended daycare daily. The day of the fatality was typical, the child arrived at the daycare around 9:15AM. The child was up and fussy for much of the morning. At around 12:30PM, the subject child was put down for a nap. Daycare staff checked on the child approximately 10 minutes after putting him down for a nap and found the child unresponsive. The owner of the daycare began resuscitation efforts and called their community's emergency line. First responders took over lifesaving efforts and transported the child to the hospital, where he was pronounced dead at 1:08PM.

From the time the investigation began to the time of its closure, RCDSS interviewed family members and numerous collateral sources. RCDSS was diligent in obtaining locating information for the families of the children attending the daycare and assessed the safety of those children. RCDSS interviewed the daycare owner and assessed the safety of her children ages, 15, 12, 10, 8, 5, and 3 years. After completing all case objectives in a timely manner, RCDSS determined there was no credible evidence the actions or inaction of the daycare staff contributed to the child's death. The daycare staff reported always adhering to safe sleep guidelines. Law enforcement determined the death was not criminal and closed their investigation.

RCDSS offered the family bereavement services in response to the death. The services were declined as the family had a strong support system and did not wish to have further involvement with RCDSS. The investigation was appropriately closed on 3/17/20.

Findings Related to the CPS Investigation of the Fatality

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Safety Assessment:			
 Was sufficient information gathe 	red to make the decision recorded on		
the:			
 Safety assessment due at t 	he time of determination?	Yes	
Determination:			
 Was sufficient information gathe allegations as well as any others i investigation? 	red to make determination(s) for all dentified in the course of the	Yes, sufficient information was gathered to determine all allegations.	
• Was the determination made by appropriate?	the district to unfound or indicate	Yes	
Explain:			
Casework activity was commensurate with	case circumstances.		
Was the decision to close the case appro	priate?	Yes	
Was casework activity commensurate w or regulatory requirements?	ith appropriate and relevant statutory	Yes	
Was there sufficient documentation of so	Yes, the case record has detail of the consultation.		
Explain: Casework activity was commensurate with	best casework practice as outlined in th	e CPS manual.	
	Required Actions Related to the Fatality		
Are there Required Actions related to the	ne compliance issue(s)? Yes No		
Fatality-Rela	ted Information and Investigative	e Activities	
	Incident Information		
Date of Death: 01/29/2020	Time of Death: 01:08	8 PM	
Time of fatal incident, if different than t	ime of death:	Unknown	
County where fatality incident occurred	:	Rockland	
Was 911 or local emergency number cal		Yes	
Time of Call:		12:44 PM	
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	
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NEW YORK and Family Services	Child Fatalit	y Report
☐ Playing ☐ Other	Eating	Unknown
How long before incident wa	• ,	
Total number of deaths at in	ncident event:	
Children ages 0-18: 1		

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Male	3 Month(s)
Deceased Child's Household	Father	No Role	Male	28 Year(s)
Deceased Child's Household	Mother	No Role	Female	27 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	44 Year(s)
Other Household 1	Day Care Provider	Alleged Perpetrator	Female	33 Year(s)

LDSS Response

On 1/29/20, RCDSS received the SCR report regarding the child's death and immediately initiated their investigation and RCDSS coordinated investigative efforts with LE and the OCFS Division of Child Care Services. The CW completed a CPS history check and confirmed the report with the source. It was learned the daycare was an unlicensed facility.

On 1/29/20, RCDSS learned from law enforcement that the child was found unresponsive in the care of the daycare provider. It was reported the child was fussy during the morning hours prior to becoming unresponsive. The daycare provider placed the child down for a nap after eating lunch around 12:30PM. Staff at the daycare checked on the child approximately 10 minutes later and found him unresponsive and blue in color. The daycare provider began CPR and contacted the community emergency line. First responders arrived and took over resuscitation efforts and transported the child to the hospital where he was pronounced dead upon arrival.

On 1/29/20, the daycare provider was interviewed at her home. The daycare provider reported the father brought the child to the daycare around 9:15 AM. The child was more fussy than normal during the morning hours. The daycare provider placed the child down for a nap around 12:30 PM. A daycare staff member checked on the child after approximately 10 minutes and found the child unresponsive. The daycare provider began chest compressions and immediately contacted the emergency line. The daycare provider reported she always adhered to safe sleep guidelines and placed the child to sleep, alone and on his back in the pack and play.

The parents were interviewed at their home and reported the day prior to, and day of the death were typical for the child. The parents reported they dropped the child off at daycare between 9 and 9:30AM on the day the child passed away. The child was fussy prior to the day of his death; however, the parents were not concerned. The child was meeting his developmental milestones and had no known medical conditions. The parents reported having no concerns for the daycare provider or staff. The siblings were interviewed and expressed no concern for their safety.

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During the investigation, the children who attended the daycare and their families were contacted. Their homes were assessed and RCDSS deemed the children to be safe in the care of their parents. The children and parents of the children did not have any concerns regarding the daycare.

The daycare staff member that found the child unresponsive was interviewed. The staff member was inconsolable and did not offer any new information to the death.

The families were engaged in services through their community at the time of case closure. The investigation was appropriately unfounded and closed.

Official Manner and Cause of Death

Official Manner: Undetermined

Primary Cause of Death: Undetermined if injury or 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
054108 - Deceased Child, Male, 3	054111 - Day Care Provider, Female, 44	DOA / Fatality	Unsubstantiated
Mons	Year(s)		
054108 - Deceased Child, Male, 3	054111 - Day Care Provider, Female, 44	Inadequate	Unsubstantiated
Mons	Year(s)	Guardianship	
054108 - Deceased Child, Male, 3	054112 - Day Care Provider, Female, 33	DOA / Fatality	Unsubstantiated
Mons	Year(s)		
054108 - Deceased Child, Male, 3	054112 - Day Care Provider, Female, 33	Inadequate	Unsubstantiated
Mons	Year(s)	Guardianship	

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?				
When appropriate, children were interviewed?				
Alleged subject(s) interviewed face-to-face?				
All 'other persons named' interviewed face-to-face?				
Contact with source?				
All appropriate Collaterals contacted?				



Was a death-scene investigation performed?	\boxtimes			
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)?				
Coordination of investigation with law enforcement?	\boxtimes			
Was there timely entry of progress notes and other required documentation?				
Fatality Safety Assessment Activities				
	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?				
Was there an adequate assessment of impending or immediate danger to shousehold named in the report:	surviving	siblings/o	ther child	dren in the
Within 24 hours?			\boxtimes	
At 7 days?			\boxtimes	
At 30 days?				
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?			\boxtimes	
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: As this was a daycare case, the safety assessment tool was not generated in CC assessed the safety of the surviving siblings, all children in attendance at the day within 24 hours of receipt of the fatality report.				
Fatality Risk Assessment / Risk Assessment	Profile			
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?				
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?				
Was there an adequate assessment of the family's need for services?	X			

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Homemaking Services

Domestic Violence Services

Parenting Skills

Child Fatality Report

in Family Court at any time during or a	fter the inv	estigation?	•				
Were appropriate/needed services offer	ed in this ca	ase		\boxtimes			
Explain: A multitude of services were offered related as they reported having a strong support sy		ement and	mental healt	h counseli	ng. The fami	ly declir	ned services
Placement	Activities in	Response to	the Fatality	Investigatio	n		
				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 investigation.	be remove						
Were there surviving children in the horas a result of this fatality report / investito this fatality?							
Explain as necessary: There was no removal necessary.							
	Legal Activ	ity Related	to the Fatality	v			
Was there legal activity as a result of the fatality investigation? There was no legal activity. Services Provided to the Family in Response to the Fatality							
	Provided to t	he Family in	Response to	the Fatality	Į.		
Services	Provided to the Provided After Death	offered, but Refused	Response to Offered, Unknown if Used	Not Offered	Needed but Unavailabl	N/A	CDR Lead to Referral
Services Bereavement counseling	Provided After	Offered, but	Offered, Unknown	Not	Needed but		Lead to
	Provided After	Offered, but Refused	Offered, Unknown	Not	Needed but		Lead to
Bereavement counseling	Provided After	Offered, but Refused	Offered, Unknown	Not	Needed but	e	Lead to
Bereavement counseling Economic support	Provided After	Offered, but Refused	Offered, Unknown	Not Offered	Needed but	e	Lead to
Bereavement counseling Economic support Funeral arrangements	Provided After	Offered, but Refused	Offered, Unknown	Not Offered	Needed but		Lead to
Bereavement counseling Economic support Funeral arrangements Housing assistance	Provided After	Offered, but Refused	Offered, Unknown	Not Offered	Needed but		Lead to
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services	Provided After	Offered, but Refused	Offered, Unknown	Not Offered	Needed but		Lead to
Bereavement counseling Economic support Funeral arrangements Housing assistance Mental health services Foster care	Provided After	Offered, but Refused	Offered, Unknown	Not Offered	Needed but		Lead to

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 \boxtimes

 \boxtimes

 \boxtimes

NEW YORK STATE and Family Services	Child	Fatality	y Report	t			
and ranning Services		I would	report				
Early Intervention						\boxtimes	
Alcohol/Substance abuse						\boxtimes	
Child Care						\boxtimes	
Intensive case management						\boxtimes	
Family or others as safety resources						\boxtimes	
Other						\boxtimes	
Additional information, if necessary: RCDSS offered the family a multitude of s declined as the parents reported having a st						ng. Servic	es were
their well-being in response to the fatalit Explain: A multitude of services were offered to the strong community based resources they wo Were services provided to parent(s) and fatality? Yes Explain: A multitude of services were offered to the strong community based resources they wo	family follould rely on. other care family follo	givers to a	ddress any	immediate	e needs relat	ed to the	·
	History	Prior to t	he Fatality	y			
	C	hild Informa	ntion				
Did the child have a history of alleged ch Was the child ever placed outside of the Were there any siblings ever placed outs Was the child acutely ill during the two	home prior ide of the h	to the dea	th?	d's death?		No No No No	
	Infants	Under One	Year Old				
During pregnancy, mother: Had medical complications / infections Misused over-the-counter or prescriptio Experienced domestic violence Was not noted in the case record to have		issues liste	C d	Smoked	vy alcohol us tobacco cit drugs	e	
Infant was born: Drug exposed				☐ With feta	al alcohol eff	ects or sy	ndrome

CPS - Investigative History Three Years Prior to the Fatality

With neither of the issues listed noted in case record

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

CPS - Investigative History More Than Three Years Pr	ior to the F	atality		
There was no history more than three years prior to the fatality.				
Known CPS History Outside of NYS				
There was no known history outside of New York.				
Provider Oversight/Training				
	Yes	No	N/A	Unable to Determine
Did the provider comply with discipline standards?				
Was a Criminal History check conducted? Date:				
Was a check completed through the State Central Register? Date:				
Was a check completed through the Staff Exclusion List? Date:				\boxtimes
Legal History Within Three Years Prior to the	Fatality			
Was there any legal activity within three years prior to the fatality investig	ation? Th	ere was n	o legal ac	tivity
Recommended Action(s)				
Are there any recommended actions for local or state administrative or pol	icy chang	ges? [Y	es No	
Are there any recommended prevention activities resulting from the review	v? Yes	s No		

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