
**Thomas P. DiNapoli
COMPTROLLER**



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**OFFICE OF THE
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE
GOVERNMENT ACCOUNTABILITY**

**OFFICE OF CHILDREN AND
FAMILY SERVICES**

**SIBLING PLACEMENT IN
FOSTER CARE**

Report 2007-S-10

AUDIT OBJECTIVES

One objective of our audit was to determine whether the Administration for Children's Services (ACS) complied with the law and regulations concerning sibling placement and contacts between separated siblings. Another objective was to determine if the Office of Children and Family Services (OCFS) provided adequate oversight of ACS foster care sibling placements.

AUDIT RESULTS - SUMMARY

The Office of Children and Family Services (OCFS) oversees the State's foster care program. It provides technical support and supervision to 58 local districts that provide foster care services, including the Administration for Children's Services (ACS) in New York City. ACS subcontracts with and supervises 48 not-for-profit agencies throughout New York City which are responsible for recruiting and training foster care parents as well as monitoring the placements of children.

According to law and regulations, siblings should not be unnecessarily separated in their foster care placement unless it is determined that placement together would not be in the best interests of the siblings. Also, according to law, ACS and its contracting agencies must make diligent efforts to facilitate biweekly contact among separated siblings.

As of January 31, 2007, OCFS records indicate 15,833 children in foster care in New York City, including 7,427 siblings. Of these siblings, 3,746 were placed together in foster care. For the remaining 3,681, there were instances where all siblings were placed apart (separated placement) as well as instances where some, but not all siblings were placed apart (partial placement).

With few exceptions, we found that documentation supports that ACS complies with the law and regulations regarding when it is necessary to separate siblings in foster care placement. However, for such separated siblings, we were not able to conclude whether ACS and its contracted agencies were making diligent efforts to maintain required sibling contacts because such contacts were frequently not adequately documented.

To determine if agencies that contracted with ACS documented sibling separations in accordance with the law, regulations and OCFS directives, we reviewed a random sample of the documentation on file for 50 of the 3,681 siblings who were not all placed together in foster care (separated placements and partial placements). We found the reasons for separation were adequately documented for 43 of the siblings (86 percent). In four instances, the documented reasons for separation of the siblings did not meet requirements for justifying a separation. For the remaining three instances, there was no documentation showing why the siblings were separated so we could not conclude whether the separation was in accordance with requirements. [Page 4]

For the previously discussed sample of 50 siblings, 27 required biweekly contact (visits) among the siblings. Over the three months ending December 2006, there was a potential for 175 sibling contacts to occur and be recorded for these 27 separated siblings. We found adequate documentation supporting 112 visits (64 percent). However, for the remaining 63 (36 percent), we were unable to determine whether the visits took place because there was a lack of adequate supporting documentation. Consequently, we are not able to make an overall conclusion about whether ACS and contracted agencies are making the required diligent efforts to

facilitate regular biweekly contacts among separated siblings. [Page 5]

ACS requires that information regarding separated sibling contacts be entered contemporaneously into a database maintained by OCFS. From our sample of 27 sibling placements requiring biweekly sibling contacts, we noted five instances where the supporting documentation for sibling contacts was entered into the OCFS database from almost four months to over five months after the contacts supposedly took place. In fact, the information was entered into the database just shortly before we visited the contracting agencies. The timing of the entry of the sibling contacts in these five instances is too late to be in compliance with ACS requirements contemporaneous recording of contacts. Based on our review of the content and quality of the information that was input into the database and considering that such input coincided with our agency site visits, we question the reliability of the sibling contact information in these five instances. [Pages 5-6]

OCFS is responsible for monitoring whether ACS is providing appropriate program services for foster care placements of siblings. OCFS provided us with adequate documentation showing it did appropriately oversee and monitor foster care sibling placements. [Page 6]

Our audit report contains three recommendations to improve OCFS oversight of sibling placement in Foster Care. OCFS officials agreed with our recommendations and indicated steps taken or planned to implement them.

This report, dated October 10, 2007, is available on our website at: <http://www.osc.state.ny.us>.

Add or update your mailing list address by contacting us at: (518) 474-3271 or
Office of the State Comptroller
Division of State Government Accountability
110 State Street, 11th Floor
Albany, NY 12236

BACKGROUND

Pursuant to the Social Services Law (law), the Office of Children and Family Services (OCFS) oversees the State's foster care program. Foster care placement is intended as a temporary, out-of-home arrangement for children whose parents are not able to care for them and for children awaiting adoption. OCFS provides technical support and supervision to 58 local services districts (Districts) that provide foster care services, including the Administration for Children's Services (ACS) in New York City (NYC).

Districts may provide foster care services directly or contract with agencies to provide services. District caseworkers coordinate the delivery of foster care program services required by the law and regulations. Caseworkers are responsible for developing service plans; maintaining a written case record to document case progress; contacting the children, parents and foster parents; and developing plans for the child's permanent placement (i.e., reunification with his or her family or freed for adoption). OCFS is responsible for monitoring whether the Districts are providing appropriate program services in compliance with relevant laws and regulations.

ACS is responsible for all New York City foster care placements. ACS subcontracts and supervises 48 not-for-profit agencies throughout New York City which are

responsible for recruiting and training foster care parents and monitoring the placements of children. ACS provides these agencies with child protection guidelines and placement principles for their use. ACS is responsible for verifying that subcontractors adhere to OCFS guidelines, as well as laws and regulations.

As of January 31, 2007, OCFS records indicate 15,833 children in foster care in New York City, including 7,427 siblings. Of these siblings, 3,746 were placed together in foster care. For the remaining 3,681, there were instances where all siblings were placed apart (separated placement) as well as instances where some, but not all siblings were placed apart (partial placement).

In 2005, OCFS implemented CONNECTIONS, a single comprehensive integrated database system to provide more efficient and effective administration of child welfare programs and Federal reporting. CONNECTIONS serves as the sole database to record and document events that impact children while in foster care. OCFS requires District and contract agency staff to enter all information regarding foster care cases, including sibling placements and contacts, into this system.

Another audit (Report 2005-S-70, issued September 7, 2006) reviewed sibling placement in upstate districts.

AUDIT FINDINGS AND RECOMMENDATIONS

Documentation of Sibling Placements

The law and regulations state that siblings or half-siblings should not be unnecessarily separated in foster care placement unless it is determined that placement together would not be in the best interests of the siblings (i.e., if

the children's health, safety, or welfare is at risk).

ACS can only separate siblings after a consultation with and/or evaluation by professional staff such as a licensed psychologist, psychiatrist, physician, or certified social worker. Some of the factors that should be considered when making the decision to separate siblings include, but are not limited to:

- the age difference of the siblings,
- the health and developmental differences among the siblings,
- the emotional relationship between the siblings,
- the siblings' individual needs, and
- the attachment of the individual siblings to separate families or locations.

All actions taken and decisions made by ACS to place siblings in separate residences must be documented in either the hard copy case file or, as of August 2005, in CONNECTIONS. To determine if sibling separations were documented, we selected a random sample of 50 out of 3,681 cases from 24 contract agencies that were open as of January 31, 2007. For some of these cases, the placement decisions were made prior to the audit period. We found that for 43 cases (86 percent), the reasons for separation were appropriately documented and met OCFS guidelines and the law.

In four cases, the documentation indicated that the reasons for separation were the inability to find foster parents willing to accept the large number of siblings in the group. According to OCFS Administrative Directive 92 ADM-24, these are not valid

reasons to separate siblings. The directive specifies the requirements for placement of siblings and half-siblings together in foster care homes unless such placement would be contrary to the health, safety or welfare of one or more of the children. The directive also provides the detailed factors to be considered by those determining if separation is in the best interest of the siblings and half-siblings. In the remaining three cases, documentation regarding why the siblings were separated was not in CONNECTIONS or the hard copy case files, so we could not determine if the separation decision was justified. We note that, with the exception of the three cases where there was no documentation, all of the case files included appropriate documentation showing a consultation was done with professional staff prior to the siblings being separated. Also, the seven cases were not isolated to specific contracting agencies, but rather pertained to six different agencies.

In our audit report on upstate district placements, we recommended OCFS reissue Administrative Directive 92 to Districts. We make the same recommendation in this report and we further recommend that ACS reissue it to all of its contracting agencies.

Documentation of Separated Sibling Contacts

The law requires ACS and its contracting agencies to make diligent efforts to facilitate bi-weekly contacts (either personal visits or phone contacts) among separated siblings unless such contacts would be contrary to the health, safety or welfare of one or more of the siblings, or contacts are precluded by lack of geographic proximity. OCFS requires all visits and contacts to be documented in CONNECTIONS.

To determine if our previously discussed sample of 50 siblings had bi-weekly sibling contacts, we judgmentally selected the

months of October, November and December of 2006 for review. Only 27 of the 50 cases required sibling contacts. The remaining cases were not applicable because of various reasons (e.g., geographical issues, health and/or safety matters involving the children, etc). For the 27 cases, we determined that there was a potential for 175 sibling contacts. We found that 112 (64 percent) contacts were adequately documented in CONNECTIONS, and 63 (36 percent) were not. Therefore, we were not able to determine whether these contacts took place. As a result, overall we cannot conclude that ACS staff and contract agencies made diligent efforts to facilitate regular bi-weekly contacts among separated siblings.

Further, the 63 sibling contacts not adequately documented occurred at 12 of the 24 contracting agencies. Three of the 12 agencies did not document any contacts and four others did not document between 50 and 75 percent of the contacts. We recommend OCFS provide greater oversight over contracting agencies regarding their inputting of sibling contact information.

ACS requires that information regarding cases be entered into CONNECTIONS “contemporaneously.” No other definitive time frames have been established. In reviewing the 27 cases, we found that information was entered within two weeks of the contacts for 22 of the cases. However, in the remaining five cases, information was entered from almost four months to over five months after the sibling visits supposedly took place.

Moreover, when we reviewed the information relating to sibling contacts for these five cases we could see that it was entered into CONNECTIONS between three and 17 days prior to our visits to agencies managing the cases. In one case, we initially could not

confirm that sibling contacts had occurred because there were no notes to review. Later, we were provided typed written copies of the notes regarding the visits, which were never entered into CONNECTIONS. In addition, we found one case where sibling contacts occurred on different dates (October 31, 2006, November 30, 2006, and December 6, 2006), yet all of three contacts were entered into CONNECTIONS on the same day (April 10, 2007). Two of the entries had identical language. The only words that were different were the dates of the visits. Otherwise, the language was verbatim. Based on our review of the content and quality of the information that was input into the database and considering that such input coincided with our agency site visits, we question the reliability of the sibling contact information in these five instances. In response, ACS officials indicated that the “timeliness of a CONNECTIONS entry does not impugn the legitimacy or accuracy of the documentation recorded.” They pointed out that there are no specific timeframes for data into recording CONNECTIONS. They explained that the use of the same words to record events should not be an issue.

Without the timely (contemporaneous) and accurate recording of sibling contacts into CONNECTIONS, OCFS officials cannot properly monitor whether siblings are receiving their required contacts, which are deemed to be important to the well being of the children.

OCFS Oversight

OCFS is responsible for monitoring ACS to determine whether it is providing the appropriate program services. According to OCFS officials, ACS has a Family Visiting Unit that tracks agency information on a monthly basis such as case name, number of siblings, dates of visits, and participants in the

visit. They said the Unit works by phone or e-mail with agencies that are not arranging visits as necessary and required.

OCFS used to rely on Safety and Permanency Assessments (SPAs) to monitor District foster care activities, but officials advised us that they have completed no SPAs for the New York City region. The SPA has sibling-specific questions regarding diligent efforts made to place siblings together and whether there were sufficient efforts made to promote sibling visits. Instead of using the SPAs in NYC, OCFS officials said they monitor ACS with Voluntary Agency Review (VAR) and Adolescent Permanency Review instruments. They provided us with four VARs that were completed during our scope period.

Also, an Adolescent Permanency Review had been conducted, with follow up work, from April 2005 through March 2006, including a corrective action plan and requests for clarifying information. We observed that the VAR reviews for sibling visitation are more general than the SPAs, asking, for example, whether progress notes include descriptions of sibling visits, whether visits are held on a regular basis, or where the visits take place. OCFS officials noted that they are considering the expansion of both the VAR and the Adolescent Permanency Review instruments by adding the sibling-specific questions that are listed in the SPA.

Based on documentation provided to us by OCFS, we concluded that there is appropriate oversight and monitoring of foster care sibling placements in NYC.

Recommendations

1. Reissue Administrative Directive 92 to all local service Districts and require ACS to reissue it to all of its contracting agencies.

2. Verify that Districts and contracting agencies accurately and completely document sibling contacts in CONNECTIONS. Make sure the input of sibling contact information in the CONNECTIONS is contemporaneous with the date of the contact.
3. Add sibling specific questions to the VAR and the Adolescent Permanency Review instruments.

AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited ACS to determine whether it complied with the law and regulations concerning sibling placement and separated sibling contacts and OCFS to determine whether it provided adequate oversight over ACS. This audit covered the period January 1, 2005 through April 30, 2007.

To accomplish our objectives we reviewed the law, regulations, and OCFS guidelines and Directives. We interviewed officials at ACS, contracting agencies and OCFS. We reviewed ACS' placement requirements for foster care and their contracted agencies to determine if they were meeting the sibling separation and contact requirements in the law and regulations. We selected a random sample of 50 out of 3,681 cases where children were placed separately from their siblings. We reviewed information in CONNECTIONS and documents in hard copies of case files to determine whether siblings were placed together and if sibling contacts occurred. For some of the cases, the placement decisions were made prior to our audit period.

In addition to being the State Auditor, the Comptroller performs certain other

constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

AUTHORITY

The audit was performed according to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

REPORTING REQUIREMENTS

The audit was performed according to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

A draft copy of this report was provided to OCFS officials for their review and comment. Their comments were considered in preparing this report and are included as Appendix A. OCFS officials concurred with our recommendations.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of OCFS shall report to the Governor, the State Comptroller, and the leaders of the

Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and, where not implemented, the reasons therefor.

CONTRIBUTORS TO THE REPORT

Major contributors to this report include William Challice, Richard Sturm, Christine Chu, Adrian Wiseman, Carole Le Mieux, Aurora Caamano, Elijah Kim, and Sue Gold.

APPENDIX A - AUDITEE RESPONSE



New York State
Office of
Children &
Family
Services

Eliot Spitzer
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park

52 Washington Street
Rensselaer, NY
12144-2796

September 24, 2007

Mr. William P. Challice
Audit Director
Office of the State Comptroller
State Audit Bureau
123 William Street-21st Floor
New York, NY 10038

Subject: Draft Audit 2007-S-10

Dear Mr. Challice:

The Office of Children and Family Services has reviewed the draft audit report on Sibling Placement in Foster Care administered by the New York City Administration for Children's Services, issued August 21, 2007. Enclosed is our response for your consideration.

Sincerely,

William T. Gettman, Jr.
Deputy Commissioner
for Administration

Enclosure

cc: L. Dobriko



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**Office of Children and Family Services (OCFS)
Response to Office of the State Comptroller (OSC)
Sibling Placement in Foster Care
Draft Audit Report 2007-S-10**

The New York State Office of Children and Family Services (OCFS) has reviewed the Draft Report 2007-S-10 on Sibling Placement in Foster Care administered by the New York City Administration for Children's Services (ACS) and offers the following response:

Recommendation 1: Reissue Administrative Directive 92 to all local service Districts and require ACS to reissue it to all of its contracting agencies.

OCFS Response: On June 8, 2007, the OCFS issued an Informational Letter (INF) entitled "Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State" to all Commissioners of Social Services Districts and Executive Directors of Voluntary Authorized Agencies. The INF included a copy of the June 8, 1992 Administrative Directive 92 ADM-24.

Recommendation 2: Verify that Districts and contracting agencies accurately and completely document sibling contacts in CONNECTIONS. Make sure the input of sibling contact information in the CONNECTIONS is contemporaneous with the date of the contact.

OCFS Response: OCFS will notify the New York City Administration for Children's Services of this requirement and ask for a plan as to how they plan to verify that sibling contacts are being entered into the CONNECTIONS system, in a timely manner, relating to the date of contact.

Recommendation 3: Add sibling specific questions to the VAR and the Adolescent Permanency Review Instruments.

OCFS Response: OCFS will add sibling-specific questions to the Voluntary Agency Review (VAR). In March 2007, OCFS included specific-sibling questions to the Adolescent Review instrument.