

H. CARL McCALL
STATE COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

September 19, 2002

Mr. John A. Johnson
Commissioner
Office of Children and Family Services
Capital View Office Park
52 Washington Street
Albany, NY 12144

Re: Report 2002-F-6

Dear Mr. Johnson:

Pursuant 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, we have reviewed the actions taken by officials of the Office of Children and Family Services (OCFS) as of June 24, 2002, to implement the recommendations contained in our prior audit report, *Compliance with the Adoption and Safe Families Act* (Report 2000-S-2). Our report, which was issued on March 13, 2001, reviewed OCFS's oversight of districts' compliance with the Act, and whether a performance measurement system to monitor the operation of child welfare programs was established.

Background

The Office of Children and Family Services (OCFS) is responsible for administering and supervising the State's child welfare and juvenile justice programs. OCFS provides technical support to 58 local social services districts (districts), including the New York City Human Resources Administration (HRA), the Agency for Children's Services (ACS), and county and municipal youth bureaus. As of March 31, 2002, there were 292 providers that carry out program activities for 40,595 children. Title IV-E entitles OCFS to claim reimbursement from the Federal Department of Health and Human Services for a portion of both program and administrative costs related to children in foster care placements.

On November 19, 1997, the Federal Adoption and Safe Families Act (Act) became law. The Act's goals are to ensure the overall health and safety of the children in the child welfare system and to dramatically reduce a child's length of stay in the foster care system. New York State incorporated these requirements into State law by amending Chapter 7 of the Social Services Law in February 1999.

To demonstrate their compliance with the Act and remain eligible for Federal reimbursement for foster care claims, New York State must perform the following case management functions for children in foster care.

- Districts must document within the case records a specific case plan assessment (initial assessment), relating to the placement goal for the child and the services that will be provided to the parent and/or child to allow reunification.
- Districts must have a case review system to help ensure that the status of each child is reassessed periodically, and no less frequently than once every six months.
- Districts are required to file a petition to terminate parental rights (TPR) with family court for a child who has been in foster care for 15 out of the most recent 22 months, and who has met other selected criteria. Districts are exempt from the requirement to file a TPR within this stated time frame if there is a “compelling reason” (e.g., the best interests of the child) it should not be filed. This reason should be documented in the child’s case record.
- Districts must document their consideration of the child’s safety; specifically, they must conduct a criminal background check of any prospective foster or adoptive parent and document the result in the child’s case record.

Summary Conclusion

In our prior audit, we found that OCFS needed to improve its oversight of districts’ compliance with the Act, particularly in New York City. Our prior audit found that OCFS had not conducted or planned any risk assessments related to compliance issues and had not then finalized a review instrument to test the districts’ compliance with the Act. In addition, OCFS needed to improve the reliability of the Child Care Review Service System (CCRS) by instructing districts on how to record, track and verify Act-related data. We also observed that OCFS had not developed formal strategic plans, goals or performance measures associated with the Act.

In our follow-up review, we found that OCFS has implemented the recommendations contained in our audit report. OCFS is working with New York City in the development and implementation of a Foster Care Performance Improvement Plan. OCFS also developed a Safety and Permanency Assessment Instrument for evaluating the various districts; provided documentation to support its efforts to ensure that the districts follow a uniform system for inputting data into CCRS; made program changes to CCRS to reflect the Act requirements; and provided documentation to show that it has established goals, objectives and performance measures.

Summary of Status of Prior Audit Recommendations

OCFS implemented the eight audit recommendations contained in our prior audit report.

Follow-up Observations

Recommendation 1

Increase efforts to improve compliance with the Act in New York City.

Status – Implemented

Agency Action – OCFS required ACS to develop a Foster Care Performance Improvement Plan as a means of improving ACS compliance with the Act. Such compliance is intended to improve ACS processes related to the care provided to children in foster care. OCFS and ACS officials have met quarterly to monitor ACS compliance with the Plan.

Recommendation 2

Require that districts maintain copies of all required case plans and relevant legal documents in children’s case records.

Status – Implemented

Agency Action – OCFS provided us with documentation, requiring the districts to maintain copies of the case plans and relevant legal documents in the children’s case records. Periodically, OCFS visits local districts and tests their compliance with these requirements.

Recommendation 3

Develop a comprehensive process and finalize a review instrument for testing the districts’ compliance with the Act.

Status – Implemented

Agency Action – OCFS developed a comprehensive process and review instrument (Safety and Permanency Review Instrument) for testing districts’ compliance with the Act. OCFS provided copies of various Safety and Permanency Assessment reports for four counties they visited to assess district compliance. OCFS also provided a listing of the ten counties for which they conducted Safety and Permanency Assessments.

Recommendation 4

Improve oversight efforts and the accuracy of CCRS data by requiring districts to review OCFS quarterly reports of TPR petitions coming due and correct any inaccurate CCRS information.

Status – Implemented

Agency Action – OCFS periodically reviews districts to ascertain whether they are adhering to the rules and procedures in place to ensure that the CCRS data is reasonably accurate. The Safety and Permanency Assessment reports contain recommendations to and steps taken by local districts to improve the accuracy of CCRS data. These reports also comment on strengths and weaknesses of district practices for ensuring that TPR petitions have been properly filed.

Recommendation 5

Provide districts and voluntary agencies with guidance regarding standardized policies and procedures for tracking and entering information related to the Act into CCRS uniformly.

Status – Implemented

Agency Action – OCFS issued a memorandum to local district commissioners, which established uniform procedures, effective February 1, 2002, for tracking and recording case file information. As mentioned under Recommendation 2, OCFS now conducts site visits to verify compliance.

Recommendation 6

Until CONNECTIONS is completed, take the actions that are necessary to make CCRS a dependable data system that local districts and voluntary agencies can use to track children in foster care and to comply with the requirements of the Act.

Status – Implemented

Agency Action – OCFS has issued correspondence to the districts instructing data entry supervisors on proper data entry procedures. In addition, through its site visits and Safety and Permanency Assessment reports, OCFS identifies conditions where inaccurate data has been recorded and makes recommendations for improvement.

Recommendation 7

Reconcile and verify district data from CCRS before reporting performance data to the Federal Government and seeking Federal reimbursement of New York City Title IV expenditures.

Status – Implemented

Agency Action – Through its Safety and Permanency Assessments reviews of the districts, OCFS is ensuring that data recorded in CCRS is reasonably accurate. As of February 22, 2002, OCFS had completed ten reviews.

Recommendation 8

Using the recently issued Federal criteria, establish clear goals, objectives, desired outcomes, performance measures and procedures for routinely assessing the State's performance related to the requirements of the Act.

Status – Implemented

Agency Action – OCFS has developed guidelines for its Safety and Permanency Assessment reviews, which incorporate Federal criteria. The guidelines serve as a tool to direct OCFS staff in measuring a wide range of district performance outcomes related to the Act. These reviews identify weaknesses and offer recommendations for improvement where expectations are not being met. The findings and recommendations are summarized in reports and submitted to the districts.

Major contributors to this report were Richard Sturm, Brian Lotz and Legendre Ambrose.

We thank the management and staff of the Office of Children and Family Services for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

William P. Challice
Audit Director

cc: Deirdre A. Taylor
Maryellen Flaxman