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September 14, 1999

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

Re: Report 99-F-22

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 the officials of the Office of Children and Family Services (OCFS) as of July 28, 1999, to implement the recommendations contained in our audit report, *Caseworker Deployment in Selected Child Welfare Programs (Report 96-S-52)*. Our report, which was issued on February 10, 1998, assessed the procedures used by the former Department of Social Services (DSS) to monitor how local districts deployed caseworkers in the Child Protective Services, Preventive Services, and Foster Care programs for the period June 1, 1995 through January 31, 1997.

Background

On August 20, 1997, the Governor signed welfare reform legislation that abolished the Department of Social Services and created a new agency in its place: the Department of Family Assistance (Department). Within this new agency, OCFS assumed oversight responsibility for child welfare programs. OCFS oversees the child welfare efforts of 58 local districts including New York City. Federal, State, and local governments fund these programs, and for the year ended December 31, 1997 (the most recent data available), OCFS reported expenditures of approximately \$1.5 billion as follows:

	<u>In Millions</u>
Child Protective Services	\$ 210.5
Preventive Services	312.9
Foster Care	<u>988.9</u>
Total	<u>\$1,512.3</u>

The Child Protective Services Program is intended to safeguard children against abuse or maltreatment. The Preventive Services program is intended to provide families with the services necessary to prevent the need to remove children from households. The Foster Care program is intended to provide temporary, substitute parental care to children who are in the State's custody.

The child welfare programs described above are governed by the Federal Social Security Act and the State Social Services Law. Department regulation 431.5, which has not been updated since 1969, indicates a maximum staffing workload standard of between 20 and 60 children per caseworker for the Preventive Services Program, and a maximum of 50 children per caseworker for the Foster Care Program. Department regulation 432.2 requires each district to have enough qualified staff to operate the Child Protective Services Program, however, the regulation does not specify a maximum number of cases per caseworker. However, the Child Welfare League of America (CWLA) recommends a maximum of 15 cases per caseworker for Preventive Services, 15 cases per caseworker for Foster Care, and 17 cases per caseworker for Child Protective Services.

Summary Conclusions

Our prior audit focused on procedures used by DSS to monitor how districts deployed caseworkers in child welfare programs. We found wide ranges in the number of cases per worker at the local district level, and the ratios in many districts exceeded standards established by the CWLA. We also found that DSS needed to monitor the deployment of child welfare caseworkers in the local social service districts. For example, we identified large disparities among the boroughs of New York City in the ratios of caseworkers to Child Protective Services cases. In addition, we determined that approximately 16 percent of the employees with caseworker qualifications and training in New York City were actually assigned to administrative or support responsibilities.

During our audit, DSS took the position that the Social Services Law did not provide them with the legal authority to mandate staffing standards. We disagreed with this interpretation and stated that, notwithstanding, it is the responsibility of DSS officials to monitor district staffing ratios and encourage compliance with appropriate caseload standards. It is the opinion of the Comptroller's Legal Division that the staffing standards for administration of child welfare services and care by social services districts as set forth in Section 431.5 of DSS' regulations and the staffing standards for child protective services as set forth in Section 423.2 of those regulations are enforceable. Relative to adopting the CWLA standards, OCFS officials stated, even if

possible, the issue of whether these or an alternative set of standards are most appropriate would have to be addressed. We agreed with OCFS officials on this point. In fulfilling their responsibilities pursuant to the Social Services Law to “administer all forms of public welfare work for which the state is responsible” and to “supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state,” and it is appropriate for OCFS officials to make these determinations as they assume responsibility for child welfare programs.

In our follow-up review, we found that OCFS officials maintain DSS’ interpretation of the Social Services Law, stating that they do not have the authority to mandate staffing standards at local social services districts.

Summary of Status of Prior Audit Recommendations

OCFS officials have not implemented our five prior audit recommendations.

Follow-up Observations

Recommendation 1

Update and specify the staffing workload standards for Child Protective Services, Preventive Services, and Foster Care. Consider adopting the CWLA standards for each program.

Recommendation 2

Monitor district staffing and encourage compliance with appropriate workload standards.

Recommendation 3

Identify the reasons for the wide range in staffing workload ratios at the districts.

Recommendation 4

Ensure that New York City redeploys its Child Protective Services caseworkers so that there is a more equitable division of casework among the five boroughs.

Status of Recommendations 1, 2 3, and 4 - Not Implemented.

Agency Action - No agency action taken. OCFS maintains that it cannot set and enforce staffing workload standards.

Auditors’ Comments - We continue to believe that it is within OCFS’ authority to prescribe staffing standards. Excessively large caseloads can increase the risks to children, may result in poor social work, and can lead to caseworker burnout. Therefore, we believe that

OCFS, as part of its oversight role of child welfare programs, has a responsibility to monitor district staffing and encourage compliance with appropriate workload standards.

Recommendation 5

Ensure that all New York City employees qualified and trained as caseworkers perform casework functions.

Status - Not Implemented.

Agency Action - No agency action taken. OCFS maintains that this is the responsibility of the districts.

Major contributors to this report were Richard Sturm, Brian Lotz, Jim Nellegar, and Judy Middelkoop.

We would appreciate your response to this report within 30 days, indicating any action planned or taken to address any unresolved matters discussed in this report. We also thank OCFS management and staff for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

William P. Chalice
Audit Director

cc: Charles Conaway
Kevin Robinson