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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

February 3, 2020

Ms. Sheila J. Poole
Commissioner
Office of Children and Family Services
52 Washington Street
Rensselaer, NY 12144-2834

Re: Oversight of Critical Foster Care
Program Requirements
Report 2019-F-52

Dear Commissioner Poole:

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, we have followed up on the actions taken by officials of the Office of Children and Family Services to implement the recommendations contained in our audit report *Oversight of Critical Foster Care Program Requirements* (Report [2015-S-79](#)), issued July 21, 2017.

Background, Scope, and Objective

In New York State, the child welfare system is State supervised and locally administered. The Office of Children and Family Services (OCFS) regulates and supervises child welfare services, including child protective services, foster care, and adoption, through its Division of Child Welfare and Community Services. OCFS' mission is to promote the safety, permanency, and well-being of children, families, and communities. OCFS Regional Offices oversee the entities that provide child welfare services. These entities include voluntary agencies (VAs) and local Departments of Social Services (counties). Outside of New York City, counties sometimes work with VAs to secure placement services. When children are either placed directly by the county in a foster home certified or approved by the county, or placed in a foster home certified or approved by a VA, they are in the temporary custody of the county commissioner. During that time, the county is responsible for seeing that their needs are met and planning for their futures. OCFS and these entities use the CONNECTIONS system to document information about service delivery, including assessments and case plans for families and children.

In foster care, the general rule is to place the child in the least restrictive, most family-like environment appropriate to meet the child's needs. According to OCFS officials, most of these children are in foster homes. Placement in foster homes can be with a

relative (homes that require approval) or non-relative (homes that require certification).

VAs and counties must evaluate prospective foster homes to ensure they meet basic physical, health, and safety requirements prior to certifying or approving them and placing children there. These requirements include a home study to determine if the foster home environment meets the child's needs, an evaluation of the physical and mental health of foster family members, and character references. They also include a determination of whether prospective foster parents and any persons aged 18 years or older living in the home are the subject of an indicated child abuse maltreatment report on file with the State Central Register of Child Abuse and Maltreatment (SCR) as well as criminal history record checks by the New York State Division of Criminal Justice Services and the Federal Bureau of Investigation. Additional requirements, effective June 2013, require county and VA personnel to check with the State Justice Center for the Protection of People With Special Needs to determine if prospective foster parents and any persons aged 18 years or older living in the home appear on the Staff Exclusion List (SEL), which contains the names of individuals found responsible for serious or repeated acts of abuse and neglect in certain programs and deemed ineligible to work in a position involving regular and substantial contact with a service recipient.

Foster home certifications or approvals must be renewed annually. The county or VA must document renewal with a written evaluation using the same criteria as for initial certification or approval, and include an evaluation of the care provided to children in the home. Criminal history record checks are done for each person aged 18 or over who is currently living in the home and who has not been previously checked.

OCFS, through its Regional Offices, uses various quality improvement methods in its foster care-related oversight and monitoring of both county and VA foster care programs. Reviews such as Safety and Permanency Assessments (SPAs) and Voluntary Agency Reviews (VARs) are intended to identify strengths and areas needing improvement related to the safety, permanency, and well-being of children in foster care.

Our initial audit examined whether OCFS has effective controls in place to ensure that foster homes meet required criteria prior to their certification or approval for the placement of foster children, and to determine whether casework contacts occur as required for these children. At each of the ten sites we visited, we found foster home records lacked evidence that counties or VAs met certain critical foster home certification/approval and recertification requirements, thus increasing the risk that children could be placed in an unacceptable environment. We found casework records lacked evidence that caseworkers made required contacts with foster children, foster parents, and parents. Additionally, we identified inconsistencies and errors among different sources of foster care data, which may compromise the data's integrity and usefulness.

The objective of our follow-up was to assess the extent of implementation, as of January 7, 2020, of the three recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

OCFS officials have made significant progress in addressing the issues identified in our initial audit. Of the initial report's three recommendations, two were implemented and one was partially implemented.

Follow-Up Observations

Recommendation 1

Identify and implement strategies to improve county and VA compliance with requirements for the certification and approval of foster homes, promptness and frequency of casework contact services, and timely data entry of casework contact progress notes.

Status – Implemented

Agency Action – OCFS has issued administrative directives to counties and VAs outlining the required process for the certification and approval of foster homes as well as standardized forms that must be used to complete this process and information that must be documented in CONNECTIONS. Within CONNECTIONS, OCFS has revised the certification and approval information required to include the dates and results of the SCR check, SEL check, and criminal history checks. In addition, OCFS has developed a bi-monthly desk audit to assess county and VA compliance with completing these elements of the certification and approval process. If concerns are noted during the audit, OCFS staff contact Regional Office staff to inspect the files of the foster home at the county or VA.

OCFS officials have also provided guidance and information to counties and VAs on the reports available in CONNECTIONS. One such report, the Caseload Inquiry Report, provides a list of cues for due and overdue tasks, including required casework contacts. OCFS recommends counties and VAs utilize this report to assist in monitoring compliance with documentation requirements. Also, OCFS staff facilitate a monthly work group with the Regional Office representatives and OCFS' quality assurance and data warehouse staff to assess progress in casework contacts.

Recommendation 2

Formally assess potential steps to improve the effectiveness of SPAs and VARs and implement steps as warranted. Steps for consideration should include, but not be limited to:

- *Withholding sample details until time of site visits;*
- *Monitoring corrective action plans to ensure they address recommended and required actions; and*
- *Incorporating a review of certification and approval requirements at the counties.*

Status – Partially Implemented

Agency Action – OCFS officials considered, but did not agree with, withholding sample details until the time of site visits. Officials stated that providing the samples in advance assists with obtaining all the records necessary for timely review and is part of OCFS' practice of conducting reviews in partnership, collaboration, and transparency with the counties and VAs.

OCFS has replaced corrective action plans with Program Improvement Plans (PIPs). For each area of review in a VAR/SPA requiring improvement, Regional Office staff work with the counties or VAs to develop an associated PIP. The PIP is a living document that incorporates all required or recommended actions. Once an action has been completed, it is cut from the "active" PIP and kept in a "completed" document for retention. Regional staff are required to update the actions taken on at least a quarterly basis.

In addition to expanding the information that OCFS requires to be entered into CONNECTIONS and adding a desk review, OCFS has developed a tool to determine whether foster homes are being certified/approved and recertified/reapproved according to regulatory requirements. This tool is currently used only during reviews at VAs, but OCFS is considering using it during reviews at counties as well.

Recommendation 3

Identify and correct the inconsistencies and errors in foster care population data, and take prompt steps to address those that may compromise its current and future completeness and accuracy.

Status – Implemented

Agency Action – The most recent county case record reviews conducted as part of the federal Child and Family Services Review included comparisons of the data in CONNECTIONS to information found in the children's care records to identify any discrepancies. OCFS referred any cases with inconsistencies to the applicable county for correction.

Major contributors to this report were Heather Pratt, CFE; Amanda Eveleth; Vicki Wilkins, CIA; Jeffrey Dormond; and Amy Tedesco.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. 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,

Heather Pratt, CFE
Audit Manager

cc: Bonnie Hahn, Audit Liaison