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OFFICE OF THE STATE COMPTROLLER

December 18, 2019

Mr. David A. Hansell
Commissioner
New York City Administration for Children's Services
150 William Street
New York, NY 10038

Re: Health and Safety of Children in
Foster Care
Report 2019-F-23

Dear Mr. Hansell:

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 followed up on the actions taken by officials of the New York City Administration for Children's Services (ACS) to implement the recommendations contained in our audit report, *Health and Safety of Children in Foster Care* (Report [2016-N-2](#)).

Background, Scope, and Objective

ACS is responsible for ensuring the safety and well-being of New York City's children who are voluntarily or involuntarily placed in foster care. A voluntary placement occurs when parents are temporarily unable to care for their child for reasons other than abuse or neglect, such as when a family is experiencing a serious medical or financial problem. An involuntary placement occurs when a child has been abused or neglected, or may be at risk of abuse or neglect by a parent or someone else in the household. The court orders the child removed from the home, determines the length of the placement, and sets a date for further review.

In foster care, the general rule is to place the child in the least restrictive, most family-like environment appropriate to the child's needs. Placement is generally either with relatives of the child (kinship homes) or with foster parents approved by not-for-profit, community-based voluntary agencies (agencies). The number of children in foster care has declined from an average of 11,098 in fiscal year 2015 to 8,322 in fiscal year 2019, a 25 percent decrease. However, the 2019 Mayor's Management Report showed a significant increase in the number of foster care children who were maltreated during placement. As of September 2019, ACS contracted with 28 agencies to provide foster care services. ACS reimburses the agencies for the care provided to the children. The Office of Children

and Family Services (OCFS) provides technical support and supervision to New York State's 58 local social services districts. In addition, OCFS, with the support of the Office of Information Technology Services, maintains the CONNECTIONS information system.

Our initial audit report, which was issued March 9, 2018, found that ACS lacked the tools to ensure that agencies performed many of the critical functions required to protect the health and safety of foster children. For example, we found ACS did not have the controls to ensure that agencies conducted and recorded the required contact visits. Further, it did not ensure that Family Assessment and Service Plans (FASPs) were completed timely. We also found that CONNECTIONS did not have sufficient case monitoring tools to allow ACS staff to readily identify cases where required contact visits were not made or when the progress notes for such visits were not recorded timely. The objective of our follow-up review was to assess the extent of implementation, as of November 4, 2019, of the six recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found that ACS has made some progress in addressing the problems identified in the initial audit report. Of the six audit recommendations, two were implemented, one was partially implemented, and three had not been implemented.

Follow-Up Observations

Recommendation 1

Ensure that agencies conduct the minimum required casework contact visits with foster children and their foster parents, including at the placement locations, during the initial placement period and throughout the child's placement in foster care.

Status – Not Implemented

Agency Action – ACS officials informed us they conduct monthly safety checks to ensure provider agencies perform and document the minimum required casework contact visits. However, the current Collaborative Quality Improvement (CoQI) Monthly Safety/Risk Check-In Protocols are not designed to detect non-compliance with casework contact visits for individual foster children and their foster parents. A 2010 ACS guidance memorandum requires agency personnel (e.g., case planners) to conduct contact visits with foster children and their foster parents twice a month for the first 90 days. Thereafter, foster children must be visited monthly, with at least two contact visits taking place at the foster homes each quarter. In addition, foster parents must be visited monthly, with at least one contact visit each quarter at the foster home. The purpose of these face-to-face contact visits is to determine the appropriateness of the initial placement in foster care, assess the foster child's safety and well-being, evaluate permanency needs and goals, and facilitate the foster parents' role in achieving the foster child's service plan. These visits are an integral part of obtaining firsthand information about the circumstances affecting the foster child.

In addition, according to ACS officials, the federal goal is that 95 percent of foster children are seen monthly. They stated OCFS sends them a monthly report of the agencies' casework contact visit activities. We received an Excel spreadsheet from OCFS that purportedly represented "total contacts required" and "contacted" for 27 out of 28 agencies for June 2019 and for the period October 2018 through May 2019. According to CoQI Protocols (revised in June 2017), ACS Agency Program Assistance (APA) Monitors follow up with agencies when specific criteria – based on self-reported monthly data from agencies and OCFS monthly casework contact visit figures – are triggered. For example, APA Monitors are required to call agencies that are below 90 percent for casework contacts. In addition, according to ACS officials, the agency must fall below 90 percent for three months before a conference call is initiated. The CoQI Protocols also state that if agencies are not at 95 percent for casework contacts, a quarterly call (September, December, March, and June) is held to review and discuss casework contact data and to determine causes and solutions. However, according to CoQI Protocols, APA Monitors do not focus on case-specific reviews with agencies during these conference calls. Thus, foster children and their foster parents could potentially have no contact visits for extended periods of time and ACS may not detect this safety risk based on its current procedures.

As casework contact visits are integral for assessing the child's circumstances, ACS must ensure that agencies conduct these visits on an ongoing, systematic basis. While the monthly reports may be a useful tool for determining if an agency meets a certain threshold, it is not a proactive methodology for assessing compliance. According to ACS officials, they are in the process of implementing the Safe Measures Dashboard, which they will use to ensure the minimum casework contact visits are made. However, officials did not provide any further documentation on how ACS will utilize this tool to ensure that the agencies meet this requirement.

Recommendation 2

Establish a time frame for agencies to complete and enter progress notes related to casework contact visits and ensure that agencies are complying with this requirement.

Status – Not Implemented

Agency Action – According to ACS officials, they have not created a time frame for agencies to complete and enter progress notes. Although OCFS regulations require progress notes to be entered in CONNECTIONS "as contemporaneously as possible with the occurrence of the event or the receipt of information which is to be recorded," OCFS recommends a best practice of 30 days. ACS officials responded that they encourage agencies to follow this best practice but provided no evidence that they enforce it. As noted in our initial audit, when a progress note is not recorded or is recorded long after the contact visit, there is an increased risk of inaccuracy, compromising the value of the information.

Recommendation 3

Include compliance with casework contact visit requirements and the timeliness of entering progress notes as factors in an agency's scorecard metrics.

Status – Partially Implemented

Agency Action – ACS uses an annual scorecard to evaluate foster care programs and assess outcome measures and case practices. While ACS has not revised its scorecard metrics to include compliance with casework contact visit requirements and the timeliness of entering progress notes, according to its fiscal year 2019 scorecard methodology, its scorecard metrics include a Provider Agency Monitory System (PAMS) review. As part of the PAMS review, the frequency and quality of casework contact visits is evaluated for foster children during a six-month review period. These case reviews are statistically selected based on a 90 percent confidence level.

Recommendation 4

Complete and approve all initial FASPs within 30 days of initiation and ensure that agencies complete comprehensive follow-up FASPs within the 90-day time frame.

Status – Not Implemented

Agency Action – According to ACS officials, they are responsible for developing most initial FASPs; however, officials did not provide documentation to support that they complete FASPs within 30 days of initiation. ACS also could not support that it ensures agencies complete – and that it approves – the comprehensive follow-up FASPs within the 90-day time frame.

Recommendation 5

Work with OCFS to improve CONNECTIONS, thus allowing for improved case management.

Status – Implemented

Agency Action – ACS officials have been working with OCFS officials to improve CONNECTIONS, providing a quarterly build schedule showing the changes OCFS has planned or has implemented based on ACS' feedback, including a number of case management improvements. For example, one improvement would enable CONNECTIONS to require an entry of the event times for all progress notes. Additionally, ACS officials said that the Safe Measures Dashboard will summarize case information from CONNECTIONS to provide caseworkers, supervisors, and other staff a streamlined overview of case details. It will have alerts, reminders, to-do lists, and supervisory reviews, and can create reports that ACS managers and staff can use to plan their work and improve client outcomes. For instance, the Safe Measures Dashboard can provide a calendar of case tasks and deadlines, track

interviews that were conducted or are still outstanding, and prioritize workloads. It will also allow supervisors to view caseworkers' workload and progress.

Recommendation 6

Develop a policy to communicate all SCR incidents to the agencies that manage foster care children and to coordinate the agencies' casework contact visits with the OSI investigations of the incidents.

Status – Implemented

Agency Action – ACS has implemented a policy to communicate all New York State Central Register (SCR) incidents to the agencies that manage foster care children. In addition, according to officials, upon receipt of a complaint, the Office of Special Investigations (OSI) conducts an investigation within 24 hours and notifies the agency within 48 hours. Once the investigation is complete, OSI sends the agency a Notice of Determination with the findings. ACS officials provided documentation to support these practices.

Major contributors to this report were Cheryl May, Jasbinder Singh, and Leanna Dillon.

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 also thank the management and staff of ACS for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Michael Solomon
Audit Manager

cc: J. Fiellman, ACS
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