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**OFFICE OF THE  
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE SERVICES**

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**OFFICE OF CHILDREN AND  
FAMILY SERVICES**

**SIBLING PLACEMENT IN  
FOSTER CARE**

**Report 2005-S-70**

## AUDIT OBJECTIVE

The objective of our performance audit was to determine whether local social services districts (Districts) are complying with New York State Social Services Law (Law) and regulations concerning sibling placement decisions and separated sibling contacts in foster care.

## AUDIT RESULTS - SUMMARY

The Law and regulations state that placement or regular contact with siblings or half-siblings shall be presumptively in the child's best interest. Efforts to facilitate such placement or contact should be withheld only after consultation with professional staff and if the child's health, safety, or welfare is at risk; or if the lack of geographic proximity precludes or prevents it. If children are separated from their siblings in foster care, the reason for separation must meet requirements and siblings must be kept in biweekly contact with each other. These requirements must be documented in the child's case record.

We visited five districts and reviewed a judgmental sample of 50 case files. We found

that the Districts were not always complying with the Law and regulations. The separation decision was adequate and documented in 39 of the 50 cases (78 percent). For these 39 cases, documentation showed that professional staff was consulted in the decision-making process for 29 cases (74 percent). In addition, only 60 percent of the required sibling contacts were documented in the case files reviewed. OCFS needs to increase and improve District monitoring to determine that sibling separation requirements for foster care are met. Our report contains two recommendations to improve local district compliance with the Law as it relates to sibling placement in foster care. [See Pages 3-7]

This report dated, September 7, 2006, 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 Services  
State Audit Bureau  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

## BACKGROUND

The Office of Children and Family Services' (OCFS) mission, which is to promote the well-being and safety of children, families and communities, includes oversight of 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 the State's 58 local Districts (Districts) including New York City that provide foster care services. Districts may provide foster care services directly or contract with voluntary agencies to provide the 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 overseeing the operations of Districts and monitoring whether they are providing appropriate program services in compliance with relevant federal and State laws and regulations.

OCFS uses its Child Care Review Service System (CCRS) to record the foster child's status and to record actions taken by caseworkers and other professionals on the child's behalf. According to CCRS, as of November 30, 2005, there were 10,535 children in foster care in districts outside of New York City, including 6,043 children placed in foster care during the audit period of January 1, 2004 through November 30, 2005. Of those placed during the audit period, a total of 2,673 children have siblings of which 1,359 children were separated or partially separated (placed with only some siblings)

from their siblings and 1,314 children were placed together with their siblings in foster care.

## AUDIT FINDINGS AND RECOMMENDATIONS

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### *Sibling Placement Decisions and Contacts with Separated Siblings*

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The importance of keeping siblings together is noted by many mental health and child care experts. These experts state that the sibling bond is extremely important for the mental health and well-being of a child especially for those in adverse circumstances such as children in foster care. Research shows that siblings who are placed together in foster care tend to have fewer emotional and behavioral problems than those who are placed apart and are less likely to experience placement disruptions. Keeping siblings together in foster care lessens the trauma of parental loss. If siblings must be separated, face-to-face visits and other contacts should be a priority.

Sections 358-a and 384-a of the Law both state that placement with siblings or half-siblings is in the child's best interest and efforts to facilitate such placement should be withheld only if the child's health, safety, or welfare is at risk; or if the lack of geographic proximity precludes or prevents it.

According to Title 18 of the New York State Codes, Rules and Regulations (Title 18), foster children who are siblings or half-siblings should not be unnecessarily separated. Local districts must make diligent efforts to secure foster care homes that are willing and able to accept placement of sibling groups, unless it is determined that placement together would not be in the best interests of the siblings. However, District decisions to separate siblings can only be made after consultation with and/or

evaluation by other 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 are:

- the age differential of the siblings,
- the health and developmental differences among the siblings,
- the emotional relationship of the siblings to each other,
- the siblings' individual service needs,
- the attachment of the individual siblings to separate families or locations, and
- the continuity of environment standards.

All actions taken and decisions made by District personnel to place siblings must be documented in the case record. In addition, the factors used by District officials in the decision to place siblings in separate residences must be documented in the case records.

### **Documenting Professional Staff Consultation**

District caseworkers and supervisors must show a valid reason(s) when deciding to separate siblings in foster care and clearly document all reasons. We tested a sample of 50 cases representing siblings placed in separate foster homes by five Districts to determine whether reasons for separations were documented and were sufficient with respect to OCFS' Administrative Directive 92 ADM-24 (directive) and the Law and regulations to support separations.

As shown in Table 1, we found that in 39 cases (78 percent) the reason for separation was documented and was sufficient. Seven cases (14 percent) did not have documentation of the reason for separation, and therefore we could not determine if the separation decision was justified. Four cases (8 percent) had documentation but the documentation showed that the reason for separation was the inability to find foster parents willing to accept all siblings. According to the directive, this is not a valid reason to separate siblings.

**Table 1: Sibling Separation Decisions**

Local District	Files Reviewed	Documentation for Reason Present and Sufficient	Documentation for Reason Not Present	Documentation for Reason Present but Not Sufficient
Chemung	10	9	0	1
Columbia	10	6	4	0
Monroe	10	7	3	0
Onondaga	10	7	0	3
Westchester	10	10	0	0
<b>Total</b>	<b>50</b>	<b>39</b>	<b>7</b>	<b>4</b>
Percentage	100%	78%	14%	8%

District caseworkers and supervisors cannot act alone in deciding to separate siblings, but must consult with a licensed psychologist, psychiatrist, physician, or certified social worker except in temporary emergency placements lasting no more than 30 days. We found that the Districts we visited were often not complying with this requirement.

As shown in Table 2, we found in the 39 case files where the sibling separation decision was adequately documented, that 29 case files (74 percent) also had adequate documentation that professional staff were consulted in that decision, while 10 cases (26 percent) did not have documentation indicating professional staff were consulted in the sibling separation decision.

**Table 2: Documentation of Professional Consultation**

Local District	Files Reviewed	Professional Consulted Documented	Professional Consulted Not Documented
Chemung	9	6	3
Columbia	6	5	1
Monroe	7	5	2
Onondaga	7	4	3
Westchester	10	9	1
<b>Total</b>	<b>39</b>	<b>29</b>	<b>10</b>
Percentage	100%	74%	26%

**Documenting Contacts with Separated Siblings**

District officials (or authorized agencies) must make diligent efforts to facilitate regular biweekly contacts (either personal visits or phone contacts) among separated siblings unless it would be contrary to the health, safety and welfare of one or more of the

siblings or if the geographic proximity precludes or prevents it.

Both section 358-a(11)(b) and 384-a(1-a) of the Law state that regular visitation and communication with siblings or half-siblings shall be presumptively in the child’s best interests unless such placement or visitation and communication would be contrary to the child’s health, safety or welfare, or the lack of geographic proximity precludes or prevents visitation. According to Title 18, agencies must make diligent efforts to facilitate biweekly 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. All visits and contacts should be documented in the case progress notes.

In the 50 cases with siblings we sampled, we determined there was a potential for 300 sibling contacts (50 cases times 6 visits) for the three-month test period (April - June 2005). However, 124 visits were legitimately not documented in the case files because the visits were either not required due to documented health, safety, or welfare concerns, or the siblings were not in foster care during the test period. We found adequate documentation for 106 of the remaining 176 required sibling contacts (60 percent).

We found the files contained no documentation for 70 (40 percent) of the required biweekly visits, therefore, we are not able to determine whether they occurred. As a result, we cannot conclude that District staff made diligent efforts to facilitate regular biweekly contacts among separated siblings.

Local District	Visits Required	Visits (or Attempted Visits) Documented	Visits Not Documented	Percentage of Visits Documented
Chemung	10	3	7	30%
Columbia	36	9	27	25%
Monroe	40	24	16	60%
Onondaga	42	32	10	76%
Westchester	48	38	10	79%
<b>Total</b>	<b>176</b>	<b>106</b>	<b>70</b>	
Percentage	100%	60%	40%	

We found that the Districts visited have a process for documenting sibling separation decisions, professional staff consultations, and sibling contacts. However, these Districts have not established a formal supervisory review process that determines the requirements have been properly documented. Also, in two Districts (Chemung and Onondaga) officials did not know the details of the directive and in another District (Columbia), officials thought the sibling contact requirement was a monthly contact, not biweekly as required. OCFS needs to remind Districts of the sibling separation requirements and necessary documentation.

Since the directive was last issued, OCFS has implemented CONNECTIONS, a single comprehensive integrated computer system that provides for more efficient and effective administration of child welfare programs and federal reporting. The foster care case records have been changed from the paper Uniform Case Record (UCR) to the computerized Family Assessment and Services Plan (FASP). We recommend that the directive be reissued with instructions on using the FASP which has replaced the UCR as the official case record with specifics concerning how the separation and other professional staff consultation requirements

should be documented and how the sibling contacts should be recorded.

OCFS uses Safety and Permanency Assessments (SPAs) to monitor District foster care activities. These assessments are completed as part of OCFS' supervisory and oversight responsibilities to monitor compliance by Districts and authorized agencies with the Adoption and Safe Families Act. Of the approximately 80 questions in the SPAs, they contain only two questions regarding sibling placement and sibling visits and had no questions addressing whether a professional staff was consulted in the separation decisions. SPA guidelines describe sibling visits as "...diligent efforts to facilitate regular biweekly visitation or communication between minor siblings who have been placed apart unless such contact would be contrary to the health, safety or welfare of one or more of the children, or unless geographic proximity precludes visitation". In addition, the SPA guidelines do not describe what constitutes diligent efforts, although the Law and regulations clearly require biweekly visits and documentation of visits in the case records. We recommend OCFS revise its SPA document to include additional questions on the sibling separation decisions, professional

consultations and sibling contact requirements and define the steps necessary to fulfill its requirement to use diligent efforts.

We found OCFS performed 6 SPAs during our audit period, in which 83 total foster care cases were reviewed, 25 of those cases applied to separated sibling decisions and 18 cases applied to biweekly sibling contacts. OCFS officials stated that this number of SPAs was less than usual because the intake management and case management capabilities, and certain reporting functions were added to the CONNECTIONS computer system in 2005. OCFS officials explained the low number of assessments was because they did not want to perform reviews while staff was learning a new case management system. At the close of the audit, OCFS had not set the schedule for its 2006 SPA reviews.

In a prior audit, *Foster Care Contacts* (Report 2003-S-35, issued June 24, 2004), OCFS officials stated that their goal was to perform an SPA at each District every three years. OCFS has revised this goal to perform SPAs at each District once every four years. We encourage OCFS to continue conducting SPAs to improve Districts' compliance with sibling contact requirements and to monitor Districts case records documentation of sibling separations.

### Recommendations

1. Reissue OCFS Administrative Directive 92 ADM-24 to:
  - remind District employees of the need to document sibling placement decisions, professional staff consultation, and sibling contact requirements in the Law and regulations;

- define what diligent efforts are necessary for the District to meet sibling visit requirements;
- instruct District employees of the new process using the CONNECTIONS Family Assessment and Services Plan which has replaced the UCR as the official case record;
- remind District supervisors of their responsibility to review and approve case records and to comply with OCFS's Directive 92 ADM-24 to ensure case records are appropriately documented when siblings are separated.

2. Improve current SPA instrument with additional questions on sibling separation decisions. Resume performing SPAs to make sure sibling separation decisions meet requirements.

### AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited the Districts' compliance with Law and regulations concerning the documentation of sibling placement decisions, consultations with professionals, and separated sibling contacts in foster care. We also audited OCFS monitoring of the Districts' compliance with sibling placement according to the Law and regulations. This audit covered the period from January 1, 2004 through March 31, 2006 and included all counties except New York City.

To accomplish our objectives, we reviewed the Law, Title 18 and the directive. We interviewed OCFS officials and obtained, reviewed, and analyzed the six SPAs performed by OCFS during our audit period. In addition, we visited five judgmentally selected upstate Districts (Chemung, Columbia, Monroe, Onondaga, and Westchester) from a population of 57 upstate Districts to determine if these Districts were meeting the sibling separation and contacts requirements in the Law and regulations. We selected these Districts as they represented five of the six Districts with the highest percentage of children separated or partially separated in placement of the total children with siblings, and each District had at least ten sibling groups. From CCRS, we determined the number of children in foster care with separated siblings on November 30, 2005, whose date of last placement occurred between January 1, 2004 and November 30, 2005. We used a random-number generator to select a sample of 10 children who were placed separately from their siblings in each District, each representing a different sibling group that had been separated in placement. We reviewed the case files of sampled children in each District, for a total of 50 case files from a population of 181 cases. We also selected another sample of 10 children who were placed with their siblings in each District, for a total of 50 case files from a population of 232, to determine if the data on OCFS's CCRS was reliable. We contacted the New York State Citizen's Coalition for Children and reviewed the reports on their website concerning the importance of keeping siblings together in foster care.

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, several of which are performed by the Division of State Services. 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 management 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**

A draft copy of this report was provided to OCFS officials and local Districts for their review and comment. Their comments were considered in preparing this report, and are included as Appendix A. Department officials stated that, because we visited Districts that had the highest percentage of foster care siblings separated, or partially separated in placement, our audit results were biased. They indicated the audit results may have been more favorable had we selected the Districts randomly. Our audit report's scope and methodology clearly explains the basis of our judgmental sampling of districts. The report findings are not in dispute and are not extrapolated to other districts. We believe this presentation is fair and accurate and provides a useful focus on those districts with the highest percentage of sibling separations.

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In response to our audit recommendations, OCFS officials stated that they will be developing a white paper to provide guidance to districts and will attach 92 ADM-24 as an appendix. They also indicated that they are evaluating the current SPA process and have plans to modify it to bring greater focus on sibling placement, visitation and communication.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Office of Children and Family Services 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 recommendations were not implemented, the reasons therefor.

#### **CONTRIBUTORS TO THE REPORT**

Major contributors to this report include William Challice, Richard Sturm, Christine Chu, Michael Cantwell, Jessie Wright, Mark Radley, Donald Cosgrove and Susan DiFiore.

**APPENDIX A - AUDITEE RESPONSE**



New York State  
Office of  
Children & Family  
Services

August 18, 2006

George E. Pataki  
*Governor*

John A. Johnson  
*Commissioner*

Mr. William P. Challice  
Audit Director  
Office of the State Comptroller  
State Audit Bureau  
123 William Street – 21<sup>st</sup> Floor  
New York, New York 10038

Subject: Draft Audit Report 2005-S-70

**Capital View Office Park**

52 Washington Street  
Rensselaer, NY 12144-2796

Dear Mr. Challice:

The Office of Children and Family Services has reviewed the draft audit report on Sibling Placement in Foster Care, issued July 6, 2006. Enclosed is our response for your consideration.

Sincerely,

Susan A. Costello  
Deputy Commissioner  
for Administration

Enclosure

cc: Lynn Dobriko



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**New York State Office of Children and Family Services  
Response to Office of the State Comptroller (OSC)  
Draft Report—2005-S-70  
Sibling Placement in Foster Care**

The New York State Office of Children and Family Services (OCFS) has reviewed Draft Report 2005-S-70 on Sibling Placement in Foster Care and offers the following response:

**Introduction**

The five local social services districts visited and reviewed by the OSC auditors were selected because they represented five of the six districts with the highest percentage of foster care siblings separated, or partially separated, in placement. Consequently, the results of the audit were biased due to the audit methodology. If the audit sample of social services districts had been selected randomly, the audit results may have been more favorable regarding documenting placement decisions and sibling contacts.

**Response to Recommendations**

**Recommendation 1:** Reissue OCFS Administrative Directive 92 ADM-24 to:

- remind district employees of the need to document sibling placement decisions, professional staff consultation, and sibling contact requirements in the Law and regulations;
- define what diligent efforts are necessary for the district to meet sibling visit requirements;
- instruct district employees of the new process using the CONNECTIONS Family Assessment and Services Plan, which has replaced the Uniform Case Record as the official case record; and,
- remind district supervisor of their responsibility to review and approve case records and to comply with OCFS's Directive 92 ADM-24 to ensure case records are appropriately documented when siblings are separated.

**OCFS Response:** The OCFS will be developing and issuing a white paper, which will include practice guidelines regarding keeping siblings together in foster care and, where this is not possible, promoting sibling visitation and communication. The 92 ADM-24 can be an appendix to the paper since the Law and regulations have not changed. A white paper would allow some research to be included and perhaps some statistical data.

**Recommendation 2:** Improve the current Safety and Permanency Assessments (SPA) instrument with additional questions on sibling separation decisions. Resume performing SPA's to make sure sibling separation decisions meet requirements.

**OCFS Response:** OCFS is evaluating the current SPA process. The plan is to modify the process to bring greater focus on sibling placement, visitation and communication, as well as many other areas of child safety and permanency. Until the modifications are made, OCFS will continue to use the current SPA instrument with the addition of several questions focusing on sibling placement, visitation and communication.