

New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Health and Safety of Children in Foster Care

New York City Administration for Children's Services



Report 2016-N-2

March 2018

Executive Summary

Purpose

To determine whether the New York City Administration for Children’s Services (ACS) takes sufficient steps to ensure the health and safety of the children placed in foster care. The audit covers New York City children who were in foster care during the period of July 1, 2014 through August 31, 2016.

Background

ACS is responsible for ensuring the safety and well-being of New York City children who have been placed in foster care – voluntarily or involuntarily. 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. Consequently, placement is generally either in kinship homes (relatives) or with foster parents selected by not-for-profit, community-based voluntary agencies. For the period of July 1, 2014 through August 31, 2016, ACS contracted with 32 such agencies and reimbursed them for the care provided to the children. Agency case planners (including case workers) are required to conduct regular contact visits to foster children and their foster parents. The resulting interactions and observations are required to be documented as progress notes in CONNECTIONS – a statewide system for collecting and recording child welfare information. Also, both ACS and the agencies are required to complete Family Assessment Service Plans (FASPs) for each foster child. The New York State Office of Children and Family Services (OCFS) provides technical support and supervision to the State’s 58 local social services districts. OCFS, with the support of the New York State Office of Information Technology Services, maintains CONNECTIONS.

Key Findings

For the period of July 1, 2014 through August 31, 2016, we reviewed case files for a sample of 48 foster children and their foster parents to determine if required contact (face-to-face) visits were conducted and if progress notes were recorded in CONNECTIONS in a timely manner. Based on our review, we found:

- ACS lacked controls to ensure that agencies complied with their contractual obligation to conduct visits and record them timely. Moreover, technical problems with CONNECTIONS, such as the lack of sign-off and approval capabilities and reminders of past-due progress notes, may decrease accountability and delay the recording of progress notes.
- CONNECTIONS does not have sufficient case monitoring tools to allow ACS staff to readily identify cases where required visits are not being made and when progress notes are not being entered timely.
- There was no evidence that all required contact visits were conducted and that progress notes were recorded in CONNECTIONS in a timely manner. For example, for our sample of 48 foster children and their foster parents, we found that the required two contact visits per month to 30 of the foster children (63 percent) and 36 of the foster parents (75 percent) were not conducted during the first 90 days after placement. In addition, there is no evidence that 16 of the foster children (33 percent) and 18 of the foster parents (38 percent) were visited, as required, after the initial 90 days.
- ACS has not established a standard for how timely progress notes should be entered in

CONNECTIONS. Instead, ACS defers to the OCFS standard of “contemporaneously,” which is a recommended maximum of 30 days. However, we noted that the five contracted agencies in our sample required their employees to enter progress notes within 3 to 15 days of a contact visit. Consequently, using 15 days as a benchmark, we determined that, for the 48 foster children and their foster parents, 92 of the 352 progress notes for the first 90 days (26 percent) and 151 of the 732 progress notes (21 percent) for the period thereafter were entered more than 15 days late. Using the 30-day recording period, 56 of the 352 progress notes (16 percent) for the first 90 days exceeded the 30-day benchmark, and 54 of the 732 progress notes (7 percent) for the period thereafter were entered more than 30 days late.

- Initial and comprehensive follow-up FASPs, which assess the functions and needs of foster children and their foster families, were often completed late. For example, initial FASPs for 18 of the 45 children were completed after the required 30 days, and comprehensive FASPs for 22 of the 45 children were completed after the required 90-day period.
- In our review of progress notes for cases under investigation due to alleged abuse or maltreatment, we found reference to a previous complaint accusing the foster parent of abuse. ACS investigated and informed us that despite this being referenced in its own report, it appeared without merit, as “there is no record of any complaint to the State Central Register or elsewhere, and the factual details do not match the composition of the home in 2015.” However, even if the allegation was erroneous, it is concerning that such a serious allegation would appear in an official case summary without any evidence to support it.

Key Recommendations

- Ensure that agencies conduct the minimum required casework contact visits with foster children and their foster parents during the initial placement period and throughout the children’s placement in foster care.
- Establish a time frame for agencies to complete and enter progress notes related to case planners’ contact visits, and ensure that agencies are complying with this requirement.
- Include compliance with case planners’ contact visit requirements and the timeliness of progress notes as factors in an agency’s scorecard metrics.
- Work with OCFS to improve CONNECTIONS, thus allowing for improved case management.

Other Related Audit/Report of Interest

[Office of Children and Family Services: Oversight of Critical Foster Care Program Requirements \(2015-S-79\)](#)

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

March 9, 2018

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

Dear Mr. Hansell:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage government resources efficiently and effectively and, by so doing, providing accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit entitled *Health and Safety of Children in Foster Care*. The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

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Background

The New York City Administration for Children’s Services (ACS) is responsible for ensuring the safety and well-being of New York City’s children, including 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, or because a court has determined that the child is a “person in need of supervision” or a juvenile delinquent. 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). State statute requires social services districts to consider the availability of relatives as a placement resource prior to placing a child with a non-relative. For the period of July 1, 2014 through August 31, 2016, ACS contracted with 32 such agencies to monitor, support, and stabilize families at risk of a crisis and to provide foster care services for children who are unable to safely remain at home. ACS reimburses the agencies for the care provided to the children. The New York State Office of Children and Family Services (OCFS) provides technical support and supervision to New York State’s 58 local social services districts. The five New York City boroughs are considered to be one local social services district. ACS, which services the City, is the largest of these districts. In addition, OCFS, with the support of the New York State Office of Information Technology Services, maintains the CONNECTIONS¹ information system.

In 2009, as permitted by State statute and with the authorization of OCFS, ACS instituted a new oversight structure in which day-to-day case management was delegated to the agencies. This approach was intended to put direct supervision close to the child and the family, and to give the agencies expanded authority to make case management and other service decisions on behalf of client families. Agencies oversee the children’s cases while they are in foster care. Agency case planners (including case workers) are required to conduct regular contact visits to foster children and their foster parents and record their observations and interactions in CONNECTIONS. In addition, both ACS and staff at the agencies are required to prepare Family Assessment Service Plans (FASPs) for each foster child.

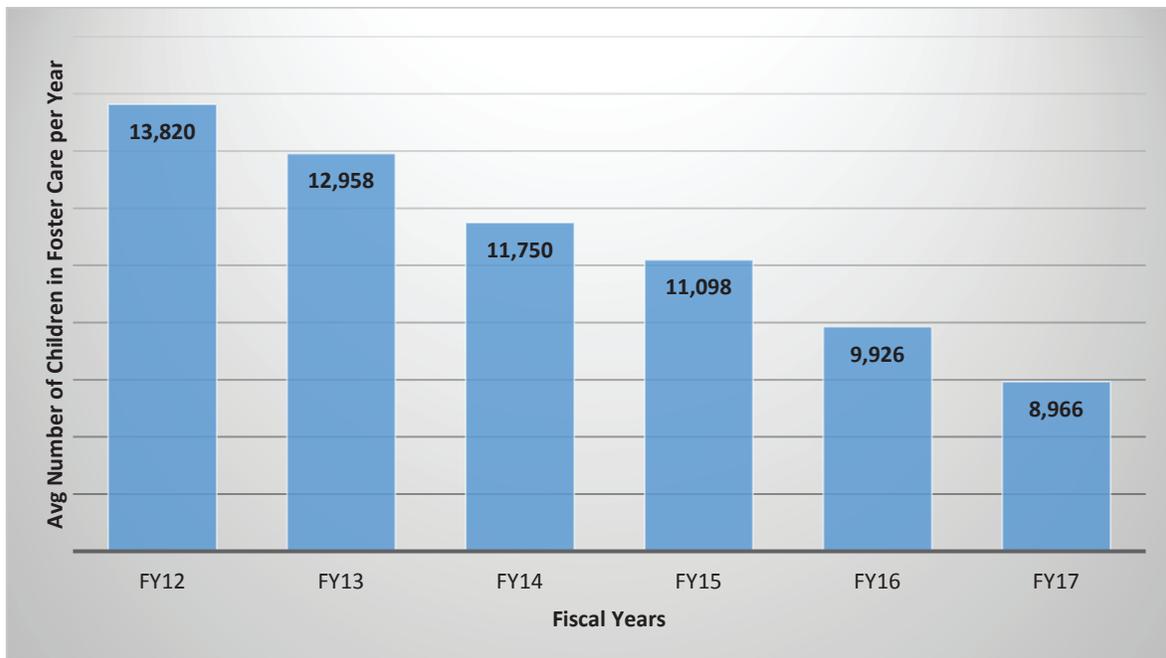
According to the 2016 Mayor’s Management Report, fewer children are being placed in foster care due, in part, to increased utilization of intensive home-based preventive family support services.

¹ CONNECTIONS is New York State’s federally required Statewide Automated Child Welfare Information System. It was designed to provide OCFS, local social services districts, and voluntary agencies with an automated system for child protective, preventive, foster care, and adoption services. CONNECTIONS maintains a historical record (progress notes) of contact (face-to-face) visits, demographics, investigations, safety and risk assessments, family assessment service plans, and legal, health, and education information. ACS and its voluntary agencies use CONNECTIONS to record and access information on children placed in foster care as well as on their foster care parents, parents, and other guardians. OCFS expects information to be entered in CONNECTIONS contemporaneously.

Overall, the number of children in foster care has declined from an average of 13,820 in fiscal year 2012 to 8,966 in fiscal year 2017, a 35 percent decrease (see Table 1). However, the 2017 Mayor’s Management Report showed an increase in the number of foster care maltreatment incidents, from 3.9 incidents per 100,000 care days in fiscal year 2012 to 7.6 incidents per 100,000 care days in fiscal year 2017. According to the 2017 report, the increase may reflect a heightened level of security in addressing possible foster care abuse or neglect following the 2016 implementation of a new ACS Child Safety Alert protocol.

In 2016, ACS commissioned the Casey Family Programs, a not-for-profit foundation, to complete an independent, multidimensional assessment of systemic issues related to child safety, with a primary focus on child protective investigations, including foster care cases. The report, “Assessment of New York City Administration for Children’s Services Safety Practice and Initiatives,” was issued in May 2017 and noted, among other issues, that ACS has no automated mechanism for supervisory task monitoring, such as alerts, emails, or reports with required action items and due dates. The report recommended that ACS complete the process, currently underway, to update and streamline agency policy and to communicate new or updated policies to both ACS and agency staff in a coordinated and efficient manner. In addition, the report stated that ACS should continue to develop state-of-the-art safety and risk assessment models and tools in collaboration with OCFS.

**Table 1 - Average Number of New York City Children in Foster Care
Fiscal Year July 1, 2012 to June 30, 2017**



Audit Findings and Recommendations

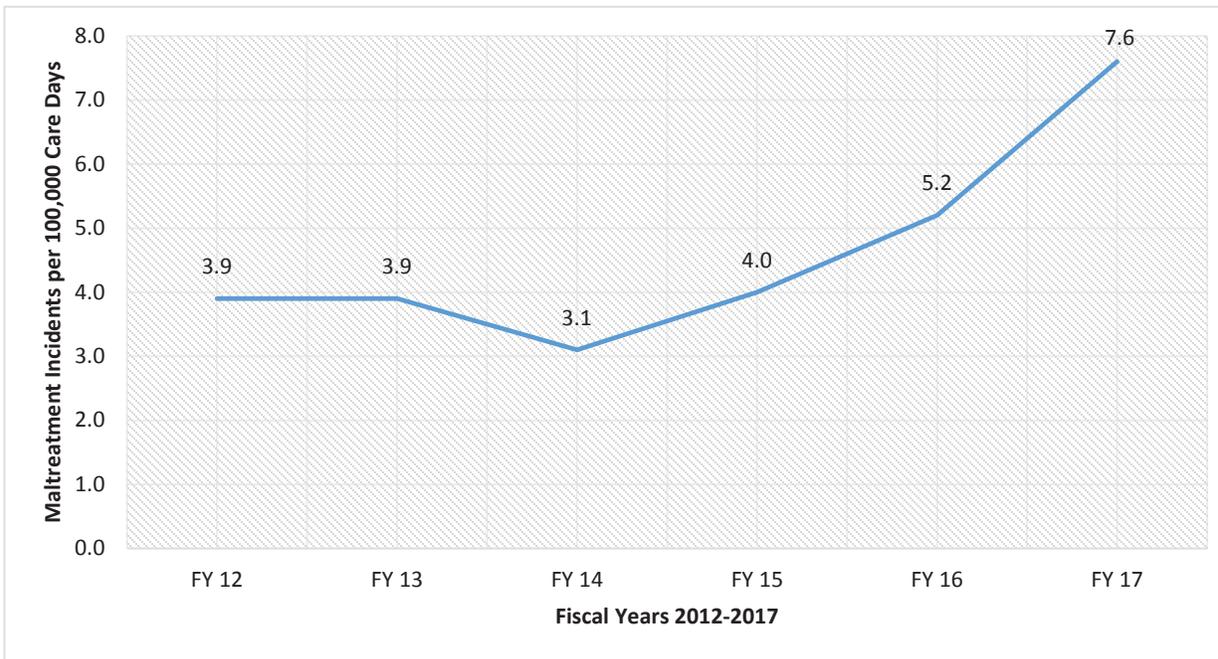
ACS lacks the tools to ensure that agencies are performing many of the critical functions required to protect the health and safety of foster children. We obtained and reviewed progress notes and FASPs for a sample of 48 foster children and their foster parents. We could not be assured that all required contact visits were made because evidence of those contact visits was not recorded in CONNECTIONS; and even when such contact visits were made, the progress notes documenting the observations and interactions were not recorded in CONNECTIONS in a timely manner. In addition, we determined that ACS staff did not always prepare and approve initial FASPs within the required 30-day period. Consequently, officials at the agencies were unable to timely initiate and prepare follow-up comprehensive FASPs. We believe it is incumbent upon ACS to ensure that these tasks (documenting contact visits, recording progress notes, and preparing FASPs) are occurring and within the prescribed time frames. To do so will require ACS to perform more aggressive case monitoring to detect early signs that contact visits are not being made and that progress notes and FASPs are not being prepared and/or entered in CONNECTIONS in a timely manner.

ACS Oversight

Agency case planners (including case workers) are required to conduct regular contact visits to foster children and their foster parents and record their observations and interactions in CONNECTIONS. Home visits are an important tool in assessing the physical conditions of the home, its environment, and the health, safety, and welfare of the foster child. ACS staff review the agency data in CONNECTIONS, conduct reviews of statistically selected progress notes and other agency records, and prepare annual scorecards for each agency. The scorecards identify areas of strength as well as areas that need improvement. Beginning in fiscal year 2016, the scorecards emphasized safety outcomes, permanency, and child well-being. However, ACS relies solely on the agencies to ensure that required contact visits are made and progress notes are entered timely. As noted in subsequent sections of this report, these critical contact visits are often not conducted and progress notes are not entered timely in CONNECTIONS.

We determined that ACS does not have a monitoring tool to alert it to these deficiencies, as its Provider Agency Management System (PAMS) unit only reviews a limited number of case records after the fact. Therefore, ACS staff may be unaware whether required contact visits are being made, whether progress notes are completed timely, and if adverse or potentially dangerous conditions are identified and followed up on promptly. As a result, ACS cannot be assured that the agencies are properly managing the health and safety of the foster children placed in their care. Without proactive monitoring, there is an increased risk that threats to the safety and well-being of foster children can go undetected and unresolved. Although the Mayor's Management Reports indicate a decrease in the number of children in foster care during the five fiscal years ended June 30, 2017 (see Table 1), the same reports show an increase in the number of foster care maltreatment incidents (see Table 2) which, according to the 2017 report, could be due to a heightened level of security in addressing possible foster care abuse or neglect following the 2016 implementation of a new ACS Child Safety Alert protocol.

Table 2 - Number of Incidents of Maltreatment, per 100,000 Care Days, of Children Placed in Foster Care



In order to better ensure the safety and well-being of New York City's children, ACS should more aggressively monitor the agencies to detect early signs that visits are not being made and progress notes are not being entered timely in CONNECTIONS. Non-compliance with ACS' guidelines for conducting contact visits and delays in entering data and other information related to these contact visits compromises the value of the information agency case planners and ACS rely on to make informed and appropriate decisions about foster children. Moreover, these material deficiencies in case record maintenance diminish ACS' ability to provide adequate case management.

CONNECTIONS

CONNECTIONS is a federally required Statewide Automated Child Welfare Information System that allows OCFS, local social services districts, and voluntary agencies to document, maintain, and access child protective, preventive, foster care, and adoption services information. However, both agency and ACS officials informed us that CONNECTIONS does not have a built-in feature to allow agencies to summarize pertinent details related to foster care cases. This makes it difficult for agency managers or ACS staff to quickly identify issues or patterns that need correcting. Further, staff at the agencies have expressed concerns about certain deficiencies in CONNECTIONS, such as the lack of a general search function, the inability to record incidents of abuse or neglect in an area separate from progress notes, the inability to scan or upload documents (e.g., school report cards), the inability of case planners and/or their supervisors to sign off on progress notes, and no reminders that progress notes are past due. In addition, although CONNECTIONS does capture the date that a progress note was first started, it does not indicate how long after an event that it was completed. The absence of built-in reminders and progress note sign-offs results in decreased

accountability on the part of the agencies. These deficiencies, if not addressed and resolved, may increase the risks that should have been alleviated when the child was placed in foster care.

ACS officials informed us that they expect to complete a new system in 2018 that will transform data in CONNECTIONS to customized reports and dashboards—including process measures related to case planners’ contacts and supervisory sessions, which will be available to front-line staff and managers. In 2016, ACS commissioned the Casey Family Programs, a not-for-profit foundation, to complete an independent, multidimensional assessment of systemic issues related to child safety, with a primary focus on child protective investigations, including foster care cases. The report noted, among other issues, that ACS has no automated mechanism for supervisory task monitoring, such as alerts, emails, or reports with required action items and due dates. The report recommended that ACS complete the process, which is currently underway, to update and streamline agency policy and communicate new or updated policies to both ACS staff and provider agencies in a coordinated and efficient manner. We encourage ACS officials to develop a policy requiring ACS management and staff, as well as management and case planners at the agencies, to make use of these reports on a regular basis, as part of their monitoring activities.

Providing Critical Casework Services to Children and Families

Foster Family Visits

According to OCFS regulations, children in foster care and their foster parents must receive contact visits at least twice during the first 30 days of placement in foster care, with at least one contact visit taking place at the child’s foster home. Contact visits must occur at least once per month thereafter. However, a 2010 ACS Guidance Memorandum requires agency personnel (case planners, etc.) to conduct contact visits with foster children and their foster parents twice a month for the first 90 days, with at least one contact visit per month at the foster home. 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. More frequent contact visits can be conducted where warranted. Regular contact visits are also required during the time a child is discharged on a trial basis from the foster home to another setting (e.g., to the foster child’s former 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 current safety and well-being, evaluate permanency needs and goals, work toward resolving the underlying problems that resulted in the child’s placement in foster care, obtain information about the foster child’s adjustment, facilitate the foster parents’ role in achieving the course of action specified in the foster child’s service plan, and assess whether the foster child would be safe if he/she returns home. These visits are an integral part of obtaining firsthand information about the circumstances affecting the foster child. At ACS, these visits are usually made by case planners from the 32 agencies. Observations, interactions, and any other information related to the foster child’s care must be contemporaneously recorded in CONNECTIONS.

We selected a judgmental sample of 5 of the 32 agencies to determine if personnel were

complying with ACS' standards for conducting contact visits with foster children and their foster parents. Our selection was based on factors such as the number of foster children placed with an agency and the agency's ACS performance ratings. For the five agencies, we selected a random sample of 50 foster children and reviewed foster care files maintained in CONNECTIONS for 48 – files for ten foster children from each of four agencies and files for eight foster children from the remaining agency. (At Cayuga, there were only eight open cases available for review at the time or our audit.) Our sample pertained to children who were in foster care during the 26-month period of July 1, 2014 through August 31, 2016. We found no evidence that all required foster care contact visits were made to the foster children and their foster parents, as stipulated in ACS' guidelines. Therefore, we have no assurance that staff at the five agencies were fully complying with ACS' guidelines on the minimum number of contact visits to be made to foster children and their foster parents.

For example, during the first 90 days in foster care for our sample of 48 foster children and their parents, CONNECTIONS lacked evidence that:

- Agency personnel made the minimum number of contact visits during one or more months for 30 children (63 percent);
- Agency personnel made the minimum number of monthly contact visits for 22 children (46 percent) at their foster home;
- Agency personnel made the minimum monthly contact visits with foster parents for 36 children (75 percent); and
- Agency personnel made the minimum number of monthly foster home contact visits with the foster parents for 24 children (50 percent) (see Table 3 and the Exhibit at the end of this report).

Table 3 - Missing Contact Visits: First 90 days in Foster Care

		Number of Children and Their Foster Parents Not Receiving Contact Visits			
		Foster Child		Foster Parent	
Agency	Total Cases Reviewed	Two Contacts per Month	One Contact per Month at Placement Location	Two Contacts per Month	One Contact Per Month at Placement Location
JCCA	10	5	6	6	7
Edwin Gould	10	8	1	10	1
NY Foundling	10	6	7	6	7
SCO	10	6	4	8	4
Cayuga Home	8	5	4	6	5
Totals	48	30	22	36	24
Total Exceptions/Total Reviewed		63%	46%	75%	50%

We also reviewed files for the 48 sampled foster children to determine if the required contact visits were made after they were in foster care for more than 90 days. We found instances where agency personnel had not visited the foster child or the foster parent as required, including instances where there were gaps of several months between contact visits. Moreover, we found instances where agency personnel did not meet the minimum requirements for visiting the foster home (see Table 4 as well as the Exhibit).

Table 4 - Missing Contact Visits: After 90 Days in Foster Care

		Children and Their Foster Care Parents Not Receiving Contact Visits			
		Foster Child		Foster Parent	
Agency	Total Cases Reviewed	Monthly Visits	Placement Location Visits (2 Per Quarter)	Monthly Visits	Placement Location Visits (1 per Quarter)
JCCA	10	4	2	5	1
Edwin Gould	10	4	2	4	1
NY Foundling	10	2	2	1	0
SCO	10	4	0	6	0
Cayuga Home	8	2	0	2	0
Totals	48	16	6	18	2
Total Exceptions/Total Reviewed		33%	13%	38%	4%

Moreover, we determined that:

- Five of the 48 foster children had not received contact visits for two or more months;
- One of the 48 foster children had not received a contact visit for five consecutive months after returning home on a trial discharge;
- One foster child had not received a contact visit at his/her foster home for seven months;
- The foster parents of 7 of the 48 children had not received contact visits for two or more months;
- One foster parent had received no contact visits for six months during a 14-month period; and
- Foster parents of 2 of the 48 foster children had not received home contact visits for five months.

ACS does not conduct its own contact visits to foster children and their foster parents. Therefore, it is important that ACS significantly improve its controls and oversight to ensure that agencies are conducting the required contact visits, as such visits are vital in ensuring the appropriateness of the initial foster care placement and whether the conditions in which the foster child is residing do not increase the risk to the child's health and safety. When required contact visits are not made, unsafe conditions may go unnoticed, the foster child may remain in an unsuitable or dangerous environment, and goals that were set for the foster child may not be achieved.

Documenting Visits

In foster care, progress notes are critical tools for monitoring a foster child’s health, safety, and development, and for evaluating if the plans and goals established for the foster child are being achieved. They are the official records of observations and interactions among case planners, the foster child, the foster parents, and other stakeholders. 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.” However, OCFS has not defined the term “contemporaneously.” Instead, OCFS recommends a maximum 30-day time frame as a best practice. However, each of the five agencies we sampled has different expectations of when personnel should enter progress notes in CONNECTIONS, which were all less than the recommended maximum. For example, one agency requires its staff to enter progress notes within three days of the contact visit or event, another allowed five days, two others allowed seven days, and another allowed 15 days. We also noted that the Nassau County Department of Social Services imposes a seven-day limit for entering progress notes in CONNECTIONS.

For the period July 1, 2015 through August 31, 2016, we reviewed the 1,084 progress notes that were entered in CONNECTIONS for the contacts with the 48 sampled foster children and their foster parents – 352 of the progress notes pertained to the first 90 days after placement and the remaining 732 progress notes pertained to the period thereafter. We reviewed the progress notes to determine the length of time that elapsed between the contact visits and the dates the progress notes were entered in CONNECTIONS. We looked for the dates that the progress notes were first started, since CONNECTIONS does not record when the progress notes were completed and does not include a sign-off feature for the progress notes. For the purposes of our review, we determined that a progress note was entered timely if it was entered within 15 days after a visit, as that was the maximum amount of time any of our sampled agencies allowed for progress note completion. We found that 26 percent of progress notes for the first 90-day period and 21 percent of progress notes for the period after were entered more than 15 days after the contact visits – including two notes that began about six and seven months, respectively, after the dates of the contact visits (see Exhibit at the end of this report). Additionally, using the 30-day time frame to enter the progress notes, we determined that 16 percent of notes for the first 90-day period and 7 percent of the notes for the period after were entered more than 30 days later.

When a progress note is not recorded or is recorded long after the contact visit, there is an increased risk of inaccuracy. Moreover, recording a progress note weeks or months after the contact visit date compromises the value of the information, as relevant issues/problems may not be identified and addressed by the case planners or their supervisors prior to the next required contact visit. This may place the foster child at increased risk of being harmed mentally and physically. Moreover, patterns of abuse or neglect could be missed. In addition, new case planners assigned to a foster child will lack critical prior information that should be followed up on when making the next required contact visits. ACS needs to implement a more rigorous system that can detect instances where contact visits are not being made or where progress notes are not being entered timely. In the absence of such a system, ACS has limited assurance that the agencies are carrying out the important role of ensuring the health and safety of the nearly 9,000 children in foster care.

Family Assessment Service Plan

According to OCFS regulations, ACS must complete an initial FASP for every child placed in foster care and approve it within 30 days of the child's placement. The FASP assesses the foster family and foster child's functions, strengths, and needs to determine if changes need to be made to support desired outcomes. A more comprehensive follow-up FASP must be completed by the agency and approved by ACS within 90 days of when the child was placed in a foster home. FASPs must be periodically updated based on information from Service Plan Review conferences, attended by agency and ACS representatives, foster parents, foster children (if of age to sit through the conferences), and other interested parties, such as therapists and attorneys.

A FASP contains multiple components, such as whether service goals address the needs of the family and foster child, specific steps to be taken by each team member, time frames for accomplishment of goals, action plans to monitor the foster child's progress, whether it is safe for the foster child to remain in his/her current foster care home, and whether it is safe to discharge the child from foster care. FASPs must be documented in CONNECTIONS and reviewed and approved by ACS. We selected and reviewed FASPs for 45 of the sampled foster children to determine whether the initial and follow-up FASPs were prepared within the required time frames. (FASPs were not available for the other three sampled children because their cases were closed at the time of our review.) We found that initial FASPs for 18 foster children (40 percent) were completed after the first 30 days, and comprehensive FASPs for 22 foster children (49 percent) were completed more than 90 days after the placement date (see Table 5).

Table 5 - Review of Initial and Comprehensive FASPs

Agency	Timeliness of Initial FASPs				Timeliness of Comprehensive FASPs			
	Within 30 days	Over 30 days	Not Available	Totals	Within 90 days	Over 90 days	Not Available	Totals
JCCA	4	4	2	10	6	2	2	10
Edwin Gould	5	5	-	10	3	7	-	10
NY Foundling	7	2	1	10	6	3	1	10
SCO	5	5	-	10	6	4	-	10
Cayuga Home	6	2	-	8	2	6	-	8
Totals	27	18	3	*48	23	22	3	*48

*Initial and comprehensive FASPs were unavailable for three of the 48 children whose cases were closed at the time of our review.

Agencies rely on the information in the initial FASPs to get a better understanding of the foster children, their needs, and the details of their case. When ACS fails to complete the initial FASP within the required time frame, it delays the agency's ability to obtain the complete history of

the foster child and to prepare the comprehensive follow-up FASP. This may hamper the agency's efforts to place children in foster homes that best suit their needs. An agency official informed us that they are sometimes unable to prepare comprehensive FASPs because ACS had not yet prepared and approved the initial FASPs; and CONNECTIONS does not allow a comprehensive FASP to be entered before the initial FASP is approved by ACS. The comprehensive FASP is vital for tracking case goals as well as the child's safety and well-being. We determined that 13 of the 22 cases that had late comprehensive FASPs also had late initial FASPs.

OSI Investigations

Regulations require ACS' Child Protective Services (CPS) unit to conduct a preliminary safety assessment to determine whether a foster child named in a New York State Central Register (SCR) report, or any other children in the foster home/household, may be in immediate danger. ACS' Office of Special Investigations (OSI) then handles the investigation, which must be initiated within 24 hours of receipt of the SCR report. A determination must be made within 60 days as to whether the reported incident is "indicated" or "unfounded." An indicated incident is when there is sufficient credible evidence to support the allegation. The OSI investigation can result in the arrest of the accused, removal of the child from the foster home, closure of the foster home, or additional training for the foster parent(s). ACS informed us that there is an OSI liaison at each agency to interface with OSI. However, there is no requirement for ACS to notify and coordinate with the agencies immediately following receipt of the SCR report. During the 12 months ended May 31, 2016, OSI investigated approximately 1,900 foster care SCR reports.

To determine if there were warning signs of potential abuse and/or maltreatment² that were not properly acted upon before the indicated incident, we reviewed 20 indicated investigations involving foster children who were placed by four of the five sampled agencies during the period July 1, 2014 through August 31, 2016. We selected and reviewed progress notes for the period starting approximately two months prior to the date of the SCR investigation through two months after the end of the investigation. We found no incidents that should have triggered an investigation or any cases where it appeared that appropriate actions were not taken.

However, during our review, we found an OSI summary document relating to a foster child who was not part of our sample. This summary cited allegations of sexual abuse in August 2015 by the child's foster parent, who was subsequently arrested. The summary indicated that:

"Through OSI investigation, it was learned that this is not the first alleged incident against the foster parent. It was reported that in January 2015, a former female foster child in the same foster home had alleged sexual abuse. This incident was reported to the foster care agency, as well as to ACS. However because the child was 18 years old at the time, no further action was taken."

² According to regulations, an abused child is a child under 18 years of age whose parent, guardian, or other person legally responsible for his/her care inflicts or allows to be inflicted serious physical injuries or death; creates or allows to be created a risk of serious physical injuries or death; or commits or allows a sex offense to be committed. A maltreated child is a child under the age of 18 years who has had serious physical injuries inflicted upon him/her, or is defined as a neglected child.

In one of our preliminary audit reports, we asked ACS officials why the agency allowed the foster home to continue operating after January 2015. They responded:

“In the review, the OSC auditors referenced a case which suggests a foster parent had a prior history of sexual abuse. As a result, we researched the allegations that there had been a prior complaint in 2015 against the foster parent. However, those allegations seem to be without merit as there is no record of any complaint to the SCR or elsewhere, and the factual details do not match the composition of the home in 2015.”

However, ACS officials could not explain how this citation of abuse came to appear on the OSI summary. Therefore, although ACS officials state that “the allegations seem to be without merit,” they cannot be assured that the incident did not take place. Moreover, even if the allegation was erroneous, it is a serious concern that such an allegation would appear in an ACS summary without any evidence to support it.

In addition, as with our review of case files for our sample of 48 foster children and their foster parents, we found progress notes in our review of OSI investigations that were entered into CONNECTIONS more than 15 days after the contact visit. In fact, three notes were entered more than 50 days after and one was entered more than 90 days after.

Recommendations

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.
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.
3. Include compliance with casework contact visit requirements and the timeliness of entering progress notes as factors in an agency’s scorecard metrics.
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.
5. Work with OCFS to improve CONNECTIONS, thus allowing for improved case management.
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.

Audit Scope, Objective, and Methodology

The objective of this audit was to determine whether ACS takes sufficient steps to ensure the health and safety of children placed in foster care. The audit covers New York City children who were in foster care during the period of July 1, 2014 through August 31, 2016, with the exclusion of those children who were adopted.

To accomplish our objective, we reviewed the applicable regulations, interviewed ACS and agency officials regarding foster care requirements, and reviewed the controls over, and records documenting, selected aspects of those requirements, such as casework contact visits. We also reviewed the relevant ACS and selected agency policies and procedures. We selected case files for a sample of 48 foster children who were in foster care during the period July 1, 2014 through August 31, 2016 to assess whether agency staff were providing and documenting the required services. The cases we reviewed were assigned to five judgmentally selected agencies. We interviewed representatives from these five agencies to ascertain how they perform their contracted foster care services. We met with ACS officials to gain an understanding of, and to assess, the internal controls ACS has in place to determine whether the agencies were complying with requirements for making casework contacts, entering progress notes into CONNECTIONS, and timely completing FASPs. We also reviewed selected ACS OSI summary conclusions and compared them with progress notes pertaining to the same foster home for the same time period.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained during the audit provides a reasonable basis for our findings and conclusions based on our audit objective.

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. 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 functions do not affect our ability to conduct independent audits of program performance.

Authority

This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article III of the General Municipal Law.

Reporting Requirements

A draft copy of this report was provided to ACS officials for their review and comments. Their comments were considered in preparing this final report and are attached in their entirety at the end. ACS' response provided details regarding the foster care oversight structure, in which day-to-day case management was delegated to the provider agencies, and a detailed description of the monitoring systems that ACS has in place to oversee the foster care agencies. The response does not dispute any of the specific findings cited in our report regarding case work contacts, the entering of progress notes, or the completion of FASPs. Rather, the response provides additional information, which we believe was sufficiently covered in the report. ACS generally agreed with our recommendations for improved monitoring, for the most part indicating that it had already implemented such actions. One such action is the planned roll-out of the ACS Safe Measures' Dashboard, a tool that will use CONNECTIONS data to allow providers to create customized reports in support of case management, and will provide access to reports on required case contacts. ACS did not agree with our recommendation to establish time frames for providers to enter progress notes in CONNECTIONS. Officials responded that ACS encourages providers to follow the best practice of entering progress notes within one month of the event occurrence, but since OCFS had not issued legal requirements for the time frame for progress note entry, they are not permitted to institute such a requirement.

Within 90 days after final release of this report, we request that the Commissioner of the New York City Administration for Children's Services report to the State Comptroller, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

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Vision

A team of accountability experts respected for providing information that decision makers value.

Mission

To improve government operations by conducting independent audits, reviews, and evaluations of New York State and New York City taxpayer-financed programs.

Exhibit

Caseworker Contacts - Number of Sampled Children for Whom Requirements Were Not Met												
Voluntary Agency (Number of Cases Reviewed)	Casework Contacts With Foster Child				Casework Contacts With Foster Parent				Timeliness of Progress Notes Entered in CONNECTIONS - Entered More Than 15 Days From			
	Two Contacts per Month First 90 Days	One Contact per Month at Placement First 90 Days	Monthly Contacts	Placement Location Contacts (2 per Quarter)	Two Contacts per Month First 90 Days	One Contact per Month at Placement First 90 Days	Monthly Contacts	Placement Location Contacts (1 per Quarter)	First 90 Days	From July 1, 2015 to August 31, 2016	Total Progress Notes Entered More Than 30 Days After Event	
JCCA (10)	5	6	4	2	6	7	5	1	24 of 71	49 of 173	73	244
Edwin Gould (10)	8	1	4	2	10	1	4	1	17 of 64	14 of 121	31	185
NY Foundling (10)	6	7	2	2	6	7	1	0	19 of 100	16 of 183	35	283
SCO (10)	6	4	4	0	8	4	6	0	25 of 65	67 of 161	92	226
Cayuga Home (8)	5	4	2	0	6	5	2	0	7 of 52	5 of 94	12	146
Total Exceptions	30	22	16	6	36	24	18	2	92 of 352	151	243	1084
Total Reviewed	48	48	48	48	48	48	48	48				
Percentage	63%	46%	33%	13%	75%	50%	38%	4%	26%	21%		22%

Agency Comments



February 9, 2018

David A. Hansell
Commissioner
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18th Floor
New York, NY 10038

Kenrick Sifontes, Audit Director
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Division of State Government Accountability
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Dear Mr. Sifontes:

Eden Hauslaib
Chief Accountability Officer

Jennifer Fiellman
Assistant Commissioner

The City of New York (NYC) Administration for Children's Services (ACS) is in receipt of the draft audit report entitled *Health and Safety of Children in Foster Care* ("Audit Report") from the State of New York Office of the State Comptroller (State Comptroller). Thank you for the opportunity to review and provide a response.

Since the outset of the audit, ACS has met with the audit team to provide information about foster care programs and monitoring, arranged CONNECTIONS sessions conducted by New York State Office of Children and Family Services (OCFS) and furnished documents outlining the foster care program and monitoring structures. The audit team subsequently met separately with five contracted foster care providers to gain an understanding of the provider work and structure.

In reviewing the draft Audit Report, we note that the Audit Report omits important detail and context regarding the structure of ACS' foster care program and provider oversight. A key point of clarification pertains to "Improved Outcomes for Children" (IOC). The Audit Report does not reflect an understanding of ACS' current IOC structure, which is concerning because IOC is the NYS approved, foster care oversight structure by which ACS interacts with its foster care contractors.

Prior to IOC, New York City had a case management system that relied on a city employee in a distant office, with no connection to the child or family, to read case files and sign-off on decisions made by contracted case planners employed by provider agencies. This was widely decried as a failed system that delayed permanency decisions, took decision-making authority away from those closest to, and most directly involved with, the family, and had very negative permanency outcomes including very long stays in foster care.

In 2008, as permitted by State Statute and with the authorization of the

New York State Office of Children and Family Services, ACS instituted IOC, an oversight structure in which day-to-day case management is delegated to the provider foster care agencies who work directly with children and their families. This is outlined in the IOC document (Delegation & Centralization of Case Management Casework Requirements) which ACS previously provided to the audit team and is an approach to foster care provision that puts direct supervision close to the child and the family. Note that many other states utilize this model, providing foster care services and foster care case management via contracts with not-for-profit providers.

The IOC structure gave the non-for-profit provider agencies expanded authority to make case planning and other service decisions. At the same time, ACS established a rigorous provider performance monitoring system within ACS.

Under IOC, ACS-contracted preventive and foster care providers are accountable to New York City for the safety of the children in the families and foster homes they support; for the achievement of permanency and stability for children in foster care; and for the well-being of families and children they serve.

While day-to-day case management responsibility is directed by the provider agencies, these providers are held accountable by:

- Rigorous ACS Family Court Legal Services review and feedback in every child's case;
- Comprehensive ACS monitoring, evaluation and continuous quality improvement;
- Extensive ACS training, resources and technical support;
- ACS facilitation and oversight of safety decisions at critical family team conferences; and
- ACS instituting corrective action plans, when deemed necessary.

At the same time, ACS builds the capacity of provider agencies through training, program-level technical assistance and case-specific support.

As previously described to the Comptroller's Office in great detail, ACS has an intensive provider oversight, accountability and quality assurance system that includes:

- Monthly safety checks with each provider to review and verify all required case contacts, and to review safety and risk alerts, critical incidents and staffing concerns.
- Monthly data reports, by provider agency and program, tracking performance on key indicators.

- Quarterly outcomes data assessments of each provider agency, and quarterly in-person monitoring sessions with provider program leadership.
- Semi-annual ACS Provider Agency Monitoring System (PAMS) structured case audits of a statistically valid sample of cases for each provider agency.
- Annual Scorecards for each provider agency program, reflecting overall performance.
- Annual improvement plans for every provider agency program through the ACS Collaborative Quality Improvement (CoQI) cycle.

ACS also has a corrective action protocol that places providers on Heightened Monitoring Status (HMS) or Corrective Action Status (CAS) when an agency performs at an inadequate level of quality or consistency. Corrective action plans are strictly enforced and compliance is closely monitored by ACS. This sometimes includes closing intake, and ACS has ended contracts with programs that have shown themselves unable or unwilling to improve.

In addition to the monitoring and accountability mechanisms described above, ACS supports the foster care providers through case consultation and a wide array of technical assistance programs. This includes but is not limited to the following:

- Senior Practice Consultants (SPCs) respond to requests from agency staff and other stakeholders for assistance on specific cases. Seven SPC's are stationed at six provider agencies.
- The Office of Strategic Program Support (OSPS) provides program-level technical assistance to foster care agencies to help improve case practice, business processes and performance management.
- The Office of Shared Response (OSR) assesses and responds to critical incidents involving a child who is currently in foster care. ACS responds in real time to these incidents, taking actions as necessary with foster care agencies if practice concerns are identified. The Shared Response Team also provides technical assistance to provider agencies regarding responding to critical incidents and to ensure that systems, problems, and inquiries receive helpful, timely, and effective responses.
- The Office of Older Youth Services (OYS) provides training and technical assistance to agencies regarding support for expectant and parenting youth in foster care, as well as youth in residential care. OYS also assists providers when a child is believed to be missing from his/her foster care placement.

As noted above, the Audit Report omits discussion of critically important ACS monitoring and quality assurance activities. These were discussed with the audit team on multiple occasions, and should be added to any report.

Our intensive case record audits performed by the PAMS team closely track case documentation, including reading and scoring progress notes for frequency and quality. ACS assesses supervisory practice at each provider agency, including timeliness and quality;

case contacts and the quality of those contacts; the timeliness and quality of documentation in each provider agency program; and the quality of service planning and provision. In the event ACS finds that no contact has been made for 60 days or more, ACS issues a Safety Alert to the provider. The provider agency must respond immediately—APA requires follow up within 48 hours and monitors the result.

The PAMS review is not performed on a “relatively small” sample of cases, as stated in your report. In fact, PAMS is a statistically valid audit sample of foster care cases for each provider program. The sample size is calculated based on a 90% confidence level with a 10% margin of error and is applied to the census of each foster care program type that a provider has. Cases are selected at random. Each case review includes an assessment of all information entered into CONNECTIONS over the previous six months. In 2016, PAMS reviewed 1,725 foster care cases and issued 148 Safety Alerts and 126 Risk Alerts.

Please see our comments below regarding the Audit Report’s specific recommendations.

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.*
As outlined above, this is a central component of current ACS oversight and monitoring. It will continue to be so. It should be noted that the Federal expectation is that 95% of children in foster care are seen monthly. ACS and its providers met this standard last year.

In addition, the ACS Safe Measures Dashboard will soon be available to providers and their frontline staff and supervisors, allowing them to create customized reports that support case management and QA measures. They will have easy access to reports on required case contacts and supervision timelines. Safe Measures will feed data directly from the State’s CONNECTIONS system of record.

Lastly, please note that OCFS issued further guidance in its September 2016 ADM “Case Contacts for Children in Foster Care” (16-OCFS_ADM-16) which we shared with the audit team.

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.*

ACS encourages providers to follow the best practice of entering case documentation within one month of the event occurrence. Our oversight agency, the New York State Office of Children and Families, has not issued legal requirements regarding the timeframe for progress note entries; therefore, neither ACS nor other local districts in New York are permitted to institute such a requirement. That said, ACS conducts monthly safety checks with providers (described above) to confirm case contacts are made, and ACS issues safety alerts

that providers must address immediately when documentation does not verify that a child has been visited in 60 days or more.

3. *Include compliance with casework contact visit requirements and the timeliness of entering progress notes as factors in scorecard metrics.*

Frequency of casework contacts with children and with foster parents are already included in the Scorecard as key safety practice measures. Frequency of casework contacts with parents and frequency of parent/child visits are also included in Scorecard, as key permanency practice measures. ACS also evaluates Provider Agencies quarterly and in the annual Scorecard on the timeliness of their Family Assessment and Service Plans (FASP).

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

As discussed with the audit team, CONNECTIONS is a state-designed, state-run system that is used by all counties in New York State, as required by OCFS. Thus concerns regarding CONNECTIONS must be directed to the OCFS. ACS communicates with OCFS regularly—many times each month—on CONNECTIONS functionality and operations, and frequently recommends enhancements to CONNECTIONS.

In addition, ACS transmits provider concerns about CONNECTIONS to OCFS through various meetings and mechanisms. Council of Family and Child Caring Agencies (COFCCA), the principal representative-association for foster care and social service providers in New York State, participates in quarterly CONNECTIONS meetings with OCFS and NYS Information Technology, and shares provider feedback directly with OCFS.

As noted, ACS is developing a dashboard tool, Safe Measures, that will provide frontline and management staff at ACS and provider agencies with real time data and reports drawing directly from CONNECTIONS. Safe Measures will provide information about critical case activities and timelines, such as pending case contact requirements, supervision schedules and other essential information points. OCFS is considering development of a similar dashboard tool for upstate counties.

5. *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.*

Such a policy already exists. ACS issued "Child Safety Alert #35: Responding to Heightened Safety Concerns in Foster Homes" on July 28, 2016, which addresses the responsibilities of the foster care provider agencies, foster families, and ACS

* Comment 1

* See State Comptroller's Comments, page 26.

(including OSI) in the context of incidents reported to the State Central Register. As discussed in the Child Safety Alert, each provider agency has an OSI liaison that is assigned to interface with the OSI unit. ACS Division of Family Permanency Services also has the Shared Response Unit, which liaises with the provider agencies. Once the investigation is underway, OSI convenes a Family Team Meeting with the provider agency which is attended by OSI as well as the provider agency case planner and or supervisor. During the Family Team Meeting a review of the existing service plan for the foster care child/ren is assessed and there is also discussion regarding the service needs of the foster care parent. Regularly scheduled foster care casework contacts on the provider agency's part are required to continue independently of the OSI investigation.

In addition, Family Court Legal Services is also notified of the OSI role in a CPS investigation, and it is addressed in the Family Court/judicial oversight.

Following the investigation, OSI may specify corrective action for the foster care agency. ACS' Division of Family Permanency Corrective Action Monitoring Unit (CAMU) also oversees monitoring of foster care agency Corrective Action Plans. CAMU monitors all CAPs for implementation and completion. The monitoring process may require home visits and direct contact with the foster parent. The foster care provider agency is required to submit a response to the CAP to CAMU within 20 business days after receiving it.

We also have concerns about the methodology underlying the Audit Report's conclusions. The auditors selected a "judgmental sample ... based upon factors such as the number of foster children placed with an agency and agency's ACS performance rating". In other words, the auditors selected contract providers that ACS had already flagged as being in need of extra assistance and oversight in order to meet their contractual obligations. Yet, the auditors then used this sample to reach conclusions about overall ACS foster care oversight and monitoring. ACS is pleased to report that each of the agencies we flagged for intensive intervention have taken steps to improve their performance since the 2015-2016 audit period.

Thank you for the opportunity to comment on the Audit Report.

Yours truly,



Jennifer Fiellman, Esq.
Assistant Commissioner

<p>* Comment 2</p>

State Comptroller's Comments

1. We understand that CONNECTIONS is State-run; however, ACS providing suggestions on CONNECTIONS is important to helping the State make modifications needed.
2. Auditors used risk factors to select their judgmental sample, which is a standard practice and is permitted by audit standards. While ACS states that it had already flagged contract providers in our sample, it had not taken steps to improve oversight needed.