



THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

GABRIEL F. DEYO
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

October 14, 2014

Ian M. Coyle, County Administrator
County of Livingston
Government Center
6 Court Street
Geneseo, NY 14454

Report Number: S9-13-30

Dear Mr. Coyle and Members of the Legislature:

A top priority of the Office of the State Comptroller is to help county officials manage their resources efficiently and effectively and, by so doing, provide accountability for tax dollars spent to support county operations. The Comptroller oversees the fiscal affairs of counties statewide, as well as compliance with relevant statutes and observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving county operations and governance. Audits also can identify strategies to reduce costs and to strengthen controls intended to safeguard county assets.

In accordance with these goals, we conducted an audit of eight counties throughout New York State. The objective of our audit was to determine if actions taken by the Child Protective Services (CPS) units are sufficient to reduce Livingston County's (County) abuse and neglect recurrence rate. The objective included determining if CPS units established measurable recurrence rate reduction goals, implementation plans and progress tracking mechanisms and if the recurrence rate is declining as a result. We included the County in this audit. Within the audit scope, we examined the County's policies and procedures and reviewed a sample of indicated cases for the period January 1, 2011 through December 31, 2012.

This report of examination letter contains our findings and recommendations specific to the County. We discussed the findings and recommendations with County officials and considered their comments, which appear in Appendix A, in preparing this report. County officials generally agreed with our findings and recommendations and plan to initiate corrective action. Appendix B includes our comment on an issue raised in the County's response. At the completion of our audit of the eight counties, we prepared a global report that summarizes the significant issues we identified at all of the counties audited.

Summary of Findings

While the County's recurrence rate has decreased from 19.3 percent as of March 2008 to 18.2 percent as of September 2012, County actions have not resulted in a consistent reduction of its child abuse and neglect recurrence rate.

We found the County fully implemented a program improvement plan (PIP),¹ which was designed to reduce past recurrence rates. A significant component of the PIP focused on implementing a differential response program, which is designed to engage families early in the case to help identify their strengths and needs, resulting in better assessments, service participation and, ultimately, improved children's safety.

The County could perform certain best practices that we identified during our audit. For example, the County could reexamine recurrence cases and track and analyze recurrence data to better understand and reduce child abuse and neglect recurrences.

In addition, in April 2010, the County implemented an alternative response program to respond to abuse and neglect calls. The program does not require a caseworker to determine if a child was actually abused or neglected. Although the State approved the program to protect children and help families resolve problems that put children at risk, the County has not formally evaluated its alternate response program to determine if the program results in reduced abuse and neglect recurrences.

Background and Methodology

The County, governed by a 17-member Board of Supervisors (Board) covers 632 square miles and has approximately 65,000 residents, including 12,500 children younger than 18 years of age. The County Administrator, along with other administrative staff, is responsible for the County's day-to-day operations. The County's Department of Social Services' budgeted appropriations totaled \$35.9 million for fiscal year 2012.

The New York State Office of Children and Family Services (OCFS) oversees the State's child welfare service programs that are administered by the County, including the CPS program. Each county has its own CPS unit and must adhere to the OCFS CPS Program Manual (Manual), which incorporates current laws and regulations, as well as relevant CPS guidelines and procedures. Each CPS unit is required to investigate child abuse and maltreatment reports, to protect children from further abuse or maltreatment and to provide rehabilitative services to children, parents and other involved family members.

For reporting purposes, child abuse or neglect is considered to have a recurrence when a previous investigation determined a child was abused or neglected and, within six months of the first report of abuse, another report is made and it is determined that sufficient evidence exists to conclude the child was abused or neglected again. According to OCFS records, as of September 2012, the

¹ A written strategy for improving safety outcomes

County's recurrence rate was 18.2 percent and the State's recurrence rate was 12.4 percent. The national standard² is 5.4 percent.

Federal reviews of OCFS's child and family services conducted in 2001 and 2008 found OCFS did not comply with federal child welfare requirements. The reviews found the State's recurrence rate of abuse and maltreatment was high, indicating a weakness/ineffectiveness in the CPS program. In fact, the State's recurrence rate has been much higher than the national standard for several years and, in many districts, is on the rise. As a result, each county's CPS unit was required to develop and implement its own PIP to help in reducing recurrence rates.

The CPS Manual sets forth many laws and regulations on how CPS investigations and services are performed. These include completing child abuse or neglect investigations, preparing Risk Assessment Profiles and provision of necessary services, developing Family Assessment and Services Plans, requirements for frequency and type of face-to-face worker-client interactions, and the monitoring of services when the CPS worker is not the direct provider of rehabilitative services.

We conducted our audit in accordance with generally accepted government auditing standards (GAGAS). To complete our audit objective we conducted interviews with County officials, reviewed adopted policies and procedures and identified case management requirements per the Manual. We reviewed a sample of indicated cases, including a sample of recurrent cases, and related documentation. More information on such standards and the methodology used in performing this audit is included in Appendix D of this report.

Audit Results

Program Improvement Plans – The County's PIP established an implementation plan, a progress tracking mechanism and a target recurrence rate of 12.5 percent. In September 2012, the County's recurrence rate was 18.2 percent and its average recurrence rate since March 2008 was 15.6 percent, nearly three times the national standard of 5.4 percent.

A major focus of the PIP was to implement a Family Assessment Response (FAR) program, which is designed to engage families early in the case to help identify their strengths and needs resulting in better assessments, service participation and, ultimately, improved children's safety. The County believes, over time, this will ultimately reduce recurrence rates.

Child Abuse and Neglect Recurrence Tracking and Analysis – According to the National Resource Center on Child Maltreatment (Center),³ every state has a wealth of information from the data maintained on families within the child welfare system, and analyzing this information allows for better knowledge of why states, or local units, are experiencing specific outcomes, both positive and negative. The Center asserts that combining the use of historical data and programmatic knowledge can help maximize the impact of interventions.

² The Children's Bureau of the U.S. Department of Health and Human Services set a national standard for recurrence of maltreatment, which is measured using data from the National Child Abuse and Neglect Data System (NCANDS).

³ Operated by the Child Welfare Institute and Action for Child Protection, a service of the Children's Bureau, U.S. Department of Health and Human Services

Between March 2008 and September 2012, the County's average number of child abuse and neglect indications was 109 with a rate of child abuse and neglect recurrence averaging 15.6 percent. To determine why a recurrence occurred, we randomly sampled 10 of the 57 recurrence cases for the period January 1, 2011 through December 31, 2012. We examined the case files to determine if the caseworker complied with the CPS Manual's requirements, completed the investigation properly, developed Risk Assessment Profiles appropriately with the provision for services where necessary, designed Family Assessment and Service Plans and met the face-to-face communication requirement. We found the caseworkers complied with the Manual and managed the cases in accordance with the County's policies and procedures.

We also interviewed the caseworker who managed each case and/or the case supervisor who oversaw the case to learn why they believe the recurrence occurred and what they may have done differently to prevent the recurrence. These caseworkers and supervisors often told us that the caregiver or other individual residing in the home had mental health issues, a drug use condition, domestic violence history or a family history with the CPS unit. However, in all cases, the caseworker and supervisor could not think of any other actions they may have taken to prevent a recurrence. The County does not require reexamination of recurrence cases and does not do so.

Understanding and analyzing a county's historical data could also help a county reduce its child abuse and neglect recurrence rate. For example, tracking and analyzing child abuse and recurrence data based on the type of abuse or neglect, defining the abuser (including such characteristics as the relationship with the victim, age, gender, mental health status, previous abuse and neglect findings or substance abuse issues), family culture, demographics and family history with the CPS unit are all valuable for understanding the family environment and abuse and neglect triggers. Correlating such known information with previous services offered or received could lead to a better understanding of the abuse or neglect. Such actions may allow for more proactive and preventative measures that could lead to lower recurrence rates.

We found the County does not track or analyze its recurrence cases. Doing so could help develop a better understanding of why the recurrence occurred or what historically has or has not worked to prevent recurrence. We encourage the County, when a recurrence occurs, to reexamine the case and the actions taken and consider what might have prevented the recurrence. Such actions could help the County reduce its recurrence rate by learning from past actions.

Family Assessment Response – In 2007, New York State legislation was enacted allowing for an alternative CPS response program, known as FAR. Intended as a way to better protect children and assist families with their child-rearing needs, FAR uses a non-investigatory decision-making and engagement approach to working with reported families. FAR focuses on assessing a family's needs and providing supports, and does not require a child abuse or neglect determination as in a traditional CPS unit investigation. The FAR program includes family meetings as one of its key components. A county may use the FAR approach instead of the traditional investigative approach, but is still required to comply with federal and State child welfare service requirements. Each county FAR program is unique and requires OCFS approval prior to its implementation.

A January 2011 OCFS report on FAR implementation at six pilot counties noted the program achieved improved satisfaction, increased linkages to needed services, a reduced need for traditional public child welfare services and fewer petitions filed in Family Court. It also reported

families who received a FAR response were more likely to obtain services, especially those that meet basic family needs such as food, housing, utilities and other necessities. However, the report indicates no significant differences between the FAR and investigated control groups in the likelihood of a subsequent recurrence event.

The County implemented FAR in April 2010 and has used the program to respond to 489 reports alleging child abuse or neglect. Although the County has incorporated family meetings into their PIP as an initiative for reducing the abuse and neglect recurrence rate, the County has not formally evaluated the comprehensive FAR program to determine if children are better protected from recurrence when their case is handled with FAR versus the traditional CPS unit investigation. As a result, the County does not know if its FAR program results in a safer environment for the children or if program modifications are needed to reduce child abuse and neglect recurrences.

Recommendations

County officials should:

1. Work with the OCFS to develop additional strategies to achieve a long-term recurrence rate reduction.
2. Examine each recurrence and determine, based on the actions taken and outcomes, what actions may have prevented the recurrence. Using the information gathered during this process, officials should adjust future actions accordingly.
3. Track and analyze recurrence data to identify historical trends, actions and data correlations to help predict future outcomes and provide more proactive and preventive measures to reduce recurrences of child abuse and neglect.
4. Develop a method to evaluate the FAR program to determine if it is achieving its goal to better protect children, or if program modifications are necessary to achieve this result.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and forwarded to our office within 90 days, pursuant to Section 35 of the New York State General Municipal Law. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the Clerk's office.

We thank the officials and staff of the Livingston County for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo

APPENDIX A

RESPONSE FROM COUNTY OFFICIALS

The County officials' response to this audit can be found on the following pages.



**LIVINGSTON COUNTY
BOARD OF SUPERVISORS**
Livingston County Government Center
6 Court Street, Room 302
Geneseo, New York 14454
(585) 243-7030
(585) 243-7045 Fax

e-mail: mrees@co.livingston.ny.us
www.livingstoncounty.us

James C. Merrick
Chairman of the Board

Michele R. Rees
Clerk of the Board

December 30, 2013

State of New York
Office of the State Comptroller
Binghamton Regional Office
State Office Building, Room 1702
44 Hawley Street
Binghamton, NY 13901-4417

Dear Ms. Singer:

This correspondence will serve as the official response to the draft report of the New York State Comptroller concerning an examination of Child Protective Services. The stated objective of the audit was to “determine if actions taken by the Child Protective Services (CPS) unit are sufficient to reduce Livingston County’s abuse and neglect recurrence rate.” The audit reviewed a sample of indicated cases from the period January 1, 2011 to December 31, 2012.

The summary of findings in the draft report included four main points: the reduction in our recurrence rate was not consistent over the timeframe; we fully implemented our Program Improvement Plan (PIP); we should implement certain best practices and we have not formally evaluated our alternate response program to determine if it has resulted in a reduction of recurrence.

A primary focus of the audit was our newly implemented practice of Family Assessment Response (FAR) and whether this new practice could be responsible for a reduction in recurrence. The barrier with attempting to tie these two issues together is that once a case is on the FAR track, no determination occurs in the case. Therefore, no recurrence can be tracked. We believe that engaging families at the earliest possible point of entry into the child welfare system will, in the long run, increase and strengthen families through good preventive strategies, and eventually reduce the Counties overall recurrence rate. Although we would all like immediate results, the measure of success of FAR in regard to recurrence must take place over time. Livingston County implemented its FAR practice in 2010 as is noted in the audit results. The voluntary implementation of FAR statewide through the encouragement of the State Office

See
Note 1
Page 9

of Children and Family Services (OCFS) has resulted in improved family engagement and best practice casework by caseworkers supported through training programs and conferences in coordination with the American Humane Association. In addition, Livingston County participated in a week long Quality Assurance Case Documentation Review in December of 2011 to analyze our case practice after the first full year of implementation. Case review occurs regularly between a caseworker and their supervisor.

The OCFS Regional Office supports Livingston County regularly with training, oversight, guidance and collaboration on difficult cases. Quarterly site visits by the regional office representative have prescribed agendas that include child welfare issues, one of which is CPS trends and reports. FAR has been included in this dialogue during these quarterly meetings since the implementation of the program in 2010. Data is also culled from the OCFS data warehouse on a regular basis to obtain recurrence information.

The protection of children is of utmost importance to the Child Protective Unit, the Department of Social Services and the County. The strengthening of families through preventive strategies that include skill building, education and support groups are all utilized to “protect” children. Other factors that affect the well being of children include mental health issues and drug and alcohol use as well as domestic violence occurrences in the community. These issues are pervasive societal issues which will require much more manpower to combat successfully than can be provided by local Departments of Social Services. Livingston County has implemented Mother’s Groups, Father’s Groups, and in 2013 a Boys 2 Men Group to assist with educating and supporting at risk populations. We have caseworkers stationed in some schools to identify and work with families at the earliest possible signs of distress in families. As a result of these initiatives, we have seen a reduction in allegations of child abuse and neglect. Reports have decreased 22% (935 to 726) from 2010 to 2012.

The Livingston County Department of Social Services continually looks for ways to improve the services we provide and will work to implement the recommendations contained in the report. However, as stated earlier, we believe the findings of the audit relating to our FAR program fail to recognize the purpose and workings of the program. Recurrence measurements in this program must take place over a longer timeframe and will be measured by the County at the appropriate time.

See
Note 1
Page 9

Sincerely,

James C. Merrick
Chairman of the Board

JCM/mrr

c: Ian Coyle, County Administrator
Diane Deane, DSS Commissioner

APPENDIX B

OSC COMMENT ON THE COUNTY'S RESPONSE

Note 1

A primary focus of the County's PIP was the implementation of the FAR program. As a result, we examined the program and efforts the County made to confirm the program is achieving planned outcomes. While the program is relatively new, we found the County had not developed evaluation plans or a strategy to confirm it is achieving the intended outcomes. As a result, we recommended County officials develop a method to evaluate its FAR program to determine if the program is achieving its goals or if program modifications are needed.

APPENDIX C

ADDITIONAL INFORMATION ABOUT CHILD PROTECTIVE SERVICES PROGRAMS

Child Abuse Reporting and Investigations

The State Central Register (SCR), also known as the Hotline, receives telephone calls alleging child abuse or neglect within the State. The SCR relays information from the calls to the county CPS units for investigation. It also monitors for a prompt response and identifies if there are prior child abuse or neglect reports associated with the report subject. The SCR receives calls 24 hours a day, seven days a week, from two sources: persons who are required by law to report suspected cases of child abuse and neglect and calls from non-mandated reporters, including the public. In addition to the SCR, Onondaga County and Monroe County each maintain an independent hotline. These counties are required to report all hotline calls they receive that allege child abuse or neglect to the SCR.

Once the SCR notifies a county of an alleged abuse, the CPS unit should assign the case to an investigative unit or FAR unit of the county. When the CPS unit refers the case for investigation, the investigation must be conducted within specified time periods and should determine if sufficient evidence exists to conclude that an abuse or neglect occurred (indicated) or did not (unfounded).

When the CPS unit concludes the case is indicated, the CPS worker (worker) must provide or arrange for services for the children, parents and other involved family members (client). These services typically include case management and supervision, individual and family counseling, respite care, parenting education, housing assistance, substance abuse treatment, childcare and home visits. Staff may provide or arrange for any appropriate rehabilitative services for their clients, including foster care and mandated preventive service. Workers must monitor the services when they are not the primary services provider. The CPS unit also provides preventive services to high-risk families.⁴

In certain circumstances, the CPS unit may not investigate a report of abuse or neglect to determine if it actually occurred but instead handle the report through FAR, the State's optional alternative response program that counties can use with State approval. FAR does not require an investigation to determine if abuse or neglect occurred. The County designed FAR to provide protection to children by engaging families in an assessment of child safety and of family needs, to help find solutions to family problems and to identify informal and formal support mechanisms to meet the family's needs and increase the parent's/guardian's ability to care for their children. Reports of inadequate guardianship, excessive corporal punishment and educational neglect are examples of abuse and neglect allegations that the CPS unit may handle with FAR.

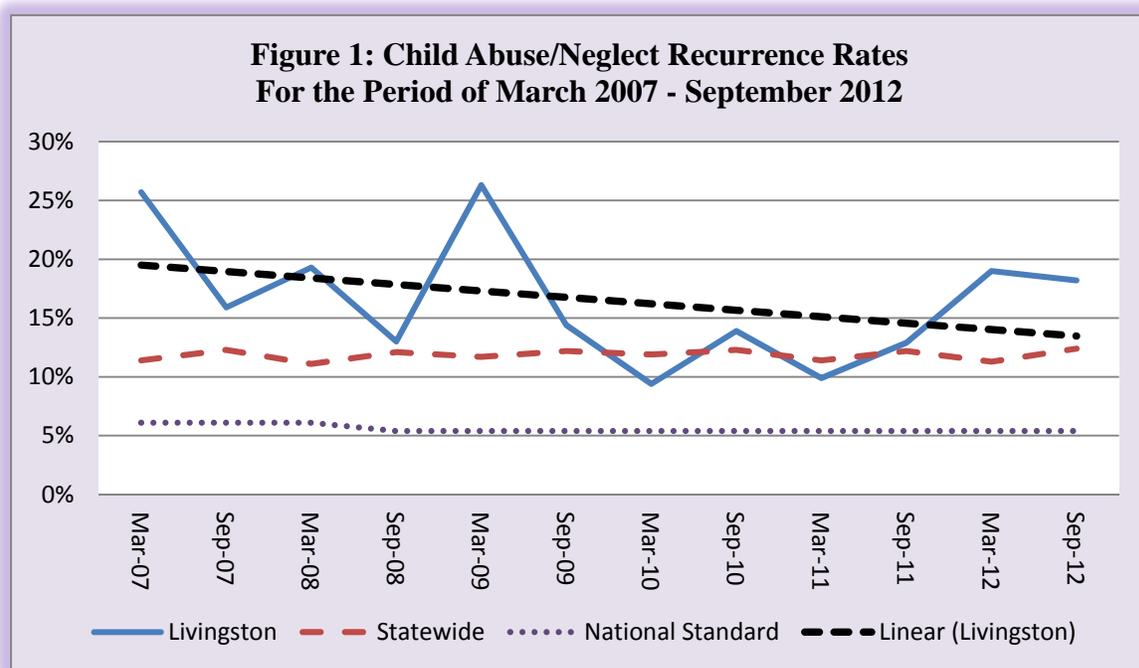
⁴ Risk categories are low, moderate, high and very high. They are determined by assessing 15 preliminary risk factors (six risk factors pertain to the family unit and nine risk factors pertain to caretaker specific behaviors) which are considered to arrive at the overall risk rating.

Federal Reviews

The Children’s Bureau and the Administration for Children and Families (ACF).⁵ part of the U.S. Department of Health and Human Services, conduct Child and Family Service Reviews (Review). They conduct the Review in partnership with the State and counties to ensure conformity with federal child welfare requirements and to assist states in improving safety, permanency and well-being outcomes for children and families that receive child welfare services.

ACF conducted its first Review in 2001. In addition to ensuring conformity with federal child welfare requirements, the review was designed to determine what is actually happening to children and families as they are engaged in a state’s child welfare services and to assist states in enhancing their capacity to help children and families achieve positive outcomes. The Review determined the State was not in substantial conformity with national standards and required the State to develop a PIP. As part of ongoing efforts to make improvements in child welfare systems, ACF conducted a second round of Reviews in 2008. Again, the Reviews found the State’s recurrence rate of abuse and neglect was high. In fact, the State’s recurrence rate has been much higher than the national standard⁶ for several years and, in many counties, is on the rise.

Figure 1 compares the County’s recurrence rates to the State’s recurrence rate and the national standard recurrence rate. The County has consistently exceeded the national standard. Historically, with the exception of two periods reported, its recurrence rate has been higher than the State’s rate and declining, as depicted by the linear line for the County.



⁵ The ACF is responsible for federal programs that promote the economic and social well-being of families, children, individuals and communities.

⁶ The Children’s Bureau set a national standard for recurrence of maltreatment, which is measured using data from the National Child Abuse and Neglect Data System (NCANDS).

APPENDIX D

AUDIT METHODOLOGY AND STANDARDS

We interviewed County CPS unit staff for general background information and to determine CPS unit activities with respect to child abuse and neglect, recurrences, training, report intake and management oversight. We reviewed the CPS Manual and any local policies and procedures the County had regarding child abuse and neglect. We reviewed the County's PIP and the quarterly reports to ensure compliance with the PIP. We also reviewed certain controls over computerized data that OCFS uses to calculate a county's child abuse and neglect recurrence rate and traced records to and from the computerized system to determine if the records appear reasonably accurate and complete.

To determine if the County followed the requirements set forth in the CPS Manual, we randomly selected and reviewed 10 recurrence cases. We reviewed the recurrence cases to ensure the following: required face-to-face contacts were made, collateral contacts were made, preliminary assessment of safety was done, progress notes were maintained, evidence of supervision was present, risk assessment profile was conducted, and a family assessment service plan was completed. Further, we interviewed the caseworkers and supervisors assigned to the 10 recurrence cases for their input on the cases and what, if any, actions could have prevented the recurrences.

We conducted this performance audit in accordance with GAGAS. 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 provides a reasonable basis for our findings and conclusions based on our audit objective.