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October 14, 2014

Kevin Hayes, County Administrator
County of Washington
Municipal Center, Building B
383 Broadway
Fort Edward, NY 12828

Report Number: S9-13-36

Dear Administrator Hayes and Members of the Board of Supervisors:

The Office of the State Comptroller works 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 Washington 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 but believe report recommendations should be addressed to the State. 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

The County has made significant progress in reducing its child abuse and neglect recurrence rate. The County's abuse and neglect recurrence rate has decreased from 20.3 percent as of March 2008 to 11.6 percent as of September 2012. Although the County has lowered its recurrence rate, it is nearly double the national standard of 5.4 percent.

We found 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 January 2010, the County implemented an alternative response program to respond to abuse and neglect calls. The program falls under the umbrella of the CPS unit, and while it does require an assessment of child safety, it does not require a caseworker to make a finding 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 their 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, covers 831 square miles and has approximately 63,000 residents, including 13,000 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 \$27.9 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.

OCFS states that recurrence rates are the percentage of children that were victims of a substantiated allegation of child abuse or neglect in an indicated report during a six-month period that had another substantiated allegation in an indicated report within six months of the date of the first indicated oral report. According to OCFS records, as of September 2012, the County's recurrence rate was 11.6 percent and the State's recurrence rate was 12.4 percent. The national standard is 5.4 percent.¹

¹ 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).

Federal reviews of OCFS's child and family services conducted in 2001 and 2008 found the State did not comply with federal child welfare requirements. The reviews found the State did not meet the national standards for maltreatment recurrence. 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 program improvement plan (PIP)² 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 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 C 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 15.0 percent. In September 2012, the County's recurrence rate was 11.6 percent, and its average recurrence rate since March 2008 is 18.2 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 improved children's safety. The County believes, over time, this will ultimately reduce recurrence rates. While the County has significantly lowered its abuse and neglect recurrence rates, officials were unable to pinpoint the precise reasons for the drop. Officials did share unmeasurable factors that they believe played a role in the drop include a shift in leadership, management practices and philosophies and regular one-on-one supervision that takes place between front-line staff and supervisors.

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 the 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 A written strategy for improving safety outcomes

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 indicated cases was 257 with a rate of child abuse and neglect recurrence averaging 18.2 percent. To determine why a recurrence occurred, we randomly sampled 10 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 of services where necessary, designed Family Assessment 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/or supervisors often told us that the caregiver or other individual residing in the home had mental health issues or a drug use condition. However, in all cases the caseworkers and/or supervisors could not think of any other actions they may have taken to prevent a recurrence given the limited number of resources available within the region. 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 or 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 and neglect. Such actions may allow for more proactive and preventative measures that could lead to lower recurrence rates.

We found the County does not have a system to formally 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 engage children and families to better 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 support and does not require a child abuse or neglect determination as in a traditional CPS 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 January 2010 and has used the program to respond to 889 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 investigation. As a result, the County does not know if the FAR program reduces child abuse and neglect recurrences.

Recommendations

County officials should:

1. Work with 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 the program 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 Washington 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.



**WASHINGTON COUNTY
BOARD OF SUPERVISORS**

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December 11, 2013

State of New York Office of the State Comptroller
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State Office Building, Suite 1702
44 Hawley Street
Binghamton, NY 13901-4417
Attn.: Ann C. Singer

Ms. Singer:

The purpose of this correspondence is to provide official response to the draft findings of the Audit on CPS Neglect and Abuse Recurrence Rates. While this Audit was conducted statewide on a sample of eight counties, the focus of this portion of the Audit was for the period of January 1, 2011 to December 31, 2012 in Washington County.

The practice employed for the Audit in Washington County consisted of reviewing a random sample of 10 Child Protective Reports that had experienced recurrence. In addition, interviews were conducted with applicable Social Services staff during which policies and procedures were discussed. The cases reviewed for the Audit were strictly those that had been indicated through a traditional CPS investigation. We were told that the inclusion of Washington County in this Audit was due to the fact that, comparably within the state, our County has significantly reduced its recurrence rate from 20.3 percent as of March 2008 to 11.6 percent as of September 2012.

During the interviews the Department of Social Services was asked questions about why they believed that recurrence had occurred in a case and what may have been done differently to prevent the recurrence. Discussion on the prevailing incidence of mental health issues and/or substance abuse issues and the difficulties addressing them because of their nature and with limited resources did occur. Other contributing factors for why the recurrence rate in New York State is much higher than the National Average were discussed as well. The investigation of Educational Neglect reports; as well as the re-reporting that occurs (by professionals who are mandated to do so by the State) when a child provides new detail on an incident that was previously indicated are both certain to result in higher rates of recurrence than what is seen in other states.

The alternate concept when studying the recurrence rate would be to examine the cases that do not count and are, perhaps, a success. It was explained that since January, 2010 Washington County had been participating in Family Assessment Response (FAR) as an alternative response to working with families that are the subject of a Child Protective Services report. The Auditors did engage in conversation about what "FAR" is and how it differs from a traditional Investigation. There was also conversation about the shift in the leadership, the philosophy, and the management practices of the Children's Services Division that took place over the past 2 ½ years.

It is stated in the draft report that county officials "were unable to pinpoint the 'precise' reasons for the drop" in our recurrence rate. Also included in this report is that a major focus of the Department's Program Improvement Plan (completed as a result of a Federal Audit of the State) was the implementation of FAR. However, it was never understood that the results of the Audit, and subsequent Recommendations, would focus so intently on the FAR approach since those cases were isolated from the sample of studied during this Audit.

Within the Results section of the Audit report it states "According to the National Resource Center on Child Maltreatment, any state attempting to improve or maintain its recurrence rate must engage in some degree of research and evaluation to identify and evaluate the potential program improvement strategies or risk not being in compliance." The recommendations of the Audit almost entirely require the County to track, analyze, correlate, and examine future recurrence information by "County Officials". The assertion that the County, and in this case, the Commissioner of Social Services questioned if this requirement would be limited to only those subjected to the Audit, should develop these tracking and evaluation systems when it is actually a State requirement is unreasonable. In most cases all of the data needed to achieve the tracking recommended by the auditors is already contained in the State data base. Data that the local Departments of Social Services are currently measured on is collected, analyzed and provided to the County from the State. This recurrence data should be no different. Additionally, in the case of a family that moves between Counties the only way to collect the data effectively would be to do so through the State. It is the State of New York that should develop the data set that is necessary to evaluate recurrence factors and pull those reports down for the local Departments of Social Services.

Finally, much like the top priority of the Comptroller's Office, the County Board devotes much focus to effectively managing resources and providing accountability to the tax payers. This, as well as their Mission to protect the vulnerable, has been demonstrated by the Washington County Department of Social Services as well. Please be assured that we take the results of this Audit very seriously. It was not without contemplation that we suggested that the obligation of following through on your recommendations was the responsibility of the State. It is our hope that your Office will collaborate with the Office of Children and Family Services to advance this opportunity.

Sincerely,

John Rymph, Chairman
Washington County Board of Supervisors

APPENDIX B

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 local 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 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 must determine which approach to use in handling the case, a traditional investigative approach or a FAR approach. 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) should 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 choose not to investigate a report of abuse or neglect to determine if it actually occurred but instead to 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. FAR is designed 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. CPS officials have implemented FAR in the County. As a part of the State's FAR approval process, each county defines the specific allegations that they will allow to be covered by the FAR approach.

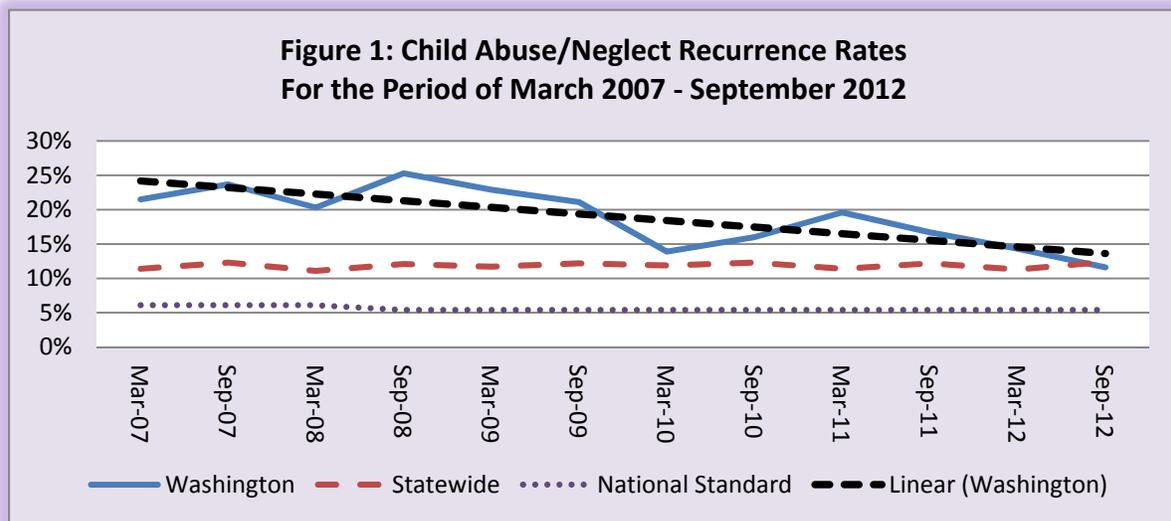
⁴ Risk categories are low, moderate, high and very high. They are determined by assessing 15 preliminary risk factors (six risk factors pertain to the family unit and nine risk factors pertain to caretaker-specific behaviors) which are considered to arrive at the overall risk rating.

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 states 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, 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 C

AUDIT METHODOLOGY AND STANDARDS

We interviewed County CPS 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 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 and collateral contacts were made, preliminary assessments of safety were completed, progress notes were maintained, evidence of supervision was documented, risk assessment profiles were conducted and family assessment service plans were 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.