

THOMAS P. DINAPOLI
COMPTROLLER



110 STATE STREET
ALBANY, NEW YORK 12236

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

February 19, 2013

Ms. Gladys Carrion
Commissioner
Office of Children and Family Services
52 Washington Street
Rensselaer, NY 12144-2834

Re: Oversight of Child Protective Services
Outside New York City
Report 2011-F-19

Dear Commissioner Carrion:

Pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution, and Article II, Section 8 of the State Finance Law, we followed up on the actions taken by officials of the Office of Children and Family Services (OCFS) to implement the recommendations contained in our audit report, *Oversight of Child Protective Services Outside New York City* (Report 2007-S-129).

Background, Scope and Objectives

In New York State, all suspected incidences of child abuse and maltreatment are to be reported to the Office of Children and Family Services (OCFS) through the Statewide Central Register of Child Abuse and Maltreatment (SCR). These reports are forwarded to the appropriate local social services district (district) for investigation. District staff must begin investigating each report of alleged abuse or maltreatment within 24 hours of receiving the report. District staff are required to complete a preliminary safety assessment within seven days of the reported abuse or maltreatment. In addition, the staff must complete a full investigation within 60 days of receiving a report of abuse or maltreatment. To complete an investigation, district staff must determine if there appears to be some credible evidence of abuse or maltreatment or whether the report was unfounded. If there appears to be some credible evidence of abuse or maltreatment, steps are to be taken to protect the safety and welfare of the children involved.

OCFS oversees the districts' investigative activities. OCFS officials indicated that their oversight of district staff activities focused on compliance with the seven-day and 60-day requirements, and that they rely on the judgment and experience of district staff to commence appropriate actions during the first 24 hours after the receipt of an SCR report. OCFS does not consider the preliminary safety assessment or the full investigation of alleged abuse

or maltreatment to be closed until all required actions associated with the assessment and investigation have been documented properly on CONNECTIONS. CONNECTIONS is the automated database system that the districts and OCFS use to manage and document investigative activities. In 2011, districts outside New York City investigated 99,271 reports and found some credible evidence to substantiate allegations in 26,585, or 27 percent, of these cases.

Our initial audit report, which was issued on June 4, 2009, determined, based on a sample of 100 allegations where the child's life and/or health were alleged to be in imminent danger, and where the seven-day requirement was not met, that, in all 100 cases district staff did intervene within the appropriate timeframes to protect the welfare of the children. However, since district staff either did not complete or document all the steps they are required to take within the seven-day timeframe, they did not fully comply with the law. OCFS officials acknowledged that because of the complexities of the cases and staff turnover, actions taken by caseworkers often do not get documented on time. The officials indicated that they are taking steps to upgrade their automated information system and are also exploring mobile technology initiatives that would enable caseworkers to enter progress notes on the system when they are away from the office.

The objective of our follow-up report was to assess the extent of implementation, as of December 19, 2012, of the three recommendations included in our initial report.

Summary Conclusions and Status of Audit Recommendations

We found that OCFS officials have made progress in addressing the matters in our initial audit report as two of the three prior audit recommendations were implemented and the third was partially implemented.

Follow-up Observations

Recommendation 1

Expedite the efforts to explore the application of mobile technology to improve compliance with the seven-day and 60-day requirements.

Status - Implemented

Agency Action - OCFS acquired 1,057 additional laptop computers, tablets and notebooks which were distributed to 57 local districts to assist the case workers in updating their case notes and records in a timely manner. We judgmentally selected and visited three counties to confirm that the 55 laptop computers distributed to the three counties were received and in use. We located all 55 laptop computers and noted that all were being used by county caseworkers for their intended purposes.

OCFS provided a report that detailed the percentage of assessments and investigations, by district, that were not completed on time for 2009, 2010 and 2011. We did not audit the information that was presented in the report. While we found that compliance rates

for some districts had not improved, overall, the trend indicates improvement in meeting the seven and 60 day requirements. In 2006, the overall percentage of seven-day safety assessments not completed on time was 57.1 percent. For 2009, 2010 and 2011 the percentage of such assessments not completed on time has consistently decreased, to 50.4, 48.1, and 44.3 respectively. In 2006, the overall percentage of 60-day investigations not completed on time was 56.4 percent. For 2009, 2010 and 2011 the percentage of said investigations not completed on time has decreased to 46.2, 43.7 and 42.5 respectively.

Recommendation 2

Work with the districts to identify alternatives and best practices to improve compliance with the seven-day and 60-day requirements.

Status - Implemented

Agency Action - In 2007, Legislation was passed that allowed OCFS to pilot in 2008 a program in Onondaga County that was an alternative to the traditional child protective investigation process. This program is the Family Assessment Response (FAR), which has been shown to improve compliance with the seven-day and 60-day requirements by reducing the time that a caseworker has to spend processing a case while still ensuring the child's safety. OCFS considered the pilot a success, and it has expanded its use to an additional 26 counties as a best practice.

Recommendation 3

As part of the CONNECTIONS system upgrade, develop a capability for monitoring whether the local districts are intervening in a timely and appropriate manner to protect the children who are at risk in the most serious types of CPS cases.

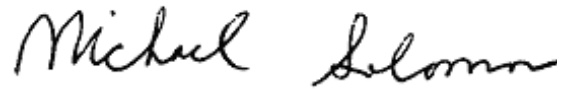
Status - Partially Implemented

Agency Action - OCFS officials have taken steps, as described in relation to Recommendation 1, that allow for the more timely updating of the information in CONNECTIONS. Having more current information in CONNECTIONS should enhance OCFS' ability to monitor whether the local districts are intervening in a timely and appropriate manner.

Major contributors to this report were Michael Solomon, Todd Seeberger, Santo Rendon, and Michael Cantwell.

We would appreciate your response to this report within 30 days indicating actions planned to address the unresolved issues discussed in this report. We thank the management and staff of the Office of Children and Family Services for the courtesies and cooperation extended to our auditors during this process.

Very truly yours,

A handwritten signature in black ink that reads "Michael Solomon". The signature is written in a cursive style with a large initial "M" and a long, sweeping tail on the "n".

Michael Solomon
Audit Manager

cc. Mr. Ralph Timber, Audit Liaison
Mr. Thomas Lukacs, Division of the Budget