



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

August 27, 2020

Hon. Thomas P. DiNapoli
New York State Comptroller
110 State Street, 15th Floor
Albany, NY 12236

Dear Comptroller DiNapoli:

In accordance with the provisions of Section 170 of the Executive Law, the following are actions that the Office of Children and Family Services (OCFS) has taken to implement the recommendations contained in the Office of the State Comptroller's (OSC) Final Audit Report (2017-S-30) issued in March 2020.

Recommendation 1: Develop procedures for monitoring Local Districts' handling of direct placement cases.

Actions Taken to Date:

OCFS agrees with the recommendation. As discussed with the OSC audit team, OCFS has monitoring and oversight authority over an LDSS, including its administration of preventive services. As such, OCFS reviews preventive cases to assess compliance with state regulations and appropriate casework practice. With respect to Family Court Act (FCA) Section 1017, OCFS would have a role in the monitoring and oversight of the LDSS provided preventive service if the court has ordered such services to be provided. As part of preventive case reviews, the following casework practice is assessed using the Onsite Review Instrument developed by the federal Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services:

- Safety outcomes
 - Children are first and foremost, protected from abuse and maltreatment
 - Children are safely maintained in their homes whenever possible and appropriate
- Well-being outcomes
 - Families have enhanced capacity to provide for their children's needs
 - Children receive appropriate services to meet their education needs
 - Children received adequate services to meet their physical and mental health needs

Over the course of the past three years, OCFS has conducted 38 on site reviews of LDSSs. As part of those reviews, a 1017 case would have been reviewed if selected as part of the sample. Going forward, OCFS plans to further stratify preventive case review samples to increase the sampling and review of 1017 cases.

Recommendation 2: Develop procedures for county supervision of children in direct placement to ensure greater consistency across the State.

Actions taken to date:

OCFS does not agree with the recommendation. There is no legal authority for OCFS to conduct oversight of a family court's placement decisions. Further, OCFS is not a party to such proceedings. In addition, while in a 1017 placement, an LDSS has no authority or ability to supervise the child unless expressly ordered by the Court. In these situations, the Court could order an added layer of oversight by directing the LDSS to provide preventive services or by ordering an LDSS child protective services investigation pursuant to section 1034 of the Family Court Act. OCFS requires county supervision of children in direct placements upon the county opening a preventive services case. Section 409 (§409) of the New York State Social Services Law (SSL) and part 423 of Title 18 of the New York Codes Rules and Regulations governs the provision of preventive services. OCFS has created and maintains the Preventive Services Practice Guidance Manual consistent with these statutory and regulatory requirements. This guidance manual is available to all county staff on the OCFS website and defines the role of the county in supervising children receiving preventive services who are residing in direct placements ordered by the Family Court.

Recommendation 3: Establish minimum standards for the safety of children in direct placement.

Actions Taken to Date:

OCFS does not agree with the recommendation. The safety of children in preventive services cases, which would also include 1017 placements, as in all child welfare work, is of paramount importance. While OCFS has the legal authority to provide oversight of LDSS activities prior to and after the Court's placement, OCFS lacks the legal authority to interfere with the Court's determination. Consequently OCFS has no legal authority to unilaterally provide oversight of the Court's placement decision. As noted above, OCFS is not a party to the Article 10 proceeding. Under section 1017 of the FCA, the Court may, but is not mandated to require the LDSS to investigate the home of a relative or suitable person. If required by the Court, such an investigation would be pursuant to child protective investigative standards established by OCFS, for which OCFS has oversight. OCFS uses the same standards for the assessment of safety for preventive cases as it does for children in all child welfare cases. In fact, OCFS regulations for preventive cases mandate safety assessments and include reassessments of safety.¹

It is the responsibility of all child welfare caseworkers and supervisors to continually assess the immediate safety and the future risk of abuse or maltreatment of all children in the case throughout the period of time that the family's case is open for services. Both child protective services and preventive services are provided for or arranged by the LDSS. Both child protective services and preventive services are areas within the child welfare system where OCFS asserts legal oversight authority as provided for by the legislature in the New York State Social Services Law.

OCFS requires that each child placed in the direct custody of a relative or other suitable person by the Court subsequently have a family assessment and service plan (FASP) developed and reviewed on a periodic basis.² The FASP must address both the current safety of the child and the work to provide permanency for the child. These service plan reviews or case consultations are required every six months or whenever a child's placement is modified.³ Work done under OCFS regulations covering uniform case records, FASPs, plan amendments, service plan

¹ 18 NYCRR 428.6

² 18 NYCRR 428.9

³ 18 NYCRR 428.6 & 18 NYCRR 428.7

reviews and case consultations were used by OCFS and the New York State Unified Court System to develop a permanency hearing report. These tools are also used in all child protective investigations, foster care and preventive services cases where children need continued protection from abuse or maltreatment.⁴

Recommendation 4: Correct the errors identified in the direct placement data and implement ways to prevent and detect input errors to ensure that information in CONNECTIONS is complete and accurate.

Actions Taken to Date:

OCFS agrees with the recommendation. In 2019, OCFS developed a Data Governance Council, which is responsible for establishing, maintaining, and monitoring strategies, policies, and procedures that govern data management across OCFS child welfare programs. In addition to the Data Governance Council, the CONNECTIONS Data Quality Workgroup was developed to analyze and address data quality issues that exist within the CONNECTIONS system. This Workgroup will conduct an analysis of why data quality issues exist and how to appropriately respond. The Workgroup will develop a report to measure data quality, communicate to users/stakeholders about the issues and identify strategies to improve data quality, and run the report periodically to measure and evaluate if the data quality is improving.

Additionally, a Statewide Information System Tool for Accuracy was developed and is being used by Home and Regional Office staff when performing case record reviews. Data in the CONNECTIONS system is compared to what is in the case record. To date, the tool has been used in multiple quarterly reviews, and the findings are shared in real time with the LDSS and corrections are made at the time of the review. Any issues that are identified either from the use of the Statewide Information System Tool for Accuracy or brought to the attention of the CONNECTIONS Data Quality Workgroup that require a more systemic approach to correct would be forwarded to the Data Governance Council for their review and recommended actions.

If you have any questions regarding this response, please contact Brenden Schaefer, Director of Internal Audit at 518-402-3985.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Ogundimu', with a horizontal line extending to the right.

Lisa Ghartey Ogundimu
Deputy Commissioner
Child Welfare and Community Services

⁴ OCFS Preventive Services Practice Guidance Manual, Chapter 7, page 7-1; 18 NYCRR 428.1(a)(2), 428.1(b)(3) and 428.6(a)(1)(xi) & (xii)