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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

May 17, 2022

Sheila J. Poole
Commissioner
Office of Children and Family Services
52 Washington Street
Rensselaer, NY 12144

Re: Oversight of Runaway and Homeless
Youth
Report 2021-F-24

Dear Commissioner Poole:

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 have followed up on the actions taken by officials of the Office of Children and Family Services to implement the recommendations contained in our audit report, *Oversight of Runaway and Homeless Youth* (Report [2019-S-47](#)).

Background, Scope, and Objective

Runaway and homeless youth (RHY) can be fleeing neglect, abuse, or conflict in their homes. These youths are generally still physically and emotionally developing and may not have completed their education, may lack general life skills, and have little or no work experience. Homelessness can make youths vulnerable to violence, crime, and sexual exploitation. According to the U.S. Department of Housing and Urban Development, on any given night in January 2020, New York reported over 3,000 homeless, unaccompanied youths.

The Office of Children and Family Services' (OCFS) mission is to promote the safety, permanency, and well-being of children, families, and communities. OCFS oversees a network of supports designed to meet the needs of RHY, including residential care through OCFS-certified crisis services programs; transitional independent living support programs; and non-residential services that address needs such as food, clothing, hygiene, emergency housing, behavioral/medical health, case management, and educational/vocational support. In 2021, there were 132 OCFS-certified RHY programs (34 crisis shelters, 41 group residences, 52 supported residences, and five interim family programs) with a total capacity to serve 1,159 youth on a given night.

To be eligible for State aid to provide residential care for any person under the age of 18, RHY programs must be certified by OCFS. Certifications do not expire, and all services – based on the youths' goals and what they are willing to do to meet those goals – are voluntary. As a result, while OCFS collects data from RHY programs, it does not track program outcomes.

Counties with certified RHY programs can opt in to receive RHY funding from OCFS. Twenty-five counties and the municipality of New York City opt to receive funding; the other counties do not, and certified residential RHY programs do not operate in those counties. Every county, regardless of whether it receives OCFS funding, is required to complete and submit a Child and Family Services Plan (Services Plan). The Services Plan is a local, 5-year plan (with annual updates) for the provision of services and the allocation of resources, including RHY. The RHY section of the Services Plan requires each county to answer specific questions regarding RHY and the services available. Services Plans for funded counties should detail how the county will allocate RHY funding and identify certified programs and the services these programs will provide. According to OCFS guidance, unfunded counties are required to provide OCFS with a demographic summary of the county's RHY population, resources available to support the needs of RHY, and how these resources are coordinated. Counties must answer all questions on the Services Plan.

OCFS is responsible for reviewing and approving all county Services Plans. Guidance provided to OCFS staff states that their approval of the RHY section of the Services Plan is equivalent to OCFS endorsement. When reviewing county Services Plans, OCFS staff should understand what is provided in the plan and determine if these plans support positive local programming within the county. Services Plans that do not warrant approval should be returned for revision, and counties have 60 days from the date of the notification of disapproval to submit a revised plan.

Additionally, OCFS is required to perform program and fire safety inspections annually (within 364 days of the prior inspection) for all certified RHY programs and facilities. Program inspections generally include walkthroughs; stakeholder interviews; and a review of organizational structure, program staffing/supervision, youth case records, and employee/volunteer/consultant records. Fire safety inspections check for compliance with State fire safety and facility infrastructure regulations.

After each inspection, OCFS staff meet with program officials to ensure they are aware of any issues identified. According to OCFS' policy, within 30 days of the completed program inspection, OCFS is to send a findings letter and report detailing any deficiencies identified, general observations, and recommendations. Further, OCFS staff issue a performance improvement plan (Improvement Plan) addressing each deficiency. Program staff are expected to complete the Improvement Plan, correct deficiencies, and provide OCFS with a corrective action plan (including supporting documentation, if applicable).

OCFS generally conducts fire safety inspections separately. As with program inspections, OCFS provides program staff with a letter of full compliance or a findings letter and an Improvement Plan, if applicable. OCFS tracks all program and fire safety inspections on an electronic spreadsheet.

Our initial audit report, covering the period January 1, 2018 through February 21, 2020, was issued on August 6, 2020. The audit objective was to determine if OCFS was adequately overseeing RHY and facilities to ensure they meet New York State standards and regulations. The audit found that OCFS generally had established controls to ensure it is conducting program and fire safety inspections for certified RHY programs and facilities. In addition, all RHY programs received required annual program and fire safety inspections in 2018 and 2019. However, the audit also found that OCFS did not always conduct inspections within established time frames, and supporting documentation was not always complete or provided timely by or to program staff after the conclusion of an inspection. The audit included visits to 20 RHY

programs, and while overall conditions generally met program and fire safety requirements, 32 deficiencies were identified across many of the programs visited. These included missing smoke detectors, dirty bathroom vents, a loaded power strip plugged into another loaded power strip, missing outlet covers, and water-damaged ceilings with possible mold. Additionally, for counties that did not opt in to receive RHY funding and did not operate certified RHY programs, we found that the Services Plans were not always sufficiently detailed to determine whether they support positive local programming within the county. For example, the audit identified inconsistencies in the level of detail provided by counties, and in some cases, it was not clear what services, if any, the county provides to address the needs of RHY. Because of these and other weaknesses, we concluded that OCFS needed to improve its oversight by developing written standards for conducting inspections, working with RHY programs to ensure correction of deficiencies that were identified during the audit, and revising the Services Plan internal guidance.

The objective of our follow-up was to assess the extent of implementation, as of December 30, 2021, of the three recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

OCFS officials made some progress in addressing the problems we identified in the initial audit report. However, improvements are still needed. Of the initial report's three audit recommendations, one was implemented, one was partially implemented, and one was not implemented.

Follow-Up Observations

Recommendation 1

Develop written standards for conducting inspections as well as recording and reconciling deficiencies found during inspections on the written report and Improvement Plan.

Status – Partially Implemented

Agency Action – OCFS management stated they are in the process of restructuring the RHY regulations, but this was delayed due to the COVID-19 pandemic. Once the updated regulations are issued, OCFS plans to incorporate those regulation changes into a corresponding program manual to standardize monitoring practices for OCFS staff. OCFS has created a draft program manual with ongoing edits and updates in anticipation of the new regulations. This draft program manual is used only for training purposes and has not yet been finalized and approved by management. OCFS expects the regulation changes to take place sometime in 2022. OCFS has revised its inspection checklist to include additional detail.

Recommendation 2

Work with RHY programs to ensure the deficiencies identified during our site visits are corrected.

Status – Implemented

Agency Action – OCFS corrected all 32 deficiencies identified during the initial audit.

Recommendation 3

Revise the Services Plan internal guidance to include additional information detailing what is expected/sufficient information to provide assurance that counties are supporting positive local programming. This guidance should include, but not be limited to, procedures for returning inadequate Services Plans and providing assistance to counties to improve their Services Plans.

Status – Not Implemented

Agency Action – OCFS rephrased one question in the Services Plan form but did not make any changes to the Services Plan internal guidance. The question in the form now asks for a list of steps taken when a youth presents as runaway or homeless – but there is no additional guidance detailing what information would be sufficient or expected. Additionally, OCFS has not made any changes to its guidance on returning inadequate Services Plans. This guidance does not include details on what OCFS staff should look for to determine if the RHY portion is sufficient. According to OCFS officials, there are plans to update the internal guidance in 2022.

Major contributors to this report were Brandon Ogden, Stephon Pereyra, Chelsey Fiorini, and Jacqueline Keeys-Holston.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of OCFS for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Heather Pratt, CFE
Audit Manager

cc: Bonnie Hahn, Office of Children and Family Services