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October 14, 2014

Marcus J. Molinaro, County Executive  
County of Dutchess  
Office of the County Executive  
22 Market Street  
Poughkeepsie, NY 12601

Report Number: S9-13-29

Dear Mr. Molinaro 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 Dutchess County's (County) abuse and neglect recurrence rate. The objective included determining if the 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. Appendix B includes our comments on issues 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 jurisdictions audited.

## Summary of Findings

The County's actions have not been sufficient to achieve a significant and consistent reduction in its child abuse and neglect recurrence rates. Although the County fully implemented its program improvement plan (PIP),<sup>1</sup> which was designed to reduce recurrence rates, the County's recurrence rates were not materially affected. As of March 2008, the County's recurrence rate was 15.5 percent and, as of September 2012, its recurrence rate was 15.4 percent.

In addition, the County did not perform certain best practices that we identified during our audit. For example, the County did not reexamine recurrence cases and did not track or perform any data analysis of its recurrence cases to better understand and reduce child abuse and neglect recurrence.

## Background and Methodology

The County, governed by a 25-member County Legislature, covers approximately 796 square miles and has approximately 297,000 residents, including 64,200 children younger than 18 years of age. The County Executive, 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 \$143 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 if the child was involved in another indicated report within six months of a previous indicated report.<sup>2</sup> According to OCFS records, as of September 2012, the County's recurrence rate was 15.4 percent and the State's recurrence rate was 12.4 percent. The national standard<sup>3</sup> is 5.4 percent.

Federal reviews of OCFS's child and family services conducted in 2001 and 2008 found that OCFS did not comply with federal child welfare requirements. The reviews found the State's recurrence rate of child abuse and neglect was high, indicating a weakness and/or 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.

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<sup>1</sup> A written strategy for improving safety outcomes

<sup>2</sup> The filing of two reports in a six-month period does not necessarily indicate that a child has been abuse or maltreated more than once. For example, Court-ordered investigation reports and County CPS reports can be separately filed for the same instance of abuse or maltreatment.

<sup>3</sup> 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).

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 with a goal of a target recurrence rate of 11 percent. Additionally, there are progress-tracking mechanisms in the form of quarterly progress reports. In September 2012, the County’s recurrence rate was 15.4 percent and its average recurrence rate since March 2008 was 15.5 percent. The national standard is 5.4 percent.

The County’s initial PIP, which OCFS approved, included strategies for locating and engaging fathers into family functioning. About a year after the PIP implementation began, OCFS determined the County’s PIP strategy was inappropriate because, historically, locating and engaging fathers was already a County strength. The County subsequently changed its PIP focus to train caseworkers to facilitate family meetings, which are designed to increase the use of kinship care, capitalize on family strengths and create a partnership and shared decision-making process between the family and the CPS unit. In a family meeting, parents, children (if age appropriate), and relevant extended family members or others identified as important to finding solutions plan for protecting the child and keeping them safe. The County also experienced delays in obtaining family meeting training from OCFS. Family meeting training began about a year and a half into the two-year PIP implementation period. Because of the change in PIP focus, coupled with the delays in family meeting training, the County did not have enough family meetings underway to reduce recurrence rates.

Child Abuse and Neglect Recurrence Tracking and Analysis – According to the National Resource Center on Child Maltreatment (Center),<sup>4</sup> any state attempting to improve or maintain its recurrence rate must engage in some degree of research and evaluation to identify and evaluate program improvement strategies or risk not being in compliance. The Center asserts that combining the use of historical data and programmatic knowledge can help maximize the impact of interventions.

Between March 2008 and September 2012, the County’s average number of child abuse and neglect indications was 614 with a rate of child abuse and neglect recurrence averaging 15.5 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

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<sup>4</sup> 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

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 drug abuse or domestic violence histories, there were younger parents who do not cooperate or there were cultural issues. 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/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 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.

## **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 case and determine, based on the actions taken and outcomes, what actions may have prevented the recurrence. Using the information gathered during this process, County 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.

The County Legislature 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 County Legislature should make the CAP available for public review in the Clerk's office.

We thank the officials and staff of Dutchess 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.

The response letter contains reference to an enclosure. Because the response letter sufficiently explains the relevance of this document, the enclosure is not included here.

MARCUS J. MOLINARO  
COUNTY EXECUTIVE



ROBERT B. ALLERS  
COMMISSIONER

**COUNTY OF DUTCHESS**  
DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

March 18, 2014

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

Dear Ms. Singer:

Our Department received a draft report from an audit of the NYS Comptroller regarding Child Protective Services child abuse and/or maltreatment recurrence rates, which was conducted on a sample of indicated cases for the time period January 1, 2011 to December 31, 2012. The auditors found that Dutchess County caseworkers complied with the requirements of the New York State Child Protective Services Program Manual, which incorporates current state laws, regulations, guidelines and procedures. Also, that the county fully implemented its New York State Office of Children and Family Services (NYS OCFS) approved Program Improvement Plan, which was designed to reduce recurrence rates. However, despite this, the county's recurrence rates were not materially affected.

As of September 2012, Dutchess County, with a recurrence rate of 15.4%, was just below the median in comparison to other counties outside of New York City. Twenty nine counties had higher rates and 27 had lower rates. Recurrence for these counties ranged from a low of 4.3% to a high of 33.9%. Compared to other medium sized counties, Dutchess was also slightly below the median in comparison with the other OCFS designated medium sized counties. Of the nine so designated counties, three counties had lower rates and five had higher rates, with a range of 11.7% to 23.3%<sup>1</sup>.

Dutchess County Child Protective Services is fully committed to keeping children safe and reducing the risk of future abuse or maltreatment for Dutchess County families. To that end, we have implemented numerous strategies including participation in state and local initiatives. For many years, we have provided weekly case conferences that give case workers and supervisors a forum to discuss and obtain feedback on difficult and complex cases from a team that includes administrative and legal bureau staff members. One of several specific criteria established for case conferencing is multiple reports. We have been part of the OCFS and OCA sponsored Court Improvement Project for several years, and have given updates on our NYS OCFS Program Improvement Plan regarding recurrence to that group. We are participating in the state's Disproportionate Minority Representation project. We were accepted for and are participating in the second round of the OCFS KEYS project, designed to support and improve Children's Services supervisory and casework practice.

Family Group Conferencing was one strategy that we attempted to fully implement in Dutchess County to reduce recurrence, that was part of our state approved Program Improvement Plan. We started this initiative, trained some staff members, began having conferences and formed an implementation workgroup in 2011 to mid-2012. Unfortunately, the NYS OCFS trainers for our region left, which stalled our implementation of this initiative. As of the beginning of 2014, OCFS has hired another trainer and Dutchess County now has three training groups underway to get all of our staff trained in this model. We look forward to infusing this best practice into our children's services work with families.

The comptroller's report states that during the audit "...caseworkers/supervisors often told us that the caregiver or other individual residing in the home had drug abuse or domestic violence histories, some younger parents who do not cooperate, and some with cultural issues. However, in all cases, the caseworker and/or supervisor could not think of any other actions they may have taken to prevent a recurrence." This may leave an impression that we do not take actions to prevent recurrence or address the stated issues. Nothing could be further from the truth.

Dutchess County Child Protective Services (CPS) has strong ties to the local domestic violence services community. We have a representative on the Dutchess County Domestic Violence Steering Committee, which also includes community service providers, law enforcement and court representatives. We have two domestic violence service providers co-located in CPS that provide direct services to families and consultation for CPS workers/supervisors and Children's Services' preventive and foster care staff members. We were part of a substance abuse services initiative co-sponsored by OCFS and OASAS, which co-located a team of substance abuse professionals in CPS, who made field visits with and provided consultation to CPS workers and gave direct services to families. This was seen by Dutchess County as a highly successful program until it was unfortunately defunded and discontinued by the state. We have a very active Child Advocacy Center with a co-located CPS and law enforcement team that investigates and intervenes in serious physical abuse and sexual abuse cases.

Dutchess County engages in prevention strategies. We provide preventive services to families that have indicated reports at several levels of intensity, dependent on family needs. We directly fund and participate in an Enhanced Coordinated Children's Services Initiative. These services started as a grant funded program many years ago, when the grant ended our county continued the services. We directly fund and refer families to numerous other services including parenting education programs. There are also early, primary prevention services in our community, designed to have a positive impact to reduce child abuse and maltreatment on a long range basis.

One may question why, with many services, the Dutchess County recurrence rate is still slightly higher than the state rate and significantly higher than the federal standard. One possibility that could contribute to the statistics is that the number of mandated reporters with whom a family may come into contact in a county with many services increases. This increases the possibility that reports may be called in and indicated after investigation. In interpreting data regarding the federal standard for



recurrence, it is important to understand that states operate under disparate laws and regulations and do not use a consistent standard of evidence to indicate abuse and maltreatment. This makes comparison impossible. The Comptroller's audit describes the NYS standard to indicate a report as "sufficient evidence to conclude that abuse/neglect occurred". This can leave the impression that when a report is indicated, CPS has enough evidence to take action to mandate services. However, NYS actually uses a very low standard of "some credible evidence" to indicate a report. It is one of only nine states that use this standard. Many more states (21) use a much higher standard of "preponderance" of evidence (see appendix A). Changing the standard changes the determination, which can impact recurrence rates. In addition to having a low standard of evidence to indicate reports, NYS has a high standard to remove children from their homes. Even in cases where there is high risk of future abuse or maltreatment, children remain in their homes and services are implemented to try to reduce this risk. Children are only removed from their homes when they are unsafe, which means essentially that there is imminent danger of serious harm.

See  
Note 1  
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The cases reviewed by the Comptroller had been indicated based on some credible evidence. In Dutchess County we define "some credible evidence" as one piece of credible evidence. This is a far lower standard than the amount of evidence required to sustain an indication at a fair hearing to which every subject is entitled, or to obtain a court order for services when families do not voluntarily accept recommended services. The standard used in these venues is "preponderance of evidence", which means a greater than 50% likelihood that the child was abused or maltreated. This is significant because if services are recommended to a family at the time of indication and the family does not choose to voluntarily participate, there may not be the preponderance of evidence needed to obtain a court order to mandate rehabilitative services. There is then no other option but to close the case.

It is also important to note that just because a case meets the criteria to be counted as a recurrence, that is, two reports have been indicated within a six month period, it does not necessarily mean that a child has been abused or maltreated *again*, as is stated in the comptroller's audit. An example of this is that Dutchess County made a carefully reasoned decision to have reports resulting from court ordered investigations to always stand as separate reports and not be merged or closed as duplicate with the preexisting report. Court ordered investigations can result from CPS intervention based on certain types of petitions including family offense, custody or guardianship that are filed to address safety and risk issues found during investigation of a prior report. The second report resulting from the court ordered investigation is indicated based on the same CPS investigation as the first report. This counts as recurrence and in Dutchess County, it drove the recurrence rate up. Another example is that a second report may be indicated based on abuse or maltreatment that occurred prior to the time the first report was indicated. This scenario can occur in any case, but particularly in sexual abuse cases, disclosure that happens over a period of time can generate new reports that are indicated based on abuse that occurred in the past, sometimes years in the past.

See  
Note 2  
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March 18, 2014

As can be seen above, recurrence is an extremely complex issue that is impacted by many factors for which there are no easy answers. Dutchess County Child Protective Services has done outreach to our NYS OCFS Regional Office to inquire about actions or initiatives that can have a positive impact to reduce our recurrence rate. The two suggestions made by OCFS thus far are to try to merge and close as duplicate as many cases as possible and to implement Family Assessment Response (FAR). Dutchess County does close as duplicate and merge cases when appropriate. We will continue this practice and expand it if possible. Regarding Family Assessment Response, we learned during our exit interview from the State Comptroller's Audit staff that it was found that FAR did not reduce recurrence rates. We remain open to ideas, suggestions and partnering with our oversight agency, the NYS Office of Children and Family Services, to monitor, measure and take steps to address recurrence in the future. NYS OCFS would play a significant role in creating a statewide response to recurrence, especially in the development of strategies that all counties could use to reduce recurrence rates.

See  
Note 3  
Page 11

Thank you for the opportunity to provide this feedback and for the courtesy and professionalism of the Comptroller's staff members when they conducted this audit in Dutchess County.

Very truly yours,

Robert B. Allers  
Commissioner

RBA:cd

Enclosure: Appendix A

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<sup>1</sup> From NYS Cognos/OCFS data warehouse report: Recurrence by District September 30, 2012.

## **APPENDIX B**

### **OSC COMMENTS ON THE COUNTY'S RESPONSE**

#### Note 1

We modified our report to reflect that evidence should be credible.

#### Note 2

We modified our report to clarify the definition of a recurrence in the County.

#### Note 3

We shared with County officials that OCFS published a FAR Evaluation Impact Study which reported many positive outcomes. However, it also reported no significant differences between those who received FAR services and those who received a traditional CPS investigation in the likelihood of a subsequent report and/or recurrence event.

## 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 Family Assessment Response (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 credible 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.<sup>5</sup>

In certain circumstances, the CPS unit may not investigate a report of abuse or neglect to determine if it actually occurred but instead will 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 intended 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. The County has not implemented FAR.

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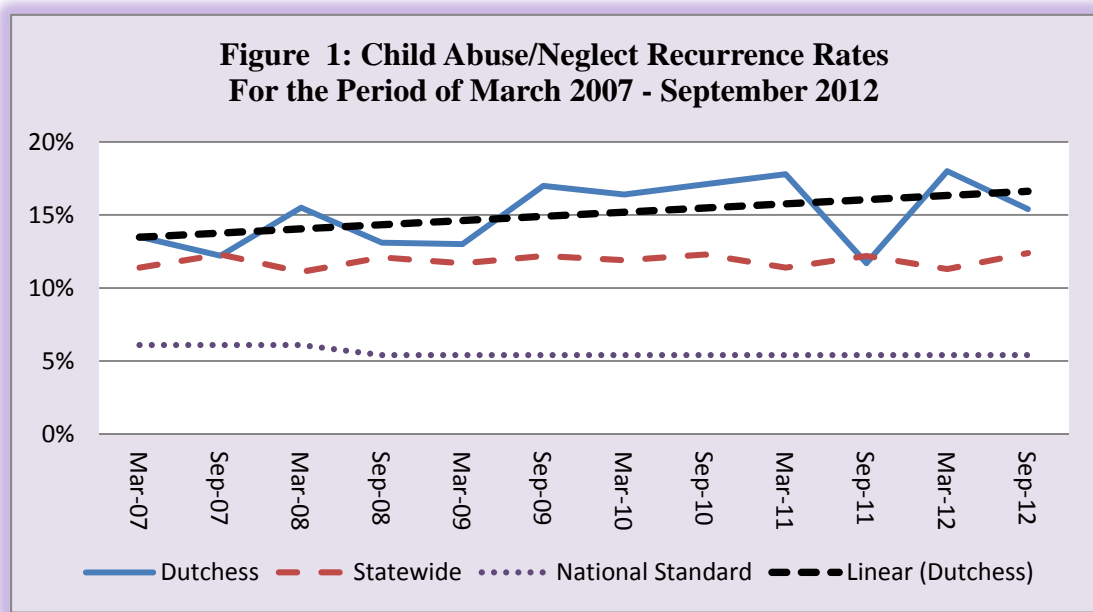
<sup>5</sup> Risk categories are low, moderate, high and very high. They are determined by assessing 15 preliminary risk factors (six risk factors pertain to the family unit and nine risk factors pertain to caretaker specific behaviors) which are considered to arrive at the overall risk rating.

## Federal Reviews

The Children’s Bureau and the Administration for Children and Families (ACF),<sup>6</sup> 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 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 standard<sup>7</sup> 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 reporting periods, the County’s recurrence rate has been higher than the State’s rate and increasing, as depicted by the linear line.



<sup>6</sup> The ACF is responsible for federal programs that promote the economic and social well-being of families, children, individuals and communities.

<sup>7</sup> 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 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 cases to confirm a Risk Assessment Profile was developed and the caseworker completed a thorough safety assessment and investigation of child abuse and neglect in a timely manner. We randomly selected and reviewed 10 different cases to determine if the caseworker developed a Family Assessment Services Plan and randomly selected an additional 10 cases to confirm that caseworkers maintained face-to-face contact with the family. We also examined training records for 10 caseworkers to determine whether caseworkers met their various training requirements.

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.