



THOMAS P. DiNAPOLI
COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

GABRIEL F. DEYO
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

October 14, 2014

Jeffery M. Glatz, County Manager
County of Niagara
County Office Building, 2nd Floor
59 Park Avenue
Lockport, NY 14094

Report Number: S9-13-31

Dear Mr. Glatz and Members of the Legislature:

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 Niagara 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. Appendix B includes our comments on issues raised in the County's response. At the completion of our audit of the eight counties, we will prepare a global report that summarizes the significant issues we identified at all of the counties audited.

Summary of Findings

The County's actions have not resulted in a consistent reduction of its child abuse and neglect recurrence rate. The County's recurrence rate has decreased from 15.9 percent as of March 2008 to 14.1 percent as of September 2012.

We found the County should perform certain best practices that we identified during our audit. For example, the County should reexamine recurrence cases and track and analyze recurrence data to better understand and reduce child abuse and neglect recurrences.

Background and Methodology

The County, governed by a 15-member County Legislature, covers 522 square miles and has approximately 216,000 residents, including 45,675 children younger than 18 years of age. The County Manager, 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 \$104.9 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 14.1 percent and the State's recurrence rate was 12.4 percent. The national standard is 5.4 percent.¹

Federal reviews of OCFS's child and family services conducted in 2001 and 2008 found OCFS 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 to be performed. These include completing child abuse or neglect investigations, preparing Risk Assessment Profiles and provision of necessary services, developing Family Assessment and

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).

² A written strategy for improving safety outcomes

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 recurrence 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, a progress tracking mechanism and a target recurrence rate of 10 percent. In September 2012, the County’s recurrence rate was 14.1 percent and its average recurrence rate since March 2008 was 14.5 percent, more than twice the national standard of 5.4 percent.

A major focus of the PIP was to train CPS unit staff 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. However, the County did not train its caseworkers on how to conduct these meetings. According to County officials, OCFS was responsible for developing and offering the family meeting training and because the training was not fully developed or offered to the County, the training did not occur.

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 state, 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.

Between March 2008 and September 2012, the County’s average number of indicated cases was 425 with a rate of child abuse and neglect recurrence averaging 14.5 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 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 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

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.

differently to prevent the recurrence. The caseworkers and supervisors often told us the caregiver or other individual residing in the home had a mental health condition or a drug use condition. In addition, domestic violence and generational abuse associated with the families also contributed to the recurrences. 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 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 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 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, 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 Niagara 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 attachment. Because the response letter sufficiently explains the relevance of this document, it is not included here.

Please note that the County's response letter refers to page numbers that appeared in the draft report. The page numbers have changed during the formatting of this final report.



NIAGARA COUNTY
OFFICE OF THE COUNTY MANAGER
 59 PARK AVENUE
 LOCKPORT, NEW YORK 14094

Jeffrey M. Glatz
 County Manager
 (716) 439-7006
 (716) 439-7212 Fax

December 3, 2013



Division of Local Government and Social Accountability
 Office of the State Comptroller
 110 State Street
 Albany, NY 12236

Re: Child Protective Services Audit

Dear

Niagara County would like to provide some clarification and corrections to the draft CPS Audit Report.

1. In the second paragraph on page 2, it states FAR does not require a caseworker to determine if a child was actually abused or neglected. **FAR cannot accept an abuse case in Niagara County. FAR caseworkers continually evaluate their cases to determine if they should be sent back in through regular CPS. Also, it is too early to measure the effectiveness of FAR.**
2. There are references to the national standard of report recurrence. **Many other states operate under different regulations and have more requirements of reports, so comparing NYS to other states is an "apples and oranges" situation. NYS generally accepts anything that is called in on the public hotline. They at the SCR appear to be wary of rejecting a call on the threat of legal action. This could explain why NYS has the only double-digit recurrence rate in the country.**
3. On page 3 in the discussion of the PIP, it states no training occurred in Niagara County. **I believe that Solution-Focused (S-F) Training, which prepares caseworkers for engaging families in this approach, has been attended by our staff on at least three different occasions: S-F Coaching Session, 2011; S-F Techniques, 2012; and S-F FAR Practice 2013.**
4. The first paragraph on page 4 states that we do not require reexamination of recurrence cases. **I know in speaking with our Director of Services that this type of reexamination takes place on a regular basis when subsequent reports involving the same allegations come in on a particular family. These discussions, generally between a caseworker and supervisor, may need to be identified more clearly or labeled in the progress notes.**

See
 Note 1
 Page 9

See
 Note 2
 Page 9

See
 Note 3
 Page 9

See
 Note 4
 Page 9

See
Note 5
Page 9

5. On page 6, you state that "the county has not formally evaluated the comprehensive FAR program to determine if children are better protected from recurrence". **That is not correct. First OCFS who provides DSS with oversight did conduct a formal FAR case review from July 29, 2013 to August 2, 2013. They reviewed 30 cases. Enclosed is a summary of the review. NCDSS has requested the formal report from OCFS and we are still awaiting it. Secondly, NCDSS conducted a CPS FAR Audit specific to recurrence. It is attached for your review. The CPS FAR Audit of Cases reveals a recurrence percentage of 5.6%. Thus CPS/FAR clearly is achieving one of its intended goals.**
6. **Niagara County DSS has requested specific CPS Recurrence data for 2013 from OCFS and even after several requests has received no data. Without their support it is improbable to investigate cases of recurrence to develop possible new strategies.**

Clearly, it appears that OCFS does not rank the recurrence issues with same weight that your office does.

I hope this clarifications and corrections will assist your agency with the revision of the CPS Audit report.

Please do not hesitate to contact Commissioner Restaino or Director Marshall for further clarification.

Sincerely,

Jeffery M. Glatz
County Manager

/dc

Enclosure

cc: Anthony J. Restaino, Commissioner
Burt J. Marshall, Director of Social Services


APPENDIX B

OSC'S COMMENTS ON THE COUNTY'S RESPONSE

Note 1

FAR is an alternate response program that does not require caseworkers to conduct an investigation to determine if an abuse did or did not occur. Therefore, unless a traditional investigation is conducted, caseworkers would not conclude if an abuse occurred. We acknowledge that caseworkers will refer the case for a traditional CPS investigation if they believe a case warrants a complete investigation.

Note 2

We agree that many other states operate under different regulations and reporting requirements. However, we also note that OCFS uses the national standard as a performance benchmark, including each county's recurrence rate and the national standard on its website.

Note 3

Our report indicated that the County did not train its caseworkers as called for in the PIP. The County's PIP included the rollout of family meeting training to all CPS unit staff. A local official explained the County did not fully implement its PIP because OCFS was unable to provide the training. While family meeting training was not offered, the staffing development profiles we obtained for the 38 CPS staff members indicated that a solution-focused FAR practice training session was attended by a caseworker on December 13, 2012 and by a supervisor and two caseworkers on November 30, 2011.

Note 4

County officials did not provide documentation to support that caseworkers reexamined recurrence cases. We found no evidence that reexaminations occurred during our case file reviews. County officials shared that they tried to obtain recurrence data from OCFS, but, at the time of our exit conference and their response to this report, OCFS had not provided the information.

Note 5

After our fieldwork was completed, an assessment of the county's FAR program was conducted by OCFS. At the time we held the exit conference, County officials were waiting for the formal report. Subsequently, County officials received and shared a copy of the formal report with us. We have removed the discussion of FAR and the corresponding recommendation from the final report.

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 some 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/or mandated preventive service. Workers must monitor the services when they are not the primary service provider. CPS units also provide preventive services to high-risk families.⁴

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 or neglect allegations that the CPS unit may handle with FAR. 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.

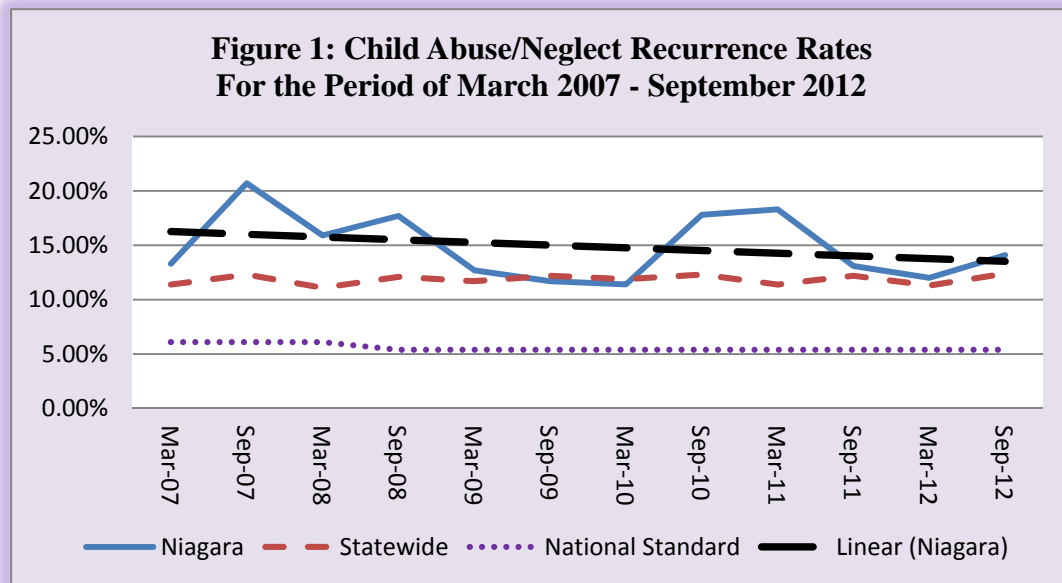
⁴ Risk categories are low, moderate, high and very high. They are determined by assessing 15 preliminary risk factors (six risk factors pertain to the family unit and nine risk factors pertain to caretaker-specific behaviors) which are considered to arrive at the overall risk rating.

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, 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’s rate exceeds the national standard. Historically, the County’s recurrence rate has been higher than the State’s rate but 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 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 to 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 the OCFS uses to calculate the County's child abuse and neglect recurrence rate and traced records to and from the computerized 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.