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October 14, 2014

Anthony J. Picente, Jr., County Executive  
County of Oneida  
Office of the County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, NY 13501

Report Number: S9-13-32

Dear Mr. Picente 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 Oneida 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. County officials agreed with our findings and recommendations and plan to initiate corrective action. 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 counties audited.

## Summary of Findings

While the County's program improvement plan (PIP)<sup>1</sup> was fully implemented, the County attributes their progressively declining recurrence rate more to increased staffing and caseload management. The County's recurrence rate has decreased from 21.8 percent as of March 2008 to 19.5 percent as of September 2012. We found the County fully implemented its PIP, which was designed to reduce past recurrence rates. A substantial component of the PIP focused on locating and engaging fathers early in the case and identifying family strengths and needs to produce better assessments and targeted, practical service plans with the goal of improvements in family functioning.

In addition, 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 29-member County Legislature, covers 1,212 square miles and has approximately 234,900 residents, including 50,300 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 \$158.1 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 19.5 percent and the State's recurrence rate was 12.4 percent. The national standard is 5.4 percent.<sup>2</sup>

Federal reviews of OCFS's child and family services conducted in 2001 and 2008 found the State 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 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 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 unit 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 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 C of this report.

## **Audit Results**

Program Improvement Plans – The County’s PIP established an implementation plan and a progress tracking mechanism, but did not establish a target recurrence rate. In September 2012, the County’s recurrence rate was 19.5 percent, and its average recurrence rate since March 2008 was 17.6 percent, or 361 percent of the national standard of 5.4 percent.

A major focus of the PIP was to locate and engage fathers early in the case and identifying family strengths and needs to produce better assessments and targeted, practical service plans with the goal of improvements in family functioning. The County believes this will ultimately reduce recurrence rates and child placements.

Child Abuse and Neglect Recurrence Tracking and Analysis – According to the National Resource Center on Child Maltreatment (Center),<sup>3</sup> 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 771 with a rate of child abuse and neglect recurrence averaging 17.6 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.

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<sup>3</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

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. The caseworkers and supervisors often told us that there were issues in these families including mental health concerns, domestic violence and drug or alcohol abuse conditions. 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 and 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 Board 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 Board should make the CAP available for public review in the Clerk's office.

We thank the officials and staff of Oneida 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 page.

*Anthony J. Picente Jr.*  
*County Executive*

*Lucille A. Soldato*  
*Commissioner*



*Oneida County Department of Social Services*  
*Office of Commissioner Lucille A. Soldato*  
*County Office Building*  
*800 Park Ave.*  
*Utica, NY 13501*

November 19, 2013

Office of the State Comptroller  
Binghamton Regional Office  
Attention: Ms. Ann Singer  
State Office Building  
44 Hawley Street  
Binghamton, NY 13901-4417

Dear Ms. Singer:

We are in receipt of the Office of the State Comptroller's findings on their recent examination of Child Protective Services in Oneida County. These findings have been reviewed and we will be taking steps to identify the reasons for the recurrence rates on child protective reports. This first step will allow us to determine the best course of action to address this concern.

We hope that the attached corrective action plan is satisfactory and please feel free to contact Deborah Neal, Director of Services, should additional information be necessary.

Sincerely,

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Lucille Soldato  
Commissioner  
Oneida County Department of Social Services

## **APPENDIX B**

### **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 local 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) 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>3</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. As a part of the State's FAR

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<sup>3</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.



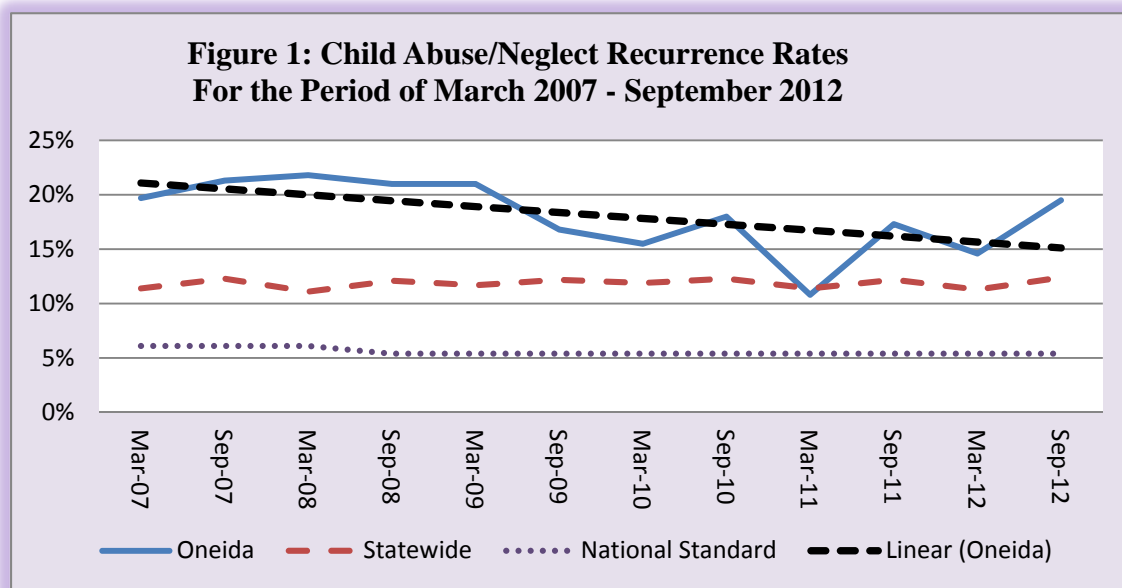
approval process, each county defines the specific allegations that they will allow to be covered by the FAR approach. CPS officials have not implemented FAR in the County.

### **Federal Reviews**

The Children’s Bureau and the Administration for Children and Families (ACF),<sup>4</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 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>5</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 one period reported, the County’s recurrence rate has been higher than the State’s rate and declining, as depicted by the linear line for the County.



<sup>4</sup> The ACF is responsible for federal programs that promote the economic and social well-being of families, children, individuals and communities.

<sup>5</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 C**

### **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 recurrence cases. We reviewed the recurrence cases to ensure the following: required face-to-face and collateral contacts were made, a preliminary assessment of safety was done, progress notes were maintained, evidence of supervision was documented, a risk assessment profile was conducted and a family assessment service plan was completed. Further, we interviewed the caseworkers and supervisors assigned the 10 recurrence cases for their input on the cases and what, if any, actions could have prevented the recurrences.

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.