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October 14, 2014

Mike Hein, County Executive
County of Ulster
Office of the Ulster County Executive
244 Fair Street
Kingston, NY 12401

Report Number: S9-13-35

Dear Mr. Hein 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 Ulster 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 generally 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

Although the County developed a program improvement plan that included a goal to reduce the County's child abuse and neglect recurrence rate to 10.5 percent, an implementation plan and a tracking mechanism, these efforts did not result in a reduction in the County's child abuse and neglect recurrence rate.

We found the County did not track its progress in implementing the program improvement plan (PIP)¹ for its recurrence rates during the PIP implementation period. The County's child abuse and neglect recurrence rate, as of March 2008, was 11.4 percent and as of September 2012, it increased to 14.7 percent.

A significant component of the County's PIP focused on the rollout of the Family Assessment Response (FAR) program and its family meetings, which were 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. However, the County's FAR implementation was delayed due to extensive training and coordinating with various entities, including input from two family court judges.

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. In addition, in April 2013, the County implemented FAR, an alternative response program to respond to abuse and neglect calls. The program does not require a caseworker to determine if a child was actually abused or neglected. Although the State approved the program to protect children and help families resolve problems that put their children at risk, the County has not formally evaluated its alternate response program to determine if the program results in reduced abuse and neglect recurrences.

Background and Methodology

The County, governed by a 23-member County Legislature, covers 1,124 square miles and has approximately 182,000 residents, including 35,000 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 \$115.2 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.

¹ A written strategy for improving safety outcomes

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 14.7 percent and the State's recurrence rate was 12.4 percent. The national standard is 5.4 percent.²

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.

The CPS program 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 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, a progress tracking mechanism and a target recurrence rate of 10.5 percent. However, the County did not track its progress in implementing the PIP. In September 2012, the County's recurrence rate was 14.7 and its average recurrence rate since March 2008 was 13.2 percent. The national standard is 5.4 percent.

A major focus of the PIP was to create a partnership with families by engaging them early in the case and identifying their strengths and needs, leading to better assessments, targeted and practical service plans, family engagement in services and improvements in the functioning of the family. The County believes this will ultimately reduce recurrence rates and child placements. However, the County's FAR implementation was delayed due to extensive training and coordinating with various entities, including input from two family court judges.

² 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).

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 states, 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 382 with a rate of child abuse and neglect recurrence averaging 13.2 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 differently to prevent the recurrence. These caseworkers and supervisors often told us that the caregiver or other individual residing in the home had mental health issues or a drug use condition. However, in all cases, the caseworkers and/or supervisors 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 and services 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.

Family Assessment Response – In 2007, New York State legislation was enacted allowing for an alternative CPS response program, known as FAR. Intended as a way to better protect children and assist families with their child-rearing needs, FAR uses a non-investigatory decision-making

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

and engagement approach to working with reported families. FAR focuses on assessing a family's needs and providing support, and does not require a child abuse and neglect determination as in a traditional CPS investigation. A county may use the FAR approach instead of the traditional investigative approach, but is still required to comply with federal and State child welfare service requirements. Each county FAR program is unique and requires OCFS approval prior to its implementation.

A January 2011 OCFS report on FAR implementation at six pilot counties noted the program achieved improved satisfaction, increased linkages to needed services, a reduced need for traditional public child welfare services and fewer petitions filed in Family Court. It also reported families who received a FAR response were more likely to obtain services, especially those that meet basic family needs such as food, housing, utilities and other necessities. However, the report indicates no significant differences between the FAR and investigated control groups in the likelihood of a subsequent recurrence event.

The County implemented FAR in April 2013. Due to its recent implementation, the County has not formally evaluated the FAR program to determine if children are better protected from recurrence when their case is handled with FAR versus the traditional CPS investigation. The County should develop a method to evaluate whether the FAR program results in a safer environment for the children or if program modifications are needed to reduce child abuse and neglect recurrences.

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.
4. Develop a method to evaluate the FAR program to determine if the program is achieving its goal to better protect children or if program modifications are necessary to achieve this result.

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 Ulster 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.

COUNTY OF ULSTER

DEPARTMENT OF SOCIAL SERVICES

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December 13, 2013

State of New York
Office of the State Comptroller
Division of Local Government and School Accountability
110 State Street
Albany, New York 12236

Attention: Ann Singer, Chief Statewide Audits

Dear Ms. Singer

Ulster County is in receipt of the draft audit report which resulted from the review of abuse and neglect recurrence rates by the Office of the State Comptroller. While this audit was conducted statewide on a sample of eight counties the focus of this portion of the audit was with respect to Ulster County.

The objective of this audit was "to determine if actions taken by the Child Protective Services are sufficient to reduce Ulster County's abuse and neglect recurrence rates." The audit was comprehensive and included a review of 10 randomly selected recurrence cases from the period January 1, 2011 through December 31, 2012 as well as caseworker and supervisor interviews.

The audit included questions and discussion about why recurrence had occurred in a case and what variables contribute to recurrence. The issues identified affecting recurrence rates included chronic mental health and substance abuse issues, interruptions and relapses in treatment and recovery, re-reporting by mandated professionals and additional revelations by children and other persons associated or connected with a case.

The report cites that "although the County developed a program improvement plan that included a goal to reduce the County's child abuse/neglect recurrence rate to 10.5%, these efforts did not result in a reduction in the County's child abuse and neglect recurrence rate." It was noted that the County's recurrence rate as of March 2008 was 11.4% and as of September 2012 it increased to 14.7%.

However, it is to be noted that as of March 2013 data reveals that the County's recurrence rate fell to 7.8%, far below the goal of 10.5%. Although the findings in this report were accurate, they were based only on 2012 data. The County recognizes that further analysis of data are warranted to track and evaluate this positive outcome, but it is clearly evident that recurrence rates have dramatically decreased since the time period covered in the audit.

The audit also discusses the implementation of the Ulster County Family Assessment Response (FAR) in April 2013 and states the need to develop a method to evaluate the program. Please be aware that this audit was conducted only three months after FAR's inception in Ulster County, and it was too early to evaluate the achievements of its outcomes.

It is anticipated that an evaluation will be conducted by OCFS after FAR has been operational for one year. Additionally, a comprehensive internal evaluation, including a client satisfaction study, will also be conducted after one year of operation. It is premature and presumptive to expect the District to have examined and determined the efficacy of the FAR program so early in its operation.

It is important to note that the Audit suggests that any effort to sustain or improve statewide recurrence rates will require a commitment to compile, track, analyze and evaluate data to identify and implement best practices associated with this initiative. Accordingly it seems reasonable and appropriate to expect that the State Office of Children and Family Services (OCFS) will be responsible for maintaining their leadership role in continuing to determine policy regarding this initiative, implementing processes to track relevant data and establishing parameters and criteria for expected outcomes.


Going forward reasonable steps will be taken to address the audit's findings and recommendations. Increased emphasis will be placed on the importance of recurrence rates and protocols will remain in place to ensure effective tracking mechanisms. Additional strategies will be developed to continue long term recurrence rate reductions and to practice more proactive measures to achieve this outcome.

In a larger context, we understand and appreciate that the State Comptroller's mission is in part is to help county officials manage resources efficiently and effectively to ensure accountability and outcomes supported by tax dollars. We welcome audits aimed at accomplishing that goal. We also believe that audits of specific programs, activities or data should be done in accordance with the responsible State Agency, Office or Departments clearly identified policies and expected goals. In this audit the Comptroller did not recognize or incorporate the necessary and critical role that OCFS has for policy, responsibility and oversight in this area and therefore the audit is incomplete.

Most importantly, Ulster County prides itself on the quality of the services which it delivers and is always receptive to reviewing and evaluating all of our efforts and practices to achieve maximum success in investigating and reducing child abuse and neglect in our community. Comprehensive data from all child abuse and neglect indicators supports that carefully planned and thoughtfully executed efforts have successfully resulted in strengthening families, reducing costs and protecting children.

We would like to recognize the professionalism of the audit review team and express our appreciation for the consideration they demonstrated when conducting their audit.

Thank you for the opportunity to share our impressions and reactions to this audit.

Very truly yours, 

Michael A. Iapoce, Esq.
Commissioner Social Services

cc: Michael P. Hein, County Executive
Kenneth Crannell, Deputy County Executive
Barbara Sorkin, Deputy Commissioner Social Services
Cynthia Beisel, Deputy Commissioner 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 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 must assign the case to an investigative unit or 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) should 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.⁴

In certain circumstances, the CPS unit may not investigate a report of abuse or neglect to determine if it actually occurred but will instead 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 approval process, each county defines the specific allegations that they will allow to be covered by the FAR approach.

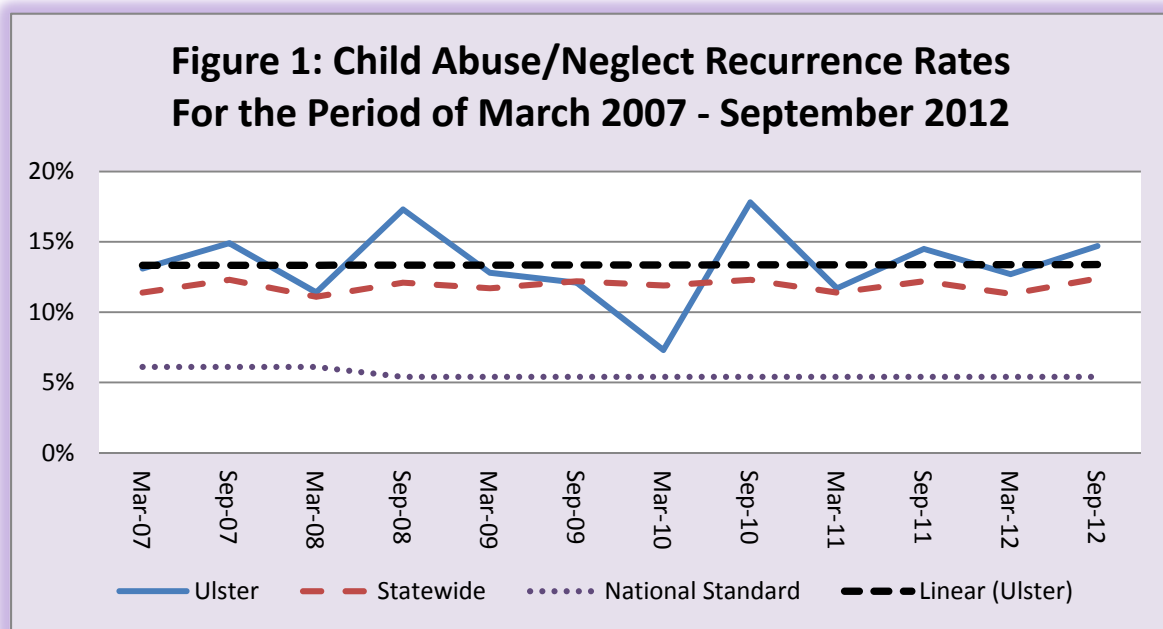
⁴ Risk categories are low, moderate, high and very high. They are determined by assessing 15 preliminary risk factors (six risk factors pertain to the family unit and nine risk factors pertain to caretaker-specific behaviors) which are considered to arrive at the overall risk rating.

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, 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, its recurrence rate has been higher than the State’s rate and fairly constant, 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 C

AUDIT METHODOLOGY AND STANDARDS

We interviewed County CPS 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, preliminary assessment of safety was performed, progress notes were maintained, evidence of supervision was present, a risk assessment profile was conducted and a family assessment service plan was completed. Further, we interviewed the caseworkers and supervisors assigned to 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.