

*Andrew M. Cuomo, Governor*  
*Gladys Carrión, Commissioner*



# NYS OFFICE OF CHILDREN AND FAMILY SERVICES

## RESPONSE



TO THE  
NYS CITIZEN REVIEW PANELS  
FOR CHILD PROTECTIVE SERVICES  
2010 ANNUAL REPORT AND RECOMMENDATIONS



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**The Office of Children and Family Services' Response  
to the  
New York State Citizen Review Panels for Child Protective Services  
2010 Annual Report and Recommendations**

**Introduction**

The New York State Office of Children and Family Services (OCFS) welcomes the opportunity to respond to the recommendations of the Citizen Review Panels for improving child welfare services in New York State. OCFS is proud of our continued relationship with the Citizen Review Panels and our shared commitment to improve outcomes for vulnerable children and families.

As has been noted in previous reports, it is important to put child welfare work in New York State into context. New York is a state supervised, county administered system which is highly complex. The New York State Office of Children and Family Services sets policy and standards which are locally administered, with performance and compliance monitored by the state. Systemic change in the child welfare system must be "statewide and caseworker deep" to be effective. As was the case in 2010, 2011 continues to bring limited resources and grave fiscal challenges within the state. Facing an \$8 billion deficit in 2010 and a \$10 billion deficit in 2011, the Governor and the Legislature were presented with very difficult budget choices, resulting in some cuts to local social services and not-for-profit providers across the state. In spite of these challenges, OCFS remains committed to working with our stakeholders to provide support and services to those with the greatest needs, and to continue to move forward with our efforts toward systemic change that supports our core mission of promoting the safety, permanency and well-being of our children, families and communities.

**PANEL RECOMMENDATIONS**

**PREVENTION**

*Restore uncapped 75% state / 25% local share for primary prevention and intervention services funding and allow counties that opted out due to state funding cuts and a lack of local share to opt back in.*

Clearly this recommendation measures the commitment of the Citizen Review Panels toward preventing both foster care and recurrence of maltreatment. OCFS shares this commitment, and understands how crucial it is to keep children safely in their homes and to hasten their return home when out-of-home placement is necessary. In this year's enacted budget, preventive services reimbursement remains uncapped at 62 percent state share and 38 percent local share net of federal funding. Although not what the panels are recommending, during this year of significant reductions in program funding, OCFS believes that maintaining this uncapped base was an important achievement for child welfare.

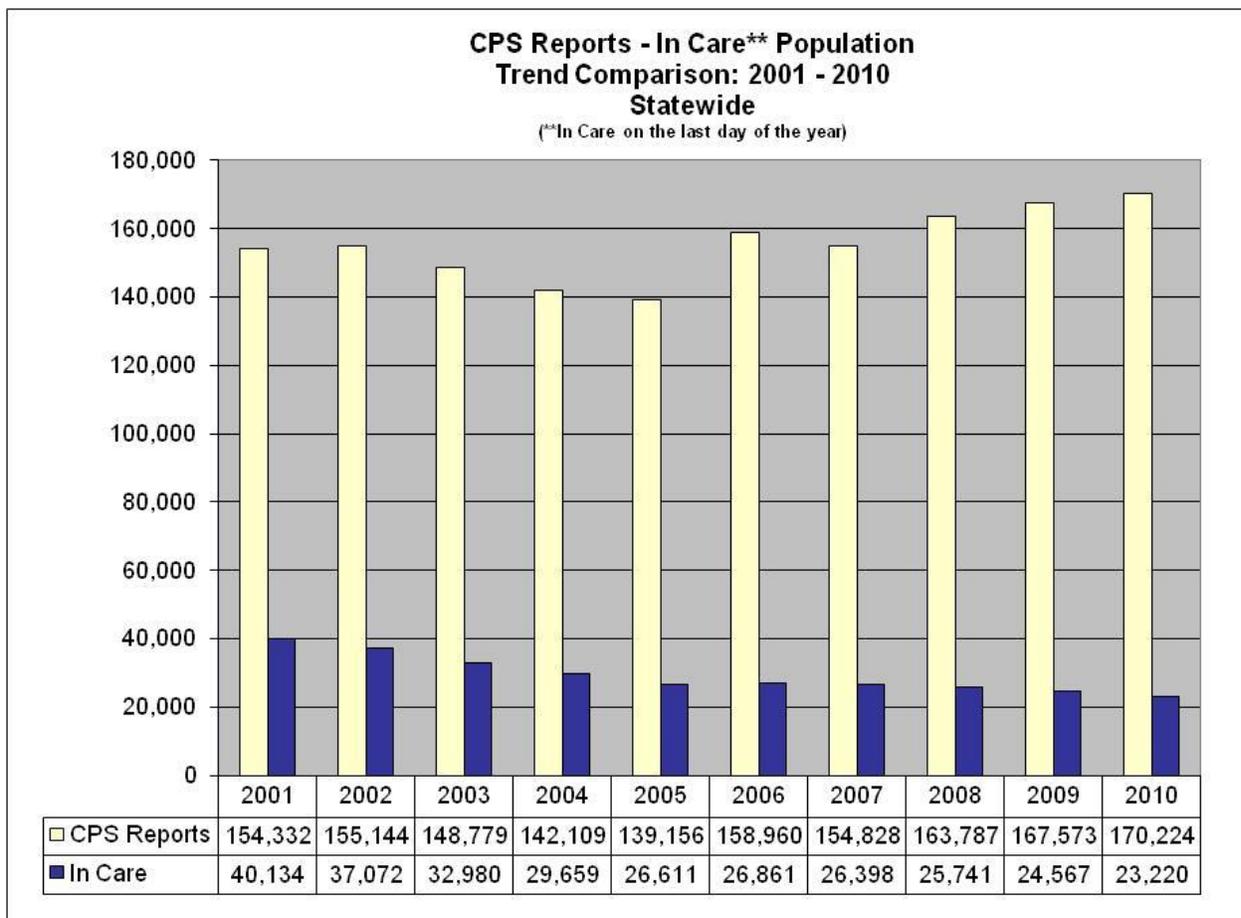
We agree that the incidence of recurrence of maltreatment must be addressed, and anticipate that the growth of Family Assessment Response (FAR) programs will be a key strategy in reducing this problem. In the FAR model, caseworkers focus on family needs and assist in accessing appropriate services rather than on the allegations and the requirement of making a report determination of indicated or unfounded. The expectation is that when the family receives services addressing the issues that brought them to the

attention of the child welfare system, the likelihood of a future report is greatly reduced. Although it is too early in the NYS process to determine outcomes, other states' experiences demonstrate improvement in the area of recurrence as a result of instituting an alternative response system statewide.

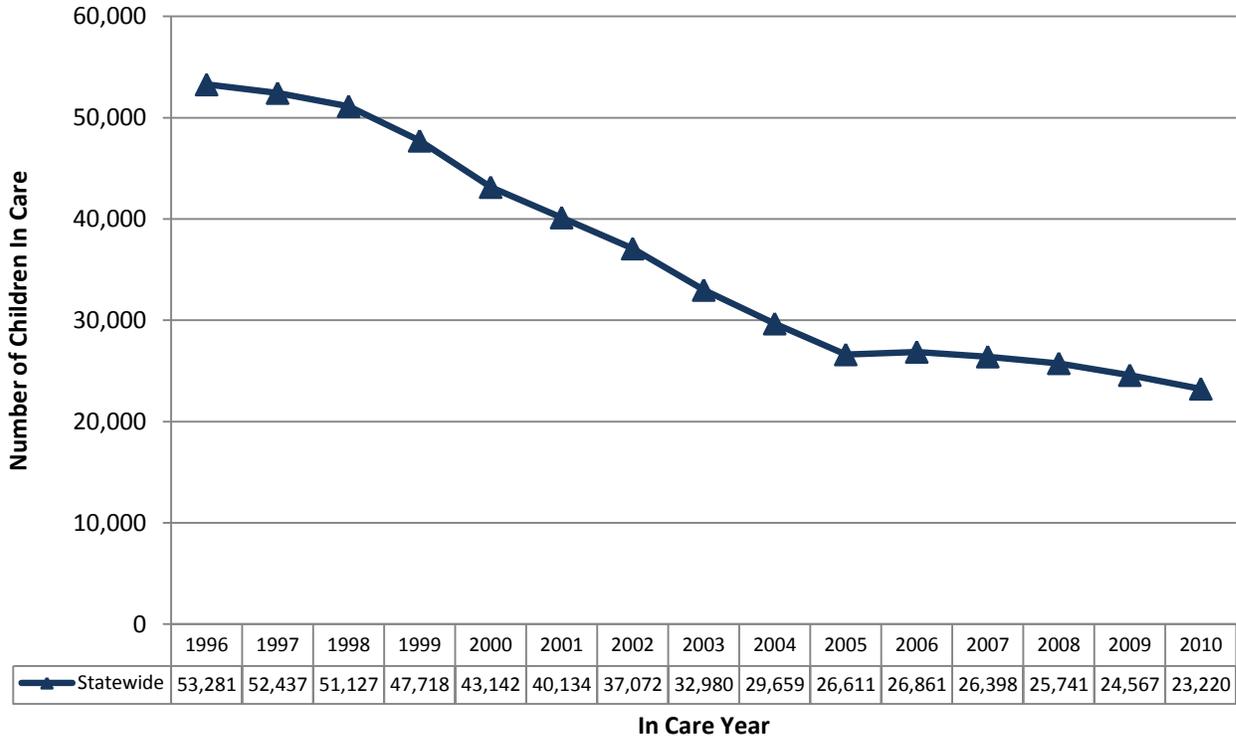
Further, in our Child and Family Services Review Program Improvement Plan, we requested that each local district develop strategies to improve safety of the children in the child welfare system, with a particular focus on recurrence. We are encouraged by the improvements in

our data as we measure progress throughout the state.

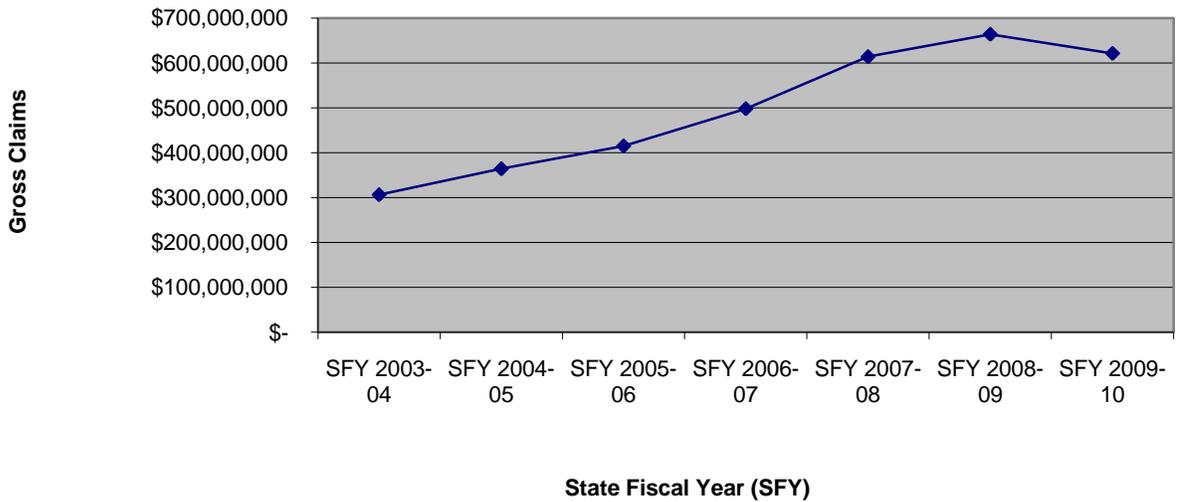
On the following pages, there are several charts reflecting the trends in child welfare in NYS over the past decade. The first chart demonstrates the increase in volume of child protective reports over the past ten years and compares it to the simultaneous decrease in children in foster care placements. You will also see that preventive funding claims have steadily risen since 2003, which would indicate the ongoing development of a community-based infrastructure across the state demonstrating a commitment to keep children at home.



### New York State Children In Care on December 31, 1996 - 2010



### Preventive Services Claims



*Ensure secure funding streams for evidence-based primary prevention services, like home visiting and parent education, and double the current appropriation for such services.*

OCFS is aware of the impact of the current fiscal situation on funding for preventive services. However, we were pleased to see that the Healthy Families New York program was funded at the same level as SFY 2010-11 at \$23.3 million. This will allow us to continue funding the 36 programs currently providing these key services in New York. Our staff are in constant communication with the field to determine what support, if any, OCFS can offer as programs feel the effects of the state budget deficit. We share the concern of the Citizen Review Panels that families needing support may be negatively impacted by the budget crisis. We continue to provide guidance and technical assistance to all of the preventive services contracts in hopes of maximizing the limited state resources.

### **Federal Funding Opportunities**

The Patient Protection and Affordable Care Act of 2010 authorized the Maternal, Infant and Early Childhood Home Visiting (MIECHV) program to promote and improve the health, development and well-being of at-risk children and families through evidence-based home visiting programs. In FY 2010, \$4.1 million was allocated to New York State. With the NYS Department of Health (DOH) as the lead, OCFS assisted in creating and submitting a needs assessment and a state plan in response to this act.

New York States proposes to use the first year funding of the MIECHV to expand and enhance existing evidence-based programs in three very high need communities. Funding will be targeted to Erie and Monroe counties upstate and the Bronx in New York City. HFNY

and Nurse Family Partnership (NFP) programs will be funded in the Bronx; HFNY will be funded in Erie and NFP will be funded in Monroe. Funding will allow programs to expand the number of families served and to coordinate with other early intervention programs. In order to comply with the federally mandated benchmarks, programs will be collecting individual data for all benchmarks. DOH and OCFS will be aligning and analyzing the data over the course of the project.

### **Parent Education**

OCFS recognizes that one of the significant challenges in child welfare is that there are many different parent education programs addressing different needs and there is not a systematic method for measuring the programs' effectiveness and outcomes. OCFS recently contracted with a Capstone team from the New York University Robert F. Wagner Graduate School of Public Service to help determine the current range, type and effectiveness of parent education programs being offered in New York State, and to research best and promising practices on a national level. The objectives of this project were to (1) examine programs being used across New York's sixty-two (62) counties to determine the state of parent education in New York State, (2) research national best and promising practices in parent education used as interventions to support at-risk families, (3) identify opportunities to improve the effectiveness of parent education programs currently offered in New York State, and (4) promote dialogue and reflection among OCFS staff on strategies to incentivize district to use evidence-based programs. The long-term goal of the Capstone project is to promote the safety and well-being of children and to reduce the entry and re-entry rate of children into the child welfare system.

Findings from the project included:

**Key Finding #1:** Statewide, there is a strong demand for parent education programs for at-risk families.

**Key Finding #2:** Parent education programs are used as an intervention method for at-risk families for a variety of purposes. As a result, the programs that counties use differ greatly in all characteristics.

**Key Finding #3:** There was evidence of misalignment between program goals and how programs measure participant success.

**Key Finding #4:** Funding levels varied across the state, and knowledge of funding streams and funding availability was minimal for the great majority of survey respondents.

**Key Finding #5:** There is significant diversity in the requirements that programs have for parent educators.

**Key Finding #6:** Conceptually, program evaluation was not widely understood by our respondents.

**Key Finding #7:** Programs face a number of implementation challenges including funding, logistics, human resources, ensuring participation, and working with challenging client populations.

Several recommendations were advanced which will be considered as we move forward:

#### **Recommendations**

- Support and increase parent education programs.
- Implement evidence-based programs.
- Select interventions based on client need.

- Engage clients as key stakeholders.
- Align program goals and outcomes.
- Improve channels of communication among programs, agencies, and districts.

#### **Current OCFS Initiatives Aimed at Prevention**

OCFS is continuing the Safe Sleep initiative. In March 2010, OCFS held a teleconference entitled “Safe Sleeping Practices for Infants and Young Children” for local district and voluntary agency staff, which addressed the importance of safe sleep environments. The teleconference also offered strategies for caseworkers to provide information to parents and other caregivers regarding sleep-related risks and the steps that can be taken to lessen or remove those risks. A shorter version on DVD and handouts for caseworkers on these topics are forthcoming from OCFS.

In November 2010, OCFS issued a Local Commissioners Memorandum (LCM) entitled “Guidance for CPS Investigations of Infant Fatalities and Injuries Involving Unsafe Sleeping Conditions.” The LCM focused on the actions taken by child protective services (CPS) staff in investigating reports of deaths or serious injuries made to the Statewide Central Register (SCR) involving sleep-related circumstances.

OCFS is preparing an Administrative Directive to be issued this fall, on steps for child welfare staff to take in addressing safe sleep conditions in households they serve. The directive will also provide staff with information that can be shared with caregivers on how to provide safe sleep environments for infants. A draft of the directive was shared with the field, and

currently OCFS is reviewing a number of comments that were received.

*Expand funding for Community Optional Preventive Services (COPS), which could be used to support co-location of services in local schools and a continuum of care approach leading to improved outcomes, reduction in educational neglect reports, and cost savings over the long term.*

We recognize the importance of the Community Optional Preventive Services (COPS) and the support these services provide children and families. In the 2011 enacted budget, a total of \$12.1 million was allocated. Additionally, up to \$1 million is identified for funding programs with evaluation results that show program effectiveness and demonstrate private monetary support. It is OCFS's expectation that these funds will allow for

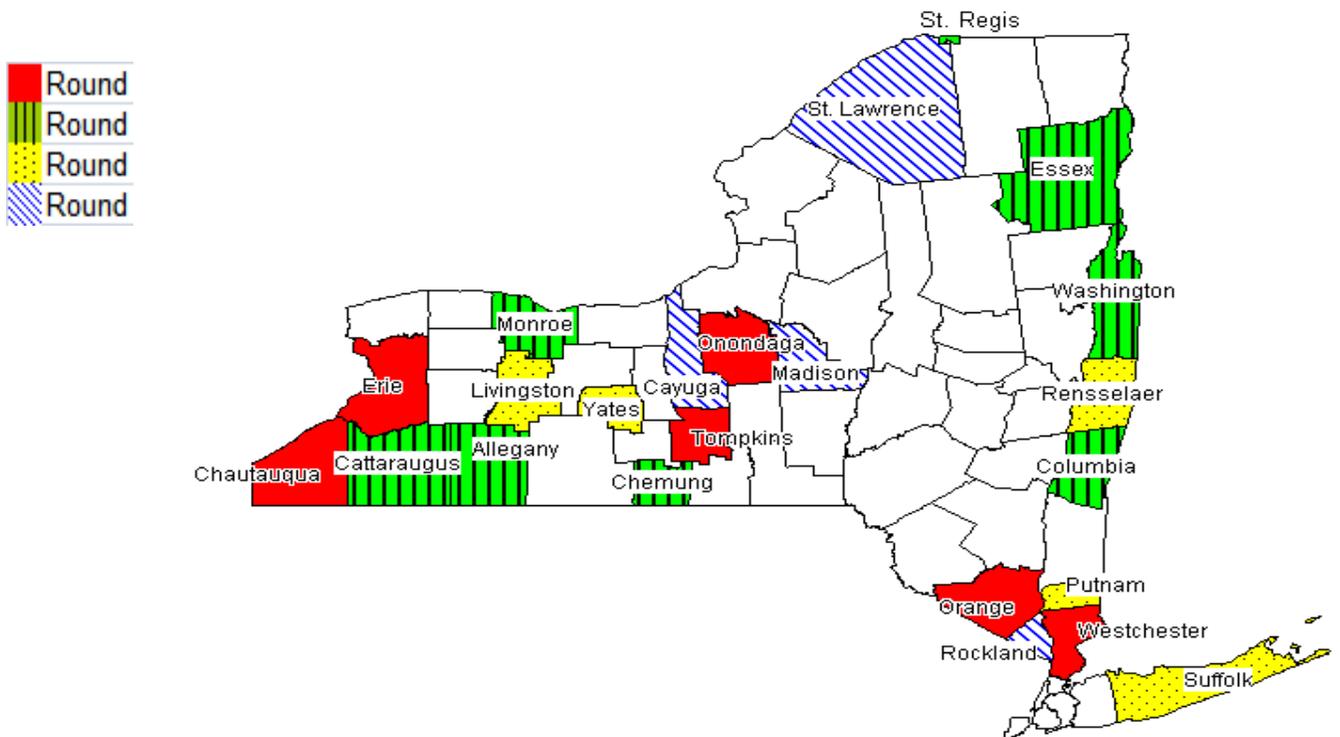
flexibility in creative programming that can be tailored to meet the needs of local districts.

## FAMILY ASSESSMENT RESPONSE (FAR)

*Reauthorize and make permanent Family Assessment Response legislation and remove the exclusion for a city with a population over two million.*

On June 2, 2011, Governor Andrew Cuomo signed Chapter 45 of the Laws of 2011 making FAR a permanent, voluntary option for all local social services districts in NYS, including New York City. OCFS is grateful to the Citizen Review Panels for their support in the passage of the enabling pilot legislation in 2007 and for their continuous advocacy in advancing the permanent legislation.

Currently there are 23 local social services districts that have implemented the FAR. The map below shows these districts.



Now that the legislation has passed to make FAR a permanent fixture in the New York State child welfare system, there is a great deal more to do. Over the next several years, OCFS will continue to add more districts to those using FAR and expand the scope of its use where it is currently implemented. In addition, OCFS will begin to incorporate the FAR principles into the child welfare core training curriculum and child protective training. FAR implementation is very labor intensive on both a state and local level, and it is critical to this process that we measure the effectiveness of the training and implementation. To accomplish this, OCFS has contracted with American Humane Association (with the generous support of Casey Family Programs) to provide annual quality assurance reviews with the districts that have implemented FAR to assist us in determining where improvements and retraining or coaching need to take place.

This initiative, now permanent, is a long-term commitment and will require ongoing diligence for many years before FAR is fully integrated into the child welfare system.

*To assure the success of FAR, LDSS should be given broad discretion on using funding to purchase necessary services and supplies for families. The state should provide sufficient funding to local districts for this core component, utilizing preventive funds or blended funding streams.*

During the pilot phase of this initiative, OCFS was able to secure private and state dollars to support the needs of families in the districts where flexible funds were needed, with no local share. As we move into the “post-pilot” phase of

implementation, OCFS will work with the local social services districts to access the uncapped 62% reimbursement for a wide array of preventive services for families, including the types of items that the flexible funds covered.

## **EDUCATION NEGLECT**

*Eliminate educational neglect as a basis for child protective reports for children 13 and older; strengthening instruction of SCR staff and mandated reporters; and increasing schools’ responsibility for identifying and reducing absenteeism.*

In 2010, OCFS commissioned the Vera Institute, with the support of Casey Family Programs, to complete a third document related to educational neglect entitled, “Getting Teenagers Back to School: Rethinking New York State’s Response to Chronic Absence.” Published in October 2010, it was followed by a roundtable discussion with stakeholders from upstate and downstate including schools, counties, probation departments, and the State Education Department. The focus of this policy brief was to draw attention to the issues of truancy and the lack of effectiveness of the child protective system as an intervention.

OCFS included the issue of reforming the handling of educational neglect in the package of mandate relief items sent to the Governor’s Office for the 2011 session. The Governor’s Office included the proposal in the human services mandate relief recommendations presented to the Mandate Relief Redesign Team on May 26, 2011. Although the proposal was supported by the New York State Association of Counties and the New York

State Public Welfare Association representatives at that meeting, it was not passed in the final mandated relief bill.

In addition, OCFS continues to take steps toward improving the quality of the reports registered, including those alleging education neglect, at the Statewide Central Register of Child Abuse and Maltreatment (SCR), and in improving the quality of reports received from mandated reporters. The SCR is committed to continuous quality improvements through several ongoing initiatives. Every hotline worker is fully assessed on a monthly basis by his or her supervisor who listens in on an Intake call and evaluates the strengths and weaknesses associated with the worker's interview, decision-making and report construction. The SCR also maintains ongoing contact with the local districts regarding quality issues at regularly scheduled regional meetings. Feedback from local district staff, together with the supervisory monthly Intake assessments, informs where SCR training should be focused. In addition, all hotline staff will receive a four-hour refresher training in summer 2011 with an emphasis on interviewing, decision-making and narrative construction.

To enhance mandated reporting requirements as well as promote consistency in making reports, OCFS has developed a Web-based online training course specifically for mandated reporters. This two-hour self-directed training course can be accessed 24/7 via the mandated reporter website at

<http://www.nysmandatedreporter.org/>.

The curriculum in this computerized course is geared to specific disciplines and helps NYS mandated reporters assess whether

there is reasonable cause to suspect child abuse or maltreatment and what information is needed to make a report to the SCR.

Also, New York City's truancy initiatives and its creation of an interagency task force on truancy have been inspired by the work done by OCFS and Vera on educational neglect. They are focusing on establishing greater communication and accountability between the schools and families. Rather than waste valuable resources on investigating homes of teenagers for educational neglect, when there is little evidence of other safety concerns, Vera recommends that efforts be made to transition from a punitive and reactionary system towards a program that promotes behavior change and communication, and incentivizes schools to work with absent teenagers. Most notably, connecting students with caring and supportive adults, identifying and engaging students in their strengths, and working with parents to properly motivate attendance are the prime goals of the newly proposed direction.

*Develop and implement an alternative response to chronic absenteeism outside the child welfare system that combines blended funding and a multi-disciplinary approach at the local level to meet the complex service and education needs of struggling students to improve educational outcomes.*

OCFS supports the concept of developing an alternative response to chronic absenteeism outside of the child welfare system and is working to address the issue of educational neglect and absenteeism through a variety of forums, including its

participation on the Commissioners' Cross-Systems Services Workgroup for Children and Youth (the Commissioners' Committee), and the Commissioners' Committee Truancy Subcommittee.

The Commissioners' Committee was created to enhance interagency coordination to promote better outcomes for children and youth. The Commissioners' Committee is led by the Council on Children and Families, Commission on Quality of Care & Advocacy for Persons with Disabilities, Department of Labor, Office for People with Developmental Disabilities, Office of Alcoholism and Substance Abuse Services, OCFS, Office of Mental Health, Office of Temporary & Disability Assistance, and Office of Probation & Correctional Alternatives as well as family and youth partners. The Commissioners' Committee meets on a quarterly basis, and senior staff from the participating agencies meet each month.

The committee's work has been informed by an underlying assumption that consistent school attendance is a necessary element for children to be college and career ready, and a belief that poor school attendance may be an indicator of more complex issues requiring a broad community approach. While its efforts have not been targeted exclusively to adolescents, they reflect the Review Panel's recommendation to address chronic absenteeism of youth who are 13 years of age or older outside of the child welfare system in order to meet the education and service needs of students.

As part of its efforts to address truancy, the Commissioners' Committee has identified factors that have been empirically found to

influence school attendance or have been found to be promising approaches to reduce absenteeism. The committee's initial effort has been the implementation of the Promise Zones model in several pilot areas of the state, including Buffalo, Syracuse, and the Bronx. It is currently exploring the possibility of also working with the schools and community in another location to implement the strategy there. Under the Promise Zone framework, state and local government agencies, schools, and community groups work collaboratively. An external change partner serves as a coach to the schools to help assess its readiness, establish effective operational structures and train staff, and establishes a resource network in the community. Each participating school district commits to establishing support teams for students and identifying a school social worker position to coordinate triage for each school. Instructional support teams work to increase professional collaboration and problem solving, while student support teams collaboratively develop, implement, and monitor student intervention plans in order to support students, teachers, and parents. Through its work in establishing Promise Zones, the Commissioners' Committee aims to increase positive engagement in the instructional process, and to identify replicable models for collaborative planning and services delivery to improve educational outcomes for children in high need districts statewide.

## REINVESTMENTS

*Reinvest all savings from reductions in costs of foster care and the juvenile justice system into Family Assessment Response, Kinship Guardianship Assistance, COPS and primary prevention programs and services.*

OCFS supports the reinvestment of savings realized from reducing costs associated with foster care and the juvenile justice system. The 2011-12 Enacted Budget provides relief to municipalities in both Foster Care and the Juvenile Justice System. In the area of Foster Care, language was included that allows JDs and PINS that would have otherwise been placed in residential care to be placed in foster care boarding homes. This proposal would allow some of those group homes to increase their utilization, while avoiding the higher cost of care associated with detention and juvenile justice residential facilities. In addition, the 2011-12 budget caps the state share for detention expenditures, consolidates multiple local assistance programs, and reinvests a portion of those funds to create an \$8 million flexible fund to support community-based alternatives to detention and residential placements for juvenile delinquents, PINS, and juvenile offenders – the Supervision and Treatment Services for Juveniles Program (STSJP). This new program encourages municipalities to develop lower-cost alternatives to detention and residential placement programs, and provides additional flexibility by allowing them to utilize part of their detention allocation in the delivery of these services if they so choose. These initiatives represent the first steps in Governor Cuomo’s efforts in reforming the juvenile justice system across New York State, while

at the same time lowering costs for local municipalities.

*Invest in training and technical assistance for the delivery of culturally competent services to help eliminate disparities for children of color in child welfare.*

OCFS remains committed to working with local social services districts on disproportionate minority representation. OCFS Commissioner Gladys Carrión sent a memorandum to the commissioners of the local social services districts in 2009 inviting them to collaborate with OCFS to safely reduce the high numbers of out-of-home placements by reducing and eliminating racial disparities for Black and Hispanic/Latino youth; recently, two additional districts have responded. One joined the initiative in March 2010 and the other in the fall of 2010, so that now there are seven counties who are working with OCFS and Casey Family Programs (CFP) to reduce and eliminate racial and ethnic disparities. The participating districts in this project include Erie, Monroe, Onondaga, Albany, Schenectady, Westchester, and Nassau.

The districts have developed plans and budgets for planning grants to pay for technical assistance and training. On March 22 and 23, 2010, in-depth technical assistance sessions were provided in Monroe and Westchester counties. The Center for the Study of Social Policy (CSSP) agreed to conduct an Institutional Analysis in Monroe County in collaboration with the Monroe County Department of Social Services (MCDSS) and its Disproportionate Minority Representation (DMR) work group. They began the Institutional Analysis in the latter part of 2010 and will continue it into

2011. OCFS and CFP convened a two-day technical assistance session in Albany County with representatives from Race Equity Initiatives from Texas and Minnesota. CFP sponsored the training and representatives from all seven pilot districts and OCFS regional office staff attended.

Although it is too soon to see overall outcomes changing in each of the districts, we anticipate that there will be reductions in disparity over time.

### **Conclusion**

In conclusion, we are especially pleased with the successes of the past year that include the passage of legislation making FAR permanent in New York State and the implementation of the Kinship Guardianship Program, which will provide another alternative for achieving permanency for children and youth in the foster care system. Despite the critical fiscal challenges facing the state this year, the open-ended preventive services funding stream was maintained at its current level, supporting the prevention infrastructure that consistently leads to a trend of decreasing foster care placements statewide. We have made important strides in the area of accountability by publishing performance data for all districts and developing data for use by the voluntary agencies. Although educational neglect reform did not occur in this legislative session, there is support and interest by legislative members to move this issue forward next year.

These are difficult times for communities, families, providers and service delivery systems. It is the goal of OCFS to be true to our core mission and protect the local and state infrastructures that most directly support the children, youth and families in need of child welfare services. We appreciate the thoughtful work of the Citizen Review Panels, and their commitment to system improvements. We look forward to our ongoing relationship as we collectively seek to keep children safely in their communities, support their well-being, and promote permanency in their homes, with relatives, or with adoptive families.