

**Response to the Recommendations by the New York State Citizen Review Panels
for Child Protective Services to the
New York State Office of Children and Family Services**

- 1. Increase funding by \$7.4 million, to a total of \$25 million, for home visiting programs across New York State. Research shows that home visiting programs such as Healthy Families and Nurse Family Partnership are effective, cost-efficient, and preventive in nature. Currently, many communities do not have home visiting programs, leaving many at-risk families without a valuable early-intervention service.**

Response: The 2006 State Budget includes \$22.2 million for the Healthy Families New York (HFNY) program, an increase of \$4.6 million from 2005. HFNY is a voluntary home visiting program for expectant and new parents located in 29 sites across New York State. The goals of the program are to improve parent-child interactions, promote optimal child health and development, and to support family self-sufficiency. HFNY locations include 10 entire counties, urban and rural municipalities, and parts of New York City. The program is located in high need geographic areas selected based on socio-economic risk factors such as poverty, rates of low birth weight infants, infant mortality, maternal mortality, teen births, women giving birth with late or no prenatal care, and high rates of child abuse and neglect.

HFNY serves approximately 5,000 families per year. Approximately 60% enroll prenatally. Since the program began in 1995, over 16,000 families have received services, and over 450,000 home visits have been provided. HFNY has recently been cited as a “Proven Program” by the Rand Corporation’s Promising Practices Network. The reasons for this recognition are the rigor of a randomized trial study conducted on the program coupled with the positive outcomes this evaluation found. The full report as well as a working paper on the second year of the study (Mitchell-Herzfeld et.al, 2005) can be accessed through the OCFS website at www.ocfs.state.ny.us. With the increase in funding in this year’s budget, OCFS will expand and enhance the existing 29 sites and issue a Request for Proposals this fall to add new sites in high need communities across the state.

We ask that OCFS distribute information about home visiting program best practices to service providers and interested parties, as well as develop a strategy to bring these programs to scale throughout New York State.

Response: Information on HFNY is available on the OCFS website and also on the Healthy Families New York website, www.healthyfamiliesnewyork.org. Through funding from OCFS, Prevent Child Abuse New York provides training to HFNY staff and provides information to communities interested in starting a HFNY program.

We also recommend that OCFS work collaboratively with the State Health Department and others to review home visiting programs in the state; to identify gaps in eligibility, services, and funding; to develop recommendations; and to develop a strategy leading to a comprehensive home visiting system, including universal screening throughout New York State.

Response: OCFS staff have been participating in the Early Childhood Comprehensive Systems (ECCS) initiative to develop a comprehensive state plan for serving the 0 – 5 population. This project is cochaired by the State Health Department (SDOH) and the Council on Children and Families. Home visiting services as well as developing a universal risk assessment for pregnant women are integral parts of this plan. Also, the Schuyler Center for Advocacy and Analysis has been hosting meetings regarding developing a comprehensive system of home visiting services. OCFS and SDOH participate in these meetings. Finally, HFNY began operation in 1995 as an initiative of OCFS in collaboration with the SDOH. OCFS and SDOH staff have worked collaboratively to coordinate HFNY and the Community Health Worker program, a similar home visiting initiative of SDOH. A Home Visiting Council comprised of state agency representatives including SDOH, the Governor's office, federal government, and children's advocacy agencies have been providing advice and support to the HFNY program since 1999. The Council developed a strategic plan to expand HFNY statewide and has been instrumental in supporting increased funding for the initiative.

- 2. Expand the Home & Community Based Services Waiver program to the maximum permitted by the federal government. The program funds treatment and support services that allow children with serious behavioral and emotional disorders to remain at home, where they have the best chance of recovery.**

New York State is authorized to fund 2,000 slots through this program, but only 900 slots are currently funded. Demand for these services has always outpaced supply. With expansion, many more children who are eligible for these services, but not receiving them, can be helped. Additionally, spending for more costly forms of care will be reduced.

Response: OCFS concurs with the Panels' view that the Home and Community Based Services Waiver (HCBSW) is a vital program and should be expanded to allow more children with serious behavioral and emotional disorders to be better served and remain at home. We are therefore pleased to report that the enacted State budget for SFY 06-07 includes \$4.29 million, an increase of \$1.95 million, which elevates the number of HCBSW slots to 1,436.

The State budget also provides authority and funding for OCFS to develop and implement a Medicaid waiver program for children in foster care. After obtaining

input from a very wide range of stakeholders, OCFS plans to submit the waiver application to the Center for Medicaid and State Operations in HHS by September 2006, with the initiation of implementation expected to begin in the Spring of 2007.

- 3. Revise all letters sent to families to reflect the agency's priority on family engagement. Incorporate these letters into Connections Build 18 (Child Protective Services software for case management) so that all counties have the letters available. An example of such a letter is the "Rights" letter, which informs parents of their rights when an investigation begins. While we understand the statutory and regulatory requirements for these letters must be met, they are not easy for families to understand, and often alienate families instead of engaging them.**

OCFS has given a few counties, Westchester County for example, authority to adopt and use their own variation of the letters. With the implementation of Connections Build 18, individual counties will find it harder to use such a variant since Build 18 already incorporates templates for letters used in child welfare practices.

Response: OCFS agrees that the CPS Notification letters should be reviewed and revised as necessary so as to avoid unduly alienating families. We will explore whether the alternate notice of the existence of a report letter that Westchester was approved to use could serve as a statewide letter either as is or with some modifications. While we believe that the Panels' view on the letters is the same or essentially the same as that of OCFS, we do think that the letters need to provide families with honest information about the investigation (and for notice of indication, their rights to request amendment and the consequence of their name remaining as an indicated subject on the SCR), and that such information may, almost by definition, be off-putting to families.

- 4. Secure funding of \$2 million in the 2006-07 state budget for the Children and Family Trust Fund in order to pay for statewide innovative programs to prevent abuse and neglect. This fund uses federal and state funds to support creative approaches in prevention services to families and adults. In 2004, no funding was appropriated in the budget. In 2005, the fund received only \$647,700 through a legislative member item.**

Response: The enacted SFY 06-07 budget provides \$2 million for services and expenses for the Hoyt Children and Family Trust Fund. This will permit continuation of current programs, and will permit new program start-up.

- 5. Offer additional financial support and technical assistance leading to implementation of Child Advocacy Centers and multi-disciplinary teams across New York State. The programs offer children much needed support as they progress through medical and legal proceedings when a report of**

abuse or neglect is made. The centers and teams provide a comprehensive response to allegations in a dedicated, child-friendly setting. Centers provide a place for forensic interviews, medical evaluations, therapy and support, as well as case tracking. At the same time, the well-being of the family should always receive significant attention.

Response: The enacted SFY 06-07 budget continues \$2.3 million in base funding and adds \$3.5 million for services and expenses of child advocacy centers for the purpose of enhancing program operations including, but not limited to, extending hours on weeknights, weekends and on a crisis response basis to provide after hour access to mental and physical health screening and child abuse investigations, increased staffing levels and other non-personal services costs in order to increase access to coordinated child-centered services. Preferences for new centers shall be given first to expand access to child advocacy centers in parts of the State that are not currently served and, second, to proposals in which the local district can demonstrate collaboration with the local district multidisciplinary team, through co-location.

6. Support changes in legislation that would set workload standards for child protective workers, based upon nationally recognized standards.

Response: OCFS is very willing to consider supporting legislation that sets such workload standards, although there remains concern as to how to prevent other child welfare functions from becoming understaffed, if such standards were only to apply to child protective services functions. In the interim, a number of initiatives are underway. OCFS has contracted with a national expert consulting firm that has done child welfare workload analysis in other states. The scope of their analysis in New York will include child protective, preventive, foster care and adoptive service, and their report is due December 1, 2006.

Additionally, the enacted SFY 2006-07 budget made available \$5 million that has been allocated across all the social services districts to improve their CPS staff ratios, and \$1 million was made available to demonstrate the effectiveness of forms of portable information technology in three counties – NYC, Westchester and Monroe. It is hoped that user-friendly portable technology may help, at least somewhat, to reduce workload pressures.

7. Support legislation allowing for FBI checks on all prospective foster care and adoptive parents, and for employees currently subject to state checks as a condition of their employment. The Legislature should work to appropriate the estimated \$290,000 in funding needed for approximately 18,000 checks for foster care and adoptive parents in the final state budget. Additional funds will be needed to cover the costs of checks for employees and to build capacity at the Department of Justice and OCFS to provide these additional checks.

Response: Both houses of the legislature passed S.6681/A.10144 requiring that the FBI screen prospective foster and adoptive parents. OCFS conceptually supports enactment of this legislation, although it is noted that full-annualized implementation exceeds \$290,000 in that the legislation will create processing requirements on OCFS that have a significant administrative cost above and beyond the cost of the FBI searches. In relation to employees, no bill was passed in the legislature that would require FBI checks. Given the cost, it might be prudent to get experience with the FBI checks with prospective and adoptive parents prior to undertaking the larger population of child welfare employees.

8. **Support changes in legislation that broaden the scope of child fatality reviews. While these reviews cover only a small number of children, they provide an opportunity to learn, prevent future deaths, and improve practices. The panels ask for legislation to require such reviews for all unexpected, unexplained and suspicious deaths; provide legal protection to fatality review team members regarding information shared in review meetings; expand the composition of the team to include the Department of Health, district attorney, and local or state law enforcement; require corrective actions in areas in addition to social services; and provide sufficient funding for teams to function fully in each county or region of the state.**

Response: Both houses of the Legislature passed S.6703-B and A.10023-B, which will expand the purview, role and composition of child fatality review teams, upon the Governor's approval. The enacted SFY 2006-07 State budget continues \$300,000 in base funding and adds \$700,000 for expanded services and expenses of certain child fatality review teams approved by OCFS.

9. **Monitor implementation of the Permanency Bill. The panels ask that OCFS share plans and strategies for implementation of the legislation; provide data on court ordered removals and other relevant statistics; and provide an implementation status report to the panels in July 2006 and again in January 2007.**

Response: Considerable effort was and continues to be put forth by OCFS, the Office of Court Administration (OCA), local child welfare providers and family courts in implementing this very significant legislation. In the early period leading up to the law's effective date, much of OCFS' efforts involved holding two widely advertised and well-attended teleconferences outlining the provisions of the law and strategies for carrying out such provisions; developing and placing material on the OCFS internet site <http://www.ocfs.state.ny.us/main/legal/legislation/permanency/>, including an outline of the law's provisions and an extensive question and answer document; and working closely with OCA to integrate data on our respective information systems in order to create and disseminate individualized county data packages to

help counties to establish date-certain hearing dates for their existing foster care population.

We continue to try and clarify the various provisions in the law in relation to such matters as the permanency hearing report and who should be involved in the development of such report. In partnership with OCA, we continue to monitor implementation, in part to determine where we at the state level and/or local providers need to do things in a different way to achieve the legislative intent. We would be happy to provide the Panels with an implementation status report in the fall.

- 10. Provide panels with OCFS strategy and timelines for the ongoing distribution of educational and prevention materials that promote child safety. Safe Babies is one example of educational collateral that must be circulated on an ongoing basis in order to reach new parents with important child safety messages.**

Response: OCFS is committed to making educational and preventive information as widely available to families and the public as possible. Both houses of the legislature passed A.11635/S.8131, which requires OCFS to conduct a public information zero tolerance on child abuse campaign including information on the signs of abuse, the hotline and preventive services. An additional \$2 million has been made available in the Quality Enhancement Fund, which is to be used for this purpose and expanded mandated reporter training. As the Panels are aware, OCFS has developed a considerable amount of materials pertaining to safe babies that has been made available in a number of ways, including being available on the OCFS website at <http://www.ocfs.state.ny.us/main/prevention/tips.asp>. We will keep the Panels apprised of our additional strategies and timelines for complying with the aforementioned legislation, assuming it gets enacted, and any related public education activities.

- 11. OCFS has a dual mission of keeping our children safe from harm while promoting the well-being of children and families. While OCFS has made progress towards accomplishing this mission, the only way to fully accomplish it is to make child protection a community-wide responsibility. If we want to keep our children safe, we must foster environments that positively change the future of our most vulnerable children. The responsibility cannot rest solely with our local departments of social services and with OCFS. It takes all of us.**

The New York State Citizen Review Panels recommend that New York State and OCFS increase the emphasis on preventive strategies by providing leadership that moves society's views about keeping children safe from a CPS responsibility to a community responsibility. Such a shift in thinking would offer families preventive services and other interventions first, view

entry into the CPS system as a door of last resort after prevention efforts have failed, and would result in CPS system that is proactive rather than reactive to families' needs.

Response: OCFS concurs with this recommendation /position taken by the Panels. We have seen some communities move more in this direction using a number of different approaches. Westchester County's dual track approach in a couple of its high need areas has attempted to have CPS be seen not only as family-supportive, but also as a part of the entire network of community entities that is directed toward supporting families. Likewise, the work being done in Highbridge in the Bronx is an example of another approach where there is outreach to other members of the community to keep children safe and to support families involved with the child welfare system. Additionally, many counties have begun to use community optional preventive services (COPS), with its flexibility of purpose and administration, as well as its 65% State reimbursement, as a mechanism to support community programs aimed at helping needy families and/or underserved communities before children are at immediate risk of placement and/or harm.

In addition to promoting and providing funding for various forms of preventive activities, OCFS is committed to promoting collaboration and partnerships with other service providers in circumstances where CPS is involved with a family and there are often other pressing family concerns, in addition to and/or related to the alleged (or determined) child maltreatment. For example, over the last ten years, OCFS has funded co-location of domestic violence agency staff in CPS units as a way of meeting adult victims' need for information, services and support when their children have been maltreated, as well as to increase child safety. These co-location initiatives have been very well received and we hope to find ways to expand this collaboration to more counties. Likewise, we are just beginning to work with select counties to co-locate substance abuse specialists in local social services districts to assist child welfare providers, including CPS, to better meet the need of substance abusers in their caseloads.

We are committed to working with the Panels and other entities to promote greater community involvement and cross-agency collaboration in promoting child protection, as well as intervening earlier with families and communities.