NYS OFFICE OF CHILDREN AND FAMILY SERVICES’

Response to the

2011 Report and Recommendations of NYS Citizen Review Panels for Child Protective Services

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Governor Andrew M. Cuomo
The Office of Children and Family Services’ Response: New York State’s Citizen Review Panels 2011 Report and Recommendations

Introduction

The New York State Office of Children and Family Services (OCFS) welcomes the opportunity to respond to the recommendations put forth from the Citizen Review Panels for improving child welfare services in New York State. The Panels have offered a thoughtful set of recommendations, and we are appreciative of the opportunity to attend the Panel meetings and to respond to the report. OCFS remains committed to a continued relationship with the Citizen Review Panels and to our shared efforts to improve outcomes for vulnerable children and families.

As the Panels are aware, New York is a state supervised, county administered system which is highly complex. OCFS 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 has been the case for the last several years, there continues to be limited resources and fiscal challenges within the state requiring us to be more strategic and innovative in our work. 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

Child Welfare Financing Law Reauthorization

Maintain open-ended, uncapped reimbursement and return to a 75% state/25% local share for primary prevention and intervention services.

As noted in the 2010 response, OCFS applauds the Citizen Review Panels continued support for preventing both foster care and recurrence of maltreatment. OCFS shares this commitment, and is working with local departments of social services (LDSS) and authorized voluntary agencies 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, the prior Child Welfare Financing statutory provisions, which include 75% state/25% local share for primary prevention and intervention services, were reauthorized for an additional five-year period. However, the appropriation language for preventive services reimbursement remained uncapped at 62% State share and 38% local share net of federal funding for the current State fiscal year. Given the ongoing fiscal challenges facing New York State, the maintenance of the uncapped reimbursement is a victory for child welfare. OCFS recognizes the challenges the fiscal climate presents to the counties, and commends the localities for continuing to provide preventive services that result in a decreasing reliance on foster care. We note that the number of children in
out-of-home placements continues to decline, and are confident that the use of primary prevention programs both offered directly by the counties or purchased from community based organizations are making a positive impact.

As the above chart demonstrates, the number of children in foster care at the end of 2011 was 21,472, the lowest number in New York State in more than a decade. Many counties, including New York City, are utilizing evidenced-based preventive services to support families despite coping with decreasing resources.

In addition, we also believe that the Family Assessment Response (FAR) and the use of Family Engagement strategies are positively impacting outcomes for these families as well. FAR has continued to expand across NYS and is currently in 28 counties, and will be piloted in New York City starting in the fall of 2012.

**Allow flexible funding for targeted services for at-risk populations without the need for a report to the Statewide Central Register.**

It appears that the Citizen Review Panels are recommending a funding stream similar to the Community Optional Preventive Services (COPS) appropriation that was uncapped prior to the advent of the fiscal crisis. In 2009, COPS was capped and then in future years it was reduced to
its current level. OCFS recognizes the value of flexible funding for at risk populations to prevent deeper penetration into the child welfare and/or juvenile justice systems. During this period of limited fiscal resources, New York State has necessarily needed to focus on its core mission, and encouraged use of the uncapped mandated preventive funding that has been preserved despite the budget challenges, and we expect counties to maximize use of this funding wherever possible.

As the Panels noted in their report, the federal government has offered to the states the opportunity to apply for Title IV-E waivers to reduce the time children spend in foster care, prevent abuse and neglect, and improve overall outcomes for children and families. New York State is embarking on a collaborative process involving multiple counties who are interested in pursuing this waiver. We are pleased with the innovative ideas that local districts have brought forward, and anticipate submitting an application for approval later this summer.

**Fund Kinship Guardianship Assistance as an uncapped permanency option with the same state/local share as adoption subsidies.**

Funding of the Kinship Guardianship Assistance KinGAP will require legislative action. The 2012-13 enacted State budget maintains funding for the (KinGAP) program for an additional year as part of the Foster Care Block Grant. It is anticipated that districts will realize administrative savings for youth placed in KinGAP as eligibility for the program is limited to children who are unlikely to return home or be adopted.

We are pleased to see districts implementing this option for children and youth. The KinGAP program is growing, and we understand that the New York City Administration for Children’s Services currently has at least 159 applications pending. OCFS is continuing to promote KinGAP across the state and is tracking the approved applications. We are also working closely with counties to support their efforts to find families for children at risk of placement while providing them with the full array of options available to support kinship care.

We note that a number of counties are beginning to engage in Family Finding initiatives that create opportunities for youth in foster care to locate members of their extended families and to build lasting relationships with them. Through the efforts of Hillside Children’s Center, interested counties and foster care agencies are participating in an intensive training program to learn the mechanics of locating relatives and developing the skills to facilitate the relationship building.

**Educational Neglect**

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

The elimination of educational neglect as a basis for a child protective report for children age 13 and older will require legislative action. This issue did not gain political traction during the 2012 legislative session. OCFS continues to engage in dialogue with the local social service district commissioners and the New York Public Welfare Association on this issue. In response to some
of their concerns and those also raised by advocates, we are conducting a deeper analysis of the mandated reporter training for education personnel, reviewing local social services and school district policies that address educational neglect, and examining the impact of Family Assessment Response on educational neglect reports. We will continue to raise this with our stakeholders and work to attain support from the local districts as we move toward some change in practice.

Many counties who are implementing FAR have reported that educational neglect reports are more appropriately managed through the differential response approach. Families often need support and assistance when older youth are not attending school, and FAR is viewed as a more viable option.

**Add a question to SCR’s screening of education neglect allegations about whether a student under age 13 has an Individualized Education Plan, assuming legislative change to the previous recommendation is made.**

This recommendation was initially made verbally at a fall Citizen Review Panel, and was implemented by OCFS at the Statewide Central Register in October 2011. The policy manual was updated to include the following instruction:

“For every report involving an educational neglect allegation, you must ask if the student has an ‘Individual Education Plan’ (IEP). The answer to this question, even if it is ‘Unknown,’ must be documented in the Miscellaneous Information section of the Intake report. If the child has an IEP, ask the caller if the IEP is being implemented? The answer to this question must also be documented in the report.”

**Develop and implement more effective approaches to chronic absenteeism without the need for a report to the SCR. This response should combine blended funding with a multi-disciplinary approach at the local level to meet the complex service and educational needs of struggling students to improve educational outcomes.**

OCFS certainly supports the need for more collaboration between school districts and local social services districts in working together to address this issue. The Council on Children and Families has also identified this as an issue that has been raised with the commissioners of the state agencies who comprise the Council’s Cross Systems Committee.

The Council reports that it is working on a Cross Systems approach to develop a chronic absenteeism model that focuses on any absence, not just unexcused absences. This alternative approach is being piloted in several large cities, where the chronically absent student is identified and the school social workers engage with the family to identify ways of improving attendance. Examples of the alternative approaches include: one young student had responsibility for getting himself to school and didn’t have a clock, so he was given an alarm clock and that helped. In another instance a parent didn’t have money to pay for medication for head lice; funds were provided with instructions of how to get rid of and prevent infestation in the future.
These examples are indicative of how school districts in the state have begun partnerships with local social services district staff to provide child/family-friendly supports that promote attendance without the need to report families to the Statewide Central Register. While the State does not have the capacity to blend funding at this juncture, there are promising local practices where schools and local social services districts have developed creative methods to develop services for youth with absentee issues. We look forward to sharing more information with the Panels as it becomes available.

**Summary**

OCFS appreciates the opportunity to respond to the Panels’ recommendations, and would also like to highlight several other priority areas that may be of interest to the panel membership.

OCFS has, in collaboration with Casey Family Programs, conducted several “roundtables” bringing together local social services districts and foster care agencies to review their respective data around shared youth, and to strategize ideas to improve safety and permanency outcomes. We anticipate that more of these discussions will occur across the State and will be held on a regular basis.

In addition, with the assistance of some federal funds, OCFS was able to purchase 1600 “Pack and Play” portable cribs for distribution to local social services districts and community based organizations to support our Safe Sleep initiative. OCFS has long been concerned about the number of infant deaths related to unsafe sleeping environments, and was pleased to be able to provide free cribs to families in need.

A previous priority recommendation from the Citizen Review Panels related to decreasing/eliminating disproportionate minority representation. Currently, there are twelve counties across the State actively involved in this work with support from OCFS and Casey Family Programs. All are engaged in analyzing their respective data, initiating community stakeholder meetings, and bringing in national experts for training staff in the child welfare system. In addition, OCFS sponsored a compression planning session for the 12 counties currently engaged in working on Disproportionate Minority Representation and Racial and Ethnic Disparities in their child welfare systems. Through the support of Casey Family Programs, representatives from the counties and OCFS spent two days engaged in dialogue about what is working, barriers and recommendations about the work locally, regionally and across the State. Action items that included next steps for the counties, State and Casey Family Programs were outlined and will be shared in a final report.

Finally, it is a fundamental premise in child welfare that good supervision of caseworkers, both in child protective services and in other child welfare functions, is critical to attaining safe outcomes for children and needed services for families. Developing skills for effective supervision across the State is the goal of a $1.3 million three-year grant received by OCFS that we are currently implementing with the support of the Northeastern Caribbean Implementation Center.
In conclusion, OCFS remains highly committed to promoting the safety, permanency and well-being of children in the child welfare system in New York State, as well as to the principles of family engagement, effective casework contacts, and developing models that integrate families and children with communities. Thank you for the opportunity to respond to the Citizen Review Panel recommendations, and we look forward to our ongoing dialogue to make continuous improvements in New York State’s child welfare system.