

**New York State Office of Children and Family Services Response  
to the New York City Citizen Review Panel's  
2006 Annual Report and Recommendations  
7/31/07**

The following is the New York State Office of Children and Family Services' (OCFS) response to the 2006 Annual Report and Recommendations submitted by the New York City Citizen Review Panel. Also articulated in each response are various OCFS initiatives and programs that are relevant to the subject of the recommendation.

**1. Community Child Protection: *Develop a system of community child protection throughout the state.***

First and foremost, OCFS shares the Citizen Review Panel's goal to improve the lives of children and families in the present and future by learning from past experiences and by capitalizing on existing strengths in the family and the community. OCFS agrees with the Panel's recommendations that the Child Protective system should be more community-focused. Indeed, our children will not be protected or safe without the involvement of the whole community. It is clear that adequate neighborhood-based preventive services, family engagement strategies and an increased awareness by families of the availability of family supportive community resources are essential to keeping families together.

- ***Offer a differential response for reports made to the State Central Register, for those cases which have not risen to a severity where children's safety is in question***

The Panel's continued advocacy for differential response to promote the safety and well-being of the children and families of our State is supported by OCFS. As this response is being written, a differential response bill has been passed in both houses of the Legislature. To develop an effective differential response to CPS reports where child safety is assessed not to be in question, enactment of legislation and the engagement and training of child welfare caseworkers, mandated reporters and community agencies are necessary for all stakeholders to collaboratively support this approach.

Should the bill be enacted, OCFS looks forward to working closely with all interested parties, including counties expressing an interest to implement the legislation in a manner that promotes the safety of children. OCFS supports the objective of offering families who meet the criteria, a different opportunity to participate in service intervention. Additionally, this bill will allow New York State to assess whether a different approach to child protective services for less serious cases will result in greater long term success in preventing child abuse or maltreatment. We look to the gathering and analysis of outcomes and information, in advance of this legislation's sunset date, to determine whether the differential response should be continued, and potentially made permanent beyond the sunset date.

- ***Offer increased neighborhood-based, preventive services before engagement with the child protection system***

OCFS continues to promote the availability of neighborhood-based preventive services and remains committed to partnering with not-for-profit community based agencies to promote increased availability and access to prevention services. The enacted 2007-08 State budget calls for a two-year extension of the open-ended 65% state reimbursement for all forms of preventive services.

Direct support to communities continues to be increased through the funding of home visiting, TANF-funded preventive programs, and community support programs such as, family resource centers, post-adoption services, mentoring programs, Advantage After-School programs and programs to support relative caretakers.

In addition, OCFS has increased its financial support of locally initiated community optional preventive services programs (COPS). Currently, half the social services districts have at least one COPS program and the annual gross expenditures for all COPS programs is estimated to be \$45 million, of which almost \$30 million is the state share. These programs target high need populations within a community that are at greater risk of entering the child welfare system than the general population.

- ***Offer increased use of family engagement strategies throughout casework practice, aiming to work with family members as partners in their children's future.***

This is a significant priority for OCFS. Family engagement strategies continue to be reinforced in OCFS-funded training, including child welfare core training and advanced training. As a component of OCFS' Program Improvement Plan (PIP) to the federal Child and Family Service Review, a strategy group aimed at promoting family strategies for engagement is in operation. Among the outcomes of this PIP strategy, now part of OCFS' child welfare reform agenda, is a policy release to promote more aggressive outreach to fathers in child welfare cases.

The "Family to Family" pilot project in Monroe and Ontario counties is a new initiative which will evaluate, linking persons with former involvement in the child welfare system with families currently involved. Also, OCFS hired and assigned family engagement specialists to OCFS' six child welfare regional offices to promote and support family engagement at the operational level. OCFS continues to promote and support family group conferencing and other models of family meetings in local social services districts directly through both TANF funding and by participating in its cost through the local claiming process.

- ***Develop and implement a marketing campaign that emphasizes the fragility of families when crisis becomes overwhelming. The campaign budget should afford both continual outreach to families, and be of a size and scope to reach each of its target population segments. It should include parenting education as one of its strategies.***

OCFS concurs with the recommendation to develop and implement a marketing campaign to address the needs of families in crisis. OCFS' Children and Family Trust Fund (Trust Fund) is a long-standing program with a mission to reach children and families before abuse and maltreatment occurs, or at the very least, at the point it is first recognized. The Trust Fund Strategic Planning Committee has assisted OCFS with suggestions on developing a marketing campaign. As more information becomes available, OCFS will keep the Citizen Review Panel members informed.

Programs funded through the Trust Fund are designed in collaboration with other services and disciplines as well as across systems and seek to engage families by employing the principles of family support practice. Priorities for funding include various service models including the Upstate NY Shaken Baby Syndrome (SBS) Education Program, Family Resource Center Network, school-based programs and services for families affected by domestic violence.

The Trust Fund also participates on two leadership teams which focus on parenting education: the PREVENT Child Maltreatment Project Institute and the ZERO to THREE State Partnerships for Prevention Project. The PREVENT Institute held at the University of North Carolina offered states the opportunity to develop a plan to protect the health and safety of children through primary prevention strategies. The New York Team comprised of the Office of Children and Family Services, Prevent Child Abuse New York, the Council on Children and Families, Office of Temporary and Disability Assistance, NYS Department of Health, and NYS Education Department drew upon the *Early Childhood Coordinated Services Planning* initiative to develop its five-year plan of creating a culture of positive parenting through education. The key strategy is to increase availability, quality and scope of parenting education activities in order to increase opportunities for all families of children before birth to age five to gain the knowledge and skills, confidence, and social supports needed to nurture the health, safety and positive development for their children.

The ZERO to THREE initiative supports efforts to prevent child abuse and maltreatment through training and collaboration with early care and education programs. The Trust Fund recently teamed with the Bureau of Early Childhood Services within OCFS, the NYS Child Care Coordinating Council, NYC Administration for Children's Services, SUNY Training Strategies Group, and their partners in the PREVENT project, Council on Children and Families, Prevent Child Abuse New York and the State Education Department to provide training and consultation services from ZERO to THREE aimed at strengthening child maltreatment initiatives. New York was selected to participate with the goal of building the State's capacity to support child care professionals to help reduce the risk of abuse and neglect through their relationships with families.

**2. Home Visiting: *Increase funding for home visiting programs in 2007-2008 budget across New York State. Further, develop a strategy that leads to a comprehensive home visiting program across New York State and increased coordination between OCFS, the New York State Department of Health, and local services.***

The enacted SFY 2007-08 Budget includes \$2.1 million for the NYS Department of Health (DOH) to coordinate home visiting programs and an increase of \$200,000 for the Healthy Families New York (HFNY) program bringing the total amount in the OCFS budget to \$25.2 million.

OCFS continues to work collaboratively with DOH to coordinate and expand home visiting services and assist localities to develop coordinated systems of care. The HFNY evaluation points to many positive health outcomes for participants including reduction of the incidence of low birth weight and increase in access to health care for both the mothers and infants. OCFS staff will continue to inform local social services districts about the benefits of home visiting and available funding options. OCFS supports increased funding for home visiting programs.

OCFS, with the Center for Human Services Research, University at Albany, is conducting a randomized trial of nearly 1,200 participants in three HFNY sites. A report on the findings at the one-year birthday of the target children was issued during 2005. The study demonstrated that the program had a significant impact on parenting and child health and development. A subsequent working paper regarding the program impact on early child abuse and neglect has been posted on the OCFS website and has been accepted for publication to the Child Abuse and Neglect Journal. Findings will be shared with HFNY programs and administrators, widely disseminated, and used to inform national child welfare policy about the long-term outcomes, costs and benefits associated with the Healthy Families of America home visitation model. Information gained from this study will also inform New York State policy makers in developing a comprehensive home visiting system that is based on best practice.

**3. Home and Community Based Services Waiver: *Provide for a single joint quality assurance team for Home and Community Based Services Waiver slots funded through the Office of Mental Health and the Office of Children and Family Services.***

Although a single joint quality assurance team does not currently exist for Home and Community Based Services Waiver (HCBSW) slots, the inter-agency OCFS/OMH HCBSW workgroup has plans to formulate a joint monitoring and evaluation design for HCBSW during 2007.

By January 2006, 41 local departments of social services statewide (including New York City) received required OCFS and OMH approvals to begin phase-in of the 245 preventive slots funded in SFY 2005-06. OCFS also designed and implemented, with local departments of social services, the statewide Community Optional Preventive

Services Template for HCBSW and Guidelines for Local HCBSW Planning Discussions, now used by DSS, OMH and provider agencies.

The State budget for 2006-07 contained additional funding (\$2 million) to expand the preventive services funded HCBSW initiative. OCFS canvassed local department of social services' interest in program expansion and led the OMH/OCFS inter-agency workgroup through the process of developing final slot recommendations. In October 2006, OCFS allocated an additional 150 slots to 17 counties statewide to support expansion of HCBSW programs. The statewide total of preventive services funded HCBSW slots is 395.

In April 2007, OCFS submitted Medicaid waiver requests to address the serious emotional disturbances, developmental disabilities and medical fragility needs of a subset of children and youth in foster care, with the services following the child upon discharge from foster care until the age of 21. In July 2007, this initiative, known as Bridges to Health (B2H), received federal approval to proceed with implementation. B2H provides an array of services tailored to address the unmet health care needs of this complex population in the least restrictive, most home-like, and integrated setting appropriate to their needs. B2H will provide services to birth, foster and adoptive families to improve overall health and welfare, and to reduce or avoid delay of placement in a medical institution.

**4. Children and Family Trust Fund: *Include \$2 million in funding for the Children and Family Trust Fund within the Office of Children and Family Services budget.***

The SFY 2007-08 budget included \$2 million to support continuation of current programs and to solicit applications for new programs. A Request for Proposals (RFP) was released in April 2007, applications were received in June 2007, and awards are expected to be made in August 2007. It addresses operating principles and OCFS's commitment to promoting services that are developmentally appropriate and family centered and are responsive to local needs, community-based and effective in achieving desired outcomes. The Trust Fund RFP shifts the focus of prevention efforts from family risks to family strengths and resiliency, thereby increasing the likelihood of family engagement before abuse occurs. By building on protective factors that include parental resiliency, social connections, knowledge of parenting and child development, concrete support in time of need, and social and emotional competence in children, prevention programs increase the potential for developing partnerships with families seeking services to help build on their existing strengths. This in turn reduces the potential for abuse and reinforces healthy parenting practices throughout the child's life.

**5. Child Welfare Workforce: *Review and evaluate standards of performance, minimum qualifications for workers, content and effectiveness of training offered to caseworkers and supervisors, and workload levels for child welfare employees. Set state standards for workload and accountability and offer recommendations to local districts on how to implement improvements.***

OCFS agrees that the Child Welfare workforce is a critical component in the provision of quality child welfare services. In 2006, the NYS legislature passed A.1157A/S.7816-A, which increased minimum qualifications for CPS supervisors and increased training requirements for CPS supervisory staff and caseworkers. OCFS has developed regulations to implement this legislation, currently undergoing internal review, which will require new CPS supervisors to have a minimum of a bachelor's degree plus experience in child welfare.

An additional \$5 million was added to the SFY 2006-07 OCFS budget for strengthening CPS caseworker training, which has been used to expand training in areas such as recognition of and response to safety and risk indicators, case planning, critical decision-making, and supervision. The enacted SFY 2007-08 budget contains another allocation of \$5 million to continue with the development and delivery of training for CPS casework staff.

OCFS does not have the authority to set caseload standards. OCFS has conducted a workload study, and regional office staff have met with local districts to discuss the findings and to provide assistance in improving the worker to case ratio. The SFY 2006-07 budget included \$5 million of Local Assistance General Funds to improve staff to client ratios in the child protective workforce. The SFY 2007-08 budget again included \$5 million, as well as \$ 4.7 million specifically to hire additional child protective caseworkers and supervisors. These funds are being distributed to counties to support the reduction of worker caseloads.

**6. Case Records: *Conduct a review of case record practices to assure clarity, organization and completeness, and quality casework practice.***

The Panel found that in their own review of records that it was "...difficult to understand what had taken place, [the] decision-making rationale, whether the involvement with the families was helpful, and what interventions improved outcomes for children." OCFS believes that the ease of case record review is influenced by many factors including the way the case record is organized; the communication skills of the caseworker; the familiarity of the case reader with the way child welfare records are compiled and the reader's experience in reviewing records; the complexity of the case and extent of child welfare history; and/or the competence and skill of the caseworker/supervisor.

OCFS reviews case record practices for a number of purposes, but particularly to assist in development and building of the electronic case record (that is maintained in CONNECTIONS), and to monitor local district child welfare practice. In the context of case record review experience in this area, as well as the hierarchy of purposes for the case record, the following is offered in response to Panel recommendations:

- The primary beneficiary and consumer of the case record is the caseworker, the caseworker's supervisor and the agency where they are employed. It is critical for workflow and continuity that the case record be useful to agency personnel.

- OCFS continues the process to develop a more user-friendly electronic application and case record in CONNECTIONS.
- Family members have legal access to specific information contained within their records. There are CONNECTIONS outputs designed to provide information to which family members are entitled.
- In OCFS' monitoring role, organization of the case record has not been found to be a problem. The review of cases with an extensive history is challenging and time consuming, and it has not generally been difficult to discern case activity and the rationale behind case decision-making. Certainly, there have been instances where the casework, or at least the documentation, is of less diligent quality. Such cases are highlighted in feedback to local districts and agencies.

Cognizant of the Panel's interest in individual case record reviews, OCFS offers to provide assistance to Panel members to increase their familiarity with case record reviews.

***7. Child Advocacy Centers (CACs) and Multidisciplinary Teams (MDTs): Increase funding for these important services to support operating costs and to provide education, outreach, and training to encourage full participation by potential team members. Also, set statewide standards for CACs and MDTs which provide uniform definitions, practices, and eligibility criteria.***

The Panel's request has been addressed by the enacted 2007-08 State Budget which provides an additional \$2 million for CACs and MDTs above last year's \$5,808,000. Included in these additional funds is \$800,000 for establishing new CACs, \$700,000 for a demonstration project with the State Police to test the best practices of CACs, and \$500,000 for expansion of existing CACS. Chapter 517 of the Laws of 2006 establishes program standards for all CACs. Effective August 12, 2007, all CAC programs will be required to be in compliance with all statutory standards to identify the program as a CAC.

Through a contract with Safe Horizon's Child Advocacy Resource and Consultation Center (CARCC), OCFS provides local and regional forensic interview training for MDTs and CACs across the state and individualized consultation to teams. CARCC also provides a valuable mentoring program for MDT and CAC staff to learn from similar, more established programs across the state.

OCFS has established an MDT and CAC Evaluation Instrument used by programs to assess progress towards achieving required OCFS program standards. This multidisciplinary team assessment tool supports standards now established in Social Service Law.

**8. Federal Bureau of Investigation Checks: *Support OCFS's budget request for an increase in funding covering the costs of FBI checks on prospective foster care and adoptive parents.***

Chapter 668 of the Laws of 2006, effective January 11, 2007, amended section 378-a (2) of the Social Services Law to require a national criminal history record check performed through the Federal Bureau of Investigation (FBI) for all persons applying for certification or approval as a foster or adoptive parent and all other persons over the age of 18 who reside in the home of the applicant. This is in addition to the criminal history record check of the data base maintained by the New York State Division of Criminal Justice Services (DCJS). Consequently, the criminal history record search is now nationwide in scope, covering all states and federal jurisdictions.

The New York State Legislature enhanced the scope of the criminal record checks performed by social services districts and voluntary authorized agencies, thus allowing social services officials to corroborate information and gain a more accurate picture about any crimes committed, including arrests and/or convictions, nationally. Given the mobile nature of our society, the more complete criminal history afforded by Chapter 668 should provide a safer environment for children placed in foster care or for the purpose of adoption.

Changes in federal law also impact criminal history record checks. On July 26, 2006, the President signed the federal Adam Walsh Child Protection Act of 2006 (P. L. 109-248) (Walsh Protection Act). The Walsh Protection Act, parts of which took effect on October 1, 2006, also requires a national criminal history record check for any person who applies for certification or approval as a foster or adoptive parent. Compliance with the federal act is required for the state to have a compliant Title IV-E State Plan and to satisfy federal safety requirements for individual foster care placements.

The Walsh Protection Act permits an implementation delay if state legislation is necessary in order to meet the federal requirements. Consequently, the effective date for New York State to meet both federal and state requirements was January 11, 2007.

In the 2007-08 State budget, \$1,075,000 has been appropriated to meet the costs of the FBI checks, staffing, equipment and system changes. Card scanning equipment has been purchased and is in production. This equipment allows for electronic transmission of fingerprints from OCFS to DCJS, where the scanned prints are processed for both in-state and out-of-state criminal history searches. Use of this technology reduces the wait for results from more than two months to approximately one week. This time reduction allows safety assessments to be made more rapidly, further enhancing child safety.

**9. Child Fatality Review Teams:** *Provide the funding and other support necessary to create a Statewide Child Fatality Review Team to support local and regional teams across the state. With this, develop uniform protocols for operations, reporting, and data collection and analysis. Also, publish and disseminate a New York State report on child deaths with recommendations for prevention of child deaths in the future.*

OCFS and DOH have initiated a collaborative workgroup that may address this recommendation. The New York State Child Fatality Review (CFR) Workgroup has developed the following guiding principles for their work:

- Child deaths are a community responsibility
- Deaths should be comprehensively reviewed
- Information about preventable child deaths will help communities identify risk factors
- Child fatality reviews will lead to actions to prevent child deaths, illness and injury
- Child fatality reviews require multidisciplinary participation

The CFR workgroup is exploring the feasibility of establishing statewide or regional child fatality review advisory teams to provide oversight and coordination, as well as protocols or guidelines for reviews, training and technical assistance.

**10. Disproportionality:** *The Panel requests that OCFS conduct a study and issue a report evaluating the extent to which racial and ethnic disproportionality and disparities exist in child welfare practices across the state. Further, the report should offer recommendations as needed to remove practices identified as contributing to disparate treatment and disproportionality.*

Disproportionality and disparity in the child welfare system is of concern to OCFS and is becoming a priority at the state and national levels. Over the last four years, staff has been engaged in an intra-agency workgroup to understand Disproportionate Minority Representation (DMR) and to identify data and potential strategies to address it. During 2006, staff developed a draft DMR concept paper, developed language related to DMR to be included in the TANF RFP and agency RFP template, and participated in the planning of an inter-agency forum on DMR. Additionally, OCFS has developed a draft work plan which, when implemented, will begin identifying issues of disproportionality and disparity and which we expect will result in the implementation of agency practices and policies that will help reduce DMR.

OCFS actively participates in national workgroups facilitated by the American Public Human Services Association (APHSA) and the Child Welfare League of America (CWLA) and will continue to participate in these events. These groups meet on a monthly basis to develop position papers on DMR and address the need for human services and child welfare agencies to become culturally competent, as a way to address DMR issues.

## **Summary**

OCFS appreciates the recommendations and advocacy of the New York City Citizen Review Panel. We are clearly aligned in our vision for the protection of children, the strengthening of families and the development of expert community resources to engage and serve the citizens of New York State. We look forward to continuing our collaborative efforts in the interest of creating opportunities for safety, permanency, stability and dignity for our children and families.

Lastly, OCFS has reviewed the Dissent to the 2006 Annual Report included in the NYC Citizen Review Panel 2006 Annual Report and Recommendations. The format of this Dissent was not written with clear recommendations and steps to achieve these recommendations and, therefore, specific responses to this Dissent are not included in this document. Some of the points are well-taken and will influence our deliberations as we work to improve the safety and well being of children and families in New York City and across our State.