

Department of Health and Human Services

**OFFICE OF
INSPECTOR GENERAL**

**NEW YORK DID NOT ALWAYS ENSURE
THAT ALLEGATIONS AND REFERRALS OF
ABUSE AND NEGLECT OF CHILDREN
ELIGIBLE FOR TITLE IV-E FOSTER CARE
PAYMENTS WERE RECORDED AND
INVESTIGATED IN ACCORDANCE WITH
STATE REQUIREMENTS AS REQUIRED BY
FEDERAL LAW**

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Office of Inspector General

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Report in Brief

Date: October 2017

Report No. A-02-15-02014

U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF INSPECTOR GENERAL



Why OIG Did This Review

Congress has expressed concerns about the safety and well-being of children in foster care. These issues were highlighted in a series of media reports that provided several examples of children who died while in foster care. Accompanying the deaths were allegations of negligence as a contributing factor and evidence of sexual and physical abuse, sometimes after clear warning signs.

Title IV-E of the Social Security Act (the Act) established the Federal foster care program, which helps States to provide safe and stable out-of-home care for children in foster care. At the Federal level, the Administration for Children and Families administers the program.

Our objective was to determine whether New York ensured that allegations and referrals of abuse and neglect of children in foster care under Title IV-E of the Act were recorded, investigated, and resolved in accordance with State requirements, as required by Federal law.

How OIG Did This Review

We reviewed 100 of 474 cases of credible reports of allegations of abuse and neglect made during the audit period October 2014 through June 2015. We evaluated and tested New York's procedures for monitoring, tracking, and investigating those complaints.

New York Did Not Always Ensure That Allegations and Referrals of Abuse and Neglect of Children Eligible for Foster Care Payments Were Recorded and Investigated in Accordance With State Requirements

What OIG Found

For 36 of 100 sampled cases, New York did not always ensure that allegations and referrals of abuse and neglect for children in foster care under Title IV-E were recorded and investigated in accordance with State requirements, as required by Federal law. For a majority of these cases, New York did not provide timely notice to individuals named in the allegation to alert them that the case was being investigated. In addition, New York did not make a determination timely and did not provide a copy of the written report from the individual who telephoned a hotline to make the associated allegation.

Based on our sample results, we estimated that 171 cases of reported allegations of abuse and neglect were not recorded or investigated in accordance with State requirements during our audit period.

New York completed all investigations and assigned an indicated disposition for each of the 96 cases reviewed (4 cases contained unfounded allegations and were not reviewed). For 1 of the 96 cases, the child's whereabouts was unknown and a missing persons report was filed.

What OIG Recommends and New York's Comments

We recommend that New York ensure that allegations and referrals of abuse and neglect of children in foster care under Title IV-E are recorded and investigated in accordance with State requirements. We also made specific recommendations to address deficiencies we identified.

In written comments on our draft report, New York did not indicate concurrence or nonconcurrence with our recommendations and stated that our findings rested on factual inaccuracies and misinterpretations of the information contained in the case records. New York provided additional documentation related to required written reports, the timeliness and labeling of cases, and commencement of investigations. New York also stated that it would reiterate recording and timeliness requirements in trainings as well as in the text of its *Child Protective Services Program Manual* issued to all departments of social services.

We reviewed New York's comments and the additional information provided and revised our findings and statistical estimates accordingly. Specifically, we eliminated two findings related to timeliness, and revised our findings related to notification requirements, the labeling of cases, and mandated reporting.

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INTRODUCTION

WHY WE DID THIS REVIEW

The United States Senate Committee on Finance outlined concerns about the safety and well-being of children in foster care in an April 2015 letter addressed to State governors and sought information about the States' use of private entities or organizations to administer some or all of their foster care programs. The letter describes the child welfare system as a "complex structure consisting of overlapping Federal, State, County and Tribal laws and practices carried out by a mix of public and private entities. At times, this structure leads to finger pointing and confusion when it comes to the question of who is responsible when something goes wrong." These issues were highlighted in a media report¹ that provided several examples of children who died while in foster care. Accompanying the deaths were allegations of negligence as a contributing factor and evidence of sexual and physical abuse, sometimes after clear warning signs, according to the article. To determine whether vulnerabilities in the complaint and investigation processes exist, we are performing reviews of foster care agencies in several States, including New York.²

OBJECTIVE

Our objective was to determine whether the Office of Children and Family Services (State agency) ensured that allegations and referrals of abuse and neglect of children eligible for foster care payments under Title IV-E of the Social Security Act, as amended (P.L. No. 74-271, Aug. 14, 1935) (the Act), were recorded, investigated, and resolved in accordance with State requirements, as required by Federal law.

BACKGROUND

Federal Foster Care Program

Title IV-E of the Act established the Federal foster care program, which helps States to provide safe and stable out-of-home care for children who meet certain eligibility requirements until they are safely returned home, placed permanently with adoptive families, or placed in other planned arrangements. At the Federal level, the Administration for Children and Families administers the program. A State agency is responsible for administering the program at the State level.

¹ Mother Jones, "The Brief Life and Private Death of Alexandria Hill." Available online at <http://www.motherjones.com/politics/2015/01/privatized-foster-care-mentor>. Last accessed on January 18, 2017.

² Reports covering other States include *Ohio Ensured That Allegations and Referrals of Abuse and Neglect of Children Eligible for Title IV-E Foster Care Payments Were Recorded and Investigated in Accordance With State Requirements as Required by Federal Law* (A-05-16-00020), issued July 14, 2017, and *Texas Did Not Always Ensure That Allegations and Referrals of Abuse and Neglect of Children Eligible for Title IV-E Foster Care Payments Were Recorded and Investigated in Accordance With Federal and State Requirements* (A-06-15-00049), issued May 23, 2017.

To be eligible to receive Title IV-E payments on behalf of eligible children, the Act requires a State to submit a plan that designates a State agency that will administer the program for the State (the Act § 471(a)(2)). Among other requirements, the State agency must report and provide information to an appropriate agency or official regarding known or suspected instances of physical or mental injury, sexual abuse or exploitation, or negligent treatment or neglect of a child receiving Foster Care Program aid (the Act §§ 471(a)(9)(A) and (B)). In addition, the plan must provide for the establishment or designation of a State authority or authorities that shall be responsible for establishing and maintaining standards for foster family homes and childcare institutions, including standards related to safety, and require the State to apply standards to any foster family home or childcare institution receiving funds under sections IV-E or IV-B of the Act (the Act § 471(a)(10)).

To be eligible for foster care maintenance payments under Title IV-E, a child must be placed in a foster family home, a private childcare institution, or a public childcare institution accommodating no more than 25 children, which is licensed or approved as meeting the standards established for licensing by the State licensing authority (the Act §§ 472(b) and (c)).³

Foster Care Program in New York

In New York, the State agency is responsible for administering the Title IV-E program. Within the State agency, officials at the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) are responsible for assessing all reports of abuse, neglect, and exploitation of children in foster homes and for routing the reports to the correct local office. The SCR receives telephone calls alleging child abuse or neglect.⁴ The SCR relays information from the calls to the appropriate local Child Protective Services unit for investigation, monitors the Child Protective Services unit's response, and identifies whether prior child abuse or neglect reports exist.⁵ Each unit investigates allegations of abuse and neglect of children who are placed in a verified foster care home within its district. An investigation is complete when all actions in the investigation are taken and a determination is made.

New York also operates the Justice Center for the Protection of People with Special Needs (Justice Center). Justice Center officials are responsible for assessing all reports of abuse, neglect, and exploitation of children receiving services in a residential facility.⁶ The Justice Center has a hotline called the Vulnerable Persons Central Register (VPCR) that receives

³ Foster maintenance care payments may also be made on behalf of a child who has attained 18 years of age in a supervised independent living situation.

⁴ One county (Onondaga County) operates its own child abuse hotline that may be used instead of the SCR.

⁵ If a call to the SCR provides information about an immediate threat to a child or a crime committed against a child, but the perpetrator is not a parent or other person legally responsible for the child, the SCR refers the complaint to the appropriate State or local law enforcement agency (Article 6, of the New York Social Services Law (NYSSL) § 422.2(c)).

⁶ Residential facilities include settings such as group homes and institutions (11 NYSSL § 488.9).

allegations of abuse or neglect.⁷ Justice Center officials investigate allegations involving people with special needs and disabilities, including children in foster care. The Justice Center works with and shares the outcomes of its investigations with other government entities, such as the State agency, as required.

Although the State agency administers the Title IV-E program, the Justice Center is responsible for ensuring the safety and well-being of all children who, because of physical or cognitive disabilities or the need for services or placement, are receiving care from a facility or provider that is operated, licensed, or certified by the State agency. Additionally, reports of allegations of abuse or neglect may be transferred between the State agency and the Justice Center for investigation depending on factors such as the severity of the allegation and where the child resides. See Appendix B for State requirements related to New York's Foster Care Program.

Complaint Investigation Process

The SCR receives calls 24 hours a day, 7 days a week from two sources: (1) persons who are required by law, or mandated,⁸ to report suspected cases of child abuse and maltreatment and (2) calls from non-mandated reporters, including the public.⁹

The Child Protective Services unit of the local department of social services is required to begin an investigation of each report within 24 hours. The investigation should include an evaluation of the safety of the child named in the report and any other children in the home, and a determination of the risk to the child(ren) if they remain in the home. The Child Protective Services unit may take a child into protective custody if it is necessary to protect them from further abuse or maltreatment. If any child is assessed to be in danger, immediate and appropriate interventions to protect the child(ren) must be taken, and the results of each safety assessment must be documented in the case record.

The law requires the Child Protective Services unit to provide written notice notifying the subjects and other persons named in the report concerning the rights accorded to them by the NYSSL. After an assessment of the circumstances, the Child Protective Services unit may offer the family appropriate services, i.e., social services or medical needs. The Child Protective Services unit caseworker has the obligation and authority to petition the Family Court when

⁷ Article 11, §§ 492 and 493, of the NYSSL provide requirements for the establishment and operation of the VPCR and investigations of allegations of abuse and neglect involving vulnerable persons.

⁸ Persons required to report cases of suspected child abuse or neglect (e.g., teachers, doctors, police officers) are known as "mandated reporters" (6 NYSSL § 413).

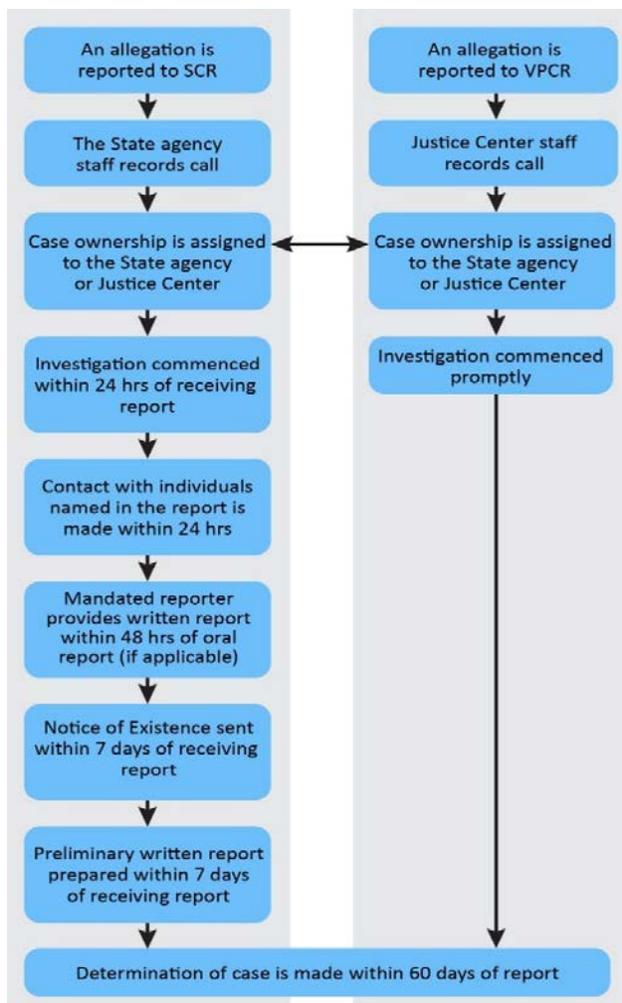
⁹ The complaint investigation process applies to children already in homes operated or supervised by the State agency or other private agencies (6 NYSSL § 424-b).

necessary for the care and protection of a child. The Child Protective Services unit has 60 days after receiving the report to determine whether the report is “indicated”¹⁰ or “unfounded.”

Similarly, the Justice Center is responsible for commencing an investigation of all allegations of reportable incidents that are received by the VPCR. The VPCR receives calls 24 hours a day, 7 days a week. The law requires the Justice Center to promptly commence an investigation upon receipt of a report of abuse or neglect.

The Justice Center will take all appropriate measures to protect the life and health of the person who is the alleged victim, and work with the State agency to remove the vulnerable person from the current facility or program if imminent danger is present. The Justice Center is also required to make a determination on a case within 60 days.

Figure: Requirements for Reporting and Investigating Suspected Abuse and Neglect



State Requirements

The NYSSL requires each county in the State to establish a child protective services unit¹¹ to encourage more complete reporting of suspected child abuse and neglect. Each unit is required to receive and investigate child abuse and neglect reports; to protect children from further abuse or neglect; and to provide rehabilitative services for the children, parents, and other family members involved. The NYSSL and State regulations establish requirements for reporting and investigating cases of suspected child abuse or neglect (see accompanying figure). Specifically:¹²

- Child Protective Services is required to obtain information from mandated

¹⁰ An “indicated report” means a report made if an investigation determines that some credible evidence of the alleged abuse or neglect exists (6 NYSSL § 412.7).

¹¹ 6 NYSSL § 411. Each county has a Child Protective Services unit except the five counties that comprise New York City, which operates a single agency to investigate suspected child abuse or neglect.

¹² Unless otherwise noted, criteria cited in this report relate to the State agency (or child protective services units acting on behalf of the State agency), not the Justice Center. The State agency is ultimately responsible for the duties to be carried out by the child protective services units. Therefore, we treat the child protective services unit requirements as State agency requirements in this report.

reporters before concluding its investigation (New York Codes, Rules, and Regulations (NYCRR), Title 18, § 432.2(b)(3)).¹³

- Within 24 hours of a report of suspected child abuse or neglect, the State agency must commence an appropriate investigation. Also, within 24 hours of the report, the local Child Protective Services unit must conduct a face-to-face or a telephone contact with the subjects and/or other persons named in the report, or other persons in a position to provide information about whether the child may be in immediate danger of serious harm.
- Within 7 days of receiving a report of suspected child abuse or neglect, the local Child Protective Services unit must make persons named in the report aware that it exists through what is known as a Notice of Existence.¹⁴
- Also within 7 days of receiving a report of suspected child abuse or neglect, the local Child Protective Services unit must send a preliminary written report of the initial investigation, including evaluation and actions taken or contemplated, to the SCR (6 NYSSL § 424.3).
- The local child protective services unit must determine, within 60 days of receiving a report of suspected child abuse or neglect, whether the report is “indicated” or “unfounded” (6 NYSSL § 424). The Justice Center has the same 60-day requirement (11 NYSSL § 493.1).

HOW WE CONDUCTED THIS REVIEW

We obtained data from the State agency for 474 “indicated reports” of allegations and referrals of abuse and neglect of children in foster care under Title IV-E of the Act for the period October 1, 2014, through June 30, 2015 (audit period). We selected and reviewed case information from the State agency’s electronic case-tracking system, known as Connections, for a random sample of 100 indicated reports of abuse and neglect made during our audit period (93 State agency cases and 7 Justice Center cases).¹⁵ We refer to “indicated reports” as “cases” in this report.

¹³ Mandated reporters must submit a written report to the local Child Protective Services unit within 48 hours of their oral report, and a copy of the written report must be submitted to the SCR by the local Child Protective Services unit (6 NYSSL § 415) (18 NYCRR § 432.3(c)(1)).

¹⁴ After seeing to the safety of the child or children named in the report, but in no event later than 7 days after the receipt of the oral report, the State agency is required to inform the subject(s) and other persons named in the report, except children under age 18, of the existence of the report and of their rights (18 NYCRR § 432.3(j)).

¹⁵ The State agency provided a data set for all indicated allegations of abuse. We determined that four cases were mislabeled and should not have been included in the data set. In our draft report, we stated that five cases were mislabeled. In its comments on our draft report, the State agency took issue with our description of these cases and stated that they were determined to be “indicated” after the completion of an investigation. We determined that the State agency accurately labeled one of the five cases and maintain that the others were mislabeled.

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix A contains the details of our audit scope and methodology, Appendix D contains our statistical sampling methodology, and Appendix E contains our sample results and estimates.

FINDINGS

The State agency did not always ensure that allegations and referrals of abuse and neglect for children in foster care eligible for assistance under Title IV-E of the Act were recorded and investigated in accordance with State requirements, as required by Federal law.¹⁶ Of the 100 reported cases of abuse and neglect sampled, 60 were recorded and investigated in accordance with State requirements, and 4 were mislabeled as “indicated” when they were actually unfounded.¹⁷ For the remaining 36 cases (33 State agency and 3 Justice Center),¹⁸ we found that:

- the State agency did not ensure that a Notice of Existence was sent within 7 days or document that a notice was sent (22 cases),
- the State agency and the Justice Center did not make a determination on the case within 60 days (12 State agency cases and 3 Justice Center cases), and
- the State agency did not provide a written report from the mandated reporter (3 cases).

This occurred because the State agency and Justice Center investigators did not follow written guidelines to ensure that allegations and referrals of abuse and neglect were recorded and investigated in accordance with State requirements.

On the basis of our sample results, we estimated that 171 of the 474 cases of reported allegations of abuse and neglect of children in foster care eligible for assistance under Title IV-E of the Act were not recorded or investigated in accordance with State requirements.

The State agency and the Justice Center completed all investigations and assigned an indicated disposition for each of the 96 cases reviewed.¹⁹ For 1 of the 96 cases, the child’s whereabouts

¹⁶ All of the sampled cases reviewed met Federal requirements.

¹⁷ We did not review these cases for errors on the basis of our objective and scope.

¹⁸ Four cases had more than one deficiency.

¹⁹ All sampled cases had a disposition assigned prior to our review.

was unknown and a missing persons report was filed. Appendix C contains details of the types of allegations and resolutions for our sample cases.

WRITTEN NOTIFICATION REQUIREMENTS NOT MET

The State agency is required to send a Notice of Existence to individuals named in a case within 7 days of receiving a report of suspected abuse or neglect.

For 22 of the 100 sampled cases, the State agency did not meet the requirement for sending a Notice of Existence. Specifically, for 17 cases, the State agency did not send a Notice of Existence within 7 days of receiving a report of suspected abuse or neglect. For these 17 cases, the State agency took an average of 45 days to send a Notice of Existence. For five other cases, the State agency did not provide documentation that a Notice of Existence was sent to the individuals named in the associated case. If a suspected individual is not properly notified of their being investigated, the individual will not be aware of their rights, which could result in legal issues.

This occurred because the State agency did not follow written guidelines to ensure that Notices of Existence were sent within 7 days of receiving a complaint and that supporting documentation was maintained in case files.²⁰

CASES NOT DETERMINED TIMELY

For the State agency cases, the local Child Protective Services unit must determine, within 60 days of a report suspected abuse or neglect, whether a report is “indicated” or “unfounded.”²¹ A similar 60-day requirement exists for Justice Center cases. Specifically, within 60 days of accepting a report of an allegation of abuse or neglect through its VPCR hotline, the Justice Center is required to enter the findings of its investigation into the VPCR. Additional time is allowed provided the reason for the delay is documented and the findings are submitted as soon as practicably possible.²²

For 15 of the 100 sampled cases (12 State agency and 3 Justice Center), a determination of the investigation was not completed within 60 days. For these 15 cases, the State agency or the Justice Center took an average of 117 days to make a determination of the investigation. Although regulations allow for additional time beyond 60 days if justification is noted in the case file, no reason for exceeding the 60-day requirement was included in the 15 case files. Making a late determination of whether a case is indicated may delay the completion of an investigation, thereby placing the child’s health and safety at risk.

²⁰ The State agency stated that a Notice of Existence may not be sent within 7 days if there is an ongoing criminal investigation against the individual named in the complaint; however, there was no evidence in the associated 22 case files to support that criminal investigations were ongoing.

²¹ 6 NYSSL § 424.7.

²² 11 NYSSL § 493.1.

This occurred because the State agency and the Justice Center did not follow written guidelines to ensure that all allegations and referrals of abuse and neglect were determined timely.

WRITTEN REPORT FROM MANDATED REPORTER NOT PROVIDED

Local Child Protective Services units are required to obtain a written report from mandated reporters who call into the SCR's hotline to report abuse and neglect before concluding the investigation, and a copy of this report must be submitted to the SCR.²³ The written report provides a firsthand and detailed account of the reporter's suspicions.

For 81 of the 100 sampled cases a mandated reporter reported the allegation of abuse or neglect. For three of these cases, the State agency did not obtain a written report from the mandated reporter. Details in the written report may not always be included in a mandated reporter's oral report because the oral report is a recorded, annotated account of the reporter's statement.²⁴ Without a written report, the associated case file is incomplete, placing children's health and safety at risk.

This occurred because the State agency did not have procedures to ensure that local child protective service units obtained written reports from mandated reporters.

RECOMMENDATIONS

We recommend that the State agency develop controls to ensure that allegations and referrals of abuse and neglect of children in foster care eligible for assistance under Title IV-E of the Act are recorded and investigated in accordance with State requirements. Specifically, we recommend that the State agency:

- ensure that its cases, and, by working with the Justice Center, that Justice Center cases are recorded and investigated in accordance with State requirements;
- develop procedures to ensure required documentation is submitted timely and retained in case files and by the SCR;
- ensure that staff meet all required timeframes for submission of reports, and notification of investigations; and
- ensure that its staff, and, by working with the Justice Center, that Justice Center staff meet all required timeframes for determination of investigations.

²³ 18 NYCRR § 432.2(b)(3)(ii)(b).

²⁴ For the three cases for which there was no written report, an oral report was provided.

STATE AGENCY COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In written comments on our draft report, the State agency did not indicate concurrence or nonconcurrence with our recommendations and stated that our findings rested on factual inaccuracies and misinterpretations of the information contained in the case records. The State agency indicated that electronic case files associated with the cases we reviewed contained information that was not always recorded in certain Connections data fields. The State agency also stated that it would reiterate recording and timeliness requirements in trainings as well as in the text of its *Child Protective Services Program Manual* issued to all departments of social services.

We contacted the State agency to obtain the information described in its comments. After reviewing the State agency's comments and the additional information provided, we revised our findings and modified our statistical estimates accordingly. We recognize the State agency's efforts to address timeliness and recording requirements with local departments of social services and Child Protective Services units.

The State agency's comments are included in their entirety as Appendix F.

WRITTEN NOTIFICATION REQUIREMENTS NOT MET

State Agency Comments

In its written comments, the State agency provided a summary of events and progress notes to indicate that a Notice of Existence was sent timely in 6 of the 28 cases identified in our draft report as not meeting notification requirements. The State agency subsequently provided additional information from Connections to support its assertion.

Office of Inspector General Response

After reviewing the State agency's comments and the additional information provided, we accepted the State agency's documentation and revised our finding accordingly.

CASES NOT DETERMINED TIMELY

State Agency Comments

The State agency did not provide any additional information related to this finding; however, it stated that the agency recognized that some of its cases were not determined timely. The State agency further stated that it routinely monitors local departments of social services with respect to timeliness of investigations. The Justice Center also provided comments related to its three cases included in this finding. Specifically, the Justice Center stated that it has made a technical upgrade to the VPCR since our audit period and that it now requires a reason for a delay if more than 60 days has elapsed from the date the case was created in the VPCR.

Office of Inspector General Response

We recognize the State agency's and the Justice Center's efforts to address timeliness requirements and continue to recommend that cases of abuse and neglect be recorded and investigated in accordance with State requirements. We note that accurately recording dates and times in Connections would assist the State agency in its monitoring efforts.

WRITTEN REPORT FROM MANDATED REPORTER NOT PROVIDED

State Agency Comments

In its written comments, the State agency provided a summary of events to indicate that local Child Protective Services units had obtained information from the reporting sources during the pendency of the investigation, thus fulfilling its regulatory duty, for 64 of the 69 cases²⁵ identified in our draft report as not meeting requirements for submitting written reports. For two other cases, the State agency stated that the individual who called into the SCR's hotline was not a mandated reporter. The State agency subsequently provided additional information from Connections to support its assertions.

Office of Inspector General Response

After reviewing the State agency's comments and the additional information provided, we accepted the State agency's documentation and revised our finding accordingly.

ADDITIONAL STATE AGENCY DOCUMENTATION

State Agency Comments

The State agency provided additional information related to its labeling of cases, the timeliness of cases, and the commencement of investigations. Specifically, the information related to (1) supporting information explaining why and when certain cases were labeled unfounded,²⁶ (2) when contact was made with individuals named in reports of abuse and neglect, and (3) when preliminary written reports were completed.

²⁵ Although the State agency indicated in its comments that it provided a summary for 61 cases, it provided additional information for a total of 64 cases after we contacted the State agency to obtain the documentation described in its comments. The comments also indicated that the State agency's own review identified 67 cases that did not meet requirements for submitting written reports—2 fewer than we identified in our draft report.

²⁶ For example, the State agency detailed how some of the cases were initially determined to be indicated but, as part of an appeals process, were later amended to be unfounded after an administrative hearing.

Office of Inspector General Response

After reviewing the State agency's comments and the additional information provided, we accepted the State agency's documentation, eliminated two findings, and revised our finding related to the labeling of cases. We maintain that four cases should not have been included in the data file that the State agency provided to OIG for use in drawing a sample of cases to review. Although these cases were originally determined to be indicated, they were subsequently determined to be unfounded prior to OIG's request for data and documentation.

APPENDIX A: AUDIT SCOPE AND METHODOLOGY

SCOPE

We obtained data from the State agency on 474 cases of reported allegations and referrals of abuse and neglect for children in foster care under Title IV-E of the Act for the audit period. We randomly selected 100 cases of allegations or referrals of abuse and neglect during our audit period. We evaluated and tested procedures for monitoring, tracking, investigating, and resolving these complaints by reviewing case files.

We did not assess the State agency's overall internal control structure. Rather, we limited our review of internal controls to those applicable to our audit objective.

We conducted fieldwork at the State agency's offices in New York City and Suffolk County, New York, as well as the Justice Center office in Delmar, New York, from May through October 2016.

METHODOLOGY

To accomplish our objective, we:

- reviewed Federal and State laws and regulations related to reporting allegations and referrals of abuse and neglect;
- interviewed the State agency and Justice Center officials regarding the State's monitoring, tracking, investigation, and resolution of allegations or referrals of abuse and neglect cases involving children in foster care under Title IV-E of the Act;
- obtained data from the State agency representing all indicated reports of allegations of abuse and neglect of these children during our audit period;
- selected for review a random sample of 100 cases;
- evaluated and tested procedures for monitoring, tracking, investigating, and resolving allegations of abuse and neglect by reviewing case files for the selected sample cases;
- summarized the results of the review;
- estimated the number of cases not recorded, investigated, and resolved in accordance with State requirements in the sampling frame; and
- discussed our findings with State agency and Justice Center officials.

See Appendix D for the details of our statistical sampling methodology and Appendix E for our sample results and estimates.

We conducted this performance audit in accordance with generally accepted government auditing standards. 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 objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

APPENDIX B: STATE REQUIREMENTS RELATED TO NEW YORK'S FOSTER CARE PROGRAM

Foster Care Program in New York

Approved applications for foster care maintenance payments which are reimbursable pursuant to Title IV-E of the Act constitute an assignment to the State and the social services district concerned, of any rights to support from any other person as such applicant may have in his or her own behalf (18 NYCRR § 426.8(a)).

There shall be established in the State Agency a SCR (6 NYSSL § 422.1). The SCR shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of Child Protective Services unit 24 hours a day, 7 days a week (6 NYSSL § 422.2(a)).

The local commissioner of each social services district shall establish a Child Protective Services unit within such district which shall operate as a single organizational unit. The Child Protective Services unit shall perform those functions assigned to it. No other responsibilities may be assumed by the Child Protective Services unit, except that the Child Protective Services unit may provide for, arrange for and coordinate services to children named in a child abuse and/or maltreatment report and their families prior to a determination as to whether some credible evidence exists as to the alleged abuse or maltreatment (18 NYCRR § 432.2(a)(1)).

Prior to making a determination that a report of abuse and/or maltreatment assigned to the investigative track should be indicated or unfounded, the investigation to be conducted by the Child Protective Services unit shall include, but not be limited to ... a determination of the nature, extent and cause of any condition enumerated in the report (18 NYCRR § 432.2(b)(3)(iii)(c)).

"Person receiving services," or "service recipient" shall mean an individual who resides or is an inpatient in a residential facility or who receives services from a facility or provider agency (11 NYSSL § 488.9).

The VPCR shall receive reports of allegations of reportable incidents 24 hours per day, 7 days a week (11 NYSSL § 492.2(b)).

"State oversight agency" shall mean the State agency that operates, licenses or certifies an applicable facility or provider agency; provided however that such term shall only include the following entities: the Office of Mental Health, the Office for People with Developmental Disabilities, the Office of Alcoholism and Substance Abuse Services, the Office of Children and Family Services, the Department of Health and the State Education Department. "State oversight agency" does not include agencies that are certification agencies pursuant to Federal law or regulation (11 NYSSL § 488.4-a).

When any allegation that could reasonably constitute a reportable incident is received by the register, the register shall accept and immediately transmit notice of the report orally or electronically to the appropriate State oversight agency (11 NYSSL § 492.3(a)).

Information regarding individual reportable incidents, incident patterns and trends, and patterns and trends in the reporting and response to reportable incidents is shared, consistent with applicable law, with the Justice Center, in the form and manner required by the Justice Center and, for facilities or provider agencies that are not state operated, with the applicable State oversight agency which shall provide such information to the Justice Center (11 NYSSL § 490.1(e)).

The Justice Center is responsible for commencing an investigation of all allegations of reportable incidents that are accepted by the VPCR. With respect to such an investigation, the Justice Center shall ... contact the SCR to determine whether the subject of the report has been or is currently the subject of an indicated child abuse and maltreatment report (11 NYSSL § 492.3(c)(iv)).

Complaint Investigation Process

In addition to those persons and officials required to report suspected child abuse or maltreatment, any person may make such a report if such person has reasonable cause to suspect that a child is an abused or maltreated child (6 NYSSL § 414).

Each Child Protective Services unit shall ... upon receipt of such report, commence or cause the appropriate society for the prevention of cruelty to children to commence, within 24 hours, an appropriate investigation which shall include an evaluation of the environment of the child named in the report and any other children in the same home and a determination of the risk to such children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in such report and the name, age and condition of other children in the home, and, after seeing to the safety of the child or children, forthwith notify the subjects of the report and other persons named in the report in writing of the existence of the report and their respective rights (6 NYSSL § 424.6(a)).

Each Child Protective Services unit shall ... take a child into protective custody to protect him from further abuse or maltreatment when appropriate and in accordance with the provisions of the Family Court Act (6 NYSSL § 424.9).

Pursuant to the requirements and provisions of the Family Court Act, a peace officer, acting pursuant to his or her special duties, a police officer, a law enforcement official, or a designated employee of a city or county department of social services, or an agent or employee of an Indian tribe that has entered into an agreement with the department to provide child protective services shall take all appropriate measures to protect a child's life and health including, when appropriate, taking or keeping a child in protective custody without the consent of a parent or guardian if such person has reasonable cause to believe that the

circumstances or condition of the child are such that continuing in his or her place of residence or in the care and custody of the parent, guardian, custodian or other person responsible for the child's care presents an imminent danger to the child's life or health (6 NYSSL § 417.1(a)).

The full child protective investigation must include the following activities ... obtaining information from the reporting sources and other collateral contacts which may include, but are not limited to, hospitals, family medical providers, schools, police, social service agencies and other agencies providing services to the family, relatives, extended family members, neighbors and other persons who may have information relevant to the allegations in the report and to the safety of the children (18 NYCRR § 432.2(b)(3)(ii)(b)).

The full child protective investigation must include the following activities ... after seeing that the child or children named in the report are safe, notifying the subjects and other persons named in the report, except children under the age of 18 years, in writing, no later than 7 days after receipt of the oral report, of the existence of the report and the subject's rights concerning amendment or expungement of the report (18 NYCRR § 432.2(b)(3)(ii)(f)).

The full child protective investigation must include the following activities ... in social services districts approved by the State Agency to provide family assessment response, if within 7 days of receipt of the report, the Child Protective Services unit determines that a report that has been assigned to the investigative track meets the requirements for assignment to the family assessment response track and that such assignment most effectively supports the safety of children named in the report and matches the family's needs, the assignment of the report may be changed to the family assessment response track (18 NYCRR § 432.2(b)(3)(ii)(g)).

The Child Protective Services unit worker shall, in all cases where a child abuse or maltreatment report is being investigated, assess whether the best interests of the child require Family Court or Criminal Court action and shall initiate such action, whenever necessary (18 NYCRR § 432.2(b)(3)(vi)).

The Child Protective Services unit has the sole responsibility for making a determination within 60 days after receiving the report as to whether there is some credible evidence of child abuse and/or maltreatment so as either to "indicate" or "unfound" a report of child abuse and/or maltreatment (18 NYCRR § 432.2(b)(3)(iv)).

The Justice Center is responsible for commencing an investigation of all allegations of reportable incidents that are accepted by the VPCR. With respect to such an investigation, the Justice Center shall, upon acceptance of a report of a reportable incident by the VPCR, promptly commence an appropriate investigation (11 NYSSL § 492.3(c)(i)).

The Justice Center is responsible for commencing an investigation of all allegations of reportable incidents that are accepted by the VPCR. With respect to such an investigation, the Justice Center shall ... take all appropriate measures to protect the life and health of the person who is the alleged victim of a reportable incident, which may include working with the State

oversight agency to take immediate steps to remove the vulnerable person from his or her current facility or program or to remove or suspend a subject from a facility or program, subject to any applicable collective bargaining agreement, if the Justice Center has reasonable cause to believe that the circumstances or condition of the vulnerable person are such that continuing the vulnerable person in his or her place of residence or program, or that continuing such subject in his or her current facility or program, presents an imminent danger to the vulnerable person's life or health (11 NYSSL § 492.3(c)(ii)).

Within 60 days of the VPCR accepting a report of an allegation of abuse or neglect, the Justice Center shall cause the findings of the investigation to be entered into the VPCR (11 NYSSL § 493.1).

APPENDIX C: TYPES OF ALLEGATIONS AND RESOLUTIONS FOR SAMPLE CASES

Table 1: Types of Allegations for Sample Cases

Types of Allegations	Number of Cases
Inadequate guardianship ²⁷	80
Inadequate supervision ²⁸	17
Physical abuse	21
Sexual abuse	5
Unfounded case	4
Total	127*

*Twenty-six cases had more than one allegation type.

Table 2: Case Resolution for Sample Cases

Types of Resolutions	Number of Cases
Child's whereabouts unknown; missing persons report filed	1
Removal from home or moved to new foster care home	24
Remained in current foster care home or placed back into foster care	42
Safety plan or corrective action plan	28
Suspect fired from group home	1
Unfounded case	4
Total	100

²⁷ For the purpose of this review, inadequate guardianship includes allegations of educational neglect; inadequate food, clothing, or shelter; lack of medical care; or parent's drug/alcohol use.

²⁸ For the purpose of this review, inadequate supervision includes allegations of insufficient ratio of staff to children for children receiving services in a residential setting.

APPENDIX D: STATISTICAL SAMPLING METHODOLOGY

TARGET POPULATION

The population consisted of all cases of abuse and neglect for children in foster care under Title IV-E of the Act in New York for the audit period.

SAMPLING FRAME

The State agency provided an Excel file containing 1,171 cases filed for abuse and neglect of children in foster care for the period October 1, 2014, through September 30, 2015. We removed all cases for non-Title IV-E children in foster care and all cases for the period July 1, 2015, through September 30, 2015 (outside the audit period). The result was a sampling frame consisting of 474 unique cases filed for abuse and neglect of children in foster care under Title IV-E of the Act in New York for the audit period.

SAMPLE UNIT

The sample unit was a unique case.

SAMPLE DESIGN

We used a simple random sample.

SAMPLE SIZE

We selected a sample of 100 cases.

SOURCE OF RANDOM NUMBERS

We generated the random numbers using the Office of Inspector General, Office of Audit Services (OAS), statistical software.

METHOD OF SELECTING SAMPLE UNITS

We consecutively numbered the 474 cases. After generating 100 random numbers, we selected the corresponding frame items.

ESTIMATION METHODOLOGY

We used the OAS statistical software to estimate the quantity of errors at the point estimate. We also used the program to calculate the corresponding lower and upper limits of the two-sided 90-percent confidence interval.

APPENDIX E: SAMPLE RESULTS AND ESTIMATES

Sample Results

Number of Cases in Frame	Sample Size	Cases Not in Accordance With State Requirements
474	100	36

**Estimated Number and Percentage of Cases Not in Accordance with State Requirements
(Limits Calculated at the 90-Percent Confidence Level)**

	Number of Cases Not in Accordance With State Requirements	Percentage of Cases Not in Accordance With State Requirements
Point estimate	171	36
Lower limit	137	29
Upper limit	207	44

APPENDIX F: STATE AGENCY COMMENTS



Office of Children
and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Acting Commissioner

July 28, 2017

Ms. Brenda Tierney
Regional Inspector General for Audit Services
Office of Inspector General
Jacob K. Javits Federal Building
26 Federal Plaza, Room 3900
New York, NY 10278

Re: Draft Report Number A-02-15-02014

Dear Ms. Tierney:

This letter constitutes the Office of Children and Family Services (OCFS) response to the draft report of the Office of the Inspector General (OIG) Audit Number A-02-15-02014 entitled *New York Did Not Always Comply with State Requirements for Recording and Investigating Allegations of Abuse and Neglect for Title IV-E Foster Care Children (Draft Report)*. OIG asserts the purpose of the audit was to determine whether the State agency ensured that allegations and referrals of abuse and neglect of foster care children under Title IV-E of the Social Security Act (the Act) were recorded, investigated, and resolved in accordance with Federal and State requirements.

At OIG's request, OCFS provided 474 "indicated reports" of allegations and referrals of abuse and neglect of foster care children under Title IV-E of the Act for the period October 1, 2014 through June 30, 2015. Specifically, OIG sought reports where the named victim was a foster child at the time of the report. OIG then randomly selected 100 reports for review (93 OCFS cases and seven Justice Center cases). The OCFS cases involved investigations by Child Protective Services (CPS) units of Local Departments of Social Services (LDSS) of allegations of abuse and neglect in foster homes. The Justice Center cases involved investigations by the State into allegations of abuse and neglect in residential foster care programs.

OCFS strongly rejects OIG's draft findings regarding the sufficiency of the work to record, investigate and resolve concerns of abuse or neglect of foster care youth. OIG's findings with respect to the 100 reports rest on factual inaccuracies and misinterpretations of the information contained in the reports. The records demonstrate that health and safety of the children named in the reports of suspected child abuse or maltreatment were and continue to be the primary concerns of the State of New York. Specifically, investigations of reports of suspected child abuse or maltreatment of foster children were commenced with 24 hours of the receipt of the report, in conformance with Social Services Law (SSL)

§424(6)(a) and OCFS regulation 18 NYCRR 432.2(b)(3)(i). The safety of the foster children was reassessed and confirmed as the investigations progressed as documented in the 7-day assessment reports in conformance with SSL § 424(3) and 18 NYCRR 432.2(b)(3)(ii)(c). Investigations into the allegations were comprehensive and included direct contact with the source of the report, as well as other collateral sources in conformance with the standards set forth in 18 NYCRR 432.2(b)(3)(ii)(b). Finally, timely determinations were made where appropriate.

I. The Sample was Complete and Accurate When Provided by OCFS

OIG's Draft Report asserts that OCFS provided five (5) cases that were unfounded. This is incorrect. All CPS cases provided were indicated after a CPS investigation. An indicated or substantiated report is one where the investigation concluded there was evidence that the alleged abuse or neglect occurred. If an allegation is not indicated or substantiated after investigation, then it is unfounded or unsubstantiated.

The five cases in question are below. Specifically, cases #s 13, 24, and 41 were originally indicated, but subsequently overturned through an administrative hearing. New York statute, SSL §422(8), affords the subject of the report the ability to appeal the post investigation determination indicating the report. The appeal process contains appeal rights commencing with an administrative review by OCFS, progressing to an administrative hearing and finally to judicial review of the request. As such, it is not uncommon for a case that has in fact been indicated initially, to be subsequently amended to unfounded by this administrative process, rather than as a result of further factual investigation. The fourth case (#61) was initially indicated and remains so, and was incorrectly identified as unfounded by OIG in the Draft Report.

- Case #13 –This case was indicated post-investigation on January 12, 2015. The indication was overturned following a Fair Hearing dated August 12, 2015.
- Case #24 –This case was indicated post-investigation on January 12, 2015. The indication was overturned following a Fair Hearing dated August 12, 2015.
- Case #41 –This case was indicated post-investigation on January 12, 2015. The indication was overturned following a Fair Hearing dated August 12, 2015.
- Case #61 –This case represents two reports made on the same day involving the same foster child. One report was against the foster child's godparent which was indicated and the other report was against the foster child's foster parent which was unfounded. OCFS provided to OIG the indicated report against the foster child's godparent and, as such, there was no error as was purported by OIG.

The fifth case (# 49) involved an investigation conducted by OCFS on behalf of the Justice Center. When the case was provided to OIG by OCFS, OCFS recommended to the Justice Center that the case should be indicated. Thereafter, the Justice Center decided that the report should be unfounded, which was within the discretion of the Justice Center.

II. Initial Contact Occurred within 24 Hours in all Cases Provided by OCFS

OIG then identified five (5) cases in which the CPS investigators allegedly did not make timely contact with individuals named in the report of abuse and neglect. This is also incorrect. CPS commenced a timely investigation, and an appropriate assessment of safety was completed for every case provided to OIG including the five flagged below.

SSL §424(6)(a) requires the commencement of an "appropriate investigation" within 24 hours of the receipt of the report. OCFS regulation 18 NYCRR 432.2(b)(3)(i) requires CPS "conduct a face-to-face contact or a telephone contact with the subjects and/or other persons named in the report or other persons in a position to provide information whether the child may be in imminent danger of serious harm" within 24 hours of the receipt of the report.

The health and safety of the children in the cases reviewed by OIG was of primary concern to the LDSS CPS, and proper assessments protected these children. Contrary to OIG's assertions of delay, the documentation provided for each of the five cases highlighted below proves that the required timeline was appropriately followed:

- Case #26 – A home visit was made on the day the report was registered. This visit was documented in a CONNECTIONS progress note.
- Case #27 –A telephone contact was made within 24 hours of receipt of the report. This was documented in a CONNECTIONS progress note.
- Case #39 –A home visit made on the day the report was registered. This visit was documented in a CONNECTIONS progress note.
- Case #62 –A home visit made on day the report was registered. This visit was documented in a CONNECTIONS progress note.
- Case #70 –A home visit made on the day the report was registered. This visit was documented in a CONNECTIONS progress note.

As demonstrated above and in Attachment A, in each of the cases timely contact occurred and was documented. CPS made the necessary and timely contact to confirm that no child's health or safety was at risk.

III. Notice of Existence were Generated

OIG next asserts that the written notification to the subject of the report, which is required at the initiation of an investigation, was not provided in a timely manner for 28 of the 100 cases reviewed. This is incorrect, but even if correct, would not result in any impact to the health or safety of the children named in the cases.

18 NYCRR 432.2(b)(3)(ii)(f) requires CPS in the course of investigating an allegation of child abuse or neglect to: "after seeing that the child or children named in the report are safe, notify the subjects and other persons named in the report, except children under the age of 18 years, in writing, no later than

seven days after receipt of the oral report, of the existence of the report and the subject's rights pursuant to title 6 of article 6 of the Social Services Law concerning amendment or expungement of the report."

As an initial matter, a Notice of Existence (NOE) was sent in all 100 cases. As reflected in Attachment B, a timely NOE was issued in six of the 28 cases where OIG asserted that a timely NOE was missing. Thus, while CPS provided the required notification in 100% of the cases, in only 22 of the cases was notification outside the seven days provided for in regulation.

OCFS will reiterate the timeliness requirement in trainings as well as in the text of the CPS manual issued to all LDSSs for use by their CPS staff. This manual is currently being revised by OCFS.

IV. 7-Day Preliminary Report is about Child Safety

OIG next asserts that in two (2)¹ records out of 100, CPS failed to conduct timely assessments of safety. OIG further asserts that these two cases demonstrate a meaningful failure by CPS. Neither assertion is true. In fact, all 100 cases had such assessment and documentation within the record.

The purpose of the 7-day preliminary report required by SSL §424(3) is to address the safety of the child or children named in the report. In the two (2) cases highlighted by OIG, the CPS assessment was documented in progress notes recorded in CONNECTIONS, rather than within the CONNECTIONS fields for the 7-day preliminary report. Therefore, OIG erroneously reported those assessments as being incomplete in the Draft Report. CPS did complete the work required for the 7-day assessment report by assessing safety of the children involved in a timely manner.

To fully understand the work completed by CPS in all of these cases, a careful review of the case progress notes is required. As documented in progress notes of the case records provided by OCFS involving both cases, on the very first day after receipt of the SCR report, CPS conducted a home visit of the foster home and assessed the safety of both children and found both safe. Additionally, follow up contact was made the very next day with one foster child at the foster child's school with the same conclusion that the child was safe.

Nevertheless, OCFS will reiterate recording requirements when documenting visits and safety assessments in the CONNECTIONS system with the LDSS CPS cited in the Draft Report.

V. Mandated Reporters have the Obligation to Submit the Written Report

OIG further incorrectly places a requirement on CPS staff to obtain a written report from mandated reporters who call into the Statewide Central Register of Child Abuse and Maltreatment (SCR) within 48 hours of the SCR registering the oral report. In fact, the legal obligation to provide the report belongs to the mandated reporter, not CPS (SSL §415). CPS staff have a separate regulatory requirement to

¹ Of note, the two records referenced above are about siblings in the same foster home named in the same report of suspected abuse or maltreatment. As there were two foster children in the home, this single incident counted as two cases in the OIG review.

obtain information from the reporting sources before concluding their investigation (18 NYCRR 432.2(b)(3)). CPS may obtain that information through telephone contacts or through in-person contacts. The above referenced regulation does not cross-reference the obligation for mandated reporters to provide written reports to CPS as stated in SSL §415. OCFS found that in 67 of the 100 cases reviewed by OIG, the mandated reporter failed to submit to CPS the required documentation. However, in 61 of those 67 cases, direct contact was made with the reporting source during the pendency of an investigation as is required in regulation. Notably, in 59 of the 61 cases (97%), CPS initiated contact with the source within 48 hours of the initial report to the SCR. (See, Attachment C). Thus, the work by CPS to secure key information to clarify and confirm the oral reports registered by the SCR mitigates any failures by mandated reporters to send the written reports, and does not, therefore, negatively impact the health or safety of the children named in the reports.

VI. Determinations were Made on Cases within 60 Days

In sum, OIG's findings that CPS determinations were untimely and that the lack of timeliness impacted the health and safety of any foster child is unfounded. As addressed above, in all cases, timely and adequate safety assessments were completed for the foster children named in the reports.

OCFS recognizes that in some cases, a determination within the 60-day period may not be possible or appropriate where there are exigent circumstances such as law enforcement involvement or where CPS is waiting for evidence from a third party such as a medical report. In those instances, it would be improper to proceed without the evidence. Such information is necessary for CPS to make a proper determination.

OCFS routinely monitors compliance by each LDSS CPS with respect to timeliness of investigations. If a pattern of inappropriate non-compliance is noted, OCFS raises the issue with the applicable LDSS CPS to secure compliance.

Beyond the cases handled by the LDSS CPS, there were also three (3) cases initiated by the Justice Center where they did not record a final determination within 60 days. OCFS has no jurisdiction over cases reported to the Justice Center. As such the Justice Center has offered this commentary on those cases:

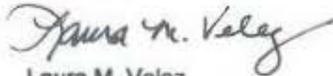
During the time of this audit (calendar year 2015), the Justice Center required the "reason for a delay" in entering the investigation findings into the Vulnerable Persons' Central Register (VPCR) to be documented in the VPCR. However, at that time, an investigation could be closed without this field being completed. Moreover, investigative staff, at both the state and provider agencies delegated to conduct investigations, and at the Justice Center, sometimes documented reasons for delay in other fields in the VPCR (e.g., notes). As a result, VPCR records from 2015 may lack appropriate documentation, as in the three cases identified in the audit, and it may be difficult or speculative to ascribe a reason for undocumented delays at this time.

To address this issue, the Justice Center made a technical upgrade to the VPCR in 2016, requiring that before an investigation of a case may be closed, a reason for delay must be

entered if more than 60 days has elapsed from the date the case was created. Therefore, although we cannot reliably explain the circumstances behind the undocumented delays flagged in the audit report, we can assure you that this documentation issue has been addressed.

As set forth above, OCFS rejects the findings in the OIG's Draft Audit Report, both in how information was obtained, and how it was evaluated. The records show that appropriate steps were taken to protect the health and safety of the foster children in the cases reviewed. For the reasons set forth above, the findings of the Draft Report need to be amended. Please contact Laura Velez at (518) 474-3377 or e-mail to Laura.Velez@ocfs.ny.gov for additional inquiries or information.

Sincerely,



Laura M. Velez
Deputy Commissioner
Division of Child Welfare and Community Services

Analysis of Sample Allegations - 24 Hour Contact

Sample #	Date & Time SCR Report Received	24 Hour Contact Made Progress Note entry
26	3/14/2015, 12:52AM	A Home visit was made on 4/14/2015. All children were observed. Spoke with law enforcement and other adults.
27	2/17/2015, 2:48PM	Telephone contact was made with the source on 2/17/2015.
39	1/17/2015, 1:06 PM	A Home visit was made on 1/17/2015. All children observed.
62	1/17/2015, 1:06 PM	A Home visit was made on 1/17/2015. All children observed.
70	6/10/2015, 2:36 PM	A Home visit was made on 6/10/2015. Spoke with and/or observed all the adults & children.

Analysis of Sample Allegations-No Notice of Existence within 7 days

Sample Number	Report Date	Progress Note Entry/Event List Entry	Progress Note Date
12	12/8/2014	Event list shows letter generated for both adults	12/9/2014
21	6/19/2015	Progress note -CPSS mailed the NOE to father	6/22/2015
25	5/26/2015	Progress notes shows NOE to all adults in the home	5/29/2015
26	3/14/2015	Event list shows letter generated to two of the three adults, the other adult not living in the home	3/16/2015
33	4/20/2015	Progress note- NOE sent to adult in the home	4/24/2015
100	6/2/2015	Event List shows letter generated for one adult	6/2/2015

Monitoring New York's Foster Care Complaint Resolution Process
For the Period October 1, 2014 through June 30, 2015

Analysis of Sample Allegations - Missing Mandated Reporter Written Report

Sample Number	Report Date	Reporter Information	Mandated Reporter?	Date Contact made with MR	Note
1	2/3/2015	Guidance Counselor	Yes	2/6/2015	
2	3/24/2015	Social Worker	Yes	4/1/2015	Contact attempted 3/31/2015
3	11/26/2014	Other - SCO Family of Services	Yes	12/29/2014	
5	1/26/2015	Community Agency	Yes	1/26/2015	
6	1/15/2015	Social Worker	Yes	1/16/2015	
8	1/23/2015	Yes, DSS Worker	Yes	1/23/2015	
10	2/24/2015	Community Agency	Yes	2/24/2015	
12	12/8/2014	Social Worker	Yes	12/9/2014	
14	6/15/2015	Institutional Staff	Yes	6/16/2015	
15	4/29/2015	Social Worker	Yes	4/29/2015	
16	10/24/2014	Social Worker	Yes	11/26/2014	Contact attempted 10/24/2014
17	10/21/2014	Social Worker	Yes	12/18/2014	Contact attempts were made on 10/21/2014 & 10/22/2014
18	11/4/2014	Community Agency	Yes	11/4/2014	
19	3/31/2015	School Personnel	Yes	4/1/2015	
21	6/19/2015	Social Worker	Yes	6/22/2015	Contact attempted 6/19/2015
22	1/14/2015	Court Personnel	No		
23	5/13/2015	Social Worker	Yes	5/13/2015	
25	5/26/2015	Foster Care Case Manager	Yes	5/26/2015	
26	3/14/2015	Law Enforcement	Yes	3/23/2015	
27	2/17/2015	Therapist	Yes	2/17/2015	
29	10/21/2014	Social Worker	Yes	12/18/2014	Contact attempts were made on 10/21/2014 & 10/22/2014
32	6/29/2015	Nurse	Yes	7/14/2015	Contact attempted 7/1/2015
33	3/20/2015	Law Enforcement	Yes	3/20/2015	
34	2/3/2015	Other State Agency	Yes	None made	Contact attempted 2/4/2015. Contact with other collaterals include mother's mental health social work on 3/6/2015 and the doctor at the hospital on 3/6/2015
38	6/12/2015	Social Worker	Yes	6/16/2015	Contact attempted 6/12/2015
39	1/27/2015	Agency Director	Yes	1/27/2015	
40	11/24/2014	Community Agency	Yes	11/25/2014	Contact attempted 11/24/2014
42	12/8/2014	DSS worker	Yes	12/9/2014	
43	5/13/2015	physician	Yes	5/18/2015	
44	12/13/2014	Police Officer	Yes	12/13/2014	
46	2/2/2015	Psychologist	Yes	2/27/2015	Contact attempted 2/2/2015
47	10/12/2014	Social Worker	Yes	10/12/2014	
48	2/10/2015	Nurse	Yes	2/10/2015 with Doctor - source of info.	
51	6/25/2015	Police	Yes	6/25/2015	
52	3/12/2015	Community Agency	Yes	3/12/2015	
53	4/20/2015	Community Agency	Yes	4/20/2015	
54	12/4/2014	Psychologist	Yes	1/12/2015	Contact attempts were made on 12/4/2014 & 12/5/2014
55	10/16/2014	Law Enforcement	Yes	10/16/2014	
56	6/19/2015	Community Agency	Yes	6/22/2015	Contact attempted 6/19/2015
57	11/3/2014	Community Agency	Yes	11/3/2014	
58	2/4/2015	Social Worker	Yes	2/4/2015	
60	10/16/2014	School Personnel	Yes	not made	Contact attempted 10/16/2014, 10/17/2014 (twice), 10/20/2014, & 10/22/2014. A message was left each time. Collateral contacts were made with child's case planner on 10/17/2014, a neighbor on 10/20/2014, and law enforcement on 10/22/2014
62	1/27/2015	Agency Director	Yes	1/27/2015	
63	6/10/2015	Community Agency	Yes	6/12/2015	Contact attempts were made on 6/10/2015 & 6/11/2015
64	5/21/2015	physician	Yes	5/22/2015	
65	4/22/2015	Social Worker	Yes	4/22/2015	
68	12/1/2014	Counselor - Law Enforcement	Yes	12/2/2014	
71	11/12/2014	Child Care Worker	Yes	11/25/2014	Contact attempts were made on 11/19/2014 & 11/24/2014
73	11/19/2014	Social Worker	Yes	12/4/2014	
74	2/12/2015	School Personnel	Yes	2/13/2015	
75	10/20/2014	Community Agency	Yes	10/21/2014	
76	5/29/2015	Other State Agency	Yes	7/15/2015	Contact attempts were made on 5/29/2015 & 6/15/2015
77	12/9/2014	Community Agency	Yes	12/17/2014	Contact attempted 12/10/2014

Monitoring New York's Foster Care Complaint Resolution Process
For the Period October 1, 2014 through June 30, 2015

Analysis of Sample Allegations - Missing Mandated Reporter Written Report

Sample Number	Report Date	Reporter Information	Mandated Reporter?	Date Contact made with MR	Note
78	12/22/2014	DSS Worker	Yes	12/22/2014	
79	5/5/2015	Police Officer	Yes	5/5/2015	
80	10/7/2014	Law Enforcement	Yes	11/17/2014	
81	4/13/2015	Therapist	Yes	4/13/2015	
82	11/14/2014	DSS Worker	Yes	11/14/2014	
83	6/23/2015	Social Worker	Yes	9/14/2015	
86	1/26/2015	Community Agency	Yes	1/26/2015	
87	12/24/2014	Social Worker	Yes	12/26/2014	
88	11/24/2014	Social Worker	Yes	11/24/2014	
89	5/28/2015	Social Worker	Yes	5/28/2015	
91	12/15/2014	Community Agency	Yes	12/16/2014	Contact attempted 12/15/2014
94	2/26/2015	Social Worker	Yes	2/27/2015	
96	11/12/2014	Community Agency	Yes	11/12/2014	
97	12/11/2014	Community Agency	Yes	12/11/2014	
98	11/20/2014	Other State Agency - DOH inspector	No		
100	6/2/2015	Guidance Counselor	Yes	not made	Contact attempts were made on 6/2/2015, 6/3/2015, & 7/15/2015. Collateral contact made with the child's caseworker on 7/13/2015 and the agency nurse on 7/15/2015.