

**Nassau County
Office of the Comptroller**



**Audit of the Department of Social Services'
Children's Services Foster Care Operations**

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Executive Summary

Introduction

The mission of Children’s Services is to provide a safe and nurturing environment for children through placement in a foster setting. Children will remain in foster care until their parents are able to care for them or will be placed in a permanent family in accordance with Federal and State Laws. Foster care is intended to be a short-term situation for a child until a permanent placement can be made. The goal is to reunite the child with their biological parent(s) or other family, or if it is in the child’s best interest, to place the child in adoption (in accordance with the Adoption and Safe Families Act)¹.

Purpose

The purpose of our review of the Department of Social Services’ Children and Family Services Unit (“Children’s Services”) was to determine whether foster care services were effectively and appropriately performed and if children were adequately monitored as required by Federal and State laws and regulations. We reviewed the Children’s Services’ operations for compliance with applicable Federal and State Laws and Regulations.

Summary of Significant Findings:

- caseworkers did not make all required contacts with children, biological parents and foster parents as required by New York State Law²;
- at various points during the audit period, some caseload levels exceeded the limits recommended by the New York State Office of Children and Family Services;
- twenty nine percent of case documents were not entered into the New York State Connections system³ within the seven day requirement⁴;
- field logs are not adequately maintained to account for caseworker time in the field and details of time spent with children;
- DSS contracted with a foster care service provider without a New York State aid rate determination, as required for State reimbursement, which resulted in a non-reimbursable expense of at least \$21,314;
- DSS used a foster boarding home that was not recertified in a timely manner resulting in a loss in Federal funding of at least \$2,266 to the County, but more importantly, may have been a safety risk to the child housed there; and

¹ Adoption and Safe Families Act of 1997, Public Law 105-89 105th Congress.

² New York State Codes, Rules and Regulations, 18NYCRR, section 441.21. Casework contacts and Title IV-B, Subpart 1 of the Social Security Act, section 422(b) (17) that requires that foster children are contacted on a monthly basis.

³ New York State Connections system maintains all foster care records.

⁴ Children’s Services Foster Care Program Overview Manual requires case documents to be entered in Connections system within seven days.

Executive Summary

- movement forms were not entered on a timely basis which can result in payments to more than one service provider for the same child.

Summary of Significant Recommendations:

DSS should ensure that:

- monthly caseworker contact with children, caregivers and biological parents are made and documented in the New York State Connections case record⁵;
- foster care caseworkers' caseloads achieve the goal of 11-12 children per caseworker per month as recommended by the New York State Office of Children and Family Services;
- case documents are entered into the New York State Connections system on a timely basis;
- standardized field logs are used and completed to account for caseworker time spent in the field and details of time spent with children;
- contracts with service providers that have established Maximum State Aid Rates to ensure payments made to providers are eligible for State reimbursement; and
- movement forms are processed and entered into the system on a timely basis to eliminate any duplicate payments to service providers.

The matters covered in this report have been discussed with officials of the Department of Social Services. On April 3, 2013, we submitted a draft report to the Department of Social Services for its comments. The Department of Social Services' comments and our responses to those comments are included as an Appendix to this report.

⁵ Progress notes document contact visits in the Connections system (maintains all foster care records).

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Introduction

Background

The Department of Social Services' Children's Services provides foster care services to children who are abused, neglected, and need a safe place to live in accordance with Federal and State Laws. Children are provided a temporary living arrangement when their parents or another relative cannot take care of them. Often their families face issues such as illness, alcohol or drug addiction, or homelessness.

When a child is placed in a foster home or institution, the law requires a monthly caseworker contact with the child (face to face) to ensure the child's safety and well-being.⁶ Caseworker contact with the foster mother and biological parents are also required on a monthly basis.⁷ These contacts are required to be recorded in the Connections⁸ system case notes⁹ to comply with New York State Office of Children and Family Services requirements and with the Children's Services' policy that requires case documents to be entered within seven days. Federal law requires case documents record the safety, permanency and well-being of the foster child.¹⁰

A caseworker is responsible for assessing the need for services, arranging for the services and the evaluation of services delivered to children in foster care. The purpose of caseworker contacts with the child, biological parents and the foster parents, is to assess whether the child would be safe if they are returned home as well as the potential for future risk of abuse or mistreatment. The contacts are also for guiding the child's parents or relatives towards resolving problems or needs of a social, emotional, or economic nature that contributed to the reasons the child is in foster care.

Foster care expenditures were \$34.0 million for 2010 and \$30.4 million for 2011. In 2010, DSS provided foster care services to approximately 457 children and in 2011, 355 children in 30 institutions and 172 foster boarding homes. For 2010, 568 children were placed in subsidized adoptive homes and 584 children for 2011.

Foster care expenditures by type for 2010 and 2011 are listed below. Expenditures decreased from 2010 to 2011 due mainly to a decrease in Children in Institutions expense of \$2.6 million. The decline was due to a decrease in caseloads from 159 in January 2010 to 92 in December 2011.

⁶ New York State Codes, Rules and Regulations, 18NYCRR, section 441.21. Casework contacts and Title IV-B, Subpart 1 of the Social Security Act, section 422(b) (17) that requires that foster children are contacted on a monthly basis.

⁷ New York State Codes, Rules and Regulations, 18NYCRR, section 441.21(b) and (d), relating caseworker contact with foster child's parent and caregiver.

⁸ NYS Office of Children and Family Services system which maintains all foster care records of assessments and services plans.

⁹ Progress notes document contact visits in the Connections system (maintains all foster care records).

¹⁰ The federal Child and Family Services Improvement Act of 2006 (Public Law (P.L.) 109-288 signed into law on September 28, 2006.

Introduction

Department of Social Services Foster Care Expenditures December 31, 2010 and 2011

Description	Actual 2010 Expenditure	Actual 2011 Expenditure
Children In Institutions-Pins/DSS (1)	\$17,186,678	\$14,547,684
Institutions Juvenile Delinquents (1)	7,964,527	7,817,992
Subsidized Adoptions (2)	4,994,209	4,779,664
Non Secure Detention (2)	1,096,198	621,569
Children in Foster Homes (Non IV-E)	2,028,183	1,873,996
Children in Foster Homes (IV-E) (2)	767,939	758,023
Total	\$34,037,734	\$30,398,928

Source: (1) DSS Contract Management Report.

(2) Nassau Integrated Financial System Organization Summary Inquiry.

Expenses do not include revenue reimbursement from Federal or State.

Foster care is a reimbursable program, in which the County pays for the program cost and then receives reimbursement from the Federal or State government for their share. Reimbursement amounts are based on a child's eligibility for Title IV-E funding.¹¹ The Federal share covers 50%, State 25% and the County 25% of the eligible cost.

Children's Services must perform at least 90% of all required contacts annually to meet the Federal government's 90% benchmark test to receive Federal funding. The benchmark calculation for 2010 to 2011 was based on the total number of cases that met the required contacts divided by the total number of cases for the period.

The cost to provide foster care services to children who relocate out of state and continue to be in the custody of the Department of Social Services Children's Services is paid by Nassau County, unless the State to which the children relocated agrees to pay for the services provided.

When a child is absent from a home or institution without consent, the service provider is paid for only seven days from when the child is reported missing.¹²

¹¹ Title IV-E of the Social Security Act (42 U.S.C. §§ 671-679b) as amended, provides for Federal funding of a portion of foster care maintenance and certain related administrative cost for children who meet the Title IV-E eligibility requirements (child age under 18; child is a citizen of the United States; court order to remove child or voluntary placement agreement; the initial court order stipulates that continuation in the home would be contrary to the welfare/best interest of the child; court order stipulates reasonable efforts to prevent removal of child from the home; child living with a specified relative; was there parental deprivation and is the child financially eligible based on family's income).

¹² New York State Law, Codes, Rules and Regulations 18 NYCRR 628.3(a)(4)(vi).

Introduction

Review Scope, Objective and Methodology

We obtained the Federal and New York State laws and the foster care written policies and procedures and interviewed staff personnel to determine and evaluate the following:

- if the children in foster care are receiving the best possible care and services, in accordance with Federal and State regulations;
- if the foster care caseworkers are providing the required number of site visits;
- if DSS' Children's Services is in compliance with eligibility and certification requirements and that movement forms are processed timely; and
- if there are controls in place to facilitate the timely transfer of costs to the new locality when foster children are relocated outside of Nassau County.

We also obtained and compared costs incurred by other counties such as Suffolk and Westchester County and any other statistical information on the foster care program from the New York State Department of Social Services (Suffolk and Westchester Counties did not provide sufficient foster care cost and statistical information and therefore a comparative analysis could not be performed).

We followed up on the review of regular service and maintenance foster care payments referred by Vendor Claims, which disclosed that duplicate foster care payments had taken place.

Our review covered the period January 2010 to December 2011.

Findings and Recommendations

Audit Finding (1)

Children's Services Caseworkers are not Making the New York State Required Contact (Visits) Placing Children at Risk

New York State Laws¹³ require caseworkers to have at least one contact (face to face) with the foster child on a monthly basis in order to ensure the child's safety and well-being. Our sample of 24 cases for the period October 1, 2010 to September 30, 2011 required 242 child contacts and found 45 instances (19%) where caseworkers did not make the required contact visits. Of the 45 instances of missed contacts, 25 were not performed because the children were absent from the home or institution without consent ("AWOL") leaving a net missed contacts of 8% for Nassau's children in foster care.

In addition to child contact visits, New York State law requires that caregiver and biological parental contacts be made on a monthly basis. We found that in 217 caregiver contacts¹⁴ tested, there were 32 instances (15%) of missed caseworker contacts and in the 142 biological parental contacts¹⁵ tested, there were 35 instances (25% of missed contacts).

We also noted in our review that there were instances where caseworkers made several additional contacts with children that were hospitalized or needed special care.

Audit Recommendations:

Children's Services should ensure that caseworkers do not miss their required monthly contacts with children, caregivers and biological parents.

Audit Finding (2):

Caseload Limits are Exceeded Placing Children's Safety and Well-Being at Risk

In order to ensure children in foster care are receiving the best possible care, the New York State Office of Children and Family Services recommended that a foster care worker's optimal caseload be no more than 11-12 children.¹⁶ Limits on the caseworker load are to ensure time:

- for proper monitoring of children at foster placements;
- to work with the biological parents or relatives to return the children to their homes; and
/or
- to free the child for adoption.

¹³ New York State Codes, Rules and Regulations, 18NYCRR, section 441.21 and Title IV-B, Subpart 1 of the Social Security Act, section 422(b) (17) requires that foster children are contacted on a monthly basis.

¹⁴ Total caregiver contacts were adjusted to exclude child absent without consent contacts.

¹⁵ The number of contacts with biological parents had been adjusted due to parents that abandoned or surrendered their children for adoption, death of parents or parents were drug addicts.

¹⁶ New York State Office of Children and Family Services, *New York State Child Welfare Workload Study*, dated November 2006, page xi.

Findings and Recommendations

We reviewed the Foster Children Contact Summary Report for the period October 1, 2010 to September 30, 2011 to ensure compliance with the New York State Office of Children and Family Services recommendations limiting caseworker loads. We found 11% (4 out of 38) of the caseworkers with instances where their caseloads were in excess of 12 children.

A second request was made on March 14, 2013 for a copy of the most recent “Connections System Generated Caseload List” that management is currently using to monitor caseloads. On March 19, 2013 we received an Excel report which indicated March counts for 233 children with 35 case workers. This indicates only one case worker was over the limit with 14 cases.

The overload of cases for caseworkers seriously undermines the effectiveness of their work to provide adequate services to the children and families they serve. Children’s safety and well-being are at risk when caseworkers have excessive caseloads and are not able to adequately monitor the care provided to children.

Audit Recommendations:

Children’s Services should ensure that foster care caseworkers’ caseloads do not exceed 11-12 children at any one time as recommended by New York State Office of Children and Family Services (“NYS OCFS”).

Audit Finding (3):

Twenty Nine Percent of Case Documentation Tested was not Entered Within the Seven Day Requirement of Children’s Services

Monthly contacts are required to be documented in the New York State Connections system which maintains all foster care records. We reviewed case documents¹⁷ for 24 cases and noted that the contact information was entered late and also that contacts were not always properly documented as required by the Children’s Services Foster Care Program Overview Manual. The Program Manual requires contact visits be entered into case documents within seven days of the visit.

Our review of the case documents for contacts (visits) to children, foster parents, biological parents and attempted absent without consent contacts with children, noted the following:

- 164¹⁸ instances (29%) were not entered within the seven day requirement; and
- 128 instances (23%) were missing the time of day of the contact.

¹⁷ Progress notes document contact visits in the Connections system (maintains all foster care records).

¹⁸ Total number of actual children, foster parents and biological parental contacts (visits) and attempted contacts totaled 566 for the 24 cases.

Findings and Recommendations

Audit Recommendations:

Children's Services should ensure that case documents are entered on a timely basis and contact visits are properly documented.

Audit Finding (4):

Field Log Documentation is Frequently Incomplete and Missing

Field logs should be used by caseworkers to account for their time out of the office, and to gather case information about case contacts with children, biological parents and foster parents. However, we found Children's Services did not have written field log procedures and that many field logs were missing, incomplete and had no standardized format.

We compared the case documents to caseworker field logs for 24¹⁹ cases and found the following:

- 118 logs (22%) were missing - there were no field logs for contact visits that were recorded in the Connections system;
- 53 logs (10%) did not specify the time spent with client, did not note the time the caseworker returned to the office, contact visit dates did not agree to case document dates, and field log formats lacked standardization; and
- 6 had field log contact visits that were not recorded in the Connections system.

One field log had listed a contact with a child but the case document stated the contact had been cancelled due to a snowstorm.

A second examination of field logs was performed of 35 caseworkers' field logs in February 2012, again to determine if caseworker contacts were properly documented on the field logs and entered in the Connections system. We selected a random sample of 77 contacts from the field logs and again found the following:

- 53 (69%) were incomplete; and
- 23 (30%) had field log contacts visits not recorded in the Connections system or had the time of the contact missing.

Audit Recommendations:

DSS should account for caseworkers' time in the field and the accuracy of documentation by:

- a) instituting a standardized format for caseworker field logs with written procedures to properly document and maintain field log records. Procedures should indicate who was seen, the time spent with the client, the time the caseworker left and returned to the

¹⁹ There were a total of 547 actual contact visits to children, foster parents and biological parents made for the 24 cases.

Findings and Recommendations

office. This would allow for proper supervisory review and accounting of caseworker time; and

- b) ensuring data collected in the field is accurately entered into the Connections system.

Audit Finding (5):

DSS Contracted With a Provider Without the Required New York State Maximum State Aid Rate Resulting in a Loss of Reimbursement of At Least \$21,314

DSS contracted with a service provider that had the corporate authority to board children but did not establish a Maximum State Aid Rate from the State. Approved service providers are paid a rate²⁰ set by the State and the payments to these providers are state reimbursable. Because this vendor was not registered with the state, this resulted in non-reimbursement of at least \$21,314²¹ for the County in 2011. We could not determine the total loss for prior years since DSS did not retain the records. Both New York State and County retention policies require financial records be retained for six years.²²

The service provider was paid a set rate based on a contract with Nassau County but the provider appeared on a New York State Non-Reimbursable Expenditure report.²³ The New York State OCFS states the service provider needs to establish a Maximum State Aid Rate with the state before any reimbursement can be made.

As of June 2012,²⁴ DSS had not taken any steps to ensure that the service provider obtained the required Maximum State Aid Rate from the state. The service provider may have violated the contract with the County²⁵ when the agency warranted it had the necessary licenses, approvals and certifications required by the municipality, state or federal laws²⁶ to provide foster care services.

²⁰ Maximum State Aid Rate paid to approved foster care service providers.

²¹ Payments from December 31, 2010 to December 31, 2011.

²² The State Archives, State Education Department, *Records, Retention and Disposition Schedule CO-2*, 1990, revised 2006.

²³ The report lists possible duplicate payments and administrative errors on maximum state aid rates and level of difficulty rates which are reviewed monthly and resolved by DSS' Fiscal Department with the assistance of Children's Services.

²⁴ The Fiscal Department did not know how many years the service provider was listed on the Service Non-Reimbursable Expenditure reports.

²⁵ Contract between You Gotta Believe and Nassau County: Section 3.2 – Scope of Services.

²⁶ Provide foster care services in accordance with standards prescribed by New York State Office of Children and Family Services, Article 6 of the Social Services Law: 18 NYCRR Pars 427,428,430,431 and 441-451.

Findings and Recommendations

Audit Recommendations:

DSS should:

- a) not be utilizing service providers that do not have the required Maximum State Aid Rate. All service providers should be in compliance with the County contracts before payments are made and children are placed at these facilities;
- b) resolve the deficiencies listed on the monthly New York State Non-Reimbursable Expenditure reports to ensure that payments to providers are reimbursed by the State; and
- c) ensure all records are retained for six years for future review as required by New York State and County record retention policies.

Audit Finding (6):

DSS Placed Children in Foster Homes without Current Certifications, May Risk the Safety of the Children and Causing a Loss of Funding

Certifications of foster boarding homes and institutions are required by New York State Law²⁷ to maintain eligibility for Federal funding (Title IV-E),²⁸ and to ensure the child's safety.

We reviewed 24 foster care cases to verify that the foster boarding homes or institutions had certificates to board children. We found one foster care case had a lapse in the recertification of the foster care boarding home for five months, which caused the suspension of Federal funding of approximately \$2,266. The child's safety may have been at risk when fingerprinting of individuals living in the same home was delayed.

We attempted to calculate the total losses due to suspension in Federal funding but were informed by Children's Services that these reports had not been retained. Records are required to be retained for six years as required by New York State.²⁹

We reviewed twelve foster care cases for Federal funding eligibility. Our review noted that six met the required eligibility criteria and there were six³⁰ non-approved cases. We could not conclude whether the cases not approved for Federal funding had met the eligibility requirements, since the documents were either not collected or not retained in the files as required by the State.³¹

²⁷ New York State Codes, Rules and Regulations 18NYCRR Part 443.

²⁸ Title IV, Part E of the Social Security Act (Title IV-E) and Title 45, Part 1356 of the Code of Federal Regulations (45 CFR 1356) provides Federal funding for the maintenance and administrative costs of eligible children in foster care.

²⁹ The State Archives, State Education Department, *Records, Retention and Disposition Schedule CO-2*, 1990, revised 2006.

³⁰ The six not approved cases included one Baby Doe (child abandoned) and two adoptive cases (records are sealed).

³¹ The State Archives, State Education Department, *Records, Retention and Disposition Schedule CO-2*, 1990, revised 2006.

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The placement of children into homes without current operating certificates may put children at risk. The certification regulations are to ensure that there is oversight over the placement facility and that it can provide the proper care and safety for a foster child, and should be adhered to by DSS.

Audit Recommendations:

Children's Services should:

- a) maintain current New York State Office of Children and Family Services' Operating Certificates;
- b) establish a policy addressing foster boarding homes that are not recertified due to fingerprinting or unavailability of a family member to meet with the home inspector. This policy should also spell out when the child should be placed at another home to ensure their safety and avoid suspension of federal funding; and
- c) retain the lapse in certification reports and the Title IV-E eligibility support documents for future audit and review as required by New York State.

Audit Finding (7):

Frequent Delays in Submitting Movement Forms Risk Duplicate Payments

The delayed entry of movement forms into the Welfare Management System ("WMS")/Benefits Issuance and Control System ("BICS") is a major cause of duplicate foster care payments. When a child is moved from a foster care institution or boarding home to another service provider, a movement form is completed by the caseworker to ensure payment to the correct service provider.

We reviewed the Movement report³² listing the data entry of movement forms for 24 cases for the period 2010 to 2011. We found that 13 of the 29 movement form entries (45%) were not entered timely and the delays ranged from 16 to 64 days after the actual movement date. We could not review the actual movement forms³³ that are prepared by caseworkers approved by supervisors and stamped dated by the Systems Support when entered into the system, since they were not retained by Children's Services. Records are required to be retained for review for six years as required by New York State.³⁴ Therefore, we could not determine whether delays in processing movement forms were caused by untimely submissions by caseworkers or delays in data entry of the forms.

³² Report listing child identifier number, case number, placement, date of placement from the WMS/BICS system.

³³ CCRS (Child Care Review System) Movement/ Activity Form used to document the placement of a child at an institution or boarding home.

³⁴ The State Archives, State Education Department, *Records, Retention and Disposition Schedule CO-2*, 1990, revised 2006.

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We also reviewed 19³⁵ cases where the children were absent from the home or institution (AWOL) without consent. In these cases, service providers are allowed to be paid for 7 days after the child is reported missing. We found one overpayment of \$1,129.

We spoke with the Fiscal Department³⁶ and the System Support³⁷ staff about our previous review of duplication of foster care payments referred to the audit unit by Vendor Claims. The Fiscal Department has noticed that the duplicate payments to institutions have decreased by approximately 40% and there are only about 20 instances every month listed on the Pre-Roster³⁸ list where adjustments³⁹ have to be made. Children's Services had instituted a procedure to remind caseworkers on a weekly basis to submit movement forms for children that were moved to different homes or institutions.

Audit Recommendations:

Children's Services should:

- a) retain actual movement form documents as required by New York State and ensure movement forms are submitted on a timely basis to safeguard that payments to service providers are not duplicated; and
- b) perform a review of the monthly Pre-Roster payment list to ensure duplicate payments to service providers are not made.

Audit Finding (8):

Home Placement, Tuition and Clothing Authorizations were not made Timely in Violation of New York State Law

Services provided to a child in foster care such as placement, tuition, clothing, etc. are required to be authorized and recertified every six months as required by New York State Law.⁴⁰ Any delays in authorizations could affect the services and care to the children.

Twenty of 61 service provider authorizations (33%) for the twelve foster care cases reviewed noted that authorizations⁴¹ for the period 2010 and 2011 were not entered on a timely basis. Delays in authorizations affect timely payments to service providers and may result in services

³⁵ A total of 48 cases that had missed contacts were reviewed.

³⁶ The unit reviews and processes institutional foster care claims and all check payments.

³⁷ The unit reviews and processes foster boarding home claims.

³⁸ A list of all foster care institutions to be paid that provided services to children in foster care. Approximately 400 cases totaling approximately \$40,000 are on the monthly Pre-Roster.

³⁹ A child is authorized and placed at one facility for a time period in the WMS/BICS, but was placed at another facility. The Fiscal Department e-mails Children's Services to resolve discrepancies and adjustments are made to the Pre-Roster list.

⁴⁰ New York State Codes, Rules and Regulations 18 NYCRR 404.1(d) (2) (i).

⁴¹ Transaction Disposition History report from the WMS/BICS system, list the child's name, case number authorization number, authorization period and transaction date for the authorization of services for a child in foster care.

Findings and Recommendations

and care being delayed or not provided to children. The type of services authorized was not provided by Children's Services. The delays were as follows:

- 13 service authorizations (21%) were entered 20 to 50 days after the beginning date of the authorization period; and
- seven service authorizations (12%) were entered 51 to 87 days after the beginning date of the authorization period.

Audit Recommendation:

Authorizations for foster care services should be entered into the system on a timely basis to ensure operations are being performed efficiently and services to children are provided and not delayed.

Audit Finding (9):

Written Operating Procedures for Foster Care Services are not Available

Written policies and procedures are an important component of an organization's internal control environment; they establish and communicate to staff the manner in which to conduct the day-to-day operations of the organization. Children's Services employees rely on the manuals and regulations of the New York State Office of Children and Family Services⁴² for guidance in administering foster care services. The NYS OCFS manual does not cover DSS' Children's Services internal foster care daily operational procedures.

Children's Services does not have written policies or procedures for its daily processing:

- entering movement forms (DSS has instructions to complete movement forms but the processing details are not documented);
- the authorizations of provider services into the New York State Welfare Management System/Benefits Issuance and Control System (Children's Services Program Overview Manual refers to the NYS OCFS Standards of Payment Manual but did not state the detail step by step process of how to create a payment line on WMS or to request a single issue to a service provider); and
- standardization of field logs.

Daily workflow procedures are not documented and disseminated to staff to ensure operations are efficiently maintained.

⁴² Children's Services uses the New York State Office of Children and Family Services *Standards of Payment for Foster Care of Children Program Manual*, August 2006.

Findings and Recommendations

Audit Recommendations:

Children's Services should develop and disseminate written foster care procedures for processing and reviewing of field logs, movement forms and the authorizations of provider services.

Audit Finding (1)

Children’s Services Caseworkers are not Making the New York State Required Contact (Visits) Placing Children at Risk

New York State Laws require caseworkers to have at least one contact (face to face) with the foster child on a monthly basis in order to ensure the child’s safety and well-being. Our sample of 24 cases for the period October 1, 2010 to September 30, 2011 required 242 child contacts and found 45 instances (19%) where caseworkers did not make the required contact visits. Of the 45 instances of missed contacts, 25 were not performed because the children were absent from the home or institution without consent (“AWOL”) leaving a net missed contacts of 8% for Nassau’s children in foster care.

In addition to child contact visits, New York State law requires that caregiver and biological parental contacts be made on a monthly basis. We found that in 217 caregiver contacts tested, there were 32 instances (15%) of missed caseworker contacts and in the 142 biological parental contacts tested, there were 48 instances (34%) of missed contacts.

We also noted in our review that there were instances where caseworkers made several additional contacts with children that were hospitalized or needed special care.

DSS Response:

The auditors were presented with the OCFS report of Nassau County DSS casework contacts for the period of 10/1/10-9/30/11. The report documented that NCDSS was in compliance with exceeding the benchmark for casework contact set by the Federal Government for children in foster care. The report included the cases with missed contacts, which the auditors utilized as 1/3 of their audit sample. The missed contacts that NCDSS was held accountable for included older AWOL youth who DSS attempted acceptable diligent efforts with, as well as JD youth for whom NCDSS is not responsible, as those youth are in the custody of New York State Office of Children and Family Services. Despite having these JD and AWOL “missed contacts” included in our contact percentage by New York State, NCDSS was still able to exceed the Federal Benchmark of 90% compliance, for the audit period: 10/1/10-9/30/11. Most recently, NCDSS was at 94.8% compliance with face to face contacts of youth in foster care for FFY 2012:10/1/11-9/30/12.

Regarding the audit sample of 24 children, successful contacts were made 95.27% of the time with applicable children. Two children were removed from the sample because they were AWOL for the entire period of the audit and could not be contacted and one child who was over 18 residing out of state was also removed. ICPC will not enforce face to face contacts with youth over age 18 living out of state, as most states do not keep children in care past the age of 18.

Regarding the audit sample of the caretakers of the 24 children, successful contacts were made with 92.30% of the caretakers. The caretakers of two AWOL children were

removed from the sample as AWOL children do not have a caretaker to have contact with, as was the caretaker of the child over age 18 living out of state, as ICPC will not enforce contact with the caregiver of a child over the age of 18. One additional child who resides out of state in an RTC was also removed from the caretaker contact %, as contact occurs via the residential center and contacts with the residential staff occur via email and telephone.

Regarding the audit sample of contacts with the bio parents of the 24 children, successful contacts and attempted contacts with applicable parents were made at the rate of 70.46%. We removed parents whose rights were terminated, whose whereabouts were unknown, an AWOL teenage parent and deceased parents from these calculations. Attempted face to face contacts with birth parents meet the requirements for diligent efforts with parents who have children in foster care. A LDSS is not held responsible for parents who refuse contact, miss scheduled appointments or fail to comply with the service plan set forth by the local district.

Auditor’s Follow-up:

Our findings of 8% net missed contacts with children and 15% with caregivers excluded AWOL children and the child who was 18 years old living out of state. Our findings with biological parents were adjusted to 25% to exclude a parent who was also in foster care who was AWOL and a parent who was wanted by authorities. We reiterate our recommendation that Children’s Services ensure all required monthly visits to children, caregivers and biological parents are made.

Audit Finding (2):

Caseload Limits are Exceeded Placing Children’s Safety and Well-Being at Risk

In order to ensure children in foster care are receiving the best possible care, the New York State Office of Children and Family Services recommended that a foster care worker’s optimal caseload be no more than 11-12 children. Limits on the caseworker load are to ensure time:

- for proper monitoring of children at foster placements;
- to work with the biological parents or relatives to return the children to their homes;
- and/or to free the child for adoption.

We reviewed the Foster Children Contact Summary Report for the period October 1, 2010 to September 30, 2011 to ensure compliance with the New York State Office of Children and Family Services recommendations limiting caseworker loads. We found 16% (6 out of 38) caseworkers with caseloads in excess of 12.

The overload of cases for caseworkers seriously undermines the effectiveness of their work to provide adequate services to the children and families they serve. Children’s safety and well-being are at risk when caseworkers have excessive caseloads and are not able to adequately monitor the care provided to children.

DSS Response:

The caseworkers who were cited as having more than the recommended number of children exceeded the recommendations by one, two, or three children, during any given month in the audit period. The caseworkers who had more than 12 children on their cases had sibling groups that they were responsible for which would not be split to accommodate an artificial cutoff of 12 children. In addition, although a caseworker may have had a period of time with more than 12 children during the audit period, the average caseload of all caseworkers in the sample never exceeded 12 cases during the 12 month audit cycle. The averages were 10.41 children, 9.75 children, 10 children, 10.5 children, 9.41 children and 11.50 children. Caseworkers form meaningful relationships with children and families and the relationships are key to the children and families successfully completing goals and achieving timely permanency. There is no data to support that the safety and wellbeing of children was at risk due to a caseworker having a caseload that exceeded 12 children at any given time period.

Auditor’s Follow-up:

The New York State Office of Children and Family Services Guideline to limit caseworkers’ caseloads to 12 children at any one time was designed to ensure children are adequately cared for and monitored, and DSS should monitor compliance with the guideline.

Audit Finding (3):

Twenty Nine Percent of Case Documentation Tested was not Entered Within the Seven Day Requirement of Children’s Services

Monthly contacts are required to be documented in the New York State Connections system which maintains all foster care records. We reviewed case documents for 24 cases and noted that the contact information was entered late and also that contacts were not always properly documented as required by NYS OCFS and the Children’s Services Foster Care Program Overview Manual. The Program Manual requires contact visits be entered into case documents within seven days of the visit.

Our review of the case documents for contacts (visits) to children, foster parents, biological parents and attempted absent without consent contacts with children, noted the following:

- 164 instances (29%) were not entered within the seven day requirement; and
- 128 instances (23%) were missing the time of day of the contact.

DSS Response:

New York State OCFS Regulations do not require that progress notes be entered within 7 days. The 7 day policy is an internal policy meant to achieve contemporaneous documentation of progress notes. NYS OCFS allows for progress notes to be entered

on a case for the life of the case and to be changed for a period of up to 20 days. While there were several instances of progress notes not being entered timely, the vast majority was entered within 7 days. There is no NYS OCFS regulation which states that a time of contact must be entered.

Auditor’s Follow-up:

Notes made closer to the time of the visit will more accurately detail the visit and comply with the Children’s Services’ policy to be documented in the system within 7 days. We cannot understand why entering the time of the visit is optional, as that information could become critical regarding the child and offers some accountability for the caseworkers’ whereabouts when not in the office.

Audit Finding (4):

Field Log Documentation is Frequently Incomplete and Missing

Field logs should be used by caseworkers to account for their time out of the office, and to gather case information about case contacts with children, biological parents and foster parents. However, we found Children’s Services did not have written field log procedures and that many field logs were missing, incomplete and had no standardized format.

We compared the case documents to caseworker field logs for 24 cases and found the following:

- 118 logs (22%) were missing - there were no field logs for contact visits that were recorded in the Connections system;
- 53 logs (10%) did not specify the time spent with client, did not note the time the caseworker returned to the office, contact visit dates did not agree to case document dates, and field log formats lacked standardization; and
- 6 had field log contact visits that were not recorded in the Connections system.

One field log had listed a contact with a child but the case document stated the contact had been cancelled due to a snow storm.

A second examination of field logs was performed of 35 caseworkers’ field logs in February 2012, again to determine if caseworker contacts were properly documented on the field logs and entered in the Connections system. We selected a random sample of 77 contacts from the field logs and again found the following:

- 53 (69%) were incomplete; and
- 23 (30%) had field log contacts visits not recorded in the Connections system or had the time of the contact missing.

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DSS Response:

A field log redesign occurred in 10/10 and the new form was sent out to all units with a comprehensive policy on 10/29/10. It has been discussed in unit meetings, supervisor’s meetings and in staff meetings and is contained in our Children’s Services Manual. A reminder was again sent on 1/8/13, as a result of the audit findings and the policy will be reiterated at a Supervisor’s meeting on 1/15/13 as well.

Auditor’s Follow-up:

We agree with the corrective actions taken by Children’s Services to standardize field log formats and to ensure logs are completed and properly documented.

Audit Finding (5):

DSS Contracted With a Provider Without the Required New York State Approval Resulting in a Loss of Reimbursement of At Least \$21,314

DSS contracted with a service provider that had the corporate authority to board children but did not have an approved foster boarding home program from the State. Approved service providers are paid a rate set by the State and the payments to these providers are state reimbursable. Because this vendor was not registered with the state this resulted in non-reimbursement of at least \$21,314 for the County in 2011. We could not determine the total loss for prior years since DSS did not retain the records. Both New York State and County retention policies require financial records be retained for six years.

The service provider was paid a set rate based on a contract with Nassau County but the provider appeared on a New York State Non-Reimbursable Expenditure report. The New York State OCFS states the service provider needs to establish a foster boarding home program with the State before any reimbursement can be made.

As of June 2012, DSS had not taken any steps to ensure that the service provider obtained the required foster care program approval from the State. The service provider may have violated the contract with the County when the agency warranted it had the necessary licenses, approvals and certifications required by the municipality, state or federal laws to provide foster care services.

DSS Response:

New York State OCFS fully licensed and approved the vendor in question. The vendor is recommended by OCFS for placing older hard to place youth. The vendor is in the process of establishing a Maximum State Board Rate, which was the issue which caused the non-reimbursable expenditure. At no time was the vendor not fully licensed and approved by NYS OCFS. The auditors were provided with copies of the licenses and approval at the time of audit. NYSOCFS provided a letter documenting that the

vendor in question was licensed and approved at all times for hard to place aging out youth.

Auditor’s Follow-up:

We reiterate that DSS should not contract with service providers that do not have the required Maximum State Aid Rate and are complying with County contract requirements.

DSS should also resolve issues with the monthly New York State Non- Reimbursable reports and retain records for six years as required by the New York State record retention policy.

Audit Finding (6):

DSS Placed Children in Foster Homes without Current Certifications, May Risk the Safety of the Children and Causing a Loss of Funding

Certifications of foster boarding homes and institutions are required by New York State Law to maintain eligibility for Federal funding (Title IV-E), and to ensure the child’s safety.

We reviewed 24 foster care cases to verify that the foster boarding homes or institutions had certificates to board children. We found that one foster care case had a lapse in the recertification of the foster care boarding home for five months, which caused the suspension of Federal funding of approximately \$2,266. The child’s safety may have been at risk when fingerprinting of individuals living in the same home was delayed.

We attempted to calculate the total losses due to suspension in Federal funding but were informed by Children’s Services that these reports had not been retained. Records are required to be retained for six years as required by New York State.

We reviewed twelve foster care cases for Federal funding eligibility. Our review noted that six met the required eligibility criteria and there were six non-approved cases. We could not conclude whether the cases not approved for Federal funding had met the eligibility requirements, since the documents were either not collected or not retained in the files as required by the State.

The placement of children into homes without current operating certificates or in a home that exceeds the number of children allowed to be cared for puts children at risk. The certification regulations are to ensure that there is oversight over the placement facility and that it can provide the proper care and safety for a foster child, and should be adhered to by DSS.

DSS Response:

The one foster care case which had a lapse in the certification of the *kinship* foster care boarding home for five months, which caused the suspension of Federal funding of approximately \$2,266, involved the delay in fingerprinting of the foster child’s 19 year

old aunt. The delay in fingerprinting occurred due to the child’s aunt being employed full time, as well as being a full time college student. The delay of the home study also was attributed to the grandmother’s ongoing responsibility to provide medical care to the foster child in question, who is also the granddaughter of the foster mother. The foster child was diagnosed with Progressive Familial Intercolectecia Condition (PFIC) which required frequent medical appointments, the use of a feeding tube and a colostomy bag. Although the delay cost NCDSS \$2,266.00, the child was safely maintained and cared for by a loving kinship foster family who subsequently adopted her. Temporarily removing the child to save the county \$2,266.000 would have emotionally damaged a medically fragile child who was in the custody of NCDSS and would not have been in the child’s best interests.

Auditor’s Follow-up:

We reiterate our recommendation that Children’s Services maintain current Operating Certificates. Regardless of the medical condition of any child, DSS should follow up on required fingerprinting to make sure the home is safe for the children for whom they are responsible. DSS should maintain lapse certification reports and eligibility support documents for review as required by New York State.

Audit Finding (7):

Frequent Delays in Submitting Movement Forms Risk Duplicate Payments

The delayed entry of movement forms into the Welfare Management System (“WMS”)/Benefits Issuance and Control System (“BICS”) is a major cause of duplicate foster care payments. When a child is moved from a foster care institution or boarding home to another service provider, a movement form is completed by the caseworker to ensure payment to the correct service provider.

We reviewed the Movement report listing the data entry of movement forms for 24 cases for the period 2010 to 2011. We found that 13 of the 29 movement form entries (45%) were not entered timely and the delays ranged from 16 to 64 days after the actual movement date. We could not review the actual movement forms that are prepared by caseworkers approved by supervisors and stamped dated by the Systems Support when entered into the system, since they were not retained by Children’s Services. Records are required to be retained for review for six years as required by New York State. Therefore, we could not determine whether delays in processing movement forms were caused by untimely submissions by caseworkers or delays in data entry of the forms.

We spoke with the Fiscal Department and the System Support staff about our previous review of duplication of foster care payments referred to the audit unit by Vendor Claims. The Fiscal Department has noticed that the duplicate payments to institutions have decreased by approximately 40% and there are only about 20 instances every month listed on the Pre-Roster list where adjustments have to be made. Children’s Services had instituted a procedure to

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remind caseworkers on a weekly basis to submit movement forms for children that were moved to different homes or institutions.

DSS Response:

There were several instances of new case openings in the audit findings, which caused the movement forms to be entered between 16 and 64 days after the movement. When Child Protective Services removes a child, they have 60 days to complete the investigation and open the case. Until the case is opened, foster care cannot submit a movement form. Therefore, very few of the movements were late, based on the fact that many of the movements were new case openings. In addition, as it was previously explained to the auditors, there are many instances which require that payment adjustments be made after the fact. Although these adjustments appear as movements, they are neither movements nor are they untimely. They occur as needed. Our review of the 27 movements on the audit sample of 24 cases indicated that 4 were untimely. That reduces the number of untimely movements from 64.29% to 14.81%. The paper movement form is only a data entry sheet and need not be retained. The CCRS system keeps an electronic record of all movements and payment adjustments for the life of any case. In addition, Children’s Services is currently reviewing the Pre-Roster payment list to ensure payments are valid.

Auditor’s Follow-up:

We reiterate our recommendation that Children’s Services ensure the timely submission of movement forms to prevent duplicate payments. Our findings regarding the untimely submission of movement forms found that the majority were for transfers to new facilities and for absences and did not include initial openings of cases.

We agree with the corrective actions taken by Children’s Services in reviewing the Pre-Roster payment list to prevent duplicate payments to service providers.

Audit Finding (8):

Home Placement, Tuition and Clothing Authorizations were not made Timely in Violation of New York State Law

Services provided to a child in foster care such as placement, tuition, clothing, etc. are required to be authorized and recertified every six months as required by New York State Law. Any delays in authorizations could affect the services and care to the children.

Twenty of 61 service provider authorizations (33%) for the twelve foster care cases reviewed noted that authorizations for the period 2010 and 2011 were not entered on a timely basis. Delays in authorizations affect timely payments to service providers and may result in services and care being delayed or not provided to children. The type of services authorized was not provided by Children’s Services. The delays were as follows:

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- 13 service authorizations (21%) were entered 20 to 50 days after the beginning date of the authorization period; and
- seven service authorizations (12%) were entered 51 to 87 days after the beginning date of the authorization period.

DSS Response:

There were no instances in which delays in authorizations affected the services or care provided to children in the custody of NCDSS.

Auditor’s Follow-up:

We reiterate our recommendation that Children’s Services authorize and recertify services to children as required by New York State Law to ensure there are no delays in the care provided to children.

Audit Finding (9):

Written Operating Procedures for Foster Care Services are not Available

Written policies and procedures are an important component of an organization’s internal control environment; they establish and communicate to staff the manner in which to conduct the day-to-day operations of the organization. Children’s Services employees rely on the manuals and regulations of the New York State Office of Children and Family Services for guidance in administering foster care services. The NYS OCFS manual does not cover DSS’ Children’s Services internal foster care daily operational procedures.

Children’s Services does not have written policies or procedures for its daily processing:

- entering movement forms;
- the authorizations of provider services into the New York State Welfare Management System/Benefits Issuance and Control System;
- the certification of foster boarding homes; and
- standardization of field logs.

Daily workflow procedures are not documented and disseminated to staff to ensure operations are efficiently maintained.

DSS Response:

The auditors were presented with a Nassau County DSS Children’s Services Foster Care Manual at the beginning of the audit. The manual is a comprehensive guideline of foster care and related units and is utilized in conjunction with NYS OCFS guidelines. The manual includes the mission statement, foster care basics, legal basis, facts and figures, annual budget, and table of organization, a procedural narrative for foster care, adoption, home finding, the PINS Unit and the RRS Unit, as well as summary reports for

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admissions, discharges and in care statistics. Within the procedural narrative of the RRS Unit as well as within the procedural narrative of foster care procedures, movement forms are covered. Within the procedural narrative of the RRS Unit, the authorizations of the NYS WMS are also covered. The standardization of field logs is contained within the Children’s Services manual and was sent in writing on 10/29/10 and 1/8/13 and covered at Staff meetings and at Supervisor’s meetings.

Auditor’s Follow-up:

The Children’s Services Foster Care Manual is written in general terms and does not describe in detail the specific steps for daily operations and who is responsible for the various tasks. The manual is inadequate since it lacks the detailed steps that are necessary to guide staff who are unfamiliar with the process.