

**The Office of Children and Family Services Response
to the
2007 Report Recommendations of New York State's Citizen Review Panels**

I. INTRODUCTION

The New York State Office of Children and Family Services (OCFS) welcomes this opportunity to partner with the Citizen Review Panels to strengthen both government and community contributions to the health, safety and stability of our vulnerable children and their families.

The New York State child welfare system is one that is highly complex. The system is state supervised and county administered, with a wide array of providers in the area of foster care, prevention and intervention who serve families and children. The state is rich in diversity, and ranges from the very rural to the very urban (for example, Hamilton County has a population of 5,162 vs. New York City with a population of over eight million).

To be successful, the child welfare system must be locally driven to effect change based on the needs identified within the communities that it serves, yet have uniformity and consistency in its values and approach to assessing safety and risk for children, and delivering and monitoring services to families. This is clearly a challenge.

As we view the current state of the system for child protection, prevention, foster care and adoption in New York, there are several fundamental areas that we believe are critical to any discussion about reform or change. **First**, while the child protective system is critical and an invaluable tool for safeguarding the health and safety of children, we must acknowledge that one system cannot ever do this successfully in a vacuum. We must acknowledge the underlying conditions that put families at risk for abuse and maltreatment of children, which must be underscored and considered in any discussion about improving outcomes.

Poverty is a profound underlying condition for many of our families. OCFS believes that policies and programs that address the economic stability of families and young adults are critical in the discussion that shapes the future of child welfare. While poverty is not a cause of child abuse and neglect, it is clearly a contributor.

Second, there is an increasing demand and need for complex treatment services that cross multiple state and local service systems. Our families present with very complex needs including mental illness, substance abuse, alcoholism, developmental delays and low cognitive functioning. Our families experience

violence, both domestic and community. The trauma that results from these experiences cannot be minimized, and the treatment of that trauma becomes the hope that our current children will grow up to be self-sufficient and caring caregivers to their own children.

Finally, we strongly recognize that children of color are disproportionately represented across our system. At every point along the continuum of decision points in child welfare and juvenile justice, the proportion of children of color increases. We are deeply concerned about this issue, and are committed to working with our communities, service providers, and government structures to effect change.

We appreciate the panels' acknowledgment of our efforts, particularly of the focus to promote family engagement, outcome-based strategies, child advocacy centers and multi-disciplinary teams.

These initiatives underscore our commitment to strength-based interventions and to identified outcomes that stabilize the well-being of our children and families. They are testimony to the belief that interventions best occur through cross disciplinary expertise rather than on the shoulders of a single child protective services worker or agency.

As we pilot new strategies, we agree that the evaluation of their strengths and weaknesses is critical to effective implementation and adequate funding. Our ongoing challenge is to balance the needs of direct service, research and evaluation against an ever-limited pool of resources. We welcome input in this regard. We also recognize that we need assistance in developing strategies to "roll out" statewide the pilot demonstrations that indicate good practice on a local level. We encourage you to work with us to create the mechanisms and support needed to replicate small successes into system-wide changes.

As OCFS strengthens its relationship with you, we ask you to support our mission to build strong and lasting partnerships throughout the state and across agencies to maximize limited resources, pool expertise, capitalize on existing management information systems, and share ownership for the challenges that face the children and families who belong to us all.

As we look to improve our policies and practice, we do so in full recognition of the progress, contributions and effort made by our field staff, state and local partners, community agencies, foster care providers, advocates, elected officials, and the families who have negotiated our system with successful outcomes.

The balance of this response starts with the specific recommendation and a brief response.

II. IS IT TIME TO RETHINK OUR CHILD PROTECTION SYSTEM?

Is CPS able to both ensure child safety and support families?

- *65% of reports in 2006 were unfounded, tying up caseworkers who should be doing other work*
- *Poverty is the greatest threat*

The political will to work together to identify best practice in the area of child protective services must be created and sustained. OCFS cannot do this alone, nor would it serve our families and children for us to approach this task unilaterally. We look to strengthen partnership with the Citizen Review Panels in this effort and with other partners including the non-profit sector, community based organizations, sister agencies, the Legislature, the Office of Court Administration, the philanthropic community, and local districts. The agenda for change must be a priority for everyone. It is a priority for OCFS.

OCFS operates within a framework of continuous improvement as demonstrated by recent strategies and initiatives for change. OCFS has just completed an extensive assessment of our services with stakeholders throughout New York State on which to build a shared review of statute, policy and practice as part of the Federal Child and Family Services Review process. The review must be balanced and guided by a process that includes critical thinking and creating improved outcomes.

Clearly, unfounded reports would be an excellent subject for inquiry. Although a large number of CPS reports are unfounded annually, it cannot be said that caseworkers were not appropriately engaged or that families were not served. These interventions may not result in indicated CPS reports, but often act as the intended preventive arm of our child protective system. Our challenge is to engage families as we support them.

Call for a fundamental review of statute, policy & practice.

OCFS offers the following comments with regard to a review of the following areas:

A. Mandated Reporting:

The number of professions required to report has increased without any evidence that it helps children. Instead it discourages parents from seeking medical care or receiving effective counseling. It turns over determination from experienced professionals to new caseworkers. And it is well-documented that many mandated reporters do not report out of a belief that it does not help.

OCFS is not aware of any formal research or documentation that indicates parents are discouraged from seeking counseling or medical care because they are concerned about potential child abuse or maltreatment reports. Nor are we aware

that mandated reporters in New York State do not report out of a belief that it does not help the families they serve.

We agree that effective and accurate mandated reporting is an important part of the child protective process, and would welcome an opportunity to discuss ways to improve the mandated reporting requirements and the framework that provides its context. OCFS has updated the mandated reporter training and has developed the technology for individuals to take the course online as a means to make it more accessible. We are very open to exploring the means to increase the effectiveness of the mandated reporter's role in our collective efforts to strengthen families and keep children safe.

B. Anonymous Reporting:

New York accepts anonymous reports, even though 90% of them are unfounded. The investigations that result from these reports traumatize families and divert investigator's time from serious cases.

Although we agree with the concern, the purpose of accepting anonymous reports is to allow any person with concerns about abuse or maltreatment to make a report without fear of retribution. While we recognize there are limitations inherent in this approach, the public consensus seems to favor the practice. We would be very interested in bringing this topic to the task force and reviewing practice models from other states to determine the most effective way of reporting suspected child abuse or neglect from multiple sources.

C. Investigation:

Too many workers leave to meet with families without planning and with no ability to provide services to the families. Where is our service model?

The primary focus of the child protective caseworker in the immediate stages of the investigation is the safety of the children. Service needs are identified as the investigation proceeds and an assessment of the family is complete. Service plans are determined by the issues that the family presents and the types of services available in a community.

We agree that there should be consistency and uniformity in the approach toward the investigation and service planning. OCFS trains all caseworkers to use a framework that is child centered, family focused, and trauma informed. The tools that workers use to work with a family during a child protective investigation include engagement, establishing trust, and fact gathering to determine whether children are safe and what, if any, assistance the family needs.

As one strategy to promote this, OCFS supports family engagement activities in districts by maintaining family engagement specialists in the regional offices. These individuals are available to counties for training and staff support. And, the New York City Administration for Children's Services now requires family conferencing within 72

hours of a report being made. Many other counties are utilizing this model and other similar family engagement practices as well.

Another strategy that OCFS is piloting in 2008 includes the "Family Assessment" model. This model separates investigations for abuse from assessments for services related to neglect. This approach does not mitigate the critical need for child protective investigations of allegations of serious physical and sexual abuse, or of families with multiple reports where children's safety is in question. We anticipate finding that a well-planned, service-oriented approach for families reported to the State Central Register, in instances where children are assessed to be safe, is better for families. Research from the states where differential response has been implemented and evaluated indicates that families are less likely to have incidences of reoccurrence in child maltreatment reports.

In addition, continued new funding is made available for multi-disciplinary teams, child advocacy centers and the child abuse medical provider programs, which are necessary to create a culture where the investigation minimizes trauma to the child and family.

OCFS clearly supports the philosophy that the best intervention is effective prevention. We would like to see fewer families in need of child protection and child welfare services. We believe in programs that improve economic stability, early parenting education, family support services, housing and treatment services that keep families from reaching a crisis point.

D. Safety: *Safety is a paramount consideration for the system. Unfortunately it is the safety of the caseworker, the supervisor etc...All research agrees that removing children from their homes is harmful to them. We need to acknowledge that we can never prevent all deaths and any system designed to do so will not only fail, it will cause unnecessary suffering to thousands of unthreatened children.*

Safety is the paramount consideration for the system: for children, for families, and for the workforce. We agree that removing children from their homes is traumatic and can cause suffering. The child welfare system must constantly balance the issues of safety of children and the level of intrusion into peoples' lives and their civil rights.

OCFS authors the regulations and many of the laws which require social services districts to work diligently to keep families together, while protecting the safety of children. It is our belief that children should be raised by their families, and it is the expectation of OCFS that local districts work diligently to support parents by providing preventive services. Where a removal from a parent's home is deemed necessary, districts are required to search first for a kinship placement so that children remain connected to family.

Our charge remains to partner across the state, across disciplines and across the public and private sectors to create a proactive foundation of support, not just a reactive safety net, for our children within their own families.

E. Permanency: *The underpinning of NYS's child welfare system is to ignore the primacy of children's attachment to their parent's (but overvalue 'bonding' with foster parents) and elevates permanency to the highest good.*

We disagree with this statement. New York State laws emphasize the need to keep children with their parents or families to the extent possible, while keeping the safety of the children in focus. Federal law (ASFA) and New York State practice models consistently recognize the need for permanency for children and we believe that our laws promote permanency, but not at the expense of the rights of parents. The preferred result is to keep a child with, or safely return a child to, the child's parents whenever possible. This is evidenced by the number of children that come to the attention of the child protective system each year, with only a small percentage admitted to foster care. In addition, we have seen a stabilization of the number of children in foster care over the past five years despite increases in the number of SCR reports.

Financially, OCFS provides over \$600 million in preventive funds to counties and New York City to support families and prevent foster care, with \$142 million added to the 2008-09 budget. This is clear evidence that New York values the parent/child relationship. In addition, OCFS has created the first waiver program in the country for children in foster care with special needs that will assist families with ongoing intensive services that sustain permanency.

We acknowledge that the system can do a better job at engaging the extended families, neighbors, and significant others in a family's life who can be a resource when it is not safe for a child to remain in his or her home. We look forward to working with our local partners to make improvements in this area.

III HOW DATA CAN MAP THE WAY

Evaluation of the State's fulfillment of its Child Protective responsibilities requires a systematic look at CPS practice. Since effective data analysis hinges upon the quality of data collection, the Citizen Review Panels propose continued work with counties around ensuring that information captured is accurate and consistent.

- *Work for continuous improvement in services to children & families*
- *Consider resource deployment, technical assistance and policy recommendation*

OCFS shares the panels' value of continuous improvement based on accurate, timely, and informed data. This is evidenced by the development of the Commissioner's Dashboard, a tool that affords the local commissioners the

ability to look at key performance measures from a broad perspective, but also enables them to drill down into specific measures within their agency and workforce.

In addition, OCFS is constructing a Continuous Quality Improvement (CQI) Unit whose purpose is to create a feedback loop for improved practice and services based on the data that measures performance outcomes. The unit will work through Regional Operations with local districts, to develop an understanding of performance requirements, their relationship to outcomes, the critical need for accurate accounting and the importance of didactic feedback.

The federal Child and Family Service Review (CFSR) conducted a detailed information gathering effort which provided some of the foundation for using data to enhance services. The Child Welfare Information System redesign or CONNECTIONS transformation is also intended to support the ability to accurately gather and retrieve critical data for policy and practice enhancement. Finally, the OCFS Data Warehouse is available to local districts, voluntary agencies, regional offices, and state OCFS staff who need access to management reports and ad hoc reporting of Child Protective Services data from CONNECTIONS.

One of the goals of the Connections transformation is to review and analyze the multiple child welfare data systems currently being operated within the state and streamline their functions into one overall system.

IV. RECOMMENDATIONS

A. SYSTEM RECOMMENDATIONS

i. System Reform:

Form a task force to thoroughly review current laws, policies and practices to assess whether or not changes over the last forty years have indeed led to improvements to child safety, permanency, and well-being and to issue a report with recommendations for reform. Provide adequate funding for the task force to complete its work.

An independent chair should be appointed to lead the task force. The task force should issue its report and recommendations within one year.

OCFS welcomes the opportunity to work with the task force to seek improvements in the child welfare system. We will investigate funding options to support this initiative.

OCFS is committed to a discussion leading to the transformation of the child welfare system by beginning with an objective review of law, policy and practice.

We are further interested in working with a task force whose goal is to realistically affect change and provide a basis for the ongoing health, safety and stability of our children and families.

Full statewide representation is critical, as is a depth of involvement that includes the leaders and stakeholders with knowledge and the ability to influence successful implementation of recommendations. Such stakeholders should include a diverse representation of our system. Examples include but are not limited to, the Council on Children and Families, voluntary agencies, service providers, local districts, the New York City boroughs, youth, families, advocacy groups and our Legislature. OCFS places a high value on inclusiveness in a task force and would actively encourage a culturally diverse representation from across the State.

To begin this process, and in order to create a vision and develop a strategic plan for the task force, it is recommended that the CFSR data provide an initial foundation for engaging stakeholders and to set a design for action. Other sources of data about our system from Vera Institute, Chapin Hall and other research entities could be used to inform the discussion.

It is important to acknowledge the fiscal and legislative limitations that influence child welfare policy and practice in the state, as the work of the task force must be completed within the context of these issues.

OCFS fully supports the recommendation that an independent chair be appointed to lead the task force. Recognizing the enormity of scope for such an undertaking, we would suggest that while a year to complete the task would be optimal, it is unrealistic given the complexity of the system. We propose implementing a strategically planned process that targets critical areas and a longer, though not open ended, time frame.

Periodic report-outs with consideration for legislative and fiscal requirements as well as plans for implementation to inform change and improved outcomes are essential.

ii. Community Child Protection

Continue to develop a system of community child protection throughout the state that: Integrates family prevention services and family engagement strategies;

OCFS is in agreement that a community child protective model is necessary to provide the expertise and synergy needed to meet the challenges facing our vulnerable children and families in New York State.

It is recognized that outcomes could be maximized if the strength of a multi-disciplinary model were used before families were reported for abuse or maltreatment.

OCFS continues to be committed to support and enhance case practice in the area of family engagement, based on the principle that a family who is involved in assessing its needs and developing its own plan is most likely to achieve outcomes of stability, safety and permanency. The Family Engagement strategy has been a systematic approach to impacting front line case practice (see Addendum A). It builds from the development of practice guidance papers, to the dissemination of seed money to enhance the use of family meetings, the out stationing of Family Engagement Specialists to work with frontline caseworkers and supervisors, and the delivery of interactive toolkits to explore beliefs and attitudes as well as develop casework skills.

The following is a short list of models that OCFS has been working with as pilots that support increased family engagement and appear to reduce reoccurring reports of abuse and neglect:

1. OCFS supports and has a relationship with the NYS Kinship Caregiver Program that supports kinship placement and promotes household stability and permanency for those families.
2. The Home Visiting Programs Healthy Families New York (HFNY) is another example of community partnership and programming working with at risk families through regular visiting in the home. HFNY currently operates 39 programs serving 41 high need areas of the state. HFNY offers home-based services to expectant families and new parents, beginning at the prenatal stage or shortly after the birth of the child. The services are easily accessible to isolated at-risk families and are sensitive to cultural and community diversity

The HFNY program was also found to be effective in reducing the use of abusive and neglectful parenting practices among young, first-time mothers who entered the study prior to their child's birth, and for women who showed signs of depression and lacked a sense of mastery.

3. Improved Outcomes for Children (IOC) is New York City's "strategy for strengthening foster care and preventive services to enhance children's safety and stability and expedite their progress toward permanency." Based on nationwide best practice, IOC includes:
 - Family team conferences where families are directly involved in the decisions that affect them;

- Clearer lines of accountability so that decisions about families and children can be made more efficiently and effectively;
- Foster care financing that supports a flexible family-based system of care that promotes safety, stability, and permanency;
- Performance Monitoring and Measurement that emphasizes continuous quality improvement and accountability on the part of preventive and foster care provider agencies.

4. The NYS Family Resource Center (FRC) Network, supported through the Children and Family Trust Fund, is comprised of 24 centers statewide offering early and comprehensive support to all families, with a special emphasis on reaching parents and caregivers of young children, including families involved in the child welfare system or at risk for child abuse or neglect. Center programs are easy to access, strength-based and non-judgmental, flexible, family focused, and culturally sensitive. Programs are based on the needs of families, and services are provided in collaboration with community partners.

The Trust Fund partners with the Network to conduct annual *Program Self-Assessment and Peer Reviews* that address strengths, areas for improvement and also identify gaps in services that support quality of service delivery as well as individual community needs. Staff training includes the Family Development Credential (FDC), early childhood, social work degree, Child Development Associate, specific certificates for parenting education programs such as The Incredible Years and Parents as Teachers.

5. The Family Assessment (Differential) Response model being piloted in six counties is another example of using a more community-based approach to the issue of maltreatment. The research suggests that with better engagement and assessment, a higher percentage of families may be identified for concrete and short-term services.

These are a sample of some strategies OCFS is employing and piloting in an effort to make the integration of family engagement strategies and primary preventive services a part of New York State child welfare continuum. Clearly, family group conferencing and other models are being used and tested across the state, as are models utilizing parent advocates. Your partnership in shaping our future agenda in this regard is appreciated.

As stated before, one of the challenges that OCFS faces with innovative programs is the difficulty in bringing these model programs to scale. We have the capacity to pilot new and potentially effective models, but struggle with replicating them across the state. This is an area that we would appreciate having feedback and assistance with from the Task Force.

Provides the leadership necessary to implement a Family assessment response throughout the State;

The legislation authorizing the Family Assessment Response pilots requires OCFS to report by January 1, 2011 to the Governor and the Legislature on the pilots and any recommendations to continue the pilot or for statewide implementation.

OCFS is committed to the Family Assessment Response pilot and has aggressively worked to engage local district participation. Staff from OCFS and six interested counties participated in a national conference to gain perspective on this approach and to move toward operationalizing a family assessment response program. In March 2008 OCFS issued a Local Commissioner's Memorandum again inviting local district participation. We have received applications from six counties and expect implementation to begin in the fall. We will offer the districts technical assistance and some funding to assist them in creating the local systems to be successful.

Provides for adaptations to CONNECTIONS software to accommodate Family Assessment;

The need to transform the CONNECTIONS system to minimize the gap between system performance and requirements and to maximize time for caseworkers with children and families is of critical importance at this time. During the pilot phase of the initiative, OCFS has committed to a modification to the current Connections system that will allow families to be served out of the traditional investigation model. As OCFS moves to a new, more agile platform through the Connections transformation process, the ability to readily adapt to meet the needs of caseworkers is a priority guiding principle.

Offers increased funding for preventive services which allows flexibility, implementation of best practice and innovation in order to meet the complex needs of families involved in child protection.

Authorization of Child Welfare funding expires in 2009; the potential for reauthorization with increased and flexible funding will be dependent on what the State commits to fund at that time. OCFS requests support and partnership from the Citizen Review Panels to join us in a review of how NYS invests these funds.

OCFS agrees with the Panel that a shift from expensive, high end interventions that rely on foster care and institutionalization, to primary prevention programs that support families in their communities is the correct approach. We hope to continue to move steadily in this direction over the coming years. Programs such as Youth Turning our Lives Around, the Home and Community Based Services

Waiver, the Coordinated Children's Services Initiative and the Parent to Parent Pilot Project are examples of programs that have drawn attention to this shift.

Additional examples of New York State's commitment to this priority include the above described legislative action requiring the family assessment model pilot; the Governor's Children's Cabinet which has focused on universal pre-kindergarten enrollment and universal health care coverage for children. The Cabinet has selected "disconnected youth" as its next priority area and is looking carefully at the issues of youth who are marginalized and don't have access to higher education, stable housing, caring adults, and services that address mental health needs, substance abuse, and vocational opportunities. The Governor also created an Economic Security Cabinet which is focused on the self sufficiency of low income families and adults throughout the state. All of these initiatives are focused on supporting individual youth and families in ways that prevent the need for child welfare interventions.

iii. Racial and Ethnic Disproportionality and Disparities

Audit child welfare data to document the existence and extent of racial and ethnic disproportionality and disparities in child welfare and develop a strategic plan with goals to eliminate disparities of the various decision points within the system. Develop a strategic plan to include recommendations, action steps, timelines and outcomes to remove or revise policies, procedures and practice identified as contributing to disparate treatment.

OCFS acknowledges that New York State mirrors the national trends relating to disproportionality and is equally concerned about this issue. We have data that clearly demonstrates that children of color are consistently over represented in the number of indicated reports and admissions into foster care in New York City and upstate. This review of the child welfare trends in NYS has resulted in the creation of an internal workgroup to critically examine our policies to create strategies for change that keep pace with the needs of our communities and families. As we review the critical decision points in NYS child welfare practice and related data it is clear that practice is influenced by local demographics, economics and culture. Partnership with other agencies, such as the local districts, voluntary agencies, Family Courts, and community organizations is clearly indicated in order for the issue of disproportionality to be adequately and systemically addressed.

Our internal workgroup will be developing a strategic plan that will recommend action steps, both internal and external to OCFS, with timelines and outcomes to demonstrate improvement in the trends that we currently see.

We will not reach the desired child outcomes unless New York looks carefully at the underlying reasons for this uneven involvement and treatment in the child welfare system and develops a remediation plan.

In all cases, improvements begin with an acknowledgement of existence of overrepresentation and the commitment to eliminate disparities.

OCFS is unequivocally committed to better understand who is reported to Child Protective Services, what is reported, to identify the basis for indication of the CPS report, identify the response or intervention, to identify who is in care and issues related to permanency. In other words we seek to identify how the critical issue of disproportionality can be addressed at each decision point in the Child welfare process.

iv. Accountability

1. *Require OCFS to provide leadership to ensure implementation of continuous quality improvement systems at the local district level, driven by data, to improve practice and outcomes in child welfare across the state.*

As OCFS renews its commitment to outcome based strategies and achievement of performance requirements, we recognize that the investment of leadership is a critical factor in the success of its workforce.

OCFS has a variety of statutory, regulatory and programmatic tools that it uses to monitor the implementation of statutory requirements and promote quality improvement. OCFS also uses and provides social services districts and voluntary agencies with access to data to help them monitor their own efforts.

OCFS recognizes that more can be done in this area. We are aware that the City of New York has developed "EQUIP" and a scorecard for IOC that measures performance in foster care agencies. We are interested in pursuing development of a similar accountability scorecard. We envision this tool as providing an objective set of metrics for accountability and outcomes and plan to start with a scorecard specifically for adolescents. We recognize the need for being strategic in our measurements and defining those that demonstrate meaningful outcomes.

In a challenging economic environment, OCFS is clear that our charge is to partner with all child welfare stakeholders to determine that our investments are maximized with coordinated strategies. We value policies that do not undercut one another and legislative mandates that are integrated and maximize resources to keep our families intact and stable.

OCFS recommends, as part of a task force effort, a comprehensive review of system wide accountability and quality improvement activities with a goal for recommendations for integration that are meaningful and implementable.

2. *OCFS has failed in recent years to offer a balanced system of supports, incentives and sanctions in its supervision of local districts of social services. The panels ask OCFS to find an effective strategy to hold local districts accountable for implementing policies into practice and for preserving constitutional rights and family rights for those involved in the child welfare system. In order to support movement from an emphasis on compliance with the timeliness of investigations to a system based upon improved outcomes for children and families, panel members urge the implementation of a Quality Improvement System throughout districts in New York State.*

We generally agree that attention to compliance and timeliness has been the focus of OCFS monitoring and accountability activities. These variables are the basic factors for a preliminary evaluation of how well a system is working. However, these need to be viewed as indicators that open the discussion to other levels of performance. For example: the lack of timelines in some situations may demonstrate deeper problems in a system, such as workload or local conditions.

It is time to enhance our evaluative structure to clearly define the correct outcomes indicative of whether or not NYS' Child Welfare System is supporting safety and stability in families, making the correct decisions to separate families, fostering permanency and supporting the success of our children and parents regardless of their living situation. To accomplish this effectively, OCFS needs the tools to objectively make these judgments. We look to our partners in the task force and other states' experience to assist us in developing these tools.

OCFS is in the process of establishing a Continuous Quality Improvement Unit designed to assist local districts in developing methods to measure outcomes and performance. Additional resources would be needed for OCFS and the local social services districts to implement a robust continuous quality improvement system.

3. *While many staff provide high quality services, local districts have, in too many cases, failed to carry out reforms enacted by the Legislature or promulgated by the local commissioner...Local commissioners must develop systems, including retraining, reassignment and discipline to ensure compliance with legal and management policies.*

We support the need for local commissioners to do more in the area of accountability; many commissioners have access to and use the Commissioners' Dashboard and other data that permits them to monitor trends, drill down to identify sources of problems, etc., and compare themselves to other counties.

In the area of monitoring, in the 2008-09 budget, OCFS was fortunate to receive additional positions for the Regional Offices. These positions will support the ability of OCFS to provide effective monitoring of core functions such as institutional abuse investigations, reviewing child fatalities and providing technical

assistance to local districts and voluntary agencies in achieving positive outcomes for children and families.

OCFS is engaging in a conversation with multiple stakeholders with the intention of eliciting suggestions and recommendations addressing the vision of oversight of the child welfare system. This is an exciting process that we believe will help us create a more integrated and coordinated approach to oversight and monitoring activities. We look forward to making recommendations and implementing a coordinated and integrated system of child welfare oversight on a state and local level.

On a different level, OCFS recognizes the accomplishments made by ACS in its implementation of the CHILD STAAT model. This consistent, intentional investment of leadership time with front line and supervisory staff has established a mechanism for clear communication of legislative and policy requirements and an opportunity for gap analysis. In addition, ongoing contact with front line staff reveals limitations, barriers and myths that may preclude effective outcomes. ACS has generously allowed OCFS leadership to observe this process and we hope to assist other upstate counties in replicating a similar model.

Again, this is one of the challenges facing the state system: replicating or modifying a good practice in one area of the state and bringing it to scale. We look forward to having assistance with this effort.

The courts system... must also hold districts and foster care agencies accountable.

The report's recommendation that the Family Courts and Appellate Divisions use their sanctioning powers to hold local districts and voluntary agencies may not set up the best environment for families, social services districts and providers to work together. We agree that accountability is required of all agents of the system, however a punitive approach has not historically yielded the best results. Conversely, OCFS is working to improve the collaboration between local social services districts and the Family Court through the activities of the Statewide Permanency Planning Team and by participating in OCA's Court Improvement Project. Further, OCFS senior staff has initiated a series of meetings with all family court judges throughout the State to discuss the challenges of parallel systems and to identify opportunities for collaboration.

Where existing laws are insufficient in providing the appropriate resources or authority, the panels ask the Legislature to provide the means to improve child and family outcomes.

OCFS fully supports engaging the legislature to achieve improved family outcomes. Each year OCFS develops legislation for consideration. Our efforts

are fairly successful. Simultaneously, OCFS is aggressive in its response to legislation that we believe will have detrimental impacts on children and families. We ask the Citizen Review Panels to actively support our legislative agenda and garner the support of other advocacy groups as needed.

v. School systems and the reporting of child abuse and maltreatment: *Provide the leadership necessary to bring together interested parties to review reports of maltreatment and abuse made by school district staff, particularly educational neglect cases, and to develop a uniform definition, model protocols and oversight of these cases. Additionally, identify and deliver needed resources and services to improve educational outcomes for these children. Particular attention needs to be placed on special education students and services they require to achieve academic success.*

OCFS has worked with the State Education Department on a model protocol for social services districts and school districts on identifying and investigating reports of abuse and maltreatment and, more specifically, educational neglect. The model protocol includes the recent statutory changes clarifying which school officials are mandated reporters, prohibiting the use of designees to make reports, and prohibiting adverse actions against employees who make reports. The model protocol has been distributed to social services districts and posted on OCFS' website. Each social services district will be required to develop protocols with each school district within its jurisdiction and to submit the protocols to OCFS for approval.

With more than seven hundred (700) school districts this effort promises to be a challenge. However, through a close collaboration between commissioners, engagement of the teachers union, and a review of the impact of our model practice, OCFS and SED seek to improve the quality of reports from teachers and make recommendations for practice improvement.

One concrete action that OCFS has taken to make reporting for school personnel easier to manage is our recently developed on-line mandated reporter training. Using technology, mandated reporters can take the required training and refresh their skills in a more convenient and accessible manner.

The OCFS Commissioner and the senior team met with the Board of Regents and the New York City Department of Education in April 2008 to solicit their support and leadership to establish a partnership where the educational needs of children in foster care are addressed prior to placement, during the period of time spent in foster care, and in the seamless transition into their home schools.

In addition to clarifying model reporting protocols for educational neglect, OCFS wishes to address the challenge to increase awareness and resources to address attendance issues outside of the child protective services paradigm by engaging parents before absenteeism becomes an educational neglect issue.

OCFS and other state agencies (e.g., DCJS) support the local districts in a variety of initiatives through preventive funding with programs that address best case practices that reduce truancy and improve school attendance. There are local models that are producing positive results in Erie County, Schenectady County and Albany County, to name a few. Again, our continuing struggle is to identify model case practice initiatives and train other counties to replicate the programs on a more systemic level.

V. WORKFORCE RECOMMENDATIONS

A. Caseloads

Introduce legislation that will allow OCFS to set minimum workload standards for child welfare workers and provide the necessary funding to fully support local districts implementation of these standards.

OCFS is working to better understand caseload dynamics across the full range of child welfare services. The Legislature has required OCFS to prepare a report on the implementation of recommended caseworker ratios as established by the 2006 study by January 2009. Once the report is complete, OCFS will be better able to determine the fiscal resources, the length of time, and any legislation that might be needed to establish minimum caseloads. Any work in this regard clearly needs to have the involvement of the unions from the outset.

Legislative recommendations for caseload limits must include incentives for workforce development and retention as the issues of caseload size and worker qualifications are linked.

A workgroup has been established with representatives from OCFS, COFCCA, voluntary agencies and local districts who are looking at workforce recruitment and retention issues across the system. We recognize that this is a critical issue with long-term effects, and are committed to providing technical assistance, training, recruitment and hiring strategies, to create a more stable workforce.

B. Workforce Qualifications: *Enhance local social services districts' ability to hire, train, and develop a qualified workforce through additional financial incentives for Bachelor and Masters Degrees in Social Work (BSW and MSW), implementation of an aptitude and skills test before entry into the field, and though targeted recruitment efforts. Further, conduct a cost analysis and develop a strategy to fully implement higher standards.*

OCFS agrees that counties need to attract the "right" people who are appropriately suited to the difficult work in public child welfare settings.

Studies conducted by OCFS between 2001 and 2005 have catalogued local district turnover between 2000 and 2004. Despite grim statistics in many counties, turnover is not the only problem they face. In addition to the stability of the workforce, concerns exist with the quality of the workforce and the fit between the attitudes and abilities of the child welfare workforce and the expectations of the job.

As the Panels are aware, in conjunction with the New York State Social Work Education Consortium, OCFS sponsored quantitative and qualitative studies of both high and low turnover counties to help determine factors that influence both turnover and retention. These studies have resulted in a Pilot Project to Strengthen Public Child Welfare through the Recruitment of Undergraduate Social Work Graduates

This project addresses the recruitment, retention and selection issues attendant to casework qualifications. It provides incentives for BSW graduates to enter public child welfare service, to provide course work and field training in public child welfare practice during the course of their study, all in exchange for a commitment to work for a period of two years post-graduation.

Because this pilot project aims to address some important child welfare workforce issues through the development of incentives for undergraduate social workers to work in public child welfare agencies, it has great potential value to satisfy an ongoing and increasingly critical void in the government employment sector. The 2007-2008 academic year was the first year of this pilot project with the first students set to graduate in May of 2008. These graduates will begin work in the New York City Administration for Children Services and several upstate local districts. A new cohort of students will be selected in late spring 2008 and will begin the program in the fall. The students will be carefully followed to determine how well they perform as local district caseworkers in comparison to caseworkers without social work degrees.

If successful, this concept could provide a regular supply of new, specially trained and highly motivated caseworkers to fill openings in local districts and who could perhaps earn MSW's and move on to supervisory positions. Over time, this system of "in at the BSW level and on to the MSW level" would represent a major step in the professionalization of the child welfare workforce.

There are multiple actions taking place in a variety of forums that are also addressing workforce issues. The SUNY Albany School of Social Welfare, the Schulyer Center for Advocacy and OCFS are co-sponsoring a leadership forum for teams of child welfare workers from approximately ten counties in the late spring geared toward addressing issues that challenge the workforce and present barriers to positive outcomes for families.

Other activities include an OCFS/COFCCA workgroup that is developing strategies to improve the local hiring processes, some of which are modeled after the New York City ACS practice of administering skills tests as part of the interview. Recruiting and selecting the best workforce possible is critical to achieving positive outcomes for children and families.

OCFS is committed to seeking funding to continue this pilot program.

VI. PROGRAM RECOMMENDATIONS

A. Foster Care

Seek a federal waiver in order to implement a federally funded statewide subsidized guardianship program. Increase funding for foster care to provide for a continuum of care for youth who age out.

Currently, there is no statutory authority for the federal Administration for Children and Families (ACF) to grant such a waiver. Therefore, New York cannot seek such a waiver. OCFS does not support seeking a federal statutory change to reinstitute ACF's waiver authority. Instead, OCFS' Federal Agenda recommends a federal statutory change to provide all states the option to use title IV-E for subsidized guardianship cases.

The Governor's Executive Budget for 2008-09 includes language in the Health and Mental Health Article VII bill to implement the federal Chaffee option to authorize Medicaid funding for youth aging out of foster care. It also includes funding for supportive housing units for former foster youth in New York City through NYNYIII, a housing opportunity fund.

With regard to former foster children for whom an adoption subsidy is being paid, the federal government provides that a state/district can only remind adoptive parents of their responsibility to notify the state/district if the parents are no longer legally responsible for the child or providing any support for the child. The state/district can not discontinue subsidies if the parent does not respond to a request for such information. Children adopted without subsidy have no remaining ties to the child welfare system. Therefore, privacy concerns would arise if the government attempted to track such children for up to 18 years after they were adopted.

Despite these limitations, OCFS is collaborating with OTDA in an initiative called 'Breaking the Cycle of Dependency' to address, among other things, permanency issues for a child living on Temporary Assistance with someone who is not the child's parent (generally a relative; often a grandparent). Some outcomes of this initiative include: the development of a "Non-Parent Caregiver Handbook,"

cross-training on the local level among child welfare and temporary assistance workers, the development of a local caregiver screening tool aimed at identifying those who need assistance.

OCFS urges support of a bill we proposed, which is currently before the Legislature, that would permit discharged foster children over the age of 18 to return to and remain in foster care until age 21.

B. Parent Education: *Evaluate the effectiveness of OCFS' and ACS' marketing and educational efforts to carry important messages of prevention to families and make revisions that will achieve decreases in shaken baby and co-sleeping deaths.*

OCFS is in full agreement that bolstering our marketing and educational efforts (and seeking necessary funding) is in alignment with and naturally follows accurate accountability on our outcome based programs.

Co-sleeping deaths and the prevention of Shaken Baby Syndrome (SBS) are prioritized areas of concern for OCFS. OCFS has embarked on an aggressive public awareness campaign to educate caregivers about the risks associated with co-sleeping. There have been 90 infant or small child death reports to the New York Statewide Central Register of Child Abuse and Maltreatment since 2006, where the child was co-sleeping with a parent, sibling, or caregiver.

The Office of Children and Families estimates that co-sleeping is involved in approximately 20 percent of the child fatalities reported to the Statewide Central Register of Child Abuse and Maltreatment.

To prevent further fatalities, the State, local counties, and the City of New York are joining together to launch a “**BABIES SLEEP SAFEST ALONE**” statewide public education campaign,

In addition to the Back to Sleep-Safe to Sleep brochure, we continue to disseminate materials developed as part of the Safe Babies initiative that include: (6) Helpful Tips to Keep Your Baby/Child Safe; Helpful Strategies for Keeping Infants and Young Children Safe DVD in English and Spanish; Personalized Safety Tips and Emergency Contact Sheet for Baby Sitters in magnetic memo boards and tear-off pads; and other promotional items. These tools offer professionals, child care providers, parents and caregivers important information to reduce the risks of injury and prevent deaths. This information is available on the OCFS website and is distributed to local social services and departments of health, child care providers, hospitals, homeless shelters, schools, other health and community based programs, and at many major events. OCFS works

consistently with the Department of Health to develop and distribute information as well as identify other child safety concerns.

The agency's website also includes a Frequently Asked Question (FAQ) that provides guidance to parents regarding when a child can be left alone.

In 2008, the hospital-based parent education initiative begun through the Children and Family Trust Fund (in 1999), designed to educate every parent of every newborn about the dangers of SBS, will be expanded to engage all the maternity and birthing hospitals in the state. Violent infant shaking is most commonly a caregiver's response to persistent crying; nearly 75% of perpetrators are parents, and approximately 60% are males. The Western New York pilot region continues to document a 50% reduction in the incidence of abusive head injuries in that 8-county region.

Kaleida/Women and Children's Hospital of Buffalo and the Children's Hospital Foundation of Westchester Medical are partnering to spearhead this expansion. OCFS will work closely with the Department of Health to launch this effort to institutionalize the educational program in New York. In addition to training maternity nurses to present this information to parents, the programs also document hospital compliance, which is currently at 80% - 90%. Potentially, this educational program will reach parents of approximately 250,000 infants.

OCFS offers guidance on its website on avoiding shaken baby syndrome and co-sleeping deaths. Brochures on these issues are distributed to local social services and departments of health and at many major events. OCFS works consistently with the Department of Health to distribute information to medical professionals on shaken baby syndrome. The agency's website also includes a Frequently Asked Question (FAQ) that provides guidance to parents regarding when a child can be left alone.

It would be extremely costly for OCFS to conduct a formal evaluation on the effectiveness of OCFS' and ACS' marketing and educational efforts. During these times of fiscal constraints, OCFS believes that it more important to support funding for the direct provision of child welfare services.

Home Visiting: Increasing funding for home visiting in the 2008-09 budget and develop a strategic plan to bring these programs to scale.

The 2008-09 State budget includes funding to maintain the existing home visiting programs. Although OCFS agrees that the home visiting program provides important services, we are unable to increase direct funding in this year's budget due to the fiscal constraints currently facing the State. However, OCFS supports the use of preventive funding or Flexible Fund for Family Services by those local social services districts who wish to start or expand home visiting programs.

C. Child Advocacy Centers and Multi-disciplinary Teams

Continue financial support for Child Advocacy Centers (CAC), Multi-Disciplinary Teams (MDT), and the Child Abuse Medical Provider (CHAMP) network.

OCFS agrees with the recommendation to continue financial support for CACs and MDTs and is happy to report that the State Budget for 2008-09 includes continued funding for CACs and MDTs. These programs are designed to facilitate various stakeholders working together to protect children, while minimizing the intrusiveness of the investigation.

It is recommended that future State Budget language allow for the ability to merge Fatality Review Team appropriation with the MDT/CAC appropriation. This would combine two collaborative programs under one funding stream and allow OCFS greater flexibility in supporting the investigation, treatment and case review of the most serious of child abuse and maltreatment cases. The Panel's support of this change would be greatly appreciated.

CONCLUSION

In conclusion, we agree that transformational change is needed to create real opportunities for all children and families. We must begin by considering the underlying conditions that families must deal with that impact on their ability to parent. Far too many children are living in poverty even when their parents are working, and we cannot ignore the economic realities that contribute to abuse and neglect.

As a State and in our communities, we need to step up and embrace all of our children and fulfill our promise and responsibility to create a better future for them. We cannot be naïve to the complexities of the current system, nor to the complexities and challenges of our families. We must be strategic and thoughtful in our approach, and be forceful in securing better outcomes.

We believe that every child and parent deserves to experience success and have the opportunity to build their talents, competencies and skills. We expect that every child and parent will be treated with respect; and that the child welfare system will protect our children from harm and trauma.

The work, though difficult, is a privilege to undertake, and we approach it with our partners in the Citizen Review Panels with hope and optimism. We wish to thank the Citizen Review Panels for the time given to this report and for the recommendations made to OCFS for improving the child welfare system in the State of New York. We appreciate the hard work and dedication of the panelists and look forward to working together to implement those actions that we jointly see as imperative to the well being of children and families of New York State.