



New York State Office of Children and Family Services

2012 Annual Report

“...promoting the safety, permanency and well-being of our children, families, and communities. ...”



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Introduction

The New York State Office of Children and Family Services (OCFS) continues to build a continuum of services for children, families, and communities with a major focus on development, prevention, and early intervention. It seeks to improve and integrate efforts to address the needs and build on the strengths of the state's children, youth, and other vulnerable populations. It works to establish a more responsive, seamless service delivery system that is family-centered, outcome-based, and locally responsive.

OCFS responsibilities include: foster care, adoption, child protective services, preventive services for children and families, child care and referral programs, child care subsidies, rehabilitation services for the blind, and protective programs for vulnerable adults. In addition, the agency coordinates state government response to the needs of Native Americans on reservations and in communities; and administers specialized programs for juvenile delinquents remanded to the care of OCFS by the family courts and juvenile offenders committed by the criminal courts.

The reports compiled herein, required under state Social Services Law, help provide a snapshot of how the system is performing in a number of key areas.

Administrative Hearings

Pursuant to the Social Services Law (SSL), applicants for or recipients of foster care services, day care services, homemaker services, and other child care services may appeal decisions of social services officials to OCFS. Local social services officials must determine eligibility for and the level of payment provided for such services, and must advise individuals of their opportunity to challenge a local determination by a hearing.

Hearings under the Social Services Law and before OCFS are also available to citizens of this State to challenge a variety of other governmental determinations. Such determinations include, among others, decisions to remove publicly funded foster children from foster homes; the listing of a person in the Statewide Central Register of Child Abuse and Maltreatment as a perpetrator of child abuse or maltreatment; the proposed disclosure of the existence of such listing to an inquiring provider or licensing agency; the decision to deny, revoke, suspend or otherwise limit the license or registration to provide day care for children; denials of applications to adopt children and for adoption subsidies; decisions of the State Commission for the Blind and Visually Handicapped to deny or limit services or participation to its constituents; and decisions to deny, suspend, revoke or otherwise limit an operating certificate to provide care for aged and infirm adults in family settings.

Administrative hearings help to protect children and preserve families and to promote the accuracy of local social services district and state decisions.

Time Period 1/1/2012 – 12/31/2012

Day Care - Hearings held pursuant to Section 22 of the SSL and Parts 358 and 415 of the Social Services regulations to challenge determinations by social services districts to deny, reduce or terminate day care subsidy payments, or to challenge the adequacy of such payments.

Hearings <u>Requested</u>	Hearings <u>Scheduled</u>	Hearings <u>Held</u>	Hearing Decisions <u>Issued</u>
4136	2985	768	695

Foster Care Payments - Hearings held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by social services districts to deny requests by foster parents for foster boarding home payments at a rate higher than the rate being received by the foster parents; to deny voluntary foster care placement services for natural parents; or to challenge the adequacy of such payments or services.

Hearings <u>Requested</u>	Hearings <u>Scheduled</u>	Hearings <u>Held</u>	Hearing Decisions <u>Issued</u>
1359	2047	851	1145

Homemaker Services - Hearings held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by social services districts to deny, reduce or terminate homemaker services for adults and children, or to challenge the adequacy of services authorized.

Hearings <u>Requested</u>	Hearings <u>Scheduled</u>	Hearings <u>Held</u>	Hearing Decisions <u>Issued</u>
300	400	76	70

Protective/Preventive Services - Hearings held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by social services districts to deny, reduce or terminate adult or child protective or preventive services, or to challenge the adequacy of services authorized.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
20	28	4	5

Transitional Child Care - Hearings held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by social services districts to deny, reduce or terminate transitional child care payments, or to challenge the adequacy of such payments.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
730	832	159	200

Child Abuse and Maltreatment Expungement/Amendment Hearings - Hearings held pursuant to Section 422(8) of the SSL in which indicated subjects of reports of child abuse and maltreatment seek to overturn determinations to indicate reports.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
4456	4722	1264	4823

Child Care Applications - Hearings held pursuant to Section 424-a(2) of the SSL in which applicants for employment, licensure or approval in a child care field seek to overturn determinations to indicate child abuse and maltreatment reports.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
741	755	242	958

Foster Care Removal - Hearings held pursuant to Section 400 of the SSL in which foster parents challenge determinations by authorized agencies to remove children in foster care from the homes of the foster parents.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
44	44	21	51

Adoption Eligibility - Hearings held pursuant to Section 372-e of the SSL to contest denials by an authorized agency of applications of persons seeking to become adoptive parents.

<u>Hearings Requested</u>	<u>Hearings Scheduled</u>	<u>Hearings Held</u>	<u>Hearing Decisions Issued</u>
2	2	0	1

Adoption Subsidy - Hearings held pursuant to Section 455 of the SSL in which adoptive parents challenge: the determination to deny an adoption subsidy; the determination to discontinue an adoption subsidy; or the amount of adoption subsidy payments being provided to the parents.

Hearings <u>Requested</u> 54	Hearings <u>Scheduled</u> 54	Hearings <u>Held</u> 30	Hearing Decisions <u>Issued</u> 73
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Child Day Care Licensing - Hearings held pursuant to Section 390(10) and (11) of the SSL to contest: denial of an application for licensure or registration of a child day care program; denial of an application for renewal of licensure or registration of a child day care program; suspension, revocation or limitation of a license or registration to operate a child day care program; or imposition of a fine for violation of statutes or regulations concerning operation of a child day care program.

Hearings <u>Requested</u> 161	Hearings <u>Scheduled</u> 161	Hearings <u>Held</u> 64	Hearing Decisions <u>Issued</u> 162
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Family Type Homes - Hearings held pursuant to Section 460-d(4), (7) and (9) of the SSL to contest: denial of an application for licensure of a family type home for adults; denial of an application for renewal of licensure of a family type home for adults; revocation, suspension or limitation of the license of a family type home for adults; or imposition of a fine for violation of statutes or regulations concerning operation of a family type home for adults.

Hearings <u>Requested</u> 1	Hearings <u>Scheduled</u> 1	Hearings <u>Held</u> 0	Hearing Decisions <u>Issued</u> 2
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CBVH - Hearings held pursuant to Federal law or Section 8714-a of the Unconsolidated Laws to challenge determinations by the Commission for the Blind and Visually Handicapped: to deny, terminate or change services or equipment provided to blind or visually impaired persons; or related to the operation of the Business Enterprise Program for the blind and visually impaired.

Hearings <u>Requested</u> 0	Hearings <u>Scheduled</u> 0	Hearings <u>Held</u> 0	Hearing Decisions <u>Issued</u> 1
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Kinship Guardianship Assistance – Hearings held pursuant to Section 458-f of the SSL in which prospective kinship guardian(s) or kinship guardian(s) challenge: the determination to deny an application for kinship guardianship assistance payments; the determination to discontinue kinship guardianship assistance payments; or the amount of kinship guardianship assistance payments being provided to the kinship guardian(s).

Hearings <u>Requested</u> 2	Hearings <u>Scheduled</u> 2	Hearings <u>Held</u> 0	Hearing Decisions <u>Issued</u> 0
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Court Challenges to OCFS Administrative Hearings – pending

If an individual has appealed a determination and is dissatisfied with the decision of an administrative law judge, the individual may challenge the decision in a court proceeding. The following represents the activity for such challenges for 2012.

Total Number of Cases Appealed	41
Number of Favorable Decisions	12
Number of Unfavorable Decisions	0
Number Settled	1
Number Pursued Not Pending	4
Number Pursued Pending	24

Commission for the Blind and Visually Handicapped

The mission of the Commission for the Blind and Visually Handicapped (CBVH) is to enhance employability, to maximize independence, and to assist in the development of the capacities and strengths of people who are legally blind.

CBVH values the worth, dignity, and rights of people who are blind. It seeks to encourage, empower, and enable individuals to live independently, pursue meaningful employment, and enjoy full inclusion and integration into the cultural, economic, educational, political, and social mainstream of society. The active participation of consumers in their own rehabilitation programs, including the ability to make meaningful and informed choices regarding their vocational goals and the rehabilitation services they receive, is a fundamental principle of all CBVH programs, projects, and policies.

CBVH is committed to working closely with children and their families to enable each child to achieve the maximum possible independence in working, living, and participating as an adult. CBVH seeks to incorporate an interactive teamwork approach to providing vocational rehabilitation services that meets the needs of consumers.

By building a strong team composed of people who are blind, CBVH staff, community-based service providers, and current and potential employers, the rewards of consumer employment and satisfaction may be shared by all. CBVH carries out this mission through four major program areas: (1) vocational rehabilitation services, (2) services for older individuals, (3) services for children and (4) the business enterprise program.

Vocational Rehabilitation Program

**SFY 11-12: Consumers served: 2,392
Consumers employed: 486**

The Vocational Rehabilitation (VR) Program offers guidance and counseling to assist legally blind consumers to find or retain employment. Vocational counselors work with the consumer to develop an Individualized Plan for Employment (IPE). The IPE acts as a road map to guide the consumer toward his/her employment goals. Goals vary, and include preparing for and finding a job, continuing at a current workplace, or maintaining a household independently. In addition to counseling and guidance, services offered through the VR Program may include access to the following:

- Assessments to determine service needs
- Deaf-blind services
- Maintenance, transportation, interpreter services and reader services
- Vocational assessment
- Vocational training
- Job training
- Mobility training (which enables consumers to travel safely and efficiently)
- Instruction in activities of daily life
- Low vision exams and devices
- Braille instruction
- Assistive technology
- Job retention services for workers experiencing vision loss
- Homemaker training

Services for Older Blind Individuals

SFY 11-12: Older individuals served: 3,826

The goal of this program is to make a comprehensive package of rehabilitation services available to older individuals who are legally blind and are not seeking paid employment. This program includes the evaluation of an individual's service needs within the framework of personal goals, abilities, and resources, and the provision

of appropriate types and amounts of services to promote individual achievement of rehabilitation goals. It is CBVH's intent that individuals identified and served will achieve the highest level of confidence, self-sufficiency and independence allowed by each individual's life circumstances and interests, in accordance with their established goals and CBVH policy. Each person's accomplishments are measured by whether or not the consumer has achieved the goals identified in his/her Individualized Service Plan (ISP) or Individualized Plan for Employment (IPE).

Children's Program

SFY 11-12: Children served: 1,538

CBVH provides rehabilitation services to children who are legally blind and reside in New York State. Working with the family, a Children's Consultant develops a plan tailored to the child's needs. The plan may include services provided in the home, the community or private rehabilitation agencies. Services provided through the Children's Program include:

- Counseling and guidance to the family
- Advocacy
- Educational consultation
- Vocational coordination
- Low vision services
- Rehabilitation teaching
- Orientation and mobility
- Social casework

Services are provided outside of school, either after school, on weekends, or during school vacations. CBVH also provides children with the opportunity to attend summer camps and year-round recreation programs that they might not otherwise be able to attend without the support of the commission. The goal of the recreation programs is to provide children with opportunities that encourage independence and increase self-confidence.

The Business Enterprise Program (BEP)

SFY 11-12: 106 Consumers employed with an average income of \$43,775

The Business Enterprise Program offers opportunities from the North Country to Long Island for individuals who are blind to gain the training and skills necessary to manage one of several vending facilities located in federal and state office buildings throughout the state. After completing an intensive training program, BEP managers become proficient in all aspects of retail management including purchasing products, controlling inventory, marketing products, maintaining good customer relations, and keeping accurate records.

CBVH's Business Enterprise program has three regional offices – New York City, Rensselaer and Buffalo – that provide coverage for all the counties in the state. A District Supervisor, Business/Food Service Specialists and a support staff person staff each regional office. The Business/Food Service Specialists work directly with the licensed program members.

Community Facility Registry

The Community Facility Registry (CFR) is a legislatively mandated listing of all community residences for the disabled in New York State. Established pursuant to Social Services Law (SSL), Article 7, Title 4, Section 463 (1978), the intent of this legislation is to “improve the ability of state agencies responsible for the planning, administration, licensing, regulation, and operation of such community residences to effectively identify existing and future needs for persons and services in different areas and coordinate their planning efforts to meet such needs.” Additionally, the Office for People with Developmental Disabilities (OPWDD) and the Office of Mental Health (OMH) are required by Mental Hygiene Law Section 41.34 to submit a copy of the most recent CFR to municipalities when siting new facilities.

Definition

SSL 463 defines a community residential facility as “any facility operated or subject to licensure by the state which provides a supervised residence for mentally, emotionally, physically or socially disabled persons or for persons in need of supervision or juvenile delinquents. This term includes, but is not limited to, community residences for the mentally disabled operated or licensed by the offices of mental health or office for people with developmental disabilities or by the divisions of the office of alcoholism and substance abuse, agency operated boarding homes, group homes operated and licensed by office of children and family services or private proprietary homes for adults operated or licensed by the department of health.”

Facility and Capacity Count by Agency

Agency	Number of Facilities	Capacity
Department of Health	265	24,877
Office of Alcohol and Substance Abuse Services	291	12,485
Office of Children and Family Services	191	1,331
Office of Temporary and Disability Assistance	86	10,506
Office of Mental Health	487	10,595
Office For People with Dev. Disabilities	5,086	40,829
State Education Department	188	17,213
Total	6,594	117,836

The Registry

The CFR currently lists 6,594 residential facilities. The data are organized by county and municipality. Each facility record contains: facility name and address; sponsor; licensing agency; facility type; age, gender and disability of persons served; services available; capacity; school and legislative districts; and health services area. Foster homes and other family-type residences are not included. The number of facilities and capacity are listed above by state agency.

Reports Distribution and Utilization

The CFR is managed by OCFS. The system-generated written reports in a standard format (CFR-030) are routinely run and distributed monthly. There are 215 regular recipients of the report or extracts of the report. Recipients can choose how frequently they receive the CFR report (from monthly to annually) and which counties will be included in their report. Individuals receiving CFR reports are associated with the following organizations:

- (32) Agencies serving the disabled
- (20) Other agencies
- (14) New York City planning or community board
- (23) New York State agencies
- (20) Developmental disability services organizations
- (15) Local government/municipalities
- (1) Medical
- (3) Other

The CFR is primarily used in accordance with Mental Hygiene Law, which mandates that a copy be distributed to municipalities when OMH or OWPDD is siting a new facility for the disabled.

DIVISION OF CHILD CARE SERVICES

OCFS, through the Division of Child Care Services, licenses, registers, inspects, supervises, and enforces regulations for child care programs; develops, implements, and monitors programs and contracts in the child care and after school program areas; investigates citizen and legislative complaints with respect to the provision of local services; provides training and technical assistance to child care providers, child care inspectors, local social services districts, and community-based organizations to improve the delivery of service and care; and develops new programs or methods of service provision for children and youth and child care providers that promote positive child development and improve the quality of child care services. In 2012, OCFS continued its focus on child care subsidy program integrity. This 4-pronged approach aimed at combatting fraud, waste, and abuse in the child care system while improving the health and safety of children included the following strategies:

- Implementation of regulations (adopted in late 2011) directly aimed at providing social services districts with the authority needed to stop providing child care subsidy payments to providers that have demonstrated fraudulent behavior and allowing enforcement actions of child care programs in such cases.
- Deployment and enhancement of the newly automated Child Care Time and Attendance (CCTA), including implementation of a pilot biometric program (in September 2012) to better identify parents/guardians when checking children in and out of child care.
- Provision of funding (in April 2012) to social services districts through a competitive process to assist with the investigative process.
- Release of a Request for Proposals (in September 2012) for a technical solution to identify risk indicators for potentially fraudulent activities that would help guide the investigative process for fraud detection and prevention of both child care providers and recipients of child care services.

Number of Regulated Child Care Providers in New York State (includes New York City Day Care Centers, although OCFS does not regulate these)

- 4,178 day care centers with a capacity for 280,586 children
- 6,576 family day care homes with a capacity for 49,877 children
- 8,150 group family day care homes with a capacity for 122,125 children
- 2,512 school-age child care programs with a capacity for 238,119 children

Total: 21,416 regulated providers with a capacity for 690,707 children

Child Care Definitions:

- Day Care Centers - Provide care for more than six children at a time, not in a personal residence.
- Family Day Care Homes - Provide care for three to six children at a time in a residence and may add one or two school-age children. The maximum allowable number of children will depend on how many children under the age of 2 years old are in care.
- Group Family Day Care Homes - Provide care for seven to twelve children at a time in a residence and may add up to four school-age children. The maximum allowable number of children will depend on how many children under the age of 2 years old are in care.

Subsidized Child Care in New York State

The New York State Child Care Subsidy Program is administered by social services districts and overseen by OCFS. Approximately 234,000 children received child care subsidies in FFY 2012. Of these:

- 34 percent were cared for in licensed day care centers or registered school age child care programs.
- 29 percent were cared for in regulated family child care homes, including group family child care.
- 37 percent were cared for in legally-exempt, almost exclusively home-based setting. There were 46,965 legally-exempt providers who served 86,168 subsidized children.

Provider Numbers by Modality and Region

	Day Care Centers	Family Day Care	Group Family Day Care	School Age Child Care	Total
New York City	2,173	2,975	5,168	1,229	11,545
Rest Of State	2,005	3,601	2,982	1,283	9,871
Total	4,178	6,576	8,150	2,512	21,416

Capacity by Modality and Region

	Day Care Centers	Family Day Care	Group Family Day Care	School Age Child Care	Total
New York City	119,537	21,527	76,567	145,143	362,774
Rest Of State	161,049	28,350	45,558	92,976	327,933
Total	280,586	49,877	122,125	238,119	690,707

Funding for Child Care Subsidies

- In SFY 2012-13, OCFS allocated over \$738 million to local districts for the New York State Child Care Block Grant Subsidy Program.
- Additional child care subsidy projects for income-eligible families in SFY 2012-13 included Memoranda of Understandings(MOUs) with SUNY (\$2.213 million), CUNY (\$2.261 million) and NYS Ag & Markets (\$2.504 million).
- Facilitated Enrolment projects funded in SFY 2012-13 for child care subsidies to families eligible up to 275 percent of poverty totaled \$1.265 million.

Child Care Resource and Referral Agencies (CCR&Rs)

OCFS provides funding and supervision to support and enhance the child care services delivered by CCR&R agencies for children and families throughout New York State as specified in Title 5-B, Section 410 p-r, of SSL. CCR&R agencies provide multiple services to the child care community. CCR&R's collect and maintain up-to-date information about all types of legal child care programs in their areas. Counselors can provide parents with information about various types of programs, costs, financial assistance and guidelines for selecting child care.

- Currently 34 CCR&Rs (10/1/11 to 9/30/12) receive \$20.8 million (includes 1 lead with 4 subcontractors).
- Seven Infant/Toddler lead agencies (10/1/11 to 9/30/12) receive \$1.1 million.

Advantage After School Program

- Approximately 15,000 children and youth served with a \$17.7 million appropriation (SFY 2012-13).
- 150 contracts with 197 program sites; 27 contracts with 34 sites were extended to June 30, 2013.

Division of Child Welfare and Community Services

New York State is among 13 states that have a child welfare system that is state-supervised and locally administered. In OCFS, the Division of Child Welfare and Community Services (CWCS) is responsible for statewide program monitoring and oversight for services on behalf of families, children, youth, and at-risk adults. The primary program areas it oversees are: child protective services; preventive; foster care and adoption; adult protective services; residential and non-residential services for victims of domestic violence; Indian Affairs; youth development activities; kinship care and Healthy Families New York.

Established under state and federal laws and regulations within each of the program areas, the division's mandate includes supervision, monitoring, and providing technical assistance in the implementation of program activities to 58 local social services districts, the St. Regis Mohawk Tribe, and 84 voluntary agency providers.

Specific responsibilities include, in part:

- Oversight of local districts' child protective, foster care and prevention services programs that serve children and families.
- Operation of the Statewide Central Register of Child Abuse and Maltreatment (SCR), 24 hours, seven days a week.
- Clearance of individuals against the child abuse and neglect database.
- Operation of the New York State Adoption Service.
- Certifying, licensing, inspecting, and enforcing regulations for residential facilities and non-residential programs. These include foster care agencies, domestic violence shelters and runaway and homeless youth programs.
- Investigation of complaints of significant incidents within licensed residential agencies.
- Investigation of citizen and legislative complaints with respect to the provision of local services.
- Development and implementation of new programs/services or methods of service delivery for adults, children, youth and families that address social and demographic trends, and promote positive human development.
- Provision of training and technical assistance to local districts and voluntary agencies to improve the delivery of services and care.

The division maintains six regional offices to provide direct oversight, monitoring, and technical assistance to the counties and agencies within the state. These offices support child welfare practice initiatives, review and report on child fatalities investigated by the local districts, and follow up on complaints and inquiries by families.

A focus on building strong families and supporting child and family well-being will help reduce the occurrence of abuse and neglect. Progress has been made, but more needs to be done. Failing to address the trauma, social-emotional, medical and mental health issues, and educational needs of children who enter the child welfare system results in lost productivity, lost tax revenues and increased crime. Supporting protective and preventive services such as Family Assessment Response (FAR), home visiting programs, and Kinship Guardianship Assistance is recommended.

Bureau of Adoption Services

New York State Adoption Services (NYSAS) is the state entity responsible for the coordination and delivery of federal and state mandated adoption services to New York State children in need of adoptive families. In compliance with these mandates, NYSAS provides services to local social services districts, voluntary authorized agencies, and closely collaborates with OCFS regional offices particularly regional adoption specialists in the provision of adoption and other permanency related services. NYSAS also has responsibility for the operation of the Interstate Compact on the Placement of Children (ICPC) and the Interstate Compact on Adoption Medical Assistance (ICAMA). NYSAS is involved in policy formulation, program development and

training activities related to the recruitment and retention of resource families critical to successful permanency outcomes for *NYS Waiting Children*. NYSAS supervises a federal grant to secure permanency for older youth in foster care as part of the Cluster of Diligent Recruitment and Retention Federal Grantees; and is responsible to work cooperatively with AdoptUSKids, the National Resource Center for Recruitment and Retention of foster and adoption parents. The bureau is responsible for:

- **Child Photolistings:** Administers the process for the photolisting of foster children freed for adoption in the NYS Adoption Album.
- **Family Adoption Registry & Family Photolisting:** Administers the process for registering families interesting in adopting foster children in the NYS Family Adoption Registry and the photolisting of families on the state's internal Adoption Album.
- **Adoption Subsidy:** Reviews adoption subsidy requests for maintenance and medical coverage based on the special needs of children available for adoption. *Fair Hearings* – provide OCFS' position on subsidy cases denied by NYSAS.
- **Interstate Compact on the Placement of Children:** Processes requests for the placement of children into and out of New York State in adherence with standards of safety and service needs established by the Compact.
- **Interstate Compact on Adoption and Medical Assistance:** Processes requests for the continuation of Medicaid for children in receipt of adoption assistance that are moving into or out of New York State.
- **Putative Father Registry:** Maintains a registry of putative fathers and children born out-of-wedlock and responds to agency and court inquiries regarding the registration of putative fathers.
- **NYS Parent and Kin Connection Help Line:** Provides information and or referral assistance on adoption, foster care and other support services to parents and professionals.
- **Approval of Adoption Agencies:** Reviews applications and renewals of not-for-profit agencies authorized to place children for adoption with New York State families.
- **Member of National Recruitment Response Team for AdoptUSKids:** Works with the National Resource Center to update the listing of New York State children photolisted on their website and increase efforts to prevent jurisdictional barriers to placement of children in need of adoptive families.

Bureau of Adult Services

The Bureau of Adult Services has responsibility for two programs, Protective Services for Adults (PSA) and Family Type Homes for Adults (FTHA).

Protective Services for Adults:

Protective Services for Adults are available for anyone age 18 or older who has a mental or physical impairment, is at risk of abuse or neglect, and has no one else available to assist responsibly. PSA clients include the elderly, the mentally ill, the developmentally disabled and the abused and exploited. The definition of abuse includes physical, sexual or emotional abuse, financial exploitation, active and passive neglect, and self-neglect.

Approximately 60 percent of PSA cases are age 60 and older, and over 70 percent of all PSA risks reported are for "self neglect." Studies also show that on average for every case of abuse or neglect reported to PSA or other authorities, there are 24 other cases that go unreported.

Services provided include; investigating and assessing the adult's needs and risk of harm; coordinating with law enforcement and other agencies; counseling; advocacy and case management; applying for benefits and coordinating the delivery of services; finding alternative living arrangements; financial management services; homemaker and housekeeper chore services; crisis interventions; and long-term legal interventions.

Family Type Homes for Adults (FTHA)

FTHA are a type of adult care facility in which an operator provides personal care and/or supervision services for four or fewer unrelated adults. Adults in FTHA must be ambulatory, not require continual medical or nursing care, and not suffer from unstable medical conditions which require continuous skilled monitoring.

FTHAs are licensed by OCFS and supervised by social services districts. The Bureau oversees the local districts and investigates complaints and enforcements. There are currently 478 licensed FTHA operators in New York State with a capacity of 1,524 residents.

Bureau of Program and Community Development

The Bureau oversees approximately 200 community-based organizations and related prevention initiatives which support local and state child welfare priorities as described below:

Healthy Families NY (HFNY) Home Visiting Program

- An evidence-based child abuse prevention program offering home visiting services to expectant parents and new families beginning weekly and decreasing over time until the child starts school.
- Proven results include reduction in low birth weight, improvements in school readiness, improved parenting skills, and reduction in child abuse/maltreatment.
- Accredited by the National Healthy Families America organization.
- Four of the 36 programs are also supported with federal Maternal, Infant and Early Childhood Home Visiting (MIECHV) funds; OCFS works closely with the NYS Department of Health on implementation of the MICHEV initiative.
- Subcontracts for statewide standardized core training and staff development, a management information system and an evaluation component.

Domestic Violence (DV)

- OCFS regulates and approves 165 residential and 63 non-residential programs for victims of domestic violence and administers federal Family Violence and Temporary Assistance for Needy Families (TANF) funds to all approved programs.
- 11 Child Protective Services (CPS)/DV collaboration projects with an out-stationed DV advocate at the local CPS office.
- Center for Human Services Research evaluation report of the CPS/DV projects is due in October; to date results appear to include improvements in case practice and increased referrals to DV services.
- DV information system which provides data for state and federally legislated annual reports.
- Extensive guidance documents and training for Child Welfare workers regarding addressing DV.

Children and Family Trust Fund

- Legislatively mandated to support child abuse, elder abuse and domestic violence prevention programs and to be guided by an Advisory Board; federal and state legislated annual reports.
- State Trust Fund dollars are used to match the federal Community Based Child Abuse Prevention (CBCAP) funds also administered through the Trust Fund.
- Evidence-based Shaken Baby Syndrome prevention and parenting education programs, and evidence informed Family Resource Centers are cornerstone of programs aimed at increasing protective factors
- Produces safe babies materials.

Kinship

- Supports eight programs providing support services for caregivers and children, directly or through referral.
- Kinship families are eligible whether they are in formal or informal relationships.
- Kinship Navigator provides statewide website and helpline.
- Materials available through OCFS website include “Know Your Options: Relatives Caring for Children,” a booklet for families explaining the legal options for relatives considering caring for relative children, and KinGAP materials.

Foster Care

New York State continues to be a leader in finding permanent, safe and nurturing homes for our children. The number of children in foster care in New York State has decreased from 53,902 children in 1995 to 20,450 in 2012, a significant reversal of trends in the 1980s and early 1990s.

Placements

Foster youth are in the legal custody of local social service commissioners, but physically placed in foster homes or residential settings. Family or relative foster boarding homes account for 81 percent of foster placements, with 19 percent in residential care. Placements are either by order of a court (involuntary) or because their parents are willing to have them cared for temporarily outside the home (voluntary).

An involuntary placement occurs when a child has been abused or neglected (or may be at risk of abuse or neglect) by his or her parent or someone else in the household, or because a court has determined that the child is a “person in need of supervision” or a juvenile delinquent. The court orders the child removed from the home and determines the length of the placement.

A voluntary placement occurs when parents are temporarily unable to care for their child for reasons other than abuse or neglect. For example, the family is experiencing a serious medical, emotional, and/or financial problem. The parents sign a voluntary placement agreement that lists the responsibilities of the parents and the agency during the child’s placement. This is different than a voluntary surrender for adoption, whereby the parents voluntarily and permanently give up all parental rights and transfer “custody and guardianship” to an authorized agency.

General Demographics

Race/Ethnicity	Ages	Gender
47 percent African American	52 percent Male	33 percent age 0-5
40 percent Caucasian	48 percent Female	30 percent age 6-13
20 percent Hispanic origin		26 percent age 14-17
13 percent Other/Unknown		11 percent age 18 & over

Admissions and Exits

Admission By Type			
Age	Re-entered Care	First Admission	All Admissions
Under 1 Year Old	70	1,544	1,614
Ages 1-5	597	1,856	2,453
Ages 6-9	538	962	1,500
Ages 10-13	640	1,019	1,659
Ages 14-17	1,952	1,975	3,927
Ages 18 and older	808	8	816
All Ages	4,605	7,364	11,969

Exits by Type									
Age	Relative	KinGAP	Adoption	Reach Majority	Permanency Resolution	Runaway	Other	All Exits	In Care as of End of Year
Under 1 Year Old	139	0	13	0	12	0	22	457	958
Ages 1-5	359	25	984	0	36	0	108	2,948	5,987
Ages 6-9	175	15	577	0	19	0	163	1,846	3,286
Ages 10-13	160	16	406	1	18	72	241	1,675	2,930
Ages 14-17	231	16	212	51	58	939	753	3,935	4,938
Ages 18 and older	36	2	40	1,144	13	353	598	2,342	2,351
5,196	1,100	74	2,232	1,196	156	1,364	1,885	13,203	20,450

Fatality Reports

OCFS, in accordance with Social Services Law (SSL) §20(5), must review a subset of all state child fatalities, specifically, child fatalities that are deemed to have occurred within the context of child welfare services. In 2012, there were a total of 276 child fatalities that occurred within the context of child welfare services.

OCFS-Verified and Reviewed Fatalities by Age Group					
2012					
Age	Infants	1 to 4 Years	5 to 12 years	12 -17 years	18-21 years
Count	153	62	31	26	4
Percent	55%	22%	11%	9%	1%

Manner of Death	
Natural	22%
Accident	22%
Suicide	3%
Homicide	15%
Undetermined/Unknown	32%
Pending	6%

Infants, less than one year old remain the most at-risk population, representing 55 percent, of all OCFS-verified fatalities. With regard to the manner of death, undetermined/unknown represents the highest percentage.

Reports to the Statewide Central Register (SCR) were the highest percentage of notification/service type of child fatalities.

All Reported Child Fatalities by Notification Type	
Universe (All fatality notifications)	284
Reported to SCR	233
Services Only (not reported to SCR)	51
*Foster Care (No SCR Report)	14
*Open CPS (No SCR Report)	30
*Open Preventive (No SCR Report)	14
* May be active in multiple "Services Only" Types	

Native American Services

OCFS is one of three state agencies (including the Department of Education and the Department of Health) charged with specific obligations to New York's Native American population.

Under section 39 of the Social Services Law, first enacted in 1928, OCFS' Native American Services (formerly known as the Bureau of Indian Affairs) is responsible for responding to the needs of Indian Tribes and Nations and their members both on reservations and in the state's other communities. The federal Indian Child Welfare Act (ICWA) of 1978 resulted in an expansion of the agency's consulting and training role with respect to the delivery of services to Native American children.

Runaway and Homeless Youth Programs

OCFS oversees and administers the programs under the Runaway and Homeless Youth Act (RHYA). In 2012, 28 counties and New York City provided residential and non-residential services to 12,848 young people with RHYA funding totaling \$2,570,256.

Statewide Central Register of Child Abuse and Maltreatment

Mandated reporters and members of the public who suspect that a child is being abused or maltreated can call the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) hotline toll-free number 24 hours a day, seven days a week. The number is 1-800-342-3720. The state-operated SCR takes the initial call, determines if there is reasonable cause to suspect abuse and relays the information to the appropriate local district to conduct the investigation and make a finding.

Calls are answered by a staff of 150 trained Child Protective Specialists whose minimum qualifications include a bachelor's degree and direct experience in the provision of child protective services (CPS) or child welfare services. Child Protective Specialists receive seven weeks of intensive in-house training, including one week of on-the-job training, before beginning their shift assignment on the hotline. A staff of 29 supervisors is on-site 24 hours a day, seven days a week to support decision-making and supervisory consultation to callers.

Procedures

- Based on the information provided by a caller, if there is reasonable cause to suspect that a child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired, an Intake Report is sent to the social service district's Child Protective Services (CPS) unit where the child is living.
- Counties maintain 24-hour coverage via the use of on-call rosters to respond in cases of imminent danger.
- The parents, as well as anyone else who may have had a role in the suspected abuse, are searched against the statewide child abuse/maltreatment database to determine if there is any history of abuse or maltreatment. This information is also provided to the local CPS.
- The local district has 60 days to determine if a report is "indicated" or "unfounded" based on a standard of some credible evidence. Information regarding crimes or immediate threats to a child's health and safety by persons not defined as legally responsible are immediately referred to the appropriate law enforcement agency by the SCR.

During 2012, the SCR hotline received 301,000 calls, which resulted in 187,500 reports being electronically transmitted to counties for further action. Approximately 33 percent of all reports are indicated. The SCR handled 209,600 Database Check Clearance requests, 7,900 Administrative Review requests and received 12,500 Requests for Information. For the complete data by county, please visit our webpage on Child Welfare Performance profiles <http://ocfs.ny.gov/main/cfsr/counties.asp> and click on "Executive Summary."

Division of Juvenile Justice and Opportunities for Youth

The Division of Juvenile Justice and Opportunities for Youth (DJJOY) is responsible for supervision and treatment of court-placed youth, from intake to facility programming and community service provision. OCFS serves male and female youth from the ages of 11 up to 21 who are remanded into the care and custody of OCFS by the family courts or committed by the criminal courts. Generally, youth placed with OCFS come to us presenting serious issues and many have extensive histories of prior placements. They present complex issues, many of which compromise their own personal well-being and public safety. DJJOY supports and monitors facility-based operations and programs, as well as community services and a range of community-based programs.

Residential Care System

In 2012, the DJJOY residential care system consists of 16 facilities and one reception center for both boys and girls. There are four secure facilities, five limited-secure facilities and seven non-secure facilities for Juvenile Delinquents and Juvenile Offenders. All facilities are accredited by the American Correctional Association (ACA). The following services are provided to youth in DJJOY care: discrete units for youth with mental health, substance abuse and sexual offender service needs; individual and group counseling, medical and dental services, education, vocational/employment, recreational and ministerial services.

Reception Center: Prior to being assigned to a residential facility, youths go to the Reception Center which provides a structured, 14-day program for juvenile delinquents to orient them to facility rules and behavior expectations. They also conduct thorough medical, educational, psychological and mental health assessments to determine youth service needs and identify the appropriate facility for placement.

Secure Residential Facilities: The most controlled and restrictive of the residential programs, secure facilities provide intensive programming for youth requiring this type of environment. Secure facilities are located in non-urban areas with virtually all program services provided on the premises. Surrounded by security fencing, facility access is strictly controlled and individual resident rooms are locked at night. The majority of youth in secure facilities are sentenced as juvenile offenders or juvenile offender/youthful offenders by the adult courts. Certain youth may be placed in secure facilities as juvenile delinquents, where the Family Court has authorized secure placement within 60 days of custody admission or when the youth has been "fettered" from a Limited-Secure facility for violent behavior.

Limited Secure Residential Facilities: This is the most restrictive service setting for youth adjudicated as juvenile delinquents. Limited secure facilities may also be used for youth previously placed in secure facilities as a first step in their transition back to the community. Most limited secure facilities are located in rural areas, and virtually all services are provided on the premises.

Non-Secure Residential Facilities: This level of placement is for youth adjudicated as juvenile delinquents and consists of a variety of urban and rural residential centers. Youth in non-secure residential centers require removal from the community but do not require the more restrictive setting or restraining hardware of a limited secure facility.

Community Services

DJJOY has 12 Community Multi-Services Offices (CMSO), four Satellite Offices and one Evening Reporting Center (ERC) statewide. CMSOs provide support to the family while the youth is in residential placement and when the youth is released to community supervision. A regionally-located Community Service Team (CST) works with the youth and family from "day one" of placement, providing assistance with education, school placement, jobs, mental health and substance abuse counseling and recreational programs. The Evening Reporting Center (ERC) provides afternoon, evening and weekend on-site supervision and services to youth in their home community. Youth must attend school or work as a condition of participation.

Detention Services

DJJOY is also responsible for certification and monitoring of the 41 Detention Programs (eight secure detention facilities and 33 non-secure detention facilities) operated by counties and voluntary agencies throughout the state. These programs provide temporary care to youth ages eight through 18 during the court process including pre-adjudication and disposition by family and/or criminal courts.

Juvenile Justice Reform

In 2012, New York State is at an exciting crossroads for change in its juvenile justice system. Over the past ten years, localities have taken increasing responsibility for their system-involved youth, and recently, this effort has expanded to include residential placement services. Counties statewide are now working to rely less on the state, and to provide effective residential services to low- and moderate-risk delinquent youth closer to their homes and communities. The Division of Juvenile Justice and Opportunities for Youth (DJJOY) continues in its effort to reform its juvenile justice system to serve a more complex and difficult youth that has not experienced success in placements prior to coming to our operated facilities. Specifically, DJJOY is aggressively taking steps to reform services in education and vocation, workforce development, secure placement, transitional services, family engagement, youth development, detention, and the continued roll-out of a comprehensive system of care known as the New York Model. DJJOY has worked to help young people in residential placement to develop competencies and pro-social identities to support positive change and long-term success. With this knowledge before us, as localities statewide utilize new residential programs, and as OCFS' system of residential services becomes more targeted, we have an opportunity and an obligation to our youth, families, and communities to deemphasize correctional hardware and practice, rethink our system, and design a new one. DJJOY provides a range of core mandated and enhanced services to court adjudicated youth and their families delivered by trained professionals in structured residential facilities and in centrally located community sites.

Close to Home Initiative

In 2012, New York State enacted the Close to Home (CTH) legislation authorizing New York City to build a system of care and assume custody for all New York City youth adjudicated as juvenile delinquents. The Close to Home initiative represents a transformation of juvenile justice in the State of New York from a centralized State-operated system to a locally controlled and operated system for those youth who can be safely maintained in their communities.

Close to Home is divided into two phases:

- Phase One focused on those youth designated as needing **non-secure placement (NSP)**. The New York City Administration of Children's Services (ACS) was charged with creating a system of residential and community-based care within the five boroughs. The first NSP programs opened in September of 2012, as part of a plan created by the City of New York and approved by OCFS. The NSP continuum includes over 30 residential programs in both the five boroughs of New York or Westchester with a current capacity of 244 beds, and aftercare services for community monitoring and follow-up. Starting in the fall of 2012, began the transfer of 232 youth to New York City custody.
- Phase Two of CTH is the transfer of custody and care of youth who are in the next level of care, **limited secure placement (LSP)**. Limited Secure Placement services are anticipated to be implemented in the spring of 2014. New York City is developing a plan for approval by OCFS.

As required in the legislation, OCFS created a robust oversight and technical assistance office, the Office of Close to Home Oversight and System Improvement (CTHO). This office reports to both the Deputy Commissioners for CWCS and DJJOY, representing OCFS's commitment to the least restrictive and most child- and family-centered approaches supported by evidence and data available. The CTHO provides oversight on a system level, monitoring both ACS and the providers of care for adherence to regulatory requirements, and provision of quality, timely and effective services per the plan and best practices. In addition to monitoring, CTHO provides ACS and the voluntary agencies technical assistance on a wide range of issues including girls' programming, safety and security, and AWOLs, aggressive youth and behavioral health.

The Office of the Ombudsman

Through the Division of Juvenile Justice and Opportunities for Youth, OCFS is responsible for the residential care system for court-placed youth. These youth have certain basic rights that they do not lose when they are placed in an OCFS residential facility. The Office of the Ombudsman (OOTO) helps protect those rights.

In 2012, Ombudsman's Office had 4,337 new cases. Of these new cases, 1,907 were initiated by the ombudsmen by engaging in proactive outreach via visits and telephone calls to facilities and youth; 1,941 were initiated by residents; and the remainder were cases initiated by family members, staff, law guardians and others. Almost 500 of these involved voluntary agencies serving juvenile delinquents placed with OCFS or local social services districts.

The office received 1,041 hotline calls after hours and on weekends. OOTO identified 6,393 separate issues for the 4,337 contacts they had. Some of the general categories of issues handled included those related to quality of life (1,197); programs, policies and placement concerns (409); release concerns (556); law-related issues (600) access to attorney or ombudsman (188); problems with staff (397); health care concerns (317); disciplinary procedures (197) education and vocational training (168); and family contact or support (143). OOTO referred 98 cases involving an allegation of abuse or maltreatment to the State Central Register, and seven cases to the agency's Special Investigation Unit.

OOTO staff actively works with OCFS leadership to develop new protocols and to look at procedures affecting the rights of residents in the custody of OCFS. Their ongoing review of processes and programs due to the calls they receive from residents, staff, parents and attorneys, and the visual observations they make during facility visits results in them playing a critical role in the developing new policies and modifying existing ones.

2012 Summary

Number of Cases Opened	4,337
Numbers of Specific Issue	6,393
Number of Investigations	514
Number of Matters Referred to SCR	98
Number of Cases Closed	4,226
Number of Facility Visits	173
Hotline calls received after business hours	1,041
Number of External Contacts	53
Attorney	46
Court	3
Director of Attorney for the Child Program	2
Detention Center	1



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Visit our website at:

<http://ocfs.ny.gov>

For child care, foster care and adoption information, call:

1-800-345-KIDS

To report child abuse and neglect, call:

1-800-342-3720

For information on the Abandoned Infant Protection Act, call:

1-866-505-SAFE

For information about services for the visually impaired, call:

1-866-871-3000

1-866-871-600 TDD

For Adult Protective Services, call:

1-800-342-3009

For the Child Care Complaint Line, call:

1-800-732-5207 or 1-212-676-2444 in New York City

For the Domestic Violence Hotline, call:

1-800-942-6906

“...promoting the well-being and safety of our children, families and communities...”

