



Region II
Federal Building
26 Federal Plaza
New York, NY 10278

April 14, 2003

Mr. John A. Johnson
Commissioner
New York State Office of
Children and Family Services
Capital View Office Park
52 Washington Street
Rensselaer, New York 12144-2796

Dear Commissioner Johnson:

This is in response to the submittal of the New York State Child Welfare Program Improvement Plan (PIP), which was mandated as a result of the findings from the Child and Family Services Review (CFSR) conducted in New York State during the week of June 18-21, 2001. The initial version was submitted in a timely manner on April 9, 2002. After negotiations with Regional Office staff on several issues, the plan was resubmitted on November 15, 2002 and February 18, 2003. Additional changes were made in the Program Improvement Plan and a final version was submitted to this office on April 11, 2003.

We appreciate the diligence of your staff in working through the intricacies of this process. We have reviewed the NYS PIP Reporting Matrix, as amended on April 11, 2003, and I hereby approve it for the period beginning April 14, 2003 and ending April 13, 2005. The time period for completing the PIP will not exceed 2 years. Child safety issues must receive priority in implementing the PIP. The program improvement period begins on the date that the Administration for Children and Families (ACF) approves the PIP.

In accordance with 45 CFR 1355.35(f) the State must also incorporate elements of the PIP into the goals and objectives of the Child and Family Services Plan (CFSP) and address their progress in implementing the PIP in the Annual Progress and Services Report (ASPR). Evidence of that requirement is expected to appear in the CFSP and the ASPR.

The ACF Regional Office, in collaboration with the State, will evaluate the State's achievements with the terms and conditions of the approved PIP as follows:

- The ACF Regional Office will monitor the State's progress in completing the provisions of the PIP through written (or electronic) status reports on the PIP that the State must submit to the ACF Regional Office no less frequently than quarterly. (45 CFR 1355.35(d)((4)). All reports will be submitted within 30 days from the end of each quarter. The first quarter will begin April 14, 2003 through July 13, 2003.
- The quarterly status reports should include, at a minimum, the following information: (1) a description of progress made during the reporting period, and (2) data about measurable factors and their relationship to the established benchmarks and timeframes. All products and materials that are produced as a result of the implementation of the PIP should be readily available to ACF. (States are strongly encouraged to use the attached PIP matrix to prepare the quarterly status reports.)
- At least annually, the ACF Regional Office and the State must jointly evaluate the State's progress in implementing the PIP. This activity should occur in conjunction with the preparation of the State's APSR, and in collaboration with other members of the child and family services review team. The evaluation should be based on the measures and methods of evaluation specified in the PIP.
- Action steps and goals included in the PIP will be evaluated for completion according to the manner and completion dates specified in the PIP. The ACF Regional Office and State may jointly determine that action steps have been completed and/or goals achieved, before the projected completion dates, based on sufficient evidence. When that occurs, the ACF Regional Office and the State will not be required to further evaluate the goal during the remainder of the PIP implementation process.

Penalties are suspended while a State is implementing a PIP. If the ACF Regional Office determines, however, that the State failed to submit status reports, or that the State is not making satisfactory progress towards achieving the goals and action steps in a timely manner, then the suspension of penalties will cease and withholding will begin. (45 CFR 1355.36(e)(2)(i) & (ii)).

We believe that the Office of Children and Family Services has developed a challenging list of corrective actions, which should have a positive impact on achieving better outcomes for the children and families that are served by the New York State child welfare system. Implementing the respective strategies and tracking progress and timeframes for completion will require concerted efforts by the Office of Children and Family Services as well as the local child welfare districts. We look forward to working with you over the next two years in achieving program improvement. If we may be of any assistance to you, please let us know. In addition, technical assistance is available through the National Resource Centers.

Enclosed is a copy of the approved PIP and agreement form. The PIP will be made available to the public by ACF. In addition, we want to remind you that Federal regulations, at 45 CFR 1355.37, require that the State make available for public review and inspection all statewide assessments, reports of findings, and PIP developed as a result of a CFSR.

If you have any questions regarding this or other related matters, please contact Carolyn S. Baker, Children and Families Program Specialist, at 212-264-2890 x 140.

Sincerely,

/s/

Mary Ann Higgins
Regional Administrator

cc: Ms. Joan E. Ohl, Commissioner, ACYF
Ms. Deborah Konopko, Regional Director, HHS
Ms. Susan Orr, Associate Commissioner, Children's Bureau
Mr. John Allen, Director, Office of Public Affairs
Ms. Diann Dawson, Director, Office of Regional Operations
Mr. Martin J. Dannenfeler, Jr. Deputy Assistant Secretary for Policy
and External Affairs
Mr. Larry Brown, Deputy Commissioner, NYS OCFS
Mr. Jerry Milner, Children's Bureau
Child Welfare Review Project, c/o Johnson Bassin & Shaw

Enclosure