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| LOCAL COMMISSIONERS MEMORANDUM |
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Transmittal No: 94 LCM-33

Date: March 28, 1994

Division: Services
and Community
Development

TO: Local District Commissioners

SUBJECT: Findings of Two OSC Foster Care Audits

ATTACHMENTS: None

The purpose of this memorandum is to share with you some of the findings of two audits completed by the Office of the State Comptroller regarding foster care and, in particular, foster boarding homes.

Contained in their recommendations were requests that this Department review with you and your foster care staffs some of the findings and the related requirements regarding corrective action.

One of the findings of the audit titled, "Department Payments for the Foster Care Program" (OSC Audit #94-F-14, QA&A Log #94-004) was that payments were made to foster parents at the special and exceptional rate although the foster parents appeared to lack the requisite training and experience. Please refer to 91 ADM-7, Department Regulation 18 NYCRR 427.6(e) and the Department's Standards of Payment for Foster Care of Children (SOP) Program Manual, Chapter VIII, Section B, Pages 7 and 8. This letter is also being sent to remind local districts that records documenting the training and experience of foster parents must be maintained.

Another audit finding referred to payments to foster parents when foster children were absent from the foster home and the absence did not appear to meet Department requirements for reimbursement. Please refer to Department Regulation 18 NYCRR 628.3(a)(4) and SOP Program Manual, Chapter X, Section F for a complete description of reimbursable absences from foster care.

During the audit, some foster care records could not be located. When this occurs, the case should be reconstituted as soon as possible, making use of duplicate documents obtained from such sources as authorized child care agencies and family courts. A summary of the case notes should also be made. In particular, court documents and UCR forms should be replaced. In audit situations, case records that are unavailable can be the basis for requests for repayment or disallowances assessed against social services districts.

In the audit titled, Safety of Children in Foster Care, (OSC Audit #94-F-15, QA&A Log #94-005) concern was raised regarding attestation forms on criminal convictions which are required to be completed by foster parent applicants. Department Regulation 18 NYCRR 443.3(a)(10)(iv) requires, as part of the application process, "a sworn statement by the applicant indicating whether, to the best of the applicant's knowledge, the applicant has ever been convicted of a crime in New York State or any other jurisdiction."

The Department will review any attestation form on criminal convictions referred to us by local districts or voluntary agencies.

Questions regarding the findings or the pertinent procedural citations should be addressed to your appropriate Family and Children Services Regional Office Director.

Frank Puig
Deputy Commissioner
Division of Services & Community
Development