



The City of New York
Department of Investigation

MARK G. PETERS
COMMISSIONER

80 MAIDEN LANE
NEW YORK, NY 10038
212-825-5900

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**CONTACT: DIANE STRUZZI
NICOLE TURSO
(212) 825-5931**

**DOI REPORT FINDS THE CITY ADMINISTRATION FOR CHILDREN'S SERVICES
DID NOT SUFFICIENTLY HOLD FOSTER CARE PROVIDERS ACCOUNTABLE
FOR SAFETY OF CHILDREN IN THEIR CARE**

ACS' Internal Reviews Found Serious Safety Issues but ACS Failed to Consistently Step In

Mark G. Peters, Commissioner of the New York City Department of Investigation (DOI), today issued a Report on an investigation into the New York City Administration for Children's Services' (ACS) systemic accountability reviews of the safety of children in the Family Foster Care (FFC) programs administered by private providers contracted by ACS. DOI discovered that, while ACS' evaluation processes uncovered and documented serious safety concerns for children in foster care, ACS frequently failed to then ensure that providers promptly addressed those concerns to prevent risk of harm to children. Specifically, DOI found ACS often did not ensure providers were adequately addressing concerns of poor safety performance identified in ACS' annual performance measurement process called Scorecard, and did not require providers to focus on addressing safety in its quality improvement mechanism called the Collaborative Quality Improvement (CoQI) process.

In Fiscal Years 2016 and 2017, many of ACS' FFC providers fell far short of the federal guideline for maltreatment of children in foster care. DOI's investigation also found that 479 children were abused or neglected while placed with FFC providers in Fiscal Year 2016 (FY16) – a figure that rose to 599 in the following Fiscal Year (FY17). Although the majority of instances of maltreatment occurred when the children were visiting their parents or when reunited with them on a trial basis, the children were still being overseen by the contracted providers and still in ACS' custody. DOI also found that ACS failed to promptly impose consequences when a provider received low safety scores on ACS' internal evaluations. DOI issued 12 recommendations to ACS to ensure providers are consistently held accountable in the future, and ACS has agreed to implement all of them. A copy of DOI's Report is attached to this release and can be found at the following link: <https://www1.nyc.gov/site/doi/newsroom/public-reports.page>

DOI Commissioner Mark G. Peters said, "ACS is responsible for the safety of nearly 8,500 New York City children in foster care – it has to get this process right. ACS' failure to properly oversee foster care providers, some with significant safety concerns, must be addressed. Thankfully, ACS has agreed to DOI's recommendations and is taking important steps to address the concerns raised in today's report. DOI will continue to monitor as ACS reviews the problem providers and decides whether additional corrective action will be taken."

As part of its investigation, DOI examined ACS' FY16 and FY17 internal Scorecard reports and data concerning key safety measures for 22 FFC providers, focusing most specifically on data for six providers with the lowest overall safety scores in FY16. DOI examined these providers' overall safety performance in the Scorecard process as well as whether they fell short of the federal maltreatment in care guideline, a guideline for states to work toward. These six providers' FY16 scores all fell below the ACS providers' average score for overall safety in the Scorecard process, and four of the six also scored below the ACS providers' average on maltreatment in care (*Table 1 in the Report*). The FY16 maltreatment in care scores for the three lowest scoring providers, based on a possible highest score of 100 were as follows (*Table 1 in the Report*):

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- Provider 1 Score: Maltreatment in Care Score of 2 out of a possible 100
- Provider 2 Score: Maltreatment in Care Score of 19 out of a possible 100
- Provider 3 Score: Maltreatment in Care Score of 10 out of a possible 100

In its investigation, DOI also found:

- Among the six lowest scoring FFC providers, 4.5 percent of individual children (or 174 out of 3,876) suffered maltreatment in care in FY16, which rose to 5.1 percent (or 187 out of 3,632) in FY17.
- In FY16, 41 percent of FFC providers fell short of the federal guideline for maltreatment in care by more than double. In FY17, 86 percent of FFC providers fell short of the guideline by more than double and 82 percent of FFC providers performed worse on maltreatment in care than in FY16.

Despite this poor performance, ACS' systemic accountability mechanisms did not require immediate concrete steps imposing adequate and timely consequences for performance issues. ACS did not routinely apply increased oversight mechanisms to providers with safety performance issues, including heightened monitoring or corrective action status up to and including, termination of contracts, nor did the agency set any minimum requirements for Scorecard performance or as related to federal safety guidelines. ACS also did not require providers with documented safety issues to focus on improving safety during the agency's CoQI quality improvement process.

DOI made 12 recommendations to ACS to address the deficiencies identified during this investigation and to safeguard children in foster care, including:

- ACS should conduct an emergency safety audit of the current lowest scoring agencies on safety and decide whether any action, such as placement on heightened monitoring or corrective action or contract termination, is necessary and report its findings to DOI within 90 days.
- ACS should prioritize safety in the Scorecard and CoQI processes.
- ACS should follow-up on the current safety of the children who experienced the abuse in care laid out in this Report and report its findings to DOI within 90 days.

ACS has reviewed all of the recommendations, has agreed to implement them, and, in fact, has begun implementation of some of the recommendations. DOI will monitor ACS' implementation of them.

DOI Commissioner Mark G. Peters thanked ACS Commissioner David A. Hansell, and his staff, for their cooperation and assistance during this investigation.

This investigation was conducted by DOI's Inspector General for ACS Jodi Franzese, Deputy Inspector General Laurie Bensky, and Confidential Investigator Francine Santos, under the supervision of Associate Commissioner Andrew Brunsden, Deputy Commissioner/Chief of Investigations Susan Lambiase, and First Deputy Commissioner Lesley Brovner.

DOI is one of the oldest law-enforcement agencies in the country and New York City's corruption watchdog. Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. DOI's strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive internal controls and operational reforms that improve the way the City runs.

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