



NYC Administration for Children's Services



The City of New York
Department of Investigation

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DOI ANNOUNCES FINDINGS OF INVESTIGATION OF FOSTER CARE PROVIDER
ACS MOVES TO CANCEL \$86 MILLION IN CONTRACTS WITH PROVIDER

ROSE GILL HEARN, Commissioner of the New York City Department of Investigation, and JOHN B. MATTINGLY, Commissioner of the New York City Administration for Children's Services, announced today that some employees of St. Christopher's, Inc., a Dobbs Ferry, New York-based not-for-profit with more than \$56 million in City contracts to oversee up to 690 children in foster boarding homes, engaged in a deliberate process of changing, enhancing, creating and falsifying significant portions of foster care case files in order to deceive ACS in an annual audit/review of those records.

The DOI investigation found that the calculated efforts of some St. Christopher's employees to fabricate or falsify foster care case files from 2003, made it difficult or impossible for ACS to determine whether St. Christopher's was fulfilling its responsibilities in overseeing the children in its care. The actions of certain staff members and supervisors as outlined in a Report being released today by DOI, call into question the integrity of not only the 50 case records selected by ACS for review, but every St. Christopher's FBH case record. The falsification of these records potentially masked the conditions in those 50 foster homes, including safety conditions.

ACS has moved to terminate all of its foster care contracts with St. Christopher's. In addition to the foster boarding home contract, ACS is terminating two contracts totaling \$22.8 million to oversee children in congregate care facilities managed by St. Christopher's, as well as \$7.2 million in other contracts for preventive care, homemaking services and child care. The total value of the ACS contracts being canceled with St. Christopher's, all of which cover a period of three years, is \$86 million. As a result of DOI's investigation, ACS froze intake into the St. Christopher's foster boarding home program last July and assigned the cases to other contract agencies instead. Since then, the number of children in the St. Christopher's program fell from 830 to 690. The remaining cases will be reassigned to high-performing agencies in the same communities within the next 90 days.

DOI's investigation began after ACS reported that it had received several anonymous complaints from individuals who stated they were former employees of St. Christopher's and that they had been told to alter, enhance and/or falsify documents contained in foster boarding home case records prior to the annual evaluation by ACS. St. Christopher's, Inc. received below-average scores for similar reviews in 2001 and 2002.

After reviewing hundreds of documents and interviewing approximately two dozen present and former St. Christopher's, Inc. staff members, DOI found that:

- All original progress notes, which detail the history of case actions taken by St. Christopher's, Inc. caseworkers related to the foster children under their care, were removed and discarded from the 50 randomly chosen cases that were to be reviewed by ACS. As a result, no original case records re-

main for those children that would allow either DOI investigators or ACS to determine with accuracy if proper visits occurred or if the findings relating to care and conditions were truthful;

- Current and former St. Christopher's, Inc. caseworkers stated they were instructed by supervisory staff to make changes to case records; e.g., make up visits to foster and birth homes, progress notes, case plans, etc., as if these events actually took place;
- Current and former caseworkers said files were altered or contained documents that had been created bearing their forged initials or signatures;
- Some caseworkers said they were asked by supervisory staff to create case-related documents for cases where they had no direct involvement or knowledge of the specific circumstances;
- In addition to the re-written progress notes, DOI found at least 400 other case-related documents that had been altered in some fashion; and
- In one case, the forgery was obvious: Six month's worth of reports were written in fresh, blue ink but the signatures of the foster child, foster parent and caseworker had been photocopied.

DOI Commissioner Rose Gill Hearn said, "The falsification of these vital foster care records by some employees of St. Christopher's compromised ACS's ability to ensure the safety and well-being of foster care kids."

"Our overriding concern is for the health and well-being of the children," said ACS Commissioner John B. Mattingly. "There has been a breach of faith by St. Christopher's, and the facts as presented by DOI, made still worse by our own concerns about St. Christopher's, Inc.'s sub-par performance over the past two evaluation years, leave us no option but to terminate the contracts and remove the children from the care of this agency. We will not tolerate such deception from any of our contractors. The children and families of the City of New York expect the very highest level of integrity from our contract partners. We are making sure that these cases are transferred to foster care agencies with high performance evaluations that will properly oversee the children's safety, well-being, and progress toward reunification or adoption."

Commissioner Mattingly has directed ACS foster care staff to visit every child involved in the 50 St. Christopher's, Inc. cases under investigation to ascertain their progress and well-being.

Foster care case records and progress reports are among one of the fundamental, necessary measures by which ACS ensures that the youth in foster care are being properly cared for by their foster families. ACS relies on its contract agencies to find and license foster care homes, place children in the best possible setting, and visit them regularly, assessing their health and safety, and making sure that they are receiving all appropriate services for their well-being. Caseworkers also work with birth parents to prepare families for reunification, ready children for adoption, or make other permanency plans.

In reassigning the remaining foster boarding home cases to other contract agencies within the next 90 days, ACS will choose those agencies that are in the same neighborhoods, starting with the highest-scoring agency in that community district. No children will have to change their residence unless ACS determines that they are not receiving adequate care in a St. Christopher's foster home. Foster families will be given the opportunity to work with one of the higher-performing agencies in their own community. ACS will ask other contract agencies to provide the preventive and homemaking services, and ACS will find interim sponsors for the childcare networks, so that those programs can also continue without disruption. The young people who have been living in a congregate care facility managed by St. Christopher's will be consulted as part of the process to determine the best place for them to be transferred.

"The children will receive better service because their cases will be transferred to higher-performing contract agencies," said Jeanette Ruiz, Deputy Commissioner of the ACS Family Permanency Services Division, which oversees foster care placements. "The children will be quickly visited by caseworkers from the new agency, and ACS staff is prepared to make this entire process go smoothly. Our goal is to minimize any disruption to their lives."

Citywide, Children's Services has contracts with 46 agencies to oversee the cases of 19,279 children living in foster boarding homes and congregate care facilities throughout New York City. The total value of all those

contracts is \$1.27 billion. The foster care census has declined from a high of more than 50,000 in 1991, when the number of children in foster care in New York City reached its peak.

Not all St. Christopher's staff members have been implicated in the wrongdoing. Additionally, St. Christopher's provided DOI with information and some employees came forward and cooperated with DOI. This is an ongoing investigation and DOI is in the process of forwarding information to the Westchester County District Attorney's Office.

DOI is one of the oldest law-enforcement agencies in the country. The agency investigates and refers for prosecution City employees and contractors engaged in corrupt or fraudulent activities or unethical conduct. 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.

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To report someone ripping off the city, call 311 or DOI directly at (212) 825-5959.***



**Summary of Findings for Mayor Michael R. Bloomberg and
Administration for Children's Services Commissioner John B. Mattingly**

**The Department of Investigation's Examination of Foster Care Services
Provided by St. Christopher's, Inc.**

Submitted by DOI Commissioner Rose Gill Hearn

January 14, 2005

I. SUMMARY OF FINDINGS

The New York City Administration for Children's Services (ACS) is charged with protecting children from physical harm and providing appropriate foster care for children who have been removed from their homes as a result of abuse and neglect.¹ ACS monitors the quality of services provided to approximately 20,000 children and families in the foster care system through direct care services and oversight of a network of more than forty contract agencies.

In February of 2004, ACS received several anonymous complaints via telephone and e-mail from individuals who stated they were former employees of St. Christopher's, Inc., a not-for-profit organization contracted with ACS to oversee temporary home-based foster care, commonly known as Foster Boarding Home (FBH) services. The complaints alleged that St. Christopher's supervisory staff directed subordinates to alter, enhance and/or falsify documents contained in Foster Boarding Home case records prior to the annual review of those records conducted by ACS, which took place January 26-28, 2004. According to the allegations, St. Christopher's staff members were told they would lose their jobs if they did not falsify the records. ACS forwarded these allegations to the Department of Investigation (DOI), which immediately commenced an investigation.² During the course of the investigation, DOI recommended that ACS make no additional referrals to St. Christopher's for foster care services.

All of the allegations were substantiated by the DOI investigation. This summary outlines DOI's findings to date and is based upon interviews, review of case records and other documentary evidence, and analysis of the applicable guidelines and laws pertaining to Foster Boarding Home case records. This is an on-going investigation. This report is limited in scope because DOI is in the process of forwarding information to the Westchester County District Attorney's Office.

II. ST. CHRISTOPHER'S

Founded in 1881, St. Christopher's is a not-for-profit organization whose headquarters are located at 71 South Broadway, in Dobbs Ferry, New York. Its mission is to "care for children and families shattered by poverty, disease, homelessness, drugs, alcohol, and crime."³ It cares for a wide population of families by providing a variety of community-based comprehensive services, including foster care programs.⁴ St. Christopher's programs include the Foster Boarding Home Program, Adoption Program, Family Day Care, Group Homes, Prevention Services, Homemaking, Residential Treatment Centers, Substance Abuse Treatment, and Parent Advocacy.

¹ ACS Foster Care Standards, Appendix G, p. 2, (March 1999).

² Pursuant to Section 372 of the New York State Social Service Law, certain ACS foster care information is deemed confidential. DOI received approval from the New York State Office of Children and Family Services to look at these confidential records.

³ St. Christopher's Inc., 2003 Annual Report.

⁴ Id.

St. Christopher's currently has eight contracts with ACS, and one with the Department of Juvenile Justice (DJJ), totaling more than \$89 million. The eight contracts with ACS call for the provision of the following services: Foster Care Services (including FBH services), Homemaker Services, Congregate Care, Day Care Services, and Preventive Services. The DJJ contract, with a total cost of \$2.8 million, calls for detention services in a group home setting for youths ordered by the court into the City's juvenile detention system.⁵

DOI focused on St. Christopher's Foster Boarding Home Program because that program was the subject of the complaints received. There are currently two FBH contracts with ACS, totaling more than \$56 million.⁶ These contracts require St. Christopher's to provide comprehensive foster care services to foster children and families in New York City. The complaints received pertained solely to St. Christopher's FBH program.

The St. Christopher's FBH program served as many as 830 children when this investigation began but currently serves approximately 690 children from three field offices located in the Bronx, Harlem and Dobbs Ferry. (The number was reduced because ACS froze intake for St. Christopher's FHB program when the investigation began). St. Christopher's places children with qualified foster parents whom it trains, and also provides support services to birth families with the goal of family reunification, if possible. St. Christopher's also provides adoption services.

III. DOI'S INVESTIGATION AND FINDINGS

DOI reviewed the FBH records selected for the annual ACS review that took place in January 2004, (the "Evaluation and Quality Improvement Protocol (EQUIP) review"),⁷ received facts and information from St. Christopher's and interviewed approximately two dozen present and former St. Christopher's staff members. St. Christopher's contracts with ACS require them to cooperate with DOI's investigation. However, some St. Christopher's employees failed to cooperate. DOI is in the process of forwarding this information to the Westchester County District Attorney's Office.

Preliminary findings indicated that in the weeks and months before the January 2004 EQUIP review, St. Christopher's supervisory staff directed subordinates, orally and in writing, to evaluate all case records and determine if all documents were in order in preparation for the ACS

⁵ In December 2004, DOI, accompanied by DJJ, conducted a site visit of this group home to ensure the well-being of DJJ's children, and found no adverse circumstances.

⁶ A) Contract#: 06820030000026; Term: July 1, 2002 to June 30, 2005; Contract Amount: \$36,745,755. B) Contract #: 06820030015343; Term: March 1, 2003 to February 28, 2006; Contract Amount: \$19,896,191.

⁷ Each year, ACS assesses the quality of services provided by FBH contractors through EQUIP, which measures performance in three categories: Process, Outcomes/Indicators, and Quality. Each category receives a score, which is then totaled for an overall EQUIP rating. ACS considers the EQUIP results when determining whether or not to increase or decrease the number of foster care referrals to a provider.

review. However, DOI determined that select staff members at St. Christopher's (some identified and others presently unknown) engaged in the deliberate process of changing, enhancing, creating and even falsifying significant portions of foster care case record files in preparation for the EQUIP review.⁸ The affected documents in the FBH case records include Case Progress Notes, Service Plan Reviews and Letters of Notification, Independent Living Skills Monthly Check-lists, Recreation Reports, Ethnic/Cultural Identity Reports, Religion Reports, Clothing Inventories, and Parents as Partners Contact Sheets. These documents are important because they detail progress toward a permanency goal, and the personal and social development of foster children.

A. Progress Notes

The DOI investigation revealed that prior to the ACS January 2004 review, all original Progress Notes, which detail the history of case actions taken by St. Christopher's caseworkers related to the foster children under their care, were improperly removed and discarded from the 50 cases that were to be reviewed by ACS. These Progress Notes were recreated and rewritten in different drafts and formats, with information added in an apparent effort to have all of the Progress Notes appear to be uniform and complete. As a result, no original records remain that would allow investigators to determine with accuracy if proper visits occurred or if the findings were truthful.

Additional serious problems were discovered that include: St. Christopher's caseworkers stated that they were instructed by supervisory staff to make changes to case records; e.g., make up visits to foster and birth homes, Progress Notes, case plans, etc., as if these events actually took place. Caseworkers also said that files were altered or contained documents that had been created bearing their forged initials or signatures. These caseworkers said they did not perform the activities detailed in these documents. Some caseworkers were asked by St. Christopher's supervisory staff to complete Progress Notes for cases where they had no direct involvement or knowledge of the specific circumstances. Some were asked to create Progress Notes for caseworkers who had left the agency months before the review. Additionally, these workers were asked to alter case records by adding more information than had originally been recorded, and call foster and birth parents for details of what may have happened in prior months so that information could then be entered and backdated in the Progress Notes. Moreover, Progress Notes were re-written and contained the names of caseworkers who had left St. Christopher's, making it appear that those were the original Progress Notes. This serious misconduct calls into question how much oversight St. Christopher's was actually providing to the children in those 50 homes (and that ACS was paying for). The falsification of these records potentially masked the conditions in those foster homes, including safety conditions. Several specific examples of the misconduct are outlined below.

⁸ In 2002, St. Christopher's EQUIP score was 67.10, ten points below the average for all ACS-contracted FBH programs. In 2001, St. Christopher's received an overall EQUIP score of 73.13, which was still below the average score of all FBH programs, 77.53.

- One caseworker admitted to DOI that she falsified Progress Notes for one child by falsely stating in the case record that she made five visits to the biological mother's home between June 2003 and November 2003 when, in fact, these visits never occurred. She also told DOI she falsely indicated in the case notes that she had nine telephone contacts among her, the birth mother and the foster mother from May 2003 to December 2003. The caseworker told DOI that her supervisor directed her to make these false entries and that she did so because she was behind in her paperwork.
- One caseworker said she was asked by St. Christopher's supervisors to prepare Progress Notes for a six-month period, January through June 2003, during which time she was not the assigned worker. This caseworker said that she refused to fabricate the records. In response, she was told "not to worry about it." When she subsequently reviewed the case file with DOI, it contained Progress Notes with her name on it that she stated she did not write.
- A caseworker said a supervisor told him to create Progress Notes for a four-month period (February to May 2003) missing from a particular case file discovered when St. Christopher's began preparing for the EQUIP review. The caseworker who was asked to create these Progress Notes was assigned to this particular child in August 2003. The caseworker said he created Progress Notes for February through May 2003 using documents in the case file, yet he did not put his name on the fabricated Progress Notes. Instead, he simply wrote that the Progress Notes were generated by "caseworker." For example, the caseworker claimed that he was able to ascertain approximately when phone calls to foster homes had occurred but he wasn't able to describe what was discussed. To obscure the lack of detail in the four fabricated Progress Notes, the caseworker wrote the same generic text, "The worker ask the foster parent how was the child doing she stated that the child is doing well [sic]."
- When reviewing one of her case files with DOI investigators, another St. Christopher's caseworker said she was surprised to see Progress Notes for the first 10 months of 2003 included in a child's file because they were not present when she was assigned to the case in November of that year. She said she does not know who compiled those Progress Notes, which had been attributed to a caseworker no longer employed at St. Christopher's. She also said the September and October Progress Notes contained information attributed to her, as if they were updates, but that she herself did not add the data.
- A former caseworker, who refused her supervisor's request to alter case records, reviewed her files with DOI and said that a Progress Note for one child she had supervised was a "total fabrication." This caseworker said that she did not meet with the foster child at St. Christopher's as the Progress Note indicated, and had no conversations with the child concerning her well being as detailed in this Progress Note. This caseworker's name and initials appear on this Progress Note as if she had prepared the

document. The worker stated that she neither prepared nor initialed the Progress Note.

- DOI recommended that ACS conduct independent reviews of all cases handled by the caseworkers described above, including visiting the homes of both the birth and foster parents, to ensure that the children in each case were safe and their needs were addressed. ACS reports they are in the process of undertaking such reviews. St. Christopher's took various measures including terminating several of its employees.

B. Other Fabricated Documents

At least 41 of the 50 case files DOI reviewed revealed additional misconduct with other types of records similar to those discovered with the Progress Notes. Of these 41 case files, at least 400 documents found within the records were altered in some fashion (approximately 10 documents per case file). These 400 altered documents included but were not limited to records generated by Service Plan Reviews (SPR) and Independent Living Skills (ILS) Assessments.⁹ According to caseworkers interviewed, in many instances documents that had not been present in the FBH records were added so case files would be complete for the ACS review of the files. As with the Progress Notes, some caseworkers told DOI that their signatures appeared on documents that they said they did not write or sign. In some instances, employees' names, signatures or initials appeared on documents even though those employees were not the caseworkers at the time the activities were allegedly observed. In one case, the forgeries were obvious. For example, six month's worth of Independent Living Skills reports were written in fresh, blue ink but the signatures of the foster child, foster parent and caseworker had been photocopied. In other cases, it appeared that documents had been backdated using white-out. Investigators could see the original dates through the white-out. Some additional examples of the altered records are outlined below:

- A St. Christopher's supervisor said that around the time of the review, she was instructed by a higher ranking supervisor to create a SPR record for a foster child. This SPR had not been in the case file and needed to be present for the ACS audit. The SPR was manufactured by reviewing data already contained in the case record, and was backdated to April 2003. The initials of a St. Christopher's worker were on this form as having attended the SPR, but she could not have actually initialed the document as she was no longer working for St. Christopher's at the time this SPR was created.
- A St. Christopher's caseworker reviewed her case files with DOI and stated that a Recreation Report¹⁰ dated in August 2003, was contained in the file and indicated that the foster child was fully engaged in indoor and outdoor recreational activities, such as playing with toys, enjoying park activities, etc. Even though the signature of the

⁹ Service Plan Reviews are formal conferences held with ACS, St. Christopher's, the birth/foster parents and the child every six months to review case progress. Independent Living Skills Assessments evaluate a child's progress toward living independently post-foster care.

¹⁰ A Recreation Report records the leisure activities a foster child engages in and how often.

document purports to be that of the caseworker, she states that she did not prepare or sign this document, this case was never on her caseload, and she conducted no such meeting with the foster child.

- An examination of the ILS Monthly Assessments for a specific case revealed that they were all photocopies even though originals would normally be contained in the file. These eleven ILS Assessment sheets dated January 2003 through December 2003, (there was no ILS sheet for September 2003), purported to detail the foster child's progress towards independent living throughout 2003. DOI's examination of these forms found that the signature of the foster parent is exactly the same on each of the eleven photocopied documents. Those eleven signatures appear to be cut and pasted on all of the documents.
- A St. Christopher's caseworker reviewed her case records with DOI and stated that Clothing Inventory¹¹ reports for two foster children that appear in the case record dated June 2003 and December 2003 were not prepared or signed by her even though her name appears on the forms as the caseworker. These forms purport to represent that examinations were conducted of the clothing maintained by these foster children in June and December of 2003, and that the children had all the clothing they needed, and everything was in "good" condition.
- A St. Christopher's caseworker reviewed her case records with DOI. A Religion Report¹² in this file containing the signature of a foster parent is backdated to appear as if the actions by the caseworker took place in July 2003. A review of the document determined that the date of "1-21-04" was covered in white-out and replaced with the date "7-8-03" written in. The caseworker informed DOI that she did not prepare this form or sign it.

C. Other Improper Staff Activities Related to the January 2004 Review

During the preparation for the ACS review in January 2004, a St. Christopher's case aide made visits to foster homes to obtain foster parents' signatures on various case documents which had not been completed by the assigned caseworkers as they were required to be. This case aide was asked to perform this task by St. Christopher's supervisory staff and was given a list of foster parents' addresses and telephone numbers to call and visit. This case aide informed DOI that she visited somewhere between six and ten foster parents, asked them the necessary questions, checked off the answers on the forms, and obtained the required signatures from the foster parents and children.

Another St. Christopher's employee, an administrative assistant, stated that in January 2004, she made home visits to approximately seven foster care homes that had been selected for

¹¹ A Clothing Inventory Report is a periodic accounting of a foster child's clothing to determine condition and need.

¹² A Religion Report's purpose is to record if a foster child engages in any religious activities.

the ACS review. St. Christopher's had failed to do these seven visits when they were supposed to be done. Knowing that, the administrative assistant was dispatched to do them in advance of the review by ACS. This employee provided her reports from those visits to the supervisory staff which were used to create Progress Notes.

Other employees at St. Christopher's stated that they were aware that staff members were being sent into the field to perform activities and obtain foster and birth parent signatures for purposes of the ACS review. Other St. Christopher's staff members stated that they were asked by supervisory staff to sign documents during the preparation phase for the review, by documenting activities that had supposedly taken place months before. Those documents were then placed into the case records.

Several St. Christopher's staff members informed DOI that during the preparation phase for the ACS review in January 2004, they observed foster parents being called and coming in to St. Christopher's offices to sign documents, indicating that certain activities had been previously performed, for the FBH case records.

IV. CONCLUSION

DOI's investigation determined that select staff members at St. Christopher's engaged in the deliberate process of changing, enhancing, creating and falsifying significant portions of foster care case files in preparation for the 2004 ACS EQUIP review. It is important to note that not all St. Christopher's staff members were implicated in the wrongdoing. Many staff members came forward and cooperated which is commendable.

Nevertheless, the actions of certain staff members and supervisors as outlined in this Report call into question the integrity of not only the 50 case records selected by ACS for review, but for every St. Christopher's FBH case record. Without an instrument that can be relied upon to accurately and truthfully document case activity, ACS cannot properly measure the quality of services provided to the foster children under St. Christopher's care and thereby be assured of their well-being and safety. As a result, ACS reported to DOI that they have been visiting the homes of the foster children in St. Christopher's FBH program to ensure that proper care and conditions are in place.

DOI has shared its findings in this investigation with other City agencies including ACS, DJJ, the Mayor's Office of Contract Services and the Law Department, and is in the process of forwarding information to Westchester District Attorney's Office.

DOI will also continue to work with ACS in order to detect and prevent fraud in the City's foster care system, including assisting ACS in exploring ways in which to modify and improve its EQUIP review system to identify patterns of potential fraud.