

Building Stronger Transparency in New York's Child Welfare System

The Promise

New York State collects, publicly reports, analyzes, identifies, and addresses systemic complaints in the child welfare system.

The Challenge

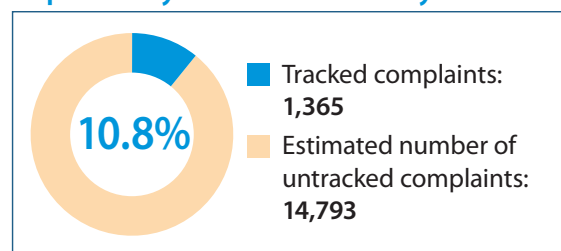
New York does not systemically collect or track many of the child welfare-related complaints lodged in a given year, ensure that complainants receive a response or resolution to their complaints, analyze the complaints received, or publicly report on these complaints with recommendations for policy change.

What We Know

New York does not have the full picture of the grievances youth and families impacted by the child welfare system have, because of the piecemeal, ad-hoc approach to the current complaint structure. Specifically:¹

- 1) Complaints related to the child welfare system come in through multiple doors in New York State government, including but not limited to the Governor's Office, the Office of Children and Family Services (OCFS) Commissioner, Local District (county-level) Social Services (LDSS), and the Inspector General—yet there is not a process to ensure that all of the complaints flow to one office to be systematically collected and addressed.
- 2) OCFS does not have a systemic tracking system for the complaints received by LDSS, and therefore has no estimate of the number of complaints lodged directly with LDSS, nor how those complaints are handled because they do not reach OCFS—this major weakness in the current complaint structure leaves complainants open to retaliation.
- 3) OCFS does not have a systemic process for analyzing the complaints received, including identifying trends in complaints, i.e. regional variations, race and ethnicity of complainants, etc.
- 4) Of the complaints that are received by OCFS (over 1,300 just from regional offices) and responded to in a given year, there is no public reporting on the categories of issues raised by complainants, whether they were resolved, or recommendations for policy change.

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Source: New York State Office of Children and Family Services (OCFS), Letter on file at Schuyler Center; 2022 Monitoring and Analysis Profiles; Preventive Services Data Report for NYS, CY 2022.

Policy Solutions

New York's child welfare system transformation will be incomplete until it is clear for all involved what the grievances are and how they are being addressed. We recommend New York State systemically collect, track, address, analyze and report on complaints using the following approach:

- ▶ Receive, document, and track all child welfare-related grievances and complaints from across the state raised by young people, parents, kinship caregivers and foster parents including prospective kinship caregivers or foster parents, including but not limited to:
 - Which part of the child welfare system the complaint is referring to: Child Protective Services, out of home care, or Preventive Services

- What categories of issues were raised in complaints (i.e. prudent parenting standards, caseworker relationship with parents, visitation, etc.)
 - The person's relationship to the child: self, parent, kinship caregiver, foster parent, prospective kinship caregiver or foster parent
 - Where in New York the complaint is coming from, i.e. county
 - Collect information about the race, ethnicity, economic status of the person lodging the complaint, at their option
 - The status of the complaint: whether it was resolved and which part of the system resolved it, either OCFS directly, the Regional Office, the county or the provider agency; if it was not resolved what prevented it from getting resolved; whether a response was sent to the party that placed the complaint
 - Number of fair hearing requests
- ▶ Prepare an annual report to the legislature, to be publicly posted online, with:
- Aggregate data on the total number and types of concerns raised to the Office, number of parties serviced by resolutions, number of complaints resolved and responses provided, what kind of resolution was reached, number of incidents of retaliation reported to the office
 - Present the data disaggregated by race and ethnicity, and by county to illuminate the trends and issues in complaints by region
 - Include in the report recommendations for changes to applicable law, rules, regulations and policy concerning the provision of foster care as suggested by the data

¹ On file at Schuyler Center. Letter from the OCFS Commissioner in May 2022. Notably, it took OCFS nearly seven months to respond to our written request for information about how complaints are handled. (Our letter was delivered October 18, 2021 and the response was delivered on May 4, 2022).