



# Playing *the* Numbers

## *New York's Latest Foster Care Fix*

- Of the 18 agencies that won the Administration for Children's Services' competitive contracts in the Bronx this winter, 7 were on probationary contracts just two years ago. Of the 12 losing bidders, at least half stand a good chance of securing a contract in another borough (see "Bronx Fear," page 4).
- New York City hands out \$616 million a year to more than 60 private agencies that provide foster care. That's up substantially from under \$200 million in 1983 (see "Contract Players," page 6).
- Private agencies handle 79 percent of all ACS cases, up from 68 percent in 1994 (see "Contract Players," page 6).
- Until recently, there has been no link between agencies' quality of service and the size of their contracts—in fact, some agencies with poor ratings received increases in the size of their contracts (see "D-Graded," page 7).
- For the first time in a decade, New York City will be seriously probing the work of its child welfare contract agencies. And for the first time ever, it is using a sophisticated statistical analysis to make sure they are getting desired results for children in foster care (see "Watching the Exits," page 8).
- New York's new system for evaluating the work of child welfare agencies looks at 17 different criteria, including how long it takes children to leave an agency's care. Not one assesses the quality of the casework done with families (see "Watching the Exits," page 8).
- Despite ACS's recent move to measure agencies' success in reunifying families, the city continues to place a disproportionate emphasis on adoption in its relations with agencies (see "Adopting a Position," page 8).
- During the 1980s, a comprehensive "Program Assessment System" looked carefully at foster care agencies' work with children and families. When dismantled in 1991, it was replaced by the same evaluation system used to clear construction contractors and school-lunch vendors to do business with New York City ("see Coping With COPES," page 10).

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## Introduction

# Keeping an Eye on the Children

A GENERATION AGO, CHILD WELFARE in New York City was a subterranean world. Tens of thousands of children came into the care of private foster care agencies and then departed months or, more often, years later, with no examination of what happened to them in that time. State inspectors sometimes stopped by to read case files; city officials would review an agency if there were reports of problems. But a comprehensive approach to monitoring the agencies' work—systematic, rational *accountability*—simply did not exist.

In 1979, political leaders worked with child welfare advocates to launch New York's first effort to ensure that children and their families were getting the attention they needed to get back together or, when necessary, move on toward adoption. Over the years, however, these measures bogged down, disintegrating completely by 1991. For most of this decade, child welfare in New York City has been evaluated with the same one-size-fits-all system used to monitor city contractors from construction workers to school lunch vendors.

On the twentieth anniversary of New York's landmark resolution to maintain vigilance over the children in its care, this fifth edition of *Child Welfare Watch* examines the legacy of that decision. Starting this year, ACS is looking at how effectively its contract agencies deliver measurable results for children, whether it's a speedy reunification of a child and her mother or a home for a teen determined to strike out on her own. The city is also requiring agencies to reapply for their contracts for foster care and preventive services, competing for slots based on their capacity and commitment to provide neighborhood-based services.

At the heart of all the measurements are two fundamental questions: What does New York City get for the \$1.4 billion it spends annually on child welfare services? And does the \$616 million that goes to the more than 60 agencies that provide foster care services buy the quality of care families need?

Elsewhere around the country, state governments take the lead in making sure child welfare services get delivered quickly and appropriately. Not so in New York. The state Office of Children and Family Services has taken the back seat, collecting data showing how families are faring but failing to follow its mandate to oversee the city's operations. And so the ultimate responsibility for children's well-being rests squarely with ACS. The ability of parents, lawyers, advocates and the press to hold the city accountable hinges on the information it can provide, because ACS provides just about the only ways to evaluate the city's child welfare system.

But ACS's recent oversight overhaul has some blind spots. The system emphasizes bottom-line efficiency over examining agencies' work in depth. Almost nowhere in this process is the quality of children's care the focus. And, like any system for enforcing accountability, ACS's new performance measures reflect its priorities: Although the city has taken the important step of tracking agencies' speed and success in reunifying children with their families, it continues to promote adoption as a preferred course of action.

Such choices directly affect the care provided to families and children. How a game is scored determines a team's strategies; likewise, what the city explicitly examines at its contract agencies—and what it doesn't—affects how those agencies do their jobs. Without a value on parental involvement in case planning, to take one important example, agencies have no incentive to improve casework with them.

The city's goal of pushing agencies to get children out of care sooner should be a win-win proposition: Children will be able move on with their lives, while the city saves tens of millions in foster care costs. But by only measuring the final outcome, agencies and ACS are simply being told where they're supposed to go. What they still need is a road map showing them the best ways to get there.

2

Introduction

3

Recommendations

4

Bronx Fear: Bidding for Beds

Where the Boys (and Girls) Are

5

Agency Rating: D-Graded

6

Contract Players

8

Watching the Exits: ACS Tracks Success

9

Missing Peace: Are Families Satisfied?

10

Eight Years of Coping With COPES

11

Q&A:

COFCCA's Fred Brancato

12

Families Devalued

13

Positive Review: Looking at Citizen Panels

14

Getting Results:

Social Services Head Into Outcomes

15

Watching the Numbers

# Recommendations & Solutions

proposed by Child Welfare Watch

In New York City, 61 nonprofit foster care agencies receive \$616 million a year to care for more than 40,000 children who have been removed from their families. Are they doing a good job?

*We don't know. And we should.*

Private foster care agencies are responsible for the well-being of 79 percent of the children in city care. The quality of their work has a marked effect on the stability and happiness of these children and can make the difference between whether they spend weeks or years in temporary homes.

Yet despite the gravity of this mission, there are no public report cards allowing outsiders to judge the quality of this care. Until recently there has been no fair way to compare agencies—or make them prove they merit their share of the work. But that is beginning to change.

As we detail in this report, the Administration for Children's Services is following through on a promise to better track the performance of its contract agencies, with a focus, for the first time in a decade, on comparing their work and rating them on important issues, such as how quickly they return children to stable homes. It is a good start, but it must be guided by standards that, above all, respect the integrity of families. To this end:

*ACS's new evaluation system should offer incentives and sanctions designed to improve service and strengthen community ties.*

The new system for evaluating private agencies should be put to full use. ACS needs to follow through on its plans to offer financial incentives for high performers. Chronically poor performers should be sanctioned by having the flow of children into those agencies cut off until service improves. ACS and the agencies' religious and trade associations should explore new ways to assist these groups, if needed, and build their strength over the long term.

This heightened competition should not, however, force the closing of neighborhood-based agencies, many of which struggle with poor funding. Their participation is vital if child welfare services are to be truly community-centered.

*ACS's evaluation system must factor in the experiences of parents and children served by the system.*

Outside specialists evaluating New York's system have repeatedly said that the experiences of children and parents must be measured. Yet their input is absent from ACS's new evaluation system and is expected to play only a small role in future enhancements. Parent participation in case planning—mandated by law—is not being weighed. Nor are other vital elements of casework, such as the frequency of visits between parents and children. ACS must develop efficient ways to measure and promote family contact systemwide.

*ACS should not continue to reward agencies for promoting adoption at the expense of reunification.*

Two-thirds of children who leave foster care end up back with their families or move on to independent living. Yet performance on adoption-related work is still given more credit in ACS evaluations than an agency's track record on sending children back home. Agencies report to *Child Welfare Watch* that this reward for putting an emphasis on adoptions skews how they deliver services. ACS's evaluation process must reward agencies first and foremost for safely restoring families.

*For the new accountability system to work, caseworkers must perform to higher standards.*

Time and time again, foster care agencies' failure to provide the help families need is attributable to the actions—and inactions—of the agencies' front-line caseworkers. ACS has

already taken positive steps to improve the efforts of its own supervisors and caseworkers. The same needs to be done at the private agencies, which pay low salaries and have difficulty keeping staff.

This is particularly important in light of ACS's recent decision to shift most case decision-making to the agency level. Foster care workers will now have more power over the lives of families in their care. It is as essential as ever for ACS to develop new ways to encourage better casework performance.

*ACS should improve its own services and then find new ways to reduce dependence on the nonprofit sector.*

With 79 percent of all foster care cases now handled by private agencies, ACS has pushed New York City further into a delicate dependence on private agencies. The more ACS relies on its contractors to provide badly needed foster care beds, the less stringently it will be able to hold them accountable for their performance. But before ACS can handle more cases on its own, it will have to dramatically upgrade the quality of its own direct care programs. The city's own performance should be a model for private agencies, not an excuse for them to perform poorly.

*ACS must open up its evaluation process to the agencies—and the public.*

Foster care agencies have reported widespread confusion over how recent contracts were awarded in the Bronx. For its new contracting system to work, ACS should be clear about how it is collecting and using information about agency performance. Failure to maintain open communication will ultimately undercut long-term efforts to improve the quality of service.

The results of ACS evaluations of agency performance should be offered in a form that can be used by agency management to make internal improvements and be delivered to their boards of directors to help insure accountability within agencies. ACS should use these same measures to assess its own foster care services and make those results public.

Most importantly, ACS must develop an easy-to-read format for publishing and comparing this evaluation data. We like the Board of Education's school report card system, which features a limited number of key indicators that can be tracked over time. Such a system would increase public scrutiny of both private and public foster care services—and ideally inspire all involved to change the values and goals of foster care to better reflect the needs of children and families in their care.

# Bronx Fear Bidding for Beds

EVEN THOUGH THE ADMINISTRATION for Children's Services has just told Wayne Mucci that his agency will no longer do business in the Bronx, he isn't sweating. "Not that I understand the process entirely," emphasizes Mucci, executive director of Sheltering Arms Children's Service for the last 24 years, "but I assume ACS determined we didn't have the kind of presence in the Bronx the other agencies did."

Sheltering Arms was one of the casualties in ACS's new contract bidding process, launched last year in the Bronx and now underway for the other four boroughs. Mucci's agency, one of the oldest in the city, was among 30 nonprofits that applied last September to provide foster care in the Bronx and one of 12 that found out in February it wasn't accepted. Sheltering Arms is down by 200 beds—almost half of its foster home capacity.

But Mucci intends to make up for them when the contracts for the rest of the city are announced by the end of this year. "This time, our stand is in upper Manhattan," he declares. Mucci's optimism belies the anxious mood among agency executives these days. After a decade of renewing foster care agencies' contracts regardless of the quality of care they gave, the city is requiring agencies to prove their mettle. The process is supposed to both weed out agencies that aren't up to snuff and restructure child welfare services into a neighborhood-based system, in which agencies are assigned to specific

community districts.

But ACS's desire to retain enough agencies to establish a working presence in every neighborhood in the city appears to be overshadowing, at least for now, its quest for higher standards. As a result, the move to place all foster care contracts up for bid may result in nothing more than a game of musical chairs, in which most of its players ultimately maintain a seat in the foster care system.

As the Bronx proposals rolled in last September, ACS Commissioner Nicholas Scoppetta proclaimed that "it gives us a chance to evaluate the agencies and their performance. The whole point of the process is to get the very best services we can." Long shielded from scrutiny, agencies were suddenly on the spot.

"There is not one child welfare agency in the city that doesn't feel like their continued relationship with the city as a contract provider is in jeopardy," says Gail Nayowith, executive director of the Citizens' Committee for Children.

"Everybody I know is working day and night, literally, pounding out the details of programs they have not had to explain in years."

Already, however, there are indications that ACS isn't using the contract process to clean out agencies that are performing below par. In fact, of the 18 Bronx contract winners, seven were put on probationary contracts by ACS just two years ago for such problems as substandard group homes and late paperwork. Notably, of the los-

ers, only two were known to have chronic problems with their work.

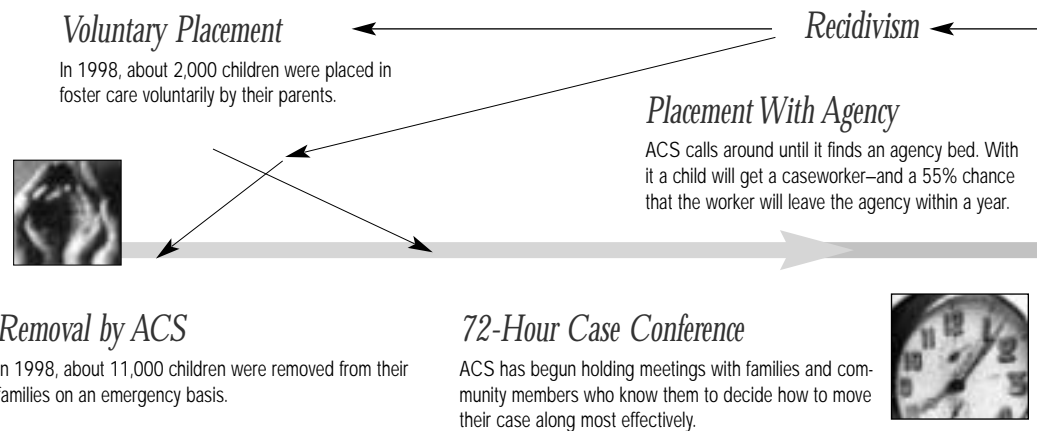
Like Sheltering Arms, most of the agencies that were snubbed in the Bronx are well established. For example, Little Flower Children's Services, the city's largest child welfare contract holder, didn't make the Bronx cut. Most are looking to rebound in the other boroughs. Some never even counted on a Bronx deal: "We really did it as an exercise in how to do it for when the Brooklyn and Queens [contracts] came along," says Mary Ryder, executive director of Brooklyn-based Little Flower.

Art Zanko, whose Edwin Gould Services for Children could lose 35 percent of its city funding if it doesn't find a way to replace its Bronx beds, doesn't see disaster as likely. "We're not crippled at all," he says. "Our average capacity is about 650 children. So we'll apply for 650 slots in the other boroughs, and if we receive that then we're financially in the same position we were in before. I don't think anyone is looking at it any differently."

Child Welfare Organizing Project executive director Mike Arsham, who has been working closely with agencies applying for contracts, says that "my own sense—and I think it's shared by a lot of people—is that when all the dust has settled the system is not going to look incredibly different." No new foster care agencies have received city contracts as a result of the Bronx bid: While three new organizations did apply, all

## Where the Boys (& girls) Are

As a case moves through New York's foster care system, it reveals both the potential and the shortcomings of ACS's accountability efforts. There are many checkpoints along the way, but they do not necessarily add up to better services for children and families.



scored at the bottom of the field.

ACS's approach to ranking agencies suggests that the city isn't holding them as accountable to past performance as it might be. The bulk of an applicant's 100-point score is tied to written plans, not past track record: up to 45 points for its proposed strategy for providing neighborhood-based foster care; 10 points for staff development; and 5 points for effective self-assessment plans. Their financial operations are good for another 20. Just 20 points are linked to the quality of an agency's services in its previous two contracts.

In the Bronx, the highest scorer, St. Christopher's, got the biggest award, increasing its capacity in the borough from 500 foster children to 975. (Previously, it had about 1,000 city-wide.) Undoubtedly, the agency was given a boost because, in keeping with ACS's new goals, it had already established a full-service center for birth and foster families down the street from Yankee Stadium.

For other agencies, however, community commitments still exist only on paper. All of the winners already have large numbers of children coming from the Bronx—New York Foundling Hospital, Salvation Army Social Services for Children and St. Dominic's Home each has 400 Bronx children in its care. But none has yet opened a neighborhood center.

"I don't know how they figured this all out. There are a couple of agencies that got very big contracts in the Bronx that we find highly ques-

tionable," says Kay McNally, a special litigator at the Legal Aid Society's Juvenile Rights Division. She finds one award in particular "unfathomable" (though she won't name the agency) and wants to know whether ACS was unduly swayed by the agencies proposal-writing instead of their track records.

The Bronx results also reinforced fears that smaller agencies—particularly those that are community-based and minority-run—are at a disadvantage in the bidding. Two of the three minority agencies applying for contracts in the Bronx were denied, and the third lost its contract for preventive services.

"ACS wants agencies to be community-based," observes Megan McLaughlin, executive director of the Federation of Protestant Welfare Agencies. "I expected history in the community would have a heavy weight. I really don't know the extent to which this was a major consideration." In mid May, Bronx Borough President Fernando Ferrer sent Commissioner Scoppetta a letter asking for a formal explanation. "Several agencies have expressed the view that ACS's contract selection procedure favored large agencies over smaller agencies," Ferrer wrote.

For the agencies that did secure a place in the Bronx, the real test of their performance will lie in the future. Each new contract is good for

three years (up from two), with two renewals built in, guaranteeing a nine-year ride.

As for contract agencies that don't keep their scores up, ACS is proposing a system of incentives and sanctions. Unveiled this spring just as agencies sat down to negotiate the details of the Bronx contracts, a new clause gives ACS the right to dock money owed to an agency if the contractor fails to meet ACS performance standards.

Providers and their representatives, including the Council of Family and Child Caring Agencies (COFCCA), are fighting behind the scenes to change the provision. "ACS has made a lot of changes [in other parts of the contracts], but they haven't backed off on this issue," says COFCCA spokesperson Edith Holzer.

It appears that ACS does not plan to take agencies to task for the quality of their work until it secures their badly needed cooperation in bringing child welfare services to New York's neighborhoods. In deferring action against agencies, it runs a risk it must avoid at all costs: condoning the troubled status quo. Neighborhood-based services are one of the most promising parts of ACS's reform efforts, but unless agencies are competent to provide them, this seismic shift may well shake up the system without improving it.

**FINDING:**  
*ACS does not plan to take agencies to task until it secures their cooperation in building neighborhood services.*

Recidivism



### Case Planning

Caseworkers must involve parents in regular planning meetings. But families are often excluded, often because parents resist or caseworkers fail to contact them.

### Service Plan Review

Someone other than a child's foster care caseworker must review the case twice a year. In New York City, that review is done within the agency. In 23 other states, citizen review boards carry out this duty.

### Family Court

A judge must review a child's foster care placement and case planning at least once a year. These hearings provide essential oversight—but court orders are frequently not followed, keeping families stuck in the system.

# Contract Players

*Agencies wield influence by banding together*

FOSTER CARE IS BIG BUSINESS IN New York City. The Administration for Children's Services will hand out \$616 million to more than 60 agencies this year. It's also a growth industry: 15 years ago, New York City was spending less than \$200 million on foster care contracts. In 1994, at the beginning of the Giuliani administration, just 68 percent of cases were handled by private agencies.

As buyers and sellers in the tight market of foster care beds, the city and its contract agencies have long had a mutual interest in keeping each other happy. Agencies need contract dollars; the city needs agency beds for children. As the number of children entering foster care continues on a sharp four-year upswing, from fewer than 8,000 in 1995 to 12,500 last year, New York's dependence on suppliers has only increased—and its ability to make demands on those agencies has diminished accordingly.

"The city has gotten itself into a position where it doesn't have enough beds for children," Children's Rights, Inc., executive director Marcia Robinson Lowry said in an interview last fall. "The numbers are astronomical, so there's a real squeeze. It makes it difficult to put agencies out of business when you don't have alternatives."

Though child welfare services are becoming increasingly privatized nationwide, New York still relies more heavily on private agencies than does any other city. Large agencies dominate the field: The top 10 receive 50 percent of all the money the city spends on contracted foster care services. Out of all the contracts with the city for any services, three of the top seven are for foster care, held by Little Flower Children's Services, St. Christopher-Ottolie and New York Foundling Hospital, each worth more than \$30 million a year.

Many of the agencies have influential sponsors. Some are considered virtually untouchable because of the political connections of their board members, a category that includes a state high court judge, venture capitalist Frank Biondi and the chair of brokerage house Bear Stearns. ACS commissioner Nicholas Scopetta is himself the former board chair of the Children's Aid Society, which is receiving \$20 million in its current two-year ACS contract. Many foster care agencies also have powerful sectarian backing: Of the Big 10, five are affiliated with the Catholic Church.

The agencies also derive clout by banding together. The Council of Family and Child Caring Agencies (COFCCA), an industry association, has played a prominent role representing agencies during contract negotiations, as have the Human Services Council, United Jewish Appeal and the Federation of Protestant Welfare Agencies. Historically, they have been tight allies, with COFCCA at their service to negotiate the general terms of their contracts with the city.

Many agencies were founded before the Civil War. They're accustomed to doing things their own way, and historically they've had little government oversight. Their autonomy was scarcely challenged until the ACLU, seeking to put an end to routine racial discrimination against African-American children by sectarian care providers, filed the *Wilder v. Bernstein* lawsuit in 1973. "Before *Wilder*, agencies had free reign to accept who they wanted," says Kay McNally of Legal Aid's Juvenile Rights Division, which represents children in Family Court. "They pretty much ran the system."

The *Wilder* settlement, signed in 1986, shook up the status quo by putting authority for placement decisions squarely in the city's hands. *Wilder* required the city to choose agen-

cies based solely on the best available program for each child. To do that, the city was supposed to put a new system in place to rate which agencies provided the best service to children. After years of delay, that effort is finally getting underway this summer with random surveys of agencies' case files and visits to foster homes. But an advisory panel appointed in a subsequent suit, *Marisol v. Giuliani*, has recommended that ACS abandon this effort.

Meanwhile, the shortcomings of the city's other evaluation efforts made it difficult to hold agencies accountable (see "Coping with COPEs," page 10). In 1997, ACS put two dozen agencies on probationary short-term contracts, and a pair of agencies on that list lost their ACS contracts permanently because of major financial mismanagement. But the rest have seen no long-term consequences. In this spring's competition for Bronx neighborhood contracts, seven of the eight applicants that had been under probation won large new three-year agreements.

It isn't the first time that demand for beds has overcome the city's willingness to penalize agencies with inadequate ratings. In 1995, for example, as the Giuliani administration was decimating preventive services, the city increased foster care contracts across the board by 16 percent. Performance evaluations were ignored: The contracts of most agencies that scored poorly in the city's rating system grew, at rates ranging from 9 to 42 percent (see "D-Graded," next page).

"They were anticipating placing a hell of a lot more kids," says Mike Arsham of the Child Welfare Organizing Project, who was an analyst with COFCCA at the time. "And they were anticipating correctly. Between 1995 and 1997 there was a 50 percent increase in protective removals."



## Recidivism

Of children who entered foster care in 1985, 28% ended up back in care at least once. Of children arriving in 1995, 7% have already come back in.

## Performance Evaluation

As part of a legal settlement, ACS agreed to check on the quality of care by randomly reviewing case files and inspecting foster homes. Now an advisory panel appointed in another legal settlement has recommended that this new effort be dropped.

## Plan Amendments

Until this summer, ACS reviewed for approval more than a dozen different agency casework actions in each case. The city now formally reviews only a few, notably case reports and decisions to move children to new foster homes.

## Discharge Review

ACS must still also approve decisions to send children home.

The city is taking steps to get the upper hand. According to consultants involved in this year's contract negotiations with ACS, the big agencies have less influence with Commissioner Scoppetta than they have had under previous child welfare chiefs. Money is also tighter than it has been. In 1995, Governor George Pataki pushed through a 25 percent cut in child welfare spending, which has had a devastating impact on the voluntary agencies. "The agencies are on pins and needles at this point," says McNally. "They're very reluctant to do anything that will rile ACS."

Reimbursement rates for each agency are set in Albany and, according to children's advocates, rarely cover actual costs. Some agencies are better able than others to make up for the shortfall. Many have large endowments and income-bearing investments—as big as \$180 million—while others have none. The private dollars also boost how much public funding an agency will get. The amount of contract money an agency receives for each child is based on how much it spent the last time around, regardless of the source. Until Commissioner Scoppetta established a floor of \$17 per child per day for foster care services a year ago, some agencies were getting by on rates as low as \$11 a day. Agencies with top reimbursement rates get \$22 or \$23 a day.

Since their funding depends on the number of children they serve, providers must continually ask ACS for more foster children. Indeed, every agency that bid for ACS contracts in the Bronx this year proposed increasing its numbers in the borough—some as much as two- and threefold. According to preliminary results, the average agency will get 92 percent of the number it asked for.

## D-Graded

In 1995, the Giuliani administration got its first chance to award new foster care contracts. Though it had just slashed funding for preventive services in that year's budget, the city substantially increased the amount of money it put into foster care at private agencies. In this effort to cultivate more private-sector foster homes, the quality of an agency's care appears to have taken a back seat. The following agencies were rated by the city as "needs improvement" on their previous contracts—the second-lowest of five grades—but most received sizeable contract increases anyway.

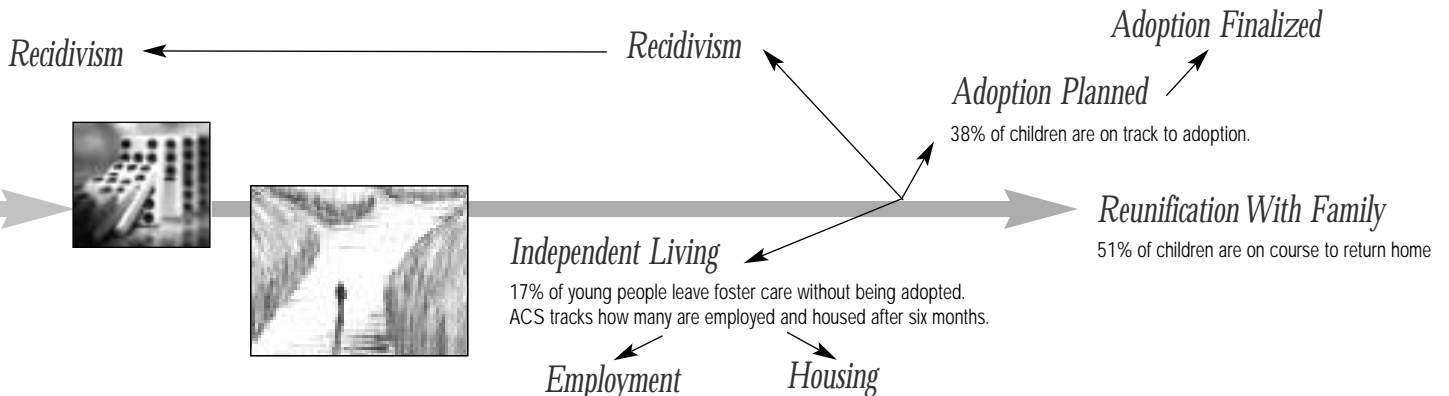
### Agencies rated "needs improvement" in 1995

	93-95 contract	95-97 contract	% change
St. Christopher-Ottilie	\$61,721,603	\$72,014,394	+17%
Leake and Watts	40,275,766	51,514,038	+28
Graham Windham	36,721,097	38,160,000	+3
Catholic Home Bureau	23,885,448	33,920,000	+42
St. Joseph Services	30,588,225	30,528,000	<-1
Abbott House	21,491,695	24,592,000	+2
Miracle Makers	19,781,574	24,592,000	+24
Harlem Dowling-Westside Center	19,061,341	24,592,000	+29
St. Christopher's-Jennie Clarkson	21,491,695	23,744,000	+10
Lakeside Family and Children's Services	17,619,079	22,048,000	+25
Heartshare Human Services	25,496,426	21,220,000	-17
Sheltering Arms	21,486,720	21,200,000	-1
Brookwood Child Care	15,159,232	16,536,000	+9
Episcopal Social Services	16,085,951	15,264,000	-5
Jewish Board of Family and Children's Services	13,799,028	14,416,000	+4
Edwin Gould Academy	14,288,331	14,416,000	<+1
Green Chimneys	9,583,618	10,176,000	+6
Coalition for Hispanic Family Services	3,391,904	4,240,000	+25
Ohel Children's Home	4,266,083	4,240,000	<-1
Association to Benefit Children	2,027,218	2,120,000	+5

Source: Mayor's Office of Contracts

Early reports from the citywide bidding process show the same trend: Agencies are asking for average population increases of 20 to 40 percent. It is likely, analysts say, that by the time ACS finishes awarding this

round of contracts the proportion of the system's children in the private sector will have increased to as much as 90 percent—giving agencies that much more power to call the shots.



# Watching the Exits: ACS Tracks Success

LAWYERS IN FAMILY COURT HAVE front-row seats to a daily spectacle of foster care caseworkers coming in ill-prepared to help their clients. Many of the workers are clearly trying—and failing—to make the most of an impossible situation. Caseloads are high, time is short, and the unforgiving deadlines of new federal legislation have put agency workers and their supervisors into a pressure cooker.

Attorneys quickly learn which private agencies contracted by the city capably manage these stresses and which leave their clients to flounder. “Could I identify agencies when I walked into the courtroom, I could feel confident they were on the case and doing their jobs? Yes,” says Ron Richter, deputy attorney in charge of Legal Aid’s Manhattan Family Court operations. “In lesser agencies and [ACS’s direct care services], there could be a worker who says, ‘I just got the case two weeks ago, and my supervisor sent me to court.’”

ACS’s contract agencies are assigned a tremendously sensitive job: making sure children from overwhelmed families don’t end up adrift in the foster care system. Yet for nearly a decade, there has been no formal way to confirm what attorneys were seeing every day. New York City simply didn’t keep track of how well agencies served their clients. Starting this year, however, the city is using an entirely new rating system to decide which agencies merit its foster care contracts, each worth from \$500,000 to \$46.2 million when last awarded in 1997.

Marking what appears to be a first for any city, ACS’s new system of statistical analysis dissects vast reserves of information to monitor how long foster children stay in care and whether they stay out once released. “Policy can now be based on hard data, as opposed to anecdotal information,” says ACS spokesperson Leonora Weiner.

Time spent in foster care may seem like a reductive measure of agencies’ work, but it is in fact vital. Children currently stay in ACS’s care an average of four years. While the federal Adoption and Safe Families Act—which requires the city to launch pre-adoption legal proceedings after a child has been in care for 15 months—promises to get

them out more quickly, ACS’s new evaluation system will help confirm whether agencies are keeping pace with the law’s stringent deadlines. By linking agencies’ ratings to how quickly they can get children out of care, ACS is establishing a badly needed balance in its policies: Until now, agencies stood only to gain by holding on to children longer, because they are paid for each day a child is assigned to their care.

Child welfare is a latecomer to sizing up its services with sophisticated number-crunching. Born in the business world, accountability based on “outcome measures” is now being used throughout the public sector (see “Getting Results,” page 14). Where accountability systems once functioned like shopping lists, making sure that specific tasks were being performed well and on time, outcomes analysis looks exclusively at the bottom line: Did the provider get results?

The spotlight is now on ACS’s contract agencies, which are shifting their focus to the

four fundamental questions the city is asking:

- How quickly and successfully are children reunified with their families?
- For the ones who can’t be reunited, are adoptions happening when they should?
- How many children end up cycling back into foster care?
- What happens to the young adults who head out into the world of independent living?

The answers now account for one-fourth of each agency’s grade under the city’s Contractor Overall Performance Evaluation System (see “Coping With COPEs,” page 10). The remainder of their scores are still based on more traditional process measures: the timeliness with which agencies submit case reports, train new foster parents and certify foster homes; their readiness to report vacancies, accept new referrals, and take the hard cases of children who are disabled, older, or part of large sibling groups; their responsiveness to investigations of problems at foster homes; the speed with which they wrap up adoptions; and the proportion of young adults who succeed in finding housing and work after aging out of the system.

“How do you understand meaningful differences in contract agency performance, aside from the handful of kids we all hear about? We don’t want to make judgments based on 50 kids. We want it on all the kids,” says Fred Wulczyn. A former analyst for the New York State Department of Social Services, Wulczyn was commissioned through a \$200,000 contract with the University of Chicago’s Chapin Hall Center for Children to design the new system. He is the author of an influential 1996 paper explaining how to produce useful outcome measurements using data already collected—in New York’s case, in the state’s 18-year-old Child Care Review Service (CCRS) computer system—saving agencies the time and cost of sending out survey teams.

Until now, the way that city analysts measured the length of time children spent in foster care inevitably led to misleading results. If you take a snapshot of an agency’s caseload at a given point in time, children who’ve been in care for a long time will be overrepre-

## ADOPTING A POSITION

Many child welfare advocates are happy that ACS is finally rating agencies based on how quickly they reunify children with their families. But agencies’ track record in arranging adoptions is still the star of the show. That’s partly because ACS has refused to drop a preexisting part of its evaluation system that gives agencies extra points for putting the final adoption transaction on a fast track. There’s also an incentive tied to the new federal Adoption and Safe Families Act, which requires agencies to get children out of foster care in just 15 months or start legal proceedings to sever them from their parents.

Ideally, the federal time limits can push agencies to reunify children with their families sooner rather than later. But when an agency sends a child home, there’s a 12 percent chance that he or she will end up back in foster care at some point—and agencies lose points with ACS if they have high rates of recidivism. Provided it can keep pace with ACS’s prescribed timeframes, an agency that wants to play it safe will be better off betting on adoption. Children waiting to be adopted have no chance of sliding back into foster care—because they’re still *in* foster care. In addition, that agency is paid for each day a child remains in its care. For agencies that want to keep the cash flowing and score high in their ACS outcomes evaluations, adoption is now the easy road.

*A new evaluation system  
might move children out of  
foster care sooner*

sented, because the ones who left quickly are already gone. That makes agencies that take on a lot of cases that tend to last longer, like kinship care and children with special needs, look worse. On the other hand, if you count only the children who leave care in a given year, you're looking only at the children who've done relatively well—after all, they got out—telling you little about those who lag behind.

Wulczyn's approach turns this model inside-out. He obtains data on all children who entered ACS's care in a given year, then identifies subgroups who share certain characteristics: age, gender, race, whether they've been in foster care before, whether they've had any changes in their type of care. These factors—up to 15 in all for each child—are shown to have a strong relationship to how long a child is likely to stay in foster care.

By grouping similar children together for comparison, Wulczyn is able to draw conclusions about how good a job any given agency is doing. For example, if Hispanic girls ages 3 to 6 who have never before been in foster care are lingering longer at one agency than at another, the discrepancy is probably attributable to significant differences in the quality of those agencies' care. "We tried to compare the same children in Agency X with the same children in Agency Y," Wulczyn explains. "If there's a difference, it must be the agency."

Executives at ACS's contract agencies have greeted the new outcomes model with both appreciation and apprehension. "The things they're looking at fundamentally make sense: reunification, recidivism, adoption. Those are the heart of the system," says Robert Gutheil, executive director of Salvation Army Social Services for Children.

But he's concerned that the outcomes analysis lumps all of an agency's programs together. The Program Assessment System used in the 1980s, he points out, "looked at programs instead of just agency rankings." For an agency like his, which operates group homes, foster boarding homes, preventive services and therapeutic foster care, it is impossible to tell which programs are thriving and which are sinking. "ACS needs to know that too," Gutheil says. "If I have a great group home program and lousy foster boarding homes, they want to hold onto our group homes—not cut us off entirely."

Gutheil has formed a consortium with directors of six other large agencies to request

**MISSING PEACE: ARE FAMILIES SATISFIED?**

The Administration for Children's Services has been following up on recommendations from the city Comptroller's Task Force on Outcomes and Performance Standards. That body's 1997 report—written by Fred Wulczyn and endorsed by ACS commissioner Nicholas Scoppetta—called for accountability in three major parts of the agency's work. ACS has been doing a solid job addressing area one: asking if children are safe and if they are lingering too long in foster care. The task force's second recommendation—that ACS look at the well-being of children and families—is also on ACS's agenda as part of its reform plan.

But the city has few plans to address suggestion number three, measuring "client satisfaction." Noting that client satisfaction surveys are a requirement for all city contracts, the task force recommended attention to overall satisfaction of parents and children, as well as satisfaction with workers, specific services, and communication and involvement. To get there, it urged ACS to implement "rapid assessment" surveys with short-answer questions and to require private agencies to conduct annual surveys of children and parents.

"We saw customer satisfaction as an important issue," says one task force member who asked not to be identified. "Because if you're working toward returning a child, you have to engage the parent. If the parent is having a problem with the system, that's an obstacle to getting the child home."

The Jewish Board of Family and Children's Services takes the same position in assessing its own child welfare programs. Working with guidelines established by the Joint Commission on Accreditation for Hospital Organizations, the organization has been using family satisfaction surveys and a parental grievance system, in tandem with ACS-style outcome measures, to evaluate and improve its residential treatment programs for children. It is also beginning to use questionnaires probing clients' mental health to see how effective services have been. "We've moved in the direction of partnership with families," says director of residential treatment Rami Mosseri. "We're folding them into the picture, rather than alienating them by saying 'You're bad and we're going to rescue your child.'"

But in draft language for ACS's new three-year contracts, the city envisions using family surveys not to involve them but for quality control: The private agencies are to write their own exit surveys to ACS specifications, "to ascertain the effectiveness of the services provided." Agencies are encouraged to take other steps to get client input for their own internal use, "such as consumer satisfaction surveys," but gauging the experiences of parents and kids is not a requirement, making it impossible to gather such information systemwide. Asked whether ACS has plans for expanding its current efforts to assess agency performance, ACS spokesperson Leonora Weiner says "I don't feel prepared to discuss that." It appears that ACS has no plans for assessing whether agencies are giving families some basics: open communication, responsive casework and human respect.

that Wulczyn and ACS better explain their statistical analysis—which, for example, has tried to make up for the limited sample size available at small agencies by looking at three years of data for them instead of one. "I have nothing but high regard for Fred Wulczyn," Gutheil says. "But it sounds like no one can figure this system out other than Fred Wulczyn."

Also high on the group's list of concerns is whether data can remain statistically valid when subdivided into so many small pieces across dozens of agencies. They're also concerned about the condition of the data. Agencies have to rely on ACS to enter their paper records into city computers, and delays

between the time information is submitted and when it shows up in the system are chronic. "People have complained that their own data don't match the system's data at all," says Elizabeth Schnur, research director for the Jewish Child Care Association.

Wulczyn and ACS must depend on the state's 18-year-old Child Care Review Service (CCRS) database because a \$177 million project to develop a state-of-the-art case management and data-tracking computer system, CONNECTIONS, collapsed in a jumble of bugs and poor management.

CCRS has its own problems. Earlier this year, a federal judge fined ACS \$50 million for

# *Eight Years of* Coping with COPEs

NEW YORK CITY HAS MORE CHILDREN in foster care than any city in the country and relies more heavily on outside agencies to take care of them. Private agencies are responsible for an average of 538 children each, ranging from a half-dozen to more than 2,000.

That is a lot of children in a lot of different places, making keeping track of how well children are doing almost as hard as finding them stable places to live. In late 1997, the city's Administration for Children's Services announced a new statistical tracking initiative, which promises to give an improved picture of which agencies are doing their jobs and which ones aren't (see "Watching the Exits," page 8). To understand how important, and difficult, the resulting performance ratings are to implement, it is first necessary to grasp how badly the prior system worked.

For the previous decade, the city's child welfare agency did only the bare minimum to monitor their contractors and nothing at all to guarantee they were working to reunify children with their families. And the damage wasn't limited to the contracting agencies: ACS's own foster care services were similarly under-examined. With little in the way of standards or sanctions, the system spiraled downward. In 1991, foster children stayed in care for an average of 2.7 years; today that figure has risen to four years. Over the same period, the proportion of children who have languished in the system for six to nine years skyrocketed, from 4 to 28 percent.

New York's child welfare system wasn't always so rudderless. In 1979, City Council President Carol Bellamy pushed the Board of Estimate—the powerful body that then had the authority to approve city contracts—to establish an ambitious assessment program. She was in part inspired by research from Columbia University's David Fanshel showing a correlation between the frequency of parent-child visits and the speed with which children left foster care. In a city that was reeling from a fiscal crisis, the system was also a way to keep an eye on how foster care dollars were being spent.

When it debuted in 1980, the Program Assessment System (PAS) was an advocate's dream and an administrator's challenge. Teams of evaluators visited every agency and scoured files, interviewed and observed children and foster and birth parents, inspected group and foster homes, and talked with staff up and

down the line—even the cooks in group homes. There were more than 70 areas of assessment and countless subcategories, from family planning services to the frequency of parent-child visits.

PAS was tied to a system of rewards and sanctions devised to improve agencies' work. The five most highly rated nonprofits, for example, were designated "preferred placement" agencies and were rewarded with additional referrals. Seven agencies that consistently failed to improve their performance had no children sent into their care for up to a year. Four others were closed entirely.

To a great extent, the accountability system worked as planned. PAS contributed to shorter stays in foster care, improved handling of adoptions, more frequent parent-child visitation and casework contacts, and more reliable delivery of medical and educational services. Evaluation results were sent not only to agency directors but their board chairs, promoting accountability within agencies as well. But PAS was also a demanding apparatus that began to disintegrate after just five years.

The effort required so much labor that New York State was brought in to help, only to drop out several years later (the state has never again evaluated city foster care). When the number of children in care doubled in just seven years in the 1980s, accountability was no longer a priority—the desperate need for beds was. During the same period, the number of foster homes shrank, and finding a place to put children overrode questions of how effectively agencies were doing their jobs. The city would call agencies daily trying to locate beds, telling them not to worry about getting their paperwork done for the assessment system.

Even before the bed crisis hit, private agencies—and particularly the religious federations that ran most of them—chafed at the strict requirements and scrutiny. Some of the largest agencies struck back to undermine the review system, exerting pressure on the city to lower its standards. Eventually, sanctions for problem agencies were abandoned.

"It was an imperfect system that needed a lot of work," recalls Jason Kanter, who was an analyst in the city child welfare division that

worked with agencies at the time. Kanter now heads the C-PLAN child welfare project for the New York City Public Advocate. "But all those components—going out and seeing an agency, interviewing staff, kids, foster parents, workers—it's incredibly time consuming and labor intensive, yet it's also the only way to get a clear picture of what's really happening."

By 1990, with the accountability system fatally undermined, child welfare commissioner

Robert Little quietly called the effort to a halt. At the City Council's insistence,

Little replaced it a year later with a wet Band-Aid: New York City's Contractor Overall Performance Evaluation System, or COPEs.

The system was thrown together hastily: Work previously done by 50 year-round inspectors devolved to just seven staffers, and the system they used was little different

from the one used to clear other city contractors, from roofers to cable companies.

Agencies were rated on a scale from "excellent" to "unsatisfactory" in three areas: timeliness in carrying out certain activities, financial health and the quality of services.

While specifics have changed over time, the fundamentals of the system were constant until this year. "Timeliness" referred only to the speed with which case reports and reviews were filed and how fast an agency responded to certain ACS orders. For program quality, agencies were graded on factors that allowed the system to run smoothly, including quick placement of children in foster care; reliable reporting of new openings; successfully accommodating tough cases such as older kids and children with disabilities; and low numbers of founded complaints from foster parents and children (but, notably, not birth parents).

Most significantly, the agencies were rated on their track records in getting kids adopted quickly—but not on their success in reunifying families. Other basic functions of the agencies—from how frequently they delivered services to how successful they were in reunifying children with their families—were not measured either.

The results of this system's biases were vivid. The Citizens' Committee for Children found that every agency it surveyed maintained or expanded adoption services from 1994 to 1997, while 38 percent reported cutting back on

**FINDING:**  
*For nearly a decade,  
 New York City did  
 only the bare minimum  
 to monitor  
 foster care.*

**COFCCA'S FRED BRANCATO  
ON WHAT AGENCIES AND FAMILIES WANT FROM ACS**

*JC: How do you see the state of child welfare?*

FB: Agencies and the public sector are sincerely trying to protect children. However, a lot gets lost. Generally it's very easy for service providers in the current accountability climate to be pulled away from their mission of protecting children and empowering children and families. An awful lot of the direction is provided from the outside, independent of the clients, and we lose sight of their needs. We live in a culture of image and appearance. It's not about empowering, and it's filled with classism and racism. That culture very much reflects itself in the way we evaluate our services—it's image. It's, "So did you meet your time frames?" "How many adoptions did you get?" "What's the length of stay?" It's important to look at these things. But the individual family and child can get lost.

*JC: How do you change that?*

FB: We're concerned with the system's structures, but we're not concerned as much as we should be with the quality of the relationships that exist between client and worker. We really don't have enough funding for worker salaries, training or staffing to support quality services. Our accountability systems need to deal with the level where one human being makes a difference in the life of another human being, whether by being that role model, that protector, that guide who helps that individual to become more insightful, spots that danger, helps protect the child. We get caught up in how we are going to change the structure of things from the top down without really focusing on how we're going to improve the quality of exchange that takes place on the human level.

*JC: Are the agencies thinking about these issues?*

FB: There's tremendous desire to improve services and the way they're delivered. I see a lot of agony and pain on the part of providers when they're not able to provide internal support for programs or maintain the level and quality of staff to address the many problems families experience. Children come to them who have been traumatized by a variety of things—being disrupted from their home or being moved around several times within the system. Everyone's talking about outcome measures, but you can't talk about outcomes without talking about strengthening the quality of

*With 60 member agencies in New York City, COFCCA represents nearly all of ACS's contractors. Child Welfare Watch's John Courtney spoke with Executive Director Fred Brancato about what agencies must do to serve families better.*

your work force. And I'm finding a genuine concern about the high level of turnover and the inability to retain qualified staff.

*JC: So do we need to put more money into the system? Restructure agencies' budgets?*

FB: More resources are essential. But the work conditions—the environment within an agency, the tone that's set within that agency—are also very important. If a staff member doesn't feel that they have power, they're not going to empower their clients. Workers on the front lines need to feel supported. They also need to have training in cultural competence, particularly in preventive services. Say you're working in the Belmont section of the Bronx. You have such a diverse population: Mexican, African-American, Puerto Rican, Italian, Albanian. To work with all of these families, you need a workload that's manageable. And you don't want to have to spend inordinate amounts of time trying to enter data into a computer system that is not functioning.

*JC: What role have accountability systems played during your years with COFCCA?*

FB: Providers are frequently concerned that the external accountability systems don't get at the quality of care—they're focused on complying with superimposed standards that often don't make sufficient allowance for differences among families and clients. At the same time, the value of accountability systems is that they've helped keep everyone focused on the fact that foster care services should be temporary. There has been a swing back and forth in how accountability is done depending on the administration: favoring, let's say, removal of a child and more foster care as opposed to prevention. Pressures about accountability have also frequently been determined by what appears in the press.

*JC: So what would a good accountability system look like?*

FB: It's very important for any service provider to be accountable to a body outside itself. It could be the community, it could be the clients in particular, and it could be the funding source, whether it's a foundation or government. If we are talking about community-based services, as we should, it should also measure responsiveness to the community. But most of all, it should focus on the person receiving the agencies' services and whether their needs are being met.

their family reunification services. "It's like when the IRS imposes a new tax break—it looks like a passive move but it's not," says Luis Medina, executive director of St. Christopher's. "Everybody turned their head and focused on adoption."

With little data to work with, some agencies even turned to outside evaluators to determine if they were working effectively. The international nonprofit Council on Accreditation of Services for Families and Children (COA), for example, sends volunteer investigators to make sure foster care agencies measure up to dozens

of specific standards, such as the inclusion of parents in case planning, the use of team approaches to casework, efforts to help parents and children stay in touch, and even making sure children in care get "an orderly daily schedule," "nutritious meals and snacks," and an allowance. The State of Illinois, home to one of the country's largest and most troubled foster care systems, now mandates that all of its contract agencies conform to COA standards.

In expanding COPES this year to focus on concrete measures of results for children, ACS has taken an opposite approach to quality

improvement: It now focuses on end products, not the processes that bring them about. By doing that, it is taking a cost-effective approach to evaluating its child welfare services—and getting only half the picture.

Jason Kanter surveys the situation with a cynicism born of years in the system. "Remember, both ACS and the voluntary agencies don't want to do this," he remarks of the current efforts to revamp COPES. "ACS doesn't have the resources. And the agencies don't want to be watched."

# Families Devalued

LAST SEPTEMBER, FROM A BED IN AN intensive care unit, Marisol Rodriguez begged a city caseworker to send her 4-year-old daughter Jessica to live with an aunt. Rodriguez had puncture wounds to her lungs, liver and abdomen after being stabbed repeatedly by her husband. As she lay in the hospital, unable to speak and believing she was about to die, she wrote out her wishes. "I didn't think I was going to make it," she says now.

Rodriguez pulled through but found herself faced with a new crisis three weeks later: The city wasn't giving Jessica back. The Administration for Children's Services had filed a neglect petition against Rodriguez for exposing her daughter to domestic violence, and Family Court sent Jessica to foster care.

"I thought that once I was out of the hospital, I would get my child back," says Rodriguez. Instead, the judge told her to go for therapy, get an order of protection against her husband and find a new apartment. "When I got out of court that day, I was told I could not see Jessica unsupervised and would not get Jessica back until I met their requirements," she recalls.

Rodriguez then asked her caseworker for a referral to therapy; he gave her the telephone number to a hotline. When Rodriguez called, she was directed to another hotline number, and then given several more numbers, none of which was right for her. Finally, after a month, she started therapy with a counselor recommended to her by a relative.

She is still waiting for housing. Rodriguez and her attorney, Linda Holmes of Brooklyn Legal Services Corporation B, say that the extent of ACS's assistance was to provide her with a list of real estate agents. Rodriguez was also not invited to participate in case conferences about Jessica or given a written copy of her plan until this February—five months after her child came into ACS's care—and even then only because a judge ordered ACS to hold a case conference.

Rodriguez has still not been able to get the services she needs from ACS. She managed to find an apartment on her own on April 22 but needed her caseworker to inspect it and complete the paperwork for a rent subsidy. She called his office that same day—and every working day after that—but did not reach him until May 4. She was not able to move in until mid June.

Rodriguez's ordeal is not uncommon. ACS and most foster care agencies are virtually unaccountable to the very families that are supposed to benefit from the child welfare system. Advocates for parents and children say that once a child

is in foster care, the caseworkers who are supposed to arrange for services are often slow to work toward reunifying the family, even though that is their mandate in more than half of all cases. And caseworkers frequently fail to involve parents—a violation of state law.

The problem is that no one is making sure that caseworkers work with parents—inviting them to case-planning conferences, seeking their input into decisions about what services are needed or even asking their advice about what's best for the children. "There's nobody reading the records to see if there's even a note that something's been done, much less if it really happened," says Jason Kanter, who heads the Public Advocate's Child Planning and Advocacy Now (C-PLAN) office. "There's nobody watching the store."

With little pressure on caseworkers to involve the family in developing a plan, parents are routinely left out of the picture. When parents have no voice in decision-making, the relationship between parents and agency can become adversarial, which ultimately delays kids in returning home.

One of the clearest examples is how agencies handle service plan reviews. By law, agencies are supposed to invite parents and children over age 10 to case planning conferences and give parents copies of their case records. When this is done,

parents are told what the agency expects and have the opportunity to ask for services they need. But the agencies and the city too rarely involve families in planning. An independent review of case files ordered by a federal judge in *Marisol v. Giuliani* found that private agencies made adequate efforts to involve all parents in case planning less than 40 percent of the time. And in a third of all cases, ACS's own caseworkers failed to reach out to anyone.

"Very basic requirements under law about how they [the agencies] are supposed to serve families and children are flouted every day," asserts Jill Chaifetz, executive director of Advocates for Children and former legal director of the Door, an organization that works with teenagers.

The Door and C-PLAN found that 78 percent of parents and older children reported that their caseworker refused to give them a copy of the family service plan from their case records. A city Comptroller's task force has agreed that family alienation from ACS poses a serious problem: Parents interviewed for its 1997 report on measuring foster care performance said they did not have adequate input into decision-making for their children.

The communication gap leaves many families stranded. "They don't tell you exactly what you

## NOWHERE TO RUN TO

Distressed parents stuck in New York's foster care system have few places to turn. Their problems can get enormously complicated—straightening them out may involve working with their own lawyer, one or more children's lawyers, a caseworker, their case supervisor and any number of service providers. In theory, each of the following institutions can hold ACS accountable to parents. In practice, they rarely make up for the care that agencies fail to provide:

Parents can try to persuade their **Family Court** attorney to bring their case back to court, but they have to beat serious odds. Nearly half of all parents in the system confesse to neglect or abuse under their lawyers' advice; only 12 percent wait for a judge to rule against them. Of the few of these who ever appeal to higher courts, only a handful each year end up with a ruling in their favor. If all else fails, **Legal Services** (212-431-7200) or **New York University's Family Law Clinic** (212-998-6430) may be able to help.

Families can also turn to **Child Planning and Advocacy Now (C-PLAN)**, which operates through the New York City Public Advocate's office. C-PLAN (212-669-4650) takes 50 new cases a month and can help troubleshoot simple problems. But it has a waiting list and lacks inside access to ACS that could help resolve the frequently knotty cases it sees.

ACS's **Office of Advocacy** (212-676-9421), which includes a four-person Parent and Children's Rights Unit, handles about 125 complaints a month. Many come from foster parents disputing ACS's payments for their services. For birth parents, common issues include problems with visitations with their children, medical concerns, attempts to locate children, requests for services, and problems related to group homes. More parents might use the office if ACS better promoted it—even many of their Family Court lawyers don't know it exists.

*With little pressure to involve families in case planning, parents are routinely left out*

need to do to get the children back," says Lauren Shapiro, who represents parents with Brooklyn Legal Services Corporation B. "You can be going along for two years and then, at the end, are told you need a parenting skills class." Shapiro filed a lawsuit this March charging ACS and five foster care agencies with violating state law by failing to include parents in case planning conferences. ACS spokesperson Leonora Weiner declined to comment on the lawsuit.

Families can be left out of the planning process whether a case is handled directly by ACS or sent to a private agency. But when an agency is involved, the extra bureaucracy can further complicate matters. Information is not only not given to parents, but also not exchanged between ACS and agencies.

Permaul Bissessar, one of the plaintiffs in Shapiro's Legal Services suit, discovered this when she tried to get her children back home. ACS removed her two sons in January 1997 because of their father's violence toward Bissessar and the older boy. The children were then placed with Talbot Perkins, a private agency. Bissessar says that after her sons entered care, she did not know where they were and was not able to see them for more than a week, until she got to Family Court. Her children have been in foster care ever since. Bissessar says she has never once been invited to the agency for a case conference, and no caseworker has told her what to do to get her children back. Citing the litigation, Talbot Perkins refused to comment on her case.

At the suggestion of a member of her church who worked for ACS, Bissessar wrote to Commissioner Nicholas Scoppetta in November 1998, asking what she and the boys' father needed to do to be reunited with their children. She received a letter back from Scoppetta's secretary telling her to complete a parenting skills class.

Bissessar then called her Talbot Perkins worker and asked for a referral to parenting skills, which she got with no questions asked. It was only after she enrolled in the class, and then called Talbot Perkins again to inform the agency that she was taking the course, that her caseworker told Bissessar that she did not need parenting skills. Bissessar continued to take the class anyway. Her next court date is in September, and she still hopes the children will be returned then.

When children are placed with a private agency, that agency takes responsibility for case planning, but ACS's Office of Contract Agency

Case Management (OCACM) must sign off on major decisions in the case. In theory, this provides a vital layer of oversight. In practice, however, it can hold up progress for weeks or even months.

To address the issue, ACS has announced that it's getting out of the oversight business on all but the most vital decisions. While ACS will continue to approve such actions as children's return home, many other crucial judgment calls will now be made without ACS involvement. Since early June, agencies have had discretion to reduce the frequency of parent-child visitations, as well as change children's long-term goals from reunification to adoption (and vice-versa), without ACS approval.

To remain involved, ACS is beginning to assign OCACM staff to attend the biannual service plan reviews that agencies are required by law to perform. There, the ACS staff are supposed to serve as "permanency advocates" who make sure that families attend these crucial case meetings and that they are getting the services they need to leave foster care quickly. This move springs directly from a recommendation made by the advisory panel appointed in this year's *Marisol v. Giuliani* settlement.

Outside assessors believe that ACS must do more than spot checks to make sure families come first. C-PLAN proposes that ACS assess the quality of services by also dropping in unannounced at agencies, meeting with children and parents, and sitting in on case interviews. The Comptroller's task force has also called for attention to families' satisfaction with services.

Stepping up oversight has its perils. "Adding another layer of review just to see if people are doing their jobs is not a constructive idea," says Columbia Law School's Jane Spinak, former head of Legal Aid's Juvenile Rights Division. "Pushing services into the community and pushing conferencing as early as possible into the process is a much better route to take."

For families, neither option provides all the answers. Neighborhood-based services are foreseen as promoting more frequent contact between parents and agencies, forcing providers to be more responsive to their clients' needs. But parents struggling to get their children back hardly have the leverage to fundamentally improve agencies' connections to families. That's where ACS will need to come up with a coherent strategy for making sure its clients get what they need.

## POSITIVE REVIEW

While every state must review foster care cases every six months to make sure children are getting the care they need, New York is in a dwindling minority that handle these sensitive assessments behind closed agency doors. In 26 states, foster care reviews happen in the public eye, performed by panels of ordinary civilians before going to a judge. Although there is no consensus on whether citizen review leads to better results, it does have advantages. Private citizens can monitor the use of public funds, and the process can educate people on the realities of foster care.

In Oregon, citizen panels have an unusual degree of influence. A group of 400 volunteers appointed by the state's chief judge reviews the status of virtually all of the state's 10,000 foster children. In each county a panel of three to five reviewers, backed by lawyers and social workers, meets one day a month for a review hearing. The panel receives case records in advance and invites all interested parties, including parents, foster parents, lawyers and caseworkers, to the hearing. "Our job is to make sure kids are not lost in the system," says program director Nancy Miller.

The panel examines whether a child's case plan is appropriate and makes sure his or her foster care placement is the least restrictive option. It then makes findings and issues recommendations, which are forwarded to the state child welfare agency. An impressive 65 percent of the panel's recommendations are fully implemented and 32 percent are partially used. If a child welfare agency declines to follow the recommendations, it must explain its actions in writing. The panel can then take the case to court if it still disagrees with the agency.

The board strives for diversity by reaching out to churches, African-American leadership and Native American tribal councils. "We want the panels to be representative of the population we serve," Miller says. The volunteers must pass a background check and agree to keep mum—they can be liable for \$1,000 if they breach confidentiality.

"Volunteers come in and look at this stuff with a fresh eye," says Miller. "The only thing that's going to work for kids is to have citizens pushing for them. Bureaucracies work for other bureaucracies."

# Watching the *Exits* (continued)

falsifying CCRS data in 1991 and 1992 to make it appear that state and federal reports were filed on time. In 1994, the state comptroller's office found serious errors in nearly half of the computer case files it read. And Wulczyn testified in a deposition last year in *Marisol v. Giuliani* about holes he found in CCRS, including that parents' addresses were missing 20 percent of the time, despite his painstaking work to clean up data. Many files simply listed the address as 80 Lafayette Street—ACS's former headquarters.

While ACS reports success in cleaning CCRS data up before using it to evaluate agencies, it has as much as conceded the source material is flawed. This spring ACS Associate Commissioner Elan Melamid told a meeting of agency representatives that his department set the score threshold for a "satisfactory" rating in contract reviews at a relatively low point—and then gave no agencies a score below satisfactory—in order to ease the transition into the new system. Melamid indicated that future reviews will be more stringent.

The susceptibility of the new system to such fudging begs the question of how useful it really can be. "When the data's not right, we don't take it seriously. We can't use it for our own management," says Bob McMahon, executive director of St. Christopher-Ottillie. "I think these new measures are very important, and I would like to use them. But I can't use them."

While acknowledging problems, Wulczyn maintains faith in his data and says it will only improve. "It's been the subject of criticism, and in some respects that's warranted. But the CCRS data has always been an undervalued resource," he insists. "Computer consultants say the most direct path to improving data is to use the data. You start using it, and people take a different attitude toward it."

The agencies do have an investment in seeing the data improve. Many of their directors are thrilled that for the first time, ACS is measuring the outcome they're most interested in: how successful they are at reunifying children with their families. "Reunification isn't quite there yet, but it's getting there," says Luis Medina, executive director of St. Christopher's and an avowed fan of the new system. "Finally there's an acknowledgment that most kids go back home." In 1997, according to ACS figures, two out of three children leaving foster care were reunified with their families or

## GETTING RESULTS: SOCIAL SERVICES HEAD INTO OUTCOMES

By evaluating child welfare services based on results, the Administration for Children's Services is taking an approach anomalous in New York City but increasingly common in the rest of the country. With a focus on clear "outcomes" for their efforts, many social service agencies, health care providers, education systems and other public and nonprofit institutions are using strategies pioneered by corporations to make themselves more efficient.

With the rallying cry of "reinventing government," the Clinton administration led the way in 1993 by requiring all federal agencies to set out clear missions and goals for each of their programs and then develop ways to measure them. Numerous states, counties and cities have done the same.

These outcome measures are typically used in cost-benefit analyses—are clients getting the biggest bang for each buck spent? Are resources being invested where they are most productive? Many agencies then engage in "continuous quality improvement," tracking results frequently and adjusting policies and practices according to how well they're performing at the bottom line. And, as ACS is beginning to do with its contract agencies, the outcomes are used to make sure complex bureaucracies are doing the work they're paid to do—and doing it right.

In the age of managed care, no field has been more transformed by the focus on outcomes as health care. With research support from California's RAND think tank, hospital systems, HMOs and other health agencies have come to rely on outcomes information. For an example, a mental health agency will track the progress of patients released from institutional care to see how much intervention they will need over the following years compared with their peers who remain hospitalized. The downside, as anyone who's dealt with an HMO knows, is that a focus on efficiency and cost-cutting frequently compromises service to customers.

Bringing outcomes to child welfare has proven to be a challenge. Other foster care systems have encountered some of the same obstacles New York has. Like ACS, the North Carolina Department of Social Services is the recipient of a Kellogg Foundation "Families for Kids" grant to improve how it manages child welfare programs. It, too, wants to use outcome measures to help its service providers—the state's 100 counties—speed up and improve their work with the state's 11,600 foster children.

But when the agency looked at the available computer data, it became clear that the information wasn't up to the job. As in New York, the data on children in the state's computer systems had been used only to count heads for payment purposes, so inaccuracies abounded. As a result, the state decided to hold off from rating the counties based on outcomes.

Instead, the department delivers its calculations twice a year to the 20 counties in its pilot program, so they can use them to help improve their work. "We're sending them out with warnings about 'garbage in, garbage out,'" says Holly Hafer, performance coordinator for North Carolina's Families for Kids project. "The information is only as good as what you send to us." Hafer also sends the information to two eager outside enforcers of accountability: politicians and the press.

moved on to independent living.

But to give its new outcomes measurement system the credibility it needs to function properly, ACS will have to convince its more skeptical agency partners that getting children in and out of care as quickly as possible is the same thing as providing the best quality care possible. In measuring outcomes, ACS has made an explicit decision *not* to examine practices that are known to be essential to getting speedy results, such as frequent parent-

child visits and involvement of parents in case planning. By contrast, surveying agencies' efforts on behalf of their clients was at the heart of the city's previous work to hold contractors accountable for their performance. Some agencies contend that it still should be.

"You ought to judge me not just on outcomes but on effort," says Bob McMahon. "The new system just grinds out the numbers and says, 'This is it.'"

# Watching the Numbers

## Top-40 countdown: What the agencies make on foster care

AGENCY	TAX YEAR	TOTAL REVENUE <sup>1</sup>	TOP EXECUTIVE SALARY & BENEFITS <sup>2</sup>	FOSTER CARE CONTRACT <sup>3</sup>	TOTAL CONTRACT AWARD <sup>4</sup>
1 Little Flower	1996	\$50,643,796	\$118,217	2 years	\$72,778,936
2 St. Christopher-Ottillie	1996	70,707,061	128,977	2 years	68,116,872
3 New York Foundling Hospital	DNA	DNA	DNA	2 years	60,780,560
4 Leake & Watts	1997	52,710,538	222,377	1 year	22,409,939
5 St. Vincent's Services	1996	31,173,752	156,856	2 years	42,480,956
6 Jewish Child Care	1997	45,908,013	DNA	1 year	19,158,727
7 Graham Windham	1997	31,665,368	197,442	1 year	18,021,828
8 Children's Village	1996	25,595,793	132,351	2 years	31,112,796
9 Catholic Home Bureau	1996	21,186,168	DNA	2 years	30,704,064
10 Abbott House	1997	26,391,291	181,500	1.5 years	22,603,338
11 Pius XII	1996	27,840,161	100,486	2 years	29,494,118
12 St. Joseph	1996	15,795,417	103,047	2 years	27,493,328
13 Lakeside Family	1996	17,406,518	167,119	1 year	13,708,360
14 St. Christopher's	1997	26,053,120	165,000	2 years	26,099,876
15 Salvation Army	DNA	DNA	DNA	2 years	25,625,848
16 Catholic Guardian	1996	23,747,645	106,342	2 years	24,911,988
17 Harlem Dowling	1997	17,556,427	DNA	1.5 years	17,794,179
18 Miracle Makers	1996	23,337,079	93,069	1 year	11,238,327
19 Good Shepherd	1997	24,376,008	107,733	2 years	21,145,804
20 Family Support	1997	11,425,240	100,563	1.5 years	15,600,000
21 Children's Aid	1997	64,976,219	257,464	2 years	20,733,230
22 Central Bklyn Coord. Council	1996	12,265,793	131,884	6 months	4,933,154
23 Lutheran Social	DNA	DNA	DNA	2 years	19,322,008
24 Angel Guardian	1996	11,547,347	87,802	2 years	18,704,754
25 Cardinal McCloskey	1996	20,852,584	125,410	1 year	8,711,134
26 Episcopal Social	1997	16,374,316	164,161	2 years	17,262,586
27 Edwin Gould Academy	DNA	DNA	DNA	1.5 years	12,855,282
28 Sheltering Arms	1997	16,702,209	127,602	2 years	16,752,552
29 Edwin Gould Services	1996	13,728,456	39,000	2 years	16,455,800
30 Jewish Board	1996	91,232,618	242,291	1 year	8,134,215
31 Talbot Perkins	1996	10,334,655	99,095	1 year	7,900,259
32 Heartshare	DNA	DNA	DNA	2 years	15,726,064
33 Louise Wise	1997	10,330,396	101,637	6 months	4,537,981
34 Brookwood	1996	12,613,412	137,881	2 years	14,743,940
35 Seaman's Society	DNA	DNA	DNA	2 years	12,885,654
36 Child Development	1996	10,194,598	105,800	1 year	6,116,196
37 Forestdale	1996	7,346,283	126,242	2 years	11,119,958
38 Green Chimneys	1997	11,709,382	112,472	1 year	5,252,117
39 Concord Family Services	1996	4,678,620	112,417	1 year	4,030,555
40 PRACA	1997	4,980,161	86,225	6 months	1,329,907

Sources: Internal Revenue Service Form 990;  
New York City Mayor's Office of Contracts  
DNA means data not available.

<sup>1</sup> Total revenue is the sum of all income, including funds from contributions, government contracts and endowment income.

<sup>2</sup> Benefits are contributions to employee benefit plans and deferred compensation.

<sup>3</sup> Most recent as of 1998.

<sup>4</sup> Agencies are listed in the order of the amount of contract money received from ACS on a per-year average.



## Center for an Urban Future

The Center for an Urban Future, the sister organization of *City Limits* magazine, is committed to incubating and promoting proactive public policies that are affordable, practical and humane. It gives community leaders and on-the-ground practitioners a vehicle for sharing ideas and experiences with a wider audience.

## The New York Forum

The New York Forum is an assembly of New Yorkers dedicated to the proposition that urban problems need to be re-thought and re-examined. All channels of public education need to be employed in pursuit of new solutions and improvements, along with a series of think tank task forces and public forums.

## Child Welfare Fund

The Child Welfare Fund is interested in supporting projects to implement the recommendations in the *Child Welfare Watch*. Please contact the Child Welfare Fund for application guidelines.

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