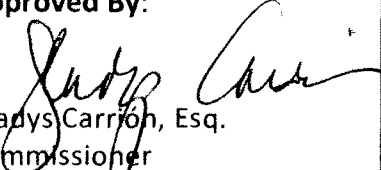


**Monitoring of Provider Agency Corrective Action Plans**

<b>Approved By:</b>  Gladys Carrion, Esq. Commissioner	<b>Date Issued:</b> <u>6/13/2014</u>	<b>Number of Pages:</b> 4	<b>Number of Attachments:</b> 0
<b>Related Laws:</b> N/A	<b>Children's Services Divisions/Provider Agencies:</b> Divisions of Child Protection and Family Permanency Services; and foster care provider agency staff	<b>Contact Office /Unit:</b> Iris Kaplan Assistant Commissioner Family Permanency Services <a href="mailto:iris.kaplan@acs.nyc.gov">iris.kaplan@acs.nyc.gov</a>  Bryan Kemp Assistant Commissioner Division of Child Protection <a href="mailto:bryan.kemp@acs.nyc.gov">bryan.kemp@acs.nyc.gov</a>	
<b>Supporting Regulations:</b> NYCRR 441.9	<b>Supporting Case Law:</b> N/A	<b>Bulletins &amp; Directives:</b> N/A	
<b>Key Words:</b> Monitoring, corrective, action, plan, CAPs, provider agency.	<b>Related Policies:</b> N/A	<b>Supersedes:</b> Monitoring of Provider Agency Corrective Action Plans (5/01/13)	
<b>Related Forms:</b> N/A			
<b>SUMMARY:</b> <p>At the conclusion of an investigation of a report made to the Statewide Central Register of Child Abuse and Maltreatment (SCR) involving a foster home or a child who is in foster care, the Administration for Children's Services (ACS) Office of Special Investigations (OSI) within the Division of Child Protection (DCP) may make corrective action recommendations to a foster care provider agency to enhance the safety and well-being of the child(ren) involved. The corrective actions are based on OSI findings during the investigation, and ACS expects that all corrective actions plans (CAPs) will be responded to and completed by the provider agency within 20 days from the date of receipt of the CAP.</p> <p>This policy is intended to inform both ACS and provider agency staff of the expectations related to responding to a CAP and the monitoring procedure.</p>			
<b>SCOPE:</b> The policy applies to staff in the Office of Special Investigation (OSI) within the Division of Child Protection and to staff in the Corrective Action Monitoring Unit (CAMU) within the Division of Family Permanency Services (FPS), as well as to provider agency staff.			

## **I. BACKGROUND**

At the conclusion of a child protective investigation of a report made to the Statewide Central Register of Child Abuse and Maltreatment (SCR) involving a foster home or a child who is in foster care, the Office of Special Investigations (OSI) within the Division of Child Protection (DCP) may make corrective action recommendations to a foster care provider agency to enhance the safety and well-being of the child(ren) involved. Corrective action may also be requested when there are no foster children in the home, as the child protective case may involve a foster parent and his or her own children. The corrective action requested may be for the foster home to be closed or for the foster parent to be retrained. Corrective action plans will be based on OSI findings during the investigation, and ACS expects that provider agencies will respond to and complete all corrective actions plans (CAPs) within 20 business days of receipt of the CAP. Beginning on April 1, 2013, the ACS Division of Family Permanency Services (FPS) Corrective Action Monitoring Unit (CAMU) assumed the responsibility of monitoring and receiving completed responses to corrective action plans from the foster care provider agencies.

## **II. PURPOSE**

This policy is intended to provide guidance to both ACS and foster care provider agency staff of the expectations for responding to a CAP.

## **III. POLICY**

- A. If OSI identifies safety concerns or service needs at the completion of an OSI child protective investigation, OSI shall issue a CAP to the provider agency. OSI may issue a CAP regardless of the investigation determination. CAPs will be required on cases where issues are assessed to be present in any area relevant to the safety and welfare of a child including, but not limited to, the following areas:
1. Fatality or serious injury
  2. Medical and/or mental health
  3. Alcohol and substance abuse
  4. Domestic violence
  5. Sexual abuse
  6. Criminal activity and/or history
  7. Educational neglect
  8. Excessive corporal punishment
  9. Inadequate guardianship and lack of supervision
  10. Facility (physical environment of the foster home) requirements (e.g., number of beds, pest control needs)
  11. Noncompliance with certification and/or regulatory criteria (e.g., failure to meet training requirements, non-disclosure of changes in household composition, repeated violations of corporal punishment regulations)

12. Multiple SCR reports related to the foster parent and/or members of the household<sup>1</sup>
  13. AWOL /missing children
  14. Medical and/or psychiatric hospitalization
  15. Incongruent information provided in a home study and/or progress notes
- B. CAMU shall monitor the progress of the provider agency in completing the CAP. The provider agency is required to submit a response to the CAP to CAMU within 20 business days after receiving the CAP unless the provider agency has requested in writing and has been granted additional time to submit the response. Requests for additional time for submission shall be limited to a maximum of 10 additional business days to complete the response. All responses to CAPs must be submitted to CAMU and will be subject to review and final approval by CAMU staff.

#### IV. PROCEDURE

- A. During the course of the investigation, the OSI child protective specialist (CPS) must discuss any concerns which could result in a CAP with provider agency staff, thereby providing the agency with an opportunity to resolve the concerns prior to the completion of the investigation.
1. The provider agency must submit the following documentation to the CPS within 14 calendar days of being notified about the SCR report in order to avoid a CAP relating to failure to submit required documentation:
    - a. The home study;
    - b. The foster child's medical and mental health records; and
    - c. The foster child's Individualized Education Program (IEP) if applicable.
- B. If the identified concerns are still unaddressed at the completion of the child protective investigation, OSI staff will develop a CAP for the provider agency in accordance with following process:
1. OSI staff shall send notice to the subject provider agency and to the CAMU mailbox ([FCA.CAPUnit@acs.nyc.gov](mailto:FCA.CAPUnit@acs.nyc.gov)). The notification of the determination will include the following:
    - a. The name and address of the identified agency;
    - b. The foster parent's name and address;

---

<sup>1</sup> Multiple reports to the Statewide Central Register of Child Abuse and Maltreatment (SCR) - whether unfounded or indicated - regarding the foster parent or household members in the foster home must be reviewed closely by the provider agency and ACS for patterns of behavior/concerns regarding individuals in the foster home or regarding the appropriateness of the agency's oversight of the foster home. Please note that these are multiple reports covering any period of time.

- c. The names of all foster children in the home during any part of the investigation;
    - d. Identification of the perpetrator, related indicated allegations and subject child(ren); and
    - e. Any safety concerns or service needs identified as part of the CAP.
  2. Upon receipt of notification that a CAP is being requested, the provider agency may raise and address any CAP-related questions with the OSI CPS and supervisor. The provider agency may not discuss any disagreements concerning the content of the CAP with CAMU. This responsibility remains with the OSI unit supervisor.
  3. The provider agency will have 20 business days to submit a written response to the CAP.
  4. CAMU will send the provider agency a five (5) day reminder via email if necessary before the due date for the CAP response.
  5. If the provider agency foresees complications in completing the CAP within 20 business days, the agency must submit a written request to the attention of CAMU to ask for an extension for submission. All extension requests must be forwarded via email to the following ACS mailbox: [FCA.CAPUnit@acs.nyc.gov](mailto:FCA.CAPUnit@acs.nyc.gov).
  6. All requests for an extension to submit the CAP response must be submitted to the CAMU mailbox at least five (5) business days before the original due date of the CAP.
  7. CAMU staff shall review and consider extension requests and may grant extensions for no more than 10 additional business days for good cause shown.
- C. CAMU shall monitor all CAPs for implementation and completion. The monitoring process may require home visits and direct contact with the foster parent as determined by CAMU staff. If the provider agency fails to complete or implement a CAP in a timely manner, CAMU shall send a letter of noncompliance to the provider agency's executive director and send a copy to the ACS Office of Agency Program Assistance (APA).