NEW YORK STATE | Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Local Commissioners Memorandum

Transmittal:	17-OCFS-LCM-08
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services/Bureau of Vulnerable Populations
Date:	June 9, 2017
Subject:	**Federal Fiscal Year 2017 Independent Living Allocations**
Contact Person(s):	See Page 5
Attachments:	Attachment A: District Allocations for the Chafee Foster Care Independence Program, 10/1/16-9/30/17

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (LDSSs) of the Chafee Foster Care Independence Program (CFCIP) allocations from the Federal Fiscal Year (FFY) 2017 funds. The allocations contained in this memorandum's Attachment A may be used for Independent Living (IL) services expenditures made October 1, 2016, through September 30, 2017, and claimed by March 31, 2018. Such claims will be paid up to the amount of the allocation and subject to a 20 percent state/local match requirement. Unclaimed allocation amounts will be redistributed to other LDSSs that have claims in excess of the allocation, or used to support the New York State Office of Children and Family Services' (OCFS) activities related to implementation of the Chafee Foster Care Independence Act, allowing New York State to maximize its use of funds available under this federal funding stream.

LDSSs are advised that they must be in compliance with all provisions set forth in 02-OCFS-LCM-05, issued on February 28, 2002. Furthermore, in order to access funds, you must be in compliance with the assurances made to the U.S. Department of Health and Human Services (DHHS) listed in Attachment B of that memorandum, to be eligible for reimbursement from CFCIP funds.

II. Allocation Methodology

The FFY 2017 allocation for distribution to LDSSs represents 97 percent of the total FFY 2017 award of $11,585,958 to New York State, resulting in an allocation to LDSSs of $11,238,377. The remainder is being reserved by OCFS for two purposes: (1) to support OCFS activities related to the CFCIP; and (2) to support IL services for youth in direct care in OCFS-operated facilities and rehabilitative services programs. Please note, LDSSs are required to meet the IL services needs of eligible youth in OCFS custody placed in authorized voluntary agencies in the same manner and under the same criteria as youth in the custody of the commissioner of social services.

The allocation methodology has two components: (1) potential IL population; and (2) IL expenditures. Half of the available funds are allocated to LDSSs based on the LDSS's potential IL population. Potential IL population is defined as youth 14 to 21 years of age who are in care on September 30, 2016. Each LDSS is allocated an amount equal to its proportion of the potential IL eligible population in relation to the total statewide potential IL eligible population. The remaining half of the available funds are allocated to LDSSs based on the LDSS's proportion of the statewide IL expenditures. IL expenditures are defined by IL claims received by March 31, 2017, applied against the FFY 2016 allocations, including expenditures made after September 30, 2016. Each LDSS is allocated an amount equal to its proportion of the historical claims.

These two parts are then added together to get each LDSS's FFY 2017 total CFCIP allocation, which appears in Attachment A. This approach affords the greatest degree of stability to LDSSs across program years. It balances population size with intensity of programming.

Please note, OCFS reserves the right to base future allocation methodologies on historical expenditures only.

III. Normative Experiences and the Reasonable and Prudent Parent Standards

On September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act [the Act] (P.L. 113-183) into law, which amended various provisions of Title IV-E of the Social Security Act. One of the primary purposes of the Act is to improve the safety, permanency, and well-being outcomes of children, youth, and young adults involved with the child welfare system. Section 111 of the Act, "Supporting Normalcy for Children in Foster Care," requires states to support normative experiences for children through the implementation of the reasonable and prudent parent standard. The standard allows for a foster parent or a designated employee of a child care facility to make parental decisions that maintain the health, safety, and best interests of the child, as well as decisions about the child's participation in extracurricular, enrichment, cultural, and social activities that are age and developmentally appropriate, in a way that protects the child while allowing for normative experiences. For more information on normative experiences and the reasonable and prudent parent standard, see 15-OCFS-ADM-21, *Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard*.

Normative experiences are age and developmentally appropriate activities and opportunities that promote the healthy cognitive, social, emotional, physical, and educational development of children, youth, and young adults, regardless of involvement in the child welfare system. Examples of normative experiences include participating in school clubs and sports, attending summer camp, sleeping overnight at a friend's house, dating, obtaining a driver's license, volunteering in the community, and working at a part-time job. Many of these activities have a cost associated with them. The rate received by a foster boarding home or congregate care facility is expected to cover costs for routine activity expenses, including routine activities that would qualify as normative experiences. However, costs of normative activities that are non-routine and that can be tied to activities that would promote independent living, such as obtaining a driver's license, items needed for a part-time job, etc., may be an allowable expense under the CFCIP allocation, as well as special payment under 18 NYCRR 427.3(c).

IV. Claiming

In accordance with federal law, CFCIP funds may be used to **supplement** but not to supplant any other funds that are available for the same general purposes in the state, see 42 U.S.C. 677 (d). Meaning that LDSSs may not use CFCIP funds to reduce the amount of other funds LDSSs have expended for these costs. Therefore, an LDSS may claim CFCIP funds for expenditures for IL services that are directly provided to program recipients by the LDSS staff, provided that the CFCIP funds are supplementing but not supplanting other funds that may be available for such services. These services include, but are not limited to, academic support services, vocational training, teaching skills to prepare for IL, and/or aftercare services. Additionally, within the service categories listed above, an LDSS may also claim expenditures for IL supports for youth provided that the CFCIP funds are supplementing but not supplanting funds that may be available for such expenditures. IL supports for youth would include, for example, expenditures for a cap and gown and other costs associated with high school graduation; costs of standardized tests including SAT/ACT/PSAT, which are required for undergraduate admission to many colleges and universities; applications for admission to college or vocational training programs; examinations for attendance at a vocational training program; visits to colleges; clothing for job/college interviews; fees for obtaining a driver's license; and car insurance. Additionally, the LDSS must provide, and may claim for, training and support services provided to children who are adopted from foster care at age 16 or older, and children who leave foster care at age 16 or older for guardianship with a relative guardian who is receiving kinship guardianship assistance payments. Such training and support services include: Educational and Vocational Training (Purchase of Service [POS] Type 85), Academic Support Services (POS Type 87), and Independent Living Skills (POS Type 84) training.

Any claim for IL services that exceeds an LDSS's CFCIP allocation is subject to 62 percent state reimbursement, provided that the LDSS meets threshold requirements and performance, or outcome-based provisions. Therefore, it is important that LDSSs submit all claims for the FFY 2017 CFCIP funds.

CFCIP expenditures are claimed on the Schedule RF-4, *Independent Living Program for Foster Care Children* (LDSS-3871). Refer to the *Fiscal Reference Manual*, Volume 2, Chapter 3, for instructions on completing the RF-4 claim. The *Fiscal Reference Manual* is available on the Office of Temporary and Disability Assistance (OTDA) intranet site at http://otda.state.nyenet/bfdm/finance.

CFCIP funds are available to provide reimbursement of 80 percent of an LDSS's expenditures, up to the amount of the allocation. Districts may meet the 20 percent match for expenditures claimed under the CFCIP by use of in-kind and donated funds as described in 00-OCFS-LCM-*32*, *Federal Fiscal Year 1999-2000 Independent Living Allocations*. The 20 percent match for expenditures claimed under the CFCIP is eligible for 62 percent state reimbursement, subject to child welfare threshold requirements and performance or outcome based provisions.

For New York City, Close to Home (CTH) funds may be used to reimburse the non-federal share of IL expenditures claimed on the RF-4 up to the unexpended amount of the CTH allocation. Expenditures must be claimed in column 3, Federal IL Eligible CTH, to receive reimbursement with CTH funds.

For expenditures exceeding the LDSS's CFCIP allocation, IL expenditures are eligible for 62 percent state reimbursement, subject to the child welfare threshold requirements and performance or outcome-based provisions. Any donated funds or in-kind services that are a part of those expenditures and claimed for 62 percent state reimbursement are subject to special rules. Refer to Section V of 02-OCFS-LCM-05, *Federal Fiscal Year 2000-2001 Independent Living Allocations,* and to *02-OCFS-LCM-20, Donated Funds, Child Welfare Finance*.

V. Direct Charges

Effective July 1, 2003, the IL program category was removed from the Schedule D-2, *Allocation for Claiming General Services Administration Expenditures* (LDSS-2347-B). An LDSS's spending for IL services is now accounted for outside of the LDSS's claim for IL services (academic support services, vocational training, IL skills, and/or aftercare services) that are directly provided by the LDSS staff to program recipients. These expenditures should be claimed on Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program*, as an F30 function. From the F30 function, the LDSS should report these expenditures in the proper category of service on the Schedule RF-4.

LDSSs' administration costs related to IL cases are considered regular foster care administration (Title IV-E or Non-Title IV-E eligible). Therefore, these costs should not be reported on the Schedule RF-4.

VI. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance and federally funded CFCIP services to youth who have left foster care because they have attained the age of 18, see also 42 U.S.C. § 677(b)(3)(A). Therefore, if a youth (between the ages of 18 and 21) formerly in foster care moves from the state in which he or she aged out of foster care to another state, he or she is eligible for IL services in the new state, so long as he or she left foster care because of attaining the age of 18. If a youth meets this eligibility criterion, IL services must be paid for by the LDSS where the youth resides. The LDSS must treat the youth as it would any other youth who is eligible to receive CFCIP services in New York State.

In accordance with New York State's Child and Family Services Plan for FFY 2015-2019, LDSSs also have the option of providing IL services and supports for youth ages 18 to 21 years who exited foster care prior to age 18.

Additional information can be found at:

Health and Human Services Child Welfare Policy Manual, Chapter 3 - *Independent Living.*

VII. Contact Names

General questions about IL services should be directed to your OCFS regional office:

BRO – Amanda Darling (716) 847-3145; Amanda.Darling@ocfs.ny.gov

RRO – Karen Buck (585) 238-8549; Karen.Buck@ocfs.ny.gov

SRO – Sara Simon (315) 423-1200; Sara.Simon@ocfs.ny.gov

ARO – John Lockwood (518) 486-7078; John.Lockwood@ocfs.ny.gov

SVRO – Yolanda Désarmé (845) 708-2499; Yolanda.Désarmé@ocfs.ny.gov

NYCRO – Ronni Fuchs (212) 383-1788; Ronni.Fuchs@ocfs.ny.gov

Native American Services- Heather LaForme; (716) 847-3123; Heather.LaForme@ocfs.ny.gov

Close to Home Oversight-Jewel Brown-Gregory (212) 383-1828; Jewel.Brown-Gregory@ocfs.ny.gov

Questions pertaining to ***claiming*** should be directed to the Office of Temporary and Disability Assistance, Bureau of Financial Services:

Regions I-IV: Dan Stuhlman (518) 474-7549
Dan.Stuhlman@otda.ny.gov

Region V and VI: Michael Simon (212) 961-8250
Michael.Simon@otda.ny.gov

Questions pertaining to the ***allocations*** should be directed to:

Shonna Clinton, Local Operations Manager, (518) 474-1361
Shonna.Clinton@ocfs.ny.gov

/s/ Laura Velez

Issued By:
Name: Laura Velez
Title: Deputy Commissioner
Division/Office: Child Welfare and Community Services

				Attachment A
DISTRICT ALLOCATIONS				
CHAFEE FOSTER CARE INDEPENDENCE PROGRAM (CFCIP) FUNDS				
10/1/16 TO 9/30/17				
District	**Allocation**		**District**	**Allocation**
Albany	$88,763		Orange	$155,326
Allegany	$14,024		Orleans	$19,857
Broome	$109,896		Oswego	$32,760
Cattaraugus	$21,570		Otsego	$15,216
Cayuga	$30,988		Putnam	$8,263
Chautauqua	$42,122		Rensselaer	$56,237
Chemung	$22,913		Rockland	$95,956
Chenango	$12,957		St. Lawrence	$168,045
Clinton	$36,683		Saratoga	$41,573
Columbia	$86,244		Schenectady	$98,121
Cortland	$18,098		Schoharie	$20,451
Delaware	$30,731		Schuyler	$5,889
Dutchess	$103,955		Seneca	$12,850
Erie	$581,762		Steuben	$50,161
Essex	$9,267		Suffolk	$357,733
Franklin	$45,687		Sullivan	$63,405
Fulton	$23,374		Tioga	$15,947
Genesee	$50,810		Tompkins	$65,756
Greene	$22,234		Ulster	$75,125
Hamilton	$822		Warren	$18,534
Herkimer	$23,709		Washington	$14,800
Jefferson	$19,462		Wayne	$9,507
Lewis	$3,244		Westchester	$584,885
Livingston	$12,225		Wyoming	$19,019
Madison	$22,511		Yates	$7,985
Monroe	$385,193		St. Regis Mohawk	$4,111
Montgomery	$16,744		**Upstate Totals**	**$4,563,397**
Nassau	$174,453			
Niagara	$79,475		**New York City**	**$6,674,980**
Oneida	$157,060			
Onondaga	$263,219		**Statewide Totals**	**$11,238,377**
Ontario	$35,690			