



# Office of Children and Family Services

**Kathy Hochul**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Commissioner

## Administrative Directive

<b>Transmittal:</b>	21-OCFS-ADM-19
<b>To:</b>	Local Departments of Social Services Commissioners Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success and Division of Child Welfare and Community Services
<b>Date:</b>	August 26, 2021, revised October 28, 2021; revised February 10, 2022
<b>Subject:</b>	<b>Requirements to Operate an EMPOWER Qualified Residential Treatment Program (QRTP) Exception</b>
<b>Suggested Distribution:</b>	Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
<b>Contact Person(s):</b>	See section VI.
<b>Attachments:</b>	Attachment A, <i>EMPOWER Program Standards</i> Attachment B, <i>EMPOWER Program Application Checklist (OCFS-5376)</i>

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-04		18 NYCRR 427.2, Parts 440, 441, 442, 447, 448, and 476	Family First Prevention Services Act (FFPSA) (P.L. 115-123); 42 USC §672(k); and SSL §460-a		

### I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) – particularly those operating programs serving children and youth who are found to be, or are at risk of becoming, sex trafficking victims or survivors – of new requirements pertaining to programs designed to meet the needs of this population. These new requirements are based on the federal Family

First Prevention Services Act (FFPSA), which was enacted on February 9, 2018, and becomes effective in New York State (NYS) on September 29, 2021.

This ADM was revised on October 28, 2021, to allow physical restraints when necessary to prevent serious bodily harm, and again on February 10, 2022, to clarify staffing ratio requirements.

## II. Background

The federal FFPSA limits Title IV-E federal reimbursement to placements of youth in foster care to family settings and specific types of congregate care settings. Youth in foster care in a congregate setting who meet the other Title IV-E eligibility requirements must be placed in one of these specified congregate care settings for the placement to be eligible for Title IV-E reimbursement.

Specified congregate care settings include the following:

- A Qualified Residential Treatment Program (QRTP) or
- A QRTP Exception, which in NYS includes the following:
  - A setting specializing in providing prenatal, postpartum, parenting supports for youth
  - A setting for youth who have reached the age of 18 and are supervised while living independently (SILP)
  - **A setting providing high quality residential care and support services to children and youth who have been found to be, or are at risk of becoming, victims of sex trafficking**

VAs in NYS may opt to operate programs offering high quality residential care and support services to children and youth who have been found to be, or are at risk of becoming, victims of sex trafficking, hereafter referred to as EMPOWER programs. This ADM provides the program standards and requirements for such programs.

*EMPOWER Program Standards*, attached as Attachment A, further define programmatic expectations necessary for approval of this QRTP exception that provides high quality residential care and support services to children and youth who have been found to be, or are at risk of becoming, victims of sex trafficking.

## III. Program Implications

Agencies interested in applying to operate an EMPOWER program should first review the program standards governing this program type. Agencies are strongly encouraged to discuss their interest with their NYS Office of Children and Family Services (OCFS) regional office. To apply for certification as an EMPOWER program, VAs must apply via the NYS 29-I Voluntary Foster Care Agency (VFCA) Health Facilities Licensure portal. The application materials include *Application for Operating Certificate (Congregate Care)* (OCFS-2981), an *EMPOWER Program Application Checklist* (OCFS-5376), and all attachments required by those forms.

Should additional documentation be required during the review process. OCFS will communicate this to the applicant.

Approval of an application will be communicated through the issuance of an operating certificate. Denial of an application will be communicated by OCFS to the applicant in writing. Following the issuance of an operating certificate, programs must seek written approval from OCFS prior to implementing any changes to its program model.

#### **IV. Required Action**

Agencies applying to operate an EMPOWER program will apply using the 29-I VFCA Health Facilities Licensure portal. In addition to all other standard application materials, the applicant must submit an *Application for Operating Certificate (Congregate Care)* (OCFS-2981), an *EMPOWER Program Application Checklist* (OCFS-5376), and all attachments required by those forms. Should additional documentation be required during the review process this will be communicated to the applicant by OCFS.

#### **V. Systems Implications**

None

#### **VI. Contacts**

Buffalo Regional Office - Amanda Darling (716) 847-3145

[Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

Rochester Regional Office - Christopher Bruno (585) 238-8201

[Christopher.Bruno@ocfs.ny.gov](mailto:Christopher.Bruno@ocfs.ny.gov)

Syracuse Regional Office - Sara Simon (315) 423-1200

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

Albany Regional Office - John Lockwood (518) 486-7078

[John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

Westchester Regional Office - Sheletha Chang (845) 708-2498

[Sheletha.Chang@ocfs.ny.gov](mailto:Sheletha.Chang@ocfs.ny.gov)

New York City Regional Office - Ronni Fuchs (212) 383-1788

[Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

Native American Services - Heather LaForme (716) 847-3123

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

Close to Home Oversight – Donte Blackwell (212) 383-7261

[Donte.Blackwell@ocfs.ny.gov](mailto:Donte.Blackwell@ocfs.ny.gov)

**VII. Effective Date**

This ADM is effective upon release.

**/s/ Nina Aledort, Ph.D., LMSW**

**Issued by:**

Name: Nina Aledort, Ph.D., LMSW

Title: Deputy Commissioner

Division/Office: Division of Youth Development and Partnerships for Success

**/s/ Lisa Gharthey Ogundimu, Esq.**

**Issued by:**

Name: Lisa Gharthey Ogundimu, Esq.

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services