



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

October 25, 2021

Sheila J. Poole
Commissioner
New York State Office of Children & Family Services
52 Washington Street
Rensselaer, New York 12144

Dear Sheila J. Poole:

The Family First Prevention Services Act (FFPSA), enacted as part of Public Law (P.L.) 115-123, amended many provisions of titles IV-B and IV-E of the Social Security Act (the Act). On July 9, 2018, the Children's Bureau issued Program Instruction (PI) ACYF-CB-PI-18-07 to provide instructions to title IV-E agencies on amendments they are required to make to their Title IV-E Foster Care and Adoption Assistance Plan to address provisions amended or added by FFPSA. The PI provided instructions and deadlines for submitting plan amendments, based on the effective date of the specific provisions. The PI also provided instructions for requesting a delay of effective dates for certain title IV-B and IV-E plan requirements, where permitted by law.

On September 27, 2021, New York submitted a title IV-E Plan amendment to the Regional Office. This submission addressed the following requirements:

Title IV-E plan provisions effective in Federal law October 1, 2019

- Section 471(a)(37) of the Act providing a certification on preventing increases to the juvenile justice population
- Section 471(k) of the Act addressing limitations on title IV-E Foster Care maintenance payments for placements that are not foster family homes;
- Section 472(c) of the Act addressing the definition of foster family homes;
- Sections 472(k)(1)(B), 472(k)(4) and 475A(c) of the Act addressing qualified residential treatment program (QRTP) placements.

The FFPSA allowed states to delay implementation of these provisions for a period of up to two years. New York requested and was approved for delayed effective date of September 30, 2021.

Plan Approval

We are pleased to notify you that we have reviewed and approved the revised New York title IV-E plan addressing the requirements of the FFPSA indicated above. The effective date of this amendment to the state's title IV-E plan is October 1, 2021.

In addition, New York requested a waiver regarding the functions of the qualified individual to perform assessments for QRTP placements from the Secretary of Health and Human Services, in order to allow the individual to be an employee of the agency and/or connected to or affiliated with a placement setting in which children are placed by the agency. New York certified that the trained professionals or licensed clinicians will maintain objectivity in determining the most effective and appropriate placement for a child (section 475A(c)(1)(C) of the Act). The New York waiver request is also approved.

We wish to thank you and your program and legal staff for your work to finalize New York's title IV-E Plan for approval. Should you have any questions or concerns, please contact Shaniece Edwards, Child and Family Program Specialist, at 202-838-3328 or by e-mail at Shaniece.Edwards@acf.hhs.gov. You may also contact Alfonso Nicholas, Child Welfare Regional Program Manager, in Region 2, at (646) 905-8141 or by e-mail at Alfonso.Nicholas@acf.hhs.gov.

Sincerely,



Aysha E. Schomburg, Esq.
Associate Commissioner
Children's Bureau

cc: Gail Collins, Director; CB, Division of Program Implementation; Washington, DC
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