



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	15-OCFS-LCM-13
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Administration / Bureau of Budget Management
<b>Date:</b>	September 14, 2015
<b>Subject:</b>	<b>FY 2016 Foster Care Block Grant Allocations</b>
<b>Contact Person(s):</b>	See Pages 6 and 7
<b>Attachments:</b>	Attachment A: FY 2016 Foster Care Block Grant Allocations of \$444,852,000

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) of the New York State Office of Children and Family Services (OCFS) is to provide local departments of social services (LDSSs) with their Foster Care Block Grant allocations for Fiscal Year (FY) 2016 and the corresponding program implications, as authorized by Chapter 53 of the Laws of 2015.

### II. Background

Chapter 57 of the Laws of 2012 extended the Child Welfare Financing Law to June 30, 2017. The Child Welfare Financing Law promotes a reduction in the use of foster care placements through two components:

1. A Foster Care Block Grant capping state reimbursement to social services districts for foster care services and administration at the annual amounts appropriated.
2. Uncapped state reimbursement after applying available federal funds for all child welfare services except for Community Optional Preventive Services (COPS), foster care services and administration.

The FY 2016 state appropriation for the Foster Care Block Grant is \$444,852,000. This includes funding to support the continuation of the required Maximum State Aid Rates (MSAR) for congregate care programs and the applicable administrative/services rates for therapeutic, special needs, and emergency foster home programs. Section III in this LCM provides additional details on the MSAR payment requirements and the Statutory Trend Factor (STF). Of the \$444,852,000, \$408,402,000 is allocated based on historical claims; and \$36,450,000 is set-aside for districts that have reduced their use of foster care days.

### III. Program Implications

The Foster Care Block Grant includes state reimbursement for foster care services as follows:

- Care and maintenance, including clothing and special payments; supervision; administrative costs claimed on Schedule D, Schedule D-2, and Schedule K; all tuition for foster children placed in Office of Mental Health (OMH)-licensed residential treatment facilities, as well as in (OCFS)-licensed child care institutions.
- Supervision of foster care children in federally funded job corps programs.
- Care, maintenance, supervision and tuition of adjudicated juvenile delinquents or persons in need of supervision (JD/PINS) placed in residential programs operated by authorized agencies and in out-of-state residential programs. However, a separate State appropriation continues to be made available in the FY 2016 Enacted Budget effective April 1, 2015 for New York City Administration for Children's Services (ACS) to continue the Close to Home (CTH) initiative. Through contracts with authorized agencies, CTH will provide services for adjudicated delinquents determined by a Family Court.
- The provision and administration of the Kinship Guardianship Assistance Program (KinGAP), including assistance payments and non-recurring guardianship expenses.

The Foster Care Block Grant does **not** include federal reimbursement for foster care costs or state reimbursement for the following claims:

- Committee on Special Education (CSE) payments.
- Dormitory Authority payments in excess of the Foster Care Block Grant (for more information, see Fiscal Reference Manual Volume 2 Chapter 4).
- State reimbursement for foster care services for Indian tribes.
- Medical Assistance payments for children in foster care.
- Independent Living Services (except for those LDSS that have funds left over from their Foster Care Block Grant allocations for FY 2015 – See V. Fiscal Claiming below).

Separate appropriations are available for these expenditures.

The Foster Care Block Grant contains only those state funds that are available for reimbursement of an LDSS's expenditures for the services included in the Foster Care Block Grant. LDSSs claims that are eligible to receive federal reimbursement under Title IV-E foster care, Chaffee Independent Living, and Temporary Assistance for Needy Families (TANF)- Emergency Assistance to Families (EAF) [up to the amount of the

LDSS's Flexible Fund for Family Services (FFFS) allocation that it wants to use for TANF EAF JD/PINS, TANF-EAF Tuition, EAF Foster Care Administration, and/or EAF Foster Care Maintenance – See Section IV below] will be submitted for federal reimbursement even if the LDSS's claims exceed its Foster Care Block Grant allocation for the current fiscal year.

With the exception of regular foster boarding home programs and pass-through payments to foster parents, section 398-a of the Social Services Law prohibits LDSSs from paying less than the MSARs established by OCFS. LDSSs are required to pay 100 percent of the applicable MSAR established by the OCFS for congregate care programs and for each administrative/services rate for therapeutic, special needs, or emergency foster home programs operated by a voluntary agency. In addition, LDSSs that were paying at or above the MSARs for applicable programs as of January 1, 2005, are required to continue to pay at least 100 percent of the MSAR in the 2011-12 MSAR rate cycle, as well as for all subsequent rate cycles.

The Foster Care Block Grant does not include state expenditures made on behalf of youth placed in OCFS-operated facilities.

This Foster Care Block Grant can be used only for foster care and KinGAP expenditures during FY 2016. If an LDSS claims less than its allocation, unexpended funds may be used by the LDSS in the next FY, up to the amount remaining from the LDSS's Foster Care Block Grant allocation, for the LDSS's expenditures on preventive services (including reunification services), independent living services, and aftercare services.

### **Statutory Trend Factor (STF)**

Chapter 60 of the Laws of 2014 suspends the Human Services COLA that would have been implemented on April 1, 2014 until April 1, 2016, and extends the authorization for the COLA into FY 2019. Chapter 60 of the Laws of 2014 authorizes a 2.0 percent increase effective April 1, 2015 to direct care staff, direct support professionals, and clinical staff workers' salaries and salary-related fringe benefits as well as payments to foster and adoptive parents and Kinship Guardianship Assistance rates. LDSSs will not be required to submit any special claims to finance the required payments of the (STF) initiative. Please see 15-OCFS-ADM-07 for information regarding application of the STF in the 2014-15 MSARs.

### **Kinship Guardianship Assistance Program (KinGAP)**

Chapter 53 of the Laws of 2015 continues to allow eligible expenditures by LDSSs for KinGAP to be reimbursed by Foster Care Block Grant funds, up to the amount of the LDSS's annual Foster Care Block Grant allocation. Eligible expenditures include those for the provision and administration of the KinGAP, including assistance payments to relative and successor guardians and non-recurring guardianship expenses.

If the LDSS official determines that it is in the best interests of the child for the prospective relative guardian to become the legal guardian, the child resided with the relative in foster care for six consecutive months, and other eligibility requirements are met, the LDSS and the relative may enter into an agreement for assistance and other services.

The Federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) authorized KinGAP payments to be made to a successor guardian in the event of the death or incapacity of a relative guardian who was receiving KinGAP on behalf of a former foster child. Part L of Chapter 56 of the Laws of 2015 made state statutory changes needed for compliance with the new federal law, including the authorizing of KinGAP payments to a successor guardian in certain circumstances.

KinGAP shall be made to the relative or successor guardian(s) until the child's 18<sup>th</sup> birthday or until the child's 21st birthday if certain requirements are met. Also authorized is the payment to the relative guardian of eligible non-recurring guardianship payment of up to \$2,000 for the costs of finalizing the guardianship for each child. Medical assistance also is available for children in the program. State reimbursement for LDSSs costs for the KinGAP is under the Foster Care Block Grant.

For additional information on KinGAP, please refer to 11-OCFS-ADM-03. For additional information on KinGAP and successor guardians, please refer to 15-OCFS-ADM-02 and 15-OCFS-ADM-15.

### **Allocation Methodology**

The methodology used to allocate the Foster Care Block Grant funding is designed to continue the focus on safety, well-being, and permanency for children. It is intended to encourage LDSSs to continue to intensify their efforts to reduce foster care days. The allocation methodology continues the claims-based approach and the \$36,450,000 set-aside incentive to LDSSs, with the applicable STF added to the Foster Care Block Grant base allocation.

Of the \$444,852,000 appropriation for state reimbursement for foster care services in FY 2016, \$408,402,000 is allocated to LDSSs according to their respective shares of statewide gross foster care claims (originals and supplemental) for the 12-month period ending June 30, 2014, that were submitted to the state on or before January 2, 2015.

The allocation of the \$36,450,000 set-aside is based on the LDSS reduction in the utilization of foster care days during two periods: from FFY 2010 to FFY 2012 (\$9,112,500) and from FFY 2012 to FFY 2014 (\$27,337,500). Reductions in care days during the more recent period continues to be weighted more heavily (75 percent) than reductions during the earlier period (25 percent). This methodology continues to recognize the accomplishments of those LDSSs that have decreased their foster care utilization over the past five years, while providing a more generous incentive to those LDSSs that have achieved more recent reductions in care days.

LDSSs' allocations for each component of the FY 2016 Foster Care Block Grant are provided in Attachment A.

## **IV. Other Related FY 2016 Budget Actions**

The FY 2016 Enacted Budget continues to appropriate \$964 million of TANF funding for the Flexible Fund for Family Services (FFFS). The FFFS provides LDSSs with the flexibility to determine local funding priorities. LDSSs can use their FFFS allocation to fund the TANF EAF JD/PINS, TANF-EAF Tuition costs, EAF Foster Care Administration and EAF Foster Care Maintenance as well as any other eligible TANF purpose. LDSSs

will receive separate guidance on the process for indicating the portion of their FFFS allocations that they choose to use to reimburse expenditures associated with TANF-EAF JD/PINS, TANF-EAF Tuition, EAF Foster Care Administration and EAF Foster Care Maintenance.

## V. Claiming

The Foster Care Block Grant is an annual capped allocation for foster care costs that are ordinarily reimbursed during the fiscal year. The Foster Care Block Grant payments are generally made on a monthly basis, and there is no state share settlement of the claims filed for state reimbursement. The reimbursement schedule below sets forth the relevant periods for the foster care maintenance, administration and tuition costs covered by this year's allocations. The scheduled time periods relate to when expenditures are paid. If an LDSS exceeds its allocation for a particular fiscal year, there is no additional funding. Any LDSS's claims submitted for a particular fiscal year that do not receive state reimbursement during that fiscal year may not be claimed against that LDSS's Foster Care Block Grant apportionment for the subsequent fiscal year.

There is no Maintenance of Effort (MOE) requirement associated with the Foster Care Block Grant.

Supplemental claims are paid from the Foster Care Block Grant allocation that covers the period when the expenditures are paid by the LDSS for the services or administrative costs, as it pertains to the allowable claiming period.

Federal reimbursement will not be affected by this Foster Care Block Grant and will be settled in the normal manner subject to the availability of federal funds. Expenditures for the allocations included in this LCM are claimed as follows:

Foster Care	Schedule K	LDSS - 3479
	Schedule H	LDSS - 4283
	Schedule D-2	LDSS - 2347-B
	RF 17 Claim Package for Special Project Claiming	LDSS - 4975
KinGAP	Schedule K	LDSS - 3479
	Schedule D-2	LDSS - 2347-B

Please refer to the Fiscal Reference Manual (FRM), Volume 2, Chapter 3 for instructions on completing the Schedules K "*Reimbursement Claim for Foster Care and Adoption Expenditures*" and the Schedule H "*Non-Title XX Services for Recipients*." The Schedule D "*DSS Administrative Expenses Allocation and Distribution by Function and Program*," the Schedule D-2 "*Allocation for Claiming General Services Administration Expenditures*," and the RF-17 claim package instructions are in the FRM, Volume 3. The FRMs are available at <http://otda.state.nyenet/bfdm/finance>.

Unclaimed Foster Care Block Grant funds from FY 2016 that an eligible LDSS wishes to use during FY 2017 for eligible preventive, independent living, and aftercare services must be reported through the RF 17 claim package for special project claiming. These costs should be identified as F17 functional costs and reported on the Schedule D in the F17 column in the RF2A claim package. The individual project costs should also be reported under the project label "FCBG Savings FY 2016" on the LDSS-4975A "RF-17 Worksheet, *Distribution of Allocated Costs to Other Reimbursable Programs*."

Program costs for October 1, 2015 through September 30, 2016 should be reported as object of expense 37 – Special Project Program Expense on the LDSS-923B “*Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*” (Summary Program, page 2).

Total project costs and share should be reported on the LDSS-4975 “*Monthly Statement of Special Project Claims Federal and State Aid (RF-17)*.”

The reported expenditures are eligible for 100 percent state reimbursement up to the amount of the unclaimed Foster Care Block Grant funds from FY 2016. Any such claims submitted by an LDSS for which there are insufficient unclaimed funds available from the LDSS’s FY 2016 Foster Care Block Grant allocations are subject to 62 percent state reimbursement net of any available federal funds.

For ACS, state Close to Home (CTH) funding is available at 100 percent for the non-federal share of CTH youth, up to the funding limit. CTH foster care expenditures above the CTH funding limit may be claimed for reimbursement as 100 percent state share using Foster Care Block Grant funds. After CTH and Foster Care Block Grant funding is exhausted, if an ACS plan is approved and services are eligible, 62 percent state child welfare financing may be provided for child preventive services for TANF eligible CTH youth, provided the child welfare threshold provisions are met. Information regarding the child welfare threshold can be found in FRM Volume 1, Chapter 8 guidelines.

The reimbursement schedule for the FY 2016 Foster Care Block Grant is as follows:

#### **Foster Care**

- Foster Care Maintenance Claims: January 1, 2015, through December 31, 2015
- Foster Care Administration Claims: October 1, 2014, through September 30, 2015
- Foster Care Tuition Claims: January 1, 2015, through December 31, 2015
- RF 17 Claim Package for Special Project Claiming: October 1, 2015, through September 30, 2016

#### **VI. Contact Information**

**Any fiscal questions regarding the Foster Care Block Grant should be directed to:**

Shonna Clinton, Local Operations Manager, Bureau of Budget Management,  
(518) 474-1361

Deborah Davis, Assistant Director, Bureau of Budget Management, (518) 474-1361

**Programmatic questions should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services:**

BRO – Dana Whitcomb, (716) 847-3145  
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NYCRO – Raymond Toomer, (212) 383-1788  
E-mail – [Raymond.Toomer@ocfs.ny.gov](mailto:Raymond.Toomer@ocfs.ny.gov)

**Questions pertaining to the FFFS Plan and Claiming may be directed to the Office of Temporary and Disability Assistance:**

**FFFS Plan**

Elida Tomasulo, (518) 474-8905  
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**Claiming**

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Region V-VI: Michael Simon, (212) 961-8250  
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*Derek Holtzclaw*

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**Issued By:**

Name: Derek Holtzclaw  
Title: Associate Commissioner for Financial Management  
Division/Office: Administration

**Attachment A**  
**FY 2016 Foster Care Block Grant Allocations of \$444,852,000**

<b>District</b>	<b>Base Allocation</b>	<b>Set Aside Based on Trended Change for 2010-2012</b>	<b>Set Aside Based on Trended Change for 2012-2014</b>	<b>Final Allocation</b>
Albany	5,689,033	181,169	-	5,870,202
Allegany	1,590,987	29,201	-	1,620,188
Broome	5,629,733	108,317	137,928	5,875,978
Cattaraugus	2,012,765	-	-	2,012,765
Cayuga	1,753,310	-	382,566	2,135,876
Chautauqua	1,965,345	26,800	-	1,992,145
Chemung	1,907,928	50,602	219,587	2,178,117
Chenango	937,655	-	79,570	1,017,225
Clinton	1,990,885	12,689	-	2,003,574
Columbia	3,178,433	36,426	361,511	3,576,370
Cortland	1,322,006	48,557	382,984	1,753,547
Delaware	1,083,101	-	-	1,083,101
Dutchess	7,265,075	206,499	-	7,471,574
Erie	17,301,350	176,401	-	17,477,751
Essex	803,261	-	-	803,261
Franklin	830,122	28,619	-	858,741
Fulton	1,493,424	33,799	30,093	1,557,316
Genesee	884,713	17,005	-	901,718
Greene	1,975,532	2,699	-	1,978,231
Hamilton	27,463	2,594	-	30,057
Herkimer	2,051,688	36,572	-	2,088,260
Jefferson	2,194,473	-	206,133	2,400,606
Lewis	420,643	47,644	-	468,287
Livingston	1,204,574	69,223	-	1,273,797
Madison	1,419,010	35,521	-	1,454,531
Monroe	12,841,010	383,309	445,913	13,670,232
Montgomery	989,816	43,894	86,936	1,120,646
Nassau	9,360,696	343,272	782,529	10,486,497
Niagara	4,160,278	-	135,785	4,296,063
Oneida	6,396,484	275,480	-	6,671,964
Onondaga	8,353,413	258,305	-	8,611,718
Ontario	1,186,014	-	-	1,186,014
Orange	7,848,982	85,210	88,268	8,022,460
Orleans	543,948	-	-	543,948
Oswego	1,359,722	152,898	94,198	1,606,818
Otsego	955,494	3,338	61,127	1,019,959
Putnam	708,597	15,453	-	724,050
Rensselaer	4,574,037	94,811	77,871	4,746,719
Rockland	3,192,066	62,491	-	3,254,557
St. Lawrence	2,947,274	72,311	-	3,019,585
Saratoga	1,876,554	82,907	-	1,959,461
Schenectady	5,621,686	152,760	344,975	6,119,421
Schoharie	959,552	18,476	100,415	1,078,443

Schuyler	329,600	-	21,368	350,968
Seneca	884,605	-	-	884,605
Steuben	2,477,025	71,115	-	2,548,140
Suffolk	16,743,762	186,002	-	16,929,764
Sullivan	2,065,403	-	-	2,065,403
Tioga	804,481	-	98,064	902,545
Tompkins	2,394,389	-	273,086	2,667,475
Ulster	4,074,010	-	579,243	4,653,253
Warren	979,163	36,911	12,905	1,028,979
Washington	1,251,744	7,314	42,292	1,301,350
Wayne	850,196	-	-	850,196
Westchester	22,160,324	279,302	698,388	23,138,014
Wyoming	1,182,267	-	-	1,182,267
Yates	520,016	-	-	520,016
Upstate Totals	197,525,117	3,775,896	5,743,735	207,044,748
New York City	210,876,883	5,336,604	21,593,765	237,807,252
Statewide Totals	408,402,000	9,112,500	27,337,500	444,852,000