

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



CESAR A. PERALES
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 86 ADM-1
 [Family & Children Services]

TO: Commissioners of Social Services
 Agency Directors

SUBJECT: Group Emergency Foster Care

DATE: January 9, 1986

SUGGESTED DISTRIBUTION: Directors of Services

CONTACT PERSON:

Questions regarding this release should be directed to the appropriate Family and Children Services Regional Office
 Director: Fredric Cantlo, Metropolitan Regional Office at 212-488-3485, John O'Connor, Eastern Regional Office at 1-800-342-3715, extension 3-1095, Karen Schimke, Buffalo Regional Office at 716-883-4091 and Jack Klump, Western Regional Office at 716-454-4272.

I. PURPOSE

The purpose of this directive is to advise local districts of the provisions of a new Departmental regulation, 18 NYCRR Part 451, regarding "Group Emergency Foster Care". The directive also identifies procedures for establishing group emergency foster care programs by a district through a purchase of service contract with a voluntary authorized child care agency. The effective date of the regulation is May 21, 1985. A copy of the regulation is attached.

II. BACKGROUND

Since the middle 1970's the Department was regulating group emergency foster care through Departmental Manual Bulletin 200. The Department, after surveying existing group emergency foster care

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		Part 451		Manual Bulletin 200 - Section 8A(2)(a)-(f)	

DSS-296 (Rev. 8/82)

programs, determined that there was a need to develop new standards for the operation of such programs. The new regulations establish comprehensive standards for the provision of group emergency foster care services and replaces standards for group emergency foster care services currently found in Section 8A(2)(a)-(f) of the Department's Manual Bulletin 200. This section will be revised shortly to reflect the provisions of the new regulations. The regulations also extend the period in which State reimbursement is available for a child in a designated group emergency foster care program from sixty to ninety days, but cuts off all reimbursement after 90 days unless the child meets exception criteria identified in the regulations.

The purpose of group emergency foster care is to provide temporary care and diagnostic services for children entering care on an emergency basis. The regulations ensure that the service needs of children placed on an emergency basis will be met by requiring designated group emergency foster care programs to receive children on a twenty-four hour basis and to provide necessary diagnostic services.

III. MAJOR IMPLICATIONS

A) General

The new regulations define group emergency foster care and establish standards for the provision of such care. The standards concern intake procedures, services and staffing. The regulations also identify requirements for the establishment of a group emergency foster care program by a local district through a purchase of service agreement with a voluntary child care agency.

The regulations apply to all group emergency foster care programs established by a local district through a purchase of service agreement with a voluntary child care agency. Local district operated programs are subject to other regulations (18 NYCRR Parts 441, 442, 447 and 448), depending on the type of facility in which the program is operated.

B) Limitations on Reimbursement

The regulations limit the amount of time for which State reimbursement is provided for a child in a group emergency foster care program. Section 451.3 of the regulation allows the Department to reimburse a local district for the care of a child in a group emergency foster care program for a period not to exceed 90 days unless the child is awaiting placement in a facility operated or supervised by the Office of Mental Health (OMH), or Office of Mental Retardation and Developmental Disabilities (OMR/DD) and the child's case record contains documentation that the child has been accepted for placement in the facility but cannot be placed until an opening becomes available. The district could continue to receive reimbursement for the care of the child until the child is placed in such facility. However, the extension of reimbursement will not continue beyond a maximum of an additional 90 days. This additional 90 day reimbursement period would be counted

toward the total of 180 days of reimbursement which would be allowed during any fifteen month period for such cases. The regulations authorize a total of 180 days of reimbursement during any fifteen month period if a child re-enters a group emergency foster care program.

C) Intake Requirements

A group emergency foster care program is intended to provide temporary care and diagnostic services for children. To accomplish this, the program is required to accept children placed by a district on a twenty-four hour basis, 365 days a year, and also, have the ability to conduct a diagnostic evaluation on them. To be eligible, a child must be in a situation requiring immediate care which must be documented in the child's case record and there must be no other appropriate foster care placement available for the child. Although such programs are required to accept children pursuant to specific intake criteria, Section 451.4 of the regulations allows a program to institute different intake criteria if the different criteria have the approval of the appropriate social services district. While this section is intended to permit flexibility, districts must balance the program's needs with the districts responsibility to ensure that all children are being served when approving any intake criteria. A group emergency foster care program is required to maintain a procedural manual which describes its intake procedures and any intake criteria approved by the appropriate social services district. This manual must be reviewed by the Department prior to the initiation of any group emergency foster care program.

D) Diagnostic Evaluation

Unless the child has received a diagnostic evaluation within the previous year, one must be initiated for a child within 30 days of placement in a group emergency foster care program. The evaluation must be conducted by a certified social worker, or a social worker under the supervision of a certified social worker and a licensed psychiatrist or psychologist and contain the following components: 1) child and family assessment; 2) psychological or psychiatric and medical evaluation; and 3) an assessment of the educational placement needs of the child based on the child's school or vocational performance and interest(s). The purpose of such an evaluation is to assess each child's and family's service needs and to make recommendation regarding the most appropriate service(s) plan for a child and family.

E) Case Planning Requirements

Case planning is also required for all children who enter group emergency foster care. Such planning may be provided by the local district or delegated to an agency through a purchase of service agreement. In addition to providing discharge services for a child returned to parent or relative, case planning includes assessing the need for and providing or arranging for services needed by a child and family to help the child return home or to be placed in an appropriate setting.

A group emergency foster care program which has case planning responsibility for a child is responsible for providing after-care services to that child. After-care services include arranging for appropriate follow-up services in accordance to the child's discharge plan for a period up to 3 months when the child has been returned to his parents, or relatives, significant others or discharged to his/her own responsibility.

F) Staffing Requirements

Section 451.6 establishes staffing requirements for group emergency foster care programs and permits the Department to grant exceptions to such requirements if the agency operating the program can demonstrate a continuing need to utilize staffing resources in a manner which differs from the regulation requirements. The intent of the regulation is to allow certain programs flexibility in staff utilization, depending upon other staffing needs. Any agency requesting an exception must indicate what effect, if any, the proposed change will have on the quality of services provided. All requests must be submitted in writing to the appropriate Regional Office of the Department.

G) Establishment of Group Emergency Foster Care Programs

A group emergency foster care program can be operated by an authorized agency by either converting an existing agency operated program (agency operated boarding home, group home, group residence or portion of an institution) or by developing a new program. This does not preclude a program from encompassing a total institution. If an existing program is being converted, the current operating certificate for the program must be amended to reflect the change in the facility type or capacity. A new program requires a new operating certificate. The procedure for obtaining a new operating certificate is contained in Departmental publication "Guidelines and Instructions for Applicants for Certificates for Residential Care Facilities for Children in New York State". This publication can be obtained by writing the appropriate Regional Office of the Department.

In addition to a valid operating certificate, the program must be designated as a group emergency foster care program by the local district and approved by the Department. Approval by the Department is based on programmatic need as set forth in the local districts Consolidated Services Plan, or a written analysis of the extent and duration of the district's need for additional group emergency foster care beds as submitted by the district to the Department. If not identified in the Consolidated Services Plan, the social services district must submit a written analysis of need along with required programmatic and fiscal information that is submitted by the agency to the appropriate Regional Office of the Department.

In documenting need, the district must: 1) identify the population requiring group emergency foster care (types of children, numbers and explanation how determined); 2) discuss why existing programs or community resources cannot be utilized to serve this population; 3) identify the factors preventing these children from being placed in

foster family care; and 4) discuss level of community support for proposed program or efforts to gain community support for the proposed program.

The agency must submit a program description of the proposed program to the appropriate Regional Office. The program description must meet all applicable requirements of Part 451 of the Department's regulations and include the following: 1) the purpose of the proposed program; 2) number of children anticipated to be served by the program; 3) anticipated length of stay in the program; 4) types of children to be served and any intake criteria established by the program and approved by the district; 5) diagnostic and other services available to children during their stay in the program; 6) a staffing pattern; and 7) an itemized budget.

A statement from the local commissioner of social services (or commissioners) indicating the district's intent to contract with the agency has to be submitted to the Department by the agency or district.

IV. REQUIRED ACTION

The decision to establish a group emergency foster care program is a social services district decision which is based on an identified need for the program. If a social services district decides to establish a group emergency foster care program through a purchase of service agreement with a voluntary authorized agency, that agency must hold a valid certificate of operation for an institution, group home or agency boarding home. The program must meet all the requirements identified in Part 451.

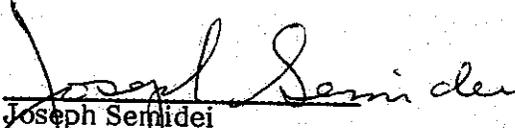
A social services district with case management and planning responsibility is responsible for the total cost of care for a child remaining in care past 90 days who does not qualify for the funding exception. The purchase of service contract between the agency providing group emergency foster care and the local district must clearly delineate case planning responsibilities, including who has responsibility for the total cost of care for a child remaining in care past 90 days who does not qualify for the funding exception.

When a social services district places a child in a group emergency foster care program, it must provide all appropriate information on the child and family to program personnel of such program within 3 business days of the initial placement. This should include information concerning family history, service provision or other relevant information on the child and family of which the social services district is aware. The social services district is responsible for notifying a group emergency foster care program whether or not the child has had a diagnostic evaluation within the previous year. Based on the information provided, the program determines whether or not a diagnostic evaluation is to be completed on the child. Unless the child has received a diagnostic evaluation within the previous year, the group emergency foster care program is required to initiate one within thirty days of

placement of the child in the program. The social services district is also responsible for ensuring that the Uniform Case Record requirements identified in Part 428 of the Department's regulations and the Child Care Review Service requirements of Title 8 of Article 6 of the Social Services Law are met.

V. EFFECTIVE DATE

The regulations for the group emergency foster care program became effective May 21, 1985. This directive is effective immediately.


Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services