



Office of Children and Family Services

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Governor

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Acting Commissioner

Informational Letter

Transmittal:	23-OCFS-INF-07
To:	Local Departments of Social Services Commissioners Voluntary Authorized Agencies Executive Directors
Issuing Division/Office:	Office of Strategic Planning and Policy Development
Date:	June 27, 2023
Subject:	Notice of Termination of COVID-19 Related Flexibilities and Guidance for Child Welfare and Adult Protective Programs
Suggested Distribution:	Local Departments of Social Services Directors Adult Protective Programs Executive Directors Child Welfare Supervisors Detention Administering Agencies Foster Care Supervisors Runaway and Homeless Youth Programs Youth Bureau Directors
Contact Person(s):	Please see section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
	20-OCFS-ADM-23	18 NYCRR 421.16(c)(2), 441.21(c)(2), 442.18(e)(2), 443.2(b)(16), 448.3(c)(3)	42 U.S.C. §247d, 42 U.S.C §5121 et seq., SSA §§ 424(f)(2)(A), 472(c)(1)(A)(i), 472(k)(4)(G), 473, and 475(8)(B); 45 CFR §1355.20(a)		ACYF-CB-IM-23-05 ACYF-CB-PI-20-10

I. Purpose

The purpose of this Informational Letter (INF) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) that the federal public health emergency (PHE) is ending on June 30, 2023, and as such, all title IV-B/IV-E requirement flexibilities that are authorized by Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) are also ending. The expiring flexibilities include the authority to meet the monthly face-to-face casework contact requirements for children in foster care using videoconferencing, or other technological means.

This INF also discusses and cancels [COVID-19 guidance](#)¹ that was issued by the New York State Office of Children and Family Services (OCFS) and posted on the OCFS website that applies to LDSSs and VAs during the PHE.

II. Background

Stafford Act Flexibilities

The federal PHE, as declared by the Secretary of Health and Human Services, and the major and nationwide emergency disaster, as declared by the Federal Emergency Management Agency (FEMA) was set to end effective May 11, 2023. However, on April 17, 2023, the Department of Health and Human Services issued an Information Memorandum (IM) [ACYF-CB-IM-23-05](#), informing title IV-B/IV-E agencies that the Stafford Act flexibilities would be extended beyond the May 11, 2023, end date, and that flexibilities would remain available until **June 30, 2023**. The extension was provided to help title IV-B/IV-E agencies facilitate and complete any needed administrative actions or revisions to agency policies and procedures.

The Stafford Act allowed federal agencies to modify or waive administrative requirements under certain limited circumstances when there has been a declaration of a major disaster. The Children's Bureau (CB) allowed title IV-B/IV-E agencies to request flexibilities for some administrative requirements. The flexibilities include:

- fingerprint-based criminal records checks²,
- caseworker visits conducted by video conferencing³,
- assistance to youth aged 18 and older (education and employment), accreditation or reaccreditation of Qualified Residential Treatment Programs, and claiming for foster family homes provisionally or conditionally approved or licensed⁴, and
- adaptation of programs and services to a virtual environment for the title IV-E prevention program⁵.

OCFS requested and received approval from CB for allowable flexibilities and notified LDSSs and VAs via [20-OCFS-ADM-23](#), *Stafford Act Flexibility*, on December 14, 2020.

Casework Contacts for Children in Foster Care

Section 422(b) (17) of the federal Social Security Act requires that caseworkers conduct a monthly in-person visit with children in foster care. During the federal PHE, the federal government allowed, *in limited circumstances*, videoconferencing or other technological means to meet this monthly casework contact requirement for children in open child welfare cases. This limited waiver is ending with the federal PHE. **As of June 30, 2023, all monthly face-to-face casework contacts must be held in person to comply with federal law and per 18 NYCRR 441.21(c) (1).** Additional contacts beyond such required in-person

¹ <https://ocfs.ny.gov/main/news/covid-19/guidance.php>.

² Children's Bureau (2020, April 16). *Guidance Regarding Fingerprint and Caseworker Visit Requirements During COVID-19 Response*. Retrieved from <https://www.acf.hhs.gov/cb/policy-guidance/guidance-regarding-fingerprint-and-caseworker-visit-requirements-during-covid-19>

³ Ibid.

⁴ U.S. Department of Health and Human Services Administration on Children, Youth and Families (2020, May 8). *ACYF-CB-PI-20-10*. Retrieved from <https://www.acf.hhs.gov/sites/default/files/documents/cb/pi2010.pdf>

⁵ Children's Bureau (2020, November 30). *Letter to Child Welfare Leaders About Title IV-E Prevention Program Flexibilities Due to Pandemic*. Retrieved from <https://www.acf.hhs.gov/cb/policy-guidance/letter-child-welfare-leaders-about-title-iv-e-prevention-program-flexibilities>

monthly contacts are encouraged as appropriate to meet the child's needs. Videoconferencing or other technological means is permitted only for conducting such additional contacts.

OCFS COVID-19 Pandemic Guidance

OCFS released guidance throughout the COVID-19 PHE to provide information to LDSSs and VAs and to prevent endangering the health of agency staff, caregivers, children and youth in foster care, and the public. The guidance documents below were directly issued to LDSSs and VAs with recommendations and requirements pertaining to mask requirements, quarantine procedures, allowable flexibilities, and other COVID-19 protocols.

Date Issued	OCFS Guidance Documents
COVID-19 Protocols	
12/6/2021	COVID-19 Protocols for Direct Care Staff to Return to Work Following a COVID-19 Exposure (Revised)
2/10/2021	COVID-19 Protocols for Direct Care Staff to Return to Work Following a COVID-19 Exposure
7/15/2020	Youth and Family Visitation in Residential Programs for Youth
4/10/2020	Foster Parent Certification and Reauthorization Guidance
3/25/2020	Voluntary Foster Care Agency and Detention Programs Regarding Allowable Adjustments to Staffing Patterns
3/20/2020	Visitor Screening for Community-Based Visits
3/20/2020	Protocols for Adult Protective Services Staff Conducting Investigations
3/15/2020	Protocols for Child Protective Services Staff Conducting Investigations
3/10/2020	Guidance for Facilities Providing Housing to Individuals who are Homeless and Supportive Housing
3/8/2020	Visitor Screening for Residential Programs
Quarantine Policies	
5/14/2021	Quarantine for Residents on Non-Healthcare Congregate Settings
3/18/2020	Guidance for Isolation or Quarantine in OCFS Licensed or Certified Residential Programs and Domestic Violence Shelters
Mask Policies	
9/16/2021	Mandatory Face Coverings in Congregate Care Settings
Regulatory Relief	
3/20/2021	Guidance on Runaway and Homeless Youth (RHY) Regulatory Relief Related to COVID-19.
Face-to-Face Meetings/Contacts	
4/14/2022	Updated COVID-19 Guidance for Investigations and Casework Contacts by LDSSs and VAs
2/4/2022	Adult Protective Services (APS) Guidance for Investigations and Casework Contacts by Local Districts of Social Services (LDSS)
4/8/2020	Guidance for Allowable Telehealth Respite Activities for Respite Services: 1915(c) Children's Waiver
3/20/2020	Protocols for Foster Care and Preventive Staff Conducting Casework Contacts
3/19/2020	Telehealth Allowed for Children and Family Treatment Support Services (CFTSS)

III. Program Implications

The federal PHE and resulting title IV-B/IV-E flexibilities authorized by the Stafford Act will no longer be available after **June 30, 2023**, and all OCFS guidance identified in the chart above is cancelled. LDSSs and VAs must make any necessary adjustments to local program policies and protocols in response to the end of the Stafford Act flexibilities.

IV. Contacts

Any questions concerning this release should be directed to the appropriate regional office in the OCFS Division of Child Welfare and Community Services:

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

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Rochester Regional Office – Chris Bruno (585) 238-8201

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

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V. Effective Date

This INF is effective on June 30, 2023.

/s/ Thomas R. Brooks, Esq

Issued By:

Name: Thomas R. Brooks, Esq.

Title: Deputy Commissioner

Division/Office: Office of Strategic Planning and Policy Development