



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	23-OCFS-LCM-07
<b>To:</b>	Local Departments of Social Services Commissioners
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success
<b>Date:</b>	May 18, 2023
<b>Subject:</b>	<b>Federal Fiscal Year 2023 John H. Chafee Foster Care Program for Successful Transition to Adulthood: Independent Living Allocations</b>
<b>Contact Person(s):</b>	See section VIII.
<b>Attachments:</b>	Attachment A: <i>District Allocations for the John H. Chafee Foster Care Program for Successful Transition to Adulthood: 10/1/22-9/30/23</i> Attachment B: <i>Definitions of Independent Living Services</i> Attachment C: <i>Purchase of Service Codes Chart</i> Attachment D: <i>Eligibility for John H. Chafee Foster Care Program for Successful Transition to Adulthood</i> Attachment E: <i>Attachment for U.S. Department of Health and Human Services Grants</i>

### I. Purpose

The purpose of the John H. Chafee Foster Care Program for Successful Transition to Adulthood (CFCP) is to assist current and former youth in foster care achieve self-sufficiency. This Local Commissioners Memorandum (LCM) informs local departments of social services (LDSSs) of the CFCP allocations from the federal fiscal year (FFY) 2023 funds. The allocations contained in this LCM's Attachment A may be used for independent living (IL) services expenditures made from October 1, 2022, through September 30, 2023, and claimed by March 31, 2024. Such claims will be paid up to the amount of the allocation and are subject to a 20% state/local match requirement. Unclaimed allocation amounts may be redistributed to other LDSSs that have claims in excess of the allocation or used to support the New York State Office of Children and Family Services (OCFS) activities related to implementation of the Chafee Foster Care Independence Act, allowing New York State to maximize its use of funds available under this federal funding stream.

To be eligible for reimbursement from CFCP funds, LDSSs are advised that they must be in compliance with all the provisions set forth in [02-OCFS-LCM-05, Federal Fiscal Year 2000-2001 Independent Living Allocations](#), issued on February 28, 2002, and with the assurances made to the U.S. Department of Health and Human Services (DHHS), listed in Attachment B of that LCM.

## II. Background

The CFCP is authorized under Title IV-E, Section 477 of the Social Security Act (SSA). HHS's Administration for Children and Families (ACF) administers the program. The CFCP, formerly known as the John H. Chafee Foster Care Independence Program, was established by the Foster Care Independence Act of 1999 (P.L. 106-169) and succeeded a similar program created in 1985. The Chafee statute has been amended five times, notably in 2002 (Title II, P.L. 107-133) to include the Chafee Education and Training Voucher (ETV) program and in 2018 (Title VII, Division E of P.L. 115-123) to focus supports more clearly on youth who spend time in foster care at age 14 or older.

## III. Program Implications

LDSSs are required to meet the IL services needs of eligible youth in OCFS custody placed in voluntary authorized agencies in the same manner and under the same criteria as youth in the custody of the commissioner of social services.

On September 29, 2014, President Barack Obama signed the Preventing Sex Trafficking and Strengthening Families Act (the Act) (P.L. 113-183) into law, which amended various provisions of Title IV-E of the Social Security Act. One of the primary purposes of the Act is to improve the safety, permanency, and well-being outcomes of children, youth, and young adults involved with the child welfare system. Section 111 of the Act, "Supporting Normalcy for Children in Foster Care," requires states to support normative experiences for children through the implementation of the reasonable and prudent parent standard. The standard allows for a foster parent or a designated employee of a child care facility to make parental decisions that maintain the health, safety, and best interests of the child as well as decisions about the child's participation in extracurricular, enrichment, cultural, and social activities that are age and developmentally appropriate, in a way that protects the child while allowing for normative experiences. For more information on normative experiences and the reasonable and prudent parent standard, see [15-OCFS-ADM-21, Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard](#).

Normative experiences are age and developmentally appropriate activities and opportunities that promote the healthy cognitive, social, emotional, physical, and educational development of children, youth, and young adults, regardless of involvement in the child welfare system. Examples of normative experiences include participating in school clubs and sports, attending summer camp, sleeping overnight at a friend's house, dating, obtaining a driver's license, volunteering in the community, and working at a part-time job. Many of these activities have a cost associated with them. The rate received by a foster boarding home or congregate care facility is expected to cover costs for routine activity expenses, including routine activities that would qualify as normative experiences. However, costs of normative activities that are non-routine and can be tied to activities that would promote independent living, such as obtaining a driver's license, items needed for a part-time job, etc., may also be allowable expenses under the CFCP allocations as well as special payment under 18 NYCRR 427.3(c).

## IV. Allocation Methodology

The FFY 2023 allocation for distribution to LDSSs represents approximately 87% of the estimated total FFY 2023 award of \$11,585,958 to New York State, resulting in an allocation to LDSSs of \$10,022,425. Districts are encouraged to prioritize their allocation for youth age 14 up to age 21.

The remainder is being reserved by OCFS to support OCFS activities related to CFCP. OCFS activities include but are not limited to supporting youth attendance at the annual Foster Club All Star Internship, and providing direct financial assistance to youth who remain in foster care or are discharged from foster care based on the following criteria:

- Youth who **age out** of foster care at age 21 and are currently under age 23, or
- Youth who are age 21 or 22 and remain in foster care, or
- Youth who discharge from foster care on or after age 18 and did not re-enter foster care.

The allocation methodology has two components: (1) potential IL population and (2) IL expenditures. Half of the available funds are allocated to LDSSs based on the LDSS's potential IL population. Potential IL population is defined as youth 14 to 21 years of age who were in foster care on September 30, 2022. Each LDSS is allocated an amount equal to its proportion of the potential IL-eligible population in relation to the total statewide potential IL-eligible population. The remaining half of the available funds are allocated to LDSSs based on the LDSS's proportion of the statewide IL expenditures. IL expenditures are defined by IL claims for the period of October 1, 2021, through September 30, 2022, received by March 31, 2023.

These two parts are then added together to get each LDSS's FFY 2023 total CFCP allocation, which appears in Attachment A. This approach affords the greatest degree of stability to LDSSs across program years. It balances population size with intensity of programming.

Please note, OCFS reserves the right to base future allocation methodologies on historical expenditures or potential population only.

## V. Claiming

In accordance with federal law, CFCP funds may be used to **supplement** but not supplant any other funds that are available for the same general purposes in the state (see 42 U.S.C. 677 (d)). This means that LDSSs may not use CFCP funds to reduce the amount of other funds LDSSs have expended for these costs. Therefore, an LDSS may claim CFCP funds for expenditures for IL services that are directly provided to program recipients by the LDSS staff, provided that CFCP funds are supplementing but not supplanting other funds that may be available for such services. These services can be found in Attachment B, and a purchase of service code chart can be found in Attachment C.

Claims can be made under the following circumstances:

- Youth in foster care can be eligible for IL services, which are intended to nurture healthy development, at age 14 or older and remain eligible up to their 21<sup>st</sup> birthday. Consistent with the positive youth development (PYD) framework, these services help youth (1) achieve meaningful and permanent connections with a caring adult; (2) engage in developmentally appropriate activities necessary for healthy cognitive, social, and emotional growth; and (3) participate in experiential learning opportunities afforded to their peers in intact families. See Attachment B for a list of allowable services and conditions.
- Youth who have aged out of foster care at age 18, 19, or 20 can be provided IL services up to their 21st birthday, which are intended to complement the efforts of the youth to achieve self-sufficiency. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions based on age.

- Youth who have exited foster care to adoption or legal guardianship after turning 16 can be provided IL services up to their 21st birthday, which are intended to complement the efforts of the youth to achieve self-sufficiency. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions.
- Youth who were in foster care at age 14 or older and have exited foster care for reasons other than adoption, legal guardianship, or aging out of foster care (e.g., reunification) can be provided IL services, which are intended to complement the efforts of youth to achieve self-sufficiency, up to their 21<sup>st</sup> birthday. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions.
- Youth who aged out of foster care at age 21 may be provided IL services up to their 23<sup>rd</sup> birthday, which are intended to complement the efforts of the youth to maintain self-sufficiency. Any cost for this cohort that exceeds the allocation will be 100% local share, as state funding is not available.

### **Claiming for Youth Under Age 21**

CFCP expenditures for youth under age 21 are claimed on the Schedule RF-4, *Independent Living Program for Foster Care Children* (LDSS-3871). Refer to the *Fiscal Reference Manual*, Volume 2, Chapter 3, for instructions on completing the RF4 claim. The *Fiscal Reference Manual* is available on the New York State Office of Temporary and Disability Assistance (OTDA) intranet site at <https://intranet.otda.ny.gov/bfdm/finance/>.

CFCP funds are available to provide reimbursement of 80% of an LDSS's expenditures, up to the amount of the allocation. LDSS's may meet the 20% match for expenditures claimed under the CFCP by use of in-kind and donated funds as described in [00-OCFS-LCM-32](#), *Federal Fiscal Year 1999-2000 Independent Living Allocations*. The 20% match for expenditures claimed under the CFCP is eligible for 62% state reimbursement for any youth under age 21, subject to child welfare threshold requirements and performance or outcome-based provisions.

Any claim for IL services for youth under the age of 21 that exceeds an LDSS's CFCP allocation is subject to state child welfare reimbursement, provided that the LDSS meets threshold requirements and performance or outcome-based provisions and will be settled with the annual child welfare settlement. Therefore, it is important that LDSSs submit all claims for the FFY 2022 CFCP funds. Any donated funds or in-kind services that are claimed are subject to special rules. Refer to Section V of 02-OCFS-LCM-05, *Federal Fiscal Year 2000-2001 Independent Living Allocations*, and to 02-OCFS-LCM-20, *Donated Funds, Child Welfare/ Finance*.

Claims can be made for eligible CFCP expenses from October 1, 2022, to September 30, 2023, with a final accept date of March 31, 2024.

### **Claiming for Youth Over the Age of 21**

Claims for youth aged 21 through 23 will be claimed on the RF17 special project.

Expenditures for youth over the age of 21 should be claimed through the RF17 claim package for special project claiming. These costs are first identified on the RF2A claim package as F17 functional costs and reported in the F17 column on the LDSS-923, *Cost Allocation Schedule of Payments Administrative Expenses Other Than Salaries*, and the LDSS-2347, Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program*. After final acceptance of the RF2A claim package,

the individual project costs are then reported under the project label “Chafee Over 21 FFY 23” on the LDSS-4975A, RF17 Worksheet, *Distribution of Allocated Costs to Other Reimbursable Programs*.

Salaries, fringe benefits, staff counts, and central services costs are directly entered on the RF17 Worksheet while overhead costs are automatically brought over from the RF2A, Schedule D, and distributed based upon the proportion of the number of staff assigned to this project. Employees not working all their time on this project must maintain time studies to support the salary and fringe benefit costs allocated to the program.

Non-salary administrative costs are reported with the appropriate object of expense code(s) on the LDSS-923B Summary - *Administrative Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*.

Program costs should be reported as object of expense code 37 - Special Project Program Expense on the LDSS-923B Summary - *Program Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*.

Total project costs should be reported on the LDSS-4975, *Monthly Statement of Special Project Claims Federal and State Aid (RF17)*, as 100% federal share. For each LDSS, the expenditures reported for Chafee Over 21 FFY 23 will be reimbursed up to the amount of the district’s allocation. Further instructions for completing the time studies, the LDSS-923 and Schedule D, and the RF17 claim package are found in chapters 4, 7, and 18, respectively, of the *Fiscal Reference Manual (FRM)*, Volume 3. The FRM is available online at <http://otda.state.nyenet/bfdm/finance/>.

These claims are not eligible for child welfare funding, so any overclaim will be 100% local share. Any available federal Chafee allocation after the final accept date will be applied to the county RF4 claims. CFCP funds are available to provide reimbursement of 80% of an LDSS’s expenditures, up to the amount of the allocation. LDSSs may meet the 20% match for expenditures claimed under the CFCP by use of in-kind and donated funds as described in [00-OCFS-LCM-32](#), *Federal Fiscal Year 1999-2000 Independent Living Allocations*.

Claims can be made for eligible CFCP expenses from October 1, 2022, to September 30, 2023, with a final accept date of March 31, 2024.

For further guidance on eligibility, please see Attachment D.

## **VI. Direct Charges**

LDSSs’ administration costs related to IL cases are considered regular foster care administration (Title IV-E or Non-Title IV-E eligible). Therefore, these costs should not be reported on the Schedule RF4.

An LDSS’s spending for IL services is accounted for outside of the LDSS’s claim for IL services (academic support services, vocational training, IL skills, and/or aftercare services) that are directly provided by the LDSS staff to program recipients. These expenditures should be claimed on Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program*, as an F30 function. From the F30 function, the LDSS should report these expenditures in the proper category of service on the Schedule RF4.

## VII. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance as well as federally funded CFCP services to youth who have aged out of foster care and have not attained 21 years of age (see also 42 U.S.C. § 677(b)(3)(A)). Therefore, if a youth meeting the criteria above (i.e., has aged out of foster care and has not yet attained 21 years of age) moves from the state in which the youth aged out of foster care to another state, the youth is eligible for IL services in the new state. If a youth meets this eligibility criteria, IL services must be paid for by the LDSS where the youth resides. The LDSS must treat the youth as it would any other youth who is eligible to receive CFCP services in New York State.

Additional information can be found at:

*Health and Human Services Child Welfare Policy Manual*, Chapter 3 - Independent Living.

[https://www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy.jsp?idFlag=3](https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=3)

## VIII. Contact Names

General questions about IL services should be directed to your OCFS regional office:

BRO – Amanda Darling (716) 847-3145, [Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

RRO – Christopher Bruno (585) 238-8549, [Christopher.Bruno@ocfs.ny.gov](mailto:Christopher.Bruno@ocfs.ny.gov)

SRO – Sara Simon (315) 423-1200, [Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

ARO – John Lockwood (518) 486-7078, [John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

WRO –Sheletha Chang (845) 708-2498, [Sheletha.Chang@ocfs.ny.gov](mailto:Sheletha.Chang@ocfs.ny.gov)

NYCRO – 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 - Donte Blackwell (212) 383-7261, [Donte.Blackwell@ocfs.ny.gov](mailto:Donte.Blackwell@ocfs.ny.gov)

Questions pertaining to the Automated Claiming System should be directed to OTDA, Bureau of Financial Services:

Regions I-V: Justin Gross (518) 474-7549

[otda.sm.Field\\_Ops.I-IV@otda.ny.gov](mailto:otda.sm.Field_Ops.I-IV@otda.ny.gov)

Region VI: Michael Simon (212) 961-8250

[Michael.Simon@otda.ny.gov](mailto:Michael.Simon@otda.ny.gov)

Questions pertaining to allocations should be directed to: Shonna Clinton, Local Operations Manager, (518) 474-1361, [Shonna.Clinton@ocfs.ny.gov](mailto:Shonna.Clinton@ocfs.ny.gov)

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

### Issued by:

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Title: Deputy Commissioner

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