



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	23-OCFS-LCM-08
<b>To:</b>	Local Departments of Social Services Commissioners
<b>Issuing Division/Office:</b>	Division of Administration Bureau of Budget Management
<b>Date:</b>	May 19, 2023
<b>Subject:</b>	<b>Child Welfare Advances, Intercepts, Chargebacks, and Claims Adjustments</b>
<b>Contact Person(s):</b>	See section V.
<b>Attachments:</b>	None

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (LDSSs) of advances, intercepts, chargebacks, and other bottom-line adjustments that will be processed during the year.

This LCM updates information provided in 22-OCFS-LCM-11.

### II. Background

As defined in the *Fiscal Reference Manual (FRM) Glossary*, and advance refers to funds furnished to an LDSS before a claim is submitted. Intercepts retrieve the local share from the LDSS of a cost borne by New York State for which the state is not solely responsible by offsetting payments that are made to the LDSS. Chargebacks are used when New York State initially bears the entire cost of a liability and then bills the LDSS for the local share. As defined in the FRM Glossary (page 15-4), bottom-line adjustments refer to the upward or downward adjustments made on a notice of claim settlement that directly impacts the amount paid by an LDSS.

### III. Program Implications

Ongoing advances, intercepts, chargebacks, and bottom-line adjustments are described in detail below to assist LDSSs in understanding these financial transactions.

#### 1. Adult Protective/Domestic Violence (AP/DV) Advance

- **Purpose:** To provide an advance of state adult protective/domestic violence funding in anticipation of the adult protective/domestic violence settlement.

## **2. Adult Protective/Domestic Violence (AP/DV) Settlement**

- **Purpose:** Settlement of adult protective/domestic violence claims funding at 49% state share net of any federal reimbursement and advance.
- **Methodology:** Adult protective/domestic violence gross claims reimbursed at 49% state share net of any federal reimbursement.
- **Funding Split:** 49% state share, 51% local share, net of Title XX AP/DV and Flexible Fund for Family Services (FFFS) federal funding.
- **Governing Guidance:** Annual state local assistance appropriations, Social Services Law (SSL) §131-u, annual Title XX LCM, annual New York State Office of Temporary and Disability Assistance (OTDA) FFFS LCM, and FRM Volume 2, Chapter 3, and Volume 3, Chapter 9.

## **3. Child Welfare Advance**

- **Purpose:** To provide an advance of child welfare funding in anticipation of the child welfare settlement.

## **4. Child Welfare Settlement**

- **Purpose:** Settlement of eligible child welfare preventive, child welfare protective, independent living, aftercare services, and adoption administration services.
- **Methodology:** Child welfare gross claims reimbursed at 62% state share net of any federal reimbursement. To be eligible for the 62% state share, LDSSs must meet their portion of the child welfare threshold through FFFS dedications.
- **Funding Split:** 62% state share, 38% local share, net of federal FFFS, Title IV-B, subpart 1; Title IV-B, subpart 2; Title IV-E Preventive administration; Title IV-E Protective administration; Title IV-E Adoption administration; and Title IV-E Chafee Independent Living. Title XX All Other overclaim is not eligible for the 62% state share.
- **Governing Guidance:** Annual state local assistance appropriations, annual OTDA FFFS LCM and FRM Volume 2, Chapter 3, and Volume 3, Chapter 9.

## **5. Criminal History Record Check Chargeback – Adoption and Safe Families Act (ASFA)**

- **Purpose:** To recoup the local share of costs incurred by New York State for criminal background checks of persons applying for certification or approval as foster or adoptive parents and other adults residing in the home of the applicants. This chargeback is applicable for applicants to become certified foster boarding homes, approved adoptive homes, and approved relative foster homes.
- **Methodology:** The state initially bears the cost of fingerprinting. The New York State Office of Children and Family Services (OCFS) then charges each LDSS the required percentage of the fingerprinting cost based on the number of placements in each LDSS as reported in the Foster Care Caseload Reports (CCR440).
- **Funding Split:** 46.06% state share, 53.94% local share net of federal revenue earned through the Central Office Cost Allocation Plan (COCAP).
- **Governing Guidance:** Annual state local assistance appropriation, SSL §378-a, Chapter 7 of the Laws of 1999, Chapter 668 of the Laws of 2006, 00-OCFS-LCM-31, 16-OCFS-ADM-20, and 17-OCFS-INF-05.

**6. Dormitory Authority of the State of New York Deduction**

- **Purpose:** To adjust a bottom-line adjustment to reduce the reimbursement due to the LDSS by the costs incurred by the state due to untimely payments by the LDSS for the property component of tuition rates for Special Act School Districts that have Dormitory Authority of the State of New York (DASNY)-financed projects.
- **Methodology:** OCFS performs a transfer to the New York State Education Department (SED) to cover unpaid DASNY Part I Tuition billings to local districts and deducts the amount from payments made to the local districts.
- **Funding Split:** 100% local share.
- **Governing Guidance:** Annual state local assistance appropriation, 93-LCM-133, and FRM Volume 2, Chapter 4.

**7. DASNY-Funding Mechanism for Capital Projects**

- **Purpose:** To specifically fund approved congregate care facilities operated by voluntary authorized agencies that received DASNY financing through Chapter 472 of the Laws of 2004.
- **Methodology:** The LDSS is required to pay the DASNY add-on rate as part of the maximum state aid rate (MSAR) payment for each child placed in a program that has a DASNY add-on rate. State reimbursement is available net of any available federal funding for reimbursable costs once the LDSS's Foster Care Block Grant (FCBG) allocation is expended. If the LDSS doesn't expend its FCBG allocation, the reimbursement is reduced by the unexpended amount. This additional reimbursement is made available to each eligible LDSS for payments in the last quarter of the State Fiscal Year.
- **Governing Guidance:** Annual state local assistance appropriation, Chapter 472 of the Laws of 2004, 05-OCFS-LCM-18, and an updated *Maximum State Aid Rates for Foster Care Programs and Residential Programs for In-State Committee on Special Education Placements* ADM (current version: 21-OCFS-ADM-06).

**8. DASNY Waiver**

- **Purpose:** A bottom-line adjustment to pay for costs representing property payments to SED that are not applied to the Foster Care Block Grant (FCBG).
- **Methodology:** Annually, by the end of February, the LDSS submits billing for Special Act School Districts with an *Approved DASNY Project Waiver* form to OCFS and reports in the Automated Claiming System (ACS) that portion of costs representing property payments only (not tuition) that were paid to SED and settled as tuition on Schedules K, H, and the RF-17 Claim Package, which were not reimbursed by the state under the FCBG.
- **Funding Split:** State share at 46.06%, to be paid for claims in excess of the FCBG.
- **Governing Guidance:** Annual state local assistance appropriation, 05-OCFS-LCM-18, and FRM Volume 2, Chapter 4 (pages 20-21).

**9. Youth Facilities (Division of Juvenile Justice and Opportunities for Youth) Chargeback**

- **Purpose:** To recoup the local share of youth facility costs for the care, maintenance, and supervision of placed youth, including alleged and adjudicated juvenile delinquents, placed or referred persons in need of supervision, and youthful offenders and adolescent offenders committed pursuant to Penal Law.

- **Methodology:** LDSSs are responsible for 50% of the cost of care and maintenance of youth placed in state-operated facilities. OCFS calculates rates based on the total net of federal costs as well as net of Raise the Age (RTA) program costs, divided by the non-RTA care days provided to youth during the calendar year. These rates are the basis of LDSSs' obligations for shares of the cost of care. Obligations are limited to no more than \$55M per calendar year.
- **Funding Split:** The LDSS in which a youth resided or was from at the time of placement or commitment is responsible for 50% of the amount expended by New York State for the care, maintenance, and supervision of the youth placed in a New York State youth facility. Statewide LDSSs' obligations are capped at \$55M, so the actual local share is less than 50%.
- **Governing Guidance:** Annual state local assistance appropriations and Executive Law §529.

#### **10. Title IV-E CARES Act Federal Medical Assistance Percentage (FMAP) 6.2% Increase**

- **Purpose:** To provide a temporary increase in the FMAP rate that is used in determining the federal share of expenditures for assistance payments under the Title IV-E Foster Care, Adoption Assistance, and Guardianship Assistance programs. In addition, Title VIII of Division B of the CARES Act makes additional appropriations for Title IV-B, subpart 1 of the Social Security Act.
- **Methodology:** Assistance expenditures reimbursed at 56.2% federal reimbursement. The FMAP increase will gradually phase out and end on December 31, 2023.
  - Calendar quarters occurring during which the declared public health emergency period is in effect thru March 31, 2023 – 6.2% FMAP increase
  - Calendar quarter ending June 30, 2023 – 5.0% FMAP increase
  - Calendar quarter ending September 30, 2023 – 2.5% FMAP increase
  - Calendar quarter ending December 31, 2023 – 1.5% FMAP increase
  - Calendar quarter beginning January 1, 2024 – Regular FMAP (50% - no percentage increase)
- **Governing Guidance:** The Families First Coronavirus Response Act, Public Law (P.L.) 116-127 and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) P.L. 116-136. ACYF-CB-IM-23-01 P.L. 117-328, §5131 of division FF of the Consolidated Appropriations Act, 2023.

#### **11. Adoption Subsidy State Share Recoup – Related to Title IV-E CARES Act FMAP 6.2%**

- **Purpose:** Due to the temporary increase in the FMAP rate, the adoption subsidy is being recouped to continue to reflect a 62% state share on the non-federal adoption assistance payments.
- **Methodology:** Recalculation of the adoption subsidy at 62% non-federal state share as a result of the enhanced 6.2% FMAP.
- **Governing Guidance:** Annual state local assistance appropriation.

**IV. Claiming**

Where applicable, claiming instructions can be found in the associated LCM and the FRM, as described above. For additional information on claiming forms and instructions, refer to FRM Volume 2.

**V. Contact Names**

<b>Topic</b>	<b>LDSS Region</b>	<b>Contact Person</b>	<b>Contact Phone</b>	<b>Contact Email Address</b>
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***/s/ Sharon Devine*** \_\_\_\_\_

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