



Office of Children and Family Services

Kathy Hochul
Governor

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Acting Commissioner

Local Commissioners Memorandum

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| Transmittal: | 23-OCFS-LCM-13 |
| To: | Local Departments of Social Services Commissioners |
| Issuing Division/Office: | Office of Strategic Planning and Policy Development Division of Child Welfare and Community Services |
| Date: | June 30, 2023 |
| Subject: | Community Optional Preventive Services (COPS) Program FFY 2022-2023/SFY 2023-2024 Funding and Claiming Instructions |
| Contact Person(s): | ocfs.sm.policy@ocfs.ny.gov Claiming Questions (Regions I - V): Justin Gross, (518) 474-7549 or otda.sm.Field_Ops.I-IV@otda.ny.gov Claiming Questions (Region VI): Michael Simon, (212) 961-8250 or Michael.Simon@otda.ny.gov |
| Attachments: | Attachment A: <i>FFY 2022-2023/SFY 2023-2024 Community Optional Preventive Services Program Preliminary Allocations</i> Attachment B: <i>COPS Estimated Expenditures for FFY 2022-2023/SFY 2023-2024</i> Attachment C: <i>Community Optional Preventive Services Program Report FFY 2022-2023/SFY 2023-2024</i> Attachment D: <i>Grandfathered FFS Dedication That Count Toward the CWC Threshold</i> |

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to advise local departments of social services (LDSSs) of the availability of \$11,124,750 in state funding for Community Optional Preventive Services (COPS) programs in federal fiscal year (FFY) 2022-2023/state fiscal year (SFY) 2023-2024 and provide instructions for financial claiming. Attached to this LCM is a list of preliminary allocations, information, and instructions regarding required reporting on program outcomes.

An additional \$1,000,000 has been set aside as a separate allocation from the \$12,124,750 COPS appropriation. Specifications for the \$1,000,000 COPS set-aside funding has been addressed in 23-OCFS-LCM-14.

II. Background

COPS programming is designed to serve children and youth who are not at imminent risk of foster care. The target groups to be served are those children and families who are at general risk of future foster care or crisis by virtue of one or more identified characteristics. COPS cannot be used as a substitute or alternative for providing mandated preventive services to eligible children and families.

In 1988, the New York State Department of Social Services, now the New York State Office of Children and Family Services (OCFS), invited LDSSs to voluntarily participate in the piloting of COPS programs. Initial funding support for the COPS pilot program was derived from state preventive services funding contained in the state's enacted 1988-1989 budget. COPS programs were targeted for families where a child was not at immediate risk of foster care, but where primary or secondary forms of preventive services would help to avert family crises and reduce the risk of foster care placements. Statewide, 20 programs were funded from 1988 to 2001 through the initial COPS pilot. Several program types were represented among the selected programs, including group parenting skills education, general community-wide education, school-based and therapeutic programs. COPS programs, in some instances, were authorized to serve families without determining individual eligibility and without Uniform Case Review (UCR) or Child Care Review Service (CCRS) requirements.

Although individual programmatic eligibility determinations are not required, there must be an acceptable method for determining whether a case is below or over 200% of the federal poverty level, consistent with criteria outlined in Chapter 3 of OCFS's *Eligibility Manual for Child Welfare Programs*. Individual family eligibility determinations can be done by a simplified family-specific determination as to whether the income is below or over 200% of poverty and whether the recipients are either U.S. citizens or qualified aliens. Alternatively, OCFS may waive the requirement to do individual eligibility determinations for COPS programs if the LDSS identifies a reliable source of information to calculate the proportion of the target population that is below 200% of the poverty standard. Any alternative measure for determining if a family's income is below or over 200% of poverty must be approved by OCFS. An LDSS may not limit participation in a COPS program to those families who are below 200% of the federal poverty level.

When OCFS approves an LDSS's COPS program, it provides a waiver of preventive services eligibility determination, case planning, case management, and CONNECTIONS requirements. In lieu of those requirements, LDSSs that receive COPS funding must submit an annual plan to OCFS that defines the target population or geographical area to be served by the COPS program. Such plans must identify how the LDSS will collect client information to identify the income level of persons, families, or targeted communities to receive COPS services. The plans are submitted to and approved by the OCFS Office of Strategic Planning and Policy Development. LDSSs can demonstrate community eligibility by utilizing federal data sources to document income eligibility, eligibility for federally subsidized public housing, and percentages of households receiving federal Section 8 housing subsidies. Additional information on eligibility criteria is available in Chapter 3 of OCFS's *Eligibility Manual for Child Welfare Programs*.

III. Program Implications

For FFY 2022-2023/SFY 2023-2024, a total of \$12,124,750 in capped state funding is provided for COPS programs of which \$1,000,000 has been set aside for COPS programs that meet certain requirements. OCFS has issued a separate LCM to address this funding. Of this funding amount, \$11,124,750 is available for COPS services provided from October 1, 2022, through September 30, 2023. This funding supports 63.7% state reimbursement of eligible costs up to the capped appropriation amount.

An LDSS cannot receive reimbursement for COPS services through the established method for claiming child welfare services. LDSSs must submit individual COPS claims that reflect COPS-related expenses, in accordance with the OCFS-approved COPS program allocation. Pursuant to Chapter 53 of the Laws of 2023, COPS allocation levels cannot exceed the allocation amount approved by OCFS in effect on October 1, 2008. Any LDSS COPS program that was previously approved by OCFS and in operation on or before October 1, 2008, can submit a COPS plan to ocfs.sm.policy@ocfs.ny.gov to continue program operation and reimbursement; those that were previously approved and operating on October 1, 2008, but which ceased operating for a minor period of time, may submit a COPS plan to ocfs.sm.policy@ocfs.ny.gov to request approval to resume COPS services. OCFS's approval of LDSSs' requests for resumption of previously approved COPS services will be assessed on a case-by-case basis, and COPS programs that receive approval to resume services will be allocated funding but cannot receive an allocation that exceeds the level of funding approved by OCFS as of October 1, 2008. Furthermore, an LDSS cannot receive state reimbursement for any COPS services provided during a time when it did not have a contract in place, and the LDSS cannot contract retroactively for the services. For example, if an LDSS terminated a contract on December 31, 2022, and the LDSS did not enter into a new contract until April 15, 2023, it could claim for the services provided from October 1, 2022, through December 31, 2022, and for the services provided from April 15, 2023, through September 30, 2023, but not for any services provided from January 1, 2023, through April 14, 2023, during the period that a contract did not exist.

An LDSS may receive the 63.7% state reimbursement, net of any available federal funds, for the costs of eligible services provided through September 30, 2023, up to the amount of the capped appropriation. If there are insufficient funds in the capped appropriation to reimburse 63.7% of the LDSS's eligible COPS expenditures claimed, the LDSS will receive its proportionate share of the capped appropriation based on the LDSS's total COPS eligible expenditures claimed compared to the statewide total of eligible expenditures claimed. OCFS continues to provide preliminary district allocations for COPS programs (Attachment A, *FFY 2022-2023/SFY 2023-2024 COPS Preliminary Allocations*), which may be subject to adjustments based on the methodology provided in this LCM. Please note that these allocations may not reflect the final amount that an LDSS is allocated, as the amounts may be adjusted based on actual and final COPS claims paid, in relation to the total COPS appropriated amount.

Any LDSS that receives a preliminary allocation for FFY 2022-2023/SFY 2023-2024 and does not wish to accept it must inform OCFS via email by **August 18, 2023**, to ocfs.sm.policy@ocfs.ny.gov.

Each LDSS that is seeking state reimbursement for existing COPS programs must submit a list of the COPS programs that were previously approved by OCFS and were operating on or before October 1, 2008. The LDSS must also identify the amount of state reimbursement sought for each COPS program and the amount of each COPS program's eligible COPS expenditures, based on the maximum COPS allocation approved for programming effective October 1, 2008. This LCM includes Attachment B, *COPS Estimated Expenditures FFY 2022-2023/SFY 2023-2024*, an Excel spreadsheet form that must be used to report this information to OCFS.

Each LDSS that has one or more COPS programs for which it will seek state reimbursement must complete Attachment B, *COPS Estimated Expenditures FFY 2022-2023/SFY 2023-2024*, and submit it by email no later than **August 18, 2023**, to ocfs.sm.policy@ocfs.ny.gov.

The eligible LDSS expenditures that are subject to 63.7% state reimbursement may assist the state in meeting the maintenance of effort (MOE) and match requirements for federal Title IV-B, subpart 1 and 2 funds for child welfare services (CWS). When finalizing the state settlement of CWS, the expenditures that are subject to 63.7% state reimbursement may assist an LDSS in meeting its CWS threshold established for the Flexible Fund for Family Services (FFFS), as further discussed in section IV below, and assist the LDSS in using its allocation of Title XX Transfer (Title XX Below 200% COPS) should the LDSS have an underclaim in this category. This adjustment may be done by the state during the state settlement of CWS.

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops, rather than serving youth at immediate risk for placement, with the long-term goal of reducing the need for foster care and offering a less costly alternative to placement. There is a wide range of services that LDSSs have offered through the COPS program to work toward this goal of averting placements.

LDSSs that receive COPS funding are required by OCFS to track program performance and progress toward meeting stated outcomes. Attachment C, *Community Optional Preventive Services Program Report*, is used for reporting purposes. The report information should reflect program performance and outcomes achieved by each COPS program in existence during the time frame October 1, 2022, through September 30, 2023. LDSSs are required to submit Attachment C to OCFS via email to ocfs.sm.policy@ocfs.ny.gov by **October 16, 2023**.

In 07-OCFS-LCM-12, the term *outcome* is defined as “the anticipated change in, or maintenance of, conditions or behaviors of a targeted population as a result of the provision of services.” Performance targets provide evidence as to whether the program accomplished its outcomes. Performance means “quantifiable and verifiable interim changes in, or maintenance of, the conditions or behaviors of the target population resulting from the provision of services that indicate progress towards an outcome.” It is important that performance targets and outcomes established are specific, measurable, achievable, realistic, and time bound. For more information regarding how to develop outcomes, you may wish to visit the OCFS website at: <https://ocfs.ny.gov/main/sppd/effective-practices/>.

Allocation Methodology

The allocation methodology for the FFY 2022-2023/SFY 2023-2024 COPS allocations to LDSSs is comprised of two parts:

- The first part provides \$11,124,750 in state funding for COPS programs. A preliminary allocation is based on each LDSS's proportion of the total gross statewide actual expenditures for FFY 2021-2022.
- The second part is \$1,000,000 that has been set aside to fund COPS programs that meet certain requirements. OCFS has issued a separate LCM to address this additional funding in 23-OCFS-LCM-14.

IV. Other Related SFY 2023-2024 Budget Actions

The SFY 2023-2024 enacted budget appropriates \$774,247,000 of Temporary Assistance for Needy Families (TANF) funding to continue FFFS for the period of October 1, 2022, to September 30, 2023. Under FFFS, CWS, other than COPS, may be funded for families that meet the TANF-EAF eligibility criteria and/or for families with incomes up to 200% of the federal poverty level. LDSSs also have the option to transfer a portion of their FFFS allocations to the Title XX block grant. Under federal law, any FFFS funding that an LDSS chooses to transfer to the Title XX block grant must be expended for services to children and their families with incomes below 200% of the federal poverty level for the family size. Recipients of the Title XX Below 200% funds also must be either U.S. citizens or qualified aliens as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Among the programs that can be supported with funds transferred to Title XX from an LDSS's FFFS allocation are the TANF Transfer to Title XX Below 200% for Preventive, Child Protective, Aftercare, and Adoption Services, and the TANF Transfer to Title XX for Otherwise Eligible Title XX Below 200% expenditures, including COPS. Consistent with 45 CFR part 260-263, no more than 30% of the state's entire TANF block grant may be transferred to the Child Care and Development Block Grant (CCDBG) and/or Title XX, with only up to 10% of the entire TANF block grant eligible for transfer to Title XX. Chapter 53 of the Laws of 2023, for SFY 2023-2024, enables LDSSs to maximize funding by opting to transfer up to 30% of their FFFS allocation to CCDBG and Title XX combined, with up to 25% of the FFFS allocation going to Title XX.

With the establishment of FFFS in SFY 2005-2006, LDSS-specific CWS thresholds were enacted. In SFY 2023-2024, the total combined threshold is maintained at \$382,322,341 per Federal Fiscal Year. For an LDSS to receive state reimbursement for CWS other than COPS, it must expend FFFS funds for Title XX Child Welfare Services Below 200%, Title XX Below 200% COPS, TANF-EAF CWS, FFFS Child Welfare Direct Services for families with income below 200% and administration at a level equal to or greater than that LDSS's portion of the \$382,322,341 statewide CWS threshold.

In SFY 2023-2024, LDSSs may apply Title XX Below 200% COPS FFFS expenditures up to the amount dedicated in Title XX Below 200% COPS for SFY 2010-11 as of March 31, 2011, to their CWS threshold, as shown on Attachment D, *Grandfathered FFFS Dedications That Count Toward the CWS Threshold*. Any amount dedicated or expended above this amount will not count toward the CWS threshold. An LDSS meeting its CWS threshold may be eligible for 62% state reimbursement for its eligible child welfare expenditures other than COPS, net of the available federal funding, provided it has

established performance targets or outcome-based requirements for child preventive services. The SFY 2023-2024 child welfare settlement period is for expenditures incurred from October 1, 2022, through September 30, 2023, and claimed by March 31, 2024; therefore, the threshold time frame is also from October 1, 2022, through September 30, 2023, to be counted toward the LDSS's SFY 2023-2024 threshold.

V. Claiming Instructions

An LDSS will use the following set of instructions to claim reimbursement for COPS for services from October 1, 2022, through September 30, 2023. Expenditures must be made by October 31, 2023, and claims must be final accepted no later than March 31, 2024.

Expenditures for COPS FFY 2022-23 must be separately identified and claimed through the RF-17 claim package for special project claiming. The costs are first identified 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 accepting the RF2A claim package, the individual project costs are then reported under the project label "COPS 2022 2023" on the LDSS-4975A, RF-17 Worksheet, *Distribution of Allocated Costs to Other Reimbursable Programs*. Program costs should be reported with object of expense 37 on the LDSS-923B, Summary-Program (page 2), *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*. Total project costs, including all costs regardless of state reimbursement, must be reported on the LDSS-4975, *Monthly Statement of Special Project Claims Federal and State Aid (RF-17)*. The expenditures reported for COPS 2022-2023 will be reimbursed by the state up to the amount of the district's allocation. The expenditures over the district's allocation must be reported as local share.

LDSSs that wish to claim federal reimbursement should use the project label "COPS FFFS 2022 2023." These claims will be reimbursed at 100%, up to the amount that has been transferred to Title XX Below 200% COPS. COPS expenditures in excess of the amount transferred to Title XX Below 200% COPS from an LDSS's FFFS allocation may be eligible for reimbursement under the capped COPS state reimbursement appropriation to the extent funds are available, separate from the open-ended child welfare services funding.

LDSSs that wish to claim state reimbursement should use the project label "COPS 2022 2023." Claims filed under the state share will draw down on that LDSS's portion of the capped state appropriation for COPS. Those cases receiving state reimbursement are not required to be under 200% of the poverty level. The amount entered for state reimbursement should be the eligible COPS claims, net of any claims entered as federal share. The system will automatically calculate state share, with the net being local share. LDSSs should be aware that state reimbursement is up to 63.7% with the balance as local share. If the total COPS' claims eligible for state reimbursement exceed the capped appropriation amount, state reimbursement will be made proportionally to each LDSS based on its percentage of the statewide total of eligible claims as compared to the amount appropriated after March 31, 2024.

Instructions for completing the LDSS-923 and Schedule D, and the RF-17 Claim Package are found in Volume 3, Chapters 7 and 18, respectively, of the *Fiscal Reference Manual*

(FRM). The FRM is available on the OTDA intranet located online at <http://otda.state.nyenet/bfdm/finance/>.

An LDSS that previously claimed these expenditures on the Schedule G will need to submit a corresponding negative adjustment on the Schedule G through a supplemental RF2 claim.

/s/ Thomas R. Brooks, Esq. _____

Issued by:

Name: Thomas R. Brooks, Esq.

Title: Deputy Commissioner

Division/Office: Office of Strategic Planning and Policy Development

/s/ Gail Geohagen-Pratt _____

Issued By:

Name: Gail Geohagen-Pratt

Title: Acting Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services

Attachment A

FFY 2022-2023/SFY 2023-2024 Community Optional Preventive Services (COPS) Preliminary Allocations

| District | SFY 2023-24 Preliminary State Share of 63.7% | District | SFY 2023-24 Preliminary State Share of 63.7% |
|-------------|--|---------------|--|
| Albany | 140,790 | Orange | 385,797 |
| Allegany | - | Orleans | - |
| Broome | - | Oswego | - |
| Cattaraugus | - | Otsego | - |
| Cayuga | - | Putnam | - |
| Chautauqua | - | Rensselaer | - |
| Chemung | 564,595 | Rockland | - |
| Chenango | - | Saratoga | 79,679 |
| Clinton | 129,112 | Schenectady | 81,681 |
| Columbia | 98,859 | Schoharie | - |
| Cortland | - | Schuyler | - |
| Delaware | - | Seneca | - |
| Dutchess | 1,133,824 | Steuben | - |
| Erie | 143,667 | St Lawrence | - |
| Essex | - | Suffolk | 547,637 |
| Franklin | - | Sullivan | - |
| Fulton | - | Tioga | - |
| Genesee | 353,382 | Tompkins | 471,665 |
| Greene | - | Ulster | - |
| Hamilton | - | Warren | - |
| Herkimer | - | Washington | - |
| Jefferson | - | Wayne | - |
| Lewis | - | Westchester | 1,194,577 |
| Livingston | - | Wyoming | - |
| Madison | - | Yates | - |
| Monroe | 3,324,864 | | |
| Montgomery | - | Rest of State | 8,944,676 |
| Nassau | - | | |
| Niagara | - | New York City | 2,180,074 |
| Oneida | - | | |
| Onondaga | - | Statewide | 11,124,750 |
| Ontario | 294,547 | | |

Attachment B

COPS Estimated Expenditures for FFY 2022-2023/SFY 2023-2024

(County Name)

*Instructions: List the COPS programs that OCFS approved on or before October 1, 2008, for which the LDSS will be seeking state reimbursement and an estimate of annual eligible COPS expenditures, based on the first six months of expenditures and the maximum approved contract amounts. Please submit this form to OCFS by **August 18, 2023**.*

| Name of COPS Program | Annual Eligible COPS Expenditures |
|-----------------------------------|--|
| <i>(Enter Program Name Below)</i> | |
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Attachment C

Community Optional Preventive Services Program Report

FFY 2022-2023/SFY 2023-2024

COPS Program Information

| | | | |
|---|-------|--|-------------------------------|
| COPS Program Name: | _____ | | |
| Name of Agency Providing COPS Services: | _____ | | |
| Name of OCFS-Approved Program in 2008: | | # of Children Served During Review Period: | _____ |
| District: | | # of Adults Served During Review Period: | _____ |
| Target Group or Community Served: | | # of Families Served During Review Period: | _____ |
| Primary Services: | _____ | | |
| Date Completed: | | Review Period: | 10/1/2022 to 9/30/2023 |

Instructions: Performance Targets or Outcomes

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops with the long-term goal of reducing the risk of foster care and offering a less costly alternative to placement.

In this section, describe the program's performance targets or outcome areas, as required for LDSSs to report on, in accordance with 07-OCFS-LCM-12, and give evidence of the COPS program's achievement(s) for the review period. Information is requested to be provided in measurable terms whenever possible.

Outcomes are the desired benefits or anticipated changes for the target population after their involvement with the program. **Performance targets** are the quantifiable and verifiable improvements in the condition or behavior of the target population resulting from the provision of services that indicate progress related to an outcome that the program intends to achieve by the end of the contract period.

This template gives space to describe three top performance targets or outcomes, but it is not necessary to complete all three sections. If more space is needed, please use the same format on a separate sheet.

Please complete and submit the section below via email to ocfs.sm.policy@ocfs.ny.gov by **October 16, 2023.**

Attachment C (Continued)

1st Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of children, # of adults, # of family participants:

2nd Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of children, # of adults, # of family participants:

3rd Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of children, # of adult, # of family participants:

Attachment D

Grandfathered FFFS Dedications That Count Toward the CWS Threshold

| <u>District</u> | <u>Title XX Below 200% COPS</u> | <u>District</u> | <u>Title XX Below 200% COPS</u> |
|-----------------|---|-----------------|---|
| Albany | - | Orange | - |
| Allegany | - | Orleans | - |
| Broome | - | Oswego | - |
| Cattaraugus | - | Otsego | - |
| Cayuga | - | Putnam | - |
| Chautauqua | - | Rensselaer | - |
| Chemung | - | Rockland | - |
| Chenango | - | Saratoga | - |
| Clinton | - | Schenectady | - |
| Columbia | - | Schoharie | - |
| Cortland | - | Schuyler | - |
| Delaware | - | Seneca | 248,120 |
| Dutchess | - | Steuben | - |
| Erie | - | St Lawrence | - |
| Essex | - | Suffolk | 1,000,000 |
| Franklin | - | Sullivan | 32,000 |
| Fulton | - | Tioga | - |
| Genesee | - | Tompkins | - |
| Greene | - | Ulster | - |
| Hamilton | - | Warren | - |
| Herkimer | - | Washington | - |
| Jefferson | 217,889 | Wayne | - |
| Lewis | - | Westchester | - |
| Livingston | - | Wyoming | - |
| Madison | - | Yates | - |
| Monroe | - | | - |
| Montgomery | - | Rest of State | 1,498,009 |
| Nassau | - | | - |
| Niagara | - | New York City | - |
| Oneida | - | | - |
| Onondaga | - | Statewide | 1,498,009 |
| Ontario | - | | - |