



Office of Children and Family Services

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Administrative Directive

Transmittal:	24-OCFS-ADM-07
To:	Local Departments of Social Services Commissioners Voluntary Authorized Agencies Executive Directors
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	March 13, 2024
Subject:	Revised Model Contract for Purchase of Foster Care Services
Suggested Distribution:	Social Services Directors Foster Care Supervisors Child Care Supervisors Legal Staff Out-of-State Voluntary Agencies
Contact Person(s):	See section V.
Attachments:	<i>Agreement for Purchase of Foster Care for Children</i>

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
	21-OCFS-ADM-20	18 NYCRR 405.3(d), 427.2, 428.3, and Part 439	Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L 117-348)		

I. Purpose

The purpose of this Administrative Directive (ADM) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the most recent revisions made to the New York State Office of Children and Family Services (OCFS) model contract for the purchase of foster care services. The revised model contract for the purchase of foster care services outlined in this ADM replaces and cancels the model contract issued in 21-OCFS-ADM-20.

II. Background

New York state regulation 18 NYCRR 405.3(d) requires LDSSs to use the model contract for local purchase of services developed by OCFS. The model contract can be modified to cover additional

details or to reflect in greater detail the specifications and terms under which payment will be made for services rendered. The terms “LDSS” and “VA,” as used in this ADM, are synonymous with the terms “department” and “agency,” respectively, in the model contract.

The model contract reflects changes based on the Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L 117-348). In addition, OCFS made conforming updates to the contract to reflect change in policy and to include use of gender-neutral language throughout.

III. Program Implications

The revisions to the model contract are detailed below.

Section I – Definitions

The definition of FOSTER FAMILY BOARDING HOME was amended to change Department of Mental Health to Department of Mental Hygiene.

The definition of FOSTER PARENT was revised to reflect the amendment of the definition of a relative, as set forth in in 18 NYCRR 443.1(h).

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The definition of SUPERVISED SETTING was revised to reflect the language in 18 NYCRR 449.1.

Section III – Scope of Services

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The list of protected classes that the VA will not discriminate against is revised to reflect 18 NYCRR 441.24.

Section C. Diligence of Effort, 7. Unplanned Termination

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Termination of Placement – This section was revised to state that the VA cannot apply any fees to the LDSS above or beyond the Maximum State Aid Rate (MSAR) when a child remains placed in the VA’s care past the expiration of the 15-day notice. It also clarifies that any fee for services required to maintain the youth past the expiration of the 15-day notice must be agreed upon by the LDSS and VA and must represent the reasonable cost of additional services necessary to maintain the child with a written explanation of such additional services.

Section H.: 7. Absent Without Consent

The Trafficking Victims Prevention and Protection Reauthorization Act of 2022 (P.L 117-348) added to the information that must be provided to law enforcement and the National Center for Missing and Exploited Children when a child in the care and custody or guardianship and custody of the LDSS is reported missing or abducted. Such reports include, where reasonably possible, a photo of the missing or abducted child or youth; a description of the child’s or youth’s physical features, such as height,

weight, sex, ethnicity, race, hair color, and eye color; and endangerment information such as the child's or youth's pregnancy status, prescription medications, suicidal tendencies, vulnerability to being sex trafficked and other health or risk factors. The LDSS or the VA, as determined by the LDSS, must provide written notice to the family court that placed the child into foster care of the child's absence without consent within 48 hours of the reported absence.

IV. Required Action

LDSSs must modify their foster care services and maintenance agreement to follow the revised model contract for the purchase of foster care services.

V. Contacts

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VI. Effective Date

Information contained in this release becomes effective immediately upon release.

/s/ Gail Geohagen-Pratt

Issued by:

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