



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	24-OCFS-LCM-06
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Office of Strategic Planning and Policy Development Division of Youth Development and Partnerships for Success
Date:	June 6, 2024
Subject:	Community Optional Preventive Services (COPS) Program FFY 2023-2024/SFY 2024-2025 Funding and Claiming Instructions
Contact Person(s):	COPS@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 2023-2024/SFY 2024-2025 Community Optional Preventive Services Program Preliminary Allocations</i> Attachment B: <i>Grandfathered FFFS Dedications That Count Toward the CWS Threshold</i> OCFS-5240 , <i>COPS Application for Estimated Expenditures for FFY 2023-2024/SFY 2024-2025</i> OCFS-5241 , <i>Community Optional Preventive Services Program Base Report FFY 2023-2024/SFY 2024-2025</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) 2023-2024/state fiscal year (SFY) 2024-2025 and provide instructions for financial claiming. Attached to this LCM is a list of preliminary allocations.

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 have been addressed in 24-OCFS-LCM-07.

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 local departments of social services (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.

For COPS programs funded through grandfathered Flexible Fund for Family Services (FFFS) dedications, 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 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. COPS programs receiving state reimbursement are not required to make income eligibility determinations.

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 application to OCFS that defines the target population or geographical area to be served by the COPS program, the services to be provided, and the estimated program expenditures. When grandfathered FFFS dedications are used to fund COPS programs, such applications must also identify how the LDSS will collect client information to identify the income level of persons, families, or targeted communities to receive COPS services. The applications are submitted to and approved by OCFS. 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 2023-2024/SFY 2024-2025, 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, 2023, through September 30, 2024. 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. COPS allocation levels cannot exceed the allocation amount approved by OCFS and 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 application to COPS@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 application to COPS@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, 2023, and the LDSS did not enter into a new contract until April 15, 2024, it could claim for the services provided from October 1, 2023, through December 31, 2023, and for the services provided from April 15, 2024, through September 30, 2024, but not for any services provided from January 1, 2024, through April 14, 2024, 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, 2024, 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 2023-2024/SFY 2024-2025 Community Optional Preventive Services (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 2023-2024/SFY 2024-2025 and does not wish to accept it must inform OCFS via email by **August 16, 2024**, to COPS@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.

Each LDSS that has one or more COPS programs for which it will seek state reimbursement must complete [OCFS-5240](#), *COPS Application for Estimated Expenditures for FFY 2023-2024/SFY 2024-2025*, and submit it by email no later than **August 16, 2024**, to COPS@ocfs.ny.gov.

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. [OCFS-5241](#): *Community Optional Preventive Services Program Base Report FFY 2023-2024/SFY 2024-2025*, 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, 2023, through September 30, 2024. LDSSs are required to submit [OCFS-5241](#) to OCFS via email to COPS@ocfs.ny.gov by **October 16, 2024**. **Failure to submit a completed [OCFS-5241](#) may impact an LDSS's COPS funding approval for the following year.**

Allocation Methodology

The allocation methodology for the FFY 2023-2024/SFY 2024-2025 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 2023-2024.
- 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 24-OCFS-LCM-07.

IV. Other Related SFY 2024-2025 Budget Actions

The SFY 2024-2025 enacted budget appropriates Temporary Assistance for Needy Families (TANF) funding to continue FFFS. Under FFFS, Child Welfare Services (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 2024, for SFY 2024-2025, 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. For the period October 1, 2023, through September 30, 2024, the total combined CWS threshold is \$382,322,341. 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.

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 B, *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 applicable child welfare settlement period is for expenditures incurred from October 1, 2023, through September 30, 2024, and claimed by March 31, 2025; therefore, the threshold time frame is also from October 1, 2023, through September 30, 2024, to be counted toward the LDSS's FFY 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, 2023, through September 30, 2024. Expenditures must be made by October 31, 2024, and claims must be final accepted no later than March 31, 2025.

Expenditures for COPS FFY 2023-24 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 RF-2A claim package, the individual project costs are then reported under the project label “COPS 2023-2024” on the LDSS-4975A, *RF-17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*.

Salaries, fringe benefits, staff counts, and central services costs are directly entered on the RF-17 Worksheet while overhead costs are automatically brought over from the RF-2A, 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 page 1 of the LDSS-923B, *Summary – Administrative Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*.

Program costs should be reported with object of expense code 37 (Special Project Program Expense) on page 2 of the LDSS-923B. 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 2023-2024 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 2023 2024.” 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 2023 2024.” 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 final accept date of March 31, 2025.

Instructions for completing time studies; the LDSS-923, LDSS-923B, and Schedule D; and the RF-17 claim package are found in Chapters 4, 7 and 18, respectively, of the *Fiscal Reference Manual (FRM)*, Volume 3. The FRM is available on the OTDA intranet located online at <https://intranet.otda.ny.gov/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 RF-2 claim.

/s/ Thomas R. Brooks, Esq _____

Issued by:

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Division/Office: Office of Strategic Planning and Policy Development

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

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

Attachment A

FFY 2023-2024/SFY 2024-2025 Community Optional Preventive Services (COPS) Preliminary Allocations

District	SFY 2024-25 Preliminary State Share of 63.7%	District	SFY 2024-25 Preliminary State Share of 63.7%
Albany	98,179	Orange	281,990
Allegany	-	Orleans	-
Broome	-	Oswego	-
Cattaraugus	-	Otsego	-
Cayuga	-	Putnam	-
Chautauqua	-	Rensselaer	-
Chemung	423,492	Rockland	-
Chenango	-	Saratoga	72,239
Clinton	72,679	Schenectady	30,882
Columbia	93,478	Schoharie	-
Cortland	-	Schuyler	-
Delaware	-	Seneca	-
Dutchess	1,133,824	Steuben	-
Erie	122,904	St Lawrence	-
Essex	-	Suffolk	425,404
Franklin	-	Sullivan	-
Fulton	-	Tioga	-
Genesee	284,191	Tompkins	339,319
Greene	-	Ulster	-
Hamilton	-	Warren	-
Herkimer	-	Washington	-
Jefferson	-	Wayne	-
Lewis	-	Westchester	1,751,093
Livingston	-	Wyoming	-
Madison	-	Yates	-
Monroe	3,841,273		
Montgomery	-	Upstate	9,185,120
Nassau	-		
Niagara	-	New York City	1,939,630
Oneida	-		
Onondaga	-	Total	11,124,750
Ontario	214,173		

Attachment B

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	-	St Lawrence	-
Clinton	-	Saratoga	-
Columbia	-	Schenectady	-
Cortland	-	Schoharie	-
Delaware	-	Schuyler	-
Dutchess	-	Seneca	248,120
Erie	-	Steuben	-
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	-	Upstate	1,498,009
Nassau	-		-
Niagara	-	New York City	-
Oneida	-		-
Onondaga	-	Total	1,498,009
Ontario	-		-