

OFFICE OF CHILDREN AND FAMILY SERVICES

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| LOCAL COMMISSIONERS MEMORANDUM |
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OCFS-4616EL (Rev. 11/98)

Transmittal No: 99 OCFS LCM-15

Date: May 14, 1999

Division: Administration

TO: Local District Commissioners

SUBJECT: Claiming Instructions For The Costs of Fingerprinting
Required by The Adoption and Safe Families Act
(ASFA) of 1999

ATTACHMENTS: None

The purpose of this memorandum is to provide you with the claiming instructions for the costs of fingerprinting necessitated by the criminal background checks required by The Adoption and Safe Families Act (ASFA) of 1999. Program instructions may be found in the Office of Children and Family Services (OCFS) Informational Letter 99 OCFS INF-4, dated March 4, 1999, entitled "Criminal History Record Checks (for Foster Boarding and Kinship foster home and Adoptive Parents)."

It is important to keep in mind that authorized agencies (i.e., social services districts, voluntary agencies under contract to provide services, and State agencies) cannot charge a finger printing fee to parents and other household members of homes that have foster children already placed with them.

Reimbursement for fingerprinting expenses incurred by social services districts and their contracted agencies are funded separate from, and in addition to, the Family and Children's Services Block Grant Allocation. Included in the costs are those for personnel, supplies, postage and processing time.

Local districts may obtain fingerprint records in one of three methods. The district may conduct fingerprinting on its own if it has trained staff. The Division of Criminal Justice Services (DCJS) will provide training if

the district requests training through the OCFs regional office. If a social services district elects the option of doing the fingerprinting with its own staff, the administrative costs should be reported as F17 function code expenditures and claimed on the Schedule D-17, "Distribution of Allocated Costs to Other Reimbursable Programs" (DSS-3274). The costs from the Schedule D-17 are to be brought forward to a DSS-3922 form entitled, "Financial Summary For Special Projects," labeled "ASFA" and reported on the appropriate lines. The costs are claimed at the 50% Federal Share, 25% State Share and 25% Local Share levels.

The second method of obtaining fingerprint records is to establish a Memorandum Of Understanding (MOU) with local governmental agencies (e.g. the Police Department), or in the case of a county agency (e.g., County Sheriff's Department), a cooperative agreement to provide this service with one or more of the various law enforcement agencies in your community. For any cooperative agreement with another County agency, local districts are reminded that all cooperative agreements must have the prior approval of the Bureau of Financial Services in the Office of Temporary and Disability Assistance (OTDA) before claiming reimbursement. OTDA will share these cooperative agreements with the OCFs for review and approval. Such agreements may be either a fee-per-service arrangement based on a reasonable estimate of costs or based on an accumulation of actual costs each month for the cost of fingerprinting.

The third method of obtaining finger printed cards is to establish a fee-per-service contract. The local districts may pay a reasonable fee or, in the cases of new homes which have no foster children already placed, have the applicant pay the fee. Those local districts which opt to charge the prospective parents the fingerprinting fee may want to consider providing a policy exemption based on the income of the prospective parent (e.g., a sliding fee).

If the local district pays the fee, the costs will be reported as F17 function code expenditures. Any cooperative agreement costs should also be reported as F17 function code expenditures. These costs will be reported on the Schedule D-17 and carried through to a DSS-3922 labeled "ASFA" and reported in Section B Non-Personal Services on Line 8, Contractual Services. The costs will be claimed at 50% Federal Share, 25% State Share and 25% Local Share.

Voluntary agencies may also conduct fingerprinting on their own. Voluntary agencies who have children placed in their homes may pay for and separately bill the responsible local social services districts for costs incurred. A voluntary agency may also bill local social services districts for applicants based upon contractual agreements with the districts. The local districts will report these costs as F17 function code non-salary expenditures under object of expense code 19 for All Other Direct Expenditures on the DSS-923B "Schedule of Payments for Administrative Expenses other than Salaries." These costs will be brought forward to the Schedule D-17 "Distribution of Allocated Costs To Other Reimbursable Programs" and carried through to a DSS-3922 "Financial Summary for Special Projects." The DSS-3922 should be labeled "ASFA" and the costs reported in Section B Non-Personal Services on either Line 8, Contractual Services for

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the payments under the contractual agreements or Line 9, Other Non-Salary Expenses for the direct payments.

When a voluntary agency has a child placed directly with it as an adoptive placement (that is, care and custody of the child is not with a local social services commissioner), the agency may, at its discretion, pay the fee or have the applicant pay it. However, there is no reimbursement available for these payments from the district or the State.

Once the fingerprint cards are completed by either the social services district staff, a voluntary agency, or a contractor, they must be mailed directly to OCFS' Criminal History Review Unit, PO Box 839, Rensselaer, New York 12144-9953. The OCFS will be responsible for forwarding all cards to DCJS which will conduct a search for criminal history records. The statutorily required \$50 fee for such searches by DCJS will be paid by OCFS. Districts will be responsible for 25% of the fee which will be charged back to the local district on the RF-2 or RF 2a claim settlement.

The local share of the costs for the fees charged by the DCJS for performing the criminal history record check will be allocated to the social services districts on a quarterly basis based on the number of each district's children in foster boarding homes as compared to the total number of children in foster boarding homes Statewide. These costs charged to the social services districts will include the fees associated with conducting criminal history record checks on the fingerprints submitted by both local social services districts and voluntary agencies. The fees generated by the DCJS processing of cards submitted by voluntary agencies are the financial responsibility of the districts and may not be passed on to the agencies. The State share of such costs, including those costs generated by submissions from voluntary agencies, will be paid from an appropriation separate from and in addition to the district's Family and Children's Services Block Grant allocation.

Local districts will also be charged back on a quarterly basis for the local share of the costs of the fingerprinting unit at OCFS. None of the costs charged back for DCJS fees or the OCFS fingerprinting unit can be claimed for reimbursement since the chargebacks represent the local share.

The program contacts for questions related to ASFA should be directed to the appropriate Regional Office of the Office of Children and Family Services.

- BRO - Linda Brown (716) 847-3145 USER ID: 89D421
- RRO - Linda Kurtz (716) 238-8201 USER ID: 0FH010
- SRO - Jack Klump (315) 423-1200 USER ID: 89W005
- ARO - Bill McLaughlin (518) 432-2751 USER ID: 0FN010
- NYC - Gail Hallerdin (212) 383-1788 USER ID: AA0120
- YRO - Pat Sheehy (914) 377-2064 USER ID: not operational

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Any claiming questions regarding this LCM can be directed to:

Regions 1 through 4 - Roland Levie at 1-800-343-8859, extension 4-7549,
USER ID FMS001 or

Region 5 - Marvin Gold at (212) 383-1733, USER ID OFM270.

Melvin I. Rosenblat
Deputy Commissioner
for Administration