



Office of Children and Family Services

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Sheila J. Poole
Acting Commissioner

Local Commissioners Memorandum

Transmittal:	18-OCFS-LCM-07
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services/Youth and Young Adult Services
Date:	June 18, 2018
Subject:	Federal Fiscal Year 2018 Independent Living Allocations
Contact Person(s):	See page 5
Attachments:	Attachment A: District Allocations for the Chafee Foster Care Independence Program Funds, 10/1/17-9/30/18 Attachment B: Definitions of Independent Living Services Attachment C: Purchase of Service Codes Chart Attachment D: Eligibility for Chafee Services

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (LDSSs) of the Chafee Foster Care Independence Program (CFCIP) allocations from the Federal Fiscal Year (FFY) 2018 funds and unspent FFY 17 funds. The allocations contained in this memorandum's Attachment A may be used for Independent Living (IL) services expenditures made October 1, 2017, through September 30, 2018, and claimed by March 31, 2019. Such claims will be paid up to the amount of the allocation and subject to a 20 percent state/local match requirement. Unclaimed allocation amounts will be redistributed to other LDSSs that have claims in excess of the allocation or used to support the New York State Office of Children and Family Services (OCFS) activities related to implementation of the Chafee Foster Care Independence Act, allowing New York State to maximize its use of funds available under this federal funding stream.

LDSSs are advised that they must be in compliance with all provisions set forth in [02-OCFS-LCM-05](#), issued on February 28, 2002. Furthermore, LDSSs must be in compliance

with the assurances made to the U.S. Department of Health and Human Services (DHHS) listed in Attachment B of that memorandum, to be eligible for reimbursement from CFCIP funds.

II. Allocation Methodology

The FFY 2018 allocation for distribution to LDSSs represents 97 percent of the total FFY 2018 award of \$11,585,958 to New York State, resulting in an allocation to LDSSs of \$11,238,377 as well as \$441,796 in unclaimed FFY 17 awards. The remainder is being reserved by OCFS for two purposes: (1) to support OCFS activities related to the CFCIP; and (2) to support IL services for youth in direct care in OCFS-operated facilities and rehabilitative services programs. Please note, LDSSs are required to meet the IL services needs of eligible youth in OCFS custody placed in authorized voluntary agencies in the same manner and under the same criteria as youth in the custody of the commissioner of social services. Statewide, districts did not fully claim their FFY 17 CFCIP allocations; Attachment A shows a reallocation of these funds to all LDSSs using the same methodology that is used to allocate FFY 18 CFCIP. This funding is being offered one time only to help LDSSs maximize federal reimbursement.

The allocation methodology has two components: (1) potential IL population; and (2) IL expenditures. Half of the available funds are allocated to LDSSs based on the LDSS's potential IL population. Potential IL population is defined as youth 14 to 21 years of age who are in care on September 30, 2017. Each LDSS is allocated an amount equal to its proportion of the potential IL eligible population in relation to the total statewide potential IL eligible population. The remaining half of the available funds are allocated to LDSSs based on the LDSS's proportion of the statewide IL expenditures. IL expenditures are defined by IL claims for the period of October 1, 2016, through September 30, 2017, received by March 31, 2018.

These two parts are then added together to get each LDSS's FFY 2018 total CFCIP allocation, which appears in Attachment A. This approach affords the greatest degree of stability to LDSSs across program years. It balances population size with intensity of programming.

Please note, OCFS reserves the right to base future allocation methodologies on historical expenditures or potential population only.

III. Normative Experiences and the Reasonable and Prudent Parent Standards

On September 29, 2014, President Obama signed the Preventing Sex Trafficking and Strengthening Families Act [the Act] (P.L. 113-183) into law, which amended various provisions of Title IV-E of the Social Security Act. One of the primary purposes of the Act is to improve the safety, permanency, and well-being outcomes of children, youth, and young adults involved with the child welfare system. Section 111 of the Act, "Supporting Normalcy for Children in Foster Care," requires states to support normative experiences for children through the implementation of the reasonable and prudent parent standard. The standard allows for a foster parent or a designated employee of a child care facility to

make parental decisions that maintain the health, safety, and best interests of the child, as well as decisions about the child's participation in extracurricular, enrichment, cultural, and social activities that are age and developmentally appropriate, in a way that protects the child while allowing for normative experiences. For more information on normative experiences and the reasonable and prudent parent standard, see [15-OCFS-ADM-21, Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard.](#)

Normative experiences are age and developmentally appropriate activities and opportunities that promote the healthy cognitive, social, emotional, physical, and educational development of children, youth, and young adults, regardless of involvement in the child welfare system. Examples of normative experiences include participating in school clubs and sports, attending summer camp, sleeping overnight at a friend's house, dating, obtaining a driver's license, volunteering in the community, and working at a part-time job. Many of these activities have a cost associated with them. The rate received by a foster boarding home or congregate care facility is expected to cover costs for routine activity expenses, including routine activities that would qualify as normative experiences. However, costs of normative activities that are non-routine and that can be tied to activities that would promote independent living, such as obtaining a driver's license, items needed for a part-time job, etc., may be an allowable expense under the CFCIP allocations as well as special payment under 18 NYCRR 427.3(c).

IV. Claiming

In accordance with federal law, CFCIP funds may be used to **supplement** but not to supplant any other funds that are available for the same general purposes in the state, see 42 U.S.C. 677 (d). This means that LDSSs may not use CFCIP funds to reduce the amount of other funds LDSSs have expended for these costs. Therefore, an LDSS may claim CFCIP funds for expenditures for IL services that are directly provided to program recipients by the LDSS staff, provided that the CFCIP funds are supplementing but not supplanting other funds that may be available for such services. These services can be found in Attachment B and a purchase of service code chart in Attachment C.

Claims can be made based under the following circumstances¹:

- Youth in foster care who have experienced foster care at age 14 or older can be provided independent living services through their 21st birthday, to help such youth achieve meaningful, permanent connections with a caring adult; and to help such youth engage in developmentally appropriate activities, positive youth development, and experiential learning that reflects what their peers experience in intact families. See Attachment B for a list of allowable services and conditions.
- Youth who have aged out of foster care at age 18 or older. Youth who have aged out of foster care at age 18, 19 or 20 can be provided independent living services such as financial, housing, counseling, employment, education and other appropriate support and services to complement their own efforts to achieve self-sufficiency so that they may recognize and accept their personal responsibility for preparing for and then making the transition to adulthood until their 21st birthday. See Attachment B for a list of allowable services and conditions based on age.

- Youth who have exited foster care to adoption or legal guardianship after attaining the age of 16. Youth who are adopted or exit to legal guardianship after attaining 16 years of age can be provided independent living services such as financial, housing, counseling, employment, education and other appropriate support and services to complement their own efforts to achieve self-sufficiency so that they may recognize and accept their personal responsibility for preparing for and then making the transition to adulthood until their 21st birthday. See Attachment B for a list of allowable services and conditions.
- Youth who have experienced foster care at age 14 or older and have exited foster care for reasons other than adoption, legal guardianship, or aging out of foster care. For example, youth who have been reunified, can be provided independent living services such as financial, housing, counseling, employment, education and other appropriate support and services to complement their own efforts to achieve self-sufficiency so that they may recognize and accept their personal responsibility for preparing for and then making the transition to adulthood until their 21st birthday. See Attachment B for a list of allowable services and conditions.

Any claim for IL services that exceeds an LDSS's CFCIP allocation is subject to 62 percent state reimbursement, provided that the LDSS meets threshold requirements and performance, or outcome-based provisions. Therefore, it is important that LDSSs submit all claims for the FFY 2018 CFCIP funds.

CFCIP expenditures are claimed on the Schedule RF-4, *Independent Living Program for Foster Care Children* (LDSS-3871). Refer to the *Fiscal Reference Manual*, [Volume 2, Chapter 3](#), for instructions on completing the RF-4 claim. The *Fiscal Reference Manual* is available on the New York State Office of Temporary and Disability Assistance (OTDA) intranet site at <http://otda.state.nyenet/bfdm/finance>.

CFCIP funds are available to provide reimbursement of 80 percent of an LDSS's expenditures, up to the amount of the allocation. Districts may meet the 20 percent match for expenditures claimed under the CFCIP by use of in-kind and donated funds as described in [00-OCFS-LCM-32](#), *Federal Fiscal Year 1999-2000 Independent Living Allocations*. The 20 percent match for expenditures claimed under the CFCIP is eligible for 62 percent state reimbursement, subject to child welfare threshold requirements and performance or outcome based provisions.

For expenditures exceeding the LDSS's CFCIP allocation, IL expenditures are eligible for 62 percent state reimbursement, subject to the child welfare threshold requirements and performance or outcome-based provisions. Any donated funds or in-kind services that are a part of those expenditures and claimed for 62 percent state reimbursement are subject to special rules. Refer to section V of 02-OCFS-LCM-05, *Federal Fiscal Year 2000-2001 Independent Living Allocations*, and to 02-OCFS-LCM-20, *Donated Funds, Child Welfare Finance*.

For further guidance on eligibility please see attachment D.

V. Direct Charges

LDSSs' administration costs related to IL cases are considered regular foster care administration (Title IV-E or Non-Title IV-E eligible). Therefore, these costs should not be reported on the Schedule RF-4.

An LDSS's spending for IL services is accounted for outside of the LDSS's claim for IL services (academic support services, vocational training, IL skills, and/or aftercare services) that are directly provided by the LDSS staff to program recipients. These expenditures should be claimed on Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program*, as an F30 function. From the F30 function, the LDSS should report these expenditures in the proper category of service on the Schedule RF-4.

VI. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance and federally funded CFCIP services to youth who have aged out of foster care and have not attained 21 years of age (see also 42 U.S.C. § 677(b)(3)(A)). Therefore, if a youth meeting the criteria above, i.e., aged out of foster care and has not yet attained 21 years of age, moves from the state in which he or she aged out of foster care to another state, he or she is eligible for IL services in the new state. If a youth meets this eligibility criteria, IL services must be paid for by the LDSS where the youth resides. The LDSS must treat the youth as it would any other youth who is eligible to receive CFCIP services in New York State.

Additional information can be found at:

Health and Human Services Child Welfare Policy Manual, Chapter 3 - Independent Living.
https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=3

VII. Contact Names

General questions about IL services should be directed to your OCFS regional office:

BRO – Amanda Darling (716) 847-3145; Amanda.Darling@ocfs.ny.gov

RRO – Karen Lewter (585) 238-8549; Karen.Lewter@ocfs.ny.gov

SRO – Sara Simon (315) 423-1200; Sara.Simon@ocfs.ny.gov

ARO – John Lockwood (518) 486-7078; John.Lockwood@ocfs.ny.gov

SVRO – Yolanda Désarmé (845) 708-2499; Yolanda.Desarme@ocfs.ny.gov

NYCRO – Ronni Fuchs (212) 383-1788; Ronni.Fuchs@ocfs.ny.gov

Native American Services- Heather LaForme; (716) 847-3123;
Heather.LaForme@ocfs.ny.gov

Close to Home Oversight-Jewel Brown-Gregory (212) 383-1828;
Jewel.Brown-Gregory@ocfs.ny.gov

Questions pertaining to **claiming** should be directed to the Office of Temporary and Disability Assistance (OTDA), Bureau of Financial Services:

Regions I-IV: Dan Stuhlman (518) 474-7549
Dan.Stuhlman@otda.ny.gov

Region V and VI: Michael Simon (212) 961-8250
Michael.Simon@otda.ny.gov

Questions pertaining to the **allocations** should be directed to:

Shonna Clinton, Local Operations Manager, (518) 474-1361
Shonna.Clinton@ocfs.ny.gov

/s/ Laura Velez

Issued By:

Name: Laura Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services

Attachment A			
DISTRICT ALLOCATIONS			
CHAFEE FOSTER CARE INDEPENDENCE PROGRAM (CFCIP) FUNDS			
10/1/17 TO 9/30/18			
District	FFY 18 Allocation	FFY 17 Additional Allocation	Total Allocation
Albany	\$87,254	\$3,430	\$90,684
Allegany	\$11,601	\$456	\$12,057
Broome	\$121,675	\$4,783	\$126,458
Cattaraugus	\$24,744	\$973	\$25,717
Cayuga	\$22,510	\$885	\$23,395
Chautauqua	\$42,502	\$1,671	\$44,173
Chemung	\$20,405	\$802	\$21,207
Chenango	\$12,480	\$491	\$12,971
Clinton	\$31,808	\$1,250	\$33,058
Columbia	\$64,138	\$2,521	\$66,659
Cortland	\$18,734	\$736	\$19,470
Delaware	\$28,663	\$1,127	\$29,790
Dutchess	\$110,792	\$4,355	\$115,147
Erie	\$598,687	\$23,535	\$622,222
Essex	\$10,917	\$429	\$11,346
Franklin	\$37,556	\$1,476	\$39,032
Fulton	\$18,764	\$738	\$19,502
Genesee	\$49,033	\$1,928	\$50,961
Greene	\$22,312	\$877	\$23,189
Hamilton	\$818	\$32	\$850
Herkimer	\$30,750	\$1,209	\$31,959
Jefferson	\$22,616	\$889	\$23,505
Lewis	\$286	\$11	\$297
Livingston	\$10,196	\$401	\$10,597
Madison	\$11,395	\$448	\$11,843
Monroe	\$383,811	\$15,088	\$398,899
Montgomery	\$19,025	\$748	\$19,773
Nassau	\$192,018	\$7,548	\$199,566
Niagara	\$86,836	\$3,414	\$90,250
Oneida	\$150,404	\$5,913	\$156,317
Onondaga	\$275,391	\$10,826	\$286,217
Ontario	\$34,389	\$1,352	\$35,741
Orange	\$167,697	\$6,592	\$174,289
Orleans	\$23,268	\$915	\$24,183
Oswego	\$32,795	\$1,289	\$34,084
Otsego	\$14,471	\$569	\$15,040
Putnam	\$6,099	\$240	\$6,339
Rensselaer	\$46,281	\$1,819	\$48,100
Rockland	\$100,306	\$3,943	\$104,249
St. Lawrence	\$97,629	\$3,838	\$101,467
Saratoga	\$49,591	\$1,950	\$51,541
Schenectady	\$123,425	\$4,852	\$128,277

District	FFY 18 Allocation	FFY 17 Additional Allocation	Total Allocation
Schoharie	\$21,035	\$827	\$21,862
Schuyler	\$7,675	\$302	\$7,977
Seneca	\$18,876	\$742	\$19,618
Steuben	\$56,165	\$2,208	\$58,373
Suffolk	\$317,099	\$12,466	\$329,565
Sullivan	\$99,999	\$3,931	\$103,930
Tioga	\$12,862	\$506	\$13,368
Tompkins	\$59,742	\$2,349	\$62,091
Ulster	\$85,532	\$3,362	\$88,894
Warren	\$18,394	\$723	\$19,117
Washington	\$9,168	\$360	\$9,528
Wayne	\$10,645	\$418	\$11,063
Westchester	\$594,488	\$23,370	\$617,858
Wyoming	\$14,868	\$584	\$15,452
Yates	\$5,661	\$223	\$5,884
St. Regis Mohawk	\$1,637	\$64	\$1,701
Upstate	\$4,547,918	\$178,784	\$4,726,702
New York City	\$6,690,461	\$263,012	\$6,953,473
Statewide	\$11,238,379	\$441,796	\$11,680,175

Attachment B

Definitions of Independent Living Services

Independent Living Services received by youth must be reported every 6 months in the Service Needs Section of the Family Assessment Service Plan (FASP).

(Agency refers to Local Department of Social Services or Voluntary Agency)

1. IL-Independent Living Needs Assessment:

- An independent living needs assessment is a systematic procedure to identify a youth's basic skills, emotional and social capabilities, and strengths and needs to match the youth with appropriate independent living services. It may assess the youth's knowledge of basic living skills, job readiness, money management abilities, decision making skills, goal setting, task completion, and transitional living needs. The assessment is a required first step in matching the youth to appropriate services and determining the youth's strengths and needs in transitioning into self-sufficiency.

2. IL-Academic Support:

- Academic supports are services designed to help a youth complete high school or complete classes for the Test Assessing Secondary Completion (TASC). It includes activities such as academic counseling, preparation for TASC, tutoring, help with homework, literacy training, study skills training, and help accessing educational resources. Academic support does not include tuition for a public or private high school, transportation to and from school, or post-secondary supports. Post-secondary supports are covered under #3.

3. IL-Post Secondary Educational Support:

- Services designed to help a youth enter or complete a 2- or 4-year college or vocational program. Services may include but are not limited to: classes for test preparation (i.e., SAT/ACT), college counseling, assistance applying for college, help with loan applications, securing financial aid, tutoring, college tours.
- General Chafee Funding is available to provide education supports to current, or former foster care recipients who are between 18 and 21 years of age who experienced foster care at age 14 years or older.

4. IL-Career Preparation:

- Services that develop a youth's ability to find, apply for, and retain appropriate employment. Career preparation refers to general skills that help a youth obtain and retain employment, and may include the following types of instruction and support services:
 - Vocational and career assessment
 - Career exploration and planning

- Guidance in setting and assessing vocational and career interests and skills
- Help matching interests and abilities with vocational goals
- Job seeking/placement support
- Identifying potential employers
- Writing resumes
- Completing job applications
- Developing interview skills
- Job shadowing
- Receiving job referrals
- Using career resource libraries
- Understanding employee benefits coverage
- Securing work permits
- Retention support, including job coaching, how to work with employers and other employees
- Understanding workplace values such as timeliness and appearance
- Understanding authority and customer relationships
- May also include obtaining drivers permit or license, driving lessons, auto insurance.

5. IL-Employment Programs or Vocational Training:

- Programs and trainings intended to build youth's skills for a specific trade, vocation or career through classes or on-site training. Employment programs/vocational training refers to programs and training that help youth gain expertise and skills in a specific field or profession.
- Employment programs include but are not limited to:
 - Youth participation in apprenticeship, internship, or summer employment programs. This does not include any jobs secured by the youth alone.
- Vocational training includes but is not limited to:
 - Youth's participation in vocational or trade programs
 - Training in occupational classes for such skills as cosmetology, auto mechanics, building trades, nursing, computer science, and other current or emerging employment sectors.

6. IL-Budget and Financial Management:

- Budget and financial management assistance includes but is not limited to the following types of training and practice:
 - Living within a budget
 - Opening and using a checking and savings account
 - Balancing a bank account
 - Developing consumer awareness (security and privacy)
 - Developing smart shopping skills
 - Accessing information about credit, loans, and taxes
 - Filling out and filing tax forms

7. IL-Housing Education and Home Management Training:

- Housing education includes but is not limited to assistance or training in:
 - Locating and maintaining housing:
 - Filling out rental applications and acquiring a lease
 - Handling security deposits and utilities
 - Understanding practices for keeping a healthy and safe home
 - Understanding tenants' rights and responsibilities
 - Handling landlord complaints
- Home Management includes but is not limited to instructions in:
 - Food preparation
 - Laundry
 - Housekeeping
 - Living cooperatively with others
 - Meal planning
 - Grocery shopping
 - Basic maintenance and repairs

8. IL-Health Education and Risk Prevention:

- Providing information to youth about the following:
 - Hygiene
 - Nutrition
 - Fitness and exercise
 - First aid
 - Medical and dental care benefits
 - Health care resources and insurance
 - Prenatal care and maintaining personal medical records
 - Sex education, abstinence education, HIV, and sexually transmitted disease prevention
 - Education and information about sexual development and sexuality
 - Pregnancy prevention and family planning
 - Substance abuse prevention and intervention, including education and information about the effects and consequences of substance use (alcohol, drugs, tobacco) and avoidance and intervention.
- It **does not** include youths actual receipt of direct medical care substance abuse treatment, mental health services, or dental.

9. IL-Family Support and Healthy Marriage Education:

- Services include education and information about safe and stable families, healthy marriages, spousal communication, parenting responsible fatherhood, childcare skills, teen parenting, domestic and family violence prevention.

10. IL-Mentoring:

- Programs or services in which a youth is matched with a screened trained adult for a one-on-one relationship that involves the two meeting on a regular basis. Mentoring can be short-term but it may also support the development of a long-term relationship. While youth often are connected to adult role models through school, work or family, this service category only includes a mentor relationship

that has been facilitated, paid for or provided by the agency. It only captures established mentoring programs, not informal interactions between a youth and an adult.

11. IL-Supervised Independent Living:

- Situation where the youth is living independently under a supervised arrangement that is paid for or provided by the agency. A youth in supervised independent living is under the supervision of an adult, although not 24 hours a day, and often is provided with increased responsibilities, such as paying bills, assuming leases and working with a landlord.

12. IL-Room and Board Financial Assistance:

- Room and board financial assistance is a payment that is paid for or provided by the agency and Includes: rent, deposits, utilities, and other household start-up expenses.
- Counties can spend up to 30 percent of their Chafee allocation on room and board for youth who have aged out of foster care and have not attained 21 years of age.

13. IL-Education Financial Assistance:

- Financial assistance the youth received financial assistance for education. This includes but is not limited to:
 - Financial assistance for textbooks, uniforms, computers, and other educational supplies and materials
 - Tuition assistance and scholarships
 - Payment for educational preparation and support services (i.e., tutoring), and payment for TASC and other educational tests and application fees
 - Educational training vouchers (ETV) for college tuition or vocational education or tuition waiver programs.

14. IL-Other Financial Assistance:

- Any other type of financial assistance to a youth to help the transition from foster care to self-sufficiency. Such assistance may include but is not limited to: stipends, payments for household expenses, subsidized transportation, or payments for business attire for job or college interviews.

WMS system implications: current edits for POS 82, 84, 85, and 87 require either Direct Service type 08 or IL. If RB is the POS type, then IL must be used as the Direct Service type; 08 is not allowed as Direct Service type for RB.

	POS 82 Aftercare	POS 84 IL Skills	POS 85 Vocational Skills	POS 87 Academic Support Services	POS 89 IL Stipends	POS RB Room and Board (18-20)
IL Needs Assessment		X				
Academic Support				X		
Post-Secondary Ed. Support				X Not tuition		
Career Preparation		X				
Employment Prog./Vocational Training		X	X			
Budget and Financial Management		X				
Housing Education and Home Management Training		X				
Health Education and Risk Prevention		X				
Family Support and Healthy Marriage Education		X				
Room and Board Financial Assistance						X Limited to 18-20 for POS

Educational Financial Assistance				X		
IL Stipends					X Limited to ages 16-20	
Other Financial Assistance		X				

Attachment D: Eligibility for Chafee Services

Minimum age	Age 14
Maximum age	21 st birthday
Eligibility for youth in foster care	Youth who have experienced foster care at age 14 or older are eligible for Chafee services. This means any youth in foster care, including extended foster care, may be served starting at age 14 up through their 21 st birthday.
Eligibility for youth who aged out of foster care at age 18 or older	Youth who aged out of foster care at age 18, 19 or 20 may be served up until their 21 st birthday.
Eligibility for youth who exited foster care to adoption or legal guardianship	Youth who exited foster care to either adoption or legal guardianship after attaining age 16 may be served until their 21 st birthday.
Eligibility for youth who exited foster care for reasons other than adoption, legal guardianship or aging out of foster care	Youth who exited foster care for reasons other than adoption, guardianship or aging out of foster care (e.g., youth who were reunified) may be served if they experienced foster care at age 14 or older. These youths may be served until their 21 st birthday.