



Office of Children and Family Services

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Administrative Directive

Transmittal:	19-OCFS-ADM-07
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development Child Welfare and Community Services
Date:	August 6, 2019
Subject:	FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Home Finding Supervisors CONNECTIONS Implementation Coordinators
Contact Person(s):	Please see section VI.
Attachments:	Foster/Adoptive Parent Certification/Approval Process (Pub-5183i) Clearance Chart for Certified or Approved Foster Homes (Pub-5183ii) Self-Assessment (OCFS-5183A) Foster/Adoptive Parent Application (OCFS-5183B) Application to Adopt (OCFS-5183C) Foster/Adoptive Applicant Medical Report (OCFS-5183D) Safety Review Form (OCFS-5183E) Household Composition and Relationships (OCFS-5183F) Sample Genogram Template (OCFS-5183G) Personal References (OCFS-5183H) Resource Characteristics (OCFS-5183I) Foster Parent Agreement With Authorized Agency (OCFS-5183J) Final Assessment and Determination (OCFS-5183K)

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law and Other Legal Ref.	Manual Ref.	Misc. Ref.
18-OCFS-ADM-07		18 NYCRR Part 443	Section 378-a of the SSL		
18-OCFS-ADM-05			Family First Prevention Services Act (P.L. 115-123)		
18-OCFS-INF-06					

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the release of the Federal Family First Prevention Services Act (FFPSA) model licensing standards and the alignment of New York State's process for certifying or approving foster homes with the model standards. This ADM also releases the updated forms that must be used by LDSSs and VAs when certifying or approving foster or foster/adoptive homes.

II. Background

On April 16, 2018, OCFS released 18-OCFS-ADM-07, *Foster/Adoptive Home Certification or Approval Process*, which reminded LDSSs and VAs of the regulatory requirements regarding certifying and approving foster homes, and it also released and outlined standardized forms that must be used by all LDSSs and VAs to support the foster/adoptive home certification or approval process. New York State standards and the process for certifying or approving foster homes are clearly outlined in this ADM as well as in 18 NYCRR Part 443.

On February 9, 2018, President Trump signed the Bipartisan Budget Act of 2018 (P.L. 115-123) into law, which includes the Family First Prevention Services Act (FFPSA). The FFPSA made significant changes to various sections of Titles IV-E and IV-B of the Social Security Act (SSA) with the intent to keep children safely at home with their families, and, when that is not possible, to utilize the least restrictive form of placement appropriate for the needs of the child.

This ADM only focuses on section 50731 of P.L. 115-123, which consists of five parts:

- The first part directs the U.S. Department of Health and Human Services (DHHS) to "identify reputable model licensing standards with respect to licensing of foster family homes."
- The second part requires states to provide DHHS with specific information about whether the state standards for certifying or approving foster family homes are in accord with model licensing standards identified by DHHS and if not, the reason for any differences and a description as to why having a standard that is reasonably in accord with the corresponding national model standard is not appropriate for the state.
- The third part also requires states to provide information about whether non-safety standards are waived for relative foster homes, in accordance with federal waiver

- authority, a description of which standards the state most commonly waives and if the state has elected not waiving, the reason for not waiving the standards.
- The fourth part requires that if the state has elected to waive standards for relative foster homes, how caseworkers are trained to use the waiver authority and whether the state has developed a process or provides tools to assist caseworkers in waiving non-safety standards to quickly place children with relatives.
 - The fifth part requires that the state provide a description of the steps the state is taking to improve casework training or the process, if any.

The Children's Bureau (CB) drafted the proposed *National Model Family Foster Home Licensing Standards* (Model Standards) by relying heavily upon the National Association for Regulatory Administration (NARA) standards. The CB assessed whether these materials shared purposes, standards, and categories to support the conclusion that the NARA standards were appropriate to use as a main source for the Model Standards. Through its review, CB determined that while it is important for standards to be flexible for Title IV-E agency implementation, overall, the standards reviewed shared many commonalities. Further, the NARA standards are based in significant research and input from experts in the field; therefore, we [CB] consider them the best available resource to base a federal standard on, and reasonably flexible for Title IV-E agency implementation.¹

The CB published proposed Model Standards in the *Federal Register* for a 60-day comment period on August 1, 2018. The comment period ended on October 1, 2018. In response, the CB received 1,273 comments, including comments from states, Indian tribes/consortiums, organizations representing state or tribal interests, national public advocacy groups, private providers, private citizens, and universities.²

On February 4, 2019, CB released the *final Model Standards* as required by the FFPSA via [ACYF-CB-IM-19-01](#). The final Model Standards include eight categories, which in general assess whether the applicant has the capacity to care for a child in foster care, and if the physical home of the family is appropriate and safe for a child in foster care. Consistent with the proposed model standards, the final Model Standards strike a balance between allowing for individual circumstances, while establishing minimum requirements. The complete final Model Standards can be found in [ACYF-CB-IM-19-01](#). By April 1, 2020, OCFS will need to submit a Title IV-E State Plan amendment to the Administration for Children and Families (ACF) detailing whether New York State standards for certifying or approving foster family homes are consistent with the final Model Standards identified by DHHS, and the reasons for any differences, if any.

When the final Model Standards were released, OCFS completed a crosswalk between the final Model Standards and existing OCFS regulations and with policy and forms³ released via 18-OCFS-ADM-07. OCFS determined that New York State is in substantial compliance with the final Model Standards, and that only a few edits to the foster home certification/approval forms were required. The changes made due to the final Model Standards are discussed in greater detail in section III, Program Implications.

While editing forms OCFS-5183A-K and Pub.5183i, to address the final Model Standards, OCFS also made non-substantive edits to the forms, including formatting errors,

¹ ACYF-CB-IM-19-01.

² ACYF-CB-IM-19-01

³ OCFS-5183ii, A-K.

organization, and wording edits that were recommended by LDSSs, VAs, and other various stakeholders since the release of the forms.

While this ADM does not make any changes to the certification/approval process outlined in [18-OCFS-ADM-07](#), the updated forms attached to this ADM replace the forms attached to [18-OCFS-ADM-07](#). See section IV, Required Action, for more information on the timeline for the transition to the updated forms. These forms are also to be used by LDSSs and VAs when certifying or approving foster or foster/adoptive homes for requests received through the Interstate Compact on the Placement of Children (ICPC).

III. Program Implications

The final Model Standards are divided into eight categories of which some are further divided into subcategories.

- A. Foster Family Home Eligibility
 - a. Threshold Requirements
 - b. Physical and Mental Health
 - c. Background Checks
 - d. Home Study
- B. Foster Home Health and Safety
 - a. Living Space
 - b. Condition of Home
- C. Foster Home Capacity
- D. Foster Home Sleeping Arrangements
- E. Emergency Preparedness, Fire Safety, and Evacuation Plans
- F. Transportation
- G. Training
- H. Foster Parent Assurances

Edits were made to some of the foster/adoptive home certification/approval forms to incorporate the final Model Standards from the categories of foster family home eligibility and foster home health and safety. There were no changes to the foster home certification/approval forms to incorporate Model Standards from the six other categories. For a listing of all of the Model Standards see [ACYF-CB-IM-19-01](#).

A. Foster Family Home Eligibility

a. Threshold Requirements

- iv. At least one applicant in the home must have functional literacy, such as having the ability to read medication labels.
 - In the *Final Assessment and Determination* (OCFS-5183K), Section II, Regulatory Requirements, the following question was added as #8 “Does at least one applicant in the home have functional literacy (in their primary language)?”

b. Physical and Mental Health

- i. All household members must disclose current mental health and/or substance abuse issues.
 - In the *Household Composition and Relationships Form* (OCFS-5183F), Section IV, Psychosocial Interview, the title of

“Behavioral Health” was changed to “Behavioral Health for All Household Members.”

- ii. All household members must provide information on their physical and mental health history, including any history of drug or alcohol abuse or treatment.
 - In the *Household Composition and Relationships Form* (OCFS-5183F), Section IV, Psychosocial Interview, under areas for consideration, the following question was added “Is anyone in the household currently or was in the past under treatment for substance abuse (drugs/alcohol) or mental health issues?”

B. Foster Home Health and Safety

a. Living Space

- iv. A working phone or access to a working phone in close walking proximity.
 - In the *Safety Review Form* (OCFS-5183E), the following question was added as II-j “Is there a working phone in the home or access to a working phone in close walking proximity?”

b. Condition of Home

- v. Have conditions that prevent the child’s access, as appropriate for his or her age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
 - In the *Safety Review Form* (OCFS-5183E), the following was included in question II(i) “medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages kept secure and safely from the reach of children (as appropriate to the children’s age and development).”

H. Foster Parent Assurances

- a. Applicants will not use corporal or degrading punishment.
 - In the *Foster Parent Agreement With Authorized Agency* (OCFS-5183J), the following was added as #17 “Refrain from the use of the following as methods of discipline for children in the home: deprivation of meals and/or snacks, contact with family, room isolation, solitary confinement, and/or corporal punishment.”
- b. Applicants will not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and/or nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated.
 - In the *Foster Parent Agreement With Authorized Agency* (OCFS-5183J), the following was added as #16 “Refrain from: the use of any illegal substances, abusing alcohol by consuming it in excess amounts, and/or

misusing legally prescribed and/or nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated.”

IV. Required Action

All LDSSs and VAs must utilize the updated forms released with this ADM for an applicant(s) that expresses an interest in becoming a foster/adoptive parent(s) after the issuance of this ADM.

For all applicant(s) whose homes are in inquiry status, and who have completed parts of the process using the forms released prior to this ADM, they may continue to use those tools and do not need to redo them. However, if the *Final Assessment and Determination* (OCFS-5183K) under the Home Study Narrative is not already launched, it must be replaced with the updated version released with this ADM.

Within four months of the release of this ADM, all LDSSs and VAs must be using the forms released with this ADM.

V. Systems Implications

The FAD section of CONNECTIONS will be edited to incorporate the updated *Final Assessment and Determination* (OCFS-5183K) by replacing the existing templates in the Home Study Narrative.

VI. Contacts

Any questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

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VII. Effective Date

This policy directive is effective immediately.

/s/ Lisa Gharthey Ogundimu, Esq.

Issued by:

Name: Lisa Gharthey Ogundimu, Esq.

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services