



# Office of Children and Family Services

**Andrew M. Cuomo**  
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Commissioner

## Informational Letter

|  |   |                  |   |                    |                                 |
|--|---|------------------|---|--------------------|---------------------------------|
| <b>Transmittal:</b>                            | 21-OCFS-INF-04  |                  |   |                    |                                 |
| <b>To:</b>                                     | Commissioners of Social Services<br>Executive Directors of Voluntary Authorized Agencies  |                  |   |                    |                                 |
| <b>Issuing Division/Office:</b>                | Youth Development and Partnerships for Success  |                  |   |                    |                                 |
| <b>Date:</b>                                   | June 25, 2021   |                  |   |                    |                                 |
| <b>Subject:</b>                                | <b>Temporary Federal Changes to Chafee, ETV and Title IV-E</b>  |                  |   |                    |                                 |
| <b>Suggested Distribution:</b>                 | <b>For Example:</b><br>Directors of Social Services<br>Adoption Supervisors<br>Planning Coordinators<br>Staff Development Coordinators<br>Runaway and Homeless Youth Programs<br>Municipalities |                  |   |                    |                                 |
| <b>Contact Person(s):</b>                      | See page 4.   |                  |   |                    |                                 |
| <b>Attachments:</b>                            | Appendix A: Chart for Timeframes  |                  |   |                    |                                 |
|  |   |                  |   |                    |                                 |
| <b>Previous ADMs/INFs</b>                      | <b>Releases Cancelled</b>   | <b>NYS Regs.</b> | <b>Soc. Serv. Law &amp; Other Legal Ref.</b>  | <b>Manual Ref.</b> | <b>Misc. Ref.</b>               |
| 21-OCFS-ADM-07; 21-OCFS-INF-02; 21-OCFS-LCM-07 |   |                  | Public Law (P.L.) 116-260, Division X and Section 305 of Title III of Division CC of the Consolidated Appropriations Act, 2021, enacted December 27, 2020; Part FF of Chapter 56 of the Laws of 2021. |                    | ACYF-CB-IM-21-05; ACYF-CB-PI-04 |

## I. Purpose

The purpose of this Informational Letter (INF) is to inform local departments of social services (LDSSs) and voluntary agencies (VAs) of the impact of the P.L. 116-260 Consolidated Appropriation Act Division X, Section 3 and 4.

## II. Background

On December 27, 2020, the P.L. 116-260 Consolidated Appropriation Act (the Act) was signed into law. The Act makes various temporary changes to federal child welfare programs due to the COVID-19 pandemic emergency. The federal government announced funding to support youth in foster care through the pandemic by supplementing the John H. Chafee (Chafee) program and the Education Training Voucher (ETV) program. In addition, flexibilities were announced in Title IV-E to allow 21-year-olds to voluntarily remain in or reenter foster care.

## III. Program Impact for Section 3 of Division X of P.L. 116-260

### a. Additional Chafee Funding

New York State (NYS) has been allocated an additional \$12,961,217 in Chafee funds. The allowable uses of the additional funds include providing cash assistance directly to youth through an online application portal. The additional Chafee funds are intended to provide support to youth

- age 18 up to 27 who were in foster care in NYS on or after the age of 14. The ability for an individual to receive direct cash assistance up to age 27 ends on September 30, 2021.
  - Youth who are 20 years of age and older and are still in foster care are eligible for direct cash assistance to support their transition out of foster care through September 30, 2021.
- Starting October 1, 2021, through September 30, 2022, direct cash assistance will be provided to youth who are otherwise eligible for Chafee funding in NYS. This means that as of October 1, 2021, the eligible age to receive cash assistance will no longer go up to age 27. The eligible age to receive the direct cash assistance will be 18 up to age 21 from October 1, 2021, to September 30, 2022.
  - Youth who are 20 years old and still in foster care will continue to be eligible for the direct cash assistance to support their transition out of foster care through September 30, 2022.
  - Other eligible youth in foster care should receive services, resources, and financial assistance through the LDSS's annual Chafee allocations.

Due to the large number of young adults who may be eligible, the funds will be disbursed on a first-come, first-served basis.

Young adults who received assistance through the Family First Transition Act (FFTA) between March 1, 2020, and March 31, 2021, will NOT be eligible for the additional Chafee funds noted above.

Additional Chafee funds MUST be reported as income for young adults in receipt of Temporary Assistance for Needy Families or state public assistance benefits. However, any funds that a youth receives and uses for transportation expenses does not need to be reported as income for any other federally funded assistance program. (Section 3(d)(4)(B) of Division X of P.L. 116-260 Consolidated Appropriation Act).

#### **b. Additional ETV Funding**

NYS has been allocated an additional \$1,883,898 for ETV funds. This funding increases the maximum ETV award from up to \$5,000 to up to \$12,000 per eligible young adult. This increased funding is temporary. Details on the duration of its availability is found below.

The following is a list of the initial eligibility requirements for first-time applicants of ETV. An applicant must

- be under the age of 21 years old to be initially eligible for the ETV program;
- be a U.S. citizen or qualified non-citizen; and
- be enrolled in or attending a post-secondary education or training program at an “institution of higher education,” as defined in 20 U.S.C. §§ 1001 and 1002.

In addition, the applicant must have been

- in foster care on or after the applicant’s 14th birthday and otherwise eligible for services under Chafee; or
- in the custody of the New York State Office of Children and Family Services (OCFS), placed in a non-secure facility or on aftercare status on or after their 14<sup>th</sup> birthday; or
- adopted or have entered KinGAP from foster care at age 16 or older.

The increase of the additional funds is available through September 30, 2022.

Guidelines for eligibility are defined below:

- Youth can continue to receive the additional ETV award up to age 23 until September 30, 2022.
- Youth who received the additional ETV award before turning 21 can continue to receive ETV up to age 27 until September 30, 2021.
- The requirement of satisfactory academic progress toward completing their post-secondary education or training program has been temporarily waived if the youth has been impacted due to COVID-19 until September 30, 2021.
- ETV funding may be used for expenses that are not part of the cost of attendance to a post-secondary or training program, The funds can be used to help support the youth to remain enrolled in a post-secondary or training program until September 30, 2021.

#### IV. Program Impact for Section 4 of Division X of P.L. 116-260

##### a. Aging Out and Reentry to Foster Care

There is a moratorium on youth aging out of foster care, which allows 21-year-olds to remain in care. Furthermore, youth who left foster care during the COVID-19 health emergency are eligible to reenter care.

For the period of *December 27, 2020, to September 30, 2021,*

- youth who are currently in foster care may not be discharged solely due to age.

For the period of *January 27, 2020, to September 30, 2021,*

- youth who are 21 and have left foster care during the above time frame may reenter foster care until September 30, 2021.

#### V. Contacts

General questions about P.L. 116-260 should be directed to your OCFS regional office:

BRO – Amanda Darling (716) 847-3145, [Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

RRO – Christopher Bruno (585) 238-8549, [Christopher.Bruno@ocfs.ny.gov](mailto:Christopher.Bruno@ocfs.ny.gov)

SRO – Sara Simon (315) 423-1200, [Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

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NYCRO – Ronni Fuchs (212) 383-1788, [Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

Native American Services – Heather LaForme (716) 847-3123  
[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

Close to Home Oversight – Jewel Brown-Gregory (212) 383-1828  
[Jewel.Brown-Gregory@ocfs.ny.gov](mailto:Jewel.Brown-Gregory@ocfs.ny.gov)

If you have any questions about the Chafee online portal, please email [Chafee@ocfs.ny.gov](mailto:Chafee@ocfs.ny.gov).

*/s/ Nina Aledort, Ph.D., LMSW*

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#### Issued by:

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Title: Deputy Commissioner

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