



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	21-OCFS-LCM-32
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success
<b>Date:</b>	November 18, 2021
<b>Subject:</b>	<b>Revised Federal Fiscal Year 2020 John H. Chafee Foster Care Program for Successful Transition to Adulthood: Independent Living Allocations</b>
<b>Contact Person(s):</b>	See pages 5 and 6.
<b>Attachments:</b>	Attachment A: <i>District Allocations for the John H. Chafee Foster Care Program for Successful Transition to Adulthood: 10/1/19-9/30/20</i> Attachment B: <i>Definitions of Independent Living Services</i> Attachment C: <i>Purchase of Service Codes Chart</i> Attachment D: <i>Eligibility for Chafee Services</i> Attachment E: <i>Attachment for U.S. Department of Health and Human Services Grants</i>

### I. Purpose

The purpose of the John H. Chafee Foster Care Program for Successful Transition to Adulthood (CFCP) is to help current and former foster care youth achieve self-sufficiency. This Local Commissioners Memorandum (LCM) informs local departments of social services (LDSSs) of the CFCP allocations from the Federal Fiscal Year (FFY) 2020 funds and provides the amount of FFY 20 Chafee that was used to support youth over the age of 21 (aging out).

The allocations contained in this memorandum's Attachment A may be used for Independent Living (IL) services expenditures made from October 1, 2019, through September 30, 2020, and claimed by March 31, 2021. Such claims will be paid up to the amount of the allocation and subject to a 20% state/local match requirement. Unclaimed allocation amounts will be redistributed to other LDSSs that have claims in excess of the allocation or were 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.

Notable changes from the prior issuance of this LCM include reflecting actual allocations based on final claims submitted by counties for youth who are under the age of 21 and for youth who are over the age of 21 (aging-out youth).

LDSSs are advised that they must be in compliance with all provisions set forth in [02-OCFS-LCM-05, Federal Fiscal Year 2000-2001 Independent Living Allocations.doc](#), 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 CFCP funds.

## **II. Allocation Methodology**

The FFY 2020 allocation for distribution to LDSSs represents over 99% of the total FFY 2020 award of \$11,585,958 to New York State, resulting in an allocation to LDSSs of \$11,571,958. The remainder is being reserved by OCFS to support OCFS activities related to the CFCP. 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.

Due to the uncertainties resulting from COVID-19, OCFS elected to initially allocate IL funds to LDSSs at the same LDSS ratio as the allocations that were provided in SFY 2019-20 instead of creating new allocations for SFY 2020-21. From these initial allocations, OCFS reallocated funds based on actual claims. Attachment A of this issuance of the LCM reflects the final amounts paid to the LDSS from this grant award.

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

The over-the-age of 21 allocation was based on the number of eligible youth.

## **III. Normative Experiences and the Reasonable and Prudent Parent Standards**

On September 29, 2014, President Barack 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

also be allowable expenses under the CFCP allocations as well as special payment under 18 NYCRR 427.3(c).

#### IV. Claiming

##### **Chafee Allocation for Youth Under 21:**

For FFY 2020, federal Chafee funding may be used to provide services and assistance to any otherwise eligible youth or young adult who experienced foster care at age 14 or older and has not yet attained age 27 [section 3(b) of Division X]. Claims for youth under the age of 21 are eligible for child welfare preventive funding so any overclaims will be reimbursed at 62% state share with the applicable child welfare settlement.

In accordance with federal law, CFCP 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 CFCP funds to reduce the amount of other funds LDSSs have expended for these costs. Therefore, an LDSS may claim CFCP funds for expenditures for IL services that are directly provided to program recipients by the LDSS staff, provided that the CFCP 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 circumstances:

- Youth in foster care who have experienced foster care at age 14 or older can be provided IL services through their 21<sup>st</sup> 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 IL 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 21<sup>st</sup> 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 IL 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 21<sup>st</sup> 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 IL 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 21<sup>st</sup> birthday. See Attachment B for a list of allowable services and conditions.

CFCP 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.ny.net/bfdm/finance>.

CFCP funds are available to provide reimbursement of 80% of an LDSS's expenditures, up to the amount of the allocation. LDSS's may meet the 20% match for expenditures claimed under the CFCP 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% match for expenditures claimed under the CFCP is eligible for 62% state reimbursement, subject to child welfare threshold requirements and performance or outcome-based provisions.

Any claim for IL services that exceeds an LDSS's CFCP allocation is subject to 62% 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 2020 CFCP funds. Any donated funds or in-kind services that are a part of those expenditures and claimed for 62% 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*.

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.

Claims can be made for eligible CFCP expenses from October 1, 2019, to September 30, 2020.

For further guidance on eligibility, please see Attachment D.

### **Chafee Allocation for Youth Over 21 (Aging Out)**

For FFY 2020, federal Chafee funding may be used to provide services and assistance to any otherwise eligible youth or young adult who experienced foster care at age 14 or older and has not yet attained age 27 [section 3(b) of Division X]. Claims for youth over the age of 21 are not eligible for child welfare preventive funding so any overclaims will be 100% local share.

Expenditures for youth 21 years of age or older must be separately identified and claimed through the RF-17 claim package for special project claiming. The costs must be identified as F17 functional costs and reported in the RF-2A claim package on the Schedule D, *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347), in the F17 column. The individual project costs must also be reported under the project label "FFTA Aging Out 2020" on the LDSS-4975A, *RF-17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*. Special project program costs should be reported as object of expense 37 - Special Project Program Expense on the RF2A Schedule 923, LDSS-923, *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*, under the F17 function. Any remaining special project costs should be reported in their appropriate object of expense. 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 youth aging out in 2020 will be reimbursed with 100% federal share up to the amount of the district's allocation. Any expenditures over the district's allocation must be reported as 100% local share; there is no state share for this project. Program costs should be reported with object of expense 37 on the LDSS923B Summary-Program (page 2), *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs*.

These funds are to be used only to reimburse expenditures beginning March 1, 2020, through April 30, 2021, and must be final accepted in the Automated Claiming System (ACS) no later than July 19, 2021.

## V. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance as well as federally funded CFCP 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 CFCP 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](https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=3)

## VI. 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](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)

ARO – John Lockwood (518) 486-7078, [John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

WRO – Sheletha Chang (914) 801-3231, [Sheletha.Chang@ocfs.ny.gov](mailto:Sheletha.Chang@ocfs.ny.gov)

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)

Questions pertaining to the Automated Claiming System should be directed to OTDA, Bureau of Financial Services:

Regions I-V: Lauren Horn (518) 474-7549  
[otda.sm.Field\\_Ops.I-IV@otda.ny.gov](mailto:otda.sm.Field_Ops.I-IV@otda.ny.gov)

Region VI: Michael Simon (212) 961-8250  
[Michael.Simon@otda.ny.gov](mailto: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](mailto:Shonna.Clinton@ocfs.ny.gov)

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

**Issued by:**

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