

**AGENCY PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FOSTER CARE AND ADOPTION ASSISTANCE
STATE/TRIBE OF NEW YORK**

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
ADMINISTRATION FOR CHILDREN AND FAMILIES
CHILDREN'S BUREAU
May 2018

SECTION 1. ORGANIZATION

- A. DESIGNATION AND AUTHORITY OF STATE/TRIBAL AGENCY
- B. STATE/TRIBAL AGENCY STRUCTURE AND FUNCTION
- C. STATE OR SERVICE AREA WIDE OPERATIONS
- D. COORDINATION WITH TITLES IV-A AND IV-B PROGRAMS
- E. CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE
- F. TRANSFER OF A CHILD TO A TRIBAL AGENCY

SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS

- A. ELIGIBILITY
- B. VOLUNTARY PLACEMENTS (OPTION)

- C. PAYMENTS
- D. CASE REVIEW SYSTEM
- E. MEDICAL AND SOCIAL SERVICES
- F. SPECIFIC GOALS IN STATE/TRIBAL LAW
- G. PREVENTIVE AND REUNIFICATION SERVICES
- H. TERMINATION OF PARENTAL RIGHTS
- I. DATE CHILD CONSIDERED TO HAVE ENTERED FOSTER CARE
- J. DOCUMENTATION OF JUDICIAL DETERMINATION
- K. TRIAL HOME VISITS
- L. TRAINING
- M. DEFINITION OF CHILD
- N. ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT
- O. ABSENCES FROM CARE
- P. RIGHTS
- Q. PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM

SECTION 3. ADOPTION ASSISTANCE PAYMENTS

- A. ELIGIBILITY
- B. PAYMENTS - AMOUNTS AND CONDITIONS
- C. ADOPTION ASSISTANCE AGREEMENT
- D. MEDICAID AND SOCIAL SERVICES
- E. ELIGIBILITY FOR ADOPTION INCENTIVE FUNDING
- F. ADOPTION TAX CREDIT
- G. DEFINITION OF CHILD

SECTION 4. GENERAL PROGRAM REQUIREMENTS

- A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS
- B. REVIEW OF PAYMENTS AND LICENSING STANDARDS
- C. FAIR HEARINGS

- D. INDEPENDENT AUDIT
- E. CHILD ABUSE AND NEGLECT
- F. TIMELY INTERSTATE PLACEMENT OF CHILDREN
- G. REMOVAL OF BARRIERS TO INTERETHNIC ADOPTION
- H. KINSHIP CARE
- I. SIBLING PLACEMENT
- J. SAFETY REQUIREMENTS
- K. INTERJURISDICTIONAL ADOPTIONS
- L. QUALITY STANDARDS
- M. COMPULSORY SCHOOL ATTENDANCE
- N. VERIFICATION OF CITIZENSHIP OR IMMIGRATION STATUS
- O. DEFINITIONS
- P. SEX TRAFFICKING VICTIMS AND MISSING CHILDREN

SECTION 5. GENERAL PROVISIONS

- A. PERSONNEL ADMINISTRATION
- B. SAFEGUARDING INFORMATION
- C. REPORTING
- D. MONITORING
- E. APPLICABILITY OF DEPARTMENT-WIDE REGULATIONS
- F. AVAILABILITY OF PLANS
- G. OPPORTUNITY FOR PUBLIC INSPECTION OF CFSR MATERIALS
- H. NEGOTIATION WITH INDIAN TRIBES

SECTION 6. GUARDIANSHIP ASSISTANCE PROGRAM OPTION

- A. ELIGIBILITY
- B. PAYMENTS
- C. AGREEMENTS
- D. SAFETY

- E. MEDICAID AND SOCIAL SERVICES
- F. TITLE IV-E GUARDIANSHIP ASSISTANCE PROGRAM PLAN REQUIREMENTS
- G. DEFINITION OF CHILD

SECTION 7. TRIBE OPERATED IV-E PROGRAM REQUIREMENTS

- A. GENERAL PROGRAM REQUIREMENTS
- B. SERVICE AREA AND POPULATIONS
- C. NUNC PRO TUNC AND FOSTER CARE ELIGIBILITY REQUIREMENTS
- D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS

ATTACHMENTS

- ATTACHMENT I: CERTIFICATION
- ATTACHMENT II: ATTORNEY GENERAL/APPROPRIATE TRIBAL OFFICIAL'S CERTIFICATION
- ATTACHMENT III: TITLE IV-E ADOPTION ASSISTANCE PROGRAM SAVINGS REPORTING ASSURANCES
- ATTACHMENT IV: TRIBAL ASSURANCES
- ATTACHMENT V: 479B TRIBAL CERTIFICATIONS
- ATTACHMENT VI: 475(8) STATE/TRIBAL CERTIFICATION
- ATTACHMENT VII: STATE/TRIBAL CERTIFICATION: PERSONNEL ADMINISTRATION
- ATTACHMENT VIII: STATE/TRIBAL CERTIFICATION: PREVENTING INCREASES TO THE JUVENILE JUSTICE POPULATION
- ATTACHMENT IX: ALTERNATE PROCEDURES FOR CRIMINAL BACKGROUND CHECKS
- ATTACHMENT X: DEVIATION FROM MODEL LICENSING STANDARDS AND WAIVERS FOR FOSTER FAMILY HOMES
- ATTACHMENT XI: STATE/TRIBAL CERTIFICATION OF "QUALIFIED INDIVIDUALS" AND REQUEST FOR ALTERNATE ACCREDITING ORGANIZATION

PLAN FOR TITLE IV-E OF THE SOCIAL SECURITY ACT
FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE

STATE/TRIBE OF NEW YORK

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

New York State Office of Children and Family Services

(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department.

The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356.

The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	SECTION 2. FOSTER CARE MAINTENANCE PAYMENTS	
<p>472(a)(2)(B)&(C) 472(a)(2)(B)(i) 472(a)(2)(B)(ii)</p>	<p>c. whose placement and care in a foster family home, with a parent residing in a licensed residential family-based treatment facility for substance abuse, but only to the extent permitted under 472(j), or in a child care institution (as defined in section 472(c) of the Act), but only to the extent permitted under 472(k), is the responsibility of either:</p> <ul style="list-style-type: none"> i. the State agency administering the approved title IV-E plan; ii. any other public agency with whom the State/Tribal agency administering or supervising the administration of the approved title IV-E plan has made an agreement which is still in effect; or iii. a Tribe that has a plan approved under section 471 in accordance with 479B; and 	<p>NYS will not be opting to claim IV-E for 472 (j) or (k) at this time.</p>

¹ Statutory references refer to the Social Security Act. Regulatory references refer to Title 45 of the Code of Federal Regulations (CFR).

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>472(a)(3)(A)(i)</p> <p>472(a)(3)(A)(ii)(I)</p> <p>472(a)(3)(A)(ii)(II)</p> <p>472(a)(3)(B)</p> <p>472(j)(1)</p>	<p>d. who:</p> <p>i. Either:</p> <p>A. received AFDC, in the home referred to in section 472(a)(1), under the State plan approved under section 402 of the Act (as in effect 7/16/96) in or for the month in which either a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated;</p> <p>B. would have received AFDC, in the home, in or for such month referred to in the above clause if application for such aid had been made; or</p> <p>C. had been living with a relative specified in section 406(a) of the Act (as in effect 7/16/96) within six months prior to the month in which a voluntary placement agreement was entered into or court proceedings leading to the judicial determination, referred to in section 472(a)(2)(A) of the Act, were initiated, and would have received AFDC in or for such month if the child had been living in the home with such</p>	<p>NYS will not be opting to claim IV-E for 472 (j) or (k) at this time.</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>relative and an application had been made for AFDC under title IV-A of the Act; and</p> <p>ii. had resources (determined under section 402(a)(7)(B) of the Act as in effect 7/16/96) that had a combined value of not more than \$10,000 consistent with section 472(a)(3)(B) of the Act; or</p> <p>iii. Is not required to meet the AFDC requirements in 472(a)(3) of the Act because the child is placed with a parent residing in a licensed residential family-based substance abuse treatment facility (Tribes, see section 7 for related requirements in section 479B(c)(1)(C)(ii)(II) of the Act.)</p>	
<p>472(b)(1)&(2)</p> <p>472(k)</p>	<p>2. Foster care maintenance payments are made only on behalf of an eligible child who is:</p> <p>a. in the foster family home of an individual or family, whether the payments are made to such individual or to a public or private child placement or child care agency; or</p> <p>b. in a child care institution, whether the payments are made to such institution or to a public or private child placement or child-care agency. Such payments are limited</p>	<p>NYS will not be opting to claim IV-E for 472 (j) or (k) at this time.</p> <p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>to include only those items that are included in the term "foster care maintenance payments" (defined in section 475(4) of the Act). Title IV-E agencies may claim for title IV-E foster care maintenance payments paid on behalf of an eligible child placed in a child care institution for up to two weeks. Title IV-E agencies may continue to claim administrative costs for the duration of the period in the CCI regardless of whether the CCI meets the restrictions in section 472(k) of the Act. After two weeks, title IV-E FCMP for a child placed in a CCI are only available if that CCI is a:</p> <ul style="list-style-type: none"> i. "qualified residential treatment program" (QRTP), as defined in section 472(k)(4) of the Act and subject to additional requirements described below; <ul style="list-style-type: none"> i. a setting specializing in providing prenatal, post-partum, or parenting supports for youth; ii. in the case of a youth who has attained 18 years of age, a supervised setting in which the youth is living independently; iii. a setting providing high-quality residential care and supportive services to children and youth who have 	<p>Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>been found to be, or are at risk of becoming, sex trafficking victims; or</p> <p>iv. a licensed residential family-based treatment facility for substance abuse (subject to additional requirements per section 472(j) of the Act).</p>	
<p>475(5)(B)</p> <p>475A(c)(4)</p>	<p>a. a review of each child's status is made no less frequently than once every six months either by a court or by an administrative review to:</p> <ul style="list-style-type: none"> i. determine the safety of the child, the continuing need for and appropriateness of the placement; ii. determine the extent of compliance with the case plan; iii. determine the extent of progress made toward alleviating or mitigating the causes necessitating the placement; and iv. project a likely date by which the child may be returned and safely maintained at home or placed for adoption or legal guardianship; and v. for a child for whom another planned permanent living arrangement has been determined as the permanency plan, determine the steps the state/tribal agency is taking to ensure the child's 	<p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>foster family home or child care institution is following the reasonable and prudent parent standard and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities; and</p> <p>vi. for a child placed in a qualified residential treatment program, evidence -</p> <p>demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p>	<p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p> <p>Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months (or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State/Tribal agency shall maintain for the Secretary's inspection/review the most recent versions of the evidence and documentation specified at the review hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.</p>	
<p>1356.21(b)(3) 475(5)(C) 471(a)(15)(E)(i) 475A(c)(4)</p>	<p>d. For the purposes of this requirement, a permanency hearing shall determine:</p> <ul style="list-style-type: none"> i. the permanency plan for the child that includes whether, and if applicable when, the child will be returned to the parent, or placed for adoption and the State/Tribe will file a petition for termination of parental rights, or referred to legal guardianship, or only in the case of a child who has attained 16 years 	<p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>of age (in cases where the State/Tribal agency has documented to the court a compelling reason for determining, as of the date of the hearing, that it would not be in the best interest of the child to return home, be referred for termination of parental rights, or be placed for adoption, with a fit and willing relative, or with a legal guardian) placed in another planned permanent living arrangement subject to section 475A(a) of the Act;</p> <ul style="list-style-type: none"> ii. in the case of a child who will not be returned to the parent, the hearing shall consider in-State/Tribal service area and out-of-State/Tribal service area placement options; iii. in the case of a child placed out of the State/Tribal service area in which the home of the parent(s) of the child is located, the hearing shall determine whether the out-of-State/Tribal service area placement continues to be appropriate and in the best interests of the child; iv. in the case of a child who has attained age 14, the services needed to assist the child to make the transition from foster care to successful adulthood; v. in any permanency hearing held with respect to the child, including any hearing regarding the transition of the child from foster care to successful adulthood, 	

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	<p>procedural safeguards shall be applied to assure the court or administrative body conducting the hearing consults, in an age-appropriate manner, with the child regarding the proposed permanency or transition plan for the child; and</p> <p>vi. if a child has attained 14 years of age, the permanency plan developed for the child, and any revision or addition to the plan, shall be developed in consultation with the child and, at the option of the child, with not more than 2 members of the permanency planning team who are selected by the child and who are not a foster parent of, or caseworker for, the child, except that the state or tribal agency may reject an individual so selected by the child if the agency has good cause to believe that the individual would not act in the best interests of the child, and 1 individual so selected by the child may be designated to be the child’s advisor and, as necessary, advocate, with respect to the application of the reasonable and prudent standard to the child; and</p> <p>vii. for a child placed in a qualified residential treatment program, evidence -</p>	<p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p>

<p>Federal Regulatory/ Statutory References¹</p>	<p>Requirement</p>	<p>State/Tribe Regulatory, Statutory, and Policy References and Citations for Each</p>
	<p>demonstrating that ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child;</p> <p>documenting the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and</p> <p>documenting the efforts made by the State/Tribal agency to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.</p> <p>In the case of any child who is placed in a qualified residential treatment program for more than 12 consecutive months or 18 nonconsecutive months</p>	<p>Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>(or, in the case of a child who has not attained age 13, for more than 6 consecutive or nonconsecutive months), the State/Tribal agency shall submit to the Secretary the most recent versions of the evidence and documentation specified at the permanency hearing and the signed approval of the head of the State/Tribal agency for the continued placement of the child in that setting.</p>	
475A(c)	<p>Q. PLACEMENT IN A QUALIFIED RESIDENTIAL TREATMENT PROGRAM.</p> <p>1. In the case of any child who is placed in a qualified residential treatment program (as defined in section 472(k)(4)), case plan for the child and the case system review procedure for the child must:</p> <p>a. Assess the strengths and needs of the child within 30 days of the start of each placement, using an age-appropriate, evidence-based, validated, functional assessment tool approved by the Secretary;</p> <p>b. Determine whether the needs of the child can be met with family members or through placement in a foster family home or, if not, which setting from among the settings specified in section 472(k)(2) would provide the most effective and appropriate level of care for the child in</p>	<p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p> <p>Not required until 10/1/19 unless the title IV-E agency is implementing a delayed effective date, during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act.</p>

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>the least restrictive environment and be consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and</p> <p>c. Develop a list of child-specific short- and long-term mental and behavioral health goals.</p> <p>2. The state/tribal agency shall assemble a family and permanency team for the child in accordance with the requirements 475A(c). The qualified individual conducting the assessment shall work in conjunction with the family of, and permanency team for, the child while conducting and making the assessment. The family and permanency team shall consist of all appropriate biological family members, relative, and fictive kin of the child, as well as, as appropriate, professionals who are a resource to the family of the child, such as teachers, medical or mental health providers who have treated the child, or clergy. In the case of a child who has attained age 14, the family and permanency team shall include the members of the permanency planning team for the child that are selected by the child in accordance with section 475(5)(C)(iv).</p> <p>3. The State/Tribal agency shall document in the child's case plan—</p>	<p>See Attachment XI</p>

Federal Regulatory/ Statutory References¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>a. the reasonable and good faith effort of the agency to identify and include all the individuals described above on the child’s family and permanency team;</p> <p>b. all contact information for members of the family and permanency team, as well as contact information for other family members and fictive kin who are not part of the family and permanency team;</p> <p>c. evidence that meetings of the family and permanency team, including meetings relating to the assessment required 475A(c), are held at a time and place convenient for family;</p> <p>d. if reunification is the goal, evidence demonstrating that the parent from whom the child was removed provided input on the members of the family and permanency team;</p> <p>e. evidence that the assessment required 475A(c)(A) is determined in conjunction with the family and permanency team; and</p> <p>f. the placement preferences of the family and permanency team relative to the assessment that recognizes children should be placed with their siblings unless there is a finding</p>	

Federal Regulatory/ Statutory References¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>by the court that such placement is contrary to their best interest; and</p> <p>g. if the placement preferences of the family and permanency team and child are not the placement setting recommended by the qualified individual conducting the assessment, the reasons why the preferences of the team and of the child were not recommended.</p> <p>4. If the qualified individual conducting the assessment determines that a child should not be placed in a foster family home, the qualified individual shall specify in writing the reasons why the needs of the child cannot be met by the family of the child or in a foster family home. A shortage or lack of foster family homes shall not be an acceptable reason for determining that the needs of the child cannot be met in a foster family home. The qualified individual also shall specify in writing why the recommended placement in a qualified residential treatment program is the setting that will provide the child with the most effective and appropriate level of care in the least restrictive environment and how that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child.</p>	

Federal Regulatory/ Statutory References¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>5. 'qualified individual' means a trained professional or licensed clinician who is not an employee of the State/Tribal agency and who is not connected to, or affiliated with, any placement setting in which children are placed by the State/Tribal agency. The agency may request that the Secretary waive this requirement in a matter prescribed by the Secretary (See Attachment XI).</p> <p>6. Within 60 days of the start of each placement in a qualified residential treatment program, a family or juvenile court or another court (including a tribal court) of competent jurisdiction, or an administrative body appointed or approved by the court, independently, shall consider the assessment, determination, and documentation made by the qualified individual conducting the assessment, determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short- and long-term goals for the child, as specified in the permanency plan for the child; and approve or disapprove the placement.</p>	

Federal Regulatory/ Statutory References ¹	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>7. The case plan shall include documentation of any determination by a qualified individual that a child should not be placed in a foster family home, and the reasons why the needs of the child cannot be met by the family of the child or in a foster family home, and documentation of the determination and approval or disapproval of the placement in a qualified residential treatment program by a court or administrative body.</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>SECTION 4. GENERAL PROGRAM REQUIREMENTS</p>	

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>471(a)(10) and (36)(B), (C) and (D)</p>	<p>A. STANDARDS FOR FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>The agency has established or designated a State/Tribal authority(ies) which is responsible for establishing and maintaining standards for foster family homes and child care institutions which are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights and which shall permit use of the reasonable and prudent parenting standard.</p> <p>The standards so established are applied by the State/Tribe to any foster family home or child-care institution receiving funds under titles IV-E or IV-B. The standards shall require, as a condition of each contract entered into by a child care institution to provide foster care, the presence on-site of at least 1 official who, with respect to any child placed at the child care institution, is designated to be the caregiver who is authorized to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally-appropriate activities, and who is</p>	<p>New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p> <p>19-OCFS-ADM-07 - FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes</p> <p>18 NYCRR 443.7 Emergency</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>provided with training in how to use and apply the reasonable and prudent parent standard in the same manner as prospective foster parents are provided the training pursuant to paragraph 471(a)(24).</p> <p>The standards for foster family homes and child care institutions shall include policies related to the liability of foster parents and private entities under contract by the State involving the application of the reasonable and prudent parent standard, to ensure appropriate liability for caregivers when a child participates in an approved activity and the caregiver approving the activity acts in accordance with the reasonable and prudent parent standard.</p> <p>The State/Tribal agency may provide waivers of such standards only on a case-by-case basis for non-safety standards (as determined by the State/Tribe) in relative foster family homes for specific children in care. The State/Tribal agency must describe which standards it most commonly waives, or if the agency has elected not to waive the standards, the reason for not waiving these standards.</p>	<p>Approved Home Regulations</p> <p>SSL 20 Powers and duties of the department SSL 374-b Authority to operate agency boarding home SSL 374-c Authority to operate group homes SSL 374-d Authority to operate public institutions for children SSL 460-b Operating certificates general provisions SSL 460-c Inspection and supervision SSL 462 Responsibility for standards</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>State/Tribal agencies that provide such waivers must describe training provided to caseworkers to use the waiver authority and the state/tribal agency process or tools provided to assist caseworkers in waiving non-safety standards per the authority provided in 471(a)(10)(D) to quickly place children with relatives.</p> <p>The agency must describe any steps the agency is taking to improve caseworker training or the process.</p> <p>(Tribes, see section 7)</p>	<p>Ex. L-501 General functions, powers and duties of division (OCFS)</p> <p>18 NYCRR Part 441 General (Amended)</p> <p>18 NYCRR Part 442 Institutions</p> <p>18 NYCRR 443.2 Authorized agency operating requirements</p> <p>18 NYCRR 443.3 Certification or approval of foster family homes</p> <p>18 NYCRR Part 446 Designated emergency foster family boarding home care</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>18 NYCRR Part 447 Agency operated boarding homes</p> <p>18 NYCRR Part 448 Group homes</p> <p>18 NYCRR Part 449 Supervised independent living programs</p> <p>18 NYCRR Part 451 Group emergency foster care</p> <p>17-OCFS-ADM-01 Immunity from Liability When Applying the Reasonable and Prudent Parent Standard</p> <p>15-OCFS-ADM-21 Supporting Normative</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard</p> <p>See ATTACHMENT X</p> <p>New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p> <p>Not required until April 1, 2019 unless a legislative delay or</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		a delay for tribes, tribal organizations or consortia is approved by the Secretary
471(a)(36)(A)	The State/Tribal agency shall maintain licensing standards that are in accord with model standards identified by the	New York State submitted

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>Secretary, and if not, shall document the reason for the specific deviation and a description as to why having a standard that is reasonably in accord with the corresponding national model standards is not appropriate for the agency.</p>	<p>Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p> <p>19-OCFS-ADM-07 - FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes</p> <p>See ATTACHMENT X Not required until April 1, 2019 unless a legislative delay or</p>

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		a delay for tribes, tribal organizations or consortia is approved by the Secretary
1355.20(a) 472(c)(1)	<p>1. Foster family home means, for the purpose of title IV-E eligibility, the home of an individual or family:</p> <p>a. that is licensed or approved by the State or Tribal service area in which it is situated as a foster family home (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that as meets ing the standards established for the licensing or approval; and</p> <p>b. in which a child in foster care has been placed in the care of an individual, who resides with the child and who has been licensed or approved by the State/Tribal agency to be a foster parent that the agency deems capable of adhering to the reasonable and prudent parent standard; that provides 24-hour substitute care for children placed away from their parents or other caretakers; and that</p>	<p>New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p> <p>19-OCFS-ADM-07 - FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>provides the care for not more than six children in foster care.</p> <p>c. in which the number of foster children that may be cared for in a foster family home may not exceed six, except at the option of the State/Tribal agency, for any of the following reasons:</p> <p>(i) To allow a parenting youth in foster care to remain with the child of the parenting youth.</p> <p>(ii) To allow siblings to remain together.</p> <p>(iii) To allow a child with an established meaningful relationship with the family to remain with the family.</p> <p>(iv) To allow a family with special training or skills to provide care to a child who has a severe disability.</p> <p>by the State/Tribal licensing or approval authority(ies) (or with respect to foster family homes on or near Indian reservations, by the tribal licensing or approval authority(ies)), that provides 24-hour out-of-home care</p>	<p>18-OCFS-ADM-07 - Foster/Adoptive Home Certification or Approval Process</p> <p>18-OCFS-ADM-05 - Criminal History Record Checks of Persons 18 Years of Age or Older Residing in Foster Boarding Homes</p> <p>18-OCFS-INF-06 - Family First Prevention Services Act (FFPSA) (P.L. 115-123)</p> <p>SSL 374-b Authority to operate agency boarding homes</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>for children. The term may include group homes, agency-operated boarding homes or other facilities licensed or approved for the purpose of providing foster care by the State/Tribal agency responsible for approval or licensing of such facilities. Foster family homes that are approved must be held to the same standards as foster family homes that are licensed. Anything less than full licensure or approval is insufficient for meeting title IV-E eligibility requirements. (Tribes, see also section 7)</p>	<p>SSL 374-c Authority to operate group homes SSL 375 Requirement of certificate or license to board children SSL 376 Certificate to board children and/or minors under age of eighteen years SSL 377 License to board children SSL 378 Form, duration and limitation of certificates and licenses SSL 398.6 Additional powers and duties of commissioners of public welfare and certain city public</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>welfare officers in relation to children SSL 460-b Operating certificates SSL 462 Responsibility for standards</p> <p>Ex. L 501 General functions, powers and duties of the division (OCFS)</p> <p>18 NYCRR Part 426 Title IV-E foster care and adoption assistance 18 NYCRR Part 441 General 18 NYCRR Part 443 Certification, approval and supervision of foster</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		family boarding homes 18 NYCRR Part 446 Designated emergency foster family boarding homes 18 NYCRR Part 447 Agency operated boarding homes 18 NYCRR Part 448 Group homes 18 NYCRR Part 449 Supervised independent living programs 18 NYCRR Part 451 Group emergency foster care 09-OCFS-ADM-18 Live Scan Technology for Fingerprinting Foster

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>and Adoptive Applicants</p> <p>08-OCFS-ADM-06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents)</p> <p>07-OCFS-ADM-01 State and National Criminal History Record Checks (for Foster-Adoptive Parents)</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Not required until 10/1/19, unless the title IV-E agency is implementing a delayed effective date during which time, the title IV-E agency will not claim FFP for title IV-E prevention services under section 474(a)(6) of the Act.
1355.20(a)(2) 472(c)(2)	2. Child care institution means a private child care institution, or a public child care institution which accommodates no more than 25 children, and is licensed by the State/Tribe in which it is situated or has been approved by the agency of such the State or tribal licensing authority (with respect to child care institutions on or near Indian reservations) responsible for licensing or approval of institutions of this type as meeting the standards established for such licensing except, in the	New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>case of a child who has attained 18 years of age, the term includes a supervised setting in which the individual is living independently.</p> <p>This definition must not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.</p> <p>In addition to these requirements, a qualified residential treatment program must be accredited by any of the independent, not-for-profit organizations listed at 472(k)(4)(G) of the Act or any other independent, not-for-profit accrediting organization of a similar type and kind as those already identified in the Act approved by the Secretary (see Attachment XI).</p> <p>(Tribes, see also section 7 for requirements related to 471(a)(10).)</p>	<p>19-OCFS-ADM-07 - FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes</p> <p>SSL 374-d Authority to operate public institutions SSL 460-b Operating certificates SSL 460-c Inspection and supervision</p> <p>Ex. L 501 General functions, powers and duties of the division (OCFS)</p> <p>18 NYCRR Part 426</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>Title IV-E foster care and adoption assistance</p> <p>18 NYCRR Part 441 General</p> <p>18 NYCRR Part 442 Institutions</p> <p>OCFS Eligibility Manual for Child Welfare Programs (Updated 2018)</p> <p>NYS Submitted Attachment C requesting and was approved for a delay until 9/29/2021.</p>
472(j)	3. Licensed residential family-based treatment facility for substance abuse, means a treatment facility provides, as part of the treatment for substance abuse, parenting skills	NYS will not be opting to claim IV-E for this

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>training, parent education, and individual and family counseling; and under an organizational structure and treatment framework that involves understanding, recognizing, and responding to the effects of all types of trauma and in accordance with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.</p>	<p>requirement at this time.</p>
<p>471(a)(25)&(26)</p>	<p>F. TIMELY INTERSTATE PLACEMENT OF CHILDREN</p> <p>1. The State/Tribal agency shall have in effect procedures for the orderly and timely interstate placement of children which provides that:</p> <p>a. within 60 days after the State/Tribe receives from another State or Tribe a request to conduct a study of a home environment for purposes of assessing the safety and suitability of placing a child in the home, the State or Tribe shall, directly or by contract:</p> <p>i. conduct and complete the study; and</p>	<p>19-OCFS-ADM-08 - Required Forms for Interstate Compact on the Placement of Children (ICPC) Placement Referral</p> <p>18-OCFS-ADM-17 Requirements for Use of the National Electronic</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>ii. return to the other State or Tribe a report on the results of the study which shall address the extent to which placement in the home would meet the needs of the child;</p> <p>b. the State or Tribe is not required to complete within the applicable time period the parts of the home study involving the education and training of the prospective foster or adoptive parents;</p> <p>c. the State or Tribe shall treat any such report that is received from another State or Tribe (or from a private agency under contract with another State/Tribe) as meeting any requirements imposed by the State or Tribe for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the State or Tribe determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child; and</p> <p>d. the State or Tribe shall not impose any restriction on the ability of an agency administering, or supervising the administration of, a State or Tribal program operated</p>	<p>Interstate Compact Enterprise (NEICE)</p> <p>SSL §374-a; Family First Prevention Services Act (P.L. 115-123)</p> <p>18 NYCRR 421.14 Waiting lists</p> <p>18 NYCRR 443.2(g) Interstate placements</p> <p>97-LCM-16 Interstate Compact on the Placement of Children (ICPC) Procedures to Request an ICPC Priority Home Study</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	under a plan approved under this part to contract with a private agency for the conduct of such a home study.	
471(a)(25)	<p>2. The State shall have in effect procedures for the use of an electronic interstate case-processing system.</p> <p>(Not applicable to Tribes, Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, and American Samoa)</p>	<p>Not required until 10/1/2027</p> <p>18-OCFS-ADM-17, Requirements for the Use of the National Electronic Interstate Compact Enterprise (NIECE).</p>
471(a)(20)(A)	<p>J. SAFETY REQUIREMENTS</p> <p>1. Safety requirements for foster care, and adoptive home providers.</p> <p>a. The State/Tribal agency provides procedures for criminal records checks (including finger-print-based checks of national crime information databases (as defined in section 534(f) (3)(a) of title 28, United States Code) for any prospective foster and adoptive parent</p>	<p>19-OCFS-ADM-21 - Expansion of Background Checks for Congregate Care Staff Under the Family First Prevention Services Act (FFPSA)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>before the parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child.</p>	<p>SSL 378-a Access to criminal conviction records by authorized agencies</p> <p>18 NYCRR 421.15 Adoption study process</p> <p>18 NYCRR 421.27 Criminal history record checks</p> <p>18 NYCRR 443.2 Authorized agency operating requirements</p> <p>18 NYCRR 443.8 Criminal history record check</p> <p>07-OCFS-ADM-01 State and National Criminal History Checks (for Foster-Adoptive Parents)</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>08-OCFS-ADM-06 Criminal History Record Checks and Mandatory Disqualifying Crimes (Foster and Adoptive Parents)</p> <p>09-OCFS-ADM-18 Live Scan Technology for Fingerprinting Foster and Adoptive Applicants</p>
<p>1356.30(f) 471(a)(20)(D)</p>	<p>d. In order for a child to be eligible for title IV-E funding, the licensing file for a child care institution must contain documentation which verifies that safety considerations with respect to the staff of the institution have been addressed. State/Tribal agency shall provide procedures for any child care institution, including a group home, residential treatment center, shelter, or other congregate care setting, to conduct criminal record checks, including fingerprint-based checks of national crime information</p>	<p>New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
	<p>databases (as defined in section 534(f)(3)(A) of title 28, United States Code), and checks described in subparagraph (B) of this paragraph, on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, unless the State reports to the Secretary the alternative criminal records checks and child abuse registry checks the State conducts on any adult working in a child-care institution, including a group home, residential treatment center, shelter, or other congregate care setting, and why the checks specified in this subparagraph are not appropriate for the State.</p>	<p>19-OCFS-ADM-21 - Expansion of Background Checks for Congregate Care Staff Under the Family First Prevention Services Act (FFPSA) SSL 378-a Access to conviction records by authorized agencies SSL 424-a Access to information contained in the statewide central register of child abuse and maltreatment SSL 460-b Operating certificate SSL 460-c Inspection and supervision</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		<p>SSL 495 Register of substantiated category one cases of abuse or neglect</p> <p>18 NYCRR Part 477 Issuance of operating certificates</p> <p>Not required until 10/1/18 unless a legislative delay or title IV-E waiver delay is approved by the Secretary</p> <p>See ATTACHMENT IX</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
<p>479B(c)(2)</p> <p>471(a)(36)</p>	<p>D. LICENSING STANDARDS FOR TRIBAL FOSTER FAMILY HOMES AND CHILD CARE INSTITUTIONS</p> <p>For purposes of complying with section 471(a)(10), an Indian Tribe, Tribal organization, or Tribal consortium shall establish and maintain a tribal authority or authorities which shall be responsible for establishing and maintaining tribal licensing standards for tribal foster family homes and tribal child care institutions in accordance with section 471(a)(36) of the Act.</p>	<p>New York State submitted Attachment B indicating a Legislative Delay was Required, with an Effective Date of April 1, 2020.</p> <p>19-OCFS-ADM-07 - FFPSA Model Licensing Standards and Updated Forms for the Certification or Approval of Foster/Adoptive Homes</p> <p>19-OCFS-ADM-12 - Foster Boarding Home Annual Reauthorization</p>

Federal Regulatory/ Statutory References	Requirement	State/Tribe Regulatory, Statutory, and Policy References and Citations for Each
		Process and Template