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### Informational Letter

<b>Transmittal:</b>	08-OCFS-INF-04
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Division of Child Welfare and Community Services
<b>Date:</b>	March 27, 2008
<b>Subject:</b>	<b>Out-of-State Foster Homes / Documentation of Licensure for Title IV-E Foster Care Eligibility</b>
<b>Suggested Distribution:</b>	Directors of Social Services Local Department of Social Services Attorneys Eligibility Supervisors Foster Care Supervisors Adoption Supervisors Homefinding Supervisors Staff Development Coordinators
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<b>Attachments:</b>	no
<b>Attachment Available Online:</b>	n/a

## I. Purpose

The purpose of this Informational Letter (INF) is to provide supplemental guidance to local departments of social services (LDSS) and voluntary authorized agencies regarding documentation requirements applicable to foster homes located in other states in which children in the care and custody or the custody and guardianship of an LDSS are placed. At issue is the documentation of the licensure status of the foster home located in another state for the purpose of complying with Title IV-E eligibility requirements. This release complements the informational letter (07-OCFS-INF-06) issued by the Office of Children and Family Services (OCFS) on July 25, 2007, addressing issues identified in the 2006 federal Title IV-E Eligibility Review.

## II. Background

In August of 2006, the federal government conducted a secondary federal Title IV-E Foster Care Eligibility Review in New York State. The results of the review are set forth in detail in 06-OCFS-LCM-11 and 07-OCFS-INF-06. One of the eligibility questions addressed in the federal Title IV-E Eligibility Review was “Is this foster care provider *fully* licensed during the child’s placement that falls within the PUR” (period under review). One of the issues noted during the course of the federal Title IV-E Eligibility Review dealt with foster children who were placed in foster homes located outside of New York State. The issue was that some Title IV-E eligibility files collected as part of the sampled cases under review did not initially contain current foster home licenses, certificates or approvals issued by the applicable foster home licensing agency in the state in which the foster home was located. The absence of documentation of the foster home license, certificate or approval issued by the state in which the home was located raised an eligibility compliance issue in the review. In all cases, OCFS was able to rectify the issue and avoid an eligibility error case by securing a copy of the applicable foster home license, certificate or approval issued by the applicable agency in the other state.

## III. Program Implications

New York State will have another Title IV-E Eligibility Review by the federal Department of Health and Human Services in 2009. The cases that will be used for the sample will include Title IV-E claimed cases as early as 2008. To avoid the issues that arose in the previous federal review, OCFS is reminding LDSS of the necessity to collect and maintain documentation in the form of a copy of the license, certificate or approval of any foster home in which a foster child is placed and for which Title IV-E is being claimed. With respect to a foster home located in another state, the operative documentation is a copy of the license, certificate or approval issued by the applicable licensing authority in the state in which the foster home is located. Such license, certificate or approval **must be in effect** during the period in which Title IV-E is claimed.

The placement of a foster child in another state is subject to the requirements of the Interstate Compact on the Placement of Children (ICPC) [section 374-a of the Social Services Law]. OCFS is the Compact Administrator for New York State. When the OCFS ICPC office receives an approval from the receiving state to place a New York State foster child into a foster home in that state, it will examine the ICPC package for a copy of the foster home license, certificate or approval for such home. If it is in the package, the OCFS ICPC office will forward it on to the LDSS placing the foster child. If it is not included, the OCFS ICPC office will request such documentation from the ICPC office in the receiving state. Again, as soon as OCFS receives the applicable license, certificate or approval, OCFS ICPC will forward it to the applicable district. **Unless and until such documentation is received, an LDSS may not claim Title IV-E for the placement.** Once such documentation is received, the ability to claim Title IV-E may be retroactive to the date full licensure, certification or approval was in effect.

Once the applicable license, certificate or approval has been secured from the other state, it will be the responsibility of the LDSS with legal custody of the foster child placed in the foster home in the other state to secure necessary updates of the license, certificate or approval of the foster home from the applicable licensing entity in the other state. This means the LDSS must ascertain any expiration date of the license, certificate or approval and seek out documentation that demonstrates that the foster home in the other state was relicensed, recertified or reapproved and the associated effective date. **Documentation of such renewals is required to continue to claim Title IV-E for an otherwise Title IV-E eligible foster child.**

A copy of each license, certificate or approval of the foster home must be maintained in the Title IV-E eligibility file for any period in which Title IV-E was claimed.

Note: For foster children placed in an out-of-state congregate residential program, the LDSS needs to collect a copy of such residential program's license or operating certificate issued in the state in which the residential program operates.

#### **IV. Systems Implications**

Effective immediately, an out-of-state home **must not** be initially opened in CONNECTIONS in Accepted-Active status until a copy of the foster home license, certificate or approval has been received by the LDSS or voluntary authorized agency. If foster care payments are required prior to the physical receipt of the foster home certification or approval, the home must be opened in "Emergency" status which renders the home ineligible for Title IV-E claiming. LDSS and voluntary authorized agencies that operate foster boarding home programs must also evaluate the status of each out-of-state foster home in a CONNECTIONS FAD stage for which they are responsible for making payment. As a result of this review, they are to close any such foster home in "Accepted-Active" status if a license, certificate or approval document for the period that corresponds to the active effective date in CONNECTIONS is not in the eligibility file of the district with custody of the foster child. To correct Title IV-E claiming for these homes, they must be re-opened in "Emergency" status and the dates made to coincide with when payments have been made without justifying documentation. Going forward

with the home in “Emergency” status will provide correct Title IV-E claiming information for additional payments made through WMS. If documentation attesting to the licensure, certification or approval of the home is received from the out-of-state agency, the home should be changed to “Accepted-Active” status, using the effective dates specified. The CONNECTIONS system must be made to reflect an Accepted-Active status for each out-of-state foster home only during the period of time when the license, certificate or approval is in effect. The effective dates can be adjusted in CONNECTIONS for retroactive Title IV-E claiming, if appropriate.

*/s/ Jane G. Lynch*

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**Issued By:**

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Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services