



## Office of Children and Family Services

ANDREW M. CUOMO  
Governor

SHEILA J. POOLE  
Commissioner

***Novel Coronavirus of 2019 (COVID-19) Guidance for  
Voluntary Foster Care Agency and Detention Programs Regarding  
Youth Supervision by Trained Staff***

***Department of Health 24/7 Hotline: [1-888-364-3065](tel:1-888-364-3065)***

March 25, 2020

Dear Chief Executive Officers and Executive Directors:

This guidance is to assist agencies in developing staff schedules during the state of emergency declared by Governor Cuomo on March 7, 2020. OCFS is aware of the current challenges of staffing residential congregate child care and detention programs due to the novel coronavirus of 2019 (COVID-19) pandemic. As you know, the programs you operate have been designated “essential” under Executive Order 202.6 and so the mandatory reduction in workforce does not apply to your residential programs. This guidance allows for temporary adjustments in staffing patterns and training requirements to meet the needs of the program. Any temporary policy revisions and local practice adjustments sought under this guidance are to address exigent circumstances, and must continue to meet the needs of the youth in your programs and not jeopardize the safety of youth and staff.

### Allowable Adjustments to Staffing Patterns

Agencies may adjust staffing patterns related to supervision of youth that deviate from their current approved program description in order to address staffing shortages due to COVID-19. In doing so, consideration should be given to:

- The special supervision needs of individual youth served in the program, including whether the needs of such youth may be met by utilization of partially trained staff, as described below; and
- Meeting minimum staffing requirements — Please keep in mind that staffing must meet the minimum regulatory required ratios unless otherwise waived (detention and Close to Home programs) or the agency is granted an exception to the regulation or receives OCFS approval for a change to their staffing plan (non-detention and Close to Home programs), as applicable.
  - Programs may only request a change in minimum staffing ratio under this guidance in the event that exigent circumstances exist due to the COVID-19 pandemic that prohibit the program from being able to carry out their essential functions under existing staffing requirements.

- A form to request OCFS approval to change a current staffing plan is included with this guidance, along with a list of the present regulatory staff ratios required for the various programs covered under this guidance.
  - Such requests can be made for a period of up-to two weeks and may be extended or modified, within the discretion of OCFS, if exigent circumstances continue to exist that warrant such action.

### Utilization of Partially-Trained Staff

Agencies should determine the number of staff available to assist with supervision of youth, including administrators, clinicians, food service staff, etc. who have received partial training.

When necessary to address COVID-19 related staff shortages, programs may utilize staff who have received partial behavior management training related to de-escalation skills and techniques (everything other than physical restraint intervention) within the regulatory staff ratio, or in accordance with an approved waiver or exception. This may include utilizing staff from other areas of the agency, so long as they have appropriate background clearances. However, in doing so, agencies must:

- Ensure that there are a sufficient number of fully trained staff present who have the ability to conduct a physical intervention should circumstances warrant.
  - For example, if the restraint technique requires two people to successfully execute, two fully trained staff should always be available.
- Establish clear protocols on how partially trained staff will be utilized.
  - Protocols must specify that staff who have not been trained to use physical restraints must not engage in any physical restraints.
    - It is recommended that guidance is provided to staff and supervisors on how these staff could appropriately be utilized during a crisis.
    - Attention should be given to matching staff with units best fit for their experience and background, taking into consideration some units may require more staff than others based on the environment.

For the purpose of this guidance:

- Partially trained staff includes any staff who have not been fully trained in the agency's behavior management model (e.g. Therapeutic Crisis Intervention, Safe Crisis Management).
- Fully trained staff includes staff who previously received full training in the agency's behavior management model, including full training on how to conduct physical restraints, and who are due for a recertification in these training areas, but due to the current staffing issues, have been unable to have such recertification completed.

### Staff Ratios

When necessary to address COVID-19 related staff shortages, partially trained staff may count towards required staff ratios if the conditions described above are met. In the event that even with available partially trained staff programs cannot meet the required staff ratios, program may adjust their staffing ratios as described below.

- *Congregate Child Care Institutions Serving 10-19 Children* Are required to have 2 staff on duty to provide care for 10-19 youth. However, programs are encouraged to think creatively about staff utilization and look at how staff schedules could be altered to provide necessary coverage for multiple floors or units when creating their staff plan for submission to and approval by OCFS.

- Programs seeking to make this change:
  - Must submit the enclosed staffing form per the instructions listed below; and
  - Are encouraged to be thoughtful about the application of the use of that second staff, so that their time in the program is of maximum impact for youth and staff.
- *Congregate Child Care Institutions Serving 20 or More Children* Are required to have staffing ratios as detailed in their OCFS approved staffing Programs are encouraged to look at how staff schedules could be altered to provide necessary coverage for multiple floors or units within such programs approved staffing plan by.
  - In the event that due to COVID-19 relating staff changes, the program cannot meet staffing needs as contained in its current OCFS approved staffing plan, the program may request a change in its staffing plan through the attached staffing form.
- *Group Homes Caring for 10-12 Children* are required to have at least two staff present.
  - In the event that due to COVID-19 relating staff changes, the program cannot meet this requirement, the program may request an exception to OCFS' staff regulations to allow for one staff to care for the children through the attached staffing form.
- *Agency Operated Boarding Homes* are required to have at least two adults responsible for the program.
  - In the event that due to COVID-19 relating staff changes, the program cannot meet this requirement, the program may request an exception to OCFS' staff regulations to allow for one staff to care for the children through the attached staffing form.

### Amending Staff Ratio Protocols

Agencies who wish to amend their approved staff ratio protocols in accordance with this guidance may do so by completing the attached Form and sending it to OCFS as noted below. However, please note:

- Protocols submitted must reflect how the campus support team, administrators, or outside resources may be utilized should a crisis occur when additional resources are needed.
- Agencies must also demonstrate they have administrative oversight practices in place to review the schedule daily in order to ensure adequate staff are available to supervise youth each shift and that enough fully trained staff are scheduled to support the needs of each shift.
- As noted above, such requests should only be made if exigent circumstances exist.
- Such changes may be approved by OCFS for a period of up to two weeks and may be extended or modified at the discretion of OCFS.

### To Submit a Request to Change Staff Ratios

For congregate foster care programs, including those institutions operated by voluntary agencies, send to: Deputy Commissioner for Child Welfare and Community Services [Lisa Ghartey Ogundimu](mailto:Lisa.GharteyOgundimu@ocfs.ny.gov) at [Lisa.GharteyOgundimu@ocfs.ny.gov](mailto:Lisa.GharteyOgundimu@ocfs.ny.gov) ;

For detention programs, send to [ocfs.sm.detention@ocfs.ny.gov](mailto:ocfs.sm.detention@ocfs.ny.gov) and your detention specialist.

For any Close to Home program, send to [Jewel.Brown-Gregory@ocfs.ny.gov](mailto:Jewel.Brown-Gregory@ocfs.ny.gov)

Thank you for your dedication to the safety and well-being of children in your programs and around the state.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Ghartey-Ogundimu". The signature is fluid and cursive, with a long horizontal stroke at the end.

Lisa Ghartey-Ogundimu, Esq.  
Deputy Commissioner  
Division of Child Welfare and Community Services  
New York State Office of Children and Family Services  
Email: [Lisa.GharteyOgundimu@ocfs.ny.gov](mailto:Lisa.GharteyOgundimu@ocfs.ny.gov)

A handwritten signature in black ink, appearing to read "Nina Aledort". The signature is fluid and cursive, with a long horizontal stroke at the end.

Nina Aledort, LMSW, Ph.D.  
Deputy Commissioner  
Division of Youth Development and Partnerships for Success  
New York State Office of Children and Family Services  
Email: [Nina.Aledort@ocfs.ny.gov](mailto:Nina.Aledort@ocfs.ny.gov)