



Office of Children and Family Services

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Acting Commissioner

Local Commissioners Memorandum

Transmittal:	16-OCFS-LCM-16
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services/Bureau of Youth Development
Date:	July 11, 2016
Subject:	Federal Fiscal Year 2016 Independent Living Allocations
Contact Person(s):	See Page 4
Attachments:	Attachment A: District Allocations for the Chafee Foster Care Independence Program, 10/1/15-9/30/16

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to transmit to local departments of social services (LDSSs) the Chafee Foster Care Independence Program (CFCIP) allocations from the Federal Fiscal Year (FFY) 2016 funds. The allocations contained in this memorandum's Attachment A may be used for Independent Living (IL) services expenditures made October 1, 2015, through September 30, 2016, and claimed by March 31, 2017, and will be paid up to the amount of the allocation and subject to a 20 percent state/local match requirement. Unclaimed allocation amounts will be redistributed to other LDSSs that have claims in excess of the allocation, or 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.

This LCM advises LDSSs that they must be in compliance with all provisions set forth in 02-OCFS-LCM-05, issued on February 28, 2002, including the assurances made to the U.S. Department of Health and Human (DHHS) Services listed in Attachment B of that memorandum, to be eligible for reimbursement from CFCIP funds.

II. Allocation Methodology

The FFY 2016 allocation for distribution to LDSSs represents 97 percent of the total FFY 2016 award of \$11,585,958 to New York State, resulting in an allocation to LDSSs of \$11,231,104. The remainder is being reserved by OCFS for two purposes: (1) to support IL services for youth in direct care in OCFS-operated facilities and rehabilitative services programs (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); and (2) to support OCFS activities related to the CFCIP.

The allocation methodology for the FFY 2016 CFCIP allocations to LDSSs is comprised of two parts: the potential IL population and IL expenditures. Half of the available funds are allocated to LDSSs based on each LDSS's potential IL population, which is defined as youth 14 to 21 years of age in care on September 30, 2015. Each LDSS is allocated an amount equal to its proportion of the potential IL eligible population in relation to the total statewide potential IL eligible population. The remaining half of the allocation is based on each LDSS's proportion of the total statewide IL claims received by March 31, 2016, applied against the FFY 2015 allocations, including expenditures made after September 30, 2015. Each LDSS is allocated an amount equal to its proportion of the historical claims. The two parts are then added together to get each LDSS's FFY 2016 total CFCIP allocation, which appears in Attachment A.

This approach affords the greatest degree of stability to LDSSs across program years, balancing population size with intensity of programming. OCFS, however, reserves the right to base future allocation methodologies on historical expenditures only.

III. Reasonable and Prudent Parenting Standards

On September 29, 2014, President 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. However, costs that are non-routine and 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 be an allowable expense under the CFCIP allocation, if appropriate.

IV. Claiming

LDSSs are reminded that an LDSS may claim expenditures for IL services that are directly provided by the LDSS staff to program recipients. These services are: academic support services, vocational training, teaching skills to prepare for independent living, and/or aftercare services. LDSSs are also reminded that within the service categories listed above, an LDSS may also claim expenditures for IL supports for youth. This would include, for example, expenditures for a cap and gown and other costs associated with high school graduation; standardized tests including SAT/ACT/PSAT (required for undergraduate admission to many colleges and universities); applications for admission to college or vocational training programs; examinations for attendance at a vocational training program; visits to colleges; clothing for job/college interviews; their driver's license; and car insurance. LDSSs are also reminded that they must provide, and may claim for Educational and Vocational Training (Purchase of Service [POS] Type 85), Academic Support (POS Type 87) services, and Independent Living Skills (POS Type 84) training provided to children who are adopted from foster care at age 16 or older and children who leave foster care at age 16 or older for guardianship with a relative guardian who is receiving kinship guardianship assistance payments.

Any IL claims that exceed an LDSS's CFCIP allocation are subject to 62 percent state reimbursement, provided that the LDSS meets its threshold requirements and performance, or outcome based provisions. Therefore, it is important that LDSSs submit all claims for the FFY 2016 CFCIP funds.

CFCIP 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 Office of Temporary and Disability Assistance (OTDA) intranet site at <http://otda.state.nyenet/bfdm/finance>.

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

For New York City, Close to Home (CTH) funds may be used to reimburse the non-federal share of IL expenditures claimed on the RF-4 up to the unexpended amount of

the CTH allocation. Expenditures must be claimed in column 3, Federal IL Eligible CTH, to receive reimbursement with CTH funds.

For expenditures exceeding the LDSS's CFCIP allocation, Independent Living expenditures are eligible for 62 percent state reimbursement, subject to the child welfare threshold requirements and performance or outcome-based provisions. Any donated funds or in-kind services that are a part of those expenditures and claimed for 62 percent 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*.

V. Direct Charges

Effective July 1, 2003, the IL program category was removed from the Schedule D-2 *Allocation for Claiming General Services Administration Expenditures* (LDSS-2347-B). LDSS spending for IL services is now 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.

LDSS 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.

VI. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance and federally funded CFCIP services to youth who have left foster care because they have attained the age of 18, see also 42 U.S.C. § 677(b)(3)(A). Therefore, if a youth (between the ages of 18 and 21) formerly in foster care 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, so long as he or she left foster care because of attaining the age of 18. If a youth meets this eligibility criterion, the 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 CFCIP services in New York State.

Additional information can be found at:

Health and Human Services Child Welfare Policy Manual, Chapter 3 - Independent Living.

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

RRO – Karen Buck (585) 238-8549; Karen.Buck@ocfs.ny.gov

SRO – Sara Simon (315) 423-1200; Sara.Simon@ocfs.ny.gov

ARO – Colleen Fischer (518) 486-7078; Colleen.Fischer@ocfs.ny.gov

SVRO – Yolanda Désarmé (845) 708-2499; Yolanda.Désarmé@ocfs.ny.gov

NYCRO – Ronni Fuchs (212) 383-1788; Ronni.Fuchs@ocfs.ny.gov

Bureau of Indian Affairs; Heather LaForme; (716) 847-3123;
Heather.LaForme@ocfs.ny.gov

Questions pertaining to **claiming** should be directed to the Office of Temporary and Disability Assistance, Bureau of Financial Services:

Regions I-IV: Dan Stuhlman (518) 474-7549

Dan.Stuhlman@otda.ny.gov

Region V and VI: Michael Simon (212) 961-8250

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

/s/ *Laura Velez*

Issued By:

Name: Laura Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services

				Attachment A
DISTRICT ALLOCATIONS				
CHAFEE FOSTER CARE INDEPENDENCE PROGRAM (CFCIP) FUNDS				
10/1/15 TO 9/30/16				
District	Allocation		District	Allocation
Albany	\$ 72,689		Orange	\$ 227,481
Allegany	\$ 17,752		Orleans	\$ 18,837
Broome	\$ 124,486		Oswego	\$ 30,866
Cattaraugus	\$ 26,768		Otsego	\$ 17,967
Cayuga	\$ 24,867		Putnam	\$ 11,644
Chautauqua	\$ 36,264		Rensselaer	\$ 79,260
Chemung	\$ 26,423		Rockland	\$ 93,849
Chenango	\$ 11,766		St. Lawrence	\$ 55,609
Clinton	\$ 32,279		Saratoga	\$ 41,956
Columbia	\$ 101,967		Schenectady	\$ 71,254
Cortland	\$ 18,581		Schoharie	\$ 14,804
Delaware	\$ 33,630		Schuyler	\$ 7,384
Dutchess	\$ 105,862		Seneca	\$ 31,875
Erie	\$ 686,951		Steuben	\$ 98,835
Essex	\$ 8,892		Suffolk	\$ 349,907
Franklin	\$ 35,131		Sullivan	\$ 56,329
Fulton	\$ 22,530		Tioga	\$ 11,530
Genesee	\$ 46,327		Tompkins	\$ 64,561
Greene	\$ 22,559		Ulster	\$ 79,373
Hamilton	\$ -		Warren	\$ 16,225
Herkimer	\$ 27,451		Washington	\$ 8,853
Jefferson	\$ 13,521		Wayne	\$ 9,809
Lewis	\$ 4,220		Westchester	\$ 680,480
Livingston	\$ 11,837		Wyoming	\$ 21,188
Madison	\$ 21,782		Yates	\$ 7,477
Monroe	\$ 344,066		St. Regis Mohawk	\$ 4,658
Montgomery	\$ 17,837		Upstate Totals	\$ 4,726,183
Nassau	\$ 196,619			
Niagara	\$ 77,585		New York City	\$ 6,504,921
Oneida	\$ 153,558			
Onondaga	\$ 269,511		Statewide Totals	\$ 11,231,104
Ontario	\$ 20,461			