



Office of Children and Family Services

Kathy Hochul
Governor

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Sheila J. Poole
Commissioner

Administrative Directive

Transmittal:	21-OCFS-ADM-22
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Division of Youth Development and Partnerships for Success and Division of Child Welfare and Community Services
Date:	September 29, 2021
Subject:	Reimbursement for up to 14 days of Absence Without Consent (AWOC) in EMPOWER Qualified Residential Treatment Program (QRTP) Exception Programs
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators Fiscal and Accounting Supervisors
Contact Person(s):	See section VI.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-04, 21-OCFS-ADM-19		18 NYCRR 427.2, Part 440, and 628.3	Family First Prevention Services Act (FFPSA) (P.L. 115-123); 42 USC §672(k); and SSL §460-a		

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) – particularly those operating programs serving children and youth who are found to be, or are at risk of becoming, victims or survivors of sex trafficking – of the ability for EMPOWER programs to be reimbursed for up to 14 consecutive days for youth who run away or are absent without consent (AWOC).

II. Background

EMPOWER programs are certified by the New York State Office of Children and Family Services (OCFS) to provide high quality residential care and support services to children and youth who have been found to be, or are at risk of becoming, victims of sex trafficking. Young people with trafficking risk and experience are AWOC more often and for longer periods of time than other youth in foster care.

The standards for the approval and operation of EMPOWER programs are set forth in 18 NYCRR Part 440.

Effective August 24, 2021, OCFS regulation 18 NYCRR 628.3(a)(4)(vi) was amended to authorize reimbursement for up to 14 consecutive days for youth who are AWOC from an EMPOWER program approved by OCFS. The standard authorization of reimbursement for youth who are AWOC from other categories of residential programs remains at up to seven consecutive days.

III. Program Implications

EMPOWER programs provide safe and stable healing environments for youth who have been trafficked or are at risk. In order to promote stability and healing, these settings may be reimbursed for up to 14 consecutive days for youth who have been or are at risk of sex trafficking and who are AWOC.

IV. Required Action

EMPOWER programs must define in their policy and procedure manual the maximum number of days a youth's bed will be held for them while the youth is AWOC. Agencies with a policy to hold beds for at least 14 days may submit for reimbursement for up to 14 days per absence by following the process below.

V. Systems Implications

The Benefits Issuance Control System (BICS) has not been updated to allow up to 14 consecutive days of reimbursement for an issuance when a youth has an AWOC absence from an EMPOWER foster care setting. BICS will continue to only allow a maximum of eight consecutive days of reimbursement for AWOC absences (CONNECTIONS Activities Absent Reason Code SC = AWOL). Payments exceeding the eight-day maximum reimbursement will be adjusted to non-reimbursable (NR). Payments must be identified and reviewed by LDSS staff. Payments for absences coded as SC, adjusted to NR by BICS, are identified on the BICS NR report with an NR reason code of MV (Movement). If a payment to an EMPOWER setting is identified as NR for exceeding the eight-consecutive-day-allowable absence limit supported by BICS, an email must be submitted to ocfs.sm.finance.IVE.POSTypes@ocfs.ny.gov. The mail must include detailed payment information (case number, CIN, check number, dates of payment). The OCFS Bureau of Finance – Title IV-E Unit staff will review and adjust the issuance in BICS. **Do not make any adjustments to these payments.** Questions regarding system implications may be directed to Matthew.Dilmore@ocfs.ny.gov.

VI. Contacts

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VII. Effective Date

This ADM is effective upon release.

/s/ Nina Aledort, Ph.D.

Issued by:

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