



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	21-OCFS-ADM-20
<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>	August 30, 2021
<b>Subject:</b>	<b>Revised Model Contract for Purchase of Foster Care Services</b>
<b>Suggested Distribution:</b>	Directors of Social Services Foster Care Supervisors Child Care Supervisors Legal Staff Out of State Voluntary Agencies Foster Care Supervisors
<b>Contact Person(s):</b>	See Section V Contacts on page 3.
<b>Attachments:</b>	<i>Agreement for Purchase of Foster Care for Children</i> with attachments, Appendix A; Appendix B; Appendix C; Schedule A; Schedule B; and Schedule C

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
	15-OCFS-ADM-14 and 18-OCFS-ADM-24	18 NYCRR 405.3(d), 427.2, 428.3, and Part 439.	Family First Prevention Services Act (P.L. 115-123); SSL §§371(22), 378-a & 409-h; Part L of Chapter 56 of the Laws of 2021		

### I. Purpose

The purpose of this Administrative Directive (ADM) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the most recent revisions made to the New York State Office of Children and Family Services (OCFS) model contract

for the purchase of foster care services. The revised model contract for the purchase of foster care services outlined in this ADM replaces the model contract issued in 15-OCFS-ADM-14 and cancels that ADM.

## II. Background

The revisions made to the model contract for the purchase of foster care services reflect requirements contained in the Family First Prevention Services Act (FFPSA), P.L. 115-123 signed into law on February 9, 2018 and in effect for the State of New York on September 29, 2021.

OCFS regulation 18 NYCRR 405.3(d) states that the model contract for local purchase of services developed by OCFS must be used by LDSSs. The model contract can be modified to cover additional details or to reflect in greater detail the specifications and terms under which payment will be made for services rendered. The terms “LDSS” and “VA,” as used in this ADM, are synonymous with the terms “department” and “agency,” respectively, in the model contract.

## III. Summary of Modifications

Detailed below are the revisions to the model contract:

### **Raise the Age**

- All raise the age programs are part of the normal course of business for agencies that continue to operate such programs, and given funding structure changes, the agencies no longer have contractual relationships with “Anchor Counties” that provided vital pass-through services to allow for the previous funding arrangement. Therefore, all references to said agreements have been removed from the revised model contract issued by this release.

### **Child Care Review Service (CCRS)**

- All references to CCRS have been removed as these functions are now incorporated into CONNECTIONS.

### **Use of New Terminology Consistent with FFPSA**

- The terms Qualified Residential Treatment Program (QRTP), Qualified Individual (QI), and Supervised Setting are three new terms defined and used throughout the Model Contract.

### **Pages 1-8**

- Adds definitions of After Care, Qualified Individual, Qualified Residential Treatment Program, Supervised Setting and Support Team. Also amends definition of Foster Care of Children and Foster Child. Amends the definition of Permanency Hearing Report to include relevant, mandatory information relative to QRTP placements

### **Page 16**

- Adds the subsection Documentation of Child Placed in a QRTP, noting the requirements set forth in 18 NYCRR 428.3(b)

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- Amends the section STANDARDS RELATING TO NECESSITY AND APPROPRIATENESS OF PLACEMENT
  - Subsection 2: Necessity and Appropriateness of Placement to comport with the standards set forth in 42 USC §§672 and 675a, New York's Title IV-E State Plan, section 409-h of the Social Services Law and OCFS regulations and policies
  - Subsection 3: Continued Necessity and Appropriateness of Placement to comport with 42 USC §675a, New York's Title IV-E State Plan, New York statute, 18 NYCRR 428.3(b) and OCFS policies

**Page 30**

- Amends Intake standards applicable to placements in a QRTP.

**Page 37**

- Added subsection 20 After Care/QRTP Placement to Section H identifying the mandate for QRTPs to provide a minimum of six months of after care following the discharge of the child from foster care or stepping down to a lower level of care.

**Schedule C**

- Added the activity of conducting the 30-day assessment of a child placed in a QRTP.

**IV. Required Action**

LDSSs must modify their foster care services and maintenance agreement to follow the revised model contract for the purchase of foster care services.

**V. Contacts**

Any questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

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**VI. Effective Date**

Information contained in this release becomes effective immediately upon release. Revisions to the model contract relating to implementation of the Family First Prevention Services Act and Part L of Chapter 56 of the Laws of 2021 are effective September 29, 2021. Existing contracts are subject to the statutory and regulatory amendments that took effect as a result of the Family First Prevention Services Act and Part L of Chapter 56 of the Laws of 2021. OCFS recommends that LDSSs modify current contracts to reflect the changes made.

*/s/ Lisa Ghartey Ogundimu, Esq.*

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**Issued by:**

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Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services