



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	21-OCFS-LCM-07
To:	Local District Commissioners
Issuing Division/Office:	Division of Youth Development and Partnerships for Success
Date:	May 7, 2021
Subject:	Federal Fiscal Year 2021 John H. Chafee Foster Care Program for Successful Transition to Adulthood: Independent Living Allocations
Contact Person(s):	See pages 6 and 7.
Attachments:	Attachment A: <i>District Allocations for the John H. Chafee Foster Care Program for Successful Transition to Adulthood: 10/1/20-9/30/21</i> Attachment B: <i>Definitions of Independent Living Services</i> Attachment C: <i>Purchase of Service Codes Chart</i> Attachment D: <i>Eligibility for John H. Chafee Foster Care Program for Successful Transition to Adulthood</i> Attachment E: <i>Attachment for U.S. Department of Health and Human Services Grants</i>

I. Purpose

The purpose of the John H. Chafee Foster Care Program for Successful Transition to Adulthood (CFCP) is to assist current and former youth in foster care achieve self-sufficiency. This Local Commissioners Memorandum (LCM) informs local departments of social services (LDSSs) of the CFCP allocations from the Federal Fiscal Year (FFY) 2021 funds. The allocations contained in this LCM's Attachment A may be used for independent living (IL) services expenditures made from October 1, 2020, through September 30, 2021, and claimed by March 31, 2022. Such claims will be paid up to the amount of the allocation and are subject to a 20% state/local match requirement. Unclaimed allocation amounts may 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 also provides information on the flexibilities for use of Chafee allocations as provided in the federal Consolidated Appropriations Act, 2021 (P.L. 116-260).

To be eligible for reimbursement from CFCP funds, LDSSs are advised that they must be in compliance with all provisions set forth in [02-OCFS-LCM-05, Federal Fiscal Year 2000-2001 Independent Living Allocations.doc](#), issued on February 28, 2002, and with the assurances made to the U.S. Department of Health and Human Services (DHHS), listed in Attachment B of that LCM.

II. Program Purpose

LDSSs are required to meet the independent living (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.

The following temporary flexibilities in the use of funds are applicable to grants issued under FFY 2021 Chafee grant pursuant to Division X P.L. 116-260:

1. For FFY 2021, CFCP funding may be used to provide services and assistance to any otherwise eligible youth in foster care or young adult who experienced foster care at age 14 or older and has not yet attained age 27.
2. From October 1, 2020, through September 30, 2021, agencies administering the Chafee program may use more than 30% of their CFCP funds for room and board payments for a fiscal year.
3. Agencies may use Chafee room and board amounts for any otherwise eligible youth who experienced foster care at age 14 or older and who at the time of receipt of services is over age 18 but has not yet attained age 27.
4. Chafee funds may be used to provide driving and transportation assistance to otherwise eligible youth with costs related to obtaining a driver's license and driving lawfully in the state. These costs may include, but are not limited to, obtaining a driver's license, vehicle insurance, driver's education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile.
5. Creates a cap on the amount of driving and transportation assistance provided to each eligible youth/young adult at \$4,000 per year.
6. Any driving and transportation assistance must be disregarded for determining the youth's eligibility for any other federal or federally supported assistance. The state or tribe must also take steps to prevent duplication of benefits
7. Driving and transportation expenses are ordinarily allowable under the Chafee program without a dollar limit for eligible youth up to age 21. Under the provisions of Division X P.L. 116-260, the services are also available to youth through age 26 during the period from October 1, 2020 – September 30, 2021. During that period, such expenses made for youth ages 15 - 26, whether paid from the regular Chafee appropriation, are subject to the \$4,000 cap per year per youth.

On September 29, 2014, President Barack 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, including routine activities that would qualify as normative experiences. However, costs of normative activities that are non-routine and that 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 also be allowable expenses under the CFCP allocations as well as special payment under 18 NYCRR 427.3(c).

III. Program Implications for Chafee Additional Funding From Division X of P.L. 116-260.

New York State (NYS) has been allocated an additional \$12,961,217 for Chafee Funds. The additional Chafee funds are intended to provide support to youth and young adults who are eligible for traditional Chafee dollars (youth who are 14 or older in foster care, or who left foster care after the age of 14 through age 21). The additional funds include provisions for providing cash assistance and services to young adults age 18 through age 26 who were in foster care in NYS after the age of 14. The age extension through 26 will end on September 30, 2021. Starting October 1, 2021, through September 30, 2022, cash assistance and services will be provided to young adults otherwise eligible for Chafee funding in NYS.

Cash transfers to young adults: NYS was negatively impacted by the COVID-19 pandemic, contributing to the potential instability of thousands of young adults who aged out of foster care. Early conversations with the OCFS Youth Advisory Board (YAB) indicated that the primary need was to offer direct financial support to eligible youth in a friendly and seamless manner. An online portal was the preferred method. The additional funds will be centrally disbursed by the OCFS vendor, Welfare Research Inc., directly to young adults between the ages of 18 through 26 as a cash transfer.

OCFS will notify LDSSs and voluntary agencies (VAs) with the website details for eligible youth and young adults to access the application for additional Chafee funding. Due to the

large number of young adults who may be eligible, the funds will be disbursed on a first-come/first-served basis.

Any funds utilized for driving and transportation assistance must be disregarded for determining the youth's eligibility for any other federal or federally supported assistance. All other financial assistance received from the additional Chafee funds must be reported as income for individuals or families in receipt of TANF or state public assistance benefits.

Each person applying for the additional Chafee funds must attest to the accuracy of the information in the application and will be checked against NYS historical foster care data by OCFS staff. Claims for these direct cash transfer expenses MUST NOT be claimed on the RF-4, but will instead be distributed directly to youth through the OCFS contract with Welfare Research, Inc.

IV. Allocation Methodology

The allocation methodology has two components: (1) potential IL population and (2) IL expenditures. Half of the available funds are allocated to LDSSs based on the LDSS's potential IL population. Potential IL population is defined as youth 14 to 21 years of age who are in foster care on September 30, 2020. 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 available funds are allocated to LDSSs based on the LDSS's proportion of the statewide IL expenditures. IL expenditures are defined by IL claims for the period of October 1, 2019, through September 30, 2020, received by March 31, 2021.

These two parts are then added together to get each LDSS's FFY 2021 total CFCP allocation, which appears in Attachment A. This approach affords the greatest degree of stability to LDSSs across program years. It balances population size with intensity of programming.

Please note, OCFS reserves the right to base future allocation methodologies on historical expenditures or potential population only.

V. Claiming

In accordance with federal law, CFCP funds may be used to **supplement** but not supplant any other funds that are available for the same general purposes in the state, see 42 U.S.C. 677 (d). This means that LDSSs may not use CFCP funds to reduce the amount of other funds LDSSs have expended for these costs. Therefore, an LDSS may claim CFCP funds for expenditures for IL services that are directly provided to program recipients by the LDSS staff, provided that CFCP funds are supplementing but not supplanting other funds that may be available for such services. These services can be found in Attachment B and a purchase of service code chart in Attachment C.

Claims can be made based under the following circumstances:

- Youth in foster care can be eligible for IL services, which are intended to nurture healthy development, at age 14 or older and remain eligible up to their 21st birthday. Consistent with the positive youth development (PYD) framework, these

services help youth: (1) achieve meaningful and permanent connections with a caring adult; (2) engage in developmentally appropriate activities necessary for healthy cognitive, social, and emotional growth; and (3) participate in experiential learning opportunities afforded to their peers in intact families. See Attachment B for a list of allowable services and conditions.

- Youth who have aged out of foster care at age 18, 19, or 20 can be provided IL services up to their 21st birthday, which are intended to complement the efforts of the youth to achieve self-sufficiency. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions based on age.
- Youth who have exited foster care to adoption or legal guardianship after turning 16 can be provided IL services up to their 21st birthday, which are intended to complement the efforts of the youth to achieve self-sufficiency. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions.
- Youth who were in foster care at age 14 or older and have exited foster care for reasons other than adoption, legal guardianship, or aging out of foster care (e.g., reunification) can be provided IL services, which are intended to complement the efforts of youth to achieve self-sufficiency, up to their 21st birthday. The following services a youth may receive include but are not limited to financial, housing, counseling, employment, education, and other appropriate supports that prepare youth for the responsibilities of adulthood. See Attachment B for a list of allowable services and conditions.

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

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

Any claim for IL services that exceeds an LDSS's CFCP allocation is subject to state child welfare reimbursement, provided that the LDSS meets threshold requirements and performance or outcome-based provisions. Therefore, it is important that LDSSs submit all claims for the FFY 2021 CFCP funds. Any donated funds or in-kind services that are claimed 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.

Claims can be made for eligible CFCP expenses from October 1, 2020, to September 30, 2021 with a final accept date of March 31, 2022.

For further guidance on eligibility please see Attachment D.

VI. Direct Charges

LDSSs' 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.

An LDSS's spending for IL services is 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.

VII. Additional Information

Section 477(b)(3)(A) of the Social Security Act requires states to certify that they will provide assistance and federally funded CFCP services to youth who have aged out of foster care and have not attained 21 years of age (see also 42 U.S.C. § 677(b)(3)(A)). Therefore, if a youth meeting the criteria above (i.e., has aged out of foster care and has not yet attained 21 years of age) moves from the state in which the youth aged out of foster care to another state, the youth is eligible for IL services in the new state. If a youth meets this eligibility criteria, 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 CFCP services in New York State.

Additional information can be found at:

Health and Human Services Child Welfare Policy Manual, Chapter 3 - Independent Living.
https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy.jsp?idFlag=3

VIII. 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 – Christopher Bruno (585) 238-8549, Christopher.Bruno@ocfs.ny.gov

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

ARO – John Lockwood (518) 486-7078, John.Lockwood@ocfs.ny.gov

WRO –Sheletha Chang (914) 801-3231, Sheletha.Chang@ocfs.ny.gov

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

Native American Services – Heather LaForme (716) 847-3123
Heather.LaForme@ocfs.ny.gov

Close to Home Oversight – Jewel Brown-Gregory (212) 383-1828
Jewel.Brown-Gregory@ocfs.ny.gov

Questions pertaining to the Automated Claiming System should be directed to OTDA,
Bureau of Financial Services:

Regions I-V: Lauren Horn (518) 474-7549
otda.sm.Field_Ops.I-IV@otda.ny.gov

Region 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/ Nina Aledort, Ph.D., LMSW

Issued by:

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