



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Commissioner

## Local Commissioners Memorandum

<b>Transmittal:</b>	21-OCFS-LCM-22
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Administration
<b>Date:</b>	July 15, 2021
<b>Subject:</b>	<b>State Fiscal Year (SFY) 2021-22 Foster Care Block Grant Allocations</b>
<b>Contact Person(s):</b>	See VI. Contact Information
<b>Attachments:</b>	A. <i>State Fiscal Year (SFY) 2021-22 Foster Care Block Grant Allocations</i>

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to provide local departments of social services (LDSSs) with their Foster Care Block Grant allocations for State Fiscal Year (SFY) 2021-22.

Notable differences from the prior year Foster Care Block Grant LCM include a revision to the allocation methodology.

### II. Background

The Child Welfare Financing Law promotes a reduction in the use of foster care placements through two components:

1. A Foster Care Block Grant that caps annual state reimbursement allocated to LDSSs for foster care services and administration.
2. After the application of available federal funds, uncapped state reimbursement is allocated for child welfare services other than Community Optional Preventive Services (COPS), foster care services, and foster care administration.

The SFY 2021-22 state appropriation for the Foster Care Block Grant is \$384,793,000, which provides for a one percent cost of living adjustment and continues to align state and local funding shares with the historical intent of the Foster Care Block Grant.

The federal Family First Prevention Services Act (FFPSA) was enacted on February 9, 2018. A primary goal of FFPSA is to keep children safely at home with their families and, when that is not possible, to utilize the least restrictive placement to meet the needs of the child. FFPSA reforms federal financing to prioritize family-based foster care settings over congregate care settings by limiting title IV-E reimbursement for placement in certain congregate care settings.

### **III. Other Related SFY 2021-22 Budget Actions**

The SFY 2021-22 Enacted Budget appropriates \$964M of funding for the Flexible Fund for Family Services (FFFS) that provides LDSSs with the flexibility to determine local funding priorities. For information on how LDSSs can use their FFFS allocation, please refer to the annual FFFS Administrative Directive (ADM) from the New York State Office of Temporary and Disability Assistance (OTDA).

LDSSs will receive separate guidance indicating the portion of the FFFS allocations they will be reimbursed for expenditures associated with Emergency Assistance to Families (EAF) Juvenile Delinquents (JD), EAF Persons in Need of Supervision (PINS), EAF Tuition, EAF Foster Care Administration, and EAF Foster Care Maintenance.

An LDSS's claims may be eligible for federal funding even if they exceed the LDSS's Foster Care Block Grant allocation for the current fiscal year if those claims are

- eligible to receive federal funding under Title IV-E Foster Care, John H. Chafee Foster Care Program for Successful Transition to Adulthood, or EAF; and
- up to the amount of the LDSS's FFFS allocation it chooses to use for EAF JD, EAF PINS, EAF Tuition, EAF Foster Care Administration, or EAF Foster Care Maintenance Actions.

### **IV. Program Implications**

The Foster Care Block Grant includes state reimbursement for the following foster care services during SFY 2021-22:

- Care and maintenance, including clothing and special payments; supervision; administrative costs claimed on Schedule D-2 and Schedule K; and tuition costs for foster children placed in New York State Office of Mental Health (OMH)-licensed residential treatment facilities, as well as in New York State Office of Children and Family Services (OCFS)-licensed child care institutions, except for New York City tuition costs for foster children.
- The New York City Administration for Children's Services (ACS) may use its Foster Care Block Grant allocation to support non-secure Close to Home (CTH) foster care expenditures, except for New York City tuition costs for foster children.

- Supervision of foster children in federally funded job corps programs
- Care, maintenance, supervision, and tuition of adjudicated JDs placed in residential programs operated by authorized agencies and in out-of-state residential programs, except for New York City tuition costs for foster children, including adjudicated JDs. Foster Care Block Grant funds cannot be used to reimburse costs related to the placement of PINS.
- Provision and administration of the Kinship Guardianship Assistance Program (KinGAP), including assistance payments to relative and successor guardians made until the child's 18th birthday or until the child's 21st birthday, if certain requirements are met, and nonrecurring guardianship expenses. For more information on KinGAP, please refer to 11-OCFS-ADM-03 and 18-OCFS-ADM-03. For more information on KinGAP successor guardians, please refer to 16-OCFS-ADM-10.
- Payment for the Fostering Futures New York (FFNY) program. For more information on FFNY, please refer to 21-OCFS-LCM-05.

Except for regular foster boarding home programs and pass-through payments to foster parents, section 398-a of the Social Services Law prohibits LDSSs from paying less than the maximum state aid rates established by OCFS for congregate care programs and for administrative and services rates for therapeutic, special needs, or emergency foster home programs operated by a voluntary agency.

The Foster Care Block Grant does not provide reimbursement for the following:

- Federal reimbursement for foster care costs<sup>1</sup>
- New York City tuition costs for foster children
- Placement of PINS in foster care settings
- State expenditures made on behalf of youth placed in OCFS-operated facilities
- State reimbursement for the following:
  - Committee on Special Education (CSE) payments
  - Dormitory Authority payments in excess of the Foster Care Block Grant (See *Fiscal Reference Manual*, Volume 2, Chapter 4 – Institutional Rates)
  - Foster care and kinship services for Indian tribes
  - Medical assistance payments for children in foster care
  - Independent living services (except for those LDSSs that have unexpended funds remaining from their SFY 2019-20 Foster Care Block Grant allocation – See V. Claiming.)
  - Raise the Age for eligible municipalities

### Allocation Methodology

The claims-based methodology continues to allocate the Foster Care Block Grant funding to focus on the safety, well-being, and permanency of children.

---

<sup>1</sup> Federal reimbursement will not be affected by the Foster Care Block Grant and will be settled through claim settlements subject to the availability of federal funds.

The SFY 2021-22 appropriation for state reimbursement for foster care services is \$384,793,000 and is allocated as follows:

- \$348,343,000 according to LDSSs’ respective shares of statewide gross original and supplemental foster care claims net of cancellations and refunds for the 12-month period ending June 30, 2020, and submitted to the state on or before January 2, 2021. New for this year is the condition that this portion of the allocation does not decrease by more than 5% from the prior year.
- \$9,112,500 according to LDSSs’ reduction in the utilization of foster care days from Federal Fiscal Year (FFY) 2016 – 2018.
- \$27,337,500 to support FFPSA implementation.

LDSS allocations for each component of the SFY 2021-22 Foster Care Block Grant are provided in Attachment A.

**V. Claiming**

There is not a Maintenance of Effort (MOE) requirement associated with the Foster Care Block Grant.

Foster Care Block Grant costs are paid during the SFY through a bottom-line adjustment instead of a claim settlement. Submitted claims for a particular SFY year that do not receive state reimbursement during that SFY may not be claimed against the next year, and there is no additional state funding if an LDSS exceeds its allocation for a particular fiscal year.

**Reimbursement Schedule for the SFY 2021-22 Foster Care Block Grant**

Foster Care Maintenance and Tuition Claims	January 1, 2021, through September 30, 2021
Foster Care Administrative Claims	October 1, 2020, through September 30, 2021

Please refer to the *Fiscal Reference Manual* (FRM) available at <https://otda.ny.gov/resources/fiscal-reference/> for instructions on claiming the Foster Care Block Grant expenditures:

Program Type	Schedule	Form Number	FRM Volume	FRM Chapter
Foster Care	Schedule K	LDSS-3479	Volume 2	Chapter 3
Foster Care	Schedule H	LDSS-4283	Volume 2	Chapter 3
Foster Care	Schedule D-2	LDSS-2347B	Volume 3	Chapter 9
Foster Care	Schedule RF-17 Statement	LDSS-4975	Volume 3	Chapter 18
KinGAP	Schedule K	LDSS-3479	Volume 2	Chapter 3
KinGAP	Schedule D-2	LDSS-2347B	Volume 3	Chapter 9

### Unclaimed Foster Care Block Grant Funds

LDSSs that claim less than their full SFY 2021-22 Foster Care Block Grant allocation may use the unexpended funds during SFY 2022-23 for expenditures for the following child welfare eligible services:

- Preventive, including reunification
- Child Protective
- Independent living
- Aftercare
- Adoption administration and services

Unclaimed Foster Care Block Grant funds used as described above are eligible for 100% state reimbursement up to the amount of unclaimed Foster Care Block Grant funds, directly offsetting child welfare funding-eligible claims on the child welfare settlement. These funds will be a separate line item and shown as an advance on the child welfare settlement tool and cannot exceed the amount the LDSS is to receive in the settlement.

When an LDSS uses unclaimed SFY 2021-22 Foster Care Block Grant funds, the LDSS must report it as described below:

- These costs must be identified as F17 functional costs and reported in the RF-2A claim package on Schedule D – *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347) in the F17 column.
- Individual project costs must also be reported under project label FCBG Savings SFY 2021-22 on the RF17 Worksheet – *Distribution of Allocated Costs to Other Reimbursable Programs* (LDSS-4975A).
- For October 1, 2021, through September 30, 2022, non-salary project costs must be reported in the RF-2A claim package and identified as F17 functional costs on the *Cost Allocation Schedule of Payments Other Than Salaries* (LDSS-923) as Object of Expense 37 – Special Project Expense.
  - Expenses reported in this way are carried forward to the RF-2A claim package on Schedule D – *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347).
- Project costs must subsequently be reported under project label FCBG Savings SFY 2021-22 in the RF17 claim package on LDSS-923B Summary-Program (page 2) of *Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs* (LDSS-923B) as Object of Expense 37 – Special Project Expense.
  - Expenses reported in this way are carried forward to the RF-17 Worksheet – *Distribution of Allocated Costs to Other Reimbursable Programs* (LDSS-4975A).

Further instructions for completing the Schedule D and RF-17 claim packages can be found in Chapters 7 and 18, respectively, of Volume 3 of the FRM. The FRM is available online at <https://otda.ny.gov/resources/fiscal-reference/>

**VI. Contact Information**

Please see the chart below to determine how to direct your Foster Care Block Grant questions:

<b>Topic</b>	<b>LDSS Region</b>	<b>Contact Person</b>	<b>Contact Phone</b>	<b>Contact Email Address</b>
Allocations	All	Shonna Clinton	(518) 474-1361	Shonna.Clinton@ocfs.ny.gov
Program	Buffalo	Amanda Darling	(716) 847-3145	Amanda.Darling@ocfs.ny.gov
	Rochester	Christopher Bruno	(585) 238-8201	Christopher.Bruno@ocfs.ny.gov
	Syracuse	Sara Simon	(315) 423-1200	Sara.Simon@ocfs.ny.gov
	Albany	John Lockwood	(518) 486-7078	John.Lockwood@ocfs.ny.gov
	Spring Valley	Thalia Wright	(845) 708-2498	Thalia.Wright@ocfs.ny.gov
	New York City	Ronni Fuchs	(212) 383-1676	Ronni.Fuchs@ocfs.ny.gov
FFFS	All	Susanne Haag	(518) 486-6291	Susanne.Haag@otda.ny.gov
Automated Claiming System	Regions 1-5	Lauren Horn	(518) 474-7549	Field_Ops.I-IV@otda.ny.gov
	Regions 6	Michael Simon	(212) 961-8250	Michael.Simon@otda.ny.gov

**/s/ Derek J. Holtzclaw**

**Issued by:**

Name: Derek J. Holtzclaw

Title: Deputy Commissioner for Administration

Division/Office: Division of Administration

## Attachment A

## State Fiscal Year (SFY) 2021-22 Foster Care Block Grant Allocations

District	Prorated Foster Care Claims	Set-Aside Based on Trended Change in Care Days for 2016-2018	Set-Aside Based on Approved Relative Home Placements on 12/31/2020	Allocation
Albany	5,771,433.00	\$0	\$185,753	5,957,186.00
Allegany	1,226,195.00	\$107,254	\$116,759	1,450,208.00
Broome	5,123,088.00	\$0	\$148,602	\$5,271,690
Cattaraugus	1,313,187.00	\$160,620	\$100,837	\$1,574,644
Cayuga	1,454,677.00	\$93,629	\$53,072	\$1,601,378
Chautauqua	1,996,903.00	\$58,494	\$42,458	\$2,097,855
Chemung	1,411,455.00	\$0	\$137,988	\$1,549,443
Chenango	746,453.00	\$0	\$47,765	\$794,218
Clinton	1,580,373.00	\$119,328	\$100,837	\$1,800,538
Columbia	1,856,966.00	\$196,053	\$15,922	\$2,068,941
Cortland	944,865.00	\$18,246	\$201,674	\$1,164,785
Delaware	754,120.00	\$174,603	\$37,151	\$965,874
Dutchess	7,086,948.00	\$358,268	\$217,596	\$7,662,812
Erie	17,639,196.00	\$197,574	\$843,848	\$18,680,618
Essex	1,049,477.00	\$0	\$53,072	\$1,102,549
Franklin	1,336,880.00	\$0	\$233,518	\$1,570,398
Fulton	1,093,802.00	\$58,986	\$5,307	\$1,158,095
Genesee	1,346,632.00	\$160,695	\$63,687	\$1,571,014
Greene	1,538,674.00	\$90,916	\$106,144	\$1,735,734
Hamilton	82,930.00	\$0	\$0	\$82,930
Herkimer	1,735,438.00	\$0	\$111,452	\$1,846,890
Jefferson	2,241,342.00	\$0	\$164,524	\$2,405,866
Lewis	289,342.00	\$35,195	\$10,614	\$335,151

<b>District</b>	<b>Prorated Foster Care Claims</b>	<b>Set-Aside Based on Trended Change in Care Days for 2016-2018</b>	<b>Set-Aside Based on Approved Relative Home Placements on 12/31/2020</b>	<b>Allocation</b>
Livingston	1,260,909.00	\$98,399	\$21,229	\$1,380,537
Madison	1,578,330.00	\$64,785	\$10,614	\$1,653,729
Monroe	8,969,228.00	\$0	\$201,674	\$9,170,902
Montgomery	1,144,640.00	\$0	\$15,922	\$1,160,562
Nassau	6,776,533.00	\$230,801	\$90,223	\$7,097,557
Niagara	3,263,675.00	\$30,991	\$132,681	\$3,427,347
Oneida	5,484,125.00	\$236,406	\$514,801	\$6,235,332
Onondaga	7,492,480.00	\$34,926	\$843,848	\$8,371,254
Ontario	1,431,593.00	\$110,235	\$53,072	\$1,594,900
Orange	7,358,305.00	\$0	\$329,048	\$7,687,353
Orleans	622,154.00	\$15,488	\$0	\$637,642
Oswego	2,532,118.00	\$0	\$392,734	\$2,924,852
Otsego	828,584.00	\$0	\$10,614	\$839,198
Putnam	841,302.00	\$40,025	\$5,307	\$886,634
Rensselaer	2,628,521.00	\$215,566	\$15,922	\$2,860,009
Rockland	2,778,211.00	\$1,744	\$68,994	\$2,848,949
St. Lawrence	2,993,528.00	\$0	\$589,102	\$3,582,630
Saratoga	1,683,327.00	\$0	\$15,922	\$1,699,249
Schenectady	5,622,840.00	\$95,105	\$254,747	\$5,972,692
Schoharie	1,852,304.00	\$0	\$10,614	\$1,862,918
Schuyler	575,891.00	\$18,589	\$21,229	\$615,709
Seneca	1,041,452.00	\$39,682	\$5,307	\$1,086,441
Steuben	2,234,390.00	\$0	\$90,223	\$2,324,613
Suffolk	14,110,452.00	\$456,146	\$541,337	\$15,107,935
Sullivan	2,507,944.00	\$0	\$42,458	\$2,550,402



<b>District</b>	<b>Prorated Foster Care Claims</b>	<b>Set-Aside Based on Trended Change in Care Days for 2016-2018</b>	<b>Set-Aside Based on Approved Relative Home Placements on 12/31/2020</b>	<b>Allocation</b>
Tioga	726,589.00	\$0	\$53,072	\$779,661
Tompkins	1,428,214.00	\$139,214	\$217,596	\$1,785,024
Ulster	3,961,073.00	\$0	\$392,734	\$4,353,807
Warren	917,684.00	\$163,259	\$15,922	\$1,096,865
Washington	1,005,912.00	\$0	\$31,843	\$1,037,755
Wayne	809,288.00	\$96,804	\$0	\$906,092
Westchester	16,551,434.00	\$389,826	\$610,331	\$17,551,591
Wyoming	957,809.00	\$0	\$0	\$957,809
Yates	296,230.00	\$74,116	\$15,922	\$386,268
New York City	174,455,555.00	\$4,730,532	\$18,723,878	197,909,965.00
Statewide Totals	348,343,000.00	\$9,112,500	\$27,337,500	384,793,000.00