



Office of Children and Family Services

Kathy Hochul
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Commissioner

Administrative Directive

Transmittal:	22-OCFS-ADM-02
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Division of Youth Development and Partnership for Success Office of Strategic Planning and Policy Development
Date:	January 24, 2022
Subject:	Supervised Setting Program (SSP) Implementation
Suggested Distribution:	Commissioners of Social Services Directors of Social Services Child Welfare Supervisors Foster Care Supervisors CONNECTIONS Implementation Coordinators LDSS Fiscal Administrators Voluntary Authorized Agency Home Finders Local Department of Social Services Home Finders FAD/Resource Directory Workers
Contact Person(s):	See section VII.
Attachments:	Agency Checklist for Supervised Setting Program Operation (OCFS-5560) Standardized Supervised Setting Readiness Assessment (OCFS-5561) Supervised Setting Program Approval and Placement Agreement (OCFS-5562) Community-Site Physical Safety Checklist (OCFS-5563) Supervised Independent Living Program Fire Inspection Guidelines (OCFS-5564) Notice of SILP Opening, Transfer, Recertification and/or Closing (OCFS-5565) Youth Housing Safety Checklist (Pub. 5529) Youth Housing Safety Tips (Pub. 5530) Supervised Setting Program Approval Letter Interstate Compact on the Placement of Children (ICPC) for Supervised Settings

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-21 21-OCFS-INF-08	08-OCFS-ADM-07	18 NYCRR 441.21, Part 449, 449.2(b), 449.3(h), 449.7	Social Services Law (SSL) §371(22), §398(10), Social Security Act (SSA) §§472(c)(2)(B), 472(k)(2), 472(k)(2)(C)		Family First Supervised Setting Program (SSP) Job Aid

			Bipartisan Budget Act of 2018 (P.L. 115-123)		
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I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the newly established Supervised Setting Programs (SSPs) that allow transition aged youth to live independently in a variety of supervised settings. Such settings are Qualified Residential Treatment Program (QRTP) Exceptions (also referred to as specified settings¹) under the federal Family First Prevention Services Act (FFPSA); therefore, eligible youth in foster care ages 18-21 residing in such settings may be eligible for maintenance under Title IV-E of the Social Security Act (Title IV-E) on and after September 29, 2021.

This ADM sets forth the program standards for each of the three types of SSPs, the requirements to apply to operate an SSP(s), and to certify or approve individual supervised settings in which a youth may reside.

II. Background

FFPSA was enacted as part of the federal Bipartisan Budget Act of 2018 (P.L. 115-123) on February 9, 2018. FFPSA reforms federal financing to prioritize family-based foster care, preferably with kin, over residential care by limiting federal reimbursement for certain residential placements. New York State (NYS) fully implemented FFPSA on September 29, 2021, and all requirements of the law are now in effect.

FFPSA prohibits Title IV-E reimbursement beyond 14 days for youth in foster care who are not placed in a foster boarding home unless such setting qualifies as a QRTP. Recognizing that the needs of certain special populations of youth are best met in settings that are neither a foster boarding home nor a QRTP, FFPSA also allows for several placement types to be classified as “QRTP Exceptions”, also referred to as specified settings, and remain Title IV-E eligible placement settings. QRTP Exceptions include, but are not limited to:

“in the case of a youth who has attained 18 years of age, an approved supervised setting in which the youth is living independently.”²

FFPSA guidance, ACYF-CB-PI-18-07, encourages states to be innovative in meeting the needs of older youth in such settings as follows:

“a title IV-E agency has the discretion to develop a range of supervised independent living settings which can be reasonably interpreted as consistent with the law, including whether or not such settings need to be licensed and any safety protocols that may be needed. For example, a title IV-E agency may determine that when paired with a supervising agency or supervising worker, host homes, college dormitories, shared housing, semi-supervised apartments, supervised apartments or another housing arrangement meet the supervised setting requirement. We encourage the title IV-E agency to be innovative in determining the best living arrangements that could meet an older child’s needs for supervision and support as he/she moves toward independence.”

¹ Social Security Act (SSA) §472(k)(2).

² Social Security Act (SSA) §472(k)(2)(C).

In accordance with federal guidance, NYS is establishing three types of SSPs, each include their own supervised settings (individual sites or units), as follows:

1. Community-Site SSP

Supervised settings include, but are not limited to

- apartments,
- room rentals,
- shared housing, and
- living with kin (relative or person with whom the youth has a positive relationship).

LDSSs and VAs have discretion to expand on this list if the setting meets the standards set forth in 18 NYCRR Part 449 and this ADM.

2. College-Owned Housing SSP (the term “college-owned” includes colleges, universities, and vocational schools)

Supervised settings are

- dormitories, and
- houses, apartments, or other residential homes owned, operated, or contracted by the college, university, or vocational school.

3. Supervised Independent Living Program (SILP)

Supervised settings are

- Supervised Independent Living Units (1-4³ bed units).

The New York State Office of Children and Family Services (OCFS) previously released [21-OCFS-INF-08](#) to inform LDSSs and VAs of the continuation of Title IV-E funding for youth placed in Supervised Independent Living Programs (SILPs).

At the time of that release, CONNECTIONS limitations prevented expanding the “supervised setting” designation to other types of SSPs (Community-Site and College-Owned Housing) beyond SILPs. Those CONNECTIONS changes are now in effect to allow for implementation of the other SSP types. All SSP types, including SILPs, must now adhere to the requirements for SSPs set forth in this ADM and 18 NYCRR Part 449.

III. Program Implications

Supervised settings (as listed above) will be new placement options for older youth in foster care authorized under the newly established SSPs. Supervised settings are QRTP exceptions under FFPSA and are therefore Title IV-E eligible placement settings for youth ages 18 and older. Youth with any permanency goal may participate in an SSP.

An SSP is comprised of approved or certified supervised settings. Such supervised settings are the individual housing sites in which a youth may reside while participating in an SSP. LDSSs and VAs approved to operate an SSP must approve, or in the case of SILP units certify, the supervised settings in which the youth will live.

All LDSSs and VAs may apply to OCFS for authorization to operate one or more types of SSP(s). Unlike the other QRTP exceptions, application for SSPs will not be made through the New York

³ A waiver pursuant to 18 NYCRR 449.7 is required to operate a SILP unit with a capacity of five.

State 29-I Voluntary Foster Care Agency (VFCA) Health Facilities Licensure portal (29-I portal) but rather to the appropriate OCFS regional office.

Upon written approval from OCFS, the LDSS or VA may approve youth in foster care ages 16-21 to live independently in an approved or certified supervised setting with supervision and support. Youth ages 16 and 17 are permitted to reside in an approved or certified supervised setting but are not eligible for Title IV-E reimbursement until they are 18 years old in accordance with federal law. However, Title IV-E reimbursement for otherwise Title IV-E eligible youth 16 and 17 years of age residing in a SILP unit on September 29, 2021, remains in effect for the duration of their placement only while residing in the same SILP unit.

Notes:

- State law authorizes LDSSs to operate an SSP and approve or certify supervised settings. However, CONNECTIONS, the Welfare Management System (WMS), the Benefits Issuance Control System (BICS), and the Automated Claiming System (ACS) cannot currently recognize supervised settings approved or certified by LDSSs. Therefore, while LDSSs may apply to OCFS for authorization to operate SSPs, there is no mechanism for payment and to reimburse LDSSs for such payments. LDSSs are encouraged to contract with VAs to operate SSPs at this time.

- OCFS will establish a Maximum State Aid Rate (MSAR) for supervised settings. LDSSs will be notified when rates are finalized and posted on the OCFS website at <http://www.ocfs.state.ny.us/main/rates>.

There are three steps that must occur before a youth may reside in a supervised setting:

1. Assess the youth's readiness for the SSP using the attached *Standardized Supervised Setting Readiness Assessment* (OCFS-5561).
2. Approve or certify the individual supervised setting in which the youth seeks to reside, in accordance with 18 NYCRR Part 449.
 - A Community-Site supervised setting must be approved using the *Community-Site Physical Safety Checklist* (OCFS-5563).
 - The *Supervised Independent Living Program Fire Inspection Guidelines* (OCFS-5564) may be used to meet the physical safety inspection requirements for a SILP unit. This form has been updated and is attached to this ADM.
3. The *Supervised Setting Approval and Placement Agreement* (OCFS-5562) must be completed for any youth who is approved or disapproved to reside in a supervised setting.

The above steps do not apply to College-Owned Housing.

The *Standardized Supervised Setting Readiness Assessment* (OCFS-5561), *Community-Site Physical Safety Checklist* (OCFS-5563), and *Supervised Setting Program Approval and Placement Agreement* (OCFS-5562) are new forms that are released with this ADM and are described further below.

See the attached "*Interstate Compact on the Placement of Children (ICPC) for Supervised Settings*" for out-of-state supervised setting placements.

SSP Types

I. Community-Site SSP

Supervised settings include but are not limited to apartments, room rentals, shared housing, and living with kin (relative or person with whom the youth has a positive relationship). Youth may reside in such settings with persons who are not in foster care and/or with other youth in foster care who have been approved for such setting.

A. Community-Site Application to OCFS

In accordance with regulations,⁴ an application to OCFS seeking authorization to operate any SSP type must include the following:

1. A description of the need for the program and a list of the social services districts interested in using the program
2. A description of the services that will be provided, including a plan setting forth how the services will be provided
3. The population to be served
4. Proposed staffing, including the proposed staff to youth ratio for the program and the procedures for obtaining background checks on prospective employees, volunteers, or consultants
5. A description of how settings will be located and approved
6. A certification that all supervised settings will be operated in compliance with 18 NYCRR Part 449 (included on the attached *Agency Checklist for Supervised Setting Program Operation* (OCFS-5560))
7. Any other information required by OCFS

In addition, in accordance with this ADM, the following information must be included to obtain authorization to operate a Community-Site SSP:

- An estimated number of youth planned to be served in these settings
- The services will be provided by the LDSS or VA and which services are available in the community
- Whether pregnant or parenting youth will be served
- How the LDSS or VA will provide sufficient staff to youth ratios for adequate supervision and support to youth, including youth residing in supervised settings located outside of the county with legal custody of the youth or outside of the state
- How staff are qualified to work with transition age youth in an independent living environment, including their experience and training regarding positive engagement with such youth
- How the youth's input will be included in the process of locating and approving settings

The *Agency Checklist for Supervised Setting Program Operation* (OCFS-5560) must be submitted with the application. OCFS may require additional information after review.

⁴ 18 NYCRR 449.2(b).

B. Community-Site Youth Approval and Input

The Community-Site SSP offers youth the greatest amount of independence with support and limited supervision from the LDSS or VA. Therefore, it is critical that youth wishing to reside in such a setting have the appropriate skills and maturity for this level of independence. The LDSS or VA must evaluate the youth's readiness using the attached *Standardized Supervised Setting Readiness Assessment* (OCFS-5561). The readiness assessment (RA) is completed based on a fully engaged, in-depth and honest conversation with the youth regarding the youth's understanding and level of proficiency in each of the categories listed. It is necessary to fully discuss each component with the youth and to hear the youth's perspective on their own strengths and needs related to living independently in a Community-Site supervised setting. Sufficient time must be reserved for this conversation. The LDSS or VA worker may take into consideration their experiences and history working with the youth.

The financial portion of the RA will determine whether the youth can afford to live in the desired setting. The youth should have the income necessary to cover living expenses, including rent, that exceeds funds provided by the authorized agency. Income should include wages from employment and any other sources that may cover housing and living expenses. If the youth cannot afford the chosen setting, or has yet to locate one, this conversation will help equip them to locate a setting that is within their budget.

Based on the RA, the worker will approve or disapprove the youth for the Community-Site SSP. It may be the case that the youth is approved for the SSP but is not approved for the specific Community-Site supervised setting (i.e., apartment, shared housing) they desire and must therefore choose a different one.

The worker will also indicate in the RA summary whether the youth is approved to receive payments directly. If approved, the authorized agency may provide payment to the youth so that the youth can pay the housing provider (i.e., landlord, homeowner) directly.

Youth may be approved for a Community-Site setting while still needing to develop skills in certain areas. Whether or not the youth is approved, the LDSS or VA worker must discuss with the youth any areas of readiness in which they need improvement and should incorporate such information into the youth's Transition Plan. One or more independent living service(s) must be provided to address such areas. The independent living skill(s) should be added as a goal in the Outcomes and Activities section of the FASP. A copy of the completed RA must be provided to the youth and uploaded into CONNECTIONS.

- Supervised setting selection process

An SSP is intended as an opportunity for transition-age youth to practice normative independent living in preparation for post-foster care life. Choosing where to live is an important normative experience for older teens and young adults. Therefore, youth should be empowered and encouraged to locate their own housing. The worker may provide guidance to the youth during this process, but the youth has the primary responsibility to locate the supervised setting. The worker must evaluate the supervised setting using the *Community-Site Physical Safety Checklist* (OCFS-5563) but should not impose their own viewpoint on the appropriateness of the proposed setting or neighborhood. The youth's housing choice may be based on a variety of factors including wishing to live with a particular friend or relative, or the affordability of a particular neighborhood. This is acceptable if the setting meets standards set forth in regulation and in this ADM.

- Roommate choice

Like housing choice, roommate choice is an important normative experience that respects the youth's autonomy and personal relationships. The worker will ultimately determine the safety and appropriateness of the proposed roommate; however, this decision must be made based on a meaningful conversation with the youth about the impact, positive and/or negative, that the proposed roommate has on the youth's life. The worker may not conduct a Statewide Central Register of Child Abuse and Maltreatment (SCR), Staff Exclusion List (SEL) or criminal history background check on the proposed roommate, as such checks are not legally authorized.

C. Community-Site Supervised Setting Approval

The LDSS or VA must use the attached *Community-Site Physical Safety Checklist* (OCFS-5563) to verify that the proposed housing meets the standards listed. If the youth seeks to live in a setting owned by a friend, relative, or fictive kin, then the checklist must be completed in the setting with the youth and the owner of the residence. The checklist can be completed through observation as well as conversation with the youth and owner. The worker should use this opportunity to positively engage with the youth and owner, and to discuss expectations for the youth in the setting including casework contacts that will be taking place. A copy of the completed *Community-Site Physical Safety Checklist* (OCFS-5563) must be provided to the youth and uploaded into CONNECTIONS.

The attached *Youth Housing Safety Checklist* (Pub. 5529) and the *Youth Housing Safety Tips* (Pub. 5530) must be given to youth seeking approval, or who have been approved, for a Community-Site SSP who have not yet chosen a setting. The checklist will help them in their search for a setting that is likely to meet the standards for approval.

The approval of the Community-Site supervised setting must be documented in the FAD stage in CONNECTIONS. See section V. Systems Implications for more detail.

D. Community-Site Casework Contacts

Casework contacts must be conducted in accordance with the requirements of 18 NYCRR 441.21. At least one casework contact per month must be a face-to-face contact. In addition, LDSS or VA staff must comply with casework contact requirements for supervised settings set forth in 18 NYCRR 449.3(h).

The LDSS or VA staff must take into consideration the routine, lifestyle, and preferences of the youth in determining when and how to conduct casework contacts that are not in-person. This may include communication that occurs outside of regular business hours and/or on social media platforms that the youth feels comfortable with. The method of non-in-person casework contact must be discussed and agreed upon at the time the youth is approved for the supervised setting.

II. College-Owned Housing

Supervised settings include any housing setting owned, operated, or contracted by colleges, universities, and vocational schools. This may include but not be limited to dormitories, apartments, and houses.

It is critical that LDSSs and VAs engage all older youth in foster care in awareness and planning for post-secondary educational opportunities, including vocational programs, and any financial aid resources. An LDSS or VA must assist youth in enrolling in post-secondary education regardless of whether they operate a College-Owned Housing SSP.

A College-Owned Housing SSP enables Title IV-E reimbursement for eligible youth ages 18 to 21, but under no circumstances is Title IV-E eligibility required for youth to enroll in post-secondary education.

Communication with the post-secondary educational institution is critical to reduce challenges that may arise related to a youth residing in a College-Owned supervised setting. The LDSS or VA should discuss with relevant post-secondary educational institution staff their application processes, touring opportunities and other pre-enrollment activities, enrollment process, and financial aid. The LDSS or VA should also discuss the youth's housing needs, including whether the supervised setting will be available to the youth during school breaks and summers. Additionally, the LDSS or VA should discuss the mechanism of payment including the timing of such payments and whether payments will be made to the post-secondary educational institution by the authorized agency or by the youth.

A. College-Owned Housing Application to OCFS

In accordance with regulations,⁵ an application to OCFS seeking authorization to operate any SSP type must include the following:

1. A description of the need for the program and a list of the social services districts interested in using the program
2. A description of the services that will be provided, including a plan setting forth how the services will be provided
3. The population to be served
4. Proposed staffing, including the proposed staff to youth ratio for the program and the procedures for obtaining background checks on prospective employees, volunteers, or consultants
5. A description of how settings will be located and approved
6. A certification that all supervised settings will be operated in compliance with 18 NYCRR Part 449 (included on the attached *Agency Checklist for Supervised Setting Program Operation* [OCFS-5560])
7. Any other information required by OCFS

In addition, in accordance with this ADM, the following information must be included to obtain authorization to operate a College-Owned Housing SSP:

- The number of youth in care between the ages of 16 and 21 and how the LDSS or VA prepares all youth in care ages 16 and above for post-secondary education
- Protocols for provision of services in a manner appropriate for youth living in College-Owned Housing supervised settings, including those residing outside of the county with legal custody of the youth or outside of the state
- How the LDSS or VA will provide sufficient staff to youth ratios to provide for adequate supervision, including youth residing in College-Owned Housing settings located outside of the county with legal custody of the youth or outside of the state

⁵ 18 NYCRR 449.2(b).

- Explanation of how staff are qualified to work with transition age youth in an independent living environment, including their experience and training regarding positive engagement with such youth
- How the youth will be engaged regarding their perspective on where they would like to live
- How the LDSS or VA will engage with all types of post-secondary institutions, including vocational programs, two- and four-year programs, private colleges/universities, City University of New York (CUNY) and State University of New York (SUNY) schools regarding application processes, touring and pre-enrollment, enrollment, financial aid, and housing of youth

The *Agency Checklist for Supervised Setting Program Operation* (OCFS-5560) must be submitted with the application. OCFS may require additional information after review.

B. College-Owned Housing: Youth Readiness

The LDSS or VA may not disapprove the youth to enroll in a post-secondary educational institution. Additionally, the youth may not be disapproved to reside in a College-Owned Housing supervised setting that meets their needs. If no such setting is available, every effort must be made to accommodate and support a youth in a Community-Site supervised setting or SILP.

The LDSS or VA worker must discuss with youth expectations for College-Owned Housing living, including basic social and safety information. The LDSS or VA must determine whether additional support or services would increase the youth's chance of success while residing in the College-Owned Housing supervised setting. Additionally, the LDSS or VA should assess the youth's readiness to receive payments from the LDSS⁶ or VA and pay the post-secondary educational institution directly rather than the LDSS or VA making such payments.

The *Standardized Supervised Setting Readiness Assessment* (OCFS-5561) is not required; however, it is a good tool to use for the above purposes. Additionally, youth who live in dormitories will often later move to an off-campus, non-college owned location. If this occurs, then the RA is required, and having completed it initially will help establish a baseline and assist in future evaluations.

C. College-Owned Housing Supervised Setting Approval

A physical inspection by the authorized agency is not required because the setting is already subject to approval for safety standards by the post-secondary educational institution. The approval of the College-Owned Housing supervised setting must be documented in the FAD stage in CONNECTIONS by the LDSS or VA. See section V. Systems Implications for more detail.

A physical safety checklist is not required for these settings. However, if a youth attending a college, university, or vocational school is living in non-college owned housing, such as an apartment or off-campus house, then *Community-Site Physical Safety Checklist* (OCFS-5563) is required as these are Community-Site supervised settings.

D. College-Owned Housing Casework contacts

Casework contacts with the youth must be conducted in accordance with the requirements of 18 NYCRR 441.21. At least one casework contact per month must be a face-to-face contact. In

⁶At the time of this ADM's publication, LDSSs cannot receive reimbursement for supervised settings.

addition, LDSS or VA staff must comply with casework contact requirements for supervised settings set forth in 18 NYCRR 449.3(h).

The LDSS or VA staff must take into consideration the routine, lifestyle, and preferences of the youth in determining when and how to conduct casework contacts that are not in-person. This may include communication that occurs outside of regular business hours and/or on social media platforms that the youth feels comfortable with. The method of non-in-person casework contact must be discussed and agreed upon when it is determined that a youth will be residing in a College-Owned Housing setting.

E. Academic Breaks

Several options exist for youth during academic recesses such as holidays, winter, spring, and summer breaks, as follows:

- As noted above, the LDSS or VA should discuss with the post-secondary educational institution at the time of enrollment whether the youth will be permitted to reside in the College-Owned Housing supervised setting during academic breaks.
- If residing in the College-Owned Housing supervised setting during the academic recess is not permitted, or if the youth prefers to reside in a non-foster care setting (such as with a friend or relative), the LDSS or VA may approve such setting as a Community-Site supervised setting in accordance with the standards for such settings. Longer academic recesses including winter and summer break are known in advance, and therefore should be planned for accordingly as Community-Site settings.
- If approving the setting in accordance with such Community-Site standards is not feasible (because the setting is short-term and/or not known in advance), and the authorized agency determines the setting is safe and appropriate, then the youth may voluntarily reside temporarily in such setting without it being classified as a supervised setting. While the youth is entitled to be in a foster care setting, this is a normative experience⁷ that encourages the youth to remain in foster care and enrolled in the post-secondary educational institution. Therefore, the youth may be appropriately listed as absent from foster care. (see section V. below for more detail.) The determination that the temporary setting is safe and appropriate must be documented in the case record.
 - The authorized agency must accommodate a request by the youth to change placements to an appropriate foster care setting if circumstances change.

III. Supervised Independent Living Programs (SILPS)

SILP supervised settings are SILP units (1-4⁸ bed units).

OCFS previously released [21-OCFS-INF-08](#) to inform LDSSs and VAs of the classification of SILPs as supervised settings as of September 29, 2021, and the continuation of Title IV-E funding for such placements. With the release of this ADM, SILPs must now adhere to specific SSP requirements as described below, as well as 18 NYCRR Part 449.

A. SILP Application to OCFS

The process for applying to OCFS for operation of a SILP has not changed. This ADM and 18 NYCRR Part 449 set forth the requirements for approval and operation of a SILP. LDSSs and VAs

⁷ 15-OCFS-ADM-21; *Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care – Applying a Reasonable and Prudent Parenting Standard.*

⁸ A waiver pursuant to 18 NYCRR 449.7 is required to operate a SILP unit with a capacity of five.

currently operating SILPs do not need to reapply for authorization to operate a SILP but should be aware of new regulatory requirements in 18 NYCRR Part 449 for certification of the SILP unit and service provision. OCFS previously released 08-OCFS-ADM-07 outlining the process for SILP operation, which is now canceled.

In accordance with regulations,⁹ an application to OCFS seeking authorization to operate any SSP type must include the following:

1. A description of the need for the program and a list of the social services districts interested in using the program
Note: it is no longer required to include letters of support from all districts that intend to use the program.
2. A description of the services that will be provided, including a plan setting forth how the services will be provided
3. The population to be served
4. Proposed staffing, including the proposed staff to youth ratio for the program and the procedures for obtaining background checks on prospective employees, volunteers, or consultants
5. A description of how settings will be located and approved
6. A certification that all supervised settings will be operated in compliance 18 NYCRR Part 449 (included on the attached *Agency Checklist for Supervised Setting Program Operation* [OCFS-5560])
7. Any other information required by OCFS

In addition, per this ADM, the following information must be included to obtain authorization to operate a SILP:

- The number of youth in care, between the ages of 16 and 21
- How the LDSS or VA will provide sufficient staff to youth ratios for adequate supervision
- An explanation of how staff are qualified to work with transition age youth in an independent living environment, including their experience and training regarding positive engagement with such youth

The *Agency Checklist for Supervised Setting Program Operation* (OCFS-5560) must be submitted with the application. OCFS may require additional information after review.

B. Certification of a SILP Unit

LDSSs and VAs must continue to certify SILP units in compliance with 18 NYCRR Part 449. The *Supervised Independent Living Program Fire Inspection Guidelines* (OCFS-5564) may be used for this purpose. This form has been updated to reflect regulatory modifications to certain physical facility requirements and is attached to this ADM.

⁹ 18 NYCRR 449.2(b).

C. SILP Youth Readiness and Approval

The LDSS or VA must evaluate the youth's readiness using the attached *Standardized Supervised Setting Readiness Assessment (OCFS-5561)*. The RA is completed based on a fully engaged, in-depth and honest conversation with the youth regarding the youth's understanding and level of proficiency in each of the categories listed. It is necessary to fully discuss each component with the youth and to hear the youth's perspective on their own strengths and needs related to living in a SILP unit. Sufficient time must be reserved for this conversation. The LDSS or VA worker may take into consideration their experiences and history working with the youth.

A SILP includes a higher level of supervision and support than that of a Community-Site SSP. Therefore, a SILP may be an appropriate option for youth who do not have the readiness skills for a Community-Site supervised setting. LDSSs and VAs should work with youth in SILPs toward the readiness necessary to live in a Community-Site supervised setting.

Youth may be approved for a SILP while still needing to develop skills in certain areas. Whether or not the youth is approved, the LDSS or VA worker must discuss with the youth any areas of readiness in which they need improvement and should incorporate such information into the youth's Transition Plan. One or more independent living service(s) must be provided to address such areas. The independent living skill(s) should be added as a goal in the Outcomes and Activities section of the FASP. A copy of the completed RA must be provided to the youth and uploaded to CONNECTIONS

D. SILP Casework Contacts

Casework contact requirements have not changed. Casework contacts with the youth must be conducted in accordance with the requirements of 18 NYCRR 441.21. In addition, for youth placed in SILPS, LDSS or VA staff must visit and consult with each youth at least twice per week. At least one visit must be held outside of normal business hours. An increased number of visits are required, when necessary, to address the individual health and safety needs of youth residing in a SILP unit.

The LDSS or VA staff must take into consideration the routine, lifestyle, and preferences of the youth in determining when and how to conduct casework contacts that are not in-person. This may include communication that occurs outside of regular business hours and/or on social media platforms that the youth feels comfortable with. The method of non-in person casework contact must be discussed and agreed upon when a youth is approved for a SILP.

New SSP Forms

Standardized Supervised Setting Readiness Assessment (OCFS-5561)

The *Standardized Supervised Setting Readiness Assessment (OCFS-5561)*, also referred to as RA, is an important tool to equip youth to critically evaluate and improve skills needed to live independently in a supervised setting. This form is not required for youth to reside in a College-Owned Housing supervised setting, however, can be used to identify needed services and support.

Every LDSS and VA approved to operate a Community-Site SSP or SILP must utilize this form to assess youth readiness, including if a youth moves from one supervised setting to another. The RA contains three sections:

1. Financial

This section calculates the youth's income and expenses to determine whether the youth can afford the costs of living in the proposed SSP. Except for a SILP, the youth should have income necessary to pay for the cost of rent and living expenses that exceeds the funds provided by the authorized agency. For youth seeking to reside in a Community-Site supervised setting or SILP while attending a post-secondary educational institution, such income may include financial aid.

2. Knowledge, Skills and Demonstrated Behavior

This section assesses the youth's ability to live independently based on a range of knowledge, skills, and behaviors. The worker must complete this section based on an in-depth conversation with the youth and on the worker's recent experiences with the youth.

This section will help inform whether the youth has the skills necessary to make payments directly to the housing provider (i.e., post-secondary educational institution, landlord, friend, kin or other individual). If so, the VA may make payments directly to the youth who will in turn pay the housing provider. If payments are made directly to the youth for this purpose, the RA must reflect that the youth has the maturity, responsibility, and financial literacy to make payments for their housing. LDSSs and VAs are encouraged to work with the youth toward readiness to make payments directly as this is a skill they will require when they leave foster care.

3. Summary

Based on an assessment of all readiness indicators, the worker must select whether the youth is ready for a Community-Site SSP, a SILP, or if the youth is not ready for any SSP at this time and the basis for such determination. The worker must use their professional judgement and critical thinking to assess the youth's overall level of responsibility, maturity, and ability to live independently in the supervised setting.

There are certain areas indicated for which the youth must show a reasonable competence to be approved (additional skill development is not necessary). The youth must have a reasonable level of knowledge and skills in all other areas to be approved; however, they may be approved if such skills are still developing.

Any skills in need of development for the youth to be approved for an SSP, or to continue developing while residing in a supervised setting, should be incorporated into the Transition Plan and as a goal in the Outcomes/Activities block of the FASP. Such areas must be addressed by providing one or more relevant independent living service(s), purchased, or provided directly.

Community-Site Physical Safety Checklist (OCFS-5563)

Every LDSS and VA approved to operate a Community-Site SSP must utilize this form to assess whether the setting meets the physical safety standards set forth in 18 NYCRR Part 449. The LDSS or VA must select whether, for each regulatory requirement, the setting meets that standard, does not meet that standard, whether a waiver will be requested, or whether maintenance is needed. A setting may be approved if not all physical requirements are met based on the approval of a waiver or if the issue will be corrected promptly (indicated by selection of the "maintenance needed" box). The youth may reside in the setting while the issue is being corrected if doing so does not pose a health or safety risk to the youth.

This form is to be completed annually and any time there is a change in the youth's placement to another Community-Site supervised setting.

The *Youth Housing Safety Checklist* (Pub. 5529) and the *Youth Housing Safety Tips* (Pub. 5530) must be given to any youth seeking approval or who has been approved for a Community-Site SSP and has not yet chosen a setting. The checklist will help them in their search for a setting that is likely to meet the standards for approval.

Supervised Setting Approval and Placement Agreement (OCFS-5562)

The *Supervised Setting Approval and Placement Agreement* (OCFS-5562) reflects the decision of the LDSS or VA to approve or disapprove the youth for the supervised setting based on the *Standardized Supervised Setting Readiness Assessment* (OCFS-5561) and *Community-Site Physical Safety Checklist* (OCFS-5563) (if required).

This form is not required for College-Owned Housing settings; however, it is required if a youth wishes to reside in a Community-Site setting or SILP while enrolling in a post-secondary educational institution. Every effort must be made to support a youth in a Community-Site or SILP if no College-Owned Housing setting is available that meets the youth's needs.

The *Supervised Setting Approval and Placement Agreement* (OCFS-5562) indicates the following:

- The type of setting
- The relationship of the person with whom the youth will reside
- Whether the youth agrees to keep the case planner/worker informed of changes in the living situation
- The youth's readiness and whether skills will be developed while the youth is residing in the setting, or whether skills must be developed for the youth to be approved for the setting
- The results of the physical inspection of the setting, if required, and whether any maintenance is needed
- Whether the youth is parenting, and if so, whether there is a plan for appropriate day care

IV. Required Action

LDSSs and VAs may apply to OCFS to operate one or more of the SSP types described above (Community-Site, College-Owned Housing, and/or SILP). Unlike the other QRTP exceptions, application for SSPs will not be made through the New York State 29-I Voluntary Foster Care Agency (VFCA) Health Facilities Licensure portal (29-I portal). Rather, the application will be submitted to the appropriate OCFS regional office and must contain the informational elements described above. The *Agency Checklist for Supervised Setting Program Operation* (OCFS-5560) must be submitted with the application.

OCFS will indicate in its written approval which type(s) of SSP(s) the LDSS or VA is authorized to operate. Upon receiving a letter of approval from OCFS to operate an SSP, an LDSS or VA will have authority to approve or certify individual supervised settings in accordance with standards described in 18 NYCRR Part 449 and section III of this ADM. College-Owned Housing and Community-Site supervised settings are approved, while SILP units are certified.

For ALL SSP types, LDSSs and VAs must

- maintain and document required casework contacts as described in section III,
- provide services to youth residing in any supervised setting as required by 18 NYCRR 449.4(c),
- make diligent and ongoing efforts to establish an adult permanency resource and identify and engage kinship supports, and
- enter and maintain supervised setting information in CONNECTIONS (see section IV. below on Systems Implications).

In addition, LDSSs and VAs must do the following:**If operating a Community-Site SSP:**

- Inform each youth interested in residing in a supervised setting of the following:
 - The youth is primarily responsible for finding their own setting (i.e., apartment, room rental), with guidance if requested.
 - The supervised setting must be physically inspected and approved before any commitments can be made.
 - If a particular setting is not approved, it means that the youth will need to find a more suitable supervised setting, with guidance if requested.
 - Casework contacts are still required as well as the nature and frequency of those contacts.
 - The youth is making a commitment to residing in the approved supervised setting and the potential disruptions that could occur with frequent moves.
- Provide the attached documents titled *Youth Housing Checklist* (Pub. 5529) and the *Youth Housing Safety Tips* (Pub. 5130) to any youth seeking approval or who has been approved for a Community-Site SSP who has not yet chosen a setting. The checklist will help them search for a setting that is likely to meet the standards for approval.
- With the youth, complete the *Standardized Supervised Setting Readiness Assessment* (OCFS-5561) or RA.
 - The RA must also be completed any time a youth moves from one Community-Site supervised setting to another.
 - Any skill development needed for the youth to be approved to reside in a supervised setting, or any continued skill development needed while residing in a supervised setting, must be addressed by providing one or more relevant independent living service(s) to the youth. Areas of readiness in need of development must be documented and should be included in the youth's Transition Plan and in the Outcomes/Activities block of the FASP. All skills in need of development must be reviewed with the youth.
 - If the youth is not approved, the LDSS or VA worker must explain to the youth the reasons why and establish a time to re-assess readiness.
 - The RA must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.
- Complete the *Community-Site Physical Safety Checklist* (OCFS-5563) to determine whether the specific supervised setting is approved or disapproved.
 - Complete this checklist annually and any time there is a change in the youth's placement to another Community-Site supervised setting.
 - The checklist must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.

- Complete the *Supervised Setting Approval and Placement Agreement* (OCFS-5562).
 - This form must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.

If operating a College-Owned Housing SSP:

- Determine what services and supports the youth would benefit from while living in a College-Owned Housing supervised setting.
 - The RA, although not required, may be used for this purpose.
 - The LDSS or VA may not disapprove the youth to enroll in a post-secondary educational institution.
 - The youth may not be disapproved to reside in a College-Owned Housing supervised setting that meets their needs. If no such setting is available, every effort must be made to accommodate and support a youth in a Community-Site setting or SILP.
 - If the RA is used, it must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.

If operating a SILP:

- Complete the RA prior to approving a youth to reside in a SILP unit.
 - The RA must also be completed any time a youth moves from a SILP unit to another SILP unit.
 - Any skill development needed for the youth to be approved to reside in a SILP unit, or any continued skill development needed while residing in a SILP unit, must be addressed by providing one or more relevant independent living service. Areas of readiness must be documented and should be included in the youth's Transition Plan and in the Outcomes/Activities block of the FASP. All skill areas in need of development must be reviewed with the youth.
 - If the youth is not approved for the SILP, the LDSS or VA worker must explain to the youth the reasons why and establish a time to reassess readiness.
 - The RA must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.
- Certify each SILP unit in accordance with 18 NYCRR Part 449.
 - The *Supervised Independent Living Program Fire Inspection Guidelines* (OCFS-5564) may be used for this purpose.
 - Renew the certification of each SILP unit on an annual basis.
- Complete the *Supervised Setting Program Approval and Placement Agreement*.
 - This form must be uploaded into CONNECTIONS in the youth's case record and a copy provided to the youth.
- LDSSs and VAs must notify OCFS within 10 days of the certification of a newly established home or apartment as a supervised independent living unit, any changes to that unit (e.g., program name, program type, capacity, address), and the renewal of certification or closure of an existing supervised independent living unit. The attached *Notice of SILP Opening, Transfer, Recertification, and/or Closing* (OCFS-5565) may be used for this purpose.

V. Systems Implications

State law authorizes LDSSs to operate an SSP and approve or certify supervised settings. However, CONNECTIONS, the Welfare Management System (WMS), the Benefits Issuance Control System (BICS), and the Automated Claiming System (ACS) cannot currently recognize supervised settings approved or certified by LDSSs. Therefore, while LDSSs may apply to OCFS for authorization to operate SSPs, there is no mechanism for payment and to reimburse LDSSs for such payments.

Youth may be coded as absent during academic recesses when the setting cannot be approved as a Community-Site (as described in section II.) The absence must be recorded on the youths CONNECTIONS Activity Track with an M950 – Begin Absence and a modifier B of SO – Vacation.

As authorized under SSL §398(10), LDSSs and VAs may make care and maintenance payments directly to the youth or to the housing provider (i.e., landlord, homeowner, post-secondary institution).

If an LDSS chooses to operate a supervised setting program, any payment made will be off-line and in accordance with the LDSS's internal process. Such payments are locally funded only and are not to be claimed. LDSSs are encouraged to contract with VAs for supervised settings.

For VA operated SSPs, LDSSs will use the Purchase of Service Code 61 to make payments to VAs.

The authorized agency must request Vendor IDs from OCFS. OCFS will provide blocks of Vendor IDs for authorized agencies to assign to their approved or certified supervised setting. Existing SILP units will retain their current Vendor IDs.

Authorized agencies are encouraged to request Vendor IDs in advance when possible to reduce payment delays. For example, it would be advantageous to obtain a Vendor ID for a post-secondary educational institution in which youth in care typically enroll even before new enrollments occur, or in the case of a community-site supervised setting, establish a Vendor ID for the proposed setting while the approval process is underway.

Authorized agencies are required to enter and maintain changes to individual supervised settings in CONNECTIONS. See the [Family First Supervised Setting Program \(SSP\) Job Aid](#) (Dec 2021), which replaces the Supervised Independent Living Program (SILP) Job Aid (July 2020).

VI. Fiscal Implications

After the authorized agency enters a new supervised setting into CONNECTIONS, the OCFS Rate Setting Unit will enter into CONNECTIONS the appropriate Rate Code for that supervised setting (authorized agencies cannot enter Rate Code information in CONNECTIONS). Once the OCFS Rate Setting Unit assigns a Rate Code to a supervised setting, the applicable rate will be transmitted to BICS to support payment and reimbursement activities for youth placed in such supervised settings.

OCFS will establish MSARs for all supervised settings. Such rates will continue to be “flat rates” that vary by upstate and downstate, program type, and facility size. Rate-related program types issued for SSPs, including SILP programs, are single, double, or triple occupancy. A four-bed mother/child and five-bed mother/child rate will continue to be established for SILP programs. (Note:

A waiver pursuant to 18 NYCRR 449.7 is required to operate a SILP unit with a capacity of five.) The Community-Site and SILP Supervised Setting rate is designed to cover social services and case planning activities in addition to basic care and maintenance associated with the Supervised Setting, primarily food, clothing, shelter, and supplies. There are separate rates for College-Owned Housing settings. MSARs are available at the following OCFS internet site: <http://www.ocfs.state.ny.us/main/rates>.

VII. Contacts

Any questions concerning this release should be directed to the appropriate regional office.

Buffalo Regional Office – Amanda Darling (716) 847-3145

Amanda.Darling@ocfs.ny.gov

Rochester Regional Office – Chris Bruno (585) 238-8192

Chris.Bruno@ocfs.ny.gov

Syracuse Regional Office – Sara Simon (315) 423-1200

Sara.Simon@ocfs.ny.gov

Albany Regional Office – John Lockwood (518) 486-7078

John.Lockwood@ocfs.ny.gov

Spring Valley Regional Office –Sheletha Chang (914) 801-3231

Sheletha.Chang@ocfs.ny.gov

New York City Regional Office – Ronni Fuchs (212) 383-4873

Ronni.Fuchs@ocfs.ny.gov

Native American Services – Heather LaForme (716) 847-3123

Heather.LaForme@ocfs.ny.gov

Close to Home Oversight – Donte Blackwell (212) 383-7261

Donte.Blackwell@ocfs.ny.gov

VIII. Effective Date

This policy directive is effective immediately.

/s/ Nina Aledort, Ph.D., LMSW

Issued by:

Name: Nina Aledort, Ph.D., LMSW

Title: Deputy Commissioner

Division/Office: Division of Youth Development and Partnerships for Success

/s/ Thomas R. Brooks, Esq.

Issued by:

Name: Thomas R. Brooks, Esq.

Title: Deputy Commissioner

Division/Office: Office of Strategic Planning and Policy Development