



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	19-OCFS-LCM-09
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services Division of Administration
Date:	May 7, 2019
Subject:	Family First Transition Fund
Contact Person(s):	FamilyFirstNY@ocfs.ny.gov
Attachments:	Attachment A: <i>Family First Transition Fund Allocations</i> Attachment B: <i>Attestation of Use of Family First Transition Funds</i> Attachment C: <i>Family First Transition Fund Progress Report</i> Attachment D: <i>Family First Transition Fund Outcomes Report</i>

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to advise Local Departments of Social Services (LDSSs) of the availability of \$3,000,000 from the Family First Transition Fund. On April 12, 2019, Governor Andrew M. Cuomo signed legislation that established the Family First Transition Fund to help LDSSs support, recruit and retain current and prospective foster families, including kinship caregivers (Chapter 53 of the Laws of 2019). Kinship caregivers include both approved foster homes and certified foster homes where the foster parent is a relative, or is a non-relative with a positive relationship to the child or child's family (i.e., godparent, neighbor, family friend). The intent of this fund is to produce sustained systemic improvements that encourage the least restrictive setting for children in foster care. This LCM explains the allocation methodology, allowable expenditures and requirements for LDSSs to receive this funding.

II. Background

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 appropriate for 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. To meet FFPSA standards, LDSSs must intensify efforts to maintain children in home-based settings whenever possible. These efforts include identification and engagement of kinship resources, and increased recruitment and retention of foster homes for children who do not have appropriate kinship resources. The Family First Transition Fund assists these goals by providing LDSSs with funds to support, recruit and retain current and prospective foster families, including kinship caregivers.

For more information on the FFPSA, see <https://ocfs.ny.gov/FamilyFirst>.

To maximize the availability of family-based placements, LDSSs must include engagement and support of kinship caregivers as part of their recruitment and retention strategies. Kin caregivers are valuable resources in child welfare for many reasons. Kin placements maintain family and cultural connections, preserve cultural identity, reduce trauma, and are more stable.¹ Additionally, the use of kinship caregivers preserves traditional foster boarding home capacity for children who cannot be placed with kin, which is critical to meeting the requirements of FFPSA. Kinship caregivers should be well-supported to increase the likelihood of successful placements. Kin have unique challenges; they usually accept a child into their home in a time of crisis and do not have the benefits of advance planning, training and decision making that traditional foster parents have. They also may have their own financial struggles. It is imperative that LDSSs prioritize support of kinship caregivers so that caregivers and children can experience the benefits of stable kin placements.

OCFS has received federal approval of a two-year implementation delay, to September 29, 2021, for certain provision of FFPSA including those relating to limits on federal reimbursement for non-family based foster care. The delay affords LDSSs the time necessary to implement new protocols and strategies necessary to meet the standards under the FFPSA.

Several LDSSs have already undertaken work necessary to move toward FFPSA readiness. These LDSSs have engaged in targeted technical assistance, with trained consultants through outside grants, that successfully reduced youth in congregate care settings and increased appropriate kinship placements. The success of these LDSSs provides a roadmap for LDSSs who have not yet begun the FFPSA readiness work. To maximize the effectiveness of the Family First Transition Fund, LDSSs receiving such funds must also participate in technical assistance to develop individualized strategies toward meeting the requirements of the FFPSA. Such technical assistance includes:

- centralized assistance, including webinars and a statewide convening;
- OCFS administered technical assistance to help with data analysis on the demographics and outcomes such as removals, placements and movements of children in foster care; and
- work with pre-selected consultants on issues including but not limited to conducting fiscal analysis, and developing target goals and strategies to reduce placement in congregate care settings and increase placement in kinship care.

¹ "Working with Kinship Caregivers," Child Welfare Information Gateway (2018), <https://www.childwelfare.gov/pubs/kinship/>

III. Program Implications

The Family First Transition Fund is a critical investment to help LDSSs recruit and strengthen foster and kinship families, thereby reducing unnecessary congregate care placements and moving toward FFPSA readiness. FFPSA will impact every LDSS in the state. Therefore, it is OCFS's expectation that every LDSS will take advantage of the opportunity to access additional resources through the Family First Transition Fund to prepare for FFPSA implementation.

To maximize the effectiveness of Family First Transition Fund dollars, LDSSs should consider the type of support caregivers require. While both traditional and kinship foster parents face challenges in caregiving, the varying circumstances by which a child comes into care can also create distinct and separate needs. For example, kinship caregiving is usually unplanned and therefore kin may need immediate assistance in navigating the requirements for becoming approved or certified foster parents. Kin may need additional support and assistance to navigate benefits, school enrollment, day care and complicated family dynamics relating to the child's removal. LDSSs should strive to be proactive and responsive in meeting the individualized needs of all caregivers, whether kin or non-kin. Supported placements are more stable, and lead to greater permanency and well-being for both caregivers and children. These funds provide an opportunity for LDSSs to enhance their practices to increase support for both kin and non-kin foster families; thereby strengthening family-based foster care and improving outcomes for children. In doing so, LDSSs will be better prepared to meet the FFPSA standards.

LDSSs must use their Family First Transition Fund allocations to support, recruit and retain current and prospective foster families, including kinship caregivers. This work should result in decreased congregate care placements and increased kinship foster care placements. To access the Transition Fund, each LDSS must set its own goal to reduce congregate care and increase kinship foster care by September 30, 2021. OCFS has set a statewide goal that by that date

- a maximum of 12 percent of children in foster care will be in congregate care, and
- a minimum of 30 percent of children in foster care will be in kinship foster care.²

Allowable Expenditures

Examples of allowable expenditures are listed below. Services may be purchased directly or through contract, including contracts with voluntary agencies (VAs).

- Additional/enhanced targeted technical support

² Measured from an in-care sample of children in the care and custody of the LDSS in such setting

LDSSs may contract for ongoing technical support beyond the technical assistance provided during the initial planning period. Such assistance may include, but is not limited to, monitoring progress with target goals, data analysis and assessment of business process efficiencies.

A contracted consultant may serve an individual LDSS, or a group of LDSSs, that opts to share in such cost.

- Family search and engagement

This work may include training on new models and methods for locating and engaging kin as placement resources for children entering or at risk of entering foster care. LDSSs may opt to create or enhance family finding or kinship specialist positions to extensively search and/or effectively engage with kin once they are located. Multiple placement resources should be explored to increase the likelihood of a safe and viable kinship placement should the child enter foster care. Engagement work may also include eliminating barriers to approval or certification, and providing ongoing support to maintain placement stability.

- Enhancing support for foster parents

LDSSs should develop and implement innovative practices to better support foster parents. Support for foster parents may include, but is not limited to, meals, babysitting, peer support groups, mentoring, and flexible and specialized trainings. These supports may be provided directly or through community organizations (i.e., Fostering Futures). Support may also include staff training to meet the specific needs of foster parents (i.e., trauma-informed, kinship challenges).

- Supporting kinship foster parents in meeting approval/certification requirements

This work enables prospective kinship foster parents to achieve timely approval or certification. This may include, but is not limited to, purchasing services and/or items to remove barriers to approval or certification such as those relating to fire safety requirements, sleeping arrangements, car seats, medical clearances and transportation.

- Improving recruitment and retention practices of foster families, including kinship caregivers.

Recruitment and retention work includes, but is not limited to, targeted recruitment, using foster parents as recruiters, conducting market research on successful foster homes, community engagement and case mining to identify kinship resources for youth in care. The OCFS guide, *Revitalizing Recruitment*, contains comprehensive information on these and other best practices and strategies. The guide can be found [on the OCFS website](http://ocfs.ny.gov) (ocfs.ny.gov).

This work should align with, and assist, LDSSs and voluntary agencies in completing their three-year Foster/Adoptive Recruitment and Retention Plans.

- Establishing administrative review teams to review proposed placements in non-kinship and congregate care settings

Administrative review teams review and approve or disapprove non-kinship placements and/or placements into congregate care. The purpose of the team is to see that all viable solutions have been explored before a non-kin or congregate care placement is made. Teams may also review cases at critical points to evaluate whether the child's needs could be met in a less restrictive setting, such as therapeutic and kinship foster care.

Requirements to Receive Funds

To receive the allocated funds, LDSSs **must** complete the *Attestation of Use of Family First Transition Funds* form (Attachment B) and submit that form to OCFS for approval via email at: FamilyFirstNY@ocfs.ny.gov no later than **June 15, 2019**, documenting the following:

- Participation in technical assistance. Mandatory and optional technical assistance will be available to the LDSS as follows:
 - LDSSs must participate in OCFS-administered centralized technical assistance.
 - Such centralized technical assistance will include discussion of strategies for reducing congregate care and increasing kinship care.
 - OCFS will provide technical assistance to individual LDSSs. This will include data analysis on demographics, and outcomes such as removals, placements and movements of children in care.
 - LDSSs may request additional individualized technical assistance from OCFS through the Child Welfare and Community Services regional office lead.
 - Identified LDSSs will work with pre-selected consultants on strategy development, system improvements and monitoring progress toward LDSS-established target goals.

LDSSs must certify that they agree to participate in technical assistance as a condition of receiving funds. LDSSs must describe any technical assistance they have already received.

- Description of how the funding will be utilized. Districts must select one or more of the allowable expenditure categories listed above, or select "other" and provide a description of their plan for use of funds. This selection is only a preliminary plan, as individualized technical assistance may result in a selection of alternate strategies. How the funds were used will be documented in the *Family First Transition Fund Progress Report* (Attachment C). Outcomes resulting from such expenditures will be documented in the *Family First Transition Fund Outcomes Report* (Attachment D).
- Target goals for reducing congregate care and increasing kinship foster care. OCFS has set the following statewide goal³ to be achieved by September 30, 2021:
 - A maximum of 12 percent of children in foster care in congregate care

³ Measured from an in-care sample of children in foster care in the care and custody of the LDSS in such settings

- A minimum of 30 percent of children in foster care in kinship foster care

LDSSs must document the percentage of children in congregate care and kinship foster care, on December 31, 2018. Data is provided within Attachment B for this purpose. LDSSs must also establish and document their own target goals to be achieved by September 30, 2021. LDSSs with congregate care “in-care” numbers at or below 12 percent, and/or kinship foster care “in-care” numbers at or above 30 percent, should set target goals that exceed these standards.

LDSSs must document their progress toward reaching these targets, as of September 30, 2020, in the *Family First Transition Fund Outcomes Report* (Attachment D) due November 1, 2020. Target goals should be fully achieved by September 30, 2021.

- Engagement of current kinship resources. LDSSs must describe how they will engage kinship resources with direct custody orders (1017) to consider becoming certified or approved foster parents.
- Non-supplantation of funds. The form provides certification that the funds will not be used to supplant other state, local or private funds, and that claims for reimbursement under this appropriation will not be submitted for the same type and level of funds covered by any other state or locally authorized appropriations.

LDSSs receiving funding must also complete the following reports:

- *Family First Transition Fund Progress Report* (Attachment C). Submit the completed report to FamilyFirstNY@ocfs.ny.gov by **April 1, 2020**, detailing the following:
 - The broad purpose(s) for which the funding was/is being spent
 - How the funding was/is being used toward the purpose(s) selected, including information on specific activities
 - Business practice model changes as a result of such expenditures
 - How kinship resources with direct custody orders (1017) have been engaged to consider becoming foster parents
- *Family First Transition Fund Outcomes Report* (Attachment D). Submit the completed report to FamilyFirstNY@ocfs.ny.gov by **November 1, 2020**, detailing the following:
 - Advancement toward target goals (“in care” numbers as of September 30, 2020)
 - The broad purpose(s) for which the funding was/is being spent
 - How the funding was/is being used toward the purpose(s) selected
 - Business practice model changes as a result of such expenditures
 - Description of outcomes achieved (i.e., number of new foster parents, supports implemented for kinship caregivers)
 - How kinship resources with direct custody orders (1017) have been engaged to consider becoming foster parents, and the results of such engagement
 - Any additional investments made toward establishing target goals (LDSSs are encouraged to use any cost avoidances resulting from use of Family First

Transition funding to further invest in activities to reduce congregate care and increase kinship foster care.)

IV. Allocation Methodology

The Family First Transition Fund is intended to assist LDSSs with FFPSA readiness. Therefore, the allocation methodology focuses on the need to reduce reliance on congregate care while increasing foster boarding home placements, including kinship foster care. Funding is distributed to LDSSs in accordance with their need to transition children into less restrictive settings, using the following data elements:

- The number of children in the care and custody of the LDSS in congregate care on September 30, 2018
- The number of children in the care and custody of the LDSS in non-relative foster boarding homes on September 30, 2018
- The number of children in direct custody placements (1017) in Calendar Year 2018

A minimum allocation of \$30,000 and a maximum of \$500,000 is established. Attachment A provides LDSS allocations for the period beginning April 1, 2019 and ending March 31, 2020.

V. Fiscal and Claiming

A total of \$3,000,000 in Local Assistance General Funds is available in the SFY 2019-20 Enacted Budget for expenditures related to the Family First Transition Fund. Claims for these funds must be submitted as described below. These funds are to be used only to reimburse expenditures beginning April 1, 2019, and ending March 31, 2020. As these funds are 100 percent state reimbursed, no federal revenues can be claimed on expenditures reimbursed by the Family First Transition Fund.

NOTE: Any staff funded by this initiative cannot be included in the Random Moment Survey (RMS) universe for those districts in the RMS for social services programs. Reimbursement is 100 percent state share, up to the amount of the district's allocation. These project expenditures should be claimed through the RF17 claim package for special project claiming. These costs should be identified as F17 functional costs (Other Reimbursable Programs) and reported on Schedule D, *DSS Administrative Expense Allocation and Distribution by Function and Program* (LDSS-2347), in the F17 column in the RF2A claim package. The individual project costs should also be reported under the project label **FamilyFirstTransition** on the LDSS-4975A, *RF17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*. Salary and non-salary costs of staff may be direct charged to the RF17 claim package or may be identified by time study. Employees working part time on Family First Transition must maintain time studies to support the salary and fringe benefit costs allocated to the program.

Non-salary administrative costs are reported with the appropriate object of expense(s) on the LDSS-923B Summary-Administrative (page 1) "Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs."

Program costs should be reported as object of expense 37 - Special Project Program Expense on the LDSS-923B Summary-Program (page 2) "Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs."

Total project costs should be reported on the LDSS-4975 "Monthly Statement of Special Project Claims Federal and State Aid (RF-17)," as 100% State Share. For each district, the expenditures reported for Family First Transition will be reimbursed by the State up to the amount of the district's allocation."

Please note that the associated Central Services (previously known as A-87 costs) are not reimbursable from state funds and, therefore, are 100 percent local share. A local district's administrative costs are not an allowable expense under this project, but may be eligible for 62 percent state child welfare financing.

The expenditures must be made by March 31, 2020, and claims must be final accepted in the Automated Claiming System no later than June 30, 2020. OCFS reserves the right to reallocate any unspent funds from a local district to other local districts that have claims in excess of their allocation. Instructions for the Schedule D and RF17 claim package are found in Chapters 7 and 18, respectively, of the *Fiscal Reference Manual* (FRM), Volume 3. The FRM is available online at: <http://otda.state.nyenet/bfdm/finance/>.

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