



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	21-OCFS-ADM-07
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Division of Youth Development and Partnerships for Success
<b>Date:</b>	April 14, 2021
<b>Subject:</b>	Supporting Foster Youth and Families through the Pandemic Act
<b>Suggested Distribution:</b>	Accounting Supervisors Directors of Social Services Voluntary Agency Executive Directors Child Welfare Supervisors Foster Care Supervisors Runaway Homeless Youth Coordinators
<b>Contact Person(s):</b>	See section VI.
<b>Attachments:</b>	Attachment A: <i>Title IV-E Age 21 and Older Payment Detail Workbook</i> Attachment B: <i>Model Notification Letter</i> <a href="#">Attachment C: Reentry Brochures</a>

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			Public Law (P.L.) 116-260, Division X and Section 305 of Title III of Division CC of the Consolidated Appropriations Act, 2021, enacted December 27, 2020; Part FF of Chapter 56 of the Laws of 2021.		ACYF-CB-IM-21-05 ACYF-CB-PI-21-04

## I. Purpose

The purpose of this Administrative Directive (ADM) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of the requirements in Supporting Foster Youth and Families through the Pandemic Act, Division X of the Consolidated Appropriations Act, 2021, Public Law (P.L.) 116-260, including a moratorium on youth aging out of foster care, reentry into foster care for youth who previously aged out of foster care during the COVID-19 health emergency period, and additional funding for the Chafee and Education Training Vouchers.

The ADM also introduces the process LDSSs and VAs must follow to obtain title IV-E reimbursement for maintenance costs for youth who remain in foster care after age 21 or youth who reenter foster care at 21 years of age or older.

## II. Background

The Consolidated Appropriations Act, 2021, P.L. 116-260 was signed into law on December 27, 2020. The law makes continuing appropriations for specified federal agencies and provides flexibilities and assistance in response to the COVID-19 pandemic and public health emergency.

On March 9, 2021, the federal Administration on Children, Youth and Families (ACYF) issued Program Instruction (PI) ACYF-CB-PI-21-04. This PI provided information to states and tribes on changes to legislation that require title IV-E agencies to allow youth 21 years of age to continue in foster care or reenter foster care due to the COVID-19 pandemic.

Division X of P.L. 116-260 includes additional, supplemental or enhanced funding for several programs authorized under titles IV-B and IV-E of the Social Security Act and requires title IV-E agencies to take a number of actions to protect and support youth currently or formerly in foster care.

It also provides that state and tribal agencies that administer federal assistance programs may not require youth to leave foster care solely due to age from December 27, 2020, through September 30, 2021.

Division X of P.L. 116-260 requires the following:

- Temporary suspension of aging out of foster care and permitting reentry of youth who have left foster care:
  - The title IV-E agency may not require a youth to leave foster care solely due to age from December 27, 2020, through September 30, 2021.
  - The title IV-E agency must permit any youth who left foster care, from January 27, 2020, through April 20, 2021 (subject to extension by federal government), due to reaching the state's/tribe's maximum age to voluntarily reenter foster care.
  - There is no upper age limit on remaining in foster care or reentering foster care under these provisions. That is, it is possible that a state or tribe would be required to allow a youth age 21 or older to remain in or reenter foster care.

- The reentry to foster care requirement expires as of September 30, 2021, regardless of any future extensions of the COVID-19 public health emergency.
- The ability to remain in foster care beyond 21 years of age expires as of September 30, 2021.
- Temporary suspension of age, education, and employment requirements for title IV-E Foster Care Maintenance Payments:
  - The title IV-E agency may not find a youth who reenters foster care from April 1, 2020, through September 30, 2021, ineligible for title IV-E foster care maintenance payments due to age or the education and employment requirements before October 1, 2021.
  - The title IV-E agency may not find a youth who remains in foster care beyond age 21 ineligible for title IV-E foster care maintenance payments due to age, education, or employment before October 1, 2021.
  - Youth must meet all other title IV-E foster care eligibility requirements to be eligible to receive reimbursement for title IV-E maintenance payments.

### III. Required Action

#### Youth Age 21 Remaining in Foster Care

All LDSSs must allow youth who turn 21 from December 27, 2020, through September 30, 2021, to remain in foster care. Eligibility must be maintained for youth who turn 21 years old and remain in care. A timely title IV-E eligibility redetermination must be made for all eligibility requirements except age, education, and work requirements due to the COVID-19 pandemic. Pursuant to OCFS regulations, redetermination of programmatic eligibility for foster care must occur not less frequently than every six months for recipients of foster care services [18 NYCRR 404.1(d)(2)(i)]. Federally, redetermination of eligibility for title IV-E foster care must occur every 12 months.

To continue eligibility, the LDSS/VA worker must do the following:

1. Redetermine eligibility utilizing the LDSS-4810, *Redetermination of Title IV-E Eligibility Checklist (Foster Care)* as follows:
  - Question 1 on the checklist that contains age, education, and/or work requirements are not applicable for this population. LDSSs/VAs must note NA and reference this ADM on the form or within the margins on this section of the checklist.
  - If the youth retains title IV-E eligibility upon redetermination, the checklist and permanency hearing order must be maintained in the youth's OCFS-2125 title IV-E foster care file. Additionally, the checklist and permanency hearing order must be submitted with the *Title IV-E Age 21 and Older Payment Detail Workbook* if claiming title IV-E reimbursement for foster care maintenance payments.
  - Progress notes and the Family Assessment and Services Plan (FASP) should continue to be maintained in CONNECTIONS and should include

- that the child chose to remain in care beyond age 21, as allowable per the ADM.
- The foster care placement must continue to meet all the requirements to be fully licensed, certified, or approved.
2. For those youth who are not determined to be title IV-E eligible, checklists, FASPs, and progress notes must be retained for supporting documentation but are not required to be submitted to OCFS. These youth's maintenance costs can be funded under the LDSS's Foster Care Block Grant (FCBG).
  3. OCFS has opted out of utilizing the additional Chafee funds for the costs of care and maintenance for individuals remaining in foster care beyond age 21.

To be eligible for title IV-E maintenance payments the following requirements must be met, as defined on the checklist:

- Citizenship
- Legal Authority
- Contrary to the Welfare/Best Interests
- Reasonable Efforts
- AFDC

To receive title IV-E maintenance reimbursement, acceptable documentation that supports the eligibility requirements listed above must be provided with the *Title IV-E Age 21 and Older Payment Detail Workbook*. Additionally, the foster boarding home the youth is placed in must be fully certified or approved. The operating certificate and applicable Statewide Central Register database check as well as the Division of Criminal Justice Services criminal history record check must be maintained in the foster care title IV-E eligibility file.

#### Youth 21 and Over Reentering Foster Care

All LDSSs must allow youth who aged out of care between January 27, 2020, through April 20, 2021, to reenter foster care. Title IV-E eligibility must be determined for youth reentering care utilizing the OCFS-4415, *Reentry into Foster Care for Youth Age 18 and Over Eligibility Checklist*. A title IV-E eligibility determination must be made for all requirements except age, education, and work requirements due to the COVID-19 pandemic.

To determine title IV-E eligibility, the LDSS/VA worker must do the following:

1. Question 1 on the checklist that contains age, education, and/or work requirements are not applicable for eligibility determination of this population. LDSSs/VAs should note NA and reference this per ADM on the form or within the margins on this section of the checklist.
2. If the youth are determined to be title IV-E eligible upon reentry, the checklist and all eligibility documentation must be maintained in the youth's OCFS-2125 title IV-E foster care file. Additionally, the eligibility documentation must be submitted with the *Title IV-E Age 21 and Older Payment Detail Workbook* if claiming title IV-E reimbursement for foster care maintenance payments.

3. Progress notes and the FASP should continue to be maintained in CONNECTIONS and should include that the child chose to reenter foster care beyond age 21, as allowable per the ADM.
4. The foster care placement must continue to meet all the requirements to be fully licensed, certified or approved.
5. OCFS has opted out of utilizing the additional Chafee funds for the costs of care and maintenance for individuals reentering foster care.

To be eligible for title IV-E maintenance payments, the following requirements must be met as defined on the checklist:

- Citizenship
- Legal Authority
- Contrary to the Welfare/Best Interests
- Reasonable Efforts
- AFDC

To receive title IV-E maintenance reimbursement, acceptable documentation that supports the eligibility requirements listed above must be provided with the *Title IV-E Age 21 and Older Payment Detail Workbook*. Additionally, the foster boarding home in which the youth is placed must be fully certified or approved. The operating certificate and applicable Statewide Central Register database check as well as the Division of Criminal Justice Services criminal history record check must be maintained in the foster care title IV-E eligibility file.

Notification must be provided to each youth who was formally discharged from foster care due to age during the COVID-19 public health emergency from January 27, 2020, through April 20, 2021 (subject to be extended by the federal government). See attachment B for a model notification letter.

Title IV-E agencies must conduct a public awareness campaign about the option to voluntarily reenter foster care for youth under age 22 who aged out of foster care in Federal Fiscal Year (FFY) 2020 or FFY 2021 and are otherwise eligible to return to foster care. See attachment C for brochures.

All LDSSs/VAs are required to maintain case management activities for any youth remaining and/or reentering foster care. This includes casework contacts and documentation in CONNECTIONS.

#### **IV. System Claiming Implications**

Foster care payments for foster care youth age 21 and over must be made offline since the Welfare Management System (WMS) does not allow foster care Purchase of Service (POS) lines to be authorized past a child's 21st birthday. Therefore, no payments can be processed through the Benefits Issuance Control System. If the foster care youth age 21 and over have been determined to be title IV-E eligible and the LDSSs would like to receive federal reimbursement, the LDSSs must follow the process below for payments and claiming. Additionally, the eligibility documentation for each youth that reentered care and

were determined to be title IV-E eligible must be submitted with the first payment detail workbook in which they are included. For youth who are age 21 and over remaining in foster care, the title IV-E eligibility redetermination documentation must be submitted with the payment detail workbook when eligibility has been redetermined. Foster care youth not eligible for title IV-E maintenance payments can be funded with the LDSS's FCBG. No TANF-EAF funding is available for foster care expenditures for these youth.

A *Title IV-E Age 21 and Older Payment Detail Workbook*, Attachment A, has been created in Excel to capture all the relevant payment information ONLY for title IV-E eligible youth. These workbooks must be completed each month for which there are allowable title IV-E foster care payments processed offline for title IV-E eligible youth. These monthly payment detail Excel workbooks will support the federal participating portion of the claim submitted in the Automated Claiming System (ACS).

An additional supplemental claim must be submitted in the ACS specific only to the foster care expenditures for youth age 21 and over. Only the LDSS-3479, *Schedule K, Reimbursement for Foster Care and Adoption Expenditures*, is to be utilized for claiming foster care expenditures for youth age 21 and over. The comment section of the RF2 package should state "Foster Care 21 and Over."

All *Title IV-E Age 21 and Older Payment Detail* workbooks must be sent to the Bureau of Financial Operations (BFO) mailbox at [OCFS.sm.finance.IVEFC.POSTypes@ocfs.ny.gov](mailto:OCFS.sm.finance.IVEFC.POSTypes@ocfs.ny.gov). Additionally, to support the payment detail and the additional claim, the title IV-E eligibility redetermination checklist along with the permanency order or the reentry checklist along with all eligibility documents must be submitted with these reports for those youth that have been redetermined and have reentered foster care in order for BFO to claim these costs on the federal Quarterly Expenditure Report.

Any questions on how to fill out the *Title IV-E Age 21 and Older Payment Detail* workbooks or claiming should be sent to Matthew Dilmore at [Matthew.Dilmore@ocfs.ny.gov](mailto:Matthew.Dilmore@ocfs.ny.gov).

Any questions on redetermining title IV-E eligibility or reentry title IV-E eligibility requirements should be sent to [Title.IVE@ocfs.ny.gov](mailto:Title.IVE@ocfs.ny.gov).

All *Title IV-E 21 and Over Payment Detail* workbooks and supporting documents must be sent to [OCFS.sm.finance.IVEFC.POSTypes@ocfs.ny.gov](mailto:OCFS.sm.finance.IVEFC.POSTypes@ocfs.ny.gov).

## V. CONNECTIONS and Activities System Implications for Reentry of Youth

### A. CONNECTIONS

Currently, CONNECTIONS does not allow the tracking of youth 18 years of age or older at time of reentry. Tracking of youth 18 years of age or older will not be available to end users in the near future. CONNECTIONS processing for this population requires the intervention of OCFS-IT/state staff.

Youth who continue in foster care at age 18, 19, 20, or older are not subject to these rules. The CONNECTIONS case can remain open and the youth tracked with program choice and permanency planning goal (PPG).

In order to track a former foster care youth 18, 19, or 20 years old who reenters foster care, the worker must do the following:

1. If there is currently a CONNECTIONS FSS/CWS stage opened and the child is not already part of that stage, add the child to the stage.
2. If there is not a CONNECTIONS FSS/CWS opened, create an FSI and stage progress to an FSS/CWS stage. **DO NOT CREATE THE WMS APPLICATION.**
3. Send a request to the AppHelp mailbox (ocfs.sm.conn\_app@ocfs.state.ny.us) with the following information:
  - a. Case and stage ID
  - b. Child's person ID (PID)
  - c. Program choice and effective date of program choice
  - d. PPG and effective date of PPG

Once processing has been completed, the worker will be advised to either process the addition of the child to the existing WMS case or create the WMS application and process the WMS case opening.

For a child who left foster care at age 18 and who was free for adoption (in a CCR) at the time, and who reenters foster care, it is recommended that they be placed in a CWS stage, and for FASP purposes, the "no caretaker" box is to be checked.

#### B. Welfare Management System (WMS)

No system changes have been made to WMS, as Preventive Services and Foster Care POS lines can already be authorized up to 21 years of age. However, as foster care and preventive cases cannot be opened in WMS independent of CONNECTIONS, note CONNECTIONS instructions above.

#### C. Activities Window

The following new activities legal event codes should be used to report the court proceedings of former foster care youth.

Type of Legal Event (Modifier A) codes:

- a) **22** =Article 10-B 18+ Reentry to Foster Care
  - Requires a previous M990 (Child Placement Ended) movement code
  - The L300 activity date must be greater than the activity date of the M990.
- b) **23** =Article 10-B 18+ Permanency Hearing Review
  - Requires previous L300 with MOD A of 22

Appropriate claiming/reimbursement is dependent on system entered documentation that Legal Authority is in effect (L300 w/MOD A of 22/23).

#### D. Medicaid

All children who are in the care and custody of LDSSs, and who are citizens or have satisfactory immigration status are categorically eligible for Medicaid.

**VI. Contacts**

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

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

[Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

Rochester Regional Office - Christopher Bruno (585) 238-8201

[Christopher.Bruno@ocfs.ny.gov](mailto:Christopher.Bruno@ocfs.ny.gov)

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

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

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

[John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

Westchester Regional Office - Sheletha Chang (845) 708-2498

[Sheletha.Chang@ocfs.ny.gov](mailto:Sheletha.Chang@ocfs.ny.gov)

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

[Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

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

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

Close to Home – Jewel Brown-Gregory (212) 383-1828

[Jewel.Brown-Gregory@ocfs.ny.gov](mailto:Jewel.Brown-Gregory@ocfs.ny.gov)

**VII. Effective Date**

This ADM 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