



Office of Children and Family Services

Kathy Hochul
Governor

52 WASHINGTON STREET
RENSELAER, NY 12144

Sheila J. Poole
Commissioner

Local Commissioners Memorandum

Transmittal:	22-OCFS-LCM-21
To:	Local Departments of Social Services Commissioners
Issuing Division/Office:	Division of Administration
Date:	July 14, 2022
Subject:	State Fiscal Year (SFY) 2022-23 Foster Care Block Grant Allocations
Contact Person(s):	See section VI.
Attachments:	A. <i>State Fiscal Year (SFY) 2022-23 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) 2022-23.

Notable differences from the prior year Foster Care Block Grant Allocations LCM include a revision to the allocation methodology and a revision to the claim dates for Foster Care Maintenance and Tuition Claims.

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; and
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 2022-23 state appropriation for the Foster Care Block Grant is \$390,687,000, which provides for a 5.4% cost of living adjustment and continues to align state and local funding 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 reformed 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 2022-23 Budget Actions

The SFY 2022-23 Enacted Budget appropriates \$964 million 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 allocations, 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 claim may be eligible for federal funding even if it exceeds 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 2022-23:

- 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.

Effective July 1, 2022, Section 398-a of the Social Services Law:

- Prohibits LDSSs from paying less than 100% of the applicable rate published by OCFS for rate year 2022-23 if 100% of the applicable rate published by OCFS was previously paid
- For LDSSs that as of July 1, 2022, were paying less than 100% of the applicable rate published by OCFS for the care provided to foster children in regular, therapeutic, special needs and emergency foster boarding homes, rates must increase as follows:
 - For rate year 2022-23, the difference between the percentage of the applicable rates published by OCFS and the rates that LDSSs are paying is at least one half less than the difference between the applicable rates published by OCFS for rate year 2022-23 and the rates that were previously being paid by the LDSS; and
 - For rate year 2023-24 and each year thereafter, the LDSS must pay at least 100% of the applicable rate as published by OCFS.

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

- Federal reimbursement for foster care costs¹
- 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 2021-22 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.

The SFY 2022-23 appropriation for state reimbursement for foster care services is \$390,687,000 and is allocated as follows:

- \$358,793,250 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, 2021, and submitted to the state on or before January 3, 2022. Continued for last year is the condition that this portion of the allocation methodology does not decrease by more than 5% from the prior year.

¹ 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.

- \$4,556,250 according to LDSSs’ reduction in the utilization of foster care days from Federal Fiscal Year (FFY) 2020 – 2021
- \$27,337,500 to support FFPSA implementation

LDSSs allocations for each component of the SFY 2022-23 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 2022-23 Foster Care Block Grant

Foster Care Maintenance and Tuition Claims	October 1, 2021, through September 30, 2022
Foster Care Administrative Claims	October 1, 2021, through September 30, 2022

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 2022-23 Foster Care Block Grant allocation may use the unexpended funds during SFY 2023-24 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 those unclaimed funds, directly offsetting child welfare claims eligible for funding 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 2022-23 Foster Care Block Grant funds, the LDSS must claim it through the RF-17 special project claim package for the month(s) that the expenditures were made. Prior to entry of the RF-17, costs are first identified on the RF2A claim package as F17 functional costs and reported in the F17 column on the *Cost Allocation Schedule of Payments Other Than Salaries* (LDSS-923) and the Schedule D – *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347). After final accepting the RF2A claim package, the individual project costs should be reported under the project label FCBG Savings SFY 2022 23 on the RF-17.

Salaries, fringe benefits, staff counts, and central services costs are directly entered on the RF-17 Worksheet – *Distribution of Allocated Costs to Other Reimbursable Programs* (LDSS-4975A) while overhead costs are automatically brought over from the RF-2A, Schedule D, and distributed based upon the proportion of the number of staff assigned to this project. Employees not working all their time on this project 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 code(s) on the *Summary - Administrative Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs* (LDSS-923B) while program costs are reported as object of expense code 37 - Special Project Program Expense on the *Summary - Program Schedule of Payments for Expenses Other Than Salaries for Other Reimbursable Programs* (LDSS-923B).

Claims for the period October 1, 2022, through September 30, 2023, must be final accepted in the Automated Claiming System by March 31, 2024. Further instructions for completing time studies, the LDSS-923, Schedule D, and the RF-17 claim package can be found in Chapters 4, 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:

Topic	LDSS Region	Contact Person	Contact Phone	Contact Email Address
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
	Region 6	Michael Simon	(212) 961-8250	Michael.Simon@otda.ny.gov

Bryan Bagstad

Issued by:

Name: Bryan Bagstad

Title: Director

Division/Office: Bureau of Budget Management

Attachment A

State Fiscal Year (SFY) 2022-23 Foster Care Block Grant Allocations

District	Prorated Claims	Set-Aside Based on Trended Change in Care Days for 2020-2021	Set-Aside Based on Approved Relative Home Placements on 12/31/2021	Allocation
Albany	5,482,861	-	240,618	5,723,479
Allegany	1,164,885	81,296	65,623	1,311,804
Broome	4,866,934	-	180,464	5,047,398
Cattaraugus	1,247,528	64,422	103,903	1,415,853
Cayuga	1,381,943	-	43,749	1,425,692
Chautauqua	2,097,751	53,463	71,092	2,222,306
Chemung	1,340,882	174,372	60,155	1,575,409
Chenango	709,130	-	38,280	747,410
Clinton	1,501,354	-	87,497	1,588,851
Columbia	1,764,118	-	32,812	1,796,930
Cortland	917,029	-	76,560	993,589
Delaware	716,414	-	153,121	869,535
Dutchess	6,732,601	245,169	207,807	7,185,577
Erie	17,153,024	296,775	1,110,125	18,559,924
Essex	997,003	45,643	82,029	1,124,675
Franklin	1,294,427	31,152	377,333	1,702,912
Fulton	1,039,112	214	32,812	1,072,138
Genesee	1,279,300	63,239	21,874	1,364,413
Greene	1,461,740	20,735	120,309	1,602,784
Hamilton	78,784	1,660	-	80,444
Herkimer	1,886,754	-	174,995	2,061,749
Jefferson	2,129,275	-	109,372	2,238,647
Lewis	289,728	411	10,937	301,076
Livingston	1,197,864	68,300	-	1,266,164
Madison	1,499,414	44,082	32,812	1,576,308
Monroe	8,520,767	-	257,024	8,777,791
Montgomery	1,087,408	7,804	54,686	1,149,898
Nassau	6,437,706	41,568	92,966	6,572,240
Niagara	3,300,843	29,492	185,932	3,516,267
Oneida	5,209,919	-	1,077,313	6,287,232
Onondaga	7,117,856	-	825,758	7,943,614
Ontario	1,360,013	38,857	27,343	1,426,213
Orange	6,990,390	338,162	349,990	7,678,542
Orleans	591,046	44,591	-	635,637
Oswego	2,666,906	48,337	322,647	3,037,890

District	Prorated Claims	Set-Aside Based on Trended Change in Care Days for 2020-2021	Set-Aside Based on Approved Relative Home Placements on 12/31/2021	Allocation
Otsego	787,155	-	5,469	792,624
Putnam	799,237	48,699	10,937	858,873
Rensselaer	2,497,095	43,162	38,280	2,578,537
Rockland	2,639,300	117,031	109,372	2,865,703
St. Lawrence	2,843,852	-	492,173	3,336,025
Saratoga	1,631,244	-	16,406	1,647,650
Schenectady	5,341,698	-	246,087	5,587,785
Schoharie	1,759,689	-	16,406	1,776,095
Schuyler	547,096	-	16,406	563,502
Seneca	989,379	44,608	16,406	1,050,393
Steuben	2,441,500	26,781	87,497	2,555,778
Suffolk	13,404,929	89,807	514,048	14,008,784
Sullivan	2,428,446	54,367	49,217	2,532,030
Tioga	690,260	-	65,623	755,883
Tompkins	1,356,803	-	131,246	1,488,049
Ulster	3,763,019	201,038	213,275	4,177,332
Warren	871,800	-	49,217	921,017
Washington	955,616	-	60,155	1,015,771
Wayne	768,824	-	10,937	779,761
Westchester	15,723,862	331,771	563,265	16,618,898
Wyoming	909,919	8,248	16,406	934,573
Yates	281,419	-	27,343	308,762
New York City	191,848,399	1,850,994	17,953,391	211,652,784
Statewide	358,793,250	4,556,250	27,337,500	390,687,000