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Local Commissioners Memorandum

Transmittal:	05-OCFS-LCM-09
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	June 28, 2005
Subject:	SFY 2005-06 Funding for Prevention of Detention Placements and PINS Services Funding
Contact	See Page 4
Attachments:	Yes
Attachment Available On – Line:	Attachment A: Comparable County Groups

I. Purpose

The purpose of this memorandum is to advise local departments of social services (LDSS) of the availability of $3.8 million in state funding provided in the State Fiscal Year (SFY) 2005-06 Budget for services aimed at preventing detention use and foster care placement for prospective and adjudicated Persons in Need of Supervision (PINS) and Juvenile Delinquents (JDs).

II. Background

The SFY 2004-05 budget included Temporary Assistance to Needy Families (TANF) funding for "PINS Prevention for Sixteen and Seventeen Year Olds and Detention Prevention Services." County-specific allocations were promulgated in 04-OCFS-LCM-19. An LDSS that wished to provide services that exceeded these allocations was eligible for child welfare finance funding subject to 65 percent of State reimbursement. TANF funding earmarked specifically for services to older PINS and preventing detention has been allocated and/or available to LDSSs in the past three years, following the PINS-age increase.

This year, Part E of Chapter 57 of the Laws of 2005 established new requirements concerning the provision of diversion services to prospective PINS (and their families) for the purpose of avoiding the need to file a petition or direct the detention of the child. This law derives from both program and fiscal considerations. Programmatically, there is little evidence that detention or coming under the jurisdiction of the Family Court pursuant to Article 7 of the Family Court Act correlates with better outcomes for the majority of affected youth and their families, although such activities are certainly warranted in some limited circumstances. At the same time, detention services are quite expensive and the use of alternatives such as respite and crisis counseling may be less costly and more importantly may avert expensive longer term costs such as foster care in some instances.

III. Available Funding

The SFY 2005-06 Budget allocates $5.2 million in state funds “for services and expenses to initiate program modifications and/or to provide services including, but not limited to, demonstrated effective programs such as evidence-based initiatives for alternatives to detention for persons alleged or determined to be in need of supervision or otherwise at risk of placement in the juvenile justice system.” Of this amount, $3.8 million will be made available to LDSSs to provide services to families, without regard to the family’s income, in accordance with the statutory purpose. The remaining amount will support state contracts for this purpose, including the continued use of the Vera Institute of Justice in providing ongoing technical assistance to selected LDSSs.

In relation to the $3.8 million in available state funding, LDSSs must apply for these funds by submitting a program description to the applicable Regional Office by July 25, 2005. The program description must indicate the services and expenditures the LDSS will provide as alternatives to detention. Additionally, it is expected that these and other funds referenced in this memorandum will be used to support the new PINS reform efforts being undertaken as a result of Chapter 57 of the Laws of 2005 (information on Chapter 57 of the Laws of 2005 is available on the OCFS website, http://www.ocfs.state.ny.us/main/legal/legislation/pins/). This could include using these resources to support the social services district’s or the local probation department’s activities as the lead agency, as well as services provided by other stakeholders in implementing the new law, provided the activities and/or services were funded with detention prevention and PINS services money in previous years and/or are new or enhanced activities. In determining the amount of funding that will be approved for applying LDSSs, preference may be given to LDSSs that plan to utilize demonstrated effective programs and/or that claimed targeted detention prevention and PINS services funds in the past.

The following information must be part of the LDSS program description section of the application:

- The program modification(s) and/or services to be developed/provided/continued.
- The anticipated target population(s).
- The anticipated benefit, including the projected achievement of specific outcomes, to the target population(s) as a result of the program modification(s) and/or services provided.

Given the amount of available funds, the following guideposts are offered as to the maximum amount which an LDSS is likely to receive. Using the Monitoring and Analysis Profiles (MAPS) comparable groupings (see Attachment A): Group 1 (large volume excluding NYC) counties -- $100,000; Group 2 (medium volume) counties -- $60,000; and Group 3 (small volume) counties -- $40,000. Please note that these amounts are estimates and actual allocations will depend on the number of districts applying, the approaches taken, and the anticipated productive use of the funding by applying LDSSs. The funds will be divided by region and decisions for the amount of funding will be made by OCFS Regional Offices. It is expected, but not assured, that any LDSS submitting an acceptable program description will receive some portion of this funding. Please note that LDSSs may not be able to receive the maximum amounts outlined if all LDSSs in a region submit program descriptions.

In addition to the $3.8 million in new state funds discussed above, LDSSs also have considerable flexibility in using their Flexible Fund for Family Services (FFFS) funding to support detention prevention activities and related services. For more information on using FFFS funds for this purpose, please review Section IV. 2. of 05-OTDA-ADM-11, "Flexible Fund for Family Services," that was jointly issued by the Office of Temporary and Disability Assistance and the Office of Children and Family Services. As in past years, all the services provided to this population will be related to TANF Purpose 3 – Reduction of Out-of-Wedlock Pregnancy, thereby making such funds available without regard to the family's income. The amount of FFFS funds LDSSs may use for detention prevention and other related services is not fixed. As a result, Services and Finance administrative staff are urged to work together to evaluate the LDSS's overall services needs and the best use of the various funding streams that would support detention prevention within the overall services budget.

There continues to be 65-percent state child welfare services funding available to LDSSs for detention prevention and related services, net of federal reimbursement subject to the child welfare threshold and the non-supplantation requirements. LDSSs are advised to review 05-OCFS-LCM-05, "SFY 2005-06 Social Services Block Grant (Title XX) Allocations," particularly Section III. of the LCM, which contains information on the FFFS and the "child welfare threshold," to help gauge the district's best use and claiming of FFFS, other federal funds and the 65-percent state funds for these purposes. The amount of TANF funds an LDSS received in SFY 2004-05 for PINS/Prevention/Detention Diversion Services is not included in the calculation of the LDSS's child welfare threshold nor will the amount of FFFS funds that an LDSS chooses to use in SFY 2005-06 for such services count toward the LDSS meeting its child welfare threshold. Those LDSS expenditures for PINS/Prevention/Detention Diversion services that become subject to 65-percent state reimbursement also will assist the state in meeting the MOE for federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

In SFY 2004-05, 04-OCFS-LCM-19 allocated Temporary Assistance for Needy Families (TANF) funding for PINS/Detention Prevention services. For LDSSs that have not fully expended their allocation, these funds have been extended for another year, which allows for the reimbursement of expenditures for the period ending June 30, 2006, with claims submitted by August 15, 2006.

IV. Claiming Instructions

The $3.8 million in state general funds in the SFY 2005-06 Budget for the prevention of detention and foster care placements must be claimed as described below. Expenditures must be for the Purchase of Services (POS) or for eligible administrative activities beginning July 1, 2005 and ending June 30, 2006.

All administrative costs incurred by an LDSS should be coded to the F-17 function and carried through to the LDSS-3274 form entitled "Schedule D-17 Distribution of Allocated Costs to Other Reimbursable Programs." Administrative expenditures should be reported on the Schedule D-17 in a column labeled "DET PREV-ST 05" on the appropriate lines.

These expenditures will support an LDSS-3922 (Revision date 12/00), "Reimbursement Claim for Special Projects," with "DET PREV-ST 05" indicated in the project name box. Costs should be reported in either the Non-Administration or the Administration columns, depending on the nature of expenditures. Contracts or Memoranda of Understanding (MOU) with private or public entities can be constructed to provide detention prevention services using funds from this allocation. It is possible to pay the contractor or public entity, based on the terms of service contained in the contract or MOU, without the necessity of entering the served clients into WMS. An acceptable method of cost allocation and other sources of funding will be necessary if the contract includes services for other purposes or populations. If LDSS staff members working on this program are less than full-time, they must complete time studies to allocate their costs between the F-17 function and other function(s). LDSSs must be careful not to duplicate other client-specific funding with these funds. Expenditures must be made by June 30, 2006 and must be claimed by August 15, 2006.

The costs of this program are reimbursed at 100 percent with state funds, up to the LDSS's allocation. Unclaimed state funds may also be reallocated to other LDSSs with eligible claims that exceed their allocations. Costs for this purpose also may be charged to the FFFS if the LDSS chooses to dedicate a portion of its FFFS allocation for this purpose. Please refer to 05 OTDA-ADM-11, Section IV. A. 2. c., PINS Prevention/Detention Diversion Services. Expenditures reimbursed through the FFFS are submitted on a separate LDSS-3922 labeled DET PREV-FFFS. Costs in excess of the Detention Prevention/PINS funds, which are not charged to FFFS PINS Prevention/Detention Diversion Services, may be charged to FFFS child welfare direct funds, TANF to Title XX (Title XX Below 200%) funds and/or Title XX regular funds to the extent the LDSS makes those funds available for child welfare services. Those costs that are not reimbursed with federal funds are eligible for state reimbursement at the rate of 65 percent of costs after any additional federal reimbursement is received, subject to the child welfare threshold for FFFS. A-87 costs, from the Schedule D-2, are only funded from federal and local funds. These dollars exceeding the state allocation or FFFS would be reported as Preventive Services costs on either the LDSS1372 "Schedule G Title XX Services for Recipients" and/or the LDSS –2347-B "Schedule D-2, Allocation for Claiming General Services Administration Expenditures," as applicable. There is no available state funding for A-87 costs.

Instructions for claiming Purchase of Services expenditures, the form LDSS-3922 and the Schedule G can be found in the Fiscal Reference Manual, Volume 2, Chapter 3. Instructions for completing the Schedule D-17 and Schedule D-2 can be found in the Fiscal Reference Manual, Volume 3 (Volume 4 for New York City), Chapter 18 and Chapter 9, respectively.

The LDSS must sign the LDSS-3922 certification and submit the LDSS-3922 claim to:

Bureau of Financial Services

Office of Temporary and Disability Assistance
40 North Pearl Street, Claims Unit, 14th Floor, Section A
Albany, New York 12243

V. Contact Information

Programmatic questions should be directed to the appropriate Regional Office, Division of Development and Prevention Services:

BRO - Linda Brown (716) 847-3145
User ID: Linda.Brown@ocfs.state.ny.us
RRO - Linda Kurtz (585) 238-8201
User ID: Linda.Kurtz@ocfs.state.ny.us
SRO - Jack Klump (315) 423-1200
User ID: Jack.Klump@ocfs.state.ny.us
ARO – Glenn Humphreys (518) 486-7078
User ID: Glenn.Humphreys@ocfs.state.ny.us
YRO - Pat Sheehy (914) 377-2080
User ID: Patricia.Sheehy@ocfs.state.ny.us
NYCRO - Fred Levitan (212) 383-1788
User ID: Fred.Levitan@ocfs.state.ny.us

Questions pertaining to claiming should be directed to the Office of Temporary and Disability Assistance, Bureau of Financial Services:

Regions I - IV: Virginia Scala, 518-474-7549; User ID: Virginia.Scala@otda.state.ny.us

Region V: Michael Borenstein, 631-854-9704, User ID: Michael.Borenstein@otda.state.ny.us

Region VI: Marian Borenstein, 212-961-8250, User ID: Marian.Borenstein@otda.state.ny.us

Nancy W. Martinez s/s

Issued By:
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Title: Director
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ATTACHMENT A: COMPARABLE GROUPS

Group 1

Erie
Monroe
Nassau
Onondaga
Suffolk
Westchester

Group 2

Albany
Broome
Chautauqua
Chemung
Dutchess
Niagara
Oneida
Orange
Oswego
Rensselaer
Saratoga
Schenectady
Steuben
Ulster

Group 3

Allegany
Cattaraugus
Cayuga
Chenango
Clinton
Columbia
Cortland
Delaware
Essex
Franklin
Fulton
Genesee
Greene
Hamilton
Herkimer
Jefferson
Lewis
Livingston
Madison
Montgomery
Ontario
Orleans
Otsego
Putnam
Rockland
St. Lawrence
Schoharie
Schuyler
Seneca
Sullivan
Tioga
Tompkins
Warren
Washington
Wayne
Wyoming
Yates