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Governor

NEW YORK STATE
OFFICE OF CHILDREN & FAMILY SERVICES
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Commissioner

Local Commissioners Memorandum

Transmittal:	13-OCFS-LCM-10
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	July 1, 2013
Subject:	Community Optional Preventive Services (COPS) Program FFY 2012-13 / SFY 2013-14 Funding and Claiming Instructions
Contact Person(s):	Any questions concerning this release should be directed to the contacts listed on pages 8 & 9
Attachments:	A: SFY 2013-14 COPS Preliminary Allocations B: COPS Estimated Expenditures FFY 2012-13 C: Community Optional Preventive Services Program Report D: FFFS COPS Allocations SFY 2013-14
Attachment Available Online:	Yes, as part of this LCM, at: OCFS intranet: http://ocfs.state.nyenet/policies/external/OCFS_2013/ OCFS Internet: http://ocfs.ny.gov/main/policies/external/OCFS_2013/default.asp

I. Purpose

The purpose of this Local Commissioner's Memorandum (LCM) is to advise local departments of social services (LDSSs) of the availability of \$11,124,750 in funding for Community Optional Preventive Services (COPS) programs in State Fiscal Year (SFY) 2013-14. As part of this release, preliminary district allocations for COPS programs have been provided as Attachment A. An additional \$1,000,000 has been set aside to be used to fund COPS program(s) that meet certain requirements, and a separate LCM will be forthcoming that will specify what is needed to potentially qualify for the

additional COPS funding. This LCM also reminds LDSSs of the requirement to report outcomes of COPS program services to the Office of Children and Family Services (OCFS), and the separate claiming instructions for reimbursement for such programs.

II. Background

In 1988, a Request for Proposal (RFP) was issued to select and fund programs known as COPS. The COPS programs were targeted to families where a child was not at immediate risk of foster care, but where primary or secondary forms of preventive services would help to avert family crises and later foster care placements. About 20 programs were funded from that RFP, and a subsequent RFP was issued in New York City. Several program types were represented among the selected programs, including: group parenting skills education, general community-wide community education, school-based, and “therapeutic” programs. COPS programs, in some instances, were authorized to serve families without determining individual eligibility, and without Uniform Case Review (UCR) or Child Care Review Service (CCRS) requirements. Some of these programs continued under the former Family and Children’s Services Block Grant, without a specific continuing state appropriation.

In 2002, with the implementation of the open-ended Child Welfare Services finance provisions, which provided for 65 percent state reimbursement for all preventive services, funding became available for the expansion of COPS. In order for a COPS proposal to be approved, LDSSs were required to submit a plan to the appropriate regional office of the OCFS Division of Development and Prevention Services (now the Division of Child Welfare and Community Services). OCFS provided guidance regarding the COPS program in 02-OCFS-LCM-19.

COPS programs are designed to serve children or youth who are not at imminent risk of foster care. The target group to be served is those considered at general risk of future foster care or crisis by virtue of one or more identified characteristics. COPS cannot be used as a substitute or alternative to providing mandated preventive services to eligible children and families.

Although individual programmatic eligibility determinations are unnecessary, there must be an acceptable method for determining whether a case is below or over 200 percent of the federal poverty level, consistent with criteria outlined in Chapter 3 of the OCFS “Eligibility Manual for Child Welfare Programs.” Individual family eligibility determinations can be done by a simplified family-specific determination as to whether the income is below or over 200 percent of poverty and the recipients are either U.S. citizens or qualified aliens. Alternatively, the need to do individual eligibility determinations for COPS programs can be waived if the LDSS identifies a reliable source of information to calculate the proportion of the target population that is below 200 percent of the poverty standard (e.g., the percent of students receiving subsidized school lunches in the community(ies) being served). Any alternative measure for determining if a family’s income is either below or over 200 percent of poverty is

subject to OCFS approval. Participation in a COPS program may not be limited to those families who are below 200 percent of the federal poverty level.

III. Program Implications

For SFY 2013-14, \$11,124,750 in state funding is provided for COPS programs in a separate capped appropriation (an additional \$1,000,000 has been set aside for COPS program(s) that meet certain requirements and a separate LCM will address this funding). This funding amount remains at the same level as the SFY 2012-13 appropriation amount. For COPS services provided from October 1, 2012, through September 30, 2013, state reimbursement is available for 98 percent of 65 percent (or 63.7 percent) of eligible costs up to the capped appropriation amount.

An LDSS must submit claims that separately identify the costs of COPS services. The expenses claimed cannot exceed the costs for the programs that were in effect on October 1, 2008. In order to receive reimbursement for a COPS program, an LDSS must demonstrate that the program had been approved by OCFS on or before October 1, 2008. An LDSS may contract to restart a program that was approved by OCFS as of October 1, 2008, and in operation on that date, that subsequently ceased providing COPS; however, this may only be done at the same level of funding as of October 1, 2008. Furthermore, an LDSS cannot receive state reimbursement for any COPS services provided during a time when it did not have a contract in place, and the LDSS cannot contract retroactively for the services. For example, if an LDSS terminated a contract on December 31, 2012, and the LDSS did not enter into a new contract until April 15, 2013, it could claim for the services provided from October 1, 2012, through December 31, 2012, and for the services provided from April 15, 2013, through September 30, 2013, but not for any services provided from January 1, 2013, through April 14, 2013, during the time period that a contract did not exist.

An LDSS may receive the 63.7 percent state reimbursement, net of any available federal funds, for the costs of eligible services provided through September 30, 2013, up to the amount of the capped appropriation. If there are insufficient funds in the capped appropriation to reimburse 63.7 percent of all the LDSS eligible COPS expenditures claimed, the LDSS will receive its proportionate share of the capped appropriation based on the LDSS's total COPS eligible expenditures claimed compared to the statewide total of eligible expenditures claimed. This year, we have provided preliminary district allocations for COPS programs (Attachment A) based on the methodology provided on page 6 of this LCM. Please note, these allocations may not be the final amount that an LDSS is allocated, as the amounts may be adjusted based on final COPS claims paid in relation to the total COPS appropriated amount.

Any LDSS that receives a preliminary allocation (Attachment A) for SFY 2013-14 that does not wish to accept, must inform OCFS in writing or via e-mail to the contact and address below, by August 1, 2013:

Robert Dick, Jr.
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street; Room 322 N
Rensselaer, NY 12144

Or, e-mail to Robert.Dick@ocfs.ny.gov .

If the amount appropriated in the budget exceeds the eligible expenditures claimed by all the LDSSs, OCFS may reimburse 63.7 percent for new COPS programs, as approved by OCFS. Further information regarding the process for OCFS approval of new COPS programs will be provided if funds become available. In order to determine whether OCFS may approve funding for new COPS programs, each LDSS that is seeking state reimbursement for existing COPS programs must submit by August 1, 2013, a list of the COPS programs that OCFS had approved on or before October 1, 2008, for which the LDSS will be seeking state reimbursement, and an estimate of its annual eligible COPS expenditures, based on the first six months of expenditures and the maximum approved contract amounts, to OCFS. An Excel spreadsheet form, titled COPS Estimated Expenditures, has been provided with this LCM as Attachment B and is to be used to report this information to OCFS.

Each LDSS that currently has one or more COPS programs for which it will be seeking state reimbursement needs to complete the COPS Estimated Expenditures form (Attachment B) and submit it by August 1, 2013 to:

Robert Dick, Jr.
NYS Office of Children and Family Services
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52 Washington Street, Room 322 N
Rensselaer, NY 12144

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The eligible LDSS expenditures that are subject to 63.7 percent state reimbursement may also assist the state in meeting the maintenance of effort (MOE) and match requirements for federal Title IV-B, Subpart 1 and 2 funds for Child Welfare Services. When finalizing the state settlement of Child Welfare Services, the expenditures that are subject to 63.7 percent state reimbursement may also assist an LDSS in meeting its Child Welfare Services threshold established for the Flexible Fund for Family Services (FFFS), as further discussed in section IV below, and assist the LDSS in using its allocation of Title XX Transfer (Title XX Below 200 Percent COPS) should the LDSS have an under-claim in this category. This adjustment may be done by the state during the state settlement of Child Welfare Services.

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops, rather than serving youth at immediate risk for placement, with the long-term goal of reducing the need for foster care and offering

a less costly alternative to placement. There is a wide range of services that LDSSs have offered through the COPS program to work toward this goal of averting placements.

In 2008, LDSSs were surveyed regarding their COPS programs and this information was published in January 2009 in the “Community Optional Preventive Services (COPS): Findings from OCFS’ COPS Survey.” As part of this survey, LDSSs were specifically asked to report out on performance targets and achievement of these targets. In addition, LDSSs that submitted COPS claims during SFY 2009-10, SFY 2010-11, SFY 2011-12, and SFY 2012-13 were required to report performance targets or outcomes on the COPS Program Report Form that was supplied to them in the 2009, 2010, 2011, and 2012 COPS LCMs. As part of this year’s budget requirements, LDSSs again must submit information regarding outcomes of COPS programs to OCFS.

For Federal Fiscal Year (FFY) 2012-13 / SFY 2013-14, LDSSs need to complete a COPS program report (Attachment C) for each COPS program in their LDSS and submit the reports to OCFS by October 15, 2013. This template asks LDSSs to provide demographic information and to report on current performance targets or outcomes, which have been required for all preventive service programs (see 07-OCFS-LCM-12), and need to be updated for the current funding year of October 1, 2012, through September 30, 2013.

Please complete a COPS Program Report Form (Attachment C) for each COPS program in existence October 1, 2012, through September 30, 2013, and submit by October 15, 2013, to:

Robert Dick, Jr.
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 322 N
Rensselaer, NY 12144

Or e-mail a copy to Robert.Dick@ocfs.ny.gov

In 07-OCFS-LCM-12, outcome is defined as “the anticipated change in, or maintenance of, conditions or behaviors of a targeted population as a result of the provision of services.” Performance targets provide evidence as to whether the program accomplished its outcomes. Performance means “quantifiable and verifiable interim changes in, or maintenance of, the conditions or behaviors of the target population resulting from the provision of services that indicate progress towards an outcome”. It is important that performance targets and outcomes established are specific, measurable, achievable, realistic, and time bound. For more information regarding how to develop outcomes, you may wish to visit the OCFS website at: http://www.ocfs.state.ny.us/main/sppd/eff_practices/

Allocation Methodology

The allocation methodology for the SFY 2013-14 COPS preliminary allocations to LDSSs is comprised of two parts:

- The first part provides \$11,124,750 in state funding for COPS programs in a capped appropriation. This preliminary allocation is based on each LDSS's proportion of the total gross statewide estimated expenditures for SFY 2012-13.

District preliminary COPS allocations for SFY 2013-14 are provided in Attachment A.

- The second part is \$1,000,000 that has been set aside to fund COPS program(s) that meet certain requirements. A separate LCM will be issued to address this additional funding.

IV. Other Related SFY 2013-14 Budget Actions

FFFS: The SFY 2013-14 Enacted Budget appropriates \$964 million of Temporary Assistance for Needy Families (TANF) funding to continue FFFS. Under the FFFS, child welfare services other than COPS may be funded for families that meet the TANF-EAF eligibility criteria and/or for families with incomes up to 200 percent of the federal poverty level. LDSSs also have the option to transfer a portion of their FFFS allocations to the Title XX Block Grant. Under federal law, any FFFS funding your LDSS chooses to transfer to the Title XX Block Grant must be expended for services to children and their families with incomes below 200 percent of the federal poverty level for the family size. Recipients of the Title XX Below 200 Percent funds also must be either U.S. citizens or qualified aliens as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Among the programs that can be supported with funds transferred to Title XX from an LDSS's FFFS allocation are the TANF Transfer to Title XX Below 200 Percent for Preventive, Child Protective, Aftercare and Adoption Services, and the TANF transfer to Title XX for otherwise eligible Title XX under 200 percent expenditures, including COPS. Consistent with federal statute, no more than 30 percent of the state's entire TANF block grant may be transferred to the Child Care and Development Block Grant (CCDBG) and/or Title XX, with only up to 10 percent of the entire TANF block grant eligible for transfer to Title XX. Under Chapter 56 of the Laws of 2013, for SFY 2013-14 this means that an LDSS may transfer up to 32 percent of its FFFS allocation to CCDBG and Title XX combined, with up to 25 percent of its FFFS allocation going to Title XX.

With the establishment of FFFS in SFY 2005-06, LDSS-specific Child Welfare Services thresholds were enacted. In SFY 2013-14, the total combined threshold is maintained at \$342,322,341. In order for LDSSs to receive state reimbursement for Child Welfare Services other than COPS, each LDSS must expend FFFS funds for

Title XX Child Welfare Services Below 200 Percent, Title XX Below 200 Percent COPS, TANF-EAF Child Welfare Services, FFFS Child Welfare Direct Services for families with income below 200 percent, and Administration at a level equal to or greater than that district's portion of the \$342,322,341 statewide Child Welfare Services threshold.

In SFY 2013-14, districts may apply Title XX Below 200 Percent COPS FFFS expenditures up to the amount dedicated in Title XX Below 200 Percent COPS for SFY 2011-12 as of March 31, 2012 to their CWS threshold, as shown on Attachment D. Any amount dedicated or expended above this amount will not count towards the CWS threshold. An LDSS meeting its Child Welfare Services threshold may be eligible for 62 percent state reimbursement for its eligible child welfare expenditures other than COPS, net of the available federal funding, provided it has established performance targets or outcome-based requirements for child preventive services. The SFY 2013-14 child welfare settlement period is for expenditures incurred October 1, 2012, through September 30, 2013, and claimed by March 31, 2014; therefore, the threshold time frame is also October 1, 2012, through September 30, 2013, in order to be counted toward the district's SFY 2013-14 threshold.

V. Claiming Instructions

An LDSS will use the following set of instructions to claim reimbursement for COPS for services from October 1, 2012, through September 30, 2013. Expenditures must be made by October 31, 2013, and claims must be submitted no later than March 31, 2014.

Beginning with October 2012 claims, the expenditures for COPS 2012-13 should be claimed through the RF17 claim package for special project claiming. These costs should be identified as F17 functional costs and reported on the Schedule D "DSS Administrative Expenses 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 COPS 2012-2013 or COPS FFFS 2012-2013 on the LDSS-4975A "RF17 Worksheet, Distribution of Allocated Costs to 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 Reimbursable Programs." Total project costs and shares should be reported on the LDSS-4975 "Monthly Statement of Special Project Claims Federal and State Aid (RF-17)."

LDSSs that wish to claim federal reimbursement should use the project label COPS FFFS 2012-2013. These claims will be reimbursed at 100 percent, up to the amount that has been transferred to Title XX Below 200 Percent COPS. COPS expenditures in excess of the amount transferred to Title XX Below 200 Percent COPS from an LDSS's FFFS allocation may be eligible for reimbursement under the capped COPS state reimbursement appropriation to the extent funds are available, separate from the open-ended child welfare services funding.

LDSSs that wish to claim state reimbursement should use the project label COPS 2012-2013. Claims filed under the state share will draw down on that LDSS's portion of the capped state appropriation for COPS. Those cases receiving state reimbursement are not required to be under 200 percent of the poverty level. The amount entered for state reimbursement should be the gross eligible COPS claims, net of any claims entered as federal share. The gross value should be entered as the total and the system will automatically calculate state share, with the net being local share. LDSSs should be aware that state reimbursement is up to 63.7 percent with the balance as local share. If the total COPS claims eligible for state reimbursement exceed the capped appropriation amount, state reimbursement will be made proportionally to each LDSS based on its percentage of the statewide total of eligible claims as compared to the amount appropriated after March 31, 2014.

Instructions for completing the Schedule D and the RF-17 Claim Package are found in Volume 3 of the Fiscal Reference Manual (FRM) in Chapter 7. The FRMs are available online at <http://otda.state.ny.net/bfdm/finance/>.

An LDSS that previously claimed these expenditures on the Schedule G will need to submit a corresponding negative adjustment on the Schedule G through a supplemental RF2 claim.

VI. Contact Information

Any questions concerning this release should be directed to the appropriate OCFS Regional Office, Division of Child Welfare and Community Services:

Buffalo Regional Office- Dana Whitcomb (716) 847-3145

Dana.Whitcomb@ocfs.ny.gov

Rochester Regional Office- Karen Buck (585) 238-8201

Karen.Buck@ocfs.ny.gov

Syracuse Regional Office- Kelly Proctor-Leon (315) 423-1200

Kelly.Proctor-Leon@ocfs.ny.gov

Albany Regional Office- Kerri Barber (518) 486-7078

Kerri.Barber@ocfs.ny.gov

Spring Valley Regional Office- Yolanda Desarme (845) 708-2499

Yolanda.Desarme@ocfs.ny.gov

New York City Regional Office- Raymond Toomer (212) 383-1788

Raymond.Toomer@ocfs.ny.gov

Native American Services- Kim Thomas (716) 847-3123

Kim.Thomas@ocfs.ny.gov

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

Regions I - V: Edward Conway (518) 474-7549
Edward.Conway@otda.ny.gov

Region VI: Michael Simon (212) 961-8250
Michael.Simon@otda.ny.gov

/s/ Jeanne Milstein

Issued By:

Name: Jeanne Milstein

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development