

Agency Programs/Activities: Inventory and Key Data
Office of Children and Family Services

Relation to Core Mission (H/M/L)	Program/Activity	Spending Category (SO, ATL, CAP)	3/31/09 FTEs (All Funds)	General Fund Disbursements (\$000s)				State Special Revenue Funds Disbursements (\$000s)				Capital Projects Funds Disbursements (\$000s)				Federal Special Revenue Funds Disbursements (\$000s)			
				2008-09 Approp	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan
H	Foster Care Block Grant / Required MSAR	ATL		382,945	418,919	436,002	460,902												
H	Mandated State Aid Rates	ATL		7,833	9,400	0	0												
H	Title IV-E Foster Care														258,353	365,409	319,400	319,400	
H	Title IV-E ETV														4,538	2,840	2,600	2,600	
H	Child Welfare Services 98% of 65% Reimbursement	ATL		376,524	509,229	562,324	613,624												
H	Title IV-B Subparts 1 and 2														38,723	35,845	36,300	36,300	
H	Title IV-E Chafee Ind Living														12,034	10,949	11,000	11,000	
H	Child Protective Services Staff Ratios	ATL	1,790	1,331	6,275	7,809	1,790												
H	Substance Abuse Co-Location Demonstration	ATL	4,435	49	493	3,057	4,434												
H	ASFA Compliance Fingerprinting	ATL	1,857	560	1,057	1,392	1,378												
H	Adoption Subsidies	ATL	222,264	208,198	209,595	222,264	238,864												
H	Title IV-E Adoption														214,214	207,584	210,500	210,500	
H	Adoption Incentive Program														1,961	0	0	0	
H	Indian Tribes - Foster Care, Prevention, Adoption	ATL	1,882	1,726	1,583	1,882	1,882												
H	Fatality Review/Child Adv Ctrs/Multi-Disc Teams	ATL	7,862	1,895	4,036	8,207	7,956												
H	Medical Care for Foster Children	ATL	33,300	33,300	33,300	33,300	34,000												
H	Bridges to Health Medicaid Waiver Program	ATL	10,205	0	125	9,840	32,067												
H	Committee on Special Education	ATL	76,170	39,496	57,325	68,170	73,570												
H	Dormitory Authority Excess Claims Fund	ATL	6,620	2,717	2,545	6,370	6,370												
H	Alternatives to Detention/Residential Diversion	ATL	14,547	5,921	6,737	14,547	13,669												
H	Youth Development Delinq Prev	ATL	27,903	24,500	29,392	28,910	28,240												
H	Runaway & Homeless Youth Act	ATL	6,188	5,250	6,197	6,678	6,345												
H	Adult Protective/Domestic Violence	ATL	35,340	23,000	27,196	35,340	38,979												
H	Home Visiting Program	ATL	24,696	489	2,235	13,440	25,324												
H	Family and Children's Services State Operations	SO	38,378	1,682	2,162	3,793	4,168												
H	Institutional Abuse			15	398	642	1,143												
H	Central and Regional Operations			153	5,937	6,438	11,054	11,819											
H	State Central Register			245	5,837	5,878	10,159	11,142	122	142	150	150							
H	State Central Register Fee Account Spec Revenue - F&CS Prog	SO	1,191	2							150	150							
H	Fund 265 Discretionary Demo Grants Federal - F&CS Prog	SO	13,301	58											8,569	8,174	7,700	7,700	
H	Fund 265 Education Grants Federal - F&CS Prog	SO	3,019																
H	Fund 269 Title XX Federal - F&CS Prog	ATL	150,000												234,143	161,162	229,200	229,200	
H	Fund 290 Youth Projects Account Federal - F&CS Prog	SO	6,034												1,285	950		1,156	
H	Family Preservation/Family Violence Spec Revenue - F&CS Prog	ATL	10,000	309	172	341	0		144	294	193	192							
H	Youth Facility Operations	SO	2,026	123,691	130,267	136,355	147,172												
H	Community Service Teams Regional Operations	SO	221	13,492	14,210	16,055	17,338												
H	Youth Facility Oversight and Management	SO	61	3,725	3,922	3,956	4,235												
H	Evidence Based Community Services	SO	8,838	4,297	7,283	6,461	6,975												
H	Post-Residential Services	ATL	980	1,181	1,191	980	980												
H	Secure Detention	ATL	41,580	36,614	40,662	39,603	42,550												
H	Secure Detention Capital	ATL	4,606	0	2,985	3,700	4,606												
H	Capital Projects Rehabilitation and Improvements	CAP	1,825										1,750	1,378	1,900	1,900			
H	Capital Projects Facility Improvements Fund 357	CAP	36,635	7									15,599	21,641	19,000	20,000			
H	CBVH -Vocational Rehabilitation	SO	168	6,424	7,601	6,956	7,095								23,390	24,864	25,361	25,868	
H	CBVH Non-Vocational Rehabilitation	SO	11	8,064	9,298	8,088	8,229												
H	CBVH Spec Revenue Other	SO							1559	1255	1682	1682							
H	Child Care Subsidies State	ATL		136,066	140,166	137,363	138,428												

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				H	Child Care Subsidies Federal	ATL																
	Child Care Quality Improvements Federal	SO/ATL	234																114,539	99,098	95,722	95,722
H	Criminal History Review																					
H	Infant & Toddler Regional Services																					
H	Legally-Exempt Child Care Enrollment Agencies																					
H	Licensing, Monitoring, Enforcement, Systems																					
H	Training																					
H	Quality Child Care/Protection Acct Spec Revenue	ATL		0	350	150	0															
H	Training - Multi-Agency Training Account Spec Rev	SO	40,429					33,737	30,208	32,000	32,000											
H	Training -State Match, FNP and Domestic Violence Training	SO	7,377	6,735	7,128	5,750	5,792															
H	Training -Misc State Match Spec Revenue	SO	5,500					2,246	1,040	2,000	2,000											
H	Training -Training, Management and Eval Fund Spec Rev	SO	6,522				62	5,298	3,603	3,800	3,800											
H	Training -Training for Caseworkers	ATL	4,900	0	4,791	5,640	5,635															
H	Training -Local Training Reimbursement	ATL	4,900	5,623	5,739	5,635	5,635															
H	Administration - Cost Allocation/Federal Reporting/RMS			6,375	6,697	6,963	7,817															
H	Administration - Contracting/Admin			11,538	12,336	12,855	14,638															
H	Administration - Training Services			1,379	1,948	1,756	1,848															
H	Administration - Council on Children and Families			1,305	839	1,071	1,214															
H	Administration - Special Hearings/Legal			3,927	4,017	4,285	4,828															
H	Administration - Program Account Special Revenue	SO	10,000				84	7,990	6,700	7,684	8,188											
H	Administration - Equipment Loan Fund Special Revenue	SO	225					85	45	65	65											
H	Administration - Fund 020 Youth Gifts, Grants and Bequests	SO	3,000					0	79	229	236											
H	Systems Support Fund 003	SO	22,802	19,514	20,584	19,679	22,826					0	0	3,000	3,000							
H	Systems Support Fund 003 CONNECTIONS	SO	27,768	18,968	25,402	22,888	32,259					0	0	17,400	17,400							
H	Systems Support Fund 265 CONNECTIONS Federal	SO	30,593									0	0	0	0							
H	Council on Children and Families Head Start Grant Special Revenue		528				2												22,026	23,113	9,674	5,200
H	Council on Children and Families Grants and Bequests Revenue		301					86	53	66	68								378	250	314	323
	Total High Priorities			3,977	1,538,815	1,788,347	1,932,110	2,097,765	51,267	43,419	48,019	48,531	17,349	23,019	41,300	42,300			1,507,992	1,472,866	1,520,826	1,518,024
M	National Community Service State Operations			5	298	380	380	391														
M	National Community Service Federal			6																		
M	2.5% COLA for Preventive Services Contracts	ATL	9,408	120	2,610	10,538	9,408															
M	Community Based Preventive Contracts	ATL	25,241	44	944	3,600	25,649															
M	OMH Home & Community Based Waiver	ATL	6,100	2,297	3,420	6,100	6,350															
M	Child Welfare Quality Enhancement Fund	ATL	3,822	493	1,718	4,551	4,189															
M	Spec Delinq Prev Prog	ATL	9,191	9,222	9,071	9,212	9,212															
M	Kinship Care Programs/Information & Referral	ATL	2,107	355	631	886	2,130															
M	Settlement Houses	ATL	576	460	870	870	582															
M	United Way 2-1-1	ATL	500	1,398	4,246	2,798	0															
M	Hoyt Memorial Trust Fund General Fund	ATL	1,960	0	0	0	0															
M	Children and Family Trust Fund Spec Revenue	ATL	3,459	0	0	0	0	808	670	1,500	1,960											
M	Child Care Quality Imp Fed>CCR&R, Health and Safety, Start Up	ATL		0	0	0	0															
M	Advantage After-School Program	ATL	27,195	0	0	9,813	27,474															
M	Portable Information Technology Demonstration	ATL	1,000	413	1,313	1,055	1,000															
M	New York New York III	ATL	2,274	605	0	2,274	2,354															
M	Amy Watkins Caseworker Education	ATL	980	64	522	980	980															
M	Homeless Veterans	ATL	250	0	0	21	0															
M	Circulo de la Hispanidad	ATL	500	0	0	375	0															
	Total Medium Priorities			11	15,769	25,725	53,453	89,719	808	670	1,500	1,960	0	0	0	0			1,078,413	15,650	1,161,583	1,161,800

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					2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected	2006-07 Actual	2007-08 Actual	2008-09 Plan	2009-10 Projected
					L	Lighthouse International	335	ATL		0	0	251	0							
L	Lighthouse Mission	250	ATL		0	0	188	0												
L	Family Empowerment Centers	2,964	ATL		0	0	1,764	0												
L	Ridgewood Bushwick Senior Citizens Council Youth Center	225	ATL		0	0	249	0												
L	Heart Share Program	500	ATL		0	50	124	0												
L	Chabad of Northeast Queens	250	ATL		0	0	188	0												
L	Adelante of Suffolk County	235	ATL		0	0	176	0												
L	New York State Alliance of Boys & Girls Clubs	1,000	ATL		767	904	1,224	0												
L	Non-Secure Detention	23,100	ATL		22,118	27,246	21,050	21,579												
L	Child Care Quality State - AFSCME	0	ATL		3,500	4,384	4,984	0												
L	CHAMP	500	ATL		0	500	494	54												
L	Delinquency Prevention - Blue Print	501	ATL		563	-36	0	0												
L	Member Items		007																	
	Total Low Priorities				26,948	33,048	30,692	21,633	0	0	0	0	0	0	0	0	0	0	0	
N/A	Maternity Early Childhood	199	ATL		206	133	119	0												
N/A	CPS Ratio Workload Study	500	ATL		499	0	0	0												
N/A	Study on Sexually Exploited Youth	500	ATL		425	75	0	0												
N/A	Jewish Board of Family Services	200	ATL		80	0	0	0												
N/A	21st Century Schools	7,500	ATL		0	4,803	0	0												
N/A	YOCs II - Youth Opportunities Centers	4,948	ATL		11	1	98	26												
	Total Other				1,221	5,012	217	26	0	0	0	0	0	0	0	0	0	0	0	
	Total OCFS Programs			3,988	1,582,753	1,852,132	2,016,472	2,209,143	52,075	44,089	49,519	50,491	17,349	23,019	41,300	42,300	2,586,405	1,488,516	2,682,409	2,679,824

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Foster Care Block Grant (FCBG) and Required Maximum State Rates (MSAR)

Mandate: Various provisions of the Family Court Act and Social Services Law (SSL) authorize the care and custody or custody and guardianship of certain children to be placed with the commissioner of a local social services district (LDSS).

- Section 398 of the SSL requires LDSS to provide foster care services to abused, neglected, abandoned, delinquent, persons in need of supervision (PINS), children voluntarily placed in their care, and destitute children.
- Section 4004(2) of the Education Law provides that LDSS are responsible for the tuition costs for children placed by the LDSS in a child care institutions that operate residential schools.
- Section 398-a of the SSL requires OCFS to establish annual maximum state aid rate (MSAR) for foster care programs.
- Chapter 57 of the Laws of 2005 amended Section 398-a(2) of the SSL to require that local districts pay 100 percent of the applicable Maximum State Aid Rate established by OCFS for institutions, group residences, group homes, and agency-operated boarding homes, as well as the administrative/ services rates published by OCFS for the operations of authorized agencies for care provided in therapeutic, special needs and emergency foster homes.
- Pursuant to Chapter 437 of the Laws of 1997, OCFS has taken on the responsibility of the State Board of Social Welfare related to residential programs for children. Article 17, section 2 of the State Constitution requires the State Board of Social Welfare to be continued and, as it relates to OCFS, requires it to visit and inspect all public and private institutions of a reformatory character, including all reformatories for juveniles and institutions or agencies exercising custody of dependent, neglected or delinquent children, but excepting state institutions for the education and support of the blind, the deaf and dumb, and excepting such institutions as are subject to the visitation and inspection of Department of Mental Hygiene or the State Commission of Correction.
- SSL Sections 460 through 460-g and sections 462 through 462-b and Chapter 436 of the Laws of 1997 require OCFS to regulate, certify, inspect, and supervise residential foster care programs and to take enforcement action against foster care programs that are out of compliance with OCFS regulations. SSL, section 460-d requires OCFS to provide a hearing, upon request, if an operating certificate is denied, revoked or limited.
- SSL Sections 22 and 400 provides for OCFS to provide a hearing, upon request, to any institution or foster family home from which a LDSS has removed a foster child. SSL, section 22 also provides that OCFS, upon request, must provide a hearing to a foster parent who wishes to challenge the rate of payment received for a foster child.

Mandated Funding Level: Funding provisions include the following:

- SSL, section 153-k(2) provides that eligible LDSS costs for foster care services, including tuition costs for foster children placed in child care institutions that operate residential schools, are subject to State reimbursement, net of available federal funds, only to the extent of each LDSS' allocation from the annual appropriations to the state Foster Care Block Grant. That section also provides that, notwithstanding any other provision of law, LDSS' costs of care, maintenance and supervision of juvenile delinquents (JD) placed with OCFS in residential programs operated by authorized agencies and in out-of-state residential programs are subject to the FCBG. The 2008-09 appropriation for the FCBG is \$436.002 million.
- Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost-of-living adjustment (COLA) for all foster care programs for which OCFS sets an MSAR and for foster parents for the period April 1, 2008 through March 31, 2009 and additional annual COLAs for the period April 1, 2009 through March 31, 2012.
- The costs of foster care are also supported in part with Title IV-E funding, which provides 50 percent Federal reimbursement if a child meets the eligibility requirements and all other Title IV-E documentation and case plan requirements are met. Local districts can also use their Flexible Fund for Family Services (FFFS) allocation to support TANF Emergency Assistance to Families (EAF) JDs/ PINS, and TANF-EAF NYC Tuition costs.

Brief Description/History/Background: The FCBG was established in 2002 as part of Child Welfare Financing Reform. It was enacted for a period of five years through June 30, 2007 and was extended for two years through June 30, 2009 pursuant to Chapter 57 of the Laws of 2007. The State reimburses local LDSS for foster care services that are associated with the care of children that are in foster care, children in foster care in federally funded job corps programs, and adjudicated juvenile delinquents or persons in need of supervision placed in residential programs operated by authorized agencies and in out-of-state residential programs.

Issues: The statutory authority for the FCBG will sunset on June 30, 2009 and legislation must be advanced to continue the Block Grant and Child Welfare Services Programs.

Population Served: Foster care is provided to abused, neglected, abandoned, delinquent, persons in need of supervision, children voluntarily placed in their care, and destitute children.

Performance Measures: The FCBG is capped in order to provide counties with a clear incentive to reduce the number of children in foster care. In 2008-09, base funding of \$399.552 million is distributed to districts according to their respective shares of historical gross foster care claims. A set aside allocation of \$36.450 million is based on districts' progress in reducing the utilization of foster care days during two periods: from FFY 2003 to FFY 2005 and from FFY 2005 to FFY 2007. This methodology recognizes the accomplishments of those districts that have decreased their foster care utilization over the past five years, while providing a more generous incentive to those districts that have achieved more recent reductions in care days. Since 1998, the number of children in foster care has decreased by 49 percent – from 50,034 to an estimated 25,597 in 2007.

Investments in child welfare preventive and protective services are intended to help children at risk of abuse and neglect and to minimize the need for foster care placements. The State's commitment to reimbursing counties at 63.7 percent of their child welfare protective and preventive costs has helped to bring about dramatic reductions in the number of children in foster care.

The Federal Child and Family Services Review (CFSR) which is periodically conducted by the Department of Health and Human Services - Administration for Children and Families, provides NYS with an opportunity to examine its policies, practices and key indicators related to safety, permanency and well-being of the children and youth based on national standards.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Federal Title IV-E Foster Care – Fund 265

Mandate: Federal mandates related to the Title IV-E Foster Care Program include the following:

Section 471(a) of the Social Security Act (SSA) sets forth the State Plan requirements New York must satisfy to be eligible for reimbursement for Title IV-E Foster Care payments. Among the requirements are licensing and regulation of foster care programs, rate setting, case management activities, permanency hearings, and State and Federal criminal history checks of foster parents.

Section 472 of the SSA sets forth the eligibility standards that must be satisfied in each foster care case for the case to be eligible for Federal financial participation under Title IV-E. Among the requirements are individual financial eligibility determinations, specific court order findings regarding reasonable efforts and best interests, and permanency hearings.

Section 474 of the SSA sets forth the Federal reimbursement standards for foster care, adoption assistance and training available under Title IV-E. Federal reimbursement for training is available at a 75% rate for social services district staff, while Federal reimbursement in relation to foster care and adoption assistance is at a 50% rate.

Section 1089 of the Family Court Act (FCA) requires social services district to include in the permanency hearing report for any child who has attained the age of 14, a description of the services and assistance that are being provided to enable the child to learn independent living skills and the steps the LDSS will take to continue to enable prompt delivery of appropriate educational and vocational services to the foster child in his or her current placement, during any trial discharge, and after discharge until the next permanency hearing. The court must address the adequacy of the plans as part of its findings and orders at the conclusion of each permanency hearing. These provisions apply to children placed in foster care under Article 10 of the FCA, pursuant to a voluntary placement agreement, or whose custody and guardianship have been placed with the LDSS.

Section 398(6)(k) of the Social Services Law (SSL) requires a social services district to provide suitable vocational training to foster youth who benefit from such training.

Section 398(6)(h) of the SSL requires LDSS to supervise former foster children until such children become 21 years of age unless discharged to parents, relatives or adopted.

18 NYCRR 430.12(f)(2)(i)(a) states that the LDSS with custody of a foster child must provide structured programs of vocational training and independent living skills to all children with a goal of discharge to another planned living arrangement with a permanency resource or deemed to have such a goal. LDSS also must, subject to the availability of Federal and state funds, provide a monthly independent living stipend to each child 16 years of age or older who has, or is deemed to have, such a goal of discharge to independent living and is actively participating in independent living services. A foster child can not be discharged from care unless the child has a residence other than a temporary shelter and there is a reasonable expectation that the residence will remain available to the child for at least 12 months following discharge from foster care. A foster child discharged to APLAPR must remain in the custody of the LDSS in a status of trial discharge for at least six months after discharge. During the period of trial discharge, the LDSS must provide aftercare services to the child, including casework contacts. The LDSS must maintain supervision of a foster child discharged to or deemed to be discharged to APLAPR until the child is 21 years of age, after the LDSS' custody of the child has been ended whether by court order or by the LDSS' own action.

The Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133, was signed into law on January 17, 2002. Title II, Section 201, of the amendments, entitled "Education and Training Vouchers for Youths Aging Out of Foster Care," amended section 477 of the SSA, targeting additional resources

specifically to meet the education and training needs of youth aging out of foster care. Under this program, eligible youth may receive up to \$5,000 per year to attend a post-secondary education or vocational training program. The Federal law specifies that youth eligible for vouchers under this program include foster care youth and former foster care youth who have not yet attained the age of 21 years who are eligible for services under CFCIP, and youth adopted from foster care after the age of 16. Youth participating in the ETV program when they attain 21 years of age may remain eligible until they attain 23 years of age.

National Youth in Transition Database (NYTD): CFCIP also requires the Administration for Children and Families (ACF) to develop a data collection system to track the independent living services states provide to youth and develop outcome measures that may be used to assess states' performance in operating their independent living programs. Federal regulations, 45 CFR §§ 1356.80-1356.86, require states to collect and report on 58 new data elements regarding youth who receive independent living services (whether in foster care or not), and youth who are in foster care, or who age out of foster care. The effective date of the NYTD is October 1, 2010; states must begin collecting the required data elements on that date. The first report based on those data elements is due on May 15, 2011.

Mandated Funding Level: Title IV-E of the Social Security Act (42 USC 671-679b) is an important funding stream for foster care and adoption subsidy costs. It provides for Federal reimbursement for a portion of the maintenance and administrative costs of foster care children who meet specified Federal eligibility requirements. In New York, the Federal share is 50%. The Federal funds help offset the State and local costs of providing foster care.

SSL, section 153-k(2) provides that eligible LDSS costs for foster care services, including tuition costs for foster children placed in child care institutions that operate residential schools, are subject to State reimbursement, net of available Federal funds, only to the extent of each LDSS' allocation from the annual appropriations to the state Foster Care Block Grant (FCBG). That section also provides that, notwithstanding any other provision of law, LDSS' costs of care, maintenance and supervision of juvenile delinquents placed with OCFS in residential programs operated by authorized agencies and in out-of-state residential programs are subject to the FCBG.

Part I of Chapter 58 of the Laws of 2008 provides for a 3.2% cost of living adjustment (COLA) for all foster care programs for which OCFS sets an MSAR and for foster parents for the period April 1, 2008 through March 31, 2009 and additional annual COLAs for the period April 1, 2009 through March 31, 2012.

Brief Description/History/Background: The provisions for State reimbursement for foster care, were established in 2002 as part of child welfare financing reform. They were originally set to sunset on June 30, 2007 but were extended to June 30, 2009.

Issues: Not all children in foster care in New York are eligible for Federal title IV-E reimbursement for foster care. The financial eligibility criteria for Federal funding is tied to the income levels for the former Aid to Families with Dependent Children (AFDC) program that were in effect as of July 16, 1996. The incomes levels have not been updated for inflation so the percentage of foster children who are eligible for Title IV-E funding continues to decrease.

In addition, the Federal oversight agency, the Administration for Children and Families (ACF), is required to conduct periodic eligibility reviews (Primary Eligibility Reviews) of a sample of cases to determine whether the foster care costs charged to the Federal Title IV-E program are appropriate. Federal disallowances are taken for maintenance and administrative costs of the sample cases that are found to be out-of-compliance. The Federal statute provides for a Program Improvement Plan (PIP) process for states found not to be in substantial compliance with a Primary Eligibility Review. At the end of the PIP period, ACF conducts a Secondary Eligibility Review. If a state fails this second review, the Federal government may impose a disallowance related to the state's entire title IV-E claims.

New York's second Primary Eligibility Review currently is scheduled for August 31 to September 9, 2009. To pass the review 5% or less of the 80 cases reviewed (four or less cases) can be found out of compliance, and no more than 5% of the dollar value of claims may be in error.

Population Served: Title IV-E eligible foster children who are in the custody or guardianship of the LDSS authorized voluntary agency or OCFS and certain eligible foster care youth aged 14 to 21 years in the custody of the LDSS or who are in direct care in OCFS operated facilities or rehabilitation services programs.

Performance Measures: Subject to the Federal Child and Family Services Review (CFSR) oversight of state child welfare systems and state self-assessment. The CSFR reviews the state's performance in relation to several outcome factors in the areas of safety, permanency and the well-being of children and families and in specified systemic factors: statewide information system, case review system, quality assurance system, staff training, service array, agency responsiveness to the community and foster and adoptive parent licensing, recruitment and retention. If a state fails a CSFR, it must initiate a Program Improvement Plan (PIP). One aspect of the PIP involves an agreement between the Federal and state agencies as to the amount of improvement that will occur as a result of the PIP. The failure to achieve the improvement results in financial penalties. After the completion of the PIP, a State is required to have a second CSFR performed. In the event that the sought improvement is not attained, the Federal agency will assess a penalty. After an initial CSFR re-review, the amount of the withholding is one percent of a specified pool of funds (a combination of a portion of the state's IV-B and IV-E funding) for each of the elements of the review where the sought improvement did not occur for each year to which the withholding of Federal funds applies. The amount of the penalty increases with each subsequent CSFR review. The penalty after a second full review is increased to two percent for each failed factor. Penalties are increased to three percent for each failed factor after the third CSFR review.

The Federal government recently completed a CSFR of New York and is in the process of issuing its report to identify where the state does not comply with the required measures. There are several areas where New York will be found not to be in substantial compliance. Once the CSFR report is issued, New York must develop its PIP.

**OFFICE OF CHILDREN AND FAMILY SERVICES
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Program: Federal Title IV-E Education and Training Voucher Program – Fund 265

Mandate: Federal mandates related to the Title IV-E Education and Training Vouchers Program include the following:

The Promoting Safe and Stable Families Amendments of 2001, Public Law 107-133, was signed into law on January 17, 2002. Title II, Section 201, of the amendments, entitled "Education and Training Vouchers for Youths Aging Out of Foster Care," amended section 477 of the SSA, targeting additional resources specifically to meet the education and training needs of youth aging out of foster care.

Section 1089 of the Family Court Act (FCA) requires social services district to include in the permanency hearing report for any child who has attained the age of 14, a description of the services and assistance that are being provided to enable the child to learn independent living skills and the steps the LDSS will take to continue to enable prompt delivery of appropriate educational and vocational services to the foster child in his or her current placement, during any trial discharge, and after discharge until the next permanency hearing. The court must address the adequacy of the plans as part of its findings and orders at the conclusion of each permanency hearing. These provisions apply to children placed in foster care under Article 10 of the FCA, pursuant to a voluntary placement agreement, or whose custody and guardianship have been placed with the LDSS.

Mandated Funding Level: For FFY 2008-2009, \$2,620,762 in Federal funding is available to New York for the ETV program. Federal law establishes a 20 percent match requirement in order to access ETV funds. For the past several years, OFA contributed a portion of the required match. The ETV match must be a cash match based on the total amount

Brief Description/History/Background: This program will help youth aging out of foster care make the transition to self-sufficiency and receive the education, training and services necessary to obtain employment. Under this program, eligible youth may receive up to \$5,000 per year to attend a post-secondary education or vocational training program. The Federal law specifies that youth eligible for vouchers under this program include foster care youth and former foster care youth who have not yet attained the age of 21 years who are eligible for services under CFCIP, and youth adopted from foster care after the age of 16. Youth participating in the ETV program when they attain 21 years of age may remain eligible until they attain 23 years of age. During FFY 2007-2008, approximately 810 youth statewide were awarded ETV funds. Priority was given to youth over the age of 21 who had received an ETV award in FFY 2006-2007 and who continued to be enrolled in and attending a post-secondary educational or vocational training program and were making satisfactory progress toward completion of that program.

Issues: The amount of Federal ETV funds available does not cover all potentially eligible youth. Therefore, the following priorities were applied in the initial selection of eligible participants for the ETV program for FFY 2008-2009:

- First priority will be given to youth over the age of 21 who had received an ETV award in FFY 2007-2008 who continue to be enrolled in and attending a postsecondary educational or vocational training program and are making satisfactory progress toward completion of that program.
- Second priority will be given to any other youth who received an ETV award in FFY 2007-2008.
- Third priority will be given to youth who are 20 years of age and will be 21 by July 1, 2009, and who are enrolled in and attending a post-secondary educational or vocational training program and are making satisfactory progress toward completion of that program. These youth would not have received an ETV award in FFY 2007-2008.
- Fourth priority will be given to youth who are 17, 18, 19 and 20 years of age who are enrolled in and attending a post-secondary educational or vocational training program and making satisfactory progress toward completion of that program.

Population Served: ETV grants support the education and training needs of foster care youth and former foster care youth aging out of foster care.

Performance Measures: Subject to Federal Child and Family Services Review (CFSR) oversight of state child welfare systems and to state self-assessment. The CFRS reviews the state's performance in relation to several outcome factors in the areas of safety, permanency and the well-being of children and families and in specified systemic factors: statewide information system, case review system, quality assurance system, staff training, service array, agency responsiveness to the community and foster and adoptive parent licensing, recruitment and retention. If a state fails a CFRS, it must initiate a Program Improvement Plan (PIP). One aspect of the PIP involves an agreement between the Federal and state agencies as to the amount of improvement that will occur as a result of the PIP. The failure to achieve the improvement results in financial penalties. After the completion of the PIP, a State is required to have a second CFRS performed. In the event that the sought improvement is not attained, the Federal agency will assess a penalty. After an initial CFRS re-review, the amount of the withholding is one percent of a specified pool of funds (a combination of a portion of the state's IV-B and IV-E funding) for each of the elements of the review where the sought improvement did not occur for each year to which the withholding of Federal funds applies. The amount of the penalty increases with each subsequent CFRS review. The penalty after a second full review is increased to two percent for each failed factor. Penalties are increased to three percent for each failed factor after the third CFRS review.

The Federal government recently completed a CFRS of New York and is in the process of issuing its report regarding where the state does not comply with the required measures. There are several areas where New York will be found not to be in substantial compliance. Once the CFRS report is issued, New York must develop its PIP.

**OFFICE OF CHILDREN AND FAMILY SERVICES
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Program: Child Welfare Services

Mandate: The current provisions for child welfare services were established in 2002 as part of Child Welfare Financing Reform. They were enacted for a period of five years through June 30, 2007, and extended for two years through June 30, 2009 pursuant to Chapter 57 of the Laws of 2007. Various provisions of Federal and State Law authorize and require the provision of child welfare services:

Child Protective Services: Pursuant to Article 6, Title 6, of the Social Services Law (SSL), local social services districts (LDSS) are required to maintain a child protective service with sufficient staff of sufficient qualifications to receive and investigate all reports of child abuse or maltreatment "...for the purpose of providing protective service to prevent further abuses or maltreatment to children and to coordinate, provide or arrange for and monitor the provision of those services necessary to safeguard and ensure the child's well-being and development and to preserve and stabilize family life wherever appropriate." [§423.1(e)]

Preventive Services: Pursuant to Article 6, Title 4, of the SSL (§§ 409 and 409-a), LDSS are required to provide mandated preventive services to a child and his or her family in cases where provision of services is necessary to avert an out-of-home placement or to accelerate the child's discharge from foster care. LDSS may also provide non-mandated preventive services to a child and his or her family and, with OCFS approval, may provide community optional preventive services to communities likely to benefit from such services. OCFS is required to promulgate regulations establishing the types of, and standards for the provision of, preventive services. Housing subsidies are mandated to avert foster care placements or enable the return of foster children in certain circumstances. Title IV-E of the Federal Social Security Act and various provisions of the Family Court Act direct the court, before placing a child into foster care, to make a finding that reasonable efforts were made to prevent the placement of a child into foster care.

Independent Living and Aftercare Services: The Federal Foster Care Independence Act of 1999 established the Chafee Foster Care Independence Program, which provides capped federal funding to provide independent living services to children in foster care and children discharged from foster care between the ages of 18 and 21 years. Federal reimbursement is available for 80 percent of the costs up to the state's allocation. These funds are available to assist foster children and former foster children to be self-sufficient, by providing services and training in the areas of academic support and vocational and basic living skills.

Section 1089 of the Family Court Act (FCA) requires social services district to include in the permanency hearing report for any child who has attained the age of 14, a description of the services and assistance that are being provided to enable the child to learn independent living skills and the steps the LDSS will take to continue to enable prompt delivery of appropriate educational and vocational services to the foster child in his or her current placement, during any trial discharge, and after discharge until the next permanency hearing. The court must address the adequacy of the plans as part of its findings and orders at the conclusion of each permanency hearing. These provisions apply to children placed in foster care under Article 10 of the FCA, pursuant to a voluntary placement agreement, or whose custody and guardianship have been placed with the LDSS.

Section 398(6)(k) of the Social Services Law (SSL) requires a social services district to provide suitable vocational training to foster youth who benefit from such training.

Adoption Services and Administration: Section 372-b of the SSL requires LDSS to provide adoption services for children in their care who are freed for adoption including pre-placement and placement planning; recruitment, training and home studies of prospective adoptive parents; supervision; and post-adoption services. OCFS must provide a fair hearing, upon request, to prospective adoptive parents concerning the failure of a LDSS to provide adoption services.

Pursuant to Article 6, Title 9 of the SSL, LDSS must enter into agreements to provide adoption subsidies, medical subsidies and non-recurring adoption expenses to certain families. OCFS must approve those agreements.

Section 372-c of the SSL requires OCFS to establish a Putative Father Registry to register persons claiming or found to be the father of a child born out of wedlock. Section 372-f of the SSL requires OCFS to establish the Statewide Adoption Service to recruit adoptive families for certain foster children legally freed for adoption. Section 374-a of the SSL requires OCFS to administer the Interstate Compact for the Placement of Children relating to the placement into and out of New York of certain children. Section 460-a of the SSL provides that OCFS must approve corporate papers that authorize a corporation to board out or place out children for adoption. Section 374 of the SSL limits the ability of agencies and individuals to engage in or charge a fee for adoption activities. OCFS is charged with enforcing those provisions.

Mandated Funding Level: Pursuant to Section 153-k(1) of the Social Services Law, reimbursement for Child Welfare Services is an uncapped entitlement program providing 65 percent State reimbursement of eligible claims, net of available Federal funds, for child protective, preventive, independent living, after care and adoption services as well as adoption administrative costs. The local share is 35 percent. However, Chapter 53 of the Laws of 2008 reduces the State reimbursement for SFY 2008-09 for Child Welfare Services by two percent to 98 percent of the 65 percent resulting in a State share of 63.7 percent and a local share of 36.3 percent, net of available Federal funds.

Brief Description/History/Background: Child Welfare Services funding supports child protective services, preventive services, independent living, aftercare, and adoption administration and services. The goal of these services is to encourage stability in families by providing appropriate interventions to avoid or minimize out-of-home placements, maintain the child(ren)'s health and safety, and provide current and former foster children with the skills to function successfully in adult society.

The availability of State funds at an enhanced rate of 63.7 percent reimbursement provides local districts with an opportunity to address these critical service areas in partnership with the State. Reimbursement is net of any available Federal funds which include: funds transferred from the TANF Block Grant to Title XX, Title IV-E preventive and protective services, Title IV-B Subpart 1, Title IV- B Subpart 2, and Chafee Foster Care Independence Program funds. Child Welfare Services funding requirements have experienced increases, indicating the growing investments by the State and local districts in services that support families in their communities, thereby avoiding foster care, juvenile justice and other out-of-home placements. OCFS also supervises the State's system of family support and child welfare services delivered by LDSS and, in many cases, local community-based organizations that also provide critical child welfare services.

Issues: The statutory authority for child welfare services funding will sunset on June 30, 2009 and legislation must be advanced to continue financing for these critical services.

Population Served: Families with children at risk of out of home placement due to child abuse/maltreatment or the child's behavioral needs (PINS or JD); children and youth in out of home placement for whom services will expedite achievement of their permanency goal of return to family, adoption or transition to adulthood; families and youth requiring services to prevent a return to out of home placement.

Performance Measures: Investments in child welfare preventive and protective services are intended to help children at risk of abuse and neglect and to minimize the need for foster care placements. Independent living and aftercare services help foster children transition to living on their own in the community. Adoption services and administration support permanent adoptive placements for former foster children. The State's commitment to reimbursing counties at 63.7 percent of their child welfare protective and preventive costs has helped to bring about dramatic reductions in the number of children in foster care as well as support safe, healthy, and permanent placements for youth in their communities.

The Federal Child and Family Services Review (CFSR) which is periodically conducted by the Department of Health and Human Services - Administration for Children and Families, provides NYS with

an opportunity to examine its policies, practices and key indicators related to safety, permanency and well-being of the children and youth based on national standards.

OCFS is focusing on two key indicators in child welfare services: recurrence of child abuse and maltreatment and length of time to permanency, both of which were identified as areas needing improvement during the recent CFSR. Other measures routinely reported by OCFS include rates of CPS reporting and indicated determinations; rates of preventive services openings and rates of preventive services prior to placement; rates of placement; rates of adoption, reunification and transition to adulthood; for children in placement, the rates of siblings placed together; and the disproportionate representation of children of color at key child welfare decision points.

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**Program: Child Welfare Services Title IV-B, Subpart 1 Federal Fund 265
Promoting Safe and Stable Families – Title IV-B, Subpart 2 Federal Fund 265**

Mandate: Title IV-B of the Social Security Act; Subpart 1 (sections 421-425 of the SSA) and Subpart 2 (sections 430-437 of the SSA). In order to access Title IV-B funding, states must submit a five-year comprehensive Child and Family Services Plan (CFSP) and Annual Progress and Services Report (APSRs) indicating that the state complies with specified Federal assurances regarding child welfare services and specifying the state's goals and objectives for child welfare services and its progress toward meeting them. State's receiving IV-B funds are also subject to regular Federal Child and Family Services Reviews (CFSRs), which measures whether each state meets specified Federal outcome measures related to children safety and well-being as well as whether the state meets certain systemic criteria.

Mandated Funding Level: The subpart 1 funding a state receives is a base amount of \$70,000 as well as additional funds based on its population under the age of 21 and the state per capita income, while subpart 2 funding is determined by the percentage of children in a state who receive food stamps. These Federal funds cover 75% of state's total Title IV-B expenditures because states must provide an additional 25% using non-Federal dollars. For funding under each subpart, there is a 10% administrative cost cap as well as a state Maintenance of Effort (MOE) and non-supplantation requirement. In addition, Federal statute [section 432(4) of the SSA] provides that a significant portion of the subpart 2 funds must be spent on each of four required types of services: family preservation services, community-based family support services, time-limited family reunification services, and adoption services. The Federal agency has implemented this statute by requiring at least 20% of the funds to be spent on each type of service unless the state has an especially strong rationale for different portion.

For FFY 2008, New York State has been allotted \$14.6M under subpart 1 and \$18.9M under subpart 2.

Brief Description/History/Background: Title IV-B of the Social Security Act was established in 1935 and authorizes funds to states for a variety of services to prevent the occurrence of child abuse and neglect and foster care placements. At-risk families are supported through services which allow children to remain with their families or return to their families in a timely manner and promote the permanence and well-being of children in foster care and with adoptive families. Funds also support training and professional development to ensure a well-qualified work force.

In 1980, when Title IV-E became effective, a cap was established on the amount of Title IV-B child welfare funding that can be used for foster care maintenance and adoption assistance. This limitation also includes child care payments. Subpart 1 funds used for these three program categories cannot exceed a state's spending for all subpart 1 eligible services in 1979.

In 1993, Congress enacted a new program, subpart 2 of Title IV-B, which funds similar kinds of services, but is more prescriptive in how states can spend the funding. States are to spend most of the funding for services that address family preservation, community-based family support, time-limited family reunification and adoption promotion and support.

Although 10% of the funds in each of the subpart 1 and subpart 2 programs may be used for administration, New York State has made a policy decision to use all the funds to support services to children and families and therefore allocates all funding to local social services districts.

Also under subpart 2 [section 424(e) (2) of the SSA], effective 10/1/06, authorized additional funding directed to support monthly caseworker visits for foster children. New York State has received \$2.3M in FFY 2005-06 and \$0.3M in FFY 2007-08. These funds are available through 9/30/09 and 12/31/09, respectively. To continue to receive a portion of these funds, the state needs to document that it meets or is making progress towards meeting the requirement that, for at least 90% of foster children, there are at least monthly caseworker visits and that the majority of the visits occur in the children's residences. For FFY 2008 through 2011, there are mandated reductions of specified percentage of subpart 1 funding if the state fails to meet the targeted percentages for visits.

Issues: None.

Population Served: Children and families who need assistance in order to keep their families together. There are no Federal eligibility requirements. New York State uses subpart 1 funds to serve children and families in need of child protective and child preventive services and uses subpart 2 funds to serve children and families needing services in the categories of family support, family preservation, time-limited family reunification and adoption promotion and support.

Performance Measures: Subject to Federal Child and Family Services Review (CFSR) oversight of state child welfare systems and to state self-assessment. The CFSR reviews the state's performance in relation to several outcome factors in the areas of safety, permanency and the well-being of children and families and in specified systemic factors: statewide information system, case review system, quality assurance system, staff training, service array, agency responsiveness to the community and foster and adoptive parent licensing, recruitment and retention. If a state fails a CFSR, it must initiate a Program Improvement Plan (PIP). One aspect of the PIP involves an agreement between the Federal and state agencies as to the amount of improvement that will occur as a result of the PIP. The failure to achieve the improvement results in financial penalties. After the completion of the PIP, a State is required to have a second CFSR performed. In the event that the sought improvement is not attained, the Federal agency will assess a penalty. After an initial CFSR re-review, the amount of the withholding is one percent of a specified pool of funds (a combination of a portion of the state's IV-B and IV-E funding) for each of the elements of the review where the sought improvement did not occur for each year to which the withholding of Federal funds applies. The amount of the penalty increases with each subsequent CFSR review. The penalty after a second full review is increased to two percent for each failed factor. Penalties are increased to three percent for each failed factor after the third CFSR review.

The Federal government recently completed a CFSR of New York and is in the process of issuing its report regarding where the state does not comply with the required measures. There are several areas where New York will be found not to be in substantial compliance. Once the CFSR report is issued, New York must develop its PIP.

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Program: Federal Title IV-E Independent Living – Fund 265

Mandate: Federal mandates related to the Title IV-E Independent Living Program include the following:

Section 477 of the SSA established the John H. Chafee Foster Care Independence Program (CFCIP) whereby the Federal government provides an annual capped allotment to the states relating to services designed to assist youth to transition out of foster care. To receive Federal funding, a state must have a compliant State Plan and must submit certifications relating to the administration of the programs (see section 477(b)(3) of the Social Security Act). Federal reimbursement is capped and is available for 80% of costs.

Section 1089 of the Family Court Act (FCA) requires social services district to include in the permanency hearing report for any child who has attained the age of 14, a description of the services and assistance that are being provided to enable the child to learn independent living skills and the steps the LDSS will take to continue to enable prompt delivery of appropriate educational and vocational services to the foster child in his or her current placement, during any trial discharge, and after discharge until the next permanency hearing. The court must address the adequacy of the plans as part of its findings and orders at the conclusion of each permanency hearing. These provisions apply to children placed in foster care under Article 10 of the FCA, pursuant to a voluntary placement agreement, or whose custody and guardianship have been placed with the LDSS.

Section 398(6)(k) of the Social Services Law (SSL) requires a social services district to provide suitable vocational training to foster youth who benefit from such training.

18 NYCRR 430.12(f)(2)(i)(a) states that the LDSS with custody of a foster child must provide structured programs of vocational training and independent living skills to all children with a goal of discharge to another planned living arrangement with a permanency resource or deemed to have such a goal. LDSS also must, subject to the availability of Federal and state funds, provide a monthly independent living stipend to each child 16 years of age or older who has, or is deemed to have, such a goal of discharge to independent living and is actively participating in independent living services. A foster child can not be discharged from care unless the child has a residence other than a temporary shelter and there is a reasonable expectation that the residence will remain available to the child for at least 12 months following discharge from foster care. A foster child discharged to APLAPR must remain in the custody of the LDSS in a status of trial discharge for at least six months after discharge. During the period of trial discharge, the LDSS must provide after-care services to the child, including casework contacts. The LDSS must maintain supervision of a foster child discharged to or deemed to be discharged to APLAPR until the child is 21 years of age, after the LDSS' custody of the child has been ended whether by court order or by the LDSS' own action.

CFCIP also requires the Administration for Children and Families (ACF) to develop a data collection system called the National Youth in Transition Database (NYTD). The database will be used to track the independent living services states provide to youth and develop outcome measures that may be used to assess states' performance in operating their independent living programs. Federal regulations, 45 CFR §§ 1356.80-1356.86, require states to collect and report on 58 new data elements regarding youth who receive independent living services (whether in foster care or not), and youth who are in foster care, or who age out of foster care. The effective date of the NYTD is October 1, 2010; states must begin collecting the required data elements on that date. The first report based on those data elements is due on May 15, 2011.

Mandated Funding Level: State reimbursement for independent living services is required under SSL Section 153-k(1), which provides for 63.7% State reimbursement to LDSS for eligible costs for independent living services, net of available Federal funds.

Brief Description/History/Background: The Federal CFCIP requires that funded programs help foster children who are likely to remain in care until age 18 to make the transition to self-sufficiency by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention and preventive health activities. The state also must ensure that it will provide assistance and care to children who have left foster care because they obtained the age of 18 years of age and are not yet 21 years of age. Funded programs are to provide financial, housing, counseling employment, education and other appropriate support and services to complement a former foster child's own efforts to achieve self-sufficiency and to assure that participants recognize and accept their personal responsibility for preparing for and making the transition from adolescence to adulthood as well as personal and emotional support. Not more than 30 percent of the state CFCIP allotment may be used for room and board for former foster children who have left foster care because they obtained the age of 18 years of age and are not yet 21 years of age.

The FFY 2007-2008 allocation of \$11,214,614 distributed to LDSS represented 97 percent of the total Federal allocation to New York State. The remainder was reserved by OCFS for two purposes: (1) to support IL services for youth in direct care in OCFS-operated facilities and rehabilitative services programs (LDSS are required to meet the IL services needs of eligible youth in OCFS custody placed in authorized voluntary agencies in the same manner and under the same criteria as youth in LDSS custody); and (2) to support OCFS activities related to the CFCIP. The allocation methodology for LDSS was comprised of two parts, taking into consideration the potential IL population and IL expenditures. Half of the available funds are allocated based on the proportion of each LDSS' potential IL population, which is defined as youth 14 to 21 years of age in care on September 30, 2007, to the total statewide IL population. The remaining half is based on each LDSS' portion of the total statewide IL claims received by March 31, 2008, applied against the FFY 2006-2007 allocations, including expenditures made after September 30, 2007.

Issues: Federal law and regulations require ACF to impose a penalty of between one and five percent of a state's Title IV-E funds allocated for the relevant reporting period if the state that fails to comply with the NYTD reporting requirements.

Population Served: Certain eligible foster care youth aged 14 to 21 years in the custody of the LDSS or who are in direct care in OCFS operated facilities or rehabilitation services programs receive CFCIP services.

Performance Measures: Subject to Federal Child and Family Services Review (CFSR) oversight of state child welfare systems and to state self-assessment. The CFSR reviews the state's performance in relation to several outcome factors in the areas of safety, permanency and the well-being of children and families and in specified systemic factors: statewide information system, case review system, quality assurance system, staff training, service array, agency responsiveness to the community and foster and adoptive parent licensing, recruitment and retention. If a state fails a CFSR, it must initiate a Program Improvement Plan (PIP). One aspect of the PIP involves an agreement between the Federal and state agencies as to the amount of improvement that will occur as a result of the PIP. The failure to achieve the improvement results in financial penalties. After the completion of the PIP, a State is required to have a second CFSR performed. In the event that the sought improvement is not attained, the Federal agency will assess a penalty. After an initial CFSR re-review, the amount of the withholding is one percent of a specified pool of funds (a combination of a portion of the state's IV-B and IV-E funding) for each of the elements of the review where the sought improvement did not occur for each year to which the withholding of Federal funds applies. The amount of the penalty increases with each subsequent CFSR review. The penalty after a second full review is increased to two percent for each failed factor. Penalties are increased to three percent for each failed factor after the third CFSR review.

The Federal government recently completed a CFSR of New York and is in the process of issuing its report regarding where the state does not comply with the required measures. There are several areas where New York will be found not to be in substantial compliance. Once the CFSR report is issued, New York must develop its PIP.

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Program: Child Protective Services Staff Ratios

Mandate: None; however, SSL Section 424 requires local department of social services' (LDSS) child protective service (CPS) to investigate allegations of child abuse or maltreatment. This program is established through budget appropriation language.

Mandated Funding Level: None; however, Chapter 53 of the Laws of 2008 provides for 100 percent reimbursement up to \$1.79 million. However, those districts that exceed their allocation are eligible for 98 percent of 65 percent reimbursement from Child Welfare Services.

Brief Description/History/Background: With the increase in child protective reports being registered and subsequently investigated by local districts, there is concern with the increasing worker caseload. Funds have previously been allocated to local districts to hire additional Child Protective Services (CPS) caseworkers and supervisors to assist in the reduction or maintenance of CPS caseloads. In SFY 2006-07, \$6 million was added, of which \$5 million was for 100 percent reimbursement to local districts for the improvement of staff-to-client ratios in the CPS workforce. This funding level was continued in SFY 2007-08. In addition, the SFY 2007-08 budget included a separate \$4.7 million for 100 percent reimbursement to increase the number of caseworkers and supervisory staff at the local district level. This resulted in total funding available for caseload reduction in SFY 2007-08 of \$9.7 million. In SFY 2008-09, caseload reduction funding is \$1.79 million.

Issues: None.

Population Served: These funds enable local districts to hire additional CPS caseworkers and supervisors who ultimately serve the children and families of New York State. A total of 13 counties will receive funding in SFY 2008-09.

Performance Measures: CPS caseloads will be reduced to be more in line with the recommended 12 reports per worker per month.

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Program: Substance Abuse Collocation Demonstration

Mandate: None. However, SSL Section 424 requires local departments of social services (LDSS) child protective service (CPS) to investigate allegations of child abuse or maltreatment including those involving allegations of substance abuse; assess the safety of the children; and offer such services as appear appropriate. This program is established through budget appropriation language.

Mandated Funding Level: None. Chapter 53 of the Laws of 2008 provides for 100 percent reimbursement up to \$4,525,000. SSL Section 153-k(1) provides for 65 percent state reimbursement, net of available Federal funding, to LDSS for the costs of providing child protective services. However, for SFY 2008-09, the State share is 98 percent of 65 percent for net of available federal funding to LDSS for the costs of providing Child Protective Services.

Brief Description/History/Background: Chemical dependency is implicated in a high percentage of child welfare cases. It greatly increases the risk of recurrence of child abuse and neglect and is a major barrier to reunification of children in foster care with their parents. Chemically dependent youth stand a greater chance of becoming involved with the juvenile justice system. In response to these issues, OCFS and OASAS initiated a demonstration project to determine the effectiveness of coordinated assessment and referral services for persons with substance abuse issues in order to improve permanency and well-being for children, youth and families affected by substance abuse. This demonstration project establishes a program model to provide services through the collocation of Certified Alcohol and Substance Abuse Counselors (CASACs) and CPS caseworkers staff in LDSS child welfare offices. This cross-system demonstration project is being piloted in large, medium and small/rural social services districts including: Erie (not yet operational), Genesee, Livingston, Onondaga, St. Lawrence, Fulton, Dutchess, Orange and Westchester.

Issues: The Collocation project is in its third year of a three year pilot program. The pilot program is not yet fully operational and one of the nine counties (Erie) in the demonstration project has yet to start its program. The evaluation is still in progress to determine if this program should be expanded or continue in its current form.

Population Served: Parents reported to Child Protective Services and PINS youth who screen positive for chemical dependency and their family members who are deemed to need chemical dependency prevention or treatment services. As of August 4, 2008, eight Collocation Demonstration Project counties have provided collocation services to 1,268 individuals from 659 families with an additional 203 families pending assessment.

Performance Measures: Short-term outcomes include increased early identification of chemical dependency problems; more timely access to chemical dependency treatment and prevention; and enhanced coordination of service planning and delivery between chemical dependency service providers and child welfare workers.

Intermediate outcomes include greater participation and increased retention in chemical dependency treatment and prevention; reduced use of juvenile detention for PINS; and decreased use of placement in out-of-home care (excluding placements necessitated by parents' participation in in-patient setting).

Long-term outcomes include decreased initiation of chemical dependency; reduced dependence on alcohol and drugs; lower rate of recurrence of child maltreatment; shorter length of stay in out-of-home placements; increased rate of reunification without concomitant rise in re-entries to foster care; and fewer arrests and incarcerations.

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Program: Adoption and Safe Families Act Criminal History Review

Mandate: Chapter 145 of the Laws of 2000 amended Section 378-a of the SSL to require criminal background checks for prospective foster and adoptive parents, individuals seeking employment within settings that provide care for children, and certain individuals residing in their homes. Effective July 1, 2000, the Act enabled continued compliance with the New York State Plan requirements under Title IV-E of the Federal Social Security Act, while addressing issues pertaining to the mandatory disqualification of foster and adoptive parents based upon criminal history by allowing a prospective foster or adoptive parent to rebut the disqualification.

Effective January 11, 2007, Chapter 668 of the Laws of 2006 amended section 378-a (2)(a) of the Social Services Law to require the Division of Criminal Justice Services (DCJS) to include in its background checks, a request to the Federal Bureau of Investigation (FBI) for criminal information on prospective foster/adoptive parents, as well as any person 18 years or older who lives in the same household as such parents. Upon request, OCFS must provide fair hearings to determine if abuse of a perpetrator was a factor in the commission of a crime.

Effective October 1, 2008, New York also must have in place the federal criminal history record check requirements for prospective foster and adoptive parents mandated by section 471(a)(20) of the Social Security Act. Failure to do so would render New York's Title IV-E State Plan out of compliance with Federal Title IV-E State Plan requirements and would expose individual cases to sanctions as part of periodic Federal Title IV-E Eligibility Reviews. Implementing State legislation (S7449/A10803) amending section 378-a(2) of the Social Services Law (SSL) passed both houses and is waiting delivery to the Governor for approval.

Mandated Funding Level: Section 378-a(2)(b) of the SSL requires that local districts and voluntary authorized agencies collect and submit fingerprints to OCFS. OCFS must process and submit the prints to the Division of Criminal Justice Services. DCJS sends the results back to OCFS, which must review, determine convictions that comprise presumptive denials, summarize the results, provide the summary back to the applicable district/voluntary authorized agency as applicable, and follow up on any open arrests. Since the fingerprint cards are put on search and retain status at DCJS, additional fingerprint processing is not required for foster home recertifications, unless additional adults join the household or foster children reach their 18th birthday and remain in the foster home.

OCFS must pay to DCJS the required fees for processing the criminal history requests. Such fees may not be charged to the foster or adoptive parents or others living in their homes. Appropriation language authorizes the State to charge back a portion of the adoptive/foster parent processing fees to social services districts, net of any available Federal funds. Currently, the DCJS and FBI fees for each fingerprint card processed are \$75.00 and \$19.25 respectively. The SFY 2008-09 Enacted Budget allows for \$1,857,000 in authority to pay for the foster/adoptive fees in the first instance.

Brief Description/History/Background: The Adoption and Safe Families Act Program was established July 1, 2000. Previous statutory requirements only permitted New York State criminal records to be checked. Thus, a person who had a felony conviction in another state or Federal jurisdiction would not have been identified as a possible threat to children. The additional mandated FBI check, effective January 11, 2007, against FBI records gives further protection to children from potential abuse and maltreatment.

Issues: None.

Population Served: New York State's children that are placed in a foster home and children and families awaiting finalized adoptions. (Note: OCFS also performs activities related to fingerprinting for Child Day Care programs as described in the Child Care section.)

Performance Measures: From August 1, 2007 through July 31, 2008, a total of 19,424 fingerprint cards were sent to the DCJS for processing. Of this total, 17,795 (92%) were found to have no criminal record. However, 1,629 (8%) were found to have been convicted of a crime in the United States at any point in

time. Of the 1,629 reported to have a criminal record, 399 were denied foster/adoptive parent status. Under current statute, none of the 1,629 would be automatically denied to become foster/adoptive parents. The current process dictates that these 1,629 undergo a review by OCFS attorneys to determine if the applicant should be denied their foster/adoptive parent application. However, beginning October 1, 2008, New York State will no longer be able to decide whether or not an individual that has a criminal history may become a foster/adoptive parent. New York State will be required to automatically deny any foster/adoptive parent applications when certain criminal records are reported to OCFS from DCJS. These records pertain mainly to convictions of spousal abuse, violent crimes such as murder and rape, and crimes committed against a child.

Timely processing of fingerprint cards and transmitting results is important to expedite foster and adoptive home approvals, which are necessary to claim applicable Federal funds for eligible cases. Currently, OCFS receives the actual fingerprint card, scans the fingerprint card using Card Scan technology, and then submits the fingerprint card images to DCJS. Using this method, it takes approximately two weeks to receive a report back from DCJS. In the future, Live Scan technology to replace OCFS' current system, will allow for reports back from DCJS to OCFS within possibly one business day. The conversion to this method of processing is still under development. This will allow for expedited certification of prospective foster and adoptive parents/homes, which could impact Title IV-E revenues.

Effective January 11, 2007, in order to conform to new Federal requirements, New York State Law now requires prospective foster/adoptive parent criminal histories to be cleared by not only the DCJS, but also the FBI. In the 12 month time period mentioned above, there have been five instances where the DCJS report for New York State did not reflect any criminal history record, but the FBI report did show a criminal record.

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Program: Adoption Subsidies

Mandate: Provisions under Sections 450-458 of the Social Services Law make the Adoption Subsidies an entitlement program. SSL Section 453(1) requires LDSS and voluntary agencies to review and approve applications for adoption subsidies. SSL Section 453(2) requires OCFS to review and approve such applications. OCFS may authorize a district to approve the applications on OCFS' behalf. Under section 473 of the Federal SSA (42 USC 673) and section 453-a of the SSL, LDSS must make payments for non-recurring adoption expenses, at an amount specified by OCFS in regulation. In addition, Under section 473 of the Federal SSA (42 USC 673) and section 453(3) of the SSL, the amount of adoption subsidy payments must be determined pursuant to OCFS regulation based on financial need; and may not be less than 75 percent or more than 100 percent of the applicable foster boarding home rate. SSL, section 455 requires OCFS to provide fair hearings to applicants who are denied subsidy or who challenge the amount of subsidy that was approved. Chapter 518 of the Laws of 2006 provide for the continuation of adoption subsidy payment for an adopted child between the ages of 18 to 21 to a legal guardian, or the adopted child, or to a representative payee, if the adopted parent(s) die after the child 18th birthday.

Section 471(a)(1) of the Social Security Act(SSA); 42 USC 671(a)(1) requires States to submit a Federal Title IV-E State Plan.

Mandated Funding Level: Pursuant to Section 474 of the Social Security Law, reimbursement for a Federally Eligible Child are as follows: Title IV-E eligible public foster child (50 percent federal; 37.5 percent State and 12.5 percent local); or Title IV-E eligible non-public foster child (50 percent federal and 50 percent State).

Pursuant to Section 456 of the Social Services Law, reimbursement for a Non-Federally Eligible Child is as follows: Non-Title IV-E eligible public foster child (75 percent State and 25 percent local) or Non-Title IV-E eligible non-public foster child (100 percent State). However, Chapter 58 of the Laws of 2008 amends the State reimbursement for SFY 2008-09 for public and non-public foster care by two percent to 98 percent of the 37.5 percent and 98 percent of 50 percent, respectively.

Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost of living adjustment (COLA) for adoptive parents for the period April 1, 2008, through March 31, 2009 and additional annual COLAs for the period April 1, 2009, through March 31, 2012.

Brief Description/History/Background: The subsidy program dates back to 1968 with the first subsidy legislation (SSL 398) in the country. The initial program provided support for children who were handicapped, but was amended in 1977 to include children who are hard-to-place. The Federal Title IV-E Adoption Assistance Program enacted in 1980 provides Federal financial participation for adoption assistance programs administered by states. Effective in 1990, children surrendered to a voluntary agency who meet the criteria for handicapped or hard-to-place became eligible for adoption subsidy. Adoption Subsidy is available until the age of 21 if the adoptive parents continue to be responsible for the child or provides any support but provides only a portion of what is needed to care for a child or upon the death of a parent(s). Parents can request an upgrade in payment based on a worsening of the child's condition.

Issues: It is difficult to monitor Adoption Subsidy cases since the children are no longer in foster care and their cases are closed. Also, in the event of a fair hearing decision, adoption subsidy payments can be made retroactive which can be an unexpected expense to the State and the local district.

Population Served: Children placed in the custody or guardianship of social services districts or voluntary authorized agencies that meet the State's definition of handicapped or hard-to-place. (SSL 451; 18 NYCRR 421.24)

Performance Measures: To increase the number of permanent homes for foster children freed for adoption with special needs. Reduce or eliminate the financial burden that can be a disincentive to adopt a child with multiple needs. Reduce the number of foster children waiting for a permanent placement. Increase the number of foster and other parents willing to adopt children with special needs.

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Program: Federal Title IV-E Adoption Assistance – Fund 265

Mandate: Federal mandates related to the Title IV-E Adoption Assistance Program include the following:

Section 471(a) of the Social Security Act (SSA) sets forth the State Plan requirements New York must satisfy to be eligible for reimbursement for Title IV-E Adoption Assistance payments. Among the requirements are rate setting, case management activities, permanency hearings, State and Federal criminal history checks of adoptive parents, and approval of adoption subsidy requests.

Section 473 of the SSA sets forth the eligibility standards that must be satisfied in each adoption assistance case for the case to be eligible for Federal financial participation under Title IV-E. Among the requirements are individual financial and programmatic eligibility determinations as well as payment of adoption subsidies, medical subsidies and non-recurring adoption expenses.

Section 474 of the SSA sets forth the Federal reimbursement standards for foster care, adoption assistance and training available under Title IV-E. Federal reimbursement for training is available at a 75% rate for social services district staff; while Federal reimbursement in relation to foster care and adoption assistance is at a 50% rate.

Mandated Funding Level: Title IV-E of the Social Security Act (42 USC 671-679b) is an important funding stream for adoption subsidy costs. It provides for Federal reimbursement for a portion of the maintenance and administrative costs of adoption for children who meet specified Federal eligibility requirements. In New York, the Federal share is 50%. The Federal funds help offset the State and local costs of providing adoption subsidies to children.

State reimbursement rates for adoption subsidies: a) Federally Eligible Child: i) Title IV-E eligible public foster child (50% Federal; 37 ½% State and 12 ½% local); or Title IV-E eligible non-public foster child (50% Federal and 50% State) [section 474 of the Social Security Law] b) Non-Federally Eligible Child: i) Non-Title IV-E eligible public foster child (75% State and 25% local) or Non-Title IV-E eligible non-public foster child (100% State) [section 456 of the Social Services Law].

Part I of Chapter 58 of the Laws of 2008 provides for a 3.2% cost of living adjustment (COLA) for adoptive parents for the period April 1, 2008 through March 31, 2009 and additional annual COLAs for the period April 1, 2009 through March 31, 2012.

Brief Description/History/Background: The Adoption Subsidy program is authorized by Title 9 of Article 6 of the Social Services Law (Section 450-458) and Title IV-E of the Federal Social Security Act with the goal of maintaining stable and permanent homes for foster children who cannot return to the homes of their biological parents. The Program Information Sheet on Adoption Subsidies provides additional information on the Adoption Subsidy Program.

Issues: Not all children in New York are eligible for Federal Title IV-E reimbursement for adoption subsidies. The financial eligibility criteria for Federal funding are tied to the income levels for the former Aid to Families with Dependent Children (AFDC) program that were in effect as of July 16, 1996. The incomes levels have not been updated for inflation so the percentage of foster children are eligible for Title IV-E funding continues to decrease.

In addition, the Federal oversight agency, the Administration for Children and Families (ACF), is required to conduct periodic eligibility reviews (Primary Eligibility Reviews) of a sample of cases to determine whether the foster care costs charged to the Federal Title IV-E program are appropriate. Federal disallowances are taken for maintenance and administrative costs of the sample cases that are found to be out-of-compliance. The Federal statute provides for a Program Improvement Plan (PIP) process for

states found not to be in substantial compliance with a Primary Eligibility Review. At the end of the PIP period, ACF conducts a Secondary Eligibility Review. If a state fails this second review, the Federal government may impose a disallowance related to the state's entire title IV-E claims.

New York's second Primary Eligibility Review currently is scheduled for August 31 to September 9, 2009. To pass the review 5% or less of the 80 cases reviewed (four or less cases) can be found out of compliance, and no more than 5% of the dollar value of claims may be in error.

Population Served: Title IV-E eligible adoptive children adopted from the custody or guardianship of the LDSS or authorized voluntary agency and who meet the State's definition of handicapped or hard to place. (SSL 451; 18 NYCRR 421.24).

Performance Measures: Subject to Federal Child and Family Services Review (CFSR) oversight of state child welfare systems and to state self-assessment. The CF SR reviews the state's performance in relation to several outcome factors in the areas of safety, permanency and the well-being of children and families and in specified systemic factors: statewide information system, case review system, quality assurance system, staff training, service array, agency responsiveness to the community and foster and adoptive parent licensing, recruitment and retention. If a state fails a CF SR, it must initiate a Program Improvement Plan (PIP). One aspect of the PIP involves an agreement between the Federal and state agencies as to the amount of improvement that will occur as a result of the PIP. The failure to achieve the improvement results in financial penalties. After the completion of the PIP, a State is required to have a second CF SR performed. In the event that the sought improvement is not attained, the Federal agency will assess a penalty. After an initial CF SR re-review, the amount of the withholding is one percent of a specified pool of funds (a combination of a portion of the state's IV-B and IV-E funding) for each of the elements of the review where the sought improvement did not occur for each year to which the withholding of Federal funds applies. The amount of the penalty increases with each subsequent CF SR review. The penalty after a second full review is increased to two percent for each failed factor. Penalties are increased to three percent for each failed factor after the third CF SR review.

The Federal government recently completed a CF SR of New York and is in the process of issuing its report regarding where the state does not comply with the required measures. There are several areas where New York will be found not to be in substantial compliance. Once the CF SR report is issued, New York must develop its PIP.

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Program: Federal Title IV-E Adoption Incentive Program – Fund 265

Mandate: Federal and State mandates related to the Title IV-E Adoption Assistance Program include the following:

The Adoption and Safe Families Act of 1997 (Public Law 105-89) established the adoption incentive payment program under Title IV-E of the Social Security Act (SSA) as an initiative, subject to appropriation, to provide permanent families for children by addressing issues in the foster care system that deterred the adoption of children with special needs. The federal Adoption Promotion Act of 2003 reauthorized the adoption incentive payment program.

Section 473 of the SSA sets forth the eligibility standards that must be satisfied in each adoption assistance case for the case to be eligible for Federal financial participation under Title IV-E. Among the requirements are individual financial and programmatic eligibility determinations. Section 473(a)(1)(B)(ii) of the SSA provides the standards that must be satisfied in order for states to make adoption assistance payments to parents who adopt a child with special needs.

Section 473A of the SSA provides for payment of incentive funds to states that increase the number of children adopted in special circumstances. To qualify for incentive funds, states must exceed a baseline number of finalized adoptions. Incentive funds are awarded to states if they exceed the overall foster care adoption, older child adoption or special needs adoption baselines. Incentive payments for a fiscal year are made in accordance with the following:

- \$4,000 for every foster child adopted over the baseline for public agency adoptions;
- \$4,000 for every older child adopted over the baseline for children age 9 and older; and
- \$2,000 for every young child with special needs adopted over the baseline for children under age 9 with special needs.

State expenditure of awarded adoption incentive payments is limited to the costs for services (including post-adoption services) and activities allowable under Title IV-B and Title IV-E of the SSA.

Section 479 of the SSA authorized the establishment of the Adoption and Foster Care Analysis and Reporting System (AFCARS) under which state data is collected in order for the federal Administration for Children and Families (ACF) to establish the adoption baselines.

Section 409-a (10) of the Social Services Law (SSL) provides that adoption incentive payment awards be allocated to local social services districts and must be used to provide preventive services to children and families as defined in 18 NYCRR Part 423, which may include mandated preventive services, non-mandated preventive services or community-optional preventive services. Up to 30 percent of an award may be used to provide post-adoption services to children or families. The statute specifically provides that preventive services for this purpose can include substance abuse services provided to a pregnant woman or to a child's caretaker in an outpatient, residential or in-patient setting.

Mandated Funding Level: None

Brief Description/History/Background: New York State has allocated its adoption incentive awards to local social services districts. Districts are able to provide a range of services to prevent first or subsequent out-of-home placements of children from the home of their parents (both birth and adoptive parents) or guardians. The goal is to enable local districts to maintain children and youth safely within their families. OCFS created a local district allocation formula comparable to the formula used by ACF to calculate New York State's portion of the adoption incentive award but modified it slightly in order to award districts in proportion to the amount earned by the district by improving performance under the adoption baselines.

Issues: New York State was last eligible to receive adoption incentive funding for FFY 2003-04 (awarded in FFY 2004-05).

Population Served: Children and their birth parents, adoptive parents or guardians and kinship caregivers where children are at-risk of first or subsequent out-of home placement.

Performance Measures: The adoption baselines are the standards under which local districts are evaluated by OCFS and state performance is evaluated by the federal government. Incentive funds earned by states within a fiscal year (earning year) are paid to states the subsequent fiscal year (award year). This is because the actual amount of incentive funds cannot be calculated by ACF until each state's AFCARS data is submitted after the end of the fiscal year for which the funds are awarded.

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Program: Indian Tribes – Foster, Prevention, Adoption

Mandate: Federal statute, 25 U.S.C. §1919 authorizes states to enter into agreements with Indian tribes regarding the care and custody of Indian children and jurisdiction over child custody proceedings involving Indian children. Section 39 of the Social Services Law provides that OCFS may enter into agreements with Indian tribes to authorize Indian tribes to administer foster care, preventive services, adoption services, child protective services and/or adult protective services to Indian children and families.

OCFS has one such agreement with the St. Regis Mohawk Tribe for the provision of foster care, preventive services, adoption services, child protective services and adult protective services. The agreement may be terminated by mutual consent of the parties or by one of the parties upon prior written notice to the other party.

To the extent that the child is otherwise eligible for Title IV-E foster care or adoption assistance, 50 percent federal reimbursement pursuant to section 474 of the Social Security Act may be available.

Section 39(2) of the Social Services Law provides that OCFS is authorized to reimburse an Indian tribe with an agreement with the State for the full cost of foster care, preventive services, adult and child protective services and adoption services and care, after deducting any federal funds properly received on account thereof. However, the agreement with the St. Regis Mohawk Tribe makes reimbursement from the State subject to terms and conditions of the State Aid Local Assistance budget.

Mandated Funding Level: Chapter 53 of the Laws of 2008 appropriates \$1,882,000 for 98 percent State reimbursement, net of federal funding.

Brief Description/History/Background: In SFY 2004-05, the St. Regis Mohawk Tribe expanded the OCFS agreement to include child protective services and again in SFY 2005-06 to include adult protective services. The expansion of direct tribal child protective services (CPS) removes the Franklin County Department of Social Services' responsibility to investigate CPS cases on the reservation territories. The remaining foster care, prevention and adoption services are also provided directly by tribal caseworkers.

Issues: Chapter 53 of the Laws of 2008 provides for 98 percent reimbursement for the services provided by the Tribe and the Tribe's general fund provides the difference. There is no tax base to draw a local share.

Population Served: The Tribe has approximately 12,000 enrolled members throughout NYS.

Performance Measures: The continued protection of at-risk children and adults combined with preventive services may result in a reduction of Indian children entering the state's foster care/ adoption system.

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Program: Fatality Review Teams, Child Advocacy Centers (CAC), Multidisciplinary Teams

Mandate: As established by §20(5) and §422-b(2) of the Social Services Law (SSL), and amended by Chapter 485 of the Laws of 2006, Child Fatality Review Teams can investigate the deaths of all children with an open Child Protective/Preventive Services file, as well as the unexpected or unexplained death of a child under the age of 18. As provided by §423(6) of the SSL, local social services districts may establish Multidisciplinary Investigation Teams to examine reports of child abuse/maltreatment. Such teams often work in close cooperation with Child Advocacy Centers, first established by §423-a of the SSL.

Mandated Funding Level: None

Brief Description/History/Background: A Fatality Review Team is required to conduct a review of cases involving the deaths of children whose care and custody or custody and guardianship have been transferred to an authorized agency (foster care), any child for whom the local department of social services has an open child protective service case or a preventive service case, or any case of a report made to the New York State Central Register of Child Abuse and Maltreatment (SCR). These teams bring together all the involved parties who have the expertise and responsibility for handling child fatality cases including the OCFS Regional Office, local Child Protective Services, County Department of Health, District Attorney, local law enforcement, State Police, Emergency Medical Services, Coroner/Office of the Medical Examiner, and a pediatrician or comparable medical professional. Representatives may also include schools, medical facilities, emergency room staff, substance abuse and domestic violence experts. At inception, the program could only investigate the deaths of children that had previously been reported to the State Central Register. With the passage of Chapter 485 of the Laws of 2006, the universe of possible cases to investigate has been expanded to include any unexplained or unexpected death of a child. At present there are over 12 teams in existence collecting data and identifying trends with the intent of preventing future child deaths.

Multidisciplinary Teams investigate reports of child abuse or maltreatment, particularly child sexual abuse, physical abuse or child deaths, in a manner that limits additional trauma to the child victim(s). The Teams enable all the disciplines involved with the investigation of child abuse and maltreatment cases to coordinate and improve the case outcomes for all involved agencies, as well as for the child victims and the non-offending family members. Teams are comprised of professionals in the areas identified above for Fatality Review Teams. The Multidisciplinary Teams coordinate the handling of cases from the initial report through investigations, treatment of victims, and the prosecution of the offender. The Multidisciplinary Team is able to reduce the number of interviews the child victims must endure, coordinate prompt treatment referrals, and improve the collection of evidence necessary to prosecute offenders.

A CAC is a center at which the teams provide a safe and trusting environment in which child victims and their non-offending parents/guardians can be interviewed about the incident with least risk of trauma. The Child Advocacy Centers are now located in a majority of the counties along with their attendant Multidisciplinary Teams. While receiving initial and enhancement funding through State funding, such centers are expected to become self-supporting within their communities.

Issues: There is increased emphasis on developing a child fatality system to track trends and to develop protocols and best practices into the investigation of children's deaths. However, establishing Multidisciplinary Teams and Child Advocacy Centers in the most rural upstate counties is difficult due to the distances involved and the organizational challenges presented when the number of actual cases of abuse are small and infrequent.

Population Served: Child victims and their non-offending parents/guardians.

Performance Measures: OCFS has developed guidelines and protocols for selecting Child Fatality Review Teams, which are defined through a Request for Proposal process. Child Advocacy Center candidates must meet the standards established by the National Children's Alliance (NCA) in order to be considered a practicing center. The centers are divided into three tiers. Tier 1 programs have achieved all 10 of the standards and are accredited by NCA. Tier 2 programs must achieve at least 5 standards. Tier 3 consists of newly funded programs beginning work towards achieving the standards. In the past year, two centers have graduated from Tier 2 to Tier 1, while three Tier 3 centers have been upgraded to Tier 2. OCFS staff conduct annual reviews of each team/center to determine conformance with these standards.

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Program: Medical Care for Foster Children

Mandate: SSL, section 398(6)(c) requires local districts social services (LDSS) to provide necessary medical or surgical care for foster care children needing such care and pay for such care from public funds, if necessary. However, if the child is eligible to receive medical assistance under Title 11 of Article 5 of the SSL, such care shall be provided pursuant to the provisions of that Title.

It is a Title IV-E State plan requirement that the state develop and implement standards to ensure that foster children are provided quality services that protect their health and safety [42 USC 671(a)(22)]. Any child who is eligible for Title IV-E payments is deemed eligible for federal Medicaid payments under Title XIX [42 USC 672(h)].

The New York State Department of Health (DOH) submitted a State Plan Amendment to the Federal Department of Health and Human Services Centers for Medicare and Medicaid Services (CMS) to provide Medicaid categorical eligibility for children who are in foster care. CMS approved the State Plan Amendment in 2005. This change in policy was effective immediately, and retroactive to January 1, 1999. Therefore, all children in the care and custody of a LDSS commissioner, and who are citizens or have satisfactory immigration status, are eligible for Medicaid.

Mandated Funding Level: Section 368-a(1)(d) of the SSL provides 50 percent State reimbursement to LDSS for medical assistance costs. The Office of Children and Family Services (OCFS) budgets the State share of these expenditures and transfer the funds from OCFS to DOH. Chapter 53 of the Laws of 2008 allows for a transfer up to \$33.300 million.

Brief Description/History/Background: The Medical Assistance Program pays child care per diems to cover the cost of medical services for children in certain foster care placements. These payments are administered by the Medicaid Management Information System (MMIS) at the DOH. Voluntary foster care agencies are responsible for providing for the complex health needs of these children; including medical, dental, developmental, mental health, and substance abuse needs, as well as specialty care. The majority of voluntary foster care agencies utilize the Medicaid Per Diem to provide health care services. Voluntary foster care agencies must have procedures in place to assure that all health care providers that serve their population are instructed on the appropriate level of services and compliance with Medicaid billing and policy instructions. Medicaid Per Diems are rates established by DOH.

Issues: OCFS is not directly involved in the process of reviewing and/or approving the medical plan or medical care a child receives. Medical needs assessment, planning, and approval for children in foster care are administered at the LDSS level. LDSS and authorized voluntary agencies work together to ensure children receive the medical services.

Population Served: Children placed in foster care in the custody or guardianship of LDSS.

Performance Measures: Although there are no specific performance measures performed by OCFS for the Medicaid Per Diem, NYC – Administration for Children's Services administers medical performance evaluations on a routine basis to monitor the foster care agencies of NYC's delivery of health services to children in foster care.

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Program: Bridges to Health (B2H) Medicaid Home and Community Based Services Waiver Program

Mandate: Social Services Law (SSL) §366(12)(a) requires the NYS Department of Health, in conjunction with OCFS, to submit applications for waivers pursuant to §1915 of the Federal Social Security Act. Waivers granted pursuant to such applications provide services to persons under the age of 21 who are eligible for care in a medical institution and in the custody of either the LDSS Commissioner or OCFS as adjudicated juvenile delinquents and seriously emotionally disturbed, developmentally disabled, or medically fragile.

SSL §395 requires the LDSS to provide assistance and care to children in the LDSS in need of public assistance and care, support, and protection. For destitute, neglected, abandoned, abused, delinquent, mentally disabled, physically handicapped children and children adjudicated as Persons in Need of Supervision, SSL §398(6)(c) requires the LDSS to provide necessary medical care in an institution or the child's own home. Medicaid funds must be used to provide such care for Medicaid-eligible children.

Mandated Funding Level: Chapter 53 of the Laws of 2008 provides for 100 percent reimbursement net of Federal funds for SFY 2008-09. Appropriated funding is \$10.205 million. Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost of living adjustment (COLA) for waiver programs for the period April 1, 2008 through March 31, 2009 and additional annual COLAs for the period April 1, 2009 through March 31, 2012.

Brief Description/History/Background: B2H was implemented on January 1, 2008 in response to the long-standing disproportionately high rate of unmet health needs among children placed in foster care when compared to the general population. B2H serves children in foster care with serious emotional disabilities, developmental disabilities, or children who are medically fragile and who otherwise require placement in a Residential Treatment Facility, an Intermediate Care Facility for the Mentally Retarded or a Skilled Nursing Facility. B2H addresses these complex medical conditions and cross-system needs by providing an expanded array of services not otherwise available in the community and does so in the context of their often complicated family and caregiver network, including foster family, birth family and adoptive family members. By serving children in foster care in the least-restrictive home or community setting, B2H reduces the need for high-cost medical institutional settings and out-of-state placements while providing opportunities to enhance permanency planning, as well as improve the health and well-being of children served. These B2H services complement services provided in the Medicaid State Plan and Child Welfare Services.

Issues: There have been some challenges regarding billing that stem from having multiple agencies coordinate through eMedNY. B2H staff are working to resolve these issues.

Population Served: B2H will serve 3,305 children in foster care, including youth in OCFS custody, by the end of the initial three year authorization period. Children may enter B2H only while in foster care, but once in B2H they may be eligible for services after discharge from foster care until age 21 if the child remains otherwise eligible.

Performance Measures: The B2H Quality Management program continually determines whether B2H operates in accordance with its design, meets statutory and regulatory requirements, achieves desired outcomes, and identifies opportunities for improvement. Quality management strategies are designed to demonstrate whether the children in B2H have been successful in avoiding placement in medical institutions. This is done through satisfaction surveys; measure of functionality via the Child and Adolescent Needs and Strengths Survey (CANS); case record reviews and quarterly and annual waiver provider site visits. Through ongoing program review and data analysis, OCFS makes adjustments to the B2H Waiver Program's policies and procedures to support the health and welfare of all children.

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Program: Committee on Special Education

Mandate: Education Law (EdL), Section 4405(1) provides that the maintenance costs for children with handicapping conditions placed in residential schools or a state school during the regular school year is a charge upon the local social services district (LDSS) where the child resides at the time the school year commences. EdL Section 4405(4) requires OCFS to establish an annual maintenance rate for approved private schools and special act school districts.

Mandated Funding Level: Education Law Section 4405(1) and SSL Section 153(10) provide that reimbursement to local districts for the maintenance costs for children with handicapping conditions placed in residential schools is subject to 40 percent State reimbursement and 20 percent reimbursement from the school district of residence, after deducting any available Federal funds. Reimbursement for children in State schools is subject to 50 percent State reimbursement net of available Federal funds. Chapter 53 of the Laws of 2008 reduced State reimbursement to the LDSS for the maintenance cost of children with handicapping conditions placed in residential schools by 2 percent.

Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost-of-living adjustment (COLA) for the maintenance rates for approved private schools and special act school districts for the period April 1, 2008 through March 31, 2009 and additional annual COLAs for the period April 1, 2009 through March 31, 2012.

Brief Description/History/Background: The reimbursement provisions set forth in SSL, section 153(10) were established in 2002 as part of Child Welfare Financing reform for a period of five years for the period ending, and extended to June 30, 2009 pursuant to Chapter 57 of the Laws of 2007. They originally were set to sunset on June 30, 2007 but were extended to June 30, 2009.

Prior to the Institutional Schools Act of 1980, local school districts were responsible for the maintenance and tuition payments for residential placements for educational reasons. However, due to the State aid formula in place at the time, the fiscal burden was essentially at the State level. The Institutional Schools Act of 1980 was a means to leverage a local share by moving the responsibility for the maintenance payment to the local social services districts in the first instance. Prior to July 1, 2003, the fiscal responsibility for the maintenance payment rested with the local social services district, while the placement decision rested with the Committee on Special Education of the local school district.

Issues: The local social services district continues to have no standing in relation to the individual educational plan for the child, including placement decisions; however, the local school district is now fiscally responsible for 20 percent of the maintenance payment associated with placement decisions.

Population Served: Children with educational disabilities placed in residential schools and state schools.

Performance Measures: None.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Dormitory Authority Excess Claims Fund

Mandate: DASNY-Financed Child Care Institutions:

Chapter 472 of the Laws of 2004, as amended by Chapter 508 of the Laws of 2006, authorizes the Dormitory Authority of the State of New York (DASNY) to finance capital improvement projects for residential institutions that serve 13 or more foster children and/or children placed by Committees on Special Education (CSE). OCFS is responsible for receiving and approving applications for the financing. Section 398-a(5)(a) of the SSL requires OCFS to establish a special add-on rate to the maximum state aid rates (MSARs) for the residential institutions participating in the Chapter 472 financing to cover the cost of the financing and that a local social services district (LDSS) responsible for the costs of children placed in such institutions must pay the add-on rate. Public Authorities Law (PAL), section 1680(40) authorizes DASNY to issue a total of up to \$60.000 million for project amounts plus financing costs in bonds for the purpose of financing the renovation, equipping or replacement of existing residential facilities for children. Bonds for \$51.265 million in project amounts plus financing costs were issued by DASNY on June 17, 2008 to cover capital projects for 8 child care institutions. Claiming by LDSS will begin in October 2009 for September reimbursements to voluntary agencies.

DASNY-Financed Residential Schools: Various subdivisions of PAL, section 1680 also authorize DASNY to finance capital projects for schools. Under section 4004(2) of the Education Law, LDSS are responsible for the tuition costs of foster children in child care institutions that operate residential schools.

Mandated Funding Level: State reimbursement to LDSS for both the maintenance and tuition cost for foster children ordinarily is limited to the each district's annual Foster Care Block Grant (FCBG) allocation pursuant to SSL, section 153-k-2 of the SSL; however, special statutory provisions have been enacted to cover DASNY financed programs.

DASNY-Financed Child Care Institutions: Section 398-a(5)(c) of the SSL provides that LDSS costs for the add-on rates for foster children placed in DASNY-financed programs established pursuant to Chapter 472 of the Laws of 2004 are subject to 98 percent of 50 percent State reimbursement, net of any available Federal funds, for the portion of the costs that exceed the district's FCBG allocation.

DASNY-Financed Residential Schools: In addition, the annual budget language for this appropriation also provides for 98 percent of 50 percent State reimbursement for LDSS costs for tuition for foster children in residential schools that have DASNY financing for the portion of the costs that exceed the LDSS' FCBG allocations.

Brief Description/History/Background: DASNY-Financed Child Care Institutions: Established in 2004, this program provides a financing mechanism through DASNY for the replacement, reconstruction, rehabilitation, or improvement of residential facilities used by non-profit schools for foster and special education students. The above referenced 2004 legislation enacted a parallel financing mechanism for the residential facilities.

DASNY-Financed Residential Schools: Established in 1991, this program provides a mechanism for the financing of the educational facilities of these schools through DASNY. Current law enables the use of low-cost DASNY financing for their educational facilities.

Non-profit residential agencies provide critical services for children, offering a structured educational as well as residential environment. These agencies are facing the need to replace or rehabilitate their aging residential facilities. The existing residential facilities for these agencies are outdated. They are in constant need of repair and do not contribute positively to the therapeutic environment that is an important component in these residential programs. Further, the residential facilities need to be reconfigured to allow for improved supervision of children and to better support the clinical needs of an increasing number of specialized populations.

Issues: None

Population Served: Children placed by the local department of social services or local school district-Committee on Special Education into an OCFS-licensed institution and educated in SED-approved institution schools where there is a DASNY-financed capital project.

Performance Measures: There are no performances measures established by OCFS for this program as this program is administered by State Education Department.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Alternatives to Detention and Residential Diversion Program

Mandate: There is both a State Plan [42 USC 671(a)(15)] and individual eligibility [42 USC 672(a)(2)(A)(ii)] requirement under Title IV-E of the Federal Social Security Act that the State make reasonable efforts prior to placing a child in foster care to prevent the need for removing the child from the child's home. Family Court Act §735 requires that every county and NYC offer diversion services for youth at risk of being the subject of a Person in Need of Supervision (PINS) petition and identify and utilize alternatives to detention. County Law §218-a(C) also requires every county to provide PINS diversion services and alternatives to detention. Chapter 57 of the Laws of 2008 amended Family Court Act §320.5 to require consideration of alternative to detention for alleged juvenile delinquents, that the court state the facts and reasons therefore where the court does order detention, and permits use of electronic monitoring as an alternative to detention. Social Services Law (SSL) §409-a mandates that a local social services districts (LDSS) provide preventive services upon a finding that a child will be placed or continued in foster care unless such services are provided and that it is reasonable to believe that by providing such services the child will be able to remain with or be returned to his or her family; or if a child is eligible for PINS diversion services. Executive Law §501(7) authorizes OCFS to establish, operate and maintain or contract for programs and services alternative to OCFS facilities for youth placed with OCFS.

Mandated Funding Level: There is no statutory requirement that the State provide 100% funding for such services. However, SSL §153-k(1) provides 98% of 65% State reimbursement, net of available Federal funds, for expenditures by social services districts for eligible mandated, non-mandated and community-optional preventive services to prevent the placement of youth into foster care or to enable them to return from foster care sooner.

Brief Description/History/Background: Funding for alternatives to detention and services to youth at risk of becoming PINS or entering the juvenile justice system were first appropriated when the PINS age was raised to 18. Chapter 57 of the Laws of 2005 established requirements for diversion services to youth referred as PINS, establishing new requirements concerning detention, including seeking alternatives. OCFS has consistently allocated the majority of the alternatives to detention funds to social services districts for the enhancement or development of services and interventions designed to keep at risk youth in their families and communities and avoid high cost detention. OCFS invests a portion of these funds in contracting with the Vera Institute of Justice for technical assistance to counties with high numbers of PINS and with high use of detention.

In addition, OCFS invests in other State level contracts designed to divert at risk youth from entering or returning to the PINS and juvenile justice systems. The Children's Aid Society provides a community program for youth released including wraparound services such as gang prevention, mentoring, after school activities, parenting education, tutoring, and job placement/readiness. The program serves troubled youth to prevent both initial and/or recurring residential placement in voluntary agencies or OCFS State-operated facilities. The Fund for Community Leadership Development provides PINS diversion programming for at-risk youth through in nine sites across the five boroughs of New York City through outreach activities, mentoring, family involvement and education/employment preparation.

Expanded funding for Residential Diversion was first appropriated in SFY 2007-08 and again in SFY 2008-09. This allows continuation of the Mental Health-Juvenile Justice pre-placement program, and in addition allowed OCFS to allocate the majority of funds to the social services districts to prevent out-of-home placements in institutions.

In 08-OCFS-LCM-11, OCFS advised local districts of the availability of \$14.587 million in combined funding for the purpose of preventing detention use and out-of-home residential placement. As in previous years, these funds support program modifications and/or services including demonstrated effective programs for alternatives to detention for persons in need of supervision or otherwise at risk of placement in the juvenile justice system. These funds may also be used for programs that divert youth at risk of placement with OCFS or as alternatives to residential placement in OCFS. Finally, these funds may also be used for demonstration projects to co-locate respite beds for youth alleged or at risk of juvenile delinquency in a Runaway and Homeless Youth Program.

Issues: These funds provide counties with the tools and incentives to better serve youth and to avoid the high costs of detention and residential placement. There is little evidence that detention or residential placement results in better long-term outcomes for youth. In fact, there is mounting evidence that the deeper a youth gets in the juvenile justice system, the more likely he/she will have subsequent involvement with either the justice system. Additionally, disproportionate representation of African-American/Latino youth increases as youth become further involved in the juvenile justice system. Detention services are expensive, and the use of alternatives is less costly and may avert expensive long-term costs of out-of-home placement. While detention and residential placement are necessary in certain circumstances, viable community options are essential to provide necessary alternatives.

Population Served: At risk youth; youth that would otherwise be placed in detention and/or OCFS custody.

Performance Measures: In order to receive an allocation, districts must indicate how funds will be used and indicate the anticipated reduction of detention and/or placement days. Since the enactment of Chapter 57 of the Laws of 2005, which established new requirements concerning the provision of community based diversion services to prospective PINS and their families, the major performance measures for non-secure detention facilities have shown significant improvements in reducing PINS entering the non-secure detention programs primarily through greater utilization of alternative, diversion services:

- Since January 2005, the number of non-secure detention facilities has decreased from 78 to 55, a decrease of 23 facilities (or 29.5 percent).
- The number of non-secure detention certified beds has also decreased since January 2005 from 639 to 534, a decrease of 105 beds (or 16.4 percent).
- In comparing care days for calendar year 2004 and 2006, the non-secure detention care days have decreased significantly from 198,585 to 166,225 (or 16.3 percent).

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Youth Development and Delinquency Prevention Program (YDDP)

Mandate: Executive Law Article 19-A establishes and governs Youth Bureaus.

Executive Law §420(1) (b) establishes the Youth Development and Delinquent Prevention Program. Executive Law defines reimbursement to counties at 50% of their expenditures for Youth Bureaus up to a maximum of \$75,000 for county Youth Bureaus and \$50,000 for city, town or village Youth Bureaus. State aid for recreation and youth service projects is formula based. Counties and municipalities are entitled to State aid of up to \$2,750 for each 1,000 resident youth, no more than \$1,450 of which may be used for recreation. However, notwithstanding language in the annual budget bill limits reimbursement to appropriated funding levels. State aid is allocated first to the unit of local government having the least population so that no youth is counted more than once for State aid purposes.

OCFS is responsible for oversight of Youth Bureaus and Youth Bureau administrative activities. Counties are required to submit children and family services plans to OCFS that outline county/municipal needs for youth development and delinquency prevention and the locality's plan to address those needs. Youth Bureaus submit resource allocation plans to OCFS for review and approval indicating what programs the Youth Bureau intends to fund consistent with the priorities of the county plan, using YDDP funding. Youth Bureaus monitor YDDP programs.

Mandated Funding Level: Executive Law 19-A, Section 420 states "When youth programs are approved for State aid by the commissioner, State aid shall be paid to the county or municipality, in accordance with the approved youth program, within the limits of the State aid formula set forth in this section and within the limits of funds made available by appropriation". Since 1991, such language in the annual budget bill limits reimbursement to appropriated funding levels.

Brief Description/History/Background: YDDP originated in 1945 as a program with matching requirements to provide consistent support for local youth development program activities. YDDP is a funding source allocated by local Youth Bureaus to meet locally identified needs. The local match requirement ensures that YDDP leverages significant contributions from other sources. Every political subdivision receives this funding to support services to the youth population for delinquency prevention efforts. New York City devotes a substantial portion of its allocation to the Out of School Time (OST) initiative, which is intended to reduce out-of-home placements in Detention and residential programs.

Issues: None.

Population Served: These programs serve all youth ages 0-21, including at risk and foster care youth in every county, city, town and village. The youth population based on the 2,000 census is 5,471,285.

Performance Measures: YDDP is administered by local Youth Bureaus to meet local needs that have been identified in the OCFS mandated Integrated County Plan (ICP). Each year, over 3,000 applications provide program outcomes that are reviewed by county Youth Bureaus and OCFS to address the needs identified in the ICP. Programs funded are regularly monitored and evaluated for program effectiveness by the Youth Bureau allocating the funds. OCFS monitors Youth Bureaus to determine if they are in compliance with the approved ICP.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Runaway and Homeless Youth Act

Mandate: The Runaway and Homeless Youth Act is authorized under Executive Law Article 19-H §§532 – 532-e. RHYA funding is governed by Executive Law §420(2).

Chapter 57 of the Laws of 2005 permits approved runaway programs and transitional independent living support programs to provide respite services. Respite services are funded as preventive services through the local social services districts.

OCFS has oversight of the RHYA program generally and certifies and monitors RHYA providers. An operating certificate is good until such time as the authorized agency terminates the program or OCFS revokes the certification. Executive Law §532-e sets forth the powers and duties of OCFS with respect to RHYA.

Mandated Funding Level: The statute provides 60% reimbursement to counties with an approved runaway and homeless youth plan, after deducting any Federal or other State funding. The county may meet up to 50% of its 40% share with donated private funds and in-kind services. However, since 1991, notwithstanding language in the annual budget bill limits reimbursement to appropriated funding levels.

Brief Description/History/Background: The Runaway and Homeless Youth Act (RHYA) provides both short-term crisis shelters and supports, and long-term transitional independent living residences and supportive services. Programs stabilize vulnerable young people fleeing violence and neglect, or who have no viable home. The goal is to reunite young people with their families whenever possible following a brief period of intervention and counseling. Independent living programs provide housing and support to avoid welfare or the justice system.

Short-Term Crisis Programs (Part I) serve runaway youth who have left home without parental consent. Shelter and support services are available while staff seek family reconciliation and reunification, when possible, or alternative living arrangements when necessary.

Long-Term Transitional Independent Living Programs (Part II) are for older homeless youth who lack a place of shelter where supervision and care are available. Programs serve young people who become homeless as a result of a wide range of circumstances and either cannot return home or have no home to which to return. Developing skills to live independently is the ultimate goal of young people in these programs. Resident turnover is relatively low.

Issues: In addition to serving Runaway and Homeless Youth, programs are now serving PINS respite youth, as well as providing short-term service for other youth populations. RHYA funds support only a small portion of the overall costs of operation.

Population Served: Young people in crisis and disconnected youth; in 2006 there were 11,080 admissions to RHYA shelters and Transitional Independent Living Programs.

Performance Measures: OCFS administers the RHYA, which requires a local planning process to identify any unmet needs of runaway and homeless youth. OCFS issues operating certificates and conducts periodic on-site inspections of RHYA programs. Performance monitoring of programs especially focuses on the expectations of continual improvements in increasing contacts with troubled youth through runaway and homeless youth prevention/outreach programs, as well as reducing the number of youth not served.

In recent years, more cost effective and efficient RHYA programs have been primarily demonstrated in the following major performance measurement categories:

- From 2005 to 2006, the number of contacts made with runaway and homeless youth through RHYA prevention/outreach programs has increased about 71 percent (from 51,497 contacts to 88,310 contacts).
- The youth identified but not served decreased by almost 22 percent (5,641 to 4,410) from 2005 to 2006.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Adult Protective (AP) and Domestic Violence (DV)

Mandate: Adult Protective: SSL Section 473 requires LDSS to provide adult protective services. SSL Section 473(2) requires LDSS to submit a plan to OCFS for approval on how such services will be provided. Under SSL 20(2) and Chapter 436 of the Laws of 1997, OCFS is responsible for overseeing the provision of such services by LDSS. Under SSL Section 22(5), OCFS must conduct fair hearings for adult protective services clients who want to appeal a local district action. Under SSL Section 461-a and Chapter 436 of the Laws of 1997, OCFS licenses, inspects and supervises family type homes for adults.

Domestic Violence: SSL Sections 131-u and 459-b require local districts to provide residential services for victims of domestic violence. SSL Section 459-c requires LDSS to provide non-residential services for such victims. Residential programs for such victims must be certified and supervised by OCFS [SSL Section 459-a(4)] and Chapter 436 of the Laws of 1997]. OCFS must establish a daily rate for such programs [SSL, 131-u(2) and Chapter 436 of the Laws of 1997]. Non-residential services programs for such victims are subject to OCFS regulations (SSL Section 459-c and Chapter 436 of the Laws of 1997).

Mandated Funding Level: Adult Protective and Domestic Violence: Budget appropriation language provides for 98% of 50% State reimbursement for costs that exceed LDSS' Title XX allocation.

Domestic Violence Only: For residential domestic violence services, SSL Section 131-u (residential services) provides LDSS costs are reimbursed as public assistance (PA), if victim is PA eligible; if non-PA eligible, subject to 98% of 50% State reimbursement for costs that exceed the LDSS' Federal Title XX allocation. For non-residential domestic violence services, SSL Section 459-c(2) provides LDSS costs are subject to 98% of 50% State reimbursement for costs that exceed the LDSS' Title XX allocation.

Brief Description/History/Background: The need for both residential and non-residential DV services is steadily increasing and 72% of the shelter beds are in New York City. In 2006, over 10,000 adults and over 12,000 children were denied admission to emergency shelters with the primary denial reason being lack of beds (Upstate) and lack of beds or unsafe location for family (NYC). All counties are mandated to provide non-residential domestic violence services directly or through a purchase of services agreement and all counties contract with one or more approved residential program for victims of domestic violence. These programs offer mandated core services to victims of domestic violence and their children and mandated residential services for non-TANF-eligible DV victims.

Adult Protective and Family-Type Homes (FTHA) for Adults share the goal to maintain the client in the community using the least restrictive alternative supporting NYS initiatives to enhance community-based programs and avoid institutionalization while ensuring the health and safety of the population. (Olmstead Decision and Most Integrated Setting Coordinating Council). OCFS oversees the provision of AP by 58 local districts to over 33,000 vulnerable adults annually. Statewide, OCFS currently licenses 514 Family Type Homes for Adults with a capacity of 1,524 residents. FTHA are community based housing options that decrease nursing home utilization.

Issues: Recent litigation in New York City (Vega v. Eggleston and Belovic v. Doar) cites the responsibility of OCFS to oversee the provision of AP intake and investigation services in the local districts to be more accurate and timely. Currently, the AP program is instituting local improvement measures as part of a corrective action plan to be more timely and correct in provision of local services. With the number of referrals/intakes of clients continuing to increase in number and with greater complexity of needs (as addressed below), along with tightening available community resources, difficulties are arising in fulfilling the corrective action plan.

Population Served: Adult Protective Services are provided to individuals 18 years of age or older who, because of mental or physical impairments are unable to meet their essential needs and must be protected from actual or threatened harm. Sixty percent of the clients are over the age of 60. The FTHA

program ranges from the frail elderly to the younger physically or mentally impaired adult with 51% of residents in receipt of SSI. Survivors of domestic violence and their children are eligible for the non-residential services. Non-TANF eligible victims and their children are eligible for residential services through this funding source. In 2007, approximately 15,000 persons were admitted to residential programs and approximately 40,823 were admitted to non-residential programs.

Performance Measures: Case reviews are conducted in each district/borough once every two years. OCFS conducts licensure reviews of all FTHA applications and assists districts with FTHA enforcement cases. In particular, the following data demonstrates some major challenges for the AP programs as available community resources become more limited and the recent litigation stipulation in NYC mandates greater improvement:

- From 2005 through 2007, the number of referrals/intakes of clients for the Adult Protective (AP) program increased from 30,502 to 33,389 statewide, a 9.5% increase.
- The number of Adult Protective cases of abuse and/or self neglect for clients over 60 years of age has increased from 62 percent to 70 percent since 2005. This exemplifies that there are more cases of greater complexity since clients are often reluctant to fully cooperate in facilitating resolution due to the desire to assert their independence/self-sufficiency or increasing mental and/or physical frailty with the advancement of age.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Healthy Families New York Home Visiting Program

Mandate: Section 429 of the SSL requires OCFS, in conjunction with DOH and within amounts appropriated, to issue grants for the Home Visiting Program.

Mandated Funding Level: None.

Brief Description/Background: The Home Visiting program is a community-based prevention program modeled after the national Healthy Families America (HFA) initiative, which offers long-term, intensive home visitation services to expectant parents and parents with an infant less than three months of age who are considered to be at high risk for child abuse and neglect. Specially trained paraprofessionals, who typically share the same language and cultural background as participating families, deliver home visitation services until the child reaches five or is enrolled in Head Start or kindergarten. Home visitors provide families with support, education, and linkages to community services aimed at addressing the following goals: 1) to promote positive parenting skills and parent-child interaction; 2) to prevent child abuse and neglect; 3) to ensure optimal prenatal care and child health and development; and 4) to increase parents' self-sufficiency. Home visits are scheduled biweekly during pregnancy. As families progress through the service levels based on their needs, the frequency of home visits declines, from biweekly, to monthly, and then quarterly.

Since its inception in 1995, HFNY has provided over 600,000 home visits to more than 20,000 families. OCFS currently funds HFNY programs in 39 high-need communities throughout New York State, including all five New York City boroughs and 26 counties. From April 2007 to March 2008, 5,000 families were served.

Issues: Families who participate in the program are offered intensive, frequent, long-term, in-home services until the child is in school or Head Start. Given current economic conditions, we can anticipate that these families will require more intensive support to meet immediate critical needs.

Population Served: The target population is expectant families as well as those families that have a child under the age of three months at the time of enrollment. Families referred to the program generally have risk factors such as low income and little emotional support.

Performance Measures:

Performance Indicator	Target	Performance as of April 2008
Up-to-date on immunizations at 1 year old	90%	97%
Up-to-date on immunizations at 2 years old	90%	90%
Target child has medical provider	95%	100%
At least 5 well baby visits by 15 months	100%	92%
Target children assessed for age appropriate developmental milestones	100%	100%
The Primary caretaker has a medical provider	90%	97%
Children are breastfed for at least 3 months	30%	44%
Primary caretaker is enrolled in training or has job by target child's first birthday	50%	82%
Primary caretaker is enrolled in training or has job by target child's second birthday	75%	84%
Primary caretakers who were on TANF at intake will no longer be on TANF by target child's first birthday	35%	46%

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET****Program: Division of Child Welfare and Community Services (CWCS)**

Mandate: The Division of Child Welfare and Community Services is responsible for carrying out mandates regarding the supervision, monitoring and provision of technical assistance to 58 local social services districts and one Indian Tribe, the operation of the Statewide Central Register of Child Abuse and Maltreatment, as well as the monitoring, licensing and/or certification of foster care, domestic violence, child welfare and runaway providers, as established under State and Federal laws and regulations.

Mandated Funding Level: None. Subject to available appropriation authority.

Brief Description/Background: The Office of Children and Family Services, through CWCS, supports local districts, youth bureaus, voluntary agencies, community-based agencies, and communities in providing quality services to children, youth, families and vulnerable adults. Services are designed to achieve safety, permanency and well-being for at-risk populations. These goals are achieved through monitoring, assessments, technical assistance and enforcement actions working in partnership with internal and external stakeholders at the local, State and national level. Additionally, the Division's goal is to improve practice by advancing outcome and performance measures that serve children and families. Support is provided on behalf of these at-risk adults, families, children and youth by the various program areas administered through the Division's Home and Regional Offices.

Primary program areas under the Division include: Preventive Services, Child Protective Services, Adult Protective Services, Institutional Abuse investigations, Medicaid Home and Community-based Waiver Program (Bridges to Health), and the Statewide Central Register. The Division of Child Welfare and Community Services is also responsible for oversight of youth development programs that focus on early intervention in the area of juvenile justice delinquency prevention. CWCS staff certify, inspect and monitor Runaway and Homeless Youth agencies that operate programs statewide, as well as Youth Bureaus, Youth Development and Delinquency Prevention providers and Special Delinquency Prevention Program providers. CWCS also oversees the provision of Adult Protective Services by local districts.

The New York State Adoption Service manages the photo-listing of children available for adoption who are in the care and custody of local social services districts; approves applications for adoption subsidy and reimbursement of non-recurring adoption expenses; maintains the Putative Father Register; operates the Interstate Compact for the Placement of Children; and manages the toll-free Parent Helpline available to the public. Particular emphasis is given to the OCFS priority of timely adoptions for children in foster care who cannot return to their birth families.

The Division of Child Welfare and Community Services also plays a key role in defining developmental needs for CONNECTIONS, the State's Child Welfare Information System.

Issues: None.

Population Served: The Division serves all families and children of New York State. This includes 58 local social services districts; 125 voluntary agencies that operate 515 programs; 71 domestic violence providers that operate 102 programs and 38 runaway and homeless agencies that operate 72 agencies. Also, the Adult Protective program serves over 33,000 vulnerable adults annually. Statewide, OCFS licenses 514 Family Type Homes for Adults with a capacity of 1,524 residents.

Performance Measures: Performance measures vary across program areas. Some of the performance and outcome measures include the following:

- Answering 85% of all calls to the State Central Register within 1 minute.
- Investigating reports of maltreatment, abuse and/or neglect.
- Clearing individuals through the State Central Register.
- Number of reports investigated pertaining to allegations of abuse and neglect within OCFS licensed residential agencies.
- Development of new programs or methods of service provision for adults, children, youth and families that address changing social and demographic trends, as well as promote positive human development.
- Working with the Federal Department of Health and Human Services regarding outcome and performance measures defined by the Child and Family Services Review and Title IV-E Primary and Secondary Review.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Institutional Abuse (IAB)

Mandate: The Institutional Abuse Program is mandated by Chapters 676 and 677 of the Laws of 1985, known as the Child Abuse Prevention Act (CAPA). Federal regulations under 45CFR Section 1340.14(e) require that if there are allegations of institutional abuse or neglect, "an agency other than the agency, institution or facility involved in the acts or omissions must investigate the situation". Chapter 32 of the Laws of 1992 revised CAPA and provisions that were previously time limited became permanent.

SSL Sections 422(11) and 424-c [responsibility for investigations and determinations] requires that OCFS conduct investigations of allegations of abuse and neglect of children in residential care in: facilities operated by OCFS for care of juvenile delinquents and juvenile offenders; facilities licensed by OCFS for care of children in foster care; detention facilities and runaway and homeless youth shelters licensed by OCFS; residential educational programs approved or supervised by SED; and facilities licensed by OMH or OMRDD for the care of mentally ill or developmentally disabled children and operated by a voluntary agency where the facilities are on the same campus or premises as a facility licensed by OCFS. Beginning January 1, 2009, OCFS will also be responsible for investigations of facilities licensed by OASAS where the facilities are on the same campus or premises as facilities licensed by OCFS.

The Child Protective Services Reform Act of 1996, known as Elisa's Law, was enacted to ease restrictions on disclosure of information in child abuse cases. The goal was to enhance the public's trust that children are being adequately protected, improve child death investigations and strengthen the ability to make informed policy decisions in oversight of the child protection system. This Act mandated that unfounded reports of abuse must receive the same strict documentation as indicated reports and that the data must be entered into the CONNECTIONS database.

Chapter 32 of the Laws of 1992 amended Section 424-c(7) of the Social Services Law and reduced the mandated time allowed to complete a child abuse investigation from 90 days to 60 days.

SSL Sections 422(8) and 424-a [responsibility to provide due process for subjects of indicated reports] requires that when reports of alleged abuse or neglect of children in residential care are indicated (meaning that some credible evidence of abuse or neglect has been found), the subjects of the reports have due process rights to challenge the determination. The same rights exist where persons who are subjects of indicated reports apply for employment or licensure in the child care field and have not previously exercised their due process rights. The due process rights are to an administrative review of the determination to indicate the report followed by a fair hearing if the administrative review concludes that the indication should be retained. The administrative reviews are conducted by OCFS Legal and Program staff. OCFS Legal and program staff participate in the fair hearings, which are held before OCFS administrative hearing officers.

Mandated Funding Level: None.

Brief Description/History/Background: The IAB unit maintains staff in six regional offices who are on 24 hours per day, seven days per week to respond to calls of alleged child abuse/neglect that occur in residential care programs. For each incident, a determination has to be made within 24 hours on whether the subject of the abuse/neglect must be removed from the state care facility for his/her own protection. A full and comprehensive report of each incident must be completed and filed with the SCR within 60 days. All indicated cases require the development of a Plan of Prevention and Remediation by the agency in question. In unfounded cases where programmatic concerns are identified, OCFS may send a letter of concern requiring a corrective action plan from the agency.

Issues: Residential care practices at New York State OCFS juvenile justice facilities has been examined by the Federal Department of Justice, the American Civil Liberties Union, the New York State Inspector General's office and local law enforcement. Two recent fatalities related to the use of physical restraint at both a juvenile justice facility and an OMRDD facility drew media attention and public scrutiny. Most

recently, Governor Paterson signed into law S.8534-A/A.11753, creating significant change to existing IAB practice standards. This will require the development of new regulations and the provision of training and technical assistance statewide. Other changes include amendments to the mandated reporter law and expansion of the Ombudsman Program.

Population Served: There are currently 125 voluntary agencies operating 515 programs with a bed capacity of approximately 8,500 residential beds. IAB staff also perform investigations for the 500 beds at facilities maintained by OMRDD and the juveniles incarcerated with the Office of Children and Family Services which operates 1,200 beds.

Performance Measures: Performance measures include the following:

- Institutional Abuse investigators must respond to every new call within 24 hours and make a safety assessment of the subject of the report to determine if the child is in immediate danger of abuse and should be removed from the environment.
- Within 7 days, the IAB investigator must re-evaluate the safety of the child.
- A report determining if the allegation is indicated or unfounded must be issued within 60 days.
- If indicated, a plan of prevention and remediation must be developed by the agency being investigated within 30 days and submitted to OCFS.
- Even if an allegation is not substantiated, OCFS can require a corrective action plan within 30 days.
- An assessment of all children placed in the agency (not just the subject of the report) can be made by the OCFS investigator to address overall programmatic concerns.
- OCFS must monitor the implementation of any corrective action or remediation plan.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Central and Regional Operations – Child Welfare and Community Services

Mandate: General department administrative functions mandated by Section 20 of the Social Services Law include the following:

- Supervise all social services work, as they same may be administered by any local unit of government and the social services officials thereof within the State, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work;
- Promulgate any regulations the commissioner determines are necessary, in accordance with the provisions of section 111-b of this chapter, and withhold or deny state reimbursement, in whole or in part, from or to any social services district, in the event of the failure of any such district to comply with such regulations relating to such district's organization, administration, management or program. Upon withholding or denying state reimbursement, the commissioner shall notify the temporary president of the senate, the speaker of the assembly and the chairmen of the senate finance committee and assembly ways and means committee; Establish rules, regulations and policies to carry out its powers and duties under this chapter;

Additionally, the Offices support the implementation of the: The New York State Child Abuse Prevention Act of 1986; Out-of-State Monitoring Act of the Laws of 2005, Chapter 392 (Billy's Law); Requirements of Child Fatality Review Teams (S6703B); Dual Investigation Requirements (S7042-A); Child Advocacy Center Requirements (S7644-B); Hospital Protocols – Child's Death (S8082) and the Education Neglect Act (S8183).

Mandated Funding Level: None. Subject to availability of appropriation.

Brief Description/History/Background:

These Offices functions' include administrative management and support of all central operations, regional operations and programs. These Offices are responsible for both direct program operations and support to the Deputy Commissioner on statewide issues integral to the management of the Division of Child Welfare and Community Services. Direct support to the districts and voluntary agencies who provide direct services to children and families rests with the Offices of Central and Regional Operations.

Specifically, the Central Office (Home Office Field Support) provides support to the Regional Offices, local districts and voluntary agencies which includes: licensing, quality control and data maintenance of fatality and institutional abuse reports; coordination of training for Regional Offices, local districts and voluntary agencies' needs; support for monitoring of local districts performance in foster care and child protective services; and coordination and support of the implementation of new legislation, budget, policy and system initiatives. Also, Home Office staff is responsible for the production of the Annual Cumulative Report on Child Fatalities. This statutorily required report is a general assessment of the actions of local departments of social services relative to the deaths of children in foster care or reported to the State Central Register of Child Abuse or Maltreatment.

The Office of Regional Operations are responsible for coordination of the six Child Welfare Regional Offices (Buffalo, Rochester, Syracuse, Albany, Yonkers and New York City), including oversight responsibilities for child welfare monitoring, institutional child abuse investigations, foster care licensing, fatality reports and domestic violence licensing. Specifically, this Office oversees field activities related to supervision, monitoring and technical assistance of child welfare services such as: child protective services, foster care, preventive, adoption, domestic violence, review of county planning documents and youth bureaus. This Office assesses local district and voluntary agency operations and the provision of service delivery for determining best practice standards and Compliance with State and Federal laws and regulations. It develops monitoring strategies, conducts reviews and tracks the development and implementation of corrective action plans. It is also responsible for coordinating and evaluating training

needs that emerge from the analysis of reviews and oversight of local district operations. This Office also staffs every regional office with a fire safety representative. This staff completes inspections for congregate care/domestic violence and child care/day care facilities. These OCFS fire safety representatives are required to do annual Fire Safety Inspections and can conduct site visits to facilities/agencies throughout the year on an announced or unannounced basis to promote quality improvement.

Issues: In 1998, the Legislature reduced the mandated time to complete an investigation from 90 to 60 days without any lessening of the requisite procedures that must be followed. Also, a court decision in 1994 increased the level of evidence required to sustain an indicated report. This compels investigators to gather more than the usual "credible evidence" standard to build a case and avoid reversal of the determination at a Fair Hearing. Currently, the case record reviews of foster care records are only done every three years. This should be increased to every two years.

Population Served: Local Social Service Districts, Voluntary Agencies and Community Based Organizations.

Performance Measures: Performance measures vary across program areas.

- Development of new programs or methods of service provision for adults, children, youth and families that address changing social and demographic trends, as well as promote positive human development.
- Working with the Federal Department of Health and Human Services regarding outcome and performance measures defined by the Child and Family Services Review and Title IV-E Primary and Secondary Review.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: State Central Register of Child Abuse and Maltreatment – State Operations Fund 003

Mandate: Social Services Law, Chapter 55 of the Laws of 1992, and certain terms of the Marisol Agreement.

SSL Section 422 requires OCFS to operate the SCR 24 hours-a-day, seven days-a-week.

SSL Section 424-a requires OCFS to conduct clearances of the SCR database of certain applicants for child caring positions.

SSL Section 424-a(1)(f) requires OCFS to charge a fee of \$5 when it conducts SCR clearances; however, such a fee may not be charged for child day care providers or employees. The fees must be deposited in the SCR fee account and made available to OCFS for the costs of conducting the screenings.

SSL Section 422(8) requires OCFS, upon request of a subject to amend an SCR report, to conduct an administrative review of record and to hold a fair hearing.

SSL Section 424-a requires OCFS, upon the request of an individual being cleared through the SCR database, to conduct a hearing to determine whether information in the SCR should be released to the agency requesting the clearance.

Mandated Funding Level: None.

Brief Description/History/Background: Established in 1972, the State Central Register operates and maintains a hotline 24 hours per day, seven days per week for both mandated reporters and the general public to call in and report instances of alleged child abuse and maltreatment. The SCR's Child Abuse Hotline and Abandoned Infant Information hotline are directly related to the health and safety of the children in NYS. Functions include:

- **Hotline Calls (Intake)** – Receipt and handling of incoming phone calls from mandated reporters and the general public, reporting alleged incidents of child abuse, neglect, and/or maltreatment. The local district child protective unit is required to acknowledge receipt of the report and this is monitored by the SCR. If the acknowledgement from the local district has not arrived within 30 minutes, phone contact is initiated. Once a report has been accepted by the SCR, the local district child protective unit must begin an investigation of the allegations within 24 hours.
- **Requests for Information (RFI)** – At any time following notification that a report has been taken by the SCR, any adult named in a report, as well as the parent of a child named in a report but who has no direct role in the report, may request copies of all information which the SCR maintains relative to that report. The SCR receives approximately 7,000 RFIs annually. The SCR must retrieve all related records from paper, microfiche, mainframe and scanned files and manually delete any confidential information which might identify the source of the report or other vulnerable persons who cooperated with the local district during the investigation.
- **Administrative Reviews** – If, after an investigation by the local district child protective unit, it is determined that there exists some credible evidence that child abuse/maltreatment has occurred, the SCR and the subject of the report are notified that the report is indicated. Similarly, if there is no such evidence, the report is called unfounded, placed into the main database, and sealed. The subject of an indicated report is entitled to an administrative review in order to have the report expunged or amended and legally sealed. The SCR must request the local district's documentation in support of the indicated finding and review it for consistency with the statutory requirements. If it is determined that some credible evidence exists, the record is retained until ten years after the youngest child in the household has reached 18 years of age. If this review reveals that the evidence was of a fair preponderance of the evidence, and the subject's action was relevant and reasonably related to employment, then OCFS is also required to report that the subject is known to the SCR in the event of a clearance request. The SCR performs and processes approximately 6,000 administrative reviews and requests for Administrative Hearings annually.

- **Expungements** – Those who were named as subjects of indicated reports prior to the enactment of Eliza's Law in the latter part 1996, may request an expungement of the record if they believe that the evidence or investigatory process used by the local district child protective unit in making the determination was invalid. Any report taken by the SCR subsequent to enactment will remain on the data-base even if the status of the report is changed from indicated to amended and legally sealed.

In addition to receiving and managing hotline calls, the SCR is charged with performing database checks, or **clearances**, on all prospective employees of agencies providing residential care and day care of children in which the applicant has the potential for regular and substantial contact with children. The accuracy and timeliness of SCR database checks are directly related to the safety and permanency of children. Agencies are prohibited from placing a child with an adoptive or foster care family or assigning a child care worker or day care worker one-on-one contact with a child until the SCR has checked the individuals against the statewide database for prior history of abuse/maltreatment. Database checks are performed for the following:

- Prospective employees of child day care programs and school-age child care programs
- Providers of family or group family day care, assistants, volunteers, and persons age 18 or older who reside in homes
- Substitute child day care caregivers where the child care resource and referral program maintains such a list
- Prospective foster parents and persons age 18 or older who reside in the home
- Prospective adoptive parents and persons age 18 or older who reside in the home
- Prospective adoptive parents in a private adoption
- Adoption Agencies from other states may clear prospective adoptive parents where such agencies will place into New York for adoption a foreign born eligible orphan child with non-quota immigrant status
- OCFS employees
- Person nominated to be a guardian and any individual over 18 years of age who resides in the home
- Residential facilities operated by OCFS
- Applicants to operate summer camps in New York State
- OMH family care homes that serve children
- Residential facilities for children operated by authorized agencies and certified by OCFS
- Juvenile detention facilities certified by OCFS
- Runaway and homeless youth shelters and programs certified by OCFS
- Residential schools operated, supervised or approved by the State Education Department (SED)
- Early intervention programs established pursuant to Section 2540 of the Public Health Law
- Preschool programs established pursuant to Section 4410 of the Education Law
- Special Act school districts
- Programs and facilities licensed by the Office of Alcoholism and Substance Abuse Services (OASAS)
- Residential facilities and non-residential programs licensed or operated by the Office of Mental Health (OMH) or Office of Mental Retardation and Developmental Disabilities (OMRDD)
- Prospective employees of Safe House programs for children program
- Prospective consultants and volunteers of the above residential facilities who have the potential for regular and substantial contact with children cared for by the facility
- Residential facilities may re-clear current employees who have the potential for regular and substantial contact with children cared for by the facility, as frequently as every six months
- Employees of State agencies (SED, OMH, OMRDD) that do not work directly in residential facilities, but may have potential for contact with children.
- Child protective services employees and providers of goods and services of a local child protective service

Issues: Both incoming calls and requests for database checks have increased steadily in recent years. A greater volume of calls and clearances are anticipated in the future. Increased public awareness and numerous legislative changes directly related to the safety of children have also impacted the constant and substantial increases in call volume. In 2007, the SCR received over 312,000 calls to the hotline and there has been an 11% increase in volume in the first six months of this calendar year. The legislative requirements associated with database checks (clearances) were implemented in 1980. Over the years,

with increased interest in protecting the safety of children, legislative changes have significantly increased the number of organizations required to clear prospective employees and licensees through the SCR. In 2007, the SCR received requests for over 216,000 database checks and there has been a 12% increase in volume in the first six months of this calendar year over last year.

The SCR operation of the Child Abuse Hotline has had to rely on the extensive use of overtime to maintain the 85% standard in answering calls within one minute and completing the processing of the database checks within specified time-frames.

There has been no increase in the required \$5.00 fee since the legislation was implemented. Also, prospective employees of day care programs (which accounts for a large number of database checks) are exempted from the fee. The actual cost associated with processing a database check at the SCR far exceeds the incoming revenue.

Population Served: In addition to directly supporting the safety of the children and families of NYS, the SCR partners with all of the NYS child protective service stakeholders including the local social services districts performing investigations, courts, the public, mandated callers and law enforcement.

Performance Measures: The safety of children depends on the timely handling of calls to the child abuse/maltreatment hotline. Activities are measured against a Stipulation of Settlement of the Marisol case, which required answering 85% of all calls to the hotline within one minute. This settlement agreement is still in effect; however, the specific provision of call response times is no longer applicable. OCFS continues to use this benchmark for daily operations and good practice response times.

For clearance requests under Section 424-a of the SSL, Section 424-a(1)(e)(ii) of the SSL requires that OCFS determine within ten working days of receipt of the request whether the person screened is the subject of an indicated report. This applies to clearances involving employment and licensure.

Requests from courts are not statutorily mandated to be performed within such time frames since they are not applicable to Section 424-a. However, in practice, requests from courts under various provisions of the Family Court Act and Surrogates Court Procedure Act must be processed under expedited timeframes so that court cases are not backlogged and case decisions, such as child placement and adoption decisions, are not unnecessarily delayed.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: State Central Register Fee (SCR) Account Special Revenue – Other Fund 339

Mandate: Sections 422 and 424-a(1) (f) of the Social Services Law, Chapter 156 of the Laws of 2006, Chapter 50 of the Laws of 1992 plus all terms of the Marisol court decision of March 1999.

Mandated Funding Level: None. Funding is limited to the amounts authorized in the enacted budget. The funds deposited into the account consist of the \$5 fee that is charged to certain entities for database checks.

Brief Description/Background: Established in 1972, the State Central Register operates and maintains a hotline 24 hours per day, seven days per week for both mandated reporters and the general public to call in and report instances of child abuse. In addition, the SCR is charged with running database checks, or clearances, on all current and potential employees of agencies in which the applicant will come into regular and substantive contact with children. Both incoming calls and requests for database checks have increased steadily in recent years. A greater volume of calls and clearances are anticipated in the upcoming years.

Fees collected on an annual basis are approximately \$150,000 annually. The fees are deposited into the revenue account and can only offset a small portion of the staff and non-personal service expenses for performing employment screening activities. Actual staff resources dedicated to this function far exceed the available revenues collected on an annual basis.

Issues: The SCR operation of the Child Abuse Hotline has had to rely on the extensive use of overtime to maintain the 85% standard in answering calls within one minute and completing the processing of the database checks within specified time-frames. There has been no increase in the required \$5.00 fee since the legislation was implemented. The actual cost associated with processing a database check at the SCR far exceeds the incoming revenue.

Population Served: In addition to directly supporting the safety of children, the SCR maintains close ties with local child protective units, law enforcement, and the child caring community.

Performance Measures: Activities are measured against a Stipulation of Settlement of the Marisol case, which required answering 85% of all calls to the hotline within one minute. This settlement agreement is still in effect; however, the specific provision of call response times is no longer applicable. OCFS continues to use this benchmark for daily operations and good practice response times.

For clearance requests under Section 424-a of the SSL, Section 424-a(1)(e)(ii) of the SSL requires that we determine within ten working days of receipt of the request whether the person screened is the subject of an indicated report. This applies to clearances involving employment and licensure.

Requests from courts are not statutorily mandated to be performed within such time frames since they are not applicable to Section 424-a. However, in practice, requests from courts under various provisions of the Family Court Act and Surrogates Court Procedure Act, must be processed under expedited timeframes so that court cases are not backlogged and case decisions, such as child placement and adoption decisions, are not unnecessarily delayed.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Discretionary Demonstration Grants Special Revenue – Federal Fund 265

Mandate: Discretionary Demonstration grants are supported through Federal Law and regulation as follows:

- Community-Based Child Abuse Prevention (CBCAB) – §207 through 210, Title II, Child Abuse Prevention and Treatment Act (CAPTA)
- Children's Justice Assistance Act (CJAA) – §107(a)(1)(2) & (3) CAPTA
- Federal Family Violence (FFV) – 42 USC 10407 Federal Family Violence Prevention Services Act
- Child Abuse Prevention and Treatment Act (NCCAN Basic) 42 USC5101 CAPTA

Mandated Funding Level: Funds received from the Dept. of Health & Human Services are determined by a fiscal and demographic formula unique to each grant. For Federal Fiscal Year 2007, awards for all four grants totaled approximately \$7.7 million.

Brief Description/History/Background:

The Community-Based Child Abuse Prevention supports Family Resource Centers at which professionally trained staff assist dysfunctional families in learning to cope with issues such as substance abuse or lack of education in an effort to prevent such families becoming dependent on State Aid.

The Children's Justice Assistance Act provides funds to carry out programs to prevent child abuse; particularly child sexual abuse.

The Federal Family Violence funding supports approximately 45-50 contracts with Domestic Violence Shelters at which women and their children can find refuge, counseling, and referrals.

The NCCAN Basic grant provides core staffing for child abuse and preventive service contracts within the Division of Child Welfare and Community Services.

Issues: The major issue that confronts all four grants is that awards have declined slightly in recent years and the funding is dependent on New York State's share of overall funding compared to other states. Since these grants support positions that oversee and manage various preventive and protective programs, any negotiated salary increases must be absorbed within funding levels.

Population Served: Except for CJAA, these programs provide primarily child preventive services to families and individuals in need of counseling, self-help projects and intervention.

Performance Measures: Each program has developed internal protocols and appraisal instruments to assess the goals and objectives of the particular programs. CBCAB utilizes the services of professional evaluation teams to monitor their performance and suggest improvements in approach for the future. CJAA has teamed with the National Children's Alliance to maintain high standards in the operation of Multidisciplinary Teams and Child Advocacy Centers.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: Fund 265 Education Grants Federal
Title I Neglected and Delinquent Grant
Individuals with Disabilities in Education Act (IDEA) Grant
Vocational and Applied Technology Education Act (VATEA)**

Mandate: Section 112 of the Education Law requires the Commissioner of the State Education Department (SED) to establish standards for educational programs provided in certain residential settings including OCFS facilities. Those standards are set forth in 8 NYCRR Part 100.

- NYCRR Parts 116 and 118 of State Education Department Commissioner's Regulations. OCFS has direct responsibility for providing educational services to the students in their custody who are remanded to State-operated facilities and who cannot attend public schools.
- NYCRR Parts 200 and 201 of the State Education Department Commissioner's Regulations mandates the provision of special educational services.

Federal and State laws also require OCFS to comply with the No Child Left Behind Act and the Individuals with Disabilities Education Act (IDEA) when providing education to youth with disabilities.

New York State Education Department (SED) also conducts Special Education Quality Assurance reviews and Title 1 monitoring reviews as part of its efforts to observe and ascertain compliance. SED Regional Associates examine multiple aspects of facility education programs during these reviews and examine curricula and methodology of instruction provided to youth in OCFS programs for grade levels 7-12 as part of these reviews.

Compliance with SED regulations requires OCFS school programs to provide all facility youth with a 5 1/2 hour day school instruction for 180 school days. Students receive a minimum of 180 minutes of instruction per week in the four content areas of English Language Arts, Science and Social Studies and Math. Physical education instruction is also a mandatory subject area. Vocational instruction is also provided for 90 minutes a day, where vocational shops and staffing are available.

Special Education laws require students with special needs to be reviewed by the Committee on Special Education (CSE) within 60 days. CSE committees are required to be set up in every facility and membership is approved by the Director of the Bureau of Education Services. Following identification of the special needs and review by the CSE, an Individual Education Plan (IEP) is developed for each student. The IEP identifies the services that need to be provided for each student. Services vary and include counseling, speech/language services, occupational therapy, physical therapy, remedial reading instruction and psychological services.

Approximately 50% of OCFS youth are identified as needing special education services. State and Federal laws mandate the educational rights of children with disabilities. OCFS employs certified special education teachers to provide specialized services as indicated on each student's IEP.

Mandated Funding Level: None. While not mandated, OCFS applies to SED for funding which is allocated based on a formula.

Title I, Part D funds are allocated to State agencies based on the number of neglected and delinquent students enrolled in eligible instructional programs operated by State.

IDEA funds are allocated based on funding provided under Part B of the Individuals with Disabilities Education Act to the State Education Department, which then allocates to public schools districts, special act schools, State agencies and state-operated schools

VATEA funds are allocated based on applications submitted to the State Education Department.

Brief Description/History/Background: OCFS provides education services to youth in its custody and receives Federal grant funding to supplement and support the basic education programs funded by State appropriations. This funding supports staff positions, as well as the procurement of educational and professional development services, equipment and supplies.

All youth placed in the care of OCFS qualify as "neglected and delinquent" and typically 50-55 percent of them have special needs, including learning disabilities. Many OCFS youth have been out of the public school system for extended periods of time and are significantly behind their peers in public schools.

The Federal Carl D. Perkins Career and Technical Education Act of 1990 provides funds to prepare students, especially special needs students, to be more competitive in the economy. In New York State a small percentage of these funds are targeted to the incarcerated population. OCFS and the NYS Department of Corrections each receive an annual allocation.

Issues: Federal funds can only be used to supplement state, local and other Federal funds. They cannot be used to supplant such funds.

Population Served: Youth in OCFS residential facilities who are failing, or most at risk of failing, to meet the state's student performance standards, or who are identified as having disabilities are served by IDEA and Title I funds.

Performance Measures: During the reception process youth are assessed to determine their reading, writing and math skills. Subsequent testing of OCFS youth is conducted at specific points during placement to determine gains made while in residential care.

Performance measures of youth who were enrolled for at least 90 consecutive calendar days showed that:

- 19% of youth increased at least one grade level in reading;
- 51% of youth increased more than one grade level in reading;
- 24% of youth increased at least one grade level in math;
- 47% of youth increased more than one grade level in math.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Federal Title XX Social Services Block Grant program-- Fund 265

Mandate: Federal statute (42 U.S.C. §1397a) provides that each state is entitled to payment for each fiscal year in an amount equal to its allocation for such fiscal year for such state for services directed at the goals set forth in Title XX of the Social Security Act. A state may transfer up to 10% of its allotment for any fiscal year for its use for that year under the provisions of law providing block grants for support of health services, health promotion and disease prevention activities, or low-income home energy assistance. As a condition for the receipt of Title XX funds, the state must annually submit a report to the Department of Health and Human Services on the intended use of Title XX payments. Such report must also be submitted to the New York State Legislature in accordance with Chapter 884 of the Laws of 1982.

Mandated Funding Level: In FFY 2008, New York State's allocation was \$109,009,784. Of this total, \$103,559,295 was allocated to local social services districts. Chapter 53 of the Laws of 2008 directed that \$66,000,000 be provided for the reimbursement of local district expenditures for Adult Protective and Domestic Violence Services and that the remaining funding, or \$37,559,295, be provided to reimburse other eligible Title XX services expenditures. The remaining \$5,450,489 was allocated to support training activities for local district and state staff.

Brief Description/History/Background: Title XX was enacted in 1975 as a capped program that would enable each state to furnish social services best suited to meet the needs of the individuals residing within the state. The programs must meet the goals of (1) achieving or maintaining economic self-support; (2) achieving or maintaining self-sufficiency; (3) preventing or remedying neglect, abuse, or exploitation of children and adults who are unable to protect themselves; (4) preventing or reducing inappropriate institutional care by providing less restrictive alternatives; and (5) securing referral or admission for institutional care when other alternatives are not appropriate, or providing services to individuals in institutions. Services that support these five goals include child care services, protective and preventive services for children and adults, aftercare and adoption services. The original appropriation was \$2.5B. Funding has been cut over the years and has been \$1.7B since FFY 2001.

In addition to the ability to transfer funds out of Title XX and into certain other block grants, states, in accordance with rules for the Temporary Assistance for Needy Families (TANF) program, may transfer up to 10 percent of their TANF allotment to Title XX. New York State has authorized social services districts to transfer TANF Flexible Fund for Family Services (FFFS) funding into Title XX. These transferred funds are governed by Title XX rules and may be used for any Title XX eligible service although unlike "regular" Title XX there is an income eligibility requirement as described below. In FFY 2007, districts chose to transfer a total of \$125,765,830.

Issues: The President's FFY 2009 Budget proposes to cut the Title XX appropriation from \$1.7 billion to \$1.2 billion. Under this proposal, New York State's allotment would be anticipated to decrease from \$109 million to \$77 million, a decrease of \$32M, or almost one-third. In addition to this proposed large cut, New York's share has decreased over the years based on its decreasing population. This is a flexible funding stream and although the dollar amount is small it fills gaps in districts' service array.

Population Served: Programmatically eligible persons, including families, children and vulnerable adults (adult protective and domestic violence). Under law, any FFFS funding the district chooses to transfer to the Title XX Block Grant must be used for families and individuals with incomes below 200 percent of the income level. Otherwise, Title XX services are provided without regard to income.

Performance Measures: Local districts' child and family services plans must include a description of monitoring, services, performance and outcomes.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Youth Projects Account Special Revenue – Federal Fund 290

Mandate: Appropriation defines the purpose of the account for “services and expenses related to studies, research, demonstration projects and other activities in accordance with Executive Law Article 19-G (facilities) and Article 19-H (runaway and homeless youth) and Social Services Law Article 2 (Department of Social Welfare) and Article 6 (Children)”.

Mandated Funding Level: None. Funding is limited to the amounts authorized in the enacted budget. Funds deposited into this account include Federal grants obtained from U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention, National Institute of Justice, and U.S. Department of Labor.

Brief Description/History/Background: One grant from the National Institute of Justice is currently operating using this authority related to the long term consequences of juvenile delinquency. Previously, the funds have been used to support youth in the juvenile justice and child welfare systems including the Work Appreciation for Youth (WAY) Program that provided skills training, work readiness and academic development to meet the workforce development needs of residents at the Industry Residential Center in Rochester. While there is only one program currently supported through this authority, maintaining the appropriations will allow OCFS to accept and expend future Federal government awards.

Issues: None.

Population Served: Juvenile justice youth in OCFS residential care, youth in local district foster care placements, and disconnected youth in the community.

Performance Measures:

Measures are dependent on the program, goals and requirements of each initiative and grant.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Family Preservation – Family Violence Special Revenue – Other Fund 339

Mandate: None.

Mandated Funding Level: None. Funding is limited to the amounts authorized in the enacted budget.

Brief Description/History/Background: This account was originally authorized by Chapter 53 of the Laws of 1995 as the spending authority for earned Federal Title IV-B subpart 2 funds and earned Federal Family Violence funds deposited into the 339GC account. The account was originally authorized at \$15.3 million and over the years \$30 million of earned and deposited funds were historically spent on services and expenses associated with the Home Visiting Program, the Coordinated Children's Services Initiative (CCSI), the Mentoring Program and Domestic Violence and other related programs. This account should be continued at the current \$10 million authorization level in the event that additional Federal funds become available or to access any future earned revenues.

Issues: None.

Population Served: In prior years, funds were expended on domestic violence activities, including child protective services and domestic violence collaboration projects which are an important component of continued efforts to help families encountering both domestic violence and child abuse to be safer. These collaborative efforts reduce out-of-home placements and family violence. Funds are also used in support of the Coordinated Children's Services Initiative which is a multi-agency initiative that assists localities in creating a local structure to provide children who have emotional and behavioral disabilities, are dually or multiply-diagnosed with cross-systems treatment needs, and who are at risk of residential placement, with services in their homes, schools and communities.

Performance Measures: Performance measures are based on the applicable services and contracts supported by these funds.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Youth Facilities Operations – State Operations Fund 003

Mandate: Various provisions of the Executive Law, Education Law, Penal Law, Family Court Act and the Constitution authorize the care and custody of children placed with the commissioner of the Office of Children and Family Services as follows:

- Chapter 82 of the Consolidated Laws, State Administrative Procedure Act, Section 501, requires the division (OCFS) "To establish, operate and maintain division facilities and to contract with authorized agencies as defined in section three hundred seventy-one of the social services law for the operation and maintenance of non-secure facilities."
- Executive Law §501, Title 2 of Article 19-G (Facilities) and Title 3 of Article 19-G (Programs and Services) require OCFS to operate facilities for the care, custody, treatment, housing, education, rehabilitation and guidance of youth placed with or committed to OCFS.
- Education Law, section 112 requires the Commissioner of the State Education Department to establish standards for educational programs provided in certain residential settings including OCFS facilities. Those standards are set forth in 8 NYCRR Part 100.
- Federal and State law also requires OCFS to comply with the federal Individuals with Disabilities Education Act (IDEA) in providing education to youth with disabilities.
- Family Court Act §§353.3 and 353.5 enable the family courts to place juvenile delinquents and restrictively placed juvenile delinquents in the custody of OCFS.
- Penal Law §70.20(4) requires that a juvenile offender or juvenile offender adjudicated youthful offender be sentenced to serve his or her period of incarceration in a secure OCFS facility, subject to the provisions of Executive Law §508 on transfers to the Department of Correctional Services. The State Commission on Correction has oversight of OCFS secure facilities under Article 3 of the Correction Law.
- Article VII, section 8 of the New York State Constitution permits expenditures by the State providing for the aid, care and support of juvenile delinquents and health and welfare of children.
- If OCFS wants to extend the placement of a juvenile delinquent, the youth has a right to a hearing in Family Court on the extension. OCFS also must conduct a hearing if it wants to transfer a youth from a limited secure to a secure facility (Fenner Hearing - see 9 NYCRR Subpart 175-2) or return a youth to an OCFS facility from conditional release (Release Revocation hearing - see 9 NYCRR Part 169).
- Executive Law §529 requires the applicable local social services district (LDSS) to reimburse OCFS for 50% of the expenditures by OCFS for care, maintenance and supervision furnished to youth in OCFS facilities. It also requires OCFS to establish reimbursement rates for such facilities.
- Executive Law §501(15) imposes certain requirements on OCFS where "OCFS determines that significant service reductions, public employee staffing reductions and/or transfer of operations to a private or not-for-profit entity are anticipated in OCFS long term planning process or for a particular facility in a future year". One of the requirements is that OCFS give 12 months advance notice of significant service reductions to local governments, community organizations, employee labor organizations, management and confidential employees, consumer and advocacy groups.
- Federal funding is available for 50% of the maintenance costs for those juvenile delinquents who meet the federal criteria for Title IV-E funding who are being cared for in OCFS non-secure facilities that serve 25 youth or less.
- Executive Law §501(15) requires that significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity requires 12 month notification prior to commencing such service reduction. OCFS must confer with the Department of Civil Service, Governor's Office of Employee Relations and any other State agencies to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated community-based services or other employment opportunities, and develop strategies for the development of necessary retraining and redeployment programs. OCFS must allow for the participation of employee labor organizations to ensure continuity of employment; consult with the Department of Economic Development in strategies that attempt to minimize the impact of such significant reductions; and consult with the Office of General Services to develop a mechanism for determining alternative uses for land and buildings to be vacated by OCFS.

There is no requirement in Federal Law that OCFS operate facilities, but there are various Federal statutes requiring juvenile facilities to meet certain standards such as:

- United States Constitution pertaining to due process, equal protection and prohibitions against cruel and unusual punishment; 42 USC §671 pertaining to eligibility for Title IV-E funding; the Prison Rape Elimination Act.
- Federal Developmental Disabilities Assistance and Bill of Rights Act (42 USC section 15001 et seq.)
- Federal Protection and Advocacy for Mentally Ill Individuals Act (42 USC section 10801 et seq.)
- Protection and Advocacy of Individuals Rights Act (42 USC 794e)
- Civil Rights of Institutionalized Persons Act

Mandated Funding Level: None. Funding is subject to the limits of the annual appropriation.

Brief Description/History/Background: The OCFS Deputy Commissioner for the Division of Juvenile Justice and Opportunities for Youth (DJJOY), assisted by three Associate Commissioners, is responsible for residential and community treatment of court-placed youth, including intake, management of over 2,000 beds throughout the State in facilities ranging from secure centers to community residences, as well as day placement programs and aftercare services. DJJOY is also responsible for oversight of detention centers and intake functions for youth re-placed in voluntary agencies. This extensive rehabilitative treatment program involves over 3,000 staff, including the following direct care and support operations: Facility Operations, Program Services and Support and Community Partnerships. Facility Operations includes management of thirty-one (31) residential facilities, six (6) community residential homes, two (2) reception centers and eight (8) day-placement centers and Facility Accreditation and Facility Security/Fire Safety. Program Services include Counseling Services, Health Services, Mental Health Services, Education Services and Ministerial Services. Community Partnership Offices and services are located in major communities across the state and dedicated to facilitating a successful re-entry to home for all youth in care.

Issues: The Federal Department of Justice (DOJ) is in the process of investigating the use of physical restraints, and the provision of mental health services at four OCFS facilities -- Lansing, Gossett, Tryon Boys and Tryon Girls. DOJ has gathered extensive documentation from OCFS and is conducting on-site reviews. The results of these reviews and the associated impact on facility operational needs will be defined as additional information is available.

Population Served: Youth adjudicated juvenile delinquents through the family courts and youth sentenced as juvenile offenders and juvenile offenders/youthful offenders through the county and supreme courts.

Performance Measures: Length of Stay: During intake, youth are sent through a reception process that uses various assessment tools for placement of the youth at a facility or location at the appropriate security level for a determined period of time, or length of stay. The average length of stay for youth in residential facilities has steadily decreased over the past five fiscal years by approximately 26% for secure placement and by less 1% for other than secure placement.

- From fiscal year 2001 through fiscal year 2006, the average length of stay in OCFS-operated facilities went from 27.5 months down to 20.1 months for youth in secure placement.
- Average length of stay for youth in limited secure and non-secure placement for the same period of time went from 10.7 months down to 10.5 months.

Education: Youth participating in the OCFS special education program for at least six months achieve an increase in their reading and math skill levels by at least one half of a grade level. Increases are measured using a standardized assessment instrument. Youth participating in the standard OCFS Education program for at least six months are provided with instruction in the core areas of Mathematics, English Language Arts, Science and Social Studies to permit the awarding of at least 0.5 units of credit toward a high school diploma in each of these content areas.

- At least 75% of youth enrolled in Alternative High School Education Programs (AHSEP) – GED will take and pass the GED examination.
- All youth in residential facilities create a portfolio that serves as a repository for documentation of work-relevant experiences and any certifications earned while at the facility, which aid in the transition process for youth into the community.
- Approximately 80% of youth placed with OCFS improve their math and reading scores by one-half grade level in overall performance

Behavioral Health: All of the youth discharged from DJJOY facilities who receive psychotropic medications are linked with psychiatric services while in residential care for community follow up. Of the youth with serious Substance Abuse diagnoses, all will be linked with a mental health clinician for individual and/or group therapy.

Of the youth in DJJOY facilities who receive psychotropic medications, 90% will receive individual and/or group therapy from clinical staff. Of the youth admitted to DJJOY facilities, 95% will be evaluated on evidence based instruments designed to identify suicidality, trauma, cognitive abilities, and mental health diagnoses. All of the youth identified with suicidal ideation/intent/behavior will receive immediate evaluation, enhanced supervision, and crisis intervention.

Additional comprehensive performance measures will be implemented by March 31st, 2009; all youth in DJJOY facilities who are on identified mental health caseloads will have current, clinically-relevant mental health treatment plans with measurable goals and involvement of the youth and his/her family. Additional treatment protocols and goals have been identified and will be in place by March 31st, 2009:

- 90% of DJJOY line staff will regularly review and provide log responses relative to youths' mental health coping strategies, as identified in the Unit Mental Health Logs;
- 85% of DJJOY line staff will be trained in Mental Health Basic Skills and Strategies;
- 75% of DJJOY clinicians will be implementing evidence based treatment approaches such as Cognitive Behavior Therapy and Dialectical Behavior Therapy;
- 100% of the youngsters adjudicated as sexually abusive youth will receive evidence-based treatment specific to their clinical needs.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Community Service Teams Regional Operations – State Operations Fund 003

Mandate: Various provisions of the Executive Law, Education Law, Penal Law, Family Court Act and the Constitution authorize the care and custody of children placed with the commissioner of the Office of Children and Family Services as follows:

- Chapter 82 of the Consolidated Laws, State Administrative Procedure Act, Section 501, requires the division (OCFS) "To establish, operate and maintain division facilities and to contract with authorized agencies as defined in section three hundred seventy-one of the social services law for the operation and maintenance of non-secure facilities."
- Executive Law §501, Title 2 of Article 19-G (Facilities) and Title 3 of Article 19-G (Programs and Services) require OCFS to operate facilities for the care, custody, treatment, housing, education, rehabilitation and guidance of youth placed with or committed to OCFS.
- Education Law, section 112 requires the Commissioner of the State Education Department to establish standards for educational programs provided in certain residential settings including OCFS facilities. Those standards are set forth in 8 NYCRR Part 100.
- Federal and State law also requires OCFS to comply with the federal Individuals with Disabilities Education Act (IDEA) in providing education to youth with disabilities.
- Family Court Act §§353.3 and 353.5 enable the family courts to place juvenile delinquents and restrictively placed juvenile delinquents in the custody of OCFS.
- Penal Law §70.20(4) requires that a juvenile offender or juvenile offender adjudicated youthful offender be sentenced to serve his or her period of incarceration in a secure OCFS facility, subject to the provisions of Executive Law §508 on transfers to the Department of Correctional Services. The State Commission on Correction has oversight of OCFS secure facilities under Article 3 of the Correction Law.
- Article VII, section 8 of the New York State Constitution permits expenditures by the State providing for the aid, care and support of juvenile delinquents and health and welfare of children.
- If OCFS wants to extend the placement of a juvenile delinquent, the youth has a right to a hearing in Family Court on the extension. OCFS also must conduct a hearing if it wants to transfer a youth from a limited secure to a secure facility (Fenner Hearing - see 9 NYCRR Subpart 175-2) or return a youth to an OCFS facility from conditional release (Release Revocation hearing - see 9 NYCRR Part 169).
- Executive Law §529 requires the applicable local social services district (LDSS) to reimburse OCFS for 50% of the expenditures by OCFS for care, maintenance and supervision furnished to youth in OCFS facilities. It also requires OCFS to establish reimbursement rates for such facilities.
- Executive Law §501(15) imposes certain requirements on OCFS where "OCFS determines that significant service reductions, public employee staffing reductions and/or transfer of operations to a private or not-for-profit entity are anticipated in OCFS long term planning process or for a particular facility in a future year". One of the requirements is that OCFS give 12 months advance notice of significant service reductions to local governments, community organizations, employee labor organizations, management and confidential employees, consumer and advocacy groups.
- Federal funding is available for 50% of the maintenance costs for those juvenile delinquents who meet the federal criteria for Title IV-E funding who are being cared for in OCFS non-secure facilities that serve 25 youth or less.
- Executive Law §501(15) requires that significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity requires 12 month notification prior to commencing such service reduction. OCFS must confer with the Department of Civil Service, Governor's Office of Employee Relations and any other State agencies to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated community-based services or other employment opportunities, and develop strategies for the development of necessary retraining and redeployment programs. OCFS must allow for the participation of employee labor organizations to ensure continuity of employment; consult with the Department of Economic Development in strategies that attempt to minimize the impact of such significant reductions; and consult with the Office of General Services to develop a mechanism for determining alternative uses for land and buildings to be vacated by OCFS.

There is no requirement in Federal Law that OCFS operate facilities, but there are various Federal statutes requiring juvenile facilities to meet certain standards such as:

- United States Constitution pertaining to due process, equal protection and prohibitions against cruel and unusual punishment; 42 USC §671 pertaining to eligibility for Title IV-E funding; the Prison Rape Elimination Act.
- Federal Developmental Disabilities Assistance and Bill of Rights Act (42 USC section 15001 et seq.)
- Federal Protection and Advocacy for Mentally Ill Individuals Act (42 USC section 10801 et seq.)
- Protection and Advocacy of Individuals Rights Act (42 USC 794e)
- Civil Rights of Institutionalized Persons Act.

Mandated Funding Level: None. Funding is subject to the limits of the annual appropriation.

Brief Description/History/Background: The Office of Community Partnerships includes the Bureau of Community Services, Office of Workforce Development, and the Bureau of Detention, and Evidence Based Community Initiatives. The goal of the Office of Community Partnerships is to maintain community safety and transition youth from highly structured environments to the challenges encountered in their home communities by engaging families, community agencies, municipalities and others in support of shortened length of stay in residential placement with enhanced supports upon community re-entry. The anticipated outcome is to engage families in the rehabilitative process that supports the reintegration of all OCFS youth back into their home community with sufficient and appropriate services. Through the regionally located CMSOs, staff provide case management, supervision and counseling programs for all Juvenile Delinquent youth when they leave OCFS placement.

Issues: Maintaining communication with schools, employers and other community resources to monitor the youth's reintegration into the home community. OCFS is experiencing a decline in the number of court adjudicated delinquent youth placements in non-secure and limited secure OCFS facilities which requires further rightsizing.

Identification of appropriate aftercare supervision and more intensive program services such as mental health or educational needs for youth requiring specialized services.

Population Served: Youth adjudicated juvenile delinquents through the family courts and youth sentenced as juvenile offenders and juvenile offenders/youthful offenders through the county and supreme courts.

Performance Measures: During fiscal years 2007 & 2008 the Office of Community Partnerships achieved a 22% reduction in the number of youth who have been detained in secure detention on a violation of the conditions of their community release status in NYC.

In addition, performance measures include the following benchmarks:

- 90% of youth will be enrolled in school, college, vocational training or employment upon their return to community;
- 75% of families who need and accept clinical family therapy or other appropriate preventive programs will be provided with these services;
- 70% of all youth will be enrolled in pro-social activities, after-school programs, positive peer networks and or mentors upon community re-entry;
- 90% of all youth discharged from discrete Mental Health, Substance Abuse or Sex Offender Treatment Units will be connected to and enrolled in community treatment services on return home.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Youth Facilities Oversight and Management – State Operations Fund 003

Mandate: Various provisions of the Executive Law, Education Law, Penal Law, Family Court Act and the Constitution authorize the care and custody of children placed with the commissioner of the Office of Children and Family Services as follows:

- Chapter 82 of the Consolidated Laws, State Administrative Procedure Act, Section 501, requires the division (OCFS) "To establish, operate and maintain division facilities and to contract with authorized agencies as defined in section three hundred seventy-one of the social services law for the operation and maintenance of non-secure facilities."
- Executive Law §501, Title 2 of Article 19-G (Facilities) and Title 3 of Article 19-G (Programs and Services) require OCFS to operate facilities for the care, custody, treatment, housing, education, rehabilitation and guidance of youth placed with or committed to OCFS.
- Education Law, section 112 requires the Commissioner of the State Education Department to establish standards for educational programs provided in certain residential settings including OCFS facilities. Those standards are set forth in 8 NYCRR Part 100.
- Federal and State law also requires OCFS to comply with the federal Individuals with Disabilities Education Act (IDEA) in providing education to youth with disabilities.
- Family Court Act §§353.3 and 353.5 enable the family courts to place juvenile delinquents and restrictively placed juvenile delinquents in the custody of OCFS.
- Penal Law §70.20(4) requires that a juvenile offender or juvenile offender adjudicated youthful offender be sentenced to serve his or her period of incarceration in a secure OCFS facility, subject to the provisions of Executive Law §508 on transfers to the Department of Correctional Services. The State Commission on Correction has oversight of OCFS secure facilities under Article 3 of the Correction Law.
- Article VII, section 8 of the New York State Constitution permits expenditures by the State providing for the aid, care and support of juvenile delinquents and health and welfare of children.
- If OCFS wants to extend the placement of a juvenile delinquent, the youth has a right to a hearing in Family Court on the extension. OCFS also must conduct a hearing if it wants to transfer a youth from a limited secure to a secure facility (Fenner Hearing - see 9 NYCRR Subpart 175-2) or return a youth to an OCFS facility from conditional release (Release Revocation hearing - see 9 NYCRR Part 169).
- Executive Law §529 requires the applicable local social services district (LDSS) to reimburse OCFS for 50% of the expenditures by OCFS for care, maintenance and supervision furnished to youth in OCFS facilities. It also requires OCFS to establish reimbursement rates for such facilities.
- Executive Law §501(15) imposes certain requirements on OCFS where "OCFS determines that significant service reductions, public employee staffing reductions and/or transfer of operations to a private or not-for-profit entity are anticipated in OCFS long term planning process or for a particular facility in a future year". One of the requirements is that OCFS give 12 months advance notice of significant service reductions to local governments, community organizations, employee labor organizations, management and confidential employees, consumer and advocacy groups.
- Federal funding is available for 50% of the maintenance costs for those juvenile delinquents who meet the federal criteria for Title IV-E funding who are being cared for in OCFS non-secure facilities that serve 25 youth or less.
- Executive Law §501(15) requires that significant service reductions, public employee staffing reductions and/or the transfer of operations to a private or not-for-profit entity requires 12 month notification prior to commencing such service reduction. OCFS must confer with the Department of Civil Service, Governor's Office of Employee Relations and any other State agencies to minimize the impact on the state workforce by providing assistance in obtaining state employment in state-operated community-based services or other employment opportunities, and develop strategies for the development of necessary retraining and redeployment programs. OCFS must allow for the participation of employee labor organizations to ensure continuity of employment; consult with the Department of Economic Development in strategies that attempt to minimize the impact of such significant reductions; and consult with the Office of General Services to develop a mechanism for determining alternative uses for land and buildings to be vacated by OCFS.

There is no requirement in Federal Law that OCFS operate facilities, but there are various Federal statutes requiring juvenile facilities to meet certain standards such as:

- United States Constitution pertaining to due process, equal protection and prohibitions against cruel and unusual punishment; 42 USC §671 pertaining to eligibility for Title IV-E funding; the Prison Rape Elimination Act.
- Federal Developmental Disabilities Assistance and Bill of Rights Act (42 USC section 15001 et seq.)
- Federal Protection and Advocacy for Mentally Ill Individuals Act (42 USC section 10801 et seq.)
- Protection and Advocacy of Individuals Rights Act (42 USC 794e)
- Civil Rights of Institutionalized Persons Act.

Mandated Funding Level: None. Funding is subject to the limits of the annual appropriation.

Brief Description/History/Background: This Office develops appropriately designed and accessible youth services that effectively offer opportunities for positive youth development in OCFS residential care and community programs in addition to providing technical support to residential programs in the following areas:

- The Bureau of Counseling Services is responsible for establishing models, standards and policies related to the development of general intervention services designed to reduce the risk of re-offending behavior.
- The Bureau of Health Services provides medical and nursing services, dental services, HIV prevention and treatment services to the youth in residential facilities.
- The Nutrition Services Program ensures that the nutritional and food service needs of the youth in care are met in a safe and cost effective manner. This program's responsibilities include compliance with all applicable local, state and federal laws, regulations and standards related to nutrition and food service.
- Bureau of Behavioral Health Services provides overall management in the areas of mental health, mental retardation and developmental disabilities. This office provides oversight, direction and design of counseling services to sex offenders and substance/alcohol abusers and is responsible for programmatic, policy, procedural and operational guidelines. The Bureau serves as the liaison with Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities, the Office of Alcoholism and Substance Abuse Services as well as other public and private organizations and also advocates for resources and services to meet the mental health needs of OCFS youth.
- Bureau of Educational Services is responsible for the operation of in-house school programs that include educational and vocational services to youth. The Bureau identifies statewide service priorities and needs; plans education program systems and designs; develops recreation program models; recommends educational policies and provides technical assistance and monitoring in the education and employment area. The Bureau acts as a liaison with the State Education Department to monitor compliance with State and Federal regulations
- Bureau of Ministerial Services makes certain that facility residents have the opportunity to practice and participate in religious activities in accordance with constitutional mandates. Regional Chaplains work in concert with other program services including health, education and counseling services. Ministerial Services integrates values, hopes and belief systems of youth into the process of restoration and rehabilitation.
- Bureau of Classification and Movement oversees the Centralized Client Classification System and is responsible to monitor, review and expedite all routine and emergency movement of OCFS youth from DRS operated and private voluntary agency facilities, as well as all release and transfer decisions concerning youth in care. In conjunction with this mandate, the Bureau is responsible for oversight of the operation and function of the Statewide Youth Transport System, the Central Communications Unit, Interstate Compact, the Statewide Voluntary Agency Coordinator and intake data entry, commonly referred to as those functions performed by the Statistics and Survey Unit.

Issues: OCFS is experiencing a decline in the number of court adjudicated delinquent youth placements in non-secure and limited secure OCFS facilities which requires further rightsizing. As a result, an extensive review of its residential operating needs is currently underway. A portion of any savings will be needed for reinvestment in high priority needs within the Division such as enhanced aftercare supervision and more intensive program services such as mental health or educational needs for youth requiring specialized services.

The Federal Department of Justice (DOJ) is in the process of investigating the use of physical restraints, and the provision of mental health services at four OCFS facilities -- Lansing, Gossett, Tryon Boys and Tryon Girls. DOJ has gathered extensive documentation from OCFS and is conducting on-site reviews. The results of these reviews and the associated impact on facility operational needs will be defined as additional information is available.

Executive Law §501(15) requires that significant service, staff and capacity reductions require 12 month notification, which increases costs and results in facilities operating significantly below capacity system-wide as the reductions are implemented over a long period of time.

Population Served: Youth adjudicated juvenile delinquents through the family courts and youth sentenced as juvenile offenders and juvenile offenders/youthful offenders through the county and supreme courts.

Performance Measures: During the classification process, youth are sent through reception to a facility at the appropriate security level. Performance of the facility programs is measured by the length of stay in residential programs, the reduction in number of youth returning to OCFS facility placements rates, the number of youth served in community settings, and youth achieving academic credits while in residential care.

- From fiscal year 2001 through fiscal year 2006, the length of stay in OCFS-operated facilities went from 27.5 months down to 20.1 months for youth in secure placement.
- Length of stay for youth in limited secure and non-secure placement for the same period of time went from 10.7 months down to 10.5 months.
- Current data indicates that revocations in NYC are down 22% as measured by admissions to secure detention and reported by NYC Division of Juvenile Justice.
- Approximately 80% of youth placed with OCFS improve their math and reading scores by one-half grade level in overall performance.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: Evidence-Based Community Initiatives Program (EBCI) – State Operations Fund 003
Post-Residential Services – Local Assistance Fund 001**

Mandate: None. EBCI programs are not mandated in statute or regulation. However, Executive Law §501(8)(a) authorizes OCFS "subject to the amounts appropriated therefore" to establish, operate and maintain or contract for alternative to placement programs.

Regarding Post-Residential Services, Executive Law §510-a authorizes the conditional release of youth placed with OCFS, whereby the youth continues to be the responsibility of OCFS for the duration of the placement although the youth is not in residential care. Executive Law §510-a(3) authorizes the provision of clothing, other necessities and services including medical care to conditionally released youth.

Mandated Funding Level: None. Funding is subject to the limits of the annual appropriation.

Brief Description/History/Background: OCFS EBCI program implementation began in 2003. Current capacity of 515 annual slots serves youth and families in New York City, Long Island, Monroe and Onondaga counties with plans to expand to Oneida County. Provides both front end residential diversion and community post-residential therapeutic services to DJJOY youth and families. EBCI program models target areas of risk such as ineffective parenting, family dysfunction and substance abuse. Utilization of EBCI programming demonstrates OCFS' commitment to community based programs and assists in reducing residential lengths of stay.

Issues: None.

Population Served: OCFS youth and families during transition and community aftercare treatment phase.

Performance Measures: The EBCI program includes performance based contracts that contain specified deliverables which, if unmet, result in fiscal disallowances. These deliverables include various measures that reflect evidence based practices to achieve average enrollment and participation levels of contracted therapies. Examples of deliverables are as follows:

- 80% participation for enrolled youth in developmentally appropriate pro-social activities, including sports and hobbies;
- 85% enrollment and participation in an educational/vocational program within the first month of community program admission;
- 70% non-arrest of youth during treatment period;
- 85% attendance at weekly therapy meetings;
- 65% drug abstinence during treatment period;
- 85% active family engagement;
- 75% improvement in parenting skills.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Secure Detention

Mandate: Various provisions of Executive Law, County Law and the Family Court Act govern Detention Services as follows:

- Executive Law §503 requires OCFS to certify, inspect and regulate juvenile detention and that no juvenile detention facility may receive children unless certified by OCFS. County Law §218-a requires all counties to have suitable and conveniently accessible juvenile detention accommodations. Articles 3 and 7 of the Family Court Act and Article 510 of the Criminal Procedure Law govern the use of juvenile detention.
- EL §502(3) references access to detention with respect to the OCFS population.
- EL §531(1)(c) requires include a summary of expenditures for detention in its annual report to the social services district.
- Family Court Act Article 3, §301.2 defines detention and references OCFS certification of detention facilities.
- FCA Article 3, §304.1 references OCFS certification of detention and sets parameters on use of detention for alleged juvenile delinquents.
- FCA Article 3, §305.2 references OCFS certification of detention and sets parameters on use of detention for alleged juvenile delinquents.
- FCA Article 3, §307.3 cross references Executive Law and County Law provisions with respect to detention.
- FCA Article 7, §712 defines detention and references Executive Law provisions.
- FCA Article 7, §718 references OCFS certification of detention in providing for return of runaways.
- FCA Article 7, §720 references OCFS certification of detention and sets parameters on use of detention for alleged PINS.
- FCA Article 7, §724(b) references OCFS certification of detention in addressing taking an alleged PINS into custody.
- EL §530 requires state reimbursement not to exceed 50% of local social services district expenditures for juvenile detention. While Executive Law establishes a 50% State share, the SFY 2008-09 Enacted Budget requires 98% of 50% State reimbursement of approved operating and capital expenditures. The state is responsible for reimbursing 100% of the cost of juvenile detention for state charges Social Services Law §118-c defines state charge. Volume 9 of the New York Code, Rules and Regulations [NYCRR] §180.17 governs reimbursement of operating costs.
- 9 NYCRR §180.20 provides that subject to the limits of the appropriation, state aid is available to counties and NYC in an amount not to exceed 50% of the county/city's approved expenditures for the construction or improvement of locally operated secure detention facilities.
- County Law §218-a references OCFS role in ensuring that counties make reasonable provisions for detention.
- Criminal Procedure Law §510.15 references OCFS certification of detention with respect to commitment of a juvenile offender.
- Social Services Law §462(2) references the responsibility of OCFS to set standards for juvenile detention.
- SSL §462-a references the responsibility of OCFS to inspect and supervise juvenile detention.
- SSL §462-b references the responsibility of OCFS for enforcement with respect to juvenile detention.
- Chapter 83 of the Laws of 2002 added a new Subdivision 9 to Section 530 of the Executive Law requiring each county administering agency to report information on youth remanded to detention for a period equal to or greater than 45 days, pursuant to Articles 3 and 7 of the Family Court Act.
- Chapter 83 of the Laws of 2002 required OCFS to develop a methodology to assess the need for new juvenile detention capacity and promulgate regulations to establish this methodology.
- As amended by Chapter 57 of the Laws of 2008, Section 1, Subdivision 3 of Section 320.5 of the FCA requires that the court shall not direct detention, including conditional release, if there is a substantial probability that the youth will not appear in court on the return date or there is a serious risk that the youth will commit an act which if committed by an adult would constitute a crime.

- As amended by Chapter 57 of the Laws of 2008, Section 1, Subdivision 3 of Section 320.5 of the FCA requires that any finding directing detention shall state the facts and reasons for such finding. If the court makes a finding that detention is necessary, the court may consider, where applicable, as a condition of release, electronic monitoring if such electronic monitoring would significantly reduce the substantial probability that the respondent would not return to court on the return date, or the serious risk that the respondent may before the return date commit an act that if committed by an adult would constitute a crime.

Mandated Funding Level: While Executive Law establishes a 50% State share, the SFY 2008-09 Enacted Budget requires 98% of 50% State reimbursement of approved operating and capital expenditures.

Brief Description/History/Background: Detention is the temporary care and maintenance of youth away from his/her own home in an OCFS certified detention facility while awaiting court action. A Secure Detention facility is characterized by physically restricting construction, hardware and procedures. Each county and the City of New York must designate the agency responsible for administering detention on behalf of that jurisdiction. There are only nine Secure Detention facilities statewide. The county or New York City operating a Secure Detention facility must provide secure detention care to other counties through contract. A county legislature or its designee must submit an annual plan for the detention care for youth. Detention facilities are not allowed to be located in a building which is also used as an adult detention or jail. If a detention facility is located on premises adjacent to an adult detention or jail facility, there must be total sight and sound separation between the facilities.

Issues: None.

Population Served: Placements in Secure Detention include the following:

- Youth awaiting initial hearing in Family or Criminal Court based on a police arrest.
- Youth remanded/ordered to detention pending a Fact-Finding Hearing.
- Youth remanded/ordered to detention pending a Dispositional Hearing.
- Youth remanded/ordered to detention pending transfer to OCFS.
- Youth held pending return to a jurisdiction other than the one in which the child is held.
- Youth held pursuant to a securing order of a criminal court.

Performance Measures: Quarterly monitoring visits and facility inspections are conducted by OCFS staff regarding compliance with Part 180 Regulations. Care day data is compiled in a quarterly report that provides the number of children held in detention for 45 days or more in the past 12 months, the reason for the court's initial determination to detain the youth, the legal status of the youth detained, and the reasons why the youth remained in detention.

Despite continuing increasing and expanding needs for secure detention services, in recent years more cost effective and efficient detention programs have been primarily demonstrated in the following major performance measurement categories:

- Since January 2005, the number of secure detention facilities has remained the same at 9 to appropriately accommodate continuing needs for this level of care statewide.
- Since January 2005, the average daily population in Secure Detention increased from 455 to 484 (or an increase of 6.4 percent).
- Comparing 2004 and 2006 calendar year, the secure detention care days have increased from 175,994 to 181,810 (or 3.3 percent).

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Secure Detention Capital

Mandate: Capital reimbursement for locally operated Secure Detention rehabilitation and construction projects is mandated by 9 NYCRR §180.17 and §180.20.

Mandated Funding Level: Subject to the limits of the appropriation, state aid is available to counties and New York City in an amount not to exceed 50% of the approved expenditures for construction or improvement of locally operated Secure Detention facilities. While Executive Law establishes a 50% State share, the SFY 2008-09 Enacted Budget requires 98% of 50% State reimbursement of approved operating and capital expenditures.

Brief Description/History/Background: Funds are used to support Secure Detention physical plants that have aged and need major repair, renovation or reconstruction. OCFS must review and approve all projects and works closely with applicable counties regarding the proposed renovation plan, projected cost, physical plant space plans and capacity needs. Based on the above mandated funding level, State aid is 49% of approved expenditures. The State does not have the ability to bond construction and renovation costs for locally operated detention facilities. To provide for the State share reimbursement, a depreciation period not to exceed 40 years is used by OCFS to reimburse the costs of newly constructed buildings used for detention. Where the project scope is rehabilitation or renovation of an existing physical plant, a shorter depreciation period may be used. In determining an acceptable depreciation period for renovation and rehabilitation projects, OCFS takes into consideration Government Accounting Standards, Local Finance Law and depreciation periods used by other State agencies as a guideline.

Issues: OCFS currently reimburses Erie County and the New York City Department of Juvenile Justice for projects previously completed. Annual reimbursement amounts are based on applicable depreciation schedules and a final audit of allowable expenditures. A project for Onondaga County is already underway and projects in Monroe and Nassau are currently in the planning stages to address physical plant needs at these sites.

Population Served: Youth are placed in Secure Detention while awaiting the court disposition of cases:

- Youth awaiting initial hearing in Family or Criminal Court based on a police arrest
- Youth remanded/ordered to detention pending a Fact-Finding Hearing
- Youth remanded/ordered to detention pending a Dispositional Hearing
- Youth remanded/ordered to detention pending transfer to OCFS
- Youth held pending a revocation hearing for an alleged violation of the conditions of release from a school, center or youth center of OCFS or
- Youth held pending return to a jurisdiction other than the one in which the child is held
- Youth held pending return from AWOL
- Youth held pursuant to a securing order of a criminal court

Stakeholders include NYPWA, Association of Counties, Law Enforcement and various local and statewide child advocacy groups.

Performance Measures: OCFS conducts monitoring visits and facility inspections by OCFS staff regarding compliance with Part 180 Regulations.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: Capital Projects Fund 002
Youth Facilities Improvement Fund 357**

Mandate: OCFS capital projects include maintenance of the Tonawanda Indian Community House (pursuant to Chapter 549 of the Laws of 1936) and maintenance and improvement of OCFS youth facilities including payment of fees of the Office of General Services (OGS) for administration and design of construction and renovation projects.

State Finance Law §97-gg was enacted in 1990 to establish the youth facilities improvement fund for proceeds from the issuance of bonds and notes by the Urban Development Corporation (UDC). UDC bonds were issued to fund construction of new beds to reduce overcrowding in OCFS operated facilities and to remedy natural deterioration in existing facilities. OCFS/NYS is obligated to repay any UDC loan.

OGS has supervision and control of all public buildings, unless otherwise specified by law, in accordance with Public Buildings Law §2. The general powers and duties of OGS in Public Buildings Law §3, include contracting for design and construction of public buildings.

Executive Law §§501(3) and 504 authorize OCFS to establish, operate and maintain OCFS facilities for the care, custody, treatment, housing, education, rehabilitation and guidance of youth placed with or committed to OCFS. As the state agency with jurisdiction over the youth facilities, OCFS is responsible to keep the facilities in good repair and to address health and safety issues and comply with environmental laws.

Mandated Funding Level: None. Funding is limited to the amount appropriated in accordance with the Capital Financing Plan. The OCFS Capital Plan reflects the State's continued commitment to provide housing, program and support space that meet standards and remain functional, safe and secure.

Brief Description/History/Background: The Bureau of Capital Services is responsible for managing Rehabilitation and Improvement funding for all OCFS owned and operated residential facilities, day/evening reporting centers, and selected community-based construction programs including the Tonawanda Indian Community House. The Bureau is responsible for overseeing that all physical plant improvements and construction rehabilitation accomplished using Rehabilitation and Improvement funding are designed, permitted, and constructed in accordance with New York State Building Code and Department of State regulations, and that these projects comply with environmental regulations established by the Department of Environmental Conservation. Rehabilitation and Improvement spending must conform to strict procurement guidelines established by the agency Office of Financial Management Services and the Office of the State Comptroller.

Issues: None

Population Served: Adjudicated Juvenile Delinquents, Juvenile Offenders and members of the Tonawanda Indian nation that utilize the services of the Tonawanda Community House.

Performance Measures: OCFS monitors all construction projects to assure that they are in compliance with NYS building and fire safety codes. OCFS assures that projects are completed within established budgets, on time and with minimal changes during the construction phase. Completed projects meet the programmatic requirements for DJJOY and are in compliance with NYS occupancy codes.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: Commission for the Blind and Visually Handicapped (CBVH)
Vocational Rehabilitation (VR) Special Revenue Federal Fund 267
Vocational Rehabilitation State Match State Operations Fund 003**

Mandate: Vocational Rehabilitation Special Revenue Federal Fund 267 supports rehabilitative services pursuant to 29 USC Section 720 et. seq.. New York must submit a State Plan and provide local match to leverage Federal dollars.

Section 8705 of the Unconsolidated Laws requires the "...maintenance of one or more bureaus of information and industrial aid, the object of which shall be to aid the blind in finding employment and to teach them trades and occupations ...and to assist them in whatever manner may seem advisable...in disposing of the products of their home industry."

Mandated Funding Level: Federal Maintenance of Effort rules for the Federal grants require that the State Match must be maintained at the same or higher level as previous years, or Federal funding will be disallowed on a dollar-for-dollar basis. Federal Funding is provided in annual Federal formula grants for the major program areas discussed below. For In-Service Training, funding is provided through a Federal discretionary grant.

Brief Description/History/Background: The Commission for the Blind and Visually Handicapped was originally founded under New York State law in 1913. It subsequently began providing federally mandated services to legally blind individuals under the Federal Vocational Rehabilitation Act of 1920, as amended in 1973. CBVH serves approximately 7,700 legally blind individuals annually, which encompass the following programs: Basic Support, Independent Living for Older Blind, Independent Living Part B, Supported Employment and In-Service Training. These programs assist legally blind employment-aged individuals to manage self-care and safe-travel independently, develop employment skills, attain college degrees, and obtain independent gainful employment. They also enable elderly legally blind individuals to remain independent in their homes and communities, avoiding higher cost long-term institutional care. In-Service Training funds support programming for professional development and certification for CBVH staff.

Issues: The CBVH Federally-funded programs require a State Match of 21.3% for the Basic Support Grant and 10% for the Older Blind, Independent Living Part B and In-Service Training Programs.

Population Served: VR Legally Blind individuals of New York State are the target population served. Combined contract, direct assisted and supported employment programs serve approximately 10,200 to develop the skills to function independently.

Performance Measures: The Rehabilitation Services Administration, which is the Federal regulatory entity, has standard performance indicators for State Vocational Rehabilitation programs which assess attainment of competitive employment outcomes for legally blind program participants. Due to recent stricter Federal Performance Standards derived from Federal Regulation changes, CBVH consumer case services have become further enhanced, intensified and costly to appropriately reach Federal Performance Standards. These increased efforts and spending in CBVH case services has allowed the CBVH Program to be able to comply with Federal requirements, and thus avoid a dollar-for-dollar Federal grant disallowance. Some of the major Federal performance standard indicators are as follows:

- Comparing the number of employment outcomes of current and previous periods: meets or exceeds the previous period. In the most recent reporting period, CBVH achieved a year-to-year increase of 57 in the number of employment outcomes;

- Percentage of all CBVH consumers achieving an employment outcome: meets or exceeds 68.9%. CBVH had 79.49% of consumers achieving an employment outcome;
- Percentage of all CBVH consumers achieving an employment outcome that attain competitive employment: meets or exceeds 35.4%. CBVH had 39.5% of consumers achieving an employment outcome that attain competitive employment;
- Percentage of all employed consumers who have significant disabilities: meets or exceeds 89%. CBVH had 98% of consumers had significant disabilities.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: Commission for the Blind and Visually Handicapped
Non-Vocational Rehabilitation State Operations Fund 003**

Mandate: Section 8704(a) of the NYS Unconsolidated Laws requires the maintenance of a Register of the Blind, which "...shall describe the condition, cause of blindness, capacity for education and industrial training of each [blind person]."

Chapter 57 of the Laws of 2007 enacted Section 8701(a) of the Unconsolidated Laws to establish the CBVH Executive Board. A report to the Governor is due on or before January 1, 2009. CBVH must thereafter annually report on the implementation status of any such recommendations received from the Executive Board.

While federal funding is contingent upon the filing of a State Plan, these provisions could be construed to require services even in the absence of federal funds.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: Originally established in the 1984 State Budget, Non-Vocational Rehabilitation State Operations provides funding for services to legally blind children and legally blind older adults who do not meet the qualification requirements for federally funded Basic Support, Independent Living, Part B, or Supported Employment programming. The Non-Vocational Rehabilitation State Operations programming provides services to legally blind children which enhance their independent functioning, social development, and readiness for future vocational rehabilitation services when they become age-eligible. This programming also provides services to elderly legally blind individuals who are at risk due to worsening visual problems; services to these individuals enable them to remain independent in their homes and communities, avoiding the need for higher cost long-term institutional care. Absent this funding, higher public assistance care costs may result for legally blind children, who would not have developed the prerequisite skills for vocational rehabilitation programming, and elderly legally blind individuals would be unable to maintain independent living in their homes and community.

Issues: None.

Population Served: Approximately 5,540 legally blind children and elderly individuals in New York State are the target populations.

Performance Measures: Funded services are outcome-focused for the elderly legally blind individuals based on attainment of contractually defined outcomes for service programs. For children, performance is measured on service recipients' attainment of skills which enable them to benefit from vocational rehabilitation programming when they become age-eligible. As documented by a comprehensive evaluation of elderly and children consumers, a pre-service assessment is performed for each consumer to determine basic needs, abilities, attitudes and interest. Written assessment reports are developed to evaluate each consumer's response to relevant services delivered such as rehabilitation teaching, orientation and mobility, low vision services, basic living skills, adaptive equipment, and social casework. The following are the minimum standards established for CBVH to minimally serve State consumers who are either legally blind elderly or legally blind children:

- Level of annual participation in contractually defined outcomes for service programs for meets or exceeds: 3,300; for example, recently 3,976 legally blind elderly individuals were served through contractually defined outcomes.

- Level of annual participation in services programs which enable legally blind children to attain skills which enable them to benefit from vocational rehabilitation programming when they become age-eligible: 1,000; for example, recently 1,564 legally blind children individuals were served enabling these legally blind children to attain skills which thereby enables them to benefit from vocational rehabilitation programming.

Due to continuing medical and technological advances, more and more legally blind individuals in this State are gaining more hope and their opportunities are increasing to avail themselves of grater independence and self-sufficiency. As a result, CBVH is proactively exploring the need to increase the minimum service standards currently established to appropriately serve greater numbers of legally blind individuals needing more services.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Commission for the Blind and Visually Handicapped
Vending Stand Account Special Revenue Other Fund 020
Highway Revenue Special Revenue Other Fund 339
Gifts and Bequests Special Revenue Other Fund 020

Mandate: The Vending Stand Account Special Revenue – Other Fund 020 is authorized by 20 USC Section 107a(a) of the Randolph-Sheppard Act. The Unconsolidated Laws Section 8714-a includes a right to a hearing for any blind licensee dissatisfied with any action arising from the operation or administration of the program.

The Highway Revenue Special Revenue Other Fund 339 is authorized by 20 USC Section 107a(a) of the Randolph-Sheppard Act and 23 USC Section 11.

The Grants and Bequests Special Revenue Other Fund 020 is authorized by Unconsolidated Laws Section 8712.

Mandated Funding Level: None; however, the Vending Stand Account - 020 is supported exclusively from levies derived from the net profits of the Business Enterprise Program (BEP) vending facilities and vending machines income to contribute toward financing the vending program and operations. Funding is limited to the amounts appropriated.

Brief Description/History/Background: The Vending Stand Account Special Revenue Fund includes state matching funds for federal Basic Support; dollars for construction and refurbishment of vending stands and purchase of new and additional equipment; maintenance of existing vending facilities, health insurance premiums, life insurance policy premiums and pension fund payments for legally blind vending stand operators. Programs were established under the Federal Randolph-Sheppard Act of 1936 and parallel New York State legislation in the early 1990s to provide a vending facility program for the blind and to operate these vending stands on Federal, State and other property. Without matching state dollars from this fund, CBVH would be ineligible to receive Federal funds used to maintain and support the Business Enterprise Program resulting in a loss of income to the Business Enterprise Program (BEP) vending stand operators.

The Highway Revenue Special Revenue Fund provides funding for the Legally Blind Children's Recreational Services program. This program supports early intervention and expansion of educational and social opportunities outside of school for children who are legally blind to both teach and reinforce their rehabilitation and social skills. Funding for this program is authorized under the Federal Surface Transportation Act of 1982 and parallel New York State legislation of 1984. Funds accessed in this account allow legally blind children to develop the skills necessary to participate in future Federal vocational skills training programs.

The Gifts and Bequests Special Revenue Fund allows CBVH to accept gifts, donations and bequeaths, which are used to provide various services or commodities that are ineligible from other funding sources but allow expanded services for CBVH programs.

Issues: None.

Population Served: Approximately 690 legally blind consumers, including legally blind children, adults, and CBVH Vending Stand operators are served in New York State.

Performance Measures: Under the Vending Stand Account Special Revenue Fund, the continued viability of the Business Enterprise Program (BEP) is ensured through the BEP enforcement of rules and guidelines governing the BEP Vending Facilities. Each licensed vending facility is monitored and evaluated by BEP staff for proficiency in all facets of retail business management such as customer and employee relations, marketing, inventory control, purchasing, sanitation, sales and net profits and record keeping/reporting. The following are some major minimum standards established for CBVH to serve State eligible consumers through the BEP Vending program:

- Maintain the number of legally blind licensed vending facility managers at or above: 86 – recently there are 91 legally blind licensed vending facility managers; and
- Maintain the annual income of these managers at or above: \$30,000 – recently the annual average annual income of these managers has been \$36,450, with no blind manager income level calculated below \$30,000.

Under the Highway Revenue Special Revenue Fund, legally blind children receive outcome-focused training and social skills necessary to prepare them for vocational rehabilitation training services as adults. The attainment of outcomes is based on documented consumer assessments of rehabilitation services such as life skills, career exploration, computer training and social/recreational activities. The following is the major minimum standard established for CBVH to serve State eligible children through the Highway Revenue funded program:

- Social skills and training provided through this recreational services programming must provide available spaces for legally blind children throughout New York State at or above 475. Recently, 490 available spaces were filled for legally blind children to attain these services.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Subsidy – Federal and State

Mandate: The Federal Child Care and Development Block Grant Act, as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, restructured child care subsidy programs with a new Federal Child Care and Development Fund (CCDF). Social Services Law 410-u requires OCFS to establish a New York State Child Care Block Grant (NYCCBG) for child care comprising all of the Federal funds appropriated for child care under Title IV-A of the Federal Social Security Act and under the Federal Child Care and Development Block Grant (CCDBG) Act; any additional Federal funds that the State chooses to transfer from the Federal Temporary Assistance to Needy Families (TANF) Block Grant to the NYCCBG; any State funds appropriated for the provision by social services districts of child care assistance to families in receipt of temporary assistance and other low-income families and for activities to increase the availability and quality of child care programs.

SSL Section 410-v requires OCFS to allocate to local social services districts (LDSS) the portion of NYCCBG available for child care assistance in accordance with a plan developed by OCFS and approved by DOB. State reimbursement is available for 75% of the costs of providing assistance to temporary assistance families and 100% of the costs of providing assistance to low-income families up to the LDSS' block grant allocation. SSL Section 410-y requires each LDSS to maintain the amount of local funds in child care assistance as was spent in FFY 1995.

SSL Section 410-w(3) provides that local districts must guarantee child care assistance to certain families applying or receiving temporary assistance; choosing to receive child care assistance in lieu of temporary assistance; and transitioning from temporary assistance or from child care assistance in lieu of temporary assistance; LDSS may service other families determined eligible by OCFS regulations. 18 NYCRR 415.2 requires LDSS to provide child care to those optional categories included in the LDSS plan "to the extent funds are available."

Federal statute 42 USC 9858c.(c)(4) requires that the State provide assurances that payment rates are sufficient to ensure equal access for eligible children to comparable child care services that are provided to children whose parents are not eligible to receive assistance. Further, Federal regulation 45 CFR 98.43(b) requires that payment rates be based on a local market rate survey conducted biennially. These Federal requirements are also in SSL 410-x.(4). SSL Section 410-x(4) further provides that child care assistance paid for under the NYCCBG must be the actual cost of care up to the applicable market rate established by OCFS.

SSL Section 410-x(6) provides that child care assistance shall be provided on a sliding fee basis based upon the family's ability to pay.

The State must administer the use of CCDF funds for child care assistance in accordance with Federal law and regulations.

Mandated Funding Level: The Federal CCDF comprises three different funding components:

- Mandatory Funds – Federal share of that State's Title IV-A child care subsidy expenditures for Federal fiscal year 1994 or 1995 (greater of);
- Matching Funds – Federal funds matching state expenditures; state maintenance of effort required;
- Discretionary Funds – Federal funds appropriated under the CCDBG.

The Federal CCDF has requirements on how states may expend funds:

- No less than 4% shall be used for activities to improve the quality of child care;
- No more than 5% may be used for administrative activities;
- No less than 70% of Mandatory and Matching funds must be used for families receiving Temporary Assistance (TA), transitioning from TA, or at risk of becoming dependent on TA; and
- States must spend a substantial portion of the remaining funds to provide child care services to low-income working families.

Brief Description/History/Background: Social services districts receive an allocation of Federal and State Child Care Block Grant funds to administer the child care subsidy program and must expend local funds to meet an annual Maintenance of Effort (MOE) level. The guarantee of child care is a key support for TANF families to accept and maintain employment and to transition from and remain independent from reliance upon temporary assistance. CCDF rules require that child care payment rates be sufficient to ensure equal access for CCDF eligible families to child care services that are comparable to those provided to families not eligible to receive CCDF or child care assistance under any other Federal or State program. The issuance of a Request for Proposals (RFP) for a market rate survey is an OCFS administrative function in support of this Federal requirement.

In addition to Federal and State funds supporting local district subsidies, federal funds provide support for the child care needs of low-income students enrolled in the City University of New York (CUNY) and the State University of New York (SUNY), as well as child care subsidies for the children of migrant workers. Finally, Federal funds also support subsidies provided by certain local districts via facilitated enrollment pilot projects that demonstrate the effectiveness of providing subsidies to families with incomes at slightly higher levels than the NYSCCBG normally funds.

Issues: OCFS estimated the impact of the child care market rates adjusted in 2007 to be \$33 million. The next adjustment to market rates is required to be effective October 1, 2009. The fiscal impact cannot be determined at this point, but in the absence of additional Federal or State funds, the cost will impact local districts.

Population Served: In addition to supporting child care for families receiving temporary assistance, the Child Care Block Grant supports child care for families transitioning from Temporary Assistance, families choosing child care assistance in lieu of TA, low income-working families, teen parents, and children who need to be protected. During Federal fiscal year 2006-07, case-level data collected by OCFS for monthly submission to the federal Child Care Bureau, as required by the CCDF statute, indicates that over 214,000 children received child care subsidies funded under the child care block grant.

Performance Measures:

Based on March 2008 unduplicated child count data from the Division of Child Care Services (DCCS), it is estimated that approximately 47 percent of low-income cases with children receiving subsidies funded under the child care block grant on an annual basis are Temporary Assistance (TA) families eligible for a guaranteed child care subsidy. These include families with an eligible child under the age of 13 who need child care in order to participate in work activities required by the local social services district, who need to engage in work defined by the district, who are eligible for "child care in lieu of TA" to work the required number of hours, or who transitioning from TA. Of the children in these TA families, approximately 60 percent are between the ages of 0-5 for whom child care is critical and another 40 percent are between the ages of 6-13 or over age 13 with special needs who need at a minimum, after-school care.

Without stable child care arrangements in quality settings that enable a TANF parent to accept and maintain employment, the State would have more difficulty in achieving the federal work participation rates. Under the TANF program, states must engage certain percentages of their caseloads in work activities or face financial penalties for failing to meet the work participation requirements. These required participation rates are 50 percent overall and 90 percent for two-parent families; however, the rates a state must actually meet for a fiscal year (FY) are reduced by the amount of a State's caseload reduction credit. Generally, the caseload reduction credit equals the number of percentage points by which a state reduces its overall caseload in the prior fiscal year (the comparison year) compared to its overall caseload in the base year.

The Deficit Reduction Act of 2005 (DRA) updated the base year for the caseload credit from FY 1995 to FY 2005, effectively raising the target work participation rates. According to June 2008 OTDA caseload statistics, New York State's All Families work participation rate for combined TANF, Safety net and MOE families is 34 percent instead of the required 50 percent. This gap becomes an issue without the case reduction credits and supports such as child care become even more critical to meeting the requirement. The ability to reach required participation rates is also impacted by the imminent removal by HHS of a regulatory provision that currently allows states to receive additional caseload reduction credit for TANF MOE expenditures in excess of required MOE spending. This provision is likely to take effect during FFY 09. The penalties for failing to achieve the required rates are substantial.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal - Criminal History Reviews/ Fingerprinting

Mandate: Social Services Law (SSL) Section 390-b requires fingerprinting of all operators, employees, and volunteers in regulated child care programs and individuals 18 years or older living in family and group family day care homes. The day care program must submit fingerprints to OCFS. OCFS must process and submit the prints to the Division of Criminal Justice Services (DCJS). DCJS sends the results back to OCFS, which must review, determine which convictions are presumptive denials, summarize the results, conduct safety assessments, provide the results back to the applicable child care program, and follow up on any open arrests. OCFS must provide fair hearings, upon request, to determine if abuse of a perpetrator was a factor in the commission of a crime. Under SSL Section 390(10) a fair hearing also must be provided, upon request, if an application or renewal is denied, or a license/registration is limited, as a result of a criminal history review.

Mandated Funding Level: The cost for processing each fingerprint card through DCJS is \$75. The Quality Child Care Protection Act of 2000 mandates that OCFS pay the entire cost of fingerprinting.

Brief Description/History/ Background: The Quality Child Care Protection Act of the Laws of 2000 mandates that all persons working with children in all types of child day care settings be fingerprinted and, depending on the results of the fingerprinting, a safety assessment be conducted. These safety assessments are conducted by child care staff assigned to the seven regional offices and to registration staff. In addition, a criminal history background review is conducted. Legal staff reviews those safety assessments that would result in a denial of an application or limitation of a license/registration. Volunteers with the potential for regular contact with children must also be fingerprinted and undergo a criminal history review along with individuals 18 years or older living in family and group family day care homes. Presently, there are 18,100 regulated programs which means that any employee, potential employee, applicant, volunteer, or household member either has been or will be subject to the fingerprinting and criminal history review.

The core functions associated with this requirement are:

- Fingerprinting
- Safety assessment interviews
- Reference checks
- Procurement of criminal history statement
- Procurement of associated court documents
- Determination as to acceptability of person with criminal backgrounds
- Monitoring of programs with persons who have restrictions due to criminal history

Issues: None.

Population Served: All applicants, employees, potential employees, and volunteers with the potential for regular contact with children in family day care homes, group family day care homes, day care centers, and school-age child care programs; all individuals 18 years of age and older living in family and group family day care homes.

Performance Measures:

- Number of persons fingerprinted - For the period August 1, 2007 through July 31, 2008, the last full annual period available, the CHRU indicates that 43,083 cards were transmitted to the DCJS. This compares to approximately 37,000 cards in the prior year.

The following statistics are reflective of safety assessment information in the Child Care Facility System (CCFS) from 2007 through September 2, 2008. The release dates of the safety assessment upgrades to the CCFS were implemented regionally so the numbers from 2007 are not necessarily reflective of a full 12 months in all cases.

- Number of safety assessments conducted -- Since 2007, 9,246 safety assessments have been conducted (4,044 in 2007 and 5,202 to date in 2008).
- Number of terminations from employment due to criminal backgrounds -- Since 2007, 58 persons have been terminated/do not hire or had their role disallowed due to their criminal backgrounds.
- Number of licenses and registrations restricted due to persons with criminal background -- Since 2007, there have been 1,299 restrictions issues due to a person's criminal background.
- Number of overdue safety assessments -- There are currently 232 overdue safety assessments.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal - Infant/Toddler Child Care Regional Services Initiative

Mandate: None specifically for this regional services initiative, however, Congress annually enacts allocations of CCDF Discretionary funding to states for the purpose of increasing the supply of affordable and high quality care for infants and toddlers. Examples of activities eligible for funding under the infant and toddler earmark include health consultation, program monitoring, family child care networks, training, scholarships, mentoring and continuity of care.

Mandated Funding Level: The FFY 2008 federal appropriations law, P.L. 110-161, allocated slightly over \$5M to New York State. The SFY 2008-09 State budget mandates that \$1.1M of the federal earmark be used for infant/toddler regional resource centers. The \$1.1M is available to continue existing programs that are satisfactorily performing as determined by OCFS or to award new contracts.

Brief Description/History/Background: The infant/toddler initiative started as a result of strong advocacy by the child care community, which argued that specialized services for infants and toddlers are a definite need in New York State. The primary goal was to establish regional resource centers to develop local capacity for helping child care providers to create high-quality child care environments for infants and toddlers. The infant/toddler initiative created seven regional specialized infant/toddler technical assistance centers. A child care resource and referral agency (CCR&R) is the lead agency in each of the seven regions. These lead agencies partner with other CCR&R programs in their region to provide services that address the unique developmental needs of New York State's youngest population – infants and toddlers. This program is funded under the portion of funds the State receives annually under CCDF Discretionary funding that the federal government earmarks, or targets, for the improvement of infant and toddler child care. The State uses the remainder of the earmark, to increase the availability of high quality infant and toddler child care by prioritizing start-up activities, offering incentives for each slot created and by funding provider education and accreditation in this area.

Issues: CCR&Rs continue to advocate for additional funding. Even so, the intent of this initiative was to build capacity, not necessarily to support a network in perpetuity. Funds for this work were cut in the past, but were subsequently restored as a result of advocacy on the part of the child care advocacy community.

Population Served: All families and child care providers who need infant/toddler child care services throughout NYS.

Performance Measures: Measuring quality is a priority. All funded programs enter into performance-based contracts with OCFS. Using data from a statewide functional cost analysis, programs are assigned a unit-of-service cost for specific services such as number of referral contacts, technical assistance, and consultation. Milestones are established during the contract development process and data is collected on a quarterly basis. In addition, since the Infant/Toddler programs focus on recruitment and retention of child care staff by providing specialized training in serving the infant and toddler population, success is measured by the number of child care staff who are awarded an Infant Toddler Certificate.

The following performance outcomes are available for 2008:

CCRR 2008 CCRR Infant-Toddler Annual Milestone Chart

Infant-Toddler Measurable Milestone	Purpose
Basic Technical Assistance (By phone, email, fax and in-person)	2,128 Provides access to information on such topics as best practices for infant/toddler child care, indicators of quality infant/toddler child care programs, information on business administration practices for infant/toddler child care services and regulation
Intensive Technical Assistance/Hours	1,286 Provides access to information on such topics as; best practices for infant/toddler child care, indicators of quality infant/toddler child care programs, information on business administration practices for infant/toddler child care and regulations govern
Training/Hours	3,746 A group presentation that can be conducted in any location on a variety of topics aimed at improving services to infants/toddlers. There are no specific eligibility requirements for participants.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal - Legally-Exempt Child Care Enrollment Agencies

Mandate: Federal statute [42 USC 9858c(c)(E) and regulations (45 CFR 98.) require states to establish procedures to register (referred to as "enroll" in NYS) legally-exempt providers that provide care to families receiving child care subsidies funded with Federal Child Care and Development Funds (CCDF). Federal statute [42 USC 9858c(c)(F)] and regulations [(45 CFR 98.41) require states to have health and safety requirements applicable to child care providers providing care to families receiving child care subsidies funded with Federal Child Care and Development funds and procedures for ensuring that providers comply with those requirements. SSL Section 410-x(3) requires OCFS to establish, in regulation, minimum health and safety requirements for legally-exempt child care providers serving families that receive child care subsidies. The new regulatory requirements are set forth in the New York State Code of Rules and Regulations Title 18 (NYCRR) Section 415.1, 415.4, and 415.9.

Mandated Funding Level: None

Brief Description/History/Background: New York State continues to honor the primary role and rights of parents to decide the most appropriate child care settings for their own children, a requirement also reflected in Federal Law. New York's legally-exempt caregivers are required to become enrolled through a legally-exempt caregiver enrollment agency in order to be eligible to receive child care subsidy payments. Thus, New York's child care subsidy program provides parents with the right to select from among all forms of legal child care for their children, including legally-exempt forms of child care. In 2006, in order to enhance safety and promote the healthy development of children, while safeguarding the investment of public funds, Child Care Resource and Referral (CCR&R) agencies were mandated to provide legally-exempt enrollment services in upstate New York. These agencies determine whether providers meet basic health and safety requirements, conduct inspections, offer technical assistance, and terminate enrollments when unsafe conditions are found. In 2007, New York City legally-exempt enrollment services were implemented in the Bronx through an open competitive bid process. Legally-exempt enrollment services in the remaining boroughs will be implemented by the end of 2008.

Issues: Although a challenging child care modality, oversight, technical assistance and systems activities are crucial to promoting the health and safety of children and quality child care. Assessing and detecting fraudulent behavior by providers is also necessary. Enrollment agencies report that limited resources make it difficult to retain qualified staff and maintain service provision.

Population Served: All families eligible for child care subsidies that select a potential legally-exempt provider may be enrolled.

Performance Measures: Legally-exempt enrollment agencies have performance-based contracts. Milestones that drive payment include the following:

- Legally-exempt caregiver's enrollment package information must be reviewed within 5 business days.
- Temporary enrollment decision must be rendered within 10 days and, subsequently, a full enrollment decision within 40 days.
- Re-enrollment process must be completed within 40 days of receipt of a completed re-enrollment package.
- On-site inspections must be made of 20% of legally-exempt child care caregivers not enrolled in the Child and Adult Care Food Program.
- Quarterly reviews of case files must be maintained by enrollment agencies.
- Appropriate entries into the OCFS database must be made in a timely manner.

It is anticipated that the Child Care Facility System (CCFS) will be upgraded by 2009 to produce reports of the performance of legally-exempt enrollment agencies around all of the above-noted measures. Meanwhile, CCFS is able to report on the 20% inspection rate requirement. Upstate there were 6,139 legally-exempt family day care providers eligible for inspections in 2007. Of the 6,139, 20 percent is 1,228 inspections. The total number of inspections actually carried out was 1,713, or 28 percent.

**OFFICE OF CHILDREN & FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal - Licensing/Registration, Monitoring/Oversight, and Legal Enforcement

Mandate: Social Services Law (SSL) Section 390 requires OCFS to license day care centers and group family day care homes and register family day care homes and school-age child care programs. Licenses/registrations must be renewed biennially. Programs must be inspected before a renewal is granted. OCFS must also conduct announced and unannounced visits in response to complaints within specified timeframes. OCFS may assess penalties for certain violations. A fair hearing must be provided, upon request, if an application or renewal is denied or a license/registration is revoked, terminated, or limited or a penalty is imposed as a result of enforcement action. OCFS must establish a toll-free statewide telephone number to receive inquiries and complaints about child care programs. Information available must include the current status of a provider's license/registration, the results of the most recent inspection, complaint information, and any waivers granted to the program. Section 390-b of the SSL requires criminal history reviews and safety assessments by OCFS of child care providers, employees, volunteers, and household members 18 years of age and older in group and family day care homes. Section 424-a of the SSL requires OCFS to conduct database checks through the Statewide Central Register of Child Abuse and Maltreatment (SCR) of any day care operator, assistants in group family day care homes, and any person over the age of 18 who resides in a family or group family day care home. Section 424-a (1) (f) precludes OCFS from charging a fee for such SCR checks.

SSL Section 390(8) requires OCFS to maintain a list of all child day care applicants, providers, facilities, and a list of those that have had their license/registration revoked, rejected, terminated, or suspended; such information shall be available to the public. Federal statute [42 USC 9858c(c)(2)(C)] and Federal regulation (45 CFR 98.32) make it a federal Child Care Development Fund (CCDF) Plan requirement that states maintain a record of substantiated parental complaints and make the information available to the public on request. SSL, Section 390(3)(c) requires OCFS to make available certain information to the public regarding child care programs including licensing status; results of most recent inspection; complaints filed which describes the nature of the complaint and how it was resolved; steps taken to rectify the complaint and the penalty, if any, imposed; and any waivers that have been approved. OCFS must maintain all complaints, including allegations of illegal day care activity to be provided on demand to the NYS Department of State. OCFS must also provide a list of active facilities on demand to the NYS Department Taxation and Finance and the NYS Department of Health Immunization Program and the Child and Adult Care Food Program (CACFP). Federal statute [42 USC 9858c(c)(2)(E)] makes it a federal CCDF plan requirement that the State create and maintain an enrollment system for legally-exempt providers of day care; Federal regulation (45 CFR 98.45) requires states to maintain a list of the names and addresses of such providers.

Federal law (42 USC 9858c(c) (2) (E) and regulations (45 CFR 98.40 and 98.41) require, as a condition of receiving Federal Child Care Development Fund (CCDF) awards, that the state must certify that it has in effect licensing requirements applicable to child care services programs and that all providers of child care services funded under the CCDF comply with all applicable licensing and regulatory requirements.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: OCFS is responsible for promoting the health, safety, and well being of 506,000 children in 18,100 regulated child day care programs throughout the State. Through the expertise of staff in 7 regional offices and through 35 registration contracts, the Division is responsible for all aspects of regulating child care in New York State, (with the exception of day care centers in NYC). The DCCS regional office and home office staff provides support to the operators of the four types of child care -- family day care, group family day care, day care centers and school age child care programs. The core functions of the licensure and registration staff are rooted in law and are described above. The Bureau of Day Care Enforcement in the Division of Legal Affairs provides legal support to DCCS in enforcement actions. The Bureau of Special Hearings conducts administrative hearings requested by child care providers in response to enforcement actions. In support of the above-noted core functions, the Child Care Facility System (CCFS) is the

database of all day care providers and applicants. It tracks all activity regarding the requesting and generating of applications to provide care, the licensing/registration process, provider compliance (inspections and violations), complaints, and criminal history. It generates all provider communications and is the database of record. The Fingerprint Imaging Processing System (FIPS) provides search and retain criminal information obtained via NYS Division of Criminal Justice Services and interfaces with CCFS. The health and safety of children in the child care system would be greatly compromised if any reductions in funding were to be made to this category. All of the licensing/registration, monitoring, oversight, and legal enforcement described above are mandated by law.

Issues: None.

Populations Served: All families of New York State with a specific focus on low-income families striving to maintain self-sufficiency. The child day care applicant and provider population is served through the technical assistance rendered by field staff and managers as they work on opening new child care businesses and maintain those already in operation. The goal is to have children in child care programs that are compliant and meet health and safety standards while promoting quality programs. The CCFS and FIPS systems provide information to DCCS Home Office staff; Division of Legal Affairs Child Care Enforcement staff; regional office staff including Managers, licensors and support staff; Registration contract agency staff, including NYCDOHMH inspectors, registrars, and administrators; Legally Exempt enrollment agency staff, LDSS, NYCHRA, NYCACS; various NYS agencies; Child Care Resource and Referral agencies. Through the letters, licenses/registrations and other documentation generated by CCFS, day care providers are served. Provider applications are available to the public per requests submitted either directly to DCCS/Registration offices, or via the NYS Office of Permits and Licensing website. The public is also able to find and view limited provider data via the OCFS website.

Performance Measures: CCFS allows access to a number of reports that produce critical data that supports the necessity of maintaining adequate slots for children so parents can go to work, attend school, or look for employment. There are over 800 users of CCFS with 1.85 million transactions/month. System outages impacting 300 or more users are categorized as Severity Level 1 by Help Desk. The severity level and duration until resolution achieved is logged by Help Desk and rarely exceeds one hour.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal – Training

Mandate: SSL Section 390-a(1) requires all OCFS and municipal staff employed to accept registrations, issue licenses, and conduct inspections must receive training in five specified areas “subject to the amounts appropriated therefore.”

SSL Section 390-a(3) provides that OCFS must issue regulations requiring operators, employees, and assistants in regulated child care programs to receive 30 hours of training every two years, of which 15 hours must be received in the first six months of licensure or employment, in nine specified areas. Family and group family day care home operators must receive training in protecting the health and safety of children prior to being licensed or registered.

Mandate Funding Level: None.

Brief Description/History/Background: Social Services Law section 390-a requires child care providers to receive training in nine topic areas during a two-year period. OCFS contracts with SUNY to make training available at no cost to child care providers. In addition, SUNY provides training to OCFS staff (licensors and registrars). An array of professional development opportunities is available, including face-to-face workshops in classroom settings and i-Linc courses. Topics include developmentally appropriate practice for working with young children, NYS regulations, CCFS systems training, and child care subsidy rules, among others.

Training to child care providers is delivered via videoconferences and face-to-face workshops in classroom settings. Topics include health and safety requirements, CPR, first aid, shaken baby syndrome, administration of medication in child care settings, among others. The Educational Incentive Program is a scholarship program available to income-eligible child care providers that allows them to purchase credit and non-credit bearing courses related to child care.

Issues: OCFS is evaluating the effectiveness of the trainings and considering ways to make the training program more flexible, as well as more substantive for providers.

Population Served: Child care providers of all modalities of care (family day care, group family day care, school-age child care, and day care centers); OCFS staff, and registrars that perform the licensing and oversight functions similar to State staff; and trainers who conduct sessions on the administration of medication.

Performance Measures: Attendance at training is tracked and a post-test is administered following trainings. The following summarizes the types of training and numbers of providers who received training in 2007:

Training Activity	# Participants / Awards	Outcomes
General Teleconferences & Support Activities	37,103	98.4% pass rate
Licensing Training Institute (New Staff)	1,273	} 11.3% pre/post gain
Licensing Workshop Training (Current Staff)	1,127	
EIP College Credit Bearing Awards Issued	4,888	N/A
EIP Non-Credit Bearing	20,578	N/A
Medication Administration Training (MAT)	7,051	96.0% - 98.5% pass rate
CPR/First Aid Training Red Cross	11,723	99% pass rate

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Special Revenue – Child Care Quality and Protection Account

Mandate: State Finance Law Section 97-www establishes the Quality Child Care Protection Fund, which must consist of moneys received by the state pursuant to 390(11) of the Social Services Law (SSL) (which authorizes OCFS to impose civil penalties on child care providers in specified circumstances) and all other moneys appropriated, credited or transferred from any other fund or source. Moneys in the fund are available to OCFS to provide grants to child day care providers for health and safety purposes, training provider staff and other activities to increase the availability and quality of child care services. OCFS must submit an annual report to the Legislature and the Governor on the amount of available funds and their use.

Section 390(11)(d) of the SSL requires any civil penalty received by OCFS from child day care providers to be deposited to the credit of the Fund.

Mandated Funding Level: None. The expenditure of funds is limited to the authority provided in the annual budget.

Brief Description/History/ Background: The Fund was established in 2000 as part of Quality Child Care Protection Act of 2000, which established enhanced requirements for the regulation of child day care providers. The Fund consists of monies received by the State as civil penalties assessed against child day care providers for violations of State child day care licensing and registration regulations as well as regulations pertaining to standards and training and criminal history review for child day care. Funds are used to provide grants to child day care providers for health and safety purposes, for training of child day care provider staff and other activities to increase the availability and/or quality of child care programs.

Issues: Language added in the 2007-08 Budget appropriation bill directs the use of \$150,000 of revenues for the development of data and a report regarding the quality of child care including information on: co-payments; child care inspections; facilitate enrollment projects; turnover of child care staff; and recommendations for recruitment and retention. This report is currently under development.

Population Served: All families in need of child care and child care providers.

Performance Measures: N/A. All funded programs enter into performance-based contracts with OCFS.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Training and Development Program

Multi-Agency Training Account Special Revenue Other Fund 339

Training State Match State Operations Fund 003

Non-Federally Participating Training State Operations Fund 003

Miscellaneous State Match Special Revenue Other Fund 339

Training, Management and Evaluation (TMEF) Account Special Revenue Other Fund 339

Mandate:

Social Services Law (SSL) Section 409-g requires OCFS to develop and implement a plan for the training of social services district and other authorized agency caseworkers and supervisors involved in preventive services, foster care service and adoption services.

SSL Section 421(5) requires OCFS to implement a statewide training program for OCFS and social services district caseworkers and supervisors involved in the provision of child protective services.

SSL Section 459-g requires OCFS, to the extent funds are available, to arrange for or provide technical assistance to residential and non-residential programs for victims of domestic violence.

SSL Section 17(g) of the SSL provides that OCFS shall require the participation of all employees of a child protective service in a training course that has been developed by the Office for the Prevention of Domestic Violence, in conjunction with OCFS, regarding the dynamics of domestic violence and its connection to child abuse and neglect.

Mandated Funding Level: None. Subject to available appropriation authority.

Brief Description/History/Background: The Bureau of Training is responsible for the provision and oversight of training and professional development programs that support the staff of the public human services system to effect proper and efficient administration of the programs of the Office of Children and Family Services. Direct training is provided by staff of the Bureau; training programs administered under Memoranda of Understanding with educational institutions; and contracts with training providers across the State. The training provided by the Bureau is a vital component of the implementation of several of OCFS priorities including mandated training for staff of residential facilities; enhanced training for child protective services workers and supervisors; training for the prevention of domestic violence; providing training and information for Mandated Reporters and the general public on child abuse and neglect; adult protective services training; and foster and adoptive caregivers training. The Bureau also facilitates collaboration between juvenile justice and child welfare to support the alignment of services for all adolescents by combining training services; provides cost effective distance learning opportunities for local district and voluntary agency staff; and aligns training of State staff with operational priorities developed by program divisions including new employee orientation, supervisory, management and systems training.

Issues: Contracted training funds are supported primarily with Federal funds available under Title IV-D, IV-E, XIX and XX of the Social Security Act, as well as the Child Care Development Block Grant and TANF. Matching funds are primarily provided by General Fund State dollars. Costs are allocated to all programs on the basis of relative benefit received and claimed in accordance with various overhead accounts associated with the diverse programs administered by the State's human services agencies. In addition, the Bureau assesses a five percent administrative fee on each training contract, which is deposited into the Training Management and Evaluation Fund (TMEF). This Special Revenue Account and is used to support the Bureau of Training's professional, technical and administrative staff. Reducing or eliminating the method for generating revenue through Federal matching resources could negatively impact staff development operations and result in a significant reduction in statewide training services.

Population Served: All OCFS staff, staff of the juvenile justice system, staff of local social services districts (including the New York City Administration for Children's Services), cross-agency staff from the Department of Health, Office of Temporary and Disability Assistance, Office for the Aging, community and family support systems operated by voluntary residential child care agencies, child day care centers, mandated reporters and individual providers including foster and adoptive parents.

Performance Measures: OCFS has a comprehensive performance evaluation system to monitor and evaluate both direct and contracted training services.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Training and Development – Domestic Violence Training State Operations Fund 003

Mandate: Chapter 280 of the Laws of 2002 enacted SSL Section 17 (g) which requires domestic violence training for all Child Protective Services (CPS) staff.

Mandated Funding Level: None. Subject to available appropriations.

Brief Description/History/Background: The Office of Children and Family Services and the Office for the Prevention of Domestic Violence (OPDV) developed a curriculum, and OPDV staff began training CPS caseworkers throughout New York beginning in 2004. CPS workers receive training on the dynamics of domestic violence and its connection to child abuse and maltreatment to assist them in addressing these issues in their caseloads. The purpose is to increase awareness of the impact of domestic violence on the family system, enhance responsiveness to victims, build capacity to develop service plans that reduce the risk of future violence, and develop intervention skills in working with clients who are victims of domestic violence.

Issues: None.

Population Served: Child welfare/child protective services caseworkers and supervisors, local Department of Social Services administrators and managers, and staff from approved local domestic violence service provider agencies receive this mandated training. The clients served by the caseworkers include family members who are victims of domestic violence and child victims of abuse and maltreatment.

Performance Measures: OCFS has a comprehensive performance evaluation system to monitor and evaluate both direct and contracted training services. To date approximately 2,344 CPS workers have received training.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Training for Caseworkers

Mandate: SSL Section 421(5) requires OCFS, "subject to the amounts appropriated therefor," to provide a statewide training program for OCFS and LDSS employees in the provision and supervision of child protective services.

SSL Section 409-g requires OCFS, "within amount appropriated therefor," to develop a plan for training LDSS and authorized agency personnel including foster care, adoption and preventive services caseworkers and supervisors. The training must cover specified areas.

Mandated Funding Level: None. Limited to available appropriation authority.

Brief Description/History/Background: The Caseworker Training Initiative supports Chapter 525 of the Laws of 2006, which mandates an increase in training and qualifications for Child Protective Services (CPS) caseworkers and supervisors. This legislation requires increased CPS supervisory training for all CPS supervisors, expanded delivery of prerequisite courses, and expanded advanced CPS topic training delivery to support the new annual six-hour in-service training requirement for CPS caseworkers and supervisors. Training supported through this initiative include:

- Mandated five-day CPS-specific supervisory course for all CPS supervisors to improve skills, promote consistent implementation of effective practice, coach and monitor CPS caseworkers, model effective investigation, assess safety and risk practices, and increase cultural competency and sensitivity;
- Mandated annual in-service training for CPS caseworkers and supervisors (6 hours per year), which includes a variety of classroom and distance learning sessions to refresh and build staff knowledge and skill in the identification and investigation of child abuse and maltreatment, as well as new developments in legal, treatment, and prevention issues in child protection. The training includes topics on investigation, assessment and planning, documentation, medical and legal Issues, and Sexual Abuse Dynamics and Intervention;
- Annual in-service training for CPS caseworkers and supervisors through the Social Work Education Consortium statewide;
- Training support for the "Teaming Model" that re-structures individualized casework to that of team casework and group supervision;
- Improving Child Welfare Outcomes Program Improvement Plan;
- Strengthening supervision as well as workforce development;
- Directors of Services Training Institute on managing safety and risk for local districts;
- Technical assistance from the National Resource Center on child protective services policy and practice;
- Clinical experts as consultant/coaches on cases to develop a flexible training model for local districts to meet targeted needs and enhancing case practice.
- Child Welfare Coaching program for supervisors and management to improve individualized coaching and mentoring to enhance specific supervisory, management and leadership skills applied on-the-job to increase performance in safety and permanency outcomes.

This initiative supports the State share of over half of the mandated CPS training required of caseworkers and supervisors statewide and supports training for child welfare caseworkers on improving safety and risk assessments and repeat child abuse/maltreatment.

Issues: None.

Population Served: Child Welfare and Child Protective Services caseworkers and supervisors.

Performance Measures: OCFS has a comprehensive performance evaluation system to monitor and evaluate both direct and contracted training services.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Local Training Reimbursement

Mandate: SSL Section 112 requires each "public welfare district" to make provision, with the assistance and cooperation of the former State Department of Social Services, for suitable training of employees of its welfare department. Such provision shall include such of the following as the department approves or requires: employment of qualified training directors and/or teachers; scholarships and fellowships; continuing salaries of employees being trained; contracting or conducting training, seminars or workshops; paying stipends.

SSL Section 30 authorizes a local legislative body, with the approval of the former SDSS, to include in its appropriations moneys for the continuation of the salaries of their local welfare employees who are on leave to receive additional training to better perform their duties.

SSL Section 31 authorizes the former SDSS "from moneys received or appropriated for such purpose", pursuant to regulations, to grant fellowships and scholarships to local public welfare employees.

18 NYCRR 386.1-5 regarding Staff Development sets forth the regulatory provisions for the requirement to have a staff development program at the local district level, the types of staff development positions, the requirement for a local training plan, and the need for review of training expenditures in excess of \$5,000.

18 NYCRR sections 678.2 and 678.3 set forth the regulatory provisions for paid educational leave and tuition reimbursement for local district employees.

Mandated Funding Level: SSL Section 114 provides that notwithstanding Section 153, 257 or any other provision of the SSL, expenditures made by public welfare districts for salaries for qualified training directors pursuant to section 112 and for salaries for employees on educational leave pursuant to section 112 or 30 of the SSL shall be subject to State reimbursement in accordance with SDSS regulations, for the full amount expended after deducting any available Federal funds. The SFY 2008-09 appropriation is \$4.9 million. Also, up to \$750,000 may be transferred from the Fund 003 Federally Non-Participating Training appropriation to reduce the non-reimbursable share to local districts. Annual State appropriation language provides that the amount appropriated constitutes total State reimbursement for all local training programs in the applicable State fiscal year.

Brief Description/History/Background: Social Services Law requires all districts to provide a training program for its employees and to reimburse 100% of the salary and fringe benefits of a qualified Training Director for each local district. State funding from the local district training appropriation, totaling \$5.65 million, is allocated to local districts to support their training operations. The amount of available State funds does not affect the availability of Federal reimbursement. Because of the limited availability of State funds, it is necessary to establish a reimbursement ceiling for each district. The Local Training State Share cap has remained at approximately \$5.65 million since it was initiated in SFY 1995-1996. Currently there are 46 local social services district training contracts with various educational institutions serving 31 counties. The contracts across the state range from \$6,000 to \$1.1 million.

Issues: The non-Federal share of local costs in excess of the State share cap is non-reimbursable and directly impacts the amount of training services that can be procured to carry out local district staff development.

Population Served: Local social services district staff.

Performance Measures: Local departments of social services are responsible for monitoring and oversight of their training contracts. Each county has their own performance measures.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Central Administration – Office of Financial Management - Cost Allocation, Federal Reporting, Random Moment Study, Budget Management and Criminal History Processing

Mandate: General department administrative functions mandated by Section 20 of the Social Services Law include the following:

- Administer all the forms of public welfare work for which the state is responsible.
- Supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the state, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.
- Distribute, reimburse and grant the funds appropriated by the Legislature for such participation and also such funds as may be received from the Federal government for such purpose or purposes.
- Supervise local social services departments and approve or disapprove rules, regulations and procedures made by local social services officials within thirty days after filing of same with the commissioner.
- Make reimbursements of local welfare costs on a participating basis established by law, to advance grants of money for local welfare purposes and to administer a discretionary fund for such purposes within the limit of available appropriations.
- Pay such per centum as the legislature shall determine, of the salaries of local administrative personnel as it shall determine to be qualified to perform the duties assigned.
- Establish rules, regulations and policies to carry out its powers and duties under this chapter.
- Withhold or deny State reimbursement, in whole or in part, from or to any social services district or any city or town thereof, in the event of the failure of either of them to comply with law, rules or regulations relating to public assistance and care or the administration thereof.
- Promulgate any regulations the commissioner determines are necessary, in accordance with the provisions of section 111-b of this chapter, and withhold or deny state reimbursement, in whole or in part, from or to any social services district, in the event of the failure of any such district to comply with such regulations relating to such district's organization, administration, management or program. Upon withholding or denying state reimbursement, the commissioner shall notify the temporary president of the senate, the speaker of the assembly and the chairmen of the senate finance committee and assembly ways and means committee.

Other statutory and regulatory requirements include, but are not limited to, the following:

- State Plan submittal and amendment for Federal funds including Title IV-E, Title IV-B and Title XX funding sources.
- Federal Cost Allocations Plans.
- Federal claiming and reporting.
- Ombudsman services.
- Rate Setting responsibilities for Maximum State Aid Rates for foster care and the foster parent pass-through, as well as rates for OCFS facilities, Committee on Special Education maintenance, Out-of-State providers, Domestic Violence programs, Dormitory Authority construction project add-on rates, and Bridges to Health Medicaid Waiver.
- Ombudsman services to youth placed in the custody of the OCFS Commissioner.
- Administrative requirements for implementing provisions of the State Finance Law, Prompt Contracting Law and Civil Service Law.
- Administrative requirements of State control agencies including the Office of the State Comptroller, Division of the Budget, Office of General Services and the Office for Technology.

Mandated Funding Level: None. Determined based on annual appropriations.

Brief Description/History/Background: Continuing to provide effective and efficient policy and administrative oversight and support services in times of declining State financial support and rising costs will continue to challenge the Central Administration Program.

The Office of Financial Management encompasses the activities of the Bureaus of Budget Management and Financial Operations. The Bureau of Financial Operations coordinates and directs all fiscal operations of the Agency. The Bureau is the liaison with the Federal government for claiming, cost allocation and reporting on the disbursement of Federal funds. The Bureau is also the primary liaison with the Office of the State Comptroller regarding payments, reports and contract processing. The Bureau also manages the Criminal History Review Unit (CHRU) for foster and adoptive parents, as well as child day care workers. The Bureau of Budget Management is responsible for coordinating and directing all activities related to the budget including local district allocations and the Financial Plan. The Bureau is also responsible for allocating and monitoring Agency resources and managing Federal funds received by the Agency. The Bureau oversees the Rate Setting Unit, which includes developing per diems for various levels of residential care for State-operated facilities and calculating Maximum State Aid Rates (MSAR) for voluntary foster care agencies, Committee on Special Education Schools and Domestic Violence Programs.

A primary focus of the Division of Administration is concentrated on the receipt, management, and reporting of Federal funds that are essential for generating and protecting Federal funding that supports OCFS purposes. This includes substantial contact and coordination with the Federal Department of Health and Human Services related to Title IV-E, Title IV-B and Title XX Funding streams. In addition receives sub-allocations of Federal funds from the lead state agencies for Temporary Assistance for Needy Families Funding that supports child welfare programs and Department of Education funding that supports the Commission for the Blind and Visually Handicapped and the Youth Facilities program. Activities are focused on preparing grant applications, managing fund transfers, preparing quarterly estimates of expenditures and completing quarterly and final reports required by grant agencies. In addition, the Division of Administration manages the financial aspects of miscellaneous grants that are received by the agency. State Plan preparation, amendment and submittal is managed by the office of Strategic Planning and Policy Development.

Consistent with revenue protection activities, the Division of Administration is responsible for preparing all cost allocation plans that support the receipt, use and reporting of Federal funds. The Bureau of Financial Operations conducts the Random Moment Study (RMS), the federally approved cost allocation methodology for local social services district costs on a continual basis. The RMS operation involves the maintenance of two calling surveys, the City of New York's Administration for Children Services (ACS) and an eight-district consortium that represents the 57 Upstate districts to measure activity to develop quarterly statistics used to allocate costs to Federal and State funding programs. Annually, the RMS allocates \$950 million of local district administrative costs.

The Bureau also develops cost allocation plans for Central Office costs of both the Office of Temporary and Disability Assistance (OTDA) and OCFS. This process consists of maintaining over 100 allocation and program cost pools for each agency. The Central Office Cost Allocation Claim (COCAC) allocates over \$900 million to various Federal funding programs with approximately 52 percent of the claims impacting OCFS funded services and 48 percent in support of OTDA services.

Another primary activity of the Administration Program is the operation of the Criminal History Review Unit. This unit process almost 60,000 fingerprints annually to the Division of Criminal Justice Services for State and/or FBI checks. This office also coordinates notifications to requestors and includes Legal Affairs staff who must review certain fingerprint results.

Issues: None.

Population Served: The Central Administration Program supports and serves all recipients and providers of services and programs administered or overseen by the Office of Children and Family Services.

Performance Measures: The Bureau of Financial Operations is subject to Federal requirements related to the development and submittal of Federal Cost Allocations Plans that form the basis for the receipt of substantial Federal revenues from the U. S. Department of Health and Human Services and sub-allocations of Federal funds from lead State agencies that support educational, vocational, employment and visually handicapped services. OCFS must also meet performance standards related to timely completion of monthly, quarterly and annual financial reports, as applicable.

The Federal Administration for Children and Families (ACF) is required to conduct periodic eligibility reviews (Primary Eligibility Reviews) of a sample of cases to determine whether the foster care costs charged to the Federal Title IV-E program are appropriate. Federal disallowances are taken for maintenance and administrative costs of the sample cases that are found to be out-of-compliance. The Federal statute provides for a Program Improvement Plan (PIP) process for states found not to be in substantial compliance with a Primary Eligibility Review. At the end of the PIP period, ACF conducts a Secondary Eligibility Review. If a state fails this second review, the Federal government may impose a disallowance related to the state's entire Title IV-E claims. New York's Second Primary Eligibility Review currently is scheduled for August 31 to September 9, 2009. To pass the review 5% or less of the 80 cases reviewed (four or less cases) can be found out of compliance, and no more than 5% of the dollar value of claims may be in error.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Central Administration Program – Executive Office, Contract Management, Human Resources, Strategic Planning and Policy Development

Mandate: General department administrative functions mandated by Section 20 of the Social Services Law include the following:

- Administer all the forms of public welfare work for which the state is responsible.
- Supervise all social services work, as the same may be administered by any local unit of government and the social services officials thereof within the State, advise them in the performance of their official duties and regulate the financial assistance granted by the state in connection with said work.
- Distribute, reimburse and grant the funds appropriated by the Legislature for such participation and also such funds as may be received from the Federal government for such purpose or purposes.
- Supervise local social services departments and approve or disapprove rules, regulations and procedures made by local social services officials within thirty days after filing of same with the commissioner.
- Make reimbursements of local welfare costs on a participating basis established by law, to advance grants of money for local welfare purposes and to administer a discretionary fund for such purposes within the limit of available appropriations.
- Establish rules, regulations and policies to carry out its powers and duties under this chapter.
- Withhold or deny State reimbursement, in whole or in part, from or to any social services district or any city or town thereof, in the event of the failure of either of them to comply with law, rules or regulations relating to public assistance and care or the administration thereof.
- Promulgate any regulations the commissioner determines are necessary, in accordance with the provisions of section 111-b of this chapter, and withhold or deny state reimbursement, in whole or in part, from or to any social services district, in the event of the failure of any such district to comply with such regulations relating to such district's organization, administration, management or program. Upon withholding or denying state reimbursement, the commissioner shall notify the temporary president of the senate, the speaker of the assembly and the chairmen of the senate finance committee and assembly ways and means committee.

Other statutory and regulatory requirements include, but are not limited to, the following:

- State Plan submittal and amendment for Federal funds including Title IV-E, Title IV-B and Title XX funding sources.
- Ombudsman services.
- Ombudsman services to youth placed in the custody of the OCFS Commissioner.
- Administrative requirements for implementing provisions of the State Finance Law, Prompt Contracting Law and Civil Service Law.
- Administrative requirements of State control agencies including the Office of the State Comptroller, Division of the Budget, Department of Civil Services, Office of General Services, and the Office for Technology.

Mandated Funding Level: None. Determined based on annual appropriations.

Brief Description/History/Background: The Central Administration Program consists of the Office of the Commissioner and the Divisions of Administration and Legal Affairs that provide policy and administrative oversight and support to the Office of Children and Family Services (OCFS). The Office of the Commissioner consists of the following: Office of the Ombudsman; Public Information Office; Office of Special Investigations; and the Office of Strategic Planning and Policy Development. Continuing to provide effective and efficient policy and administrative oversight and support services in times of declining State financial support and rising costs will continue to challenge the Central Administration Program.

The Office of the Ombudsman protects and promotes the legal rights of youth in programs and facilities operated by OCFS. Reporting directly to the Commissioner's Office, this office hears complaints from residents placed in facilities under the jurisdiction of the Office of Children and Family Services. Ombudsman staff participate in the agency Resident Grievance Program by serving on a committee that reviews and makes recommendations on Step 3 Grievance Appeals. This Office also assists residents in accessing the courts/legal system. Approximately 900 requests for assistance are handled annually. In addition, this Office coordinates activities with the Independent Review Board.

The Division of Legal Affairs consists of: Hearings, Litigation and Appeals Unit; Legislation and Special Projects Unit; House Counsel; Deferrals and Disallowances Unit; Criminal History Review Unit; Day Care Enforcement Unit; Federal Liaison Unit; and Special Hearings Unit.

The Bureau of Contract Management (BCM) oversees the procurement and contract processes for all OCFS programs, including the mandatory provisions of the Prompt Contracting and State Finance Laws. The Bureau provides technical assistance with the development of procurements, proposal evaluation, and contract documents; monitors staff compliance with State and Agency procurement provisions; manages purchasing and contract policies; and processes contracts and contractor claims. BCM ensures that procurements withstand the Office of State Comptroller (OSC) bidding and contract requirements and is the liaison with the Attorney General's Office (AG) and OSC; as well as the Division of the Budget on contract related topics.

The Office of Human Resources coordinates all human resources activities within the Agency. Including hiring policies, personnel transactions, practices and procedures. The Office is the liaison with the Department of Civil Service, Civil Service Commission, Governor's Office of Employee Relations, and the Comptroller's Office to ensure that the agency's personnel, payroll and labor policies are conducted in accordance with State mandates.

Issues: None.

Population Served: The Central Administration Program supports and serves all recipients and providers of services and programs administered or overseen by the Office of Children and Family Services.

Performance Measures: Contracts involve an estimated 1,700 awards annually, totaling \$250 million. BCM is also responsible for the development and implementation of 2,500 Legislative member item contracts totaling \$21 million. These contracts generate over 20,000 payment vouchers annually. BCM also oversees the purchasing activities associated with 29,000 Purchase Orders valued at \$43 million annually. All transactions must conform to prompt Contracting requirements.

Office of the Ombudsman maintains data on the number of visits to facilities, youth contacts, types of complaints and resolution.

Office of Human Resources must meet OSC processing timeframes and bulletin requirements regarding payroll payments and classification standards.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Administration – Parker Training Academy and Regional Training Centers

Mandate: Child Abuse Prevention Act of 1985. The Office of Children and Family Services (OCFS) has designed a Basic Academy Training program to meet the mandated training needs of OCFS residential facilities including child abuse/maltreatment prevention and identification training.

Section 501(12)(i) of the Executive Law requires that administrators, employees, volunteers and consultants receive training in child abuse prevention and identification, safety and security procedures, the principles of child development, the characteristics of children in care, and techniques of group and child management including crisis intervention, the laws, regulations and procedures governing the protection of children from abuse and maltreatment, and other appropriate topics.

Section 501(12)(ii) of the Executive Law requires that OCFS takes all reasonable and necessary to assure that employees, volunteers and consultants in residential facilities and programs are kept apprised on a current basis of all policies and procedures relating to the protection of children from abuse and maltreatment and shall monitor and supervise the provision of training.

Section 413(1) of the Social Services Law requires certain professions to report suspected cases of abuse or maltreatment of children.

Regulation 9 NYCRR 166-1.5 mandates that child abuse prevention training shall be provided to all administrators, employees, and volunteers who have the potential for regular and substantial contact with youth in residential care.

Regulation 9 NYCRR 164.9 requires that each facility provide training at the time of employment and yearly staff development programs on the use of protective equipment, preventive practices, and circumstances which represent a risk for all employees whose job-related tasks involve, or may involve, exposure to blood or bodily fluids.

Regulation 9 NYCRR 166-1.4 requires that upon notification that a report of child abuse or maltreatment with respect to a youth in a residential facility or program there shall be increased training to staff and volunteers pertinent to the prevention and remediation of abuse and maltreatment.

NYS Public Health Law 3000b outlines that all government institutions, offices and state educational facilities be required to have Automatic External Defibrillator (AED) equipment on the premises. The law states that no person may operate an AED unless the person has successfully completed a training course in the operation of an AED approved by a nationally-recognized organization or state emergency medical services council.

American Correctional Association (ACA) standard 2-CO-1D-03 requires that the agency's training plan provide for ongoing evaluation of all pre-service, in-service and specialized training programs. ACA standard 2-CO-1D-02 requires that written policy, procedure and practice specify training and staff development requirements including fire and emergency procedures, safety, interpersonal relations, report writing, communication skills and sexual harassment.

ACA standard 2-CO-1D-05 requires that full time facility employees receive 40 hours of orientation prior to job assignment. ACA standard 2-CO-1D-08 requires that all employees who have contact with clients receive 16 hours of training in addition to the orientation training during the first year of employment and 16 hours of training each year thereafter.

Mandated Funding Level: None. Determined based on annual appropriation.

Brief Description/History/Background: OCFS is responsible for the planning, development and implementation of a multi-agency human services training program. This includes the ongoing management of daily operations and juvenile justice training at the Parker Training Academy, as well as with four regional training centers in the Western, Central, Manhattan and Capital District regions for facility staff who provide services to youth in communities and residential programs. The four regional training centers provide support to the Parker Training Academy, and are also responsible for internal consulting, facilitation, and management and professional development training activities. The Parker Training Academy's primary purpose is to train direct care Youth Division Aide (YDA), Recreational Specialist and Youth Counselor staff who work in Division of Juvenile Justice and Opportunities for Youth (DJJOY) residential facilities. The course mandated for all YDA staff is a five week Basic Academy Training.

The Basic Academy Training provides trainees with the basic principles of security, supervision and safety where participants are trained in a broad range of safety and security requirements, including intervention and prevention techniques. The course provides formal training in youth rights, OCFS policies and procedures, facility policies and procedures, mandated reporter training, suicide risk reduction, cultural awareness, documentation of numerous logs and reports, sexual harassment prevention, first aid/CPR, adolescent development, crisis management, restraints from a therapeutic perspective, characteristics of adolescent behavior and its impact in residential settings. The Academy gives new employees current information on the OCFS direction and philosophy and emphasizes the treatment of juveniles through counseling, habilitation and teaching of pro-social skills.

The Parker Training Academy, centrally located in Red Hook, NY provides training to a variety of OCFS staff and continues to partner with other stakeholders. Examples of other topics taught or facilitated at the academy are Aggression Replacement Training for Practitioners and Leading Psycho-Educational Groups, GOER Partnerships Trainings, Sexual Harassment Prevention, Youth Advocacy meetings, crisis management training-the-trainers, first aid instructor refreshers, report writing, leadership meetings and Sanctuary Model training. The Parker Training Academy also serves as a full time regional training center, providing mandated training support to five youth facilities and various OCFS regional offices. There are 12 FTEs employed at Parker. Disbursements are projected at \$1.6 million for SFY 2008-09.

Issues: None.

Population Served: YDA, Recreation staff and Youth Counselor staff from DJJOY as well as other OCFS staff.

Performance Measures: The Bureau of Training tracks all employees who have received Basic Academy Training and other training activities in the Statewide Training and Registration System (STARS). The Academy meets the training policy mandate that staff must receive training in Crisis Management and Physical Restraint before working with youth. Training policy for DJJOY staff in facility and day placement programs requires that YDAs, Recreation Specialists, Youth Counselors new to OCFS to attend and complete Basic Academy Training prior to being assigned to direct care duties. From January 1, 2008 to present, the Parker Training Academy/Regional Training Center has trained 136 Academy participants and conducted 34 non-basic Academy programs, for a total of 394 participants.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Council on Children and Families

Mandate: Social Services Law Article 10-C §483

Mandated Funding Level: None. Determined based on annual appropriations.

Brief Description/History/Background: Established as Chapter 757 of the Laws of 1977, the Council was administratively merged with the New York State Office of Children and Family Services in 2003. The Council's work remains true to its original intent to be a neutral body within state government capable of negotiating solutions to interagency issues. The Council is authorized to coordinate the state health, education and human services systems as a means to provide more effective systems of care for children and families. Specific mandated functions follow:

Hard to Place / Hard to Serve (HTP / HTS) - The Council is authorized by law [under powers and duties of the Council, see SSL §483-b(4)] to work with State and local agencies and parents to identify and resolve interagency issues and jurisdictional disputes that impede access to services for children and youth who are hard-to-place and hard-to-serve because of their multiple disabilities. The primary objectives in resolving these cases are to ensure that individual children receive the most appropriate community-based or residential services; minimize delays in arranging services; resolve service disputes; and facilitate the development of specific services and programs designed to meet the needs of children and youth, particularly those with non-traditional and complex needs.

Committee on Restraint and Crisis Intervention Techniques (RCIT Committee) - In 2006, the RCIT Committee was established under the Council (see SSL §483-e) to: identify the most effective, least restrictive and safest techniques for the modification of a child's behavior in response to an actual or perceived threat by the child of harm or bodily injury to the child or others; review models of crisis prevention and intervention, including the use of physical restraints; and establish uniform and coordinated standards giving preference to the least restrictive alternative for the use of such techniques.

Out-of-State Placement Committee (OOS) - In 2005, the Out-of-State Placement Committee was established within the Council (see SSL §483-d). This law improves the monitoring of out-of-state residential placements, promotes coordination among New York's child serving agencies, and establishes a process for identifying and considering in-state resources prior to making an out-of-state placement.

Coordinated Children's Services Initiative (CCSI) - In 2002, CCSI was established within the Council by law (SSL §483-c) and expanded to address the cross-system treatment needs of children with multiple diagnoses. CCSI serves as a mechanism to make certain that multiply-diagnosed children receive the necessary services and supports that will allow them to remain in their homes, schools and communities. CCSI ensures the coordinated delivery of services through a three-tier interagency structure that addresses service barriers at the provider, county, and State levels.

Governor's Children's Cabinet (Children's Cabinet) - The Children's Cabinet was established by Executive Order on June 12, 2007. The Governor's Office assigned responsibility for coordination of the Children's Cabinet and Advisory Board to the Council.

Issues: None.

Population Served: In keeping with the Council's overall mission, the population served is all children and families. Specific activities serve the following populations:

Hard to Place / Hard to Serve (HTP / HTS) program serves children and youth who are hard-to-place and hard-to-serve because of their multiple disabilities. The Committee on Restraint and Crisis Intervention Techniques supports children and youth residing in children's service settings licensed by the Office of Children and Family Services, Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, and the State Education Department.

The Out of State Placement Committee (OOS) supports children and youth who have been placed in out-of-state settings because of their multiple disabilities.

The Coordinated Children's Services Initiative (CCSI) supports children with cross-systems needs who have, or are at increased risk for having, complex, co-occurring unmet medical, mental health, developmental, substance abuse, education, social, vocational, or other needs that necessitate collaboration among multiple service delivery systems, families, and youth to create a comprehensive, coordinated system of care.

Performance Measures: None

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Division of Legal Affairs

Mandate: Mandates administered by the Division of Legal Affairs are very broad and encompass all statutory and regulatory requirements of the Office of Children and Family Services (OCFS). In addition, pursuant to the Social Services Law (SSL), applicants for recipients of foster care services, day care services, homemaker services, and other child care services may appeal decisions of social services officials to OCFS. Local social services officials must determine eligibility for and the level of payment provided for such services, and must advise individuals of their opportunity to challenge a local determination by a hearing.

Hearings under the Social Services Law and before OCFS are also available to citizens of this State to challenge a variety of other governmental determinations. Such determinations include, among others, decisions to remove publicly funded foster children from foster homes; the listing of a person in the Statewide Central Register of Child Abuse and Maltreatment as a perpetrator of child abuse or maltreatment; the proposed disclosure of the existence of such listing to an inquiring provider or licensing agency; the decision to deny, revoke, suspend or otherwise limit the license or registration to provide day care for children; denials of applications to adopt children and for adoption subsidies; decisions of the State Commission for the Blind and Visually Handicapped to deny or limit services or participation to its constituents; and decisions to deny, suspend, revoke or otherwise limit an operating certificate to provide care for aged and infirm adults in family settings. Special Hearings mandates include the following:

- Foster Care Removal hearings are held pursuant to Section 400 of the SSL in which foster parents challenge determinations by authorized agencies to remove children in foster care from the homes of the foster parents.
- Foster Care Payment hearings are held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by districts to deny requests by foster parents for foster boarding home payments at a rate higher than the rate being received by the foster parents; to deny voluntary foster care placement services for natural parents; or to challenge the adequacy of such payments or services.
- Child Abuse and Maltreatment Expungement/Amendment hearings are held pursuant to Section 422(8) of the SSL in which indicated subjects of reports of child abuse and maltreatment seek to overturn determinations to indicate reports.
- Protective Services hearings are held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by districts to deny, reduce or terminate adult or child protective or preventive services, or to challenge the adequacy of services authorized.
- Adoption Eligibility hearings are held pursuant to Section 372-e of the SSL to contest denials by an authorized agency of applications of persons seeking to become adoptive parents.
- Adoption Subsidy hearings are held pursuant to Section 455 of the SSL in which adoptive parents challenge the determination to deny an adoption subsidy; the determination to discontinue an adoption subsidy; or the amount of adoption subsidy payments being provided to the parents.
- Homemaker Services hearings are held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by districts to deny, reduce or terminate homemaker services for adults and children, or to challenge the adequacy of services authorized.
- Day Care hearings are held pursuant to Section 22 of the SSL and Parts 358 and 415 of the Social Services regulations to challenge determinations by districts to deny, reduce or terminate day care subsidy payments, or to challenge the adequacy of such payments.
- Transitional Child Care hearings are held pursuant to Section 22 of the SSL and Part 358 of the Social Services regulations to challenge determinations by districts to deny, reduce or terminate transitional child care payments, or to challenge the adequacy of such payments.
- Child Care Application hearings are held pursuant to Section 424-a(2) of the SSL in which applicants for employment, licensure or approval in a child care field seek to overturn determinations to indicate child abuse and maltreatment reports.

- Child Day Care Licensing hearings are held pursuant to Section 390(10) and (11) of the SSL to contest denial of an application for licensure or registration; denial of an application for renewal of licensure or registration; suspension, revocation or limitation of a license or registration to operate a child day care program; or imposition of a fine for violation of statutes or regulations.
- Family Type Homes for Adults hearings are held pursuant to Section 460-d(4), (7) and (9) of the SSL to contest denial of an application for licensure; denial of an application for renewal of licensure; revocation, suspension or limitation of the license; or imposition of a fine for violation of statutes or regulations concerning operation of a family type home for adults.
- CBVH hearings are held pursuant to Federal law or Section 8714-a of the Unconsolidated Laws to challenge determinations by the Commission for the Blind and Visually Handicapped to deny, terminate or change services or equipment provided to blind or visually impaired persons, or related to the operation of the Business Enterprise Program for the blind and visually impaired.

Mandated Funding Level: None. Determined based on annual appropriations.

Brief Description/History/Background: The Division of Legal Affairs consists of: Hearings, Litigation and Appeals Unit; Legislation and Special Projects Unit; House Counsel; Deferrals and Disallowances Unit; Criminal History Review Unit; Day Care Enforcement Unit; Federal Liaison Unit; and Special Hearings Unit. The Division of Legal Affairs provides legal advice, counsel and support to the OCFS Commissioner, all employees of the Office, and social services districts for all matters concerning the agency and its programs. The Division is also the liaison to the Office of the Attorney General and the Office of Court Administration. The following describes the major units and functions provided within the Division of Legal Affairs:

- The Hearings, Litigation and Appeals Unit provides proactive and defensive litigation services in relation to cases brought by and against the agency in State and Federal forums. This Unit functions as liaison to the Office of the Attorney General and coordinates the defense of the agency in Federal and State litigation, including Court of Claims matters, motion papers, affidavits and legal memoranda.
- The Legislation Unit, in consultation with the Governor's Counsel, reviews and comments on all legislation that may affect the Agency, and proposes OCFS departmental legislation.
- The House Counsel Unit is responsible for providing legal counsel and assistance to agency staff including a vast number of legal opinions, on a wide variety of child welfare, day care and administrative issues.
- The Deferrals and Disallowances Unit negotiates, appeals and resolves, through Federal authorities and other involved officials, issues related to State claims for Federal reimbursement; advises Agency employees on Federal statutes, regulations and policies; and advises on Federal funding in order to avoid Federal disallowances.
- The Criminal History Review attorneys are responsible for fingerprinting activities for foster care and adoptive parents and household members, child day care providers and household members, as well as their employees and volunteers. Attorneys review results according to State and Federal guidelines/statute. They are also directly involved in enforcement efforts against day care providers that are out of compliance with regulatory requirements including seeking fines and denying, suspending or revoking licenses/registrations.
- The Federal Liaison Unit monitors, reports and provides input on Federal administrative and legislative activities that affect OCFS; works with the Governor's Washington office to develop strategies for communicating OCFS' positions on relevant issues to Federal officials, Congress, national associations, and other states.
- The Special Hearings Unit conducts special hearings on issues pertaining to primarily expungement/amendment of child abuse and maltreatment records; foster care removals; denials of applications of persons seeking to become adoptive parents; denial of the adequacy of adoption subsidies; denial of an application or renewal for licensure or registration of a day care program; suspension, revocation or limitation of a license or registration to operate a day care program; and imposition of a fine for violation of statutes or regulations concerning operation of a day care program.

Issues: None.

Population Served: The Division of Legal Affairs supports and serves all recipients and providers of services and programs administered or overseen by the Office of Children and Family Services.

Performance Measures: Performance statistics include the following:

- Between 2000 and 2007, the number of hearings scheduled increased from 833 to approximately 6,192, an increase of 5,359, or 743 percent.
- Between 2000 and 2007, the number of hearings held increased from 603 to approximately 3,462, an increase of 2,859 or 574 percent.
- Between 2000 and 2007, the number of hearing decisions issued increased from 594 to 5,679 an increase of 5,085, or 956 percent.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Program Account Special Revenue

Mandate: None.

Mandated Funding Level: None. Funding is limited to the authority appropriated.

Brief Description/History/Background: The Program Account funds up to 84 staff positions in OCFS and funds contracts related to the support of health and social services programs with not-for-profit organizations for which no other appropriation is available. The Program Account evolved from the former Trust and Agency Account in the former Department of Social Services.

Issues: None.

Population Served: The contracts with various not-for-profit entities support health and social services to recipients. The staff positions support agency operations related to the administration of the Program Account contracts as well as other OCFS contracts and services.

Performance Measures: Performance measures are based on factors identified in each contract.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Equipment Loan Fund for the Disabled - Special Revenue Other Fund 307

Mandate: Pursuant to Chapter 609 of the Laws of 1985, this program is statutorily authorized by Social Services Law (SSL) Sections 20 (3)(d), 326-a and 326-b, with regulatory authority under 18 NYCRR Part 728.

Mandated Funding Level: None. Funding is limited to the amounts appropriated. This fund is supported entirely by self-generating revenue obtained from prior loan repayments.

Brief Description/History/Background: The Equipment Loan Fund for the Disabled provides low interest loans to eligible persons with disabilities to allow them the opportunity to purchase or replace essential equipment used for daily living or vocational functioning following rehabilitation. Each loan may be for any amount up to \$4,000, which enables individuals to obtain more sophisticated and expensive equipment. Since individuals with low incomes have had difficulty obtaining loans through conventional methods for such equipment, the funding provided by this program is necessary to support these needy individuals toward the goal of self-sufficiency. Outstanding loans cannot be renegotiated for a larger amount, unless the loan is at least 75 percent repaid and the additional amount is to be used for upgrading the equipment obtained with the original loan, at the discretion of the loan committee.

Issues: None.

Population Served: The number of loan applications for equipment loan funding varies significantly from year to year. A multiple years' average of approximately 50 individuals with disabilities receive these loans annually.

Performance Measures: In the event of the failure of the borrower to repay the loan balance due, OCFS is instructed according to regulation to seek to recover the loan balance by such appropriate administrative or legal action available. Persons who have defaulted on a loan are not eligible for a new loan.

A multiple years' average percentage of loan applications granted is 84 percent. In the vast majority cases of unsuccessful applications, the applicant was at fault for not completing their necessary preliminary obligations to be granted a loan. Also, typically the loan process has equitably granted loans across all applying disabilities categories, all age groups and all regions of the state. Also, 14 severely delinquent accounts were reported and forwarded to the State Office of the Attorney General for final action over a recent annual period. This is the last step after taking multiple steps over a prolonged period of time to resolve the delinquency problem.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Youth Gifts, Grants and Bequests Special Revenue Fund – Other Fund 020

Mandate: None.

Mandated Funding Level: None. enacted

Brief Description/History/Background: 2008-09 enacted budgets provided the maximum funding level of \$3 million. Projected disbursements for 2008-09 are \$229,000 and \$236,000 for 2009-10. The appropriation language authorizes this account for “services and expenses related to studies, research, demonstration projects, recreation programs and other activities including payment for tuition, fees and books for approved post-secondary courses and vocational programs directly related to current or emerging vocations, for youth in the Office of Children and Family Services facilities”. The Youth Gifts, Grants and Bequests Account was established to allow OCFS to access and spend non-State revenues such as foundation grants and private donations. OCFS seeks grants from private and corporate sources to benefit youth residing in residential programs and for community programs that serve children and families.

Current programs include a Casey Family Programs grant to assist in meeting the workforce development needs of youth aging out of foster care in placement in New York City. The program provides employment skills and services to place youth in training, education and job programs. In addition, OCFS receives funding from the Doris Duke Foundation in order to expand the evaluation of the Healthy Families New York (HFNY) home visiting program. Finally, the Bequests and Gifts Account is used for payment for tuition, fees and books for approved post-secondary courses and vocational programs for youth in OCFS facilities who have completed their high school degree. The funds support accredited academic college courses and emerging vocational training.

Issues: None.

Population Served: Juvenile justice, foster care and disconnected youth.

Performance Measures: Measures are dependent on the programs, goals and requirements of the initiative and grantee.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Systems Support

Mandate: A bill from 2007/2008, S.7982-A, which passed in both houses and is pending before the Governor, would require tracking restraints in OCFS facilities and authorized agencies.

Mandated Funding Level: None

Brief Description/History/Background: The agency uses and maintains approximately 80 automated information systems for program and operational purposes. The systems are varied sizes, ranging from limited applications supporting Agency management functions in one or two bureaus, to large complex systems designed according to Federal and State program requirements. The systems allow OCFS to generate and preserve more than \$2 billion in Federal financial participation, on an annual basis. These systems include, but are not limited to, the following:

- Adult Services Automation Project (ASAP)
- Advanced Integrated Management System (AIMS)
- Automated Restraint Tracking System (ARTS)
- Case Management Automation Project (CMAP) for DJJOY
- Child Care Facility System (CCFS)
- Child Care Reporting System (CCRS)
- Data Warehouse/Operational Data Store
- Domestic Violence Information System (DVIS)
- Fingerprint Information Processing System (FIPS)
- Geographic Information Center (GIS)
- Human Resources Integration Project (HRIP)
- Juvenile Detention Automated System (JDAS)
- Shared Application Functions
- State Central Register (SCR)
- Statewide Standards of Payment (SSOP)
- Benefit Issuance Control System (BICS)
- Administrative Systems (e.g., Central Accounts Payable System and Contract Management System)

The CONNECTIONS project is detailed on a separate Program Information Sheet.

Issues: The Administration for Children and Families (ACF) has just added compliance requirements for the National Youth in Transition Database (Chafee Independent Living Program), and expanded collection of AFCARS data (AFCARS-II), to the list of Federal mandates that OCFS must satisfy. New York must begin collecting Chafee data in October of 2010, which will require significant further development of CMAP and possibly JDAS databases and reporting functionalities, as well as the addition of a survey function that will enable OCFS to longitudinally track aged-out foster recipients. In addition, these systems requirements will drive significant training requirements.

Population Served: The Systems Support Program is responsible for the maintenance and development of all OCFS computer applications and shared responsibilities for automated systems that mutually benefit OCFS, the Office of Temporary and Disability Assistance (OTDA), the Department of Health (DOH) and the Department of Labor (DOL).

Performance Measures: Systems performance and maintenance requirements are defined based on the needs of each system.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: CONNECTIONS State Operations Fund 003
CONNECTIONS Special Revenue Federal Fund 265**

Mandate: Section 479 of Title IV-E of the Social Security Act, which instituted the Adoption and Foster Care Analysis and Reporting System (AFCARS). Requirements include:

- 45 CFR 1355.40, which outlines the scope of foster care and adoption data collection.
- The Child Abuse Prevention and Treatment Act (Public Law 93-247).
- Public Law 106-169, which established the John H. Chafee Foster Care Independence Program (CFCIP) at section 477 of the Social Security Act. This Law requires states to trace independent living services and imposes penalties for failure to comply.
- Chapter 446 of the Social Services Law, which provides authority for the development of CONNECTIONS.
- 18 NYCRR 466, which contains regulations relating to CONNECTIONS and mandates the use of CONNECTIONS by local social services districts and contract agencies for child welfare.

Mandated Funding Level: This project is supported through State Operations General Funds and Title IV-E Statewide Automated Child Welfare Information Systems (SACWIS) Federal funds. Participation in Federal Title IV-E funding requires a State share based on approved cost allocation plans and reimbursement rates. These State and Federal funds are essential for continued system functionality and operation that support the health and safety of children through the State Central Register 24-hour child abuse reporting system and mandated case record requirements for foster care, adoption, independent living, preventive and protective services.

Brief Description/History/Background: CONNECTIONS is New York State's response to Federal legislation requiring that each state monitor and report on foster care and adoption services. The CONNECTIONS project was initiated in 1994. Since then, the evolving users' needs and Federal and State requirements have made it necessary to continually improve the structure, process, functionality, and underlying technology of the project through a series of system fixes and enhancements.

In the summer of 2006, OCFS initiated a major re-architecture effort known as the CONNECTIONS Architecture Modernization Project (CAMP), to solve three problems: the current architecture could not sustain the transaction volume anticipated for the final stages of the application without serious risk of system failure; the current architecture is based on outdated technologies that are complex and difficult to manage; and finally, the current technology requires significant system downtime to deploy software modifications.

Ultimately, the successful completion of CAMP will result in a new, web-based technical architecture that will fully support all required SACWIS functionality. This will allow for the CONNECTIONS application to be preserved while incorporating enhanced and much-needed functionality such as improved usability and easier navigation.

Issues: There are three major issues faced by CONNECTIONS. First, in 2006 OCFS and the ACF began discussing the possibility that New York may not be able to fully implement Federal SACWIS requirements. Although no decision has yet been reached, the ACF instructed OCFS, by letter, that failure to achieve full SACWIS compliance, or voluntary withdrawal from the program, would place New York at risk for a substantial disallowance of prior Federal funds received for CONNECTIONS.

Second, the ACF has just added compliance requirements for the National Youth in Transition Database (Chafee), and expanded collection of AFCARS data (AFCARS-II), to the list of Federal mandates that CONNECTIONS must satisfy. New York must begin collecting Chafee data in October of 2010, which will require significant further development of CONNECTIONS' database and reporting functionality, and the addition of a survey function that will enable OCFS to longitudinally track aged-out foster recipients.

Concerning the AFCARS-II requirements, the new Federal mandates will necessitate significant systems and reporting development of CONNECTIONS, a great deal of training of field workers, and will likely require several million dollars to implement.

Finally, OCFS received \$17.4 million in state bonding funds for Year 1 of the CAMP initiative, the essential system maintenance and re-architecting necessary for CONNECTIONS to fully comply with Federal Administration for Children and Families (ACF) requirements. This system maintenance and development program is budgeted at \$50 million over the next three years.

Population Served: CONNECTIONS serves children and families who are clients of, or receive aid from, New York's child welfare system, including children (and/or families) receiving adoption, child preventive and child protective and foster care services. In addition, with some exceptions, services and demographic data are also tracked for children in detention and children residing in OCFS facilities, if those children are in foster care. CONNECTIONS has over 30,000 users at more than 1,000 sites. At peak times, an estimated 5,000 users access the system simultaneously.

Performance Measures: CONNECTIONS' performance is subject to measurement by the ACF via Title IV-E program eligibility reviews, Child and Families Services Reviews (CFSR), AFCARS data collection and reporting analyses, National Child Abuse and Neglect Data System (NCANDS) data collection and reporting analyses, and the forthcoming Chafee and AFCARS-II data collection and reporting analyses.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Council on Children and Families
Head Start Grant Special Revenue Other Fund 265
Youth Grants and Bequests Special Revenue Other Fund 020

Mandate: Federal Head Start Reauthorization Act 2007 and the Improving Head Start for School Readiness Act of 2007 (PL 110-134 Section 642B)

Mandated Funding Level: OCFS receives \$225,000 annually in grant funds.

Brief Description/History/Background: For the past 17 years, New York State has designed and implemented a successful Head Start Collaboration Project with support from the Federal government and the New York State Head Start Association (NYSHSA). The Council's unique role in State government, to develop interagency strategies that result in a more responsive, coordinated, and cost-effective service delivery system, has been crucial to the success of the first 17 years of this collaborative enterprise.

An abundance of research has demonstrated the positive benefits of high quality early childhood programs for young children and their families including Head Start, Prekindergarten, preschool special education, early intervention and child care. While the overwhelming need for services continues, New York can boast about the availability of high quality programs (Early Head Start, Head Start, Universal Prekindergarten, Targeted Prekindergarten, Child Care, Early Intervention and Preschool Special Education) that are designed to support working families and to assist in the preparation of children for school. While these programs are more alike than different, they have developed in isolation from each other and traditionally there has been little coordination in their planning, funding, and delivery of services.

Over the past two decades, the Council has assumed a leadership role in reversing years of isolated programming and planning for early childhood services in New York State. As a vital ingredient in a larger picture of change, New York has worked with the Head Start community through the Head Start Collaboration Project to link Head Start with other early childhood programs and other services and supports for low-income families. Serving as the state point of contact for Head Start programs, the Head Start Collaboration Project has made linkages on behalf of Head Start to state and local agencies working on issues related to young children and their families.

Issues: In response to the requirement included in the Head Start Act of 2007, Governor Paterson has designated the Children's Cabinet and its Advisory Board as his Early Childhood Advisory Council. In making this decision, he has also asked that the Cabinet and Advisory Board to take responsibility for overseeing both the Head Start Collaboration Project and the Early Childhood Comprehensive Services Initiative (the NYS Department of Health's Division of Family Health received a grant from the US Department of Health and Human Services to develop the Early Childhood Comprehensive Systems Initiative). This will provide the highest level of support for these two initiatives.

Population Served: Low income children birth to 5 years of age and their families.

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Council on Children and Families – Youth Grants and Bequests Special Revenue – Other Fund 020

Mandate: None.

Mandated Funding Level: None. Funding is limited to the amounts authorized in the enacted budget.

Brief Description/History/Background: Since 1997, the Council has been a member of the State-level KIDS COUNT network, supported with funding by the Annie E. Casey Foundation \$75,000 per year. A primary objective of the New York State KIDS COUNT project is to disseminate county-level data that focuses on child well-being in order to advance the use of children's health, education and well-being indicators as a tool for policy development, planning and accountability. Utilizing a framework called New York State Touchstones, data from numerous State agencies are organized by six major life areas: Economic Security, Physical and Emotional Health, Education, Citizenship, Family and Community. Each life area has a set of goals and objectives representing expectations about the future and a set of indicators reflecting the status of children and families. The Council produces an annual data book and special reports focusing on emerging and specific topics.

While the data book is a useful tool, the Council recognized an automated version of the data book would improve the type and amount of data available to users and decrease the amount of time users waited to receive the information that was necessary for planning and policy purposes. As a result, CCF sought and was awarded a Federal grant from the Department of Health and Human Services (DHHS) to develop the Kids' Well-Being Indicators Clearinghouse (KWIC). In 2003, the Council launched KWIC, an interactive website that advances the NYS Touchstones/KIDS COUNT data dissemination process by expanding access to New York State children's health, education and well-being data; providing more current data; expanding the number of indicators presented; providing access to other data resources; allowing users to chart, graph and map data; and giving users the ability to tailor data to fit their needs. KWIC (<http://www.nyskwic.org>), a one-stop data warehouse with data from numerous Council member agencies, is available to data users twenty-four hours a day, seven days a week. The Kids' Well-being Indicators Clearinghouse (KWIC) is a Council initiative aiming to advance the use of children's health, education and well-being indicators as a tool for policy development, planning and accountability.

Issues: None.

Population Served: Based on survey results and data requests, the council serves a very broad audience that includes staff from local government, non-profit organizations, State Legislature, academia and State agencies. A number of requests for data are received from planning groups conducting community health assessments and youth service planning.

Performance Measures: A fundamental goal is to have easily accessible and reliable data for a broad audience of policy planners, program developers, advocates and grant writers. Therefore, a number of strategies are in place to gauge the extent to which data resources have a broad reach and are useful to those accessing data. First, an analytic system is integrated into the websites to view how users access the websites and gather information regarding where they go once on the site (i.e., learn what content is most widely used). We also include a survey with the distribution of the data books and have a survey on the KWIC website to gather information regarding (1) the users' job responsibilities; (2) information needed; (3) whether the information was able to help in their job responsibilities (e.g., awarded grants; begin to move policy; develop programs).

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

**Program: National & Community Service AmeriCorps Administration Grant – Special Revenue
Federal Fund 290**

**National & Community Service Administration State Match – State Operations
General Fund 003**

Mandate: 42 USC Chapter 129 (Sections 12501-12682) contains provisions regarding National and Community Service, including applications for and terms of national service. Division G of Chapter 129 (Sections 12651-12651h) establishes the Corporation for National and Community Service, which administers Federal funding for these grants. Executive Order No. 179, issued on December 30, 1993, established the New York State Commission on National and Community Service.

Mandated Funding Level: The Corporation may make administrative grants to States for the purpose of establishing or operating a State Commission. To receive the Federal administrative grants, States are mandated to maintain a State matching requirement of 50 percent or the Federal administrative grant will be disallowed on a one for one basis. The amount of a grant that may be provided to a State is based on population and available Federal funds. In subsequent years, the Corporation will establish larger matching requirements for States so that by subsequent years of assistance, the Federal share does not exceed 50 percent.

Brief Description/History/Background: The National and Community Service Administrative Grant is used to provide crucial funding for administrative oversight and support and to leverage services attained through annual Federal funding of AmeriCorps State Competitive and Formula grants, AmeriCorps Education Awards, Professional Development and Technical Assistance (PDAT) funding, Reasonable Accommodation and Disability funding, and support the initiatives of more than 82,000 national service members. These individuals deliver coordinated services that meet critical local needs in New York State communities around core service areas of education, the environment, human needs, public safety, and disaster preparedness/response.

Issues: The Governor has charged the Office of National and Community Service to expand its scope of managing national service grants to maximize human resources by overseeing all volunteer and civic engagement initiatives for New York State.

Population Served: The Office of National and Community Service identifies and develops service opportunities that meet critical local needs in New York State communities around core service areas of education, the environment, human needs, public safety, and disaster preparedness/response. All residents of New York State can engage in service opportunities that will benefit their fellow New Yorkers.

Performance Measures: (1) Mobilize More Volunteers – develop the capacity to recruit and manage more volunteers, (2) Ensure a Brighter Future for Youth – provide caring adults as mentors for youth from disadvantaged circumstances and to provide more opportunities for youth to serve, (3) Engage Students in Communities – help educational institutions at all levels increase volunteer and service-learning opportunities for youth, (4) Harness Baby Boomers' Experience – support communities to capture the talents, skills, energy and experience of Baby Boomers and older Americans to meet local and national needs, and (5) Help communities recover from and prepare for disasters – assist in preparedness and response activities that will prevent or minimize the impacts of disasters.

In 2007-08 New York presented the following aggregate Performance Measurement outcomes:

- 27,612 people served as AmeriCorps volunteers;
- 48,857 disadvantaged children received tutoring or support services from AmeriCorps members;
- 334 children of incarcerated parents received assistance from AmeriCorps members;
- 46 people received independent living services from AmeriCorps members;
- 1,124 local emergencies were responded to, assisting 2,782 persons.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: National & Community Service State Competitive Grants – Spec Rev Federal Fund 290
National & Community Service State Formula Grants – Spec Rev Federal Fund 290
National & Community Service Education Grants – Spec Rev Federal Fund 290

Mandate: 42 USC Chapter 129 (Sections 12501-12682) contains provisions regarding National and Community Service, including applications for and terms of national service. Division G of Chapter 129 (Sections 12651-12651h) establishes the Corporation for National and Community Service, which administers Federal funding for these grants. Executive Order No. 179, issued on December 30, 1993, established the New York State Commission on National and Community Service.

Mandated Funding Level: Each year the Corporation for National and Community Service (the Corporation) awards roughly one-third of its Congressional appropriation to new and continuing AmeriCorps programs through a Competitive Grants process. The funds are distributed to State Commissions for programs operating within a single state. An additional one-third of the Corporation's Congressional appropriation for AmeriCorps program funding is distributed directly to eligible State Commissions according to a population-based formula.

The annual Formula Grant allotment is then sub-granted by State Commissions to local organizations following a fair and open grant review process.

Education Award Only Grants are made competitively by State Commissions to local organizations requesting only education award funding for each AmeriCorps member serving and a small stipend to implement the proposed program. Members successfully completing a full or partial term of service are awarded a Segal Education Award equal to \$4,750 or pro-rated equivalent respectively.

Brief Description/History/Background: Begun in 1994, the AmeriCorps Programs provides opportunities for Americans to make an intensive commitment to service. The AmeriCorps network of local, State, and national service programs engages more than 70,000 Americans in intensive service each year. AmeriCorps members serve through more than 3,000 nonprofits, public agencies, and faith-based and other community organizations, helping meet critical needs in education, public safety, health and the environment. The variety of service opportunities is almost unlimited. Members may tutor and mentor youth, build affordable housing, teach computer skills, clean parks and streams, run after-school programs, or help communities respond to disasters.

Issues: None

Population Served: The Office of National and Community Service identifies and develops service opportunities that meet critical local needs in New York State communities around core service areas of education, the environment, human needs, public safety, and disaster preparedness/response. All residents of New York State can engage in service opportunities that will benefit their fellow New Yorkers.

Performance Measures: (1) *Mobilize More Volunteers* – develop the capacity to recruit and manage more volunteers, (2) *Ensure a Brighter Future for Youth* – provide caring adults as mentors for youth from disadvantaged circumstances and to provide more opportunities for youth to serve, (3) *Engage Students in Communities* – help educational institutions at all levels increase volunteer and service-learning opportunities for youth, (4) *Harness Baby Boomers' Experience* – support communities to capture the talents, skills, energy and experience of Baby Boomers and older Americans to meet local and national needs, and (5) *Help communities recover from and prepare for disasters* – assist in preparedness and response activities that will prevent or minimize the impacts of disasters.

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**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: National & Community Service Program Development and Technical Assistance Grant – Special Revenue Federal Fund 290

National & Community Service Disability Grant – Special Revenue Federal Fund 290

Mandate: 42 USC Chapter 129 (Sections 12501-12682) contains provisions regarding National and Community Service, including applications for and terms of national service. Division G of Chapter 129 (Sections 12651-12651h) establishes the Corporation for National and Community Service, which administers Federal funding for these grants. Executive Order No. 179, issued on December 30, 1993, established the New York State Commission on National and Community Services.

Mandated Funding Level: The Corporation for National and Community Service provides competitive funding to State Commissions to deliver training and technical assistance to AmeriCorps members and to support AmeriCorps members with disabilities. Program Development and Technical Assistance grants and Reasonable Accommodation and Disability grants are federally funded on an annual basis by the Corporation for National and Community Service with no required match by New York State. Federal funding levels are based on Congressional appropriation.

Brief Description/History/Background: The Commission's Program Development and Technical Assistance initiative provides AmeriCorps programs with the training needed to assist each program to reach its respective goals and objectives while complying with the regulations.

The Commission's Reasonable Accommodation and Disability initiative awards Federal funding to community organizations that provide reasonable accommodation and auxiliary aids to AmeriCorps members and potential members. This includes purchasing reasonable accommodation and auxiliary aid equipment to be used to assist in the placement of AmeriCorps members with disabilities, developing materials in alternative formats, and partnering with disability organizations to develop action plans that result in increases in referrals, member applications and member support strategies. Disability outreach funds may be used to collaborate with disability organizations to generate strategies that will result in a measurable increase of applications and enrollments of individuals with disabilities in New York State's AmeriCorps programs and to support individuals with disabilities in national and community service.

Issues: The Office of National and Community Service will be eligible to apply for additional Reasonable Accommodation and Disability Funding in 2009.

Population Served: The Office of National and Community Service identifies and develops service opportunities that meet critical local needs in New York State communities around core service areas of education, the environment, human needs, public safety, and disaster preparedness/response. All residents of New York State can engage in service opportunities that will benefit their fellow New Yorkers.

Performance Measures: (1) *Mobilize More Volunteers* – develop the capacity to recruit and manage more volunteers, (2) *Ensure a Brighter Future for Youth* – provide caring adults as mentors for youth from disadvantaged circumstances and to provide more opportunities for youth to serve, (3) *Engage Students in Communities* – help educational institutions at all levels increase volunteer and service-learning opportunities for youth, (4) *Harness Baby Boomers' Experience* – support communities to capture the talents, skills, energy and experience of Baby Boomers and older Americans to meet local and national needs, and (5) *Help communities recover from and prepare for disasters* – assist in preparedness and response activities that will prevent or minimize the impacts of disasters.

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**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Purchased Preventive Services Cost-of-Living Adjustment (COLA)

Mandate: This program is to provide a COLA to agencies providing preventive services on behalf of local social services districts and is established through budget appropriation language. The provision of preventive services, either through direct service or contracted services, is required pursuant to Article 6, Title 4, of the SSL (§§ 409 and 409-a). Local districts are required to provide mandated preventive services to a child and his or her family in cases where provision of services is necessary to avert an out-of-home placement or to accelerate the child's discharge from foster care. An LDSS may also provide non-mandated preventive services to a child and his or her family and, with OCFS approval, may provide community optional preventive services to communities likely to benefit from such services. OCFS is required to promulgate regulations establishing the types of, and standards for the provision of, preventive services. Title IV-E of the Federal Social Security Act and various provisions of the Family Court Act direct the court, before placing a child into foster care, to make a finding that reasonable efforts were made to prevent the placement of a child into foster care.

Regulations related to the provision of preventive services agencies is defined in 18 NYCRR 423.2(a).

In accordance with Chapter 57 of the Laws of 2007, preventive services provided pursuant to section 409-a of the Social Services Law, whether purchased or provided directly by the district, must include performance- or outcome-based provisions beginning January 1, 2008, and thereafter.

Mandated Funding Level: While the overall provision of preventive services by a local districts is mandated, there is no mandated funding level for the payment of the COLA to preventive services agencies. Chapter 53 of the Laws of 2008 provides for 100 percent reimbursement up to \$9.408 million. Those districts that exceed their allocation are eligible for 98 percent of 65 percent reimbursement from Child Welfare Services.

Brief Description/History/Background: This cost-of-living adjustment must be used for promoting the recruitment and retention of staff or to respond to other non-personal costs for preventive services agencies from which local departments of social services purchase preventive services. In SFY 2006-07, 26 districts participated in this program and in SFY 2007-08, 29 districts either annualized or began providing a 2.5 percent COLA. The SFY 2008-09 Budget allows the 29 districts funded in SFY 2007-08 the opportunity to use 100 percent State funding to continue the previously approved COLAs for their contracted preventive services agencies.

Issues: None.

Population Served: The COLA is to be used for the purpose of promoting the recruitment and retention of staff or to respond to other non-personal costs for preventive agencies from which local districts purchase preventive services.

Performance Measures: In order to access these funds, an LDSS must submit a plan to the respective OCFS Regional Office for approval by the required timeframes. The plan must list the agencies to receive the COLA and the amount of the 2.5 percent COLA for each contract agency.

The LDSS must receive from every preventive services provider that receiving a COLA a written certification as to how such funding will be used to promote the recruitment and retention of staff; and/or respond to other non-personal service costs, as well as maintain records to document that the funds were distributed in accordance with the program guidelines. In addition, OCFS may limit the district's reimbursement for preventive services expenditures in the absence of the required performance- or outcome-based provisions in accordance with Chapter 57 of the Laws of 2007.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Community Based Preventive Contracts

Child Protective Services and Domestic Violence Co-Location Programs (CPS/DV)
Preventive and Post Adoption Services (PPAS)
Safe Alternatives for Family Enrichment (SAFE).

Mandate: None. This program is established through the enacted budget appropriation.

Mandated Funding Level: The funding is limited to the amounts appropriated in the enacted budget. Amounts allocated to the various specific contracts are based on the approved spending plan.

Brief Description/History/Background:

- Child Protective Services and Domestic Violence Co-Location Programs – Studies have shown that domestic violence exists in 40-60% of the CPS caseload. Based on this evidence, OCFS contracts with approved non-profit DV agencies to partner with the local department of social services, by stationing a DV advocate at the CPS office to participate in home visits, and work jointly with CPS caseworkers to safety plan with domestic violence victims and their children. This program falls under Strategy 12, Improve Cross-Systems Collaboration and Increase Service Array of the Children and Family services Review. Local districts consistently support the co-location projects as they result in reduced workload for CPS workers and better outcomes for involved CPS/DV families.
- Preventive and Post Adoption Services – In 2007, OCFS added a strategy to the Child and Family Service Review (CSFR) to improve outcomes for families experiencing both child abuse and domestic violence. OCFS has made great progress in shifting the balance of its investments from out-of-home placements, to the provision of supports and services to prevent such placements. Through technical assistance to local districts and provider agencies, these combined efforts have facilitated a decrease in the State's foster care system, and enabled OCFS to utilize prevention and post adoption services programming to support outcomes identified in the Federal Child and Family Services Review. These services include: Aftercare Services, Advocacy, Post Adoption Services, Family Resolutions, Family Support Centers, Functional Family Therapy, Respite Care, Clinical Services, Crisis Phone Lines, Case Planning, Therapeutic Support Groups, Parent Aide and Skill Training, Adolescent Alcohol /Substance Abuse Treatment Services, and Intensive Case Management for Families Affected by Alcohol and Substance Abuse. Lack of access to community based prevention and post adoption services could result in higher rates of out-of-home placements, statewide.
- Safe Alternatives for Family Enrichment – This initiative provides funds to support after-school and/or work experience/job skills training programs for youth and their families. Through this program disadvantaged communities are offered a solution to the problems associated with the lack of services and lack of places available to serve school-age youth. The program also assesses families and youth for any needed outside mental health and substance abuse services through a referral network.

Issues: None.

Population Served: Counties with an OCFS funded CPS/DV collaboration include: Albany, Broome, Chautauqua, Monroe, Montgomery, Niagara, Rensselaer, and Rockland. Families statewide who receive Prevention and Post Adoption Services meet TANF income eligibility guidelines of income below 200% poverty level since this program is currently spending the balance of TANF funding appropriated for this purpose. The SAFE program serves disadvantaged communities and vulnerable youth and their families.

Performance Measures: CPS/DV performance measures include improved casework practice and joint case planning, reduced reoccurrence of abuse, improved safety for adult and child victims and improved accountability for abusers. The first CPS/DV contract period supported by this new source of Aid to Localities funding just was recently completed (ended 5/31/08), and the performance results for this program have not been finalized/completed. In addition, each contract has individualized parameters for attaining performance. Based on the initial contract period program/claim reports to date transmitted by the contractors, OCFS estimates that approximately 1,400 families have received service from this project. Also, it is estimated that over a 1,000 more will be consulted with and referred through utilization of the DV expertise that the project brings to the CPS Caseworkers, thereby contributing to positive outcomes for the families served.

Preventive Services contract outcomes include prevention of placement in foster care, prevention of the return to foster care placement or other out-of-home setting, prevention of child abuse, neglect, and/or alcohol and/or substance abuse; accelerated family reunification after foster care or other out-of-home placement, and/or substance abuse treatment which decreases the risk of placement. Post Adoption Services outcomes are to reduce the number of pre-adoption disruptions, reduce the number of post finalization dissolutions and reduce the need for foster care or other out-of-home placements of children once they are adopted.

Contracts for SAFE were awarded to applicants who successfully demonstrated the ability to reach out to families who are not yet in the child welfare system, and to provide services as outlined below. Successful programs will draw on best practices from existing program and service models, as well as offer new and innovative strategies to achieve the goals. Each program must provide a service model that either addresses an after-school programs, work experience/training program or a combination of both service models.

The first SAFE contract period supported by this new source of Aid to Localities funding is currently not completed (will end 12/31/08), and the performance results for this program have not been finalized/completed, In addition, each contract has individualized parameters for attaining performance of the following major desired outcomes:

- To improve family functioning of high risk youth and families ;
- Increase educational success;
- Enhance employability and increased job placement of youth; and
- Prevention of violence and improved relationships with peers.

Based on the initial contract period program/claim reports to date transmitted by the contractors, OCFS estimates that at least 75% of the SAFE contract outcomes will be achieved.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: OCFS Preventive Services-Funded Office of Mental Health Home and Community Based Services Waiver (OMH HCBSW)

Mandate: Section 366(9) of the SSL authorizes the Department of Health to apply to the Federal government for a Home and Community Based Waiver of Medical Assistance eligibility and services. OMH has authority to operate the waiver per Chapter 170 of the New York Laws of 1994 and DHHS Centers for Medicare and Medicaid Services (CMS) approval per Section §1915(c) of the Federal Social Security Act. Sections 409 and 409-a of the Social Services Law mandates preventive services. Funding for preventive services is used to pay the non-federal share of Medical Assistance Waiver costs for participants.

Mandated Funding Level: SSL Section 153-k(1) provides for 65 percent State reimbursement, net of available federal funds, for LDSS costs for preventive services. Chapter 53 of 2008 exempted the State share for preventive services waiver services from the 2 percent across-the-board reduction in reimbursement. Chapter 53 of the Laws of 2008 provided \$6.1 million for 65 percent State reimbursement, net of federal reimbursement.

Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost-of-living adjustment (COLA) for waiver programs for the period April 1, 2008, through March 31, 2009, and additional annual COLAs for the period April 1, 2009, through March 31, 2012.

Brief Description/History/Background: Data has shown that children with a serious emotional disturbance are more likely to attain optimal development when supported in their home and community environment. In SFY 2005-06, in an effort to reduce placements in institutions and out-of-state, 202 OCFS preventive services-funded slots were made available from OMH. In 2006, an additional 150 OCFS preventive services-funded slots were added for a total of 352 slots in 41 counties across New York State.

Issues: The OMH eligibility criteria include a qualifying diagnosis and functional limitations for placement in a residential treatment facility or psychiatric hospital. Without such services, placement in a medical institution, including high cost out-of-state placements, is likely to occur at tremendous state and local expense.

Population Served: The OMH Waiver provides preventive services to children and adolescents in an effort to avoid further and more disabling mental illness, as well as costly disruptions to their permanency at home with their family. Without such services, children and adolescents are at significant risk of placement in an residential treatment facility, in-patient psychiatric facility and/or at-risk of placement in the Child Welfare/Juvenile Justice system. All 352 slots are utilized.

Performance Measures: The OMH HCBS Waiver is monitored for quality and performance utilizing on-going outcome measures such as annual parent and child satisfaction surveys interfaces with waiver providers, expenditure report comparisons, and utilization of services reports. OMH also uses a computerized reporting system to collect outcome indicators and refine the analysis process.

- Annual Family and child satisfaction surveys;
- Use of the Child and Adolescent Needs and Strengths Survey (CANS) to measure functionality;
- Annual waiver site visits to assure quality and integrity to the HBCS Waiver model;
- Quarterly reports submitted to OMH which indicates units of service provided for children in the waiver;
- Demographic data.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Welfare Quality Enhancement Fund

Mandate: SSL, section 153-k(3) authorizes OCFS to conduct activities to increase the availability or quality of children and family services programs.

Mandated Funding Level: None. Chapter 53 of the laws of 2008 allows for 100 percent funding and provides \$3.882 million.

Brief Description/History/Background: Chapter 53 of the Laws of 2002 enacted the Quality Enhancement Fund Program to improve the quality of child welfare services including training for mandated reporters in the proper identification and response to child abuse and neglect; public information programs and services that advance a zero tolerance campaign of child abuse and neglect; and demonstration projects to test new or expansion services beyond those which are funded by local department of social services districts. The funding also supports innovative child welfare service delivery models including activities to support the Children and Family Services Review (CFSR) Program Improvement Plan (PIP). OCFS must submit a report to the Governor and the Legislature annually that describes the disbursements from the Quality Enhancement Fund and the status of the projects funded.

The three key components of Child Welfare Financing provide a fiscal structure designed to redirect resources from out-of-home placements of children to maintaining them safely and appropriately in their homes wherever possible. Uncapped Child Welfare Services supports critical services to prevent placement, expedite the return home of foster children, and avert the re-placement of children in foster care. The capped Foster Care Block Grant provides a financial incentive for local social services districts to reduce unnecessary days in foster care and, when placement is unavoidable, to keep foster children in their own communities rather than distant institutions. The final and equally critical component, the Quality Enhancement Fund, enables OCFS to invest in innovative programs that have been proven, or have significant potential, to accomplish the goal of enhancing the safety, well being, and permanency of vulnerable children.

OCFS has strategically invested Quality Enhancement funds in program development and evaluation of services and interventions that promise to yield positive outcomes for families and children. Investments are made at all points on the continuum of children and family services. Programs funded under the Quality Enhancement Fund include evidence-based parenting, court mediation project, performance and outcome training for local district preventive services, mandated reporter and co-sleeping information campaigns, sanctuary model trauma treatment training, and cross-systems treatment coordination for children with multiple needs.

Issues: None.

Population Served: Children and families served by the demonstration projects are at risk of maltreatment and/or foster care placement.

Performance Measures: Each program/contract has defined performance measures, which vary by program. Examples of performance measures include: length of time to permanency and rate of re-entry into foster care for mediation, cross-systems treatment and other programs directly serving children and families; successful completion of parent training; rates and frequency of restraints in agencies trained in the Sanctuary model; and, for the Getting to Outcomes technical assistance, county fidelity to the model and all improvements in county capacity to demonstrate results from their contracted investments.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Special Delinquency Prevention Program (SDPP)

Mandate: Executive Law Article 19-A establishes and governs Youth Bureaus. Executive Law §420(1)(c) establishes the Special Delinquency Prevention Program.

OCFS is responsible for oversight of Youth Bureaus and their administrative activities. Counties are required to submit children and family services plans to OCFS that define county/municipal needs for special delinquency prevention and the locality's plan to address those needs. Youth Bureaus also submit resource allocation plans to OCFS for review and approval indicating the programs the Youth Bureau intends to fund consistent with the priorities of the county plan using SDPP funding. Youth Bureaus also monitor SDPP programs.

Mandated Funding Level: None. Funding is subject to the limits of the appropriation. Under SDPP OCFS provides up to 100% funding to private not-for-profit and public agencies for needed services for programs to prevent juvenile delinquency and promote youth development. The majority of funds are allocated to local entities and are used in conjunction with local funds, although a specified share is not mandated in the appropriation language or program guidelines.

Brief Description/History/Background: The Special Delinquency Prevention Program is an aid to localities program enacted in 1978 to address the serious concerns for targeted, at-risk youth. SDPP provides up to 100% funding for programs to serve youth identified as at-risk who are involved with the juvenile justice system, returning to community from placement, on probation, homeless, chronically truant, school drop-out, pregnant or parenting, victim of violence, involved in prostitution, or self-destructive behavior. Programs prevent delinquency and placement through intervention and remediation. SDPP funds high priority delinquency prevention programs including alternatives to institutional care, support and assistance to youth returning to community from institutional care, drop-out prevention, crisis intervention, family mediation, counseling, teen pregnancy, employment programs, and job training.

Issues: None.

Population Served: These programs serve all youth ages 0-21, including at risk and foster care youth in every county, city, town and village. The youth population based on the 2000 census is 5,471,285.

Performance Measures: Funds allocated to local Youth Bureaus to meet local needs that have been identified in the plan are regularly monitored and evaluated for program effectiveness by the Youth Bureau allocating the funds. A portion of the SDPP funds are allocated directly by OCFS through a Request for Proposal (RFP) process, with defined outcomes including the following:

- Reduced incidence of juvenile offense;
- decreased recidivism;
- prevention of detention and incarceration;
- prevention of relapse/replacement after return from institutional care or incarceration;
- increased educational success;
- improved family functioning for high risk youth and families;
- prevention of violence and improved relationships with peers;
- enhanced employability and increased job placement of youth; and
- increased responsiveness of community services and institutions to the needs of youth.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Kinship Care Programs

Mandate: This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is subject to the limits of the appropriation. Chapter 53 of the Laws of 2008 allows for 100 percent funding at \$2.107 million.

Brief Description/History/Background: Chapter 53 of the laws of 2005 enacted the New York State Kinship Caregiver Program which provides a variety of support services addressing the multiple needs faced by persons caring for relative children. These services are necessary to support caregivers in raising children from an extended family when the biological parents are unable to provide care. Services provided to caregiver relatives include counseling, legal information, financial assistance and training to improve communication and enhance positive relationships in families with young teens. The services provided are to maintain a safe, secure and healthy household. Service providers coordinate mutual support groups to help caregivers' relatives find comfort in expressing their success and challenges through encouragement and empowerment, in a safe and convenient location.

Thirteen community-based organizations deliver these services to caregivers in 20 counties. A 14th project, the New York State Kinship Navigator Program, is designed to assist kinship caregivers and the children in their care in all counties by providing information and referral services. OCFS collaborates with state agencies (e.g. the Office for Aging, and OTDA) kinship care coalitions and other stakeholders such as AARP to help develop coherent policies and coordinated services for kinship caregivers throughout New York. It is estimated that 6,000 caregivers as well as 3,847 children have been served since 2006.

The program currently saves State and local funds by placing children with grandparents or other relatives as an alternative to more costly foster care placements. Child only grants to kinship caregivers save \$200 to \$900 dollars per month over regular foster care payments.

Issues: None.

Population Served: This program serves children who are at risk of being placed in foster care and their extended families. This is also a resource for local district caseworkers who have determined that living with a relative is the best placement.

Performance Measures: The program directly supports OCFS priorities as it strengthens permanency as required in the federally mandated Child and Family Services Review. The performance goals and outcomes are as follows:

- Increase in the number of children who attain a formal permanent status while living with a relative caregiver.
- Increase in household stability through information and supportive services for caregivers and children.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Settlement Houses

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts of reappropriations from State fiscal years 2000-01, 2003-04, 2006-07 and 2007-08. No Fund 001 new appropriation was provided for the Settlement House program in the 2008-09 Budget.

Brief Description/History/Background: The Settlement House programs were started during the late 1800s and early 1900s to assist new immigrant groups to integrate or settle in New York State by providing various social services such as assistance in housing, daycare, language issues, job training, employment, family services and counseling. The reappropriations for this program administratively support continued operations of various related non-profit organizations in New York City and the major Upstate urban areas.

Issues: None.

Population Served: New Immigrants to New York State in need of assistance with social welfare issues.

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: United Way 2-1-1

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: The funds support a statewide 211 telephone call program. Funds have been provided for the past two budget years totaling over \$13 million. Each region of the State has been moving forward independently with various aspects of the program.

Issues: Statewide availability is not yet in place. Development in some regions is further along than in others.

Population Served: General population

Performance Measures: None

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: William B. Hoyt Memorial Children and Family Trust Fund - Local Assistance Fund 001
Children and Family Trust Fund Special Revenue Other - Fund 020

Mandate: Article 10-A of the Social Services Law (Sections 481-a to 481-f). SSL Section 481-f establishes the Trust Fund as a distinct expendable trust account consisting of the moneys appropriated to OCFS and funds from any other sources, including donations, for such purposes. SSL Section 481-e(1) authorizes OCFS to issue grants from the fund for programs to prevent, and provide services to victims of, family violence. Per SSL, section 481-e(2), 40% of funds must be for child abuse or family resource and support programs; 40% for domestic violence prevention and services programs; and 20% for regional or statewide family violence prevention programs. OCFS, with the advice of the Trust Fund Advisory Board, must solicit an RFP for proposed programs. Per SSL Section 481-e(3), no money from the Fund may be used for services mandated under the SSL or to supplant other Federal, State or Local funds.

Mandated Funding Level: Per SSL Section 481-e(6), funding amounts are limited as follows: Up to 100% for the costs for initial and first year renewal; up to 75% for the third grant year; and up to 50% for the fourth grant year and any year thereafter.

Brief Description/Background: The Trust Fund mission is to prevent family violence in all its forms—child abuse, domestic violence and elder abuse, and to engage families before abuse occurs, or at the very least, when it is first recognized. The Trust Fund supports tangible services that meet the needs of families and reduce the need for costly health care, law enforcement, child protective, mental health and foster care services. Funded programs support the goals and strategies identified under the Early Childhood Comprehensive Systems Planning Initiative and Family Services Review. These programs serve as invaluable resources to local districts by creating an inter-connected web of community based services across the state.

Trust Fund Programs support early comprehensive services and statewide efforts including family resource centers, parent education/support; supervised visitation services for families affected by domestic violence; school-based programs to promote child safety; case management and counseling to support elders at risk; and shaken baby syndrome prevention activities.

Issues: State Trust Fund dollars leverage federal funds and are the match requirement under the Federal Community-Based Child Abuse Prevention Grant Program, authorized by Title II under the Child Abuse Prevention and Treatment Act (CAPTA). Family stressors will increase given the current economic climate, making family support programs vital to their communities.

Population Served: Families in high need communities who are at risk of family violence, including families with children ages 0-5 and adults over 60 who may be at risk of or experiencing family violence. High need is defined by rates of poverty, indicated SCR reports, family isolation and lack of resources, and numbers of children and youth in foster care.

Performance Measures: Examples of performance measures include, but are not limited to:

- A sustained 50 % reduction in the incidence of abusive head trauma in children under three in the pilot in the Western NY Region, and a 39% reduction in the Hudson Valley Region as compared to incidences five years prior to program implementation in each region.
- Over a three-year period, a supervised visitation program created a safe environment for 148 families experiencing domestic violence. Children assessed showed improvements in reduced acting out, reduced passive withdrawal, and increased (both positive and negative) emotional expression. Caregivers and non-custodial caregivers showed improvements in parenting behaviors and communication with their children.
- A statewide elder abuse prevalence study will examine all forms of third party mistreatment of adults over 60 and will survey Adult Protective Services and other entities that deal with elder abuse to estimate the prevalence of identified elder abuse cases, demographics and other characteristics.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Care Quality Federal and State - Resource and Referral and Start-Up / Health and Safety

Mandate: Federal regulations (45 CFR 98.51) requires states to use no less than 4% of the aggregate funds, including State funds, expended under the federal Child Care Development Fund (CCDF) for activities to improve the quality of child care. Such activities may include, among other things, providing funds to resource and referral programs and providing grants or loans to child care providers to establish programs or to meet applicable child care standards including health and safety standards.

Section 410-u(1) of the Social Services Law (SSL) establishes the NYS Child Care Block Grant (NYSCCBG), which includes all of the federal CCDF funds, any other federal funds the state transfers to from TANF to CCDF, and appropriated state funds. Section 410-u(2) of the Social Services Law (SSL) provides that the NYSCCBG must be divided into two parts. One part is to be retained by the State for activities to increase the availability and quality of child care programs, specified activities including: the start-up of child care programs and the operation of CCR&R programs. CCR&R are required to provide specified services in addition to those set forth in Title 5-B of Article 6 of the SSL. OCFS may withhold funds from CCR&Rs that don't meet performance standards.

Title 5-B of Article 6 of the SSL (Section 410-p through 410-t) of the SSL creates CCR&R agencies, which are funded by OCFS to provide CCR&R services statewide. (See <http://public.leginfo.state.ny.us>.) SSL, section 410-q(1) sets forth the services CCR&Rs must provide, "to the extent funds are available for such purposes" and enhanced services they may contract to provide. SSL, section 410-r requires OCFS to solicit applications for available funds "in a manner to ensure that agencies in every area of the state will have the opportunity to apply for funds." SSL, section 410-s, requires OCFS to allocate annually any available state and federal CCR&R funds to approved agencies. As a condition of receiving funds, a CCR&R must demonstrate that it is receiving or has the ability to receive funds from sources other than OCFS.

SSL, section 410-bb(6) authorizes OCFS to make start-up grants, "within amounts appropriated therefore". SSL, section 410-cc requires OCFS to provide funds to start-up grants to not-for-profit organizations and corporations for the development of new or expanded all day child day care programs not to exceed \$2500 for family day care provider or \$10,000 for a child day care center. CCR&Rs may receive family day care start-up grants not to exceed \$2500 per provider if the agency trains new family providers and thereby expands the supply.

Mandated Funding Level: None

Brief Description/History/Background: The framework for CCR&Rs, which are operated by community-based not-for-profit organizations, was established by Chapter 459 of the Laws of 1987. The 40 NYS CCR&Rs supply vital child care services to parents, providers, employers, and communities across New York State. CCR&R core services include information and referral services directed at educating parents who contact the agency regarding early childhood services, technical assistance to child care providers and programs, efforts to expand the number of family day care providers, developing and maintaining provider data bases to determine service utilization and unmet needs for additional early childhood services, and providing written materials and conducting outreach to the community and employers to encourage support of all child care services. Funding CCR&R is an allowable quality activity under the federal Child Care Development Fund. In fact, the federal government annually earmarks, or targets, Discretionary funds to resource and referral and school-age activities. New York State uses its share of the earmark to support the CCR&R program in combination with other federal CCDF funds and State funds..

CCR&Rs continue to be the primary mechanism for providing start-up and health and safety funding to the family day care community. A portion of the budget for each CCR&R is allocated for family day care

start-up and health and safety. Start-up and health and safety grants for day care centers and school age child care programs are also available but are handled through State administered early childhood development grant programs. The last Early Childhood Request for Proposals, issued in December 2003 identified opportunities for day care centers and school-age programs in the following areas:

- Start-up grants to establish new programs or expand licensed/registered capacity
- Grants to expand hours of operation without increasing regulated capacity
- Grants for innovative program initiatives to improve service delivery and quality
- Health and Safety grants (over \$15,000) for large-scale, high priority projects
- Health and Safety grants (under \$15,000) for smaller concerns and to meet ADA requirements

Issues: The number of CCR&Rs (40) in NYS is not sustainable. Especially in smaller, more rural counties, communities may be better served by a regionalized structure (with satellite offices). Another issue is that CCR&R functions have so evolved and changed over the years that a functional and budgetary rebalancing may be necessary.

Population Served: All families in need of child care and child care providers.

Performance Measures: Measuring quality is a priority. All funded programs enter into performance-based contracts with OCFS. The CCR&R programs focus on recruitment and retention of child care staff by providing training, technical assistance and support to providers. Using Data from a statewide functional cost analysis, programs are assigned a unit of service cost for specific services such as number of referral contacts, technical assistance, and consultation (by phone and in person). Milestones are established during the contract development process and data is collected on a quarterly basis.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Advantage After-School Program (AASP)

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: Advantage After-School Program (AASP) provides quality youth development opportunities to school-age children and youth for three hours directly after school. The program assists working parents by providing a safe and supervised environment where their children are being cared for and offered a broad range of educational, recreational, cultural, and age-appropriate activities. Programs operate five days a week during the regular school year and may elect to operate during school breaks. Each program represents a partnership between a community-based organization and a school. OCFS enters into contracts with agencies awarded AASP funds for a five-year term, which is renewable in one-year increments, provided funding is available and the program is performing satisfactorily. A growing body of research shows that children who participate in high quality after-school programs have higher school attendance and academic achievement, and are less likely to be involved in risky behaviors such as smoking, drinking alcohol, using drugs and participating prematurely in sexual activity.

Issues: New York State provides funding opportunities for after-school programs through the NYS Office of Children and Family Services (Advantage After-School Program) and the NYS Education Department (21st Century Schools Funding). Generally, agencies and schools apply for both funding streams (OCFS and SED) in order to pool these funds together to provide opportunities for after-school programs in their communities. Neither funding stream provides enough funds alone to fully fund after school programs. If these two funding streams were combined, it would assist localities with program implementation and reporting through one State agency, as well as to allow the opportunity for one State agency to provide the necessary oversight of the funding allocation process, as well as the program development and monitoring functions.

Population Served: AASP serves 26,000 rural and urban youth in grades K-12 from communities across New York State.

Performance Measures: The Advantage After-School uses three performance measures:

- Child Performance – measurement of how children that regularly attend the after school program enhance their academic achievement
- Child Involvement/Attendance – measurement of program quality as demonstrated by the consistency of attendance by the children enrolled
 - Of the 196 Program sites from whom data is currently available for the first quarter of 2008, 66% have average daily attendance of at least 70% of the children enrolled
 - Of the 186 Program sites from whom data is currently available for the second quarter of 2008, almost 69% have average daily attendance of at least 70% of the children enrolled
 - Should a Program's average daily attendance for a quarter fall below the expected percentage (60% for High School, 70% for Middle School and 80% for Elementary School), technical assistance will be provided by the AASP Program Manager.
- Parental/Guardian Involvement – measurement of the program quality as demonstrated by parent satisfaction and participation.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Portable Information Technology Demonstration

Mandate: Chapter 58 of the Laws of 2006, Part G; Chapter 57 of the Laws of 2007; and Chapter 57 of the Laws of 2008.

The language in the SFY 2008-09 budget requires OCFS to continue the demonstration project in local social services districts (LDSS) selected by OCFS to determine best practices in portable information technology for child protective services (CPS) caseworkers to improve the workload of the child protective workforce. The language also requires OCFS to submit a report on the project to the Governor, the Temporary President of the Senate and the Speaker of the Assembly, no later than January 15, 2009. This demonstration project and report, however, is only mandated to the extent of the Legislature's funding.

Mandated Funding Level: None. Funding is limited to the amounts appropriated. \$1 million has been appropriated in each of the last three fiscal years.

Brief Description/History/Background:

In early 2006, OCFS initiated a pilot program to test how portable information technology (PIT) could be used to facilitate CPS casework. The pilot program was aimed at evaluating whether such devices increased efficiency and effectiveness for caseworkers conducting and documenting CPS investigations. The demonstration project has included three successive efforts to date: the initial NYS Portable Information Technology Pilot, the Extended Pilot in New York City's Administration for Children Services (2006-07) and the Demonstration Project in 23 LDSS (2007-08).

Issues: None

Population Served: This year, OCFS approved proposals from 36 LDSS' to support CPS caseworkers.

Performance Measures: The Legislature requires a report by January 15, 2009 analyzing the progress of the demonstration project. The following are some programmatic objectives that OCFS strived to achieve with the SFY 2007-08 pilot, along with the outcomes as determined in the pilot evaluation report:

- A greater proportion of CPS worker time was spent in the field working directly with or arranging/monitoring services for families. Approximately 28 percent of the workers agreed that additional field time improved with the deployment of the portable technology and was beneficial to services outcomes and increased caseload efficiency.
- There was a greater level of job satisfaction. The indicators relevant to job satisfaction showed improvements during the pilot evaluation.
 - 32 percent of workers experienced an increase in ability to do work in court
 - 63 percent experienced an increase in the ability to access case information
 - 20 percent saw an increase in communication with their supervisors
- A greater proportion of CPS investigations were completed within regulatory time limits. The report results show that in counties with favorable technology conditions (wireless connectivity, exclusive use of laptops by testers) there was a 50 percent increase in case closings, versus a 42 percent increase in case closings in counties with less favorable technology conditions (lack of reliable wireless connectivity, shared use of laptops).
- More contemporaneous and appropriately detailed progress notes were more apparent with the closing of a higher proportion of older cases during the pilot period.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: New York New York III

Mandate: The New York New York III (Nyny III) Supportive Housing Agreement was executed on November 3, 2005, by the Governor and New York City Mayor via a Memorandum of Understanding (MOU) between OCFS and the New York City Administration for Children's Services (ACS). An MOU between ACS and the New York City Department of Health and Mental Hygiene dated March 15, 2007 expanded the number of supportive housing units available in NYC.

Mandated Funding Level: Chapter 53 of the Laws of 2008 appropriated \$2,274,000, for Nyny III. Part I of Chapter 58 of the Laws of 2008 provides for a 3.2 percent cost of living adjustment (COLA) for Nyny III waiver programs for the period April 1, 2008 through March 31, 2009, and additional annual COLAs for the period April 1, 2009, through March 31, 2012.

Brief Description/History/Background: The plan for Nyny III is to develop 9,000 supportive housing units over a 10 year period. While most of the units are targeted to adults and families who are mentally ill and homeless, 200 units are being developed for youth, ages 25 and younger, that are leaving or recently left foster care and are at risk of homelessness. In accordance with the MOU, OCFS is responsible for the operating costs of 100 of these units while New York City is responsible for the operating cost of the remaining 100 units. The creation of new supportive housing units for former foster care youth will help to address the prevention of homelessness for this population. National studies show that former foster care youth are at increased risk for negative outcomes such as homelessness and unemployment, especially when the youth do not have permanent connections to caring adults upon discharge. In NYC, the number of young people discharged annually from care exceeds 1,500.

Issues: Implementation of the Nyny III program has been delayed during the first two years of the program's existence. A large number of units are expected to become operational during SFY 2008-09.

Population Served: This program serves youth transitioning from foster care. Operating funds will support a total of 100 supportive housing slots on an annual basis.

Performance Measures: Completion and occupancy of the apartments with services for foster care and transitioning youth. The core components of this initiative must include a case manager for the youth to assist with the following outcomes:

- Participants have safe and stable housing and linkage to community resources.
- Participants have home management and financial management skills.
- Participants are enrolled and engaged in the pursuit of post secondary education, vocational training opportunities or have meaningful employment.
- Participants have access to, and use effectively, health care services, including preventive health services.
- Participants demonstrate capacity to solve problems constructively.
- Participants have, and are able to maintain, a positive relationship with a significant adult resource.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Amy Watkins Caseworker Continuing Education

Mandate: None. The program is established through budget appropriation language and was first funded in the State Fiscal Year (SFY) 1996-97 State Budget as a legislative add. Funds are for "education and training program for the provision of continuing education and training for caseworkers working in child welfare programs in local social services districts having a population of 125,000 or more, and caseworkers employed by voluntary not-for-profit community based agencies in such social services districts. Such assistance shall be used for tuition and fees associated with job-related programs, programs leading to associate, baccalaureate and masters degrees, licensure requirements and other job-related training requirements as necessary and appropriate."

Mandated Funding Level: None.

Brief Description/History/Background: The Amy Watkins Caseworker Education program provides scholarship assistance to caseworkers pursuing masters or bachelor's degrees in social work. It is geared toward improving access to social work services in the State's urban areas, defined as counties with populations of 125,000 or more. Until SFY 2006-07, the funds were allocated to county departments of social services who had the option of using the funds for county staff or voluntary agency staff. All but New York City opted to use the funds exclusively for their own staff. The appropriation is allocated among the eligible districts on the basis of population count proportionate to the total population of the districts. Counties meeting the legislative requirements include: Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Rensselaer, Rockland, Saratoga, Schenectady, Suffolk, Ulster, Westchester and New York City.

Funding for the program has varied from \$2.5 million in 1996 to \$150,000 in 2003. In SFY 2006-07, funding was increased to \$1 million, with a provision that one-third of the funds be used to support social work education for employees of voluntary agencies. The funds are administered through the New York State Social Work Education Consortium, a partnership between OCFS and the New York State Schools of Social Work. The spring 2007 term was the first term to include voluntary agency staff with 62 employees pursuing social work education.

Issues: Local District claiming can be delayed because of the timing of school calendars.

Population Served: Caseworkers from local social services districts and voluntary agency staff.

Performance Measures: More than 900 employees statewide have completed Masters of Social Work degrees in the past 8 years and the vast majority remain in the public sector.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Homeless Veterans

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amount appropriated.

Brief Description/History/Background: This program will support contracts with named non-profit organizations for services and expenses related to homeless veterans outreach and supportive services.

Issues: None.

Population Served: This program will serve needy homeless veterans through outreach and supportive services.

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Circulo de la Hispanidad Child Care Center

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None.

Brief Description/History/Background: The SFY 2008-09 Budget has made funding available for "services and expenses related to operating and capital costs of the Circulo de la Hispanidad Day Care Center." Circulo provides a variety of services to residents of Nassau County and has previously contracted with OCFS for under the Advantage After-School Program and other programs.

Issues: None.

Population Served: Families using this center for their child care needs.

Performance Measures: None

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Lighthouse Mission, Inc.
Lighthouse International, Inc.

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: Lighthouse Mission, Inc. is a non-profit organization with its primary mission to feed the poor and needy on Long Island. This new Aid to Localities appropriation is to provide funding for a new location because the current property where the organization is located is being sold and demolished.

Lighthouse International, Inc. is a non-profit organization with its primary mission to provide needed services such as outreach, rehabilitation, education and research for individuals who have visual impairments. This new Aid to Localities appropriation is to provide funding to enhance the organization's services for those individuals with vision loss.

Issues: None.

Population Served:

Lighthouse Mission, Inc. serves the poor and needy on Long Island.

Lighthouse International, Inc. serves individuals with visual impairments.

Performance Measures: N/A

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Family Empowerment Centers

Mandate: None.

Mandated Funding Level: None. Funding is limited to available appropriation authority.

Brief Description/History/Background: Family Empowerment Centers provide opportunities for people to make informed decisions in all areas of their lives. The Centers enable people with disabilities to be part of the natural system within their own community. One of the goals of the Centers is the belief that every individual should be included in the community to whatever extent he or she chooses. Each person should be informed about the choices available in life and be provided the ways and means to access those choices. As many services needed by individuals with disabilities are not always readily available, Family Empowerment Centers explore possibilities and strategies that allow a consumer to reach for outcomes which may be beyond the standard procedures and options of traditional services. The Centers get to know each individual they serve and evaluate the strengths, weaknesses, gifts, talents, skills, likes and dislikes which are used to develop a person-centered plan allowing each client to reflect on and improve the quality of his or her life. The SFY 2007-08 provided appropriation authority for the program, and no further appropriations have been enacted.

Issues: None.

Population Served: Family Empowerment Centers will provide training and educational programs to assist children and families at risk of entering the child welfare system to achieve self-sufficiency. The Centers will provide a wide array of services for people living with disabilities.

Performance Measures: N/A.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Ridgewood Bushwick Senior Citizens Council Youth Center

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: The Ridgewood Bushwick Senior Citizen's Council Youth Center is a non-profit organization in Brooklyn. Funding of \$225,000 in the 2008-09 Budget will be used to expand educational services to address current over-enrollments. Funds will allow for the Youth Center to operate for extended evening and weekend hours.

Issues: None.

Population Served: Youth in Kings County (Brooklyn)

Performance Measures: N/A

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: HeartShare Program

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: HeartShare Human Services of New York provides community based services through sub-contracts with four not-for-profit agencies that promote marriage and family stability through direct services for couples, training of providers, and dissemination of information. Activities include training and counseling in marriage stability, conflict resolution, family reconciliation, and use of assessment instruments. The funding appropriated in SFY 2008-09 is \$500,000 and for 2007-2008 it was \$125,000.

Issues: None.

Population Served: Social workers and families in New York City.

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Chabad of Northeast Queens

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: Chabad of Northeast Queens is a non-profit organization that has appropriated funding to assist in the cost of repairing and renovating the community center to expand programs and services to be offered on a non-sectarian basis.

Issues: None.

Population Served: Residents of Northeast Queens

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Adelante of Suffolk County

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: To renovate a new building at 83 Carelton Avenue in Central Islip, New York. Adelante of Suffolk County is a non-profit organization that is appropriated funding.

Issues: None.

Population Served: N/A

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Alliance of Boys and Girls Clubs

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

Brief Description/History/Background: The Alliance of Boys and Girls Clubs provides services implementing programs that target student age six through eighteen throughout the State. The philosophy of the Alliance of Boys and Girls Clubs is to instill in youth a sense of competence, usefulness, power and influence through five core areas:

- Education and career development
- Character and leadership
- Health and life skills
- Arts
- Sports, fitness and recreation

Each of these program areas enhances the Clubs' ability to combat truancy issues in the community. The primary targeted service population will be students from some of the most impoverished neighborhoods in New York. Services will take place in the youth's home communities.

Issues: None

Population Served: In 2007, over 3,600 children and youth were served statewide.

Performance Measures: Each Club has four objectives measured through pre-tests, post-tests, grades, number of books read, and program attendance:

- 80 percent of the youth participating will make wise decisions
- 75 percent of the youth participating will show an improvement in academics
- 80 percent of the youth participating will engage in positive behaviors that nurture their well-being and increase the likelihood of making healthy and smart food choices
- 66 percent of the youth participating will be empowered to support and influence their club, school and community.
- 75 children will participate in the program

A review of the program reports available for the first and second quarter of the grant year 2007-2008 indicates that approximately 57 percent of the programs either meet or exceed the attendance goal. Current qualitative and quantitative data for the first two quarters reveal that participants are making progress towards the performance measures.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Non-Secure Detention

Mandate: Various provisions of Executive Law, County Law and the Family Court Act govern Detention Services as follows:

- Executive Law §503 requires OCFS to certify, inspect and regulate juvenile detention and that no juvenile detention facility may receive children unless certified by OCFS. County Law §218-a requires all counties to have suitable and conveniently accessible juvenile detention accommodations. Articles 3 and 7 of the Family Court Act and Article 510 of the Criminal Procedure Law govern the use of juvenile detention.
- EL §502(3) references access to detention with respect to the OCFS population.
- EL §531(1)(c) requires the county include a summary of expenditures for detention in its annual report to the social services district.
- Family Court Act Article 3, §301.2 defines detention and references OCFS certification of detention facilities.
- FCA Article 3, §304.1 references OCFS certification of detention and sets parameters on use of detention for alleged juvenile delinquents.
- FCA Article 3, §305.2 references OCFS certification of detention and sets parameters on use of detention for alleged juvenile delinquents.
- FCA Article 3, §307.3 cross references Executive Law and County Law provisions with respect to detention.
- FCA Article 7, §712 defines detention and references Executive Law provisions.
- FCA Article 7, §718 references OCFS certification of detention in providing for return of runaways.
- FCA Article 7, §720 references OCFS certification of detention and sets parameters on use of detention for alleged PINS.
- FCA Article 7, §724(b) references OCFS certification of detention in addressing taking an alleged PINS into custody.
- EL §530 requires state reimbursement not to exceed 50% of local social services district expenditures for juvenile detention. While Executive Law establishes a 50% State share, the SFY 2008-09 Enacted Budget requires 98% of 50% State reimbursement of approved operating and capital expenditures. The state is responsible for reimbursing 100% of the cost of juvenile detention for state charges Social Services Law §118-c defines state charge. Volume 9 of the New York Code, Rules and Regulations [NYCRR] §180.17 governs reimbursement of operating costs.
- 9 NYCRR §180.20 provides that subject to the limits of the appropriation, state aid is available to counties and NYC in an amount not to exceed 50% of the county/city's approved expenditures for the construction or improvement of locally operated secure detention facilities.
- County Law §218-a references OCFS role in ensuring that counties make reasonable provisions for detention.
- Criminal Procedure Law §510.15 references OCFS certification of detention with respect to commitment of a juvenile offender.
- Social Services Law §462(2) references the responsibility of OCFS to set standards for juvenile detention.
- SSL §462-a references the responsibility of OCFS to inspect and supervise juvenile detention.
- SSL §462-b references the responsibility of OCFS for enforcement with respect to juvenile detention.
- Chapter 83 of the Laws of 2002 added a new Subdivision 9 to Section 530 of the Executive Law requiring each county administering agency to report information on youth remanded to detention for a period equal to or greater than 45 days, pursuant to Articles 3 and 7 of the Family Court Act.
- Chapter 83 of the Laws of 2002 required OCFS to develop a methodology to assess the need for new juvenile detention capacity and promulgate regulations to establish this methodology.
- Chapter 57 of the Laws of 2005 established new requirements concerning the provision of diversion services to prospective Persons in Need of Supervision (PINS) and their families for the purpose of avoiding the need to file a petition or direct the detention of the child, as well as to provide comprehensive services to these youth through community based programs.

- As amended by Chapter 57 of the Laws of 2008, Section 1, Subdivision 3 of Section 320.5 of the FCA requires that the court shall not direct detention, including conditional release, if there is a substantial probability that the youth will not appear in court on the return date or there is a serious risk that the youth will commit an act which if committed by an adult would constitute a crime.
- As amended by Chapter 57 of the Laws of 2008, Section 1, Subdivision 3 of Section 320.5 of the FCA requires that any finding directing detention shall state the facts and reasons for such finding. If the court makes a finding that detention is necessary, the court may consider, where applicable, as a condition of release, electronic monitoring if such electronic monitoring would significantly reduce the substantial probability that the respondent would not return to court on the return date, or the serious risk that the respondent may before the return date commit an act that if committed by an adult would constitute a crime.

Mandated Funding Level: While Executive Law establishes a 50% State share, the SFY 2008-09 Enacted Budget requires 98% of 50% State reimbursement of approved operating and capital expenditures.

Brief Description/History/Background: Detention is the temporary care and maintenance of youth away from his/her own home in an OCFS certified detention facility while awaiting court action. A Non-Secure Detention facility is characterized by the absence of physically restricting construction, hardware and procedures. Each county and the City of New York must designate the agency responsible for administering detention on behalf of that jurisdiction. Each entity must have available a sufficient range of Non-Secure Detention programs to meet the needs of all youth in the county or New York City.

The local agency responsible for administering Non-Secure Detention may contract with public or nonprofit child caring agencies to operate detention facilities pursuant to applicable statutes and regulations, and upon certification by OCFS. Non-Secure Detention facilities include family boarding homes, agency-operated boarding homes, group care or institutional facilities. A county legislature or its designee must submit an annual plan for the detention care for youth. Detention facilities are not allowed to be located in a building which is also used as an adult detention or jail. If a detention facility is located on premises adjacent to an adult detention or jail facility, there must be total sight and sound separation between the facilities.

Issues: Since 2000, there have been significant efforts to reduce out-of-home placements in Non-Secure Detention facilities, focus alternative programs to treat youth in their home communities and reduce escalating detention costs. In August 2008, OCFS issued a memorandum to local departments of social services to request applications for \$14.587 million in funding for the purpose of preventing detention use and out-of-home residential placement for prospective and adjudicated juvenile delinquents and Persons in Need of Supervision. There is little evidence that detention or residential placement of prospective or adjudicated JDs or PINS youth results in better long-term outcomes for such youth. OCFS continues to encourage communities to pursue and invest in proven non-residential strategies for adolescents. It is critical that OCFS continue to support and partner with localities to reduce unnecessary detention placements and associated costs through various diversion programs. Stakeholders include local social services districts, local probation departments, Family Court judges, law enforcement personnel, and local and national child advocacy groups.

Population Served: Placements in Non-Secure Detention include the following:

- Youth awaiting initial hearing in Family or Criminal Court based on a police arrest.
- Youth remanded/ordered to detention pending a Fact-Finding Hearing.
- Youth remanded/ordered to detention pending a Dispositional Hearing.
- Youth remanded/ordered to detention pending transfer to OCFS.
- Youth held pending a revocation hearing for an alleged violation of the conditions of release from a school, center or youth center of OCFS.
- Youth held pending return to a jurisdiction other than the one in which the child is held.
- Youth held pending return from AWOL.
- Youth held pursuant to a securing order of a family court.

Performance Measures: Quarterly monitoring visits and facility inspections are conducted by OCFS staff regarding compliance with Part 180 Regulations. Care day data is compiled in a quarterly report that provides the number of children held in detention for 45 days or more in the past 12 months, the reason for the court's initial determination to detain the youth, the legal status of the youth detained, and the reasons why the youth remained in detention.

Especially since the enactment of Chapter 57 of the Laws of 2005, which established new requirements concerning the provision of community based diversion services to prospective Persons in Need of Supervision (PINS) and their families, as well as more cost effective/efficient programs, the following major performance measures for non-secure detention facilities have shown significant improvements in reducing PINS entering the non-secure detention programs primarily through greater utilization of alternative, diversion services:

- Since January 2005, the number of non-secure detention facilities has decreased from 78 to 55, a decrease of 23 facilities (or 29.5 percent).
- The number of non-secure detention certified beds has also decreased since January 2005 from 639 to 534, a decrease of 105 beds (or 16.4 percent).
- From 2004 through 2006 program years, the non-secure detention care days have decreased significantly from 198,585 to 166,225 (or 16.3 percent).

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Child Care AFSCME District Council 1707 General Fund 003

Mandate: Budget appropriation in SFY 2007-08, reappropriated in SFY 2008-09.

Mandated Funding Level: None.

Brief Description/Background: This is a program added in the SFY 2007-08 Enacted Budget for day care center worker recruitment, retention, training and education in New York City. This program did not receive a new appropriation in SFY 2008-09. The SFY 2007-08 funding was reappropriated and is to cover an executed contract with the AFSCME District Council 1707 that runs from December 1, 2007 through November 30, 2008.

Issues: None.

Population Served: Day Care providers in New York City.

Performance Measures: Performance and outcome measures are as follows:

- To identify a group of day care employees to be targeted for retention activities designed to promote retention in their current position for an additional six-month period.
- To recruit up to 200 retired day care employees to serve as mentors and trainers to the existing day care center employees.
- Achieve at least a 75% retention rate among the day care employees identified in the first item above.
- The retirees identified in #2 above will provide a training day session to all AFSCME District Council 1707 employees for the purpose of preserving institutional history and to enhance the job related skill levels of the day care employees providing day care services to children and families.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Abuse Medical Provider Network (CHAMP)

Mandate: None.

Mandated Funding Level: None. Subject to the limits of the appropriation.

Brief Description/History/Background: The CHAMP Program consists of expert medical providers in the field of child abuse. The program is operated by the Child Abuse Referral and Evaluation Center of the State University of New York (SUNY) at the Upstate Medical University. This group provides information and training to other medical providers in the identification, skilled response and effective management of child abuse cases. The purpose of the CHAMP Program is to improve access to quality medical care for victims of suspected child abuse and maltreatment by providing training in the assessment and diagnostic skills for medical providers.

Issues: None.

Population Served: Medical professionals and Child Advocacy Center staff who treat alleged victims of child sexual abuse, physical abuse and/or maltreatment.

Performance Measures: Performance measures include the following:

- For licensed physicians, nurse practitioners and physician assistants who currently practice in New York State and hold a valid New York State license, a pre-test is administered before training is conducted. This pre-test consists of a detailed syllabus outlining the texts and other sources in the professional literature that will be required reading. An exam (or post-test) is then given and applicants must score 80% or better to receive their certificate of training, which includes 12 Continuing Medical Education credits. Participants include local and regional medical providers who treat child abuse at Child Advocacy Centers (CAC). In SFY2007-08, a total of 33 medical professionals completed the course.
- There is a mentorship component at the CHAMP Center of Excellence. Those successful in the self-study components of the CHAMP training, then spend 15 hours at the mentoring site. At the conclusion of this one-on-one training, the mentor evaluates the person being trained. In addition, the mentorship process is evaluated by the candidate. In SFY2007-08, a total of 9 medical professionals completed this additional training.
- Through this contract, a comprehensive database was to be established to provide physicians throughout New York State with the means to research problems in treatment for sexually abused children. This data-base (www.ChildAbuseMD.org) is now operational, affording medical professionals the opportunity to review actual cases and draw upon the experience of experts in the field of child sexual abuse. In the past year, this website has had 30,000 visits per month.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Maternity and Early Childhood Foundation

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts reappropriated. This program did not receive a new appropriation in the SFY 2008-09 budget. However, the SFY 2007-08 appropriation of \$200,000 was reappropriated in SFY 2008-09.

Brief Description/History/Background: The purpose of this Foundation is to ensure a safe and healthy birth of the child and the well-being of the mother by supporting and promoting services to those pregnant and parenting women and their families who are most in need. This has been accomplished through the distribution of funds to selected existing agencies or organizations across New York State.

Issues: None.

Population Served: In 2007, over 350 children and families were served. The following agencies received a grant from the Foundation: Community Maternity Services (Herkimer, Schoharie/Otsego, Warren/Washington, and Fulton/Montgomery counties), and the Dominican Sisters Family Health Service, Inc.

Performance Measures and Outcomes: In 2007, agencies applying for funding submitted proposed outcomes and methods of evaluation as part of their application. The selected grantees had to demonstrate that they could meet their proposed outcomes to receive the funding. Outcomes include the following:

- 90 percent of clients will secure appropriate prenatal care within the first trimester of pregnancy, and continuous care throughout the pregnancy
- 90 percent of babies born during the grant year will weigh no less than 6 pounds and will be born no sooner than 37 weeks
- 95 percent of infants will attain appropriate growth milestones
- 90 percent of parents will demonstrate an increase in knowledge and skills in newborn, infant and/or early childhood care and development

Grantees are required to submit quarterly reports addressing outcomes. A review of the third quarter reports shows that most agencies have exceeded proposed outcomes with one quarter of reporting left to be completed.

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Child Welfare Workload Study

Mandate: None; however, SSL Section 424 requires local department of social services' (LDSS) child protective service (CPS) to investigate allegations of child abuse or maltreatment.

Mandated Funding Level: None. Subject to available appropriations.

Brief Description/History/Background: Chapter 53 of the Laws of 2006 included \$500,000 to contract with a national child welfare expert to review and recommend manageable workloads for child protective services, foster care, and preventive services in order to allow sufficient time for each worker to meet all requirements and allow for comprehensive assessment of services for children and families. The study included a review of State and Federal laws and regulations regarding New York State's child welfare delivery system, interviews with local districts, collection of staffing data from districts and voluntary agencies that participated in the study, and a two-week time study.

A total of 11 local districts, including the New York City Administration for Children's Services (ACS), Erie, Monroe, Onondaga, Suffolk, Broome, Jefferson, Orange, Lewis, Schoharie and Seneca counties participated in this study. Additionally, 42 voluntary authorized agencies also participated. Over 2,000 caseworkers, case planners, case managers, and supervisors who carry a caseload were involved in the time study. The report recommends the following caseload goals:

- Child Protective Services – 12 investigations per worker per month
- Foster Care Case Planners – 11 to 12 children per worker per month
- Preventive Case Planners – 12 to 16 families per worker per month

Issues: Additional Child Welfare Services funding would be required to fully implement the study recommendations in various districts statewide.

Population Served: Caseworkers and supervisors at 11 local districts and 42 voluntary authorized agencies participated in this study – over 2,000 caseworkers, case planners, case managers, and supervisors. These are the caseworkers and supervisors that will ultimately serve the children and families of New York State.

Performance Measures: The results of this study were required to be published in a full report and recommendations on manageable workloads for child protective services, foster care and preventive service case workers. The report was submitted to the Governor, the Temporary President of the Senate, the Speaker of the Assembly, and the chairs of the Senate and Assembly Committees on Children and Families by December 1, 2006.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Study on Sexually Exploited Youth

Mandate: None. This program was established for a one-time study through the SFY 2006-07 budget appropriation language.

Mandated Funding Level: None. Funding was limited to the amount appropriated in SFY 2006-07.

Brief Description/History/Background: One-time funding of \$500,000 was provided to support a new study related to the prevalence of sexually exploited youth in New York State as required under Chapter 53 of the Laws of 2006. The results of this study were reported to the Governor, the Temporary President of the Senate, the Speaker of the Assembly and the Chairs of the Senate and Assembly Committees on Children and Families by December 31, 2006. The comprehensive study included the prevalence of sexually exploited children, the unique needs of sexually exploited children, the types of programs and services that best meet the needs of sexually exploited children and the capacity of the current children's services system to meet such needs.

Issues: None.

Population Served: This study was conducted to inform prevention and services efforts related to the sexual exploitation of youth.

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: Jewish Board of Family and Children Services

Mandate: None. This program is established through budget appropriation language.

Mandated Funding Level: None. Funding is limited to the amounts appropriated.

In SFY 2006-07, this program received an appropriation of \$200,000.

In SFY 2007-08, this program did not receive an appropriation. However, the SFY 2006-07 appropriation was reappropriated

In SFY 2008-09, this program did not receive an appropriation. However, \$120,000 was reappropriated from the SFY 2006-07 appropriation.

Brief Description/History/Background: The Jewish Board of Family and Children's Services, Inc. is a not-for-profit social service and mental health agency that operates a wide range of community-based programs, residential facilities and day treatment centers. In SFY 2006-07, funding went to support energy conservation projects for the Hawthorne Cedar Knolls Residential Center. This Center provided residential room and board services for 104 troubled youth from ages 8 to 18 who needed comprehensive treatment, special education, supervised living and family counseling services.

Issues: None.

Population Served: N/A

Performance Measures: N/A

**OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET**

Program: 21st Century Schools - General Fund

Mandate: Budget appropriation in SFY 2007-08, reappropriated in SFY 2008-09.

Mandated Funding Level: None.

Brief Description/Background: This is a program added in the SFY 2007-08 Enacted Budget for after school programs. Funds were made available through a Memorandum of Understanding (MOU) with the New York State Education Department (SED) in order for SED to continue funding for 21st Century Community Learning Centers.

Issues: None.

Population Served: Primarily children who attend high-poverty and low-performing schools.

Performance Measures: Child attendance and other measures adopted by SED.

OFFICE OF CHILDREN AND FAMILY SERVICES
PROGRAM INFORMATION SHEET

Program: Youth Opportunity Centers

Mandate: Title 3-A of Article 19-G of the Executive Law, sections 527-a through 527-m.

Mandated Funding Level: None. Funding is limited to the amounts authorized in the enacted budget

Brief Description/History/Background: Youth Opportunity Centers (YOC) II originally appropriated at \$11.2 million in SFY 1994-95 provide funding through a Request for Proposal process. Twelve projects were awarded for the expansion and refurbishment of non-residential youth centers. These centers provide an effective opportunity to support intervention in the lives of those youth up to 21 years of age who are most at risk. The construction, rehabilitation and acquisition of these centers provided a necessary community resource to successfully and positively impact upon the lives of those young people and communities at most risk. Operational costs of the community programs are the responsibility of the local entity. The programs accessing this rehabilitation and construction funding provide intervention, diversion and delinquency prevention services, which deter youth crime and promote the health, safety or general welfare of the youth community, as well as advance the physical, mental, or social well-being of youth in communities across the State. Currently six projects have been completed; one is in contract development; two are still obtaining a site; one is on hold pending resolution of the property title; one has a bid that exceeds the award amount; and one withdrew.

Issues: Rockland County Police Athletic, Inc project is estimated at \$3.1 million and is ready to bid. Negotiations are under way for the county to provide funding over the State award of \$1.4 million. It is anticipated that construction will begin this fall.

Population Served: Youth at risk up to age 21.

Performance Measures: Conformance with the Program Agreement as outlined in the awardees RRP.