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NEW YORK STATE  
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Commissioner

### Administrative Directive

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| <b>Transmittal:</b>                  | 13-OCFS-ADM-08  |
| <b>To:</b>                           | Commissioners of Social Services<br>Executive Directors of Voluntary Authorized Agencies  |
| <b>Issuing Division/Office:</b>      | Strategic Planning and Policy Development   |
| <b>Date:</b>                         | June 19, 2013 <i>Cancelled August 27, 2015; replaced by 15-OCFS-ADM-14</i>  |
| <b>Subject:</b>                      | <b>Revised Model Contract for Purchase of Foster Care Services</b>  |
| <b>Suggested Distribution:</b>       | Directors of Social Services<br>Foster Care Supervisors<br>Child Care Supervisors<br>Legal Staff<br>Out of State Voluntary Agencies   |
| <b>Contact Person(s):</b>            | Questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services:<br><br>Buffalo Regional Office- Dana Whitcomb (716) 847-3145<br><a href="mailto:Dana.Whitcomb@ocfs.ny.gov">Dana.Whitcomb@ocfs.ny.gov</a><br>Rochester Regional Office- Karen Buck (585) 238-8201<br><a href="mailto:Karen.Buck@ocfs.ny.gov">Karen.Buck@ocfs.ny.gov</a><br>Syracuse Regional Office- Kelly Proctor-Leon (315) 423-1200<br><a href="mailto:Kelly.Proctor-Leon@ocfs.ny.gov">Kelly.Proctor-Leon@ocfs.ny.gov</a><br>Albany Regional Office- Kerri Barber (518) 486-7078<br><a href="mailto:Kerri.Barber@ocfs.ny.gov">Kerri.Barber@ocfs.ny.gov</a><br>Spring Valley Regional Office- Yolanda Desarme (845) 708-2499<br><a href="mailto:Yolanda.Desarme@ocfs.ny.gov">Yolanda.Desarme@ocfs.ny.gov</a><br>New York City Regional Office- Raymond Toomer (212) 383-1808<br><a href="mailto:Raymond.Toomer@ocfs.ny.gov">Raymond.Toomer@ocfs.ny.gov</a><br>Native American Services- Kim Thomas (716) 847-3123<br><a href="mailto:Kim.Thomas@ocfs.ny.gov">Kim.Thomas@ocfs.ny.gov</a> |
| <b>Attachments:</b>                  | Yes- Agreement for Purchase of Foster Care for Children; Appendix A, B, C; Schedule A, B, C   |
| <b>Attachments Available Online:</b> | Yes - Same  |

### Filing References

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs.       | Soc. Serv. Law & Other Legal Ref.  | Manual Ref. | Misc. Ref. |
|--------------------|--------------------|-------------------|--|-------------|------------|
|                    | 06-OCFS-ADM-02     | 18 NYCRR Part 405 | Chapter 501 of the Laws of 2012;<br>FCA Article 10-C;<br>SSL §§458-a-458-f |             |            |

## I. Purpose

The purpose of this Administrative Directive (ADM) is to notify local departments of social services (LDSS) and voluntary authorized agencies of the most recent revisions made to the Office of Children and Family Services (OCFS) model contract for the purchase of foster care services. The revised contract for the purchase of foster care services outlined in this ADM replaces the model contract issued in 06-OCFS-ADM-02.

## II. Background

The revisions made to the model contract for the purchase of foster care services reflect amendments to New York statutes and OCFS regulations referenced below in the Summary of Modifications. In particular, the modifications reflect requirements of the Protection of People With Special Needs Act, enacted by Chapter 501 of the Laws of 2012 and effective June 30, 2013, the addition of Article 10-C of the Family Court Act (FCA) relating to destitute children, and the enactment of the kinship guardianship assistance program.

OCFS regulation 18 NYCRR 405.3(d) provides that model formats of local purchase of services contracts developed by OCFS must be used by the LDSS. The model format may be modified, as necessary, to cover additional details or to reflect in greater detail the specifications and terms under which payment will be made for services rendered.

## III. Summary of Modifications

Page 2

Amends the definition of case initiation date (CID) by adding references to Article 10-B of the FCA relating to youth re-entering foster care and Article 10-C of the FCA relating to a destitute child.

Page 5

Clarifies the definition of associated case worker.

Amends the definition of foster child by adding destitute children placed in the care and custody of LDSSs in accordance with Article 10-C of the FCA.

Page 6

Adds a definition of a supervised independent living program to reflect amendments to 18 NYCRR Part 449.

Page 7

Amends the Section II of the Agreement relating to the Term of Agreement and Renewal to reflect the ability of the LDSS to enter into a multi-year agreement as authorized by 18 NYCRR 405.3(e).

Page 8

Clarifies that the LDSS is responsible for eligibility determinations for the kinship guardianship assistance program.

Page 19

Adds that the family assessment and service plan justifying the placement of a foster child must address the issue of educational stability as required by 18 NYCRR 430.11(c)(1)&(2).

Page 21

Clarifies with regard to casework contacts that the agency with designated case planning responsibility and the agency of the associated case worker must maintain case work contacts with the child's parent or relatives after the child enters foster care, as required by 18 NYCRR 430.12(c)(3) and 441.21, unless the LDSS chooses to continue to provide such contacts.

Pages 23-24

Adds that a voluntary agency that is not an approved adoption agency must provide to the LDSS for the approval of a foster parent as an adoptive parent the results of checks performed by the Justice Center for the Protection of People With Special Needs category one substantiated findings register.

Addresses the kinship guardianship assistance program as a permanency option and references case recording requirements applicable to the kinship guardianship assistance program as set forth in 18 NYCRR 428.5(c)(12).

## Page 26

Clarifies the responsibility set forth in 18 NYCRR 430.12(f)(4)(i)(a) regarding a foster child on trial discharge who remains in the legal custody of the LDSS that the LDSS must place the youth in a foster care home or facility where appropriate housing is not available for the foster child within 30 days of the child becoming homeless.

## Page 29

Amends the requirements for the notification of the LDSS by the voluntary agency in the case of a death of a child placed in accordance with this Agreement to include the autopsy report, if such report is available.

Adds the requirement for the immediate notification of the Justice Center for the Protection of People With Special Needs by the voluntary agency whenever a child placed in accordance with this Agreement dies while being cared for in an agency boarding home, supervised independent living program, group home, group residence or institution operated by the voluntary agency.

Adds the requirement with respect to a child placed outside of the State of New York in accordance with the Agreement for the voluntary agency to immediately notify the New York State Justice Center for the Protection of People With Special Needs (Justice Center) whenever a child has suffered an injury, accident or illness that requires emergency medical treatment at a hospital on either an inpatient or outpatient basis and whenever a child has died, and to provide an autopsy report relating to such death, if such report exists.

## Pages 31-32

Updates and adds references to the requirements and process for reporting of suspected abuse or neglect in a facility operated by the voluntary agency, as enacted by Chapter 501 of the Laws of 2012. Retains references to the requirements and process for reporting familial abuse and maltreatment, including cases involving foster parents.

Adds the requirement for the voluntary agency to conduct a data base check of the Justice Center for the Protection of People With Special Needs substantiated category one findings register in accordance with section 495 of the Social Services Law (SSL) relating to prospective employees, administrators, consultants, interns, volunteers or contractors who will have the potential for regular and substantial contact with children, and relating to prospective foster and adoptive parents and other adults residing in the home of the applicants. Section 495 of the SSL was enacted by Chapter 501 of the Laws of 2012 and takes effect on June 30, 2013.

Adds several requirements specifically and exclusively applicable to voluntary agencies in regard to children placed in facilities located outside of the State of New York, as enacted

by Chapter 501 of the Laws of 2012 and effective June 30, 2013. These requirements relate to:

- Reporting of suspected abuse and neglect in the out-of-state facility.
- Procedures for the reporting of suspected abuse and neglect of a child cared for in an out-of-state facility.
- Cooperation requirements imposed on the out of state voluntary agency in relation to the investigation conducted by the Justice Center for the Protection of People With Special Needs and other agencies in regard to complaints of abuse or neglect, including, but not limited to, the production of reports in a form and manner required by the Justice Center.
- Access by the Justice Center for the Protection of People With Special Needs to the grounds and papers of the out of state voluntary agency and facility.

Provides that the failure of the voluntary agency to comply with these requirements is a ground for the termination of the Agreement.

Pages 32-33

Adds the requirement that the voluntary agency must develop the foster child's transition plan required by 18 NYCRR 430.12(j) when directed to do so by the LDSS.

Adds the requirement that the voluntary agency provides or arranges for the provision of the consumer report for the foster child as required by 18 NYCRR 430.12(k) when directed to do so by the LDSS.

Adds the requirement imposed by section 378-a(1) of the SSL, as enacted by Chapter 501 of the Laws of 2012, that requires the voluntary agency to conduct criminal history record checks on each prospective operator, employee or volunteer of the residential program who will have regular and substantial unsupervised or unrestricted physical contact with children in such program. This requirement is effective June 30, 2013.

Clarifies the obligation of the LDSS to inform applicants of fair hearing rights in relation to the kinship guardianship assistance program.

Schedule C

Adds transition plans and consumer reports to the tasks and responsibilities the LDSS may decide to either retain or delegate to the voluntary agency.

**IV. Required Action**

LDSSs must modify their foster care services and maintenance agreement to follow the revised model contract for the purchase of foster care services.

**V. Effective Date**

Information contained in this release and the revised model contract for the purchase of foster care services becomes effective immediately upon release. Existing contracts are subject to the statutory amendments that take effect June 30, 2013. LDSSs are urged to modify current contract to reflect the amendment required by Chapter 501 of the Laws of 2012 referenced above.

*/s/ Jeanne Milstein*

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**Issued By:**

Name: Jeanne Milstein

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development