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Administrative Directive

Transmittal:	14-OCFS-ADM-02
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	April 23, 2014
Subject:	Procedures for Closing of a Voluntary Agency
Suggested Distribution:	Directors of Social Services
Contact Person(s):	Questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office-Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office-Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office-Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office-Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office-Yolanda Désarmé (845) 708-2498 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office-Raymond Toomer (212) 383-1788 Raymond.Toomer@ocfs.ny.gov Native American Services-Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
Attachments	No
Attachments Available Online:	N/A

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 476.2	SSL 460b and 460d	Standards of Payment Manual, Chapter 10, Section E, Voluntary Agencies	

I. Purpose

The purpose of this Administrative Directive (ADM) is to describe the steps that an authorized voluntary agency must take when it intends to close, merge or transfer one or more of its facilities, or the entire agency plans to cease operation. The voluntary agency must provide written notice to the appropriate Office of Children and Family Services (OCFS) Regional Office at least 90 days prior to such action. Please note that the requirement of providing written notice also applies to closure of a facility operated by the voluntary agency that is licensed or certified by another state agency, although none of the other requirements set forth below will apply when the facility is licensed or certified by another state agency. There are also instances when the voluntary agency is forced to close a facility or to cease operation of the entire agency in less than 90 days due to health and safety concerns or lack of fiscal viability. In those cases, the voluntary agency must still follow the process set forth herein to the maximum extent possible.

Once OCFS is notified of the closure of an agency and/or facility, there are a number of responsibilities and actions that must take place within OCFS, the voluntary agency and any affected Local Departments of Social Services (LDSS) in an expedited fashion. This ADM will provide detailed information on the voluntary agency process for closing an agency and/or facility.

II. Background

NYS OCFS regulation 18 NYCCR 476.2(d) provides that a facility may not discontinue operation without submission of a notice to OCFS at least 90 days before the date of the proposed discontinuation of operation. The regulation requires that the notice include a plan, to be approved by OCFS, for the transfer of all residents in the facility to be closed. However, there are situations when an agency is forced to close in short timeframes either due to a major fiscal or program issue, and providing 90 day notice is not feasible. In either case, this ADM provides specific steps that an agency must follow when closing a facility or an entire agency.

III. Program Implications

When an agency plans to close a facility or if an entire agency is closing, the voluntary agency must maintain appropriate staffing and supervision in order to provide for the health and safety of all residents, and must arrange for all children to be transferred/discharged in a timely fashion prior to the facility closure.

IV. Required Action

The following steps must be taken by a voluntary agency when an agency intends to close/merge or transfer one or more of its facilities, or the entire agency plans to cease operation:

1. The agency must provide OCFS with a formal letter from the agency's board of directors providing official notification of their decision to cease operations, including the effective date of closure. Included should be the agency's plan to notify, as appropriate, LDSS, local Committees on Special Education (CSEs), the OCFS Division of Juvenile Justice and Opportunities for Youth (DJJOY), and other referring agencies of the closure, and a plan for ongoing communication with these entities during the close-down process.
2. The agency must develop a comprehensive close-down plan that provides reasonable assurances for maintaining appropriate staffing and supervision in order to safeguard the health and safety of all residents. This plan will be sent to the OCFS Regional Office for review and approval, and must include the following:
 - A list of all congregate care facilities (Institution, Group Residence, Group Home, and Agency Operated Boarding Homes) and program types (Regular, Hard To Place, Mother/Child, etc.), that currently are licensed for operation by OCFS.
 - A list of all other non-congregate care programs that provide services to children in foster care foster children and in care of OCFS/DJJOY.
 - A list of the current agency's congregate census for the facility or facilities to be closed. If the entire agency is closing, a list of the agency's non-congregate census should be included as well.
 - Along with the census, the agency will provide for each child in the facility to be closed:
 - Child's current type of placement;
 - Name of placing LDSS, CSE, OCFS or other placing entity as applicable;
 - Date of admission to the agency;
 - Youth profile summary (including educational and medical information); and
 - Child's discharge plan and anticipated discharge date.

Using the census information, the agency must develop a tracking sheet that follows each child being moved due to the facility closure. This tracking sheet will follow each child's transfer or discharge. (Example: If a child is being transferred to another voluntary agency, the interview date, admission date, and if necessary, any follow-up that is required should be tracked).

- A fiscal component that demonstrates that the agency will have sufficient cash to continue operations until the planned closure date. When an institution or group residence closes, or when all facilities that make up an existing program close (i.e., all of an agency's group homes, agency boarding homes, or certified/approved family boarding homes), the voluntary agency may request a close down rate for the applicable program in accord with policies specified in the Standards of Payment Manual, Chapter 10, Section E. The approval of the placing social services districts and OCFS is necessary before a close-down rate may be issued.

- Steps to protect and transfer those parts of the uniform case record in the possession of the agency and any other case records and confidential information regarding a child in care of the facility to be closed. For children in the custody of an LDSS, such records must either be returned to the LDSS with custody of the child or to the child's new foster care placement at the direction of the applicable LDSS. For children who have been adopted or reunified, such records must be transferred to the appropriate LDSS. For children in the custody of OCFS, such records must be returned to DJJOY. For children placed through a CSE, the records must be returned to the CSE or forwarded to the child's new placement, as directed by the placing CSE.
- The agency's plan to return all applicable state owned equipment, particularly computers and servers owned by the State of New York. This would include equipment and data security plans.
- Once all residents have been removed, the agency's plan to surrender operating certificates to the appropriate OCFS Regional Office for the programs licensed or certified by OCFS.

OCFS Regional Office staff will act as the state agency's primary liaison, and will monitor and facilitate the closing process. Throughout this process, Regional Office staff will conduct announced and unannounced site visits in monitoring the agency's close-down plan and to provide assistance as necessary. Regional Office staff will also do an immediate assessment of congregate care vacancies within the region for the possible transfer of children from the closing agency.

V. Systems Implications

There are no system implications.

VI. Effective Date

This administrative directive is effective immediately.

/s/ Laura M. Velez

Issued By:

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Title: Deputy Commissioner

Division/Office: Division of Child Welfare & Community Services