



Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSELAER, NY 12144

Shelia J. Poole
Acting Commissioner

Local Commissioners Memorandum

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| Transmittal: | 16-OCFS-LCM-11 |
| To: | Local District Commissioners of Social Services |
| Issuing Division/Office: | Strategic Planning and Policy Development Child Welfare and Community Services |
| Date: | May 27, 2016 |
| Subject: | Community Optional Preventive Services (COPS) Program FFY 2015-2016/SFY 2016-2017 Funding and Claiming Instructions |
| 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- Tina Cook (716) 847-3145 Tina.Cook@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- Colleen Fischer (518) 486-7078 Colleen.Fischer@ocfs.ny.gov Spring Valley Regional Office- Yolanda Désarmé (845) 708-2499 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office- Ronni Fuchs (212) 383-1808 Ronni.Fuchs@ocfs.ny.gov Native American Services- Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov |
| Attachments: | A: FFY 2015- 2016/SFY 2016-2017 COPS Preliminary Allocations B: COPS Estimated Expenditures FFY 2015-2016/SFY 2016- 2017 C: Community Optional Preventive Services Program Report D: FFFS COPS Allocations FFY 2015-2016/SFY 2016-2017 |

I. Purpose

The purpose of this Local Commissioner's Memorandum (LCM) is to advise local departments of social services (LDSSs) of the availability of \$11,124,750 in state funding for Community Optional Preventive Services (COPS) programs in Federal Fiscal Year (FFY) 2015-16/State Fiscal Year (SFY) 2016-17. A list of preliminary district allocations for COPS programs is provided as an attachment to this LCM. Information and instructions regarding required reporting on program outcomes and instructions for financial claiming are attached to this LCM. An additional \$1,000,000 has been set aside as a separate allocation from the \$11,124,750 COPS appropriation. Specifications for the \$1,000,000 COPS set-aside funding will be addressed in a separate LCM.

II. Background

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

In 1988, the New York State Department of Social Services, now the New York State Office of Children and Family Services (OCFS), invited LDSSs to voluntarily participate in the piloting of COPS programs. Initial funding support for the COPS pilot program was derived from state preventive services funding contained in the state's enacted 1988-1989 budget. COPS programs were targeted for families where a child was not at immediate risk of foster care, but where primary or secondary forms of preventive services would help to avert family crises and reduce the risk of foster care placements. Statewide, 20 programs were funded from 1988 to 2001 through the initial COPS pilot. Several program types were represented among the selected programs, including: group parenting skills education, general community-wide community education, school-based, and "therapeutic" programs. COPS programs, in some instances, were authorized to serve families without determining individual eligibility, and without Uniform Case Review (UCR) or Child Care Review Service (CCRS) requirements.

OCFS requires that LDSSs submit an annual plan to request approval for COPS programming and reimbursement. LDSSs' annual plans are submitted and approved by the OCFS Division of Child Welfare and Community Services' regional offices.

Although individual programmatic eligibility determinations are unnecessary, there must be an acceptable method for determining whether a case is below or over 200 percent of the federal poverty level, consistent with criteria outlined in Chapter 3 of the OCFS "Eligibility Manual for Child Welfare Programs." Individual family eligibility determinations can be done by a simplified family-specific determination as to whether the income is below or over 200 percent of poverty and the recipients are either U.S. citizens or qualified aliens. Alternatively, the need to do individual eligibility determinations for COPS programs can be waived if the LDSS identifies a reliable source of information to calculate the proportion of the target population that is below 200 percent of the poverty standard. Any alternative measure for determining if a family's income is below or over 200 percent of poverty is subject to OCFS approval. Participation in a COPS program may not be limited to those families who are below 200 percent of the federal poverty level.

OCFS approval of LDSS COPS programs provides a waiver of preventive services eligibility determination, case planning, case management, and CONNECTIONS requirements. In lieu of those requirements, LDSSs that receive COPS funding must submit an annual plan to OCFS that defines the target population or geographical area to be served by the COPS program. Such plans must identify how the LDSS will collect client information to identify the income level of persons, families or targeted communities to receive COPS services. All persons receiving COPS services must meet the annually issued federal income guidelines for families with incomes up to 200 percent of the federal poverty level. LDSSs can demonstrate community eligibility by utilizing federal data sources to document income eligibility, eligibility for federally subsidized public housing, and percentages of households receiving federal Section 8 housing subsidies. Additional information on eligibility criteria is available in Chapter 3 of the OCFS "Eligibility Manual for Child Welfare Programs."

III. Program Implications

For FFY 2015-2016/SFY 2016-17, \$11,124,750 in state funding is provided for COPS programs in a separate capped appropriation (an additional \$1,000,000 has been set aside for COPS program(s) that meet certain requirements and a separate LCM will be issued to address this funding). This funding amount remains at the same level as the SFY 2015-16 appropriation amount. For COPS services provided from October 1, 2015 through September 30, 2016, state reimbursement is available for 63.7 percent of eligible costs up to the capped appropriation amount.

An LDSS cannot receive reimbursement for COPS services through the established method for claiming child welfare services. LDSSs must submit individual COPS claims which reflect COPS related expenses in accordance with the OCFS approved COPS program allocation. Pursuant to Chapter 53 of the Laws of 2016, COPS allocation levels cannot exceed the allocation amount approved by OCFS and in effect on October 1, 2008. LDSS COPS programs that were previously approved by OCFS and in operation on or before October 1, 2008 can submit a COPS plan to their OCFS regional office to continue program operation and reimbursement. COPS programs that were previously approved and operating on October 1, 2008, but which ceased operating for a minor period of time, may submit a COPS plan to their respective OCFS regional office to request approval to resume COPS services. OCFS approval of LDSS requests for resumption of previously approved COPS services will be assessed on a case-by-case basis and COPS programs which receive approval to resume services will be allocated funding, but cannot receive an allocation that exceeds the level of funding approved by OCFS as of October 1, 2008. Furthermore, an LDSS cannot receive state reimbursement for any COPS services provided during a time when it did not have a contract in place, and the LDSS cannot contract retroactively for the services. For example, if an LDSS terminated a contract on December 31, 2015, and the LDSS did not enter into a new contract until April 15, 2016, it could claim for the services provided from October 1, 2015, through December 31, 2015, and for the services provided from April 15, 2016, through September 30, 2016, but not for any services provided from January 1, 2016, through April 14, 2016, during the time period that a contract did not exist.

An LDSS may receive the 63.7 percent state reimbursement, net of any available federal funds, for the costs of eligible services provided through September 30, 2016, up to the amount of the capped appropriation. If there are insufficient funds in the capped appropriation to reimburse 63.7 percent of the LDSS's eligible COPS expenditures claimed,

the LDSS will receive its proportionate share of the capped appropriation based on the LDSS's total COPS eligible expenditures claimed compared to the statewide total of eligible expenditures claimed. This year, OCFS has provided preliminary district allocations for COPS programs (Attachment A, FFY 2015-2016/SFY 2016-2017 COPS Preliminary Allocations) which may be subject to adjustments based on the methodology provided on page 5 of this LCM. Please note, these allocations may not reflect the final amount that an LDSS is allocated, as the amounts may be adjusted based on actual and final COPS claims paid, in relation to the total COPS appropriated amount.

Any LDSS that receives a preliminary allocation for FFY 2015-16/SFY 2016-17 and does not wish to accept it must inform OCFS in writing or via e-mail to the contact and address below, by June 30, 2016:

Bureau of Policy Analysis
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 322 N
Rensselaer, NY 12144

Or e-mail a copy to ocfs.sm.policy@ocfs.ny.gov

Each LDSS that is seeking state reimbursement for existing COPS programs must submit a list of the COPS programs that were previously approved by OCFS and were operating on or before October 1, 2008. The LDSS must also identify the amount of state reimbursement sought for each COPS program, and the amount of each COPS program's eligible COPS expenditures based on the maximum COPS allocation approved for programming effective October 1, 2008. An Excel spreadsheet form, entitled Attachment B, *COPS Estimated Expenditures FFY 2015 – 2016/ SFY 2016-2017*, has been provided with this LCM, and must be used to report this information to OCFS.

Each LDSS that has one or more COPS programs for which it will seek state reimbursement must complete Attachment B, *COPS Estimated Expenditures FFY 2015 – 2016/SFY 2016-2017*, and submit it by e-mail no later than June 30, 2016 to:

Bureau of Policy Analysis
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 322 N
Rensselaer, NY 12144

Or e-mail a copy to ocfs.sm.policy@ocfs.ny.gov

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

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops, rather than serving youth at immediate risk for placement, with the long-term goal of reducing the need for foster care and offering a less costly alternative to placement. There is a wide range of services that LDSSs have offered through the COPS program to work toward this goal of averting placements.

LDSSs who receive COPS funding are required by OCFS to track program performance and progress toward meeting stated outcomes. The Attachment C, *Community Optional Preventive Services Program Report*, is used for reporting purposes. LDSSs are required to submit Attachment C to OCFS by October 15, 2016.

The report information should reflect program performance and outcomes achieved by each COPS program in existence during the timeframe October 1, 2015, through September 30, 2016. The Attachment C form must be submitted to:

Bureau of Policy Analysis
NYS Office of Children and Family Services
Strategic Planning and Policy Development
52 Washington Street, Room 322 N
Rensselaer, NY 12144

Or e-mail a copy to ocfs.sm.policy@ocfs.ny.gov

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

Allocation Methodology

The allocation methodology for the FFY 2015-16/SFY 2016-17 COPS allocations to LDSSs is comprised of two parts:

- The first part provides \$11,124,750 in state funding for COPS programs in a capped appropriation. This allocation is based on each LDSS’s proportion of the total gross statewide actual expenditures for FFY 2015-2016.

District preliminary COPS allocations for FFY 2015-2016 are provided in Attachment A, *FFY 2015-2016/SFY 2016 – 2017 COPS Preliminary Allocations*.

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

IV. Other Related SFY 2016-17 Budget Actions

FFFS: The SFY 2016-2017 Enacted Budget appropriates \$964 million of Temporary Assistance for Needy Families (TANF) funding to continue FFFS. Under the FFFS, child welfare services other than COPS may be funded for families that meet the TANF-EAF eligibility criteria and/or for families with incomes up to 200 percent of the federal poverty level. LDSSs also have the option to transfer a portion of their FFFS allocations to the Title XX Block Grant. Under federal law, any FFFS funding an LDSS that chooses to transfer to the Title XX Block Grant must be expended for services to children and their families with incomes below 200 percent of the federal poverty level for the family size. Recipients of the Title XX Below 200 Percent funds also must be either U.S. citizens or qualified aliens as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Among the programs that can be supported with funds transferred to Title XX from an LDSS's FFFS allocation are the TANF Transfer to Title XX Below 200 Percent for Preventive, Child Protective, Aftercare and Adoption Services, and the TANF Transfer to Title XX for Otherwise Eligible Title XX Below 200 Percent expenditures, including COPS. Consistent with 45 CFR Part 260-263, no more than 30 percent of the state's entire TANF block grant may be transferred to the Child Care and Development Block Grant (CCDBG) and/or Title XX, with only up to 10 percent of the entire TANF block grant eligible for transfer to Title XX. Chapter 53 of the Laws of 2016, for SFY 2016-2017, enables LDSSs to maximize funding by opting to transfer up to 32 percent of their FFFS allocation to CCDBG and Title XX combined, with up to 25 percent of the FFFS allocation going to Title XX.

With the establishment of FFFS in SFY 2005-06, LDSS-specific Child Welfare Services thresholds were enacted. In SFY 2016-2017, the total combined threshold is maintained at \$342,322,341. In order for LDSSs to receive state reimbursement for Child Welfare Services other than COPS, each LDSS must expend FFFS funds for Title XX Child Welfare Services Below 200 Percent, Title XX Below 200 Percent COPS, TANF-EAF Child Welfare Services, FFFS Child Welfare Direct Services for families with income below 200 percent, and Administration at a level equal to or greater than that district's portion of the \$342,322,341 statewide Child Welfare Services threshold.

In SFY 2016-17, LDSSs may apply Title XX Below 200 Percent COPS FFFS expenditures up to the amount dedicated in Title XX Below 200 Percent COPS for SFY 2010-11 as of March 31, 2011 to their CWS threshold, as shown on Attachment D, *FFFS COPS Allocations FFY 2015-2016 / SFY 2016 - 2017*. Any amount dedicated or expended above this amount will not count toward the CWS threshold. An LDSS meeting its Child Welfare Services threshold may be eligible for 62 percent state reimbursement for its eligible child welfare expenditures other than COPS, net of the available federal funding, provided it has established performance targets or outcome-based requirements for child preventive services. The SFY 2016-17 child welfare settlement period is for expenditures incurred from October 1, 2015, through September 30, 2016, and claimed by March 31, 2017; therefore, the threshold time frame is also from October 1, 2015, through September 30, 2016, in order to be counted toward the district's SFY 2016-2017 threshold.

V. Claiming Instructions

An LDSS will use the following set of instructions to claim reimbursement for COPS for services from October 1, 2015, through September 30, 2016. Claims for this period must be submitted and final accepted by March 31, 2017.

Expenditures for COPS FFY 2015-2016 should be claimed through the RF17 claim package for special project claiming. These costs should be identified as F17 functional costs and reported on the Schedule D *DSS Administrative Expenses Allocation and Distribution by Function and Program* (LDSS-2347) in the F17 column in the RF2A claim package. The individual project costs should also be reported under the project label COPS 2015 2016 or COPS FFFS 2015 2016 on the LDSS-4975A *RF17 Worksheet, Distribution of Allocated Costs to Other Reimbursable Programs*. Program costs should be reported under the heading "Object of Expense 37 – Special Project Program Expense," contained in LDSS-923B Summary-Program (page 2) "Schedule of Payments for Expenses Other Than Reimbursable Programs." Total project costs and shares should be reported on the LDSS-4975 *Monthly Statement of Special Project Claims Federal and State Aid* (RF17).

LDSSs that wish to claim federal reimbursement should use the project label "COPS FFFS 2015- 2016". These claims will be reimbursed at 100 percent, up to the amount that has been transferred to Title XX Below 200 Percent COPS. COPS expenditures in excess of the amount transferred to Title XX Below 200 Percent COPS from an LDSS's FFFS allocation may be eligible for reimbursement under the capped COPS state reimbursement appropriation to the extent funds are available, separate from the open-ended child welfare services funding.

LDSSs that wish to claim state reimbursement should use the project label "COPS 2015 2016". Claims filed under the state share will draw down on that LDSS's portion of the capped state appropriation for COPS. Those cases receiving state reimbursement are not required to be under 200 percent of the poverty level. The amount entered for state reimbursement should be the gross eligible COPS claims, net of any claims entered as federal share. The gross value should be entered as the total. The system will automatically calculate state share, with the net being local share. LDSSs should be aware that state reimbursement is up to 63.7 percent with the balance as local share. If the total COPS claims eligible for state reimbursement exceed the capped appropriation amount, state reimbursement will be made proportionally to each LDSS based on its percentage of the statewide total of eligible claims as compared to the amount appropriated after March 31, 2017.

Instructions for completing the Schedule D and the RF17 Claim Package are found in Volume 3 of the *Fiscal Reference Manual* (FRM) in Chapter 7. The FRM is available online at <http://otda.state.nyenet/bfdm/finance/>.

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

VI. Contact Information

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

Regions I - IV: Dan Stuhlman (518) 474-7549
Dan.Stuhlman@otda.ny.gov

Regions V & VI: Michael Simon (212) 961-8250
Michael.Simon@otda.ny.gov

Issued By:

/s/ Thomas R. Brooks

Name: Thomas R. Brooks
Title: Deputy Commissioner
Division/Office: Strategic Planning and Policy Development

/s/ Laura M. Velez_

Name: Laura M. Velez
Title: Deputy Commissioner
Division/Office: Child Welfare and Community Services

| Attachment A | | | |
|--|---|-----------------|---|
| FFY 2015-2016/ SFY 2016-2017 | | | |
| Community Optional Preventive Services (COPS) Preliminary Allocations | | | |
| <u>District</u> | <u>SFY 2016-17 Preliminary State Share of 63.7%</u> | <u>District</u> | <u>SFY 2016-17 Preliminary State Share of 63.7%</u> |
| Albany | 113,559 | Orange | 464,753 |
| Allegany | - | Orleans | - |
| Broome | - | Oswego | - |
| Cattaraugus | - | Otsego | - |
| Cayuga | - | Putnam | - |
| Chautauqua | - | Rensselaer | - |
| Chemung | 381,061 | Rockland | - |
| Chenango | - | St Lawrence | - |
| Clinton | 136,532 | Saratoga | 236,173 |
| Columbia | 92,055 | Schenectady | 136,909 |
| Cortland | - | Schoharie | - |
| Delaware | - | Schuyler | - |
| Dutchess | 816,095 | Seneca | - |
| Erie | 162,017 | Steuben | - |
| Essex | - | Suffolk | 492,276 |
| Franklin | - | Sullivan | 112,162 |
| Fulton | - | Tioga | - |
| Genesee | 224,441 | Tompkins | 421,208 |
| Greene | - | Ulster | - |
| Hamilton | - | Warren | - |
| Herkimer | - | Washington | - |
| Jefferson | - | Wayne | - |
| Lewis | - | Westchester | 2,393,374 |
| Livingston | - | Wyoming | - |
| Madison | - | Yates | - |
| Monroe | 2,635,413 | | |
| Montgomery | - | Upstate | 9,384,226 |
| Nassau | - | | |
| Niagara | - | New York City | 1,740,524 |
| Oneida | - | | |
| Onondaga | 77,589 | Total | 11,124,750 |
| Ontario | 488,609 | | |

Attachment C

Community Optional Preventive Services Program Report

COPS Program Information

COPS Program Name : _____
 Name of Agency Providing COPS Services : _____
 Name of OCFS-Approved Program in 2008: _____
 District: _____
 Target Group or Community Served: _____ Number Served During Review Period: _____
 Primary Services: _____
 Date Completed: _____ **Review 10/1/2015 to Period: 9/30/2016**

Instructions-Performance Targets or Outcomes

COPS funding is aimed at supporting community services that work with youth and families before a serious problem develops with the long-term goal of reducing the risk of foster care and offering a less costly alternative to placement.

In this section, describe the program’s performance targets or outcome areas, as required for LDSSs to report on, in accordance with 07-OCFS-LCM-12, and give evidence of the COPS program’s achievement(s) for the review period. Information is requested to be provided in measurable terms whenever possible.

Outcomes are the desired benefits or anticipated changes for the target population after their involvement with the program. **Performance targets** are the quantifiable and verifiable improvements in the condition or behavior of the target population resulting from the provision of services that indicate progress related to an outcome that the program intends to achieve by the end of the contract period.

This template gives space to describe three top performance targets or outcomes, but it is not necessary to complete all three sections. If more space is needed, please use the same format on a separate sheet.

Please complete and submit this form by **October 15, 2016** to:

***Bureau of Policy Analysis
 NYS Office of Children and Family Services
 Strategic Planning and Policy Development
 52 Washington Street, Room 322 N,
 Rensselaer, NY 12144***

Or email a copy to ocfs.sm.policy@ocfs.ny.gov

1st Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of participants:

2nd Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of participants:

3rd Outcome, Performance Target, and Strategy

Description of Outcome:

Evidence of Achievement in Performance Target:

Strategy or Strategies Used:

Strategy Cost and # of participants:

| Attachment D | | | |
|--|---|-----------------|---|
| FFFS COPS Allocations FFY 2015-16/ SFY 2016-17 | | | |
| Grandfathered Dedications that Count towards the CWS Threshold | | | |
| <u>District</u> | <u>Title XX Below 200% COPS</u> | <u>District</u> | <u>Title XX Below 200% COPS</u> |
| Albany | - | Orange | - |
| Allegany | - | Orleans | - |
| Broome | - | Oswego | - |
| Cattaraugus | - | Otsego | - |
| Cayuga | - | Putnam | - |
| Chautauqua | - | Rensselaer | - |
| Chemung | - | Rockland | - |
| Chenango | - | St Lawrence | - |
| Clinton | - | Saratoga | - |
| Columbia | - | Schenectady | - |
| Cortland | - | Schoharie | - |
| Delaware | - | Schuyler | - |
| Dutchess | - | Seneca | 248,120 |
| Erie | - | Steuben | - |
| Essex | - | Suffolk | 1,000,000 |
| Franklin | - | Sullivan | 32,000 |
| Fulton | - | Tioga | - |
| Genesee | - | Tompkins | - |
| Greene | - | Ulster | - |
| Hamilton | - | Warren | - |
| Herkimer | - | Washington | - |
| Jefferson | 217,889 | Wayne | - |
| Lewis | - | Westchester | - |
| Livingston | - | Wyoming | - |
| Madison | - | Yates | - |
| Monroe | - | | - |
| Montgomery | - | Upstate | 1,498,009 |
| Nassau | - | | - |
| Niagara | - | New York City | - |
| Oneida | - | | - |
| Onondaga | - | Total | 1,498,009 |
| Ontario | - | | - |