



**Eliot Spitzer**  
*Governor*

**NEW YORK STATE**  
**OFFICE OF CHILDREN & FAMILY SERVICES**  
52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Gladys Carrión, Esq.**  
*Commissioner*

## **Local Commissioners Memorandum**

<b>Transmittal:</b>	07-OCFS-LCM-13
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development Administration
<b>Date:</b>	August 23, 2007
<b>Subject:</b>	SFY 2007-08 Funding for Prevention of Detention and Services to Youth at Risk of Becoming a PINS or Entering the Juvenile Justice System
<b>Contact Person(s):</b>	See Page 6
<b>Attachments:</b>	Attachment A: Comparable Counties
<b>Attachment Available Online:</b>	Yes

### **I. Purpose**

The purpose of this memorandum is to advise local departments of social services (LDSSs) of the availability of \$5.2 million in state funding provided in the State Fiscal Year (SFY) 2007-08 Budget aimed at preventing detention use and out-of-home placement for prospective or adjudicated Persons in Need of Supervision (PINS) and Juvenile Delinquents (JDs).

### **II. Background**

Part E of Chapter 57 of the Laws of 2005 established requirements concerning the provision of diversion services to prospective PINS (and their families) for the purpose of avoiding the need to file a petition or direct the detention of the child. This law derived from both program and fiscal considerations. Programmatically, there is little evidence that detention or coming under the jurisdiction of the Family

Court pursuant to Article 7 of the Family Court Act correlates with better outcomes for the majority of affected youth and their families, although such activities are certainly warranted in some limited circumstances. At the same time, detention services are quite expensive, and the use of alternatives such as respite and crisis counseling may be less costly and, more importantly, may avert expensive long-term costs such as out-of-home placement in some instances. Prevention of detention and out-of-home placements for youngsters who are subject to Article 3 petitions is also likely to be associated with better outcomes for such youth in many instances, especially when viable service alternatives exist in the community.

As in the previous two years, the enacted state budget includes funding for “program modifications and/or services including, but not limited to, demonstrated effective programs such as evidence-based initiatives for alternatives to detention for persons alleged or determined to be in need of supervision or otherwise at risk of placement in the juvenile justice system.”

### **III. Available Funding**

The SFY 2007-08 Budget allocates \$8.0 million in state funds for the purposes stated above. Of this amount, \$5.2 million will be made available to LDSSs to provide services to families, without regard to the family’s income, in accordance with the statutory purpose. The remaining amount will support state contracts for this purpose, including the continued use of the Vera Institute of Justice in providing ongoing technical assistance to LDSSs.

In relation to the \$5.2 million in available state funding, LDSSs must apply for these funds by submitting a program description to the applicable Regional Office by September 19, 2007. The program description must indicate the services and expenditures the LDSS will provide as alternatives to detention. Additionally, it is expected that these and other funds referenced in this memorandum will be used to support PINS reform efforts being undertaken as a result of Chapter 57 of the Laws of 2005. This could include using these resources to support the social services district’s or the local probation department’s activities as the lead agency, as well as services provided by other stakeholders in implementing last year’s PINS Reform law, provided the activities and/or services were funded with detention prevention and PINS services money in previous years and/or are new or enhanced activities. In determining the amount of funding that will be approved for applying LDSSs, preference may be given to LDSSs that plan to utilize demonstrated effective programs and/or that claimed targeted detention prevention and PINS services funds in the past.

The following information must be part of the LDSS program description section of the application:

- The program modification(s) and/or services to be developed, provided and/or continued.

- The anticipated target population(s).
- The anticipated benefit, including the projected achievement of specific outcomes, to the target population(s) as a result of the program modification(s) and/or services provided. Outcome measures should quantify the projected reduction in detention care days and/or PINS petitions.

Given the amount of available funds, the following guideposts are offered as to the maximum amount that an LDSS is likely to receive. Using the Monitoring and Analysis Profiles (MAPS) comparable groupings (see Attachment A): Group 1 (large volume excluding NYC) counties -- \$136,000; Group 2 (medium volume) counties -- \$81,000; and Group 3 (small volume) counties -- \$54,000. Please note that these amounts are estimates, and actual allocations will depend on the number of districts applying, the approaches taken, and the anticipated productive use of the funding by applying LDSSs. The funds will be divided by region, and decisions for the amount of funding will be made by OCFS Regional Offices. It is expected, but not assured, that any LDSS submitting an acceptable program description will receive some portion of this funding. Please note that LDSSs may not be able to receive the maximum amounts outlined if all LDSSs in a region submit program descriptions.

In addition to the \$5.2 million in new state funds discussed above, LDSSs also have considerable flexibility in using their SFY 2007-08 Flexible Fund for Family Services (FFFS) to support detention prevention activities and related services. As in past years, all the services provided to this population will be related to TANF Purpose 3 – Reduction of Out-of-Wedlock Pregnancy, thereby making such funds available without regard to the family's income. The amount of FFFS funds LDSSs may use for detention prevention and other related services is not fixed. As a result, Services and Finance administrative staff are urged to work together to evaluate the LDSS's overall services needs and the best use of the various funding streams that would support detention prevention within the overall services budget.

There continues to be 65 percent state child welfare services funding available to LDSSs for detention prevention and related services, net of federal reimbursement, subject to the child welfare threshold, performance or outcome based provisions for child preventive services and the non-supplantation requirements. The amount of funds an LDSS received in SFY 2004-05 for PINS/Prevention/Detention Diversion Services is not included in the calculation of the LDSS's child welfare threshold, nor will the amount of FFFS funds that an LDSS chooses to use in SFY 2007-08 for such services count toward the LDSS meeting its child welfare threshold. Those LDSS expenditures for PINS/Prevention/Detention Diversion services that become subject to 65 percent state reimbursement also will assist the state in meeting the maintenance of effort (MOE) for Federal Title IV-B, Subpart 1 and 2 funds for child welfare services.

In SFY 2004-05, 04-OCFS-LCM-19 (DET PREV) allocated Temporary Assistance for Needy Families (TANF) funding for PINS/Detention Prevention services. For

LDSSs that have not fully expended their allocation for SFY 2004-05, these funds have been extended for another year, which allows for the reimbursement of expenditures for the period ending June 30, 2008, with claims submitted by August 15, 2008.

In SFY 2005-06, 05-OCFS-LCM-09 (DET PREV-ST 05) provided guidelines for the application process and use of state funding for PINS/Detention Prevention services. For LDSSs that have not fully expended their allocation for SFY 2005-06, these funds have been extended for another year, which allows for the reimbursement of expenditures for the period ending June 30, 2008, with claims submitted by August 15, 2008.

In SFY 2006-07, 06 OCFS-LCM-08 (DET PREV-ST 06) provided guidelines for the application process and use of state funding for PINS/Detention Prevention services. For LDSSs that have not fully expended their allocation for SFY 2006-07, these funds have been extended for another year, which allows for the reimbursement of expenditures for the period ending June 30, 2008, with claims submitted by August 15, 2008.

#### **IV. Claiming Instructions**

The \$5.2 million in state general funds in the SFY 2006-07 Budget aimed at preventing detention use and out-of-home placement for prospective or adjudicated PINS and JDs must be claimed as described below. Expenditures must be for the Purchase of Services (POS) or for eligible administrative activities beginning July 1, 2007, and ending June 30, 2008.

All administrative costs incurred by an LDSS should be coded to the F-17 function and carried through to the LDSS-3274 form entitled "Schedule D-17 Distribution of Allocated Costs to Other Reimbursable Programs." Administrative expenditures should be reported on the Schedule D-17 in a column labeled "DET PREV-ST 07" on the appropriate lines.

These expenditures will support an LDSS-3922 (Revision date 12/00), "Reimbursement Claim for Special Projects," with "DET PREV-ST 07" indicated in the project name box. Costs should be reported in either the Non-Administration or the Administration columns, depending on the nature of expenditures. Contracts or Memoranda of Understanding (MOU) with private or public entities respectively can be constructed to provide detention prevention services using funds from this allocation. It is possible to pay the contractor or public entity, based on the terms of service contained in the contract or MOU, without the necessity of entering the served clients into WMS. An acceptable method of cost allocation and other sources of funding will be necessary if the contract includes services for other purposes or populations. If LDSS staff members working on this program are less than full time, they must complete time studies to allocate their costs between the F-17 function and other function(s). LDSSs must be careful not to duplicate other client-

specific funding with these funds. Expenditures must be made by June 30, 2008, and must be claimed by August 15, 2008.

The costs of this program are reimbursed at 100 percent with state funds, up to the LDSS's allocation. Unclaimed state funds may also be reallocated to other LDSSs with eligible claims that exceed their allocations. Costs for this purpose also may be charged to the FFFS, if the LDSS chooses to dedicate a portion of its allocation for this purpose. Please refer to 07 OTDA-ADM-4, Section IV.A.5.c., PINS Prevention/Detention Diversion Services. Expenditures reimbursed through the FFFS are submitted via the TANF Reporting and Control System (TRACS). Costs in excess of the Detention Prevention/PINS funds, which are not charged to the FFFS PINS Prevention/Detention Diversion Services, may be charged to the FFFS child welfare direct funds, TANF Transfer to Title XX (Title XX Below 200%) funds, and/or Title XX regular funds, to the extent the LDSS makes those funds available for child welfare services. Those costs that are not reimbursed with federal funds are eligible for state reimbursement at the rate of 65 percent of costs after any additional federal reimbursement is received, subject to the child welfare threshold. These dollars exceeding the state allocation or the FFFS would be reported as Preventive Services costs on the LDSS-1372 "Schedule G Title XX Services for Recipients" and/or the LDSS-2347-B "Schedule D-2, Allocation for Claiming General Services Administration Expenditures," as applicable. There is no available state funding for A-87 costs.

Local districts may want to consider claiming costs in excess of their allocation as DET PREV-ST 07 in case there is a reallocation of any unspent funds. Once final claims are in and any reallocation is done, then local districts could opt to transfer any remaining claims over the allocation to another funding stream – e.g., FFFS – or leave as DET PREV-ST 07 and the excess will be factored into 65 percent state share reimbursement calculations.

Instructions for claiming Purchase of Services expenditures, the form LDSS-3922, and the Schedule G can be found in the Fiscal Reference Manual, Volume 2, Chapter 3. Instructions for completing the Schedule D-17 and Schedule D-2 can be found in the Fiscal Reference Manual, Volume 3 (Volume 4 for New York City), Chapter 18 and Chapter 9, respectively.

The LDSS must sign the LDSS-3922 certification and submit the LDSS-3922 claim to:

Bureau of Financial Services  
Office of Temporary and Disability Assistance  
40 North Pearl Street, Claims Unit, 14C  
Albany, New York 12243

## V. Contact Information

Programmatic questions should be directed to the appropriate Regional Office, Division of Development and Prevention Services:

BRO - Linda Kurtz (585) 238-8201  
User ID: [Linda.Kurtz@ocfs.state.ny.us](mailto:Linda.Kurtz@ocfs.state.ny.us)

RRO - Linda Kurtz (585) 238-8201  
User ID: [Linda.Kurtz@ocfs.state.ny.us](mailto:Linda.Kurtz@ocfs.state.ny.us)

SRO - Jack Klump (315) 423-1200  
User ID: [Jack.Klump@ocfs.state.ny.us](mailto:Jack.Klump@ocfs.state.ny.us)

ARO – Glenn Humphreys (518) 486-7078  
User ID: [Glenn.Humphreys@ocfs.state.ny.us](mailto:Glenn.Humphreys@ocfs.state.ny.us)

YRO - Pat Sheehy (914) 377-2080  
User ID: [Patricia.Sheehy@ocfs.state.ny.us](mailto:Patricia.Sheehy@ocfs.state.ny.us)

NYCRO – Brenda Smalls (212) 383-1820  
User ID: [Brenda.Smalls@ocfs.state.ny.us](mailto:Brenda.Smalls@ocfs.state.ny.us)

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

Regions I - IV: Carolyn Oleyourryk, 518-474-7549  
User ID: [Carolyn.Oleyourryk@odta.state.ny.us](mailto:Carolyn.Oleyourryk@odta.state.ny.us)

Region V: Michael Borenstein, 631-854-9704  
User ID: [Michael.Borenstein@odta.state.ny.us](mailto:Michael.Borenstein@odta.state.ny.us)

Region VI: Marian Borenstein, 212-961-8250  
User ID: [Marian.Borenstein@odta.state.ny.us](mailto:Marian.Borenstein@odta.state.ny.us)

### Issued By:

/s/ Nancy W. Martinez  
Name: Nancy W. Martinez  
Title: Director  
Division/Office: Strategic Planning and  
Policy Development

/s/ William T. Gettman  
Name: William T. Gettman, Jr.  
Title: Deputy Commissioner  
Division/Office: Administration

**ATTACHMENT A: COMPARABLE GROUPS**

<u>Group 1</u>	<u>Group 2</u>	
Erie	Albany	Orange
Monroe	Broome	Oswego
Nassau	Chautauqua	Rensselaer
Onondaga	Chemung	Saratoga
Suffolk	Dutchess	Schenectady
Westchester	Niagara	Steuben
	Oneida	Ulster

<u>Group 3</u>		
Allegany	Hamilton	Schoharie
Cattaraugus	Herkimer	Schuyler
Cayuga	Jefferson	Seneca
Chenango	Lewis	Sullivan
Clinton	Livingston	Tioga
Columbia	Madison	Tompkins
Cortland	Montgomery	Warren
Delaware	Ontario	Washington
Essex	Orleans	Wayne
Franklin	Otsego	Wyoming
Fulton	Putnam	Yates
Genesee	Rockland	
Greene	St. Lawrence	