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Administrative Directive

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Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 441.16	§442(b)(16) of the Social Security Act		Child and Family Services Improvement Act of 2006 (P.L. 109-288)

I. Purpose

The purpose of this Administrative Directive is to advise local departments of social services (LDSS) of recent changes in federal Title IV-B State Plan requirements. The federal Child and Family Services Improvement Act of 2006, P.L. 109-288, added section 422(b)(16) of the Social Security Act (SSA) [42 U.S.C. §622(b)(16)]. Section 422(b)(16) of the SSA sets forth the requirement

that each state must have in place procedures describing how it would respond to a disaster in accordance with specific criteria, for programs funded under Title IV-B, subparts 1 and 2, or Title IV-E of the SSA . This Administrative Directive will address LDSS responsibilities in meeting this federal requirement.

II. Background

The Child and Family Services Improvement Act of 2006 amended the requirements for a state to have a compliant Title IV-B State Plan by adding section 422 (b)(16) to require that all states have in place by October 1, 2007, procedures for responding to a disaster, including how the state will:

- identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster;
- respond to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;
- remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;
- preserve essential program records; and
- coordinate services and share information with other states.

III. Program Implications

As stated above, federal statute requires all states to develop a State Disaster Plan that accounts for the continuation of all child welfare services funded under Title IV-B, subparts 1 and 2, or Title IV-E of the SSA. This would include the provision of foster care, adoption subsidy, child protective and preventive services.

A significant portion of the New York State Disaster Plan will involve what the Office of Children and Family Services (OCFS) must do, including how OCFS facilities, the Statewide Central Register of Child Abuse and Maltreatment (SCR), and Information Technology (IT) will respond to a disaster anywhere in the state. However, another key component is that each LDSS have its own disaster plan in place to be able to respond to, at a minimum, the five areas of planning expressly set forth in section 422 (b)(16) above. Failure to meet this requirement could result in the loss of Title IV-B funding for child welfare programs.

IV. Required Action

In order to meet the federal requirement for disaster planning, the New York State Office of Children and Family Services (OCFS) requires each LDSS to develop and maintain a written child welfare disaster plan and submit it to the appropriate regional office for review by September 30, 2007. Such plans must focus on local district planning and procedures for the continued care and supervision of all children served by child welfare agencies, in the event of a disaster. In preparation for a disaster or other emergency, local districts may already have written disaster or business continuity plans in place. Any such existing plans may be adapted or expanded to satisfy the requirements set forth in this Administrative Directive. All LDSS disaster plans must be developed in accordance with the criteria set forth by the federal government and the additional guidelines provided in this release.

Overview

Natural or human-made disasters such as floods, hurricanes and tornadoes, fires, and chemical spills can occur at any time and any place. Disasters may occur on a local scale or be widespread and impact multiple counties and/or states. Regardless of the size and scope of the disaster or emergency, the impact may result in a major disruption of normal operations. In the event of a disaster, essential child welfare services to children, youth and families could be disrupted or seriously compromised. Therefore, it is especially important for agencies caring for vulnerable populations, such as foster children, to do what they can to prepare for a disaster and any subsequent disruption of child welfare services.

Disaster plans should designate who is in charge during a disaster or emergency. The plan should identify essential functions (mission-critical activities) requiring continuous performance during a disaster or emergency, and designate managers and alternate staff to oversee these functions. Together, these individuals compose the emergency management team.

Disaster plans should include emergency contact procedures, including alert and notification procedures for LDSS managers; staff; foster care/alternative placement providers; service providers; local, county and state officials/agencies; and guidance on child welfare operations in alternate locations. Disaster plans often include the establishment of an emergency command team, including its responsibilities and mission-essential functions, in the event of a disaster or emergency.

Disaster plans should be coordinated with local emergency management plans and first responders such as the police and fire departments, as well as include consultation with other key stakeholders, such as various county departments and agencies. Prior to developing a child welfare disaster plan, each LDSS is encouraged to review any existing county disaster, emergency or business continuity plans, as may be applicable.

Disaster plans should also include procedures for contacting and maintaining links with New York's State Emergency Management Office (SEMO) officials, who have overall responsibility for managing major and catastrophic disasters. SEMO officials will have firsthand knowledge of state-coordinated disaster recovery efforts, and up-to-date information that can be shared with child welfare managers and assist them in responding to the needs of children and families impacted by the disaster.

In summary, local district child welfare disaster plans should incorporate general disaster planning information; detail the procedures to be followed in caring for children, youth and families in the event of a disaster or emergency; and focus on planning and procedures for the continued care and supervision of all children served by child welfare, both during and after the disaster or emergency.

LDSS must advise its employees and service providers, including foster parents, of such plans and provide training, as applicable.

Federal Criteria

LDSS child welfare disaster plans must, at a minimum, address the federal criteria established for child welfare disaster planning, as set forth under section 422(b) (16) of the SSA. The federal criteria are summarized in italics below, followed by OCFS guidelines for implementing them.

LDSS must develop procedures to support the identification, location and continuity of child welfare services to children in their care or supervision who are displaced or adversely affected in the event of a disaster.

One of the local district's first priorities in disaster planning is to prepare for and maintain communication with children and youth in out-of-home care (for example, foster care, group home, alternative placement). An integral part of disaster planning is to prepare foster parents and other out-of-home care providers and youth so that they will know what to do in a disaster. OCFS regulation 18 NYCRR 441.16 (a) states, in part, "Each child care agency must have a written plan detailing the procedures to be followed in caring for children in the event of an emergency or disaster, such as fire, earthquake, hurricane, flood or energy failure. ..." In light of this regulation, LDSS should require and assist foster families and other child care providers to develop a disaster plan, update the plan on a regular basis, and store it in a safe and easily accessible location.

Families receiving in-home services, including families of children in out-of-home placement, should also be encouraged to develop and update family disaster plans. LDSS should provide such families with emergency preparedness information and LDSS emergency contact numbers to call and check on the safety and status of their children following a disaster or evacuation.

OCFS recommends that disaster plans of foster families and other child care providers include, but not be limited to, the following information:

- where the foster family, provider children and youth would go in an evacuation (if possible, identify 2 alternate locations);
- personal telephone numbers and contact information (for example, cell phone numbers, fax numbers, e-mail address);
- emergency contact information for individuals who may know where they are currently (for example, out-of-area relatives or friends);
- a list of critical items to take when evacuating with children/youth, including identification for the child (birth certificate, SSN, citizenship documentation), the child(ren)'s medical information (including health insurance card), medication and/or medical equipment, educational records, and existing court orders dealing with who has legal authority over the child; and
- normal contact, emergency contact or toll free telephone numbers for LDSS agency personnel, including foster parents and voluntary agency child care providers.

To encourage the coordination of efforts in locating children in a disaster, LDSS should inform key partners, such as voluntary agencies, the courts and other county agencies/departments of the types of information they are collecting and storing.

Additionally, OCFS recommends that LDSS disaster plans include, but not be limited to, the following information and planned activities:

- the ability to identify and locate all children in the custody of the LDSS Commissioner, that is, children in foster care or alternative placement settings such as group homes, relative placements and pre-adoptive placements, both within the county and across county or state lines;
- the ability to identify and advocate for medically fragile children, that is, children who rely on medical equipment or are in need of ongoing medical evaluation;
- current personnel lists and corresponding emergency contact numbers (home, business, cell and emergency backup numbers);
- a current list of foster parents, group homes and other congregate care settings and corresponding emergency contact numbers (home, business, cell, emergency backup numbers);
- the ability to activate and post toll-free telephone numbers or reserve numbers for LDSS staff, families, youth, and foster care and other service providers to contact during and after a disaster;
- the ability to post information for LDSS staff, families, providers and youth on a designated website, and update it regularly (disaster updates, alternate transportation routes, toll-free numbers and other contact information);

- identified liaisons in neighboring counties and states that may be able to share information, within the limits of applicable confidentiality standards, from county or state automated databases and with whom services for children and families who cross county and state lines may be coordinated;
- data sharing agreements with agencies likely to be involved in running emergency shelters to help locate displaced children and families after a disaster; and
- encourage birth families of placed children and families receiving in-home services to develop and update family disaster plans, and provide them with emergency preparedness information and LDSS emergency contact numbers that they can call to check on the safety and status of their children after a disaster or evacuation.

LDSS must develop plans to respond to new child welfare cases in areas adversely affected by a disaster, and provide services in those areas.

OCFS recommends that LDSS disaster plans include, but not be limited to, the following information and planned activities:

- conducting an initial assessment of locations and needs of families, providers and youth;
- developing mechanisms to identify and serve children separated from parents;
- providing information, support and services to families, providers and youth disrupted or severely impacted by the disaster;
- planning with other service providers for the provision of additional programs/services for children, youth and families affected by the disaster;
- establishing emergency field offices and information sites and relocating services to alternate locations as required;
- establishing toll-free numbers that may be released to the general public to secure LDSS assistance and/or services; and
- designating public access websites for disaster information sharing; for example, where to go for emergency assistance.

LDSS must develop plans to facilitate maintaining communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster.

OCFS recommends that LDSS disaster plans include, but not be limited to, the following information and planned activities:

- encouraging staff to develop personal disaster plans and keep them updated;
- requiring staff to check in after disasters and provide information on how to do so;
- keeping emergency supplies in the office (including satellite offices);
- training all staff on the LDSS disaster plan and having them participate in drills;

- establishing personal and professional support services for staff; and
- developing expectations of and support for contract staff in the event of a disaster or emergency.

LDSS must develop plans to preserve essential program records and coordinate services and share information with other states.

OCFS recommends that LDSS disaster plans include, but not be limited to, the following information and planned activities:

- the protection of vital records; establishing off-site backup for information systems with case and client records (for example, adoption subsidy and foster care payments systems);
- protecting data and equipment from environmental factors (for example, covering/bagging computers and office equipment, installing surge protectors);
- assessing the critical nature of paper records, prior to a disaster, and then determining what steps may be necessary to protect such records from potential damage in a disaster (for example, use of fire-safe metal filing cabinets);
- the prior identification of liaisons in neighboring counties and states who may be able to share information from county or state automated databases, within the limitations of applicable confidentiality standards, and with whom services for children and families who cross county and state lines may be coordinated; and
- the prior establishment of disaster planning agreements with agencies in neighboring counties and states that would likely be involved in running emergency shelters to help locate displaced children and families following a disaster.

V. Disaster Planning Resources

This Administrative Directive relies heavily on the guidance set forth in *Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies* (February 2007), developed by the National Child Welfare Resource Center for Organizational Improvement, a service of the Children's Bureau, U.S. Department of Health and Human Services, which provides child welfare agencies a framework for dealing with disasters. Through a review of the available literature and recent presentations and consultations with state staff who have experienced disasters, this report offers steps that should be taken before, during, and after a disaster. This publication was released to help managers think through what they might put in place to cope with disasters, and to highlight how taking these steps can improve systems for serving children and families. Local districts are encouraged to access this publication for more detailed disaster planning information and guidance. This publication is available free of charge and may be accessed via the Internet:

<http://muskie.usm.maine.edu/helpkids/rcpdfs/copingwithdisasters.pdf>

Additional resources on disaster planning include:

- New York State Emergency Management Office (SEMO); <http://www.semo.state.ny.us/index.cfm>
- Federal Emergency Management Agency (FEMA); <http://www.FEMA.gov/>; *Are You Ready? An In-depth Guide to Citizen Preparedness (IS-22)* is FEMA's most comprehensive source on individual, family, and community preparedness. The guide was revised, updated, and enhanced in August 2004 to provide the public with the most up-to-date disaster preparedness information available.
- Federal Emergency Management Agency (FEMA); <http://www.FEMA.gov/>; *Emergency Management Guide for Business and Industry* is a publication hosted on the FEMA website.
- American Red Cross; <http://www.redcross.org/services/disaster/>; *Business and Industry Guide – Preparing Your Business for the Unthinkable* is a publication hosted on the Red Cross website.

VI. Contact Persons

Questions concerning this Administrative Directive may be directed to:

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VII. Effective Date

The Child and Family Services Improvement Act of 2006 requires states to have in place by October 1, 2007, procedures for how their child welfare agency will respond to a disaster. In turn, each LDSS must develop and submit to the appropriate regional office a written child welfare disaster plan by September 30, 2007.

/s/ Nancy W. Martinez

Issued By:

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