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Local Commissioners Memorandum

Transmittal:	08-OCFS-LCM-11
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development Administration
Date:	July 23, 2008
Subject:	**Funding for Prevention of Detention and Residential Placement for Youth at Risk of Entering the Juvenile Justice System or Becoming a PINS**
Contact Person(s):	See Pages 5-6
Attachments:	Attachment A: Comparable Counties
Attachment Available Online:	Yes

I. Purpose

The purpose of this memorandum is to advise local departments of social services (LDSSs) of the availability of $14.587 million in funding for the purpose of preventing detention use and out-of-home residential placement, and related activities, for prospective or adjudicated juvenile delinquents (JDs) and Persons in Need of Supervision (PINS). The funding derives from combining three different budgetary sources in order to promote local alternative programming that can be expected to reduce reliance on detention, foster care and placement with the Office of Children and Family Services (OCFS).

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. In addition, Part

DD of Chapter 57 of the Laws of 2008 established additional requirements regarding detention for juvenile delinquents, including the following:

- The court shall not direct detention unless available alternatives to detention, including conditional release, would not be appropriate;
- Any finding directing detention shall state the facts and reasons for such finding;
- If the court makes a finding that detention is necessary, the court may consider electronic monitoring, where applicable, as a condition of release, if it would reduce the substantial probability that the youth would not return to court on the return date, or the serious risk that the youth may, before the return date, commit an act that if committed by an adult would constitute a crime.

There is little evidence that detention or residential placement of prospective or adjudicated JDs or PINS youth results in better long-term outcomes for such youth. In fact, there is mounting evidence that the deeper a youth gets in the juvenile justice system, the more likely he/she will have subsequent involvement with either the juvenile or adult justice system. Additionally, disproportional representation of African-American and Latino youth increases as youth become further involved in the juvenile justice system. 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. While detention and residential placement are necessary in certain circumstances, viable community options are essential in order to provide alternatives to detention and residential placement.

As in previous 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." These funds may also be used for programs that divert youth at risk of placement with OCFS or as alternatives to residential placement in OCFS. Finally, these funds may also be used for demonstration projects to co-locate respite beds for youth alleged or at risk of juvenile delinquency in a Runaway and Homeless Youth Program. OCFS encourages communities to pursue and invest in proven non-residential strategies for adolescents coming to the attention of local social services districts, local probation departments, law enforcement officers and family court judges due to alleged criminal behavior or other forms of misconduct or need for supervision.

III. Available Funding

In total, there is $14.587 million in state funding available in SFY 2008-09 for the purpose of providing effective alternative, non-residential services to youth (and their families) alleged to be, or at very high risk of being alleged to be, a PINS or JD, without regard to income. This includes SFY 2008-09 funding of $6.64 million appropriated for Alternatives to Detention; SFY 2008-09 funding of $4.347 million for Residential

Diversion Programs and SFY 2007-08 reappropriated funding of $3.6 million for Residential Diversion Programs. Total available funding through this Local Commissioners Memorandum is $14.587 million, a significant increase compared to last year.

LDSSs must apply for these funds by submitting a program description to the applicable Regional Office by August 20, 2008. The program description must indicate the services and expenditures the LDSS will provide as alternatives to detention and/or to prevent residential placement, as well as the specific target population(s). The description should also establish performance outcomes for the program(s) that will be funded, including an estimate that quantifies the reduction in detention care days and/or residential placement in foster care or with OCFS. Additionally, for programs that were supported from previous years' funding that will be continued, the program description must describe the local district's view of the level of effectiveness of the program(s).

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 Analysis Profiles (MAPS) comparable groupings (see Attachment A): Group 1 (large volume, excluding NYC) counties -- $397,000; Group 2 (medium volume) counties -- $249,000; and Group 3 (small volume) counties -- $137,000. Please note that these amounts are estimates, and actual allocations will depend upon the number of districts applying, the approaches taken, and the anticipated productive use of the funding by applying LDSSs.

In addition to the $14.587 million in state funds discussed above, LDSSs also have the flexibility to use their SFY 2008-09 Flexible Fund for Family Services (FFFS) to support the prevention of detention and residential placement and related services. As in past years, all the services provided to this population will be related to Temporary Assistance for Needy Families (TANF) Purpose 3 – Reduction of Out-of-Wedlock Pregnancy, thereby making such funds available without regard to income. The amount of FFFS funds LDSSs may use for detention and residential placement prevention and 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 and residential placement prevention within the overall services budget.

State child welfare services funding is available at 98 percent of 65 percent to LDSSs for detention and placement prevention 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 2008-09 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 98 percent of 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 2007-08, 07 OCFS-LCM-13 (DET PREV-ST 07) provided guidelines for the application process and use of state funding for PINS Prevention/Detention Diversion services. For LDSSs that have not fully expended their allocation for SFY 2007-08, these funds have been extended for another year, which allows for the reimbursement of expenditures for the period ending June 30, 2009, with claims submitted by August 15, 2009.

IV. Claiming Instructions

The $14.587 million in state general funds in the SFY 2008-09 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, 2008, and ending June 30, 2009.

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 08 on the appropriate lines.

These expenditures will support an LDSS-3922 (Revision date 12/00), "Reimbursement Claim for Special Projects," with DET PREV-ST 08 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 used 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, 2009, and must be claimed by August 15, 2009.

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 08 OTDA-ADM-2, 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 98 percent 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 08 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 08 and the excess will be factored into 98 percent of 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 Child Welfare and Community Services:

BRO – Mary Miller (716) 847-3145
User ID: Mary.Miller@ocfs.state.ny.us

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

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

ARO – Kerri Barber, Acting Director (518) 486-7078
User ID: Kerri.Barber@ocfs.state.ny.us

SVRO – Pat Sheehy (914) 377-2080
User ID: Patricia.Sheehy@ocfs.state.ny.us

NYCRO – Patricia Beresford (212) 383-1820
User ID: Patricia.Beresford@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: James Carroll 1-800-343-8859, ext. 4-7549 or (518) 474-7549
User ID: James.Carroll@odta.state.ny.us

Region V: Michael Borenstein (631) 854-9704
User ID: Michael.Borenstein@otda.state.ny.us

Region VI: Marian Borenstein, (212)-961-8250
User ID: Marian.Borenstein@otda.state.ny.us

Issued By:

/s/ Nancy W. Martinez

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

/s/ Thomas S. Tipple

Name: Thomas S. Tipple
Title: Deputy Commissioner
Office: Administration

ATTACHMENT A: COMPARABLE GROUPS

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

	Group 3	
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	