



Office of Children and Family Services

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Administrative Directive

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To:	Local Departments of Social Services Commissioners Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Division of Child Welfare and Community Services Division of Youth Development and Partnerships for Success
Date:	March 22, 2022
Subject:	Provision of Aftercare in Qualified Residential Treatment Programs and EMPOWER Programs
Suggested Distribution:	Directors of Local Departments of Social Services Executive Directors of Voluntary Authorized Agencies LDSS Fiscal Directors WMS Data Entry Staff
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Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-04; 21-OCFS-ADM 19; 21-OCFS-ADM 20; 22-OCFS-ADM-02		Title 18§§ 439.4, 439.6 , 440.4 and 441.2	Family First Prevention Services Act (FFPSA) (P.L. 115-123); 42 USC §672(k); and SSL 409-h		

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSS) and voluntary authorized agencies (VA) of the New York State Office of Children and Family Services (OCFS) requirements related to the mandatory provision of aftercare services to children discharged from qualified residential treatment programs (QRTP) or EMPOWER QRTP exception programs (EMPOWER) licensed by OCFS under the federal Family First Preventive Services Act (FFPSA) and New York State regulations.

II. Background

FFPSA, enacted on February 9, 2018, made significant changes to Title IV-E of the Social Security Act with the intent of prioritizing family-based foster care over residential care by limiting federal

reimbursement for certain congregate care placements. Additionally, FFPSA promotes interventions that keep youth safe with their parents/caretakers or, if necessary and whenever possible, with relatives or others in their community.

The intent of FFPSA is to promote a higher quality of care toward an identified treatment outcome in congregate settings that focuses on the child and the child's family. The goal is to reduce lengths of stay and prevent reoccurrence of placement. A component of the higher quality of care of a QRTP or EMPOWER includes the mandatory offering and provision of in-facility aftercare services during the youth's placement and post-discharge aftercare services for at least six months after discharge from the QRTP or EMPOWER.

III. Program Implications

Effective September 29, 2021, agencies operating a QRTP or EMPOWER must offer and directly provide, or contract for the provision of, aftercare services during a youth's placement in the QRTP or EMPOWER including discharge planning and family-based aftercare. Once a youth steps down from their QRTP or EMPOWER placement to a foster family home or is discharged from foster care, the aftercare services must extend for at least six months from step down from the QRTP or EMPOWER placement or discharge from foster care. Aftercare services can be provided for longer than six months and should be continued so long as the services are appropriate. Aftercare services end upon the direction of the LDSS caseworker or, in New York City (NYC), when the VA with case management responsibilities directs aftercare services to end. Services may continue beyond the youth's 21st birthday.¹

Discharge planning and associated aftercare services planning must begin within 72 hours of the youth's entry into a QRTP or EMPOWER placement. Goals related to discharge and aftercare must be developed and presented in the first support plan and in every subsequent support plan thereafter while in the QRTP or EMPOWER placement. The goal(s) should be accompanied by clear objectives that are measurable and may change throughout the youth's placement at the QRTP or EMPOWER to reflect progress toward achieving the goals.

The QRTP or EMPOWER placement program is responsible for providing (or coordinating the provision of) appropriate aftercare services as identified in the support plan to the youth upon discharge or step-down to a foster home. The QRTP or EMPOWER, in partnership with the LDSS, can utilize an array of aftercare services that best meet the individual needs of the youth. These services must include, at a minimum:

- Casework contacts consisting of at least two face-to-face contacts per month with the youth
 - At least one of these contacts must include the family or permanency resource for the youth
 - For youth 18 years or older, face-to-face contacts may be conducted via video call if the youth, VA, and LDSS agree to such an arrangement and the youth has the necessary technology to allow for such communications.
- Meetings with the permanency team, including the family, no less than twice during the aftercare period, including once no less than 30 days prior to cessation of aftercare activities
- All services identified in the last support plan prepared by the QRTP or EMPOWER placement

¹ OCFS regulation 18 NYCRR 440.4(j) requires EMPOWER programs to provide aftercare to youth and families as required by OCFS.

- Positive youth development supports, including but not limited to:
 - Information concerning the extracurricular activities the youth enjoys and has been connected with while in the program
 - Information concerning activities that support the youth's well-being they were connected with while in the program
- Where appropriate:
 - Names, addresses, and telephone numbers for all county staff or other involved jurisdictions
 - List of local community resources that may benefit the family post-discharge from the program (after-school programs, support groups, food banks, etc.)

Aftercare services must be offered to each youth and provided to participating youth for a minimum of six months post-discharge or step-down. OCFS recommends agencies continue to utilize the support plan model to document the progress of the youth during this period and to align the various supports/programs under one plan:

- Each aftercare goal should align with a skill necessary for the youth to be successful as part of their family and community.
- Each goal should have accompanying objectives, which provide measurable outcomes/expectations for the youth to achieve prior to aftercare services being ended.
 - Each objective should also note who/which provider will be assisting the youth in achieving said goal. This can include family, service providers, educators, etc., but must be coordinated in the aftercare support plan.
- Post-discharge aftercare contacts with youth that are not held face-to-face must take into consideration the routine, lifestyle, and preferences of the youth in determining when and how they will be conducted. This may include communication that occurs outside of regular business hours and/or on social media platforms that the youth feels comfortable using. The method of non-in-person aftercare support contacts must be discussed and agreed upon with the youth before the first contact occurs.

There is no requirement that a youth participate in aftercare services, but the aftercare provider must exercise and document due diligence to attempt to involve the youth in their aftercare services, documenting any lack of engagement/participation in the youth's case record. If the youth refuses to engage in these services after four unsuccessful contacts, the VA must advise the LDSS of the youth's refusal to participate. The support team must then meet to discuss the most appropriate course of action to engage this youth. If the youth continues to refuse to engage, the VA may cease their efforts upon approval of the LDSS and documentation of such in the case record.

IV. Required Action

Aftercare services are required to be offered to youth during their stay and for no less than six months post-discharge or step-down from the QRTP or EMPOWER placement. Aftercare consists of two periods of activities: 1) in-facility discharge and aftercare planning during the placement in the QRTP or EMPOWER and 2) aftercare services, which are generally community-based and support the youth's ongoing reintegration into their home community. A family services case must remain open during the course of aftercare services provision. These services include but are not exclusive to education and vocational, physical and behavioral health, and positive youth development activities.

Expectations for in-facility discharge and aftercare planning include the following:

- Discharge planning begins within 72 hours of placement
- Creation of the youth's discharge plan in conjunction with the youth's permanency team
- Face-to-face meetings with the youth at least twice per month
 - At a minimum, one of these meetings must include the family/discharge resource.
- Assessment of the needs of the youth's family and referrals to community resources as needed.
- Facilitation of permanency/support team meetings no less than monthly with key members of the agency staff, the youth, the youth's family, and other community resource members.

Expectations for post-discharge aftercare services include the following:

- Providing and/or facilitating the services identified in the final support plan (discharge plan)
- Engagement in the community upon program discharge from residential care to maintain successful transition to home and community or, in the case of a step-down, engagement with the program receiving the youth
- Identifying positive youth development and vocational resources for youth in the home community
- Establishing a network of Supervised Setting Programs (SSPs)², when needed, to move youth with permanency issues to a lower level of care to transition into the community
- Expediting youth transition into educational or vocational programs as appropriate

Aftercare services shall continue post-discharge or step-down from the QRTP or EMPOWER placement for at least six months and thereafter until the LDSS or, in cases where the VA is responsible for case management, the VA recommend the services cease. The case worker must document the cessation of aftercare services in CONNECTIONS.

V. Systems Implications

VA Billing for Aftercare Services

Each QRTP or EMPOWER is issued an aftercare per diem rate (AFR) of \$52.00 to fund services in-facility and post-discharge or step-down from the program. The rate is billable for each day the youth is in care in the QRTP or EMPOWER, as well as for each day the youth is participating in aftercare services continuing until the LDSS directs the VA to cease activities (Not to be less than six months unless otherwise directed). In NYC, the VA having case management responsibilities directs when the aftercare activities cease (Not to be less than six months from discharge or step-down unless otherwise directed). Services can continue past the youth's 21st birthday.

LDSS Authorization, Payment and Claiming

Aftercare services are authorized in the Welfare Management System (WMS) with a Direct Services (DIR) type of 48-Aftercare and Purchase of Service (POS) Type 48 – Aftercare. When authorizing POS 48 for a youth with 04-EAF Eligibility, a Direct Service type of 25 – Preventive Mandated must also be authorized along with DIR 48.

NOTE: WMS does not allow POS 48 lines to be authorized for service dates after the youths 21st birthday. These payments will need to be made outside of WMS and BICS. Only RTA eligible youth's

² SSPs include Community-Sites, College-Owned Housing, and Supervised Independent Living Programs. See 22-OCFS-ADM-02.