



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	21-OCFS-ADM-24
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Division of Administration
<b>Date:</b>	October 25, 2021
<b>Subject:</b>	<b>Cost-of-Living Adjustment (COLA) Applicable to Maximum State Aid Rates (MSARs) Effective April 1, 2021, Through June 30, 2021</b>
<b>Suggested Distribution:</b>	Directors of Services Accounting Supervisors
<b>Contact Person(s):</b>	Karen M Williams (518) 486-3748, <a href="mailto:Karen.Williams2@ocfs.ny.gov">Karen.Williams2@ocfs.ny.gov</a>
<b>Attachments:</b>	A – MSARs for Foster Boarding Home Payments and Adoption Subsidies B – MSARs for Supervised Independent Living Programs C – Growth Factors Applied to Voluntary Foster Care Agency MSARs and CSE Maintenance Rates D – MSARs for Voluntary Foster Care Agencies E – In-State CSE Maintenance Rates for SED-Approved Residential Programs Licensed by OCFS F – In-State CSE Maintenance Rates for SED-Approved Residential Programs Licensed by Other New York State Agencies

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-06		18 NYCRR Part 427	SSL-398-a EL 4402 EL 4405	<i>Standards of Payment for Foster Care of Children Program Manual</i>	03-OCFS-LCM-22 04-OCFS-LCM-13 05-OCFS-ADM-04 05-OCFS-LCM-18

### I. Purpose

The purpose of this Administrative Directive (ADM) is to implement the legislative cost-of-living adjustment (COLA) authorized by Part C of Chapter 57 of the Laws of 2006 as amended by Chapter 53 of the Laws of 2021 applicable to all programs for which the New York State Office of Children and Family Services (OCFS) establishes Maximum State Aid Rates (MSARs) and Committee on Special Education (CSE) Maintenance Rates, including rates for foster parents, the Kinship Guardianship

Assistance Program (KinGAP) and adoption subsidies. Chapter 57 authorized OCFS to apply a COLA based upon the change in the Consumer Price Index (CPI) for the 12-month period ending in July of the year previous to the enacted budget. The COLA for SFY 2021-22 is 1.0%.

Local departments of social services (LDSSs) are required to pay the increase of 1.0% even for those rates currently exempt from the MSAR minimum payment requirement specified in section 398-a (2-a) of Social Services Law (SSL). That means that, in addition to LDSSs being required to pay no less than the OCFS-established congregate care rates and administrative/services rates applicable to specialized foster boarding home programs, LDSSs and voluntary agencies must also increase their payment schedules by 1.0%, effective April 1, 2021, for all administrative/services rates applicable to regular foster boarding home programs and for all pass-through rates applicable to foster parent, KinGAP and adoption subsidy payments.

## II. Background

The legislative COLA program was first implemented in the State Fiscal Year (SFY) 2006-07 Budget and continued by legislation enacted in subsequent budget years, through the SFY 2015-16 Budget. The COLA was deferred for SFY 2016-17 through SFY 2020-21. This program mandates a COLA to the LDSS payment rates for foster and adoptive parents and KinGAP guardians.

MSARs define the reimbursement limits for LDSSs in negotiating contracts with authorized foster care providers, pursuant to section 398-a of the SSL and 18 New York State Codes, Rules and Regulations (NYCRR) Part 427. Pursuant to section 398-a (2-a) of the SSL, LDSSs are required to pay no less than 100% of each OCFS-established congregate care rate as well as each administrative/services rate for a therapeutic, special needs, or emergency foster home program. The details of such requirements are specified in 05-OCFS-ADM-04.

CSE Maintenance Rates must be paid, as published by OCFS, for children placed by local school districts into State Education Department (SED)-approved residential schools, pursuant to sections 4402 and 4405 of the Education Law.

## III. Program Implications (Rates effective April 1, 2021, through June 30, 2021)

A. **MSARs and In-State CSE Maintenance Rates for Group Care Programs:** The following COLA policies are applicable to all such MSARs and In-State CSE Maintenance Rates, effective April 1, 2021:

1. **MSARs for Group Care Programs:** OCFS has increased all such rates that were in effect for the period of July 1, 2020, through March 31, 2021, by an additional 1.0% for care provided during the period of April 1, 2021, through June 30, 2021. All other policies specified in 21-OCFS-ADM-06 regarding rate year 2020-21 MSARs and CSE Maintenance Rates continue to be applicable.
2. **In-State CSE Maintenance Rates:** OCFS has increased all such rates that were in effect for the period of July 1, 2020, through March 31, 2021, by an additional 1.0% for care provided during the period of April 1, 2021, through June 30, 2021. All other policies specified in 21-OCFS-

3. ADM-06 regarding rate year 2020-21 MSARs and CSE Maintenance Rates continue to be applicable.
- B. MSARs for Foster Boarding Home (FBH) Programs:** The following COLA policies are applicable to all such rates associated with FBH programs, effective April 1, 2021:
1. **Administrative/Services Rates for Voluntary Agencies:** OCFS has increased all such rates that were in effect for the period of July 1, 2020, through March 31, 2021, by an additional 1.0% for the period of April 1, 2021, through June 30, 2021. All other policies specified in 21-OCFS-ADM-06 regarding rate year 2020-21 MSARs and CSE Maintenance Rates continue to be applicable.
  2. **Payments to Foster Parents:** OCFS policies effective April 1, 2021, regarding MSARs for “pass-through” payments for the foster parent components of the FBH program (including adoption subsidy payments) are as follows:
    - a. **Basic Room and Board Payments to Foster or Adoptive Parents and KinGAP Guardians:** All MSARs for board and care payments to foster or adoptive parents, or KinGAP guardians, have been increased by 1.0%, effective April 1, 2021, through June 30, 2021. Current LDSS and voluntary agency rate schedules for such payments must be increased by 1.0%, effective April 1, 2021, through June 30, 2021.
    - b. **Clothing Allowance:** MSARs for replacement clothing paid to foster or adoptive parents, or KinGAP guardians, have been increased 1.0%, effective April 1, 2021, through June 30, 2021. Current LDSS and voluntary agency rate schedules for such payments must be increased by 1.0%, effective April 1, 2021, through June 30, 2021.
    - c. **Diaper Allowance:** MSARs for diaper payments, for children ages birth through 3 years of age, made to foster or adoptive parents, or KinGAP guardians, have been increased 1.0%, effective April 1, 2021, through June 30, 2021. Current LDSS and voluntary agency rate schedules for such payments must be increased by 1.0%, effective April 1, 2021, through June 30, 2021.
- C. Supervised Independent Living Programs (SILPs):** The MSARs in effect for the period of July 1, 2020, through March 31, 2021, for double occupancy SILPs, triple occupancy SILPs, and four- and five-bed mother/child SILPs are increased by 1.0% effective April 1, 2021, through June 30, 2021.

#### IV. Required Action

The rates noted in the attachments accompanying this ADM must be paid by the LDSS as directed by this ADM for the period of April 1, 2021, through June 30, 2021.

The purpose of issuing MSARs is to specify the OCFS-approved maximum reimbursement program rates for state and federal claiming purposes, as well as to provide guidance to LDSSs in their contract negotiations with providers of foster care. MSAR payment requirements, pursuant to Section 398-a (2-a) of the SSL, prohibit LDSSs from paying less than the MSAR per diem established by OCFS for each congregate care rate and for each administrative/services rate for a therapeutic, special needs or emergency foster home program operated by a voluntary agency, as specified in 05-OCFS-ADM-04.

## V. Systems Implications

Existing procedures for processing MSAR payments and reimbursing claims will continue to be applicable.

## VI. Rate Consultations/Rate Adjustments

When an LDSS agrees to contract for a rate that is greater than the published MSAR, OCFS may be able to assist the LDSS and/or the voluntary agency in developing a program intensification request to increase the MSAR.

OCFS regulation 18 NYCRR 427.9 allows the LDSS and/or the voluntary foster care agency to request a rate consultation regarding a promulgated MSAR as follows:

- A. **An LDSS requesting a rate consultation** must submit the request in writing. All such requests must be received by OCFS within 30 days of the date a rate is issued (as specified in 18 NYCRR 427.9 and in Chapter 9 of the *Standards of Payment for Foster Care of Children Program Manual*). The LDSS should send requests for a rate consultation to:

Karen M. Williams, Rate Setting Section Head  
Bureau of Budget Management  
New York State Office of Children and Family Services  
52 Washington St., Rm. 314 S.  
Rensselaer, NY 12144

- B. **A voluntary agency requesting a rate consultation** must use the web-based Statewide Standards of Payment (SSOP) system to submit the rate consultation request electronically. Pursuant to OCFS regulations, such requests must be received (in this case, electronically) within 30 days of the date a rate is issued.

**Note: Rate calculation policies specified in this ADM are not subject to consultation or appeal.**

## VII. Effective Date

This directive is effective April 1, 2021.

/s/ Derek J. Holtzclaw

### Issued by:

Name: Derek J. Holtzclaw

Title: Deputy Commissioner for Administration

Division/Office: Division of Administration

**MSARs for Foster Boarding Home Payments and Adoption Subsidies  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment A**

**Maximum State Aid Rates for Payment to Foster Parents and for Adoption Subsidies**

	Age 0 – 5		Age 6 – 11		Age 12 and Over	
	Monthly Amount	Per Diem	Monthly Amount	Per Diem	Monthly Amount	Per Diem
Metro *	673.00	22.13	792.00	26.04	921.00	30.28
Upstate	614.00	20.19	739.00	24.30	856.00	28.14

	Monthly Amount	Per Diem
Special Children	1,480.00	48.66
Exceptional Children	2,242.00	73.71

**Maximum State Aid Rates for Clothing Allowances**

Age	Monthly Amount	Per Diem
0 – 5	38.78	1.27
6 – 11	54.21	1.78
12 – 15	84.07	2.76
16 and Over	102.81	3.38

**Maximum State Aid Rate for Diaper Allowance**

Age	Monthly Amount	Per Diem
0 – 3	69.43	2.28

**Maximum State Aid Rates for Payments to Foster Parents for Emergency Placements**

**Maximum State Aid Rate is 200% of the MSAR for a Non-Special or Non-Exceptional Child.**

\* Metro includes the following districts: NYC, Nassau, Rockland, Suffolk and Westchester counties.

**MSARs for Supervised Independent Living Programs (SILPs)  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment B**

**Double Occupancy MSARs**

	Annual Amount	Per Diem
Downstate *	\$47,617 **	\$138.42 ***
Upstate	\$5,418,697**	\$115.66***

**Triple Occupancy MSARs**

	Annual Amount	Per Diem
Downstate *		\$127.33***
Upstate	\$134,727**	\$107.87***

**Four-Bed Mother/Child MSARs**

	Annual Amount	Per Diem
Downstate *		\$114.98***
Upstate	\$149,028**	\$98.30***

**Five-Bed Mother/Child MSARs**

	Annual Amount	Per Diem
Downstate *		\$110.29***
Upstate		\$94.79***

\* Downstate includes the following districts: NYC, Nassau, Orange, Putnam, Rockland, Suffolk and Westchester counties.

\*\* This represents projected annual costs per apartment, which are shared equally by each resident.

\*\*\* Maximum State Aid Rates are calculated at 75% utilization.

Note: When a mother in foster care is placed with one or more of her children in one of the above SILP programs, OCFS expects that the applicable payment rate specified above will be paid to the voluntary agency for the mother and each child living with the mother.

**Growth Factors Applied to Voluntary Foster Care Agency  
MSARs and CSE Maintenance Rates  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment C**

**Group Care by Component**

<b>Component</b>	<b>One-Year Adj. Factors applied to historical costs (%)</b>
Child Care	2.0
Social Services	2.0
Child Support and Food	1.8
Miscellaneous Direct Care	3.0
Fixed Property	2.5
Variable Maintenance	1.4
Utilities	0
Administration	2.1

**Foster Boarding Home by Component**

<b>Component</b>	<b>One-Year Adj. Factors applied to historical costs (%)</b>
Social Services	2.0
Miscellaneous Direct Care	2.3
Property	1.9
Administration	2.1

**Personal Service Growth Factors  
(Group Care and FBH programs)**

<b>Component</b>	<b>One-Year Adj. Factors applied to historical costs (%)</b>
Child Care	2.0
Social Services	2.0
Child Support	2.0
Maintenance	2.0
Administration	2.0

**MSARs for Voluntary Foster Care Agencies  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment D**

Rate charts are available on the Rate Information page of the OCFS website, at the address below, and are updated as needed.

**Link to Internet Site:** <https://ocfs.ny.gov/main/rates/FosterCare/Rates/>



**In-State CSE Maintenance Rates for SED-Approved Residential Programs  
Licensed by OCFS  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment E**

Rate charts are available on the Rate Information page of the OCFS website, at the address below, and are updated as needed.

**Link to Internet Site:** <https://ocfs.ny.gov/main/rates/cse/instate.asp>

**In-State CSE Maintenance Rates for SED-Approved Residential Programs  
Licensed by Other New York State Agencies  
2020-21 Rate Year (April 1, 2021 – June 30, 2021)**

**Attachment F**

Rate charts are available on the Rate Information page of the OCFS website, at the address below, and are updated as needed.

**Link to Internet Site:** <https://ocfs.ny.gov/main/rates/cse/instate.asp>