

OFFICE OF CHILDREN AND FAMILY SERVICES

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| LOCAL COMMISSIONERS MEMORANDUM |
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OCFS-4616EL (Rev. 11/98)

Transmittal No: 00 OCFS LCM-7

Date: March 06, 2000

Division: Strategic Planning
and Policy
Development

TO: Local District Commissioners

SUBJECT: Foster Care Independence Act of 1999

ATTACHMENTS: Attachment A: Summary of the Foster Care
Independence Act of 1999 prepared by the
American Public Human Services Association
(APHSA)
Attachment B: Letter to Administration for
Children and Families (ACF) on the Federal
Independent Living Legislation
Attachments not available on-line

The purpose of this memorandum is to provide you with a summary of the provisions of the Foster Care Independence Act of 1999 which was signed into law on December 14th (Attachment A). This memorandum also provides an overview of the issues that the Office of Children and Family Services (OCFS) has brought to the attention of the Federal Administration for Children and Families (ACF) related to implementation of the new statute (Attachment B).

The Foster Care Independence Act of 1999 makes substantial changes to the Title IV-E independent living program for foster care youth. Attachment A provides a detailed summary of the Foster Care Independence Act prepared by the American Public Human Services Association (APHSA). The most significant changes include:

- o a new allocation formula for Title IV-E Independent Living funds;
- o replacement of the 100 percent Federal funding and 50/50 State funding with 80 percent Federal funding. The federal statute is silent regarding the use of in-kind or donated funds as a State match;

- o an expansion of the population states are required to serve to include former foster care recipients between 18 and 21 years and requiring the provision of financial, housing, counseling, employment, education, and other appropriate support and service, to the expanded population; and

- o major new data reporting requirements on foster care youth receiving independent living services, including data collection on outcome measures.

In addition, there is a requirement for the State to establish a comprehensive planning process for the Independent Living Program, including widespread consultation with public and private organizations and each Indian tribe in the development of the plan. In addition, a 30 day public comment period is required prior to submission of the plan to the Federal Administration for Children and Families. OCFS is responsible for submission of this plan to ACF.

The Foster Care Independence Act has significant implications for the Independent Living Program. The attached letter to ACF from Commissioner Johnson outlines the issues requiring Federal guidance and recommends implementation approaches for certain provisions. ACF has not yet announced state allocations and it is unclear when New York will receive notification of its funding level for FFY 1999-2000. OCFS anticipates that the funding level for New York State, at a minimum, will be equal to the FFY 1998-1999 funding level. In the attached letter to ACF, Commissioner Johnson urges that the current allocation formula prevail through FFY 1999-2000, and that ACF continue to permit states to match Federal funding with in-kind or donated funds.

We will keep you informed as we continue preparing to implement the Foster Care Independence Act of 1999. If you have any questions, please contact your OCFS Regional Office.

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Director
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and Policy Development