

Dual Certification: Guidance for Caseworkers and Foster Parents on Foster Care and Family-Type Homes for Adults

For every young person, transitioning to adulthood at age 21 is exciting. For youth in foster care, approaching age 21 can signal a difficult time because it requires a significant change in their lives. For those youth in foster care who are not able to live independently in the community because of an inability to live without assistance or support, coming to the end of their time in foster care can be particularly difficult.

One option to consider for these youth is for their foster parent(s) to become certified as an operator of a family-type home for adults (FTHA). This guidance discusses how this dual certification can be achieved, and outlines some of the differences between providing foster care and operating an FTHA.

Q: What is an FTHA?

A: An FTHA is an adult care facility established and operated for the purpose of providing long-term residential care, room, board, personal care, and/or supervision to adults who are unrelated to the operator.¹

Q: How do I know if the youth in foster care is eligible for admission to an FTHA?

A: Any youth age 21 or above in foster care is eligible for admission if that youth meets the following criteria:

- Is unable to live independently in an apartment due to the need for personal care and/or supervision
- Provides a medical evaluation which includes a statement that the youth is neither medically nor mentally unsuited for care in an FTHA
- Does not require placement in a hospital or residential health care facility
- Is not the spouse, parent or parent-in-law, child or stepchild of the operator

Q: What are the qualifications to become an operator of an FTHA?

A: The operator must:

- be a natural person, i.e., not a corporation, LLC, etc.;
- live in the home;
- be at least 21 years of age;
- be of good character;
- be physically and mentally capable of operating the home;

¹ Per 18 NYCRR 489.2(b), “unrelated” means that the relationship between operator and resident is not that of spouse, parent or parent-in-law, child or stepchild.

- be able to speak, read, and write English;
- provide 24-hour-a-day supervision, care, and services to meet the needs of the residents, assure the protection of resident rights, and promote the social, physical, and mental well-being of residents;
- demonstrate sufficient income not solely derived from income from the residents to meet the household expenses of the operator and members of the operator's personal household;
- not be otherwise employed outside the home unless provision is made for substitute care, and prior written approval from the local department of social services (LDSS) has been received;
- designate a substitute caregiver who has been approved in writing by the LDSS for any temporary absences; and
- notify the LDSS of any changes in household circumstances or composition as well as the admission and discharge of all foster children and FTTHA residents.

Q: How are operators paid for operating an FTTHA?

A: Assuming you have received certification as an operator of an FTTHA, when a youth who will be transferring from foster care to an FTTHA turns 21 years of age that youth will be responsible for paying the operator for services from that point forward. The youth can either pay privately (assuming the youth has access to funds), or pay out of the youth's Supplemental Security Income (SSI) benefits.

Q: Is every youth age 21 or older eligible for SSI?

A: Not everyone is eligible for SSI. To be eligible, an individual must meet the minimum requirements set by the Social Security Administration. These include those who: have filed an application for SSI, are blind or disabled, have limited income² and limited resources³, are U.S. citizens or nationals, or are qualified aliens⁴, who apply for any other cash benefits for which they may be eligible, such as Social Security benefits.

A young adult is "disabled" if that person has a medically determinable physical or mental impairment, including an emotional or learning problem that:

- results in the inability to do any substantial, gainful activity; and
- can be expected to result in death; or
- has lasted or can be expected to last for a continuous period of not less than 12 months.⁵

² "Limited income" includes money earned from work; money received from other sources, such as Social Security, Worker's Compensation, unemployment benefits, or friends and relatives.

³ "Limited resources" are assets that the individual owns, e.g., cash, stocks and bonds, land, personal property, life insurance, and anything that can be converted into cash and used for food and shelter.

⁴ A qualified alien is one who meets the criteria of the Department of Homeland Security.

⁵ 42 USC § 1382c(a)(3)(A).

Q: If an FTHA seems like a possible living arrangement for a youth in foster care, how is this plan documented?

A: Beginning six months prior to the 18th birthday of a youth in foster care, the caseworker should begin completing the *Transition Plan Form* (OCFS-4922). For all youth choosing to remain in foster care after age 18, the caseworker at the LDSS or VA and the youth must review this plan every six months using form OCFS-4923, *Transition Plan Form Part Two: Transition Plan Update and Summary*. If the foster parent has indicated willingness to apply for certification as an operator of an FTHA, the OCFS-4922 can be updated (Section II: Housing) to reflect this as the housing plan for the youth following discharge from foster care.

The application process for certification as an operator of an FTHA will require at least six months to complete. The LDSS/VA caseworker can work with the FTHA coordinators in the appropriate regional office to facilitate that application process with the foster parent.

Q: What if there is more than one youth in the foster home who will be eligible for a FTHA at age 21?

A: New York State Office of Children and Family Services (OCFS) regulation, 18 NYCRR 489.4(i)(3)(iv), requires the operator of a dual-certified FTHA to obtain a waiver from OCFS's Bureau of Adult Services to care for more than one former foster child while simultaneously providing foster care to other children.

The waiver application process should be started no later than six months prior to the additional young adult's 21st birthday, and should be reflected in that young adult's transition plan.

Q: Where can the information be found to begin the application process for certification as an operator of an FTHA?

A: In New York City, contact the Human Resources Administration (HRA), Division of Voluntary and Proprietary Homes for Adults at (212) 971-2930. Information is available at: https://www1.nyc.gov/assets/hra/downloads/pdf/services/aps/family_homes_102708.pdf

Outside of New York City, contact the LDSS FTHA coordinators at: <http://ocfs.ny.gov/main/ftha/ftha-coordinators.asp>

You may also contact the New York State Office of Children and Family Services, Bureau of Adult Services at (518) 402-6513 and <http://ocfs.ny.gov/main/ftha/>