



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Acting Commissioner

## Informational Letter

<b>Transmittal:</b>	18-OCFS-INF-02
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies (or other specific types of agencies)
<b>Issuing Division/Office:</b>	Division of Child Welfare and Community Services/Bureau of Adult Services
<b>Date:</b>	February 16, 2018
<b>Subject:</b>	<b>Dual Certification of Foster Boarding Homes and Family-Type Homes for Adults</b>
<b>Suggested Distribution:</b>	Directors of Social Services Foster Care Supervisors Adoption Supervisors Planning Coordinators Adult Protective Services Supervisors FTHA Coordinators Staff Development Coordinators
<b>Contact Person(s):</b>	See Section IV
<b>Attachments:</b>	Attachment A - SSI Benefit Chart for 2018 Attachment B - Dual Certification: Guidance for Caseworkers and Foster Parents on Foster Care and Family-Type Homes for Adults Attachment C - Forms Used in Family-Type Homes for Adults

**Filing References, if applicable (*check on these –be sure that are correct and there are no typos*)**

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-20 95-INF-52 98-INF-09		18 NYCRR 430.12, 443.1, 489.3, 489.4, and 489.7	SSL § 378(4) SSL § 2(22)		

## I. Purpose

The purpose of this Informational Letter (INF) is to make local departments of social services (LDSSs) and voluntary authorized agencies (VAs) aware of the potential for certified or approved foster boarding homes to obtain certification as Family-Type Homes for Adults (FTHAs) to provide continuity of care for a youth in foster care residing in the foster home who is approaching age 21 who lacks the skills or ability to live independently.

As used in this INF, the term “dual certification” means the ability of an individual to be both

1. a certified or approved foster parent for youth in foster care through age 21, and
2. a certified FTHA operator for a youth formerly in foster care who is age 21 or older.

Attachment B, *Dual Certification: Guidance for Caseworkers and Foster Parents on Foster Care and Family-Type Homes for Adults*, provides information about FTHAs, including how such homes are approved, operated, and supervised. Information is also attached explaining how foster parents who meet the FTHA certification standards can continue to serve former foster youth in their care.

## II. Background

The New York State Office of Children and Family Services (OCFS) is aware that some youth, particularly those with developmental disabilities, need additional supports when they age out of foster care at age 21. LDSSs and VAs are finding themselves struggling to identify appropriate housing and supports for these youth in relation to their transition plans. The dual certification of foster homes as FTHAs can be a viable option for keeping a youth in a home with a familiar family.

A foster family boarding home is a residence owned, leased, or otherwise under the control of a single person or family who has been certified or approved by an LDSS or a VA to care for children.<sup>1</sup> The general rule for capacity is that not more than six foster children of any age and non-foster children under the age of 13 may reside in the foster home. There are two exceptions to this general rule:

1. Up to two additional children may reside in the home if such children are siblings or half-siblings, are siblings or half-siblings of a child living in the home, are children freed for adoption who have been placed for adoption with the foster parent, or are minor parents who are foster children residing with their child(ren).<sup>2</sup>
2. Where it is in their best interest, children may be placed in the foster home in which they were last placed when they were either returning to foster care following an interruption in care, or were being placed from a more restrictive foster care setting to the foster home in which they had previously resided.<sup>3</sup>

FTHAs provide an atmosphere of family living for adults who are unable to live on their own. They are certified by OCFS through its Bureau of Adult Services. Residents in these homes are individuals, 18 years of age and older, who cannot live alone, but who can benefit from a small, community-integrated, non-institutional residential setting. Residents are persons who need supervision and/or assistance with personal care. Many attend day

---

<sup>1</sup> 18 NYCRR 443.1(j).

<sup>2</sup> SSL § 378(4) and 18 NYCRR 443.1(j) and 443.6.

<sup>3</sup> SSL § 398(6)(n).

programs or do volunteer work in the community. FTHA operators, or an approved substitute caregiver, must be available on-site to provide care and supervision for FTHA residents on 24-hours-per-day/7-days-per-week basis, unless all FTHA residents are participating in a day program or are otherwise engaged outside the home, or the OCFS Bureau of Adult Services has granted a waiver specifying the conditions, such as telephone access, under which there does not have to be an operator or approved substitute caregiver present on site.<sup>4</sup>

The maximum capacity of an FTHA is four residents. Foster parents who are applying for dual certification are limited in the number of young adults who may reside in the FTHA simultaneously with children currently in foster care. As long as the home continues to operate as a certified or approved foster home, the FTHA operating certificate will permit only one former foster youth to be in care for in the FTHA at one time. With an approved waiver issued by the OCFS Bureau of Adult Services, the foster parent/operator may care for additional eligible residents. For example, if there are other youth with qualifying disabilities in care at the foster home with dual certification, with an approved waiver all the eligible young adults can transition from foster care to FTHA at that site.

The foster parent/operator of an FTHA is reimbursed differently for youth in foster care and for young adults approved to reside in the FTHA. The foster parents receive a monthly board payment for the care of children in foster care as determined by the placing LDSS. Adults residing in an FTHA pay for their care individually out of their personal resources. This could be private pay, or, in the case of a resident who is eligible to receive Supplemental Security Income (SSI) benefits, payment is made from the resident's SSI benefits. This rate, the Congregate Care Level 1 (Family Care) rate, is established by the state and federal governments and is subject to annual adjustment. A copy of the current SSI benefit chart for 2018 is included as Attachment A.

### III. Program Implications

A person who is certified or approved as a foster parent may also be eligible for certification as an operator of an FTHA, solely for the purpose of providing care for a child formerly in foster care who aged out of foster care at age 21. This dual certification provides a plan for a youth in foster care whose qualifying disability or condition either precludes independent living or makes independent living difficult. Whenever a youth remains in foster care on or after their 18<sup>th</sup> birthday, the agency with case management, case planning, or casework responsibility for the child in foster care must begin developing a transition plan with the youth 180 days prior to their 18<sup>th</sup> birthday, or 180 days prior to the child's scheduled discharge date where the child is consenting to remain in foster care after their 18<sup>th</sup> birthday.<sup>5</sup> The transition plan must be completed 90 days prior to the scheduled discharge date. For youth needing supervision and assistance, having the foster parent become certified as an FTHA operator provides a viable transition option, providing a situation where the youth remains in the same home with the same support system providing stability and continuity of care. If the youth should decide to voluntarily leave foster care at age 18, the transition plan must reflect the housing option decided upon by the youth, as is discussed in OCFS release 15-OCFS-ADM-20, *Transition Planning with Youth for a Successful Discharge*. If that youth requires supervision and personal care, a different FTHA may meet that youth's needs and could be considered an acceptable plan for that youth leaving care at age 18.

---

<sup>4</sup> 18 NYCRR 489.3(b).

<sup>5</sup> 18 NYCRR 430.12(j).

A foster parent obtaining certification as an operator of a FTHA provides a viable plan for the transition to adulthood of a youth in foster care with a qualifying disability provided that

- the youth meets the FTHA admission standards as set forth in regulation,<sup>6</sup>
- the home complies with the FTHA operating provisions set forth in regulation, and
- the LDSS or VA supervising the foster home confirms that the youth transitioning from foster care to FTHA will not have a negative impact on any remaining foster children in the home.<sup>7</sup>

The certificate to operate a FTHA expires when all the former foster youth move out of the home.<sup>8</sup> Whenever a resident former foster youth moves out of the FTHA, the supervising LDSS must be notified. Should the operator decide to discontinue certification or approval as a foster home and instead wish to continue operating as an FTHA, the FTHA coordinator at the LDSS must be notified regarding the home's FTHA license.<sup>9</sup>

OCFS release 15 OCFS-ADM-20, *Transition Planning with Youth for a Successful Discharge*, provides guidance on the development and implementation of a transition plan for youth in foster care. If the foster parent agrees to apply for certification as an operator of an FTHA, for the purpose of providing stability and continuity of care for one or more children in foster care, the transition plan for the youth must reflect this intent. This plan should be reflected in Section II of the *Transition Plan Form* (OCFS-4922) as the housing plan for discharge.

The application to operate an FTHA should be initiated no later than six months prior to the youth's 21<sup>st</sup> birthday, so that the certificate to operate an FTHA can be obtained sufficiently in advance to seamlessly accommodate the youth's transition. The LDSS's FTHA coordinator can provide assistance to the foster parent in the completion of the FTHA application process. See Attachment B, *Dual Certification: Guidance for Caseworkers and Foster Parents on Foster Care and Family-Type Homes for Adults*, for information on the process of applying for certification as an FTHA, and Attachment C, *Forms Used in Family-Type Homes for Adults*, for the paperwork needed to apply.

The Bureau of Adult Services is available to provide technical assistance and training to LDSSs and to VAs with respect to certification and operation of FTHAs.

#### IV. Contacts

##### **For information regarding family-type homes for adults:**

General information can be found on the OCFS website at <http://ocfs.ny.gov/main/ftha/>

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](https://www1.nyc.gov/assets/hra/downloads/pdf/services/aps/family_homes_102708.pdf)

---

<sup>6</sup> 18 NYCRR 489.7.

<sup>7</sup> 18 NYCRR 489.4.

<sup>8</sup> 18 NYCRR 489.4(i)(3)(iv).

<sup>9</sup> 18 NYCRR 489.3(b)(11).

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

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

**For questions concerning the foster care information contained in this release, please contact the appropriate regional office, Division of Child Welfare and Community Services:**

Buffalo Regional Office – Amanda Darling (716) 847-3145

[Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

Rochester Regional Office – Karen Lewter (585) 238-8201

[Karen.Lewter@ocfs.ny.gov](mailto:Karen.Lewter@ocfs.ny.gov)

Syracuse Regional Office – Sara Simon (315) 423-1200

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

Albany Regional Office – John Lockwood (518) 486-7078

[John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

Spring Valley Regional Office – Yolanda Desarme (845) 708-2498

[Yolanda.Desarme@ocfs.ny.gov](mailto:Yolanda.Desarme@ocfs.ny.gov)

New York City Regional Office – Ronni Fuchs (212) 383-1676

[Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

Native American Services – Heather LaForme (716) 847-3123

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

***/s/ Laura M. Velez***

---

**Issued By:**

Name: Laura M. Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services