

NYPWA Commissioners' Meeting Summary

March 11, 2021

Presiding, Tammy Delorme, NYPWA President

County Budgets Proceed with Caution

Commissioners said that county officials are proceeding cautiously with news of additional federal revenues and are not announcing budget restorations related to staff positions, hiring freezes, or contracts that were reduced or eliminated. Once the state budget is enacted more informed decisions can be made. While many counties suffered deep losses in tax revenues, some counties received more revenue in the past year due to people working remotely and moving to less populated regions.

American Rescue Plan Enacted on March 11th

President Biden signed the \$1.9 trillion American Rescue Plan (ARP) into law. The plan will bring \$12.6 billion in direct aid to the state—and over \$10.8 billion to localities. U.S. Senate Majority Leader Schumer issued a [press release](#) that included a “[Local Aid Explainer](#)”, which provides details about the allocations. The Senator also [announced](#) key aspects of the relief plan, which includes increases in FMAP, child care, head start, child tax credit payments, EITC payments, Emergency Rental Assistance, mortgage and utility assistance, SNAP, unemployment insurance, and the child tax credit. It is uncertain how the passage of the relief plan will impact ongoing state budget negotiations. The state Assembly and Senate will unveil their one-house budget priorities in March well before April 1 budget deadline.

Vaccine Rollout – Local DSS Staff Moved up in Priority Effective March 17, 2021

Thanks to all of us who made the case for the urgency of vaccinating all DSS staff and caseworkers. [Governor Announces Vaccine Priority Expansion](#)

Both Houses of State Legislature Passed PA Phone Interview Bill; Pending Action by Governor

[A.5414/S.3223-A](#) waives the Face-to-Face interview eligibility requirement at the option of each social services official. It would also allow screening for substance abuse and domestic violence by phone, at local option. The NYPWA issued a memo in support. The bill's fate rests with the Governor.

NYPWA Recommends Keeping FAR as a County Option (see *Position Statement, 3-9-21*)

Local Commissioners were actively engaged in meeting discussions, facilitated by Kathryn Muller (Steuben), on the proposed FAR mandate. Their input was used to develop the NYPWA's position statement opposing the 2021-22 Executive Budget language requiring that all districts implement Family Assessment Response (FAR) statewide under ELFA Article VII [Part M](#). Local districts would be required to submit a plan to OCFS by January 1, 2023 for implementation on January 1, 2024. Mandating FAR for all districts does not support the local flexibility needed to serve communities. Currently sixteen districts operate FAR. The mandate is proposed as an action to address implicit bias in the child welfare system, but more effective strategies are underway including SCR Reform, The Blind Removal Process, Kin-First Firewall Practice, and FFPSA.

“CPS Warning Bill” on Our Watch List

Senator Brisport (Chair, C&F) introduced what we are currently referring to as the “CPS Warning bill” in the Senate. No “same as” legislation introduced in the Assembly yet. [S.5484](#): Requires child protective services to orally and in writing disclose certain information to parents and caretakers who are the subject of a child protective services investigation. Some advocates call it “The Miranda Bill.”

Public Education on Safe Sleep

Infant sleep-related deaths during the pandemic were discussed. Hospital staff still educate parents but In-person pre-natal classes that covered safety information have been curtailed. At one time, OCFS and DOH collaborated on a public information campaign to target a broad audience. Some counties are doing their own PSAs and public information campaigns with child advocacy centers and other community partners. Here is the Safe Sleep of Children in Child Welfare ADM: [13-OCFS-ADM-02](#). More information can be found on the DOH [Safe Sleep For Baby](#) section of its website as well as guidance, videos and materials in [Promoting Safe Sleep Practice in NYS](#) .

Influencing Family First (FFPSA) Implementation

Commissioners discussed where they are in their implementation process and offered these recommendations: the requirements of Family First should be built into caseworker training from the beginning, OCFS has been asked to issue a fact sheet for Family Court judges, which they have agreed to develop, and districts need a reliable clearinghouse of information on evidence-based programs that will qualify under FFPSA. In discussing unspent county allocations within the Family First Transition Funds [LCM/19-OCFS-LCM-09](#) commissioners were not aware that the entire \$3 million statewide allocation had not been fully spent and noted that county specific allocations were very low.

The NYPWA is providing input on Article VII budget bill language that must be enacted, in some form, in order for NYS to comply with FFPSA and maintain IV-E funding. The NYPWA supports allowing the 60-day court reviews of youth in QRTPs to be conducted through written submission rather than at a live hearing in certain cases. This would greatly improve efficiency. OCFS is reviewing whether or not they have the federal flexibility for written court reviews. We are also asking that the bill enable any district that chooses to carry out the QI role, using local district staff, may do so as allowed through a waiver process. We are opposing any new additions to the budget language that would reduce local flexibility. OCFS issued [ADM/21-OCFS-ADM-04.pdf](#) Qualified Residential Treatment Programs (QRTPs) on 3-11-21.

When Court Ordered Investigations Increase

Family court judges use home studies to help inform them in child custody cases. Some judges order CPS investigations under 1034 of the Family Court Act for these situations, but the depth of this investigation may exceed what is truly applicable, and it can become an overwhelming burden on the district. Some Commissioners have experience to share on how they have addressed these court demands when they have become excessive. County probation departments are often responsible for the home studies. Please contact the NYPWA if you have suggestions you can share with a colleague.

Court Ordered Production of Unfounded Reports (Letter dated March 2, 2021)

Commissioners discussed confidentiality and OCFS's letter to Chemung County (previously shared with all commissioners) saying that the county cannot provide unfounded reports, requested by a Family Court Judge, and that unfounded reports are the sole property of the Statewide Central Register (SCR.)

Medicaid - FIs, Recertifications and Pharmacy Carve Out

Implementation of Fiscal Intermediary (FI) Rate Structure Enacted in the SFY 2019-20 NYS Budget for the Consumer Directed Personal Assistance Program (CDPAP) was sent to commissioners on 3/11/21: [GIS 21 MA/04](#). Transition Policies for FIs are available at [MLTC Policy 21.01](#). Also, see [RFO Webpage](#).

The 5/31/21 recertifications have been extended for 12-months.

The Managed Care pharmacy carve out is now targeting 5/01/21 as the start date.

Updates on Emergency Rental Assistance, ESG, Code Blue, and the Eviction Moratorium

The NYPWA hosts weekly conference calls with Commissioners from jurisdictions that received direct funding of federal ERA program funds. We include OTDA in the discussions. Many unanswered questions.

OTDA conducted a webinar last week on the combined ESG and Code Blue allocations that affect some counties. This policy has added an unwelcome layer of contracting complexity to those local districts that are affected.

Commissioners are contemplating strategies for when the eviction moratorium ends (currently set for May 1, 2021.) Counties have closed empty shelters and it is uncertain what the needs will be.

Commissioners discussed state regulations regarding the application of income when determining the need for temporary housing. In budgeting income, some of the individual's or family's income may have to be applied to pay for some or all of the cost of temporary housing. [16-ADM-11.pdf](#) Collecting this payment can be difficult for counties and for shelter providers. Interest was expressed in NYC's practices and the possibility of having the payment put aside in a trust to help people transition to permanent housing.

A Local Social Services Guide to Understanding DSS Systems (see separate document, 3-11-21)

Mike McMahon (Montgomery) and Paul Brady (Schenectady) introduced this fully updated guide to local DSS technology systems. This document can be shared with others in your offices. Tammy DeLorme (Washington) described DSS systems as a "giant octopus" with tentacles including 8 systems arms that are burdened by multiple bandwidth, hardware, software, and server issues. Commissioners are encouraged to review staff access needs carefully, in order to ensure smooth operations, security, and transfers of knowledge moving forward and especially during any technology rollout. Local districts depend on the state network in order to administer state mandated programs. SSL§21 provides the basic legal framework for state fiscal responsibility. We are aware that bandwidth expansion is essential. The state's transition also needs to consider that there are many internal "Get the work done" applications built on the state infrastructure that will require extensive time and new costs to counties.

NYPWA Meeting with NYS Office of Information Technology Systems (ITS)

The ITS PowerPoint presentation will be emailed to all commissioners upon our receipt from ITS and you can share it with your staff. Future meetings with commissioners and their IT experts are anticipated. A team of eight ITS staff and a representative from OTDA and from OCFS joined the meeting. The NYPWA submitted thirty-six questions to ITS. Their staff said they would send us answers to all the questions that are not otherwise covered in the PowerPoint. The following notes are from the PowerPoint slides:

- The goal is to evolve towards a more modern, secure internet-based accessible from anywhere model instead of requiring the state to provide personal computers, network equipment and servers.
- State OCFS and OTDA applications will be made accessible over the internet.
- Network upgrades will be funded by the state, no other significant cost increases to the local social services districts are expected.
- **Security** of state and county networks and access to OCFS and OTDA applications will be more stringent.
- There will be no cutoff or reduction of state support.
- Network upgrades that are necessary for the counties to perform their work with OCFS and OTDA applications will be completed by the State at no cost to the counties.
- No reduction in support of HSEN inventory and network during the transition to the Virtual Desktop Infrastructure (VDI).
- VDI Implementation timeline: 2 years for all counties to evolve to a new model. Monthly update with local commissioners and continue bi-weekly updates with LAN administrators.
- Virtual Desktops are a way to connect user desktops to state IT regardless of whether they're working from inside the IT network – or remotely from across the internet.
- Virtual Desktops work by streaming a desktop image to any device running the remote access software or with equivalent capability provided through a web browser.
- Mitigate Win 7 security concerns: All State PCs on HSEN will be replaced with thin clients that will access VDI. State will provide an additional 3,000 laptops with 3-year warranty for the mobile workforce.
- County applications cannot remain on the state network and will not be accessed via the state's VDI. The State will continue to provide the districts with data to fee county applications.

3-11-21