

**NYPWA Commissioners' Meeting Summary**  
May 6, 2021  
*Presiding, Tammy Delorme, NYPWA President*

**Key Themes**

- NYS political landscape has changed and will affect outcomes on key legislation.
- Post-TPR bill continues to be of grave concern.
- NYPWA 'Cross-Systems Kids Campaign' is underway.
- Counties are exploring Qualified Individual (QI) possibilities under Family First.
- We have learned more about the Emergency Rental Assistance Program (ERAP).
- NYS OPDV invites local DSS commissioners to virtual regional meetings.

**The Post Termination of Parental Rights Visitation Bill [Preserving Family Bonds Act]**

Legislation ([A.6700/S.6357](#)) was revised and re-introduced. It would establish procedures regarding orders of post-termination visitation and/or contact between a child and that child's parents. These are not "Hallmark movie" stories. These are horrible cases where the children have been severely abused by their parents. It will end adoption prospects for many children. In 2019, local commissioners issued letters in opposition to the bill, and it was vetoed. The legislation has new momentum now. We will be considering the input from our May 6<sup>th</sup> discussion in crafting our comments on the 2021 legislation.

Governor's 2019 veto message "...*the bill calls into question well-established parental rights of objection of an adoptive parent. The bill also fails to provide an exception to the contact order in cases of severe and repeated abuse to a child or where a child does not consent to the contact.*"

The proposed 2021 legislation does not require consent of ALL parties to enable the court to order post-adoption contact or visitation agreements. This is our fundamental concern. NYPWA supports ongoing contact between birth parents and adoptive children, but only when all parties agree it is safe and appropriate. NYPWA's opposed the 2019 bill, because it would:

- undermine the legal and moral obligation to provide foster children a stable, permanent home by creating years of litigation during which the child would simply languish with no stability;
- lead to long-term court involvement in a child's life because if the request is granted the bill allows the birth parents to continuously file legal actions to seek more contact; and
- severely reduce the number of adoptive and foster parents willing to provide these children with a safe and loving home life, as they would risk the legal cost and the emotional uncertainty of the court's potential ongoing involvement.

**County Budget Planning – Seeking Information**

- Federal Medical Assistance Percentage (FMAP) Reconciliation
- Need state agency administrative allocations and guidance on state budget actions
- Lack state guidance on state-funded childcare co-pays limited to up to 10% FPL
- American Rescue Plan Act – Pandemic Emergency Assistance

## **FMAP Deferral and Enrollment Growth to Impact Weekly Shares**

The state continued to defer \$1.7 billion of Medicaid payments (\$3.5 billion total including federal share), despite the availability of year-end resources in the SFY 2020-2021 to make payment in the fourth quarter. The combined impact of deferred payments and enrollment growth will increase pressure on the Financial Plan in subsequent years. - OSC

How this impacts county weekly shares could be a big swing.

## **Campaign to Help Cross-Systems Kids – Now is the Time**

Tammy DeLorme and Thalia Wright, co-chairs of Campaign. We reached out to Council on Children and Families, HANYS, COFCCA, and Casey Family Programs. There is trauma, racial distress, intellectual disabilities, and mental health issues among some children in foster care. There is a lack of intensive home services, psychiatric care, OPWDD services, MH treatment, and placement options for them in NYS. Let us gather child specific, tangible data in each district. Eileen Tiberio is drafting a spreadsheet on cases that we will ask commissioners to complete. Discussion points:

- Now is the time to come to the table. Something needs to happen to help these kids.
- There are disruptions in foster care placements. Family First does not make this any easier.
- Therapeutic needs: we are seeking a different service model that is not just adding staff.
- Look at struggles and barriers. Higher payment rate alone does not address needs.
- Let us pull the data together – how many kids are we struggling to serve?
- How do we present it? What solutions can we bring?
- How do we get on the state’s radar?
- Beds closing, programs changing – need to take this as an opportunity.
- OPWDD and OMH see their systems as serving adults and see DSS as serving children.
- When OPWDD services are available they often end as child enters teen years.
- Local districts, Council on C&F, and providers cobble together unsatisfactory placements.
- Stories are compelling if told in way that they can be understood by target audience.
- OPWDD and OMH services are not an entitlement – this would require a new state law.
- Mental Health Legal Services has an interest.
- Let us build our system to meet the needs of these kids – is it time to acknowledge that no one else will take responsibility and demand the help we need through funding streams that are separate from the Foster Care Block Grant. We cannot force the state agencies to act.

## **Family First Implementation, Qualified Individuals, ORTPs, and Providers**

NYC ACS has an effective structure in place and plans to carry out the QI function which will be allowed under an anticipated federal waiver. Other commissioners said that they are exploring whether a contract with their county Community Services department might be an effective option for providing a firewall and the expertise that is needed. If OCFS can clarify expectations in writing, for the purpose of ensuring compliance with state and federal mandates and future audits, it would be of value. This could be in the form of a template or other written guidance.

The Council of Family and Child Caring Agencies (COFCCA) is interested in meeting with commissioners to discuss QI templates, the future of congregated care, and QRTP considerations. Providers extend county boundaries and consistent contract language would be helpful to them.

The QI is required to be a trained professional or licensed clinician with experience in the child welfare field and cannot be someone who has a direct role in case management or planning. [ELFA, [Part L](#)]: qualified residential treatment programs (QRTPs); court reviews of QRTP placements; Qualified Individual (QI) assessments; 60-Day placement timeframes tied to IV-E.

### **Emergency Rental Assistance Program Implementation**

This is a high-pressure challenge for districts to ensure that low-income tenants are covered so that evictions are prevented. There is a short timeframe for outreach and applications. The program targets households that are unable to pay rent and utilities due to the pandemic. The payments will go directly to landlords. Apart from the municipalities that received a direct federal allocation, the other counties will not be allocated amounts for rent. These counties were given \$120k or \$240k in administrative funds for outreach. Commissioners are involving community-based organizations. An announcement on how and when applicants can access the state portal is estimated for mid-May. We need to understand and accept that eligibility is not as stringent as in other programs. Monroe County, Onondaga County and the Town of Islip in Suffolk County are pursuing ERAP independently and have made significant progress. You can learn from Onondaga's initiative. Go to [www.OnGovRentHelp.com](http://www.OnGovRentHelp.com)

#### *Pending - Information NYPWA Requested from OTDA in Order to Pursue Outreach*

- URL address to access the state's portal.
- Toll-free number for the state's helpline and the days and hours of operation.
- Content of the state's marketing materials and what specific languages they will be in.
- Type of announcement the state is planning to send out and through what means.
- OTDA's plan for ongoing communications with local commissioners on ERAP.

#### *OTDA's written response to some of the Questions Submitted by NYPWA*

- 1) **“For all localities that received direct CAA ERAP allocations from Treasury that have opted into the statewide program, the total amount of funds paid to the locality by the Treasury must be transferred to the State (most localities have already effectuated this transfer).”**

“OTDA will be entering into a contract with each locality for the value of 10% of the locality's total CAA and ARP ERAP allocations (only the CAA allocations are known at this point, but we expect that the Treasury will release the ARP allocations shortly). Under the contract, up to 25% of the contract value may be advanced to the locality. The locality will then be required to submit documentation for all expenses that it is requesting reimbursement for under the contract.”

“As noted above, all localities are required to enter a contract with OTDA for the administrative funds. The contract is processed via Grants Gateway. These contracts with OTDA will be new, independent contracts between OTDA and the local area.”

- 2) “For localities that did **not** receive direct ERAP allocations from Treasury, OTDA awarded funds to these areas to support outreach and application assistance. In this instance, the county may elect to have the ERAP funds added to the existing ESG contracts. “The ERAP system that is being developed will have the capability to report on applications by status (received, approved, denied) at the zip code level. OTDA is currently developing report formats and determining the specifics regarding how districts will be provided this information.”

“OTDA will handle all Treasury reporting for the direct funded areas that are participating in the State program.”

**Synopsis of Emergency Rental Assistance Program (ERAP)** [ELFA, [Part BB](#)]:

- Supports up to 12 months of rental arrears and up to three months of future rent for eligible households that earn up to 80% of the Area Median Income (AMI).
- Households may also qualify for up to 12 months of utility arrears.
- Priority for those unemployed for 90 days and to those earning up to 50% of the AMI.
- Additional priority will be granted to applicants who are from vulnerable populations, such as survivors of domestic violence or human trafficking, and veterans

**Hardship Fund** (\$100M) for landlords and tenants that would not otherwise qualify for ERAP.

**American Rescue Plan Act - Pandemic Emergency Assistance** (\$200M) in federal funds for emergency services, services for survivors of domestic violence, food assistance for older New Yorkers, support diaper purchases.

**NYS Eviction Moratorium Extended Through August 31, 2021**

*Local districts have closed some of their shelters as needs decreased during the moratorium. They are assessing what will be needed when moratorium ends.*

The Governor [signed](#) legislation ([A.7175-A/S.6362-A](#); Chapter 104) that extends the moratorium through August 31, 2021. The U.S. Justice Department is appealing a ruling by a U.S. federal judge that has [blocked](#) a nationwide eviction moratorium established and extended by the Centers for Disease Control and Prevention (CDC). The original federal moratorium had been extended by the CDC for public health reasons through June 2021. The federal ruling is not expected to impact NYS’s actions.

## **New Strategies to Increase COVID-19 Vaccinations**

Counties shared creative approaches they are implementing to encourage more people to become vaccinated. The Wayne County Health Department had a successful Star Wars themed clinic. Westchester offered a Mother's Day theme.

## **Office for the Prevention of Domestic Violence (OPDV) Invites Commissioners to Meetings**

Kelli Owens, Executive Director, OPDV, joined our call to invite commissioners, or designees, to attend their 2<sup>nd</sup> round of regional council (virtual) meetings in June - to identify policies, procedures and funding streams that can improve outcomes. OPDV will send an announcement.

Note: Non-residential DV TANF Allocations for SFY 2020-21 were released on May 6, 2021.

## **Summer Conference July 23-29, 2021 (9 days, virtual)**

### ***Commissioners' Conference Liaison, Mike McMahon***

Networking, gaining new knowledge and understanding from diverse speakers are all very important reasons to attend our Conferences. We are seeking proposals for local district workshops by our deadline on May 14, 2021. **RFP is posted at [www.nypwa.org](http://www.nypwa.org)**

### ***Emerging Leaders' Track, Ellen Wayne, Facilitator***

Two components: Leadership skills and Culture of Building Leaders

#### **Ideas for Culture of Building Leaders**

- Commissioners' Commissioners Leadership Panels
- Commissioners Duo Presentation

#### **Ideas for Leadership Skill Topics (Featuring Professional Trainers)**

- Systemic thinking (ripple effect, thinking beyond own unit, understand broader implications of actions/decisions), Critical thinking
- Agility, Agile thinking (embracing change as opportunity for growth)
- Mindfulness, Focused Attention (techniques to re-center, resiliency, recognizing what requires immediate attention)
- Innovative Thinking (seeing possibilities, creating change)
- Independent thinking (creating understanding of hierarchical relationships and using that to execute plans and strategies)
- Lateral thinking (innovation, creativity, understanding relationships, how x relates to y)

## **NYS Department of Civil Service Tests**

- Social Welfare Examiner examination will be offered on June 26, 2021.
- Entry-level examination for Casework is part of the decentralized examination program and can be held continuously.
- Staff of the Testing Services Division are researching the possibility of converting the written Caseworker examination to the T&E format.

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