

**NEW YORK STATE  
DEPARTMENT OF SOCIAL SERVICES  
40 NORTH PEARL STREET, ALBANY, NEW YORK 12243**



CESAR A. PERALES  
*Commissioner*

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 85 ADM-7  
[Family & Children Services]

TO: Commissioners of Social Services

SUBJECT: Reimbursable Absences from Foster Care  
and Approved Schools for the Handicapped  
Department Regulation 605.2

DATE: January 25, 1985

SUGGESTED DISTRIBUTION:  
All Child Welfare Staff  
Accounting Staff  
SER-6 Voluntary Foster Care Agencies  
Approved Schools for the Handicapped

CONTACT PERSON: Questions concerning this release should be directed to Joseph A. Della Rocca, Bureau of Resource Management at 1-800-342-3715, Extension 3-1496 or (518) 473-1496.

**I. PURPOSE**

The purpose of this Directive is threefold. The first is to advise local districts of an amendment to Section 605.2(c)(4)(iii) of the Department's Regulations effective October 24, 1984. This Regulation deals with reimbursement of expenditures for the care of a child in either direct care provided by the district or care provided through purchase of service contracts when the child is absent due to vacation. Second, it clarifies the proper interpretation of all the reimbursable absences referred in Section 605.2(c)(4). Third, it describes the different application of these regulations between foster care placements and children placed by local education agencies through their Committees on the Handicapped, pursuant to Article 89 of Education Law.

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
76-ADM-26 78-ADM-85	76-ADM-26	605.2	Section 398-a of the Social Services Law		

DSS-296 (F 3/82)

## II. BACKGROUND

Under the former regulation concerning reimbursement for children receiving foster care who are on vacation, 18 NYCRR 605.2(c)(4)(iii), an authorized agency or approved school for the handicapped was allowed reimbursement for a child to go on vacation seven consecutive days including weekends. Provided the child returned to care for one day, reimbursement was possible for any number of seven day periods of vacation taken. This regulation did not recognize the legitimate differences in program practice which exist among the foster care agencies in this State. While many of the agencies have built in a number of short vacation periods during the year, none utilize the full number of vacation periods potentially eligible for reimbursement. A significant number of programs and districts prefer fewer periods of longer duration. The Department has therefore amended 18 NYCRR 605.2(c)(4)(iii) consistent with that approach.

The Department has for the past few years responded to questions from local districts and agencies concerning the proper interpretation of 18 NYCRR 605.2(c)(4)(ii) concerning school and religious holidays. In addition, there were questions concerning the ability to reimburse two different absences consecutively. More recently, the Department has been receiving inquiries from local districts and approved schools for the handicapped concerning the applicability of these regulations to COH placed children.

In order to more comprehensively ascertain current practice, the Department conducted a survey of local social services districts. The survey results indicated a lack of uniformity in the application of the reimbursement regulations, especially the regulation on school and religious holidays.

## III. PROGRAM IMPLICATIONS

In order to achieve a more uniform and equitable application of 18 NYCRR 605.2(c)(4), below are listed the provisions of this regulation, the Department's interpretation of the regulation and an indication of whether the regulation applies to foster children, children placed by local education agencies through their Committees on the Handicapped or both.

A. 605.2(c)(4) Reimbursement of expenditures for care of a child in either direct or indirect care shall not include per diem costs of absences except as follows:

- (i) All Weekend Visits - A maximum of two days may be claimed as a weekend visit, those being Saturday and Sunday. This is only necessary if the child is absent for 24-hours each day. For example, if the child leaves the agency Friday evening and returns Sunday at 1:00 p.m., only Saturday should be claimed as a billable absent day. The child is considered in care Friday and Sunday. This section applies to both foster children and children placed by a COH.
- (ii) All School and Religious Holidays - Section 200.7(b)(5) of the Regulations of the Department of Education requires approved schools and state-operated and state-supported schools to submit school calendars to the commissioner each year. This is done to ensure that each pupil is afforded instruction for not less than 180 days per year. Therefore, the calendars also indicate those periods of time during the school year in which the school is closed, including school and religious holidays.

As each school may have a slightly different calendar, it is fair that the maximum number of days for which reimbursement is available will be

determined by the school the child attends. For example, a child placed in an institutional program, who also attends either the Union Free School District or On-Campus School associated with the program, will have his/her allowable absences due to school or religious holidays determined by the calendar of such school. School holidays may only be claimed as a billable absence during the September through June school year.

If a major religious holiday exists outside of the approved school calendar, and it is agreed the child should observe it with his/her family, the day or days on which the religious holiday falls may be reimbursed as a billable absence.

It is understood that even though the maximum allowable absences will be determined by each school's calendar, the local social services district need only consider, as a billable absence, each 24-hour day in which the child is absent from the residence, not the classroom.

This section applies to both foster children and those placed by COH.

(iii) Vacation, Up to Fifteen Days Per Calendar Year, Excluding Weekend Visits

When coupled with three consecutive weekends a child could be absent from care for a maximum of twenty-one days consecutively for vacation. As the billable absence in (ii) above covers the September to June period, vacation should be used to cover absences occurring during late June, July, August, and early September. However, if an absence is not covered by (i) and (ii) above, vacation may be claimed during any part of the year. This section applies to both foster children and those children placed by a COH.

(iv) All Organized School Trips

The child must be absent from the residential portion of the program 24-hours for each day claimed for reimbursement. This section may be used only during the September to June school year and applies to both foster children and children placed by a COH.

(v) Legal Detention, Up to Seven Consecutive Days

This section applies to a foster child who is detained in either a secure or non-secure detention facility pursuant to Article 7 of the Family Court Act. This section applies to both foster children and children placed by a COH.

(vi) Running Away - Up to Seven Consecutive Days

More commonly referred to as AWOL, this section refers to a child who runs away from care or fails to return to care from an approved absence. This section applies to both foster children and children placed by a COH.

(vii) Home on Trial - Up to Seven Consecutive Days

As not every child in care will need a trial discharge period, this section should be used on a case specific basis, should be prior approved by the placing agency and be documented in the Uniform Case Record and the Child Care Review Service. This section only applies to foster children.

(viii) Absences Due to Hospitalization, Up to Fifteen Days Per Calendar Year

This section may be used only for those days in which the child is hospitalized. This section applies to both foster children and those placed by COH.

(ix) Visits to Potential Foster or Adoptive Parents - Up to Seven Consecutive Days

This section only applies to foster children.

B. (i) The above absences may be reimbursed only on the assumption that the agency or private school is holding a bed open for an absent child and is therefore, still incurring certain costs on behalf of the child. However, if an agency or school informs a district that it will not accept back an absent child, none of the absent days are reimbursable.

(ii) The unplanned absences listed above, i.e., A. (v), (vi) and (viii) may be claimed consecutively with other planned absences. For example, if a child fails to return from a weekend visit, vacation, or school holiday etc., the district may reimburse the agency for the planned visit. If the agency agrees to accept the child back, the district may reimburse the agency for the appropriate additional number of unplanned absent days.

(iii) The absences described in A. (i), (ii), (iii), (iv), (vii), and (ix), as they relate to foster children, must be prior approved by the legally responsible social services district. The approval may be obtained by telephone or in writing and must be documented in the Uniform Case Record.

IV. REQUIRED ACTION

A. With regards to reimbursement for absences of a foster child from an authorized agency, each local social services district shall amend its local Purchase of Services and Maintenance Agreements to reflect these definitions of absences. In addition, these definitions, supersede Section 1, Definitions, page 3, Item 14, Payments for Absences, of 78-ADM-85, Model Contracts for Local Purchase of Child Foster Care Services and Maintenance Agreements.

It is important to note that since the Maximum State Aid Rates for the care of a child in foster care are negotiable rates, so too are the reimbursable absences. Therefore, the local purchase of service contracts must state to what extent the district will reimburse the agency for all nine of the allowable absences.

B. In the case of children placed by Committees on the Handicapped in an approved residential school and/or authorized agency, each local social services district shall reimburse the school or agency for appropriate absences as defined in Section III above.

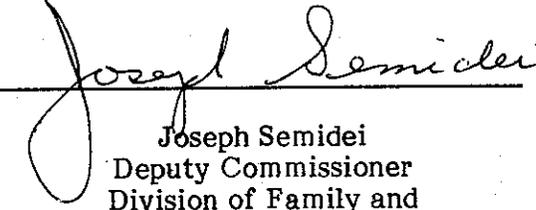
As the rates for COH placements are not negotiable, neither are the absences that apply to these placements, up to the maximums stated above.

V. SYSTEMS IMPLICATIONS

All billable absences should not be reported to CCRS movement activities. Only non-billable absences should be reported as an absence.

VI. EFFECTIVE DATE

This Directive is effective October 24, 1984.

  
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Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children Services

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