

Office of Families and Children
Webinar
April 29, 2020
PCSA and IV-E Courts (10:30 am - 11:00 am)
Private Agencies (12:00 pm - 12:30 pm)

Webinar Overview

Welcome

I want to welcome you to the second bi-weekly call. As stated on the previous call, the purpose is to provide you with updated information during this unprecedented time.

If you have a question during the call, feel free to address it in the box which states Questions. We hope to get to as many questions as possible. If your question is not addressed on the call, we will send a summary of the call, along with the Q/As.

As a reminder, the ODJFS website includes many Q/As. This past week, the Children Services section was categorized to make the topic easier to find.

Executive Order & Emergency Rule

I first want to thank PCSAO and the Ohio Children's Alliance for the continued collaboration in helping OFC identify potential and current issues surrounding COVID-19 and the immediate impact on counties, agencies, courts, children and families.

Executive Order

- On April 21, 2020 Governor DeWine signed an Executive Order identifying that, due to the COVID-19 pandemic, there was a need to expand emergency residential resources to provide placement for children impacted by COVID-19 and in PCSA custody.
- The Executive Order provided authority for ODJFS to issue an emergency amendment of rule 5101:2-5-18 to increase flexibility for ODJFS to allow for waivers of some residential licensing requirements on a temporary basis.

Manual Transmittal Letter

- ODJFS issued a transmittal letter announcing the emergency amendment of OAC 5101:2-5-18, effective April 21, 2020.

Summary of the Rule

- OAC 5101:2-5-18 was amended to allow for approval of emergency, temporary waivers of some requirements for residential facilities to provide emergency placement for children impacted by COVID-19 and in PCSA custody.
- The emergency rule became effective on April 21, 2020 for 120 days, and any waivers granted under this rule will expire after 120 days.
- Residential facilities with waivers granted under this rule will then be required to meet licensure requirements within 30 days of expiration of the emergency rule.

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Benefit of this Rule

- This change will expand the availability of emergency residential placement resources for children impacted by COVID-19, particularly those children where there are no other placement options

This was a great example of how we came together as a unified system to work toward a common goal.

Application Process for Applying for Emergency Program

- Existing certified ODJFS agencies can submit documentation of the requirements being requested for consideration of waiver to their ODJFS licensing specialist.
- A new agency should submit documentation to the OFC Help Desk at: HELP-DESK-OCF@jfs.ohio.gov.
- Documentation must include the JFS1290 application, which will be documented in the Ohio Certification and Licensing Management System (OCALM), and the JFS 1376 “Rule Waiver Request for Agencies, CRCs and Group Homes” along with a cover letter explaining the PCSA Directors they have been working with to identify capacity need.
- Once received, ODJFS will conduct an emergency review of the waiver request by a committee of staff within the Office of Families and Children and respond to the PCSA and residential agency if additional documentation is needed. The licensing specialist or committee member will notify the residential agency when a decision has been made regarding the waiver.
- A temporarily established facility declared under this process will ensure safe placements are available for children of parents impacted by the pandemic and children in the custody of a PCSA or private child placing agency.
- Any temporary facility granted waivers during this time shall meet all applicable regulatory requirements within 30 days of the expiration of the emergency rule to continue certification after that date. If the temporary facility is not able to meet all regulatory requirements by that date, all youth placed in the facility shall be moved to appropriate certified settings prior to that date.

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IV-E reimbursement ceilings for emergency COVID group home and residential facilities

- For existing providers, OFC will be applying one of the provider's current program IV-E ceilings.

- If the agency has a Title IV-E certified Children's Residential Center or Group Home and opens a similarly programmed CRC or GH under the emergency/COVID-19 waiver; the new program's rate will be set at the existing program rate. This rate can be entered in SACWIS as soon as the license has been approved and the new service created.
 - For new providers there is typically a four-month interim reporting period to gather cost information to compare with census days so a rate can be calculated.

 - During the pandemic period, OFC will review ceilings for existing services and group them by area to develop a statewide average for the data group. This average will be applied to the new provider's program. This will alleviate the four-month interim reporting period requirement so rates can be set as quickly as possible.

 - Questions about this process may be directed to Ryan Meanor at Ryan.Meanor@jfs.ohio.gov

Federal Guidance Regarding Background Checks

- On April 15, the Children's Bureau issued a letter regarding Stafford Act flexibility for criminal background checks for substitute caregivers or adults working in childcare institutions for **states that do not have fingerprint check availability during the COVID-19 pandemic.**

- As we know, in Ohio the state and federal fingerprint checks are administered and processed by the Attorney General's Bureau of Criminal Investigation (BCI) Office.

- OFC staff met with BCI to discuss the federal guidance and was informed that since Ohio web check locations are in operation, they would not be processing name checks unless an individual attempts to complete the fingerprint card and prints cannot be read.

- As indicated in Procedure Letter 348, if an individual would prefer not to complete fingerprint-based checks at a Web Check location or there is no Web Check location nearby during the pandemic, the individual may complete their own fingerprint check if they have the appropriate supplies at home. BCI provides instructions on their website for those interested in this option:

<https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Check/Background-Check-Forms/BCI-fingerprint-card>

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- If this option is utilized and the criminal check is unreadable or rejected, BCI will proceed with a name-based check to minimize any further delay.
- Many of the Web Check locations are helping individuals by appointment only to allow for social distancing.
 - They encourage individuals to call and schedule an appointment to ensure these practices can be followed.
 - Web Check locations have also implemented strict safety protocols such as limiting the number of individuals in their buildings, extra sanitizing of the fingerprint machines, and requiring masks.
- BCI has clarified with Web Check locations that **foster and adoptive parents, kinship providers, adult household members, and agency staff** are all considered essential under the guidance they have received and should not be denied a fingerprint check. Web Check locations can be found here:

<https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>

Foster Parent, Adoption and Residential Agency Survey

- The foster parent, adoption and residential agency surveys have come in.
- I will provide a high-level overview of the survey results as of April 27th:

Preliminary Residential Survey Results:

- 78 residential agencies completed the survey
 - Of these 78, 50 are actively taking placements with varying levels of exposure
- The majority of respondents reported having enough cleaning supplies and reported increased cleaning, including using after-hours vendors to clean at night
- The majority of respondents reported they are screening staff, including taking temperatures and asking staff to self-monitor
- 66 agencies responded to the questions regarding other visitors
 - 21 are screening, while 42 agencies are not allowing visitors
- Examples of virtual visitation software being used include:
 - Zoom, Skype, GoToMeeting, FaceTime, Doxy, Google Duo, Teams, Hangout
- Innovative ways to provide extracurricular activities include:
 - Several stated they are being creative in getting children and youth outside and keeping them active.

Preliminary Foster Parent Survey:

- 3391 respondents

Once all of the surveys have been reviewed, OFC will provide a report on the results.

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No Aging Out of Foster Care Procedure Letter

- A procedure letter was issued last week to support youth aging out of foster care.

- To support the cost of a child remaining in custody after their 18th birthday, other than children otherwise eligible to stay in custody under IV-E, ODJFS is expanding flexibility of the Multi System Youth (MSY) allocation through June 30, 2020.

- As outlined in Ohio Administrative Code Rule 5101:2-54-01, this funding is allocated to the PCSAs “to support the costs of care for children in custody of the agency who are placed in congregate care facilities, to prevent the relinquishment of custody to a PCSA for the sole purpose of the child obtaining access to needed treatment, and to provide the services and supports necessary to ensure the child's successful transition from a congregate care facility following discharge.

- Effective as of March 22, 2020 and through June 30, 2020, this funding may be used to cover placement and service costs to support all children who remain in the custody of the PCSA beyond their 18th birthday.

Bridges Age Termination Guidance

- In effort to ensure safety and stability for Bridges participants, the Ohio Department of Job and Family Services (ODJFS) wants to ensure young adults are not aging out of Bridges without secure plans in place to meet their health and safety needs during this critical time.

- Participants who have reached age 21 since March 9, 2020 will now be able to remain in Bridges through June 30, 2020.

- At this time, Health and Human Services (HHS) has not extended Title IV-E for this population. To support the cost of care, ODJFS is temporarily expanding flexibility of Bridge funding. Effective March 9, 2020 and through June 30, 2020, General Revenue Funding may be used to cover maintenance and administrative costs needed to support individuals who remain in Bridges program beyond their 21st birthday.

- Should HHS elect to broaden use of Title IV-E as part of the COVID-19 response, efforts should be taken to maintain eligibility for these individuals. This includes completion of court hearings to the extent possible.

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CFSR Extension Request

- In light of the COVID-19 pandemic, ODJFS shares the concerns expressed by our CFSR counties and PCSAO specific to the execution of CFSR PIP activities and a formal relief request for extension has been sent.

- ODJFS is presently re-negotiating key areas of the CFSR PIP including the timeline to initiate and complete the on-site case reviews as well as the sample period.

PPE Funding

- The Office of Families and Children is in the process of seeking approval for funding in the amount of \$50,375 to support certified ODJFS group homes and children's residential centers with COVID-19 response funding.

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- This funding is being made available through an existing agreement with the Ohio Children's Alliance.

- There are currently 169 group homes and Residential Parenting Facilities serving 10 or fewer children eligible for \$150 each.

- There are currently 39 children's residential center sites eligible for \$500 each.

The funding may be used to purchase:

1. Hand Soap
2. Hand Sanitizer
3. Paper towels
4. Toilet Paper
5. Ziploc Bags
6. Clorox or other brand Sanitizing Wipes
7. No-touch thermometers
8. Disinfectant
9. Latex or Vinyl gloves
10. Masks (other than KN95 masks reserved for hospital personnel)

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- Once approved, the Ohio Children’s Alliance will be making the funding available to all ODJFS certified group home and residential sites with current placements or those available for placements.

Funding uses of Title IV-B and Title IV-E during the pandemic

The administration for Children and Families provided technical assistance to states on April 17, 2020 in response to questions they have received on the use of funding during the pandemic period

The following clarifications have been provided:

- The purchase and operation of cell phones for children and youth in foster care, their parents, or foster parents is an allowable cost under Title IV-B and/or Chafee provided the use is necessary to fulfill program purposes within the Title IV-B state plan, or Chafee.
Examples:
Access to a cell phone for a youth receiving Chafee services may be determined as necessary if it will either facilitate participation in program services or enhance the effectiveness of the services in transitioning the youth to adulthood;
The purchase of a cell phone for a parent or foster parent would be permissible if it is determined that it will facilitate needed communications for case management purposes between such an individual and the agency caseworker, or allow a parent to participate in a remotely-located court hearing or visitation with the child.
- The purchase of Personal Protective Equipment (PPE) worn to minimize the exposure to certain hazards, including the novel coronavirus is an allowable case management administrative cost under Title IV-E. In addition, PPE is an allowable use of Title IV-B funds for program purposes such as caseworker visits or other uses consistent with subparts 1 and 2.
- PPE examples provided include gloves, safety glasses, isolation gowns, facemasks, and respirators.
- Questions about this may be directed to the OFC help desk via email at: HELP-DESK-OCF@jfs.ohio.gov.

Increase in Per Diem

- We have received several inquiries from our county partners related to provider agencies requesting increases in their per diem rates due to additional costs they are experiencing during the pandemic.

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- Provider agencies are strongly encouraged to make use of the small business pandemic relief offered through the CARES Act.
- Placing agencies should **not** be increasing the maintenance per diem rate during this time.
- Any per diem rate increase that exceeds the established reimbursement ceiling will not be reimbursed for any amount paid which exceeds the ceiling.
- At the placing agency's discretion, a supplemental payment may be offered to the provider.
- This payment should be paid outside of the maintenance per diem.
- The supplemental payment may be funded using:
 - The Best Practice Allocation,
 - The Foster Parent Recruitment and Retention Allocation (foster homes only),
 - The Multi-Systems Youth Allocation – for children who require treatment in congregate care settings,
 - The Foster Care Miscellaneous payment functionality in SACWIS – for program reimbursable children this supplemental amount will be reimbursed at the FMAP rate,
 - The local savings experienced by the increase in the FMAP rate.
- Questions about this may be directed to the OFC help desk via email at: HELP-DESK-OCF@jfs.ohio.gov.

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Questions and Answers

PCSA and IV-E Courts

Q1. I have a question about the kids aging out. We have 2 children who are 19 and graduating this year. Are they still eligible to stay? Also, what about DD youth who will be turning 21?

ODJFS Procedure Letter 349 permits PCSAs to continue to support youth beyond the age of emancipation and provides a funding mechanism to absorb the costs of doing so. That said, as these individuals are legally adults, they should be provided an opportunity to consent to continued system involvement.

In the case of a young adult with Developmental Disabilities, an appointed guardian could represent the young adult's best interest. As a child with Developmental Disabilities is likely in need of life-long supports, the PCSA should be working with the local Board of Developmental Disabilities to transition services to the adult system of care prior to the individual's 21st birthday.

It is recommended that each PCSA consult their legal counsel to interpret the scope of the Governor's Order.

Q2. How do we get the MSY funding for the children aging out?

At the beginning of the year, ODJFS distributed the MSY budgets to the PCSAs. That document delineated two project codes for reporting MSY expenditures:

- **JFSFP680** – Multi-system Youth Flexible funding FCFC (the minimum contributions of 5% in SFY20 and 10% in SFY21 to the FCFC pooled fund); and
- **JFSFP681** - Multi-System Youth services and supports

Placement costs, including those in non-congregate settings, for young adults remaining in care after age 18 due to the COVID-19 pandemic can be fully reimbursed under **JFSFP681**.

Q3. Will you be sending notes? There was a lot of detail and it was difficult to catch all the details.

We have attached the talking points and the links are included.

Q4. Can DD youth who are in custody until age 21 and approaching their 21st birthday also delay emancipation?

PCSAs need to continue to work with their DD board to ensure DD youth who are aging out of the child welfare system at the age of 21 are able to transition to the adult DD program. If there is a delay in transitioning a young adult into the adult DD program, s/he would be able to remain in the PCSA's custody per Procedure Letter 349, if agreed upon,

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until the transition can be completed. As always, each PCSA should consult their legal counsel for further guidance.

Q5. When do you anticipate the feds will make a final decision re: Ohio's request or an extension on the CFSR PIP?

We have not received a definitive timeline on when we can expect a response; however, we plan to follow-up with our federal partners and remain in close contact with them throughout the renegotiation process.

Private Agencies

Q1. I know you mentioned PPE funding for Group homes and Residential Facilities, is there any plans for funding regarding foster care agencies at this time?

ODJFS is researching all opportunities to provide funding to our certified agencies. As information becomes available, we will share this with agencies.

Q2. Will there be online or webinar training for the MANDATORY pre-service for Foster and Adoptive?

This training is available, and dates are on the calendar
<https://www.ocwtpdistancelearning.net/online-events-calendar>

<https://www.ocwtpdistancelearning.net/online-events-calendar>

Q3. Is the Assessor training that you shared available for PNA?

Yes, Assessor training is available to public and private (and court) assessors.

Q4. To confirm, we can have an applicant complete preservice requirements through Foster Parent College as long as all requirements are met?

As referenced in FCASPL 348, released on March 30, pre-service training hours cannot be waived. However, the training methods can be flexible during this time. Trainings can be delivered via live synchronous training and/or through Foster Parent College for preservice, up to the minimum hours required for their certification type. Regardless of which training method is used, agencies are still required to ensure that all training topics and hours are met.

Q5. Will the Title IV-E rules be the same for new PNA's as it is for new residential facilities?

If the facility is licensed they will be reimbursable once a ceiling is set.

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- Q6. What is determined to be an Emergency COVID-19 Group home? What makes it different from a traditional entity?**
An Emergency COVID-19 Group Home or CRC is developed in response to needing safe placements for children due to the COVID-19 pandemic. Some licensing requirements that do not pose an immediate threat to children can be waived if the agency has developed a plan to meet the needs of youth.
- Q7. Where do we go to list ourselves as an entity that can house youth that are in need for COVID-19 housing?**
Please complete the residential survey and your information will be included in the data we are compiling. The survey can be accessed here:
<https://www.surveymonkey.com/r/COVID-19ResidentialSurvey>
- Q8. As we are a small foster care agency, we have utilized public agencies' preservice training. I've been told that they are doing this online now, but it is set up for public only. Is there a way to still access this or do we need to set up our own Preservice Training?**
No, the foster care pre-service training through the Ohio Child Welfare Training Program (OCWTP) is limited to public agencies due to the funding stream.
- Q9. Dr. Amy Acton said in a webinar they are hosting that those living in congregate care are the second highest for COVID-19 testing going forward. How is this going to be arranged for ODJFS licensed congregate care facilities?**
ODJFS is in constant communication with the Department of Health and it is looking at mechanisms to gain access to COVID-19 tests. At this time, it is recommended that agencies contact their County Board of Health to determine if there is an additional availability of tests, as tests have previously been prioritized for symptomatic individuals.
- Q10. Our private agency is adoption only. Is the survey for our agency to complete?**
The Adoption survey was sent to PCSAs to assess their practices and any barriers with conducting adoption matching, placement and finalization activities during the COVID-19 situation.
- Q11. Will there be a QRTP extension?**
At this time, we have not been directed to extend the QRTP phased-in timeline for any of our licensing populations (new or existing). If that changes, ODJFS and OhioMHAS would notify currently certified agencies, as well as those that have inquired or applied to be certified with either department.

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Q12. Regarding surveys, if my staff is unable to get in touch with some families who are currently licensed but have not maintained contact, how should we proceed with those families? Should we complete the survey on their behalf indicating that they have not maintained contact and are not available or placement?

Yes, agencies can complete the survey on behalf of their foster homes. Please add them to the spreadsheet.

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Summary of Links Referenced in 4/29/2020 OFC Touch Point Webinars

Executive Order & Emergency Rule

- <http://emanuals.jfs.ohio.gov/letter/FCASMTL431/>
- <http://emanuals.jfs.ohio.gov/FamChild/FCASM/FosterCareLic/5101-2-5-18.stm>
 - Process questions? **EMAIL:** Ryan.Meanor@jfs.ohio.gov
- Bureau of Criminal Investigation Website
 - Printing fingerprint cards from home
 - <https://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-BCI-Criminal-Records-and-Background-Chec/Background-Check-Forms/BCI-fingerprint-card>
 - Web Check Locations
 - <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck/Webcheck-Community-Listing>
- No Aging Out of Foster Care Procedure Letter
 - <http://emanuals.jfs.ohio.gov/FamChild/FCASM/FCASPL/FCASPL-349.stm>
- Bridges Flexibility Guidance
 - <http://jfs.ohio.gov/ocf/COVID-19-BridgesFlexibilityGuidance.stm>
- Bridges Age Termination Guidance during COVID-19 Pandemic
 - <http://jfs.ohio.gov/ocf/CoronavirusAndChildServices/>
- Forms
 - <http://www.odjfs.state.oh.us/forms/>
- Foster Parent Survey
 - <https://www.surveymonkey.com/r/COVID-19FosterParentSurvey>

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- Residential Survey
 - <https://www.surveymonkey.com/r/COVID-19ResidentialSurvey>
- PCSA Adoption Activities Survey
 - <https://www.surveymonkey.com/r/Covid-19Adoption>
- OFC Help Desk
 - <http://jfs.ohio.gov/ocf/help.stm>
 - **EMAIL:** Help-Desk-OCF@jfs.ohio.gov
- Frequently Asked Questions & Answers
 - <http://jfs.ohio.gov/ocf/CoronavirusAndChildServices/>