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| LOCAL COMMISSIONERS MEMORANDUM |  
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DSS-4037EL (Rev. 9/89)

Transmittal No: 95 LCM-123

Date: November 8, 1995

Division: Services & Community  
Development

TO: Local District Commissioners

SUBJECT: SFY 1995/96 Preventive Services MOE Amounts for Social  
Services Districts Spending Under the Family and  
Children's Services Block Grant

ATTACHMENTS: Chart of Social Services Districts' Preventive Services  
MOE Amounts (Available on line).

Section 231 of chapter 83 of the Laws of 1995 added a new Section 153-i to the Social Services Law (SSL) which establishes a Family and Children's Services Block Grant for the provision of State reimbursement to social services districts for expenditures for foster care services, preventive services, child protective services and adoption services other than adoption subsidies. Section 153-i of the SSL includes a provision that establishes a preventive services maintenance of effort (MOE) requirement for social services districts. Under the preventive services MOE requirement, each social services district must maintain its preventive services expenditures at 80% of the amount it expended in federal fiscal year (FFY) 1993/94 unless a waiver or reduction in its MOE amount has been approved by the Department. A social services district's preventive services MOE amount is based on the district's expenditures from state and local funds and federal Title XX funds for FFY 1993/94.

The purpose of this memorandum is to advise you of the Department's calculation of each social services district's preventive services amount. We are providing this information in a question and answer format. We have attached a chart at the end of this LCM that lists the preventive services MOE amounts for each social services district.

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Q. How were the preventive services MOE amounts calculated for each social services district?

A. The preventive services MOE amount for each district is based upon the district's expenditures of State and local funds and federal Title XX funds for preventive services for FFY 1993/94 as derived from the Automated Claiming System (ACS). An annual MOE amount was established at 80% of those expenditures. However, because the preventive services MOE requirements did not become effective until July 1, 1995, each district's MOE amount for State fiscal year (SFY) 1995/96 was determined by reducing the district's annual MOE amount to a nine-month amount by multiplying the annual MOE amount by 75%.

Q. What expenditures will be applied toward determining whether a district has met its preventive services MOE amount?

A. All social services district expenditures for mandated preventive services, non-mandated preventive services, and community preventive services (COPS) that are made with State funds, local tax levy funds and federal Title XX funds will be counted in determining whether a social services district has met its preventive services MOE amount. Foster Care Cap savings funding preventive services will also be included.

Q. Are in-kind donations and indirect services included in these preventive services MOE calculations?

A. No. All in-kind donations and indirect services, as well as all non-tax levy funds including but not limited to privately donated funds and fees, were excluded from the Department's calculation of each social services district's preventive services MOE amount. In addition, in-kind donations, indirect services and non-tax levy funds will be excluded in determining whether or not the social services district's preventive services MOE has been met.

Q. What are the claiming time periods covered by the MOE preventive services requirement for SFY 1995/96?

A. For SFY 1995/96, the Department will count a social services district's preventive services claims that ordinarily would be paid during July 1, 1995 through March 31, 1996 to determine whether a social services district has met its preventive services MOE amount for the SFY. Therefore, those preventive services MOE claims that were submitted by your local district for the period January 1 through September 30, 1995 will be compared against the social services district's nine month MOE amount. Starting in SFY 1996/97 and thereafter, a social services district's preventive services claims that ordinarily would be paid during the applicable SFY will be compared against the social services district's annual preventive services MOE amount.

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Q. What happens if a social district spends more on preventive services than its preventive services MOE amount?

A. Under the Family and Children's Services Block Grant, a social services district will continue to be reimbursed for all valid services claims until the maximum amount of state reimbursement is reached. At that point, all settlement for valid services claims that have not been reimbursed with State or federal funds will be "rolled over" into the following SFY as explained in 95 LCM 108.

Q. What happens if a social services district spends less on preventive services than its preventive services MOE amount?

A. A social services district that spends less than its preventive services MOE amount and does not receive a reduction or waiver of the preventive services MOE requirement would have its Family and Children's Services Block Grant allocation for the next SFY reduced by the amount that the district's preventive services expenditures fell short of the required MOE amount. For SFY 1995/96, the Department does not anticipate that any social services district will spend less than its preventive services MOE amount. However, if a social services district does spend less than its preventive services MOE amount, the Department may waive or reduce the district's MOE amount upon a demonstration by the district that a substantial change in circumstances results in the MOE requirement causing a substantial risk of harm to the health and safety of the children in the district.

Q. What is the process for requesting a waiver or reduction of the preventive services MOE requirement?

A. The Department is developing regulations regarding this process. The proposed regulations will be published in the New York State Register for public comment as soon as the statutory clearance and publication process is completed. It is anticipated that the regulations will be promulgated within six months.

If you have any questions regarding this LCM, please call Santo Vivona at 1-800-343-8859, ext. 4-9605, or directly at 518-474-9605, User ID - AZ1440.

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Rose M. Pandozy  
Deputy Commissioner

Preventive Services MOE Amounts  
Annual and Nine-Month Amounts

County	MOE (80%) Annual	MOE 9 month
Albany	5,905,588	4,429,191
Allegany	287,306	215,479
Broome	2,425,903	1,819,427
Cattaraugus	364,923	273,692
Cayuga	230,475	172,856
Chautauqua	881,544	661,158
Chemung	510,020	382,515
Chenango	184,982	138,737
Clinton	704,937	528,703
Columbia	189,174	141,881
Cortland	718,881	539,161
Delaware	865,187	648,890
Dutchess	1,011,102	758,326
Erie	6,260,859	4,695,644
Essex	273,807	205,355
Franklin	306,709	230,032
Fulton	379,070	284,302
Genesee	385,066	288,800
Greene	104,745	78,559
Hamilton	2,361	1,771
Herkimer	492,124	369,093
Jefferson	365,607	274,205
Lewis	85,516	64,137
Livingston	318,372	238,779
Madison	428,740	321,555
Monroe	8,927,222	6,695,416
Montgomery	198,367	148,775
Nassau	2,223,575	1,667,681
Niagara	617,698	463,273
Oneida	2,549,024	1,911,768
Onondaga	6,590,911	4,943,183
Ontario	289,129	216,847
Orange	2,728,101	2,046,076
Orleans	265,990	199,492
Oswego	1,132,128	849,096
Otsego	729,207	546,905
Putnam	344,981	258,736
Rensselaer	878,264	658,698
Rockland	3,643,575	2,732,681
St. Lawrence	398,057	298,543
Saratoga	316,563	237,422
Schenectady	4,241,070	3,180,803
Schoharie	157,934	118,451
Schuyler	80,659	60,494
Seneca	421,919	316,439
Steuben	875,182	656,386
Suffolk	3,074,242	2,305,681
Sullivan	1,596,606	1,197,455
Tioga	373,372	280,029
Tompkins	648,794	486,596
Ulster	2,416,581	1,812,436
Warren	340,591	255,443
Washington	371,440	278,580
Wayne	401,910	301,433