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Date: January 9, 2014
To: Provider Agency Executive Directors
From: Benita R. Miller 
Subject: Exception to Policy [ETP] Requests – Continuation of Care Past Age 21

This memorandum serves as guidance to provider agencies for submitting requests to Children's Services for Exceptions to Policy (ETP) for a young adult to remain in care past his or her 21st birthday.

Such requests must be in writing and signed by the provider agency executive director or designee. The provider agency must submit the request to the Deputy Commissioner's Office, 150 William Street, 18th floor, New York, NY 10038. Failure to submit an ETP request in the prescribed manner may result in processing delays.

The provider agency must submit the request at least six months prior to the young adult's 21st birthday. The request must include documentation of the efforts your agency has undertaken to plan for discharge during the previous 18 months. The attached Appendix specifies certain information that must be included in the request.

A request for an ETP will be considered for review only if the request concerns a young adult in one of the following categories:

- Young adults who have applied for public housing with the New York City Housing Authority (NYCHA), or supportive housing through NY/NY III or other programs.
- Young adults with a discharge plan of adult residential/custodial care on whose behalf a referral for New York State Office for People with Developmental Disabilities (OPWDD) placement has been made and approved prior to the young adult's 21st birthday, and who need continued care until an appropriate OPWDD placement has been secured.
- Young adults with a diagnosed mental health condition on whose behalf an application for a supportive adult placement through the New York State Office of Mental Health (OMH) has been submitted and approved prior to the young adult's 21st birthday and who need continued care until an appropriate OMH supportive placement has been secured.

While an ETP request is pending, the provider agency shall not discharge the young adult.

The ACS Office of Shared Response (OSR) will conduct substantive outreach and follow-up on every approved ETP during the period in which the ETP approval is in effect. SRT will work with provider agency staff to address and resolve outstanding issues that may hinder the young adult's transition from foster care; to maintain appropriate contact with the young adult; and to document all updated information.

- The provider agency staff must submit bi-weekly updates via e-mail to the Shared Response Mailbox at acs.sm.shared.response@dfa.state.ny.us.
- Updates must address progress and diligent efforts to effectuate the discharge plan.

- The first update is due 2 weeks after the first date of the effective approval period and subsequent updates are due every 2 weeks thereafter.

If an ETP submission lacks sufficient information to review and process the request (see attached Appendix for guidance), OSR will notify the provider agency immediately. Agency executive staff must respond within one business day when OSR requests additional information.

OSR and the FPS Housing Academy Collaborative staff are available to assist and support your agency's efforts to achieve permanency for young adults transitioning from foster care. We urge you to contact these teams for assistance when your agency experiences delays or challenges in discharge planning for young adults in your care.

Please feel free to contact the Office of Shared Response at (212) 676-7480 if you have any questions.

Your continued commitment to successful planning for our youth and young adults is greatly appreciated.

Appendix

Please be sure to incorporate the below information in your request for an Exception to Policy. Having this information will assist in expediting requests and reduce the need for additional clarification:

- Discharge Planning
- Identified Adult Community Connections/Resources
- Housing Information
- Employment Information
- Educational Information

Exception to Policy requests must provide specific details and address the following:

Discharge Resources

- Have discharge resources such as extended family members, current or former foster families been explored? If not, why not?
- Identify all resources that were explored.
- Does youth have a mentor/community connection? If yes, identify.
- Has agency confirmed with current foster parents whether they will serve as youth's community resource [permit youth to stay after foster care payments cease; explore arrangement between youth and foster parent for youth to contribute to household expenses]? If not, why not?

Maternity/Paternity Information

- Is the youth a parent? If yes, obtain name(s) and age(s) of child(ren)
- Does the child(ren) live with youth?
- What services are needed to support the family upon transition from foster care?
- Have services been secured?

Housing Information

- What is the status of youth's housing search? Provide specific details.
- Has youth participated in Housing Academy Collective training cycle? If yes, provide dates of attendance.
- Has youth applied for NYCHA Public Housing? If yes, provide date applications filed, obtain status of priority coding.
- Has youth obtained Presumptive Budget Letter?
- If NYCHA Public Housing has not been explored explain why?
- Has youth applied for Housing Subsidy one-shot grants? If yes, provide date applications filed and obtain status of application.
- If Housing Subsidy one-shot grants have not been applied for explain why.
- Has youth applied for Supportive Housing through NY/NY III or other programs? If yes, provide names of programs and dates applications submitted, and status of applications/waitlists.
- If Supportive Housing has not been applied for explain why.
- Has youth applied for OMH adult supportive housing through SPOA/CUCS?
- Has youth been approved for OPWDD placement?
- Exploration of other alternative housing options.

Please note:

- As long as application criteria are met for NYCHA or NY/NY III, young adults may apply for these housing programs as early as eighteen (18) years of age.
- The ETP request must include documentation of exploration of other alternative housing options. Examples of such options include but are not limited to:
 - Sharing a fair-market apartment with another young adult;
 - Staying with former foster parents; and
 - Staying in the current foster home.
- OMH applications must be submitted no later than the youth's 17th birthday, as waitlists may last several years.

- OPWDD referrals should be submitted to the ACS Developmental Disabilities Unit before the youth reaches the age of 17 years and 10 months, as waitlists may last several years once the referral has been approved by OPWDD.

Income/Employment Information

- Is youth currently working? If not, why?
- What assistance has been offered to support youth in seeking employment?
- If youth is employed, obtain salary, number of hours worked weekly, and benefits [if any].
- Is youth currently participating in a Vocational program or Internship?
- Does the youth have an income through Public Assistance?
- Is youth SSI-Eligible? If yes, identify disability, date SSI contacted, date application submitted and status of application.

Educational Information

- Is youth currently in school? If yes, identify school and grade.
- Has youth graduated from high school? If yes, specify type of diploma [Regular or IEP].
- Confirm whether youth is attending GED program.
- How does your agency support youth attending College or Vocational programs?
- Is youth enrolled full-time in College/University and residing on campus (minimum of 12 credits)?
- Has youth applied for ETV?
- Does youth have a cumulative Grade Point Average (GPA) of 2.0 or higher?
- If youth is residing on campus submit original invoice that lists all fees [tuition, room/board, meal] financial aid grants, scholarships, loans] and current school calendar.

Vital Records

- Is youth a United States citizen? If not, what is youth's immigration status?
- Does youth require Special Immigrant Juvenile Status [SIJS] services to obtain green card?
- Has youth obtained original birth certificate?
- Has youth obtained original Social Security Card?
- Has youth obtained DMV Identification Card?