

**Robert P. Astorino**  
County Executive

Department of Social Services

Kevin P. Mahon  
Commissioner

Date: March 18, 2010

To: The Board of Acquisition and Contract

From: Kevin P. Mahon  
Commissioner of Social Services

Re: **Authority for the County of Westchester 1) to amend fifty-one (51) agreements with licensed and approved voluntary child care agencies and educational providers for the provision of institutional/group Foster Care, Adoption Services and educational services by extending the term of these agreements for the period from July 1, 2010 through June 30, 2011 and by increasing the not to exceed amount of these agreements by \$42,384,151 from a total not to exceed amount of \$41,802,763 to a new total not to exceed \$84,186,914 to be paid monthly, pursuant to an approved budget, subject to appropriation and at rates approved by the State; and 2) to enter into agreements with the two new voluntary child care agencies listed below for the period from July 1, 2010 through June 30, 2011.**

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The County of Westchester, by and through its Department of Social Services, entered into agreements with fifty-one (51) licensed and approved voluntary Child Care agencies for the provision of Institutional/group Foster Care, Adoption Services and with the eight (8) Educational Providers for the provision of educational services for the term from July 1, 2009 through June 30, 2010 in an aggregate amount not to exceed \$41,802,763.

Authority is now being requested to amend the aforesaid agreements with the licensed and approved voluntary Child Care agencies for the provision of institutional/group Foster Care and Adoption Services and with the Educational Providers for the provision of educational services listed on Schedule "A" attached hereto and made a part hereof by extending these agreements for the term commencing on July 1, 2010 and terminating on June 30, 2011 and by increasing the not to exceed amount of the Agreements by \$42,384,151 from a total not to

exceed amount of \$41,802,763 to a new total amount not to exceed \$84,186,914 payable monthly, pursuant to an approved budget, subject to appropriation and at rates approved by the State.

Authority is also now being requested for the County of Westchester to enter into agreements with the two new voluntary child care agencies listed below for the period from July 1, 2010 through June 30, 2011.

**IN FLIGHT, INC.**

**ST. COLEMAN'S HOME**

The cost of these agreements is included in the \$42,384,151 amount budgeted for the 2010-2011 contract period.

Pursuant to the existing contracts for the period from July 1, 2009 through June 30, 2010, the Department of Social Services obtains institutional/group foster care and adoption services from voluntary child care agencies and educational services from educational providers for children placed in foster care. The educational providers are needed for foster children who require specialized services and cannot be maintained in a less restrictive setting.

The not to exceed amount for each provider depends on usage patterns that can vary significantly from one period to another. The total aggregate amount to be expended by the County for the services under the amended contracts and the two new contracts for the period starting from July 1, 2010 and ending on June 30, 2011 shall not exceed **\$42,384,151** and shall be paid pursuant to an approved budget and subject to County appropriation at rates approved by the State. The increase in the aggregate amount requested for 2010-11 is due to an increase in the Maximum State Aid Rates ("MSAR") approved by the New York State Office of Children and Family Services that takes effect in July of each year.

The New York State Office of Children and Family Services sets the Maximum State Aid Rates ("MSAR") in July of each year for institutional/group foster care, adoption services and educational services. The Department agrees to pay these providers, on a monthly basis an amount equal to 100% of the MSAR as set by the New York State Office of Children and Family Services, up to the maximum state rate or an out-of-state rate, or at the Department's discretion, negotiated and agreed upon costs and rates based upon the needs and services provided by the Agency for children with special needs.

The New York State Office of Children and Family Services and the State Department of Education will not issue revised board and tuition rates until July 1, 2010, the effective date of these contracts. Accordingly, the Department requests authorization to conform the contract rates to the revised board and tuition rates when they are published provided that such revised rates do not, in the aggregate, exceed the **\$42,384,151** amount authorized herein. These

contracts are exempt from the Westchester County Procurement Policy under Section 3(a) (xviii).

**The public purpose of the proposed agreement** is to achieve safety, well being and permanency for children placed in foster care by equipping the Department with an adequate supply of institutional/group foster care facilities and adoption and educational services providers.

**The goals and objectives of this program are** to provide foster care settings which best meet the needs of the children placed, while providing permanency planning as well as adoption and educational services.

**The goals and objectives are in the best interests of the County in terms of safety & security because** Westchester County children have been temporarily removed from their families and placed in the temporary care and custody of the Commissioner of Social Services for their safety and well being. This contract is considered a support mechanism for our "at risk" families and for children who cannot remain in the community.

**The goals and objectives are in the best interests of the County in terms of health & environment because these providers** are licensed by the State to provide specialized services to safely care for youth who have been abused or neglected and cannot be cared for in a family foster home setting. The program also provides services to youth who have been adjudicated Juvenile Delinquent ("JD") or Persons In Need of Supervision ("PINS"). These services provide structured environments to keep the children off the street and promote the health and safety of the children. They also address and reduce the community issues of juvenile delinquency, school truancy and child substance abuse. This program helps promote a healthy community. Medical needs are being provided at each individual facility. Emotional health issues can also be addressed at each individual facility.

**The goals and objectives are in the best interests of the County in terms of fiscal responsibility because** the Department is adhering to the rates that are set and approved by the New York State Office of Children and Family Services. The state reviews and adjusts rates at least once a year to come up with rates that are most cost effective. The Department enters into contracts with different vendors that provide a myriad of services necessary to care for children at various levels of need such as Agency Board Home, Foster Boarding Homes, Group Homes, Group Residences and Institutions.

**The negative consequences of not entering into these contracts would be** that the children and their families would continue to be at risk of negative and potentially harmful influences within the community. These children have been temporarily removed from their families and placed in the temporary care of the Commissioner. Services are mandated and the child must be cared for. Without these contracts, we would not be able to care for youth who require a higher level of care than can be met by the Department's foster parents. If it were not for these contracts, these children would be at risk of harm or not have safe appropriate placements.

**The goals and objectives of this contract will be tracked and monitored** using the performance measurement indicators developed by the department and approved by the County Budget Office. The program office will be responsible for setting the milestones and tracking their achievements.

The results of the previous performance measurement indicators indicate that based upon close monitoring guidelines and performance, Westchester County has declined to participate with some agencies for the 2010-11 contract year. The Department's Voluntary Child Care Providers served on average a total of 534 youth per month under the current contract. Our Educational Providers served on average a total of 104 youth per month under the current contract.

For all the foregoing reasons, I respectfully request approval of the attached Resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 4-1-2010 - JOMARY VIEIRA, SECRETARY

## RESOLUTION

Upon a communication from the Commissioner of the Department of Social Services, be it hereby

**RESOLVED**, that the County of Westchester is hereby authorized to amend agreements with the licensed and approved Voluntary Child Care Agencies for the provision of institutional/group foster care and adoption services and with the educational providers for the provision of educational services associated with out-of-home placements listed in Schedule "A", attached hereto and made a part hereof, by extending the term of those agreements for the period commencing on **July 1, 2010 and terminating on June 30, 2011** and by increasing the amount not to exceed of the Agreements by **\$42,384,151 from total not to exceed amount of \$41,802,763 to a new total not to exceed amount of \$84,186,914** to be paid on a monthly basis, pursuant to an approved budget and at rates approved by the State and that all other terms and conditions of the original agreements shall remain the same; and be it further

**RESOLVED**, that the County of Westchester is further authorized to enter into agreements with the two new Voluntary Child Care Providers listed below for the provision of institutional/group foster care and adoption services for the period from July 1, 2010 through June 30, 2011 at a cost which is included in the \$42,384,151 amount budgeted for the July 1, 2010 through June 30, 2011 contract period:

**IN FLIGHT, INC.**

**ST. COLEMAN'S HOME;**

and be it further

**RESOLVED**, that the County Executive or his duly authorized designee is hereby authorized to amend the aforementioned amendments/agreements subsequent to execution of the same in order to adjust the per diem rates to conform to the revised rates issued by the New York State Office of Children and Family Services and the State Department of Education at such time as the County is notified by the State of such revised rates provided that such revised rates do not, in the aggregate, exceed the **\$42,384,151** amount authorized herein; and be it further

**RESOLVED**, that these contracts are subject to County Appropriation; and be it further

**RESOLVED**, that these agreements are also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of these agreements. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or

adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate these agreements or renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the agreement upon reasonable prior written notice; and be it further

**RESOLVED**, that the County Executive or his authorized designee is empowered to execute any and all documents necessary to effectuate the purposes hereof.

Original Agreement: \$41,802,763

First Amendment &  
2 New Agreements \$42,384,151  
**TOTAL \$84,186,914**

Account to be  
Charged/Credited

|      | Fund | Dept | Major Program, Program<br>& Phase or Unit | Object/Sub-Object | Dollars      |
|------|------|------|---|-------------------|--------------|
| 2010 | 101  | 22   | 8900                                      | 5630              | \$9,086,420  |
| 2010 | 101  | 22   | 8900                                      | 5880              | \$12,105,656 |
| 2011 | 101  | 22   | 8900                                      | 5630              | \$9,086,420  |
| 2011 | 101  | 22   | 8900                                      | 5880              | \$12,105,655 |
|      |      |      |   |                   |              |

Budget Funding Year(s): **2010-11**  
(Must match resolution)

Start Date: **7/1/10** End Date: **6/30/11**

Funding Source

**\$42,384,151**  
(Must match resolution)

|              |             |             |
|--------------|-------------|-------------|
|              | <b>5630</b> | <b>5880</b> |
| Tax Dollars: | 29%         | 28%         |
| State Aid:   | 47%         | 47%         |
| Federal Aid: | 24%         | 25%         |
| Other:       | _____       |             |

APPROVED BOARD OF ACQUISITION & CONTRACTS 4-1-2010 JOMARY VIEIRA, SECRETARY

**SCHEDULE "A"**

| Contract Name  |  |  |  |
|--|--|--|--|
|  |  |  |  |
| ABBOTT HOUSE, INC.   |  |  |  |
| ASTOR HOME FOR CHILDREN  |  |  |  |
| BERKSHIRE FARM CENTER & SERVICES FOR YOUTH                         |  |  |  |
| CARDINAL MCCLOSKY SCHOOL & HOME FOR CHILDREN, INC.                 |  |  |  |
| CATHOLIC CHARITIES OF ALBANY<br>D/B/A COMMUNITY MATERNITY SERVICES |  |  |  |
| DEVEREUX FOUNDATION-PA   |  |  |  |
| EAGLETON SCHOOL  |  |  |  |
| EQUINOX, INC.  |  |  |  |
| FAMILY SERVICES OF WESTCHESTER                                     |  |  |  |
| GLEN MILLS SCHOOL  |  |  |  |
| GRAHAM- WINDHAM, INC.  |  |  |  |
| GREEN CHIMNEYS CHILDRENS SERVICES                                  |  |  |  |
| HILLCREST EDUCATIONAL CENTERS, INC.                                |  |  |  |
| HILLSIDE CHILDRENS CENTER  |  |  |  |
| JEWISH BOARD OF FAMILY & CHILDRENS SERVICES, INC.                  |  |  |  |
| JEWISH CHILD CARE ASSOCIATION OF NY                                |  |  |  |
| JULIA DYCKMAN ANDRUS MEMORIAL, INC.                                |  |  |  |
| KIDSPEACE NATIONAL CENTER, INC. (PA)                               |  |  |  |
| KIDSPEACE NATIONAL CENTER of NORTH AMERICA, INC. (NY)              |  |  |  |
| KOLBOURNE SCHOOL   |  |  |  |
| LAKE GROVE SCHOOL, INC.  |  |  |  |
| LASALLE SCHOOL   |  |  |  |
| LEAKE & WATTS SERVICES, INC.                                       |  |  |  |
| LINCOLN HALL   |  |  |  |
| MERCY FIRST  |  |  |  |
| NY FOUNDLING HOSPITAL  |  |  |  |
| NORTH AMERICAN FAMILY INSTITUTE, INC.                              |  |  |  |
| NORTHEAST PARENT & CHILD SOCIETY                                   |  |  |  |
| SAIL AT FERNCLIFF MANOR FOR THE RETARDED                           |  |  |  |
| ST. ANNE INSTITUTE   |  |  |  |

APPROVED BOARD OF REQUESTS IN CONTRACT - 4-1-2010 - JOMARY VIEIRA, SECRETARY

|   |
|---|
| ST. CABRINI HOME, INC.  |
| ST. CHRISTOPHER'S, INC.   |
| ST. JOHN BOSCO CHILD & FAMILY SERVICES, INC.  |
| STETSON SCHOOL, INC.  |
| THE CHILDRENS HOME OF KINGSTON  |
| THE CHILDREN'S HOME OF POUGHKEEPSIE   |
| THE CHILDRENS VILLAGE, INC.   |
| THE MANOR   |
| THE MCQUADE FOUNDATION  |
| UHS OF DELAWARE, INC.<br>Foundations for Living—Ohio<br>Foundations Behavioral Health—PA<br>Pennsylvania Clinical School – PA<br>Laurel Heights – GA<br>Stonnington Institute—CT<br>Mountain Youth Academy – TN |
| WOODS SERVICES  |
| YONKERS RESIDENTIAL CENTER  |
| YOU GOTTA BELIEVE   |
| ABBOTT-UFSD   |
| GREENBURGH-NORTH CASTLE-UFSD  |
| GREENBURGH 11-UFSD  |
| GREENBURGH GRAHAM UFSD (Graham-Windham)   |
| HAWTHORNE CEDAR KNOLLS-UFSD   |
| MT. PLEASANT BLYTHDALE-UFSD   |
| MT. PLEASANT COTTAGE SCHOOL-UFSD  |
| WEST PARK UFSD #2   |

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