§ 529. Reimbursement for institutional care, aftercare supervision and foster care. 1. Definitions. As used in this section:

(a) "authorized agency", "certified boarding home", "local charge" and "state charge" shall have the meaning ascribed to such terms by the social services law;

(b) "aftercare supervision" shall mean supervision of released or discharged youth, not in foster care; and,

(c) "foster care" shall mean residential care, maintenance and supervision provided released or discharged youth, or youth otherwise in the custody of the division for youth, in a division foster family home certified by the division.

(d) "division foster family home" means a service program provided in a home setting available to youth under the jurisdiction of the division for youth.

2. Expenditures made by the office of children and family services for care, maintenance and supervision furnished youth, including alleged and adjudicated juvenile delinquents and persons in need of supervision, placed or referred, pursuant to titles two or three of this article, and juvenile offenders, youthful offenders and adolescent offenders committed pursuant to the penal law, in the office's programs and facilities, shall be subject to reimbursement to the state by the social services district from which the youth was placed or by the social services district in which the juvenile offender resided at the time of commitment, in accordance with this section and the regulations of the office, as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges including juvenile offenders.

4. Expenditures made by the division for youth for foster care shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with the regulations of the division, as follows: fifty percent of the amount expended for care, maintenance and supervision of local charges.

5. (a) Expenditures made by the division for youth for aftercare supervision shall be subject to reimbursement to the state by the social

services district from which the youth was placed, in accordance with regulations of the division, as follows: fifty percent of the amount expended for aftercare supervision of local charges.

(b) Expenditures made by social services districts for aftercare supervision of adjudicated juvenile delinquents and persons in need of supervision provided (prior to the expiration of the initial or extended period of placement or commitment) by the aftercare staff of the facility from which the youth has been released or discharged, other than those under the jurisdiction of the division for youth, in which said youth was placed or committed, pursuant to directions of the family court, shall be subject to reimbursement by the state, upon approval by the division and in accordance with its regulations, as follows:

(1) the full amount expended by the district for aftercare supervision of state charges;

(2) fifty percent of the amount expended by the district for aftercare supervision of local charges.

(c) Expenditures made by the division for youth for contracted programs and contracted services pursuant to subdivision seven of section five hundred one of this article, except with respect to urban homes and group homes, shall be subject to reimbursement to the state by the social services district from which the youth was placed, in accordance with this section and the regulations of the division as follows: fifty percent of the amount expended for the operation and maintenance of such programs and services.

5-a. The social services district responsible for reimbursement to the state shall remain the same if during a period of placement or extension thereof, a child commits a criminal act while in a division facility, during an authorized absence therefrom or after absconding therefrom and is returned to the division following adjudication or conviction for the act by a court with jurisdiction outside the boundaries of the social services district which was responsible for reimbursement to the state prior to such adjudication or conviction.

6. Separate per diem rates shall be computed, as provided below, for all of the following categories of care reimbursable pursuant to this section: institutional care in office of children and family services

facilities; foster care provided by the office of children and family services; contracted programs and contracted services pursuant to subdivision seven of section five hundred one of this article; programs provided by the office of children and family services as alternatives to institutional care; aftercare supervision provided by the office; and, aftercare supervision provided by authorized agencies, other than the office, on behalf of social services districts.

(a) No later than December thirty-first each year, the office of children and family services shall provide the speaker of the assembly, the temporary president of the senate, and social services districts with a detailed report on total cost and the operating capacity at office of children and family services facilities during the prior calendar year. Such report shall include but need not be limited to information on costs related to labor, physical plant maintenance and food and utility expenditures as well as information on the maximum number of juveniles that can be placed in office facilities and staffing levels at such facilities. Such report shall also include information on juveniles that have been moved from one facility to another during the calendar year and shall name the facilities from which such juveniles were moved and in which they were later placed. If the report provided pursuant to this paragraph is based, in whole or in part, on an audit performed on behalf of the office of children and family services, the office of children and family services shall provide the state legislature and social services districts with a copy of such audit at the time it provides the report for the prior calendar year.

(b) The director of the division for youth, subject to approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, shall compute a separate rate according to which all social services districts shall be reimbursed for care, maintenance and supervision provided by each authorized agency; provided, however, the basic rate for each agency may be supplemented or reduced to reflect cost variations attributable to transportation, medical care and other direct costs.

(c) The director of the division for youth, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, may establish a single per diem rate for all division facilities or may establish

separate rates as may be appropriate to reflect the differentials in cost of specific division programs.

8. The director of the division for youth may adopt, amend or rescind all rules and regulations, subject to the approval of the director of the budget and certification to the chairmen of the senate finance and assembly ways and means committees, necessary to carry out the provisions of this section, including those necessary to insure that reimbursement for care, maintenance and supervision in division and non-division facilities is determined according to comparable criteria.

9. All reimbursement made by social services districts for care, maintenance and supervision under this section shall be paid directly to the state through the office of children and family services for deposit into a miscellaneous special revenue fund known as the youth facility per diem account.