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### Administrative Directive

<b>Transmittal:</b>	09-OCFS-ADM-04
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning & Policy Development
<b>Date:</b>	February 9, 2009
<b>Subject:</b>	<b>Handbook for Relatives Raising Children</b>
<b>Suggested Distribution:</b>	Directors of Services Child Protective Services Supervisors Child Welfare Supervisors Homefinding Supervisors Staff Development Coordinators
<b>Contact Person(s):</b>	Any questions concerning this release should be directed to the appropriate Regional Office: Buffalo Regional Office – Mary Miller (716) 847-3145 <a href="mailto:Mary.Miller@ocfs.state.ny.us">Mary.Miller@ocfs.state.ny.us</a> Rochester Regional Office – Linda Kurtz (585) 238-8201 <a href="mailto:Linda.Kurtz@ocfs.state.ny.us">Linda.Kurtz@ocfs.state.ny.us</a> Syracuse Regional Office – Jack Klump (315) 423-1200 <a href="mailto:Jack.Klump@ocfs.state.ny.us">Jack.Klump@ocfs.state.ny.us</a> Albany Regional Office – Kerri Barber (518) 486-7078 <a href="mailto:Kerri.Barber@ocfs.state.ny.us">Kerri.Barber@ocfs.state.ny.us</a> Spring Valley Regional Office – Pat Sheehy (845) 708-2498 <a href="mailto:Patricia.Sheehy@ocfs.state.ny.us">Patricia.Sheehy@ocfs.state.ny.us</a> NYC Regional Office – Patricia Beresford (212) 383-4873 <a href="mailto:Patricia.Beresford@ocfs.state.ny.us">Patricia.Beresford@ocfs.state.ny.us</a> Native American Services – Kim Thomas (716) 847-3123 <a href="mailto:Kim.Thomas@ocfs.state.ny.us">Kim.Thomas@ocfs.state.ny.us</a>
<b>Attachments:</b>	“Having a Voice and a Choice: New York State Handbook for Relatives Raising Children” is available as a separate document.
<b>Attachment Available Online:</b>	<a href="http://www.ocfs.state.ny.us/main/publications/Pub5080.pdf">www.ocfs.state.ny.us/main/publications/Pub5080.pdf</a>

## Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 428.5(c)(10)(viii) 430.11(c)(4)	FCA 1017 FCA 1028-a		P.L. 110-351 Section 103

### I. Purpose

The purpose of this Administrative Directive (ADM) is to provide social services districts with information about a new Office of Children and Family Services (OCFS) / Office of Temporary and Disability Assistance (OTDA) jointly developed publication: **“Having a Voice and a Choice: New York State Handbook for Relatives Raising Children.”** This ADM further describes the requirements for distribution of this handbook to relatives considering caring for children who have been protectively removed, as well as in certain other circumstances. An estimated annual supply of the handbooks is being sent to the Child Protective Services unit of each social services district.

### II. Background

OCFS has been actively collaborating with OTDA since fall 2006 on issues related to relative care, including conducting joint forums around the state with local district Temporary Assistance (TA) and Child Welfare (CW) staff.

In early 2007, Commissioners Gladys Carrión (OCFS) and David Hansell (OTDA) created a joint initiative, “Breaking the Cycle of Dependency.” The assigned staff from OCFS and ODTA were charged with seeking input from local districts and making recommendations on kin care issues.

Local district members of our workgroup included: Niagara, Madison, Tompkins, Chautauqua, Nassau, Westchester, Rockland, Schenectady, and Oswego counties and New York City (ACS/HRA).

One of the initiatives of this workgroup was to develop this handbook. The expected outcomes were to provide:

- a comprehensive and useful resource for relatives;
- a resource usable for both kin seeking assistance from TA and kin involved with CW as either foster care or non foster care caregivers;
- a resource written in clear, easy-to-read language (including a Spanish version and perhaps other languages); and
- a resource that will help kin with decision making, based on a sound understanding of their rights and responsibilities.

OCFS was able to use a contract with Welfare Research Incorporated to help with the development of the handbook.

The handbook supports implementation of various state laws enacted within the last few years regarding kinship, as well as provisions of the newly enacted federal law known as The Fostering Connections to Success and Increasing Adoptions Act of 2008 [Public Law (P.L.) 110-351]. The federal and state requirements with regard to notification of kin of a child's placement and informing the kin of their options are described below.

**Section 103 of The Fostering Connections to Success and Adoptions Act (the Act)** states, in part, that “within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to all adult grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents), subject to exceptions due to family or domestic violence...” The notice required by the Act must specify “that the child has been or is being removed from the custody of the parent or parents of the child”; explain “the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice”; and describe “the requirements... to become a foster family home and the additional services and supports that are available for children placed in such a home.”

**Section 1017 of the Family Court Act (FCA)** requires that “in any proceeding under [Article 10], when the court determines that a child must be removed from his or her home, pursuant to part two of this article, or placed, pursuant to section one thousand fifty-five of [Article 10], the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any non-respondent parent of the child and any relatives of the child, including all of the child's grandparents, all suitable relatives identified by any respondent parent or any non-respondent parent and any relative identified by a child over the age of five as a relative who plays or has played a significant positive role in his or her life, and inform them of the pendency of the proceeding and of the opportunity for becoming foster parents or for seeking custody or care of the child, and that the child may be adopted by foster parents if attempts at reunification with the birth parent are not required or are unsuccessful.”

### **III. Program Implications**

Both federal and state requirements now specifically mandate notification of relatives about a child's removal and provision of information to those relatives regarding opportunities to become the child's caregiver. Currently, the notification procedure and the content of the information given to potential caregivers varies throughout New York State. As the workgroup members discussed their local district's practice, it became evident that there was a lack of standardization. It became apparent that a relative in one district may receive different information, perhaps at a different time and in a different format, than a relative in another district.

A child's removal from his or her home is a time of crisis and is heightened emotionally for all involved. Often quick decisions are needed to be made by relatives without sufficient time to fully explore the long-term ramifications of opening their home to the child. When information is only given verbally, it may be hard for the relative to fully understand it or to recall it in sufficient detail later. Relatives may feel pressured to

respond to the immediacy of the situation without fully understanding the implications of their decisions. They may not be sure what questions they should be asking. This handbook was designed to meet the information needs of relatives by describing, in a comprehensive and standardized way, the options for becoming the child's caregiver.

The handbook discusses the following subjects:

- how a child may come into a relative's care;
- the role of the Department of Social Services;
- legal arrangements, such as informal care, direct placement, legal custody, temporary or permanent guardianship, foster care and adoption;
- the types of financial assistance available to relatives;
- health care provision and coverage for children in a relative's care;
- the child's education; and
- other resources, with many links for further information.

Although the intended audience is the relative, all who work with children needing care outside of the home can benefit by becoming familiar with the content of the handbook.

It is important to note that the Notice provision of Section 103 of P.L.110-351 is required as part of each state's Title IV-E plan, and failure to comply could result in the loss of at least a portion of the state's Title IV-E reimbursement.

#### **IV. Required Action**

Effective upon receipt of the handbooks in each social services district child protective services unit, handbooks in hard copy must be given to each relative notified of a child's protective removal and need for placement. Ideally, the handbook will be provided at the first meeting with the relative if the relative resides within the district, otherwise it should be provided with the first written communication or within five days of a phone conversation. Assigned workers need to be prepared to respond to questions that relatives have about the information presented in the handbook and are expected to provide additional information relating to the particular case circumstances, as necessary. The handbook must also be provided to a relative who comes forward (pursuant to FCA 1028-a) and expresses interest in becoming the foster parent of a child already in foster care. The handbook may be provided at foster parent training sessions and other pertinent opportunities, as the quantity allows. It may be reproduced using the district's own resources.

Case workers must document in Progress Notes who in the child's family has been notified and provided with a handbook [see 18 NYCRR 428.5 (c)(10)(viii) and 430.11 (c)(4)]. This is important for two main reasons: in case questions are raised regarding whether or not notice and information was provided, and because it may be very useful in the event that family contacts are subsequently needed. Furthermore, caseworkers must document any exception due to family or domestic violence. This is helpful to prevent re-traumatizing the parent by requiring them to describe their experience with domestic or family violence multiple times. Also, documenting the history of abuse / family violence aids in the placement decision-making process and proves the notice

requirement was considered. It also protects a parent from inappropriate claims of being uncooperative if the reasons for not providing information about relatives are explained in the case record.

## **V. Systems Implications**

None

## **VI. Additional Information**

The number of copies of the handbook delivered to your district is based upon the number of children admitted to approved relative foster homes in 2008 as indicated in CCRS, plus the number of children designated with a program choice of “non-DSS custody” in CONNECTIONS in 2008.

Additional copies of this handbook, OCFS publication number 5080, may be ordered in the future, when funds become available for reprinting. You will be advised when they become available. The handbook will be posted on the OCFS website (first in English, later in Spanish), and copies may be downloaded and printed from there. It will be found under "Publications - Adoption & Foster Care" at the following link:  
[www.ocfs.state.ny.us/main/publications/Pub5080.pdf](http://www.ocfs.state.ny.us/main/publications/Pub5080.pdf)

OTDA is planning to provide this handbook (using OTDA publication number 4957) to all applicants for non-parent caregiver (child only) grants. It is anticipated that hard copies will be provided to local departments of social services in 2009 for this purpose.

In the future, handbooks also will be available in Spanish and potentially other languages and are expected to be made available at New York State Family Courts, voluntary foster care agencies, preventive agencies, kinship programs, and other locations.

## **VII. Effective Date**

This ADM is effective upon receipt of handbooks from OCFS.

*/s/ Nancy W. Martinez*

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### **Issued By:**

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning & Policy Development