

NEW YORK STATE  
 DEPARTMENT OF SOCIAL SERVICES  
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



BARBARA B. BLUM  
 Commissioner

[An informational letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

**INFORMATIONAL LETTER**

TRANSMITTAL NO.: 81 INF-22  
 [Services]

TO: Commissioners of Social Services  
 SUBJECT: Rights of Foster Parents  
 DATE: October 15, 1981

SUGGESTED DISTRIBUTION: Commissioners  
 Directors of Social Services  
 All Child Welfare Staff  
 Social Services Attorneys  
 Authorized Agencies Operating Foster Care Homes

CONTACT PERSON: Any questions concerning this release should be directed to Mr. H. A. Harkess, Office of Policy Planning, Division of Services, by calling toll free 1-800-342-3715, Extension 4-9574.

I. PURPOSE:

The purpose of this letter is to inform local districts of the Chapter 15, Laws of 1981 amendment to Social Services Laws 374.1 and 384.3 relating to the rights of foster parents.

II. BACKGROUND:

This amendment was enacted to conform the period of time during which a child must have been in care in order for a foster parent to have a preference in adoption (Section 374.1) or to intervene in custody proceedings (Section 384.3) with the preference and first consideration provision of Section 383.3 of the Social Services Law.

In Section 374.1-a, the period was "in excess of two years," in Section 383.3, "a period of eighteen months or more" and in Section 384.3, "more than twenty-four months."

This amendment establishes eighteen months as the determining period for all cases.

**FILING REFERENCES**

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
79 ADM 99		SSL 374.1-a SSL 383.3 SSL 384.4		

III. IMPLICATIONS:

This amendment conforms references in law to foster parents' preference rights for adoption or to intervene on behalf of a child having been in the custody of such foster parent for a period in excess of eighteen months. Districts have previously been advised of the change to eighteen months in communications on the Child Welfare Reform Act. No new action is required.

IV. RECOMMENDATIONS:

Distribution of this letter or its contents should be made to Child Welfare staff and to authorized agencies operating foster family homes.

  
Norris P. Phillips  
Deputy Commissioner  
Division of Services