

OFFICE OF CHILDREN AND FAMILY SERVICES

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| ADMINISTRATIVE DIRECTIVE | TRANSMITTAL: 00 OCFS ADM-2  
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DIVISION: Strategic Planning  
and Policy  
Development

TO: Commissioners of  
Social Services

DATE: February 2, 2000

SUBJECT: Voluntary Foster Care Placement Agreement

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SUGGESTED  
DISTRIBUTION: Directors of Services  
Legal Staff

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ATTACHMENTS: Model Voluntary Placement Agreement Form  
(The text of the Form is available on-line,  
but the formatted version with the correct  
print type size is only available off-line)

FILING REFERENCES

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Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
91 ADM-12			Chapter 7 of the Laws of 1999 SSL 384-a		

I. PURPOSE

The purpose of this directive is to inform you of an amendment that must be made to voluntary placement agreements between parents or guardians and social services districts to whom the parents or guardians voluntarily transfer the care and custody of their child(ren). Chapter 7 of the Laws of 1999, which implements numerous federal provisions contained in the Adoption and Safe Families Act (ASFA), requires that voluntary placement agreements be amended to provide notice to parents or guardians "that if the child remains in foster care for fifteen of the most recent twenty-two months, the agency may be required by law to terminate parental rights."

II. BACKGROUND

91 ADM-12, "Foster Care: Voluntary Placement Agreement Instrument" outlined the legal requirements that needed to be contained in a voluntary placement agreement instrument between a social services district and parents/guardians. In addition, 91 ADM-12 had a Model Voluntary Placement Agreement Form as an attachment. This directive updates the Model Voluntary Placement Agreement Instrument to add language, as required by Chapter 7 of the Laws of 1999, that informs parents of the 15/22 month termination provision.

Chapter 7 also mandates that for Court petitions, required by Section 358-a of the Social Service Law for voluntary placements of a duration of more than 30 days, bold print notice of the 15/22 month termination provision be included. Such bold print notice has been inserted by the Office of Court Administration into its 358-a petitions that we previously posted in template form on the CONNECTIONS public folder entitled ASFA - Family Court Forms.

III. PROGRAM IMPLICATIONS

The Voluntary Placement Agreement Instrument should have certain categories of information including the terms of the placement, the responsibility of the parents, the responsibility of the Commissioner, supportive services available, etc. The Model Voluntary Placement Agreement has been amended in the "Responsibilities of Parents" section to include the 15/22 month language.

Additionally, the Model Voluntary Placement Agreement has been amended to use the term "permanency hearings" to replace "foster care review hearings" and make clear that such hearings are held within 12 months.

The "Right to a Fair Hearing" section has been amended to better reflect a parent or guardian's legal rights, as well as to provide the correct name and address of the entity to which a person would direct a request for a hearing.

The Agreement was amended in several places to delete the word "legal" where previously the term "legal guardian" had been used. The term "guardian" better reflects the State statutory provisions pertaining to who may legally voluntarily place a child in foster care. It is important to note, however, that federal reimbursement for the foster care placement would only be available if the "guardian" had been appointed by the Court as a legal guardian. Therefore, we have left the footnote on the first page that asks for documentation if the person obtained legal guardianship.

The revised, attached Model Voluntary Placement Agreement has additionally been made into a template and placed in the aforementioned ASFA - Family Court Forms public folder, within the Foster Care Placement Review Forms section for your possible use.

IV. REQUIRED ACTION

Each social services district must use a voluntary placement agreement that complies with section 384-a of the Social Services Law, as outlined in 91 ADM-12 and the new language required by Chapter 7 of the Laws of 1999 pertaining to a child remaining in care for fifteen of the most recent 22 months. The newly required language must be printed, as was required for much of the other text, in lay terms in a large typeface of at least 18 point type. The revised model form is attached for your guidance, and is available in template form, which can be locally tailored relatively easily, in the previously referenced public folder on CONNECTIONS.

V. SYSTEMS IMPLICATIONS

None.

VI. ADDITIONAL INFORMATION

None.

VII. EFFECTIVE DATE

This directive is effective February 1, 2000 retroactive to February 11, 1999 when Chapter 7 of the Laws of 1999 was enacted.

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William F. Baccaglioni  
Director  
Strategic Planning and Policy Development