



George E. Pataki
Governor

NEW YORK STATE
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Informational Letter

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To:	Local District Commissioners Executive Directors of Voluntary Agencies
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Attachments:	yes
Attachment Available On – Line:	yes

I. Purpose

The purpose of this informational letter is to transmit to social services districts and voluntary agencies the Adolescent Services and Outcomes Practice Guidance Paper. This Guidance Paper which has been developed by the Office of Children and Family Services (OCFS) provides, local social services districts, OCFS Division of Rehabilitative Services (DRS) and voluntary agencies with a new framework for practice to strengthen services to adolescents and improve their achievement of permanency.

II. Background

The federal Administration for Children and Families conducted a Child and Family Services Review (CFSR) in June 2001. OCFS and stakeholders in the child welfare system developed New York State's Program Improvement Plan (PIP) as part of this process. The PIP outlines twelve (12) integrated core strategies that form a cohesive plan for strengthening district and agency practice in promoting safety, permanency and well-being. Adolescent Services and Outcomes is one of the core strategy areas.

The Adolescent Services and Outcomes Strategy includes the following integrated set of actions:

- (1) Establish a workgroup comprised of local districts, voluntary agencies, other state agencies and foster care youth to identify family-centered strategies for adolescents;
- (2) Review model programs, policy and practice frameworks, and the current regulatory framework for supporting adolescents in their move toward self-sufficiency;
- (3) Explore possible regulatory changes to assist foster care youth to make the transition to self-sufficiency and to continue to pursue permanency for foster care youth with a goal of discharge to independent living with permanency resources;
- (4) Develop a policy paper and set of practice guidelines that will assist districts and agencies in strengthening services to adolescents and improving their achievement of permanency;
- (5) Develop a strategy to monitor life skills services and outcomes; and
- (6) Monitor the provision of independent living services to all adolescents and the status of their outcome achievement.

Based on the review of regulations, policies, current practices and alternative program models, the Adolescent Services and Outcomes Practice Guidance Paper was developed by the participants of the Adolescent Strategy Workgroup. OCFS is developing proposed revisions to the independent living regulations to support the new framework and strengthen services to adolescents as they transition from foster care to self-sufficiency. This policy paper is a work in progress and will be updated periodically as work is completed on the various set of integrated actions.

III. Program Implications

The Adolescent Services and Outcomes Practice Guidance Paper provides local social services districts, voluntary agencies and Division of Rehabilitative Services with guidance on the new framework for practice with adolescents in foster care. It is intended to strengthen services to adolescents and improve their achievement of permanency. This new framework for practice represents a major shift in thinking. The current training curriculum will be enhanced to support the new concepts provided in this paper.

To assist adolescents in foster care to make a transition to self-sufficiency, the new framework focuses on establishing permanent, nurturing adult connections for adolescents in foster care as well as providing these youth with life skills. Foster care youth should have a connection with at least one Adult Permanency Resource who is committed to providing guidance and assistance to the youth as the youth makes the transition from foster care to self-sufficiency. Concurrent planning is an approach for youth to achieve permanent connections with an Adult Permanency Resource. A concurrent planning approach for adolescents who are likely to remain in foster care through age 18, 19, or 20 involves working toward establishing or re-establishing positive connections with the youth's birth families, seeking adoptive families or guardianship arrangements, or identifying other ongoing supportive relationships with adults.

OCFS expects that through implementation of the new policy framework, training and monitoring, service provision will result in enhancing positive outcomes for adolescents in foster care.

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**New York State
Office of
Children & Family
Services**

Adolescent Services and Outcomes Practice Guidance Paper



State of New York



**George E. Pataki
Governor**

June 2004

ADOLESCENT SERVICES AND OUTCOMES

PRACTICE GUIDANCE PAPER

Introduction

Over the next several years, the Office of Children and Family Services (OCFS) will undertake an integrated set of actions to provide adolescents in foster care* with further supports needed to enable their development into healthy, functional citizens with permanent attachments to supportive adults, families and communities. These actions are outlined in New York State's Program Improvement Plan (PIP) that was developed in response to the state's Child and Family Services Review (CFSR), which took place in June 2001.

The Adolescent Services and Outcomes Strategy includes the following set of integrated actions:

- (1) Establish a workgroup comprised of representatives from local districts, voluntary agencies, other state agencies and foster care youth to identify family-centered strategies for adolescents.
- (2) Review model programs, policy and practice frameworks, and review the current regulatory and practice framework for supporting adolescents to self-sufficiency.
- (3) Explore possible regulatory changes to assist foster care youth to make the transition to self-sufficiency and to continue to pursue permanency for foster care youth with a goal of discharge to independent living with permanency resources.
- (4) Develop a policy paper and set of practice guidelines that will assist districts and agencies in strengthening services to adolescents and improving their achievement of permanency.
- (5) Develop a strategy to monitor life skills services and outcomes.
- (6) Monitor the provision of independent living services to all adolescents and the status of their outcome achievement.

* Foster care as used in this paper shall refer to the placement of a youth in the custody of the commissioner of a social services district under Articles 3, 7, or 10 of the Family Court Act, or voluntarily placed, or placed in OCFS custody as juvenile delinquents, and includes placement of the youth in a foster family boarding home or congregate care setting. Juvenile delinquents placed in OCFS custody are considered to be placed in foster care if they are placed in a Title IV-E eligible facility (non-secure facility or voluntary agency). Foster care shall not include a youth in secure detention or an OCFS secure or limited secure facility.

Progress has been made on all of the action steps described above. The Adolescent Strategy Workgroup was formed in June 2002 and is comprised of representatives from public and private agencies and foster care youth. Additionally, representatives from key state agencies have been identified to participate and/or contribute to workgroup activities. The Adolescent Strategy Workgroup meets on a bi-monthly basis. Two subcommittees have been formed:

- Permanency for Older Adolescents
- Monitoring

The review of New York State policies, practices and programs has been completed. However, the workgroup continues to examine other states' and national programs as well as various states' policies for services to older adolescents and independent living services. Based on discussions with the workgroup, OCFS is also drafting proposed changes to the independent living regulations. A monitoring tool and guidelines as well as a strategy to monitor independent living or life skill services are also under development.

Based on the work that has been completed to date, this policy paper will provide local districts, OCFS Division of Rehabilitative Services (DRS) and voluntary agencies with a framework for practice to strengthen services to adolescents and improve their achievement of permanency. This policy framework is consistent with the goals and outcomes for youth in OCFS custody. However, there are differences in the terminology and the means by which services are delivered due to legal mandates and the placement mechanisms via the family court process. This policy paper is a work in progress and will be updated periodically as work is completed on the various integrated actions. Additionally, recognizing that this new policy framework represents a major shift in thinking, the current training curriculum will be enhanced and training will be provided to support the new concepts provided in this paper.

All adolescents in foster care between 14 and 21 years of age, regardless of the youth's permanency goal, and former foster care youth who remain in foster care through 18, 19, or 20 years of age, will receive services and supports that will assist them to make the transition to self-sufficiency. Through the review of regulations, policies, current practices and alternative program models, OCFS will provide guidance to local districts, DRS, and voluntary agencies on effective, permanency-focused service strategies for adolescents. OCFS expects that this policy and practice guidance paper, along with enhanced training and monitoring, will provide adolescents in foster care with the supports needed to enable their development into healthy, functional citizens with permanent attachments to supportive adults, families and communities. This is the outcome that New York State will achieve in undertaking the integrated set of actions found in the New York State Program Improvement Plan for the federal CFSR.

Foster care youth need services such as assistance in obtaining their high school diplomas, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting and financial management skills, substance abuse prevention and preventive health activities. Former foster care youth who remain in foster care through 18, 19, or 20 years of age also need supports and services. Upon discharge, or later, up to the age of 21, these youth may need such supports and services as financial, housing, counseling, employment, education and other appropriate supportive services to complement their own efforts to achieve self-sufficiency.

A Framework for Practice With Adolescents

The framework for practice with adolescents recognizes that in addition to providing youth with life skills to assist them to make a transition to self-sufficiency, foster care youth must also have ongoing and meaningful connections with family and adults. Permanency planning for foster care youth needs to include a broad range of options as well as a concurrent planning approach. Educational opportunities and youth involvement are essential to the practice framework.

This approach to practice represents a major shift in thinking and in practice for OCFS as well as many local districts and agencies. To support this new framework for practice, OCFS is proposing new terminology. The new regulations that are under development will refer to the current goal of independent living established in New York State regulations as “Discharge to Independent Living with Permanency Resources.” This will be defined as a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services. Services formerly referred to as independent living services will now be referred to as life skills services. Life skills services will be defined as services designated to assist foster care youth and former foster care youth to prepare for employment and post secondary education, and to make the transition to responsible adulthood.

An *adult permanency resource* means a caring, committed adult whom the local social services district has determined to be an appropriate and acceptable resource for a youth, and someone who is committed to providing guidance and assistance to the youth as the youth makes the transition from foster care to self-sufficiency. Efforts must be made to make the relationship between the youth and the adult permanency resource legal and binding through adoption or guardianship. However, when this is not possible, an adult permanency resource may instead be the youth’s mentor, former foster parent, teacher, or staff person. OCFS believes that this link to an adult permanency resource is so critical to positive outcomes for youth that it has been incorporated into our practice framework, standards, and our documentation requirements (See CONNECTIONS below).

Permanency planning is good casework practice for all children and youth in foster care. A concurrent planning approach seeks to provide a ready alternative for children and youth “in case” the primary plan cannot be achieved. A concurrent planning approach for youth who are likely to remain in foster care through age 18, 19, or 20 involves working toward establishing or re-establishing positive connections with the youths’ birth families where safe and appropriate, seeking adoptive families or guardianship arrangements, or identifying other ongoing supportive relationships, while providing the youth with the education opportunities, experiences and skills they need for self-sufficiency. Concurrent planning results in family-based plans that are consistent and ongoing. Every effort must be made to assist foster care youth to establish permanent connections with caring supportive adults, the adult permanency resources, who will be available when youth are discharged from foster care. On July 1, 2003, the New York City Administration for Children’s Services (ACS) implemented several changes to casework practice in an effort to improve outcomes for adolescents in foster care. These changes are described in the attached memorandum issued by ACS.** This

**See Attachment: New York City Administration for Children’s Services memorandum “Implementation of the Adoption and Safe Families Act, Part V: Family-Based Concurrent Planning for Youth with Goals of Independent Living” dated June 12, 2003.

new ACS policy and procedure, which focuses on achieving permanency for the older youth in foster care, is based on best practice and is in line with the New York State CFSR PIP strategies for adolescents and this practice guidance paper.

Education is essential to this practice framework. For youth to make a successful transition to self-sufficiency, youth should stay in school and obtain their high school diplomas. Opportunities to pursue post-secondary educational or vocational training programs also are important. Some adolescents in foster care have disabilities, including learning, language, neurological and emotional disorders. The caseworkers' assessment of the youths' educational strengths and challenges are critical to youth having positive educational experiences. Staying in school provides youth with opportunities to experience continuity and receive support from adults and peers. These youth are less likely to engage in juvenile delinquency behavior and more likely to become acclimated to home and family settings. Encouraging youth to receive their high school diplomas, vocational certificates or continue on with college are the best case practice for youth to achieve success.

OCFS submitted an application to the U.S. Department of Health and Human Services, Administration for Children and Families for funds made available under the Promoting Safe and Stable Families Amendments to establish an Education and Training Voucher (ETV) program for youth aging-out of foster care. The application was approved and OCFS has been awarded approximately \$3.4 million in Federal Fiscal Year 2004. The funds are being used to establish a program to provide up to \$5,000 for each eligible youth to attend a post-secondary education or vocational training program. The following categories of youth are eligible for the ETV program: (1) youth eligible for services under the Chafee Foster Care Independence Program; (2) youth adopted from foster care after attaining the age of 16; and (3) youth participating in the ETV program on their twenty-first birthday, until they turn 23 years old as long as they are enrolled in a post-secondary education or vocational training program and are making satisfactory progress toward completion of that program.

Our practice framework also supports youth involvement in improving the child welfare system. The OCFS undertook a new initiative to develop a Statewide Foster Care Youth Leadership Team. The development of this ongoing partnership focuses on making targeted improvements in the quality of foster care services and improving positive outcomes for children and families. The team includes approximately 25-30 youth, representing each of the six regions in New York State, who reside in or have recently left foster care. They will meet centrally at least once per year and will participate in local and/or regional activities to improve the lives of all children who experience foster care. The first Foster Care Youth Leadership Summit was held on August 18-19, 2003, at Herkimer County Community College, Herkimer, New York. It was a successful event at which the selected team of youth participated in leadership training and worked together on a handbook about the rights and responsibilities of foster care youth. Chaperones who accompanied youth to the summit participated in training on empowering and creating leadership opportunities for youth. Since this first event, the Statewide Youth Team held a video conference on October 9, 2003; participated in a day-long meeting in Rensselaer on November 11, 2003; held a second video conference on January 13, 2004; and held a winter retreat in Corning, New York, on February 27 - 29, 2004. At these meetings, the youth came up with a name for their leadership team. They refer to the team as "Youth in Progress" (YIP). They also developed a mission statement and PowerPoint presentation that includes YIP's mission, goals and accomplishments. In addition, YIP continues working with OCFS on the handbook for foster care youth and on a website for youth in care.

The strategies described above will assist New York State in continuing to implement the Chafee Foster Care Independence Act of 1999. Under this law, the Title IV-E Independent Living Program is renamed the John H. Chafee Foster Care Independence Program (CFCIP). The purpose of this law is to provide states with flexible funding to help youth who are likely to “age out” of the foster care system make the transition to self-sufficiency by providing services and helping them obtain employment or continue their education. States may use the funds to promote the self-sufficiency of these young people by providing assistance in obtaining a high school diploma, post-secondary education, career exploration, vocational training, job placement and retention, training in daily living skills, training in budgeting, counseling, emotional support, and substance abuse prevention and treatment. For children who have left foster care and are 18, 19, and 20 years old, states can use up to 30 percent of their funds to provide housing assistance. During federal fiscal year 2002-2003, New York State allocated \$11,214,129 in federal funds to local social services districts to provide services to foster care youth and former foster care youth under the CFCIP. These funds require a 20 percent local match. These changes are described in the attached overview of the CFCIP. For additional information on allocations, refer to Local Commissioners Memorandums 03 OCFS LCM-02 and 02 OCFS LCM-05. The continued implementation of CFCIP, accompanied by training, monitoring and assessment of service provision, will enhance positive outcomes for adolescents in foster care.

Preparing Youth For Self-Sufficiency

Caseworkers and caregivers assisting youth in making a successful transition to self-sufficiency must readily accept a set of values and act in ways that promote self-sufficiency. The programs that teach youth life skills will only be as effective as the foster parents and staff. To make a successful transition to self-sufficiency and achieve positive outcomes, adolescents need to develop a set of competencies and basic life skills.

...Values Underlying Self-Sufficiency Preparation

Since the foster care experience must provide the nurturing, support, and teaching that a family would provide, the current training curriculum on adolescent issues offered to local social services districts, voluntary agency staff, and caregivers reflects the following expectations of workers and caregivers preparing youth for the transition from foster care to adult self-sufficiency:

- A broad-based teamwork approach is necessary to prepare youth to live self-sufficiently.
- Teamwork is essential among youth; their caregivers (foster parents, group or residential facility staff); their families, if appropriate (parents, siblings, and extended family members if appropriate to the families’ ability and youths’ safety and needs); alternative adult permanency resources, if appropriate; and their caseworkers.
- While youth are in placement, this team of people become the youth’s surrogate “family.” In addition to providing a safe, nurturing, family environment to meet the youth’s needs for safety and emotional security, the partnership of supporters assists youth in goal planning, in forming attachments, in identity, and cultural awareness to assist the youth in their ongoing path from adolescence into adulthood.
- Preparing for self-sufficiency is a process, not an event. In order to be prepared to live successfully in the community, youth must build and use a prescribed set of tangible (hard) and intangible (soft) skills. (See competencies below.)

- The youths' strengths and needs should be assessed periodically throughout placement. Opportunities to build on strengths and to practice new skills should be provided as soon as youth enter care, incorporated into their daily living, with developmentally appropriate goals and expectations developed with the youth as part of their biannual service plan process.

...The Crucial Role of Foster Parents and Staff

Local districts, DRS, and voluntary agencies are important in the development of programs to support youth in all placement settings to learn life skills. However, the programs can only be as effective as the staff and foster parents who implement them through their work directly with youth on a daily basis. It is this connection to the youth through role modeling, encouragement, appropriate consequences, and the utilization of “teachable moments” that enable youth to truly learn and practice life skills. It is critical that staff and foster parents also participate in school-related tasks, including educational assessments and individualized transition plans for adolescents classified as needing special education.

Child and adolescent development, assessment, effective work with youth in placement settings, methods to teach and promote life skill acquisition, and communication skills with adolescents are just some of the areas in which foster parents and staff need to be competent and, if necessary, to receive training. The OCFS-sponsored Independent Living Network is a highly effective and flexible resource to which every local district, DRS, and voluntary agency has access for training and technical assistance, both on-site at the district or agency, as well as through regionally based events. Some of the ways the Independent Living Network can be utilized include specific training to help staff and foster parents: learn about the goals of life skills preparation; cope with challenges in working with adolescents in placement; and develop a youth leadership program within their region. (See additional information below.)

OCFS encourages districts, DRS, and voluntary agencies to consider the following principles in assessing the role their foster parents and caregiver staff play in their program implementation strategies:

- Adult caregivers have to be willing to take an extra step with adolescents in placement to provide guidance and support through challenging times, as well as through calm. Adult caregivers need to be able to deal with challenges to rules and behavioral expectations as they would with their own children.
- Instead of thinking “What can I do for these youth?” think “What can I help these adolescents learn to do for themselves?”
- Supporting youth to learn new skills:
 - Takes time. Learning complex skills means the skills need to be broken down into small steps with the youth given the ability to practice and receive feedback at each step.
 - Needs supervision. Until the “teachers” are confident the “learners” are capable of doing the task on their own, they need to provide support to the youth in learning the tasks.
 - Practice over time. Skills are learned as they are deemed important by the “learners,” not by the “teachers.” Hands-on learning through practice and teaching others are what human beings remember long-term.
 - Positive feedback from the “teachers” is crucial for the “learners” to keep motivated and encouraged to keep learning. If the youth and the caregivers do not believe the youth are capable of learning the skills, the youths' success may be diminished.

- Residential care staff need to be seen and to see themselves as part of the life skills team, and expand their vision of responsibility. Residential care staff need to be a critical part of the self-sufficiency process, and not perform solely as group monitors who manage behavior but as part of the team that seeks to shape behavior in a positive way.
- Think realistically and creatively about foster parent recruitment and retention. Foster parents of adolescents need specialized training, and may need different supports. Examples:
 - Look to professional organizations for people who may want to “parent” teens by helping them to transition into the community, rather than “parent” babies or toddlers.
 - Look for foster parents who would like to parent teen mothers with their babies.
 - Have current and former foster care youth serve on your panels and participate in training so they can speak to foster parents and caregivers about what adolescents need.
 - Find out what skills foster parents and staff have that they can “teach” youth. Build opportunities for staff or foster parents to mentor youth in their special skill area or have them lead some group activities.

...Life Skills Competencies

Becoming self-sufficient occurs over time and necessarily includes a process of trial and error. Youth must have the ability to practice life skills, not just read or talk about them. Youth need the opportunity to take risks, make mistakes, and to learn from their mistakes while they are in care. The youths’ life skills team needs to provide the youth with the opportunity to make mistakes within a safe environment. Appropriate feedback and mentoring will support the youth as they learn and practice self-sufficiency skills. The youths’ caregivers, foster parents and agency staff must provide the youth with hands-on opportunities to practice skills through life skills simulations, role plays, field trips, social events.

To thrive and transition into healthy, productive, and self-sufficient adulthood, adolescents needs a set of competencies and basic life skills that are supported and enhanced by strong and lasting connections with family or caring adults. The following is a list of competency areas in which adolescents should achieve proficiency while they are in placement. However, it is important to note that proficiency is achieved at different levels and at different times dependent upon the skills, talents and needs of each of the individual youth in care.

In order for youth, regardless of their permanency planning goals, to achieve self-sufficiency and make a successful transition to adulthood, they should achieve competence in six major areas, or domains of functioning. For a competency to be truly achieved, the youth will not only have the “how to” knowledge of the particular areas, but also value their importance to their well-being and have the motivation to put the knowledge into action. The six domains and topic areas are:

- **Daily Living Skills**
 - Nutrition
 - Menu Planning
 - Grocery Shopping
 - Meal Preparation
 - Dining

(These competency areas are based on the Ansell Casey Life Skills Assessment. New York State provides training and technical assistance in how to use these domains to develop programs and curriculum through the Independent Living Network members. See information regarding the Independent Living Network and training descriptions for the Independent Living Core: Introduction to Self-Sufficiency, and the Independent Living Tool Box training outlined below.)

- Cleanup and Food Storage
- Home Safety
- **Housing and Community Resources**
 - Housing
 - Transportation
 - Community Resources
- **Money Management**
 - Beliefs About Money
 - Saving
 - Income Tax
 - Banking and Credit
 - Budgeting/Spending Plan
 - Consuming
- **Self Care**
 - Personal Hygiene
 - Health
 - Alcohol, Drugs and Tobacco
 - Sexuality
- **Social Development**
 - Personal Development
 - Cultural Awareness
 - Relationships
 - Leisure Time
- **Work and Study Skills**
 - Career Planning
 - Employment
 - Decision Making
- Education and Study Skills
- Legal Issues

...Outcomes

Services to youth in foster care are only a means to an end. Positive outcomes for youth who leave foster care at the age of majority cannot be guaranteed. However, the likelihood of their achievement is far greater if the expected outcomes are clearly articulated and the means to achieving those outcomes are clearly supported. To assist youth in making a successful transition to self-sufficiency, their service plans and action steps must be developmentally appropriate, enhance positive youth development, and provide youth with opportunities for practical experience. Most importantly, the youth have to be involved in the goal-setting and service-planning process, and actively engaged in the development and follow-through to encourage the goal acquisition. The youth must be evaluated periodically to assess their progress toward achieving the life skills outcomes listed below.

Services that assist youth to make a transition to self-sufficiency must be provided for the purpose of accomplishing, or making progress toward, the following outcomes:

- Youth have opportunities for ongoing exploration of permanency options and for learning to establish and maintain personal support systems.

- Youth have connections with caring adults.
- Youth have access to health care services, including preventive health services.
- Youth are employed/have employability skills, including development of work ethics.
- Youth obtain their high school diplomas, are prepared for/entered into post-secondary education institutions, or have completed/entered into vocational training programs/specialized programs.
- Youth have resources to meet their living expenses.
- Youth have safe and stable housing.
- Youth avoid high-risk behaviors.
- Youth have abilities related to problem-solving/decision-making.
- Youth have home management skills.
- Youth have budgeting and financial management skills.
- Youth have the ability to access community resources.
- Youth have or can obtain essential documents.
- Youth who remain in foster care through age 18, 19, or 20 have access to post-discharge services, including a trial discharge period and supervision until age 21.

Core Elements of a Model Program for Preparing Youth for Self-Sufficiency

Adolescent services programs must contain the following components to provide youth with opportunities to achieve positive outcomes and make a successful transition to adulthood. The core elements that are critical to a model program include the requirements of the Chafee legislation and elements which emphasize positive youth development. The model program components listed below emphasize the importance of youth contributing to their community.

- Ongoing exploration of consistent adults or families in their lives (permanency alternative)
- Preventive health and well-being
- Employment skills/ Development of work ethics
- Education Support (*e.g., tutoring/encourage academic success*)
- Housing
- Budgeting and financial management skills
- Shopping, cooking, and housecleaning skills
- Accessing community resources/community linkages
- Connections with caring adults
- Youth development
- Developmentally appropriate services
- Aftercare services

Training and Technical Assistance

Training is intended to provide youth with the skills they need to achieve the stated outcomes. Staff and caregivers need specific skills to engage youth and help them acquire the skills that lead to self-sufficiency. Current training and technical assistance that support youth in self-sufficiency are offered to local social services districts and voluntary agency child welfare staff and foster parents through the New York State Independent Living Network.

Each Independent Living Network provider responds to special regional needs with training courses and technical assistance on a wide variety of topics. The Independent Living Network provides agencies with assistance in developing curriculum, workshops, conference planning, staff development and foster parent training, as well as strategies and skills for working with youth in a variety of settings.

Strategies for finding adult permanency resources for youth may include training staff and foster parents on developing lifebooks or lifepaks with the youth, as well as exploring current and past relationships important to the youth through ecomaps and genograms. Training on these specific techniques is available through the Independent Living Network.

In addition, the Independent Living Network has a library of resources (housed at Hunter College School of Social Work) for staff working with youth that includes curricula, videos, books, and games that can be accessed by contacting the appropriate Independent Living Network member. To enable OCFS to develop a feedback mechanism to directly hear the concerns of youth in foster care, Independent Living Network members conduct youth “speak outs” and youth leadership training throughout the year. These efforts support the statewide Foster Care Youth Leadership Advisory Team (YIPS) developed in 2003.

...Independent Living Network

The Independent Living Network consists of four regionally based members:

Regions 1 and 2:

Center for Development of Human Services

Independent Living Training Program
State University College at Buffalo
1695 Elmwood Avenue
Buffalo, NY 14207-2407

Meg Brin, Administrative Director, Child Welfare (716) 876-7600 Ext 256

Provides training and technical assistance on adolescent issues to the local districts and voluntary agencies in the following New York State counties:

Allegany	Livingston	Seneca
Cattaraugus	Monroe	Steuben
Chautauqua	Niagara	Wayne
Chemung	Ontario	Wyoming
Erie	Orleans	Yates
Genesee	Schuyler	

**Regions 3 and 4:
Professional Development Program**

Rockefeller College
State University New York
Richardson Hall 301
135 Western Avenue
Albany, NY 12222

Pam Reger, Program Manager (518) 442-5136

Provides training and technical assistance on adolescent issues to the local districts and voluntary agencies in the following New York State counties:

Albany	Franklin	Oneida	St. Lawrence
Broome	Greene	Onondaga	Tioga
Cayuga	Hamilton	Oswego	Tompkins
Chenango	Herkimer	Otsego	Warren
Columbia	Jefferson	Rensselaer	Washington
Cortland	Lewis	Saratoga	
Delaware	Madison	Schenectady	
Essex	Montgomery	Schoharie	

**Region 5:
Child Welfare Training Program**

School of Social Welfare
Health Sciences Center, Level 2, Room 093
SUNY Stony Brook
Stony Brook, NY 11794-8231

Bob Marmo, Director (631) 444-7996

Provides training and technical assistance on adolescent issues to the local districts and voluntary agencies in the following New York State counties:

Duchess	Putnam	Sullivan
Nassau	Rockland	Ulster
Orange	Suffolk	Westchester

**Region 6:
IL Resource Center at Hunter College School of Social Work**

129 East 79th Street, 7th Floor
New York, NY 10021

Judy Blunt, Director (212) 452-7480

Provides training and technical assistance on adolescent issues to the local districts and voluntary agencies in the following New York State counties:

New York City – Five Boroughs

Bronx	Manhattan	Staten Island
Brooklyn	Queens	

Training Courses

...Introduction to Self-Sufficiency

The Independent Living Network provides the outcome-based training programs, “Independent Living Core” and the “Independent Living Toolbox” described below. These trainings are being enhanced to reflect the new policy framework for providing services for adolescents in foster care.

...The New York State Independent Living Core Training

This four-day training program for local district and voluntary agency staff is designed to provide the foundation skills, knowledge, values and attitudes needed to effectively provide services to adolescents in care. This training utilizes role-play, case studies, video presentations and experiential group activities to provide an understanding of Independent Living and develop caseworker’s skills in working effectively with adolescents to achieve self-sufficiency. Topics covered include the following:

- Independent Living Regulations
- Framework for Practice with Adolescents
- Using Interpersonal Helping Skills with Adolescents
- Adolescent Development
- Identity
- Emotional Issues of Youth in Care
- Case Planning for Adolescents and Implementation
- Problem Solving and Decision Making
- Developing and Enhancing Supportive Relationships
- Identifying, Establishing and Using Community Supports

...The Independent Living Toolbox

This two-day training program is designed to build on the Independent Living Core training, which is a pre-requisite to this course. The toolbox training is designed to provide the skills, knowledge, values and attitudes needed to effectively develop curriculum, based on an assessment, to teach life skills to adolescents in care using the Independent Living Toolbox as a resource. This high impact program utilizes experiential group activities to provide an in-depth understanding of Independent Living and the caseworker’s role in helping youth achieve self-sufficiency, both in groups and in individual activities. Topics covered include the following:

- Understanding the language of the Life Skills Toolbox
- Utilizing competencies and performance indicators when designing life skills instruction
- Using the strengths needs assessment when developing a life skills intervention strategy
- Creating effective learning environments
- Using the life skills toolbox to design life skills groups or individual activities
- Documenting the youth’s life skills progress

CONNECTIONS

CONNECTIONS is New York State's child welfare computer system that allows for documentation of information about children in the custody of local social services districts and their families. The CONNECTIONS system is part of a federal initiative called the Statewide Automated Child Welfare Information System (SACWIS). CONNECTIONS will assist caseworkers in assessing each youth's progress toward achieving desired outcomes.

CONNECTIONS is designed to create a single, statewide, integrated system for the collection and recording of child protective, preventive, foster care and adoption service information.

CONNECTIONS is being implemented in a series of releases. When the case management release is implemented, caseworkers will be required to document in CONNECTIONS their assessment and service planning efforts with a family/individual. It was designed to support a strength-based approach to practice that includes the following main components: a safety assessment; risk assessment; family assessment; child functioning; and adolescent life skills assessment.

...Adolescent Life Skills Assessment

CONNECTIONS will provide support for the casework team and a youth to assess the youth's strengths and needs regarding his or her readiness to make a successful transition to adulthood. CONNECTIONS will require caseworkers to complete a life skills assessment for each foster care youth 14 years of age or older, regardless of the youth's permanency planning goal. The assessment areas include:

- Forming and Sustaining Positive Relationships
- Problem Solving/Decision Making/Goal Planning
- Preventive Health and Wellness
- Education and Supports
- Vocational/Career Planning
- Employment Skills
- Budgeting and Financial Management
- Housing
- Home Management
- Accessing Community Resources

Using the scales below, the caseworker will indicate the youth's current skill level for each area:

- Exceptional skills in the area
- Adequate skills in the area
- Limited skills in the area; needs some support and skill development/training
- No or very limited skills in the area; needs significant support and skill development/training

The caseworker, with the input of other members of the service team and the youth, will integrate the assessment of life skills strengths and needs with the assessments of safety, risk, youth and family functioning. This information will be used to develop service planning activities that will assist the youth in developing any needed skills to make a successful transition to self-sufficiency.

...Evaluation of Permanency Progress for Children in Foster Care

As stated earlier, periodic reassessment of the youth's progress is an essential part of outcome-focused planning and service provision. Therefore, CONNECTIONS will also require the caseworker to answer a set of permanency progress questions listed below for each youth age 14 and over who is likely to remain in foster care through age 18, 19, or 20.

Termination of Parental Rights (TPR) Petition

1. Has the child been in foster care for 15 of the past 22 months?
2. Has the child in foster care been determined by a court to be an abandoned child?
3. Has a court determined that the parent of this child committed a serious crime against this child or another of the parent's children?

If the answer is yes to any of the above questions, the caseworker must indicate if a petition to terminate parental rights has been filed.

If no, the caseworker must specify and explain the compelling or other reason for not filing a petition to terminate parental rights.

Parent Location (for youth not freed for adoption)

1. Have both parents been identified?

If both parents have not been identified, the caseworker must describe the efforts to identify them.

2. Have both parents been located?

If both parents have not been located, the caseworker must describe the efforts to locate them, including results from inquiries to the Parent Locator Service.

Alternative Permanency Resources

Have you explored alternative permanency resources that may be available to the child should he or she be unable to return home?

If yes, the caseworker must indicate if any potential resources have been identified and document who they are.

If no, the caseworker must explain why permanency resources have not been explored.

Concurrent Planning Discussion with Foster Parent

1. If the child has been in placement 3 months or more, has the foster parent been asked whether he or she would consider adopting the child should the child become free for adoption, or otherwise provide a permanent living arrangement for the child?

If yes, the caseworker must describe the foster parent's response.

Consent to Adoption

1. Is the legally freed youth who is 14 years or older refusing consent to his or her adoption?

If yes, the caseworker must describe the permanency alternatives discussed with the youth including the possibility of changing his or her mind about adoption.

Resource Connection

1. Is the child currently connected to an adult/family/mentor in the community that he/she can go to for emotional support/advice/guidance?

If yes, the caseworker must identify the resource and the relationship to the child.

If no, the caseworker must explain efforts to help the child connect to such a resource.

...Independent Living Discharge Protocol

CONNECTIONS will require the caseworker to answer a set of questions that address safety, permanency and well-being of the youth upon discharge from foster care. CONNECTIONS will require that the caseworker answer/update the questions listed below at the time of the 90-day notice to discharge a youth from foster care to independent living with permanency resources, at trial discharge and at final discharge.

1. Has the youth received a 90-day written notice of intent to discharge?
If yes, the caseworker must enter the date of the 90-day notice.
If no, the caseworker must explain.
2. Has the youth secured an appropriate residence?
If no, the caseworker must describe the actions taken and/or still needed to secure an appropriate residence. (Include referral to preventive or other housing services for an eligibility determination.)
3. Does the youth have a sufficient source of income upon discharge?
If no, the caseworker must describe the actions taken and/or still needed for the youth to secure a sufficient source of income.
4. Will the youth have medical coverage upon discharge for preventive health care and identified physical, mental, dental health and prescription needs?
If no, the caseworker must describe the actions taken and/or still needed for the youth to secure medical coverage (include referrals to medical assistance for an eligibility determination).
5. Are arrangements being made for the youth to receive essential documents such as birth certificate, social security card, medical records, and education records at the time of discharge?
6. Identify the adult resource available upon the youth's discharge to provide emotional support/advice/guidance. If no one has been identified, explain efforts that will be taken to secure a resource.
7. Are there any safety concerns related to the youth's discharge from foster care?
If yes, identify the concern and describe the actions taken and still needed to address it.
8. Identify the arrangements made with service providers for services that the youth will need upon discharge.
9. Has the youth been advised of the services that will be available to the youth upon his/her discharge from foster care until he/she attains the age of 21?
If no, please explain.

Conclusion

This guidance paper provides local districts, DRS, and voluntary agencies with a new framework for practice to strengthen services to adolescents and improve their achievement of permanency. This paper provides the policy and practice framework that OCFS will be supporting through regulatory change, documentation requirements in CONNECTIONS, training, and monitoring.

The paper provides guidance on permanency outcomes for adolescents in foster care, and methods and supports to achieve them. Training and technical assistance will continue to be available through the Independent Living Network to assist local districts, DRS, and voluntary agencies in strengthening their services to foster care youth. While this new framework represents a major shift in thinking and in practice for OCFS and many local districts and voluntary agencies, the new framework will be supported through training and teamwork through our statewide implementation.

Overview of the Chafee Foster Care Independence Program (CFCIP)

The key provisions of the law are as follows:

- **Enacted into law**
 - December 14, 1999
- **Funding**
 - Provides for 80 percent federal funding
 - Requires a 20 percent match
 - Allocation to states based on the number of children in foster care during the most recent federal fiscal year
- **Eligibility**
 - Youth “likely to remain in foster care until age 18”
 - Former foster care youth 18, 19, or 20 years old who aged out of foster care
- **Increased Assistance for Former Foster Care Youth Ages 18, 19, and 20**
 - Mandates services for foster care youth between 18, 19, and 20 years old who aged out of foster care
 - Requires the provision of financial, housing, counseling, employment, education and other appropriate support and services
 - State option to provide room and board assistance
 - Up to 30 percent of a state’s federal allotment may be spent on room and board
- **Requires Participation by Youth in Designing Their Own Life Skills Program Activities**
- **Allows States the Option of Providing Medicaid Coverage for Youth 18, 19, and 20 Years Old Who Aged Out of Foster Care**
- **Expanded Accountability**
 - Requires public input on a state’s independent living program
 - Requires tracking who receives services and what they receive
 - State performance is judged on outcome measures
- **Preparation Training for Staff and Foster/Adoptive Parents**

Adolescent Strategy Workgroup Resources Available for Review

■ Resource information for Older Adolescents Services and Workforce Investment Act

www.workforcenewyork.org/youth.htm

■ Permanency for Adolescents

Robert G. Lewis – Keeping the promise of a permanent home for every child, article entitled “What do you think?”

www.highpopples.com

Adolescents and Families for Life: A Toolkit for Supervisors by Robert G. Lewis and Maureen S. Heffernan

www.highpopples.com

■ Youth Speak Out

Memo to PIP strategy coordinators: summary from Gail Haulenbeek on the Youth Speak Out recently held in Albany Region; valuable information for several of our strategies.

Available through the Office of Children and Family Services

■ Opportunity for Youth in Foster Care

Information about CWLA National Foster Youth Advisory Council (NFYAC)

www.cwla.org

■ The Jim Casey E-Update – September 2002

The Jim Casey Youth Opportunities initiative presents the fourth of its electronic newsletters designed to bring policymakers, practitioners, media and friends up-to-date on foster care transition issues, as well as news from the initiative.

www.jimcaseyyouth.org

■ The Way Program

A brief description of this program model, developed by Children’s Village, August 2002, at the first meeting of the Adolescent Strategy Workgroup.

www.thechildrensvillage.org

■ Independent Living Regulations

18 NYCRR, Section 430.12 (f)

■ Adoption Subsidy Regulations

The regulations provide for the payment of an adoption subsidy for the adoption of a handicapped or hard-to-place child.

18 NYCRR, Section 421.24 (a)

■ You Gotta Believe! The Other Child Adoption & Permanency Movement, Inc.

This organization’s sole purpose is to place teens and pre-teens into permanent families before they are discharged from foster care.

www.yougottabelieve.org

■ Casey Family Programs Foundations For the Future

A framework for youth transitioning from foster care to successful adulthood.

www.casey.org



■ **Challenges in Helping Youth Live Independently**

A discussion on the federal Department of Health and Human Services (HHS) Independent Living Program (ILP) and the needs of youth leaving the foster care system.

www.gao.gov

■ **Permanency Planning: Creating Life Long Connections**

Material from National Resource Center for Youth Services.

www.nrcys.ou.edu/

■ **What Young People in the System Say Is Working**

Information from the State of Washington Office of the Family and Children Services Ombudsman.

www.governor.wa.gov/ofco

■ **Local Commissioners Memorandum 03-OCFS-LCM-18**

Federal Fiscal Year 2003 Education and Training Voucher Program on November 4, 2003.

■ **New York State Foster Parent Manual**

This manual was developed under contract with the Welfare Research Institute.

www.ocfs.state.ny.us

Administration for Children's Services



150 William St. 18th floor
New York, New York 10038

WILLIAM C. BELL
Commissioner

MEMORANDUM

To: Executive Directors, Contract Foster Care Agencies
ACS Staff

From: William C. Bell, Commissioner

Date: June 12, 2003

Re: Implementation of the Adoption and Safe Families Act, Part V:
Family-Based Concurrent Planning for Youth with Goals of Independent Living

I. Family-Based Concurrent Planning for Youth with Goals of Independent Living: Finding Permanent, Nurturing Family Connections

Permanent, nurturing family connections are the foundation of all child welfare services and are as critical for adolescents in foster care as they are for younger children.

The Administration for Children's Services calls on all its staff and foster care agency partners to actively participate in a culture shift aimed at ensuring that no youth ages out of foster care without a life-long connection that is as legally secure as possible to a caring adult committed to functioning in a parental capacity. With family-centered casework and support services, many adolescents in care could be discharged to their parents or members of their extended families or find adoptive families.

Effective July 1, 2003, family-based concurrent plans must be developed for (a) youth for whom it is proposed to assign the permanency planning goal of independent living and (b) for youth who already have a goal of independent living and who have indicated their intention to sign themselves out of care or who will age out of care within the next 12 months.

Effective for UCRs due in January 2004, family-based concurrent plans must be developed for all other youth in care who currently have a goal of independent living.

In each case, these plans must be documented in the Concurrent Planning section of the UCR or in a Plan Amendment and updated in the Concurrent Planning section of each subsequent UCR.

To this end, certain specific casework steps needs to be taken to identify and nurture permanent family connections for youth with goals of independent living. These include, at a minimum:

1. At the time of the youth's entry into care (and before a voluntary placement of a young person in care occurs), all participants in the placement process, including ACS child protective staff and Child Evaluation Specialists, must take steps to work with the youth to identify trusted caring, committed adults to serve as a permanency resource and to participate in planning for the youth's future. Caring committed adults might include:
 - a. family members (not only the youth's parents, but extended family members such as grandparents, older siblings, aunts, uncles, cousins, godparents),
 - b. current and former foster parents, or siblings' foster or adoptive parents,
 - c. current and former neighbors,
 - d. parents of close friends,
 - e. agency staff, group home staff and child care staff,
 - f. teachers, coaches, mentors, and acquaintances from school, work, summer camp, church and after-school activities,
 - g. other responsible adults whom the young person trusts or with whom young person feels or may have felt safe.
2. Congregate care child care staff and milieu workers, foster care caseworkers and social workers must work with youth currently in foster care to try to identify caring, committed adults whom the youth trusts and with whom the youth might like to establish a permanent family connection. Caring, committed adults might include:
 - a. family members (not only the youth's parents, but extended family members such as grandparents, older siblings, aunts, uncles, cousins, godparents),
 - b. current and former foster parents, or siblings' foster or adoptive parents,
 - c. current and former neighbors,
 - d. parents of close friends,
 - e. agency staff, group home staff and child care staff,
 - f. teachers, coaches, mentors, and acquaintances from school, work, summer camp, church and after-school activities,
 - g. other responsible adults whom the young person trusts or with whom young person feels or may have felt safe.
3. A permanency focus needs to be incorporated into independent living workshops and activities as well as into daily life in congregate care settings. For instance:
 - a. As a normal part of child care staff's interaction with youth, conversations should include a focus on who might the young person like to go home to, who did they spend time with on weekends and holidays, who do they trust, who would they like to visit, who do they wish to be in contact with.
 - b. Routine independent living skill-building activities like cooking and budgeting offer an opportunity to ask youth questions like: "Is there someone in your past who you remember being a really good cook? Do you know anyone who is good with budgeting his or her money? Who would you trust to take care of your savings?"

- c. Routine health discussions might include questions like, “When your mom wasn’t available, was there someone you would go to when you didn’t feel well?”
4. Efforts must be made by social work staff to interview group home and child care staff, as well as the youth’s foster parents, to find out who the youth has connections to: “Who loves this young person? Who does the young person trust? Who does the young person get telephone calls from? Who has the young person had a special relationship with in the past? Who visits the young person and whom does the young person visit? Has the young person formed a bond with any group home or child care staff that might turn into a permanent connection? Does the youth miss a particular former foster parent? Where does the young person go if they go AWOL?”
5. Steps need to be taken to involve caring, committed adults identified by the youth in family team conferences aimed at planning for the youth’s future and their discharge from foster care.
6. When reunification is the concurrent plan, steps need to be taken to:
 - a. engage members of the youth’s family around the family’s role in decision-making and treatment conferences, in visiting, and in discharge planning,
 - b. identify preventive services and supports the family may need to prepare for the youth’s discharge from care (such as linkages to peer support groups, family mediation programs, tutoring and other academic supports, vocational training, community mental health programs etc.)
7. Steps need to be taken to sensitively address the strong feelings that might underlie a statement by a young person that he or she does not want to be adopted. Young persons who have been freed for adoption or whose parents are not meaningfully planning for their return need to be helped to “unpack the ‘No’” and to find out what underlies their reluctance to consider adoption. Possible steps might include:
 - a. Calling the Dave Thomas Foundation (1-800-ASK-DTFA) to order a free copy of the video “*Finding Forever Families: Making the Case for Child-Specific Recruitment*” and arranging to watch the video with young people who need families but who have said “no” to adoption;
 - b. Making arrangements for the young person to talk to several young adults who were adopted as adolescents. Agencies unable to identify one of their own former foster children who were adopted as teens can contact the *ACS Families for Teens Speakers’ Bureau* coordinated by ACS’ Parent Recruitment and Expedited Permanency Unit (212-676-WISH) and ask for assistance in identifying an adopted young adult;
 - c. Providing an opportunity for the young person to meet adoptive parents who have previously adopted an adolescent. Agencies unable to identify adoptive parents interested in teens can contact ACS’ Parent Recruitment and Expedited Permanency Unit (1-212-676-WISH). For additional suggestions, see the attached *Families for Teens Resource Guide*.
 - d. Engaging the youth, his or her parents (if the youth is not currently freed for adoption) and foster parents or prospective adoptive parents in a discussion about ongoing contacts

with members of the youth's birth family after the adoption. Youth and parents need help understanding that although a termination of parental rights ends the legal rights of the birth parents, a TPR does *not* necessarily terminate their emotional relationship or prevent the young person from visiting or contacting members of his or her birth family.

- e. In certain special cases, the best permanency resource for a young person who has been freed for adoption may be a member of the child's birth family, including a parent from whom the child has been freed. Sometimes, a parent's situation has changed significantly since the time of the termination proceeding and a bond between the youth and his birth family continues. The assessment of whether that resource is appropriate at this time is a social work decision. Close consultation with the ACS attorney and the youth's law guardian is essential.
8. For youth who are freed or whose parents are not meaningfully planning for reunification, steps need to be taken to identify permanency leads if interviews with the youth and staff do not yield possible permanent connections. Such steps include (1) making referrals to specialized adoption recruitment agencies such as those identified in the attached *Families for Teens Resource Guide*, and (2) making arrangements with ACS' Parent Recruitment and Expedited Permanency Unit (1-212-676-9474) for the young person to be featured on Wednesday's Child, a program on WNBC (Channel 4) which features freed young people in need of a family.
 9. For foster parents who may be reluctant to adopt a child living in their home, steps need to be taken to sensitively address the feelings and concerns that might underlie their reluctance to proceed with an adoption. Such steps might include:
 - a. Making arrangements for the foster parent(s) to talk to adoptive parents who have adopted adolescents and who can help foster parents understand the importance to the young person of having a parental figure make a permanent commitment to them. Agencies unable to identify one of their own adoptive parents can contact the ACS *Families for Teens Speakers' Bureau* coordinated by ACS' Parent Recruitment and Expedited Permanency Unit (212-676-WISH) and ask for assistance in identifying adoptive parents who chose to adopt teenagers, including adoptive parents of a similar cultural background;
 - b. Helping foster parents address some of their financial concerns about adoption (availability of adoption subsidy, SSI and other benefits; availability of financial aid for higher education);
 - c. Helping foster parents identify services that would be available after an adoption to address ongoing needs the young person might have for medical or mental health services, education, vocational training etc.;
 - d. Helping kinship foster parents understand and address some of the concerns that are specific to kinship adoption. For specific resources, see the *Resources for Kinship Caregivers* section of the attached *Families for Teens Resource Guide*.

II. Limiting the Use of Independent Living as a Permanency Planning Goal

A. ACS Approval Required for Independent Living Permanency Planning Goal and Family-Based Concurrent Plans for Reunification, Discharge to Relatives, Adoption, Guardianship, Custody or (for Youth 18 and Older Only) Another Ongoing Supportive Relationship

Consistent with the Adoption and Safe Families Act, ACS views independent living as a strongly disfavored permanency planning goal¹ which may be assigned only if a concurrent family-based plan for reunification, discharge to relatives, adoption, guardianship or custody, or (for youth 18 or older only) another ongoing supportive permanent relationship² has been documented in writing for ACS, the Family Court and the child's law guardian.

ACS is now amending the delegation of case management set forth in a memorandum from ACS, "*Delegation of Selected Case Management Functions*" dated April 26, 1999, as supplemented by a subsequent August 30, 1999 Questions & Answers memorandum, by requiring that effective July 1, 2003:

1. No youth in foster care aged 15 or younger may be given a permanency planning goal of Independent Living (Permanency Planning Goal 03) without the prior written approval of the goal and of a written concurrent family-based plan for reunification, discharge to relatives, adoption, guardianship or custody by the ACS Deputy Commissioner or his/her designated delegate from the responsible case management area. The family-based concurrent plan must be updated in the Concurrent Planning section of each subsequent UCR.
2. No youth in foster care aged 16 or older may be given a permanency planning goal of Independent Living (Permanency Planning Goal 03) without the prior written approval of the goal and of a written concurrent family-based plan for reunification, discharge to relatives, adoption, guardianship or custody by an ACS case management Supervisor II or Field Office Child Protective Manager. The family-based concurrent plan must be updated in the Concurrent Planning section of each subsequent UCR.
3. Written approval of the concurrent plan by a Level II ACS case management supervisor (when OCACM or ACM is responsible for case management) or a Child Protective Manager (when the ACS Field Office is responsible for case management) is required for all youth in care who currently have a goal of independent living. In these cases, the family-based concurrent plan must be submitted to the appropriate ACS case management area in the

¹ See May 16, 2001 ACS Memorandum from Nicholas Scopetta, *Implementation of the Adoption and Safe Families Act, Part IV: Guidelines for Choosing a Child's Permanency Plan*, section III(E) (independent living is the least preferred choice among the five ASFA permanency plans; except in unusual circumstances, children under 16 should not be given a goal of independent living since a child under 16 is not an "older teen" within the meaning of federal ASFA regulations, 45 C.F.R. Section 1356.21(h)(3)(i)).

² An "ongoing supportive relationship" for youth 18 and older would involve a parent-like adult who is committed to the youth's emotional and future well-being beyond the age of 21, including a demonstrated willingness to provide housing and financial assistance consistent with the adult's own financial resources. For youth over 18 who have been freed for adoption, steps need to be taken along the lines described in section I, subsection (7) above to address any objections the youth may have to adoption, including providing the youth with opportunities to speak with young adults adopted as teenagers and to meet parents who have adopted teenagers.

Concurrent Planning section of the next UCR and updated in the Concurrent Planning section of each subsequent UCR. This provision is scheduled to take effect beginning with UCRs due in January 2004, except for youth who have indicated their intention to sign themselves out of care or who will age out of care within the next 12 months. In those cases, this provision takes effect on July 1, 2003.

4. Goal changes to Independent Living (PPG 03) may no longer be entered into CCRS and CONNECTIONS by foster care agency staff. Goal changes approved in accordance with this memo may be entered into the computer system of record only by approved ACS case management staff.
5. Active youth participation in developing these concurrent plans is essential and must be documented in the Concurrent Planning section of the UCR.
6. ACS' decision to approve or disapprove the goal change and concurrent plan shall be made within thirty (30) days of submission.

B. Permanency Hearings and Permanency Hearing Petitions

In preparing permanency hearing petitions and participating in permanency hearings in Family Court (including any Family Court permanency mediation sessions), foster care agency and ACS staff and attorneys shall not propose or advocate for a goal of independent living unless that goal has been approved as set forth in this Memorandum.

C. Court-ordered Goal Changes to Independent Living

If the Family Court orders a change of goal to independent living that has not been approved as set forth in this Memorandum, then a written family-based concurrent plan must be developed by the agency for that youth and approved by ACS, as set forth in section II(A) above.

While it is the responsibility of the agency to comply with the court order, it is the responsibility of the ACS attorney to bring the court order to the attention of the Supervising Attorney, who will discuss with the ACS General Counsel and/or his or her designee whether to seek a re-hearing or to appeal an order mandating a goal change that has not been approved as set forth in this Memorandum.

III. Adoption as an Option for Adolescents

The appropriate concurrent plan for a youth in care needs to be determined on an individual, case-by-case basis, with active youth participation. For many youth with goals of independent living and a strong attachment to their birth families, reunification with their parent(s) or members of their extended family may be the best concurrent plan. However, ACS believes that adoption has been too readily discounted in the past both by casework staff and by young people themselves as a permanency option.

ACS explicitly rejects the notion that there is an "age limit" for adoption or that adolescents are "too old" to be adopted. On the contrary, adoption is a viable option for adolescents, who have a critical role to play in identifying their own potential adoptive resources.

Too often, it is the misplaced fear that adoption will lead to the severing of their emotional ties with members of their birth families that leads some adolescents to reject the idea of adoption for themselves. Adolescents, along with child care staff, caseworkers, mental health professionals and

others, need help to understand that the nature of adoption has undergone a radical transformation over the past several decades.

No longer does adoption mean the complete replacement of the birth family by the adoptive family. Adolescents who wish to do so should be supported in their desire to remain safely in contact with key members of their birth family: parents, grandparents, siblings and other significant members of their extended families.

The participation of adolescents in planning for their own adoption is critical. Adolescents need to be actively involved in identifying past and present connections who can be explored as potential adoptive resources.

Young people 18 and older should be informed by their caseworker that they can consent to their own adoption and that there is no need for legal proceedings to terminate their parents' parental rights. Adoption subsidy may be available if the youth was freed before age 18.

Adoption Waivers

No youth in foster care may be asked to sign an across-the-board adoption waiver or to sign a general statement that they do not wish to be considered for adoption.

Although Section 111 of the New York Domestic Relations Law provides that an adoptive child over 14 years old must consent to his or her own proposed adoption by a specific set of adoptive parents (unless the judge presiding over the adoption “dispenses with such consent”), the law does not mandate or envision an across-the-board written waiver of adoption as a permanency goal.

ACS hereby prohibits the use of adoption waivers. Youth over the age of 14 may certainly object, as permitted by DRL section 111, to a specific adoption by a specific set of adoptive parents, but agencies and ACS staff may no longer invite youth in care to waive their right to adoption by any and all prospective adoptive parents. Furthermore, even if a youth objects to a specific set of adoptive parents, agencies and ACS must continue to seek to identify other prospective adoptive parents for youth.

IV. Post-Reunification and Post-Adoption Services

It is essential to bear in mind that families that are reunited or families that are created for youth in care through adoption may need effective support services to thrive and to endure.

Staff are strongly encouraged to make use of the resources identified in the attached *Families for Teens Resource Guide* and other available counseling, medical and mental health services, educational advocacy, vocational and mentoring services.

V. Reporting to ACS, Family Court and the Youth's Law Guardian on the Family-Based Concurrent Plan

The family-based concurrent plan for a youth with a goal of independent living must be submitted to ACS in writing as part of a Plan Amendment (if a goal change to independent living is proposed) and regularly updated in the Concurrent Planning section of the UCR (section 10 of the Initial UCR and Section 9A of the 90-day and 6-month periodic UCR).

Copies of the family-based concurrent plan shall also be made available to the Family Court judge and to the child's law guardian in connection with any Permanency Hearing or other Family

Court proceeding to review the status of the youth's foster care placement. ACS case managers responsible for preparing Permanency Hearing petitions shall attach the family-based concurrent plan, as reflected in the Concurrent Planning section of the UCR, to the Permanency Hearing petition. Agency caseworkers shall include the family-based concurrent plan in any updated report they submit to the court in conjunction with the Permanency Hearing.

Diligent efforts to implement the concurrent plan must be documented in the Concurrent Planning section of the UCR. At a minimum, that section must include:

1. a description of the specific casework practice steps taken to identify and nurture permanent family connections for youth with goals of independent living, as outlined in section I above;
2. the name, address, telephone number and relationship to the young person of all caring adults identified through the casework process outlined in section I above;
3. a description of the efforts taken by the agency to involve those caring adults in:
 - a. visiting the young person;
 - b. planning for the young person's future;
 - c. participating in a series of conversations and/or family team conferences to explore their willingness to make a permanent commitment to the young person.

VI. Effective Date

This memorandum becomes effective July 1, 2003, except as provided in section II(A)(3).

Families for Teens Resource Guide*

June 2003

There are a growing number of resources available to support Families For Teens. The following is a sample of some of the resources in the New York City area:

...Post-Reunification Services

NYC Youthline

1-800-246-4646

(confidential information service for youth and parents with referrals to employment, training/education, recreation, after-school programs, summer camps, mental health counseling, prevention and intervention programs and health care).

Berkshire Farm Center and Services for Youth, NYC Region

Shamika Daniels, Aftercare Program Coordinator

250 West 57th St., New York NY 10107

(212) 245-3316

(*Berkshire Farm's* after-care program specializes in programs for youth 12 to 18 years old returning to their families from congregate care; services include home-based clinical intervention, educational advocacy, intensive case management, individual and group counseling, parent skills training, monitoring and supervision, independent living skills training and job search assistance)

FECS Young Adult Intensive Psychiatric Rehabilitation & Treatment Program

Carol Jobson

1600 Central Ave., Far Rockaway, NY 11691

(718) 327-1600, x 230

(specializing in services for youth 15-19 years old)

...Youth Development and Support Services

Cornell University Cooperative Extension, New York City Programs

16 East 34th St., New York NY 10016-4328

(212) 340-2900

www.cce.cornell.edu

(wide range of youth development programs offering leadership activities, community service and opportunities for youth to enhance their skills in science and literacy)

Citizens Advice Bureau Community Center

1130 Grand Concourse, Bronx NY 10452

(718) 731-3114

www.cabny.org

(after school programs for teens, including tutoring, recreation, family life and sex education, job readiness, academic and career enrichment and group counseling)

*This resource guide was issued with the NYC ACS June 12, 2003, memorandum.

The Door

121 Ave. of the Americas, New York NY
(212) 941-9090

(computer classes, tutoring, homework help, college preparation, career development services, job placement, recreational activities, health education, mental health counseling, GED, ESL classes, assistance with immigration matters)

Hetrick Martin Institute

2 Astor Place, New York NY
(212) 674-2400

www.hmi.com

(services for gay, bi-sexual, lesbian, transgendered and questioning youth)

Youth Advocacy Center

281 6th Ave., 2nd floor, New York NY 10014
(212) 675-6181

www.youthadvocacycenter.org

(job readiness and self-advocacy programs to help “at risk” youth achieve their educational and career goals)

...Resources for Kinship Caregivers

Grandparent Resource Center

Rolanda Pyle, Director

NYC Dept for the Aging, 2 Lafayette, 15th floor, New York NY 10007
(212) 442-1094, (212) 442-1192

www.nyc.gov/dfta

rpyle@aging.nyc.gov

Bronx Coalition of Grandparent Support Groups

Hattie Lucas, (718) 671-2090, x 229

Brooklyn Grandparent Coalition

Jewish Board of Family and Children’s Services

Deborah Langosch, (212) 632-4760 (also co-chairs NYC KinCare Taskforce)

www.brooklyngrandparents.org

Manhattan Grandparent Caregiver Coalition

Doris Williams, (212) 283-2479

Queens Grandparent Coalition

Gwendolyn Florant (718) 389-5100, x119

Grandparent Caregiver Law Center

Gerard Wallace, Esq.

(866) 434-4571 (toll-free number)

Gerard.Wallace@hunter.cuny.edu

...Specialized Adoption Recruitment Agencies

You Gotta Believe!

Pat O'Brien, Executive Director, 1728 Mermaid Ave., Brooklyn, NY 11224
1-800-601-1779, (718) 372-3003, ygbpat@msn.com, www.yougottabelieve.org
(*You Gotta Believe!* specializes in finding adoptive homes for older children and adolescents and in preparing adoptive families for teen adoptions. *You Gotta Believe!* also produces the Adopting Teens and 'Tweens cable television show and can assist caseworkers in identifying young people who were adopted as teenagers with whom youth in care can talk about adoption.)

Family Focus Adoption Services

54-40 Little Neck Parkway, Suite 4, Little Neck, NY 11362
(718) 224-1919, www.familyfocusadoption.org; ffas@familyfocusadoption.org

New York Council on Adoptable Children

589 8th Ave., 15th floor, New York NY 10018
(212) 714-2788, www.coac.org

Association of Black Social Workers

1969 Madison Ave., New York NY 10035
(212) 831-5181, ABSWNYC@aol.com

...ACS Recruitment Services

ACS' *Parent Recruitment and Expedited Permanency (PREP) Unit* (212-676-WISH) runs a wide variety of programs related to Families for Teens including *Wednesday's Child* (212-676-WISH, 212-676-9474) (www.nyc.gov/adopt/wednesdayschild), a program on WNBC Channel 4 featuring young people who have been freed for adoption and who are in search of a family; the *Families for Teens Speakers Bureau*, a dynamic and compelling group of youth and adult speakers who share their personal experiences in regards to foster care, adoption, and lifelong family connections; *Circles of Support*, a series of neighborhood-based support groups for foster and adoptive parents; the *ACS Recruitment Hotline*; the *New York City Family Album*; Internet photo listings; and "A Child is Waiting", a *Daily News* feature that appears on the first Sunday of each month with photos and biographies of children who need adoptive homes.

...Post-Adoption Services & Searches

In New York City, post-adoption services are available through the *New York City Post-Adoption Consortium*, Carol Hirsch, Chair (212-994-7915) and the *ACS Post-Adoption Services Intake Unit* (212-676-7379).

Educational advocacy is available through *Advocates for Children* (212-947-9779). *Resources for Children with Special Needs* (212-677-4650, www.resourcesnyc.org) provides information, referrals and advocacy for caregivers raising children ages 1- 21 with any kind of disability.

The *American Adoption Congress*, P.O. Box 42730, Washington, D.C. 20015, (202) 483-3399, www.americanadoptioncongress.org assists those who have been adopted and who want to find a missing birth parent or siblings. *Adoption Crossroads* can also assist adopted youth with searches and offers support groups. Call (212) 988-0110 or (845) 268-0283 or go to their website at www.adoptioncrossroads.org

Adolescent PIP Strategy Workgroup Participants

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Alcoholism and Substance Abuse Services
Janet Sapio-Mayta Director of Bureau of Interagency Coordination and Case Resolution
New York State Council on Children and Families
Margaret Moree New York State Department of Labor

Continuing Jurisdiction

- Court maintains jurisdiction over parties after child enters foster care in all actions under FCA Article 10 and regarding a child voluntarily placed or surrendered
- No new petitions required
- FCA §§1062-1066, SSL §§358-a, 384-a

Continuous Calendaring

- Requires a court to calendar a Date Certain for each Permanency Hearing for a child placed under FCA Article 10, as well as a child voluntarily placed or surrendered, until all orders expire or all appeals are decided
- FCA §1088

Article 3 and Article 7 Proceedings

- Continuing jurisdiction, calendaring and Permanency Hearing provisions do NOT apply to Article 3 (JD) or Article 7 (PINS) proceedings
- **EXCEPTION:** Where a PINS or JD child is also completely freed for adoption, the Permanency Hearing provisions apply
- FCA §1088; SSL §358-a

New FCA Article 10-A

- Requires the first Permanency Hearing after a non-freed child is removed from the home to be commenced on the Date Certain set by the court – within 8 months of removal from the home
- Requires the hearing to be completed within 30 days of the Date Certain
- FCA §§1086 - 1090

When a Non-Freed Child Is Removed From Home

- Requires a court to set a Date Certain for the first Permanency Hearing at the removal hearing or the hearing approving the voluntary placement agreement or surrender of a child, if the child remains in foster care
- Requires the Date Certain to be included in the written order issued by the court and served upon the parents
- FCA §1089

Calculating the Date Certain Non-Freed Child

- Article 10 Removal or Voluntary Placement Initial Permanency Hearing:

Date child was physically removed from home
+ 60 days + 6 months
= DATE CERTAIN

- FCA §1089(a)(2)

**Calculating the Date Certain
Freed Child**

- Completely Freed Child:
Immediately upon TPR disposition or approval of surrender **or**

Date of approval of surrender/TPR disposition

+ 30 days

= DATE CERTAIN

- FCA §1089(a)(1)

New FCA Article10-A

- Requires subsequent Permanency Hearings at least every 6 months thereafter if the child remains in foster care (freed/non-freed), on a Date Certain set by the court upon completion of the previous Permanency Hearing
- Requires the hearing to be completed within 30 days of the Date Certain
- FCA §1089(a)(3)

Permanency Hearing Report

- Sworn Report submitted by LDSS
- Filed with the court and mailed:

14 days before the date certain

AND

Must include the following
Accurate and up-to-date information

Freed Child Notice of Permanency
Hearing and Report

- Mailed to:
 - Foster parent in whose home the child currently resides
 - Agency supervising child's care
 - Law Guardian
 - Pre-adoptive parent; and
 - Relative providing care for the child

Freed Child Notice of Permanency
Hearing
ONLY

- Former foster parent within whose home the child resided for a continuous period of 12 months

Permanency Hearing
Report Requirements

Freed Child's Current
Permanency Goal

- Placement for adoption
- Referral for legal guardianship
- Permanent placement with a fit and willing relative; or

Freed Child's Current
Permanency Goal Cont'd.

- Placement in another planned, permanent living arrangement that includes a significant connection to an adult willing to be a permanency resource for the child

Permanency Resource

- A caring committed adult with whom youth has a relationship and who has agreed to provide guidance and assistance as the youth transitions from foster care to self-sufficiency
- Examples: youth's mentor, former foster parent, teacher, parent or other staff person

**Child's Health, Well-Being
and Current Status**

- A description of a child's health and well-being
- Information regarding a child's current placement

**Child's Health, Well-Being
and Current Status, cont'd.**

- Education:
An update on the educational and other progress since a child's last Permanency Hearing including the steps taken by LDSS or other agency to:
 - Promptly enable or continue enrollment in an appropriate school or educational program

**Child's Health, Well-Being
and Current Status, cont.'d**

- Make any necessary referrals of a child
 - Early intervention
 - Pre-school special education or services;
or
 - Special education evaluations or services
as appropriate

OR

 - Assist child to become gainfully employed
or enrolled in a vocational program

**Child's Health, Well-Being
and Current Status, cont.'d**

- Visitation Plan Description:
 - Persons with whom the child visits, including siblings, if any; and
 - Frequency, duration, and quality of the visits
- Other Services

A description of any other services being provided to the child

**Reasonable Efforts Taken To
Achieve Permanency Plan**

- Adoption
 - Guardianship
 - Placement with a fit and willing relative; or
 - Another planned permanent living arrangement other than return to the parent that includes a significant connection to an adult willing to be a permanency resource for the child

Recommended Permanency Plan

- Child's Permanency Goal recommendation:
 - Whether the goal should be continued or changed
 - Reasons supporting the recommendation; and
 - Anticipated date for meeting that goal

Recommended Permanency Plan
cont'd.

- Child's Placement recommendation:
 - Whether the child's placement should be extended; and
 - Reasons supporting the recommendation, including whether a change in the level of care is recommended

Recommended Permanency Plan
cont'd.

- Proposed changes in placement:
 - Any proposed changes in the child's current placement, including:
 - Discharge to adoption that might occur before the next permanency hearing; and
 - Reasons supporting the recommendation

Recommended Permanency Plan
cont'd.

- Educational or Vocational services description:

Steps that will be taken by LDSS or other agency to enable the prompt delivery of such services to the child:

 - In his or her current placement
 - During any potential change in the child's placement
 - After discharge, if applicable

Recommended Permanency Plan
cont'd.

- Visitation Plan recommendation:
 - Any change to the visitation plan or plans; and
 - Reasons supporting the recommendation

Recommended Permanency Plan
cont'd.

- For a child 14 yrs of age or older, or a child who will turn 14 before the next Permanency Hearing:
 - A description of the services and assistance that will be provided to enable the child to learn independent living skills

Independent Living Skills

- All adolescents in foster care between the ages of 14 and 21 years of age regardless of the youth's permanency goal will receive services and supports that will assist them to make the transition to self-sufficiency

Adolescent Life Skills Assessment
In CONNECTIONS

- For all foster care youth 14 years of age or older, regardless of his or her permanency planning goal, assessment areas include:
 - Forming and Sustaining Positive Relationships
 - Problem Solving/Decision Making/Goal Planning
 - Preventive Health and Wellness
 - Education and Supports

Adolescent Life Skills Assessment
In CONNECTIONS Cont'd.

- Vocational/Career Planning
- Employment Skills
- Budgeting and Financial Management
- Housing
- Home Management
- Accessing Community Resources

Recommended Permanency Plan
cont'd.

- For a child placed outside New York State:
 - Whether the out-of-state placement continues to be appropriate, necessary and in the best interests of the child

Recommended Permanency Plan
cont'd.

- For a child who has been completely freed for adoption:
 - Information regarding the child's eligibility for an adoption subsidy under SSL Article 6, Title 9
 - A description of services and assistance that will be provided to the child and the prospective adoptive parent to expedite the adoption of the child; and

Recommended Permanency Plan
cont'd.

- Information regarding efforts being made to find an adoptive family if the child is in residential placement or foster parents do not plan to adopt

Recommended Permanency Plan
cont'd.

- For a child over the age of 14 who has voluntarily withheld his or her consent to an adoption
 - The facts and circumstances regarding the child's decision to withhold consent and the supporting reasons

Assessment, Case Planning and
Service Plan Reviews
For All Foster Care and Direct Placements

- Within 30 Days of Removal
- Requires a LDSS to assess a child and his or her family and develop a service plan; or
- Update an assessment and develop a service plan
- SSL §409-e

Aggravated Circumstances:

- Permits the LDSS to make a motion to a court for permission to cease efforts to reunify a child with his or her parent under FCA § 1039-b
- Currently: where a child has been either severely or repeatedly abused
- FCA §1012(j); SSL §358-a(12), 384-b(8)

New Aggravated Circumstances
Post-Placement Abuse

- A child has been found to have been abused within 5 years after being returned home from a foster care placement due to a neglect finding;
Limited to:
Actual abuse as defined in FCA §1012(e)(i) (physical injury) or FCA §1012 (e)(ii) (sexual abuse); and
Same Respondent(s) in both proceedings
- FCA §1012(j); SSL §358-a(12)

New Aggravated Circumstances
Abandonment of Newborn

- An infant five days old or less has been abandoned

Limited to:

- Court Finding that parent's intent was to wholly abandon the child and that the child be safe from physical injury and cared for in an appropriate manner
- FCA §1012(j); SSL §358-a(12)

New Aggravated Circumstances
Failure to Plan and Refusal to Cooperate

- Court must find by clear and convincing evidence that the parent of a child in foster care:
 - For at least 6 months after the child was removed from home, has failed and refused completely to engage in services, including failure to engage in services on his or her own; and

New Aggravated Circumstances
Failure to Plan and Refusal to Cooperate
Cont'd

- After being warned by the court that a refusal on the record could result in an application to no longer provide reasonable efforts to reunify the child and parent
- The parent states under oath that he or she will not engage in services necessary to eliminate the risk of abuse or neglect

New Aggravated Circumstances
Failure to Plan and Refusal to Cooperate
Cont'd

However

– The court must also find that there is no reasonable basis for the refusal such as barriers to engagement in services: lack of child care or transportation, or parent's work schedule

- FCA §1012(j); SSL §358-a(12)

Termination of Parental Rights (TPR)
Issues
Severe Abuse or Repeated Abuse Grounds

– Where a court determines that:

- A child was severely abused or repeatedly abused

AND

- Reasonable Efforts toward reunification of the child with his or her parent are no longer required (FCA §1039-b)

TPR Issues
Severe Abuse or Repeated Abuse Grounds
Cont'd.

- Eliminates requirement that a child remain in foster care for 12 consecutive months immediately preceding commencement of a TPR

And

- Allows the TPR hearing to commence immediately
- SSL §384-b(4)(e)

TPR Issues
Permanent Neglect Grounds

– Permits commencement of a Permanent Neglect TPR proceeding where a child has been in foster care either at least one year

Or

– 15 out of the most recent 22 months

- FCA §614(d); SSL§384-b(7)(a)

TPR Issues Cont.'d

- Requires the TPR petition to also be served on the respondent parent's attorney.
- SSL §384-b(3)(e)

Suspended Judgment-
Permanent Neglect
Order

- Maximum Suspended Judgment Period – 2 Years
- Initial period: Up to 1 year
- Extension: Only 1 extension of up to 1 year permitted
- FCA §633(b)

Suspended Judgment-
Permanent Neglect
Order Cont.'d

- Must set forth:
 - Duration
 - Terms and conditions of the suspended judgment; and
 - A Date Certain for court review no later than 30 days prior to the expiration period; and

Suspended Judgment-
Permanent Neglect
Order Cont.'d

- Must set forth in conspicuous print:
 - Failure to obey the order may lead to revocation of suspended judgment and an order terminating parental rights and committing the guardianship and custody of the child to an authorized agency for the purposes of adoption

Suspended Judgment-
Permanent Neglect
Order Cont.'d

- A copy of the order of suspended judgment and the current permanency plan must be given to the parent

Suspended Judgment Report

- No later than 60 days before the expiration of the suspended judgment period:
 - TPR petitioner must file a report with:
 - Family court
 - Respondent
 - Respondent’s attorney
 - Law guardian; and
 - All intervening parties, if any

Suspended Judgment Report, Cont’d

- Content: Parent’s compliance with the terms of the suspended judgment
- Court Review: Court must review the report on the scheduled court date

Possible Outcomes

- **Violation Of Suspended Judgment Alleged or Extension Requested**
Motion or Order to Show Cause MUST be filed:
 - Prior to the expiration of the Suspended Judgment Period
 - Filing of Motion or Order to Show Cause tolls the Suspended Judgment period

Possible Outcomes, Cont'd.

- If **NO** motion or an order to show cause filed prior to the expiration of period
 - Terms of the disposition of suspended judgment **MUST** be deemed satisfied, and no order committing the guardianship and custody of the child may be entered

Possible Outcomes, Cont'd.

- If violation is found, the court may:
 - Enter an order revoking the order of suspended judgment and terminating parental rights; or
 - Extend the period of suspended judgment for an additional period of up to one year **ONLY** where
 - To do so is in the child's best interests; **AND**
 - No prior extension has been granted

Suspended Judgment Permanency Hearing Requirements

- If parental rights are not terminated but the child remains in foster care; **OR**
- If parental rights are terminated
 - Permanency Hearing may be completed immediately following, but no more than 60 days after the court's order

Appeals
Preference

- Without requiring a motion, grants an automatic preference:
 - FCA Article 3 (juvenile delinquency)
 - Parts one and two of Article 6 (Permanent Neglect TPR, Adoption)
 - Article 7 (PINS)
 - Article 10 (child protective)
 - Article 10-A (permanency hearings)

Appeals
Preference Cont'd.

- Social Services Law (SSL) § 358-a (dependent children in foster care)
- SSL § 383-c (Surrender of child in foster care);
- SSL § 384 (Surrender of children not in foster care); and
- SSL § 384-b (TPR)

Notice of Appeal:

- Simplifies & Clarifies filing Notice of Appeal
 - No longer served on does not need to be served upon the NYC corporation counsel, or county attorney
 - Notice of Appeal must be served upon the Law Guardian
- FCA §1115

Appeals

Waiver of Fees - Poor Person Relief

- Without Necessity of Motion:
 - Appellate Division fees may be waived when a party has been represented by 18-b attorney or law guardian if attorney certifies still eligible; and
 - Appointment of counsel, Law Guardian and Poor Person Relief continues for the purpose of filing a notice of appeal or motion for leave to appeal to the Court of Appeals
- FCA §1118; CPLR §1101

Appeals

Waiver of Fees- Poor Person Relief
Cont'd.

- Simplifies terminating appointment of counsel; and
- After terminating appointment of counsel, requires appellate division to promptly appoint a new attorney
- FCA §§1118, 1120; CPLR §1101

Expediting The Appeals Process
Transcript

- Sets 30 day time limit for production of transcript
- Requires Administrative judge of the judicial district to establish procedures to effectuate the timely preparation of transcripts

Expediting The Appeals Process
Extensions of Time

- Require appellate divisions to establish procedures to ensure expeditious filing of appellant's brief, the answering brief and any reply brief
- If an extension of time is granted, requires appellate division to issue new specific deadlines for filing and serving briefs

Conditional Surrenders

- Surrender conditioned upon the adoption of a child by a particular person.

SSL 383-c (2)(a), 384 (2)(a)

OR

- Surrender with Contact Agreement providing for communication or contact between the child and the child's birth parent(s) and/or siblings after the child has been surrendered or adopted.

SSL §§ 383-c (2)(b), 384 (2)(b)

Conditional Surrenders
Designation of A Particular Person

- Authorized agency must not accept a conditional surrender designating a particular person unless:
 - The permanency plan for a child is for the child to be adopted by a designated person, and
 - the designated person is certified or approved as a foster parent, or
 - the agency has fully investigated and approved the person as an adoptive parent

**Contact Agreements -
Conditional Surrender Designates
Particular Person**

- The following people need to sign the contact agreement:
 - Adoptive parent(s)
 - Birth parent(s)
 - Authorized agency having care and custody of the child, and
 - Law guardian

**Contact Agreement -
Child Surrendered Without Designating
Particular
Person To Adopt**

- The following people need to sign the contact agreement:
 - Birth parent(s)
 - Authorized agency having care and custody of the child, and
 - Law Guardian

Sibling Contact Agreement

–If the contact agreement provides for contact with a child's sibling who is over the age of 14:

»Sibling must sign (consent) or not enforceable as to that sibling

Court Approval of Contact Agreement

- Contact agreement must be presented to the court for approval with the surrender:
 - Court must approve **IF**
In child's Best Interests to approve

Court Approval of Contact Agreement Cont'd.

- If the court does not approve the contact agreement:
 - Court may still approve the surrender
 - Birth parent must be given the opportunity to withdraw the surrender
- SSL § 383-c (2)(b), 384 (2)(b)

Enforcement of Conditional Surrenders Prior to Adoption

Designation of a Particular Person to Adopt

- In the event of “substantial failure of a material condition of surrender”
 - Within 20 days the authorized agency must send NOTICE to:
 - Parent EXCEPT where parent waived notice in a written statement that has been attached to the surrender
 - Law Guardian; and
 - Court

**Enforcement of Conditional
Surrenders Prior to Adoption Cont'd.**

Designation of a Particular Person to Adopt

- In the event of "substantial failure of a material condition of surrender"
 - Within 30 days the authorized agency must FILE A PETITION ON NOTICE to:
 - Parent EXCEPT where parent waived notice in a written statement that has been attached to the surrender
 - Law Guardian

**Enforcement of Conditional
Surrenders Prior to Adoption Cont'd.**

Designation of a Particular Person to Adopt

- Petition may be filed by the parent or law guardian within 60 days of receiving notice of the "substantial failure"
- May NOT be filed after the child has been adopted
- FCA §1055-a

**Enforcement of Conditional
Surrenders Prior to Adoption Cont'd.**

Contact Agreement

- Any party to agreement may file a petition with the family court in the county where the agreement was approved
- Copy of the agreement must be attached to the petition
- Court shall not issue an order enforcing communication or contact pursuant to the terms of the agreement UNLESS
 - Enforcement in child's Best Interests

At the Adoption-
Contact Agreements

- If not previously approved under SSL §383-c or 384, Agreement must be:
 - In writing and signed by
 - Adoptive parent(s)
 - Birth parent(s)
 - Law guardian

At the Adoption-
Sibling Contact Agreements

- If agreement provides for contact with a child's sibling who is over the age of 14:
 - Sibling must sign (consent) or not enforceable as to that sibling

At the Adoption-
Contact Agreements

- If not previously approved under SSL §383-c or 384, Agreement must be:
 - Determined by the court to be in adoptive child's Best Interests
- DRL §112-b (2)

At the Adoption-
Contact Agreements

Court Order

- Must incorporate the agreement
- Copy of the order must be provided to everyone who signed the agreement
- DRL §112-b (2), (5)

After Adoption

- Failure to comply with the agreement is not grounds for:
 - Disrupting (setting aside) the Adoption; or
 - Revocation of a written consent to an adoption after court approval of such consent
- DRL §112-b (3)

Enforcement After Adoption

- Any person who signed the contact agreement or the law guardian may:
 - File a petition to enforce the agreement in the family court in the county where the adoption was approved
 - A copy of the contact agreement must be attached to the petition
- DRL §112-b(4)

Enforcement After Adoption

- A court shall not issue an order enforcing communication or contact pursuant to the terms of the agreement UNLESS:
 - Enforcement is in child’s Best Interests
- DRL § 112-b(4)

Confidential Substance Abuse Records Pre-petition Application Under Federal Law

- Provides for the confidentiality of substance abuse records and limited methods of disclosure of substance abuse records
- 42 USC §290dd-2 and 42 CFR §2.64

Confidential Substance Abuse Records Application Cont’d.

- Application may be made to a court for an order authorizing disclosure of patient records by any person having legally recognized interest in the disclosure which is sought
- Application may be filed separately, or as part of a pending civil action

Confidential Substance Abuse Records
Application Cont'd.

- For the court to authorize disclosure:
 - Other ways of obtaining the information are not available or would not be effective; and
 - The public interest and need for disclosure outweigh the potential injury to the patient, the patient-physician relationship and treatment services

Concurrent Planning

- Requires a description of concurrent planning efforts to make an alternative permanency plan for a child where it is likely that the child will not return home
- FCA §1089(c)(4)(iii)

To E-mail Your Questions

- Send all questions to this account:
ocfs.sm.permanency.bill.implementation.
questions@ocfs.state.ny.us

(Intranet and Internet)
