

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



BARBARA B. BLUM
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 80 ADM-97
 [Services]

TO: Commissioners of Social Services

SUBJECT: Policy and Procedures Regarding
 1) Appropriateness of Placement for Unaccompanied Refugee Minors, and
 2) Discharge to Independent Living.

DATE: December 22, 1980

SUGGESTED DISTRIBUTION:
 Directors of Social Services
 Supervisors of Foster Care Units
 Professional Staff of Foster Care Units

CONTACT PERSON: Any questions concerning this release should be directed to:

Joseph Ryu, Director
 1-800-342-7515, ext. 4-9629

Marie J. Mercer, Project Assistant
 1-800-342-7515, ext. 3-8961

I. Purpose

The purpose of this Administrative Directive is to advise the social services district regarding alternative living arrangements which may be considered in lieu of foster home placement in the Unaccompanied Refugee Minors Program; and policies concerning discharge plans.

II. Background

The provision of foster care and services to unaccompanied refugee minors originated as part of the Indochinese Refugee Assistance Program (IRAP) under the Indochina Migration and Refugee Assistance Act of 1975, which was enacted by Public Law 94-23, which is now superceded by the Refugee Act of 1980 as enacted by Public Law 96-212. This law provides for 100% reimbursement to states. (Refer to 79 ADM-54 for claiming procedures). The Refugee Act of 1980 extends the services to all bona fide unaccompanied refugee minors. Henceforth, the program is referred to as Unaccompanied Refugee Minors Program.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
76 ADM-100 79 ADM-54		Part 427	SSL §395 398 371 Fam. Court Act 651 (b)	Chapter 1068 of Book 10 Bulletin 200 Bulletin 195	

This program applies to unaccompanied refugee minors who are admitted into the United States under arrangements made by U.S. Catholic Conference and Lutheran Immigration and Refugee Services. In 1979 the statewide plan included placement of 250 children into New York State, for the most part in foster family homes. Now, after this first year of operation, it has become clear that for some refugee children, foster home placement may not be appropriate for the total period in which they may require foster care.

Therefore, this Administrative Directive sets forth allowable alternatives and the procedures for selecting and planning for the individual child's transition to alternative living arrangements, which will ultimately lead to a successful transition and discharge to independent living.

Issuance of 79 ADM-54 set forth the procedures for implementing Foster Care Placement. This Directive further details the program, particularly as it relates to the appropriateness of placements and the development of discharge plans.

III. Program Implications

The Department expects the social services district to treat unaccompanied refugee minors as much as possible in the same fashion it does other children in foster care. Thus, for the unaccompanied refugee minors, placements set forth in Department Regulations Part 427 may be considered as options for these children.

However, as far as the Unaccompanied Refugee Minors Program is concerned, foster family care is considered to be the most appropriate type of placement for the following reasons:

- 1) The nature of the problem which thrusts the unaccompanied refugee child into foster care is one of displacement. The children have been uprooted from communities and separated from families. Consequently, we consider foster family placement as the most natural setting in which a child is enabled to resume his/her life.
- 2) This setting affords the child the best opportunity to become proficient in English, to be integrated into the new culture, to become familiar with work/career choices and to experience supportive emotional ties which he/she may need to successfully manage the stresses inherent in being an unaccompanied refugee minor.
- 3) In terms of maintaining ethnic identity, experience has shown that foster parents are prepared to encourage and facilitate this need according to the child's individual interests.

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When foster home placement is deemed inappropriate for a child, there are two alternative living arrangements which may be considered. These are listed in order of preference:

- 1) Agency Boarding Home: A family-type home for the care and maintenance of not more than six children operated by an

authorized agency in quarters or premises owned, leased or otherwise under the control of such agency, and which is community based.

- 2) Agency Group Home: A family-type home for the care and maintenance of not less than seven nor more than twelve children who are at least five years of age, operated by an authorized agency in quarters or premises owned, leased or otherwise under control of such agency, and which is community based.

Both of these options offer certain advantages for the children for whom foster home placement is not appropriate.

- 1) They are community based and therefore the process of acculturation would continue;
- 2) The child would have access to the benefits of the foster care program in terms of the availability of professional guidance and educational and training programs;
- 3) These options would allow for a planned transition to independent living.

PLEASE NOTE:

Institutional placement is not recommended under ordinary circumstances in this program. The major reason for this policy is that institutional facilities are generally isolated from the mainstream of community life, thus precluding the opportunity for the youth to become adapted to American culture, and to become self-sufficient. (Preferred placement options are the foster boarding home, agency-operated boarding home, and agency-operated group home in most cases).

However, if circumstances arise concerning a particular child's needs, or with regard to unanticipated developments in the unaccompanied refugee minors program, institutional placements, at least for a temporary period, would be allowed on the approval of the local department of social services and the Refugee Assistance Program staff.

IV. Required Action

In view of the special needs of the unaccompanied refugee minors and of the circumstances which caused them to become refugees, the Department imposes additional requirements to those set out in part 427 of Department Regulations and Administrative Directive 79-54. These requirements have to do with developing the services plan for alternative living arrangements, and developing a discharge plan.

Where a local department of social services contracts with a child care provider agency for this program, then the New York State Department of Social Services requires that the case management responsibility be retained by the local department of social services.

1) Placement Services Plan for Alternative Living Arrangements

The following alternative living arrangements may be considered for unaccompanied refugee minors who are under 18 years of age or under 21 if a student attending a school, college or university or regularly attending a course of vocational or technical training designed to fit him/her for gainful employment:

- a) Agency Boarding Home (community based)
- b) Agency Group Home (community based)

If a child is being considered for a placement alternative other than foster family care, the Department expects that every effort will be made to counsel the child and acquaint him/her with the implications of each option in the course of developing the placement service plan. He/she should be aware of both the tangible and intangible benefits available in foster family placements along with those benefits associated with the Agency Operated Boarding Home or Group Home.

In the course of developing the placement service plan and determining which option is best for a particular child, several important factors should be considered: 1) The facility must be community based; 2) The facility treatment focus must have the capability of allowing for the needs of the refugee child; 3) Facility population--due care must be taken when placing a child in any given facility with reference to the nature of the problems of the children already in residence and the influence this may have on the refugee child; 4) Acculturation--the acculturation aspects of the program must be provided for in this setting; 5) Educational opportunity--if the plan will result in a change of schools, the Department suggests that appropriate personnel in the current educational facility and the future educational facility be involved in the planning process.

Of the two options, the Department considers the Agency Boarding Home to be preferable for the children in the Unaccompanied Refugee Minors Program because it more closely resembles a family type environment.

The Department requires that the alternative living arrangement plan for each child be approved by the local department of social services with the Refugee Assistance Program Director concurring.

This plan submitted in writing shall clearly state:

- a) The reason(s) why a foster home placement is not appropriate for the child;
- b) The reason(s) for selecting a particular type of alternative living arrangement; and
- c) How, in this new setting, the case objectives for the child, and the requirements of the program are to be met.

Reporting of the placement plan must appear on the Monthly Individual Data Report (DSS 3265) and the Six Month Report.

2) Discharge to Independent Living

Since the unaccompanied refugee minors are not eligible for adoption, and unless they are reunited with family members, their eventual transition to independent living is a certainty. The success of this transition to independence depends to a large extent upon the development of the discharge plan.

At the time of discharge, the Discharge Plan must be developed by the local department of social services in collaboration with the contract agency.

A) Development of the discharge plan should occur six months prior to the projected date where possible, and should take into consideration the following suggestions:

- 1) Counseling with the youth--involvement of the bilingual worker would be especially useful;
- 2) Consideration of refugee sponsorship as a step towards independent living.

If the youth has been in a foster home, it is possible that the foster family may wish to continue to assist the foster child by becoming the child's refugee sponsor. There would of course be no reimbursement as in the foster home program. This would be a good plan since the child and his/her foster parents already have emotional ties which could continue to be a resource for the child.

Otherwise, sponsorship for the child might be developed with the cooperation of a refugee resettlement agency, preferably the national resettlement agency which processed the case originally (United States Catholic Conference or Lutheran Immigration and Refugee Services).

A current list of national resettlement agencies and their local affiliates is available on request through the Refugee Assistance Program office.

Development of a sponsor relationship as part of the discharge plan will, of course, depend upon the age of the child, and the length of time he/she has resided in this country. Sponsorship would be very useful for a child who has reached majority and is to be discharged after only several months in this country. For a youth who is 21, and who has resided in this country for three years, sponsorship may not be necessary.

- 3) Involvement of foster parents, local service provider agencies (where appropriate) along with the youth and agency staff would be very helpful in planning for independent living.

A list of agencies in the State which provide services to refugees is available on request through the Refugee Assistance Program office.

- 4) At discharge there is no need and no requirement for notifying the Immigration and Naturalization Service (INS). Agencies, however, may want to remind the youth about his obligations for reporting annually to INS, or provide him/her with pertinent information regarding his status.

B. Approval of the Discharge Plan

Before a youth can be discharged from this program, the voluntary child care contract agency must submit a proposed discharge plan for this youth to the local department of social services for review and approval. The local department of social services may consult with the Refugee Assistance Program staff to insure a satisfactory transition to independent living.

The plan should reflect consideration of the above suggestions (Section A), and should clearly state the specifics of the discharge plan such as: living arrangements, employment plan, and what services are to be provided and who will provide them.

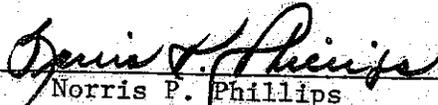
- C. The Department expects the agencies to follow up the youth's discharge to independent living for approximately six months.
- D. Reporting of the Discharge Plan.

Discharge of a case must be reported on:

- a) the monthly report (DSS-3265)
- b) six month report, submitted at the time of discharge, marked FINAL REPORT.

V. Additional information

None.



Norris P. Phillips
Deputy Commissioner
Division of Services