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

CESAR A. PERALES
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.: 83 ADM-54
[Family and Children Services]

TO: Local Commissioners of Social Service

SUBJECT: Social Services Law §372-c
Photo-Listing of Children Freed for Adoption

DATE: October 18, 1983

SUGGESTED DISTRIBUTION:
All Children's Services Staff
Children's Services Executive and Supervisory Staff
Child Placement Agencies
Adoptive Parent Groups

CONTACT PERSON: Any questions concerning this release should be directed to Peter C. Winkler, New York State Adoption Service, (NYSAS), by calling 800-342-4100, extension 3-0855.

I. PURPOSE

The purpose of this release is to provide local districts and voluntary child care agencies with clarification of photo-listing procedures for children who are freed for adoption, and to assist agencies in complying with photo-listing regulations.

II. BACKGROUND

In 1975 Section §372-c of the Social Services Law was enacted, requiring agencies to register with the State Department of Social Services all legally freed children who have been in foster care 3 months or more. Historically, approximately 20% of all freed children have been photo-listed, with a large share of the remaining children placed in adoptive homes and awaiting legal adoption. In addition, a fair number of children were temporarily deferred from photo-listing because a home had been identified for the child's adoption, but certain steps still had to be completed before a child could be officially "placed" in the home (i.e., the homestudy of the foster family had to be completed, or subsidy needed to be arranged, etc.). While most of these children are subsequently adopted, there was concern on the part of the Legislature that all children who were intended for photo-listing should receive this exposure and be placed in adoptive homes.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
		420 421	372-c 153-d		

DSS-296 (REV. 8/82)

The Child Welfare Reform Act of 1979 tightened the definitions and procedures, and calls for the photo-listing of all legally freed children in care over three months and not placed in adoptive homes. Only a child 14 years or older, who will not consent to adoption, need not be listed. The procedures outlined in this ADM will ensure that the provisions of SSL §372-c are followed and that freed children are not unnecessarily delayed in being placed in adoptive homes.

III. PROGRAM IMPLICATIONS

(In this section, NYSAS refers to the New York State Adoption Service, which is a section of the Department's Division of Family and Children's Services, Office of Operations, and the Blue Books refer to New York State's Waiting Children, the actual photo-listing book.)

1. To be in compliance with SSL §372-c, a child, who is not placed in an adoptive home, must be registered with NYSAS within ten working days after being completely freed if the child has been in foster care for three months. Photographs and summaries on children must be sent to the New York State Adoption Service (NYSAS). While specific time-limited delays in publication will be granted in special circumstances, most freed children will be photo-listed soon after submission of these materials. Only children of age 14 or over who refuse adoption can be excepted from photo-listing.

2. The State Department of Social Services is encouraging a variety of activities prior to the child being freed which will help ensure that most children have an adoptive family available to them once they are freed (specific suggestions for preliminary activities are included in Appendix B of this ADM);

3. With the new State adoption subsidy law (Chapter 989, Laws of 1981) expanding the availablity of subsidy to all families adopting hard-to-place children, it is expected that delays caused when families refuse to move ahead with legal adoption due to the lack of subsidy will be reduced. The State has made changes which will permit subsidy agreements to be approved separately from adoption placement agreements. In many cases, particularly when a foster family is adopting its foster child, subsidy can be approved even before a child is legally freed. In other cases in which it is determined that an adoptive placement cannot be made without subsidy, an adoption placement agreement can be approved pending subsidy approval, and subsidy will be arranged subsequent to the adoptive placement. The major change however, is that subsidy and adoptive placements should be handled separately, and subsidy should no longer be the cause of a delay in getting a child placed in an adoptive home.

4. Paperwork will be reduced through the use of the State's Child Welfare computer system - the Child Care Review Service (CCRS) as the communication mechanism for NYSAS. Any freeing, placements, disruptions or legal adoptions which are noted on CCRS will be automatically conveyed to NYSAS, and no further documentation from the agency will be required. Any agency which places a child within 10 working days of being freed and who gets the child legally adopted

within twelve months after placement will not have any forms to send to NYSAS for photo-listing (since all the necessary data will be available on CCRS). (Subsidy will still need documentation, however.)

5. We have defined more clearly when a child is freed for adoption, and when a child is officially "placed" in an adoptive home (See Appendix C of this ADM).

6. In special case situations, (i.e. child wishing to maintain contact with non-adopted siblings, child resisting adoption) special notes will be added to the photo-listing to ensure that users of the Blue Books understand these case circumstances.

7. Children who have been photo-listed more than 18 months will be required to be updated in the Blue Book, and children who have been disrupted from their adoptive homes must be re-photo-listed within 30 days of the disruption, unless they are replaced in new adoptive homes.

8. Any children who are not properly registered with NYSAS, or who have not been re-photo-listed at 18 months, or who have been placed and disrupted for more than 30 days, will be considered out of compliance with SSL §153-d, and will lose State and Federal funding.

Registration Procedures

In the sections below, we have outlined the basic steps for photo-listing. These procedures will help ensure that each child who falls within the definition of SSL §372-c is properly registered.

1. Waivers From Photo-Listing

Section §372-c of the Social Services Law and Departmental Regulations 18 NYCRR 420.2(a) allow exceptions to photo-listing in only two situations: 1) If the child is placed in an adoptive home; or 2) If the child is age 14 or older, and refuses to be adopted.

In Appendix C, a child is defined as "placed" when he is freed, a home has been found and approved for adoption, the child is physically placed in the home, and an adoption placement agreement has been signed. If any of these conditions are not met, the child should not be considered placed, and should be photo-listed.

If the child is over age 14, and does not consent to his adoption, the Department does not currently require a form to be filled out, although some districts have developed their own forms, and the issue should be documented in the case record. It is particularly important that agencies do not automatically assume that a child should be withdrawn from the Blue Books upon reaching age 14. Many children have found adoptive placements after age 14, and most children should continue being photo-listed unless they clearly indicate that they do not wish to be adopted.

Even after a child has stated that he does not wish to be adopted, the case should be reviewed regularly to determine whether the child has changed his position on this issue.

If a child is severely retarded and cannot understand the concept of adoption, it is up to the district to decide whether to withdraw the child after age 14. This decision should be part of an administrative review, and should be reflected in the case record.

2. NYSAS Registration and Photo-Listing

A child must be registered with NYSAS within 10 working days after the child is completely freed and has been in foster care for three months. Photo-listing material should be prepared while the child is being freed, so it can be sent to NYSAS within the 10 day limit. The process for registration differs for each of 4 case situations:

A. Child is placed in an adoptive home within 10 days;

B. Child is age 14 or over and refuses adoption;

C. Photo-Listing required, but a home has been identified (delay in publication request);

D. Child requires immediate photo-listing.

A. Child is Placed in an Adoptive Home Within 10 Days

If the child is placed and an adoptive placement agreement is signed within 10 working days, the agency simply adds the necessary code to CCRS (Code A550) showing an adoptive placement. It is not necessary to send any additional forms to NYSAS. This code must be sent to CCRS within 10 working days to be in compliance with the 10 day time limit for registration. NYSAS will receive this data from CCRS, and will not expect additional forms to be sent from the agency. (See Appendix C for the definition of an official adoptive placement).

B. Child is Age 14 or Older and Refuses Adoption

Agencies should add the necessary code to CCRS indicating that a waiver is being requested because the child is age 14 or older and refuses adoption (Code A510, Modifier A = "A"). No further documentation is required by NYSAS, although the case record should include the details of the refusal. If the child had previously been photo-listed, NYSAS will withdraw the photo-listing from the Blue Books.

C. Photo-Listing Required but a Home Has Been Identified (Delay in Publication Request)

Under certain limited conditions, a child can be freed for adoption, but the agency cannot make a placement within 10 days, and it can be argued that circumstances warrant the postponement of the photo-listing requirement. Among the examples which have been cited are:

- The foster family has expressed an interest in adopting their freed foster child, but the homestudy is not yet completed;

- Separated Foster Parents - the foster parents have become separated and are planning to divorce. One parent wishes to adopt their foster child, but the divorce will not occur for some months;

- Easy-to-Place - a child is very young and "easy-to-place" and a number of homes have been identified, but no placement will be made for a few weeks.

Under SSL §372-c, such children must be photo-listed even though the child's agency does not actually intend to move the child to a new home, or feels it can make a placement without photo-listing.

To ensure that there is compliance with §372-c, while avoiding unnecessary photo-listings, the following procedure will be used for such cases:

i. All children who are not formally placed in an adoptive home (and who are not age 14 or over and refusing adoption) will be required to have a complete photo-listing summary and high quality photograph sent to NYSAS for formal registration. This photo-listing must meet all requirements outlined in Section III-2-D below, and in Appendix D.

ii. In addition to the completion of Part I of Form DSS-2703, (which is the child's summary), the agency should complete Part II which includes the reason why a delay in publication is being requested.

iii. Based on the information provided, and the standards outlined in Appendix E in this ADM, NYSAS will determine which approach it will use:

- Many cases will be automatically photo-listed because the delay request does not meet the standards outlined in Appendix E.

- Some cases will be photo-listed, but will have special messages added to the photo-listing to inform potential inquirers of special case circumstances which may delay or impede placement.

- Some cases will be temporarily delayed (for 60 days or less) and not sent immediately to the printer, so there will be time for a placement. (Note: All delays will be counted from the date the child was freed, and not from the date the delay request was received).

A listing in Appendix E gives the current standards for delaying publication in certain cases, including the length of time which will be granted for various delay situations.

D. Child Requires Immediate Photo-Listing

While the child is getting freed for adoption, the agency should arrange to get a high quality picture of the child, and should prepare a short summary which will be the basis for the NYSAS write-up in the Blue Books. The summary should be typed onto Form DSS-2703, and the photograph should be attached and sent to NYSAS. The material must be postmarked by the 10th working day after the child is freed. (As noted in the Definitions in Appendix C, a child is considered freed once the court order is received, or a surrender is signed.)

The photograph must meet the standards which are specified in Appendix D of this ADM. In general, the photograph must be clear, sharp, focused, uncluttered and must show only the child (or his siblings, if they are being placed together). The summary itself must include the data included in Appendix D, and must generally be a balanced summary of the child's current condition.

Under normal conditions, NYSAS will send the photo-listing to the printer within 2 weeks, and will have the child's material distributed to all Blue Book subscribers within 4 weeks. NYSAS reserves the right to edit the material to conform with space, grammar and style standards which have been established. Since the Blue Books are distributed to over 700 agencies, parent groups, libraries and other public locations, NYSAS will also remove any comments which are not appropriate for the Blue Books. In some cases, NYSAS will call the agency to get clarification of issues on the registration form.

NYSAS will "log-in" the postmark date of the registration material, and this date will be entered onto CCRS. When the material is sent to the printer, a notification letter will be sent to the agency. This letter will inform the agency when the Blue Book photo-listing will be distributed, and will remind

agencies to prepare summary material and notification letters to respond to any inquirers. NYSAS will also add data to CCRS noting that the photo-listing will soon occur, and this CCRS data will be available for inquiry on CCRS terminals by districts, if they wish to receive immediate notification that a photo-listing is imminent.

The NYSAS Registration Form (DSS-2703) in Appendix G includes a check-off box which indicates the agency's willingness to have the child's material used for secondary publicity purposes - newspaper columns, distribution to other photo-listing services, etc. The agency will be notified if such use is being planned.

Once the child's summary is published, most photographs will usually be returned to the agency, so the agency can use them for additional publicity efforts in their local area. (In some cases, however, NYSAS may hold some photos to use for alternative publicity efforts).

i. Rejected Photo-Listings

In some cases, the photograph and/or summary will be unacceptable and NYSAS will reject the material and notify the agency that a new photo-listing is required. While every effort will be made to use the material originally sent in, it will be up to the agency to meet the standards outlined in Appendix D.

In such cases where the NYSAS registration is rejected, the agency will be notified by letter and will be given 30 calendar days to submit a new registration. After that, the district will be liable for loss of Federal and State funding as required under §153-d of the Social Services Law. NYSAS will notify both the district and the voluntary agency (if any) by letter when material is rejected. If the agency sends just the form, with no photo or no write-up, the child will still be seen as unregistered - there will be no 30 day extension.

ii. Blue Books Inquiries

Once a child is photo-listed, any families or agencies interested in receiving more information about the child will contact NYSAS and be given the name and phone number of the person in the child's agency who can give them additional information about the child. NYSAS will send referral forms to the inquirer and the child's agency (See forms DSS-2705 and DSS-2706 in Appendix G) confirming the

inquiry and giving the inquiring agency or family an opportunity to report any problems. If a number of inquiries are made on a child and he or she remains unplaced after 6 months in the Blue Books, Department staff will initiate a review of such cases in order to expedite an adoptive placement. (Such inquiry information will also be included in any case review if an agency requests an exception to Utilization Review Adoption Standards for the child, which require a placement within one year.)

Agencies are encouraged to retain homestudies of appropriate inquiring families, if it has other similar children available, so that, even if the child who was the subject of the inquiry is not placed with the family, other waiting children in the agency might also be presented to the family for their consideration.

iii. Placing a Child on Temporary Hold

NYSAS will place a child on temporary "Hold" if the agency receives too many inquiries (a hold for 30 days) or actually begins visitations between a selected family and a child (a hold for 60 days). In general, holds will be granted only for these limited periods of time. When a hold is instituted, subscribers to the Blue Books will be notified that the child is not available for inquiry and the agency and contact name will not be released to future inquirers. It should be noted that the photo-listings on hold remain in the Blue Books until the child is actually placed.

Normally, a child on hold will be subsequently placed, and his photo-listing will be completely removed from the Blue Books. In some circumstances, however, the agency may decide it can't make a placement and the child will be released from the hold so additional inquiries can be received.

It is the agency's responsibility to keep NYSAS informed of the child's situation. Holds will automatically end when the original time limit has passed, unless the agency requests an extension of the hold. NYSAS will also refuse to grant additional extensions if the holds have continued with no placements occuring. While each case will be reviewed and considered on its own merits, in general, the Department will not extend holds beyond 3 months.

iv. 18-Month Update

Children must be updated in the Blue Books every 18 months. New Registration forms and photographs must be submitted

by the time the child's 18 month deadline has arrived. This requirement applies to all children who are still in the Blue Books at 18 months after listing, including those on hold. Agencies will receive notices that the 18 Month deadline is coming due via the CUE codes on the CCRS Caseload Report, and may also receive notification from NYSAS directly. Notification normally begins at the 16th month.

v. Adoption Disruption - If a previous adoptive placement disrupts and the family no longer intends to adopt the child, the child must be re-listed with NYSAS within 30 days of the date of the disruption.

3. CCRS Processing

As much as possible, CCRS data will be utilized to register and track the child's progress through the adoption process. A child will be considered "registered" when the following events are loaded onto CCRS:

A. Child is Placed - Code A550 should be on CCRS.

B. Child is Age 14 or Older and Refusing Adoption - Code A510, Modifier A="A" should be on CCRS.

C. Child is Photo-Listed - When NYSAS receives photo-listing material from the agency, it will enter code A501, and will date it with the postmark of the material. Once the photo and narrative is approved a Code A505 will be entered on CCRS. The child will be considered registered, unless the material is subsequently rejected upon review.

The child will continue to be registered unless one of the following events occurs:

i. If the photo-listing material is rejected (Code A507) the child will become "unregistered" 30 days after the rejection;

ii. If the child has been photo-listed for 18 months, and has not been placed, the child will be considered "unregistered" on the first day of the 19th month (Code A509);

iii. If a child who was previously placed in an adoptive home has now been disrupted, the child will need to be placed or photo-listed within 30 days of the date of the disruption.

Various tracking and notification reports have been developed by the Department, and will be distributed regularly to help agencies be aware of all children who are not properly registered.

4 Relationship to Utilization Review and Section §153-d of the Social Services Law

Department Regulation 430.12(e)(2)(ii) sets the standard that children who are legally free for adoption shall be placed in an adoptive home within twelve months of the date of being freed (unless they are 14 years or older and choose not to be adopted). The Regulation also specifies that an agency which has failed to make such a placement is not in compliance with this standard unless the child has a discharge plan other than discharge to adoption or an approval is granted to continue efforts to place the child. Such approval may be granted based on documentation that the agency has made such efforts to place the child. This documentation should include the details on the agency's registration of the freed child with NYSAS as well as the number and outcome of inquiries resulting from the child being photo-listed.

While Department Regulation 430.12(f)(1)(i) states that a child under 14 years of age, who is placed in the foster home of a relative of one of the second degree or closer, may have a goal of independent living rather than a goal of adoption, the photo-listing law (SSL372-c) does not provide for an exception to photo-listing.

Section §153-d of Social Services Law requires the State to terminate reimbursement to the district for the care and maintenance and administrative costs of any child who has not been properly referred to the statewide adoption service in accordance with the requirements of Section §372-c. The administrative procedures detailed in this ADM and Department Regulations 420 will be used to determine whether the provisions of §153-d should be invoked.

IV. REQUIRED ACTIONS

Districts and agencies should review all freed children to determine whether they are properly registered with NYSAS.
Districts and agencies should review all their current cases in the process of legal freeing, to determine whether the current home is appropriate for adoption. If not, then the procedures outlined in Appendix B should be considered.

Staff should review the photo-listing standards in Appendix D very carefully, to ensure that registrations sent to NYSAS meet required standards.

V. EFFECTIVE DATE

This ADM will take effect on July 11, 1983.

Joseph Semidei
Deputy Commissioner
Division of Family and Children's Services

Attachments

APPENDICES

A. Copy of Law §372-c

B. Preliminary Activities

C. Definitions

D. Photo-Listing Standards

E. Delay in Publication Standards

F. Special Case Situations

G. Copies of Forms

APPENDIX A - SOCIAL SERVICES LAW SECTION §372-c

1. There shall be established by the department either directly or through purchase a statewide adoption service which shall serve all authorized agencies in the state as a means of recruiting adoptive families for children who have been legally freed for adoption but have remained in foster care for a period of three months or more. Such period in foster care shall include any period of foster care immediately preceding the date on which the child was legally freed for adoption. The service shall provide descriptions and photographs of such children, and shall also provide any other information deemed useful in the recruitment of adoptive families for each such child. The service shall be updated monthly.

2. The service may be organized on a regional basis, but shall be provided to all authorized child caring agencies and in accordance with the regulations of the department, to all appropriate citizen groups and other organizations and associations interested in children's services.

3. The department shall promulgate regulations governing the operations of the adoption service.

4. Each authorized agency shall refer to the adoption service, accompanied by a photograph and description, as shall be required by departmental regulations, each child in its care who has been legally freed for adoption and who has been in foster care for the period specified in subdivision one of this section and for whom no adoptive home has been found. If the child is fourteen years or older and will not consent to his adoption, such child need not be listed on the service. Such children's names shall be forwarded to the department by the authorized agency, with reference to the specific reason by which the child was not placed on the service. The department shall establish procedures for periodic review of the status of such children. If the department determines that adoption would be appropriate for a child not listed with the service, the agency shall forthwith list the child. Each authorized agency may voluntarily refer any child who has been legally freed for adoption.

APPENDIX B - PRELIMINARY ACTIVITIES

This Appendix describes activities that agencies may perform which could result in the more rapid adoptive placement of children whom it is expected will be legally freed. These steps should help reduce the number of children who must be photo-listed even though an adoptive home has already been identified.

A. Foster Parent Homestudies - An estimated 70%-80% of all foster children adopted in New York State are being adopted by their foster parents. Many agencies have traditionally waited until a child is legally freed before addressing the foster parents' request to adopt their foster child. Naturally, if the subsequent homestudy takes a number of months to complete, or if the family is rejected and a new home must be found, many extra months will go by, and the standard of making a placement within 10 days of freeing will be impossible to meet. (The processing of foster parent homestudies is covered in Departmental Regulations 421.19, and these regulations should be reviewed and followed when a foster family is being studied).

The State is encouraging agencies to consider the option of beginning the foster parent homestudy much earlier in the process - when the child's plan becomes adoption, or when court activity to free the child begins. While there are risks to this approach, especially if the child never gets free, most of these homestudies can be completed well before the child is freed, and the family will be approved and ready to sign an adoption placement agreement as soon as the child is freed. With an adoptive placement at this point, no photo-listing will be necessary. (In Appendix C we have defined an "adoptive placement" in such a way that arranging for subsidy is separated from the placement process.)

B. Pre-Termination Foster Care - One of the first data elements which can be registered on CCRS once a child's plan becomes adoption is a code to show "Home Identified". This element will tell CCRS and NYSAS whether the child's current foster home is willing to consider adopting the child. If the family is not willing, or if agency staff do not believe the family is an appropriate adoptive home, it may be necessary to move the child to a new foster home which will consider adopting the child if he becomes freed. While this is a new approach for many agencies, we want to state that this procedure has the following implications:

i. If foster parents cannot make up their minds about adopting, the possible move of the child to a new home may bring the issue to a head;

ii. Children will be put into their permanent homes much earlier;

iii. Photo-listing and the recruitment of a new adoptive home for the child will be avoided;

iv. State law requires a minimum of 6 months supervision for each adoptive placement. If the child is in the home on a foster care basis, the 6 month supervisory period will be completed while the child is getting freed, so the case can move into legal adoption much more quickly because an additional supervisory period is not required;

v. Children will not remain in inappropriate foster homes for long periods of time while legal cases go through court;

vi. Many adoption and foster homefinding units may have to work together more closely to ensure that all families who offer their homes for care will consider all types of care, including pre-termination foster care.

It is recognized that this approach is not appropriate for every child or every family, but it can serve to significantly reduce the length of time children remain in foster care and reduce unnecessary photo-listings. (It should also be noted that if a child is removed from a foster home, Section 400.2 of the Social Services Law provides the foster parents with the opportunity for a fair hearing).

C. Prepare Documentation - All necessary documentation for subsidy and homestudies should be prepared while a child is being freed, so an adoptive placement can be made once a child is legally freed. This preparation will again help to reduce the number of children who have to be photo-listed.

D. Subsidy - With recent changes in the subsidy law (eliminating the means test for families which adopt hard-to-place children) it is much easier for an agency or family to determine whether subsidy will be approved, and much of the uncertainity can be reduced. Children qualify as "Hard-to-Place" based on very objective criteria (age, sibling groups, length of time in the foster home, etc.) and it is relatively easy for an agency to determine whether a child is eligible for a hard-to-place classification. Whether a child with a handicapping condition is eligible for an adoption subsidy can sometimes be more difficult to evalute, especially if the handicapping condition is marginal, but most other children can be easily evaluated for subsidy eligibility.

The State Department of Social Services has determined that the issue of subsidy can be handled separately from the adoption placement agreement. Social Services Districts and voluntary agencies are authorized to have prospective adoptive parents sign the adoption placement agreement although the application for an adoption subsidy agreement has not yet been approved.

Under normal circumstances (i.e. child in home already, homestudy done) an adoption placement should be able to be made within the 10 day time limit, and the district can pursue subsidy while the supervisory period is completed.

APPENDIX C - DEFINITIONS

To clearly understand the status of each child, and the photo-listing steps which apply to each child, it is necessary to clearly define certain terms. In conjunction with Utilization Review and CCRS, the following definitions are being used:

A. Freed Child

A child is freed when all parents (including eligible putative fathers) have had their rights to contest the legal adoption terminated. This termination of rights can come through voluntary surrender or waivers or by court order.

If the freeing is by court order, the child is not freed for purposes of Utilization Review and Photo-Listing until that court order is received by the child's district or agency. If the child is freed by voluntary surrender, the effective date of freeing is the date of surrender, even if a court later validates the surrender.

If a child was freed, but the freeing is actively being appealed, (i.e. a petition for appeal has been filed) the child is still considered freed. All adoption steps should be pursued as normal, but the agency cannot complete the actual legal adoption until the appeal is resolved.

Putative fathers must have their parental rights terminated before the child is considered freed. While agencies have the right to terminate the parental rights of a putative father at the final adoption hearing, State DSS discourages this approach since it carries great risks. (If a putative father is completely unknown, a special code in CCRS will indicate that the child is "freed" and the termination of parental rights of the unknown father will occur at the adoption proceeding). In most cases, an earlier court proceeding should be initiated to terminate the parental rights of putative fathers (i.e. Social Services Law §392, or Family Court Act §1055 procedures which review a child's foster care placement, or Social Services Law §384-b which is a proceeding to terminate parental rights).

A surrender is effective on the date it is signed. While a parent has 30 days to revoke a surrender after a child has been placed in an adoptive home, this does not change the fact that the surrender was effective upon signing. If the surrender is revoked within the 30 days, then the child should again be considered "not freed".

B. Adoptive Placement

A child is considered placed in an adoptive home when all of the following conditions are met:

i. The child is completely freed;

ii. The home is approved;

iii. The child is physically placed in the home; and

iv. An adoption placement agreement is signed (a copy of such an agreement is included in Appendix G of this ADM).

As noted in Section III of this ADM, a child can be placed before subsidy is approved. This allows an adoptive placement to take place right after the child is freed, and avoids unnecessary photo-listings.

A number of agencies use special forms which indicate that there is an "Intent to Adopt" or that the family has agreed to begin the homestudy process. While such forms are useful for agency administrative processes, such forms should not be defined as formal "Adoption Placement Agreements" unless all four conditions mentioned above have been met.

APPENDIX D - PHOTO-LISTING STANDARDS

Listed below are the standards which must be met for a proper photo-listing with NYSAS:

A. The Photograph

1. The photograph must have been taken in the past 12 months, and must have the child's first name, CIN# and agency name on the back. The photograph may be black and white or in color, and should be at least 3" by 2";

2. The photograph should show the full face or 3/4 of the face of the child, and the photographer must be within 5 feet of the child. The picture must be in focus;

3. The child must be the only person in the photograph, unless the picture is of a sibling group being placed together. No other persons (i.e. foster parents, social workers, neighbors, etc.) may be in the picture.;

4. The background should be relatively uncluttered, although an attractive background which does not distract from the child is acceptable;

5. Attention should be paid to contrasts between the child's skin color and the background of the picture. The child must be clearly visible and discernable from his surroundings.

6. If a child is physically handicapped, it is acceptable to show the handicapping condition;

7. The child should be presented as attractively as possible. Overly comical, moody or frowning pictures are not acceptable;

8. Two-pose pictures common for school pictures are acceptable;

9. Agencies are encouraged to use professional photographers whenever possible;

10. Agencies may send in a variety of pictures if they are uncertain which one is most acceptable. (All pictures will be returned once the child is photo-listed).

B. The Summary

1. The summary should be included in Part I of Form DSS-2703. If more space is required, the back of the form or a separate piece of paper may be used;

2. The summary should be typed and double spaced;

3. The tone of the summary should be as positive as possible, while still reflecting the child's true situation;

4. The first line should include the month and year (but not the day) of birth, along with the child's age (i.e. "John, born October 1973, is now 9 years of age and ...").

5. The subsequent paragraphs should include any significant information about medical, physical, behavioral, emotional, scholastic or developmental handicaps. As much as possible, these specific handicapping conditions should be mentioned, but then redefined in terms which laymen can understand;

6. The text should include the child's grade level (if in school) and special hobbies or interests that the child has;

7. The last paragraph should include any restrictions on the type of family desired (i.e. 2-parent, Black, Catholic, etc.);

8. The last paragraph may also note special circumstances which may make the placement difficult (i.e. "Foster parents do not wish to adopt, and the child will have difficulty separating from them" etc.);

9. NYSAS reserves the right to edit the summary, to bring it into compliance with photo-listing standards.

APPENDIX E - DELAY IN PUBLICATION STANDARDS

On the following page is a chart which summarizes certain case situations which may require special handling by NYSAS when a child is registered. While this list does not include every special circumstance which may occur with a freed child, it does show the basic approach to be used by NYSAS.

In all cases, a proper photo-listing must be sent to NYSAS, and must include a good photograph. Even if a child is to be held from photo-listing for a period of time, the picture and summary must meet NYSAS standards, or they will be rejected.

Agencies are encouraged to use Part II of DSS-2703 to make requests for delays, or to highlight any unusual case circumstances which may affect the way the photo-listing should be presented. NYSAS will try to accomodate very limited requests for delays, if it is clear that a placement can be made without photo-listing.

DELAY OF PUBLICATION STANDARDS

	Case Situation:	How Will Photo-Listing Be Handled	Comment to be Added To Photo-Listing	Notes:
1.	Foster Family Intends to Adopt; Homestudy in Progress	NYSAS will hold for 60 days, then will photo-list.		Every effort should be made to complete the homestudy before child becomes freed, so placement can be made and photo-listing avoided.
2.	Foster Family Considering Adoption, But Homestudy Not Begun	NYSAS will photo-list immediately.		
3.	Child Almost Age 14, Refuses Adoption	NYSAS will hold photo-listing if 14th birthdate within 6 months.		NYSAS will need documentation of refusal on Form DSS-2703.
4.	Child is Over Age 12, Lives In Foster Home With Older Siblings Who Have Already Refused Adoption	NYSAS will photo-list immediately.	A comment such as the following may be added: CHILD WOULD LIKE TO MAINTAIN CONTACT WITH SIBLINGS	
5.	Infant Surrendered, But 30 Days Not Passed. There are No Putative Father Complications	NYSAS will hold for 30 days to give agency time to make a placement.		If we have not heard from agency in 30 days that placement has occurred, child will be automatically photo-listed.
6.	Child is "Easy-to-Place" and a Number of Families are Being Considered	NYSAS will hold for 30 days to give agency time to make a placement.		If we have not heard from agency in 30 days that placement has occurred, child will be automatically photo-listed.
7.	Child Wishes to Maintain Contact with Foster Parents	NYSAS will photo-list immediately with comments.	CHILD WOULD LIKE TO MAINTAIN CONTACT WITH FOSTER PARENTS	
8.	Child Wishes to Maintain Contact With Relatives	NYSAS will photo-list immediately with comments.	CHILD WOULD LIKE TO MAINTAIN CONTACT WITH RELATIVES	
9.	Child has Severe Resistance to Adoption, but Under Age 14	NYSAS will photo-list immediately.		

APPENDIX F - SPECIAL CASE SITUATIONS

In addition to delays in publication, there are a number of case situations which need clarification:

i. Child Not Freed - In some cases, agencies learn that a child who was previously photo-listed is not totally freed. Such children should be removed from photo-listing.

ii. Case on Appeal - If a child is freed and photo-listed, and then the parent mounts an appeal, the photo-listing should be continued, as the child is considered freed until the court decision is reversed.

iii. Court Orders - Occasionally, a court will order that a freed child not be moved from a current home. In this case, if the foster parents refuse to adopt the child, the order shall be appealed for higher judicial review. In cases where a court also orders that such a freed child shall not be photo-listed, the agency should also consider filing for the stay of the order, in order to photo-list if the stay is granted.

iv. Indian Children - While there may be some uncertainty about the application of the Indian Child Welfare Act in specific cases, all Indian children must be photo-listed when freed. It will still be up to the agency to decide which home should be used for a possible placement. The photo-listing summary may include a statement that a preference will be given to American Indian families.

v. Adverse Psychiatric Evaluation - Under current law, NYSAS cannot defer cases where the worker or a therapist have recommended against moving a child to a new home. Such children will still be photo-listed, and the agency will have to decide when and whether to move the child.

vi. Older Siblings Refusing Adoption - Sometimes children to be photo-listed have older siblings over age 14 who have already refused adoption. While these are clearly difficult circumstances, the law does require photo-listing. NYSAS may add an appropriate message to the summary, and the agency has the final decision regarding placement.

APPENDIX G - COPIES OF FORMS

DSS-2703 Registration of Child With State Adoption Service
(The formal registration form for all children not placed, age 14 and over and refusing adoption).

DSS-2705 Report of Inquiry Received
(Sent to each family and agency involved in an inquiry).

DSS-2706 Report to State Adoption Service - Outcome of Inquiry
(A form sent to an inquiring family or agency, permitting them to note any unusual circumstances, which may require follow-up).

DSS-570 Adoptive Placement Agreement
(The State's version of a placement agreement. Local agencies may also use their own local equivalents of this form at this time. However, the State Department of Social Services is preparing a new agreement which will be issued shortly).

DSS-3468 CCRS Adoption Input Form
(Used to load major casework steps and adoption information onto the CCRS child welfare computer system).

DSS-2703 (REV. 12/82)

DATE SENT TO NYSAS	REGISTRATION OF CHILD WITH STATE ADOPTION SERVICE	CHILD'S CIN #
/ /		

CHILD'S NAME (Last)	(First)	(M.I.)	SEX	DATE OF BIRTH

DISTRICT WITH LEGAL RESPONSIBILITY	DISTRICT CODE

AGENCY WHERE PLACED (if different from above)	AGENCY CODE

CCRS CODE OF AGENCY WHICH WILL SERVE AS BLUE BOOK CONTACT			PREVIOUS BLUE BOOK NUMBER:	—

Part I - CHILD TO BE PHOTO-LISTED

Submit a recent photograph which has a good view of child's face and no distracting background. On the back of the photo write child's name, CIN # and agency name.

In the space below, write a short description *which includes: Child's physical description and race, if not obvious from photo:

- Age, date of birth
- Activities and Interests
- Health
- Behavior
- Academics, including reading and math levels, if available
- Type of Family desired

NYSAS may ☐ / may not ☐ Use this photo-listing material with other publicity and exchange outlets.
*NYSAS reserves the right to edit materials submitted for photo-listing.

Part II - DELAY IN PUBLICATION REQUESTED

- ☐ Family selected, homestudy in progress — 60 Days
- ☐ Child age 13½, refusing adoption — 6 Months
- ☐ Child is easy-to-place — 30 Days
- ☐ Other (specify):

DSS-2705 (REV. 5/82)

NEW YORK STATE ADOPTION SERVICE

N.Y.S. Department of Social Services
40 North Pearl Street
Albany, New York 12243

Telephone 1-800-342-3715
(518) 473-1509

REPORT OF INQUIRY RECEIVED
(Forward to Individual or Agency Indicated Below)

DATE

An inquiry has been received about:

CHILD'S NAME	CHILD'S BOOK NUMBER

FROM:

WORKER	TELEPHONE NUMBER
AGENCY	
ADDRESS	

OR:

NAME OF FAMILY	TELEPHONE NUMBER
ADDRESS	

ADVISED TO CONTACT

NAME	TELEPHONE NUMBER
AGENCY	
ADDRESS	

Comments:

This report prepared by: _____

DSS-2706(REV. 5/82)

NEW YORK STATE ADOPTION SERVICE

N.Y.S. Department of Social Services
40 North Pearl Street
Albany, New York 12243

Telephone 1-800-342-3715
(518) 473-1509

REPORT TO STATE ADOPTION SERVICE
OUTCOME OF INQUIRY

INQUIRY ABOUT		INQUIRY BY
CHILD'S NAME	BOOK NO.	NAME
AGENCY	DATE	AGENCY
		ADDRESS

1. ☐ Placement is likely
2. ☐ Information is being exchanged
3. ☐ Placement of another child from that agency is likely
4. ☐ Child's worker did not respond to telephone call or letter
5. ☐ Child is not suitable for family
6. ☐ Description in NYS Adoption Service Book is misleading
7. ☐ Child's placement already planned
8. ☐ Child is not ready for placement
9. ☐ Foster parents are considering adoption
10. ☐ Agency is considering another family
11. ☐ Family is not suitable for child due to:
    - ☐ Geography
    - ☐ Religion
    - ☐ Race
    - ☐ Marital Status
12. ☐ Child's agency is unwilling to discuss child with applicant.
13. ☐ Applicant is unable to get into home study
14. ☐ Agency is unwilling to move child
15. ☐ Other (Explain): _____

Comments:

Date Received by New York State Adoption Service: _____

FORM DSS-570 (REV. 12/81)

ADOPTIVE PLACEMENT AGREEMENT

STATE OF NEW YORK — DEPARTMENT OF SOCIAL SERVICES

NAME OF ADOPTIVE FATHER	NAME OF ADOPTIVE MOTHER	
ADDRESS OF ADOPTIVE PARENTS (Number, Street, City, State)		
NAME OF AGENCY	FIRST NAME OF CHILD	BIRTHDATE OF CHILD

After careful consideration of the child and all that adoption involves, we receive in our home, from this agency the above named child.

In so doing we agree that:

- We will care for this child, assuming full responsibility for the child's needs, including medical and surgical costs except as provided in a signed subsidy agreement on a form DSS-2732 or 2733.
- We are taking this child with the intention of adoption although we understand that legal custody remains with _____ (AGENCY) until the date of legal adoption.
- The legal adoption will take place after both _____ (AGENCY) and we agree that it is in the child's best interest.
- In the period prior to legal adoption a representative from _____ (AGENCY) will visit us and the child periodically and that we may call on the agency for consultation.
- If at any time prior to legal adoption it is determined by the agency or by us that the child should be removed from our home, we will cooperate with the agency in carrying this out in a way that serves the best interest of the child in the judgment of the agency.
- It is duly acknowledged by the parties hereto that the adoptive parent(s) shall have the right to intervene as an interested party in any proceeding commenced to set aside a surrender purporting to commit a guardianship or custody of a child placed in the home of the adoptive parent(s). Such intervention shall be made anonymously or in the true name(s) of the above.

ADOPTIVE FATHER'S SIGNATURE	DATE SIGNED	ACCEPTED (Name of Agency)
ADOPTIVE MOTHER'S SIGNATURE	DATE SIGNED	BY (Name of Representative)

DSS-3468 (6/82)

CCRS ADOPTION INPUT

AGENCY	UNIT	Worker	CASE NUMBER	CHILD'S NAME (LAST, FIRST, M.I.)	CHILD'S CIN #	CHILD'S D.O.B.
			S			

DEO USE	DESCRIPTION OF EVENT	CODE	DATE OF EVENT (MM DD YY)	MODIFIERS A	B	C	D	CONT **
	Foster Parents Interested in Adoption	A410		N No Y Yes A Agency Refuses				
	Voluntary Consent/Waiver Attempted	A415						
	Adoptive Case Referred to Legal	A425*						
	Approved by District to Free Child	A428*						
	Mother's Parental Rights Terminated	A430		METHOD TABLE 1				
	Legal Father's Rights Terminated	A431		METHOD TABLE 1				
	Putative Father #1 Rights Terminated	A433		METHOD TABLE 1				
	Putative Father #2 Rights Terminated	A434		METHOD TABLE 1				
	Child Completely Freed for Adoption	A499		(MM DD YY)	DATE JUDGE SIGNED ORDER	MOTHER METHOD	FATHER METHOD	OTHER METHOD
	Child Photo-Listing Request Sent	A500						
	Photo-Listing Waiver Requested	A510		REASON TABLE 2				
	Photo-Listing Requested	A520		REASON TABLE 3				
	Adoption Subsidy Requested	A530		CATEGORY OF CHILD TABLE 4	TYPE OF SUBSIDY TABLE 5			
	Approved Adoptive Home	A540						
	Child Placed in Adoptive Home	A550		TYPE OF HOME TABLE 6				
	Adoption Disrupted	A570		REASON TABLE 7				
	Family Given Permission to Adopt	A580						
	Petition for Legal Adoption Filed	A590		COURT CODE				
	Child was Legally Adopted	A599						

*CODES REQUIRED FOR NEW YORK CITY - OPTIONAL FOR OTHER ENTER DATE OF EVENT BEFORE APPROPRIATE EVENT.

TABLES ARE ON BACK OF FORM

WORKER'S NAME

DATE

** Enter A "C" if this is a correction of a previous activity transaction. Enter all data exactly as it was previously submitted, to "erase" the incorrect data. Then submit the correct transaction.

DATA Operator's Initials

DATE

This ADM advises local districts and voluntary child care agencies on new procedures initiated by the New York State Adoption Service (NYSAS) to bring agencies into proper compliance with SSL §372-c, requiring the photo-listing of all children who are freed for adoption but not placed in adoptive homes.

The ADM also tightens photo-listing procedures in anticipation of the full implementation of SSL §153-d, which requires the elimination of State and Federal funding for all children not properly registered with NYSAS.

Finally, agencies are informed that all future reporting to NYSAS will be done through the Child Care Review Service (CCRS), and that monitoring of adoption activities and photo-listing compliance will be done via CCRS, and most reporting directly to NYSAS will cease.

Assuming compliance, a one year reduction in average placement time for half of those children whose photo-listings would be added by compliance to this directive, the Foster Care Administration cost savings are estimated as follows:

Gross	Federal Share	State Share	Local Share
$840,000	$214,000	$313,000	$313,000