



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.: 84 ADM-7
 [Family & Children Services]

TO: Social Services Commissioners
 Voluntary Child Care Agencies

SUBJECT: Exceptions to Requirements for License and Certificate. Section 444.5(e) Department of Social Services Regulations.

DATE: February 28, 1984

SUGGESTED DISTRIBUTION: Social Services Districts
 Child Placement Agencies

CONTACT PERSON: Any questions about this release should be directed to Fred Cantlo, Regional Director, Metropolitan Regional Office, telephone 212-488-3485; John O'Connor, Regional Director, Eastern Regional Office, telephone 518-473-1095; Karen Schimke, Regional Director Buffalo Regional Office, telephone 716-883-4093; Linda Kurtz, Regional Director, Western Regional Office, telephone 716-454-4272.

I. PURPOSE

The purpose of this letter is to advise authorized agencies of new procedures for obtaining an exception to the Department's requirements for licensed or certified foster family boarding homes.

II. BACKGROUND

The requirements for licensing and certification represent basic standards that are intended to insure an adequate level of care for each child in need of placement with a substitute family. Authorized agencies are expected to be diligent and consistent as the standards are applied in evaluating prospective foster homes or homes seeking recertification. It is recognized that there

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
82-ADM-66		Part 444	SSL 375 376 377 378 379		

DSS-296 (REV. 8/82)

are homes in which exceptions to some requirements are necessary, consistent with the best interest of the child and to that end the Department promulgated subdivision (e) of Section of 444.5 of the Department's regulations which provides:

"Exceptions to the provisions of this Part, other than statutory requirements, may be proposed by an authorized agency when it determines that such exception is necessary to board a child, is in the best interest of the child to effect such boarding arrangement and is consistent with the health, safety and welfare of the child. Any exception, however, shall be tentative only and subject to review and ratification by the department. No boarding arrangement shall be made prior to such review. Upon such review, should it be determined that the exception is not necessary or in the best interest of the child to be boarded, upon notice thereof to the agency, the department shall disapprove the proposed arrangement. A report, with the reason for each such exception, shall be made by the agency upon forms prescribed by the department."

III. PROGRAM IMPLICATIONS

1. Limitations on requests for exceptions.

Exceptions may be considered to all requirements of Section 444.5 of the Department regulations other than the following:

444.5(b)(2) - Foster homes shall be in substantial compliance with all applicable provisions of state and local laws, ordinances, rules and regulations.

2. Criteria for evaluating requests for exceptions.

Requests for exceptions should clearly indicate with relevant details that:

(a) an exception would not jeopardize the health, safety, or well being of a child now in care or of any child whom the agency may be planning to place in the home during the next 12 months; and that

(b) without an exception -

(i) the implementation of a service plan for a child in placement or for a child whom the agency may be planning to place in the home would be prevented or delayed; and/or

(ii) there is a high probability that a child or children would have to be removed from a foster home in which the agency staff perceives the child or children to feel accepted or emotionally secure as

revealed in duly recorded reports of observed behavior and/or statements by either the child or foster parent to agency staff; and/or

- (iii) the child or children would be at risk of being subjected to the stress of separation and the loss of emotionally and psychologically significant relationships.

IV. REQUIRED ACTION

1. Agency workers seeking approval of an exception to the licensure and certification requirements of Part 444.5 shall be advised of the following procedure:
 - a. The agency worker shall prepare a written request for an exception which shall include a statement justifying the need for the exception consistent with the terms of Section 444.5(e); in an emergency a verbal request for an exception may be made through discussing the problem situation with regional office staff by telephone; an agency receiving verbal approval shall be required to submit a written request as specified in the following subparagraphs, b. and c.
 - b. The agency worker shall forward the request to the appropriate regional office responsible for administrative supervision of the agency.
 - c. Where the regional office indicates its written approval of the request the agency worker shall prepare the standard data entry forms, DSS-2843-A, which the agency forwards to the Department's Bureau of Services Information Systems (BSIS) Mezzanine Operations.

Note: The reasons an agency request is disapproved will be set forth in a written reply from the regional office responsible for promptly evaluating the request.
2. Foster parents shall be advised of these conditions when an exception is granted:
 - a. It may be rescinded if in the judgment of the Department or authorized agency it results in conditions that are contrary to the child's best interests.
 - b. The exception expires with annual certification. This means that if an exception is needed it will have to be requested at the time of the annual recertification.
3. Agency administrators shall make sure the foster care homefinding staff is informed of the procedures in this directive.

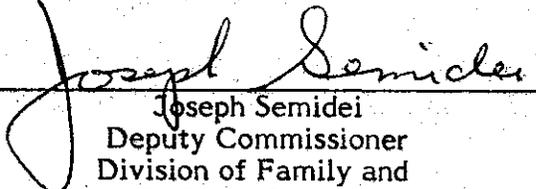
V. ADDITIONAL INFORMATION

A model for submitting an exception request to a regional office is attached (Appendix A).

This form should be submitted in duplicate. The regional office will keep one copy and return the other to the agency. The agency copy of the approval form should be attached to the data entry form, DSS-2843-A, that is sent to BSIS.

VI. EFFECTIVE DATE

The procedures described for requesting an exception to the requirements of Department Regulation 444.5 is effective March 1, 1984.



Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services

Attachment

APPENDIX A

EXCEPTION REQUEST FORM

DISTRICT/AGENCY _____ DATE _____

AGENCY WORKER _____ TITLE _____ PHONE _____

NAME/ADDRESS OF FOSTER FAMILY _____

INSTRUCTIONS: Indicate on line (a) the subject (age, health, employment, etc.) of the request and the corresponding paragraph number of the certification requirement(s) in Part 444.5 of Department Regulations for which an exception is being requested. Explain on line (b) the reason an exception is being requested. Line (c) is to be signed by the supervisor of the agency worker preparing the form.

(a) _____

(b) _____

(Attach Additional Pages If Necessary)

(c) _____

(Signature of Supervisor)

Regional Office Action: Approval _____ Disapproval _____

Comment: _____

Date: _____

Regional Office Representative

Telephone: _____

10/20/54

MEMORANDUM

TO : SAC, NEW YORK

FROM : SAC, PHOENIX

SUBJECT: [Illegible]

[Illegible text follows]

