

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.: 84 ADM-13  
 [Family & Children Services]

TO: Commissioners of Social Services  
 Executive Directors of Authorized Agencies

SUBJECT: Amendments to the Standards of Practice  
 for Adoption Services

DATE: April 17, 1984

SUGGESTED DISTRIBUTION: Child Welfare Staff  
 Adoption Personnel  
 Child Placement Agencies  
 Family and Youth Services Agencies

CONTACT PERSON: Any questions concerning this release should be directed to Hanna Grossman, Office of Program Planning at 1-800-342-3715, extension 488-4678 or 1-800-342-3715, extension 4-9603.

**I. Purpose:**

The purpose of this Administrative Directive is to advise local districts and authorized agencies of the filing of amendments to Departmental Regulation Part 421, The Standards of Practice for Adoption Services, and acceptable changes in practices relating thereto.

**II. Background:**

Section 372-e of the Social Services Law, enacted as part of the Child Welfare Reform Act of 1979, requires the Department to promulgate regulations setting forth standards and procedures for providing service to prospective adoptive parents. Part 421 of the Department's regulations was promulgated on September 30, 1981. It is a comprehensive regulation covering most aspects of adoption services. During the first year of operation under these regulations the Department identified several provisions which were unclear or did not control practices in the manner intended. These provisions have been amended as discussed below.

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
82-ADM-50		Part 421	SSL 372-b 372-d 372-e 409-e 409-f		

DSS-206 (REV. 8/82)

### III. Program Implications:

These amendments will permit a greater emphasis on meeting the needs of children awaiting placement and clarify provisions of the Standards of Practice established for Adoption Services. The content and purpose of the amendments to the Standards of Practice for Adoption Services are as follows:

1. The language in subdivision (b) of Section 421.4 concerning the confidentiality of certain personal information has been changed because the previous wording was not necessary. The confidentiality of adoption records is assured elsewhere in Sections 136 and 409-f of the Social Services Law, and 18 NYCRR 428.12 (a)(2). Additionally under Sections 409-e and 409-f of the Social Services Law and Departmental Regulation Part 428, where there is discussion with a parent about the surrender of a child who is in or subsequently enters foster care, this information is required to be made a part of the assessment of that child's situation. The wording of 421.4 (b) was in conflict with these provisions of law and regulations.
2. In order to maximize the opportunity for prospective adoptive applicants to enter the adoption application process, the Department promulgated Section 421.11 (h). That regulation required districts and agencies to "mail an adoption application within 30 days of the inquiry to persons who have inquired, been invited, but failed to attend an orientation session...". However, districts and agencies expressed concern that the effect of this section would be to generate many applications from persons interested primarily in adopting healthy white infants who would refuse to attend orientation sessions at which they would be exposed to information regarding the shortage of such infants and the characteristics of the waiting children. Because of concern that issuing applications to persons who did not understand and accept the need for priorities and the relative unavailability of health young children would be unnecessarily costly, the regulation was changed. As amended, subdivision (h) of 421.11 requires speedy and consistent outreach to a person who has inquired about adoption without requiring that such a person be given an application unless he/she presents himself for orientation.
3. The language change in subdivision (c) of Section 421.13 clarifies the requirement that third priority applicants must have action taken on their applications within 6 months of submitting a completed application; that action may be a rejection on a "no need" basis.

In addition, the change clarifies the fair hearings rights of a person whose adoption application has been denied or whose application has not been acted upon by a social services official within six months of its submission. The change also requires districts and agencies to issue a statement to applicants of their option to remain on a waiting list with a description of the procedures for exercising this option.

4. The Department has withdrawn its requirement that an applicant couple explore medically the belief that they are infertile. As amended, subdivision (f) of Section 421.16 requires agencies and districts to explore the significance of fertility and/or infertility as it relates to the desire to adopt, butn proof of infertility shall not be required.

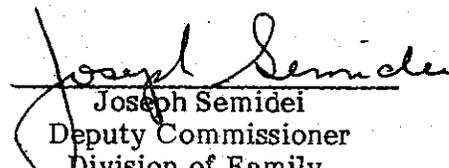
5. The Department has repealed 18 NYCRR 421.14 (d) which required that persons on a third priority waiting list be studied in the order in which they applied. Adoption home studies of persons on a third priority waiting list may now be initiated in any order taking into consideration the needs of children becoming available for adoption.

**IV. Required Action**

Authorized agencies should review their adoption practices in light of Part 421. Practice with regard to adoption inquiries should be examined and brought into conformity with Section 421.11, particularly subdivision (h).

**V. Effective Date:**

February 8, 1983.

  
Joseph Semidei  
Deputy Commissioner  
Division of Family  
and Children Services

Attachment

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), 372-b, 372-d and 372-e of the Social Services Law, I, Cesar A. Perales

Commissioner of Social Services, do hereby amend Sections 42L.4(b), 42L.11(h), 42L.13(c) and 42L.16(f), repeal Section 42L.14(d) and redesignate Section 42L.14(e), (f), (g) and (h) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective immediately upon filing with the Secretary of State.

Dated: FEB 8 1983

Signed: Cesar A. Perales  
Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on FEB 8 1983 which amends Sections 42L.4(b), 42L.11(h), 42L.13(c) and 42L.16(f), repeals Section 42L.14(d) and redesignates Section 42L.14(e), (f), (g) and (h) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on AUG 18 1982

Dated: FEB 8 1983

Signed: Cesar A. Perales  
Commissioner

Subdivision (b) of Section 421.4 is amended to read as follows:

(b) offer services with the recognition of each person's inherent dignity, integrity and right to privacy, and with the assurance that [discussion and exploration of personal problems shall be kept confidential within the] agency records will be kept confidential pursuant to the provisions of sections 136 and 409-f of the social services law;

Subdivision (h) of Section 421.11 is amended to read as follows:

(h) [mail an adoption application within 30 days of the receipt of the inquiry to persons who have inquired, been invited, but failed to attend an orientation session] within 5 days of an orientation session, contact persons who have inquired about adoption, been invited to such session, but failed to attend, invite them to another orientation session or, if they are unable to attend a scheduled orientation session, offer an individual orientation interview;

Subdivision (c) of Section 421.13 is amended to read as follows:

(c) [It shall be stated in writing that any delay beyond six months is based on lack of need and the person shall be notified of his rights to a fair hearing and his right to remain on a waiting list.] Third priority applicants shall be rejected on the basis of "no need" unless the agency is able to initiate the study promptly so that it will be able to complete it within 6 months of receipt of a

completed application. Any such rejection shall be accompanied by

(1) a statement of the fair hearing rights which are set forth in Sections 22 and 372-e of the social services law, and

(2) a statement that the applicant has the option of remaining on a waiting list with a description of the procedures for exercising this option.

Subdivision (d) of Section 421.14 is repealed and subdivisions (e), (f), (g) and (h) are designated subdivisions (d), (e), (f) and (g).

Subdivision (f) of Section 421.16 is amended to read as follows:

(f) Fertility. An adoptive applicant may not be rejected for adoption because of his, her or their fertility (capacity to have biological children). [An applicant couple who wish to adopt because of a belief that one or both of them are infertile shall be required to explore this belief medically, but shall not be required to provide proof of infertility.] The significance of fertility and/or infertility as it relates to the desire to adopt shall always be explored in the adoption process, but applicants shall not be required to provide proof of infertility.

(Deleted material [brackets]; new material underlined)