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Informational Letter

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| Transmittal: | 10-OCFS-INF-11 |
| To: | Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies |
| Issuing Division/Office: | Strategic Planning and Policy Development |
| Date: | November 8, 2010 |
| Subject: | Photos of Youth in Care |
| Suggested Distribution: | Directors of Social Services |
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| Attachments: | no |
| Attachment Available Online: | n/a |

Filing References:

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
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| | | | SSL §372 18 NYCRR 427.3(c)(2)(ii) 18NYCRR 428.8 18 NYCRR 431.8 | | |

I. Purpose

The purpose of this Informational Letter (INF) is to provide social services districts and voluntary authorized agencies with recommended guidelines for taking photographs (photos) of every child entering foster care. The guidelines include the periodic retaking of photos until the child's final discharge from foster care, and making the photos part of the child's case record. The Office of Children and Family Services (OCFS) recommends that every youth's case record contain an updated photo.

II. Background

The reasons for the collection and availability of the photos of children in foster care are many and varied. They include emergency situations where a foster child has been abducted and the use of the photo in an AMBER Alert. An AMBER Alert is an alert bulletin in several countries throughout the world, issued upon the suspected abduction of a child. AMBER is officially an acronym for "America's Missing: Broadcasting Emergency Response," but was originally named for Amber Hagerman, a 9-year-old child who was abducted and murdered in Arlington, Texas, in 1996. Information on the AMBER Alert system in New York can be found at: <http://amber.ny.gov/>.

In the event of activating the AMBER Alert system, providing an updated photo allows an immediate wide-range distribution and description of the impacted child.

An updated photo is also an important resource in cases where a foster child is absent without consent from foster care (AWOC). In cases where a foster child is AWOC, an updated photo is a useful tool in assisting in the child's location.

Photos have uses in relation to other official activities such as applications for college and the securing of official documents. Photos may be used in providing a face to a child who is before the court in a foster care proceeding. For many years, photos have been an integral component in the process of identifying potential adoption resources for children freed for adoption.

In addition to health and safety uses and other public purposes, taking of photos of foster children plays a role in chronicling a person's childhood. Photos have an important role in the development of the life book of children while in foster care. It is an invaluable resource in telling the life story of a child.

III. Program Implications

Guidelines for photos of children taken upon entering foster care, and updates:

- The photo should show the child as the only subject, and depict the child's face, head and shoulders. Full body images, images of the child with other persons, or blurry images are not acceptable. Other photos are acceptable for chronicling a child's life such as class or sibling photos; however, they are problematic for the official uses previously referred to in this INF.
- An updated photo should be taken at least once per year.
- It is recommended that photos be updated more often than once per year if necessary, based on the child's age, rate of development, and/or amount of change in facial features. During infancy, the photos are best taken quarterly, during the calendar year, due to the rate of development mentioned above. A possible reminder in regard to the timing of taking updated photographs may be the schedule for periodic medical examinations for the foster child.
- Portrait photos taken for school or some other function are acceptable for this purpose.
- The photo and updates should be maintained in the child's case record. The date each photo was taken should be included on the back of each photo. A progress note should be placed in CONNECTIONS indicating that the photo was taken/retaken and maintained in the external record. Another periodic photo taken of school-age foster children is the annual school picture. This picture is a valuable resource for the creation of the child's life book. Often multiple copies of the child's photo are available for sharing with the child and inclusion in the child's case record. School pictures and yearbook photos are special payments that are included in 18 NYCRR 427.3(c)(2)(ii), and are suitable and naturally update the child's record.

Benchmarks are flexible, and some agencies have already developed intervals and means of having these photos taken in a variety of ways. It is OCFS policy that the frequency of the taking of the photo is left to the discretion of the agency; however it is suggested that the guidelines outlined in this INF be used in establishing the agency's policy.

Agencies are reminded that photos of foster children maintained in the child's case record are subject to the same confidentiality limitations that exist for other client identifiable information.

It is possible that a parent or the child may object to the taking of a photo of the foster child. Such an objection may be presented on religious grounds. As noted above, OCFS is not mandating the taking of photos, although we strongly encourage it. OCFS recommends that where there is an objection to the taking of the photo of the foster child and that objection is based on the sincere religious beliefs of the parent who continues to have parental rights or the child, the agency honors the request for not taking the photo.

IV. System Implications

Currently CONNECTIONS does not have the capacity to maintain such photos.

/s/ Nancy W. Martinez

Issued By:

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