



Office of Children and Family Services

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Informational Letter

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To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development Child Welfare and Community Services
Date:	February 6, 2015
Subject:	Re-homing of Children
Suggested Distribution:	Directors of Social Services Adoption and Foster Care Supervisors Preventive Services Supervisors Child Protection Supervisors Home Finding Staff Planning Coordinators Staff Development Coordinators
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Attachments:	Yes - The following are attached: 1) Re-homing Desk Aid 2) Re-homing: What Parents Need to Know
Attachments Available Online:	No

Filing References:

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 421.8 & 430.9	SSL §374 SSL §374-a SSL §409-a		ACYF-CB- IM-14-02

I. Purpose

The purpose of this Informational Letter (INF) is to define and provide information to local departments of social services (LDSSs) and Voluntary Authorized Agencies (VAs) on the re-homing of children to non-relatives and how it intersects with child welfare. In addition, this INF makes recommendations on how to prevent re-homing and provides suggested steps when a re-homing case is identified.

II. Background

There is no statutory or regulatory definition of re-homing. However, for the purpose of this policy, re-homing means the non-temporary placement or replacement of a child, usually an adopted child, with informal caregivers who are not related to the child through blood, marriage or adoption. In these situations:

- the parent or guardian of the child knows little or nothing about the replacement caregiver; and
- a home study or court review is usually not completed prior to the placement.

Re-homing can occur in both adoptive and birth families, although most cases identified to date have involved children who have been internationally adopted. The re-homing cases of particular concern to the New York State Office of Children and Family Services (OCFS) involve placements where parents send their child to the home of a non-relative without appropriate background checks or supervision, and the placement is not intended to be a temporary one. These placements are often arranged by third party facilitators or through informal Internet communications. Generally, there is no screening of the new caregivers or home study performed. In addition, there is usually no court involvement prior to the new placement. In some cases, the child may have been relocated to multiple homes and across state lines, yet the out-of-state placement was not conducted according to the provisions of the Interstate Compact on the Placement of Children (ICPC). New York State is a member of the ICPC, which governs placements over state lines (SSL §374-a).

In 2013, Reuters published a series of articles on re-homing, *Reuters Investigates: The Child Exchange, Inside America's Underground Market for Adopted Children:*

<http://www.reuters.com/investigates/adoption/#article/part1>. This report found that there were several online entities or groups promoting the re-homing of adopted children. Many of the re-homing situations were a result of adoptive families being unable to meet the complex emotional and behavioral needs that their children exhibited post-adoption. These adoptive families report they turned to online forums to advertise and facilitate the placement of their children after trying to unsuccessfully reach out for assistance. The Reuters articles chronicled the stories of several children who were sent across state lines to multiple families in risky situations involving individuals with significant child abuse or criminal histories. Several of the scenarios involved cases where children who were re-homed were abused or placed in situations that appear to meet the definition for trafficking¹ (exploited for sex or labor) within the home to which they were re-homed.

There is an increased risk for the abuse, exploitation or trafficking of children who have been re-homed because there is no oversight over the placement and these children are extremely vulnerable.

In May 2014, the Administration for Children and Families (ACF) published an information memorandum on adoption re-homing for states (<http://www.acf.hhs.gov/programs/cb/resource/im1402>) that included the following guidance: "The Children's Bureau encourages states to review their laws and policies to ensure that the issues that arise through the practice of re-homing are adequately addressed and that supports are put in place to assist families, children and youth impacted by this practice." The federal guidance references the importance of services for adoptive families.

OCFS has established a workgroup to review laws, regulations and policies to determine what changes, if any, may be appropriate to address this issue through prevention and response.

III. Program Implications

Parents have a legal responsibility to protect and care for their children. In re-homing placements, the parent(s) delegates responsibility for the child to another individual often without appropriately vetting that individual, potentially creating risk to the child. Though there may be other reasons a family decides to receive a child through re-homing, it is reasonable to conclude that some of the individuals who use online sources to obtain a child, do so because they are unable to be certified or approved for care of the child through official means. This may be due to criminal or child abuse/neglect histories.

A. Intersection with Child Welfare

Cases of re-homing may come to the attention of child welfare workers in a number of ways. Accusations of abuse or maltreatment in the home to which the child was re-

¹ Definitions are found in Chapter 74 of the Laws of 2007. For more information on human trafficking, please see New York State Anti-Trafficking Statute ADM (09-OCFS-ADM-01).

homed may bring the situation to the attention of local Child Protective Services (CPS) based on a child abuse or maltreatment report made to the Statewide Central Register of Child Abuse and Maltreatment (SCR). For this reason, it is important for both OCFS SCR employees as well as LDSS CPS workers to understand what re-homing is and to be aware of the signs that a child may have been re-homed. OCFS will provide information to OCFS SCR staff on the issue of re-homing.

Children who have been re-homed may also come to the attention of LDSSs and VAs through child preventive services cases; foster care placements, including Persons In Need of Supervision (PINS) or Juvenile Delinquent (JD) placements; or stays in a Runaway and Homeless Youth (RHY) program. In addition, a child may be re-homed to a certified or approved foster or pre-adoptive home where a caseworker or home finder is involved with the family through other foster care or adoptive placements. OCFS regulation 18 NYCRR 443.3(b)(13) requires that certified and approved foster parents "inform the agency of any changes in marital status, family composition or number of persons residing in the home and any changes in the physical facilities comprising the foster home." For this reason, home finders and/or caseworkers should become aware if a new child who wasn't placed by the LDSS or VA enters the foster/adoptive home. The individuals involved in the types of services or placements listed above should also be aware of the signs that a child may have been re-homed.

Child welfare staff should be alert to potential signs that a child may have been re-homed. These include, but are not limited to, the following situations:

- The family the child is residing with cannot produce an order or other legal documentation showing adoption, guardianship or custody of the child.
- The family reports that they obtained the child from an online entity or group.
- The only document the family provides the LDSS related to the child is a power of attorney.
- The child is not attending school, or the family is not seeking medical attention for him/her, because the family was unable to provide legal documentation for the child.
- The child reports he/she was adopted by the family, but the family is known to CPS for reasons that would have likely disqualified them from becoming an approved adoptive home.
- The child reports living with multiple families or being adopted several times.
- The child appears confused about how he/she came to live with the current family.
- The child has moved multiple times, especially if across state lines.

In general, when caseworkers are working with a family, they should assess the legal relationships to the caretaker(s) of all children in the home, and if re-homing is suspected, documentation should be collected addressing legal authority of the caretaker(s) over the child. This practice should assist in identifying possible re-homing situations where the caretaker does not have official legal authority over the child.

If an LDSS or VA worker becomes aware that a child may have been re-homed, he/she should contact his/her OCFS Child Welfare and Community Services (CWCS) regional office with the facts and circumstances of the case, and information on any third-party facilitators involved. OCFS will provide technical assistance to districts and agencies with cases where re-homing is suspected to have occurred. This contact

will enable OCFS to get a sense of how often these cases are intersecting with child welfare. For cases involving placements across state lines, OCFS will review whether the placement was made appropriately through the ICPC. Social Services Law (SSL) sections 371(12) and 374(2) define what is placing out and who is authorized to place out children. SSL section 374(6) states that only authorized agencies may request, accept or receive compensation in connection with the placing out of a child. When OCFS becomes aware of entities that are involved in re-homing and are not authorized to place out children or accept compensation for placing out, OCFS can address those concerns with unauthorized re-homing facilitators and explore available legal remedies if appropriate.

Consistent with SSL section 413, if there is reasonable cause to suspect that a re-homed case involves the abuse or maltreatment of the child, the case **must** be called into the SCR.

Though LDSSs and VAs need to be alerted to potential re-homing situations, workers should not assume that a child who has been re-homed is in an unsafe home and must be removed. Workers need to carefully assess the placement to determine if there are safety concerns. The standard rules relating to the removal of a child from a parent or person legally responsible apply. Unless a child protection or criminal issue necessitates the removal of the child, he or she may be able to safely remain in the home while the re-homing situation is addressed.

In addition, it is important that adoption and home finding staff are knowledgeable about re-homing because they can provide information about re-homing to prospective adoptive families and current adoptive families. Adoptive families should strongly be encouraged to go through official channels to adopt children and not make informal arrangements with non-relatives outside of social services to obtain children.

A desk aid has been provided as an attachment to this INF for use by CPS and other child welfare workers who may come into contact with children who have been re-homed. In addition, an informational one-page summary has been provided as a model that may be used to inform adoptive families about re-homing.

B. Prevention of Re-Homing

Child Preventive Services

Parents having difficulty maintaining their child in their home may be eligible for child preventive services in accordance with 18 NYCRR Part 423 and section 430.9, thus preventing the re-homing of the child. Parents should be encouraged to avail themselves of child preventive services before considering placing their child, whether through a placement made via an LDSS, through a court process, or through the re-homing of a child to a non-relative as described in this INF. For more information about preventive services, please see the OCFS Web page found at: <http://ocfs.ny.gov/main/prevention/Default.asp>. Parents needing preventive services should reach out to the LDSS or child preventive services agency in their area to request services.

If child preventive services are unable to prevent the need for placement, a child may be temporarily placed into foster care or with a suitable relative or non-relative under court supervision.

Post-Adoption Support

In addition to child preventive services, post-adoption services may be available to meet the needs of families after an adoption. Section 372-b(1)(b) of the SSL requires LDSSs to provide, either directly or through purchase of service, adoption services, including post-adoption services, for each child in their care who is freed for adoption. We recommend that LDSSs and VAs let adoptive families know that asking for support post finalization is a sign of strength, not weakness. Available post-adoption services should be identified in each LDSS’s county plan. Workers should consult the county plan if they are uncertain of services available in their county to support the needs of their adoptive families. In addition, OCFS provides information on post-adoption services at http://ocfs.ny.gov/adopt/post_adoption/. A compendium of services by county is available at <http://ocfs.ny.gov/services/>.

Adoptive family support organizations provide referral information and support groups. Families can be encouraged to explore the assistance and support available from these groups. Information on these organizations, as well as other supportive resources for adoptive families, can be found on the OCFS website at http://ocfs.ny.gov/adopt/post_adoption/#ResourcesInformation. In some cases, adoptive families may choose to utilize family members to assist with caring for their children. OCFS would not consider assistance from family members to constitute re-homing.

The adoptive family has an obligation to provide for the care and protection of their child, as does a birth family. In accordance with state statute and regulation, the LDSS is responsible for working with the family to provide assistance and support as needed. The adoptive family should seek out assistance from the LDSS for support and assistance rather than re-homing the child and putting him or her at risk.

/s/ Thomas R. Brooks

Issued By:

Name: Thomas R. Brooks

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development

/s/ Laura M. Velez

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Name: Laura M. Velez

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Re-Homing Desk Aid

Re-homing is defined by the Office of Children and Family Services (OCFS) as the non-temporary placement or replacement of a child, usually an adopted child, with informal caregivers who are not related to the child or the parents through blood, marriage or adoption. In these situations:

- the parent or guardian of the child knows little or nothing about the replacement caregiver; and
- a home study or court review is usually not completed prior to the placement.

Re-homing can occur in both adoptive and birth families, though most cases identified have involved children adopted internationally. The cases of particular concern involve placements where parents send their child to a new home without appropriate background checks or supervision. These placements are often arranged by third-party facilitators or through informal Internet communications. In some cases, the child may have been relocated to multiple homes and/or across state lines without following the provisions of the Interstate Compact on the Placement of Children (ICPC).

Abuse or maltreatment occurring in the home to which the child was re-homed may bring the situation to the attention of local Child Protective Services based on a report made to the **Statewide Central Register (SCR) of Child Abuse and Maltreatment** as a child abuse or maltreatment report.

Children who have been re-homed may also come to the attention of LDSSs and VAs through child **preventive services cases; foster care placements, including Persons In Need of Supervision (PINS) or Juvenile Delinquent (JD) placements; or stays in a Runaway and Homeless Youth (RHY) shelter.**

Child welfare staff should be alert to potential signs that a child may have been re-homed. These include, but are not limited to:

- The family where the child resides cannot produce an order or other legal documentation showing adoption, guardianship or custody of the child.
- The family reports that they obtained the child from an online entity or group.
- The only child-related document that the family can provide to an LDSS is a power of attorney.
- The child is not attending school because the family is unable to provide legal documentation to enroll the child.
- The child reports that he/she has been adopted by the family, but the family is known to CPS for reasons that would have likely disqualified it from becoming an approved adoptive home.
- The child reports living with multiple families or being adopted several times.
- The child appears confused about how he or she came to live with the current family.
- The child has moved multiple times, especially across multiple states.

If an LDSS or VA worker becomes aware that a child has been re-homed, he/she should contact his/her OCFS Child Welfare and Community Services (CWCS) Regional Office.

RE-HOMING: WHAT PARENTS NEED TO KNOW

WHAT IS RE-HOMING?

Re-homing is defined by the Office of Children and Family Services (OCFS) as the non-temporary placement or replacement of a child, usually an adopted child, with informal caregivers who are not related to the child or the parents through blood, marriage or adoption. In these situations:

- the parent or guardian of the child knows little or nothing about the replacement caregiver; and
- a home study or court review is usually not completed prior to the placement.

Re-homing can occur in adoptive and birth families, although most identified cases have been of children adopted internationally. Circumstances where parents send their child to a new home without background checks or supervision are of concern. These placements are often arranged by third parties or through informal Internet communications (like message boards or Facebook pages) and in some cases, the child may have been sent to multiple homes and/or across state lines.

HOW DOES RE-HOMING PUT CHILDREN AT RISK?

All parents, including adoptive parents, have a legal responsibility to protect and care for their children. In re-homing placements, the parent is usually giving over responsibility for the child to another person without background checks or assessment of the home. There is an increased risk for children who have been re-homed to be abused, exploited or trafficked (exploited for sex or labor) because there is no one supervising the placement, and these children are extremely vulnerable. In addition, in some cases a person who uses online re-homing sources to obtain children may do so because they are unable to foster or adopt children through appropriate official means.

WHERE CAN ADOPTIVE PARENTS TURN WHEN THEY NEED HELP?

Meeting post-adoption needs is a way to prevent re-homing of children. Some places your family can turn to for assistance include:

- Your local department of social services for child preventive or post-adoption services, if available. You may also contact OCFS for information on available post-adoption services.
- Adoptive family support organizations. These organizations provide referral information and support groups.
- A responsible family member may be able to assist in short-term care.

If needed, you may be able to receive child preventive services through your local department of social services. In some cases, a child may be temporarily placed into care until he/she is ready to return home. Your local department of social services can assist with decision making and information in cases where temporary placement may be necessary.

Remember: Asking for support post-adoption is a sign of strength, not weakness.