



Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Informational Letter

Transmittal:	17-OCFS-INF-08
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Child Welfare and Community Services
Date:	November 7, 2017
Subject:	Updates to the Bill of Rights for Children and Youth in Foster Care
Suggested Distribution:	Directors of Social Services Voluntary Agency Program Directors Voluntary Agency Staff Foster Care Supervisors Staff Development Coordinators
Contact Person(s):	See Section VI Contacts
Attachments:	A. <i>My Rights in Foster Care: An Activity Book for Young Children in Care</i> (OCFS Pub-5180) B. <i>Mis derechos en cuidado de crianza temporal</i> (OCFS Pub-5180-S) C. Desk Aid: Step-by-Step Guidance on Distribution and Review of the Bill of Rights for Youth Age 14 and Older (OCFS Pub-5181)

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-18		18 NYCRR 428.6			Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)

I. Purpose

The purpose of this Informational Letter is to remind local departments of social services (LDSSs) and voluntary agencies (VAs) of the availability of *My Rights in Foster Care: An Activity Book for Young Children in Care* ([OCFS Pub-5180](#)) and to announce its availability in Spanish ([OCFS Pub-5180-S](#)); attachments A and B, respectively. The information in the book corresponds to the rights outlined in the *New York State Bill of Rights for Children and Youth in Foster Care* ([OCFS-2132](#)), also available in [Spanish](#), [Haitian Creole](#), [Italian](#),

[Korean](#), [Russian](#), and [traditional Chinese](#)). The purpose of *My Rights in Foster Care: An Activity Book for Young Children in Care* is to assist younger children in foster care in learning about their rights.

Older children in care (age 14 and above) must be given a copy of the entire Bill of Rights, have their rights explained to them, and sign the statement acknowledging receipt of the Bill of Rights.¹ This document is more appropriate for older youth and contains concepts difficult for younger children to readily understand.

II. Background

The Bill of Rights was initially released on December 30, 2014, by the New York State Office of Children and Family Services (OCFS), and was the result of collaboration between youth in foster care and OCFS.²

The provision of a Bill of Rights to all youth in foster care who attained the age of 14 became a statutory requirement on September 1, 2015, with the enactment of the federal Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183, hereinafter “the Act”). A corresponding amendment to New York State regulation³ was made to implement the Act’s Bill of Rights requirements. OCFS issued Administrative Directive 15-OCFS-ADM-18, *New York State Bill of Rights for Children and Youth in Foster Care*, on September 9, 2015. The policy provided direction to LDSSs and VAs on the implementation of the requirement. The content of the Bill of Rights was also amended from what was issued in 2014. The desk aid accompanying this policy, *Step-by-Step Guidance on Distribution and Review of the Bill of Rights for Youth Age 14 and Older* (Attachment C), includes an implementation plan for the Bill of Rights applicable to older youth in foster care.

Effective communication is crucial for establishing trust and building a successful relationship with youth in foster care.⁴ Written or visual tools can be especially helpful to young children, such as working with the youth to draft timelines or create “before” and “after” drawings. A concrete, play-based, trauma-sensitive approach allows children to explore and develop a clearer narrative as they are provided an explanation of the Bill of Rights. Activities in the booklet offer a helpful engagement tool to help children in foster care identify emotions, explore aspects of their personal lives that serve as coping mechanisms, and provide valuable resource information.

III. Program Implications

LDSSs and VAs should continue to promote the well-being of all children and youth in foster care by providing and explaining the Bill of Rights to all children ages 5-13 who are in foster care.

LDSSs and VAs are reminded of their legal obligation to provide youth age 14 and older in foster care with a copy of the OCFS issued Bill of Rights and sign an acknowledgement that they have received the document and have had their rights explained to them.⁵

¹ 15-OCFS-ADM-18, *New York State Bill of Rights for Children and Youth in Foster Care*.

² Ibid.

³ 18 NYCRR 428.6.

⁴ Reitman, Karen A., *Attorneys for Children Guide to Interviewing Clients: Integrating Trauma Informed Care and Solution Focused Strategies*, 2011.

⁵ 15-OCFS-ADM-18, *New York State Bill of Rights for Children and Youth in Foster Care*.

My Rights in Foster Care: An Activity Book for Young Children in Care was designed for caseworkers to use with children in foster care whose age or developmental level makes it difficult for them to understand the Bill of Rights. Caseworkers are strongly encouraged to sit with the child, assist the child in completing the booklet, and use it as a starting point to discussing rights with the youth. The caseworker may invite other adults involved in the child's life to participate with the child in completing the booklet, including foster parents or kinship caregiver.

IV. Contacts

Any questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

Buffalo Regional Office -Amanda Darling (716) 847-3145

Amanda.Darling@ocfs.ny.gov

Rochester Regional Office - Karen Lewter (585) 238-8201

Karen.Lewter@ocfs.ny.gov

Syracuse Regional Office - Sara Simon (315) 423-1200

Sara.Simon@ocfs.ny.gov

Albany Regional Office - John Lockwood (518) 486-7078

John.Lockwood@ocfs.ny.gov

Spring Valley Regional Office - Yolanda Désarmé (845) 708-2498

Yolanda.Desarme@ocfs.ny.gov

New York City Regional Office - Ronni Fuchs (212) 383-1788

Ronni.Fuchs@ocfs.ny.gov

Native American Services - Heather LaForme (716) 847-3123

Heather.LaForme@ocfs.ny.gov

Close to Home Oversight – Jewel Brown-Gregory (212) 383-1828

Jewel.Brown-Gregory@ocfs.ny.gov

/S/ Laura Velez

Issued By:

Laura Velez

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services