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The Preventing Sex Trafficking and Strengthening Families Act Implementation Q & A

January 2016

Office of Children and Family Services

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The Preventing Sex Trafficking and Strengthening Families Act

Sex Trafficking Identification & Response

Changes For Youth 14 and Older

Increasing Information on Children in Foster Care in Annual Reports Using AFCARS Data

Improvements to Adoption and Legal Guardianship Incentives Program

Locating and Responding to Children who are Absent, Missing or Abducted

Changes to Case Planning

Calculation and Usage of Savings from Adoption Delinking

Data Collection of Adoption and Legal Guardianship Disruption and Dissolution

Reasonable and Prudent Parent Standard

Changes to Transition Planning

Successor Guardian for KinGAP

Encouraging the Placement of Children in Foster Care with Siblings

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52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Administrative Directive

Transmittal:	15-OCFS-ADM-16
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 1, 2015
Subject:	**Requirements to Identify, Document, Report, and Provide Services to Child Sex Trafficking Victims**
Suggested Distribution:	Directors of Social Services Child Protective and Preventive Services Supervisors Child Welfare Supervisors Foster Care and Adoption Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
Contact Person(s):	See pages 11 and 12
Attachments:	• **Child Sex Trafficking Protocol Desk Aid** – Attached to the end of this ADM. Can be printed out separately to be used as a quick reference guide The following attachments can be accessed by clicking on their titles or by using the OCFS website links below: • OCFS-3920: Child Sex Trafficking Indicators Tool • OCFS-3921: Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim • OCFS-3922: Law Enforcement Report of a Child Sex Trafficking Victim Form All the forms listed above can also be accessed online at: OCFS intranet: http://ocfs.state.nyenet/admin/forms/Foster_Care/ OCFS Internet: http://ocfs.ny.gov/main/documents/forms.asp

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
09-OCFS-ADM-01 15-OCFS-INF-08		18 NYCRR 431.8(3)(iii)	22 U.S.C. §7102 42 U.S.C. §§671 – 679b		Preventing Sex Trafficking and Strengthening Families Act

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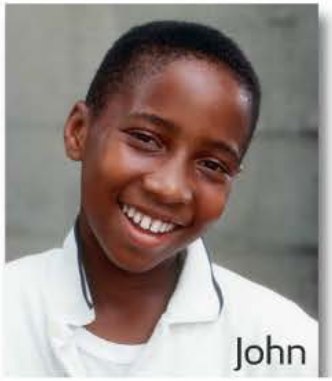
15-OCFS-ADM-16
Requirements to Identify Document, Report, and Provide Services to Child Sex Trafficking Victims



John is in the care, custody or supervision of an LDSS or OCFS.

Worker needs to determine if there is a "reasonable cause to believe" that John is a sex trafficking victim or is at-risk of being a victim.

Complete rapid screening ***OCFS-3921 The Rapid Indicator Tool to Identify Children Who May be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim***

If John has **ONE** or **MORE** indicators

If John has **NO** indicators

Complete comprehensive screening ***OCFS -3920 Child Sex Trafficking Indicators Tool*** within 30 days

If Medium or High level of indicators are found:
- Adjust John's services accordingly
- Continue to monitor case with periodic screenings (Due dates coincide with FASPs).

If No indicators are found:
- Continue to monitor case with periodic screenings (Due dates coincide with FASPs).

If John is found to be a sex trafficking victim, response protocol must be followed.

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Complete
rapid screening

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The Rapid Indicator Tool to Identify Children Who May be Sex Trafficking Victims or At Risk of Being a Sex Trafficking Victim

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If John has

NO

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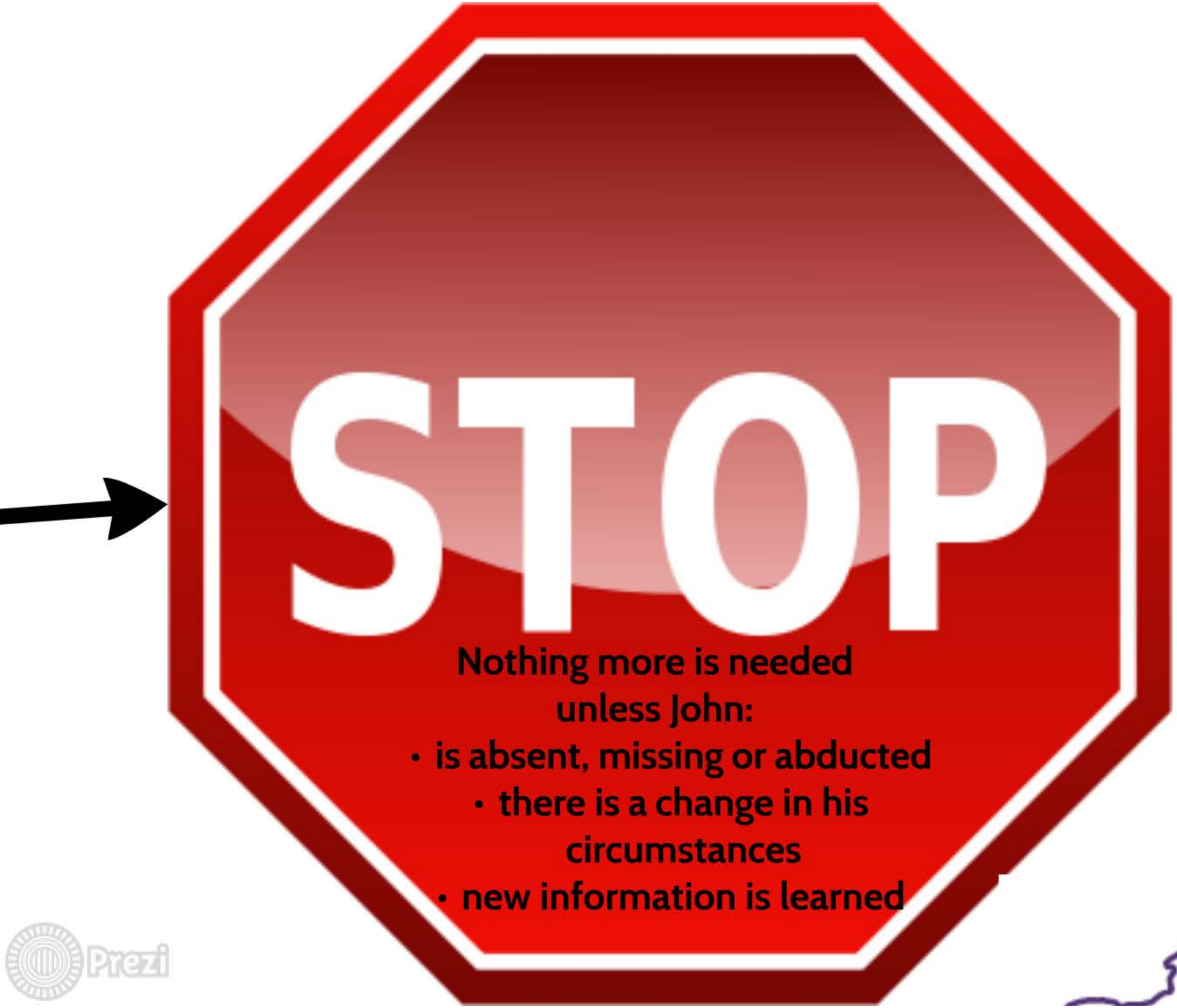
STOP
Nothing more is needed
unless John:
• is absent, missing or abducted
• there is a change in his
circumstances
• new information is learned

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If John has
ONE
or **MORE**
indicators

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Complete comprehensive screening

OCFS -3920

Child Sex Trafficking Indicators Tool

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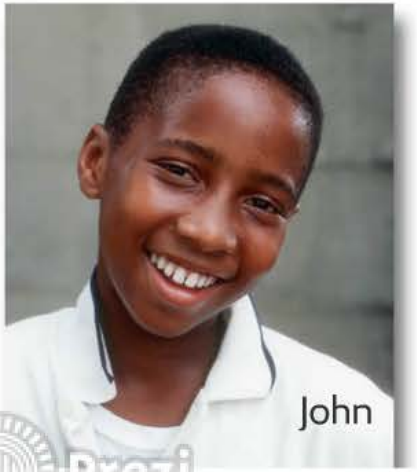
15-OCFS-ADM-16
Requirements to Identify Document, Report, and Provide Services to Child Sex Trafficking Victims

John is found to be a sex trafficking victim

The LDSS or VA worker will fax ***OCFS-3922 Law Enforcement Report of a Child Sex Trafficking Victim*** form to either: NYSIC or NYPD within 24 hours

The LDSS or VA worker will determine appropriate services for John.

If John is in a Safe Harbour county, it is recommended that the county work with their Safe Harbour leads on John's case.



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Frequently Asked Questions: Sex Trafficking Identification and Response Requirements

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RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Administrative Directive

Transmittal:	15-OCFS-ADM-21
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:	September 25, 2015
Subject:	**Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard**
Suggested Distribution:	Commissioners of Social Services Executive Directors of Voluntary Agencies Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators Youth Bureau Directors
Contact Person(s):	Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office - Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office - Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office - Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office - Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office - Yolanda Désarmé (845) 708-2499 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office - Raymond Toomer (212) 383-1808 Raymond.Toomer@ocfs.ny.gov Native American Services - Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
Attachments:	Attachment A: *Applying the Reasonable and Prudent Parent Standard: Gathering Information to Support Normative Experiences* Attachment B: *Applying the Reasonable and Prudent Parent Standard: Caregiver Considerations* Attachment C: *Applying the Reasonable and Prudent Parent Standard: "Know" Before You Say "No"*

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15-OCFS-ADM-21
Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard

Reasonable and Prudent Parent Standard is defined as:

"the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsiblity of a state (or LDSS/ACS in NY) to participate in extracurricular, enrichment, cultural, and social activities".

Referred to as "the standard"

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15-OCFS-ADM-21

Supporting Normative Experiences for Children, Youth and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard

Joe wants to participate in an activity.

Joe is in a foster home, therefore the foster parents are responsible for making that decision.

Sue is in a congregate care facility, therefore at least one designated staff member is responsible for making that decision.

Sue wants to participate in an activity

In either placement:

* Decisions should be made on a case-by-case basis with input from birth parents, if appropriate

*Some decisions require input from caseworker and other staff at the LDSS (e.g. if cost is a factor)

*Application of normative experiences must be documented in CONNECTIONS

*All foster parents and the designated congregate care staff member must be trained to apply the standard.

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Frequently Asked Questions: Reasonable and Prudent Parent Standard

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RENSSELAER, NY 12144

Sheila Poole
Acting Commissioner

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Transmittal:	15-OCFS-ADM-19
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 11, 2015
Subject:	**Planning for a Successful Adulthood: Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA) for Youth 16 Years of Age and Older**
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Child Welfare Supervisors Foster Care Supervisors CONNECTIONS Implementation Coordinators
Contact Person(s):	Any questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office-Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office-Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office-Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office-Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office-Yolanda Désarmé (845) 708-2498 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office-Raymond Toomer (212) 383-1788 Raymond.Toomer@ocfs.ny.gov Native American Services-Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
Attachments:	None

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15-OCFS-ADM-19

Planning for a Successful Adulthood: Another Planned Permanent Living Arangement with a Permanency Resource (APPLA) for Youth 16 Years of Age and Older

All youth under the age of 16, who prior to September 1, 2015 had the APPLA permanency goal must have his or her goal changed by the NEXT permanency hearing following September 1, 2015

As of September 1, 2015

No youth under the age of 16 are allowed to receive the permanency goal of APPLA

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15-OCFS-ADM-19

Planning for a Successful Adulthood: Another Planned Permanent Living Arangement with a Permanency Resource (APPLA) for Youth 16 Years of Age and Older

Sam is 16 years old and has a permanency goal of APPLA

At each permanency hearing for Sam:

- Workers must document efforts to locate Sam's family members utilizing search technology, including social media
- LDSS must demonstrate to the court that Sam has been supported to participate in normative experiences
- Workers must document efforts to return the child home or pursue another PPG and why alternate PPGs are not in child's best interest.

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Frequently Asked Questions: APPLA Changes

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Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

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Transmittal:	15-OCFS-ADM-22
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 28, 2015
Subject:	**Case Planning for Youth in Foster Care 14 Years of Age or Older**
Suggested Distribution:	Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
Contact Person(s):	Any questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office-Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office-Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office-Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office-Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office-Yolanda Désarmé (845) 708-2498 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office-Raymond Toomer (212) 383-1788 Raymond.Toomer@ocfs.ny.gov Native American Services-Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR §§428.3(i), 428.6(c), 428.9(b)(1), 430.12(c)(2)(i)	SSA §§475(1)(B), 475(1)(D), and 475(5)(C) FCA §§355.5, 756-a 1089		Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183)

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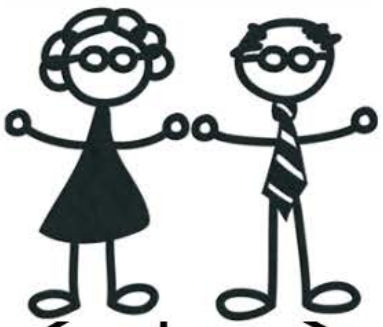
15-OCFS-ADM-22
Case Planning for Youth in Foster Care 14 Years of Age or Older

All youth in foster care, 14 years of age or older, have the option to identify up to two individuals to serve on his or her case planning team.



These individuals can **not** be the youth's:

- foster parents
- case manager
- case planner or
- caseworker

The youth can choose one of these individuals to be his or her advisor, to advocate with respect to the "standard".

The agency with case management may reject individual(s) selected by the youth ONLY if the agency has good cause to believe that the individual(s) would not act in the youth's best interests.

There is no age limit for these individuals and case managers may not reject individuals solely based on age.

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Frequently Asked Questions: Case Planning Changes

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52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Acting Commissioner

Administrative Directive

Transmittal:	15-OCFS-ADM-20
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 25, 2015
Subject:	**Transition Planning with Youth for a Successful Discharge**
Suggested Distribution:	Directors of Social Services Development Coordinators Foster Care Supervisors Foster Care Case Managers Foster Care Workers CONNECTIONS Implementation Coordinators
Contact Person(s):	Any questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office-Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office - Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office - Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office - Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office - Yolanda Désarmé (845) 708-2498 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office - Raymond Toomer (212) 383-1788 Raymond.Toomer@ocfs.ny.gov Native American Services - Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov
Attachments:	Attachment A: Desk Aid: Transition Plan Timeline Attachment B: *Guidelines on How to Complete the Transition Plan* (OCFS-4922) Attachment C: *Guidelines on How to Complete the Transition Plan Amendment for Youth Age 18-21* (OCFS-3917) The following forms are attached in "read only" format. To use these forms, access them by clicking below, or on the OCFS website: http://ocfs.ny.gov/main/documents/ Attachment D: OCFS-4922 - *Transition Plan Form* Attachment E: OCFS-3917 - *Transition Plan Amendment for Youth Age 18-21*

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15-OCFS-ADM-20
Transition Planning with Youth for a Successful Discharge

- Begin discussing and anwering questions on the *Transition Plan* (OCFS-4922) — Michelle is 17 1/2
- Review *Transition Plan* and **Complete**: 90-Day Transition Plan Update section (OCFS-4922) — 90 days prior to Michelle's 18th birthday
- If Michelle doesn't have one provide her with a copy of the completed *Transition Plan* (OCFS-4922) — 30 days prior to Michelle's 18th birthday
- Must have all essential documents collected to provide to Michelle at discharge — Michelle's 18th birthday
- Review *Transition Plan* and if changes are necessary Complete a new *Transition Plan Amendment for Youth Age 18-21* (OCFS-3917) — Beginning when Michelle is 18 1/2 and every 6 months thereafer while she remains in foster care

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Begin discussing and anwering questions on the *Transition Plan* (OCFS-4922)

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15-OCFS-ADM-20
Transition Planning with Youth for a Successful Discharge

When Peter entered foster care workers began collecting specific essential documents

If Peter turns 18 and has been in care for at least 6 months, at discharge he **MUST** be provided with:

- Original or certified copy of United States Birth Certificate, if eligible
- Social Security Card, if eligible
- Driver's license/Non Driver's ID
- Medical Records
- Health Insurance Information

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15-OCFS-ADM-20

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Sheila J. Poole
Acting Commissioner

Administrative Directive

Transmittal:	15-OCFS-ADM-15
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	August 27, 2015
Subject:	**Continuation of the Kinship Guardianship Assistance Program (KinGAP) to a Successor Guardian**
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Foster Care Supervisors Staff Development Coordinators CONNECTIONS Implementation Coordinators
Contact Person(s):	Questions concerning this release should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: Buffalo Regional Office- Dana Whitcomb (716) 847-3145 Dana.Whitcomb@ocfs.ny.gov Rochester Regional Office- Karen Buck (585) 238-8201 Karen.Buck@ocfs.ny.gov Syracuse Regional Office- Sara Simon (315) 423-1200 Sara.Simon@ocfs.ny.gov Albany Regional Office- Kerri Barber (518) 486-7078 Kerri.Barber@ocfs.ny.gov Spring Valley Regional Office- Yolanda Désarmé (845) 708-2499 Yolanda.Desarme@ocfs.ny.gov New York City Regional Office- Raymond Toomer (212) 383-1808 Raymond.Toomer@ocfs.ny.gov Native American Services- Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov In addition, questions may be emailed to ocfs.sm.sppd.KinGap.Help (through the global address list) or to KinGAPHelp@ocfs.ny.gov
Attachments:	1. **Kinship Guardianship Assistance Program (KinGAP) to a Successor Guardian Desk Aid** – This desk aid, attached to the end of this ADM, can be printed out separtately to be used as a quick reference. The following attachments can be accessed by clicking on their titles or by using the OCFS website links below: 2. Kinship Guardianship Assistance Program and Non-Recurring

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15-OCFS-ADM-15
Continuation of the Kinship Guardianship Assistance Program (KinGAP) to a Successor Guardian

KinGAP payments MUST continue to a successor guardian upon the death or incapacity of the original KinGAP relative guardian if:

- The prospective successor guardian is named in either the original KinGAP Agreement or an amendment to the original KinGAP Agreement PRIOR to the death or incapacitation of the relative guardian.
- The relative guardian of the child has died or is incapacitated to the extend he or she can no longer care for the child
- *OCFS-4410 Notification of Interest To Be An Approved Successor Guardian* formmust be completed and submitted to the LDSS.
- The successor guardian has been approved by the LDSS to receive KinGAP payments after:

  *National and state criminal history checks have been completed
  *A check has been made to the SCR
  *If the applicant resided in another state in the prior 5 years, a check of that state's SCR
  (*for anyone in the home over the age of 18)
- The successor guardian is appointed guardian by the court for the child.
- The successor guardian has assumed care of the child.

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Frequently Asked Questions: Successor Guardian For KinGAP

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References:

Stragegic Planning and Policy Development Web Page

http://ocfs.ny.gov/main/sppd/

- Timeline
- Presentation
- Policies
- FAQ

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Contacts

Sara Blake
Sara.Blake@ocfs.ny.gov
518-408-3011

Lynn Baniak
Lynn.Baniak@ocfs.ny.gov
518-474-9435

John Stupp
John.Stupp@ocfs.ny.gov
518-474-8490

Sonia Meyer
Sonia.Meyer@ocfs.ny.gov
518-408-3928

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