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

January 2016
The Preventing Sex Trafficking and Strengthening Families Act

- Sex Trafficking Identification & Response
- Changes For Youth 14 and Older
- Locating and Responding to Children who are Absent, Missing or Abducted
- Changes to Case Planning
- Calculation and Usage of Savings from Adoption Delinking
- Reasonable and Prudent Parent Standard
- Changes to Transition Planning
- Successor Guardian for KinGAP
- Increasing Information on Children in Foster Care in Annual Reports Using AFCARS Data
- Improvements to Adoption and Legal Guardianship Incentives Program
- Data Collection of Adoption and Legal Guardianship Disruption and Dissolution
- Encouraging the Placement of Children in Foster Care with Siblings
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://ocs.state.ny.us/admin/forms/Foster_Care/

Filing References

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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 NO indicators

STOP

If John has ONE or MORE indicators

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)

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

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.
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 NO indicators
Nothing more is needed unless John:

- is absent, missing or abducted
- there is a change in his circumstances
- new information is learned
If John has 
ONE 
or MORE 
indicators
Complete comprehensive screening
OCFS -3920
Child Sex Trafficking Indicators Tool within 30 days
If No indicators are found:

- Continue to monitor case with periodic screenings (Due dates coincide with FASPs).
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 John is found to be a sex trafficking victim, response protocol must be followed.
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

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

The LDSS or VA worker will determine appropriate services for John.
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.
Frequently Asked Questions: Sex Trafficking Identification and Response Requirements
# 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  
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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  
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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"
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 responsibility of a state (or LDSS/ACS in NY) to participate in extracurricular, enrichment, cultural, and social activities".

Referred to as "the standard"
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.
Joe wants to participate in an activity.
Joe is in a foster home, therefore the foster parents are responsible for making that decision.
Sue wants to participate in an activity
Sue is in a congregate care facility, therefore at least one designated staff member is responsible for making that decision.
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.
Frequently Asked Questions: Reasonable and Prudent Parent Standard
# Administrative Directive

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<td>To:</td>
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<td>Issuing Division/Office:</td>
<td>Strategic Planning and Policy Development</td>
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<td>Date:</td>
<td>September 11, 2015</td>
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<td>Subject:</td>
<td>Planning for a Successful Adulthood: Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA) for Youth 16 Years of Age and Older</td>
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<td>Suggested Distribution:</td>
<td>Directors of Social Services, Child Protective Services Supervisors, Child Welfare Supervisors, Foster Care Supervisors, CONNECTIONS Implementation Coordinators</td>
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<td>Contact Person(s):</td>
<td>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 <a href="mailto:Dana.Whitcomb@ocfs.ny.gov">Dana.Whitcomb@ocfs.ny.gov</a>, Rochester Regional Office-Karen Buck (585) 238-8201 <a href="mailto:Karen.Buck@ocfs.ny.gov">Karen.Buck@ocfs.ny.gov</a>, Syracuse Regional Office-Sara Simon (315) 423-1200 <a href="mailto:Sara.Simon@ocfs.ny.gov">Sara.Simon@ocfs.ny.gov</a>, Albany Regional Office-Kerri Barber (518) 486-7078 <a href="mailto:Kerri.Barber@ocfs.ny.gov">Kerri.Barber@ocfs.ny.gov</a>, Spring Valley Regional Office-Yolanda Désarmé (845) 708-2498 <a href="mailto:Yolanda.Desarme@ocfs.ny.gov">Yolanda.Desarme@ocfs.ny.gov</a>, New York City Regional Office-Raymond Toomer (212) 383-1788 <a href="mailto:Raymond.Toomer@ocfs.ny.gov">Raymond.Toomer@ocfs.ny.gov</a>, Native American Services-Heather LaForme (716) 847-3123 <a href="mailto:Heather.LaForme@ocfs.ny.gov">Heather.LaForme@ocfs.ny.gov</a></td>
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<td>Attachments:</td>
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15-OCFS-ADM-19
Planning for a Successful Adulthood: Another Planned Permanent Living Arrangement with a Permanency Resource (APPLA) for Youth 16 Years of Age and Older

As of September 1, 2015
No youth under the age of 16 are allowed to receive the permanency goal of APPLA

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
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.
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.
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.
Frequently Asked Questions: APPLA Changes
Administrative Directive

Transmittal: 15 OFCS 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:
- 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: Kent Barber (518) 486-7078 Kent.Barber@ocfs.ny.gov
- Spring Valley Regional Office: Yolanda Désarmé (845) 708-2488 Yolanda.Desarme@ocfs.ny.gov
- New York City Regional Office: Raymond Turner (212) 383-1768 Raymond.Turner@ocfs.ny.gov
- Native American Services: Heather LaForme (716) 847-3123 Heather.LaForme@ocfs.ny.gov

Attachments: None

Filing References

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<td>18 NYCRR §§428.3(c), 428.6(c), 428.9(b)(1), 430.12(c)(2)(i)</td>
<td>SSA §§475(1)(B), 475(1)(D), and 475(1)(C) FCA §§355.5, 756-a 1089</td>
<td>Prohibiting Sex Trafficking and Strengthening Families Act (F.L. 112-163)</td>
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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.
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.
Frequently Asked Questions:
Case Planning Changes
# 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](mailto:Dana.Whitcomb@ocfs.ny.gov)  
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  [Karen.Buck@ocfs.ny.gov](mailto:Karen.Buck@ocfs.ny.gov)  
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  [Yolanda.Dosarme@ocfs.ny.gov](mailto:Yolanda.Dosarme@ocfs.ny.gov)  
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- Native American Services - Heather LaForme (716) 847-3123  
  [Heather.LaForme@ocfs.ny.gov](mailto: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/](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](#)
15-OCFS-ADM-20
Transition Planning with Youth for a Successful Discharge

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

Review Transition Plan and Complete: 90-Day Transition Plan Update section (OCFS-4922)

If Michelle doesn't have one provide her with a copy of the completed Transition Plan (OCFS-4922)

Must have all essential documents collected to provide to Michelle at discharge

Review Transition Plan and if changes are necessary Complete a new Transition Plan Amendment for Youth Age 18-21 (OCFS-3917)

Michelle is 17 1/2

90 days prior to Michelle's 18th birthday

30 days prior to Michelle's 18th birthday

Michelle's 18th birthday

Beginning when Michelle is 18 1/2 and every 6 months thereafter while she remains in foster care
Begin discussing and answering questions on the *Transition Plan* (OCFS-4922)

Michelle is 17 1/2
Discussing transitions on the Transition Plan (OCFS-4922)

Review Transition Plan and Complete: 90-Day Transition Plan Update section (OCFS-4922)

If Michelle have one prepared with a copy complete Transition Plan Update (OCFS-4922)

Michelle

7 1/2

90 days prior to Michelle's 18th birthday

30 days prior to Michelle's 18th birthday
**Transition Plan Complete:**
[Transition Update section (FS-4922)]

**If Michelle doesn't have one provide her with a copy of the completed**
*Transition Plan* (OCFS-4922)

**Must have all essential documents collected to provide to Michelle at discharge:**

| Days to Michelle's 18th birthday | 30 days prior to Michelle's 18th birthday | Michelle's 18th birthday |
Michelle doesn't have a copy of the completed Transition Plan (OCFS-4922).

Must have all essential documents collected to provide to Michelle at discharge.

Review Transition Plan and if changes are necessary Complete Transition Plan Addendum for Youth Ages 18+ (OCFS-39-2).

30 days prior to Michelle's 18th birthday.

Beginning Michelle's 18th birthday every 6 months thereafter.
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 thereafter while she remains in foster care
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

Prezi
Office of Children and Family Services
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...
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
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
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  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.LeForme@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 separately 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
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:

1. 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.

2. The relative guardian of the child has died or is incapacitated to the extent he or she can no longer care for the child.

3. 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)

4. The successor guardian has assumed care of the child.

5. The successor guardian is appointed guardian by the court for the child.
15-OCFS-ADM-15

Transfer 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 extent he or she can no longer care for the child.
OCFS-4410
Notification of Interest To Be An Approved Successor Guardian form must 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.
Frequently Asked Questions: Successor Guardian For KinGAP
References:

Strategic Planning and Policy Development Web Page

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

- Timeline
- Presentation
- Policies
- FAQ
Contacts

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