

## Policies Related to Children of Deported/Detained Parents

### Placing Children with Relatives

#### **16-OCFS-ADM-10 Continuation of the Kinship Guardianship Assistance Program (KinGAP) to a Successor**

##### **Guardian**

The purpose of this New York State Office of Children and Family Services (OCFS) Administrative Directive (ADM) is to provide an update to the information that was provided in 15-OCFS-ADM-15 to address the implementation of a provision enacted by the federal Preventing Sex Trafficking and Strengthening Families Act (the Act) [P.L.113- 183]. This provision relates to the continuation of Kinship Guardianship Assistance Program (KinGAP) payments to a successor guardian if the original KinGAP relative guardian receiving KinGAP payments dies or is incapacitated.

#### **15-OCFS-ADM-01 Definition of Siblings and Expansion of the Relative Notification Requirements**

The purpose of this Administrative Directive (ADM) is to address implementation of provisions of the recently enacted federal Preventing Sex Trafficking and Strengthening Families Act (P.L.113-183) regarding the appropriate notification of relatives when a child is removed from his or her home. The policy also addresses an associated clarification of the definition of a sibling. This policy clarifies existing New York State standards for conformance with applicable federal requirements.

#### **11-OCFS-ADM-03 Kinship Guardianship Assistance Program (KinGAP)**

The purpose of this Administrative Directive (ADM) is to provide comprehensive information and guidance to social services districts and voluntary authorized agencies about the Kinship Guardianship Assistance Program (KinGAP). KinGAP is a new program in New York State which goes into effect on April 1, 2011. It is designed to provide a monthly payment and other benefits to qualified relative guardians of foster children who have been discharged from foster care.

#### **23-OCFS-INF-08 Updated Kinship Guardianship Assistance Program (KinGAP) Guide**

The purpose of this Informational Letter (INF) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) about the issuance of the revised Kinship Guardianship Assistance Program (KinGAP) Guide [KinGAP Guide] by the New York State Office of Children and Family Services (OCFS). This INF outlines the updates to the KinGAP Guide and includes a link to the KinGAP Guide on the OCFS website.

**10-OCFS-INF-03 *New Brochure: “Know Your Options: Relatives Caring for Children”***

The purpose of this Informational Letter is to advise Child Protective Services staff and other Child Welfare staff of a new publication that can be used to assist relatives who are considering caring for a child. Entitled “Know Your Options: Relatives Caring for Children,” this brochure is being made available as an additional tool to help relatives better understand their options in providing care to a child. The brochure provides a brief summary of these options, and as such can supplement the handbook “Having a Voice and a Choice: A Handbook for Relatives Raising Children.” The use of this brochure does not change the requirements for use of the Handbook as described in 09-OCFSADM-04 (“Handbook for Relatives Raising Children”).

**09-OCFS-ADM-05 *New Statutes Affecting Kinship Care: Chapters 404 and 519 of the Laws of 2008***

The purpose of this Administrative Directive (ADM) is to advise social services districts and voluntary authorized agencies about two new laws that relate to permanency and the appointment and legal rights of guardians and custodians. Chapter 404 of the Laws of 2008 clarifies the authority of persons appointed guardian or awarded legal custody of a child and creates a new legal status of “permanent guardianship” of a child, and Chapter 519 of the Laws of 2008 clarifies placement options available under Article 6 of the Family Court Act (FCA), in relation to Article 10 (abuse/neglect) proceedings.

**09-OCFS-ADM-04 *Handbook for Relatives Raising Children***

The purpose of this Administrative Directive (ADM) is to provide social services districts with information about a new Office of Children and Family Services (OCFS) / Office of Temporary and Disability Assistance (OTDA) jointly developed publication: “Having a Voice and a Choice: New York State Handbook for Relatives Raising Children.” This ADM further describes the requirements for distribution of this handbook to relatives considering caring for children who have been protectively removed, as well as in certain other circumstances.

**07-OCFS-INF-05 *NYS Kinship Navigator Program***

The purpose of this Informational Letter (INF) is to inform local departments of social services and voluntary authorized agencies of the availability of the New York State Kinship Navigator Program. Developed jointly by the Office of Children and Family Services (OCFS) and lead agency Rochester Catholic Family Center, the program is designed to creatively assist kinship caregivers and children in their care to gain access to information and community sort services. Any caregiver residing in any part of the state is able to utilize a toll-free phone line or website to identify kinship care related services in his/her home locale.

## Siblings

### [16-OCFS-ADM-18](#) Placement, Visitation, and Contact for Siblings in Foster Care

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary agencies (VAs) of the amendment to various provisions of the Family Court Act (FCA) and the Social Services Law (SSL) that pertain to contact and visitation between siblings (including half-siblings) when one or more of the siblings have been removed from their home.

### [10-OCFS-INF-07](#) Flexibility in Sleeping Arrangement Requirements for Sibling Foster Care Placements

The purpose of this Informational Letter (INF) is to advise local departments of social services (LDSS) and voluntary authorized agencies of newly promulgated amendments to 18 NYCRR 443.3 regarding certification and approval of foster family boarding homes. The regulatory amendments allow greater flexibility for the placement of sibling groups cared for in foster boarding homes. This INF provides guidelines to LDSSs and voluntary authorized agencies regarding increased flexibility of the sleeping arrangement requirements.

### [07-OCFS-INF-04](#) Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State

The purpose of this Informational Memorandum (INF) is to transmit to social services districts and voluntary authorized agencies a practice guidance paper, “Keeping Siblings Connected: A White Paper on Siblings in Foster Care and Adoptive Placements in New York State.” This paper, developed by the Office of Children & Family Services (OCFS) in conjunction with Welfare Research Incorporated (WRI), provides social services districts and voluntary authorized agencies with a framework for practice to strengthen sibling bonds for children placed in foster care or adoptive placement.

## Supporting Incarcerated Parents

### [16-OCFS-INF-03](#) Ashley’s Law Relating to Notification of Rules and Regulations of Correctional Facilities Concerning Visitors

The purpose of this Informational Letter (INF) is to inform local departments of social services (LDSSs) and voluntary agencies (VAs) of the enactment of Chapter 286 of the Laws of 2014 (“Ashley’s Law”), effective November 9, 2014. The law directs the commissioner of the New York State Department of Corrections and Community Supervision (DOCCS) to establish and maintain a public website that provides information concerning specific visitation rules, regulations, policies, schedules, and procedures for all DOCCS facilities. The New York State Office of Children and Family Services (OCFS) recommends that LDSS and VA caseworkers use the website as part of planning any visits for children with parents in DOCCS facilities.

**[13-OCFS-INF-07](#) Council on Children and Families New Website: Coordinating Council on Children with Incarcerated Parents**

The purpose of the Informational Letter is to inform districts and agencies of a new website developed by the Council on Children and Families (Council) devoted to children with incarcerated parents. This new website provides information and links to helpful materials that may assist with the development of an effective service plan for families with an incarcerated parent. The use of the website resources may also be a part of the social services district's diligent efforts to work with families with an incarcerated parent.

**[11-OCFS-ADM-7](#) Incarcerated Parents and Parents in Residential Substance Abuse Treatment with Children in Foster Care: Termination of Parental Rights and Other Issues**

The purpose of this Administrative Directive (ADM) is to inform social services districts (districts) and voluntary authorized agencies (agencies) of amendments to Social Services Law 384-b that increases additional considerations to the requirement that social services districts file petitions to terminate parental rights (TPR) when a child has been in foster care for 15 of the most recent 22 months. An exception to the requirement to file a TPR may apply to some parents who are currently incarcerated or in a residential substance abuse treatment program or to parents whose past term of incarceration or participation in a residential substance abuse treatment program was a significant factor in the child's remaining in foster care for 15 of the most recent 22 months. In such cases, before filing a TPR petition the agency must assess whether the parent maintains a meaningful role in the child's life and whether terminating the parent's rights is in the child's best interests. For purposes of this law, the term "incarceration" includes a parent's placement in Office of Children and Family Services' (OCFS) custody.

## **Destitute Child**

**[14-OCFS-LCM-16](#) *Medical Consents for Destitute Children***

The purpose of this Local Commissioners Memorandum (LCM) is to inform local departments of social services (LDSS) of the provisions of Chapter 279 of the Laws of 2014 that went into effect on August 11, 2014. This chapter law amends §383-b of the Social Services Law (SSL) to allow LDSS commissioners to consent to medical, dental, and health and hospital services on behalf of destitute children in their care and custody.

**[12-OCFS-ADM-08](#) *Destitute Child Placement Procedures and Guidelines***

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSS) and voluntary authorized agencies of the provisions of law that enacted a new Article 10-C of the Family Court Act (FCA) and amended Social Services Law (SSL) in relation to the definition

and procedures for destitute children. This ADM provides guidance to LDSSs and voluntary authorized agencies regarding the handling of destitute child cases.

## Special Immigrant Juvenile Status (SIJS)

### 11-OCFS-ADM-01 *Special Immigrant Juvenile Status (SIJS)*

The purpose of this Administrative Directive (ADM) is to remind local departments of social services (LDSSs) and voluntary authorized agencies (VAs) that Special Immigrant Juvenile Status (SIJS) eligibility must be assessed for youth in foster care who are neither U.S. citizens nor lawful permanent residents. If the youth is found to qualify for SIJS, this status should be pursued whenever appropriate. Since the application process for SIJS can be extremely lengthy, and must be completed before youth leave foster care, it is important to identify potentially eligible youth and refer them to an attorney with immigration expertise as soon as possible. It is especially important that older youth who qualify obtain this status prior to transitioning out of care. Through this ADM, the Office of Children and Family Services (OCFS) provides necessary information for child welfare agencies to move forward in identifying undocumented immigrant youth, informing them of SIJS, and referring them for assistance in applying for the status within the time frame needed to establish SIJS before discharge from foster care.

## Other

### 16-OCFS-INF-05 *Provision of Services to Persons with Limited English Proficiency (LEP)*

The purpose of this Informational Letter (INF) is to remind local departments of social services (LDSSs) of their ongoing obligation to provide meaningful access to services and programs to persons who are of limited English proficiency (LEP) through the provision of oral interpretation assistance and written translation services.

### 15-OCFS-INF-01 *Re-homing of Children*

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.

### 12-OCFS-INF-04 *Educational Stability of Foster Children: OCFS, State Education Department and NYS Uniform Court System Field Guidance*

The purpose of this Informational Letter (INF) is to provide information to child welfare staff of local departments of social services (LDSS) and voluntary agencies (VA), local educational and the judiciary about requirements related to the educational stability of foster children. This INF provides information about the significance of educational stability in the life of a foster child; detail the specific statutory requirements pertaining to educational stability; and address recommended implementation strategies for the child welfare agency, school district, and the court.

### **11-OCFS-INF-07 *Eligibility for Free School Meals – Foster Children & Children Placed by Court with Caretaker Households***

The purpose of this Informational Letter (INF) is to advise local departments of social services (LDSS) and voluntary authorized agencies (VA) of the new provisions enacted in the Healthy, Hunger-Free Kids Act of 2010. This act provides categorical eligibility for free meals for any foster child whose care and placement is the responsibility of the LDSS or who is placed by the court with a caretaker household and is attending a public school. This INF provides a suggested protocol which LDSS and VA should use to inform school districts of the names of foster care children in their care and custody or the names of children who are placed by the court with a caretaker household that is under their supervision or for whom they are paying kinship guardianship assistance (KinGAP).

### **09-OCFS-ADM-06 *Domestic Violence Services for Undocumented Persons***

The purpose of this Administrative Directive (ADM) is to inform local departments of social services (LDSS) and approved residential programs for victims of domestic violence regarding amendment to section 398-e of the Social Services Law (SSL) to provide that all aliens, including aliens without a satisfactory immigration status, are eligible for residential services for victims of domestic violence. Residential programs for victims of domestic violence are now entitled to be reimbursed by LDSS for the provision of residential services to victims of domestic violence who are undocumented or aliens without a satisfactory immigration status for cash assistance eligibility within the limitations otherwise set forth in OCFS regulations, 18 NYCRR Part 408 and 18 NYCRR § 452.9.

### **23-OCFS-INF-10 *Guidelines for Parent Advocate Programs***

The purpose of this informational letter (INF) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of guidelines for operating a Parent Advocate Program. Parent Advocate Programs operate with parent advocates who are defined as persons who have been previously recipients of child welfare services; who have successfully addressed the issues that brought the family to the attention of child welfare; who have been reunified with their children, if applicable; and who have subsequently been successfully trained as a parent advocate to work within the child welfare system. Such person is either an employee or under contract with an LDSS or VA.

### **08-OCFS-INF-13 *Family Assessment Response Cases***

The purpose of the Informational Letter is to inform local departments of social services (LDSSs)

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and voluntary agencies that are not currently participating in Child Protective Services (CPS) Family Assessment Response (FAR) how FAR cases will be displayed and treated within CONNECTIONS. Since a non-participating LDSS or agency may at some point possibly encounter some family members or have some responsibility for a case that has been (or is being) served through FAR, it is necessary for such LDSS or agency staff to have some basic familiarity with how FAR cases are going to be handled within CONNECTIONS.

### **23-OCFS-ADM-06 Providing Services to Children of Undocumented Immigrants**

The purpose of this Administrative Directive (ADM) is to remind local departments of social services (LDSSs) and voluntary authorized agencies (VAs) that no child who is a United States citizen or who is lawfully residing in the United States can be denied any social services for which the child is otherwise eligible because of the residency status of the child's parent(s) or custodial relative(s).<sup>1</sup> This ADM also reminds LDSSs and VAs that undocumented immigrants<sup>2</sup> who are receiving services may not be<sup>2</sup> reported to immigrant enforcement personnel unless otherwise required by law.<sup>3</sup> This ADM cancels and replaces 17-OCFS-ADM-06 that previously addressed this topic

### **23-OCFS-INF-08 Updated Kinship Guardianship Assistance Program (KinGAP) Guide**

The purpose of this Informational Letter (INF) is to notify local departments of social services (LDSSs) and voluntary authorized agencies (VAs) about the issuance of the revised Kinship Guardianship Assistance Program (KinGAP) Guide [KinGAP Guide] by the New York State Office of Children and Family Services (OCFS). This INF outlines the updates to the KinGAP Guide and includes a link to the KinGAP Guide on the OCFS website.

The above information is not legal advice. It is not a substitute for consulting an attorney. Up-to-date legal advice and legal information can only be obtained by consulting with an attorney. Any opinions, legal opinions, findings, conclusions or recommendations expressed in this publication or on the NYS Kinship Navigator website or by any person or entity to whom you may be referred are those of the Kinship Navigator, Catholic Charities Family and Community Services and/or the person or entity you are referred to and do not necessarily represent the official views, opinions, legal opinions or policy of the State of New York and/or the New York State Office of Children and Family Services (OCFS). NYS Kinship Navigator is a Catholic Charities Family and Community Services program, funded by the New York State Office of Children and Family Services. Catholic Charities Family and Community Services is the only agency authorized by New York State to provide a statewide information and referral service to kinship caregivers. The information herein is published by the NYS Kinship Navigator.