

City Of New York  
Administration for Children's Services

Guidance #2008/05

**Subject: Non-Discrimination – Youth and Families**

**APPROVED: John B. Mattingly** 

**DATE: June 20, 2008**

**PAGE: 1 of 2**

**IMPLEMENTATION RESPONSIBILITY:  
All Children's Services, Foster Care and  
Preventive Provider Agency Staff**

**PURPOSE:** Children's Services is committed to providing the highest quality of services to all children and families, regardless of their actual or perceived race, color, creed, age, national origin, alienage, citizenship status, gender, gender identity, sexual orientation, disability, marital status or partnership status, ethnicity, or religion. The purpose of this guidance is to clarify the types of discrimination that are prohibited under New York City and State law and to: 1) ensure that all qualified prospective foster or adoptive parents who wish to provide homes to children and youth in care have the opportunity to do so without discrimination, and 2) that all children and youth in care are provided with safe, healthy and accepting environments in which to grow and thrive without discrimination.

This document replaces the Children's Services memorandum entitled "Updated Non-Discriminatory Policy- Foster Children," November 16, 2004.

**SCOPE:** This guidance is effective immediately and applies to staff in Children's Services, foster care and preventive provider agencies.

**POLICY:** Children's Services' policy is not to discriminate based on an individual's actual or perceived race, color, creed, age, national origin, alienage, citizenship status, gender, gender identity, sexual orientation, disability, marital status or partnership status, ethnicity, or religion. Discrimination based upon the above factors may also constitute a violation of the New York City Human Rights Law<sup>1</sup>, as well as the New York State Human Rights Law<sup>2</sup>. Moreover, New York State Social Services regulations prohibit Children's Services or provider agency staff from establishing or applying any policy or practice which would have the effect of discriminating against an individual.<sup>3</sup> In addition, the regulations

<sup>1</sup> NYC Admin Code 8-101

<sup>2</sup> N.Y. Exec. Law 290 *et seq.*

<sup>3</sup> 18 NYCRR 303.1

prohibit any act by Children's Services or foster care agency staff that would be detrimental to any child.<sup>4</sup> For example, regulations bar the use of language or gestures which can cause emotional harm to children or behaving in a discriminatory manner towards children. Children's Services interprets such provisions in state regulations as prohibiting discrimination based upon the above classifications.

As professionals working to serve all children, as well as prospective foster or adoptive parents, Children's Services must provide our youth and families with safe, healthy, and non-discriminatory environments in which to grow and thrive. To achieve this, Children's Services must be sensitive to the reality that children and families and our prospective foster or adoptive applicants are from diverse cultures and backgrounds.

Children's Services and its provider agencies must provide services based on principles of sound professional practice and not based on societal, institutional, or personal prejudices. Children's Services must make every effort to provide the most appropriate and least restrictive foster care placements to children in our care or custody, use sound professional judgment when providing services to children and families, and provide an open and encouraging application process for prospective foster or adoptive parents. All Children's Services and provider agency facilities, services, placements, and programs must be provided free of discrimination and harassment, with our efforts focused on meeting the diverse needs of children and prospective foster or adoptive parents.

Children's Services and its provider agency partners must work together to make best efforts that all youth receiving services and prospective foster or adoptive applicants are not subject to discrimination of any kind, including harassment, taunting, excessive teasing, verbal abuse, threats or acts of violence. Children's Services and provider agency staff are required to investigate incidents that implicate Children's Services and provider agency staff and report all such incidents to their appropriate supervisor.

In addition to enforcing the principles of non-discrimination and equal treatment outlined above, Children's Services is continuing its efforts to strengthen training and services with respect to the particular issues that confront youth and prospective foster or adoptive applicants.

If you have any questions about this guidance, please contact Deborah C. Harte, Director Policy and Procedures at 212-341-2936.

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<sup>4</sup> 18 NYCRR 441.19 (c), (d)