

**City of New York
Administration for Children's Services**

Procedure #2010/07

ACS POLICY

SUBJECT: Foster Care Re-Entry

APPROVED: John B. Mattingly 

DATE: August 29, 2011 (FINAL) **PAGE:** 1 of 10 (1 Attachment)

IMPLEMENTATION RESPONSIBILITY:

Children's Services Divisions of: Child Protection, Family Court Legal Services, Family Permanency Services, Family Support Services and Foster Care and Preventive Provider Agencies.

PURPOSE: Young adults ages 18-20 who have been final discharged from foster care can find the transition difficult and confusing. In order for these young adults to receive the guidance and services they need to live independently, young adults 18-20 who have failed to consent to continuation of foster care placement (final discharge) in the last 24 months have the opportunity to be assessed as to whether foster care re-entry or preventive services are most appropriate to meet their needs. This procedure outlines the assessment process in making a determination of whether foster care re-entry or preventive services are most appropriate for these young adults and provides instructions as to how to proceed once a determination has been made.

This procedure is being re-issued to give guidance on foster care re-entry to both foster care and preventive service provider agencies and replaces existing Procedure 2010/07, Voluntary Replacements, Foster Care Re-Entry, December 3, 2010.

SCOPE: This policy applies to Children's Services Family Permanency Services (FPS), Family Support Services (FSS), Division of Child Protection (DCP), Family Court Legal Services (FCLS), Preventive Provider Agencies and Foster Care Provider Agencies. This policy also applies to young adults age 18-20, with or without their own children, who have been in the custody of the Commissioner of Children's Services; have been final discharged within the last 24 months from foster care as a result of not consenting to stay in foster care; have no reasonable alternative to foster care; and meet other specific criteria outlined in this procedure.

If you have any questions or comments regarding this procedure, please contact the Policies and Procedures Unit at 212-341-2858.

Table of Contents

POLICY:

I.	Overview: Re-Entry into Foster Care Placement	3
II.	The Foster Care Re-Entry Assessment Process.....	3-4
	a. Criteria for an Assessment for Preventive Services.....	3
	b. Criteria for an Assessment for Foster Care Re-Entry.....	3-4
III.	Provision of Preventive Services After Assessment.....	4
IV.	Foster Care Re-Entry After Assessment.....	4
V.	Youth on Trial Discharge.....	4-5

PROCEDURE:

I.	Methods of Foster Care Re-Entry Requests.....	5-7
	A. Request Made at Children's Center.....	5
	B. Request Made via the prior Foster Care Agency.....	5-6
	C. Request Made via a Preventive Agency	6
	D. Request Made via an attorney.....	6
	E. Request Made via FPS Shared Response Manager.....	6-7
II.	Social Work Conference	7
III.	Assessment Process	7-8
IV.	Determination.....	8-9
	A. Determination to Consent to Preventive Services.....	8-9
	B. Determination to Consent to Foster Care Re-Entry.....	9-10
	C. Determination Not to Consent to Re-Entry.....	10

Attachment: Notice of Right to Apply to Re-Enter Foster Care

POLICY:

I. Foster Care Re-Entry Overview:

In an effort to provide a smooth transition to adulthood with the maximum amount of resources and services, young adults ages 18-20 with or without children who have been final discharged from foster care within the last 24 months as a result of not consenting to stay in foster care; have no reasonable alternative to foster care; and meet certain other criteria, are eligible to request voluntary re-entry into foster care or to request appropriate preventive services.

Young adults must be notified of their right to foster care re-entry at their discharge conference. At the discharge conference, the case planner must give the youth written notification of the right to apply to re-enter foster care within 24 months after discharge or before the young adult's 21st birthday (see attachment). If the young adult does not attend their discharge conference, the case planner must mail the notice to the last known address of the young adult.

The young adult must also be advised that Children's Services consent to his/her re-entry to foster care will be determined after an assessment of specific criteria. This assessment includes determining whether or not preventive services are available to the young adult that may prevent foster care re-entry.

II. The Foster Care Re-Entry Assessment Process:

Young adults ages 18-20 seeking foster care replacement will be assessed to determine whether foster care replacement or preventive services best fit their needs.¹ When requesting foster care re-entry, if the young adult contacts their previous Foster Care agency, that agency will confirm the young adult's identity and discharge status and then complete the initial assessment using the criteria in (a) and (b) below. In addition, the foster care agency must contact the young adult's attorney and contact the FPS Shared Response Manager at 212-676-6714. If the young adult contacts either: their attorney, a Preventive agency, or ECS they (either the attorney, the Preventive agency, ECS) shall notify the Family Permanency Services Shared Response Manager at 212-676-6714 who will confirm the youth's identity and discharge status and will complete the initial assessment using the criteria in (a) and (b) below.

These young adults must meet the following criteria in order to be assessed for either Preventive Services or Foster Care re-entry:

a. Criteria for an Assessment for Preventive Services:

- Young adult must be seeking foster care re-entry;
- Young adult must be between ages 18-20;
- Young adult must have failed to consent to continuation of foster care placement;
- Young adult **must not have been** out of foster care more than 24 months after final discharge;
- Young adult can have OR not have his/her own children;

b. Criteria for an Assessment for Foster Care Re-Entry- Must meet criteria above in (a) **and** additionally:

- Young adult must not have a reasonable alternative to foster care;
- Young adult must agree to enroll in and attend an appropriate

¹ 11-OCFS-ADM 02 Re-Entry Into Foster Care by Former Foster Care Youth between the ages of 18-21.

educational/vocational program, unless evidence is submitted that such enrollment or attendance is unnecessary or inappropriate given the particular circumstances of the young adult;

- Children's Services and/or a Family Court judge must agree to the re-entry;
- The young adult has not been granted re-entry into foster care more than twice;
- Foster care re-entry is in the best interest of the young adult.

NOTE: A Family Court judge can order Children's Services to allow a young adult age 18-20 to re-enter foster care only if the court finds Children's Services has been "unreasonable" in its refusal to consent to allowing the young adult to re-enter foster care.

III. Provision of Preventive Services After Assessment:

If preventive services are provided to the young adult, the case will be considered a child welfare Preventive mandated case. In this instance, the Preventive agency will assume and maintain case planning responsibilities as they would for any child welfare Preventive mandated case including: completing data entry of all casework contact requirements and documentation of all case information in PROMIS and CNNX, as well as ongoing collateral contacts and coordination with the previous foster care agency. The previous foster care agency is required to provide supervision to the young adult until the youth reaches the age of 21.

When Preventive Services are used as an alternative to Foster Care replacement, as part of best case practice, it is recommended that the Foster Care and Preventive agency coordinate a case transition discussion to ensure continuity of services.

IV. Foster Care Re-Entry after Assessment:

If Foster Care Re-Entry is granted to the young adult, the FPS Shared Response Manager will notify the appropriate supervising FCLS attorney of the decision and re-open the case via completion and submission of form 2921 to the SSO unit. Case planning will be assigned to the previous Foster Care agency. For young adults reentering foster care, all regular foster care requirements that apply to youth under the age of 18 also apply to youth over the age of 18. In addition, the young adult must agree to enroll in and attend an appropriate educational or vocational program if appropriate.

V. Youth on Trial Discharge-

If a young adult seeks re-entry into foster care, depending on how the young adult requests re-entry, either the Office of Placement Services (OPA), the Foster Care agency, or the FPS Shared Response Manager will verify whether the young adult's status is in fact trial discharge to APPLA+. If the young adult has been trial discharged to APPLA+, the foster care agency case planner will immediately be alerted. The case planner must provide appropriate services, assess the permanency plan and determine if it is appropriate for the young adult to return to care from trial discharge or if there are additional services needed to achieve the previously developed permanency plan.²

Note that if the status is trial discharge, there is still a continuing legal placement in foster care. Thus, as necessary, the case planner must arrange for an immediate foster care setting for the young adult. This situation is in contrast to the young adult who seeks to re-enter foster care after a final discharge.

² For requirements relating to youth on trial discharge who become homeless, see 18 NYCRR 430.12(f)(4).

No motion or court order is needed to re-place a young adult who is on trial discharge. Provider agencies have the decision-making authority to determine the type of placement a young adult will have when s/he returns to care from a period of trial discharge. The case planner should inform the FCLS attorney when a young adult is re-placed from trial discharge.

As always, if there is an Order of the Court, it must be followed. For example, if the Order requires "immediate re-placement in the prior foster care setting," efforts must be made to re-place the young adult. If there are questions about the Order, FCLS must be consulted.

NOTE: A young adult cannot be on trial discharge status if he or she has turned 21 or if there has been a court order terminating foster care.

PROCEDURE for the Assessment to provide either Foster Care Re-Entry or Preventive Services:

I. Methods of Foster Care Re-Entry Requests- Young adults have several methods to seek Foster Care Re-Entry. For each method, specific procedures must be followed in order that the young adult's needs are addressed:

A. If a young adult appears at the Children's Center after business hours seeking re-entry into foster care:

When a young adult arrives at the Children's Center, after business hours, and says that he or she is a former foster youth seeking re-entry into care, DCP's Emergency Children's Services (ECS) will tell the youth to contact the FPS Shared Response Manager at 212-676-6714 on the morning of the next business day.

Again, as always, if there is an Order of the Court, it must be followed. For example, if the Order requires "immediate re-placement into foster care," efforts must be made to re-place the young adult. If there are questions about the Order, FCLS must be consulted. ECS must also determine if the youth is on trial discharge. If the youth is on trial discharge, ECS will immediately contact the youth's case planner to arrange for the youth's placement. If the youth is on final discharge, ECS will refer the youth to the FPS Shared Response Manager (see attachment) who will facilitate a social work conference (see procedure page 7)

NOTE: ECS will ask if the young adult can return to a previous housing arrangement and may advise the young adult to seek temporary emergency shelter, if a young adult evidently has no place to stay.

B. If a young adult contacts his or her Foster Care agency seeking re-entry into foster care:

When a young adult contacts his or her Foster Care agency and says that he or she is a former foster youth seeking re-entry into care, the Foster Care agency will confirm the identity and discharge status of the young adult. The Foster Care agency will obtain contact information for the young adult and will alert the FPS Shared Response Manager at 212-676-6714 and the FCLS Supervising Attorney for the borough in which the young adult's court case was last active, so that they are aware that the young adult

is seeking to re-enter foster care. The Foster Care agency will advise the young adult to contact the FPS Shared Response Manager (see attachment) on the morning of the next business day. The FPS Response Manager will facilitate a social work conference (see procedure section, page 7)

NOTE: The foster care agency will ask if the young adult can return to previous housing arrangement and may advise the young adult to go to Emergency Shelter to seek temporary shelter, if the young adult evidently has no place to stay.

C. If the young adult contacts a Preventive agency directly, the preventive agency is to notify the Family Permanency Services Shared Response Manager at 212-676-6714

D. If a young adult contacts his or her attorney concerning re-entry into foster care:

When a young adult contacts his/her attorney and seeks re-entry into care, Children's Services asks that the attorney refer the young adult to the FPS Shared Response Manager who will facilitate a social work conference (see procedure section, page 7).

As soon as anyone at a Foster Care agency or Children's Services learns that a young adult has contacted his or her attorney to seek re-entry to care, that person should alert the FPS Shared Response Manager (see attachment) and the FCLS Supervising Attorney for the borough in which the young adult's court case was last active.

E. If a young adult contacts the FPS Shared Response Manager seeking to re-enter foster care:

When a young adult contacts the FPS Shared Response Manager, and says that he or she is a former foster youth seeking re-entry into care, the FPS Shared Response Manager will do the following:

1. Confirm the young adult's identity and discharge status.

NOTE: If the youth does not have identification or the type of identification that is required, there needs to be a discussion with the youth – as opposed to an outright rejection. The youth's prior provider agency may need to be contacted if a question concerning identity is raised.

2. Alert the FCLS Supervising Attorney for the borough in which the young adult's court case was last active and inform them that the young adult is seeking re-entry into foster care. The Supervising Attorney or their designee will assign the matter to an attorney.

3. Determine whether the young adult's previous discharge from foster care was due to a failure to consent to continuation of placement.

4. Determine whether the young adult's (first) final discharge occurred within the last 24 months. (Also determine whether the young adult has already once previously returned to foster care per court order).

5. Determine whether the young adult is less than 21 years old.

6. FPS will facilitate a social work conference to address presenting issues that led the young adult to request foster care re-entry and invite previous case planning agency staff, family members, friends, committed adult resources, mentors, and other resources identified by the young adult.

II. Social Work Conference:

When a young adult is seeking foster care re-entry, Family Permanency Services (FPS) will facilitate a social work conference to address the issue(s) that led the young adult to request foster care re-entry and invite previous case planning agency staff, family members, friends, committed adult resources, mentors, and other resources identified by the young adult, including any previous preventive provider agencies that provided preventive services to the young adult. At the conference, FPS will:

- Assess whether there is a reasonable alternative to foster care, including preventive services;
- Assess whether re-entry into foster care is in the young adult's best interests, and if re-entry into foster care is in the best interest of the child, FPS will:
- Determine whether the young adult is consenting to enrollment in and attendance at a vocational or educational program, as appropriate. (Also, if this young adult has already re-entered foster care in the past, determine whether the young adult complied with previous orders of the Court, including participation in an appropriate educational or vocational program, if applicable.)

NOTE: This is a social work conference: attorneys will not participate in this conference.

III. Assessment Process:

Children's Services will make a decision on a young adult's request to re-enter foster care within five (5) business days of the request being received. Below are factors to consider when making the determination:

1. IS THERE A REASONABLE ALTERNATIVE TO FOSTER CARE?

Children's Services should consider its obligations to prevent re-placement:

- A. Children's Services and/or its contracted providers should attempt to contact all resources identified by the young adult or in the prior case record if available, to ascertain if any of the resources could provide services or resources to prevent foster care re-entry.
- B. Has an attempt has been made to locate adequate alternative living arrangements with a relative; family friend; caring committed adult resource which would enable the young adult to avoid foster care re-placement?
- C. Can Children's Services and/or its contracted provider agencies provide any assistance, community referrals or services-including preventive services-that would prevent the need for re-entry into foster care?
- D. Possible other alternatives to foster care should be addressed at a conference with the young adult. Children's Services and its contracted provider agencies should consider whether any of the following services could prevent re-placement. This includes but is not limited to:

- Educational counseling and training
- Vocational training
- Employment counseling
- Therapeutic and preventive medical care and treatment
- Housing services

2. IS RE-ENTRY IN THE BEST INTERESTS OF THE YOUNG ADULT?

This is a social work assessment. The agency should consider the current circumstances of the young adult and weigh them against what benefits the young adult would receive in foster care.

3. IS THE YOUNG ADULT CONSENTING TO ENROLL IN AND ATTEND AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM?

OR

IS THIS PROGRAM UNNECESSARY OR INAPPROPRIATE GIVEN THE YOUNG ADULT'S PARTICULAR CIRCUMSTANCES?

If this program is unnecessary or inappropriate, document why.

4. IF THE YOUNG ADULT HAS ALREADY RE-ENTERED FOSTER CARE ONCE THE AGENCY SHOULD ALSO CONSIDER:

- Is there a compelling reason for the young adult to return to foster care?
- What was the young adult's engagement with the agency and services/programs during the previous placement?

IV. Determination:

A. Determination to Offer Preventive Services-

If the determination has been made to offer Preventive Services instead of Foster Care re-entry, the FPS Shared Response Manager will:

- Inform the appropriate Supervising FCLS attorney, in writing, that the young adult has agreed to preventive services instead of foster care re-entry;
- Follow the steps in section C, page 10 since the decision to offer preventive services constitutes a denial of consent to foster care re-entry.

NOTE: If the court disagrees with Children's Services and orders that the young adult should re-enter foster care, FCLS will determine whether or not to appeal.

1. Case Responsibilities-

a. The Foster Care agency that last had case planning will:

- Make a referral to a preventive agency so that the youth can engage in preventive services
- Provide supervision to the youth until the youth is 21.

b. The Preventive agency that has been assigned case planning will:

- Enter the foster care re-entry into PROMIS, choosing Foster Care Re-Entry as the referral source.

- Maintain casework responsibilities as they would for any child welfare general preventive mandated case, including:
 - Opening an FSI for the case,
 - Choosing program choice of preventive mandated,
 - Choosing permanency planning goal of preventing foster care replacement,
 - Completing documentation in CNNX,
 - Complete required general preventive casework contacts
 - Hold any required conferences

NOTE: The case should be opened in the name of the youth seeking services.

c. Closing the case-

To close the case, the Preventive agency that has case planning will:

- Hold a service termination conference with, at a minimum, the youth, and previous Foster Care provider that had case planning
- Document in CNNX that the service termination conference has occurred before entering the closing request in PROMIS
- Continue with all case closing requirements for preventive cases

NOTE- If Preventive agency staff determine that the youth is no longer engaged in the preventive services to which he or she was offered, a discussion should be held between the Preventive provider, the previous Foster Care agency that is providing supervision until 21 and, where possible, the youth to address the youth's non-compliance and explore alternatives. If the youth does not attend the conference, then the Preventive provider, in collaboration with the previous Foster Care agency that is providing supervision until 21 shall make an effort to re-engage the youth in Preventive Services.

B. Determination to Consent to Foster Care Re-Entry:

If the determination has been made to consent to foster care re-entry the FPS Shared Response Manager will:

- Notify the appropriate supervising FCLS attorney of the determination. The FCLS attorney will work with the FPS Shared Response Manager and the foster care agency, if any, designated by the FPS Shared Response Manager, to file a motion, by Order to Show Cause, to return the young adult to foster care.
- Re-open via the Completion and submission of form 2921 to SSO (A modified form 2921 will be used specifically for these cases). Case will be identified as a Re-Entry to foster care.
- Have planning assigned to the previous foster care agency that will be responsible for identifying placement for the young adult..
- If placement is not available within the agency a placement request should be made through OPA.
- Foster care case planners must complete all required case planning activities including minimally required casework contacts for children residing in care.³

³ See Children's Services Guidance # 2007/02, "Revised Casework Contacts for Families with Children in Foster Care" (3/30/10) and accompanying chart".

- For youth attending school, foster care agency staff must ensure regular attendance and adequate progress in school is documented.
- For youth engaged in a vocational program, foster care agency staff must ensure regular attendance and adequate progress in program is documented.
- If foster care agency staff determine that youth is no longer engaged and attending a school/vocational program in which they consented to attend, a planning conference should be held to address why the youth is not complying with service program and discuss alternatives.

NOTE: If the youth re-enters foster care, this law requires that all regular foster care requirements that apply to youth under the age of 18 also apply to youth over the age of 18. This includes but is not limited to: making the necessary case work contacts with the child, parents or relatives, and caretaker,⁴ providing comprehensive medical and health services,⁵ and making assessments for parental support.⁶

The permanency hearing requirements for former foster care youth re-entering care are the same as for all foster care youth. After granting the motion to return a youth to foster care, the court will set a date for a permanency hearing no later than thirty days after the hearing in which the motion was granted.

C. Determination of Children's Services Not to Consent to Foster Care Re-Entry :

1. If the determination has been made by Children's Services not to consent to foster care re-entry, the FPS Shared Response Manager will:
 - Inform the young adult that there is a reasonable alternative to foster care or other reason that the young adult should not re-enter foster care, and
 - Inform the appropriate supervising FCLS attorney, in writing, of the reasons Children's Services does not agree with the young adult re-entering foster care.
2. The court is required by the statute to find that Children's Services' refusal to allow a young adult to re-enter foster care is unreasonable if the following three criteria are met⁷:
 - The youth has no reasonable alternative to foster care;
 - The youth consents to enrollment in and attendance at an appropriate educational or vocational program, unless the court finds a compelling reason that such enrollment and attendance is unnecessary or inappropriate, given the particular circumstances of the youth; and
 - Re-entry into foster care is in the best interests of the former foster youth.

⁴ 18 NYCRR 441.21 Casework Contacts

⁵ 18 NYCRR 441.22 Health and Medical Services

⁶ 18 NYCRR 422 Parental Support of Children Receiving Foster Care

⁷ Laws of 2010, ch.342

ATTACHMENT
NOTICE OF RIGHT TO APPLY TO RE-ENTER FOSTER CARE

IF YOU WERE DISCHARGED FROM FOSTER CARE BECAUSE YOU DID NOT CONSENT TO REMAIN:

YOU MAY APPLY TO THE COURT TO RE-ENTER FOSTER CARE AFTER YOUR FINAL DISCHARGE DATE.

YOU MUST APPLY WITHIN 2 YEARS OF YOUR FINAL DISCHARGE DATE AND BEFORE YOU TURN 21 YEARS OLD.

YOU MAY ONLY RE-ENTER FOSTER CARE IF YOU HAVE NO REASONABLE ALTERNATIVE TO FOSTER CARE AND IF YOU CONSENT TO ENROLL IN AND ATTEND AN APPROPRIATE EDUCATIONAL OR VOCATIONAL PROGRAM UNLESS ENROLLMENT OR ATTENDANCE IS UNNECESSARY OR INAPPROPRIATE GIVEN YOUR PARTICULAR CIRCUMSTANCES.

IF YOU WANT TO REQUEST TO RE-ENTER FOSTER CARE PLEASE CONTACT:
FAMILY PERMANENCY SERVICES, OFFICE OF SHARED RESPONSE

TEL. (212) 676-6714 or (212) 676-6630
EMAIL: shared.response@dfa.state.ny.us

Please print

YOUTH'S NAME:

YOUTH'S D.O.B.:

DISCHARGE ADDRESS:

TEL./CELL #:

RESOURCE CONTACT INFORMATION:

DATE OF FINAL DISCHARGE CONFERENCE:

DATE OF FINAL DISCHARGE:

AGENCY:

CASE PLANNER PROVIDING THIS NOTICE:

CASE PLANNER TEL. #:

YOUTH'S ATTORNEY

YOUTH'S ATTORNEY CONTACT
INFORMATION

YOUTH SIGNATURE:

CASE PLANNER SIGNATURE:

A COPY OF THIS NOTICE MUST BE MAINTAINED IN THE CASE RECORD AND NOTED IN CONNECTIONS