

# NOTICE OF RIGHTS

## IMPORTANT INFORMATION FOR RELATIVES AND ALL GRANDPARENTS OF CHILDREN WHO HAVE BEEN REMOVED FROM THEIR PARENT(S) OR GUARDIAN(S) OR WHO ARE BEING PLACED THROUGH A VOLUNTARY PLACEMENT AGREEMENT

Child's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Case Number: \_\_\_\_\_ Case Name: \_\_\_\_\_

Mother's Name: \_\_\_\_\_ Father's Name: \_\_\_\_\_

Dear Relative:

\_\_\_\_\_ has been or is about to be removed from his or her home, and is being placed into  
(child's name)  
foster care with the New York City Administration for Children's Services (Children's Services). This foster care placement is occurring because: (circle the procedure that applies)

- Children's Services asked for custody or the court ordered placement of the child as a result of child protective investigation, according to NYS Family Court Act Article 10; or
- The child's parent/guardian/caregiver voluntarily placed the child into foster care under NYS Social Services Law Sections 358-a and 384-a.

As the child's grandparent or relative, you have the right to know about the court proceedings or administrative procedures listed below. These are legal proceedings at which the Family Court will make decisions regarding how the child will be cared for and who will have custody of the child until such time as it may be safe for him/her to return to her parents/guardians.

**Protective Custody/Court-Ordered Placement**

Date of Removal \_\_\_\_\_  
Family Court Docket Number \_\_\_\_\_  
Next Article 10 Hearing Date \_\_\_\_\_

**Voluntary Placement Agreement**

Date Voluntary Placement Agreement signed \_\_\_\_\_  
Date of Family Court 358-a Hearing \_\_\_\_\_

If you are interested, you could have the opportunity to seek custody and care of the child through one of the following arrangements:

- by becoming the child's foster parent;
- taking responsibility for the child without foster care payment under a "direct placement" to you;
- asking for custody of the child, or;
- asking for guardianship.

Each of these options is different. For example, one would allow you to be paid a foster parent stipend; others would not. Some would require the child welfare system to monitor your home, but others would not. Enclosed with this letter is some more information that explains what each of these options means.

If you are not interested in caring for the child, you do not have to respond to this letter. If you do want to have the child in your care or custody using any of these options, you should respond to this notice as quickly as



possible by calling or writing to the caseworker whose name is listed below. If you do not respond to this notification in a timely manner, you may lose the opportunity in the future to pursue some or all of the options.

You should explore all your options carefully before making a decision. Whichever option you choose, the final decision concerning the child's status will be made by the Family Court. You should also know that Children's Services' may ask the Family Court for a different option than the one you want.

Caseworker's Name: \_\_\_\_\_ Unit Number: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**This Notice was hand delivered or mailed to the child's:**

NAME: Grandparent: \_\_\_\_\_ Relative: \_\_\_\_\_

Date Notice mailed or provided to Relative or Grandparent: \_\_\_\_\_

**A copy of the Notice mailed or provided to the Relative or Grandparent must be filed in the case record.**

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**RELATIVES SEEKING TO CARE FOR A FOSTER CHILD – WHAT ARE MY OPTIONS?**

**Becoming a Foster Parent**

***What does this mean for the child?***

This means that the child would enter foster care. When children are in foster care, the parent temporarily loses custody of the child, but is expected to work with a foster care agency so that the child can be returned to the parent once it is safe to do so. During the time in foster care, the child is in the legal custody of Children's Services, even though he or she lives with a foster parent. As a foster parent, you would be able to make routine day-to-day decisions but you would need the parent or foster care agency's consent for certain decisions, such as medical treatment. A caseworker would help you to make decisions and get consent from the parent when it is needed.

If the child reaches a point where he/she has been in foster care for 15 of the most recent 22 months, the foster care agency may be required by law to ask the Family Court to terminate the rights of the parent. (In certain cases, the petition may be filed before the end of the 15 month period.) If the Family Court agrees to terminate the parent's rights, then the child may be adopted. At that point, you may have the option of adopting the child.

In addition, if compelling reasons exist for determining that both the return home of the child and the adoption of the child are not in the best interests of the child and are therefore not appropriate permanency options for the child, you may be eligible, if certain additional criteria are met, to receive kinship guardianship assistance if you become the legal guardian for the child.

**What would be required of me as a foster parent?**

As a foster parent you would

- Receive a monthly stipend to cover the cost of caring for the child. The amount of the stipend depends on the age of the child and whether or not the child has special needs.
- Be required to complete ongoing training and would have to agree to uphold New York State standards for foster parents – including agreeing not to use corporal punishment, and to comply with orders of protection if there are any.
- Be responsible for helping the child to participate in visits with his/her parent(s). These might take place at a foster care agency or other location
- A caseworker will be assigned to work with you and will visit you on a regular basis to see how the child is doing in your home and to help you manage any issues that may arise. You will be required to make sure the child goes to school and you may need to bring the child to visits with his/her parents, among other duties.
- You might need to appear in Family Court from time to time.

**How do I become a foster parent?**

In New York City, foster parents are certified or approved by non-profit foster care agencies which ACS has selected for this purpose. If you want to become a foster parent, the foster care agency will expect you to complete a training program, and will expect you and all adults (age 18 and over) members of your household to

- (a) submit their fingerprints so that a state and federal criminal background check can be completed;
- (b) have a medical examination; and
- (c) complete documents that are sent to New York State government to find out whether there has been a determination that any of you have abused or maltreated a child.

A caseworker will also come to visit your home and interview you as part of the certification and approval process. You may already be familiar with foster parenting; the process is very similar to the normal procedures that apply to any non-relative applicant.

If you want to be the child's foster parent, you should attend the next Article 10 or 358-a hearing date and ask the Judge to consider your request.

**Asking for Direct Placement**

**What does this mean for the child?**

Children who are directly placed are not in foster care. They are not in the legal custody of Children's Services. Instead, they are in your legal custody, giving you the authority to care for the child temporarily under the protection of the Article 10 court order.

**What would be required of me as a direct placement resource?**

If you are a direct placement resource:

- The Family Court could order Children's Services to supervise your home while the child is in your care. If this happens you would be asked to appear in Family Court from time to time to talk to the Judge about how the child is doing, and that a caseworker would be assigned to you and would visit your home on a regular basis.
- You will not receive a stipend from Children's Services. However, you could apply for Temporary Assistance (TA) and other benefits (i.e., food stamps, or SSI if the child is disabled) for the child's financial support. You may also apply for Medicaid to cover the costs of the child's health care. If you work, you may apply for help with child care costs.
- You might need to appear in Family Court from time to time.



**How do I become a direct placement resource?**

You will not have to go through foster parent training, or submit fingerprints for a criminal background check. However, you would need to complete documents that are sent to New York State government to find out whether there has been a determination that you or any adult member of your household has abused or maltreated a child.

If you want to have the child directly placed with you, you should attend the next Article 10 hearing date and ask the Judge to consider your request.

**Asking for Custody or Guardianship**

**What does this mean for the child?**

If the Family Court does give you ongoing custody or guardianship, the child will no longer be in his/her parent's custody but will instead be in your custody. The child would not be in foster care if this happens. However, even if you obtain custody or guardianship, the birth parents will retain their parental rights and may file a petition asking for visitation or the return of custody or guardianship at any time. You will not be required to return to court unless someone applies to change the order.

If you are a custodian or guardian, you will be able to make educational decisions and enroll the child in school. If you become a guardian, you may make medical decisions and give consent for the child's medical treatment. If you have legal custody, you may make medical decisions only if a court order gives you that authority. If you have either custody or guardianship, you may also enroll the child in your employer-based health insurance plan.

**What would be required of me as a custodian or guardian?**

If you are a custodian or guardian:

- You will not need to complete foster parent training.
- You will not receive a stipend from Children's Services. However, you could apply for Temporary Assistance (TA) for the child's financial support, which is based on the child's needs rather than on your income. You may also apply for Medicaid to cover the costs of the child's health care and you may also be eligible to receive food stamps for the child as well as SSI if the child is disabled. If you work, you may apply for help with child care costs.

**How do I become a custodian or guardian?**

To apply to be a guardian, you and every adult member of your household would have to complete documents that are sent to New York State government to find out whether there has been a determination that you or any adult member of your household has abused or maltreated a child, and you might have to submit fingerprints for a criminal record check. If you apply for legal custody, neither of these two things would be required unless ordered by a Judge.

If you ask for custody or guardianship under Article 6 of the Family Court Act, the Family Court will not make a final decision about your request until there is a "dispositional hearing" or at the time of the child's "permanency hearing." In New York City, it could take as long as a year or more for this decision to be made. During that hearing, the child's parents may agree with your request, or they might disagree. If they disagree you would have to go to court to prove that "extraordinary circumstances" exist that make it in the child's best interests to be with you.

If you would like to become the child's custodian or guardian, you may ask the Court to consider your request at any time.