June 28, 2011

Dear Executive Director, Foster Care Provider Agency:

Attached please find two (2) final procedures entitled, (1) Incorporating Youth Voice into the Annual Renewal Process for Certified and Approved Foster Homes and (2) Assessing the Safety and Quality of Life in Foster Boarding Homes. Comments received during the 30-day comment period (May 18th, 2011 to June 16th, 2011) did not result in a revision of the draft policy issued on May 18th, 2011.

Our most fundamental, collective responsibility is to protect children from abuse and neglect. When Children’s Services or foster agency staff have removed a child from his or her family in order to protect him/her from further harm, the child must be placed in a quality foster home that provides for both the safety and well-being of a child.

The issuance of these procedures will support Children’s Services case practice expectations, including the following:

- Reminding foster care agency staff of their responsibility to continuously assess the quality of care that each child or youth is receiving in a foster family home and to take appropriate actions when it is found that a home is not meeting the standards of care as outlined in State regulations.
- Calling for agencies to incorporate the voices of youth into the evaluation process of certified and approved foster homes to help gather safety and quality-of-life information from the youths’ perspective (as required by OCFS regulation).
- Asking that agencies use feedback gathered from youth to inform the need for ongoing and appropriate supports to a youth and his or her family, to help improve outcomes for children and youth in foster care.

Thank you for your time and consideration in this matter.

Sincerely,

[Signature]

John B. Mattingly
Commissioner
PURPOSE: Children in family foster care must live in a home environment that provides quality care to each child, and where caregivers meet the child’s physical, emotional and developmental needs. The purpose of this policy is to remind foster care agencies of their responsibility to continuously assess the quality of care that a child or youth is receiving in a foster family home and to take appropriate actions when it is found that a home is not meeting the standards of care.

SCOPE: This guidance applies to all foster care provider agency staff and should be used for all active/open foster homes in which children are living.

For additional information concerning this document, please contact Melody M. Grissom, Deputy Director, Policy and Procedures Unit at melody.grissom@dfa.state.ny.us

POLICY: Foster Homes and the Safety and Well-Being of the Child

Our most fundamental responsibility is to protect children from abuse and neglect. When Children’s Services or foster care agency staff have removed a child from his or her family in order to protect him/her from further harm, the child must be placed in a quality foster home that provides for both the safety and well-being of the child.

Moving a child from his or her foster home (for abuse/neglect or non-safety issues) may have traumatic impact on the child. Multiple moves may increase this trauma and disrupt progress to permanency. The child’s need for stability must be factored into any decision leading to the removal of a child from his/her foster home.
Continuous Assessment of Quality of Home

Foster care agencies are responsible for continuously assessing the care that a child is receiving in a foster family home and for taking appropriate actions when it is found that a home is not meeting the standards of care\(^1\). Each foster parent is obligated to work in cooperation with the agency in this assessment.

Throughout the ongoing assessments of the child and the home environment, foster care agencies must consider the supportive resources available to the foster family as well as the guidance, care and concern for the children that the foster parent is able to provide. It is expected that foster care provider agencies will work to ensure that foster parents meet the standards of care as outlined in Attachment A, *Health and Safety Standard for Foster Parents and their Foster Homes*, which is based on the State regulations.

When an agency finds that a foster home is not providing quality care or is in violation of regulatory requirements, it is the responsibility of the agency to work with the family to address the issues with or in the home because children develop attachments to their caregivers, unless a foster home is simply unable to care for a foster child. Agencies should work with foster parents to attempt to address concerns about the standards of care and to maintain continuity of family environment for the child.

While the foster care agency has the authority to remove a child from a foster home when the standards of care are not met, removals should normally be conducted after the agency has made efforts to work with the family to address any concerns identified related to quality of care, regulatory requirements, safety or risk. Examples of these efforts must include but are not limited to convening a Family Team Conference to set clear expectations with the foster parents, providing additional training, and providing additional services.

a. **Assessing Safety and Risk**

Each child in family foster care must live in a home that ensures s/he is protected against abuse and neglect (including emotional, physical and sexual harm). Foster parents must be willing and able to provide for the child’s safety. Foster care provider agencies are responsible for ongoing assessment of safety and risk in the foster home. At any point that an agency staff has reasonable cause to suspect abuse or maltreatment, agency staff, as mandated reporters,\(^2\) must make a report to the Statewide Central Register of Child Abuse and Maltreatment (SCR).

\(^1\) For additional guidelines, see Children’s Services Procedure #2011/XX, “Requirements for Incorporating a Youth’s Voice Into the Annual Renewal Process of Certified and Approved Homes”

\(^2\) Refer to ACS memorandum, “Revised State Central Register Reporting Requirements for Mandated Reporters and Expansion of Social Services Workers Classified as Mandated Reporters”, dated July 1, 2008.
Note: No other children should be placed in the foster home while the SCR report is under investigation.

For cases where the report is not accepted by the SCR, foster care provider agencies are responsible for completing form CS-853-D, “Report of Incident, Accident, Illness, or Death Involving Child(ren) in Foster Care” and immediately (but no later than 48 hours of SCR non-acceptance of report) forwarding it to the Office of Special Investigation (OSI).

b. Non-Safety Issues: Assessing Well-Being and Permanency

In addition to safety and risk foster care agencies should pay attention to indicators of a child’s well-being and permanency. This assessment should include the following factors:

i. Whether the child is in the care of a relative.
ii. The length of time that the child has been in the home.
iii. Relationships between the children and the foster family (including foster parents and siblings in the home).
iv. Provider agency perspective on foster home and child’s well-being in the home.
v. Whether the child’s siblings are living in the foster home.
vi. Whether the child identifies him or herself as part of the family.
vii. How the child responds to the foster family.
viii. Signs of attachment between child and foster family.
ix. Trauma that may be experienced by removing the child from the foster home
x. Signs of trauma displayed from previous placements or removal from parent(s)’ home.
xi. Wishes of the child.

xii. How many previous placements the child has experienced.

xiii. Whether the child is currently living apart from siblings and will benefit from reunifying with siblings.

xiv. The permanency plan for the child and whether alternative placement would provide for long term permanency, i.e. foster parent plans to adopt.

c. Standards Defined by State Regulation

New York State Social Services Regulations define the basic standards for foster boarding homes. In summary, the standards of care for foster family homes require the following as defined below:

i. Foster parents must provide quality care for a child’s physical, emotional and developmental well-being;

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3 Form CS-853D is available via the ACS Intranet via the following path: DocuShare>>Forms>>Foster Care and Preventive Services >>Direct Foster Care Services
ii. Foster family homes must be in compliance with the requirements of New York State Social Services Regulations; and

iii. A foster child must live in a home free of child abuse and neglect (including emotional, physical and sexual harm). Foster parents must be willing and able to provide for the child’s safety.

Foster care provider agencies are responsible for considering these requirements as part of their ongoing assessment of the quality of care provided to any child living in a foster home. Refer to attached Appendix A, entitled *Health and Safety Standard for Foster Parents and their Foster Homes*, for a list of basic foster care standards.

d. Removing a Child from Foster Family Home

Whenever a foster care provider agency plans to remove a child from his/her foster family home, a Family Team Conference must be convened and the agency must notify the foster parent in writing. If the removal is a planned removal, the foster care provider agency must provide a Notice for Removal of Child(ren) from a Foster Home (NOR) (form CS 701D)\(^4\) to the foster parent at least 10 days prior to the proposed effective date of removal. If the health or safety of the child requires that the child be removed immediately, the foster care provider agency must provide a NOR to the foster parent at the time of the emergency removal or immediately thereafter.

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\(^4\) Form CS 701 is available via ACS Intranet via the following path: Docushare \(\Rightarrow\) Forms \(\Rightarrow\) Advocacy \(\Rightarrow\) CS 701D (English) or CS 710D SP (Spanish)
Foster homes must meet the following health and safety standards and physical plant requirements:

- The physical facilities of the foster home or relative foster home must be in good condition and present no hazard to the health and safety of children.
- The foster home must be in substantial compliance with all applicable provisions of laws, ordinances, rules and regulations concerning health and safety.
- The physical space, construction and maintenance of the foster home and premises must be in good repair and kept in a sufficiently clean and sanitary condition so that the physical well-being as well as a reasonable degree of physical comfort is assured the members of the foster family.
- Separate bedrooms are required for children of the opposite sex over seven years of age, unless the children are siblings or half-siblings sharing the same bedroom and the alternative sleeping arrangement is consistent with the health, safety, and welfare of each of the siblings or half-siblings and is necessary to keep the siblings or half-siblings placed together in the same foster home.
- Not more than three people may occupy any bedroom where foster children sleep, unless the children are siblings or half-siblings and the occupancy is consistent with the health, safety, and welfare of each of the siblings or half-siblings and is necessary to keep the siblings or half-siblings placed together in the same foster home.
- No bed may be located in any unfinished attic or basement.
- No child above the age of three years may sleep in the same room with an adult of the opposite sex. Children must not sleep together in the same bed with an adult.
- Each child must have sleeping space of sufficient size for the safety, comfort, and privacy of the child. Each child must have a separate bed or crib of sufficient size and cleanliness for the comfort and well being of the child, with waterproof covering, if needed, and suitable bedding adequate to the season. Bunk beds may be used.
- There must be an adequate and safe supply of water for drinking and household use. Water from wells, springs or other private sources must be protected against contamination. There must be provision for hot water for washing and bathing.
- The foster home must have window barriers, including window screens, guards and/or stoppers above the first floor of the foster home.
- Heating apparatus must be safe and adequate to provide for the reasonable comfort of children in the home.

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5 18 NYCRR § 443.3.
- Adequate bathing, toilet and lavatory facilities must be provided and kept in sanitary condition.
- The home must be free from fire hazards and equipped with at least one smoke detector\(^6\).
- No certified or approved foster parent may rent rooms to lodgers or boarders or receive and care for maternity cases, except as part of the foster care program, or receive or care for convalescent cases or conduct any business on the premises which might adversely affect the welfare of children, unless permitted by the agency.
- All firearms, rifles and shotguns must be securely stored and must be maintained in compliance with applicable State and local standards.

Certified and approved foster parents must execute an agreement with the authorized agency that granted the certificate or letter of approval to operate stipulating that the foster parent will:
- Enable children received at board to mingle freely and on equal footing with other children in the household and in the community and to be accepted as members of the household and share in its pleasures and responsibilities;
- Arrange for children of school age to attend school regularly;
- Never leave children under the age of 10 years alone without competent adult supervision, nor children above that age except as might reasonably be done by a prudent parent in the case of his or her own children;
- Except as permitted by the agency, never use a foster home to care for more than two infants under two years of age, including the foster parents' own children, except in those cases where the foster parents have demonstrated the capacity to do so and a sibling group would otherwise have to be separated;
- Provide children with sufficient nutritious, wholesome and properly prepared food, served at regular hours. Foster children must be permitted to eat meals at the table in the same manner as other family members with due consideration to their age and special needs;
- Keep the clothing of children provided by the agency, parent or foster parent in proper condition of repair and cleanliness; endeavor to provide children with a sufficient quantity of clothing, adapted to seasonal conditions, and of such style and quality as not to distinguish them from other children in the community;
- Provide for each foster child sufficient individual toilet articles and towels, suitable to the child's age and gender, and individual drawer and closet space;
- Provide a suitable, well-lighted place for children of school age for home study;
- Recognize and respect the religious wishes of the natural parents of children in care and endeavor to protect and preserve their religious faith;

• Endeavor to cooperate with the agency staff in the implementation or review of each child's service or discharge plan and to inform the agency of any incident or event that affects or may affect the child's adjustment, health, safety or well-being and/or may have some bearing upon the current service plan;

• Provide a family atmosphere of acceptance, kindness and understanding and endeavor to give each child the support, attention and recognition that facilitates adjustment to the home and that promotes the child's normal development;

• Permit an authorized representative of the agency to enter the home to investigate in good faith a formal complaint regarding care of the foster child;

• Inform the agency of any changes in marital status, family composition or number of persons residing in the home and any changes in the physical facilities comprising the foster home;

• Agree to cooperate in facilitating regular biweekly visitation or communication between minor siblings or half-siblings who have been placed apart, unless as determined by the agency such contact would be contrary to the health, safety or welfare of one or more of the children or unless the lack of geographic proximity precludes visitation; and

• Agree only to redisclose confidential HIV-related information concerning the foster child in accordance with the law.

Foster parents also must adhere to the following requirements:

• Foster parents are prohibited from depriving foster children of meals, snacks, mail or visits by family; room isolation, as a method of discipline is prohibited; corporal punishment and solitary confinement are prohibited; discipline responsibilities must never be delegated to a child.7

• Provision shall be made for each child to attend services conducted in his/her own religious faith and to receive instruction in such faith, unless the parent or surviving parent or legal guardian expressly request otherwise in writing; children should be cared for, when practicable, by persons of the same religious faith. Other than for temporary or emergency care or under exceptional circumstances, no child shall be boarded by or with persons not of the same religious faith as the child; the religion of a child in foster care shall not be changed, except on the written request of his parents or surviving parent or legal guardian.8

• No more than six children under the age of 13 can live in a home (including biological children), except that up to two additional children may be cared for if such children are siblings, or are siblings of a child living in the home, or are children freed for adoption and placed for adoption with the person(s) who have been certified or approved as foster parents.9

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7 18 NYCRR § 441.9.
8 18 NYCRR § 441.11.
9 18 NYCRR § 443.1(j).
City of New York
Administration for Children's Services

PROCEDURE #2011/03

Subject: Requirements for Incorporating a Youth’s Voice into the Annual Renewal Process of Certified and Approved Foster Homes

APPROVED BY: John B. Mattingly

DATE: June 28, 2011 (Final)

PAGE: 1 of 7 (including 1 attachment)

IMPLEMENTATION RESPONSIBILITY:
All Foster Care Provider Agency Staff; Children’s Services Family Permanency Services (FPS) and Parent Support and Recruitment & Youth Advocacy and Support Services

PURPOSE: Incorporating the voices of youth into an agency’s foster parent recertification and renewal process recognizes the important role they can play to help improve outcomes for youth in foster care. Their perspectives and input can be used in the annual evaluation process of the foster home to strengthen the youth’s experience and overall quality of life, inform ongoing and appropriate supports to the youth and his or her foster family, and enhance the agency’s selection of foster parents who care for youth in out-of-home placement.

This policy advises foster care provider agency staff of new requirements for incorporating the voices of youth into the annual evaluation process of certified and approved foster homes.

SCOPE: This procedure applies to all foster care provider agency staff and it should be followed at a minimum, at least once each year, at the time of the initial certification or subsequent reauthorization(s) of foster boarding homes, for all homes in which youth are residing.

This policy does not change existing casework contact requirements or foster home renewal standards involving the placement of foster children under the age of 14.

This procedure is effective immediately.

If you have any question or comments regarding this policy please contact Ronni Fuchs, Director of Youth Advocacy and Support Services at ronni.fuchs@dfa.state.ny.us or Mary Nam, Senior Director of Parent Support and Recruitment at mary.nam@dfa.state.ny.us.

1 10-OCFS-ADM-09, “Requirements for Incorporating Youth Voice into the Annual Renewal of Certified and Approved Foster Homes” (8/25/10)
POLICY:

Recognizing the Important Role of Youth

Recognizing the important role that a youth’s voice provides in improving the child welfare system and outcomes for children and youth in foster care, foster care agency staff are now required to incorporate a youth’s voice into the annual renewal process of certified and approved foster homes as part of the process of evaluating the care provided to the youth in the home.

Youth ages 14 and older will be given the opportunity to respond to questions\(^2\) for the purposes of gaining the youth’s perspective about the care he or she receives in the foster home as well as how the youth thinks his or her experiences in the home could be improved. The information should be gathered from youth about their foster home experience through regular casework contacts with the youth and will be evaluated as part of the renewal process.

Incorporating the voices of youth into an agency’s process of re-certifying foster parents and renewing approval of relative foster parents will help the agency gather safety and quality-of-life information\(^3\) in foster homes from a new perspective and a new voice in the home – the voice of the foster youth. This will not only round out the perception of life in the foster home from another focal point, that of the youth, it will also assist agencies in selecting foster parents who would likely do well with meeting the needs of adolescents in out-of-home placement, as well as improving ongoing long-term support for a youth and his or her foster parents. A youth’s voice will help to improve outcomes for youth in foster care and for the foster parents who provide care for youth in out-of-home placement.

PROCEDURE

Informing Prospective and Current Foster Parents

At the time of recruiting foster parents, and at certification/approval and/or recertification/renewal of approval, agencies must inform foster parents that youth ages 14 and older will be given the opportunity to respond to questions\(^4\) aimed at getting the youth’s perspective about the care he or she receives in the foster home as well as how the youth thinks his or her experiences in the home could be improved. The foster parents must also be informed that any information about deficiencies in relation to foster boarding home requirements may be taken into account during recertification/renewal of approval.

\(^2\) See Attachment A, “Youth Voice Questions”

\(^3\) Refer to Children’s Services Policy #2011/04, entitled “Assessing the Safety and Quality of Life in Foster Boarding Homes,” for guidance in the assessment of the quality of care a child or youth receives in a foster boarding home.

\(^4\) See Attachment A, “Youth Voice Questions”
Utilizing “Youth Voice” Questions

At a minimum, at least once each year as part of regular casework contacts with a child, the child’s case planner or the child’s caseworker must give each youth age 14 and older (placed in a certified foster home or with an approved relative foster parent) the opportunity to respond to the Youth Voice Questions contained in Attachment A of this policy.

Presence of Foster Parents
The foster parents should not be present for these discussions. If the Youth Voice Questions will be asked during a single casework contact, the foster parent should not be made aware of the exact interview date in advance.

Voluntary Participation
Agency staff must explain to the youth that his or her participation in this evaluation process is voluntary and there will be no negative impact on the youth if he or she decides not to respond to the Youth Voice Questions. If the youth chooses to participate, the agency must ensure that there are no acts of retaliation against the youth because of his or her participation.

Note: The requirements of this policy do not apply to former residents of a foster home. That is, if a child is no longer residing in the foster home at the time of the casework contact selected for the completion of the questions, the agency is not required to search out the child for the purpose of completion of the Youth Voice Questions. However, information gathered from a youth residing in the home during the casework contact(s) may be used even if the child was removed from the home prior to the actual renewal of the certification or approval of the foster home.

Utilizing the Information Gathered
Agencies must explain to the youth that the questions will be used to gather information from the youth regarding the youth’s safety and quality of life in the foster home. The information provided by the youth will be used in the annual evaluation process of the foster home and to: (a) strengthen the youth’s experience and overall quality of life in the foster home; (b) provide ongoing and appropriate supports to the youth and his or her foster family; and (c) enhance the agency’s selection and preparation of foster parents who care for youth in out-of-home placement.

Information obtained from the young person as part of this process should be assessed for objectivity.

Foster Parent Access to Information Provided
Agency staff must explain to the youth the circumstances under which the foster parents may have access to information provided by the youth. It must be explained to the youth
that certified foster parents and approved relative foster parents may have access to information provided by a youth in the following circumstances:

(a) When a worker has reasonable cause to suspect that the youth or other children in the household have been abused or maltreated, a child abuse or maltreatment report must be made to the Statewide Central Register of Child Abuse and Maltreatment. While a subject of the report is not entitled to the name or other identifying information regarding the source of the report, it is possible that the foster parent may make assumptions as to who the source of the report was based on the nature of the report. The identity of a source of a report may be released by the written consent of the source. Finally, it is possible that the identity of the source may be released by court order.

(b) If the agency utilizes the information provided by the youth to deny renewal of a certificate or approval and/or remove the foster youth from the home, the identity of the youth may be identified at a fair hearing or court proceeding on the issue of denial or renewal and/or removal.

(c) If the foster youth identifies criminal activity on the part of his or her foster parent(s), the agency would be expected to bring this to the attention of law enforcement. It is possible that law enforcement would seek to know the source of the information.

(d) If the foster youth shares information that affects his or her quality of life, the agency should facilitate a family meeting or Family Team Conference (if applicable) with the foster parent and youth to resolve those issues and when appropriate to maintain the current placement. The agency should not wait until recertification or renewal of approval to bring up and/or address these issues.

As is currently required, any information received from a youth that raises concerns related to the health, safety and well-being of the youth in the home must be reported within established timeframes to agency leadership and/or ACS for appropriate follow-up and any needed actions.

**Granting Renewals While Awaiting Youth’s Response**

Agencies must not let an existing certificate or letter of approval to board expire solely because the agency is waiting for a youth to respond to the Youth Voice Questions. If an agency has all of the other documents or information otherwise required for the decision of whether or not to grant renewal, but for the response to the Youth Voice Questions, the agency must make a decision on renewal without the Youth Voice responses.

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5 Refer to ACS memorandum, “Revised State Central Register Reporting Requirements for Mandated Reporters and Expansion of Social Services Workers Classified as Mandated Reporters”, dated July 1, 2008.
In the event that the response to the Youth Voice Questions is received by the agency at a later date, where appropriate the agency is expected to use this input as originally intended and as outlined above, including: to strengthen the youth’s experience and overall quality of life in the foster home; to inform provision of ongoing and appropriate supports to the youth and their foster family; and to enhance the agency’s selection and preparation of foster parents who care for youth in out-of-home placements. Where the information reflects legal issues such as those relating to suspected child abuse or maltreatment or compliance with New York State Social Services regulations relating to foster family boarding homes (18 NYCRR Part 443), the agency must take appropriate steps to address such issues.

Note: Nothing in this policy is intended to modify the standards for the determination of whether or not to grant renewal of a certificate or approval of a foster home, and is not intended to modify or diminish the level of casework contacts made in regard to foster children under the age of 14.

Documentation

A youth’s responses to the Youth Voice Questions must be documented electronically in an OCFS-issued template, which can then be pasted and inserted into the Progress Notes. A youth’s refusal to respond to a particular question(s) or all of the Youth Voice Questions, must be noted on the template as well. Additionally, when a youth refuses to respond verbally to the Youth Voice Questions, the agency should explore the reason(s) for refusal and follow up by offering another opportunity to respond either verbally or using another method (for example, in writing).

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6 The electronic template created by the Office of Children and Family Services (OCFS) may be found on the ACS Intranet Website via the following path: Docushare>>Forms>>Foster Care & Preventive Services>>Parent Recruitment and Expedited Permanency Unit. Refer to Attachment A (hard copy sample of Youth Voice Questions) to become familiar with its contents.
Attachment A

Youth Voice Questions

Child’s Name:
Case Planner/Case worker:
Date:

Each year, as part of the casework contacts, the child’s case planner or the child’s caseworker must give youth between 14 and 21 years of age the opportunity to participate in the evaluation of his or her foster home by responding to the questions below. The Youth Voice Questions are intended to be used by foster care provider agency staff to guide a youth in discussions about the youth’s perspective related to his or her safety and quality of life in his/her foster home. Provider agency staff must not change the intent of the questions but are encouraged to ask the questions in their own words. Staff may need to simplify or clarify questions to assist youth in providing feedback. Staff members may discuss the questions with a youth over a period of time or during a single casework contact with the youth.

1. How are you getting along with everyone in the foster home? (Prompt with names of individuals, if applicable.)

2. Do you feel welcome in your current foster home? If not, please explain why.

3. What do your foster parents do to make you feel comfortable and safe? Is there a way to improve your comfort?

4. Do you feel that you can talk to your foster parents and ask them things? Do you feel that they listen to you? Please explain.

5. What do you like about living in your current foster home? Is there anything that you dislike?

6. Do you have everything you need? What do you need that you do not have? Is there anything I (the interviewer) can help you with? (Define need- such as emotional, physical etc.)

7. Do you feel like you are treated like other youth your age or have the same rules as youth your age? Please explain.

8. How do your foster parents support visits and/or contact with your birth family, brothers, sisters, etc.?

9. How do your foster parents support your social life and time with your friends?
10. Do you feel your foster parents are supportive and/or involved in your goals and activities regarding:

- Your Permanency Plan
- After-school, community activities, etc.
- Service Plan Reviews, meetings, court, etc.

11. Is there anything you would like your foster parents to do to help you succeed? If yes, please explain.

12. How do your foster parents assist you in preparing for your future? In what ways?

13. Is there anything in general you would like to change or improve in your foster home? If yes, please explain what it is that you would like to change or be improved.

14. Would you recommend this family to other youth in foster care who are between 14 and 21 years of age? If no, please explain the reasons for not recommending this family.

15. How do you feel now that you have participated in the annual evaluation process of your foster home?

16. Is there anything you would like to share that I have not asked or anything you would like to talk about or add?