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 | ADMINISTRATIVE DIRECTIVE |
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TRANSMITTAL: 90 ADM-32

TO: Commissioners of
 Social Services

DIVISION: Family and
 Children
 Services

DATE: September 27, 1990

SUBJECT: Foster Care: Periodic Family Court Reviews/Dispositional
 Hearings

SUGGESTED
 DISTRIBUTION:

All Child Welfare Services Staff
 Voluntary Agency Staff
 District Attorneys and/or Legal Staff
 Staff Development Coordinators
 Independent Living Coordinators
 Unaccompanied Refhgee/Entrant Program Staff

CONTACT
 PERSON:

Regional Offices:

Metropolitan: Fred Cantlo, Director, (212) 804-1198
 Albany, John O'Connor, Director, (518) 432-2751
 Syracuse, Jack Klump, Director, (315) 428-3235
 Rochester, Linda Kurtz, Director, (716) 328-8200
 Buffalo, Linda Brown, Director, (716) 347-3145

ATTACHMENTS:

Attachment I: U.S. Department of Health and Human
 Services (ACYF-PI-90-09) (Not Available On-Line)

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
88-ADM-13		430.1	SSL 358-a		SSA
88-ADM-11		430.12(f)	SSL 384		475(5)(c)
85-ADM-53		Part 428	SSL 392		(42U.S.C.
82-ADM-42			SSL 409-e		675(5)(c)
			FCA 355.3		SSA 427
			FCA 756-a		SSA 477
			FCA 1055-a		

I. PURPOSE

The purpose of this release is to advise local social services districts and voluntary foster care agencies of a new federal Title IV-E requirement concerning children in foster care who have attained age 16. Local social services districts must now submit a summary of the case plan activities relating to the services needed to assist the child to make the transition from foster care to independent living to Family Court as supplemental material to the petition requesting a periodic court review. This submission is made to insure that the Family Court addresses the service needs of a child in relation to the child's transition to independent living. This requirement applies to children placed in accordance with voluntary placements (Sections 384 and 384-a of the Social Services Law) and involuntary placements (Articles 3, 7, and 10 of the Family Court Act.)

This issuance also encourages local social services districts to enter into a dialogue with the local Family Court judge(s) about the Independent Living program and available services as well as the specific federal Title IV-E requirements described in this Administrative Directive. This action will supplement the State Department of Social Services efforts to inform the New York State Office of Court Administration of this change.

II. BACKGROUND

In recognition of the service needs of youth in foster care, the Department strengthened the standards directing the provision of independent living services to adolescents contained in 430.12(f) effective August 5, 1987. In April, 1986, the federal Social Security Act was amended with a new section 477 which provides for Transitional Independent Living service delivery and its incorporation in the case plan for Title IV-E youth over the age of 16. Subsequent reauthorizations of the IV-E Independent Living program have provided for additional program funding, use of funds for non-Title-IV-E youth, and provision of aftercare services.

Federal Public Law 100-647, known as the Technical & Miscellaneous Revenue Act of 1988, also amended section 475(5)(C) of the Social Security Act to assure that dispositional hearings for children who have attained the age of 16 address the services needed to assist the youth make the transition from foster care to independent living. However, no regulation or other federal directive was issued on the subject until the attached program instruction was issued 4/19/90 by the U.S Department of Health and Human Services which informed states of this change to Section 475.

This federal requirement applies to all youth in foster care who have attained the age of sixteen. In New York State, this requirement will be implemented within the context of our current definitions of the Independent Living population; that is, children over the age of sixteen with a permanency planning goal of Independent Living, deemed to have a goal of Independent Living or otherwise participating in the Independent Living program. Additionally, this requirement is being applied to other than Independent Living services for this age group to maintain the focus on diligent efforts for other permanency planning goals.

The Department is also sending a letter to the Office of Court Administration which outlines the change to Title IV-E and the new requirement for the periodic court reviews .

III. PROGRAM IMPLICATIONS

In order to insure New York State's continued eligibility for federal Child Welfare funds (Section 427 of the Social Security Act), local social services districts must review and change, wherever necessary, their procedures related to petitioning the Family Court for periodic court reviews for foster care youth over the age of 16. Such procedures must describe how the local social services district advises the Family Court of the services provided to youth over the age of 16 to assist the youth make the transition from foster care to independent living. This information must be provided for those children over the age of 16 with a permanency goal of Independent Living, deemed to have a goal of Independent Living, or who are otherwise participating in the district's Independent Living program. (See 18NYCRR430.12(f))

For those children over the age of sixteen with other than a permanency planning goal of Independent Living, the Court must be informed of diligent efforts and services directed towards the actual permanency planning goal. This action is necessary to insure that the service plan focus and the dispositional hearing continue to concentrate on the primary goal while Independent Living services are considered as a portion of the service delivery.

Local procedures must be revised if necessary to incorporate the required documentation in the UCR of the action informing the Court of these services.

Local social services districts are encouraged to meet with, or otherwise inform, the local Family Court judge(s) of the Independent Living program and the specific population served by the district. The local social services district should specifically inform the Court as to whether they have chosen to serve children over the age of sixteen who do not have the goal of Independent Living or are not yet 'deemed' to have a goal of Independent Living. Agreement should be reached concerning the implications of the change to Title IV-E in the dispositional hearing procedures.

IV. REQUIRED ACTION

Action is required beginning with the next regularly scheduled periodic court review for children in foster care who have attained the age of sixteen. Local social services districts shall supplement the petition for a court review with summary information which outlines the services provided to the child which will help the child make the transition from foster care to independent living. This information must be provided for each child who has a permanency planning goal of Independent Living, who is deemed to have a goal of Independent Living, or who is otherwise participating in the district's Independent Living program. This information may be provided through a copy of the child's most recent reassessment and service plan review or by any other report or document that outlines the Independent Living services being provided or anticipated to be provided to the child.

In addition, action is required for children over the age of 16 whose permanency planning goal is Return Home or Adoption and who are deemed to have a goal of Independent Living. The district shall provide the court with a summary or relevant portions of the child's service plan which set forth the diligent efforts undertaken by the district towards the discharge of the child from care, either to his own family or to an adoptive home. This information must be provided to the Court so that an assessment of diligent efforts towards the permanency planning goal can be made as well as an assessment of the service needs of the youth in relation to his eventual independent status.

Additional action is required for children who have attained the age of sixteen but do not have the goal of Independent Living or have not yet been deemed to have a goal of Independent Living. The district shall provide to the Family Court relevant portions of the child's service plan which set forth the diligent efforts undertaken by the local social services district towards the discharge of the child from care, either to his own family or to an adoptive home.

Further, in local social services districts which choose to serve this population optionally through the Independent Living program, information regarding the child's independent living service needs must also be provided to the court as supplemental material to the petition. Districts which have chosen not to exercise the option of providing Independent Living services to all youth in care over the age of sixteen should provide the Family Court with the projected date that the child will be considered "deemed" to have a goal of Independent Living if his placement is extended consistent with the petition.

The first UCR Reassessment and Service Plan Review required after the dispositional hearing should include, in the section on Court Involvement, documentation that the district has provided the Court with the required supplemental information with the petition. The documentation must indicate the method whereby the district has advised the Court of the provision of services directed towards the

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permanency planning goal and independent living. In the case of a child over the age of sixteen, the supplemental information must include the projected date that the child will be deemed to have a goal of Independent Living if not already deemed.

V. SYSTEMS IMPLICATIONS

None

VI. EFFECTIVE DATE

This release is effective retroactively to June 18, 1990.

Joseph Semidei
Deputy Commissioner
Division of Family
and Children Services