

Parent Handbook

A Guide for
Parents
with Children
in Foster Care



Mayor Michael R. Bloomberg
Commissioner John B. Mattingly

Important Numbers

ACS Caseworker

Name _____

Office _____

Phone _____

Address _____

Foster Care Agency

Agency Name _____

Caseworker's Name _____

Phone _____

Address _____

Lawyer

Name _____

Phone _____

Address _____

Lawyer

Name _____

Phone _____

Address _____

NYC Administration for Children's Services

About this Handbook

This handbook was written for parents with children in foster care. It answers some of the questions you may have about foster care and the Administration for Children's Services (ACS).

The information in this Handbook is general and is not based on the specific facts of your case. It is only intended as a guide; it is not a substitute for talking with your caseworker and lawyer.

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NOTE

There is a glossary on pages 24-26 that explains the terms used throughout the Handbook.

TIPS FOR PARENTS

If you are the parent/caretaker of a child placed in foster care but are not a respondent in the case, the information in this manual may not fully apply to you. You should contact the agency where your child is placed as well as your attorney for help with your specific case.

This handbook was written for parents and caretakers. If your child is in foster care or is going to be placed in foster care, we know that this can be a stressful and confusing time for you and your child. The Handbook addresses some of your concerns.

The mission of ACS is to ensure the safety and well-being of all the children of New York. To do this, ACS and its network of child welfare agencies offer help to parents whose children are at risk of child abuse and neglect. If there is immediate risk to the child's health, ACS will place the child in foster care with an order from Family Court. Once your child is placed in foster care, legal custody is transferred to the Administration for Children's Services (New York City's child welfare agency, or ACS). If this has been done without a court order, ACS must go to court to prove the removal was necessary.

While your child is in foster care, you will have the chance to get help with the problems that caused your child to be placed in foster care. You and the foster care

agency caring for your child must work together to plan for your child's future. The goal is to reunite you with your child. However, if, after time, your difficulties have not been resolved and your child would still be at risk if returned home, ACS will consider permanently placing your child with a relative or adoptive parent.

You are still the most important person in your child's life, even while your child is in foster care. That is why you should:

- maintain contact with your child and your family's caseworker.
- work to address the problems that led to your child's placement in foster care.
- comply with Family Court orders and agency recommendations.
- keep records of all information about your case.

Please read this handbook carefully. If you have questions about any part of this handbook, talk with your caseworker.

Acknowledgements

ACS thanks the many parents with children previously in foster care who contributed to this handbook. Their input was invaluable. The Handbook was also informed by the many ACS staff who reviewed it and by publications of the South Brooklyn Legal Services.

A Note About a New Law

The foster care system was created to provide children with safe, temporary homes when they are at risk of maltreatment in their own homes. The hope was that children placed in foster care would soon be reunited with their families or, if that proved impossible, adopted. However, many children remained in foster care for long periods of time, with reunification or adoption becoming less of an option as the years went by. Some parents can overcome the problems that lead to the removal of their children, while others cannot.

In 1997, Congress passed the Adoption and Safe Families Act (ASFA) in an effort to reduce the number of children who remain in foster care for long periods of time without any resolution as to who will care for them in the long term. ASFA is the most important piece of child welfare legislation to be passed in twenty years because it requires parents, ACS, foster care agencies, and the Family Court to ensure that children grow up in loving, permanent homes — not in foster care.

Under ASFA, safety and permanency are critical concerns from the moment your child enters foster care. Decisions about where a child will be safely raised must be made much more quickly to reflect a child's sense of time and a child's need for a permanent, loving and stable home.

What you need to know about ASFA:

- ASFA imposes shorter timelines for determining if you can resume care of your children.
- You must act quickly, using the help of the foster care agency, to address the problems that led to your child's placement in foster care.
- Foster care agencies are required to act quickly to make sure that your child either returns to you or relatives (if it is safe to do so) or is adopted. ASFA requires foster care agencies to pursue family reunification and simultaneously create a fallback plan — such as adoption — if reunification is not possible.
- If you are not acting to address problems, and your child has been in foster care for 15 of the past 22 months, the foster care agency may be required to file a petition to terminate your parental rights (see p. 15). Once your parental rights are terminated, your child can be adopted without your consent.
- ASFA emphasizes children's safety by requiring fingerprinting for all prospective foster and adoptive parents.

TIPS FOR PARENTS

- ACS strongly encourages you to complete any preventive services offered to keep your child safe at home.
- Before voluntarily placing your child in foster care, you must exhaust all other resources and services.
- Parents on public assistance will have their budgets readjusted when their child is placed in foster care.
- Parents who are financially stable may be required to pay for support of their children in foster care.

Why Was My Child Placed in Foster Care?

There are five ways a child enters the foster care system: 1) by court order through an abuse/neglect petition, 2) by court order through a juvenile delinquency petition, 3) by court order through a PINS petition, 4) by a parent placing a child voluntarily or 5) because a child is destitute.

By Court Order Abuse/Neglect Petition

Reports of child abuse and neglect are made to the New York State Central Register (SCR) Child Abuse and Maltreatment Hotline in Albany, NY. ACS is required by law to investigate these reports. Allegations of neglect or abuse often involve substance abuse. Other grounds for neglect and abuse include failure to provide for the basic needs of the child such as food, shelter, medical care and education; improper supervision; infliction of excessive corporal punishment; and sexual abuse. Repeated failure to protect a child from being exposed to domestic violence in the home may also provide grounds for removal.

During an investigation, an ACS child protective caseworker goes to your family's home to investigate whether or not there is any evidence that abuse or neglect actually occurred.

If your child is not in immediate danger, the ACS caseworker may offer preventive services to ensure that he or she remains safe at home, to prevent placement in foster care, and to improve family functioning.

Preventive services include individual and family counseling, day care, parenting classes, domestic violence intervention, substance abuse treatment and other services.

However, if it is determined after preventive services have been provided — or during a child abuse investigation — that your child cannot remain safely at home, ACS will request an order from Family Court to place your child in foster care. A Family Court judge ultimately decides if your child is in danger at home and needs to be placed, or needs to remain, in foster care.

If the ACS caseworker finds that the health and safety of your child is in immediate danger, the caseworker will make an emergency removal of your child from home, without your consent or a Family Court order. By the next business day after the removal, ACS must file a petition in Court to have a judge review the placement of your child in foster care.

Juvenile Delinquency Petition

If your child is alleged to have committed a crime and is between the ages of seven and sixteen, he or she may be arrested and summoned to appear in Family Court on a juvenile delinquency matter. If the Court declares that your child is a Juvenile Delinquent (JD), it may order the placement of your child with a NY State Office of Children and Families juvenile facility or occasionally, in an ACS foster care facility.*

Persons in Need of Supervision (PINS) Petition

If your child is under age 18 and acting out beyond your control — for example, not attending school or behaving dangerously — you may go to the Family Court in your borough to request help with your child as a Person in Need of Supervision (PINS). You and your child will be offered support services to help you resolve family difficulties. If these services are, over time, unsuccessful, the Family Court may place your child in foster care.* If your child is placed, you will be expected to remain closely involved in your child’s life.



Voluntary Placement

If you are in a crisis situation and cannot parent your child, you may voluntarily request the placement of your child in foster care. When you make the request, an ACS caseworker will offer support services to help you resolve difficulties and avoid foster care. However, if these services are, over time, unsuccessful, ACS may agree to a

Voluntary Placement Agreement. The Agreement temporarily transfers the care and custody of your child to ACS, but you retain legal guardianship.

If you voluntarily place your child in foster care, you may select a specific date when you want your child returned or you may leave the time of return open (see page 14). However, in either case, the Family Court may have to approve your child’s return to you.



Destitute Child

Under State law, the ACS Commissioner has a mandated responsibility to “assume charge of and provide support for any destitute child who cannot be properly cared for in his or her home.” This generally refers to orphans and runaways whose parents/ caretakers are not identifiable. It does not include foundlings or other abandoned children whose parents may be subject to charges of neglect.

*PINS and JDs who are placed in foster care will reside in regular foster care settings. ACS is not legally permitted to operate any locked facilities.

TIPS FOR PARENTS

- Tell ACS as soon as possible about any family members or close friends of the family who may be able to care for your child. Changing foster care placements can be traumatic. Therefore, it is best for your child to be placed with a family member or friend as soon as possible.
- If you have difficulty locating your child after he or she has been placed in foster care, call the Office of Advocacy at 212-676-9421. They can help.

Where Is My Child?

Information Provided at Removal

If your child was removed from home by an ACS caseworker, the caseworker should have given you a **Notice of Temporary Removal of Child and Right to Hearing** (Form 701B) and a **Child Safety Conference** brochure. Both include the name, title, address, and telephone number of the ACS caseworker who removed your child so that you can contact him or her about where your child has been placed. Form 701B will tell you the day and time you must appear in Family Court for a Removal Hearing (see page 12), as well as the Court's location. Usually within three days you will be invited to a Child Safety Conference (see page 8).

In some cases ACS provides direct foster care services but in most cases ACS contracts with foster care agencies (from here on to be referred to as "the agency") who are responsible for locating, approving and supervising foster parents. Regardless of where your child is placed, ACS is responsible for all children in foster care.



How ACS Makes Foster Care Placements

ACS recognizes that being in foster care can be traumatic for children. The first priority is to place your child in a setting that meets his or her individual needs. To minimize the trauma, ACS works to place your child in a stable foster care placement that maintains family, school and community ties. Whenever appropriate, ACS tries to

place your child with relatives, together with siblings, and/or in a foster home in their own neighborhood. Your wishes about the care provided to your child will be considered whenever possible.

You should always provide information to the ACS caseworker about relatives or family friends who may be able to care for your child outside of foster care through custody, guardianship (see Glossary) or kinship foster care.

If a relative, friend, or neighbor is willing to become the foster parent, the agency must do a home study of the person's home to determine if it is suitable. This person will then need to take the steps required to become a certified foster parent. If a relative or friend is identified as a resource but he or she lives out of state, an Interstate Compact can be initiated (see Glossary).

If your child cannot be placed with a relative, ACS will place your child with a foster parent who has been recruited and approved by ACS or a foster care agency.

From this point on, the agency is assigned to your child and will monitor the care of your child while in foster care. The agency makes regular reports to ACS regarding the functioning and well-being of your child. The agency will work to make every effort to meet you, and to have you meet and speak with your child's foster parent as soon as possible so that you can work together to achieve what is in the best interest of your child.



Types of Foster Care Settings

Living in a Home with a Family

- Foster Boarding Home or FBH (with a kinship or recruited foster parent)
- Therapeutic Foster Boarding Home
- Mother/Child Foster Boarding Home

Living in a Group Setting with Employed, Trained Staff (primarily for older children or children with special needs)

- Group Home
 - Diagnostic Reception Center (DRC)
 - Residential Treatment Center (RTC)
 - Residential Treatment Facility (RTF)
- (See Glossary for additional information)



You and Your Child's Foster Parents

The majority of children are placed in homes with foster parents. It is helpful to your child if you and your child's foster parents build a working relationship based on mutual respect. Children are often returned home faster when parents and foster parents work together.

Ask your caseworker to arrange for you to meet the foster parents. Tell them about your child's likes and dislikes, eating habits, and other important information. Talk about ways you want to stay involved with your child's life and ask for their ideas about how they can help. For example, you might arrange with the foster parents to go with them to your child's parent/teacher conference, doctor's appointments, or other events, or set up times to talk with your child on the

phone. Your relationship with your child's foster parents can be empowering for you and highly beneficial for your child.



The Role of Foster Parents

Foster parents, including kinship foster parents, are trained and monitored by the foster care agency to ensure that they are providing a safe and nurturing home for your child. Foster parents may have several children in their home depending on the size of their living space.

Foster parents have the responsibility for the day-to-day care of children placed in foster care. Foster parents are given money every month to help them care for a foster child. Foster parents do not have the right to make important decisions about things such as your child's education, day-to-day medical care or travel, or visits with parents. They must consult with the foster care agency and get the agency's approval before taking any important action.

Foster parents are also checked for any history of abuse or neglect, and for any criminal background.

The foster parent will be asked to participate in various agency conferences as well as Family Court hearings. It is to the benefit of the child if parents, foster parents, agency caseworkers, and community supports work together at these meetings to make appropriate decisions.

NOTE

This Handbook will refer to the two types of caseworkers involved with your case: *the ACS child protective caseworker (or ACS caseworker) and the foster care agency caseworker (or agency caseworker).*

TIPS FOR PARENTS

- If you have any concerns about the foster home in which your child is placed, speak with your caseworker.
- If you cannot be involved with your child's case because you are in a substance abuse treatment program or are incarcerated, notify your caseworker or the ACS Office of Advocacy (212-676-9421).

TIPS FOR PARENTS

- Bring a relative, friend or anyone who knows your family well to support you at the Child Safety Conference.
- Be prepared to ask questions, provide information and take notes.
- Before you leave the Conference, make sure you have the names and phone numbers of all the people you can contact with questions or concerns.

What Do I Need to Know While My Child Is in Foster Care?

Beginning the Permanency Planning Process

The Child Safety Conference

Within approximately 72 hours after the removal of your child, the ACS caseworker will invite you to attend a Child Safety Conference (also known as the 72-Hour Conference). This conference is your chance to share information about your family and discuss services that will keep your child safe and support your family. This conference might also determine whether it is necessary for your child to remain in foster care. You are encouraged to bring a relative, friend, religious leader, and/or other supports — anyone who knows your family and can contribute to the discussion. There are no lawyers present at this conference.

At the end of the Conference, an agreement containing the results of the discussion and recommendations will be drawn up and signed by all parties. This agreement will then be presented to the Family Court as the first service plan for you and your child. It will also be discussed at case conferences that will occur every 30 days over the first three months that your child is in care.



Your Caseworker

After the Child Safety Conference, the ACS caseworker will transfer your case information and service plan to the foster care agency caseworker. Your agency

caseworker is responsible for providing guidance and counseling, and referring you to any services you may need. Your service plan is more likely to succeed if you and your caseworker work together, and keep in close contact with one another.



The Service Plan for You and Your Child

Your service planning began at the Child Safety Conference. However, once you and your child are assigned to a foster care agency, the agency worker must develop a comprehensive assessment and service plan for the whole family which should be reviewed within 90 days of your child's removal. The service plan is intended to address the reasons your child came into foster care and identify what services are necessary for the child to return home. Parents are entitled to receive a copy of the service plan, which is located on the last pages of the Uniform Case Record (UCR).



Setting the Goal

As part of the service plan, every child receives a permanency planning goal (PPG) to ensure that children do not remain in foster care indefinitely. The agency, with the permission of ACS, determines which of the following permanency planning goals will be assigned to your child.

Discharge to parent(s) The goal (called “01”) is that the child will return to his or her parent(s).

Discharge to caretaker The goal (called “02”) is that the child will return to an able and willing caretaker.

Independent Living The goal (called “03”) applies to children who are 14 or older for whom return to parent, adoption, permanent placement with a fit and willing relative, guardianship, and custody are not in the child’s best interest.

Discharge to Adoption With this goal (called “04”) the parent(s) rights will be terminated or the parent(s) will surrender their rights so the child can be freed for adoption.

Discharge to Adult Custodial Care The goal (called “05”) applies to youth age 18 or over who are placed in Residential Treatment Facility and continue to need a high level of care as adults.

Discharge to a relative The goal (called “12”) is that the child will return to an able and willing relative.

The goal for the child is very important and will influence how the case is handled, including the services you receive and how often you can visit with your child.

- If your child’s discharge goal is “Return Home” (01), the agency must make every effort to work with you to facilitate the return of your child. Services provided to you may include but are not limited to: parenting skills training, mental health services,

substance abuse counseling, family therapy, referrals to housing, Public Assistance and day care services.

- If your child has a goal of Return to Relative (12) or Return to Caretaker (02), it means that there is a relative or a friend who is willing to take responsibility for your child. In most cases that person has gone to Family Court and petitioned for custody or guardianship of that child. The Family Court will request that ACS or the agency investigate and assess the potential custodial parent’s home to ensure that it is safe and that the child will be well cared for.
- If your child’s goal is “Independent Living” (03), the agency will work with your child to help him or her through the transition from foster care to living in a self-sufficient setting. This is not a favored goal and agencies must first try to develop a family-based plan for your child.
- If your child’s goal is changed to “Adoption” (04), you retain the right to visit with your child until your parental rights have been terminated by the Court. When your child becomes legally freed for adoption, the visits between you, your family, and your child will be terminated unless you and the adoptive parent make a special arrangement for visits to continue.

NOTE

The goal can change from reunification to adoption if the problems that led to your child’s placement in foster care have not been resolved. Even if you are making some progress, the goal can be changed if it is taking too long for you to fulfill your service plan requirements.



TIPS FOR PARENTS

- Obtain a copy of your service plan.
- Participate in all Service Plan Reviews (SPR).
- Reschedule your SPR if you are unable to attend.
- Bring a person of your choice to SPRs for support.
- Arrive on time.
- If you do not agree with a change of goal for your child, speak to your lawyer or request a fair hearing (see Resources, p. 28).
- You have a right to have an interpreter at SPRs.
- You have the right to request a meeting with your caseworker and supervisor at any time.
- If you have questions or concerns about the service plan or anything else, you do not have to wait 30 days for the next conference; you should contact your agency caseworker at any time.

Service Plan Reviews (SPR)

The service plan is reviewed and updated every six months at a Service Plan Review (SPR) meeting. The goal of this meeting is to review and discuss: 1) the progress the family has made in meeting the permanency planning goal for the child, 2) the requirements the parent needs to fulfill; 3) the visiting plan; and 4) the services the agency must provide to the family.

The agency must invite all concerned parties to this meeting, including the parent(s), the child (if age 10 or older), the foster parent, the caseworker, the ACS case manager, and an independent person not involved with the case known as the Third Party Reviewer. You have the right to bring someone with you to the meeting, such as a relative, friend, counselor or advocate.

It is extremely important that you attend the SPRs. Your caseworker is required to provide you with written notice of an SPR meeting at least two weeks before it is held. If you are unable to attend, you must contact your agency caseworker in advance to reschedule. You are entitled to receive a copy of the updated service plan from the agency after the meeting. Incarcerated parents are also entitled to receive a copy of the SPR. You should request a copy from your agency worker.

In cases where a parent is involved in domestic violence, an SPR can be held with each parent separately.



Concurrent Planning

Under the new ASFA Law (see p. 3), caseworkers are encouraged to provide concurrent planning for children. This means that while the caseworker is planning with you for the return of your child, the caseworker is also planning for the possibility that the goal could change to adoption or another goal. The purpose of concurrent planning is to ensure that there is a plan in place for your child if the child cannot be returned to you.

Visiting with Your Child

You have the right to visit and contact your child while he or she is in foster care, unless the Family Court has ordered otherwise. You should contact your agency caseworker to arrange to visit your child. (You may hear from him or her first but there is no reason to wait for their call.) Their number is available from the child protective worker who placed your child.

In the beginning, the Family Court or agency may require visits between you and your child to be supervised by the caseworker. This gives the caseworker an opportunity to observe the interaction between you and your child. As you participate in and complete the services identified in your service plan, your visit plan should change to allow for longer and more frequent visits with your child.

Keeping in close touch with your child while he or she is in foster care is very important. Visits, telephone calls and letters help your child feel close to you and make your child's return home easier.

Furthermore, failure to make contact with your child may be seen as a lack of interest in him or her. If the judge determines that you show no interest in your child or are not fit to care for him or her, your rights as a parent may be terminated. For this reason, keep a record of all contacts with your child and your caseworker.



Facts About Visiting

- Many agencies require you to meet with your caseworker before the first visit with your child is scheduled. This is a time when you may bring up any parenting concerns you have.
- When visits are arranged, the best interests of your child will always be the priority.
- Your caseworker is responsible for arranging visits that accommodate everyone's schedule, including yours.
- Visits can occur at the agency, in the foster parent's home, or somewhere appropriate in your neighborhood that your child likes to visit, such as a park, library, or restaurant. Visits might also include taking your child to a doctor's appointment, a school conference, or sports, plays and other activities.
- You can seek to have your visits increased by: (1) speaking to your caseworker, (2) having your attorney request it in Family Court or (3) by filing a petition in Family Court.
- If there is no court order for supervision, the decision to increase your visits is made by your agency. Keep in mind that when you ask for increased or longer visits, your caseworker will be looking at how you are addressing the reasons your child entered care and the quality of your current visits.
- Your child has the right to have regular visits with other siblings if they are placed in different foster care homes. Your agency should coordinate these visits so that you and your children can spend time together. They should also make every effort to arrange visits for your child with relatives if you are unable to visit.
- If you are incarcerated you are entitled to visits with your child (see page 32).
- Visiting by itself is not enough to have your children returned to you. You must also cooperate with the entire service plan that the agency develops with you.

There are a few instances when visiting is not allowed. For example:

- If the Family Court issues an order preventing you from seeing your child.
- If the agency believes that your visits harm the child. In this case, the agency must get the Family Court's permission to suspend your visits.

TIPS FOR PARENTS

- Visit as regularly as you can.
- Arrive on time for visits.
- Keep a record of all your visits, and even cancelled visits (See Sample Visiting Log, p. 36).
- If you are not receiving visits, you should speak to a supervisor or call the ACS Office of Advocacy Parents' and Children's Rights Unit (212-676-9421).
- Think of an activity to do with your child during the visit, such as a game, project or book. Preparation makes for a better visit.
- If you cannot attend a visit, you must cancel it in advance. Failure to show up for a visit or repeated lateness will be viewed unfavorably by the judge and the agency.
- If you are unable to pay for transportation to the visits, talk to your caseworker about funds for travel expenses.

NOTE

If there are two respondents, separate attorneys will be assigned to avoid any conflict of interest that may exist between the mother and the father.

What Happens in Family Court?

The Family Court Process

ACS and the foster care agency make most of the decisions regarding your child's case. However, a Family Court judge makes all the legal decisions about whether a child has been neglected or abused, and if so, what should be done to protect a child's safety in the future. For example, when a child is removed from home, ACS asks a Family Court judge to order that the child be temporarily placed ("remanded") into the care of ACS.



Who's Who in Family Court

At the Family Court hearings, there will be at least three lawyers — one for you, one for your child (Law Guardian), and one for ACS — along with the judge, the ACS caseworker, and Court officers. The judge will often refer to you as the "respondent" and to ACS as the "petitioner." The caseworker and ACS attorney will usually stand to one side of you and your lawyer. Your child's attorney, called the Law Guardian, will usually be on the other side of you.



Your Role in the Court Process

Every parent who has a child in foster care has the right to, and should, attend all hearings in Family Court relating to the child. Your participation in Family Court proceedings and fulfillment of Court mandates are essential to your child's return home. You should always go to Court when you

receive a legal notice or phone call saying there will be a hearing about your child. It shows the judge that you are concerned for your child.

You have the right to have a lawyer with you in Court. If you cannot afford a lawyer, an 18B Attorney (see Glossary) will be assigned to you free of charge, or you may refer to the list of legal services in your borough (see p. 30).



First Court Appearance

At this hearing, ACS will present their case first. Usually, an ACS caseworker testifies about why the child(ren) were removed or should be removed from home. Then, the parent presents his or her case. If the judge decides that the child(ren) cannot go home at this time, this does not mean that they will never go home. You should keep working with the agency to get them home. The case will now continue to "fact-finding" and "disposition" unless you request a 1028 Hearing (explained below).

At this initial Court appearance you have the right to:

- an attorney.
- a copy of the petition that contains the allegations against you (the abuse or neglect petition).
- the names of the ACS caseworker, ACS attorney, and law guardian for the child.

- the name, location, and telephone number of the foster care agency where your child is placed and name of the foster care agency caseworker.
- an immediate visit with your child unless specifically restricted by Court order.
- ask that a relative be immediately assessed as a foster parent or custodian for your child.
- ask the Court to order services that would help you with the return of your child.



1028 Hearing (Request to Return Children)

You have the right to request the immediate return of your child at a hearing (called a 1028 hearing) within three days of your child’s removal. At this hearing, the Court decides if your child may be immediately returned to you while the rest of the case continues. In order to keep your child in foster care, ACS must show that the child would be in “imminent danger” if returned to you now. This hearing is optional and only takes place if you request it. If the judge returns your child(ren) to you after the 1028 hearing, your case still continues in Family Court.

You can help your lawyer prepare for a 1028 hearing by getting important

information to him or her quickly.

Try to get copies of your child’s medical and school records, and letters from doctors and teachers who know you and can talk about your ability to safely care for your child.

If concerns have been raised about your emotional or physical health, consider getting letters from your doctor, therapist, or clinic about your health status.

If sobriety is an issue and you are in a substance abuse treatment program, consider getting letters or other proof of clean urine or blood screens from your counselor. If you are not in a program, ask the Family Court to send you for an immediate drug test.



Fact Finding Hearing

At this hearing, the Family Court judge will decide whether you have neglected or abused your children under the law. ACS must prove the allegations that they made against you in the petition. You have several options: you can (a) admit to the allegations, (b) submit to the jurisdiction of the Court without admitting to the facts (this means your children can be placed in foster care and the judge can order you to comply with services), or (c) go to trial. At the end of the hearing, the judge will either make a “finding” of abuse or neglect against you, or find that ACS did not prove their case. If so, the court dismisses the petition. The case will be over and the child will be returned to you, unless the decision is appealed and the Court orders that the children stay in

TIPS FOR PARENTS

You have the option of admitting to the judge that all of the allegations contained in the petition are true. If you make an “admission,” it has the same legal effect as if the judge made a finding of neglect or abuse after a hearing. It gives the judge the power to decide whether the child should remain in foster care or return home. You should consult with your attorney about making an admission.

TIPS FOR PARENTS

- Be persistent when trying to reach your attorney.
- It is important to present yourself in an appropriate, courteous manner at Court and ACS meetings. Remain composed, dress appropriately, and speak to your lawyer before speaking in Court.
- Each Family Court has a Records Room where a parent can get their Court file (see Resources, p. 27).
- Each Family Court has a Petition Room where parents can file papers, including visiting petitions. In general, you do not need a lawyer to file papers in Family Court.

foster care until the appeal is decided.

ACS may also agree to “Adjourn the case in Contemplation of Dismissal”(ACD). This means that your child may be returned to you upon specific conditions and that the neglect petition would be dismissed within a year if you comply with the terms ordered by the judge.



Dispositional Hearing

After a Fact-Finding Hearing there will be a Dispositional Hearing which may be on the same day or a different day. At the Dispositional Hearing, the judge must decide what is in the best interest of the child — whether the child should stay in foster care or be returned to you. The judge should consider the steps you have taken to address any problems and plan for the return of your child. You have the opportunity, with the help of your attorney, to tell the judge what you think is the best plan for your child. Your child’s Law Guardian will ensure that your child’s best interests are represented.

At Disposition, several things can happen. Your child may be returned home with or without ACS supervision; he or she may continue to stay in foster care; or he or she may be placed in the custody of another person (a relative or other resource).

To assist in this decision, the judge may order you to be examined by a mental health professional prior to this hearing. Usually the judge will also order an “I & R” (Investigation and Report). This is a report made by ACS that recommends what should happen to your child. It is important to cooperate with the ACS worker. Be sure to

ask your lawyer what ACS is recommending. You may agree to the ACS recommendation or ask for a trial if you do not agree.



Voluntary Placement Proceedings

If you voluntarily placed your child in foster care and it is determined that your child will remain in care for over 30 days, the Family Court reviews your Voluntary Placement Agreement at a 358-a Hearing. At this hearing, the judge will determine whether you understood your rights and responsibilities under the Voluntary Placement Agreement and whether you signed it voluntarily. The Agreement will be approved if the Judge is satisfied that you are voluntarily placing your child in foster care and the Family Court determines that foster care is in your child’s best interests. The Family Court will also make a determination as to whether ACS made measurable efforts to prevent your child from coming into foster care.



Permanency Hearing

Approximately one year after your child enters foster care, the Family Court must review your child’s case (as required by the ASFA, see p. 3). This review is called a Permanency Hearing and must be held whether your child came into foster care as a result of abuse or neglect, a Voluntary Placement Agreement, or a PINS or JD case. The purpose of the hearing is for the judge to review the permanency plan for your child. The judge will hear about services

that have been provided, and the progress that you and the agency are making toward achieving that plan.

The judge will approve or modify ACS's plan for your child(ren). There are five possible permanency plans:

- return to parent.
- adoption (in which case, your parental rights would be terminated or voluntarily surrendered).
- refer for legal guardianship.
- place permanently with a fit and willing relative which could be through custody.
- or place in another planned permanent living arrangement (such as independent living or adult custodial care).

It is important that both you and your child's foster parents attend the permanency hearings. There will be a permanency hearing every 12 months while your child is in care.

Termination of Parental Rights

In some cases, the Family Court can permanently take away your rights as a parent. (See page 18 for more information about these cases.) To terminate parental rights, ACS or the foster care agency must file a petition in Family Court. With certain exceptions (see p. 18), New York law now requires the filing of a termination petition if a child has been in foster care for 15 of the most recent 22 months (see p. 3).

This means that if, after 15 months of your child's placement it is determined that you are not able to care for your child, ACS and the agency will go to Court to have your parental rights terminated. If your parental rights are terminated, you will not have the legal right to seek custody of your child, or to visit or contact them, and your child may be adopted without your consent.

In a Termination of Parental Rights (TPR) proceeding, there is a fact-finding and a dispositional hearing. You have the right to attend these hearings and to have an attorney represent you. But your rights can be terminated even if you are not present.

During fact-finding, ACS and/or the foster care agency must prove that they have good reason to terminate your parental rights. Grounds for termination of parental rights include abandonment, permanent neglect, severe and repeated abuse, and mental health or mental retardation.

After the fact-finding, there is a dispositional hearing. At the dispositional hearing, the judge may decide it is not in the best interests to terminate your parental rights. The judge may give you a final chance to comply with services necessary for the return of your child.

If you are faced with a termination proceeding, you may want to consult with an attorney about signing a conditional "surrender agreement" (see p. 18).

TIPS FOR PARENTS

As you prepare for your child's return home, be sure to stay in close contact with your caseworker. Discuss with your caseworker any assistance you think you may need (i.e., financial, clothing, furniture, housing subsidy) or any services you or your child may need to ensure a smooth transition back home.

When and How Will My Child Leave Foster Care?

If I comply with all the requirements of the service plan, will my child be able to come home?

Yes, if your child can return safely to your home.

Before the Family Court Dispositional Hearing on an abuse/neglect case (see p. 14), ACS and the agency can make recommendations to the Court regarding the return of your child. The judge can issue an order for the child to return to you.

After the Family Court Dispositional Hearing, the judge decides when your child is to return to you. A service plan will be in effect during that time. When you have successfully completed your service plan and it is determined that your child will be safe at home, your child usually can return to you. Your child's return will begin with a **trial discharge** that typically lasts for up to three months. Your caseworker will visit your home during this time. After the completion of a successful trial discharge, a **final discharge** will occur, which means that your child will remain at home with you and your ACS case will be closed.



Trial Discharge

When it is time for your child to be returned to you, a Trial Discharge Conference will take place. You, your family members (where appropriate), the child (if age-appropriate) and

anyone who has been providing services to the family (foster parents, ACS case manager, the agency case planner, the child's Law Guardian, etc.) will be invited to this conference to work together in order to design a safe and supportive discharge plan. This meeting gives family members and the child an opportunity to be actively involved in the decisions that are made about the types of supports they may need upon discharge.

The Trial Discharge Conference should occur at least two weeks before the anticipated date of the trial discharge. The duration for trial discharge is usually 90 days and should not exceed six months.

If the Court orders that the child be immediately returned to the parents, a Discharge Conference will be held after the child has returned to you.



Final Discharge

Final discharge planning should start two to three months after the beginning of the trial discharge. A Final Discharge Conference will be held and all those who were invited to participate in the Trial Discharge Conference will be invited to attend. This meeting is for everyone to evaluate the trial discharge and choose one of three options: 1) to make the discharge final, 2) to extend the trial discharge, or 3) to end the trial discharge and return the child to foster care.

What do I do if my child is still not discharged to me?

If ACS and the agency do not discharge your child to you, and you believe you have complied with all requirements for your child to return safely, you can send a notarized and certified letter (return receipt) to your foster care agency requesting termination of placement. If the agency does not respond within 30 days or denies your request, you may then go to Family Court with a copy of your letter and copy of the return receipt. At the Family Court, you may file a petition for termination of placement in the Petition Room.

In cases of a voluntary placement, fill out the *Request for Discharge of Child from Foster Care* form at the end of this Handbook. You should send this form to the agency caseworker by certified mail (return receipt).

If you did not specify any date for the return of your child and there is no legal objection, the agency should return your child to you within 20 days of your request. If you specified a date or event for your child's return, your child must be returned to you within 10 days of the date you listed in the Voluntary Placement Agreement. If the agency does not return your child within 10 days after your request and letter are received, you must then go to Family Court to file a petition for termination of placement. If the agency and ACS believe that you are not yet able to care for your child, they must get a Court order directing that your child remain in foster care.

Are there any situations in which the agency is not required to provide services to me?

Yes. ACS may ask the judge to determine that no reasonable efforts have to be made to reunify you with your child. The judge could make this determination if you have severely or repeatedly abused your child, allowed your child to be sexually abused, been convicted of certain serious crimes against your child, or had your parental rights to another child involuntarily terminated.

Also, if you fail to address problems that caused your child to come into care, ACS may request that the judge intervene and determine that the agency is no longer required to provide services to you. If the judge agrees, a Court hearing will be held within 30 days. ACS may file a petition to terminate your parental rights (see p. 15), although the judge cannot rule on the petition until your child has been in foster care for one year.

Although the agency would not be required to provide you services, if you request them, the agency might work with you.



Surrender of Parental Rights

You may voluntarily agree to have your parental rights terminated by signing a legal document called a "surrender." A judge must approve any surrender.

There are many reasons why you might decide to surrender your parental rights.

TIPS FOR PARENTS

Always document what services were offered to you by ACS or the foster care agency, and on what dates you received them. Also note if services offered were not actually received by you.

NOTE

Under the 1997 federal legislation called the Adoption and Safe Families Act (or ASFA, see p. 3), it is very important that you fulfill your responsibilities and work to give your child a permanent home as soon as possible. ASFA requires that you, your caseworker, and ACS act quickly to address the problems that led to your child's placement in foster care. If you are not working to correct these problems and your child has been in foster care for 15 or more of the past 22 months, the foster care agency may be required to file a petition to terminate your parental rights.

You may feel that you are unable to assume the responsibility of being a parent, or that your child has become very attached to his or her caretaker during your separation and that it would be best for your child to remain with that person permanently.

A surrender agreement can be made in Court in front of a judge, or outside of Family Court (usually at the foster care agency) and then be approved by the judge. A surrender agreement has the same legal effect as a termination of parental rights order in that the parent gives up his or her parental rights to the child. However, the advantage of a surrender is that if the agency agrees, the parent can put some conditions on the contract, such as requesting that the child be adopted by a particular person. Or the parent can maintain contact with their child through an "open adoption" process. Not all judges enforce these adoption agreements, although they are becoming more common when post-adoption contact is in the child's best interests.



Termination of Parental Rights (TPR)

If you do not participate in and complete *all* Family Court, ACS, and agency requirements while your child is in foster care, ACS or the agency may ask the Family Court to permanently end your parental rights to your child so that the child may be adopted. The Court then holds a hearing to decide whether or not to terminate parental rights (see p. 15).

Only a judge can end your parental rights without your agreement. The Family Court

can terminate your parental rights if it is determined that you:

- legally abandoned your child for at least six months.
- permanently neglected your child for at least 12 months.
- severely or repeatedly abused your child.
- have a mental illness that will prevent you from fulfilling your parental responsibilities.

ASFA requires that the agency file a petition to terminate parental rights if a child has been in foster care for 15 of the last 22 months, unless there is a compelling reason why adoption would not be the best plan at that time. The agency can also file sooner.

Are there any exceptions to the 15-month TPR rule?

Yes. The agency may not be required to file a termination petition if:

- your child is being cared for by relatives and an individual assessment has been made that termination is not in the child's best interest.
- there is a good reason why termination of your parental rights would not be in your child's best interests — for example, you are making progress and there is a strong likelihood that your child could return home safely in another six months.
- the agency has failed to provide services that are necessary for your child's safe return home.

ACS has placed my child with a relative. Does this mean that my parental rights cannot be terminated?

No. Children in foster care with relatives are also entitled to safe, permanent homes. Therefore your agency coworker should be discussing adoption and other permanency options with you and any relative caring for your child.

Is there anything I can do once my rights have been terminated?

It is almost impossible to undo a termination of parental rights, and if you attempt to do so, it is essential that you discuss it with a lawyer.



Adoption

If the Family Court has terminated your parental rights or if you have surrendered your parental rights, your child is legally free for adoption. In an adoption, the Court

gives permanent legal responsibility for a child to other persons who then become the child's parents. Often, children are adopted by their foster parents or their relatives. If they are not, ACS and the foster care agency work to find a safe and loving adoptive home. Unless a judge decides otherwise, a child 14 years of age or older must approve of his or her own adoption.

If you have become close to the foster parents who will be adopting your child, you may want to discuss with them and with your attorney the option of an informal, continuing relationship with your child. This is sometimes called an open adoption. An open adoption means that you would still have contact with your child. You and your child's adoptive parents informally agree for you to stay in contact with your child after the adoption (for example, through letters, phone calls, and/or visits). This type of informal agreement may not be not legally enforceable.

TIPS FOR PARENTS

- Always consult with an attorney before signing a surrender agreement.
- If your child is not adopted by the person designated in the surrender agreement, you have the right to ask the Family Court to vacate the surrender agreement.
- If the foster care agency or adoptive parent fails to follow the visiting arrangements of the surrender agreement, you may ask the Family Court to enforce the agreement.

What Are My Rights?

It is important that you know and understand your rights and responsibilities as a parent while your child is in foster care. If you do not fulfill your parental responsibilities, you may risk losing your parental rights (see p. 18).

As a Parent of a Child in Foster Care, You Have the Right to:

- Be informed about the reasons for your child's placement in foster care.
- Be informed about which foster care agency is handling your child's case.
- Request that your child be placed with a member of your family, together with siblings, and/or in a setting that is reflective of and responsive to your child's specific culture, religion, and background.
- Be informed of what needs to happen so your child can return home.
- Receive prompt notification of and attend any Family Court hearing about your child or about your parental rights (except if the Court acts in an emergency).
- Appear in Family Court. If you are incarcerated, you should be aware of your right to be "produced" for all Court hearings.
- Consult with a lawyer at any time and be represented by a lawyer in any Court action concerning your child or affecting your parental rights.
- Quickly receive services that support the goal to return your child home.
- Attend all service plan reviews, and be immediately consulted whenever a change in the service plan for you and your child is being considered.
- Apply for housing subsidies and other assistance to obtain housing if your child has been in foster care for at least 30 days and if lack of adequate housing is the primary factor preventing the return of your child.
- Receive regular updates from your caseworker on your child's health, mental health, development, behavior and progress in school.

- Visit your child and request transportation if you are unable to pay for transportation once an appropriate visitation schedule is determined.
- Request that your children visit each other if they are placed in separate homes.
- Have your complaints listened to and responded to by either ACS or the foster care agency where your child is placed. You also have the right to contact the ACS Parents' and Children's Rights Unit to resolve a problem with your case.
- File a complaint against your lawyer if you believe he/she has violated the code of professional responsibility (see p. 27).
- Receive notification as soon as possible of any serious medical emergency, and/or if your child receives any medical treatment.
- Pursuant to a federal court order, if your child was removed because you are a victim of domestic violence and have not otherwise abused or neglected the child, you have the right to a child safety conference within 72 hours of the removal. During this conference and during any other conferences, you shall have the right to consult with counsel. During these conferences the agency will not encourage, request or demand that any legally binding document be signed or orally agreed to without informing you or your right to consult with counsel.
- Call the New York State Central Register (SCR) Child Abuse and Maltreatment Hotline at (800) 342-3720 if you suspect your child is being abused or neglected in a foster home. This right must not be abused — false reporting is a crime.
- Request referrals to receive financial help, and/or clothing and furniture for your child, upon your child's return home.

Responsibilities

Parents' Responsibilities	ACS and the Agency's Responsibilities	Foster Parents' Responsibilities
Always keep your child's best interest at heart, and remember to look at this situation from your child's perspective.	Always keep your child's best interest at heart, and remember to look at this situation from a child's perspective.	Always keep your child's best interest at heart, and remember to look at this situation from a child's perspective.
Work to create a safe home environment to which your child can return.	Provide you with the services needed to create a safe home environment to which your child can return.	Nurture your child while you are getting the services you need, and support the bond between you and your child while your child is in care.
Share any cultural, religious, health or special needs your child may have with the agency and/or the foster parent.	Get information from you about any cultural, religious, health or special needs your child may have. Provide support to the foster parent regarding these needs.	Ensure that your child's cultural, religious, health and/or special needs are being met.
Request medical, psychological and educational updates on your child.	Give you medical, psychological and educational updates on your child.	Take your child to all required medical, psychological and educational appointments.
Visit and contact your child consistently and frequently (or as determined by the court).	Arrange consistent and frequent visits and other forms of contact for you and your child, and try to accommodate everyone's schedules within reason.	Ensure that you and your child visit and contact each other consistently and frequently.
Stay active and involved in your child's life.	Help you stay active and involved in your child's life.	Help you to stay active and involved in your child's life.
<p>Notify caseworkers of any changes in your life (e.g. address, telephone number, marital status). This includes circumstances such as:</p> <p>AWOL: If your child has run away from foster care and shows up at your home, you must notify the agency immediately.</p> <p>Arrest of a parent or youth: If you or your child has been arrested you must notify the agency as soon as possible.</p>	<p>Update case records with current information and ensure that you are informed of any changes affecting your child or your case (e.g. change of caseworker, change of foster parent, medical emergency, need for medicating your child, etc.).</p> <p>AWOL: If your child has run away from foster care, the agency must alert you and the police and request a warrant from the family court within 48 hours.</p> <p>Arrest of youth: If your child has been arrested, the agency must notify you and insure that the child has legal representation.</p> <p>A representative from the agency should be with your child whether or not you are present.</p> <p>Please note that ACS is not responsible for posting bail.</p>	<p>Inform the agency if changes occur in the foster home that affect your child (e.g. an emergency requiring the need for the foster parent to leave town; added members to the household; marital status; medical emergencies; vacation plans; behavioral issues, etc.)</p> <p>AWOL: If your child has run away from the foster home, the foster parent must notify the agency and the police immediately.</p> <p>Arrest of a youth: If your child has been arrested, the foster parent must notify the agency as soon as possible.</p>
Keep appointments with your caseworker, service providers and court.	Arrange and keep appointments which accommodate everyone's schedule within reason.	Keep appointments related to children in their care.
Attend all scheduled meetings and participate in the development of the service plan for you and your child.	Invite you to participate in meetings and case conferences with two weeks advance notice. Children over the age of 10 may also be asked to attend.	Participate in meetings that require their presence and ensure children attend when necessary.
Respond promptly to contacts, such as letters and telephone calls from your caseworkers.	Respond promptly to your contacts.	Contact caseworker with any concerns or problems.

Where Can I Go for Help?

Your Agency Caseworker

Whenever you have a problem with your case or a complaint, the best person to talk with is your agency caseworker. An open discussion will often settle the matter. If you and your caseworker cannot resolve the problem, ask to speak to your caseworker's supervisor.



Your Lawyer

You should also speak with your lawyer regularly, and keep him or her informed about the services you are receiving and any concerns you have. Court-appointed lawyers are often very busy, so be persistent in contacting them and do not get discouraged if they are hard to reach.



The Parents' and Children's Rights Unit

If you are unable to resolve problems with ACS or the foster care agency caring for your child, you should contact the Parents' and Children's Rights Unit at ACS (part of the Office of Advocacy). Examples of reasons to contact this unit include:

- you are not receiving your scheduled visits with your child.
- the agency is not properly planning with you for the return of your child.
- ACS or the agency is not providing you with information about your child.

The Parents' and Children's Rights Unit acts as an impartial body to resolve complaints made by parents, foster parents, and children. A worker will hear your complaint and then contact the appropriate agency or ACS program area. Once the Unit worker has collected all the information, he or she will discuss the findings with you and work to resolve the problem.

Any parent, child, foster parent, or other concerned person who needs assistance resolving a child welfare related issue may call the ACS Office of Advocacy Parents' and Children's Rights Unit at (212) 676-9421, Monday through Friday, from 9:00 A.M. to 5:00 P.M. A message may be left at this number at all other times.

18B Attorney The attorney who represents, free of charge, a parent in Family Court if the parent cannot afford to hire a private attorney.

1028 Hearing A hearing held if the parent requests the return of their child after a removal. The judge will determine if it is safe for the child to return home while the case is ongoing in Court.

Adjournment in Contemplation of Dismissal (ACD) The judge will return a child to parents under conditions agreed to by all parties and adjourn of Court proceedings for up to one year with the supervision of the home by ACS.

Allegation An unproved accusation.

Case Manager An ACS caseworker responsible for monitoring the foster care agency's care of a child. The case manager attends all service plan reviews, approves the service plan and any changes to the plan, and receives regular reports regarding the functioning of the child in foster care.

Case Planner An ACS or foster care agency caseworker who assesses the need for services and makes referrals to services. The case planner also schedules visits between parent and child, and between siblings, and supervises the foster home.

Child Evaluation Specialist (CES)
An ACS staff member who assesses a child's needs when he or she enters foster care and makes recommendations for the most appropriate foster care placement.

Child Protective Specialist
An ACS caseworker who investigates a report of suspected abuse or neglect, informs the case manager about the case, and testifies in Family Court.

Court-Ordered Supervision (COS)
An order from the Family Court requiring ACS to monitor a child at home, usually for a period of up to twelve (12) months with conditions.

Custody When an adult is granted custody of a child by a judge, he or she has the legal right to take care of the child and has the authority to make major decisions regarding the child. The custodian may apply for Public Assistance for the care of the child.

Diagnostic Reception Center (DRC)
A DRC provides intensive structure and evaluation services to troubled children. This is a temporary foster care placement and can last up to 90 days. In DRCs, children undergo physical, psychological, and educational evaluations to determine what placement setting is best suited to meet their needs.

Disposition The order or decision of a Family Court judge as to where the child will be placed and what services the parent is required to complete.

Fact-Finding A court proceeding in which the judge hears testimony on the case and decides whether the allegations of abuse or neglect have been proven.

Foster Boarding Home (FBH) This is the most common type of foster care placement. The child may be placed in the home of an eligible relative, friend or neighbor who is willing to care for the child and whose home has been evaluated and/or approved by ACS. This is called "kinship foster care" when it is a relative caring for the child. If there is no eligible relative able to care for the child, ACS places him or her in the home of a recruited foster parent.

Group Placements Children may be placed in foster care in a group home or residence. A group home is a family-type home for seven to twelve children. A group residence is a structured facility for children (over age 10) requiring more intensive supervision. Residences can house up to 25 children.

Guardianship The formal legal arrangement granting an adult the right to act on behalf of a child. Guardianship allows greater decision making than custody. A guardian may apply for income support for the care of the child.

Home Study A detailed evaluation of a foster home that can take several weeks. (Although, a relative's home can be temporarily approved more quickly — possibly within 24 hours.) This approval lasts for a 60-day period while a more complete home study is done.

Indicated Report A designation that there is credible evidence regarding a report of child abuse or neglect.

Interstate Compact A legal agreement between two states that provides for the transfer of children in the custody of a Court or agency in one state to another. In such a case, the receiving state must investigate and approve the home of the prospective foster parent and assume responsibility for monitoring the child in that home.

Investigation and Report (I&R) A report requested by a Family Court judge and produced by ACS. In the report, ACS provides information about the safety of a child's home and the parents' participation in services. The report is presented to the judge at the Dispositional Hearing so the judge can make an informed determination of what is in the child's best interests.

Kinship Foster Care Foster care placement of a child with a relative.

Law Guardian An attorney appointed by the Family Court to represent the child.

Mental Health Study (MHS) An evaluation conducted by a Court-appointed psychologist to determine what, if any, mental health issues a parent may have.

Non-respondent Parent The parent for whom there are no allegations of abuse or neglect. This parent has the right to be notified of hearings and to participate as an interested party. He or she may also seek temporary or permanent custody of the child who is the subject of a child protective proceeding.

Open Adoption An adoption in which the adoptive parent and birth parent agree that the birth parent will maintain contact with the child. This type of agreement may not be not legally enforceable.

Order to Produce A Court order to a prison to "produce" (or bring) an incarcerated parent to Family Court for hearings regarding their child.

Order of Protection A written direction from a Court ordering particular guidelines to protect one party from another.

Parole A legal order that temporarily places a child with a parent or other suitable person while a Family Court case is ongoing.

Permanency Planning The efforts made by ACS and foster care agencies to provide a permanent home for children either by returning them to their parents, or if that is not possible, through adoption or some other permanent arrangement such as guardianship or legal custody.

Person in Need of Supervision (PINS)

A child under the age of 18 who is alleged to be beyond the control of his or her parents, or whose behavior may be out of control. A parent or guardian may file a petition to request Family Court intervention.

Person Legally Responsible (PLR)

In abuse and neglect cases this term includes the child's parent, custodian, guardian, or any other person legally responsible for the child's care at a time in question.

Petition A formal, written application to a court requesting judicial action on a certain matter.

Petitioner The party who files an application to a court.

Placement A legal order issued by the Family Court at a Dispositional Hearing and/or at a Permanency Hearing that puts a child in the custody of the ACS Commissioner for up to 12 months from the date the child was placed in foster care.

Remand A legal order that temporarily places a child in the custody of the ACS Commissioner.

Residential Treatment Center (RTC)

The RTC is the highest level of foster care. RTC's are designed to care for children with serious emotional and behavioral problems who need therapeutic services as well as a very structured environment.

Residential Treatment Facility (RTF)

A facility licensed and operated by the New York State Office of Mental Health that is for children (ages 6-21) who have serious mental illness and require a structured environment.

Respondent Any person who is responding to a Family Court petition. The respondent may be a person who is not the child's parent but is legally responsible for the child's care. In a PINS or JD case, the respondent is the child.

Service Plan Review (SPR) A meeting held every six months to discuss a case, the readiness for a child's return home, the services provided, the parents' participation in services and the parents' progress towards creating a safe home for the child. ACS, foster care agency caseworkers, and parents must attend. Foster parents and children over age 10 are also invited. Parents may bring a relative, friend, counselor, and/or advocate with them.

State Central Register (SCR) New York State's Child Abuse and Maltreatment Hotline (800-342-3720). Anyone can report suspected abuse and neglect to this Hotline, 24 hours a day, 7 days a week; all reports are confidential. The SCR relays reports to ACS. Any time ACS gets a report it must investigate within 24 hours.

Termination of Parental Rights (TPR)

Termination of parental rights ends the legal relationship between parent and child. The child is then legally free for adoption.

Therapeutic Foster Boarding Home (TFBH)

A foster home providing specialized care to a child who needs additional attention from foster parents who receive specialized training.

Unfounded Report A designation that there is no credible evidence to prove a report of child abuse or neglect.

ACS General Information 877-KIDS-NYC
(877-543-7692)

ACS Field Offices

To locate your child after he or she has been removed from home, call the ACS Field Office located in your borough and ask for the Applications Unit.

Bronx Field Office
1775 Grand Concourse, 8th Floor
Bronx, NY 10453 718-716-0300

Brooklyn Field Office
1274 Bedford Avenue
Brooklyn, NY 11217 718-623-4500

Manhattan Field Office
150 William Street, 2nd Floor
New York, NY 10038 212-676-7055

Queens Field Office
165-15 Archer Avenue, 4th Floor
Jamaica, NY 11433 718-481-5700

Staten Island Field Office
350 St. Marks Place, 5th Floor
Staten Island, NY 10301 718-720-2765

Emergency Children's Services 646-935-1447

Family Court Locations

Brooklyn

Kings County Family Court
283 Adams Street, 1st Floor
Brooklyn, New York 11201 718-643-2652

Petition Room, 3rd Floor 718-643-8896
Records Room, 4th Floor 718-643-5811

Bronx

Bronx Family County Court
900 Sheridan Avenue
Bronx, NY 10451 718-590-3321

Petition Room, 7th Floor 718-590-3285
Records Room, 8th Floor 718-590-3424

Manhattan

New York County Family Court
60 Lafayette Street, 1st Floor
New York, NY 10013 212-374-8743

Petition Room, 4th Floor 212-374-8748
Records Room, 7th Floor 212-374-8788

Queens

Queens Family Court
89-14 Parsons Blvd., 3rd Floor
Queens, NY 11432
. 718-520-3991

Petition Room, 1st Floor 718-520-3891
Records Room, 2nd Floor 718-520-3884

Staten Island

Richmond Family Court
100 Richmond Terrace
Staten, Island, NY 10103 . . . 718-390-5460/61

Petition Room, 1st Floor . . . 718-390-5460/61
Records Room, 1st Floor . . . 718-390-5460/61

State Child Abuse and Neglect Information

New York State Child Abuse and Maltreatment Hotline 800-342-3720
To report suspected abuse or neglect, call 24 hours a day, 7 days a week

Out of State 518-474-8740

To request a copy of the child maltreatment report in which you were named, write to:

New York State Office of Children and Families Services
40 North Pearl Street
Albany, New York 12243

To clear your name from the State Central Register (SCR) for Child Abuse and Maltreatment, write to:

New York State Department of Social Services
Special Hearing
Child Abuse and Maltreatment Registrar
40 North Pearl Street
Albany, New York 12243

This written request should include your full name, the full name(s) of the child(ren) named in the report, your address, and the New York State Register number of your case.

To resolve a problem or complaint about your case, contact:
The Office of Advocacy
Parents' and Children's Rights Unit
Administration for
Children's Services
150 William St., 1st Floor
New York, NY 10038
212-676-9421

Complaints about Court-Appointed 18B Attorneys

For Brooklyn, Queens and Staten Island:

Grievance Committee for the
2nd and 11th Judicial Districts . . . 718-923-6300
335 Adams Street, Suite 2400
Brooklyn, NY 11201

In the Bronx and Manhattan:

Grievance Committee for the
1st Judicial Districts 212-401-0800
61 Broadway, 2nd Floor
New York, NY 10006

Community Resources

Abuse Prevention and Intervention Resources

Prevent Child Abuse New York
Parent Helpline 800-342-7472
*Provides information
and referral services 24 hours
a day, 7 days a week*

National Respite
Locator Service 800-773-5433
*Referrals to respite
or crisis programs*

New York Foundling 212-472-8555
Crisis Nursery

Grandparent Resource Center 212-442-1042
*Support for grandparents
caring for young children*

Single Parent
Resource Center 212-951-7030
Support for single parents

Parents without Partners 800-637-7974
Support for single parents

NYC Youthline 800-246-4646
Support and referrals for youth

Advocacy

C-Plan 212-669-4955
Public Advocate's Office

Child Care

ACS Agency for Child
Development (ACD) 718-FOR-KIDS
(718-367-5437)

*Day care information
and referrals*

Head Start 212-361-6758

Health-Related Assistance

Immunization Action Plan 800-325-CHILD

Growing Up Healthy Hotline 800-522-5006
Referral for prenatal care

NY State Child Health Plus 800-698-4543

Medicaid Information 877-472-8411
(HRA Info Line)

Emergency Hotline 800-LIFENET
*Information and referrals for
mental health services*

Mental Health Services/
Mental Health Association 212-254-0335

Housing Assistance

ACS Housing Subsidy Program . . . 212-341-3654

Eviction Prevention/
Housing Court Unit 718-237-7024

NYC Dept of Homeless Services
Emergency Shelter 800-994-6494
24 hours a day, 7 days a week

Emergency Assistance
Unit (EAU) 718-402-6474
151 East 151st Street
Bronx NY 10451
24 hours

Immigration

Immigration and
Naturalization Service 800-375-5283

NYC Office of Immigrant Affairs . . . 212-788-7654

Legal Services

Legal Referral Service 212-626-7373

Legal Services for
New York City 212-431-7200

Legal Aid Society 212-577-3300

MFY Legal Services 212-417-3700

Lawyers for Children..... 212-966-6420

SHIELD..... 212-626-7383
*A legal advice line provided
by the Bar Association of New York*

Financial Assistance

ACS Office of Child Support Enforcement
..... 212-226-7125
*Child support enforcement
and paternity establishment*

Public Benefits
Resource Center 212-614-5517

NYC Human Resources
Administration 877-472-8411
*Public Assistance, shelter,
medical care and other
social services*

Community and Constituency
Affairs 212-331-4640
Problems with Public Assistance

Special Needs

Resources for Children
with Special Needs, Inc 212-677-4650
*Information, referrals, advocacy,
training, education and outreach*

Violence

The Samaritans..... 212-673-3000
Suicide Prevention

HOPE Citywide Domestic
Violence Hotline..... 800-621-HOPE
Spanish-Speaking..... 800-942-6908
Hearing-Impaired
Individuals..... 800-810-7444-TDA
*Information, referrals,
crisis intervention, counseling,
shelter and advocacy*

Crime Victims Hotline 800-577-7777

Gay and Lesbian
Anti-Violence Project Hotline..... 212-714-1141

Elder Abuse Hotline 212-442-3103
Elderly Crime Victims Resource

Important Information for Fathers

If you find out that your child has been placed in foster care, you should immediately contact the agency caring for your child. (And if you do not know where your child is placed, call the ACS Office of Advocacy at 212- 676-9421). The agency will ask you if you were married at the time your child was born. If the answer is no, you will have to prove paternity (that you are the father). Once you prove paternity, you have the right to request visits and be involved in your child's permanency planning.

To prove paternity you must:

- File a petition in Family Court in the county where your child resides, or where the mother of the child resides.
- Serve the petition to the mother. This means that you must have a person over the age of 18 deliver a copy of the petition to the child's mother. This will make the mother aware of the Family Court proceedings so that she may attend.
- If on the court date the mother does not dispute that you are the father, then the judge may find paternity is proven. If the mother disputes that you are the father, the judge will order you to take a blood test. (You may have to pay for the cost of the test.)
- If you want custody of your child, you must file a petition in Family Court. The

Court will order an investigation of your home (Court-Ordered Investigation, or COI) and the agency may be asked to submit a report about your interaction with your child. Your child's Law Guardian will speak with your child (where appropriate) to ask what he or she wants.

Important Facts For Fathers

- Your name on the child's birth certificate does not make you the child's legal father.
- Even if you have lived with the mother of your child for a number of years and believe that you are her common-law husband, this does not make you the child's legal father.
- Filing with the Putative Father Registry gives you the right to be notified of certain legal proceedings relating to termination of parental rights and adoption of your child. However, filing does not make you the child's legal father or give you the right to stop the adoption.
- If you were not married to the mother of your child when your child was conceived or born, you are not considered your child's legal father unless you have a Court order that says you are the child's father. Without a Court order stating that you are the father, you have no legal right to visit your child, and you may have no say about whether your child is adopted.

To learn how to become the legal father of your child, speak with your lawyer.

Incarcerated Parents' Rights and Responsibilities

Even though you are incarcerated, it is **very important** for you to be involved in planning for your child's future. This means that when your child is in foster care, you must contact your caseworker as soon as possible and begin planning for your child. If you plan to reunite with your child upon your release, you must prove to the Court that you are a responsible parent, are involved in your child's life, and are addressing the issues that led to your child being placed in foster care. And you must do all of this within specific time frames.

It is very important that you develop a relationship with your caseworker and maintain contact with him or her. If you have any questions about your child or what you are expected to do, please contact your caseworker, correctional counselor or the ACS Office of Advocacy (call collect at 212-619-1309).



Your Rights as an Incarcerated Parent

- You have a right to receive copies of your child's case record/service plan, and to be kept informed about your child's life, including their foster care placement, health status and school performance. Whenever there is a service plan review (referred to as an "SPR") you have a right to be notified of this meeting at least two weeks **in advance** and to receive a copy

of the plan afterwards. You can also speak to your caseworker about teleconferencing the SPR so you can participate.

- Unless your rights have been terminated or a court has ruled otherwise, you have a right to visits with your child. In most cases, you have a right to a minimum of one visit per month.
- You have a right to be present at all of your court dates. As an incarcerated parent, an "order to produce" will have to be issued for you to be brought to Family Court. The order needs to come from the Family Court but your caseworker, lawyer and correctional officer can help to make sure it is issued. If you do not have a lawyer, you can request to be produced by writing a letter to the Family Court judge or clerk in the borough where the case is being heard. (This is most likely the borough where your child was living at the time of removal.)

You can also contact the Inmate Records Office or someone in the Law Library at your facility to find out what internal routes you can take to make sure you get produced.

It is very important (although it may be inconvenient) that you be present in Family Court. This will make your case stronger, and show that you care about and are involved in your child's life.



TIPS FOR PARENTS

If you are arrested, you should immediately inform both the police and an ACS official that you want to place your child in foster care or in the custody of a family member.

Responsibilities as an Incarcerated Parent

- You are responsible for staying in contact with the foster care agency handling your child's case and with your child. ***If you have not had contact with either one for a period of six months, this can be considered abandonment and can be grounds for terminating your parental rights. For this reason, it is very important to stay in contact with your caseworker and to let them know if your location or situation changes.***
- You are responsible for making efforts to stay in contact with your child through visits, letters, or phone calls. You should keep a list of every type of contact you have with your child and with your caseworker to show that you are trying to parent your child even though you are incarcerated. Your list should include attempts to make contact as well, such as messages left, letters returned to you, any missed visits, *etc.* (See p. 36).
- You are responsible for addressing the issues that brought your child into foster

care. Your caseworker should tell you exactly what you are expected to do (this information is part of your child's service plan). Depending on your situation, this may include such things as taking a parenting class, participating in a drug treatment program, and/or therapy or counseling. You should keep a record of all the programs you participate in and complete, as well as those you are waiting to begin. These efforts demonstrate that you are preparing to permanently care for you child.



Advocacy Tips on Planning for Your Child

- Think of family members or close friends who could care for your child outside of foster care.
- Develop a positive relationship with your caseworker.
- Learn all you can about the laws affecting your child.
- Do not be afraid to ask questions and advocate for yourself.

ACS Contract Agencies

A partial listing of agencies that contract with ACS to provide preventive, foster care, and adoption services:

Abbott House
Alianza Dominicana
Angel Guardian Children and Families Services
Arab-American Family Support Center
Association to Benefit Children
Astor Home for Children
Berkshire Farm Center for Children and Services
 for Youth
Big Brothers Big Sisters of NYC
Boys Harbor
Bronx Lebanon Hospital
Brooklyn Bureau of Community Service
Brooklyn Society for the Prevention of
 Cruelty to Children
Brookwood Child Care
Builders for the Family and Youth
Cardinal McCloskey Services
Catholic Guardian Society
Catholic Home Bureau
Center for Children and Families
Child Development Support Corporation
Children's Aid Society
Children's Village
Chinatown YMCA
Chinese-American Planning Council
Church Avenue Merchant Association
Citizen's Advice Bureau
Coalition for Hispanic Family Services
Community Counseling and Mediation
Community Mediation Services
Concord Family Services
Day Care Council of New York
Dennelisse Corporation
Dominican Sisters Family Health Services
Dominican Women's Development Center
The Door
East Harlem Council for Community Improvement
Edwin Gould Academy
Edwin Gould Services
Episcopal Social Services
Family Consultation Services
Family Dynamics
Family Support Systems
Flatbush Haitian Center
Floating Hospital
Forestdale
Good Shepherd Services
Graham Windham
Green Chimneys
HANAC
Harlem Congregations for Community
Improvement
Harlem-Dowling West Side Center
 for Children and Family Services
Heartshare Human Services of New York
Highbridge Community Life Center
Inwood House
Jewish Board of Family and Children's Services
Jewish Child Care Association
Jewish Care of Long Island
Kingsbridge Heights Community Center
Lakeside Family and Children's Services
Leake & Watts Services
Little Flower Children's Services of New York
Little Sister of Assumption Family Health
Louise Wise Services
Lower East Side Family Union
Lutheran Social Services of
 Metropolitan New York
Miracle Makers
Neighborhood Youth and Family Services
New Alternatives for Children
New World Communities
New York City Mission Society
New York Foundling
New York Presbyterian Hospital
New York Urban League
Northern Manhattan Perinatal Partnership
Northside Center for Child Development

Ohel Children's Home and Family Services
Partnership with Children
Pius XII Family Services
Protestant Board of Guardians
Puerto Rican Family Institute
Queens Child Guidance Center
Rheedleen Center for Children and Families
Richmond Home Need Services
Rosalie Hall
Safe Horizons
Salvation Army Social Services for Children
SCAN
Seamen's Society for Children and Families
Self Help Community Services
Sheltering Arms Services
Southern Queens Park Association

St. Barnabus
St. Cabrini Home
St. Christopher-Ottillie
St. Christopher's, Inc.
St. Dominic's Home
St. John's Residence for Boys
St. Luke's-Roosevelt Hospital Center
St. Mary's Children and Family Services
St. Vincent's Services
Staten Island Mental Health Society
Steinway Children and Families
The Valley
VIP Health Care Services
Visiting Nurse Service of New York
Women's Prison Association and Home

Sample Visiting Log

Write a summary of what happens at each visit with your child. Note who was present, the time each person arrived and how long the visit lasted. Include any gifts, toys, clothes or snacks you brought for your child. Indicate your child's responses and reactions. Also, keep a log of any cancelled visits, noting who cancelled and why. Your caseworker keeps this information — so should you!

DATE	TIME	WHO WAS THERE?	WHAT HAPPENED?
3/1/01	4 – 5 pm	Caseworker Alyssa (child) Foster mother	Good visit. I brought Alyssa a toy car and she brought me a painting from school. Foster mother brought her report card. Next visit cancelled because of Holiday. Caseworker will reschedule.

Request for Discharge of Child from Foster Care Form

Peticion de Remover Nino(a) del Hogar de Crianza

Name/*Nombre*

Current address/*Dirección*

Current phone number/*Número de teléfono*

Child's name/*Nombre del niño(a)*

Child's birthday/*Fecha de nacimiento del niño(a)*

Name of the agency caring for my child/*Nombre de la agencia que cuida de mi niño(a)*

I want my child returned to me on (fill in date) Date: _____ / _____ / _____
Yo quiero que mi niño(a) regrese (ponga la fecha fijada)

1. Will your child live with you, after he or she comes home? Check one Yes No
¿Vivirá su niño(a) con Usted después que él o ella regrese a su hogar? Marque S No

If you answered NO, tell us with whom your child will live./*Si su respuesta es No, díganos con quién vivirá su niño(a).*

Name of person and relationship to you/*Nombre de la persona y su relación hacia usted*

Address/*Dirección*

2. Will you be caring for and supervising your child during the day? Check one Yes No
¿Cuidará Usted, y supervisará el cuidado de su niño(a) durante el día? Marque S No

If you answered NO, tell us who will care for and supervise your child during the day.

Si su respuesta es NO, díganos quién cuidará y supervisará el cuidado de su niño(a) durante el día?

Name of person and relationship to you or name of agency/*Nombre de la persona y su relación hacia usted o nombre de la agencia.*

3. How do you plan to support your child?/*¿Cómo planea usted a mantener a su niño(a)?*

(Check all that apply/*Cheque todo lo que le aplica*)

- Work/*Trabajo* Public Assistance/*Asistencia Pública* Social Security or Supplemental Security Income (SSI)
Seguros Sociales o Seguros Suplementarios de Ganancias
 Other, specify/*Otro, especifique*

Signed/*Firma*

Date/*Fecha*

Mail to the agency caring for your child./*Envíe por correo a la agencia que cuida de su niño(a).*

nyc ACS

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