

Out of Sight, NOT Out of Mind:

Important Information For Incarcerated Parents Whose Children Are In Foster Care

**NYC Administration
for Children's Services**

Bill de Blasio, Mayor
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Notes

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Notes

Notes

Introduction: Planning For Your Children’s Future

If you are incarcerated, and your child is in foster care, this pamphlet is for you. It will provide you with important information about the child welfare system, and your rights and responsibilities towards your child in foster care. Your child may have already been in foster care before your incarceration or may have entered foster care as a result of your arrest and incarceration, or during your incarceration. No matter what, your situation now may feel very difficult and frustrating. You may worry about your children, miss them, and wonder if and how you can parent under these difficult circumstances. While it will be difficult and not the same as before – you can parent from inside and it is so important that you make every effort to do so.

Even though you are incarcerated, it is very important that you actively plan for your child’s future. When your child is in foster care, actively planning means being involved in their ACS case and being in contact with the caseworker. In order for you to reunite with your child upon your release (if your sentence is not too long), you have to show 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. All of this must be done within specific time frames.

This pamphlet will provide you with information and resources that will help you do this. It includes a list of your parental rights and responsibilities, two checklists for you to fill out, explanations of frequently used foster care terms, a list of resources, and a case information sheet for you to record updated information on your child’s case.

Parental Rights & Responsibilities

As a parent with a child in foster care, you have certain rights and responsibilities. Your caseworker can answer many questions that you have. You should also speak with your Family Court lawyer; as soon as possible to let him/her know where you are and to develop a plan for your case during your incarceration.

In order for you to receive the services that you have a right to, and to show your caseworker that you are fulfilling your parental responsibilities, it is very important that you develop a relationship with your caseworker – he/she is now an important person in your family’s life, and both your child and you will benefit if you and your caseworker work together as a team. This is not always an easy thing to do, but it is very important.

Your Rights as a Parent

- ❖ You have the right to know why your child is placed in foster care, which foster care agency your child is placed with, and what you need to do to reunify with him/her.
- ❖ You have the right to identify a family member or other resource person who you would like your children to live with, as an alternative to foster care or to become foster parents. ACS will explore this choice and discuss with you whether it is possible.
- ❖ You have the right to know who your ACS caseworker is, and how to contact him/her and his/her supervisor with questions or concerns about your child. If your child’s caseworker changes, you have a right to be notified of this change in a timely manner.

CONTACT RECORD

ID # (NYSID and book and case # or DIN): _____

Facility: _____

Agency: _____

Scheduled Visit Date	Date Actually Visited or Reason for Missed Visit	Letter Sent Who, Date, Address	Response Date	Name of Person Who Responded and Date

attempted contact. This record documents your efforts to contact and plan for your children

PARENT/CHILD

Parent's Name: _____

Child(ren)'s Name(s): _____

Phone Number Called	Date of Call	Name of Person/Agency Called	Message Left?

It is very important that you maintain this record for every contact (phone, letter, face-to-face) and

Your Rights as a Parent

- ❖ You have the right to be assigned an attorney to represent you in any Family Court proceedings involving your foster care/ACS case, even between adjourn (court) dates.
- ❖ You have the right to receive available services to help you address the issues that led to your child's placement in foster care (for example: parenting classes, substance abuse treatment, etc.).
- ❖ You have the right to know your child's permanency goal and service plan (see explanation of terms, page 17), as well as to know the services and programs with which you are required to cooperate, and the goals you are expected to achieve. You also have the right to receive written notification of the date of your family's Family Team Conference (FTC) 14 days in advance of this conference. An SPR occurs every 6 months.
- ❖ You have a right to participate in the Family Team Conference (FTC) although this may be difficult while incarcerated. In some cases (depending on where you are incarcerated), it may be possible to hold the SPR at your facility. If this is not possible, you can participate via phone conference arranged through your correctional counselor and caseworker. No matter what, you have the right to receive a copy of the service plan that has been discussed and developed at the conference. This should be mailed to you within 10 days of the meeting.

Your Rights as a Parent

- ❖ You have the right to visit with your child. Unless the Court has ordered otherwise, your agency/ACS must make efforts to facilitate at least monthly visits to you if you are incarcerated in the tri-state area (NY, NJ, CT). If the distance or the facility's rules make monthly visits difficult, you have a right to have other forms of contact with your child such as phone calls, tele-visits and letters. At least monthly visits should be facilitated when you are transferred closer or the visit rules change to allow visits. If you are not receiving regular visits or are not satisfied with your visits, you should contact your caseworker or their supervisor. You can also call the ACS Office of Advocacy's Parents' and Children's Rights Helpline collect at 212-619-1309.
- ❖ You have the right to be notified of upcoming Family Court dates and to be produced for these proceedings. If you know of an upcoming court date, you should talk to your lawyer, caseworker and Correctional Counselor to request that you be produced. You can also write to your Family Court Judge requesting that you be present at all proceedings involving your child. A sample letter is on page 23.
- ❖ You have the right to be kept up to date on your child's health and development, behavior, and progress in school, including being given copies of your child's report cards. You have the right to consent for (most of) the medical care your child receives (unless your parental rights have been terminated).

More Important Information About My ACS Case

Your Discharge Plan:

Housing: _____

Employment: _____

Visiting/reunifying with child(ren): _____

Post Release programs: _____

More Important Information About My ACS Case

My Family Court Information is:

Judge's name: _____

Family Court and Part: _____

Court dates: _____

Service Plan:

Services I am required to complete (list all and check the ones you have completed): _____

Expected Release date: _____

Checklist #1: My Parental Rights

- I have the right to know the reason my child entered foster care.
- I have the right to identify family or others who I would like ACS to explore as resources to care for my children while I am incarcerated.
- I have the right to be assigned an attorney to represent me in any Family Court proceedings involving my foster care/ACS case.
- I have the right to know the name of my child's caseworker, his/her supervisor, and the name and address of the foster care agency.
- I have the right to be kept informed of what steps I must take in order to be reunified with my child.
- I have the right to receive help in fulfilling these steps (for example, being referred for parenting classes or a drug treatment program; receiving assistance finding housing).
- I have the right to participate in the development of my child's service and permanency plan, and to receive a copy of this plan.
- I have the right to be notified in advance of the date of my family's service plan review (SPR), to participate in this meeting regarding my child/case, and to receive a copy of this plan within 10 days of this meeting.
- I have the right to visits with my child (unless a Court Order prohibits visits), and to participate in developing my child's visiting plan. While I am incarcerated, I have the right to visit with my child at least once a month.

☐ Checklist #1: My Parental Rights

- I have the right to be notified of and produced for Family Court dates. I should speak with my caseworker and lawyer about this before each court date, and can also write to the Judge myself. If for some reason I am not produced, I should contact my lawyer or caseworker immediately.
- If my child's case is transferred to another caseworker, I have the right to be notified of this and provided with the new contact information.
- I have the right to be kept up to date on my child's health and development, overall behavior, and progress in school, and to receive copies of medical reports and report cards. I have the right to consent for (most of) the medical care my child receives (unless my parental rights have been terminated).

Important Information About My ACS Case

My child(ren)'s foster parent(s) is:

My child(ren) live at (address):

Child(ren)'s school(s) name and address:

Child(ren)'s law guardian (name, phone number, address):

My lawyer's name and number are:

Important Information About My ACS Case

Child(ren)'s name(s) and date(s) of birth:

My child(ren) is in the care of:

Agency Name: _____

Address: _____

Case Worker's Name: _____

Phone Number: _____

Supervisor's Name : _____

Phone Number: _____

My child(ren)'s ACS case number is:

My child(ren)'s ACS case name is (mother's name):

Your Responsibilities as a Parent

Planning

- ❖ In order to regain custody of your child, you must be able to show that you are involved in his/her life and are planning for his/her future. This includes making arrangements for a permanent home for your child during your incarceration, as well as planning for him/her upon your release, especially if you will be released soon. During your incarceration, this plan can be for your child to live with a relative or friend who has agreed to care for him/her and who has been screened and approved by ACS, or some other legal arrangement.
- ❖ If you cannot arrange for a permanent place for your child to live, your child will be placed with a non-kinship foster parent who would be willing to adopt them, if reunification will not be possible. You should keep in mind that foster care is a temporary placement not meant to last more than 15 months, with some exceptions; if you are incarcerated.
- ❖ The agency/ACS is responsible for working with you, and you are responsible for working and cooperating with the agency. This includes communicating with them and agreeing to follow the service plan (you should have input into what the service plan is and can also voice your needs and disagreement). If you refuse to work with the agency, the agency may go to Court and report that you have "failed to plan" for your child's future and as a result, they may ask that your parental rights be terminated.
- ❖ If you feel the agency is not working with you or that they are misrepresenting you, you should speak with your lawyer, or call the ACS Office of Advocacy's Parent's and Children's Rights Helpline collect at (212) 619-1309 (Monday – Thursday, 9am to 5pm).

Your Responsibilities as a Parent

Staying in Contact

- ❖ You are expected to make efforts to stay in contact with your child. Although this can be difficult while incarcerated, keeping copies of papers and documenting every contact and attempted contact are very important. This means keeping a list of every scheduled (even if it did not happen); of every phone call you make to the caseworker your child, and your child's caretaker (even if you left a message or no one answered the phone); and of every letter, birthday card or other mail you send (even if you get a reply). A sample log is included on pages 30-31.
- ❖ Be sure to keep every letter and document you receive that has to do with your ACS case. All of this will help you show your caseworker and the judge that you have made efforts to stay in contact with your child and the agency.
- ❖ While the agency/ACS is required to make reasonable efforts to contact and work with you, you are also responsible for maintaining contact (through visits, letters, or phone calls) with your child and your caseworker, and for notifying him/her of your whereabouts. If you do not plan for your child and maintain regular contact, your parental rights could be terminated. If a period of 6 months goes by and you have not had contact with your child, your caseworker, or the foster care agency, this can be considered abandonment of your child, and your agency can use this as grounds to terminate your parental rights. This is why it is so important to maintain regular contact with your child and your caseworker.
- ❖ You are responsible for notifying your caseworker whenever you are transferred to a different facility or your address changes. You must notify him/her as soon as possible after a location change – if 6 months go by and your caseworker has not heard from you, this can be considered abandonment and possibly lead to termination of your parental rights.

ACS Resources

- ❖ If you are having any problems or have any questions related to your foster care case, you can call the ACS Parent's and Children's Rights Helpline collect at (212) 619-1309. This **Helpline is available Monday – Thursday, 9am to 5pm**. Before you call, you should have the following information ready: **your name**, the **case name (birth mother's name)**, your **New York State ID (NYSID)/case booking number**, the **facility** from which you are calling, and your **child(ren)'s name** and **date of birth**. You can also write to this office at:

The Parent's and Children's Rights Unit
Office of Advocacy
Administration for Children's Services
150 William Street, 1st floor
New York, NY 10038

- ❖ For more information or to arrange visits, please call the ACS' Children of Incarcerated Parents Program (CHIPP) at: (212) 341-4883. (212) 341-9669 or (212) 442-5041

Outside Resources

- ❖ **Office of Child Support Enforcement:** (212) 226-7125
- ❖ **Fortune Society:** (212) 206-7070
- ❖ **Osborne Association/
Family Resource Center Hotline:** (212) 344-3314
- ❖ **CHIPP toll free Line:** (212) 341-3322
- ❖ **Rikers Island Visits:** (212) 341-4883
- ❖ **Upstate Visits (Mothers):** (212) 442-5041
- ❖ **Upstate Visits (Fathers):** (212) 341-9669

Sample Request to NOT be Produced for Family Court

Honorable **(Judge's name here)**

Address of Family Court

Borough, NY **(Zip Code)**

Part ____/docket number

(Date)

Dear Judge **(Name)**,

This letter is to request that my appearance on _____ before you, Honorable Judge _____, be waived.

I care deeply about my child (ren) and am planning for their future. I am currently incarcerated at _____ Facility and am requesting not to be produced because _____

(Examples: I am near completion of my parenting program/CASAT drug treatment program) and will lose this program, and have my time extended if I am produced for this upcoming court date. This program is required as a goal for reunification with my child(ren).

In the interest of completing my service plan and coming home to my child(ren) as soon as I can, I am requesting not to be produced. I have discussed this decision with my attorney and caseworker.

(Enclose copies of any program information you have, certificates of completion, letters from counselor or program facilitator).

Sincerely,

Your name

Your facility,

ID# Address

Checklist #2: My Parental Responsibilities

Planning

- ❖ I must be able to show that I am involved in my child's life and must make regular efforts to communicate with my children and the agency.
- ❖ I must participate in the development of a permanency plan for my child and a service plan for my case.
- ❖ I am responsible for cooperating with the agency and the agency is responsible for working with me to plan for my child's future. An agency must go to Court in order to stop working with me; this is called "suspension of reasonable efforts."

Staying in Contact

- ❖ I know the name, phone number, and mailing address of my child's caseworker, and make regular efforts to communicate with him/her by phone, letters, or on visits.
- ❖ I know the phone number and address of the foster care agency with which my child is placed.
- ❖ I know that I am required to notify my caseworker of my whereabouts, including when I am transferred or my address/location changes. I must notify him/her of my address regularly and **at least** every 6 months.
- ❖ I am aware that if I do not have contact (through visits, letters, or phone calls) with my child, caseworker, or foster care agency for a period of 6 months, this can be considered abandonment on my part and can be used as grounds to terminate my parental rights.
- ❖ I must keep copies of all correspondence having to do with my child. If I am unable to photocopy my letters, I should record dates that I send them and to whom in a contact log. This log should also include a list of all phone calls made (even when I do not get through), and a record of my visits (including those that are scheduled but do not take place).

Your Legal Representation in Family Court

Important Things to Know about Speaking to your Lawyer

- ❖ Your lawyer is a resource and advocate for you. Although it may not always be easy to reach him/her, you can also write letters with your questions and concerns.
- ❖ The first time you meet your lawyer, get his/her name, phone number and contact information and keep it in a safe place. You can also write it in the Important Information Section of this Handbook, on page 26.
- ❖ Your lawyer can often help you find out information about your case, your child, and your foster care caseworker.
- ❖ It is important to be in touch with both your caseworker and your lawyer. Your lawyer may be able to call the ACS lawyer for you and obtain information, as well as relay your concerns.
- ❖ Try to arrange to talk to your lawyer before your court date, even if it is difficult.
- ❖ Bring all of your documents with you to every court date and any meeting you have with your lawyer, including medical records, court papers, certificates of completion, and counselor's recommendations. If you cannot bring this in person because you are incarcerated, send it to your lawyer by mail. You should not assume your lawyer has any of your paperwork.

Sample Request to be Produced for Family Court

Honorable **(Judge's name here)**
Address of Family Court Borough,
NY **(Zip Code)**

Part ____/docket number

(Date)

Dear Judge **(Name)**,

My name is **(Your name here)** **(Date of Birth, NYSID, DOC/DOCS number)**. I am currently incarcerated at **(Name of facility)**. I am writing to you because I wish to be produced in Family Court for any and all proceedings concerning my child(ren). My understanding is that the order to produce must be sent to the Inmate Records Office at my State Facility and/or the Chief Clerk on Rikers Island.

Currently, I have a foster care case before you concerning my child(ren), **(List name(s), Date of Birth and Docket #, if known)**. I would like to be produced to your Court and to be involved in decisions concerning my child(ren).

Thank you for your assistance.

Sincerely,

Your name
Your facility, ID#
Address

Explanation of Frequently Used Foster Care Terms

- ❖ **Voluntary Surrender:** In the context of foster care and adoption, this is a term that is used to refer to a voluntary (chosen) – as opposed to an involuntary (ordered by a court) – surrender (giving up) of parental rights by a biological parent of a child. This is one way to achieve a permanent, adoptive arrangement for the child without having your parental rights terminated. It does mean that you will no longer have legal parental rights to your child. A child is legally “freed” for adoption once the parent signs a formal written Relinquishment or a Consent to Adoption document, which usually takes place in the presence of witnesses and/or a Notary Public.
- ❖ **Conditional Surrender:** In New York, the law allows a biological parent to do a voluntary surrender as described above but to specify in that surrender certain conditions. The parent who is surrendering or relinquishing his/her parental rights to the child specifies certain exceptions to this which are included in the written surrender document. For example, the parent can state that a condition of the surrender is his/her keeping the right to visit with the child post-adoption. However, there is no guarantee that the condition in the surrender can be enforced (even by the court). Conditional surrenders apply only to children in foster care.

Your Legal Representation in Family Court

- ❖ Make sure your lawyer knows that for each court date the Judge will need to issue an “Order To Produce” to your facility so that you are brought to your court dates. Your lawyer needs to ask the Judge for one on each court date. Make sure your lawyer knows you want to be produced for each court date. You can also write to the court yourself; a sample letter is included on page 23.
- ❖ If you do not want to be produced to court because you will lose your program (for example), you should discuss this with your lawyer first. If it is agreed that it is best for you not to be produced, a sample letter requesting this is also included on page 24.
- ❖ If you choose not to be produced to court, the court can proceed without you. You can give your lawyer permission to represent you even if you are not there. It is very important to explain why you have chosen not to be produced so the court does not think that you are not interested in planning for and making decisions concerning your child.
- ❖ Keep your lawyer informed and up to date about your release date.
- ❖ If you have an upcoming release date, explore with your lawyer whether he/she can help you get into any parent- child programs in your community, as well as refer you for other needed services such as substance abuse treatment, housing, employment, and more.
- ❖ Keep a log of all contacts with the foster care agency and your child and give a copy to your lawyer. A sample log is included at the end of this guide.
- ❖ If you know you will be incarcerated for a long time and you are comfortable with the person who is caring for your child, you may want to discuss a voluntary or conditional surrender with your lawyer. These are defined on page 22.

Important Questions to Ask Your Lawyer

Ask your lawyer for:

- ❖ Information about your case (if you don't already have it from your caseworker), such as the name, phone number, and address of the foster care agency, caseworker, and supervisor;
- ❖ Copies of all court documents filed by the child welfare agency and by your lawyer;
- ❖ The name of the Family Court Judge that is hearing your case;
- ❖ The docket number of your case;
- ❖ A copy of any additional paperwork your lawyer has relating to your child and your case.

Ask your lawyer to:

- ❖ Keep you updated on all court dates;
- ❖ Explain any legal terms you do not understand;
- ❖ Explain the foster care and Family Court process, including the ASFA timeframes;
- ❖ Explain what the "permanency goal" of your child is, how and when this can be changed, and what you can do to affect this.

Actions your lawyer can take on your behalf:

- ❖ If you are having trouble contacting the foster care caseworker, ask your lawyer for help.
- ❖ If you are unsure of what you need to do to reunify with your child(ren), ask your lawyer to find out from the ACS lawyer, caseworker, or supervisor.
- ❖ If you were not present for a court date, ask your lawyer to write you a letter explaining what happened.
- ❖ If the agency is not bringing your child for monthly visits, ask your lawyer to address this with the ACS lawyer or caseworker.
- ❖ If you are not getting visits or other services required by the court or the agency, ask your lawyer to intervene on your behalf.

Explanation of Frequently Used Foster Care Terms

- ❖ **TPR:** Termination of parental rights (TPR) is the legal process that ends the legal connection between you and your child. Once your rights as a parent have been terminated, you have no legal right to see or have contact with your child. This is a serious and final decision that is rarely changed. There are two main reasons why your rights may be terminated: abandonment and permanent neglect (please see below). Being incarcerated does not automatically mean that you have "abandoned" or "permanently neglected" your child and cannot be used as the sole reason for TPR. At the same time however, even though you are incarcerated, you still have to actively plan for your child's future.
- ❖ **Abandonment:** This is one of the grounds for TPR. As an incarcerated parent, you are considered to have abandoned your child when you have not had any kind of contact with your child or your caseworker or foster care agency for a period of 6 months. This is why it is very important that you document all of your efforts to make contact with, see, talk to, and inquire about your child (including visits, phone calls, letters, etc.). A few contacts from time to time is not enough.
- ❖ **Permanent Neglect:** This is also a ground for TPR. As an incarcerated parent, you are considered to have permanently neglected your child when your child has been in foster care for at least 12 months; the agency has made "diligent efforts" (real and consistent efforts to assist, develop and encourage a meaningful relationship between you and your children), or has obtained an Order from a Judge that it is not required to do so; and you have either failed to maintain regular contact with your child and the agency, or have failed to plan for your child's future.

Explanation of Frequently Used Foster Care Terms

- ❖ **Reunification:** The process through which you and your child(ren) come together again and rebuild your family. If your child's permanency goal is "return to parent," also known as a goal of "reunification," you should speak with your caseworker about what steps you need to take to have your child returned to you. Although your child cannot be returned to you until after your release, there may be services that you can begin while incarcerated to assist in the reunification process, including regular visits. As you near your release date, your caseworker should talk with you about any remaining service needs, living arrangements, and steps remaining to reunify with your child.
- ❖ **Reasonable/Diligent Efforts:** The foster care agency/ ACS is required to make real and consistent efforts to assist, develop and encourage a meaningful relationship between you and your children, as well as assist you in accessing and completing the services required for your child(ren) to go home to you.
- ❖ **Order to Produce:** This is a document issued by Family Court that states that the correctional facility you are in must bring you to family court for your scheduled date. If you know of an upcoming court date, you will want to make sure an order is issued. You can do this by contacting your lawyer, caseworker, and Correctional Counselor. Even though being produced for court might seem like an inconvenience, it is very important that you be present in court while decisions about your children's lives are being discussed and made.

Important Information for Fathers

If your child is in foster care or you think he/she may be in foster care, you should contact your child's foster care agency immediately. If you do not know the name of the agency, you can call the ACS Office of Advocacy's Helpline collect at (212) 619-1309, or at the regular Helpline, (212) 676-9421 (Monday – Thursday, 9am to 5pm).

In order to exercise the parental rights that are listed in this booklet, you will have to establish paternity (proving that you are the legal father).

Important facts you should know:

- ❖ If you were or are married to the mother, you are automatically considered to be the father for all children conceived or born to the mother during the marriage and do not have to establish paternity.
- ❖ 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, and will need to prove paternity (that you are the child's father). Paternity can be proved in several ways and will result in your receiving a court order stating that you are the child's legal father.
- ❖ Your name on the child's birth certificate does not automatically make you the child's legal father. For example, it does not give you the right to oppose an adoption of your child. If you formally consented to be named on the birth certificate, you do have the right to be notified of certain legal proceedings.
- ❖ 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.

Important Information for Fathers

Proving Paternity

If your child is in foster care, the first thing you should do to try and establish your rights as a father is to notify the caseworker that you are the father, and allow the caseworker to investigate. Inform the caseworker of your past involvement in your child's life, such as whether or not you lived with the child or the child's mother for the first 6 months of the child's life; or contributed support for the child; or contributed toward prenatal care for the child, or have been otherwise involved in your child's life. The caseworker should work with you to develop a service plan and you should begin to cooperate with this as soon as possible.

Steps you can take to prove or establish paternity, include:

- ❖ File an Acknowledgement of Paternity (a sworn statement on a prescribed form) with the Putative Father Registry. Please note: this Acknowledgement does not make you the child's legal father, although it does give you the right to be notified of certain legal proceedings.
- ❖ File a petition for an order of filiation (paternity) in Family Court in the county where either the child or the child's mother lives.
- ❖ Have the mother served with a copy of your petition. This is achieved by having someone over the age of 18 deliver a copy of the petition to the child's mother. This will inform the mother of the paternity proceedings in Family Court so that she may be present.

Explanation of Frequently Used Foster Care Terms

arrangements, the visiting plans for them to stay in touch with you, his/her siblings (if not placed in the same home), and those they are close with, as well as other issues related to his/her well-being and future. You have a right to participate in both conferences – if you are incarcerated at Rikers Island, you may be able to participate in person; if you are upstate, you may be able to participate by phone. Either way, you have a right to know what happens at these conferences.

- ❖ **Service Plan & Service Plan Review (SPR):** The service plan outlines what services your child(ren) need for their well-being and healthy development, and what services you need in order to be reunified as a family. The service plan includes listing: the services; who will make the necessary referrals; the time frame in which this should happen; and the goal this is to achieve. For example, the service plan may include your completing a drug treatment program; regular and frequent visits between you and your child; your child receiving therapy; and reunification upon your release and your obtaining housing. The service plan is reviewed twice a year (every 6 months) at a Family Team Conference (FTC). You have a right to be notified (2 weeks ahead) and to attend this meeting (or participate via telephone conference while you are incarcerated) and to participate in decisions about your child(ren). You have a right to receive a copy of your family's service plan within 10 days of this review.

Explanation of Frequently Used Foster Care Terms

- ❖ **Caseworker:** This is the person who is in charge of your family's foster care case. He/she either works for ACS directly or for an agency that works for ACS. In many instances, there may be more than one caseworker assigned to your family.
- ❖ **Kinship Care:** This is when ACS places a child with a relative who is licensed as a foster parent. Even though the child is with your relative, this is a foster care placement. KinGap is designed to support permanent placements for foster children with relatives to whom they are related by blood, marriage, adoption or fictive (not blood related). Kin can also be KinGap Resources
- ❖ **Permanency plan or permanency goal:** Every child in foster care has a permanency plan and a permanency goal. A permanency plan is a plan to guarantee that every child has a stable, permanent, and safe home as soon as possible. A permanency goal is what the plan is working to achieve. In other words, it describes what is supposed to happen for your child in the near future. For example, a child's goal may be to return to you, to be placed with a relative, to be adopted, or to remain in foster care until he/she can live as an independent adult.
- ❖ **Family Team Conference:** If your child is removed from your home (or from the home of another caretaker), ACS will hold a **72-Hour Child Safety Conference** where people involved in your child's life and ACS come together to discuss what is best for your child. About a month later there will be a **30-Day Family Team Conference** to review what has happened since the first conference and continue to plan for your child. These conferences will discuss the reason your child was removed from his/her home, your child's living

Important Information for Fathers

Establishing paternity (continued):

- ❖ If reasonable and numerous attempts are made to serve the mother, and these are documented with affidavits of attempted service, the Court can authorize "service by alternative means," which can include sending a letter to her last known address; putting an ad in a local paper; or posting a legal notice in the local Post Office.
- ❖ If on the court date the mother agrees that you are the child's father, the Judge may find that paternity has been proven. If the mother disputes that you are the father, the Judge may order DNA testing to prove paternity which you may be required to pay for.
- ❖ Once paternity is proven, you have the right to request visits with your child and to be involved in the permanency planning process (unless there is a court order against this). If paternity is not proven, you do not have a legal right to visits or to have a say about the permanency plan for your child. However, you may still have a right to be notified about court proceedings involving your child; ask your attorney about the list of factors that make a father a "notice father."
- ❖ Acknowledging paternity does not necessarily give you the right to stop an adoption proceeding. In order to do that, you need to have had "substantial and repeated contact" with your child as shown by payment of reasonable child support and either monthly visits or regular communication with your child (unless this has been prevented by other parties).
- ❖ To learn more about how to become the legal father of your child, speak with your lawyer, or contact the ACS Office of Advocacy. See page 25 for more information.

Important Information for Fathers

After proving paternity, if you wish to assume custody of your child upon your release:

- ❖ Speak to your caseworker prior to your release about your plans and intentions.
- ❖ A petition for this must be filed in Family Court. As in the case of proving paternity, the mother will once again have to be served with a copy of the custody petition. This is done the same way as in proving paternity.
- ❖ The court will order the agency to conduct an investigation of your home (Court Ordered Investigation or COI) and to submit a report to the court on their findings and recommendations.
- ❖ Your child's lawyer, called a Law Guardian, will speak with your child to find out what he/she wants if appropriate.

Child Support

- ❖ Once paternity is established, a father becomes responsible for child support, whether or not you are able to obtain visits with your child(ren) or have custody of them.
- ❖ Mothers seeking child support must have custody of their child(ren) and have an order of filiation and can file a petition in court to obtain one.
- ❖ Relatives and friends who have custody of a child may also file a petition for child support.
- ❖ For more information about Child Support please call the Office of Child Support Enforcement: (212) 226-7125.

Explanation of Frequently Used Foster Care Terms

- ❖ **ACS:** The Administration for Children's Services (ACS) is New York City's child welfare agency. ACS provides direct services to children and families and also works with many different foster care and preventive agencies that provide these services. Your children may be placed with one or more of these agencies. If you are involved with child welfare services outside of New York City, your child will be placed with the County Department of Social Services (not ACS) who will be responsible for your child.
- ❖ **ASFA:** The Adoption and Safe Families Act (ASFA) is a federal law that was passed in 1997. This law says that children need permanent homes and does not allow them to stay in foster care for years and years. This means that you need to make a permanent arrangement for your child within approximately one year of their entering foster care. This arrangement is called your child's permanency goal (see definition below) and can be to return your child to you, to a relative, or for your child to be adopted. If your child is still in foster care 15 months after your case began; you are at great risk of having your parental rights terminated. In order to protect your rights as a parent, you need to show that you have or are working towards a permanent arrangement for your child and having regular contact with your child and your caseworker. For you as an incarcerated parent, if you plan to reunite with your child, *it is more important than ever for you to demonstrate that you are actively planning for your child's future.*