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### Administrative Directive

<b>Transmittal:</b>	10-OCFS-ADM-16
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development
<b>Date:</b>	December 14, 2010
<b>Subject:</b>	<b>Notice of Placement Change to Attorneys for Children</b>
<b>Suggested Distribution:</b>	Directors of Social Services Child Protective Services Supervisors Child Welfare Supervisors Foster Care Supervisors Adoption Supervisors
<b>Contact Person(s):</b>	Programmatic questions should be directed to the appropriate Regional Office, Division of Child Welfare and Community Services: BRO–Dana Whitcomb (716) 847-3145 <a href="mailto:Dana.Whitcomb@ocfs.state.ny.us">Dana.Whitcomb@ocfs.state.ny.us</a> RRO – Karen Buck (585) 238-8549 <a href="mailto:Karen.Buck@ocfs.state.ny.us">Karen.Buck@ocfs.state.ny.us</a> SRO – Jack Klump (315) 423-1200 <a href="mailto:Jack.Klump@ocfs.state.ny.us">Jack.Klump@ocfs.state.ny.us</a> ARO – Kerri Barber (518) 486-7078 <a href="mailto:Kerri.Barber@ocfs.state.ny.us">Kerri.Barber@ocfs.state.ny.us</a> SVRO – Pat Sheehy (845) 708-2498 <a href="mailto:Patricia.Sheehy@ocfs.state.ny.us">Patricia.Sheehy@ocfs.state.ny.us</a> NYCRO – Patricia Beresford (212) 383-1788 <a href="mailto:Patricia.Beresford@ocfs.state.ny.us">Patricia.Beresford@ocfs.state.ny.us</a> NAAS – Kim Thomas (716) 847-3123 <a href="mailto:Kim.Thomas@ocfs.state.ny.us">Kim.Thomas@ocfs.state.ny.us</a>
<b>Attachments:</b>	Model Form: Attorney Notification of a Child's Change of Foster Care Placement (OCFS-4948)
<b>Attachment Available Online:</b>	The model form, OCFS-4948, is available on the OCFS websites: <a href="http://www.ocfs.state.ny.us/main/forms/foster_care/">http://www.ocfs.state.ny.us/main/forms/foster_care/</a> - OCFS Internet <a href="http://ocfs.state.ny.net/admin/forms/Foster_Care/">http://ocfs.state.ny.net/admin/forms/Foster_Care/</a> - OCFS Intranet

### Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			FCA 241		Assembly Bill 8418

## **I. Purpose**

The purpose of this Administrative Directive (ADM) is to provide social services districts and voluntary authorized agencies with information regarding a new requirement that appropriate notice is given to attorneys for children when a change in foster care placement occurs.

## **II. Background**

In 2010, Governor Paterson vetoed legislation requiring prior notification to the court, attorney for the child, and parent before a foster child is transferred to a new foster care placement. In his veto message, the Governor directed the Office of Children and Family Services (OCFS) to work with local departments of social services (LDSSs) to determine ways in which appropriate notice can be given, particularly to attorneys for children [Veto Message No. 13 (2010)]. Family Court Act Part 241 has already established the importance of a system of attorneys for children, who often require the assistance of counsel to help protect their interests and to help them express their wishes to the court. Hence, children placed in foster care are represented by attorneys who are responsible for advocating on their behalf, and their attorneys should receive timely notification of any placement change.

## **III. Program Implications**

Effective immediately, the attorney representing a child/youth must be notified by the local department of social services (LDSS) or voluntary foster care agency caseworker of a planned placement change at least 10 days in advance of the anticipated change in placement, or as soon as the decision is made, and no later than the next business day after an emergency move occurs.

## **IV. Required Action**

The caseworker for the child is required to provide notification of a planned placement change 10 days in advance of the change, or as soon as the decision is made about a re-placement. If the placement change is the result of an emergency move, the attorney must be notified no later than the next business day. The attorney notification must include the following:

- child's name, DOB, and case number
- reason for the child's change in placement
- date and time of change in placement
- placement location prior to change
- planned or new placement location and contact information
- agency and official approving placement change

The new OCFS model form - Attorney Notification of a Child's Change of Foster Care Placement (OCFS-4948) - has been developed for your use in meeting these requirements. An alternative form that meets the requirements may be developed by the LDSS or voluntary foster care agency. The model form is available on the OCFS internet and intranet websites, under Forms (Foster care), at the following respective links:

<http://www.ocfs.state.ny.us/main/forms/> (OCFS internet)

<http://ocfs.state.nyenet/admin/Forms> (OCFS intranet)

## **V. Systems Implications**

The date and reason for the change in placement on the notification is to match the entry of the M981 (Intra – agency transfer) or M982 (Inter – Agency transfer) or the M950 for an absence due to a foster care youth being admitted to detention (CCRS Reason Code SD) in Child Care Review System (CCRS) movement activities.

## **VI. Effective Date**

This release is effective immediately.

*/s/ Nancy W. Martinez*

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### **Issued By:**

Name: Nancy W. Martinez

Title: Director

Division/Office: Office of Strategic Planning and Policy Development