



## You don't have to stop being a parent while you are incarcerated.

### You have the right to:

#### **Help find an appropriate person, such as a friend or relative, to care for your child.**

If this person needs financial or other assistance, he/she can apply for a "child only" temporary assistance grant or to become certified or approved as a foster parent for your child. If you are unable to make such an arrangement, your child will be placed with a foster parent or in another setting, such as a group home.

**Be informed about the foster care agency responsible for your child's care,** the name of your child's caseworker, and how to contact the caseworker and his/her supervisor. You should be notified in a timely manner if your child's caseworker changes.

**Know how to reach your family caseworker,** if that person is different from your child's caseworker.

**Participate in permanency planning for your child** (see reverse side).

**Take advantage of services** to help you address the issues that led to your child's placement in foster care (parenting classes, substance abuse treatment, etc.).

**Participate in meetings about your Family Service Plan** (see reverse side).

**Get information about family visiting** and other services that can help you build a meaningful relationship with your child while you are incarcerated and after your release.

**Visit with your child** unless the court orders otherwise. Ask about video/teleconferencing if in-person visits are not possible. If you are not having regular visits with your child or you are dissatisfied with your visits, contact your child's caseworker, his/her supervisor, or your attorney.

**Be kept up to date on your child's health and development** and his/her progress in school.

**Be assigned an attorney** to represent you in your child's Family Court case, if you are financially eligible. Speak with your attorney if you have any issues with the foster care agency or the court. Your attorney is your advocate and should keep you informed about your case.

**Attend Family Court proceedings.** If you know of an upcoming court date, talk to your attorney, caseworker, and corrections counselor about making arrangements for you to attend court.

## What is termination of parental rights?

Termination of parental rights (TPR) ends the legal relationship between a parent and child and frees the child to be adopted.

A petition to terminate parental rights can be filed for a number of reasons described in New York State Social Services Law 384-b. For example, when a child has been in foster care for six months or more and the parent has had no significant contact with the child, the foster care agency, or the social services agency, the agency can file a TPR for abandonment.

If a child is in foster care for 12 consecutive months or 15 of the most recent 22 months and the parent has failed either to maintain contact with the child or to plan for the child's future, the agency can file a TPR for permanent neglect if it has made diligent efforts to work with the parent. The agency does not have to make these efforts if the parent moves and fails to provide new contact information to the agency.

The law allows the agency to decide **not** to file a TPR for a number of reasons: that the child is living with a relative foster parent, that there is a compelling reason why TPR is not in the child's best interests, and that the parent is incarcerated or in a residential substance abuse treatment program and has maintained a meaningful role in the child's life. These decisions are made on a case-by-case basis, with a focus on the best interests of the child.

You can help keep your parental rights by:

- Arranging for an appropriate friend or relative to care for your child while you are incarcerated.
- Staying in touch with your child, your child's caseworker, and your attorney.
- Attending planning meetings and court proceedings.
- Visiting with your child as often as possible.

## If your child is in foster care, you have the responsibility to:

**Make regular contact with your child.** Although this can be difficult while you are incarcerated, you are expected to make efforts to communicate with your child unless there is a court order prohibiting such contact. Even if that is the case, you should stay in contact with the agency caseworker. You must be able to show your caseworker and the judge that you have made every effort to stay in contact with your child and/or the foster care agency caseworker. It is a good idea to:

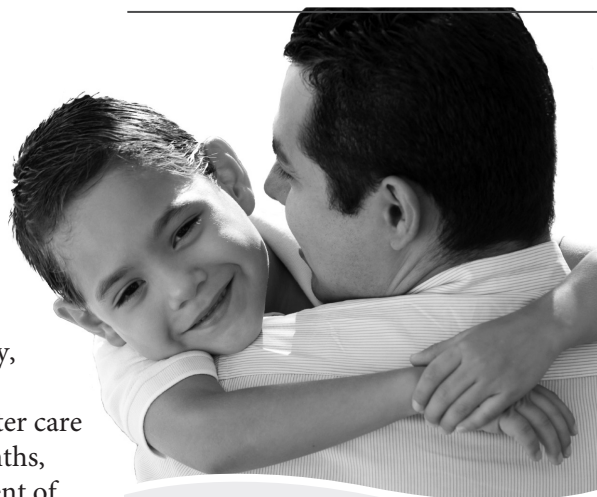
- Keep all the papers you receive about your case.
- Keep a list of all scheduled visits with your child (even if they didn't happen).
- Document all the phone calls you make to the caseworker, your child, and your child's caregiver (even if you left a message or no one answered the phone).
- Make a copy of every letter, birthday card, or other mail you send your child.

**Show that you are planning for your child's future.** Find someone to care for your child while you are away.

**Stay in touch with your child's caseworker, your family caseworker, and your attorney.** Notify the foster care agency if you are released, you are transferred to another facility, or your address changes. If you haven't had contact with the foster care agency or your child for six months, it can be considered abandonment of your child and a petition could be filed to terminate your parental rights.

**Complete any programs your Family Service Plan requires.** Work with the foster care agency to finish the goals stated in your Family Service Plan (see box below).

**Participate in Family Court proceedings.** Contact your attorney if you have questions or concerns and arrange to talk before every court date. Make sure your attorney has copies of any documents relevant to your service plan or to the case. If you can't go to court for an important reason (such as seeing the parole board), notify your attorney, your caseworker, and the judge.



### What is permanency planning?

In general, foster care is a temporary arrangement – permanency is a primary goal for every child in foster care. Possible permanency goals for a child include:

- Return to parent(s).
- Referral for legal guardianship with a relative. This may include participation in the Kinship Guardianship Assistance Program.
- Permanent placement with a fit and willing relative or other suitable person.
- Surrender of parental rights or termination of parental rights and placement for adoption.
- Another permanent, planned living arrangement with a significant connection to an adult. This goal may be appropriate for an older child who is ready to live independently.

### What is a Family Service Plan?

The Family Service Plan outlines your child's permanency goal and the services required to achieve that goal. The plan should include steps you are expected to take to achieve that goal.

- Your plan should take into account the special challenges facing you and your family due to your incarceration.
- You have a right to participate in regular Service Plan Reviews (SPRs). SPRs begin 60 to 90 days after the child is placed in foster care and are held every six months thereafter. If you can't be there in person, you can participate via phone or videoconference, if available. This can be arranged through your corrections counselor and foster care agency caseworker.
- You should receive two weeks' notice when SPRs are scheduled and you should get a copy of the Family Service Plan within 30 days after the SPR.



New York State  
Office of  
Children &  
Family Services

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