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*Governor*

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*Commissioner*

## Informational Letter

<b>Transmittal:</b>	11-OCFS-INF-03				
<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>	March 1, 2011				
<b>Subject:</b>	<b>Parent Notification of a Child's Foster Care Placement Change</b>				
<b>Suggested Distribution:</b>	Directors of Social Services Foster Care Supervisors Adoption Supervisors Child Protective Supervisors Planning Coordinators Staff Development Coordinators				
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<b>Attachments:</b>	No				
<b>Attachment Available Online:</b>	No				
<b>Previous ADMs/INFs</b>	<b>Releases Cancelled</b>	<b>Dept. Regs.</b>	<b>Soc. Serv. Law &amp; Other Legal Ref.</b>	<b>Manual Ref.</b>	<b>Misc. Ref.</b>
		18 NYCRR 430.12(d)	Family Court Act (FCA) 1089 FCA 1055 SSL 409-e		

## **I. Purpose**

The purpose of this Informational Letter (INF) is to provide local social services districts (districts) and voluntary authorized agencies (agencies) with information on a recognized best practice when there is a change of foster care placement of a child. This practice is rooted in statutory and regulatory parental notification requirements. OCFS recently issued a directive calling for notification of the attorney for the child whenever a child in care is moved (10 – OCFS – ADM – 16). This generated some questions from the field about policies concerning notice to other parties, most notably the child’s parents. It has always been OCFS’s position that, with certain safety-related exceptions, parents must be actively involved in planning for and visiting their children in care and should know where their children are placed.

## **II. Background**

The foster care placement of a child must be carefully managed in order to provide for the best interests of the child, protect the safety of the child, minimize the disruption in placement, and limit the impact of separation and anxiety. Parental notification and involvement can provide for a more positive and appropriate placement transition for both child and foster care provider. Providing there is no court order or safety plan provisions to limit parental involvement/contact, parental notification of a child’s placement change in foster care is widely considered to be a best practice principle.

New York State law does not expressly mandate the parental notification of a child’s change of foster care placement. However, statute and regulation require that parents be invited to participate in the development and review of the family assessment and services plan and receive a copy of each plan; participate in the development of the visiting plan and receive a copy of each plan; and receive a copy of the Permanency Hearing Report. It is OCFS’s expectation that parents that continue to have parental rights will be involved in planning for the child’s move or, where the move is made on an emergency basis, will be immediately informed and engaged in making any needed modifications to the family assessment and services plan and/or the visiting plan.

The best practice reflected in this release is consistent with statutory provisions that encourage parental involvement with the child and the foster care placement. Districts (and/or the voluntary agency under contract with the district) are mandated to encourage and strengthen the parental relationship when it finds such efforts will not be detrimental to the child, such as facilitating visitation with the child by a parent or other person legally responsible for the child (Family Court Act [FCA] § 1055). It is also required that permanency plans and facilitated visitation be provided to the parent or other person legally responsible for the child (FCA § 1089). In addition, statute requires that a complete copy of the family service plan be given to the child’s parent or guardian (Social Services Law [SSL] § 409 – e). Thus, parental notification of a child’s change in foster care placement is paramount in supporting these highlighted visitation and case planning requirements.

### **III. Program Implications**

OCFS is not prescribing or directing how a district or agency notifies parents of their child's change in foster care placement, but wants to clarify and emphasize that this practice is expected, with the exceptions noted previously. Unless parental notification would compromise the child's safety, parents should be notified prior to the change in placement. If the change is an emergency move, parents should be notified by the following day.

*Nancy W. Martinez*

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**Issued By:**

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