



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Acting Commissioner

## Administrative Directive

<b>Transmittal:</b>	18-OCFS-ADM-23
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Strategic Planning and Policy Development Child Welfare and Community Services
<b>Date:</b>	December 4, 2018
<b>Subject:</b>	<b>New Brochure: <i>Know Your Resources: Non-Parent Caregiver Benefits and New Requirements for Distributing Publications</i></b>
<b>Suggested Distribution:</b>	Commissioners of Social Services Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Preventive Services Supervisors
<b>Contact Person(s):</b>	Please see Section VII.
<b>Attachments:</b>	<i>Know Your Resources: Non-Parent Caregiver Benefits</i> (Pub.5194) <i>Conozca sus recursos Beneficios para los padres del nino</i> (Pub.5194-S) <i>Kinship Publications Desk Aid</i> (Pub 5200)

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
11-OCFS-ADM-03 18-OCFS-ADM-03	09-OCFS-ADM-04 10-OCFS-INF-03	18 NYCRR § 430.11(c)(4) 18 NYCRR §428.5	Chapter 384 of the Laws of 2017 FCA §1017 SSL §392		

### I. Purpose

The purpose of this Administrative Directive (ADM) is to notify local departments of social services (LDSSs) and voluntary agencies (VAs) of revised requirements for providing publications to potential and current caregivers of children removed from their homes.

This ADM also introduces a new brochure that provides information to non-parent caregivers (NPCs) who are caring for children outside of the foster care system about benefits for which they may be eligible.

## II. Background

Within 30 days after removal of a child from the custody of the child's parent or parents, or earlier where directed by the court, LDSSs must exercise due diligence in identifying the child's relatives in accordance with NYCRR § 430.11(c)(4). The LDSSs must provide the child's relatives with notification that the child has been or is being removed from the child's parent or parents, that explains the options under which the relatives may provide care for the child, including both foster care and non-foster care options.<sup>1</sup> In abuse or neglect proceedings under Article 10 of the Family Court Act (FCA), when the court determines that a child must be removed from his or her home, or placed pursuant to FCA § 1055, the LDSS must conduct an investigation to locate any non-respondent parent and any relatives of the child, including all of the child's grandparents, all relatives or suitable persons identified by any respondent parent or any non-respondent parent. The LDSS must inform such individuals, in writing, of the pendency of the proceeding and of the opportunity to care for the child under various placement options.<sup>2</sup>

To meet these statutory and regulatory requirements, OCFS has released several publications for LDSSs to use to supplement their conversations with potential caregivers. It can be difficult for caregivers to process critical information about caregiving options at the time of initial contact, which is often a time of crisis. Written documents enable caregivers to refer to information that was discussed at a later point, thereby helping them to make the decision that best meets the needs of the child and his/her family. The publications released to date include:

- *Having a Voice & a Choice: New York State Handbook for Relatives Raising Children* (Pub. 5080)
- *Know Your Options: Kin Caring for Children* (Pub. 5175)
- *Make an Informed Choice: Kin Caring for Children* (Pub. 5120)
- *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)* (Pub. 5108)

Additionally, section 392 of the Social Services Law requires LDSSs to make available on their district websites, or by other means, information for relatives caring for children outside of the foster care system. Information is required on the following topics:

- Temporary assistance non-parent caregiver cases
- Resources and supports for relative caregivers

In 2012, the New York State Office of Temporary and Disability Assistance (OTDA) issued an ADM titled *Requirement to Make Information Available to Non-Parent Caregivers Relating to Available Services and Assistance Programs* ([12-ADM-01](#)) to assist LDSSs in meeting the requirements of the law. That ADM includes an attached document describing benefits and services for which NPCs may be eligible, and requires LDSSs to make the document available to relative and non-relative NPCs.

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<sup>1</sup> 18 NYCRR §430.11(c)(4).

<sup>2</sup> FCA §1017.

As a supplementary resource, OTDA and OCFS have published a new brochure titled *Know Your Resources: Non-Parent Caregiver Benefits* (Pub. 5194) to provide additional clarity on the types of services that may be available to relative and non-relative NPCs who are caring for children outside of the foster care system. This brochure is not required by, and does not fulfill, the mandate set forth in 12-ADM-01; however, it should be used to enhance the information that the LDSS is required to provide.

### III. Program Implications

The removal of a child from his or her home is a traumatic event. Relatives and other adults who are notified of a child's removal must make quick decisions in a time of crisis. They must decide whether to become a caregiver, how to take custody, and what their choice means in terms of their decision-making authority, access to financial support, relationship with the LDSS, and available long-term permanency outcomes. Potential caregivers may feel pressured to decide quickly, may not fully understand the implications of their decisions, and may not be sure what questions to ask. It is for these reasons that the caseworker should review the materials with the potential caregivers, while affording them the time to ask questions and seek guidance. Supporting caregivers in making an informed decision is not an event but rather a process that may require more than one visit with the caregiver.

OCFS seeks to optimize the information provided to persons notified of a child's removal to help them make the best decision. As part of this effort, OCFS recently reviewed the mandates and recommendations for distributing publications to potential caregivers. Based on feedback received from LDSSs, VAs, and stakeholders, OCFS is revising these requirements to better meet the needs of caregivers and those considering becoming caregivers. The attached "*Kinship Publications Desk Aid*" is intended to help caseworkers quickly reference which publications are required and which are recommended at each point in the life of a case.

#### [New Brochure: Know Your Resources: Non-Parent Caregiver Benefits \(Pub. 5194\)](#)

After reviewing their options, both in writing and orally with the caseworker, some caregivers will decide to provide care outside of the foster care system. Such non-parent caregivers (NPCs) are not entitled to the same services and financial supports as foster parents. However, they may look to obtain other benefits and services to support the care of the child in their home. Providing information on available resources and supports promotes the well-being of both the NPC and the child, and may ultimately prevent the need for placement into foster care. In recognition of this fact, OCFS and OTDA, in a joint effort, have published a new brochure entitled *Know Your Resources: Non-Parent Caregiver Benefits* (Pub. 5194). The brochure includes information on the following:

- Temporary Assistance Non-Parent Caregiver Cases
- Child Care Assistance
- Child and Adult Care Food Program
- Medicaid
- Supplemental Nutrition Assistance Program
- School Breakfast and Lunch Programs
- Women, Infants and Children
- Home Energy Assistance Program

- How to Apply for Benefits

The English and Spanish versions of this brochure are posted on the OCFS website at:

<https://ocfs.ny.gov/main/publications/Pub5194.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5194-S.pdf>

#### IV. Required Action

This ADM streamlines requirements for providing publications to persons who are, or may soon be, caring for children removed from their homes. LDSSs and VAs must coordinate responsibilities for providing publications while also avoiding duplication of efforts.

Publications must be provided as follows:

**At the time an identified person is notified of a child's removal**

- *Know Your Options: Kin Caring for Children* (Pub. 5175)
- *Make an Informed Choice: Kin Caring for Children* (Pub. 5120)

**At the time a caregiver chooses to become a foster parent and when a child's foster care placement changes**

- *Know Your Permanency Options: The Kinship Guardianship Assistance Program* (Pub. 5108)

Publications are strongly encouraged but not required to be provided as follows:

**At the time a caregiver chooses to provide care outside of the foster care system and, at any time that it becomes known that a person is a non-parent caregiver**

- *Know Your Resources: Non-Parent Caregiver Benefits* (Pub. 5194)

**At the time an identified person is notified of a child's removal and at any time it may be helpful**

- *Having a Voice & a Choice: New York State Handbook for Relatives Raising Children* (Pub. 5080)

#### V. Other Information

This section contains a more detailed description of the publications listed above.

**Mandated Publications:**

*Know Your Options: Kin Caring for Children* (Pub. 5175)

Pub. 5175 is a 4-fold brochure that briefly outlines options for providing care (informal, direct custody, and foster care) as well as potential permanency options (adoption and the Kinship Guardianship Assistance Program [KinGAP]). The brochure provides potential caregivers an overview of pertinent facts related to each option. **Pub. 5175 must be provided to all persons who are required to be notified of a child's removal and need**

**for placement.** Caseworkers must document in progress notes who has been notified and provided the brochure.<sup>3</sup>

The brochure is available in 11 languages and can be found on the OCFS website at <https://ocfs.ny.gov/kinship/resources.asp>. These include the English and Spanish versions, which are posted at:

<https://ocfs.ny.gov/main/publications/Pub5175.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5175-S.pdf>

*Make an Informed Choice: Kin Caring for Children (Pub. 5120)*

Pub. 5120 provides more in-depth information on each option for providing care as well as adoption and KinGAP. It describes the legal mechanisms, the type of financial assistance that may be available, LDSS involvement and potential permanency options. It is therefore a useful resource for potential caregivers who desire greater detail, and it **must be given together with Pub. 5175 at the time of notification of a child's removal.** Caseworkers must document in progress notes who has been notified and provided the brochure.<sup>4</sup>

Pub. 5120 was originally published in 2010 as *Know Your Options: Relatives Caring for Children*. It has been recently revised to address not only relatives, but also unrelated persons with significant relationships to the child. Other revisions included statutory updates and an easier-to-read format. It was originally released with INF titled *New Brochure: "Know Your Options: Relatives Caring for Children"* (10-OCFS-INF-03), which is now cancelled.

English and Spanish versions are posted on the OCFS website at:

<https://ocfs.ny.gov/main/publications/Pub5120.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5120-S.pdf>

*Know Your Permanency Options: The Kinship Guardianship Assistance Program (Pub. 5108)*

Pub. 5108 provides in-depth information about KinGAP, including eligibility, the application process, available benefits as well as the rights and responsibilities of guardianship. The publication has been recently updated to include changes under KinGAP Expansion.<sup>5</sup>

OCFS recognizes that too much information may be overwhelming for a potential caregiver, particularly at initial notification. Therefore, the requirement that Pub. 5108 be provided at the time of notification of a child's removal<sup>6</sup> **is modified** so that Pub. 5108 must be provided when

- the relative, or unrelated person with a positive relationship to the child, chooses to become a foster parent;

<sup>3</sup> 18 NYCRR §428.5(c)(10)(viii) and 18 NYCRR §430.11(c)(4).

<sup>4</sup> Ibid.

<sup>5</sup> Chapter 384 of the Laws of 2017 expanded KinGAP and is referred to as "KinGAP Expansion."

<sup>6</sup> 11-OCFS-ADM-03, *Kinship Guardianship Assistance Program (KinGAP)*, and 18-OCFS-ADM-03, *Expansion of the Kinship Guardianship Assistance Program (KinGAP)*.

- a relative comes forward and expresses interest to be a foster parent after the child is in foster care pursuant to §1028 of the FCA; or
- a child's placement is changed to a relative or person with whom the child has a positive relationship,<sup>7</sup> after initial placement.

English and Spanish versions are posted on the OCFS website at:

<https://ocfs.ny.gov/main/publications/pub5108.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5108-S.pdf>

**Optional Publications (additional resources):**

*Having a Voice & a Choice: New York State Handbook for Relatives Raising Children*  
 (Pub. 5080)

It is **no longer required** for Pub.5080 to be given to relatives notified of a child's removal. Such requirement was set forth by the policy directive, *Handbook for Relatives Raising Children* (09-OCFS-ADM-04). That policy directive, and the requirement contained within, is now cancelled. The handbook, while no longer required, will remain an informational resource for potential and current caregivers.

English and Spanish versions are posted at the OCFS website at:

<https://ocfs.ny.gov/main/publications/Pub5080.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5080-S.pdf>

*Know Your Resources: Non-Parent Caregiver Benefits* (Pub. 5194)

LDSSs and VAs should utilize the attached brochure as an additional tool to assist NPCs in understanding what resources may be available should they decide to provide care outside of the foster care system. The brochure should be given at any point of contact in which the LDSS or VA becomes aware that a person is, or is likely to become, an NPC. Such points of contact include, but are not limited to the following:

- During the initial discussion with an individual who is considering taking custody of a child
- When an NPC initially takes custody of the child outside of the foster care system
- During the provision of preventive services
- During the provision of early intervention or other services for a child in the care of an NPC

English and Spanish versions are posted on the OCFS website at:

<https://ocfs.ny.gov/main/publications/Pub5194.pdf>  
<https://ocfs.ny.gov/main/publications/Pub5194-S.pdf>

LDSSs may also make NPCs aware of the information in the brochure by posting the information on the LDSS's website and/or posting the information in LDSSs' waiting areas.

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<sup>7</sup> Foster parents who had a prior positive relationship with the child may be eligible for KinGAP.

LDSSs and VAs should also inform NPCs of the statewide common application ([LDSS-2921, New York State Application for Certain Benefits and Services](#)) as a means for applying for programs and services, and provide any assistance necessary to complete it.

**All publications noted in this administrative directive are available as resources, and LDSSs and VAs are encouraged to use them when they may be helpful.**

## **VI. Systems Implications**

None.

## **VII. Contacts**

Any questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services:

Buffalo Regional Office – Amanda Darling (716) 847-3145

[Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

Rochester Regional Office – Karen Lewter (585) 238-8201

[Karen.Lewter@ocfs.ny.gov](mailto:Karen.Lewter@ocfs.ny.gov)

Syracuse Regional Office – Sara Simon (315) 423-1200

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

Albany Regional Office – John Lockwood (518) 486-7078

[John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

Spring Valley Regional Office –Thalia Wright (845) 708-2498

[Thalia.Wright@ocfs.ny.gov](mailto:Thalia.Wright@ocfs.ny.gov)

New York City Regional Office – Ronni Fuchs (212) 383-4873

[Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

Native American Services – Heather LaForme (716) 847-3123

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

## **VIII. Effective Date**

This policy directive is effective immediately.

***/S/ Thomas R. Brooks***

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**Issued by:**

Name: Thomas R. Brooks

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development

***/S/ Laura M. Velez***

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**Issued By:**

Name: Laura M. Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services