

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



BARBARA B. BLUM
 Commissioner

[An informational letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest.]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 82 INF-2
 [Services]

TO: Commissioners of Social Services

SUBJECT: Child Returned to Foster Care
 After Interruption of Care

DATE: January 26, 1982

SUGGESTED DISTRIBUTION: Commissioners
 Directors of Services
 All Children's Services Staff
 Authorized Agencies Providing
 Foster Care Services

CONTACT PERSON: Any questions concerning this release should be directed to Mr. H. A. Harkess or Ms. Alexandria Douglas, Office of Policy Planning, Division of Services, by calling toll free 1-800-342-3715, Extensions 4-9574 and 4-9584, respectively.

I. PURPOSE

The purpose of this letter is to advise all local districts and authorized child care agencies of an amendment to Subdivision 6 of Section 398 of the Social Services Law. Chapter 204 of the Laws of 1981 adds a new paragraph to Section 398.6 and provides the following:

- a child being returned to foster care following an interruption of care shall, when it is in the best interest of the child, be placed in the foster family home or agency boarding home in which that child was last placed.
- a waiver of the restriction on placing no more than six children in a foster family home or agency boarding home when placement is made in compliance with this part of the law.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
	427.2(d)	SSL 398.6		
	427.2(h)	SSL 378.3		
	430	SSL 378.4		

Districts and child care agencies are also informed that a regulatory amendment and an administrative directive regarding implementation of this new requirement are forthcoming.

II. BACKGROUND

While it is clearly the aim that a child who is discharged from foster care either to return home, to live with relatives or to be adopted should remain out of care, it is increasingly evident that a number of such children will return to foster care. Good social work and foster care placement practice recommend that careful consideration be given to the desirability and viability of placing a child who is returning to care with foster parent(s) with whom he/she has previously developed a relationship. However, in some cases where such placement might be considered to be in the best interest of the child, local districts cannot place the child in the foster home because of restrictions in Social Services Law which limit the number of children who may reside in a foster home to six (except in cases involving placement of siblings in an agency boarding home).

The new changes in the Social Services Law, effective June 6, 1981, are designed to reduce the multiplicity of placements for children in the foster care system by requiring a review of all cases in which children are returning to care, and by requiring placement of those children with their prior foster parents when such placement is determined to be in the best interest of the child returning to care. The new section of the law eliminates a potential barrier to implementation by waiving the restriction in current law regarding numbers of children who may reside in a foster family home or agency boarding home whenever placements are made in compliance with this section of the law.

III. PROGRAM IMPLICATIONS

These changes in Social Services Law are applicable to all children returning to foster care after June 6, 1981. In keeping with the intent of this legislation, local districts will be required to conduct retroactive reviews of all return placements which took place after June 6, 1981 and before the Department Regulations go into effect to ensure that current placements are in the best interest of the child returning to the foster care system. In any instance where a child was not placed in the foster home in which the child was last placed, local districts would be required to document the basis for the decision in the child's case record.

Once the Department Regulations governing this aspect of the foster care program go into effect, all local districts will be required to conduct return placement reviews for all children returning to the foster care system. Department Regulations will require local districts to document the basis for any determinations which result in return placements to new foster parents in the first Assessment Summary on the Uniform Case Record after the child re-enters the foster care system. Return placements to prior foster homes will not require special documentation of the assessment process.

These ten factors must be considered in all local district determinations as to the desirability of placing a child returning to care with his/her prior foster parent(s):

- (a) Certification/licensing status of prior foster home under consideration for return placement;
- (b) Length of time in placement in prior foster home and quality of relationship that developed during that placement;
- (c) Length of time since placement in the foster home under consideration for return placement;
- (d) Basis for the child's discharge from placement in the foster home under consideration for return placement;
- (e) Willingness of prior foster parents to accept returning child;
- (f) Availability of space in the foster home under consideration for return placement;
- (g) Prior foster parent(s)' ability to care for returning child;
- (h) Proximity to prospective adoptive parents, if return to care was caused by temporary disruption of adoptive placement;
- (i) Proximity to siblings in care, if applicable; and
- (j) Compliance with standards for appropriateness of placement in accordance with Utilization Review requirements.

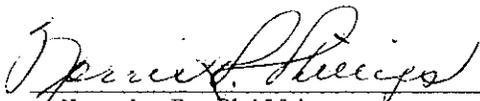
Those districts conducting retroactive placement reviews to ensure that placements were made in the best interest of the child returning to the foster care system will also be expected to take the following into account in making a determination:

- whether the child has already been placed in a new foster home;
- how well the child is faring in the new placement; and
- whether it would benefit the child to disrupt the current placement in order to comply with the new provisions in the Social Services Law.

Where it is determined that it would be in the best interest of the child to be placed with the foster parent(s) with whom that child was last placed, the local social services district will be required to place the child in that home. This placement will be made even if the foster home already has the normal legal limit of six children. In no case, however, will such a placement be deemed sufficient reason to remove another child from that foster home.

IV. RECOMMENDATIONS

1. Distribute this Informational Letter to all Children's Services staff in your agency.
2. Conduct retroactive placement reviews on all return placements made since June 6, 1981.
3. Implement placement review process for all new return placements in accordance with criteria set forth in this letter.
4. Institute supervisory review process to ensure that all cases in which children are returning to care are properly assessed for a determination as to whether it would be in the best interest of the child to return to his/her prior foster home.



Norris P. Phillips
Deputy Commissioner
Division of Services