

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 18. DEPARTMENT OF SOCIAL SERVICES
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES
SUBCHAPTER C. SOCIAL SERVICES
ARTICLE 2. FAMILY AND CHILDREN'S SERVICES
PART 421. STANDARDS OF PRACTICE FOR ADOPTION SERVICES

Current through February 15, 2010.

* Section 421.1.* Definitions.

For the purpose of this Part, the following definitions shall apply:

(a) Adoptive applicant means a married couple, an adult unmarried person, an adult married person living separate and apart from his or her spouse pursuant to a legally recognizable separation agreement or a decree of separation, or an adult married person living separate and a part from his or her spouse for a period of three years or more prior to the commencement of the adoption proceeding who has applied to adopt or who has received agency approval for the placement of a child in his or her home for the purpose of adoption.

(b) **Adoption services** means assisting a child to secure an adoptive home through: counseling with biological parent or legal guardian concerning surrender of, or legal termination of parental rights with regard to a child; the evaluation of child's placement needs; preplacement planning; the recruitment, study and evaluation of interested prospective adoptive parents; counseling for families after placement; supervision of children in adoptive homes until legal adoption; and **counseling of adoptive families after legal adoption.**

(c) Adoptive parent means a person with whom a child has been placed for adoption or who has adopted a child with agency approval.

(d) Adoptive placement means the child has been placed into a home for the purposes of adoption and the agency and adoptive parent or the child's foster parent have signed an adoption agreement and the facts of such placement have been recorded in accordance with paragraph (e) of subdivision (5) of section 383-c or subdivision (5) of section 384 of the Social Services Law.

(e) Authorized agency means an organization covered by section 371.10(a) and (b) of the Social Services Law.

(f) Biological parent means a parent who has conceived or given birth to the child, or from whom the child was conceived, either in or out of wedlock.

(g) Foster parent means any person certified or approved pursuant to section 375 of the Social Services Law, and Part 443 of this Title with whom a child, in the care, custody or guardianship of an authorized agency, is placed for temporary or long-term care.

(h) Legal guardian means a person to whom or an agency to which the guardianship of a child has been committed by surrender in accordance with the terms of a surrender instrument or pursuant to a court order under section 383-c, 384 or 384-b of the Social Services Law. A legal guardian may also be a person appointed as a guardian of the person of a child pursuant to a duly executed will or deed as provided by section 81 of the Domestic Relations Law.

(i) Legally free child means a person under the age of 18 years:

(1) whose custody and guardianship have been transferred to an authorized agency as a result of either a surrender instrument executed pursuant to section 383-c or 384 of the Social Services Law or an order of the Family Court or Surrogate's Court made pursuant to section 384-b of the Social Services Law; or

(2) whose care and custody have been transferred to an authorized agency pursuant to section 1055 of the Family Court Act or section 384-a of the Social Services Law and where such child's parents are both deceased, or where one parent is deceased and the other parent is not a person entitled to notice pursuant to sections 111 and 111-a of the Domestic Relations Law.

(j) Photo-listed means having placed a legally freed child's picture and description in New York State's Waiting Children books which are organized, prepared, and distributed to authorized agencies and to appropriate citizen groups by the department.

(k) Prospective adoptive parent means an individual who meets criteria as defined in section 421.16 of this Title, and who has indicated an interest in adopting a particular child, and for whom the authorized agency has begun the placement process in accordance with section 421.18 of this Title.

(l) Registered child means a child who has been included in the listing of legally freed children maintained by the Statewide Adoption Service (State Photo Listing Service) pursuant to the requirements of section 420.2 of this Title.

* Section 421.8.* Services to children.

Authorized agencies shall:

(a) recognize that any child who is legally free, is adoptable;

(b) register each legally freed child with the State Adoption Service, in accordance with Part 420 of this Chapter;

(c) consider each legally freed child's eligibility for adoption subsidy, in accordance with section 421.24 of this Part;

(d) keep the length of interim foster care placements of children free for adoption to a minimum, placing such children in adoptive homes as early as practicable;

(e) arrange a medical examination for each child for whom adoption is planned in order to determine the state of the child's health, significant factors that may interfere with normal development, and the implications of any medical problems. The medical report shall be filed with the child's record;

(f) provide casework services to each legally free child, obtain a current understanding of his or her needs and encourage his or her participation in planning, according to his or her age and capacity; and

(g) provide or arrange for all services necessary to ensure that siblings and/or half-siblings are placed together, unless contraindicated, in accordance with sections 421.2(e) and 421.18(d) of this Part; and

(h) provide each legally free child with adoption services, directly or through purchase of service. The following services are to be provided:

(1) In the case of a child who has not been placed in an adoptive home, evaluation of placement needs, preplacement planning and preparation with reports thereon at intervals as required by the department, and recruitment, adoption study, training and placement planning for prospective adoptive parents.

(i) Parent training is activity designed to increase parents' understanding of the dynamics of parent-child relationships, including providing such parents with the information, skills and attitudes needed to integrate an adopted child into the family by responding constructively to the patterns of behavior the child brings from previous homes and uses to test parent commitment, or to ward off closeness and emotional dependency.

(ii) These training activities may be carried out by the family's adoption worker, other agency personnel or through subcontract. This may be carried out in a group process involving and training other applicants or families with whom a child has been placed.

(2) In the case of a child who is already placed in an adoptive home, parent training, for the parents with whom the child has been placed, supervision and post-adoption services, with reports thereon as required by the department.

(i) Supervision is a process involving individual and group interviews to support the mutual adjustment of the child and family, to enable the agency to keep informed on the progress and well-being of the child in the adoptive home, and to help the family and child to obtain services that may be needed. Supervision begins on the date a child is placed in a home and concludes on the date of the adoption decree.

(ii) Post-adoption services means counseling, training parents on how to care for children with special needs, providing clinical and consultative services, and coordinating access to community supportive services for the purpose of ensuring permanence of the placement. Such services may be designed to treat problems which developed after the date of the

adoption decree. Post-adoption services may extend for three years from the date of the adoption decree.

(3) In the case of a child who is not photo listed because the child is age 14 or older and refuses adoption, or the child is placed with a relative within the third degree of consanguinity of the parents of the child and does not have a goal of adoption, evaluation of placement needs, with reports thereon at intervals as required by the department.

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