

Foster and Adoptive Home Certification/Approval Q & As

Types of Foster Family Homes-Certified vs. Approved vs. Emergency (18 NYCRR 443)

Q: In 443.3 (q)(2), it says that a certification is not required for relatives within the second or third degree. Does this mean they still need to be approved?

A: As defined in 443.1 (i) Relative within the second or third degree to the parent(s) or stepparent(s) of a child refers to those relatives who are related to the parent(s) or step-parents through blood or marriage either in the first, second, or third degree of a parent includes the following:

1. grandparents of the child;
2. great-grandparents of the child;
3. aunts and uncles of the child, including spouses of the aunts or uncles;
4. siblings of the child;
5. great-aunts and great-uncles of the child, including the spouses of the great aunts or great uncles;
6. first cousins of the child;
7. great-great grandparents of the child; and,
8. an unrelated person where placement with such person allows half-siblings to remain together in an approved foster home, and the parents or step-parents of one of the half-siblings is related to such person in the second or third degree.

Relatives within the second or third degree to the parent(s) or step-parent(s) *require approval but need not be certified.*

Q: Can you specify the differences between certified, approved, and emergency foster family homes? [(18 NYCRR 443.1 (b) (d) (f) (g) (h), 443.3, 443.7, and Part 446, 446.5, 446.6)]

A: **Certified Foster Home.**

A *certified foster home* is a home in which foster care is provided to a child placed with an authorized agency who is cared for 24 hours-a-day in a family home with a foster parent(s) who has met the requirements for certification based on regulations to receive a certificate to board.

Approved Foster Home

An *approved home* is a home in which temporary or long-term care is provided to a child whose care and custody or guardianship and custody have been transferred to an authorized agency pursuant to the provisions of section 384 or 384-a of the Social Services Law or who has been placed with a social services official pursuant to article 3, 7 or 10 of the Family Court Act, and who is cared for 24 hours a day in a family home with a foster parent who is a relative within the second or third degree to the parent(s) or step-parent(s) of the child who is duly **approved** by an authorized agency.

Therapeutic Foster Boarding Homes

Therapeutic foster boarding homes (TFBH) are fully certified foster homes that care for children who would otherwise need to be served in group foster care, such as:

- Severely developmentally disabled infants and/or children;
- Adolescents with a documented history of acting out behavior and/or adjudication as PINS or Juvenile Delinquents;
- Severely emotionally disturbed children;
- Children with histories of group care placement or who are at risk of group care placement;
- Children with at least one failed foster boarding home placement; or,
- Severely and/or multiply physically handicapped children.

Children cared for in these programs must meet the criteria for special or exceptional foster care services. TFBH programs feature lower caseloads for social workers, educational specialists to work with the local school systems, child care workers in the home, and extensive and specialized training for foster families and staff. TFB homes receive higher board and care rates.

Certified or Approved Foster Homes on an Emergency Basis (18 NYCRR 443.7)

A potential foster home or the home of a relative of a foster child may be approved or certified on an emergency or expedited basis. A relative within the second or third degree of the parent or step-parent of the foster child may be approved on an emergency basis for up to 90 days. Similarly, a more distant relative or a non-relative with a significant prior relationship with the foster child’s family may be certified on an emergency basis. The allowable circumstances and the responsibilities of the authorized agencies in regards to approving or certifying foster homes on an emergency basis can be found in section 443.7. The 90 day period can also be extended for certain requirements per 443.7.

Designated Emergency Foster Boarding Homes (18 NYCRR 446.5)

Emergency foster boarding homes (EFB) are fully certified foster homes exclusively designated to provide temporary care to children who enter foster care in a crisis situation that is expected to be resolved within 60 days. These homes also may be approved for respite care and services. Foster parents providing this type of care must complete 15 hours of specialized training and a minimum of 6 hours of follow-up training each year. (18 NYCRR 446.5).

Emergency foster boarding homes must be available to accept children 24 hours a day, 365 days a year. Children eligible for this care must be at immediate risk of harm or present an immediate risk of harm to others or him/herself if not immediately placed into foster care (18 NYCRR 446.6). EFB homes receive higher board and care rates.

Q: Can you specify the difference between relative, kinship and foster care homes? (443.1)

A: “Kinship home” is a common way of referring to an “approved relative home” [(443.1(f)). “Foster family home care” is defined in 443.1(e), and is inclusive of approved homes and certified homes.

Q: The definition for kinship is not inclusive of kin-like (e.g., neighbors, teachers, and godparents) people that may be otherwise eligible as a resource. Under what category are such individuals licensed, and how far-reaching is kin-like allowed? [443.1(i)]

A: Section 443.1(i) defines relatives within the second or third degree of the parent(s) or step-parent(s) of the child, who may be the foster parent in an approved relative home or approved

emergency relative foster home. Section 443.1(h) defines a certified emergency foster home to include a home where care is provided by a non-relative of the child with a significant prior relationship with the child's family. Section 443.7(a)(2) states that for the purposes of certifying and approving potential emergency foster homes and emergency relative foster homes, an eligible non-relative may include, but is not limited to, a child's godparent, neighbor, family friend, or an adult with a positive relationship with the child. Section 443.1(i) also includes in the definition of a relative within the second or third degree an unrelated person where placement with such person allows half-siblings to remain together in an approved foster home, if a parent or stepparent of one of the half-siblings is related to the unrelated person.

Q: If a local district has previously involuntarily closed an approved or certified foster home with a "do not recommend", what is that local district's responsibility when deciding not to entertain a new application from the family? Is it necessary to follow any specific protocol, or can the local district tell a family that they will not consider licensing them because of the poor past history?

A: The local district must comply with the provisions in 18 NYCRR 443.2(b) dealing with inquiries that would include providing the person with an application if he or she requests one.

Neither State law nor regulation provides that where a home had previously been involuntarily closed that act, in and of itself, prevents the person from applying for certification or approval and being certified or approved as a foster parent. You need to look behind the basis for the involuntary closure.

In some cases, the basis for involuntary closure is not correctable such as a criminal conviction of an applicant for a mandatory disqualifying crime. In some cases, it can be corrected, such as the departure from the household of the person who was the reason for the involuntary closure or, for example, the successful appeal by the foster parent or applicant of the basis for the closure such as the existence of an indicated CPS report. [Section 443.2(b)(10)]

The local district can certainly take into consideration the past history as it applies it to its consideration of the new application. If the local district denies the application, it must follow the process set forth in 18 NYCRR 443.2(b)(9) and 443.2(c).

Physical Plant

Q: What constitutes a finished basement or attic? The regulations do not specify. [443.3(a)(6)]

A: The regulations specify that no bed be located in an unfinished basement or attic. This must be evaluated on a case-by-case basis.

Q: At what age are window barriers no longer necessary? [443.3(a)(10)]

A: Window barriers are required above the first floor. There is no age minimum/maximum.

Q: Are window screens sufficient barriers if they have locks? [443.3(a)(10)]

A: The barriers as set forth in Section 443.3(a)(10) include window screens, guards and/or stoppers above the first floor. Local requirements for window guards vary throughout the State, so that such local laws or ordinances must be consulted.

Q: Do radiators (and other types of heating apparatus) need to be covered, or is a barrier to access sufficient? [443.3 (a)(11)]

A: The only proviso in the regulation is “safe”. This must be evaluated on a case-by-case basis.

Q: Are there specific requirements for acceptable fencing or enclosures around wood stoves? [443.3(a)(11)]

A: The only proviso in the regulation is “safe”. This must be evaluated on a case-by-case basis. There also is a requirement in Section 443.3(a)(13) of being free from fire hazards and equipped with at least one smoke detector and carbon monoxide detector. 10-OCFS-ADM-02 “Standards of Installation and Maintenance of Carbon Monoxide Detectors and Amanda’s Law” details recent information surrounding Amanda’s Law and carbon monoxide detectors. is available at:

http://ocfs.state.nyenet/policies/external/OCFS_2010/10-OCFS-ADM-02%20Standards%20of%20Installation%20and%20Maintenance%20of%20Carbon%20Monoxide%20Detectors%20and%20Amandas%20Law.pdf

Q: When and how does the authorized agency need to be notified of physical changes to a foster home (e.g., swimming pool, wood stove, exterior raised deck)? [443.3(b)(13)]

A: As soon as practicable and in any manner, unless the agency specifies otherwise.

Q: Is it acceptable for children in kinship homes to sleep in the living room? (443.3)

A: 443.3(a)(8) states each child must have a sleeping area of sufficient size for purposes of safety, comfort and privacy. Each child must have a separate bed or crib of sufficient size and cleanliness for the comfort and well-being of the child. Living room sleeping arrangements may not meet this threshold, depending on the circumstances of the case. This must be evaluated on a case-by-case basis.

Q: Are there size requirements for specific rooms in a foster home?

A: No

Q: Are there guidelines specific to pets in a foster home?

A: No

Q: What are the regulations around testing for lead content in applicant’s home?

A: There are no explicit regulatory requirements pertaining to testing for lead. If there is peeling paint in an older home, it would be reasonable for the agency evaluating the home to insist on testing for lead and remediation of chipping.

There is information on lead paint and renovations in 10-OCFS-INF-05 “Lead Safe Practices” with helpful links to additional information.

http://ocfs.state.nyenet/policies/external/OCFS_2010/INF/10-OCFS-INF-05%20Lead%20Safe%20Practices.pdf

Acceptable Child Care Arrangements

Q: Is there a regulation that specifies the legal age of babysitters for children in care? An age requirement of 21 is a hardship for many foster families. May we allow 16 or 17-year-olds with Red Cross training, and an assessment of their maturity, be allowed to babysit children in care? [443.3(b)(3)]

A: 443.3(b)(3) states that a foster child under the age of 10 may only be left with a competent adult. In the OCFS Foster Parent Manual, it further specifies that an adult means a person 18 years of age or older. Section 443.3(b)(3) also states never to leave children above the age of 10 alone except as might reasonably be done by a prudent parent in the case of his or her own children.

Q: Is the rule prohibiting a foster boarding home from providing care for more than two infants under age 2 applicable to siblings, and inclusive of the foster parents children? [443.3(b)(4)]

A: 443.3(b)(4) is inclusive of the foster parent’s birth children. As permitted by the appropriate authorized agency, Section 443.3(b)(4) also allows for exceeding this standard where the foster parents have demonstrated the capacity to do so and in order to place siblings or half-siblings together.

Interruptions in Care; Returning to Care; Changes in Placements

Q: Is there an exemption to the 10-day notice of removal to a foster parent if a decision for immediate discharge is made by a court? (443.5)

A: The 10-day notice in Section 443.5 applies to removing a child from a foster home, not a discharge from foster care.

Q: Can foster children that have left a foster home to attend college be allowed to return to the same foster home during breaks? (443.6)

A: Typically, a foster child attending college is allowed to remain in foster care while attending college in order to have the foster care payment that would have gone to the foster parent be used for the foster child's room/board payments at college. Then, if the foster child returns to the foster home on vacations/summer, the monthly foster care payments (or some pro-rated part of the monthly payments) can be provided to the foster parent rather than for college.

Acceptable Documentation (Marital Status, Proof of DOB, Citizenship, Income/Employment)

Q: What counts as an acceptable proof of marriage? [443.2 (b)(11), (b)(12)(v), and 443.3 (b)(13)]

A: The regulations require only that the marital status be elicited from the applicant and kept up-to-date by a certified or approved foster parent.

Q: If a child has to be over or under a certain age in a regulation, does this mean that as of their birthday or the year they turn the benchmark age? [443.3(a)(4) and (7)]

A: Birthdays.

Q: May a local district or authorized agency set higher proof of income standards than the state?

A: There are no employment requirements or income standards in the certification or approval process.

Variations in Applications/Changes in Households (i.e., who needs to be included on the application; who needs to be approved; committed but unmarried couples)

Q: When and how should the authorized agency be informed of changes in the foster home household composition (i.e., births, marriage, divorce, extended family moving in)? [443.3(b)(13)]

A: When: As soon as practicable. How: verbal or written statements are fine, unless applicable regulations or directives require a written statement.

Q. Do married couples and couples who are “unmarried intimate partners” need to have separate certifications, licenses or letters of approval? How about unrelated adults living in the same household? Or is it acceptable to list them on the same approval document? [433.1(j), 433.3(q)(2) & 433.2(b)(11)]

A: Both married and unmarried committed couples (“unmarried intimate partners”) should have a single certificate or letter of approval pursuant to 443.1(j), which defines a foster boarding home as a residence leased or under the control of a single person or family. It is the home that is certified or approved. Anyone 18 years of age or older must be evaluated as a foster parent or another person residing in the home, depending on their intent and the circumstances of the application.

Section 443.1(j) defines a foster family boarding home as a residence under the control of a single person or family who has been certified or approved by an authorized agency. *Chapter 509 of the Laws of 2010, effective September 17, 2010, amended Section 110 of the Domestic Relations Law to add “any two unmarried adult intimate partners together” to the list of parties enumerated in the statute as permitted to adopt a child.*

Based on this statutory amendment and recent court decisions, OCFS is recognizing the term family in Section 443.1(j) also to include unmarried intimate partners. This term is recognized to include same-sex partners and unmarried heterosexual partners as a family that may be certified or approved as foster parents.

Q: What counts as documentation to prove a couple is in an unmarried intimate partnership (443.2)

A: Section 443.2(c)(1)(iv) states that the marital status of an applicant may be a factor in determining whether or not a certification or approval will be granted only as it affects the ability to provide adequate care to children. Within this limitation, the responsible agency should evaluate as soon as possible the totality of the relationship, including the applicants’ statements; an assessment of the applicants’ character and how they interact with each other; and other information about the applicants, including ascertaining how long they have been together, and statements of references.

Q: How does a homefinder list unmarried couples (same and opposite sex) who are unmarried intimate partners on an application? (433.2 and 433.3)

A: If they are applying together to be foster parents, as parent #1 and parent #2.

Q: Can a home be opened if only one adult (parent) in the home becomes certified as a foster parent? For example, one parent is in the military and stationed overseas and not to return for extended period of time. [443.2(b)(4)-(15)]

A: In the example in the question, the person presently in New York may be certified or approved as part of the foster home application process. If a person later enters the home, such as a spouse returning from military service, this person must be evaluated as another foster parent or a person 18 years of age or older who resides in the home, depending on the circumstances of the case. The same analysis would apply if only one spouse in the home wanted to be a foster parent. The other spouse in the home would be evaluated as another person in the home. [Section 443.2(b)(6)(iv)]

Q: Do the foster parent(s) children count as the number of children allowed in the home? Please clarify if they are included on the application if under the age of 18. [443.1(j)]

A: Any non-foster child under the age of 13 living in the foster home counts in terms of calculating the maximum capacity of the number of foster children that can be boarded in that foster home. Barring the various exceptions, if, for example, a foster parent has three birth children under the age of 13 living in her home, he or she may only board three foster children. Everyone living in the home is to be listed on the application.

Q: Please clarify or create regulations around foster parent employment, specifically what action to take if a foster parent loses his/her job. (443.3)

A: There are no employment requirements or income standards in the certification or approval process, nor does OCFS have plans to add these to the regulations.

Criminal History Background Checks and State Central Register (SCR) Database Checks :

Q: Please clarify the allowable fingerprinting methods. [(443.2(b)(13)(v)]

A: 09-OCFS-ADM-18 issued October 8, 2009 entitled *Live Scan Technology for Fingerprinting Foster and Adoptive Applicants* specifies the procedures concerning the method by which fingerprints will be taken and submitted by social services districts (districts) and voluntary authorized agencies, including in-state and out-of-state adoption agencies. Effective October 9, 2009, all foster and adoptive parent applicants and all other household members over the age of 18 are directed to a contractor site for the purpose of taking fingerprints using a digitized method called Live Scan. This replaced the traditional ink-and-roll process formerly used. Hard-to-print applicants and household members over the age of 18 who suffer disabling conditions that prevent them from leaving the home may need to be printed in the traditional format of ink-and-rolled prints. Those fingerprints should be forwarded to L-1 Identity Solutions, Inc. at the following address:

L-1 Identity Solutions, Inc.
1650 Wabash Avenue, Suite D
Springfield, IL 62704

http://ocfs.state.nyenet/policies/external/OCFS_2009/ADMs/09-OCFS-ADM-18%20Live%20Scan%20Technology%20for%20Fingerprinting%20Foster%20and%20Adoptive%20Applicants.pdf

Q: Immigrants are sometimes unable to provide required documents and proof of residency as necessary for SCR and criminal history checks. Are there alternatives to what is on the documentation list (e.g. self-attestation)? How does an agency certify such individuals?

A: Proof of identity for criminal history record checks must be provided as specified in 09-OCFS-ADM-18. SCR database checks do not require proof of residency, only the applicants history of residency (see 09-OCFS-INF-04, issued August 4, 2009 entitled **Changes in the LDSS-3370 Form for the Statewide Central Register Database Check**).

http://ocfs.state.nyenet/policies/external/OCFS_2009/INFs/09-OCFS-INF-04%20Changes%20in%20the%20LDSS-3370%20Form%20for%20the%20Statewide%20Central%20Register%20Database%20Check.pdf

Q: Is there a list of specific discretionary crimes that are allowable in application approvals? [Section 443.8(e)]

A: Conviction for a mandatory disqualifying crime set forth in Section 443.8(e)(1) requires the denial of an application for or renewal of certification or approval, or revocation of certification or approval as a foster parent, and removal of foster children in the home pursuant to the standards set forth in Section 443.5. However, conviction of other crimes is considered discretionary for certification or approval purposes. Any person who requires a criminal history record check and who has a discretionary crime identified through a criminal history review may be certified or approved as a foster parent. This is also the case if anyone in their household age 18 or over has a criminal history record. However, a safety assessment must be performed and documented in these circumstances and the reasons for allowing the certification or approval under this circumstance must be documented in the Foster and Adoptive (FAD) record.

Q: Is there a list of specific SCR indicated allegations that are allowable in application approvals? [(433.2 (b)(4)-(10)]

A: No, if there is an indicated report the reasons for allowing the certification or approval under this circumstance must be documented in the FAD record.

Q: How long since a DWI is necessary before it is no longer counted against an applicant? May this be counted as a discretionary crime? [433.2(b)(4)-(10)]

A: The criminal history results letter will identify all applicable crimes and provide instructions as to what category of crime has been identified and necessary follow-up actions.

Q: What circumstances are allowable for waiving fingerprinting (e.g., ill or bedridden family member)? [433.2(b)(4)-(10)]

A: There are no waivers permitted. Hard-to-print applicants and household members over the age of 18 who suffer disabling conditions that prevent them from leaving the home may need to be printed in the traditional format of ink-and-rolled prints. Those fingerprints should be forwarded to L-1 Identity Solutions, Inc. at the following address:

L-1 Identity Solutions, Inc.
1650 Wabash Avenue, Suite D
Springfield, IL 62704

Q: Are there recourses for an applicant who has been rejected because of a criminal history check? [443.2 (c)]

A: If the authorized agency denies an application or revokes a certification or approval and removes any foster child(ren) from the home, the applicant or the certified or approved foster or adoptive parent must be afforded the following procedural rights under Section 443.5:

Denial/Revocation Notice

When an authorized agency makes a denial or revocation because of the criminal history record check, the authorized agency must provide the affected applicant, certified or approved foster parent or approved adoptive parent with a written statement setting forth the reasons for the denial or revocation, including the summary of the criminal history provided by OCFS. In addition, the authorized agency must provide a description of the DCJS/FBI process available for the person with the criminal history to review and/or challenge his or her criminal history records and any remedial processes provided to the applicant, certified or approved foster parent, or approved adoptive parent by OCFS. [Section 443.8(f)]

This notice, sent by the authorized agency, must also include information about the ability of an individual who was denied or disapproved or had his or her certification or approval revoked on the basis of a Category 1 crime for *spousal abuse* to request an administrative hearing from OCFS on the basis that such offense does not constitute spousal abuse because he or she was the victim of physical, sexual or psychological abuse by the victim of such offense and such abuse was a factor in causing the person to commit such offense.

With regard to denial of an adoptive parent application, the authorized agency must comply with the notification and meeting requirements set forth in 18 NYCRR 421.15(g). Such notification must include a right to an administrative hearing in accordance with section 372-e of the SSL. With regard to the denial or revocation of a foster parent application or approval or certificate, the authorized agency must comply with the notification and interview requirements set forth in 18 NYCRR 443.2(c) for initial applicants and 18 NYCRR Section 443.11 for non-renewal or revocation of certified or approved foster homes.

See :

[http://ocfs.state.nyenet/policies/external/OCFS_2007/ADMs/07-OCFS-ADM-01%20State%20and%20National%20Criminal%20History%20Record%20Checks%20\(for%20Foster-Adoptive%20Parents\).pdf](http://ocfs.state.nyenet/policies/external/OCFS_2007/ADMs/07-OCFS-ADM-01%20State%20and%20National%20Criminal%20History%20Record%20Checks%20(for%20Foster-Adoptive%20Parents).pdf)

and:

[http://ocfs.state.nyenet/policies/external/OCFS_2008/ADMs/08-OCFS-ADM-06%20Criminal%20History%20Record%20Checks%20and%20Mandatory%20Disqualifyin%20g%20Crimes%20\(Foster%20and%20Adoptive%20Parents\).pdf](http://ocfs.state.nyenet/policies/external/OCFS_2008/ADMs/08-OCFS-ADM-06%20Criminal%20History%20Record%20Checks%20and%20Mandatory%20Disqualifyin%20g%20Crimes%20(Foster%20and%20Adoptive%20Parents).pdf)

Q: When records are sealed (e.g., criminal history that was done as a youthful offender), is it possible for the authorized agency to obtain and include such information in a safety assessment or in general, consider it in an applicant's approval?

A: Sealed information will not be included in criminal history results letters. However, there remains a requirement for applicants to attest to criminal convictions. Any information provided may be included in a safety assessment.

Q: Is it necessary to conduct an SCR/criminal history check on a foster child in a home when that child turns 18, and there are other children in the home? If so, how many years back are necessary? (443.2)

A: A criminal history record check is required for each individual in the household age 18 or over, including foster children, and including when they turn 18, in a previously certified or approved home. There is no comparable requirement for SCR database checks.

Medical Requirements

Q: How recent for an initial application, and then how often after initial certification, are tuberculosis (TB) tests required? This question is intended for foster, relative, adoptive and facility staff.

A: Foster Care Parents and Adoptive Parents [(443.2 (b)(16)(ii), 421.16 (e)(2)]

Both foster parents (relatives or non-relatives) and prospective adoptive parents are only required to file a medical report dated not more than one year preceding the date that the application is submitted to the agency and biennially thereafter. Each report must include the result of a tuberculosis screening and additional related tests as deemed necessary within the last 12 months and additional report of chest X-rays where a physician, physician assistant, nurse practitioner or other licensed and qualified health care practitioner as appropriate, determines that such X-rays are necessary to rule out the presence of current diseases.

Facility Staff [9 NYCRR180.8 (i)(1)(i)-(iv), 442.18 (e) (2)]

A tuberculosis test is required as part of the physical examination that is required as an initial condition of employment for agency child care staff and yearly thereafter.

Q: How far beyond state requirements is an authorized agency allowed to exceed the requirements pertaining to an applicant's medical history and medical care requirements?

A: The regulations [443.2(b)(16) and (c)(1)(ii)] define what must be in the medical report. Requiring the applicant to provide medical information that exceeds the requirements is not allowed.

Initial vs. Recertification

Q: Are there regulations around an applicant's financial situation (bankruptcy, debt collection etc)?

A: The regulations request information on income and employment, not their "financial situation."

Q: How do training requirements in general apply to certified or approved homes? Does the special/exceptional training requirement pertain to designated emergency foster homes? [427.6(e)(3)-(5), 446.5(b) & 443.2 (e)]

A: Authorized agencies must provide training to each certified or approved foster parent in a training program approved by OCFS which will prepare foster parents to meet the needs of children in their care so that the best interests of the children placed by the certifying or approving agency will be met. [(443.2 (e))]

The following applies to *training requirements for foster parents who take foster children assessed to have special/exceptional needs*: foster parents must have demonstrated their ability to care for foster children with special or exceptional conditions through past training and experience in nursing, special education, child care or the completion of or participation in special training provided by an authorized agency or other relevant training and experience; and actively participate in agency training for foster parents of not less than four hours per year in the case of providers of special foster care services and not less than five hours per year in the case of providers of exceptional foster care services. [427.6(e)(3)].

446.5(b) applies to “*designated emergency foster boarding homes.*” These homes are not the same as certified emergency homes and approved emergency homes defined in Part 443. The training requirements for designated emergency foster boarding homes is that for foster parents providing this type of care they must complete 15 hours of specialized training and a minimum of six hours of follow-up training each year (446.5).

Emergency Certifications

Q: How should an agency handle a court order that states the agency must (immediately) certify a particular emergency home, but the requirements for the emergency certification are not completed? [443.7 (a) and (b)]

A: They should either endeavor to meet the requirements immediately, point out why they are unable to meet such requirements immediately (because typically they can be done immediately), or they should appeal the court’s order.

Processes, Benchmarks and Timeframes in Recruitment/Licensing Activities

Q: Is there a specific regulation and form that identifies when the application status is ended and the agency had made a decision around accepting/denying an application? [443.2(b)(9)]

A: Section 443.2(b)(9) discusses documenting the approval or denial of an application to become a certified or approved foster parent.

Q: May a district respond to inquiries for foster parenting via phone or face to face? If written responses are required, should copies of those responses be maintained? [443.2(b)]

A: Section 443.2(b)(1) requires a written response to inquiries from persons interested in becoming a foster parent. A copy of such a response should be maintained.

Q: Who is responsible for required regular and emergency conferences? Caseworker or homefinder? [443.3(h)]

A: The regulations do not specify, so that the staff who attend is left to the agency's discretion depending on who best may discharge the agency's responsibilities at the conference.

Q: Are regular and emergency conferences a separate activity from normal casework contact by the foster care worker? May the contact in conferences be counted as a foster care caseworkers contact obligation? (443.4)

A: This requirement is separate from casework contacts in that it specifies what the conferences should cover, and those areas may not completely line up with the purpose of casework contacts and/or who is performing the contact. However, if both sets of requirements are met by one visit, a conference also could be considered as a casework contact.

Q: Should a district commence training for foster care applicants before or after the application process is completed? Please clarify when is best to start training applicants. [443.2(d)(1) and (2) and (e)]

A: The regulations contemplate that the orientation required by (d) be done prior to certifying or approving an applicant. The training and placement information required by (e) is less prescriptive as to when it is delivered. In general, starting the orientation and training process as soon as practicable is recommended. Given the number of available deliveries of training, especially in some low volume districts/agencies, and given the realities and time frames associated with homes approved or certified on an emergency basis, a certain degree of flexibility as to the time frames may be appropriate. Section 443.2(e)(2) also requires that before a child is placed in a foster home, authorized agencies must prepare the foster parent with appropriate knowledge and skills to provide for the needs of the child and that such preparation must be continued, as needed, after placement of the child.

Q: Is (MAPP) training necessary for elderly household members, or any other household members who are not applicants? (443.2(d)(1) and (2); 443.3)

A: No, and the MAPP training curriculum itself is not required.

Q: Is it necessary for the same LDSS or authorized agency that did a home study to be the agency who certifies an applicant's home? (443.3)

A: Section 443.2(c) does not specify, so that it is possible that the agency certifying or approving a home and the agency conducting the home study could be two different authorized agencies.

See link below re: transferring a foster home:

http://ocfs.state.ny.net/policies/external/OCFS_2000/INFs/00-OCFS-INF-06%20Foster%20Boarding%20Home%20Records%20and%20Policy%20on%20Transferring%20Foster%20Boarding%20Homes.pdf

Communication Between Involved Stakeholders

Q: What do you do if it appears that the receiving agency (for out-of-district placements) is delaying the application process? [443.2(h)(2) & (3)]

A: Contact the OCFS/CWCS regional office and request assistance.

Q: Can OCFS create hyper-links between local district regulation books and the on-line state regulations? This would assist districts in keeping current with the regulations.

A: The url below provides a link to the Department of State's website where the electronic regulations are located; however, in order to get to any specific regulations, it is necessary to drill down to the correct book, section, and provision, and a user is unable to create a more direct link. Here is the link: <http://www.dos.state.ny.us/info/nycrr.html>

Q: Does the sending agency contract for payment with a receiving agency in an out-of-state placement? [443.2(g)]

A: No, New York State does not ask for payment/reimbursement from out-of-state agencies when conducting a home study pursuant to the Interstate Compact on the Placement of Children (ICPC).

Homemaker/Foster Parent/Adoptive Parent/Child Care Caseworker Career Development

Q: Is there training available for home-finders that would enhance their skills around communicating with applicants who have been determined as unacceptable for fostering, especially when the reasons are outside the SCR/criminal/home study results? [443.2(a), (b), (c)]

A: Yes. OCFS offers a course entitled "Mutual Selection" to assist home-finders to communicate with applicants who have not been selected. It is offered via ILinc and classroom.

Q: Is there any OCFS-sponsored training offered on-line that would enable homemakers, foster/adoptive parents and foster care caseworkers to more conveniently enhance skills, remain current in practice and meet training requirements? [443.2(d), (e)]

A: There are a variety of trainings offered online that enable foster/adoptive parents to enhance skills and meet the training requirement. In addition, there are multiple ILinc course for foster care caseworkers designed to develop their ability to manage relationships with foster/adoptive parents and youth in care.

Q: Is there training specific to out-of-district and out-of-state placements? (443.2)

A: Training on inter-jurisdictional and ICPC is available through regional offices and NYS Adoption Services (NYSAS).

Q: Are there regular (e.g., semi-annual) training for home-finders around changes in regulations? (443.2)

A: Regional support meetings are held periodically to keep homefinders apprised of changes in regulations.