

A GUIDE FOR PARENTS OF CHILDREN IN FOSTER CARE

NYC Children

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Letter From the Commissioner



Dear Parents/Caregivers:

The goal of the NYC Administration for Children’s Services (ACS) is to keep children safe and families supported. We take this responsibility very seriously, and also understand that child protective investigations can be an intrusive and stressful process. We recognize and respect parents’ rights, as well as their bonds with and love for their children.

This handbook was written to help parents of children in foster care.

This handbook will help you better understand:

- How the child welfare system works, including foster care and legal proceedings.
- Your rights and responsibilities as a parent.
- Where to go for additional resources and information.

ACS would like to thank the Parent Advocacy Council (PAC), legal advocates, foster care agencies and other stakeholders who provided input on this handbook.

Thank you to Michael Arsham, Julie Farber, Stephanie Gendell, and Sabra Jackson at ACS who coordinated across ACS and with a range of stakeholders including parent advocates, legal advocates, and foster care providers to produce this important resource.

We hope that this handbook is useful to parents who are navigating this very challenging time in their lives.



Commissioner
NYC Administration for Children’s Services
www.nyc.gov/children

Introduction

The Administration for Children's Services (ACS) protects and promotes the safety and well-being of New York City's children and families by providing child welfare, juvenile justice, and early care and education services. ACS seeks to administer equitable systems in which a child or family's race, ethnicity, national origin, immigration status, gender, gender identity, and sexual orientation do not predict how they fare.

This handbook has been created specifically for parents whose child or children are in foster care. We know that this is a very difficult time for you. We realize you may be sad, angry, and/or scared. We hope that this handbook will help you, by providing you with information and answers to questions that you may have.

Any time you have a question, you should ask either your attorney or caseworker. If you cannot afford an attorney, the Family Court will appoint one for you. You have a right to contact your attorney with any question at any time.

Many of the terms used in this handbook are defined in the glossary. The glossary is in alphabetical order and starts on page 48.

Overview of ACS

The Administration for Children's Services administers the City's child welfare, juvenile justice and a portion of the early care and education system. The child welfare system includes three main components: child protection; prevention services; and foster care. The child welfare system seeks to provide families and communities with the tools, services and supports to keep children safe from abuse or neglect.

Child protection is the division of ACS that conducts investigations to assess whether children are safe in their homes. Child Protective Specialists (CPS) can offer families services and can also remove children, under certain serious circumstances, and place them in foster care.

Prevention services are offered to families so that children can remain safely in their homes. Through the use of prevention services, ACS provides support to parents whose children are at risk of neglect or abuse.

When a child is not safe at home, ACS may seek to temporarily remove the child and place the child in foster care. All removals are reviewed by the Family Court.

When a child comes into foster care, whenever possible, ACS will place the children in the home of a relative or family friend (called kinship care), which reduces trauma and supports the well-being of the child. Parents work with ACS to help identify family or friends who might be able to take care of the children. If there is no relative or family

friend identified, the child may be placed in the home of a foster parent recruited by the foster care agency, or in limited circumstances a residential program or group home.

For children who are in foster care, ACS works with a network of non-profit organizations, known as foster care agencies. Once a child goes into foster care, ACS and its contracted foster care providers are responsible for the care and custody of the child for the length of time that the Family Court determines.

When children are in foster care, ACS works with the family so that the safety issues can be resolved, and the children can go home. Most children in foster care return home to their parents. For those who cannot return home safely, ACS pursues kinship guardianship, adoption, or custody. A small number of youth remain in foster care until they are age 21 or have a stable place to live independently.

This parent handbook has been specifically designed for you – a parent whose child is in foster care. ACS understands that this can be a very difficult time for you and your family and we hope that the information in this handbook will be helpful to you in understanding foster care and how we can work together to safely return your child home to you.

You can always contact your lawyer or your caseworker when you have questions. At the back of this handbook, there is a place for you to write down the names, phone numbers and email addresses of the key people you will want to contact, such as your lawyer, foster care agency case planner, and the foster parent.

TIPS FOR PARENTS

- The foster care agency is responsible for ensuring that your child is receiving proper care, consulting with you and providing information to you about your child and your case, and offering services to you to help you to reunify with your child. You should be in regular contact with your foster care agency caseworker, and you can contact your caseworker with questions about your child and your case.
- If you have questions about your case, you can also contact your lawyer. You have a right to speak to your lawyer at any time. If you cannot afford a lawyer, the Family Court will appoint one for you. Contact information for each of the legal organizations representing parents and the contact information for each Family Court can be found in on page 9 in the Resources for Parents section.
- You should attend all court proceedings. If you do not attend, the court may make decisions that affect your legal relationship with your child. This could happen even if you are not the person under investigation. If you cannot attend a court proceeding, you should contact your attorney.

- When your child is in foster care, you have numerous rights, many of which are explained in this handbook. This includes rights related to your child’s health care, education, and rights to visit with your child. The court may issue orders impacting some of your rights. You should always contact your lawyer to understand your rights.
- If you are not the subject of a child abuse/neglect report, you may have rights that differ from those of the parent who is under investigation. A parent who was not named as the person responsible for the harm to the child may still be named in the Family Court case if the investigation reveals concerns about whether the parent can safely care for the child. If a parent is not named in the Family Court case, that parent has the right to ask for the child to be released to their custody or if the parent is unable to take custody, to participate in hearings involving custody of the child.
- Be sure to keep the contact information for your lawyer and your **foster care** agency caseworker, so that you can contact them any time you need to.

Information for Immigrants

All families are eligible for free services through ACS. It does not matter if you are a citizen, legal permanent resident, or do not have legal documents.

ACS does not investigate the immigration status of children and families who are involved with the child welfare system. Your immigration status does not matter to ACS or our foster care providers. However, your ACS or agency case planner may ask about your immigration status or the status of family members to help find services or benefits for you.

ACS keeps information about you and your family private. We do not share details with other government agencies except as required by law. As provided by New York City law, we do not accept direction or supervision from federal immigration officials or use City resources to assist federal immigration law enforcement, including Immigration and Customs Enforcement (ICE).

Language Assistance

If you do not speak English, ACS will provide a free interpreter. If ACS documents in your language are not available, we can have an interpreter explain and provide them to you in your language. You may also receive interpretation services if you are deaf or hard of hearing.

Information for Individuals with Disabilities

Consistent with federal, state, and local law, ACS and **foster care** agencies are required to make services, activities and programs accessible for individuals with physical and/or mental disabilities, except when doing so would impose an undue hardship to the operations of the facility or program.

ACS and foster care agency providers must evaluate all reasonable accommodation requests on a case-by-case basis. Some reasonable accommodations may require that a provider make modifications to policies and/or practices to integrate children and family members with disabilities into their programs, activities, and services.

Speak to your caseworker or case planner if you need a reasonable accommodation. If you need assistance related to reasonable accommodations or grievance you may contact the ACS ADA Coordinator by emailing eeo.adacoordinator@acs.nyc.gov. You should also contact your lawyer.

Key Resources for Parents

There are several important resources to help parents when their child or children are in foster care. You can and should always reach out to your lawyer when you have a question about your case. You can also reach out to the caseworker from your foster care agency or ACS. At the back of this handbook, there is a page for you to write down the important phone numbers and email addresses.

You have many rights as a parent. You have a right to speak to a lawyer at any time during a child protective investigation and while your child is in foster care. A list of organizations that represent parents during an ACS investigation is found below. Since this handbook is disseminated to parents whose children have been placed in foster care, you have likely already been assigned an attorney. If you aren't sure who your attorney is, please contact your CPS worker or your foster care agency case planner. Additional information about parents' rights can also be found here:

<https://yourfamilyyourrights.org>

Following are some helpful contacts for you:

Parent Legal Services Providers

Note: By the time that you are receiving this handbook, the Family Court Judge has likely already assigned a lawyer to represent you. This is the lawyer you should be reaching out to.

Bronx Defenders

- Website: <https://www.bronxdefenders.org>
- Phone: (845) 535-9790 or (347) 778-1266 or (718) 838-7878
- Email: familyintake@bronxdefenders.org

Brooklyn Defender Services / Family Defense Practice

- Website: <http://bfdp.org/>
- Phone: (646) 974-9343 or (347) 592-2500
- Email: familyintake@bds.org

Center for Family Representation (Lower Manhattan and Queens)

- Website: <https://www.cfrny.org>
- Manhattan:
 - Phone: (646) 809-4308
 - Email: CFRIntake@cfrny.org
- Queens:
 - Phone: (347) 286-4365
 - Email: CFRIntake@cfrny.org

Neighborhood Defender Services of Harlem (Upper Manhattan)

- Website: <http://www.ndsny.org>
- Phone: (619) 630-8936
- Email: fdtintake@ndsny.org

Richmond County Assigned Counsel Panel (Staten Island)

- Phone: (718) 923-6356
- Email: ad2drichmond18b@gmail.com

NYC Administration for Children's Services (ACS) Office of Advocacy

- Parent Helpline: (212) 676-9421
- Website and Email: <https://www1.nyc.gov/site/acs/about/advocacy.page>

Legal Information for Families Today (LIFT)

LIFT may also be able to help you by providing you with legal information. LIFT tables are located in all five borough Family Courts Monday-Friday from 9AM-5PM. You can also contact the LIFT hotline at (212) 343-1122. The hotline is answered Monday-Friday from 9AM-5PM and you can leave a message. LIFT accepts collect calls from incarcerated parents. You can also contact LIFT by email through their website located at www.liftonline.org.

Other Resources

- Rise Magazine: <http://www.risemagazine.org>
- Osborne Association: <http://www.osborneny.org>
- Know Your Rights: <https://yourfamilyyourrights.org>
- ACS Connect Me: <https://acsconnectme.nyc.gov/homepage.do>

Parents' Rights

It is important that you know and understand your rights as a parent while your child is in foster care.

As a Parent of a Child in Foster Care, You Have the Right to...

- Consult with a lawyer at any time and have your lawyer present in any court action about your child that affects your parental rights.
- Know the reasons for your child's placement in foster care (the allegations and the investigation findings).
- Know which foster care agency is handling your child's case.
- Have your children placed with relatives, close family friends (kinship) whenever possible.
- Have efforts taken so that your children are placed together.
- Request that your child be placed in a setting that can reflect and respond to your child's specific culture, religion, and background.
- Receive services and information in your own primary language.
- Know what needs to happen so your child can return home.
- Be offered the services that will help you reunite with your child. You can also request services/supports that you believe you or your children need.
- Visit your child and request financial help if you are unable to pay for transportation to get to and from your visits. You have a right to regularly scheduled quality visiting time with your child(ren) and to have any missed visits rescheduled.
- Request that your children visit each other if they are in separate foster homes.
- Be informed if there are any changes to your family's service plan, visiting plan and/or your child's placement.
- Receive timely notification of and invitations from the Family Court to attend any Family Court hearing about your child or about your parental rights.
- Appear in Family Court. If you are incarcerated, you should be aware of your right to be "produced" or taken to all court hearings.
- Quickly receive services that support the goal to return your child home.

- Participate in the development of your family’s service plan, attend all service plan reviews and conferences, and be notified in advance when these will take place.
- Be assessed for housing subsidies and other housing assistance if your child is in foster care and the lack of housing is the primary reason preventing your child’s return. ACS has a Housing Support and Services (HSS) unit that will help you to apply for stable housing to reunify with your child(ren). You can contact the HSS at 212-676-2818 or acs.sm.housing.fostercare@acs.nyc.gov.
- Receive regular updates from your case planner on your child’s health, mental health, development, behavior, and progress in school.
- Regularly communicate with your child’s teachers and counselors. Unless parental rights have been terminated or otherwise limited in court, parents retain the right to make educational decisions for their children and access school information.
- Attend school meetings and agree to the Individual Educational Plan (IEP), if this applies for your child. Attend medical appointments with your child and case planner. You have a right to regularly communicate with your child’s doctors, therapists, and treatment providers. You have a right to speak with a doctor to know the reasons for medication, including the benefits and possible side effects. Your consent to your child’s medication is required, except in limited circumstances. (These limited circumstances include if your child is age 18 or older, your child is married or a parent, or if ACS gets an override of your consent.) If a child in foster care needs medication, and you refuse to approve a treatment or medication that a doctor states is necessary, ACS must make reasonable efforts to obtain the parent’s consent but may sometimes override or go against your decision (but not in Voluntary Placements). In some instances, ACS will bring the case back to Family Court to seek a court order from the judge so that the child’s medical needs are met.
- Receive notification as soon as possible of any serious medical emergency or if your child receives any medical treatment.
- Be consulted about and provide permission for children to attend vacations with the child’s foster family. Parents have the right to be consulted before any out of state travel.
- Have your race, ethnicity, culture, language, religion, gender identity and sexual orientation respected and considered in planning.
- Build a positive relationship with your child’s foster parent.

- Share your concerns or complaints about your case with ACS or your agency. You also have the right to contact the ACS Office of Advocacy (OOA) to help resolve a problem with your case. You can contact OOA at 212-676-9421
- Call the New York State Central Register (SCR) Child Abuse and Maltreatment Hotline at 800-342-3720 if you suspect your child is being abused or maltreated in a foster home. Please note that false reporting is a crime.
- Request referrals to receive financial help, clothing, and furniture for your child upon his or her return home.

Child Protective Investigation

An investigation begins with a report of suspected child abuse or neglect to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) Hotline. ACS is required to investigate all reports of families that the SCR hotline sends to New York City. Reports of neglect or abuse may include the following:

- Drug or alcohol abuse
- Untreated mental health issues
- Family violence
- Failing to provide a child's basic needs (e.g., food, adequate and safe housing, hygiene, appropriate clothing, medical care, and education)
- Failing to properly supervise a child resulting in harm or risk of harm to the child
- Excessive corporal punishment (e.g. hitting a child with an object or leaving marks and bruises on a child)
- Physical abuse
- Sexual abuse
- Exposing a child to domestic violence

During an investigation, an ACS Child Protective Specialist (CPS) visits your home to determine if there is a fair preponderance of the evidence to support the claims of abuse and/or maltreatment made in the report, and to see if there are any services your family might need to help keep children safe.

You have a right to speak to a lawyer at any time during a CPS investigation and while your child is in foster care.

When a CPS worker first starts an investigation, they will notify the parents about the child protective investigation, by providing a *Notice of Existence*. This form includes contact information for the assigned CPS and their supervisor and manager.

The CPS interviews members of the family, neighbors, family friends, extended family, school personnel, doctors, and anyone who may have information about the allegations raised in the

report. The CPS must determine whether there is a fair preponderance of the evidence to support the allegations (claims) of abuse or maltreatment. This is called a “determination.”

The determination will either be indicated or unfounded. “Founded” or “Indicated” means the CPS found enough evidence to support the claims of child abuse and maltreatment. “Unfounded” or “Not Indicated” means that the CPS did not find enough evidence to support the claims of child neglect or abuse.

The CPS has up to 60 days to complete the investigation and make a determination. You will receive a letter in the mail after the CPS makes a determination. If the allegations are indicated, this could affect your ability to obtain certain types of jobs. You have a right to appeal the determination, and information about how to appeal the determination will be included in the letter telling you the outcome of the investigation.

To find out more information about the determination of your case, and how to amend or seal your record, write to:

**Director of the State Central Register
New York State Office of Children
and Family Services State Central Register
P.O. Box 4480
Albany, NY 12204-0480
Phone: 518-474-5297**

During the investigation, if CPS determines your child is not in immediate danger, the CPS may offer prevention services to help you address the issues you may be facing so that your child can remain safely at home. Services are free, voluntary, and provided in the home. There are a range of services and models, some of which are contracted by ACS and some of which are offered by local community-based organizations in your community. ACS will work with you to identify the service provider that best meets your family’s needs and can facilitate the referral.

Initial Child Safety Conference (ICSC)

If during the course of the investigation, the CPS determines that there are significant safety and risk factors, the CPS will schedule an Initial Child Safety Conference to determine whether there are safety measures or services that can be put in place to avoid filing a case in Family Court and/or removing your child and placing him/her in foster care or other out-of-home placement

This meeting includes you, the CPS and their supervisor and any family, friends for community members you choose to bring. In addition, children ages 10 or older may be invited to participate, and if they have a social worker from a legal organization that social worker may attend.

You have a right to bring advocates or social workers working with their lawyers to this conference. You also have a right to consult with an attorney before attending the Initial Child Safety Conference.

You will be offered the services of a Parent Advocate to assist you with the ICSC. A Parent Advocate is a parent with specialized training who has had personal experience with ACS. The ICSC Parent Advocates work for a voluntary agency that contracts with ACS. They are available to guide and support you in the Initial Child Safety Conference. Their prior personal experiences may be able to help you during this challenging and stressful time.

The Initial Child Safety Conference is led by a licensed social worker. The goal of the meeting is to create a plan to keep your child safe. This could include services for your family, but ACS may also decide that your child needs to come into foster care or other out-of-home placement.

Note: If ACS determined that there was imminent risk to your child, this meeting may be held after your child has been removed, and is often referred to as a Post-Removal Conference.

Foster Care

ACS oversees the NYC foster care system. If a child is placed in foster care by the Family Court, legal custody is temporarily transferred to ACS. Children in foster care are typically temporarily cared for by a relative or non-relative foster parent under the supervision of a foster care agency contracted by ACS. A small number of youth in foster care are placed in residential care settings, which are supervised group home settings for youth. ACS makes every effort to place children in a home most suitable for them.

Most children who come into foster care return home to their parents. When that is not possible, adoption, custody with another person, or kinship guardianship becomes the goal. The Family Court must hold hearings to review and approve any removal of the child and placement into foster care. The Family Court will appoint a lawyer to represent you if you cannot afford one, and you will have the opportunity to challenge the removal.

Entering Foster Care

Most children who come into foster care enter due to allegations of child abuse or neglect. A small number of children and youth are placed into foster care voluntarily by their parents, or because the youth has been found to be a Person in Need of Supervision due to their behavior.

If at any point during the child protective investigation the CPS believes that your child is not safe and an emergency exists (“imminent danger”), ACS may seek to remove your

child from your care. ACS will need to file a neglect or abuse petition in Family Court and the removal decision will be subject to court review and the decision will be made by a judge. If the removal is made without a prior court order, ACS must report to Family Court on the next court day to file the petition and again the decision would need to be reviewed and ultimately approved or disapproved by a judge.

ACS's decision to remove your child could happen in two ways:

Non-Emergency Situation

In a non-emergency situation, the CPS invites you to an Initial Child Safety Conference to discuss the safety concerns and develop a safety plan. The safety plan includes a set of actions that should be taken to help you protect your child. If the safety plan includes removing your child from your care, then ACS will file a petition and seek a court order to remove the child. ACS must tell you when and where the petition will be filed.

Emergency Situation

An emergency situation occurs when there is immediate danger to the child's life or health and there is no time to apply for a Family Court order. In an emergency removal, ACS must file a petition in Family Court no later than the next court day. ACS is required to tell you when and where the petition will be filed.

The law gives ACS the authority to remove children when they are in imminent risk. The Family Court is required to review that decision either before there is a removal or in the case of an emergency, within one business day. The Family Court is not open on the weekends, so if an emergency removal takes place on a Friday evening or Saturday, you will not be able to contest the removal in court until the next court day.

As a reminder, you have a right to consult an attorney.

Voluntary Placements

If you are in a crisis situation and cannot parent your child, you may request that your child be voluntarily placed in foster care. When you make this request, a CPS will offer you supportive services to try to prevent your child from coming into foster care. However, if these services are unsuccessful, ACS may agree to have you sign a Voluntary Placement Agreement.

A Voluntary Placement Agreement temporarily transfers the care and custody of your child to ACS. You are still required to work on resolving the problems that led to the voluntary placement and plan for your child to return home. ACS expects you to remain involved in your child's life. You may also identify a specific date when you want your child returned. You can request the return of your child at any time and ACS may return the child with you or if ACS determines that the child would be in danger of neglect or

abuse if returned to you, ACS may file an abuse or neglect petition and ask that the child remain in foster care.

The Family Court reviews the placement of children in foster care, including when this is done through a Voluntary Placement Agreement. The court will hold regular hearings to determine whether it is in the best interest of the child to return home. The court may also have to approve your child's return to you.

Where Is My Child?

If a CPS removes your child from your home, he/she must share information with you about where your child is placed and arrange a visit for you with your child.

When children come into foster care, ACS tries to place children with relatives or family friends as foster parents. You should provide all information about family members, so that ACS can assess their ability to care for your child safely. Immigration status is not a bar to your family member being a foster parent.

Sometimes, when children first come into foster care, they are placed at the ACS Children's Center, an ACS facility where some children go prior to being placed in a foster home with a foster care agency. You can call the intake number at the ACS Children's Center (646) 935-1411, which is available 24-7 to request information about your child's placement, including whether your child is still at the Children's Center. Your CPS worker can arrange for you to visit with your child even while your child is still at the Children's Center.

Parents also have the right to the name, title, address, and telephone number of the CPS who removed your child and the name of their supervisor. Parents can also contact their CPS for information related to a child who has been removed.

Whenever a child is removed without a Court Order, (also known as an Emergency Removal), the CPS will provide the family with the **Notice of Temporary Removal of Child(ren) and Right to Hearing** form that includes the name and contact information of the CPS conducting the removal, the name of the foster care agency where the child is placed (if known) and the name of person to contact for visiting the child, (when information is available). This information must be communicated by phone to the parent immediately upon learning of placement details if not immediately known. In addition, the notice must also include the Family Court location and address where the petition will be filed.

TIPS FOR PARENTS

- If you have any questions or concerns about visits, services, or finding out where your children are placed, you can contact your case planner/case worker or the CPS worker assigned to your case. You may also contact your lawyer if you need assistance.
- If you have not received information about where your child is placed in foster care or have problems arranging visits with your child, call the ACS Office of Advocacy at 212-676-9421.
- ACS Division of Child Protection staff are required to call parents within 24 hours to provide information regarding where their children are placed, when they come into foster care.
- Parents can also call the intake number at the ACS Children's Center 646-935-1411, which is available 24-7 to request information about their child's placement.
- For purposes of safety and confidentiality, when parents call, they will need to answer a set of questions in order to confirm their identity.
- If children are already placed with a foster care agency (i.e., the children are not at the Children's Center or the Youth Reception Centers), ACS staff answering the intake number will provide the parent with the name and phone number for the foster care contact person.

How Does ACS Make Foster Care Placements?

ACS works to place your child in a stable foster home that maintains family, school, and community ties for your child. Whenever possible, we try to place your child with relatives or family friends (called kinship care), together with siblings, and/or in a foster home in his or her own neighborhood. We will consider your wishes when deciding where to place your child.

It is important that you always tell the CPS about relatives or family friends who may be able to care for your child. If a relative, friend, or neighbor is willing to become the foster parent, the agency must assess the person's home to determine that it will be safe for your child. This assessment is called a "home study." The purpose of a home study is to see if the home meets the requirements for a foster home.

Kinship foster parents need to complete the same requirements as nonkinship foster parents to become a certified foster parent. All foster parents are required to participate in training, to ensure they understand the roles and responsibilities of being a foster

parent and that they are able to provide high-quality care, stability and support to your child while he or she is in foster care. If a relative or friend who lives out of state is willing to become the foster parent, ACS will request to have a home study under the Interstate Compact on the Placement of Children (ICPC), which can take some time.

In some instances, kinship caregivers may choose to care for children outside of the foster care system. In these instances, they would not receive financial assistance. These types of placements are typically referred to as direct placements, and would need to be approved by the Family Court.

If ACS cannot place your child with a relative, ACS will place your child with a non-relative foster parent. In some instances, based on a youth's particular needs, a teenager may be placed in a congregate care/residential care(group) setting that is operated by a foster care agency.

What Does the Foster Care Agency Do?

ACS contracts with a variety of foster care agencies (in this handbook, they are called "agencies").

Agencies are responsible for working with you to support you to address the problems that resulted in your child entering foster care so that your child can return home safely to you. Agencies are responsible for connecting you to services so that your child can return home safely.

Agencies are also responsible for recruiting, approving, training, and supervising foster parents.

In addition to providing you with the services you need, the foster care agency is responsible for providing any services your child needs, including educational planning. ACS and the agency will prioritize keeping your child in their school of origin and will make necessary accommodations to do so, including organizing and paying for transportation costs. The agency will consult with you in determining whether remaining in the same school is in your child's best interests.

The foster care agency will also arrange for health and mental health care services for your child, in consultation with you.

ACS is ultimately responsible for all children in foster care, no matter which agency provides placement for your child.

The following provides you with important information about the responsibilities of your agency, as well as the responsibilities for yourself and your child's foster parent(s).

Responsibilities Chart

Responsibilities			
	Parent's Responsibilities	ACS and the Foster Care Agency's Responsibilities	Foster Parent's Responsibilities
Ensuring your child's best interests	<ul style="list-style-type: none"> Keep your child's best interests at heart and prioritize your child's medical, emotional, and educational needs in all situations. Contact case planner with any concerns or problems. 	<ul style="list-style-type: none"> Keep your child's best interests at heart and prioritize your child's medical, emotional, and educational needs in all situations. Address your child's needs and any identified concerns. 	<ul style="list-style-type: none"> Keep your child's best interests at heart and prioritize your child's medical, emotional, and educational needs in all situations. Contact case planner with any concerns or problems.
Addressing issues that led to your child's placement in foster care and providing a safe home for your child	<ul style="list-style-type: none"> Attend all scheduled meetings with your case planner, service providers, and the court and participate in the development of the service plan for you and your child Participate in services and work to create a safe home environment to which your child can return. Respond promptly to outreach from case planner. 	<ul style="list-style-type: none"> Provide you with the services needed to help create a safe home environment to which your child can return. Invite you to participate in meetings and case conferences with advance notice. Respond promptly to your contacts. 	<ul style="list-style-type: none"> Nurture your child while you are getting the services you need Support the bond between you and your child while he/she is in foster care. Participate in required meetings and hearings and ensure that children attend when necessary.
Staying active in your child's life and spending time with your child	<ul style="list-style-type: none"> Stay active and involved in your child's life. Visit with and contact your child consistently and frequently (or as determined by the court). 	<ul style="list-style-type: none"> Provide support to help you stay active and involved in your child's life. Arrange consistent and frequent visits and other forms of contact for you and your child and try to accommodate everyone's schedules within reason. Include parent in attending medical appointments and school activities as appropriate. 	<ul style="list-style-type: none"> Help you to stay active and involved in your child's life. Help you and your child visit and contact each other consistently and frequently. Share information with you about how your child is doing Hear from you about your child's preferences, what they enjoy, challenges, etc.

Responsibilities (continued)

	Parent's Responsibilities	ACS and the Foster Care Agency's Responsibilities	Foster Parent's Responsibilities
Meeting your child's special needs	<ul style="list-style-type: none"> ▪ Share any cultural, religious, health, or special needs your child may have with the agency and/or the foster parent. 	<ul style="list-style-type: none"> ▪ Get information from you about any cultural, religious, health, or special needs your child may have, and work to ensure that those needs are met. 	<ul style="list-style-type: none"> ▪ Work to meet your child's cultural, religious, health, and/or special needs.
Meeting your child's medical, mental health and educational needs	<ul style="list-style-type: none"> ▪ Receive medical, mental health, and educational updates on your child from the foster care agency case planner. ▪ Attend appointments with your child. ▪ Make decisions about your child's medical and mental health care and education. You still have rights in these areas if your parental rights have not been terminated or are limited by court order. 	<ul style="list-style-type: none"> ▪ Provide you with medical, mental health and educational updates on your child. ▪ Work with you and the foster parent to schedule appointments. ▪ Provide support to the foster parent to ensure that your child's needs are met. ▪ Consult with you regarding decisions about your child's medical and mental health care and education. Obtain informed consent for medical treatment unless in an emergency or by court order. 	<ul style="list-style-type: none"> ▪ Take your child to all required medical, psychological, and educational appointments. ▪ Share information with you about how your child is doing.

What Happens after My Child Is Placed in Foster Care?

When a child comes into foster care, the foster care agency is required to schedule a Parent-to-Parent meeting within two business days of the placement. The meeting allows parents to share information about the child with the foster parent, such as information about your child's interests and needs. You can bring a support person, such as an advocate or social worker from your lawyer's office, to this meeting.

You can also request to have a visit with your child on the same date as this meeting. Whether it is the same date or not, a visit must be arranged between you and your child within two days of removal, unless there is a court order that says otherwise.

At the conference, you can also discuss how you want to continue your parenting role while your child is not living with you, for example, that, in addition to visits, you want to talk on the phone with your child, attend medical appointments, school meetings (including IEP meetings and teacher conferences), and receive regular updates from the foster care agency case planner and foster parent.

The meeting also gives the foster parent a chance to ask you questions that can help them better understand your child's needs, and help your child adjust to being in foster care. This meeting includes you, the foster parent who is caring for your child, and the agency case planner. In some cases, based on age and level of development, your child can attend these meetings as well. You can also bring a support person or request to have a Parent Advocate present.

In addition, you will be invited to a Transition Meeting. At this meeting, ACS CPS staff and foster care agency staff will talk with you about why your child is in foster care and discuss the immediate plans for your child's care.

Your case planner from the agency will continue to work with you to create or modify the service plan developed at the Initial Child Safety Conference, which is also reviewed and sometimes altered by the Family Court. The service plan will lay out what services you and the agency determine need to be provided to you and your child so that your child can return home safely, and their needs can be met while in foster care.

You have a right to participate in the development of the service plan. You have a right to bring an advocate or social worker from your lawyer's office to any meetings where the agency is developing your family's service plan. You can help develop your own

service plan by identifying the services and benefits you think will resolve the issues that led to foster care. You are the best expert on your own needs and your family's needs.

The case planner is responsible for reviewing the service plan, modifying the service plan, and helping you find services you may need by providing information and referrals. Building a positive relationship and remaining in consistent communication with your case planner will support the progress you can make on your service plan.

The case planner is also responsible for facilitating visits and phone calls between you and your children. The case planner will also provide you with regular updates on your child, including as it relates to medical and school appointments.

The CPS from ACS will continue to appear in court at hearings related to the allegations (claims) that led to your child's foster care placement. Your foster care agency case planner will take responsibility for your case and service plan and appear in court to provide the judge with progress updates. ACS will continue to provide oversight with regard to planning for the safe return of your child.

TIPS FOR PARENTS

- It is important that you act quickly so that your child can be safely returned to you as soon as possible. You should work with the foster care agency from the moment your child is placed in foster care to understand your service plan and begin participating in services. With help from the foster care agency, you can start addressing the issues that led to your child's foster care placement so that your child can be returned to you as quickly as possible.
- The foster care agencies must work with you to reunite you with your child. This includes making timely and appropriate referrals for services that address your family's unique needs; arranging visiting between you and your children as frequent as safely possible, and keeping you informed of all medical and education appointments. If after you have had the opportunity to resolve the safety issues, your child is still unable to return home safely, the agency will need to create another plan, such as adoption or kinship guardianship (KinGAP) (with a relative or family friend), so that your child does not remain in foster care.
- The top priority for ACS and the foster care agency is to be able to safely return your child to you. A 1997 federal law called the Adoption and Safe Families Act aims to keep the amount of time a child spends in foster care as short as possible. Due to this law, if your child is in foster care for 15 of the past 22 months, the agency needs to assess whether or not the child can still return to you or the foster care agency should file a petition to terminate your parental rights. Once your parental rights are terminated, your child can be adopted.

without your permission. While there are exceptions to the requirements for filing this petition, it is important that you continue working with the foster care agency regardless of whether the petition is filed. Information about termination of parental rights is discussed more fully on page 37.

- Your child's placement in foster care may affect your cash assistance budget, child support, or housing. Parents receiving Human Resources Administration (HRA) cash assistance may have their budgets adjusted while their child is in foster care. Parents who are financially stable may have to pay child support for their children while they are in foster care. Your child's placement in care may also affect your housing or family shelter placement. Contact your attorney if your housing is at risk because of your child's removal from your care.

Foster Parents

All foster parents are required to participate in trainings provided by the foster care agency, pass criminal and child abuse and neglect background checks, ensure family visits, and provide a safe and nurturing environment for the children in their home.

The foster care agency trains and monitors all foster parents. The agency supports foster parents in providing a safe and nurturing home for your child. The role of foster parents is to provide care for your child on a temporary basis, with the goal of reunifying parents and children as soon as it is safe to do so.

Foster parents are responsible for the day-to-day care of children placed in their care. Foster parents may have children of their own in the home and/or other children they are fostering from another family. The foster care agency does a background check, for foster parents and all adults living in the foster home, of any history of abuse, maltreatment, and criminal background.

The foster care agency provides foster parents with a monthly payment to help them care for a foster child. This is not a salary. Foster parents are required to use the money to take care of the child's needs. These funds are available both to kinship foster parents (family or friends) as well as non-kinship foster parents.

Foster parents must work with the foster care agency, as well as the parent, before making arrangements for education, medical care, travel, or visits with parents. Foster parents are allowed to make more routine, day-to-day decisions themselves – for example, play activities or school trips — but are expected to communicate and work in cooperation with parents and the case planner.

Foster parents help ensure that children meet their educational goals by supporting them with homework and school activities and raising concerns for the foster care agency and parent. Foster parents can advocate for services but are expected to

discuss the student's educational and medical needs with the case planner and the parent.

The foster parent will attend many agency meetings and Family Court hearings. It will benefit your child if you, the foster parents, agency case planners, and the individuals you identify as your community supports work together at these meetings to make the best decisions. Parents have the right to privacy and may ask that the foster parent not participate in discussions regarding the allegations or any other information the parent wishes to remain confidential.

You and Your Child's Foster Parent(s)

The agency case planner is responsible for helping to establish and support a positive relationship between you and your child's foster parent(s). Children are often returned home faster when parents and foster parents work together.

Your agency case planner will arrange for you to meet the foster parents. The first visit between you and the foster parents is called the Parent to Parent (P2P) meeting. This meeting provides an opportunity for you and the foster parents to meet one another and talk about meeting your child's needs and how you can best work together under these difficult circumstances. There is a protocol that guides foster care agencies in preparing for and implementing effective P2P meetings, which can be found at:

<https://www1.nyc.gov/assets/acs/policies/init/2020/A.pdf>

You should tell the foster parents about your child's likes and dislikes, hobbies, eating habits, allergies, medication, and other important information. Talk about ways you want to stay involved with your child and ask how the foster parents can help. For example, you might arrange to go with the foster parents to your child's parent/teacher conferences, doctor's appointments, or other events. You could also set up times to talk with your child on the phone.

If you have any concerns about the foster home your child is placed in, speak with your case planner or your lawyer.

Permanency Plans/Permanency Planning Goals

Every child in foster care has a permanency planning goal. This is the goal that the agency and ACS are working to achieve for you and your children.

There are five possible permanency planning goals:

- Return to parent (reunification)
- Adoption
- Refer for legal guardianship

- Permanent placement with a fit and willing relative or family friend, which could be through custody or a kinship guardianship arrangement
- Placement in “another planned permanent living arrangement” (such as independent living or adult custodial care) with a strong connection to an adult permanency resource

Almost all children come into foster care with a goal of return to parent and the majority of children who come into foster care do return home. Before changing a child’s goal, the agency will hold a goal change conference. The Family Court will also review any goal change at the permanency hearings. Conferences are discussed in the next section and Family Court hearings are discussed on page 34.

Conferences for Parents With Children in Foster Care

Family Team Conferences (FTC)

A variety of conferences (meetings) will take place while your child is in foster care. ACS and the foster care agencies use a model called Family Team Conferences (FTCs). Family Team Conferences bring together people who work with and care about your family. These people can include your child’s foster parent, your foster care agency case planner and their supervisor, an attorney, advocate or social worker from your lawyer’s office, supportive community members, a parent advocate from your agency, and anyone you would like to invite to support you. Children over the age of 10 are also invited and their attorneys and social workers may attend. You have a right to consult with an attorney prior to any conference and you can bring a representative (attorney, social worker or advocate) from your lawyer’s office. You have a right to an interpreter at all conferences.

Conferences are held at various times during your case, and include the family team conferences taking place every six months, placement change conferences should your children need a new foster care placement, goal change conferences if the agency is considering changing the permanency goal for your family, and trial discharge and discharge conferences before your children return home to you.

A specially trained facilitator will lead the meeting, who will make sure that everyone at the meeting, including you, has a chance to be heard. Everyone at the meeting should express his or her thoughts, ideas, and concerns in a respectful and open manner. At the end of the meeting, you are entitled to a copy of the notes taken by the facilitator.

The agency will take your availability and schedule into consideration when scheduling the conference. If you cannot attend a scheduled conference, you should let your case

planner and lawyer know, and ask that the meeting be rescheduled. If you do not participate in conferences, this will be reported to the judge and is likely to have a negative impact on your efforts to reunify with your child. If you cannot make a scheduled conference, you should notify your case planner as far in advance as possible and keep a copy of your communication.

If you cannot attend conferences and other case activities because you are in a substance abuse treatment program or incarcerated, you still have a right and responsibility to be involved. Notify your case planner or contact your lawyer.

In cases involving allegations of domestic violence, ACS and/or the agency may hold separate conferences for each parent.

NOTE: In addition to these scheduled meetings, you have the right to ask for a meeting with your case planner and supervisor at any time.

TIPS FOR PARENTS

- Bring a relative, friend, Parent Advocate, or anyone who knows your family well to support you at conferences.
- Be prepared to ask questions, provide information, and take notes.
- Before you leave any conference, make sure you have the names and phone numbers of all the people you can call with questions or concerns.
- Arrive on time.
- Participate in all Family Team Conferences involving your child.
- Ask to reschedule your Family Team Conference in advance if you are unable to attend.
- Share all conference information with your lawyer.
- Ask your lawyer if a legal representative such as your lawyer and the social worker or Parent Advocate working with your lawyer is available to attend with you. Having one or more of them there may be helpful to you.
- Get a copy of the Action Plan that your case planner develops at your Family Team Conference.
- If you do not agree with the change of permanency goal for your child, speak to your lawyer. Attend all Family Court hearings.
- You have the right to have an interpreter at all meetings.
- If you have questions or concerns about your service plan or anything else, you do not have to wait until the next Family Team Conference. You can and should contact your case planner at any time.

Visiting/Family Time

Visiting with Your Child in Foster Care (also known as Family Time)

The vast majority of children in foster care are able to visit (have family time) with their parents and other people close to them in their lives. Visiting is critical for you and for your child while he or she is in foster care. Frequent and ongoing contact with you and siblings (if separated) helps your child in these ways:

- Enables family members to stay in touch with one another even though they may be living physically apart
- Reduces stress
- Keeps family bonds strong
- Improves your child's adjustment
- Speeds up reunification (the safe return of the child to the family)

You have the right to visit and to contact your child through phone calls and letters while he or she is in foster care, unless the Family Court has said you cannot. You should contact your case planner right away to arrange visits with your child. The CPS who placed your child can give you their phone number. Your case planner will work with you to create a visiting plan that must consider your schedule and the needs of your child, and any court orders that may be in effect.

Visiting, often called family time, can be supervised or unsupervised. Visits should have the least amount of supervision, while still protecting the safety of your child. According to ACS's Visiting Guidelines, foster care agencies should approve unsupervised visits unless there are safety concerns or a court order limiting the type of visit.

If the court or agency has a safety concern about unsupervised visits, they may require your case planner to supervise visits between you and your child. This gives the case planner an opportunity to see how you and your child get along. In some instances, visits can be supervised by people you know such as your child's foster parent or one of your relatives. These people, who you and the agency agree can supervise a visit, are often referred to as visit hosts.

As you begin addressing the reasons your child came into care and showing that you are able to meet your child's needs, your visiting plan can change. If it is safe to do so and allowed by the court, your case planner will help arrange longer and more frequent visits with your child and decrease the level of supervision required.

It is the foster care agency's job to arrange and facilitate visits and other forms of contact between you, your child, and any separated siblings. You must work with them to plan a visiting schedule and arrange activities for you and your child to do during each visit.

When the agency creates visiting plans, they consider everyone's schedules. This includes the parents, child, and foster parents. Agencies must provide the option of evening or weekend hours for supervised visits to take place.

Visiting is one of the best ways for you to stay connected to your child. A large number of quality visits may lead to safe and timely reunification. ACS Visiting Guidelines require that families with a goal of reunification visit at least once a week for two hours. If you have an infant or very young child, agencies recommend that you visit at least twice a week, even if it is for shorter lengths of time, because your infant needs to bond with you.

If you don't visit and maintain contact with your child, ACS, the foster care agency, and the Family Court judge might view your behavior as a lack of interest. This, along with other factors, could be considered as a reason to terminate your parental rights. You should keep a record of all contacts with your child and your case planner.

When reunification is the permanency goal, and if it is in the best interests of the child, the agency expects that your visits increase and become longer over time. The level of supervision may also decrease over time as you show progress dealing with the reasons for your child's foster care placement. In some instances, the court may need to determine whether visits can move from supervised to unsupervised.

If there is no court order for supervised visits, the agency will decide whether to increase your visits. Keep in mind that when you ask for increased or longer visits, your case planner will be looking at a few items. These could include the quality of your current visits and the efforts you have been making to attend your scheduled visits with your child.

As much as possible, visits should occur outside of the agency. As long as the agency determines it to be safe and appropriate, visits can occur in your home, the foster parent's home, or somewhere in the community, such as a park, library, or garden.

In general, your visiting plan should go from weekly visits to more frequent daytime visits of greater length to overnight and weekend visits if approved by the court. That may lead to a trial discharge (your child is temporarily returned to you) and then to final discharge (your child is returned to you for good). This process may include "sandwich visits." This means the visits are part supervised and part unsupervised. You can request to have your visits increased by speaking to your case planner or having your lawyer make a request in Family Court.

Your child also has the right to have regular visits every two weeks with their brothers or sisters ("sibling visits") if they are placed in different foster family homes or other settings. Your agency should arrange these visits, so you and your children can spend time together. If it is in the best interests of your child, the agency can encourage other relatives or supports to visit with your child if you are unable to visit.

TIPS FOR PARENTS

- Attend all of your scheduled visits and arrive on time.
- Keep a record of all your visits, even cancelled visits.
- If you are not receiving visits, speak to your lawyer, a supervisor at the agency, and/or call the ACS Office of Advocacy at 212-676-9421.
- Make your visits better by bringing an activity to do with your child, such as a game, project, or book.
- If you cannot attend a visit, you must cancel it as much in advance as possible or call to reschedule. If you do not show up for a visit or you always show up late, it will hurt your child. The judge and the agency will also view this behavior poorly.
- If you are unable to pay for transportation to the visits, talk to your case planner about money for travel.
- You can ask your worker about increasing your visits.
- If your visits need to be supervised, you should talk to your case planner about the possibility of people you know, such as a foster parent or relative, supervising the visit.
- If you are incarcerated, you are still entitled to visits with your child. See page 44 for more information for parents who are incarcerated.
- Visiting by itself is not enough to have your children returned to you. You must also cooperate with the entire service plan that the agency develops with you. If you have concerns about your service plan, you should contact your lawyer.
- If a visit is cancelled, your agency should schedule a makeup visit.
- There are a few times when visiting is not allowed. For example:
- If the Family Court issues an order prohibiting visits.
- If the agency believes that your visits harm the child. In this case, the agency may seek a court order to stop or limit your visits. However, the court must hold a hearing, where you, the parent, can argue why visiting should continue.

For more tips about visiting, please see these suggestions from *Rise Magazine*, which is written by and for parents involved with the child welfare system:

<http://www.risemagazine.org/wp-content/uploads/2017/03/Rise-Visiting-TIPS-All.pdf>

If you do not have computer access, Rise's Visiting Tips are also included as an appendix at the end of this handbook.

Case Planner Home Visits While Your Child Is in Foster Care

When your child enters foster care, your case planner must make visits to your home, even when your child is not present. These visits may be scheduled and unannounced. This is to see whether your child would be safe if he or she were to return home. It is important that you give the agency your current address, so the agency can keep you informed about important events about your case. Stay in touch with your agency case planner so you are aware of the current goals of your service plan and can properly plan for your child's return to your care.

Newborns and Other Children Whose Siblings Are in Foster Care

If you are expecting a new baby and share that news with the foster care agency, your case planner has an obligation to work with you throughout your pregnancy to help you plan to safely care for your newborn. It is helpful for you to notify the agency immediately if you become pregnant so that the agency can begin working with you to put a plan and services in place to help you care for the newborn safely.

You will be invited to attend a pre-birth planning conference, during which the agency will discuss your service plan and any barriers to safely caring for your newborn after birth. Your case planner will help you obtain services that will help you to keep your baby safe, and will help you to identify the material resources you will need in your home environment to safely care for your baby.

Once the baby is born, ACS will convene a child safety conference to make a safety plan for the new baby. Your agency case planner or supervisor should attend that meeting.

You have a right to consult your attorney regarding your pregnancy and regarding these conferences. You can bring a representative (social worker or parent advocate) from your attorney's office to the conferences.

If ACS and/or the foster care agency find out about another child or a new baby after the baby is born, they will check to make sure it is safe for the child to stay in the home.

When your baby is born, your case planner will notify the court of a new child in the family. In some cases, a new child neglect/abuse petition may be filed in Family Court on behalf of the infant due to ACS's concerns about the needs and safety of the new child. If after a petition is filed, the court decides the child can remain safely in the home,

the court may order the agency to make mandatory visits on a regular basis to ensure the child's ongoing safety.

Family Court

In New York City, each of the five boroughs has its own Family Court.

A Family Court Judge must review any decisions ACS makes to remove a child or to require a parent to participate in services.

The judge makes most decisions after a hearing where you are heard and represented.

If you have any questions about the family court process, you should contact your lawyer. If you cannot afford to hire a lawyer, the court will appoint one for you free of charge.

Who Is in Family Court?

At Family Court hearings, there will be at least three lawyers:

- A lawyer for each parent. (If you cannot afford to hire an attorney, the court will appoint one for you, free of charge.)
- A lawyer for your child (known as the Attorney for the Child, or AFC; these lawyers were previously referred to as Law Guardians)
- A lawyer for ACS (whom you may hear referred to as an attorney with Family Court Legal Services, or FCLS)

The judge, the CPS, and court officers will also attend the hearings. The judge will often call you the "respondent" and call ACS the "petitioner." If there are multiple respondents (including both parents, other caretakers) each is entitled to a lawyer. A non-respondent (not named in the child abuse/neglect petition) parent may also have a lawyer. If you are not sure who is in the courtroom, ask your lawyer.

Your Lawyer

You have the right to have a lawyer with you in court. If you cannot afford a lawyer, the court will assign you one free of charge. Depending upon which borough you live in, the court may assign you an attorney from a parent representation organization providing parent legal services or an 18-B attorney.

Contact information for the legal organizations that represent parents can be found on page 9.

Family Court Hearings

Most Family Court hearings are heard by judges, and some are held by referees. There are no juries in Family Court. Hearings are generally open to the public.

You should always go to court when you receive a legal notice or phone call saying there will be a hearing about your child and arrive on time. This shows the judge that you are concerned about your child. If you do not appear in court after receiving a notice, the court may make decisions against you without your input. If you are not sure about your court date, or if you are not able to attend court for any reason, contact your lawyer.

Through a series of court hearings, the Family Court will review whether your child should remain in foster care, whether there is enough evidence to support the allegations of abuse or neglect made by ACS, what services ACS and the agency need to provide to you and what services you need to participate in, what services ACS and the agency need to provide to your child, and the visiting plan for you and your child.

In abuse or neglect cases, hearings held by the Family Court include a 1027 hearing (initial hearing); 1028 hearing (hearing to request the return of your child), fact-finding hearing (trial), dispositional hearing, and permanency hearings every six months. The court also holds an initial hearing to review a voluntary placement agreement, and then permanency hearings every six months.

At the permanency hearings, the judge will hear about the services that ACS provided and the progress that you and the agency are making toward achieving the permanency plan. The judge will approve or make changes to ACS's plan for your child.

The Family Court also holds hearings in termination of parental rights proceedings. In some cases, the Family Court can permanently take away your rights as a parent. To do this, the foster care agency must file a petition in Family Court, often called a Termination of Parental Rights (TPR) petition. The Family Court also holds hearing on custody and guardianship cases, including those filed by relatives.

Definitions of all hearings may be found in the glossary of this handbook. If you have any questions about any of the hearings, you should contact your lawyer.

Your Role in the Court Process

Every parent who has a child in foster care has the right to attend all hearings in Family Court that concern the child, unless their parental rights have been terminated or surrendered.

You have the right to testify and have witnesses testify on your behalf and have your lawyer cross examine the witnesses for ACS. In consultation with your lawyer, you

should participate in Family Court hearings and do what the court asks you to do, which will help facilitate your child returning home. Your lawyer will speak for you in court. It is important for you to stay in touch with your lawyer and work together with your lawyer to prepare for your hearings. If you are not able to attend a scheduled court appearance, make sure to notify your lawyer.

If you have any questions about the Family Court process or your case, you should contact your lawyer.

TIPS FOR PARENTS

- You should attend all court appearances and be sure to consult with your lawyer before coming to court.
- Be persistent when trying to reach your lawyer. Be sure to let your lawyer know if your phone number changes. Prepare with your lawyer before any court appearance, so you know what to expect.
- Each Family Court has a Records Room where a parent can get their court file.
- If you have any questions about your case, contact your lawyer.

Reunifying with Your Child

As you prepare for your child's return home, be sure to stay in contact with your case planner. Discuss any assistance you think you and your child may need (e.g., financial, clothing, furniture, housing subsidy). You can also discuss any services you or your child may need to ensure a smooth transition back home. You may ask for Prevention Services (home-based family support services) either during trial discharge or upon final discharge.

When and How Will My Child Leave Foster Care?

ACS and the agency can recommend to the court that your child be returned. Through your lawyer, you can ask the judge to return your children to your care. The Attorney for the Child can also request a hearing to seek reunification for you and your child. The judge can hold a hearing and/or can order that your child be returned to you at any stage of the child protective proceeding/court process.

Before the dispositional hearing, a judge can order that your child be released to you with supervision by ACS if the judge finds that the child will not be in imminent danger if returned to your care. In addition, ACS, your attorney, the attorney for your children, and attorneys for other parties may make an agreement that the issues that brought your child into foster care have been resolved, and that your child can be safe at home.

After disposition, the children may be returned home on “trial discharge.” During trial discharge, the children remain in the legal custody of ACS and are in your physical custody with supervision by the case planner.

Trial Discharge

After disposition, the agency and ACS may determine that the safety issues that brought the child into foster care have been sufficiently addressed that it is in the best interests of the child to return home on a trial basis with ongoing support and supervision by the agency. This is referred to as trial discharge. During trial discharge, you are still under the supervision of the agency and ACS, and you will continue to have home visits from your case planner and will continue with services for you and your child.

When it looks your child will be reunified with you soon, a Trial Discharge Conference will be scheduled. ACS and the agency will invite you, your family members (where appropriate), the child (if age-appropriate), and anyone who has been providing services to the family (foster parents, the agency case planner, the child’s lawyer, etc.) to this conference. You can invite your attorney or the social worker or parent advocate working with your attorney to attend the conference.

The purpose of the Trial Discharge Conference is to ensure that you and your family have what you need for a successful reunification. At the Trial Discharge Conference, everyone should discuss housing, income, school, and health insurance issues. This meeting gives family members and the child an opportunity to be involved in the decisions about the types of support they may need upon discharge. The Trial Discharge Conference should take place at least two weeks before the anticipated date of the trial discharge.

Most times, the Trial Discharge lasts less than six months, but in some instances, the agency may extend it beyond six months.

If safety concerns arise during the trial discharge, the case planner may terminate the trial discharge and the children will return to foster care. The ACS attorney will notify the court and other attorneys about the termination of the trial discharge and the court may schedule a hearing to review the circumstances.

Your child may be eligible to receive a discharge grant. The grant is based on financial need. In order to receive a discharge grant, a child has to have been in care for six consecutive months and cannot have already received a grant in the past two years. The grant helps pay for the basic needs of the child returning home or the youth who is setting up his or her own home. The foster care agency will apply for a discharge grant if your child is eligible. If necessities are identified at the point of discharge, your agency can provide you with a discharge grant if you have not already received one. Your case

planner may go shopping with you or alternatively, will ask you for the receipts for the purchases. After final discharge, a discharge grant can no longer be provided as the foster care placement has ended. A discharge grant may not be a cash grant.

Final Discharge

Final discharge means that full care and custody of your child has been returned to you. Final discharge planning should start two to three months after the beginning of the trial discharge. In most cases, a trial discharge takes place before a final discharge. ACS and the foster care agency will schedule a Final Discharge Conference and invite all those who were invited to the Trial Discharge Conference. This meeting is for everyone to develop a timeline for the final discharge and ensure you have the services in place you need. This can include a referral to a prevention program that contracts with ACS or a community-based organization in your neighborhood.

The court must approve the final discharge.

Surrender or Termination of Parental Rights

If you do not comply with all Family Court orders, ACS requirements, and agency requirements while your child is in foster care, ACS or the agency may ask the Family Court to permanently terminate your parental rights to your child so that the child may be adopted. Under the law, it is very important that you fulfill your responsibilities and work to give your child a permanent, safe home as soon as possible. The law requires that you, your case planner, and ACS act quickly to address the problems that led to your child's placement in foster care.

While the law requires ACS and the agency to file a termination petition if a child has been in foster care for 15 of the past 22 months, there are also many exceptions to this requirement. Under the law, if your child has been in foster care for 15 months, and you are still not able to care for your child, ACS and the agency may go to court to have your parental rights terminated, unless ACS or the court finds an exception or a compelling reason why a TPR should not be filed. If your parental rights are terminated, you will not have the legal right to seek custody of your child, visit, or contact them. Your child may also be adopted without your consent.

ACS and/or the foster care agency can seek to terminate parental rights even if your child is in foster care with a relative. Children in foster care with relatives are also entitled to safe, permanent homes. "Long-term foster care," even with relatives, is not considered a permanent situation. Your agency case planner should be discussing adoption and other kinship or permanency options with you and any relative caring for your child. One such option is called the Kinship Guardianship Assistance Program (KinGAP). KinGAP is discussed in more detail on page 40.

Termination of Parental Rights (TPR)

In a TPR proceeding, there is a Fact-Finding Hearing and a Dispositional Hearing. You have the right to attend these hearings and have a lawyer represent you. Your rights can be terminated even if you are not present. During the Fact-Finding Hearing, ACS and/or the foster care agency must prove by clear and convincing evidence that they have a legally sufficient reason to terminate your parental rights.

Reasons for terminating parental rights include:

- Child abandonment for at least six months
- Permanent neglect for at least 12 months
- Severe or repeated child abuse
- An inability to care for and make decisions for the child due to mental illness or intellectual disability

After the Fact-Finding Hearing, there is a Dispositional Hearing. At this hearing, the judge will decide whether it is in the child's best interests to terminate your parental rights.

After the Fact-Finding Hearing, the judge may also give you a final chance to complete the services necessary for the return of your child. This is called a Suspended Judgment, and all parties must agree to it.

It is rare and difficult to reverse a Termination of Parental Rights finalized by the court. If you attempt to do so, you should seek the advice of a lawyer.

Exceptions to Filing a Termination of Parental Rights (TPR)

The agency may not file a petition to terminate your parental rights if there is a statutory exception or a compelling reason not to do so. For example:

- Relatives are caring for your child and ACS/the agency determines that termination is not in the child's best interests.
- There is a good reason that termination of your parental rights would not be in your child's best interests. For example, you are making progress with services and there is a strong likelihood that your child could return home safely in another six months.
- A child age 14 or over does not agree to adoption and has another permanency goal.

1039-b Motion

In limited circumstances, ACS may ask the judge to determine that they should not make efforts to reunify you with your child. Their request to the judge is made through a

document filed in court called a 1039-b motion. The judge could make this determination if:

- You have severely or repeatedly abused your child.
- You allowed your child to be sexually abused.
- You have been convicted of certain serious crimes against your child.
- You had your parental rights to another child involuntarily terminated.
- You do not address problems that caused your child to come into care.

If the judge makes this determination, a Permanency Hearing will be held within 30 days. ACS may file a petition to terminate your parental rights, but the judge cannot rule on the petition until your child has been in foster care for one year. Although the agency would not be required to provide you services in these cases, if you request services, the agency might still work with you. Even though the agency may be excused from making efforts to assist you, you can also take steps on your own to address the issues that led to your child's placement in foster care if you wish to plan for your child's return.

Surrender of Parental Rights

You may voluntarily agree to terminate your parental rights by signing a legal document called a "surrender" with your lawyer in court. A judge must approve any surrender. There are reasons why you might decide to surrender your parental rights. They include:

- You may feel that you are unable to assume the responsibility of being a parent.
- Your child has become very attached to his or her caretaker during your separation. You feel it would be best for your child to remain with that person permanently.

A judge must approve the surrender agreement. A surrender agreement works the same way as a termination of parental rights order. The parent gives up his or her parental rights to the child. However, the advantage of this arrangement is that if the agency agrees, the parent can put some conditions in the surrender. For example, the parent may request that a specific person adopts the child. Or, the parent can arrange to stay in contact or have visits with their child through a contact agreement that is negotiated with you, the adoptive parent, and the attorney for the child. Post-adoption contact or visits is often referred to as open adoption. Although legal enforcement of these agreements cannot be ensured, they are becoming more common when staying in contact with parent(s) after adoption is in the child's best interests.

TIPS FOR PARENTS

- Always get advice from a lawyer before signing a surrender agreement.
- If your child is not adopted by the person you selected in the surrender agreement, you have the right to ask the Family Court to cancel the surrender agreement.
- If the adoptive parent fails to follow the visiting arrangements of the surrender agreement, you may ask the Family Court to enforce the agreement.

Kinship Guardianship Assistance Program (KinGAP)

The Kinship Guardianship Assistance Program (KinGAP) is a federal and state program designed to help children live permanently with adults with whom they have a strong connection, when the children are not able to reunify with their families. A relative caregiver (this could be an extended family member or close friend) assumes legal guardianship for the child. This program provides financial assistance to these caregivers and medical benefits for the child.

To be eligible for KinGAP, the caregiver must be related to the child or one of the child's siblings by blood, marriage, or adoption or have a positive relationship (like a family friend, godparent or neighbor) that already existed before the child's current foster care placement. The prospective guardian is required to have served as a foster parent to the child for six consecutive months before entering into a KinGAP agreement.

KinGAP does not require that your parental rights be terminated.

What Is the Difference between KinGAP and Regular Legal Guardianship?

A legal guardian is a person who has the legal authority and responsibility to care for a child who is not their own. They can make important decisions about the child's health, education, and everyday activities without intervention from ACS or provider agency staff. There is no financial assistance for regular legal guardianship.

A kinship caregiver can obtain legal guardianship without having to go through the KinGAP process. However, if they go through the KinGAP process, they receive financial support and the child receives Medicaid and may also be eligible for educational vouchers for college.

What Are the Benefits of KinGAP?

- Your child can live with a family member or close friend, outside the foster care system.
- KinGAP promotes a sense of belonging for your child and helps him or her remain in contact with your family.
- KinGAP provides the opportunity for your child to leave foster care.
- While a relative guardian will be responsible for decisions related to your child, you may still maintain a connection with your child.
- KinGAP provides the child's relative (who obtains legal guardianship) with monetary assistance to care for the child.
- Your child may be eligible to receive financial support for college.
- KinGAP allows you to honor your existing relationship as the child's parent while the child's relatives maintain their current roles (e.g., grandmother, uncle, cousin, godparent) with the added responsibility to make "parenting" decisions regarding the child.
- Terminating your parental rights is not required.
- The Family Court case will end.

How Does KinGAP Affect My Parental Rights?

While you remain the child's parent through the KinGAP arrangement, ACS will discharge your child from foster care into the guardianship of the relative. The relative will have the right to make parental decisions about your child. You may be able to petition the court for custody in the future. Family Court and/or Surrogate Court will order a thorough investigation to determine if your child can return to you.

Is My Consent Needed for My Child to be Placed in a KinGAP Arrangement?

Your consent is desired, but it is not required by law to move forward with KinGAP. Youth ages 14 and over must be consulted before the arrangement is approved and the relative can assume legal guardianship. If you do not consent, the court will conduct a hearing to determine whether it is in the child's best interest for the guardianship of the child to be granted to the proposed guardian.

Adoption

If the Family Court has terminated your parental rights, or you have surrendered your parental rights, your child is legally free to be adopted. In an adoption, the court gives permanent legal responsibility for a child to other people who then become the child's parents. Often, when children are adopted it is by their foster parents or their relatives. If

they are not, ACS and the foster care agency work to find a safe and loving adoptive home.

If you have developed a close relationship with the foster parents who will adopt your child, you may want to discuss with them and your lawyer the option of a continuing relationship with your child. This is sometimes called an open adoption.

An open adoption means that you would still have contact with your child. In this situation, you and your child's adoptive parents agree that you can stay in contact with your child after the adoption (for example, through letters, phone calls, and/or visits). However, you should know that this type of agreement may not be legally enforceable.

Important Additional Information for Fathers

The agency will ask you if you were married when your child was born; if you have an order showing you have adopted the child; or if you have a signed Acknowledgment of Paternity. If the answer is no, you will have to prove paternity (that you are the father). Even if you are not the legal father of the child, you may still be named on the petition as a person legally responsible (PLR) for the child if your actions place the child in danger of neglect.

Fathers, whether or not they are named in the petitions, have the right to request that the child be placed with them, have visits and be involved in their child's permanency planning. Even when you have not proven you are the father, you may seek permission to have visits and participate in permanency planning if it is in the best interests of the child to have contact. Note: If there is already any kind of proceeding in Court involving your child, you should seek the advice of a lawyer and notify the Court that you want to participate. If you are the legal parent of the child, you have the right to be notified by ACS once a petition is filed regarding your child.

If you find out that your child is in foster care, you should immediately contact the agency caring for your child. If you do not know where your child was placed, call the ACS Office of Advocacy at 212-676-9421.

To Establish Paternity

To establish that you are the father, you should generally do the following:

- File a paternity petition in Family Court in the county where your child or the child's mother lives.
- Serve the petition on the mother. This means that you must have a person over the age of 18 deliver a copy of the petition to the child's mother. This will make the mother aware of the Family Court proceedings, so that she may attend.

- If, on the court date, the mother agrees that you are the father, then the judge may say that you have proven you are the father. If the mother disagrees that you are the father, the judge will order you to take a blood test. (You may have to pay for the cost of the test).
- If you want custody of your child, you can file a petition in Family Court. The court will order an investigation of your home. You don't always have to file for custody. The court's requirements may vary from case to case.

Important Facts for Fathers

- Your name on the child's birth certificate does not automatically make you the child's legal father.
- Even if you have lived with the mother of your child for a number of years and believe that you are her common-law husband, this does not make you the child's legal father.
- Filing with the Putative Father Registry gives you the right to be notified of certain legal proceedings relating to termination of parental rights and adoption of your child. However, filing does not make you the child's legal father. The Putative Father Registry is a confidential registry (record) of fathers of children born out of wedlock. The registry maintains names and addresses of fathers who (1) filed a notice to claim paternity, (2) acknowledged paternity of the child, or (3) have been determined by a court to be the father of the child. Fathers listed on the registry have the right to receive legal notice of all court proceedings, which include foster care, guardianship, custody, or adoption of the child. More information about the Putative Father Registry is available here: <https://ocfs.ny.gov/main/publications/Pub5040text.asp>
- If you were not married to the mother of your child when your child was conceived or born, you are not considered your child's legal father unless you have a court order that says you are the child's father or an Acknowledgment of Paternity. Without one of these documents, you have no automatic legal right to visit your child or participate in permanency planning, and you may not automatically have a say about whether your child is adopted. You may also not have the right to be notified about certain legal proceedings. You may, however, still seek permission to visit your child and participate in permanency planning.
- To learn how to establish that you are the legal father of your child, or how to seek to visit your child or participate in permanency planning, you should seek the advice of a lawyer.

- You should provide support for your child in foster care including establishing paternity and paying child support if ordered to do so; providing the child with clothing or other items as you are financially able; providing and other support to the child and caretaker as you are able.

Information for Incarcerated Parents

A parent's incarceration does not always mean that their child must enter foster care, nor should this be the first option. Parents are responsible for making sure their child is cared for while they are in jail or prison. If there is no one to care for a child while the parent is incarcerated or the crime indicates that the child would not be safe in the care of the parent if released from incarceration, the child may be placed in foster care. Foster care agencies prefer to place children with relatives or close friends, and they should explore these options first. However, if you are in prison and your child is in foster care, it is very important for you to be involved in planning for your child's future.

This means that when your child is in foster care, you must contact your case planner as soon as possible and begin planning for your child. If you plan to reunite with your child after your release from prison, you must:

- Prove to the court that you are a responsible parent.
- Prove that you are involved in your child's life.
- Prove that you resolved the issues that led to your child's placement in foster care.
- Complete the items mentioned above in specific time frames.
- Identify potential caretakers for your child outside of the foster care system.

The agency is obligated to provide a parent who is incarcerated with updated information about their children, to help them engage in any services available, and to include them in any and all meetings (educational, medical, case planning) for their children should be mentioned. Foster care agency case planners will make attempts to reach incarcerated parents, to engage them in services and visits with their children.

Incarcerated parents with child protective involvement or children in foster care should also maintain contact with their lawyers. Incarcerated parents have a right to participate in the court process.

ACS and the agency can facilitate visits to many jails and prisons through the Children of Incarcerated Parents (CHIP) program. Agencies can also help to facilitate video visits. Foster care agency case planners will need to make arrangements for visits.

It is very important that incarcerated parents develop a relationship with their case planners and maintain contact with him or her. Case planners are required to help incarcerated parents plan for reunification with their children, when safe to do so. If an

incarcerated parent has any questions about their child, or what actions to take, they should contact their lawyer, case planner, correctional counselor, or the ACS Office of Advocacy (call collect at 212-619-1309).

Incarceration is not a barrier to visits and the agency will help to arrange these. Incarcerated parents may also call ACS to arrange for visits, by contacting the Children of Incarcerated Parents Program (CHIPP) at ACS collect at 212-341-3322.

Your Rights as an Incarcerated Parent

- To receive copies of your service plan.
- To stay informed about your child's well-being, including information about their foster care placement, health status, and school performance.
- To be notified and participate in family team conferences. You should receive a notification about this meeting at least two weeks in advance and receive a copy of the plan afterwards. Speak to your case planner about participating in the meeting via teleconference.
- To have visits with your children, unless your rights have been terminated or a court has ruled otherwise.
- To attend all of your court dates. As a parent who is incarcerated, Family Court must issue an order to produce so you can be present at Family Court. The order needs to come from the Family Court, but your case planner, lawyer, and correctional officer can help make sure it is issued. If you do not have a lawyer, you can request to attend court dates by writing a letter to the Family Court Judge or clerk in the borough where the case is being heard. (This is most likely the borough where your child was living at the time of removal). You can contact the Inmate Records Office, or someone in the Law Library at your facility, to find out what steps you can take to make sure you can appear in court.
- If you are using services while incarcerated, you have the right to sign agreements for your case planner to speak to your counselor and share information about your participation in services.

TIPS FOR PARENTS

- It is very important (although it may be difficult) that you appear in Family Court. This will make your case stronger and show that you care about and are involved in your child's life.
- The Osborne Association is a good resource for incarcerated parents and their family members: <http://www.osborneny.org/contact/>

Foster Care Agency Responsibilities

The case planner and foster care agency are responsible for making reasonable efforts to reunify your child with you. This includes timely referrals to services and arranging for you to visit with your child. The agency is also responsible for keeping you informed about your child's well-being.

Parents who do not have insurance are entitled to services they can reasonably afford or free services, and if those services are not available then the agency will have to pay for the services. Services will also be available in a parent's language.

Case planners also organize family team conferences and service plan reviews to discuss progress and service needs. The case planner is responsible for arranging these conferences and notifying parents of all conferences regarding their case. You will be informed of conferences and service plan reviews in advance and you have the right to request that these conferences be scheduled when you are available to participate. You have the right to consult an attorney prior to these conferences and to bring your attorney, an advocate or supportive person of your choice to the meetings.

Your case planner is required to provide you with regular updates on your child's health, mental health, development, behavior, and progress in school. Parents have a right to be informed about all IEP and educational meetings for your children, as well as the right to request an IEP evaluation or reevaluation from the Department of Education.

The case planner should inform you of your child's medical appointments and you have the right to be present. If there is a medical emergency related to your child, your case planner will notify you immediately.

If your child's foster parent wants to take your child on vacation, your case planner will notify you. You have the right to be consulted about a foster parent taking your child out of state.

Getting Help

If you have concerns about your case, there are people that can help you. At the end of this handbook, there is a place where you can write down the contact information for some of these key people.

They include:

Your Lawyer

You should speak with your lawyer regularly and keep him or her informed about the services you are receiving and any concerns you have. Court-appointed lawyers are

often very busy, so be persistent in contacting them. Do not get discouraged if they are hard to reach.

Your Agency Case Planner

Whenever you have a problem with your case or a complaint, you can talk to your agency case planner and/or his or her supervisor.

ACS Office of Advocacy

If you are unable to resolve problems with ACS or the foster care agency caring for your child, you should contact the Office of Advocacy at ACS.

Examples of reasons to contact this office include:

- You are not receiving your scheduled visits with your child.
- You believe that the agency is not properly planning with you for the return of your child.
- You feel that ACS or the agency are not providing you with information about your child.

The Office of Advocacy works to resolve complaints made by parents, foster parents, and children. An advocate will hear your complaint and then contact the appropriate agency or ACS program. Once the advocate collects all the information, he or she will discuss the findings with you and work to resolve the problem.

The Office of Advocacy hires Family Specialists who at one time were parents with children in the foster care system. These parents have successfully had their children returned to them. Their experiences and challenges while working with the system motivated them to act as advocates for other parents going through the same process. ACS recognizes the importance of providing parents with access to a peer who understands the process of planning and the importance of reunification.

Any parent, child, foster parent, or other concerned person who needs assistance resolving a child welfare related issue may contact the ACS Office of Advocacy.

- Call 212-676-9421, Monday through Friday, from 10:00 A.M. to 4:00 P.M.
- Visit at 150 William Street, 1st Floor, New York, NY 10038, Monday through Friday, from 9:00 A.M. to 5:00 P.M.
- Incarcerated parents can call the helpline collect at 212-619-1309.

Glossary

18-B Attorney A lawyer who provides legal representation, free of charge, for a parent or other caretaker in Family Court, if the court determines that they cannot afford to hire a private lawyer. This lawyer works independently and not for an organization.

Attorney for the Child (AFC) A lawyer appointed by the Family Court to represent the child. (Formerly known as the Law Guardian, a term that is no longer used but is still very familiar).

Attorney Representation Organizations New York City contracts with several organizations to provide legal representation to parents in Family Court. Their representation is provided free of charge to parents who cannot afford an attorney. These organizations include Center for Family Representation, Brooklyn Defenders, Bronx Defenders and Neighborhood Defender Services.

1027 Hearing Initial hearing held after an abuse or neglect petition is filed, to present ACS' position as to whether the child's interests require protection and what, if any, temporary safety interventions are needed through a court order, including whether the child's health and/or safety requires that he or she be temporarily placed into foster care, pending a full hearing on the allegations of child neglect or abuse. At this hearing, the parent and/or child can request the court to decide if it is safe for the child to be returned to the parent.

1028 Hearing A hearing usually held within three court days where the child or parent and/or parent can request the court to decide if it is safe for the child to be returned to the parent. The judge will determine if it is safe for the child to return home while the case is ongoing in court.

1039-b Motion/Hearing A hearing where ACS can request the Family Court decide that ACS and the agency no longer have to make reasonable efforts to return the child to the parent's home. This only happens in limited circumstances such as when a parent has severely or repeatedly abused a child; a parent has been convicted of certain serious crimes or convicted of an attempt to commit certain serious crimes; or the parental rights to a sibling were involuntarily terminated. Even in these situations, the court may find that providing reasonable efforts would be in the best interests of the child, not contrary to the health and safety of the child, and would likely result in the reunification of the parent and the child in the foreseeable future. If the court makes those findings, ACS and the foster care agency will continue to make efforts to reunify the child.

Adjournment in Contemplation of Dismissal (ACD) An option available to the court in a child protective proceeding. With the consent of all parties, the court can postpone the case for a period of time under conditions that may include supervision from ACS.

After the period of time ends, the court may dismiss the case if there are not any additional abuse or neglect claims, and the parent has complied with all court orders.

Adoption After parents' legal rights to custody of a child have been terminated or they have surrendered their rights, a child in foster care can be adopted. When someone adopts a child, the court awards them the same legal rights and responsibilities as a parent. When children are adopted from foster care, it is typically by their foster parent.

Adoption and Safe Families Act A 1997 federal law signed by President Bill Clinton, enacted in New York State in 1999, which remains in effect today. It was aimed at reducing the number of children in foster care and the length of time children spent in foster care. This law requires the Family Court to hold permanency hearings (every 6 months in New York State) to review the child's permanency plan, and it requires ACS and the foster care agency to make reasonable efforts toward the permanency plan. The law also requires a petition to terminate parental rights be filed for children who remain in foster care for longer than 15 of the most recent 22 months, unless there is a compelling reason not to file or another exception, such as the parent is incarcerated.

Agency Case Planner (or Case Planner) A foster care agency staff member who determines the need for services and makes referrals to services. The agency case planner also schedules visits between parent and child, or between siblings, and supervises the foster home.

Allegation An accusation or claim.

Article 10 Hearing A Family Court proceeding focused on the protection of a child who has allegedly been abused or neglected.

Case planner A foster care agency staff member who determines the need for services and makes referrals to services. You will have a case planner assigned to you. Your case planner will help you connect to services, and also schedule visits between you and your child, or between siblings. The case planner also supervises the foster home.

Child Protective Specialist (CPS) An ACS caseworker who investigates a report of suspected abuse or maltreatment, informs the case manager about the case, and testifies in Family Court about their investigation. The CPS will also work with you to offer you the services that may prevent the need for foster care.

Children's Center When children first enter foster care, they may go to the ACS Children's Center or another reception center operated by a provider under contract with ACS. These are facilities designed to address the needs of children and youth ages 0-21 who are coming into care. They provide health, mental health, education, and programming for the youth while ACS is looking for the most appropriate foster care placement for the child. Most children who go to the Children's Center spend less than three days there.

Congregate Care/Residential Care/Group Placements Children may be placed in foster care in a group home or residence. A group home is a family-type home for seven to 12 children. A group residence is a structured facility for children (over age 10) requiring more intensive supervision. Residences can house up to 25 children.

Court-Ordered Supervision (COS) An order issued by the Family Court to monitor a child who has returned to or remained in the care of the parent or legal guardian, or was placed directly with a suitable person. In most cases, ACS may have to monitor a child at home for a period of up to 12 months, sometimes with conditions such as the parent's and children's participation in services. The period of supervision may be extended for an additional year if there is still a need for supervision.

Custody When an adult is granted custody of a child by a judge, he or she is the child's "custodian." This means the adult has the legal right and responsibility to take care of the child and the authority to make major decisions regarding the child. The custodian may apply for Public Assistance for the care of the child. A judge may order temporary custody after a petition for custody has been filed in court and is pending, but final custody has not been awarded. When a child is in foster care, the child is placed in the temporary custody of the Commissioner of ACS.

Determination At the completion of the investigation, ACS decides whether the allegations in the report are "indicated" if ACS determines, by a fair preponderance of the evidence, that the allegations are true, or ACS decides that a report is "unfounded" when there is not a fair preponderance of the evidence.e.e..(The law recently changed so the former standard of "some credible evidence" is no longer used).

Disposition/Dispositional Hearing After a judge makes a finding of abuse or neglect, the judge will hold a hearing to determine whether the best interests of the child require that the child enter or remain in foster care or are released to a parent or other caretaker with conditions. The judge will also determine which services a parent needs to complete in order for the child to be safely returned.

A disposition is also held after the fact-finding of a termination of parental rights hearing. After that hearing the judge will determine whether to terminate the parental rights of the parent or parents, enter a suspended judgment, or dismiss the petition and have the child remain in foster care.

Emergency Removal If a child is in imminent danger and there is not enough time to request a court order, ACS CPS may remove a child from a parent's home or custody, prior to obtaining a court order.

Fact-Finding A court proceeding in which the judge hears testimony and considers other evidence in the case. The judge will decide whether there is a preponderance of the evidence to support the abuse or neglect allegations.

Fair Preponderance of the Evidence An evidentiary standard that requires ACS or another party to prove to the judge or hearing officer that the evidence shows that the allegation is more likely true than not true.

Family Team Conference (FTC) A conference held regularly after a child is removed from the home. During the conference, participants discuss the case, including:

- The family's readiness for a child's return home.
- The services the family received.
- The parents' participation in the services.
- The parents' progress towards creating a safe home for the child.

ACS, foster care agency case planners, and parents must attend the conferences. Foster parents and children over age 10 may also attend. Parents may bring a relative, friend, counselor, and/or a social worker or parent advocate from their lawyer's office with them.

Family Time Another term for visiting.

Final Discharge Once a court determines that the safety factors that brought the child into foster care have been remedied, that is is now safe for the child to be in the home, and it is in the best interests of the child to permanently return to the parent's legal and physical custody, the child will be finally discharged from foster care and all supervision by case planner or CPS will end.

Family Foster Home The most common type of foster care placement. The child is placed in a family setting with access to his or her community. It is the least restrictive out-of-home placement for a child.

In some cases, the child may be placed in the home of an eligible relative, friend, or neighbor who is willing to care for the child. ACS must check and approve the home. "Kinship foster care" is when a relative cares for the child. If there is no eligible relative or friend able to care for the child, ACS places the child in the home of a recruited and certified foster parent.

Foster Care A child placed temporarily in the legal and physical custody of ACS is considered in foster care. Children in foster care living in foster boarding homes or congregate care facilities.

Foster Parent This is the person with whom a child in foster care lives. Foster parents are required to have their home studied to ensure it is a safe place, and they are required to get training. Their backgrounds (criminal and SCR histories, if any) must also be checked. Foster parents can be kin (relatives or close family friends) or people you do not know.

Goal Change Conference This is a family team conference where the foster care agency will talk to you about possibly changing a child's permanency planning goal. Permanency planning goals include reunification, adoption, kinship guardianship and another planned permanent living arrangement.

Guardianship The formal legal arrangement that gives an adult the right to make decisions and act on behalf of a child. Guardianship allows greater decision making than custody. A guardian may apply for income support for the care of a child.

Home Study A detailed review of a foster home to determine if the home is an appropriate setting. This review can take several weeks. However, a relative or close friend's home can be temporarily approved more quickly, possibly within 24 hours. This is considered an emergency approval and lasts for a 60-day period while a more complete home study is done.

Imminent Risk When the risk of harm to a child is near or impending.

Indicated or Indicated Report A decision that there is a fair preponderance of the evidence to support the claims in a child neglect or abuse report.

Initial Child Safety Conference (ICSC) A decision-making meeting that takes place when safety concerns rise to a level where the CPS is considering court action and/or removal. The ICSC brings together all parties with a responsibility and interest in keeping the child safe, to discuss services and/or temporary custody arrangements to protect the child.

Interstate Compact on the Placement of Children (ICPC) A legal agreement between all 50 U.S. states, Washington, D.C., and the U.S. Virgin Islands that provides uniform procedures for the transfer of children in the custody of a court or agency in one state to another state. In such a case, the receiving state must investigate and approve the home of the relative or prospective foster parent and assume responsibility for monitoring the child in that home.

Investigation and Report (I&R) A report requested by a Family Court judge and produced by ACS. In the report, ACS provides information about the safety of a child's home and the parents' participation in services. The report is presented to the judge at the Dispositional Hearing, so the judge can make an informed decision about what is in the child's best interests.

Kinship Foster Care Foster care placement of a child with a relative, godparent or close friend.

Kinship Guardianship/Kinship Guardianship Assistance Program (KinGAP) An arrangement through which a relative, godparent, or close friend may receive a subsidy for

carings for a child after fostering the child for at least 6 months and the Family Court awarding the relative/close family friend with guardianship.

Mental Health Study (MHS) An evaluation conducted by a court-appointed psychologist or psychiatrist to determine what, if any, mental health issues a parent may have.

Notice of Existence Written notice of the report of abuse or neglect is provided to the subject of the report notifying them of the existence of the report and their rights to challenge the determination of the investigation.

Notice of Temporary Removal of Child(ren) and Right to Hearing Form At the time of removal, the CPS must provide written notice to the parent of the right to apply to the Family Court for the return of the child; the addresses of the Family Court where the case will be heard; the name and contact information of the CPS and the agency the child will be taken to; and the contact information of the person to be contacted for visits with the child.

Non-Respondent Parent The parent for whom there are no allegations of neglect or abuse. This parent has the right to be notified of hearings and to participate as an interested party. He or she may also seek temporary or permanent custody of the child who is the subject of a child protective proceeding.

Office of Advocacy This is the public-facing customer service office of ACS. Office of Advocacy staff hear and respond to the concerns, complaints, and inquiries from constituents of the agency, including parents, youth, foster parents, community partners and the general public. The Office of Advocacy can be reached at (212) 676-9421.

Open Adoption An adoption in which the adoptive parent and birth parent agree that the birth parent will continue to have contact with the child. This type of agreement may not be legally enforceable.

Order of Protection A written direction from a court ordering particular guidelines to protect one party from another. Examples are an order prohibiting one party from contacting another, or barring one party from living in the home. Violating an order may result in legal penalties.

Order to Produce A court order to a prison or jail to “produce” (bring) a parent who is incarcerated to Family Court for hearings regarding their child.

Parole or Release A legal order that temporarily places a child with a parent or other suitable person while a Family Court case is ongoing. A parole is not placement in foster care.

Parent Advocate A community member who has had both lived experience with the public child welfare and specialized training. ACS and the foster care agencies often

hire or contract with Parent Advocates to provide support to parents, particularly at family team conferences.

Parent to Parent (P2P) Meeting The P2P is the first meeting between parents and foster parents. It is an opportunity for parents and foster parents to meet one another; for foster parents to hear from parents about the preferences and needs of the children placed in their home; and to facilitate a positive relationship between parents and foster parents so that they can work together in the best interests of the child and towards reunification.

Permanency Hearing The Family Court will conduct a hearing every 6 months after the child has come into foster care to review the placement of the child, the services provided to the parent and child, the visitation plan, and the future plan for the family.

Permanency Planning The efforts made by ACS and foster care agencies to provide a permanent home for children. For example: returning them to their parents, adoption, or some other permanent arrangement, such as guardianship or legal custody.

Person in Need of Supervision (PINS) A child under the age of 18 who is alleged to be beyond the control of his or her parents, or whose behavior may be out of control. A parent or guardian may file a petition to request Family Court involvement to address the needs of the child. Before a court would place a child in foster care pursuant to a PINS petition, the family must try diversion services. In New York City, the Family Assessment Program (FAP) offers these services in all 5 boroughs. FAP helps families avoid placing their children in foster care by first offering supportive services. Families must use all available services from the FAP before they can move forward with the PINS court process.

Person Legally Responsible (PLR) In neglect and abuse cases, this term includes the child's parent, custodian, guardian, or any other person legally responsible for the child's care at a time in question. This may include a person regularly in the home who has contributed to the neglect or abuse.

Petition A formal, written application to a court requesting judicial action on a certain matter.

Petitioner The party who files an application to a court. In a child abuse, neglect, or maltreatment proceeding, or in the case of a voluntary placement, that party is ACS.

Placement An order issued by the Family Court at a Dispositional Hearing and/or at a Permanency Hearing that puts a child in ACS' legal custody until the next Permanency Hearing.

Post-Removal Conference If ACS determined that there was imminent risk to your child and conducted a removal before holding an Initial Child Safety Conference, the meeting may be held after your child has been removed, and is often referred to as a Post-Removal Conference.

Prevention Services/Preventive Services Prevention services are services to help families keep their children safely at home. Prevention services are free, voluntary, and available regardless of immigration status. They are available through community-based organizations in communities. Services include mental health, substance abuse, domestic violence, exploited youth, special medical services, and homemaking services.

Qualified Residential Treatment Program (QRTP) This is a residential program for youth in foster care. It is required to be certified, accredited, use a trauma-informed approach to working with youth, engage the family in the child's treatment and provide 6 months of aftercare services.

Remand A Family Court order that temporarily removes a child from his or her home, or authorizes an emergency removal, and places the child in the legal and physical custody of the ACS Commissioner.

Residential Treatment Center (RTC) or Qualified Residential Treatment Program (QRTP) The most restrictive type of foster care placement because the child is not placed in the community. RTCs are designed to care for children with serious emotional and behavioral problems. These children need therapeutic services, a highly structured environment, and a high level of supervision.

Respondent Any person who is named in the child neglect or abuse petition as having been responsible for the neglect or abuse of the child. That person, a parent, guardian, or person legally responsible for the care of the child, and in regular contact with the child, must respond to the allegations contained in that Family Court petition. The respondent may be a person who is not the child's parent but is legally responsible for the child's care. This may include people without any parental rights to the child who have caused or contributed to the abuse or neglect of the child. In a PINS or Juvenile Delinquent (JD) case, the respondent is the child.

Reunification/Return to Parent This is the primary goal for nearly all children in foster care. The goal is to reunify the child with his or her parents safely.

Rapid Intervention Center (RIC) Also called **Diagnostic Reception Center (DRC)** A RIC provides intensive structure and evaluation services to children in need. This is a temporary foster care placement and can last up to 90 days. In RIC, children undergo physical, psychological, and educational evaluations to decide what placement setting and services best suit their needs.

Service Plan A plan developed by the case planner with input from the parent and child, which identifies the services needed for the parent and the child. These services are those that are needed to help address the concerns that led to the child entering foster care.

Statewide Central Register of Child Abuse and Maltreatment (State Central Register or SCR) New York State's Child Abuse and Maltreatment Hotline (800-342-3720). Anyone can

report suspected abuse and neglect to this hotline, 24 hours a day, 7 days a week. All reports are confidential. The SCR relays reports to ACS. Any time ACS gets a report, it must investigate. It is against the law to make false reports. People may call 311 to make a report as well.

Subject of a Report A parent, guardian, or other person legally responsible for a child who is allegedly responsible for the harm to a child or allegedly allowed the harm to occur.

Temporary Custody A judge grants an adult the legal right and responsibility to take care of a child for a temporary period of time. A judge may order temporary custody after a petition for custody has been filed in court and is pending, but final custody has not been awarded.

Termination of Parental Rights (TPR) A type of proceeding begun by the filing of a petition by the agency or ACS that is meant to end the legal relationship between parent and child. If the court, at the end of a hearing, determines that the parental rights should be terminated, the child is then legally free for adoption.

Trial Discharge A temporary discharge of a child home to the “physical” custody a parent or person legally responsible with supervision by the case planner while the child remains in the legal custody of ACS.

Unfounded Report/Not Indicated A report of child abuse or neglect for which is the determination is not supported by a fair preponderance of the evidence.

Voluntary Placement A legal agreement that temporarily transfers the care and custody of your child to ACS while requiring the parent to plan for the child’s return and work on resolving the problems that led to the voluntary placement.

Rise Tips on Visits



BY AND FOR PARENTS IN THE CHILD WELFARE SYSTEM

Fight or Flight

Coping with sadness and anger in visits

Even though we love our children and want to see them, visiting children in foster care can bring up painful feelings for many parents. Sometimes visits are scary, stiff, weird, awkward, or sad. Our kids may act angry at us, or like they don't care. Walking into the agency can make us feel like a failure. If you were in foster care yourself as a child, visits can also bring up feelings of abandonment.

During visits, you may feel jumpy or angry from the get go. You may sit there without playing, feeling emotionless or spaced out. You may forget what you were doing. These can be signs of trauma.



WHAT IS TRAUMA?

Trauma is an experience that makes a person feel that her life is threatened—or a loved one's life is in danger—and overwhelms a person's ability to cope. It's normal in traumatic moments to freeze or feel unable to respond, to feel that you are apart from your own body, or to react with overwhelming fear, anger, or even violence.

The most devastating trauma occurs when people who are supposed to love us and keep us safe do us harm. Physical or sexual abuse or domestic violence can make it hard for people to trust anyone. Trauma can also hurt how people feel about themselves, even though the abuse is not their fault.

SIGNS OF STRESS RELATED TO TRAUMA

There are some common reactions to trauma:

Avoidance: trying to avoid reminders of a trauma, like not going to

a certain block, not seeing certain people, or not talking about it.

"Hypervigilance": staying "on alert" all of the time to try to stay safe, even if you're in danger.

Overreacting: reacting with anger, sadness, worry, or fear that is out of proportion to the situation.

Under-reacting: "just sitting there" emotionally or physically despite danger, such as showing no emotion after bad news.

Changes in eating or sleeping: too much or too little are both warning signs.

Numbness: feeling like you're not connected to yourself or not really there.

"Losing time": not being sure how you got from one place to another, or what happened to minutes or hours.

Nightmares or bad memories that seem to push in to your mind.

TIP

Feeling helpless and overwhelmed can be a "trauma trigger" if you've had trauma in your past. Trauma doesn't have to keep hurting. Knowing about trauma—and getting treatment—can help you cope.

DID YOU KNOW

Therapy can feel unsafe if you start by opening up wounds. When you have gone through trauma, the first step in therapy should be how to calm down and feel safe and in control.

TIP

Being aware of what trauma is can help you cope and ask for help. Ask for a trauma screening and trauma-focused treatment if you think trauma is affecting you.

A Time to Bond

Parent-to-parent tips for handling supervised visits

BY JACQUELINE ISRAEL, A PARENT ADVOCATE
WHOSE CHILDREN WERE IN FOSTER CARE

BRING TOYS AND GAMES

1 When you visit at the agency, the room just isn't a home environment. Bring games, coloring books, toys, crayons, and books to read to your child. You can even play soft music and bring a visiting blanket to play on the floor. If you're not sure what the rules are in the visiting room, ask your caseworker.

EXPECT YOUR KIDS TO ACT UP

2 It's normal for a child to feel angry or scared about being in foster care, or to feel sad and confused about being apart from you, and to act up as a result. When a child is acting up, we start thinking, "Why is this happening? Is someone hurting my child?" You might feel very scared that you can't help your child, or even angry or explosive. But you can help your children by staying calm, reassuring them that you're working to get them home, and letting them know that you love them even when you're not together.

MAKE VISITS A TIME TO BOND

3 Sometimes I see parents and kids sitting far apart, or kids playing videogames. But visits are a time to strengthen the bond you have with your child. You want to get down on the floor, play and talk with your kids. They miss you and need your full attention and love.

Don't use your visits to complain or speak to agency staff. That takes quality time away from your child.

KEEP VISITING AND IT WILL GET EASIER

4 Sometimes parents say, "It's just too hard to visit my child at the agency." But you need to prove that you care about your child. If you don't visit, you can permanently lose your child. You and your child will feel better if you spend more time together. Even a week apart can feel like forever to a child, because children are having new experiences every day. Do your best to bond with your child, and the visits will get easier.



DON'T MAKE PROMISES YOU CAN'T KEEP

5 One of the hardest moments is when children ask, "When am I coming home?" Be as honest as you can be, while keeping in mind the child's age. Tell your children, "I wish I could take you home right now, but I can't. I'm working on it, and I'll take you home as soon as possible." Don't make promises that you can't keep. If you say, "You'll be home next week," and it doesn't happen, your child won't know who to trust.

BUILD A RELATIONSHIP WITH THE FOSTER MOM

6 You can help your child and your case by being polite to the foster parent. At visits, say, "Hello. How are my kids? How are they in school?" Even if all you can do is say hello, keep it positive and speak to your caseworker privately about any concerns.

HELP YOUR CHILDREN SAY GOODBYE

7 Parents and their children don't want visits to end. Children don't understand why they can't go home. They cry, have fits. Don't let goodbyes go on and on. When it's almost time to leave, say, "It's time for us to go now. Please take care. I'll see you soon." Help your children say goodbye, and leave your child with the foster parent or caseworker.

TAKE CARE OF YOU

8 Leaving visits can feel lonely and discouraging. Think about what makes you feel good—a phone call or visit with a friend, a walk—and set that up in advance.



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WHAT YOU NEED TO KNOW ABOUT VISITS

BY AND FOR PARENTS IN THE CHILD WELFARE SYSTEM

Family Time Tips

Below are general guidelines about visits. However, every case is different. Ask your caseworker and your attorney about your case.

1. VISITS WITH YOUR CHILDREN SHOULD:

- Start within a week of your child entering foster care
- Take place for at least 2 hours each week and more often for infants and toddlers
- Be unsupervised as much as possible

2. BEYOND VISITS, YOU CAN:

- Ask for contact by phone or email (if you have a positive relationship with the foster parent)
- Exchange photos and letters
- Participate in children’s medical visits, school conferences and activities

3. VISITING TIME SHOULD INCREASE IF YOU’RE:

- Attending consistently and on time
- Paying attention to your child for the whole visit
- Showing progress on the goals in your case — not just attending programs, but showing behavior changes related to the safety concerns in your case
- Being nurturing and loving

4. YOUR CASEWORKER REPORTS TO THE COURT WHETHER YOU:

- Attended your visit
- Came on time

- Called in advance if you were going to be late or had to reschedule
- Gave your attention to your child the whole time
- Disciplined your child appropriately
- Kept anger and frustration out of time with your child

5. YOUR VISITS MAY BE SUPERVISED, OR BE SET BACK TO SUPERVISED, IF:

- There’s a concern that your child will be unsafe with you
- You are not showing a change in being able to keep yourself and your child safe
- You are not taking steps to address mental health problems or addiction
- There’s a concern you will run off with your child
- There’s a concern that you will influence your child’s testimony in court

6. IT’S RARE BUT YOUR VISITS MAY BE CANCELLED ON THE SPOT IF YOU:

- Are drunk or high
- Act aggressively or make threats
- Hit your child – including “popping” your child – or threaten your child
- Blame, shame, or threaten your child in any way, especially saying that it’s your child’s fault that you have a case
- Can’t calm down even after a warning
- Arrive very late without calling

How to Self-Advocate

1. Talk to your caseworker and lawyer about your visiting plan and ask for a copy of the court report.
2. Ask your caseworker to explain exactly what you need to do to make progress and ask for feedback after each visit.
3. Keep a “Visiting Notebook.” Write down:
 - Whether you attended and if you were on time;
 - How the visit went;
 - If your visit was cancelled and why, and whether it was made up.
4. If your visit is cancelled, speak to your caseworker to reschedule. If your visits are not made up, show your Visiting Notebook to your caseworker’s supervisor, a parent advocate and to your lawyer.





Eat, Play, Love

After my daughter went into foster care at 18 months old, we had visits in an agency visiting room: no toys and very gloomy green paint on the walls.

Before each visit, I would pack a bag of toys, coloring books and reading books. I tried to be ready for any activity.

A VISITING ROUTINE

My daughter would come wearing clothes that were too small, and her hair was never done properly. I would hug her and then take her to the bathroom to change her clothes and do her hair. It made me feel better that I was still able to take care of my daughter.

Then she would usually eat a Happy Meal, and for the rest of the visit, she and my husband and I would play. Her favorite thing to do was color. She also liked us to bring kitchen things, like plates and spoons and forks. We would pretend we were cooking.

Every visit, I took pictures to look at during my week.

When it was time to say goodbye, I tried not to cry because I did not want my daughter to see me hysterical. I would tell her, "I love you and I'll see you next week." Then we would say goodbye with a hug and a kiss.

LAUGHING AND PLAYING

When the judge gave my family unsupervised visits, it was such a weight off. I was able to really hold my daughter and smother her with all of my love.

We were always there early to pick her up and on time to drop her off. We would take her to the park and the playground, and to see our friends.

I loved taking her to the swimming pool. I bought her a little sky blue one-piece bathing suit. Now that I was sober, I was able to laugh and play in the water with her without any shame. These were moments that I did not want to let go of.

Visiting Checklist

Did I...

- ✓ Attend my visit
- ✓ Arrive on time
- ✓ Plan activities
- ✓ Bring toys
- ✓ Bring a snack
- ✓ Greet my child's foster parent
- ✓ Keep anger/frustration out of my visit
- ✓ Focus only on my child

Did I respond to my child's needs...

- ✓ for me to be trustworthy
- ✓ for affection and attention
- ✓ to follow a routine
- ✓ to have fun together
- ✓ to feel safe with the foster parent
- ✓ to talk about experiences in foster care
- ✓ to say goodbye in a positive way

DID YOU KNOW

Parents are allowed to ask for visits to happen anywhere, like at a park or at the library. The caseworker may not be able to say yes every time but you can ask. A foster parent can also supervise visits outside the agency.



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HELPING CHILDREN HEAL DURING VISITS

BY AND FOR PARENTS IN THE CHILD WELFARE SYSTEM



A Special Connection

INTERVIEW WITH MARTY BEYER

One of the most important things for a parent to do during visits is to try to imagine: What does my child want from me during our time together?

CONFUSING BEHAVIORS

At times, it can be difficult to understand your child's feelings and needs in visits.

Unfortunately, children usually can't explain their feelings. A child won't walk in and say, "I'm feeling really confused. I don't know why I'm not living with you. Why am I living with someone else and visiting you in an office?" Most children behave their feelings and can't explain them in words.

So the child might just walk over and start playing with a toy without saying hello. Many parents feel rejected if they don't get a hug or hello. But parents can say to themselves, "I will go to my child and get on the floor and play even though my child hasn't said hello."

A SPECIAL CONNECTION

It's very sad for parents to think, "My child needs me to work hard to build our relationship while my child is in foster care." But kids are sad, confused and angry about being in foster care. And even a few weeks or months is a long time for a child to be apart from a parent.

The most important thing during visits is to get a back-and-forth going with your children, whether that's through singing a song, smiling at each other, playing a game, or talking about school. Taking pictures, doing art, and even painting fingernails can be a time to listen to your child talk about their lives and a way to make that special connection.

Closer Than Ever

BY SANDRA EVANS

When I became a mom, I was afraid of making all the mistakes that my mother had made with me. Finally, I took a parenting class that showed me how to connect with my family in a different way.

The most valuable thing I learned was that I needed to set aside time to spend with my children to give them the attention they craved. I didn't realize that children need attention in order to thrive.

I also learned that children feel safe when they have a daily schedule and when you're consistent with them. I learned to hug and to hold my children more, tell them I love them, praise them when they do something good, and stick with a punishment once I set it.

In visits, I started to play with our kids, read to them, color and really enjoy our time. I wanted to hear about everything they had been doing. These were things I hadn't done with my children before.

One day we went to the zoo. I'll never forget the expressions on our children's faces while they looked at the animals. It felt incredible that we could experience such joy as a family.

Now we do projects like baking or making our own Christmas ornaments. It helps to strengthen the bond between my children and me. We are closer than ever.

WORDS THAT HEAL

"I know this is really hard but we will get through this."

"I know you might be mad at me but you still need to listen and follow rules."

"I need to do some things before you can come home but none of this is your fault."



Melissa Landrau and her daughter

Starting Over

After missing visits, I'm reconnecting with my kids

BY MELISSA LANDRAU

After my children went into foster care, my bond with my kids fell off because I failed to focus on them. I was depressed, felt betrayed by my family, and was in a domestic violence relationship. I fell off my visiting schedule for months at a time.

I was also telling myself that I'm not a worthy mother and I didn't deserve my kids, and that I'm just like my mom, who left me in the hospital at birth. My great grandmother raised me until she passed away and I fell in the system.

STARTING OVER

Visiting my kids again steadily after missing visits for so long was emotional. My kids didn't recognize me. They were scared and pushed me away.

My daughter showed her feelings by getting fussy and aggravated really fast. When I would say, "I love you," my daughter said, "Mommy, I don't want you to love me." Because of what I went through as a kid, I understood it was because of the absences in her life. I let my kids know that I understood why they were mad.

I won her trust back by showing her change instead of telling her that I changed. I played with them in the playroom and I read to them and talked to them. With my actions, I showed that I missed my kids and I wanted them back.

HAPPIER TOGETHER

The more I visited, the more I started telling myself, "You have to do what you are supposed to do and you can't give up. This is not a cycle. You're going to succeed."

Now my kids and I are in family therapy. The therapist taught me how important it is for my daughters to talk about their feelings. I'm proud of my daughters. We like to play house, blocks and Playdoh. We also like to read to each other and go for walks. They are able to express their feelings more and are happier and more energetic.



Using Positive Discipline

Many times parents aren't sure if it's OK to discipline their children during visits. But you're still the parent, and your children want to see that you're in charge.

Kids feel safer and act calmer when they know the rules and consequences. Here's what you can do:

1 Make sure you know the rules of your agency's visiting space. Ask your caseworker if it's OK to play music, dance, sing, use your phone, eat, yell, give a time-out, run around. Talk to your kids about the agency's rules and your own.

2 Give consistent consequences. The first step if your child is breaking a rule is to make eye contact and simply say, "No. That is not allowed."

If your child does not stop, you can give a warning such as, "I will take away your toy if you don't stop." If needed, a parent can take away a toy for a few minutes, give a short time out, or end an activity.

You can say, "I want you to sit here and calm down until I say it's time to play again." Or, "This game isn't a good idea anymore. Let's have a snack, or read."

3 If you break a rule, acknowledge it and apologize. You can say, "I'm sorry I got upset and yelled." This can show your children how to handle their own mistakes.

4 Praise your child. In addition to consequences for negative behavior, you can reward good behavior, even just by saying, "That was nice" or "I like how you did that."

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Important Phone Numbers and Email Addresses

It is important to keep track of the contact information of many people involved in your case. Please use this page to keep track of these important names, phone numbers and email addresses.

My lawyer:

Name: _____

Phone Number: _____

Email Address: _____

My CPS worker:

Name: _____

Phone Number: _____

Email Address: _____

My CPS worker's supervisor:

Name: _____

Phone Number: _____

Email Address: _____

My foster care agency case planner:

Name: _____

Phone Number: _____

Email Address: _____

My foster care agency case planner's supervisor:

Name: _____

Phone Number: _____

Email Address: _____

The foster parent caring for my child:

Name: _____

Phone Number: _____

Email Address: _____

Other:

Name: _____

Phone Number: _____

Email Address: _____

NYC Children