

Changes in State's Child Welfare Law: New Options for Families

New state law this year provides significant changes to child welfare options in New York State, according to Margaret Burt, Esq. Ms. Burt provided a cross-systems training in Rochester July 30th, sponsored by the NYS Child Welfare Court Improvement Project.

Subsidized Kinship Guardianship:

The new Social Services Law §458 will allow relatives to apply to local social service districts for an ongoing subsidy outside of foster care or adoption, then move that the court appoint them as a guardian. The child must be under the age of 21 and placed in foster care before 18 -- foster care, not an Article 6 or Article 10 direct custody arrangement. The local department of social services must approve the subsidy first, and consider why a return home or adoption is not in the child's best interest. The child also must have a strong attachment to the relative, and the relative must have a commitment to permanently caring for the child. The relative must be the child's certified or approved foster parent for more than six months before an application occurs. The financial circumstances of the relatives cannot be considered in awarding the subsidy, and the child must be consulted; any child over 18 must consent. Pending federal review of New York's new law, the provisions take effect April 1, 2011.



Termination of Parental Rights and Incarcerated/Inpatient Parents:

Chapter 113 of the Laws of 2010 provides that a local district may choose not to file a TPR when the ASFA time frame has been reached if the parent is or was incarcerated or in an inpatient facility for substance abuse. That status must be a significant factor for why the child is in care, and the parent must have a meaningful role in the child's life. While the new law does not add or subtract any grounds for TPRs, it allows the court to consider in permanent neglect TPRs any "particular constraints" that limited the family contact or availability to services. In abandonment TPRs, the court may consider "particular delays or barriers" that parents may have had in letting agencies know where the parent is located.

Other Legislation: Chapter 41 of the Laws of 2010 provides that all state statutes must use the phrase "attorney for the child" instead of "law guardian," effective April 14th.

Awaiting the Governor's signature is a proposal on the restoration of parent rights (S 3868/A 8524) that would allow Family Court to reinstate the parental rights of a parent after a TPR and return the child to the custody and guardianship of a birth parent or parents if there is clear and convincing proof that it is in the child's best interest. The child must be at least 14 years old, and still in foster care, and not have the goal of adoption. The TPR must be at least two years prior and based on abandonment, mental illness, mental retardation or permanent neglect.

For a copy of the Power Point from Margaret Burt's July 30th training, contact Darlene Ward, NYS UCS CASA Assistance Program, daward@courts.state.ny.us.

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June Program Directors' Meeting Offers Training and Networking for local CASA Directors

Representatives of local CASA programs gathered in Albany in June for the Spring Directors' meeting, coordinated by the NYS UCS CASA Assistance Program, and co-sponsored by CASA: Advocates for Children of NYS. The two-day training opened with a Train the Trainer session on Cultural Humility, presented by Rebecca Koch and Rob Conlon from NYS UCS Office of Alternative Dispute Resolution and Court Improvement Programs. The training provided tools to local CASA staff to conduct volunteer initial training or in-services, designed to help CASA volunteers provide culturally competent services to the children on their cases.

Programs also reviewed new UCS fiscal procedures, as well as current statewide initiatives such as the "Efforts to Outcomes" online data management system, which was developed by National CASA and Social Solutions.

Representatives of the NYC and Orange County CASA programs presented information on supporting children of incarcerated parents. Roundtable discussions were held on recruiting across demographics, data collection, and understanding the roles of others in the child welfare system.

The Fall Program Directors' meeting, coordinated by CASANYS, will be held in Rochester October 19-20th.



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RESOURCES



(Please note: Links to third party sites do not imply any affiliation between the UCS CASA Assistance Program and the site owner, or an endorsement, approval, or verification of any content.)

CWCIP Website Offers Training Materials on Child Welfare Topics

Copies of materials from past trainings sponsored or co-sponsored by the Child Welfare Court Improvement Project are available on our website: http://www.nycourts.gov/ip/cwcip/cip_training.shtml. Trainings cover such issues as the Indian Child Welfare Act, Post-termination Visitation, Evidence-based Programs, and Navigating the World of Psychiatric Evaluations and Appropriate Continuity of Care.

Post Adoption Survey Results

Results of a Post Adoption Survey conducted by the NYS Citizen's Coalition for Children (NYS CCC) are available online at <http://nysccc.org/wp-content/uploads/PAS-Survey-Full.pdf>

The survey, completed by 451 adoptive parents and professions, was designed to help determine the post adoption service needs of families in New York State. The final report includes the survey results, information on current programs in NYS, research on post adoption service needs of families, and recommendations for future services.

Available county-specific information can be obtained by contacting NYSCCC directly, at 607-272-0034.

Resource for Working with African-American Families

AdoptUsKids has developed a packet of tools and information for helping serve, recruit, and retain African American families. The guide is available online at: <http://adoptuskids.org/images/resourceCenter/Working-With-African-American-Families.pdf>

A Look Back at the Adoption and Safe Families Act (ASFA)

The Urban Institute Center for the Study of Social Policy has prepared an overview of the impact of ASFA. ASFA took effect in 1997 and resulted in massive changes in child welfare practice around the country. To download the overview, go to: <http://cssp.org/uploadFiles/IntentionsResults%202.pdf>

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❧ SAVE THE DATES ❧

Fall CASA Program Directors' Meeting

October 19 and 20, 2010
Rochester, NY

*Coordinated by CASA: Advocates for Children of NYS
Co-Sponsored by the NYS UCS CASA Assistance Program*



NEW YORK STATE UNIFIED COURT SYSTEM • DIVISION OF COURT OPERATIONS

CASA ASSISTANCE PROGRAM

OFFICE OF ALTERNATIVE DISPUTE RESOLUTION AND COURT IMPROVEMENT PROGRAMS

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**"You make a living by what
you get; you make a life by
what you give."**

- Winston Churchill