



New York Kin-First Firewall

20-OCFS-ADM-18



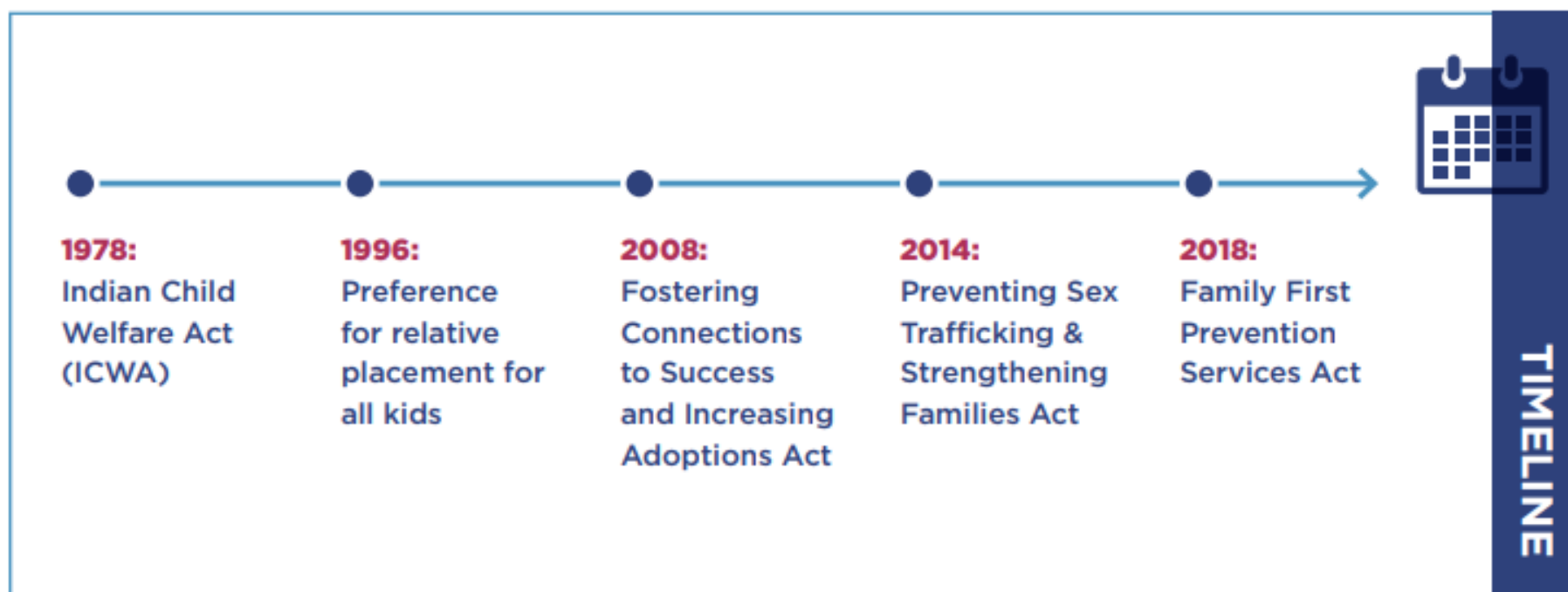
Federal and State Preference for Placement with Kin

42 U.S.C.A. §671(a)(19): Title IV E State plan requires state consider giving **preference** to an adult relative over a non-related caregiver when determining a placement for a child, if relative caregiver meets all relevant state child protection standards.

Family Court Act §1017: Court can place the child directly in the legal custody of the relative or other suitable person while the court continues to review and investigate this case.

Family Court Act §§1055 and 1027: Court may place child in custody of DSS and direct child to reside with a relative/other suitable person as a foster care placement. The court may order DSS to investigate the home within 24 hours. If qualified, the court may order an expedited approval **as a foster home**.

Decades of federal law



Kinship Family Strengths: Children Thrive

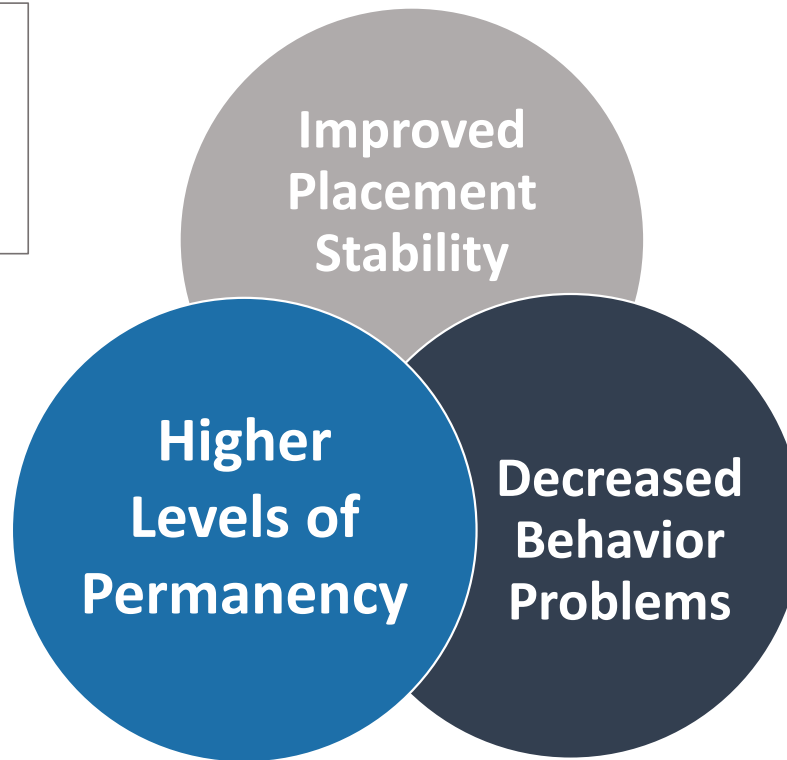


**generations
united**
Because we're stronger together™

Kinship Care improves outcomes for children

Being placed in kinship care has been found to decrease the risk of disruption.

Children initially placed in kinship care as compared to family foster care were more likely to reunify or exit to guardianship.



Children placed into kinship care had fewer behavioral problems three years after placement than children who were placed into foster care.

Importance of connections for older youth

Nationally, each year almost 18,000 young people exit from foster care without permanent families. A significant number of these youth:

- Experience homelessness (30% of 19- and 20-year-olds)
- Become pregnant before age 21 (71% of females)
- Fail to graduate from high school (42%)
- Are unemployed by age 24 (50%)
- Are incarcerated within two years of leaving the system (24%)

For a successful life after foster care, older youth need:

- Help in developing permanent emotional connections to adults
- Lifelong support and connections to significant adults and to
- Knowledge of their family history
- Relational as well as legal permanence

Ongoing contact with birth family

Research shows that connections with relatives can increase sense of self-worth, belonging, and identity, and facilitate ability to successfully navigate life.

- 81% reported having contact with a birth family member at least once a week
- 33% had contact with siblings
- 23% had contact with mothers
- 15% had contact with grandparents
- 12% had contact with fathers

General Hints for Writing Kinship Policy

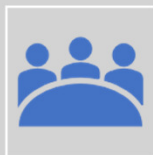
- WHO, WHAT, WHEN:
 - **Who:** assign duties and responsibilities to specific types of workers accordingly (CPS, Foster, Home Finder)
 - **What:** include detailed action steps and tasks to be completed
 - **When:** include best practices and clear timeframes that reflect your expectations
- Review all OCFS ADMs, forms and publications at: <https://OCFS.ny.gov/kinship>
- Highlight applicable state policies and forms and make them available as an appendix
- Cross reference other existing county policies that may impact your kinship policy (adoption, certification/approval)

Lessons Learned



Culture shift: hearts and minds

Need buy in from all on value of kinship

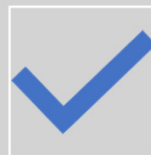


Engage all levels of staff in process

Administration, supervisors and front line workers

Include feedback throughout

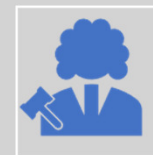
Roll out policy to staff and train



Hold staff accountable or policy is useless

Supervisor role is critical

Pilot and update policy as needed



Engage all stakeholders

OCFS regional office staff

Legal community – attorneys, judges, CIP

Provider community

Kinship Navigator staff

Kinship Policy: Table of Contents

Removal
Determination and
Required Identification
of Kin

Assess Kin Home for
Placement

Notification and
Engagement of Family

Kin-First Firewall

Kinship Emergency
Foster Home Approval

Kinship Foster Home
Approval

Exceptions
and
Waivers

Kinship Guardianship
Assistance Program
(Kin GAP)

Kin Adoption

Direct Relative
Placement – 1017 or
N-Docket Custody

Legal Custody or
Temporary
Guardianship – Article
6 or V-Docket Custody

Interstate Compact on
the Placement of
Children (ICPC)

Firewall Readiness

- Critically analyze current efforts, policies and practices to identify and engage kin prior to removal
 - Best practices will result in the kin first placement and avoid the need for the secondary review triggered by the firewall
 - Is additional staffing necessary – kinship champions?
- Explore current removal policies, procedures and staffing to identify areas of improvement and intersection with a new firewall policy
- Determine who will need to participate in the firewall policy development
- Survey/discuss attitudes, beliefs of staff and current barriers to kinship placements to strategize effective culture shift
 - Determine staff and community training needs
 - Necessary change in default placement to non-kin to placement with kin first



How to Write an Effective Kin-First Firewall Policy



Overview and Requirements

Purpose:

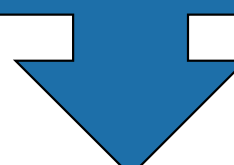
- Establish a kin-first firewall practice to increase safe and appropriate kinship placements for children
- Address both instances of initial removal and of children being moved while in care, making placement with kin the presumptive placement option
- Prepare for Family First Prevention Services Act (FFPSA) implementation by prioritizing family-based foster care over congregate care

Required to:

- Develop procedure for a high-level review of efforts made to achieve a kinship placement, prior to a non-kinship placement at the initial removal and any time there is a movement in care.
- Review current kinship policy and, amend accordingly to include kinship firewall
- Submit amended kinship policy to regional OCFS office by **January 14, 2021**

When must this
secondary
review occur?

Review must occur for all proposed initial placements with non-kin or if there is a movement in care to a non-kin placement.



Movement in care defined as:

1017 direct custody placement to non-kinship foster care setting	Foster boarding home to another non-kin foster boarding home	Foster boarding home to congregate care setting	Congregate care setting to non-kin foster boarding home
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Who should be present at this secondary review?

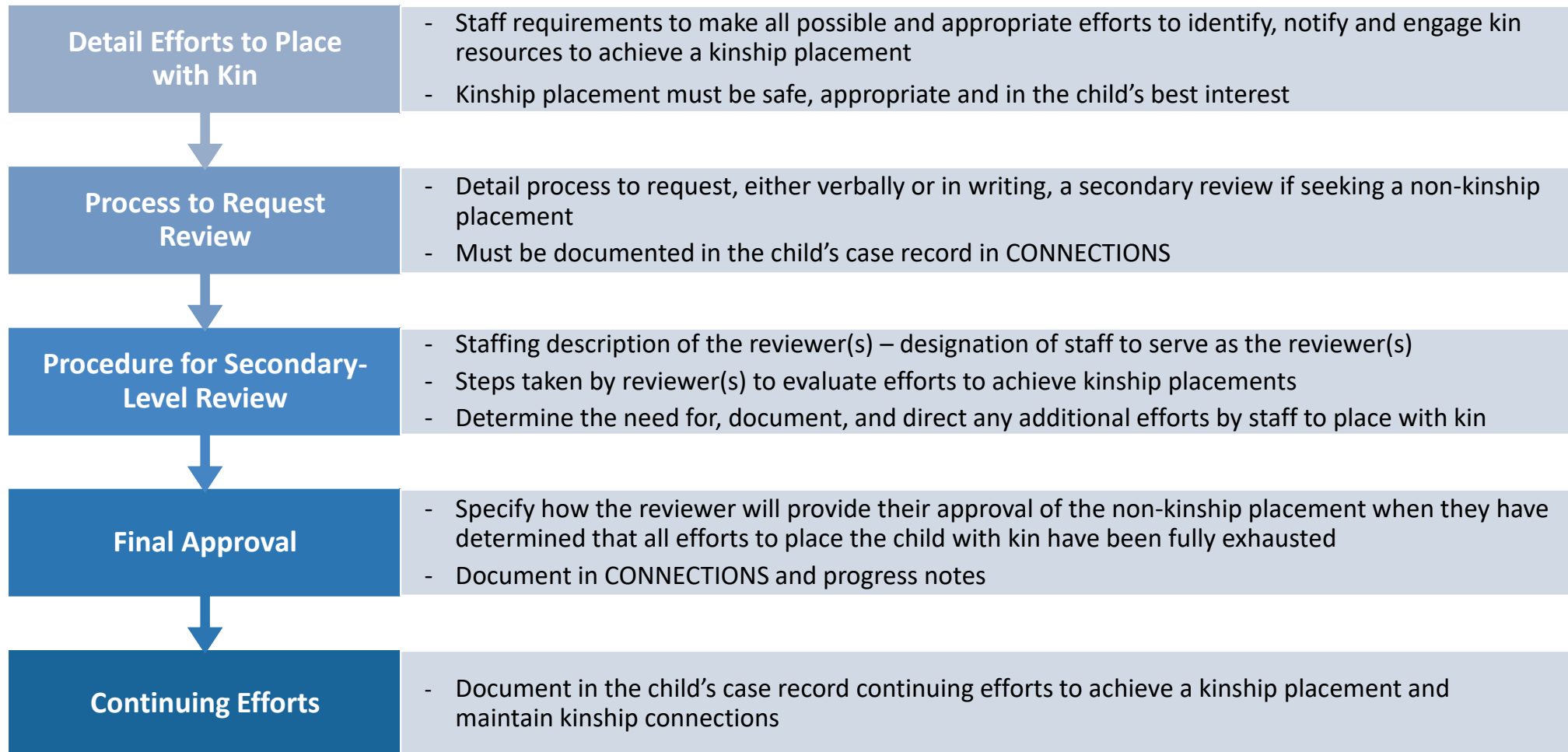
Mandatory participants:

- Current case manager and supervisor (CPS, Preventive, Ongoing)
- Person in a supervisory or management level role

Suggested participants:

- Legal Department
- Preventive services
- Kinship Champion
- Administrators – Deputy Commissioner, A Level Supervisors
- Community partners
- Medical staff

Elements of Well Written Firewall Policy



Essential Elements of Secondary Review

- Reviewer(s) will be one or more persons in a supervisory or management level role
- Evaluate if all possible and appropriate efforts to achieve a kinship placement have occurred, by:
 - Reviewing the case record
 - Asking worker about conversations with the parents, collateral contacts, and with the child (if age and developmentally appropriate) to obtain information about kinship resources
- Identify any missing steps or actions to avoid placement or to identify, notify, and engage potential kin resources
- If corrective steps identified, direct staff to:
 - identify and locate kin,
 - achieve kinship placements and
 - provide solutions and supports for removing any kinship placement barriers, which may include assistance with:
 - Meeting the approval or certification requirements,
 - Lack of financial resources
 - Logistical issues in meeting the needs of the child
 - Assist with barriers to placement – beds, fire extinguishers, etc.
 - Include examples of additional strategies, see: *Kin-First Firewall FAQs - #5*, for suggestions
- All efforts directed by the secondary reviewers must take place before a non-kinship placement may be approved

Tips for Developing an Effective Firewall Protocol

- Ensure kinship policy details steps for required notice and engagement of kin, as required by NY law
 - See: *Kin-First Firewall FAQs - #4*, for additional kin identification and engagement strategies
 - Designate staff and time frames to discuss placement and permanency options with kin using required OCFS kinship materials
- Become familiar with the new emergency approval process and encourage the use of waivers when safe
 - Draft county waiver protocols so everyone is clear on process
- Create firewall review request form which includes:
 - Efforts completed to identify and engage kin
- Develop checklist for reviewer to ensure key elements satisfied

Potential Kinship Barriers

- Culture Shift – placement with safe and appropriate kin for all children
- Permanency begins at day one, investigations unit must be involved in identification, engagement and placement with kin
- Complicated placement options
 - all staff must be trained to discuss and/or designate kinship staff (triage, champions)
 - informal, 1017/direct placement, certified, approved
- Notice alone does not engage kin to be involved
- Complex family dynamics
- Specialized needs of kin caregivers
- How best to support kin regardless of placement type
- Emergency certification process – worth the effort
- Kin who fail to follow through on approval requirements
- Specialized training for kin
- System not designed for kin – therefore always easier to place with non-kin



Questions

Heidi Redlich Epstein, JD, MSW

Director of Kinship Policy

ABA Center on Children and the Law

Heidi.Epstein@americanbar.org

Emily Peeler, JD, MSW

ABA Center on Children and the Law

Emily.Peeler@americanbar.org