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Administrative Directive Memorandum

Section 1

Table with 2 columns: Field (Transmittal, To, Issuing Division/Office, Date, Subject, Suggested Distribution, Contact Person(s), Attachments) and Value.

Filing References

Table with 6 columns: Previous ADMs/INFs, Releases Cancelled, Dept. Regs., Soc. Serv. Law & Other Legal Ref., Manual Ref., Misc. Ref.

Section 2

I. Summary

As directed by 12-ADM-01, social services districts (districts) are required by Social Services Law (SSL) §392 to make information available to relative caregivers caring for children outside of the foster care system on financial assistance and services programs as well as information on how to apply for them. Chapter 399 of the Laws of 2019 (Chapter 399) amended SSL §392 to expand

this requirement to nonrelative caregivers and other prospective suitable persons, to include additional information that must be provided, and to require that all information be provided in writing and available through districts' websites.

II. Purpose

The purpose of this Administrative Directive (ADM) is to inform districts of the provisions of Chapter 399, and to remind districts of the existing requirements of SSL §392. This ADM also provides districts with the information that is needed to meet these requirements.

III. Background

Section 392 of SSL was added by Chapter 58 of the Laws of 2010 to require districts to make available through the districts' websites, or by any other means, information for relatives caring for children outside of the foster care system. SSL § 392 required that information be provided related to financial assistance programs and how to apply for them, as well as information on New York State Office of Temporary and Disability Assistance (OTDA) or district-funded resources, including those that provide supportive services to nonparent caregivers (NPCs).

In 2012, OTDA issued [12-ADM-01](#), *Requirement to Make Information Available to Non-Parent Caregivers Relating to Available Services and Assistance Programs*, to assist districts in meeting the requirements of the law. [12-ADM-01](#) included an attachment (attachment A) describing benefits and services for which NPCs may be eligible and requiring districts to make the document available to relative and nonrelative NPCs.

Chapter 399 amended SSL §392 to expand the information that must be provided to also include information on how to become a foster parent and other options for care, and how to contact kinship programs supervised or operated by the New York State Office of Children and Family Services (OCFS) or districts. Such information must be provided to relative and nonrelative caregivers and prospective suitable persons. The Chapter 399 amendments also require that this information be provided in writing as well as be available on districts' websites.

IV. Program Implications

Section 392 of the SSL, as amended by Chapter 399 of the Laws of 2019, requires districts to provide relative and nonrelative NPCs and prospective suitable persons with information on:

- temporary assistance (TA) and how to apply for the child(ren) in their care;
- how to become a kinship foster parent and other options for care;
- how to contact kinship programs supervised or operated by OCFS or districts; and
- how to contact any resources operating within a district, including those that provide supportive services for relative and nonrelative kinship caregivers.

This information is required to be provided to NPCs in writing and must also be available through districts' websites and the OCFS website.

V. Required Action

Section 392 requires that the information listed in section IV be provided to relative and nonrelative NPCs and prospective suitable persons who districts have approached about becoming a kinship caregiver. The information that must be provided will depend on the role of the district worker and the point in time at which they contact the NPC or prospective suitable person.

District and voluntary authorized agency child welfare workers who notify relatives and nonrelatives kinship caregivers, and prospective suitable persons, of a child's removal must

provide information in accordance with 18-OCFS-ADM-23.¹ 18-OCFS-ADM-23 mandates that the following informational materials be provided at such time:

- [Know Your Options: Kin Caring for Children \(Pub. 5175\)](#)²
- [Make an Informed Choice: Kin Caring for Children \(Pub. 5120\)](#)³

These publications are required to be given only at the time that a potential NPC is notified of a child’s removal. Districts must familiarize themselves with this requirement as well as the other requirements and recommendations in 18-OCFS-ADM-23, which are already in effect.

District workers who make contact with relative and nonrelative kinship caregivers and prospective suitable persons at any time other than initial notification of a child’s removal are now required to provide the brochure titled [Know Your Resources: Nonparent Caregiver Benefits \(Pub. 5194\)](#). This includes but is not limited to contact that occurs when an NPC is applying for assistance programs.

Pub. 5194 provides additional clarity on the types of services that may be available to relative and nonrelative NPCs who are caring for children outside of the foster care system. The brochure also provides links to kinship services and resources on kinship caregiving options. The brochure is also available in Spanish.

The chart below illustrates the respective informational mandates:

Point of Contact	Information that must be provided
A relative or nonrelative caregiver, or prospective suitable person, is notified of a child’s removal by a district or voluntary agency child welfare worker (per 18-OCFS-ADM-23)	Know Your Options: Kin Caring for Children (Pub. 5175) Make an Informed Choice: Kin Caring for Children (Pub. 5120)
Any other point of contact with a relative or nonrelative caregiver, or prospective suitable person, by a district worker	Know Your Resources: Nonparent Caregiver Benefits (Pub.5194)

Districts must post on their respective websites:

- all information included in the brochure (this may be achieved by posting the brochure itself), and
- district-specific services provided to NPCs.

¹ The full title of this ADM is 18-OCFS-ADM-23, *New Brochure: Know Your Resources: Nonparent Caregiver Benefits and New Requirements for Distributing Publications.*

² Pub. 5175 is available in Spanish and other languages and can be found by searching https://ocfs.ny.gov/main/documents/docs_Pubs.asp.

³ Pub. 5120 is available in Spanish and can be found by searching <https://ocfs.ny.gov/main/documents/docs%20Pubs.asp>.

VI. Systems Implications

There are no systems implications.

VII. Effective Date

This ADM is effective immediately, and districts must implement these requirements within 30 days of the date of this ADM.

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