



The New York State Office of Court Administration

Attorney for the Child Contracts

and



**In collaboration with
The Appellate Division, Fourth Department
present**

**ATTORNEY FOR THE CHILD
LEGAL UPDATE**

2011

This program is supported by Federal Court Improvement Grant funding from the U.S. Department of Health and Human Services.

AGENDA
THE OFFICE OF COURT ADMINISTRATION
ATTORNEY FOR THE CHILD CONTRACTS
& CHILD WELFARE COURT IMPROVEMENT PROJECT
IN COLLABORATION WITH
THE APPELLATE DIVISION, FOURTH DEPARTMENT
Present
ATTORNEY FOR THE CHILD UPDATE

JUNE 7TH & 8TH, 2011
EMBASSY SUITES
SYRACUSE, NEW YORK

DAY ONE (CHILD WELFARE)

10:00 A.M. – 10:50 A.M.	REGISTRATION AND BREAKFAST
10:50 A.M. – 11:00 A.M.	WELCOME <i>Rachel Hahn, Esq.</i> Coordinator, OCA Attorney for the Child Contracts
11:00 A.M. – 12:00 noon	AGING OUT OF FOSTER CARE <i>Erika Leveillee, MA</i> Youth in Progress Coordinator Adolescent Services Resource Network University of Albany
12:00 noon – 1:00 P.M.	EDUCATION LAW <i>Judith Gerber, Esq.</i> Staff Attorney Legal Aid Bureau of Buffalo, Inc.
1:00 P.M. – 2:00 P.M.	LUNCH
2:00 P.M. – 3:40 P.M.	DISPROPORTIONATE MINORITY REPRESENTATION <i>Khatib Waheed, MEd</i> Senior Fellow, Center for the Study of Social Policy <i>Toni Lang, PhD</i> Deputy Director Permanent Judicial Commission on Justice for Children
3:40 P.M. – 3:50 P.M.	BREAK
3:50 P.M. – 5:05 P.M.	RECENT DEVELOPMENTS IN CHILD WELFARE <i>Margaret Burt, Esq.</i> Attorney in private practice, specializing in child welfare
5:30 P.M. – 7:15 P.M.	RECEPTION
7:15 P.M. – 9:00 P.M.	DINNER

DAY TWO

8:00 A.M. – 9:00 A.M.	BREAKFAST
9:00 A.M. – 10:00 A.M.	THE DISPOSITION PHASE OF DELINQUENCY CASES <i>Stephen Weisbeck, Esq.</i> Director, Juvenile Justice Division Legal Aid Society of Rochester
10:00 A.M. – 11:00 A.M.	TRAFFICKING & PROSTITUTION <i>Elizabeth Fildes</i> Erie County Sheriff, Deputy
11:00 A.M. – 11:15 A.M.	BREAK
11:15 A.M. – 12:45 P.M.	ETHICS AND CONFLICT ISSUES <i>Gary Solomon, Esq.</i> Director of Legal Support The Legal Aid Society (NYC), Juvenile Rights Practice
12:45 P.M.	BOX LUNCH

The Appellate Division, Fourth Department has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York from March 2, 2011 to March 1, 2014. This program has been approved for a total of nine (9) credit hours, of which three and one-half (3.5) hours can be applied toward the skills requirement, three (3) hours can be applied to the professionalism and ethics requirement, and two and a one-half (2.5) hours can be applied toward professional practice (family law) requirement. This program is suitable for experienced and newly admitted attorneys.

Destination:

Embassy Suites Hotel
6646 Old Collamer Road
East Syracuse, New York 13057
Tel: 1-315-446-3200

Driving Directions: (From the Embassy Suites Hotel Website)

From 81 North or South take I-90 East. From NYS Thruway (I-90), take Exit 35 to Carrier Circle, follow traffic circle to RT 298 East. Take first left off of 298 East onto Old Collamer Road South and continue through stop sign. Hotel is on the right at the end of the street. From Airport take 81 South and follow above directions.

Aging Out of Foster Care

Erika Leveillee, MA

Tuesday, June 7, 2011

Erika Leveillee

Erika Leveillee is a Training Program Coordinator in the Child Welfare Department of the Professional Development Program. She coordinates multiple training projects regarding best practice service provision to adolescents in out-of-home placement and several youth voice Initiatives. Erika has a MA degree in Social Policy. Ms. Leveillee's professional experience includes service as a child protective caseworker, a foster care caseworker, a foster parent home-finder and trainer, and most recently, life skills coordinator prior to joining the Professional Development Program ten years ago. She is actively involved in youth leadership and coordinates the efforts of the New York State Foster Care Youth Leadership Team, Youth In Progress.

Youth In Progress Statewide Team

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Adolescent Services Resource Network

Pub. 5098 (09/10)



Need to Know Series:

Planning for Your Transition to Self-Sufficiency



Youth In Progress

New York State Foster Care Youth Leadership Advisory Team

“The mission of Youth In Progress is to enhance and advance the lives of today’s and tomorrow’s youth by supporting their sense of self and responsibility. To do this, we pledge to educate everyone involved in the various systems Youth In Progress members represent to the realities of this experience.”

www.youthinprogress.org

Being on your own can be scary and challenging but it doesn't have to be. Planning for your transition from foster care to self-sufficiency is a great opportunity to help you prepare for your future. Your official Transition Plan will help you think about and plan for what you will need to have in place when you leave care.

Foster care youth in New York State helped to develop the Transition Plan Form.

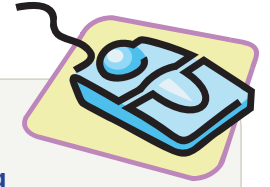
What is a Transition Plan?

A Transition Plan is a youth-driven planning document. You will have the opportunity to decide how detailed you want to make your Transition Plan. The plan covers important topics that you need to address to help you make a successful transition from foster care to self-sufficiency. We will cover these topic areas later in this pamphlet.

The Transition Plan is a form that consists of two parts. The first part includes questions that will guide you and your worker to discuss your plans as you prepare to leave care. There is a place for your worker to write down the options you discuss and your plans upon discharge. There is also a place on the form for your comments/feedback and signature. The second part provides a quick snapshot of your personal discharge plans.

Your Transition Plan is finished when both parts of the form are complete. If you are leaving care on a trial discharge status, the Transition Plan must be updated at your final discharge. Final discharge means that you are no longer in the care and custody of the local Department of Social Services (LDSS). If you are over 18 and want/need to return to care, you cannot if you are on a final discharge status.

Resources



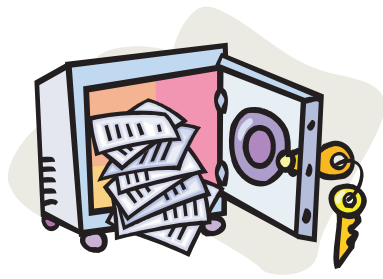
Check out www.youthinprogress.org to obtain the following resources:

- ☪ Transition Plan: Parts 1 and 2 – Under “Federal Regulations,” click on “Transition Plan.”
- ☪ Handbook for Youth in Foster Care – Click on “Handbook.”
- ☪ Need to Know Series: Pregnancy and Parenting Issues for Youth in Care – Under “Need to Know Series,” click on “Pregnancy and Parenting Issues for Youth in Care.”
- ☪ Need to Know Series: College and Vocational Planning – Under “Need to Know Series,” click on “College and Vocational Planning.”

Helpful Tips to Keep your Baby Safe – Click on the following link: www.ocfs.state.ny.us/main/publications/Pub5008text.asp



Try to obtain copies of all the documents listed on the Transition Plan form. Keep all important documents in a safe place because replacing them is a long and difficult process.



Workforce Supports and Employment Services:

Think about the activities that you like to do and consider your skills and talents. Then, set goals toward a career, education and/or training, and a job.

These goals will help you become self-sufficient. There are services that can help you plan for a career and get a job.



Pregnant/Parenting Youth:

If you are pregnant and/or a parent, you should talk with your worker about services you will need, such as pregnancy care and parenting skills, or services for your child(ren), such as early intervention programs and health care.

Other (Safety):

If you have a safety concern when you leave care, you should talk with your worker about developing a plan to keep you safe.

Your Transition Plan is an exciting opportunity to think ahead and plan for your success!

When Should Transition Planning Begin?

A Transition Plan is required by federal law and New York State regulations for all youth leaving foster care who are 18, 19, and 20 years of age.

Your worker is required to begin discussing your Transition Plan with you at least 180 days (6 months) prior to your scheduled discharge date. Your Transition Plan must be completed 90 days (3 months) prior to your scheduled discharge date.



If you have not yet started working on your Transition Plan, you should ask your worker about beginning this process.

“Being discharged shouldn't feel like you are graduating into the unknown. The earlier you begin your transition plan, the more success you'll have with being able to adapt to adulthood.”

Transition Plan Topic Areas:

It is important to know and discuss your plans when you leave care. The topics below will help guide you.

Trial Discharge:

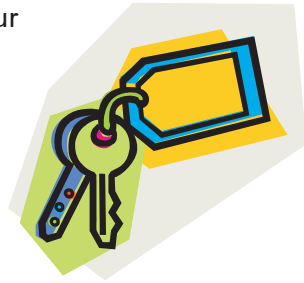
Trial discharge is required for at least 6 months for every child discharged to Another Planned Living Arrangement (APLA). (It can be extended at the discretion of district until youth is 21.) Trial discharge means the youth remains in the custody of the LDSS while living in the community.



The purpose and implications of trial discharge are to enable a youth over the age of 18 to re-enter care, for example, should the youth become homeless. The youth must consent to trial discharge. It is the only way that a youth over 18 can return to care.

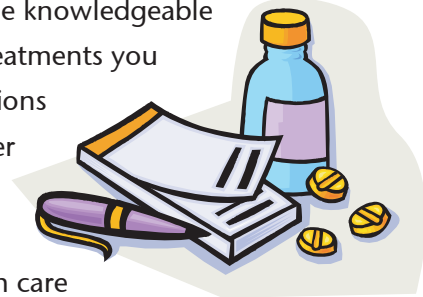
Housing:

Your housing options must be safe and secure. Your worker can help you make housing decisions and develop a plan of action to get housing. You also need to create a “backup plan” in case you lose your housing, so that you know where you would go and whom you could contact for help.



Health and Health Insurance:

You need to have a medical exam within a year prior to your discharge. Before you leave care, you should become knowledgeable about the medications you take or the treatments you need. Explore with your worker your options for health insurance, and find out whether you will be able to continue with the same doctor, clinic or specialty providers after discharge from care. If you remain in care until age 18, 19 or 20, you will be able to continue to be eligible for Medicaid coverage until your 21st birthday, as long as you continue to live in New York State and meet citizenship and/or immigration status requirements. Ask your worker about the letter that you are required to receive that explains the requirements you must meet to maintain Medicaid coverage.



Education/Vocational:

Set goals and make a plan for your continued education or vocational training. The Education and Training Voucher (ETV) program provides resources for eligible youth up to \$5,000 per year to attend a post-secondary educational or vocational training program. There are also other financial resources available to you. Talk with your caseworker and caregiver for help in this area.



Opportunities for Adult Permanency Resource(s) or Mentor(s):

Identifying at least one adult permanency resource is one of the most important factors for your successful transition into adulthood. An *adult permanency resource* is a caring adult committed to providing you with emotional support, advice and guidance, who assists you as you make your transition from foster care to responsible adulthood.

Continuing Support Services:

You may need to access a variety of services once you leave care, such as mental health, physical health, transportation, and housing. Your worker is required to help you set up the “aftercare” services that you will need.

Important Documents/Access to Case Record:

There are a number of documents that you may need when you leave care. For example, in order to qualify for financial aid for college, you will need documentation of legal immigration status. To obtain a job, you will need to know your Social Security number.



Transition Plan

*HELPING YOUTH IN CARE
PLAN FOR THEIR FUTURE*

09-OCFS-ADM-16

Reference Documents:

Regulations: 18 NYCRR

- Section 430.12 (f): Another Planned Living Arrangement with a Permanency Resource
- Section 441.2: Definition of a foster child
- Section 430.12 (j): Transition Plan

Administrative Directives (ADM)

- 88-ADM-11: Amendments to "Utilization Review Standards" for children in foster care pertaining to Independent Living Regulations
- 09-OCFS-ADM-15: Medicaid Coverage for Final-Discharged Youth 18 to 21 Years of Age
- 10-OCFS-ADM-12: Health Care Proxy for Youth Transitioning Out of Care
- 11-OCFS-ADM-02 Re-entry into Foster Care by Former Foster Care Youth between the Ages of 18 and 21

Local Commissioner Memorandums (LCM)

- 02-OCFS-LCM-05: Federal Fiscal Year 2000-2001 Independent Living Allocations
- 10-OCFS-LCM-12: Federal Fiscal Year 2009-2010 Independent Living Allocations
- 10-OCFS-LCM-10: Federal Fiscal Year 2010-2011 Education and Training Voucher Program

Other Resources

- Handbook for Youth in Foster Care (have one copy available for viewing)
- Need to Know Series pamphlet: "Pregnancy and Parenting Issues for Youth in Care" (have one copy available for viewing)
- OCFS Helpful Tips to Keep your baby Safe: Safe to Sleep Publication #5008

Background

The Fostering Connections to Success and Increasing Adoption Act of 2008 (Public Law 110-351) provides important supports for children and youth in foster care.

Section 202 of the law includes requirements for a Transition Plan for youth age 18 and older exiting foster care.

OCFS filed Emergency Regulations (Section 430.12 (j)) to implement the new Transition Plan requirements.



Transition Planning...

Planning is a necessity...to help youth achieve self-sufficiency prior to leaving foster care.

What is a Transition Plan?

It is a personalized plan for older youth transitioning out of foster care. The plan is directed by the youth and includes details and options in required areas.

Adults guide it,
youth decide it...

Transition Plan Requirements

A Transition Plan must be:

Completed for a youth who is planning to exit care at the age of 18, 19 or 20 **regardless of permanency planning goal**

Personalized at the direction of the youth

Transition Plan Form

The Transition Plan form consists of two parts:

- *Part One: Transition Plan Discussion (OCFS-4922)*
- *Part Two: Transition Plan Update and Summary (OCFS-4923)*

A Transition Plan is NOT complete until both parts of the form are complete. Forms can be found on the OCFS website:

http://www.ocfs.state.ny.us/main/forms/foster_care/



Transition Plan Topic Areas/Sections

Trial Discharge
Housing
Health/Health Insurance
Educational/Vocational
Adult Permanency Resources or Mentors
Continuing Support Services
Important Documents/Access to Case Record
Workforce Supports and Employment Services
Pregnant/Parenting Youth
Other (Safety)

Part One: Transition Plan Discussion

Is intended to be used by a worker with a youth over a period of time, beginning **180** days before a youth's scheduled discharge from foster care (when a youth is 18, 19 or 20 years of age).

Enables a worker to engage a youth in discussions about the youth's discharge plans (trial or final).

The shaded boxes at the beginning of each section of the Transition Plan Discussion form provides relevant regulatory requirements, and policy information pertaining to each of the topic areas.



Part One: Discussion Questions

There are a series of questions under each topic area/section of the Transition Plan Discussion form that relate to the topic areas.

The questions vary depending upon the topic area.

Youth Comment/Feedback

Part Two: Update and Summary

Provides a quick snapshot of:

The **decision at 90** days prior to the youth's scheduled discharge and the **actions still needed**; and

The **outcome at discharge**





Part Two: Update and Summary Continued

The Update and Summary form may be separated from the Transition Plan Discussion form and be used as part of a youth's permanency hearing report.



What can you do to help?

- Monitor the transition planning process.
- Consult with the youth regarding their goals and decisions regarding their transition from care.
- Ask if they need your help or guidance.
- Advocate for them as they work towards achieving a successful transition to self-sufficiency.

