

OFFICE OF CHILDREN AND FAMILY SERVICES

+-----+
| LOCAL COMMISSIONERS MEMORANDUM |
+-----+

OCFS-4616EL (Rev. 11/98)

Transmittal No: 99 OCFS LCM-27

Date: September 16, 1999

Division: Strategic Planning
and Policy
Development

TO: Local District Commissioners

SUBJECT: Availability of the Revised Family Court Forms/
Title IV-E Compliance

ATTACHMENTS: None

The purpose of this memorandum is to: a) inform you that the revised Office of Court Administration (OCA) forms, which were amended to comply with federal and State requirements associated with the Adoption and Safe Families Act (ASFA), are now available; and b) encourage you to use these forms so that you conform with federal and State mandates and do not jeopardize federal and State foster care reimbursement.

Recently, OCA issued to the Family Courts revised petitions, court orders and other court forms. The Office of Children and Family Services (OCFS) has made these forms available to CONNECTIONS users in a public folder entitled, "ASFA - Family Court Forms." From the public folder these forms can be printed and mailed. Additionally, the forms were converted into templates in the event that any of your CONNECTIONS users wanted to complete the court forms on-line.

It is very important that your staff use forms that comply with all federal and State requirements. Moreover, it is critical, even if you are utilizing compliant court forms, that the necessary fields be completed properly to reflect case circumstances, record court determinations and provide a basis for appropriate Title IV-E eligibility and claiming. It is possible that OCA's forms may be modified once the federal Department of Health and Human Services (DHHS) issues final ASFA regulations.

In late 1998, OCFS participated with social services districts and federal Administration for Children and Families (ACF) staff in conducting a Title IV-E pilot review. This review did not include the new ASFA requirements. The outcome of this pilot review, which uncovered serious deficiencies in

Date September 16, 1999

Trans. No. 99 OCFS LCM-27

Page No. 2

Family Court orders, is described in 99 OCFS LCM-7. The following requirements are among the "old" (pre-ASFA) and "new" Title IV-E court order requirements that your staff should review to verify that the orders are completed satisfactorily:

- * there must be a written determination in a removal order (non-emergencies) or in the first order after the removal that removal was not contrary to the child's welfare (or best interests).
- * at removal, or up to 60 days after (the proposed federal regulations allow up to 60 days), there must be a court order finding that reasonable efforts were undertaken to avoid or reduce the need for placement. The Court may find that what was done was appropriate, even in some cases when no action was taken. In addition, the Court may determine that reasonable efforts are not required on the basis of certain factors identified by State statute (Chapter 7 of the Laws of 1999).
- * every 12 months after a foster care placement, following a permanency hearing, a court order extending placement must document the reasonable efforts that are being provided to reunify the child with the child's parent(s). If the permanency planning goal is other than return home, the reasonable efforts to achieve the alternative permanency goal must be documented in the court order.

We all have a stake in obtaining the best outcomes possible for children and families served by the State's child welfare system. It is important that the State as a whole, and individual social services districts, make maximum use of available federal child welfare resources. We urge you to put in place and monitor local procedures that result in court orders having the required language to meet Title IV-E requirements. If we can assist you in any way in this area, please contact your OCFS Regional Office Director.

William F. Baccaglioni
Director
Office of Strategic Planning
and Policy Development