

New York Parent Attorney Perspectives, Podcast # 2, April, 2018

Improving Parenting Time: 17-OCFS-ADM-14, *Family Visiting Policy for Children in Foster Care*

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Description: This Podcast continues the discussion of the New York State Office of Children and Family Services (OCFS) Administrative Directive, 17-OCFS-ADM-14, *Family Visiting Policy for Children in Foster Care* (hereinafter the “Parenting Time Directive”).

According to OCFS, <https://ocfs.ny.gov/main/policies/external/>, an **Administrative Directive (ADM)** is an external policy statement “**designed to advise local service districts and voluntary agencies of policy and procedure which must be followed and require specific action.**” The Parenting Time ADM, effective as of January 3, 2018, requires Commissioners of Local Departments of Social Services (LDSSs) and Executive Directors of Voluntary Authorized Agencies (VAs) to develop “a written policy, consistent with the safety and best interests of the child, related to regular parenting time (visitation by the parent of the child in foster care) and family visitation for children in foster care.”

This written policy must be developed “in consultation with relevant stakeholders” and be “consistent with the principles expressed” in the ADM. The local parenting time policy is meant to “guide decision-making about parenting time and family visiting” and provide “the parties and all stakeholders with clear guidance about maintaining and cultivating children’s connections with their parents and families while they are in foster care.” As of January 3, 2018, each county is required to provide this written policy to parents and other caretakers, foster parents, attorneys for children, and attorneys for parents when a child is placed in foster care.

Materials: The following links and materials are provided in connection with Podcast #2:

1. NYS Office of Children and Family Services, 17-OCFS-ADM-14, *Family Visiting Policy for Children in Foster Care*, https://ocfs.ny.gov/main/policies/external/OCFS_2017/ADFs/17-OCFS-ADM-14.pdf
2. NYC Administration for Children’s Services, Policy and Procedure #2013/02, *Determining the Least Restrictive Level of Supervision Needed for Families with Children in Foster Care*, <http://www1.nyc.gov/assets/acs/policies/init/2013/C.pdf>

3. Mimi Laver, American Bar Association Trends and Tips: *Family Time/Visitation: The Road to Safe Reunification*,
https://www.americanbar.org/content/dam/aba/administrative/child_law/conf/FamilyTime_Visitation_Road_to_Safe_Reunification.authcheckdam.pdf
4. Child Welfare Information Gateway, Supporting Parent/Child Visits (listing resources) -
<https://www.childwelfare.gov/topics/permanency/reunification/parents/visiting/>
5. New York City Administration for Children's Services (ACS), *A Bridge Back Home: Visit Hosts*,
http://www.nccourts.org/citizens/cprograms/improvement/documents/7visit_host.pdf
6. Center for Family Representation, *Cornerstone Advocacy: Small Adjustments and Next Actions: Visiting* (excerpt)
https://www.ils.ny.gov/files/Parent_Representation/Podcast_2_CFR_Small_Adjustments_Visiting.pdf
7. Center for Family Representation, *Cornerstone Advocacy (for Solo Practitioners): Visiting*
https://www.ils.ny.gov//files/Parent_Representation/Podcast_2_-_CFR_Cornerstone_Advocacy_for_Solo_Practitioners_Visiting.pdf
8. The examples of motions below are provided not as templates, but to give you some general ideas about the types of requests you might make and the supporting documentation and authority you might cite.

While practice varies as to whether parenting time motions are made by Notice of Motion or Order to Show Cause, note that there are differences in the two methods. See CPLR § 2214; Uniform Rules for the Trial Courts, 22 NYCRR 202.7; Uniform Rules for the Family Court, N.Y. Ct. Rules § 205.11; see also 2PT1 West's McKinney's Forms Civil Practice Law and Rules § 5:9 (Notice of Motion); 2PT1 West's McKinney's Forms Civil Practice Law and Rules § 5:16 (Orders to Show Cause) (accessible on Westlaw).

- *Order to Show Cause and Affirmation in Support* (Center for Family Representation)
https://www.ils.ny.gov/files/Parent_Representation/Podcast_2_-_CFR_Order_to_Show_Cause.pdf
- *Notice of Motion to Modify and Affidavit in Support* (Hiscock Legal Aid Society).
https://www.ils.ny.gov/files/Parent_Representation/Podcast_2_-_Hiscock_Sample_Motion.pdf