

Kin-First Firewall FAQs

1. What is a “non-kinship placement request”?

A non-kinship placement request refers to the communication between staff involved in the placement decision and the secondary level reviewer(s) about the necessity of a non-kinship placement. This may be verbal or written. LDSSs and VAs may formalize this process by developing a form, checklist, holding meetings, or simply have informal discussions about efforts to achieve kinship placements. The documentation of having made the request, whether verbal or written, must be included in the child’s case record in CONNECTIONS. The goal is to provide comprehensive information about the efforts that have been made to determine whether non-kinship placement is necessary or whether additional actions should be taken to achieve a kinship placement.

2. What efforts must be made to place a child with kin before a non-kinship placement request is approved?

Certain efforts to place a child with kin are required by statute and regulation.¹ A non-kinship placement request must be granted only temporarily while such efforts are underway (if a kinship placement cannot be immediately secured). LDSSs and VAs **must**, at a minimum, meet the following legal requirements to identify, notify, and inform kin of their options:

Within 30 days of a child’s removal, or earlier if directed by a court, LDSSs must exercise due diligence in identifying relatives, notifying them of the child’s removal, and providing information on options under which they may provide care for the child, including foster care and non-foster care options. Persons requiring such notification are

- the child’s grandparents;
- all parents of a sibling of the child with legal custody of such sibling;² and
- other adult relatives, including adult relatives suggested by the child’s parent or parents.

During a child protective proceeding under Article 10 of the Family Court Act, the court will also require LDSSs to notify

- any non-respondent parent of the child,
- all relatives or suitable persons identified by the child’s parent(s), and
- any relative identified by a child over the age of 5 as a relative with a significant positive role in the child’s life.

Informing kin of their options

After kin are located, LDSSs and VAs are required to meaningfully inform kin about their caregiving options. Kin must decide whether to become a caregiver, how to take custody, and what their choice means in terms of their decision-making authority, access to financial

¹ FCA §1017, 18 NYCRR 430.11(c)(4).

² https://ocfs.ny.gov/main/policies/external/OCFS_2015/ADMs/15-OCFS-ADM-01.

support, relationship with the LDSS and/or VA, and available long-term permanency outcomes. Potential kinship caregivers may feel pressured to decide quickly, may not fully understand the implications of their decisions, and may not be sure what questions to ask. It is for these reasons that the caseworker should review the materials with the potential kinship caregivers, while affording them the time to ask questions and seek guidance. Supporting kinship caregivers in making an informed decision is not an event but rather a process that may require more than one visit with the caregiver.

OCFS has produced informational materials to help aid the conversation. LDSSs and VAs should be sure to review OCFS policy and ensure that the mandated publications are provided to kin who are identified as possible caregivers.³

3. *How does a kin-first firewall work if the child is removed on an emergency basis?*

There should be clear protocols for identifying and notifying kin immediately during an emergency removal. If the kin caregiver chooses to become a foster parent, the home should be evaluated for potential approval as an emergency foster boarding home. Approving emergency foster boarding homes allows LDSSs and VAs to immediately place a child who must be removed from their home with kin while providing the kin with the supports that a fully approved foster boarding home receives. LDSSs/VAs can approve an emergency foster boarding home by completing, evaluating, and approving an expedited home study.

All approved foster boarding homes,⁴ including approved emergency foster boarding homes, are eligible for non-safety waivers.⁵ Waivers are particularly important for emergency placements when kin may not have time to meet all regulatory requirements for approval. A waiver may be requested when an LDSS or VA determines such waiver is necessary to place the child, is in the child's best interests, and is consistent with the health, safety, and welfare of the child. A waiver must be approved by supervisory staff within the LDSS who do not have direct case management responsibilities over the child.

The process for approving emergency foster boarding homes and requesting waivers is outlined in [20-OCFS-ADM-08, Approval of Emergency Foster Boarding Homes and Expanded Waiver Authority](#).

Situations will arise where a child is removed on an emergency basis and no kinship placement resource is immediately available. An emergency non-kinship placement is intended to be temporary while efforts to identify, notify, and engage kin are underway.

It is expected that, in emergency removals where a kinship placement is not possible, LDSSs and VAs will utilize certified foster boarding homes, as appropriate for the needs of

³ https://ocfs.ny.gov/main/policies/external/ocfs_2018/ADM/18-OCFS-ADM-23.pdf.

⁴ Relatives may be approved, rather than certified, for foster boarding home care. A relative is: (1) an adult who is related to the parent or stepparent(s) of a child through blood, marriage, or adoption to any degree of kinship; (2) an adult with a positive relationship to the child or child's family, including but not limited to a child's godparent, neighbor, family friend; or (3) an unrelated person whose placement with such person allows half siblings to remain together in an approved foster home, and the parents or stepparents of one of the half siblings is a relative of such person. (18 NYCRR 443.1(h)).

⁵ 18 NYCRR 443.3(16).

the child, over congregate care. Designated emergency foster boarding homes may be useful in addressing this need. Such homes are exclusively designated to provide temporary care and services to children who enter foster care in a crisis situation that is expected to be resolved within 60 days so that the child(ren) can be reunited with their family.⁶

4. *What specific actions and strategies should occur to locate and engage kin as potential placement resources?*

LDSSs and VAs must consider and make clear what actions, beyond those mandated (see question #2), are expected of staff prior to requesting a non-kinship placement. The following are just some examples of actions and strategies that are strongly encouraged to locate and engage kin.

Locate Kin

- Search for any nonrespondent parent and paternal relatives who may not be immediately identifiable. See [05-OCFS-INF-05, Locating Absent Fathers and Extended Family Guidance Paper](#), for comprehensive information on identifying and locating absent fathers and extended family of children involved in the child welfare system. This includes:
 - Contacting the Prison Locator Service System (518-457-0034) to find out whether the father is incarcerated in New York State
 - Contacting the Putative Father Registry (800-345-5437)
 - Checking the Welfare Management System (WMS) for information, including the names of people the father may have lived with in the past who may also be contacted for help locating the father and other resources.
- Contact resources identified in previous child protective, preventive, and foster care case records, including available databases (i.e., CONNECTIONS, Juvenile Justice Information System for Child Welfare).
- Search child support records, school records, and the child's medical records, and conduct internet and social media searches.
- Speak with children, maternal and paternal relatives, and other collateral contacts (i.e., school staff, health care providers, neighbors, etc.) who can assist in identifying potential kin resources.
- Utilize genograms to facilitate discussion and identification of kin as needed.

Engage Kin

- Practice positive parental engagement. To the extent feasible, birth parents should be treated as partners in identifying placement resources for their child(ren). An effective approach is to inform birth parents of their right to identify kin who they would want to provide care to their child. The parent is more likely to cooperate when feeling empowered rather than helpless in the situation.
- Engage in ongoing meaningful discussions with parents, household members, and the child to identify additional kin resources.
- Hold family team meetings to engage extended family members who may identify and become potential placement resources.
- Fully inform kin resources about their choices for caring for the child, including providing all required information (see question #2) and answering all questions the kin may have.

⁶ 18 NYCRR Part 446.2(a)

While this must happen at first contact, the caseworker should make clear who is available to answer questions going forward and how such person(s) can be contacted.

Identification and engagement of kin need not wait until a child is removed or removal is imminent. Engagement should also take place during the child protective investigation and during the provision of preventive services. By working with the family to identify their support network, future placement resources may be identified.

5. How should kin-first firewall policies address barriers to kinship care?

An effective kin-first firewall is one in which solutions are identified for each obstacle that may prevent kin placement. A non-kinship placement request should not be granted unless all possible and appropriate solutions have been pursued. The following are examples of troubleshooting barriers to kin placement:

- Utilizing waiver authority⁷ when necessary for kin eligible for approval as foster parents. While waivers are not authorized for certified homes, regulations allow flexibility for all foster boarding homes caring for siblings or renting rooms to lodgers or boarders.⁸ For more information on waivers and exceptions, see ([20-OCFS-ADM-08, Approval of Emergency Foster Boarding Homes and Expanded Waiver Authority](#)).
- Maintain clear protocols for conducting safety assessments for any non-mandatory disqualifying crime discovered during a criminal history record check. See [16-OCFS-ADM-20, Fingerprinting and Criminal History Record Checks for Foster and Adoptive Parents](#).
- Purchasing services and/or items necessary to meet regulatory requirements for approval or certification as foster parents, such as those relating to fire safety requirements, sleeping arrangements, car seats, medical clearances, and transportation.
- Providing flexible and specialized trainings for kin caregivers desiring to become foster parents.
- Assisting the caregiver in applying for benefits to alleviate concerns about the costs of caregiving (particularly for kin opting to provide care outside of the foster care system).
- Linking caregivers to community resources (i.e., peer support groups).
- Be responsive to kin resources. Always maintain an open line of communication to immediately address issues and concerns as they arise.

It is critical that barriers to kinship placement be addressed as quickly as possible. LDSSs and VAs should consider how they can quickly meet the needs of kin so that they may become caregivers. A “triage model” has proven successful at increasing safe and appropriate kinship placements. This model brings together key partners on a case to provide rapid assessment and support of kinship placements. Members may include but are not limited to staff with the following roles: child protective worker, intake worker, supervisor, permanency worker, home-finder, and family finding specialist. The team collaborates to complete assessments and necessary documentation, and to stabilize placements so that permanency can be achieved sooner.

⁷ 18 NYCRR 443.3(16).

⁸ 18 NYCRR 443.3(a).