



Appendix C: Tool for RHY Programs to Identify Youth Formerly in Foster Care and Destitute Children

This *optional* tool is available to runaway and homeless youth (RHY) programs to help identify youth who were previously in foster care and are interested in reentering foster care, and youth who might meet the definition of a destitute child. This tool can be used in the context of ongoing conversations with youth to help them develop an individualized service plan that moves them toward achieving their goals.

Identifying and Referring Youth Formerly in Foster Care

- 1) Is the youth at least 18 years old but not yet 21 years old?
 Yes, continue. No, stop.

- 2) Was the youth in foster care (including on trial discharge status) on or after their 16th birthday or, for youth most recently in the custody of OCFS, on or after their 18th birthday?
 Yes, continue. No, stop.

- 3) **A.** If the youth was discharged from foster care between their 16th and 18th birthday, has the youth turned 20?
 No, the youth is not yet 20 years old, continue.
 Yes, the youth has turned 20 or older, stop.

- B.** If the youth was discharged from foster care after their 18th birthday, has it been more than 24 months since their final discharge?
 Yes or unknown, continue. No, stop.

- 4) If the youth was discharged from foster care on or after their 16th birthday, is the youth homeless or at risk of homelessness?
 Yes, continue. No, stop.

- 5) Is the youth aware that in order to reenter foster care, they would need to consent to reenter care AND agree to participate in an appropriate educational or vocational program? Is the youth willing to do so? (Please explain this to the youth to the best of your ability or offer to learn together with the youth and the local department of social services [LDSS].)
 Yes, continue. No, stop.

Next Steps

If an RHY program reasonably believes the youth meets the criteria above for reentry to foster care, program staff must provide information to youth about their ability to reenter foster care in accordance with Article 10-B of the FCA. The document *Were You in Foster Care?* (Pub. 5193), attached to policy 18-OCFS-ADM-19, *Responsibility of Residential Runaway and Homeless*



Youth Programs Regarding Destitute Children and Youth Formerly in Foster Care, can be used for this purpose. Youth are to be referred to the applicable LDSS to further explore their options. The program must maintain documentation of this LDSS contact in the youth’s case file. Youth may continue to receive RHY services while additional service options are explored.

Identifying and Referring Destitute Children

- 1) Is the child or youth under 18 years of age?
 - Yes, continue. No, stop

- 2) Do you have reason to believe the youth has insufficient food, shelter, clothing, or medical care?
 - Yes, continue. No, stop.

- 3) Do you have reason to believe the youth’s experience fits the criteria of an abused¹ or neglected² child?
 - No, continue. Yes, stop and call the Statewide Central Register of Child Abuse and Maltreatment at **1 (800) 635-1522**.

- 4) Is the child’s parent or caretaker (check all that apply):
 - deceased?
 - incapacitated or debilitated in such a way that he or she or they would be unable to knowingly and voluntarily enter into a written agreement to transfer the care and custody of the child³ (examples include the caretaker is incarcerated, deported, medically incapacitated, etc.)? **OR**
 - located outside of New York State **AND**
 - efforts to reunite the caregiver and youth are determined inappropriate, **OR**
 - efforts to reunite the caregiver and youth were unsuccessful.
 - Yes to any of these items, continue. No, stop.

Next Steps

If an RHY program reasonably believes the youth meets the criteria above, the youth may be a destitute child. The program is required to notify the LDSS in the area where the program operates to notify them of this youth. The consent of the youth is not required to make this notification. The program must maintain documentation of this LDSS contact in the youth’s case file. Youth may continue to receive RHY services while additional service options are explored.

Which LDSS should I contact?
For most youth, the applicable LDSS is the LDSS in which the youth was placed in foster care, i.e., the LDSS that previously had care and custody or custody and guardianship of the youth. For youth who most recently left the custody of the New York State Office of Children and Family Services (OCFS), it is the LDSS of the youth’s current residence. All contacts made on behalf of a youth in an RHY program must be preceded by written consent from the youth and recorded in the youth’s case record.

¹ FCA § 1012(e).
² FCA § 1012(f).
³ SSL§§358a or 38-a.