

LEGAL FACT SHEET

Voluntary Placement Agreements: SSL 384-a, SSL 358-a

VPA's provide an option for counties to support children without a court-ordered removal. VPA's can be voluntarily agreed upon by parents or guardians, without formal removals but with placements in kinship homes, or when children are already in kinship homes on a temporary basis, *i.e.*, less than 6 months, via "constructive" removals where parents or guardians agree to the placement.¹ In both instances, so long as the caregiver is certified as a foster parent, children can remain in the home of a kinship caregiver, without compromising supports, services or funding that would otherwise be available to the caregiver, the parents, and the child if the child had been taken into the public custody of the state.

For More information about VPA's Visit:

- <http://www.lawhelpny.org/resource/voluntary-placement-in-foster-care?ref=XMvX5>
- https://www.nycourts.gov/courts/7jd/courts/family/case_types/voluntary_foster_care_placement.shtml
- <https://affcnny.org/the-new-york-state-family-court-process/>

Model Agreement Form:

- https://ocfs.ny.gov/main/policies/external/OCFS_2000/ADMs/00-OCFS-ADM-02%20Attachment%20MODEL%20VOLUNTARY%20PLACEMENT%20AGREEMENT%20FORM.pdf

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¹ At the time of agreement, the child is considered to be "constructively" removed from the parent – although already living with a relative and thus not physically removed from the parent (Children's Bureau, 2017).