

## 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.<sup>1</sup> 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://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](https://ocfs.ny.gov/main/policies/external/OCFS_2000/ADMs/00-OCFS-ADM-02%20Attachment%20MODEL%20VOLUNTARY%20PLACEMENT%20AGREEMENT%20FORM.pdf)

The above information is not legal advice. It is not a substitute for consulting an attorney. Up-to-date legal advice and legal information can only be obtained by consulting with an attorney. Any opinions, legal opinions, findings, conclusions or recommendations expressed in this publication or on the NYS Kinship Navigator website or by any person or entity to whom you may be referred are those of the Kinship Navigator, Catholic Family Center and/or the person or entity you are referred to and do not necessarily represent the official views, opinions, legal opinions or policy of the State of New York and/or the New York State Office of Children and Family Services (OCFS). NYS Kinship Navigator is a Catholic Family Center program, funded by the New York State Office of Children and Family Services. Catholic Family Center is the only agency authorized by New York State to provide a statewide information and referral service to kinship caregivers. The information herein is published by the NYS Kinship Navigator.

<sup>1</sup> 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).