



Office of Children and Family Services

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Informational Letter

Transmittal:	19-OCFS-INF-04
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	June 26, 2019
Subject:	Use of Communication Technologies by Children in Foster Care
Suggested Distribution:	Directors of Social Services Planning Coordinators Staff Development Coordinators
Contact Person(s):	See section IV.
Attachments:	<i>Social Media: Tips for Foster Parents and Caregivers</i> <i>Social Media: Tips for Youth in Foster Care</i> <i>Social Media: Tips for Foster Care Workers</i> <i>Child's Cell Phone and Online Safety Contract</i> <i>Caregiver's Cell Phone and Online Safety Contract</i>

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
15-OCFS-ADM-21 17-OCFS-ADM-01		18 NYCRR 441.25	P.L. 113-183		

I. Purpose

The purpose of this Informational Letter (INF) is to provide guidance to local departments of social services (LDSSs) and voluntary authorized agencies (VAs) on the use of communication technologies by children in foster care. LDSSs and VAs are reminded that caregivers must apply the reasonable and prudent parenting standard (RPPS) when deciding whether a child in foster care may participate in normative experiences.

Communication technologies are essential components of normalcy for all children, including those in foster care. Communication technologies include, but are not limited to, cell phones, mobile devices, computers, social media, and the internet. Caregivers must therefore apply RPPS to determine the amount of support the child needs to access communication technologies safely. For purposes of this INF, the term “child(ren)” includes youth to age 21. The term “caregiver” includes the foster parent with whom the child in foster care has been placed or a designated employee of a congregate care facility in which the child has been placed.¹

II. Background

On September 29, 2014, President Barack Obama signed the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) [the Act]. Section 111 of the Act required states to support normative experiences for children through implementation of the RPPS.² Under the standard, a foster parent or designated employee of a congregate care facility makes parental decisions that maintain the health, safety, and best interests of the child, as well as decisions about the child’s participation in extracurricular, enrichment, cultural, and social activities that are age and developmentally appropriate, in a way that protects the child while allowing for normative experiences.

The New York State Office of Children and Family Services (OCFS) provided guidance on the implementation of Section 111 of P.L. 113-183, through a series of policy directives³ and regulations.⁴ The use of cell phones and social media by children in foster care was highlighted as a normative experience in policy directive 15-OCFS-ADM-21, Attachment C, *Applying the Reasonable and Prudent Parent Standard: “Know” Before You Say “No,”* and more recently, OCFS was asked by LDSSs and VAs for further guidance on the subject. Various stakeholders, including LDSSs, VAs, and the OCFS Youth Advisory Board (YAB)⁵ were engaged by OCFS in the drafting of this INF and related tools.

Normalcy is allowing children in foster care to have experiences growing up that are similar to those of their peers who are not in foster care. Participation in normative activities is a critical component in a child’s healthy social, emotional, and cognitive development that prepares them for a successful transition to adulthood. Providing young people with opportunities to fully participate in school and community activities enables them to develop and broaden supportive networks that can continue into adulthood. For older children, normalcy means opportunities to practice adult skills, such as managing their own finances, driving and maintaining a network of work, school, and social relationships. Practicing adult skills creates positive stress, which is the kind of stress through which young people can learn how to manage and regulate their emotions as well as develop social, behavioral, and cognitive coping resources. As they learn to overcome challenges, young people begin to develop the skills they need to navigate the ups and downs of life.⁶

¹ 42 U.S.C. § 675 (as amended in 2014 by P.L. 113-183, § 111).

² 42 U.S.C. §§ 671, 675, 677 (as amended in 2014 by P.L. 113-183, § 111).

³ 15-OCFS-ADM-21 and 17-OCFS-ADM-01.

⁴ 18 NYCRR 441.25.

⁵ The YAB is comprised of current and former foster youth from New York State who advise and collaborate with OCFS on policy topics related to foster care.

⁶ Jim Casey Youth Opportunities Initiative. *What Young People Need to Thrive: Leveraging the Strengthening Families Act to Promote Normalcy*, 2015. Baltimore: Annie E. Casey Foundation. <http://www.aecf.org/m/resourcedoc/aecf-whatyoungpeopleneedtothrive-2015.pdf>

One example of a normative experience is the use of communication technologies. In a 2018 Pew Research survey, 95 percent of U.S. teens ages 13-17 reported that they have access to a smartphone, which represents a 22 percent increase from the 73 percent of teens ages 13-17 who said this in 2014-2015. Smartphone ownership is nearly universal among teens of different genders, races and ethnicities, and socioeconomic backgrounds. In the same 2018 survey, 88 percent of U.S. teens ages 13-17 reported that they have access to a desktop or laptop computer at home; however, access to computers varies greatly by income level. Fully 96 percent of teens in households with an annual income of \$75,000 or more per year say they have access to a computer at home, and 75 percent of teens in households earning less than \$30,000 per year also report having access to a computer at home.⁷ Communication technologies include, but are not limited to, cell phones, mobile devices, computers, social media, and the internet. They are used for a variety of activities including, but not limited to

- navigation via maps and Global Positioning System (GPS),
- social communication,
- accessing health information,
- online banking,
- bill payment,
- locating housing,
- applying for jobs,
- applying for post-secondary education and training
- seeking and applying for government services,
- doing homework, and
- taking classes.

It is evident from the Pew Research Survey described above that the use of communication technologies has become increasingly important in the lives of children today and would be considered a normative experience. Historically, children involved with the child welfare system often have less computer access and use due to residential instability, educational discontinuity, and other environmental obstacles.⁸ It is critical that children in foster care are not left behind their peers due to a digital divide. Given the requirement of P.L. 113-183⁹ that caregivers apply RPPS to determine whether a child in foster care may participate in normative experiences, OCFS expects that LDSSs and VAs will empower caregivers to apply RPPS to allow children in foster care the normative experience of accessing communication technologies. Applying RPPS will allow caregivers to determine the amount of support that each individual child needs to safely access communication technologies.

III. Program Implications

As with most people, children in foster care rely on access to communication technologies to maintain self-sufficiency and navigate the responsibilities of modern life. Children in foster care also rely on communication technologies to create vital connections with friends and family, which can be especially important given their history of trauma and family separation. The feeling of normalcy and independence when youth have similar access to

⁷ Anderson, Monica and Jiang, Jingjing. *Teens, Social Media & Technology 2018*. May 31, 2018: Pew Research Center.

⁸ Kerman, Ben. *Foster Care Program Needs Assessment: Results of the Foster Parent and Foster Youth Interview*, 2000. New Haven: Casey Family Services.

⁹ 42 U.S.C. § 671 (as amended in 2014 by P.L. 113-183, § 111).

communication technologies to their peers is fundamental to their self-esteem and well-being.

Caregivers must utilize RPPS to determine how much support a child needs to safely use communication technologies. RPPS is discussed in detail in 15-OCFS-ADM-21; in general, applying RPPS consists of the following:

- Engagement of the birth/adoptive parent, guardian or prior caretaker in discussions regarding the child's use of communication technologies
- Considering the individual child's needs to determine the level of support the child needs to utilize communication technologies safely, or if having a communication device would be beneficial

Providing children with supervision and guidance appropriate to their age and development, setting appropriate boundaries, balancing responsibility with privilege, and providing a safe environment permits the development of a sense of self; participation in healthy risk-taking activities; the ability to safely make mistakes and learn from them. It also supports the creation of a supportive network of family, friends, and community. All of these elements are needed to help children acquire the essential life skills that give them a meaningful chance at achieving safety, permanency, and well-being.¹⁰

The use of communication technologies is beneficial in many ways, but it also exposes all children, including those in foster care, to certain risks such as cyberbullying and inappropriate communication. Inappropriate communication may include, but is not limited to, talking with birth parents for whom there is a no contact order, sexting, and receiving and/or sharing information that is disturbing or not developmentally appropriate. However, there are many things that caregivers can do to help minimize the risk to the child. Some examples include:

- Apply RPPS to determine how much support the child needs to utilize communication technologies.
- Engage in candid discussions about safety and privacy of communication technologies with all household members.
- Discuss and apply expectations and rules for use of communication technologies.
- Set strong privacy settings and filters on the Internet to reduce the amount of inappropriate content.

Frequently asked questions regarding use of communication technologies by children in foster care:

1. Is a child in foster care allowed to use communication technologies (such as cell phones, mobile devices, and/or social media)?

OCFS encourages LDSSs and VAs to allow children in foster care to use communication technologies while each child's caregiver(s) apply the RPPS to determine the amount of support the child needs to access them safely.

¹⁰ Pokempner, J., Mordecai, K., Rosado, L., Subrahmanyam, D. (2015). Promoting Normalcy for Children and Youth in Foster Care. Juvenile Law Center.
http://jlc.org/sites/default/files/publication_pdfs/JLC-NormalcyGuide-2015FINAL.pdf

2. Is a child in foster care allowed to utilize communication technologies in an educational setting or for academic purposes?

If the school policy is that a child needs to use a communication technology in an educational setting or for academic purposes, then a child in foster care **must** be permitted to do so. In rare situations, where such use would put the safety or well-being of a child in foster care at risk, all members of the child's case-planning team should meet to determine how the child may safely participate in the activity.

3. What are some benefits of a child in foster care using communication technologies?

Children's use of communication technologies is common and may be required for older children to complete assignments or be in touch with employers. Allowing a child in foster care to use a cell phone and/or other mobile device can

- promote normalcy for the child,
- enable the child to maintain social ties and family connections through phone calls and texting,
- support contact with the child's caregivers,
- allow the child to utilize the GPS capabilities for directions, and
- enable the child to safely report their location to their caregivers or emergency personnel in the case of an emergency.

4. What are some of the benefits of a child in foster care having access to social media?

Children's use of social media is common. Allowing a child in foster care to access social media can

- promote normalcy for the child,
- help the child maintain social ties and family connections,
- maintain contact with their caregivers,
- allow the child to receive support by connecting with peers who have similar life experiences,
- provide an outlet for the child to express their feelings and ideas using photos, videos, blogs, and other digital venues, and
- enable the child to access information and gain knowledge on topics of interest.

5. How does a caregiver apply the RPPS to determine whether a child in foster care should participate in a normative experience, such as having or using communication technologies?

When using the RPPS to determine whether a child in foster care may participate in a normative experience (including using communication technologies such as a cell phone, mobile device, and/or social media), the caregiver should

- where appropriate, engage the birth/adoptive parent, guardian or prior caretaker and child (if age appropriate),
- consider the age and developmental stage of the child and whether the activity being considered is age or developmentally appropriate for a child of a similar age or developmental stage,

- determine whether there is a court order or order of protection that limits whom the child may interact with or prohibits or limits the child's access to cell phones, and/or other communication devices, and
- determine whether there are other considerations that may affect the individual child's safety or well-being if the child is allowed to participate in the normative experience, or if having a communication device would be beneficial.¹¹

6. Can a caregiver be held liable if they allow a child in foster care to participate in the normative experience of using communication technologies and the child is injured?

If the child in foster care is injured as a result of the decision to allow participation in age appropriate or developmentally appropriate activities (normative experiences), the caregiver is not liable for such injuries if the decision to allow such participation was made in compliance with the standard and the caregiver had completed the training on the standard approved and issued by OCFS.¹²

7. How can caregivers mitigate possible risks of a child in foster care having access to communication technologies while still allowing for the normative experience?

There are many things a caregiver can do to help mitigate risks that may be involved with a child using communication technologies:

- Set parental controls to filter out inappropriate material and strengthen privacy settings.
- Ask the child to "friend" or "add" at least one responsible adult of their choosing to each social media platform they use.
- Teach the child how to create and protect passwords.
- Discuss limits on the usage of communication technologies with the child.
- Have ongoing conversations with the child about online safety, protecting personal information (address, phone number, photos, etc.), and being alert to online solicitation.
- Educate the child about cyberbullying including advising the child not to send or respond to inappropriate posts or photos and help them document, block and report cyberbullying if needed.
- Understand the child's online language (abbreviations, hashtags, emojis).
- Honor the age requirements that are listed for websites and games.

8. How may the cost of cell phones and other communication technologies for a child in foster care be covered?

There are several potential sources of funds to cover the cost of phones and other communication technologies:

- The child's birth parents/guardians
- The foster parent or caregiver
- The child

¹¹ 15-OCFS-ADM-21.

¹² 17-OCFS-ADM-01.

- Special payments
- Chafee funds¹³
- The New York State Lifeline Discounted Telephone Service
 - The “Lifeline” is an assistance program offered by many telephone providers, including some wireless and cable companies, to help income eligible consumers save money on their phone bills. The lifeline discount can be applied to either home telephone service (landline or cable) or wireless service. The discount is available for only one line per household. Lifeline can be applied for directly through participating telephone companies.¹⁴

9. Is a caregiver allowed to restrict a child’s use of a cell phone and/or other communication technologies?

As part of applying the RPPS, a caregiver is expected to support the cognitive, social, emotional, physical, and educational development of the child as they would their own child by providing guidance and support, setting behavioral expectations, and establishing age and developmentally appropriate boundaries.

10. What should a foster parent or caregiver do if they have concerns about a child’s use of cell phones or other communication devices?

As with all matters concerning the safety and well-being of a child in foster care, foster parents and caregivers are expected to discuss their concerns with the child, the case worker, and/or the child’s case-planning team. A collaborative approach to addressing concerns that arise while applying the RPPS will determine the most appropriate response to meet the child’s individual needs while maintaining their safety and well-being.

11. Are there additional resources/tools that can be used by caregivers and children in foster care to support the caregiver’s application of the RPPS and the child’s access to the normative experience of using cell phones and/or other communication devices?

Attached to this INF are several informational resources that can be used by caregivers and children in foster care to support children’s use of cell phones, mobile devices, and/or social media. There is no mandate to use these resources; however, they can be used by caregivers to lead conversations about cell phone and online safety with children in foster care. The attached resources are as follows:

- [Social Media: Tips for Foster Parents and Caregivers](#)
- [Social Media: Tips for Youth In Foster Care](#)
- [Social Media: Tips for Foster Care Workers](#)
- *Child’s Cell Phone and Online Safety Contract*
- *Caregiver’s Cell Phone and Online Safety Contract*
- 15-OCFS-ADM-21: [Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard](#)

¹³ 18-OCFS-LCM-07.

¹⁴ <http://www3.dps.ny.gov/W/AskPSC.nsf/All/01BC8E76E515299785257FA2006AE2F7?OpenDocument>

IV. Contacts

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