

# *Adoption and Safe Families Act (ASFA)*

## What is ASFA and how will it affect me?

If your child has been removed from your care and put into the foster care system, you are in danger of losing your parental rights permanently.

The Adoption and Safe Families Act (ASFA) was passed into law in 1997 because Congress was concerned over the length of time children were living in foster care and that sometimes children were returned to unsafe homes.

It is now easier for the courts to speed up adoptions and terminate the parental rights of parents with children in foster care.

ASFA requires that the courts begin the process to terminate the parental rights of men and women who have had children in foster care for 15 months out of the last 22 months.

There are some exceptions -- individual circumstances may be considered. For example, if your child is living with a family member (kinship care), these timeframes will not apply.

In addition, if you are in treatment for alcohol or drug abuse, you might not lose your parental rights if you stay in treatment, attend all court dates, and show a desire to be reunited with your child.

## 3 steps

OASAS would like to thank the staff of Daytop Village for their assistance in developing this publication.



*to help  
keep your  
family  
together*



NEW YORK STATE  
OFFICE OF ALCOHOLISM AND  
SUBSTANCE ABUSE SERVICES  
1450 WESTERN AVENUE  
ALBANY, NY 12203-3526  
[WWW.OASAS.STATE.NY.US](http://WWW.OASAS.STATE.NY.US)

GEORGE E. PATAKI  
GOVERNOR

JEAN SOMERS MILLER  
COMMISSIONER

# Adoption and Safe Families Act (ASFA)

What should you do if you are a parent with an alcohol or drug problem?

## 1 Admit you have a problem

Admitting you have a problem with substance abuse is hard, especially if you are a parent. Many people are afraid to make this life-long change. Others feel ashamed because of their addiction. These feelings of fear or shame may be stopping you from being a better parent and gaining control over your life.

Facing your problems with alcohol or drugs does not make you guilty of child abuse or neglect, nor does it mean that you will lose your children as a result. If you have a history of alcohol or drug abuse, a judge may question your ability to be a good parent and provide your children with a safe and caring environment.

By admitting you have a problem with alcohol or drugs, you and your children can begin the rewarding journey to a better life.

## 2 Get into treatment

If you have a problem with alcohol or drugs, getting into treatment may help keep your family together.

If you are unwilling to go to treatment, the court may view you as an unfit parent and proceed to terminate your parental rights. If you seek help now, and stay in treatment, you can show the court that you are getting clean and sober, as well as learning to be a good parent.

There are many treatment options available to you. Your treatment program can help you get legal assistance, as well as other services you may need, such as child care and visits with your children. Treatment programs offer services to meet your special needs, such as:

- parenting classes
- GED and educational assistance
- vocational training
- family counseling
- life-skills training

## 3 Tell someone if your parental rights are in jeopardy

If you have received a notice that your parental rights are in jeopardy, or if you have missed a court appointment, it is important to tell your counselor. To be in denial will not help you keep your kids. Only by facing the problem and asking for help, can you prevent the loss of your parental rights.

Don't suffer alone and in silence. Let your counselor know if you have children living in foster care or with another relative. Your treatment program can help.



If your child has been removed from your care:

- **Get in treatment and stay in treatment** if you have a problem with alcohol or drugs. Call 1-800-522-5353.
- **Tell your counselor about your children**, the dates they were removed, and if there is a relative who can care for your child.
- **Understand that you have the right to an attorney.** Keep all court appearances. Take the steps recommended by your lawyer and the court.
- **Take action now** to show the court that you are getting help and becoming a better parent.
- **Maintain a friendly relationship with the foster care agency and foster parents.** Visit your child as often as permitted. This will show the courts you are interested in the well being of your child.
- **Attend parenting classes** and bring proof with you to court.
- **Work with your lawyer and your counselor.** Remember to ask questions about what is happening in your case.
- **Attend 12-step support meetings whenever you can.**