

ADMINISTRATIVE DIRECTIVE

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES
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Albany, New York 12243
Cesar A. Perales, Commissioner



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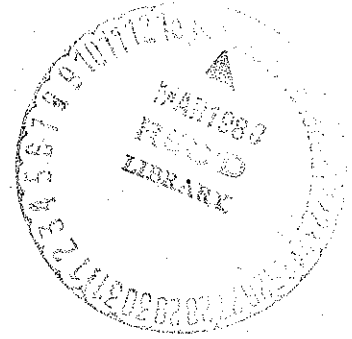
DATE: March 1, 1988

DIVISION: Family and Children's Services

TO: Commissioners of Social Services
Executive Directors

SUBJECT: The Discipline of Children in Foster Care
18 NYCRR Section 441.9

SUGGESTED DISTRIBUTION: Social Services Staff
Child Placement Agencies
Staff Development Coordinators



CONTACT PERSON: Any questions concerning this release should be directed to Frederic H. Cantlo, Regional Director, Metropolitan Regional Office, telephone 212-488-3485; John O'Connor, Regional Director, Albany Regional Office, telephone 518-432-2751; Linda Brown, Acting Regional Director, Buffalo Regional Office, telephone 716-847-3145; Frank Petrus, Regional Director, Rochester Regional Office, telephone 716-238-8200; Jack Klump, Regional Director, Syracuse, Regional Office, telephone 315-428-3234.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
82-ADM-45		441.4 441.9 441.17 442.2			SDSS Publication #1106A <u>Understanding State Policy on the Discipline of Dependent Children</u> March, 1984

I. PURPOSE

This directive has two purposes. The first is to facilitate compliance with the Department's discipline regulation, 18 NYCRR Section 441.9.

- a. Deprivation of meals, snacks, mail, or visits by family as methods of discipline is prohibited.
- b. Room isolation, as a method of discipline, is prohibited.
- c. Corporal punishment is prohibited.
- d. Solitary confinement is prohibited.
- e. Discipline shall be prescribed, administered, and supervised only by adults. Such responsibilities shall never be delegated to children.

The second purpose is to have authorized agencies review their policy manuals on discipline, as required by 18 NYCRR Section 441.4, to insure that such manuals include the Department's discipline regulation and principles that will provide staff and foster parents with a framework to understand what constitutes effective child discipline.

II. BACKGROUND

The Department's regulatory policy began to evolve in 1964 and reached its present form in 1977. It is a regulatory policy that applies to the care of children in all foster care programs of all public and private agencies in New York State.

Since its inception the goal of the discipline regulations has been to protect children in agency care from harmful punishment, abuse, maltreatment, and improper supervision. Implicit in the discipline regulations are the following principles:

1. Discipline is an integral part of the education and socialization of every child.
2. Normal growth of a child and the development of a strong self concept is not possible without effective discipline.

NOTE: The self-concept is defined on page 32 of the Department's publication, Understanding State Policy on the Discipline of Dependent Children. A strong self-concept means there is a feeling of self-worth and a self-identity that is realistic rather than distorted by feelings of personal inadequacy, irrational anger or guilt.

3. Harsh and severe punishments are ineffective methods of discipline, impede the development of a strong self-concept, and increase the social distance between caretaking adults and children.

4. The nature of each child's disciplinary experience profoundly influences the development of personality and the formation of character.
5. The quality of disciplinary practices often determines the stability, order, and health of a family/group.
6. Adults responsible for the discipline of children should understand each child's need for respect, dignity, security, positive role models, and satisfying relationships with peers and adults, especially those who are perceived as the controlling authority in their lives.

III. PROGRAM IMPLICATIONS

- A. Acceptance and understanding of the Department's policy by new child welfare staff and foster parents is generally facilitated by open discussions of individual views on child discipline and by agency guidance that supports the efforts of staff and foster parents at learning disciplinary practices consistent with the best interests of children.
- B. Acceptance and understanding of the discipline policy, adherence to its requirements, and the use of enlightened child care practices (positive discipline) are essential for maintaining a functional program that is goal oriented, concerned with the protection and the development of children, and capable of implementing permanency plans.

NOTE: See page 11 of Understanding State Policy on the Discipline of Dependent Children for a definition of positive discipline.

- C. Violations of the discipline policy may be indicative of dysfunctioning in a foster home or in a foster care facility. Dysfunctioning means a foster home or a facility has become or is becoming incapable of responding effectively to the needs of an individual child or group of children. The major consequences of violations with the discipline policy may be one or more of the following:
 1. Physical injury to children.
 2. Psychological trauma to children.
 3. Breakdowns in communication and relationships.
 4. The demoralization of a family/group.
 5. The decline, if not loss, of family/group cohesiveness.
- D. The importance of effective discipline for maintaining a functional foster home and a foster care facility makes it incumbent upon all agencies with foster care programs to provide instruction for new child care staff, foster parents, and caseworkers about their discipline policy and the methods of discipline prohibited by Department regulation. Providing such instruction is a preliminary but basic step to the mastery of skills that enable child care workers, foster parents, and caseworkers to be effective disciplinarians when such a role is needed.

IV. REQUIRED ACTION

By March 1, 1988 each authorized agency with a foster care program shall be required:

- A. To have reviewed its policy manual statement on discipline that is required by 18 NYCRR Section 441.4, for the purpose of determining if it is helping staff and foster parents to understand their roles and responsibilities as disciplinarians in promoting the social adjustment and the emotional development of children in foster care.

NOTE: The scope and length of the policy manual statement on discipline is left to the discretion of the agency.

- B. To make certain that the policy manual statement highlights the Department's discipline regulation 18 NYCRR Section 441.9 and clearly describes what is meant by discipline.

- C. To provide instruction with regard to the policy manual statement for:

- 1. Program specialists, child care staff, caseworkers, supervisors, and administrators during the agency's orientation program on work duties and not later than the first day when they are assigned responsibility for working directly or indirectly in behalf of a child or children in placement.

- 2. All foster parents prior to the placement of the first child in their homes.

- D. To have supervisory staff learn the rationale for the Department's regulations on discipline and to prepare themselves for leading staff discussions on problems related to corporal punishment, room isolation, solitary confinement, deprivation of food, mail and family visits as well as other child discipline issues.

NOTE: See "The Rationale for the Discipline Policy, Regulation 441.9" on pages 6-10 in Understanding State Policy on the Discipline of Dependent Children.

V. RECOMMENDED ACTIONS

- A. Provide foster parent applicants, new child care and child welfare staffs with the opportunity to participate in open discussions of child discipline. In particular, their views on what they have found from their own experiences to be effective discipline should be examined and evaluated. Useful goals of such discussions would be to prepare the participants for learning principles of discipline and for mastering problem-solving methods that:

- 1. Protect a child's feeling of self-respect.

NOTE: See Appendix A, Guidelines for Supervising Children.

2. Increase the child's self-awareness of a family's or group's rules and of what is expected of him/her.
 3. Reduce the child's anxiety and improve the child's self-control.
 4. Promote social learning and the child's capacity for self-regulation.
 5. Support and maintain a social climate that is conducive to the development of relationships, constructive and healthy social interaction, and personal growth.
- B. When indicated, encourage foster parent applicants, new child care workers, and beginning child welfare caseworkers to discuss what they think of corporal punishment, room isolation, solitary confinement and the deprivation of food, mail and family visits as methods of disciplining children. Useful goals of such discussions would be:
1. To examine the assumptions and fallacies that some persons may use to justify severe and harsh punishments.
 2. To dispel the idea that severe and harsh punishments have any lasting positive effects.
 3. To understand why severe and harsh punishments lower a child's self-confidence and self-esteem and impede the development of a strong self-concept.
 4. To distinguish between firmness and rigidity, flexibility and permissiveness, reprimands and scoldings, being authoritative and authoritarian, strictness and punitiveness, etc.
- C. Enable child care and child welfare staffs to understand why room isolation as a method of discipline is prohibited. Staff and caseworkers in institutions where room isolation is allowed as a restraint technique pursuant to 18 NYCRR Section 442.2 should understand the difference between room isolation as a form of discipline and room isolation as a form of restraint and should understand how and why room isolation can be used as a form of restraint pursuant to the institution's restraint policy. Staff and caseworkers should be made aware of the definition of room isolation found in 18 NYCRR Section 441.17(a)(6).

NOTE: The two policies may be further clarified by reviewing 82-ADM-45 and pages 6-7 of the SDSS booklet, Understanding State Policy on the Discipline of Dependent Children.

- D. Contact a regional office of the Department for technical assistance in developing or evaluating the agency's policy manual on discipline and for consultation regarding disciplinary issues that are

not addressed in this directive or the Department's booklet, Understanding State Policy on the Discipline of Dependent Children.

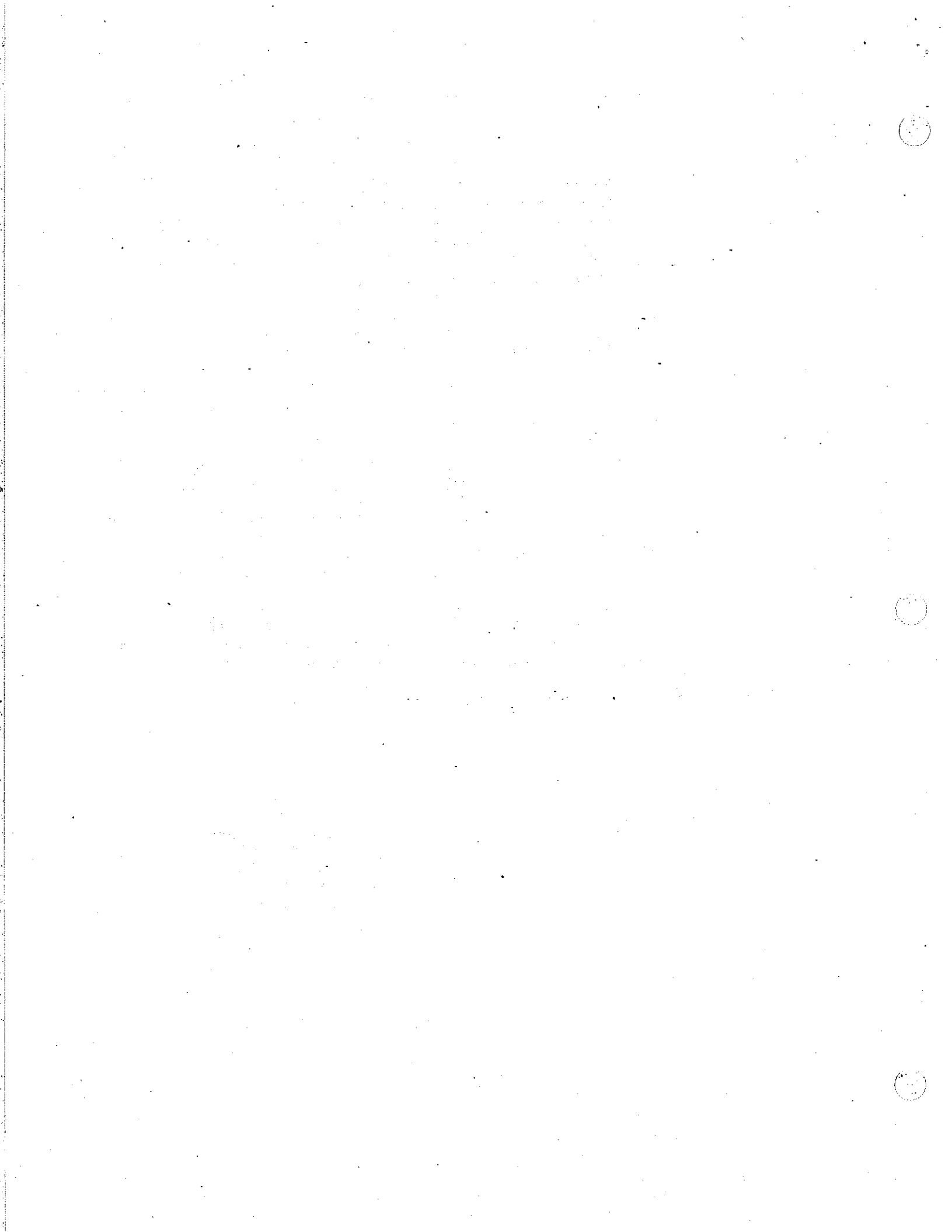
VI. ADDITIONAL INFORMATION

- A. The following are recommended as sources of information for assisting agency staff in developing the policy manual statement.
1. Understanding State Policy on the Discipline of Dependent Children, New York State Department of Social Services. Publication #1106 (3/84) may be ordered from the SDSS Forms and Publications Section, 40 North Pearl Street, Albany, New York 12243. A copy may also be obtained from the Department's regional offices.
 2. "Spanking: A Grand Old American Tradition" by Ralph S. Welsh in Children Today, January-February 1985. Copies available from the SDSS Materials Resource Center, One Commerce Plaza, Room 725, Albany, New York 12260.
 3. The Child Care Worker: Discipline, Instructor's Manual, DHHS Publication No. 79-30202. A copy may be borrowed from the SDSS Materials Resource Center, One Commerce Plaza, Room 725, Albany, New York 12260.
 4. Fostering Discipline - Instructor's Manual, Patricia Ryan, Institute for the Study of Children and Families, Eastern Michigan University, Ypsilanti, Michigan 48197.
 5. Foster Parent Training: A Curriculum and Resource Manual, New York State Child Welfare Training Institute, State University College at Buffalo, 1300 Elmwood Avenue, Bacon Hall 117, Buffalo, New York 14222. A copy may be borrowed from the Materials Resource Center, One Commerce Plaza, Room 725, Albany, New York 12260.
 6. A New Approach to Discipline: Logical Consequences by R. Dreikars and L. Grey. This book introduced the principle of logical consequences as an approach to child care work.
 7. A Good Enough Parent: A Book on Child Rearing by Bruno Bettelheim. Chapter 9, "About Discipline", Chapter 10 "Why Punishment Doesn't Work", and Part II on "Developing Selfhood" are recommended for study by administrators and supervisors.
 8. "An Integral Model of Caregiver Discipline" by Stephen Greenspan. Child Care Quarterly, Volume 14, Number 1, Spring 1985. A model of caregiver discipline is presented that attempts to integrate the three most popular approaches - referred to as "affective", "behavioral", and "cognitive". The

integration is accomplished by demonstrating how each of three approaches has a separate action principle that serves as a mediating link between the three dimensions of discipline ("control", "tolerance", and "warmth") and three desired outcomes of discipline (the child personality traits of "niceness", "boldness", and "happiness").

9. "Spare the Rod?! A Resource Guide: Alternatives to Corporal Punishment". National Association of Social Workers, 1981 Eastern Avenue, Silver Springs, Maryland 20910.
 - B. Technical assistance in evaluating or revising the policy manual statement required by 18 NYCRR, Section 441.4 may be requested from the Department's Regional Offices.
 - C. Appendix A, Recommended Guidelines for Supervising Children: Facilitating the Emergence of Responsible, Disciplined Behavior is intended for use in the orientation of child care workers and foster parents as well as in advanced training programs for experienced foster parents and agency staff whose professional development and effectiveness requires knowledge of the socialization process, positive discipline, and the growth of the child's self-concept.
 - D. Appendix B, Critical Thinking About Disciplinary Issues, is intended for use in training programs for beginning caseworkers, foster parents, and child care workers in helping them to respond effectively to disciplinary situations involving foster children.
- VII. The effective date of this directive is March 1, 1988.


Joseph Semidei
Deputy Commissioner
Division of Family and
Children Services



Appendix A

RECOMMENDED GUIDELINES FOR SUPERVISING CHILDREN: FACILITATING THE EMERGENCE OF RESPONSIBLE, DISCIPLINED BEHAVIOR

1. Aim at the creation of a harmonious atmosphere and good relationships together with the establishment and maintenance of reasonable standards of behavior.
2. Never let a child or adolescent lose face in front of peers. Should that happen, the child care worker can expect an attempt by the child or adolescent to regain it either by doing something worse to show a lack of caring and to demonstrate that control is beyond the child care worker.
3. Remember that the authority to order others about separates those who have to obey orders from those who can give orders. Real authority which leads to positive behavior depends upon sound relationships and a background of goodwill. Getting angry or loud creates an unpleasant atmosphere and is likely to be a discouraging reminder of incidents at home that had demoralized family life.
4. At the time of placement children should have the chance to become familiar with the rules or norms that govern group or family life. They should know what these obligate them to do (or to refrain from doing) in regard to others and they should be clear about what they can expect from compliance. Rules should be: clear, firm, specific, positive, emphasizing what to do, not what not to do. Rules should be enforced, with each rule having a consequence, consistently applied after the prohibited behavior or rule infraction. Enforcement is most effective when the consequence is logically connected to the offense and has an element of rehabilitation.
5. Firmness with regard to rules and to appropriate modes of communication is indicative of the adult's awareness of the individual and group need for structure, and for limits that are clear; also, it reflects a genuine concern for the well-being of children and an interest in them becoming responsible members of a functional group or family organization.
6. Never attempt to discipline or punish a foster child by threatening expulsion from the home or group. Given the worries and fears common to foster children, such a tactic can be traumatic and counter productive.
7. Never attempt to discipline or control the foster child by threatening to tell the social worker.
8. Adult attitudes such as empathy, patience, concern, and the absence of threats or punishment play an important part in helping children in placement to cope with the feelings and conflicts that disturb them.
9. Most children remain responsive to caretaking adults who avoid doing anything that makes them feel inferior, petty, mean, confused, bewildered, fearful, or ashamed of their family's social status.
10. Avoid overreactions that may frighten, humiliate, or demean a child or that may cause the child to misunderstand the significance of his/her behavior.

11. Adults provide a model for responsible, disciplined behavior and enhance the possibility of healthy and satisfying relationships by:
 - (a) Understanding the child's point of view even if the adult does not agree with it.
 - (b) Emphasizing positive and friendly ways of saying things and avoiding critical remarks.
 - (c) Being reasonable, and responding with warmth, quiet speech, encouragement, and respect.
 - (d) Avoiding face-to-face confrontations particularly in front of peers, and trying to understand the meaning that underlies a statement or question.
 - (e) Seeking clarification from the child or adolescent if there are elements of doubt or ambiguity in what is being said or questioned.
 - (f) Not reacting at once to rudeness by overt criticism or anger but stopping the undesirable behavior and then finding out what caused it.
 - (g) Recognizing that the appearance of normality and strength is important to children and that their functioning is enhanced by adults who consistently show affection (interpersonal satisfaction), acceptance (group status), and approval (personal worth).
12. Recognize that the correction of misbehavior requires the successful implementation of the following three principles of discipline:
 - (a) **Emotional neutrality:** It is a principle that emphasizes the importance of consistently maintaining a neutral emotional approach to negative behavior. It is a principle that does not discourage verbal interaction but implies that verbal exchanges, especially arguing, are kept to a minimum.
 - (b) **Encouragement:** It is a principle that emphasizes the importance of the professional ability to accept children as worthwhile and to assist them in the development of their capabilities and potentials.
 - (c) **Logical consequences:** It is a principle that recognizes that consequences are created by people for the purpose of changing or controlling the behavior of others; it can be viewed as the practical application of emotional neutrality and encouragement in the disciplinary process.
13. Special Guideline for Foster Homes: During the early phase of placement avoid punishing a foster child the first time he/she does something wrong in your home. Every family has its own rules and ways of doing things. Try to understand the reason for the child's behavior and to provide the child with the guidance and instruction that will help him/her to learn the family's rules, the reasons for the rules, and the consequences for breaking a specific rule.

Appendix B

Critical Thinking About Disciplinary Issues

The purpose of this appendix is to provide agency supervisors with concepts and a case situation that could be used in discussions of child discipline with foster care and child care staffs, and foster parents. Goals for such discussions might be to assist participants (a) in defining what is meant by effective discipline and (b) in learning what is involved in thinking critically about an incident that has upset a family caring for their first foster child.

Discipline Strategies

Permitting

Sometimes behavior may be uncomfortable or "against the rules", but should be permitted. These are times when the rules are suspended. For example, if a neat cottage/home is the general rule, this can be suspended during finger-painting time or Christmas decorating or under other special circumstances.

Tolerating

Tolerating basically means "putting up with" for a short amount of time. One reason for tolerating is to allow a child to make mistakes so he can grow. Another reason for tolerating is that a child's age demands it; for example, a baby's crawling even though we eventually expect him to walk. Another is the case of the adolescent runaway; when he returns you may ignore the action because you are happy to see him safe. Later you will discuss it.

Interfering

This requires an intervention on your part. This intervention may simply be to enter the room where the problem is occurring. Or, it may mean catching the child's eye, saying his name, or actually physically holding him.

Prevention

Prevention is by far the best approach to discipline. It enables you and the child or family/group mutually to establish rules for behavior.

A Small Group Exercise

A Disciplinary Problem is a summary of a situation reported to an agency by a foster mother who is uncertain as to what disciplinary action she should take with regard to a child placed in her care. Staff and foster parents can be asked to read the summary and to discuss the problem using the suggested questions at the end of the summary.

The case situation is intended as an exercise for child care supervisors and caseworkers for learning how to respond to disciplinary problems of children in foster care. Their discussions of the case situation can focus on the concepts of exploration* and assessment and the caseworker role in helping foster parents with a disciplinary problem. Foster parents can use the case situation for discussing methods of discipline and adolescent behavior.

All participants in the training group should understand that often the source of some disagreement over what is considered appropriate or inappropriate discipline is an individual's value system which makes some adults concerned primarily with getting children to establish control from within (self direction and self-regulation) and others concerned primarily with getting children to be obedient and submissive to adult authority.

A Disciplinary Problem

The agency caseworker arranged a special visit to a foster home after learning about a problem in the home the night before. The home visit began with the foster mother telling the agency caseworker about what had happened with John, a 15-year-old foster son who had been placed in care a year earlier because of parental neglect and had been moved to his present foster home a month earlier. The placement agency had described him as a youth with a passive disposition, generally inclined to be guarded in most social situations, prone to be sullen when frustrated and occasionally impulsive and rash when upset. His recent school adjustment had been satisfactory although he is regarded as an underachiever in view of his above average intelligence.

"Yesterday John (the foster son) disappeared suddenly while I was away from the apartment visiting my sister who lives in another neighborhood. Late in the afternoon when I returned to the apartment the door was locked. John had come home from school then left leaving a brief note saying the neighbor had the key. There was nothing else said in the note. He didn't say where he was going or when he would come back. I thought he had run away because I knew he had done this before several times in the previous foster home and when he had lived with his family. We are good to him at home. I can't understand his behavior. There was nothing missing from my purse which was on the table. There was quite a little money in it.

"My husband's money had not been touched either. He keeps it in the inside pocket of an old coat that hangs in the closet. John has known this from the day he arrived. I did not discover until later that he had taken some money out of the drawer of the kitchen table and all the change in my daughter's piggy bank. When he did not come home by 8 p.m. that night, I notified the agency and called the

* Three concepts of the exploration process are relevance, salience, and individualization. The relevance of information is related to the nature of the problem or predicament; it is this relation that guides the inquiry and shapes the observation and the collection of data on which exploration rests. Salience refers to the dominant features of the client's felt need and of the life situation. Individualization seeks to maintain a constant focus on the whole person as a unique entity, including the social context in which he or she is embedded.

police to report him as missing. My husband and I were worried and angry. There was no reason for him to behave this way. We were discouraged because we have tried to give him a decent home. By 11 p.m. we were thinking that we would tell the agency that we couldn't take care of him any longer even if he returned. At that moment John walked in the front door. He wouldn't talk about where he had been or how he had spent all the money. We tried to be reasonable with him but he was defiant. John knows he did something wrong but he won't speak to us when we try to find out what happened.

My husband and I both believe John has to be disciplined or he will do something like that again. But we are not sure what to do. We think he should experience some pain for what he did but we can't whip him or spank him. He is too big. He is in the tenth grade. But how he will learn to behave in our home? Should we restrict him to the house and have him do household chores to make up for the money he took? We are going to warn him that if he ever, ever repeats what he did the agency will be called to have him removed immediately.

"It was embarrassing when we had to call the police and tell them what happened. After John came back my husband thought he should take him to the police station and let the police know who the troublemaker is in the family. I asked him not to do that but maybe I shouldn't. John is definitely a "troublemaker". The boy should know and never forget how many persons he has upset.

"It is hard to forgive him and allow him to stay in our home unless he repays the money he took. But how should we start to discipline him? Should he be reprimanded and told to apologize and to explain his behavior? We have never had this kind of problem with our own children. Maybe we should find out what he thinks he could do to repay the money he took and to impress upon him there are always consequences for breaking the rules and violating the trust of others. We expected him to understand the rules in our house and the importance of our authority. Maybe we just have to be very strict and to impress upon John the seriousness of what he did by forbidding him from going to the movies or to the beach.

"But since the agency placed him with us, you should tell us what to do. What advice can you give us on what we can do to make him behave and to obey our rules?"

Suggested Questions for Group Discussion by Caseworkers

1. For the caseworker trying to understand the urgency and importance of the problem situation, what is the most salient and relevant information that is learned from the foster mother's report?
2. What is the significance and casework implications of the foster parents labeling of John as a "troublemaker"?
3. After listening to the foster mother (a) what new goals should the caseworker have for the interview? (b) What in your opinion are the three most appropriate and relevant questions for the caseworker to ask the foster mother?

4. What should the caseworker say in response to the foster mother's request for advice? What is the risk in giving advice in this situation?
5. How might the caseworker's feelings toward John influence the assessment that is made as well as the response to the foster mother's request?
6. What could the caseworker do in the interview to help the foster mother evaluate the kind of disciplinary action that would be effective?
7. What could the caseworker do to help the foster mother to be less emotional in her discussion of John's behavior?
8. What relevance, in your opinion, does the following statement by the psychiatrist, Nathan Ackerman, have for understanding John's behavior?

"The self-image, the primary self-identity, is rooted in each individual's identification with the first and oldest group experience, the family of childhood, and continues to be molded by an unending series of new group integrations and identifications. The preservation and growth of the self-image requires an ever expanding matrix of joined identity with other persons which ... adds strength to the core of the self ... Stability and growth of the self must be seen as fundamentally tied to stability and growth of interpersonal relations." (The Psychodynamics of Family Life)

Suggested Questions for Group Discussions by Child Care Staff and Foster Parents

1. From the summary what might be surmised about the specific nature of the foster parent's confrontation with John when he returned to the foster home?
2. What knowledge of adolescence could have been useful to the foster parents when John returned to the foster home?
3. When John returned what could the foster parents have said to him that may have avoided conflict and a breakdown in communication?
4. What would be the most constructive response to the foster mother's request for advice for the caseworker?
5. Does the information in the summary provide some justification for the following statements?
 - a. John is in need of strict discipline by foster parents who can be firm about obedience to family rules.
 - b. John should have been given an allowance by foster parents.
 - c. It is unlikely that John will ever accept the authority of the foster parent; therefore, a foster home is not the appropriate placement for John.
 - d. Any adolescent as defiant as John is probably not suitable for foster family care programs.

- e. Considering the way John behaved the foster parent's anger towards him is rational.
 - f. The foster parents anger and indignation will make it impossible for John to remain in the home much longer.
 - g. Without knowing more about how John spent the money he took, it is impossible to determine whether or not the foster home can remain a viable placement for John.
 - h. One of the first things the caseworker should do is to try to persuade the foster parents to attend a training program on child discipline.
 - i. The agency apparently failed to advise the foster parents about the kind of behavior to expect from John.
6. What relevance, in your opinion, does the following statement by Dr. Bruno Bettelheim have for John's foster parents?

"Correcting a child -- not to mention ordering him to do -- also has the effect of lowering the child's self-respect, by bringing his shortcomings to his attention. Even if he obeys, he will not profit from correction; the formation of an independent personality will not be encouraged. The principles, or underlying assumptions, of his behavior will alter only if and when he himself realizes that a change will gain for him what he most deeply desires: self-respect." (A Good Enough Parent)

7. When meeting with the caseworker what might John identify as the factors that caused his problem behavior in the foster home? In general, how would John's explanation probably differ from the explanation of the foster mother?

