

Clause (b) of subparagraph (ii) of paragraph (2) of subdivision (d) of section 404.1 is amended to read as follows:

- (b) every [six] 12 months for a child or minor in receipt of foster care maintenance payments;

Paragraph (2) of subdivision (b) of section 423.2 is amended to read as follows:

- (2) Case planning as defined as assessing the need for, providing or arranging for coordinating and evaluating the provision of those preventive services needed by a child and his family to prevent disruption of the family or to help a child in foster care return home sooner. Case planning shall include, but not be limited to, referring such child and his family to other services as needed, including but not limited to, educational counseling and training, vocational diagnosis and training, employment counseling, therapeutic and preventive medical care and treatment, health counseling and health maintenance services, vocational rehabilitation, housing services, speech therapy and legal services. Case planning responsibility shall also include documenting client progress and adherence to the plan by recording in the uniform case record as defined in Part 428 of this Title and sections 430.8 through 430.13 of this Title that such services are provided and providing casework contacts as defined in paragraph (3) of this subdivision. Case planner [shall mean] means the caseworker assigned case planning responsibility as defined in section 428.2 (c) of this Title.

Subparagraph (i) of paragraph (3) of subdivision (b) of section 423.2 is amended to read as follows:

- (3) Casework contacts as defined as:
- (i) Individual or group face-to-face counseling sessions between the case planner, assigned caseworker, as directed by the case planner, or person providing specialized rehabilitative services, supportive services or probation services as defined in section 423.2(f), (g) and (h) of this Title and the child and/or family in receipt of preventive services for the purpose of guiding the child and/or family towards a course of action agreed to by the child and/or family as the best method of attaining personal objectives or resolving problems or needs of a social, emotional, developmental or economic nature.

Subparagraph (ii) of paragraph (1) of subdivision (c) of section 423.4 is amended to read as follows:

- (ii) Case planning may be provided by a local department of social services or through purchase of service with a preventive services agency.

(a) There shall be only one case planner for each family receiving preventive services [except as specified in clause (b) of this subparagraph].

(b) When a child and his family are receiving preventive services and foster care services or are receiving preventive services and child protective services, there may be more than one case [planner] worker assigned to the case.

(c) The local department of social services will designate the agency[(ies)] having case planning responsibility, as well as any other agencies having a role in the case. The agency[(ies)] assigned case planning responsibility will then [designate] assign a case [worker(s) to be case planner(s)] planner to the case. Each additional agency with a role in the case will assign caseworker(s) to the case.

(1) [When there is more than one agency with case planning responsibility, the] The local department of social services will identify [each agency's] responsibilities for each agency with a role in the case, including completion of the uniform case record and provision of casework contacts.

(2) When there [is more than one case planner, the case planners] is more than one agency with a role in the case, the assigned case planner and assigned caseworker(s) must jointly develop the assessment and service plan and complete the service plan reviews. There must be only one assessment and service plan.

Subclauses (1) and (2) of clause (d) of subparagraph (ii) of paragraph (1) of subdivision (c) of section 423.4 are amended to read as follows:

(1) For purposes of this Part, casework contacts must be made by the following:

- (i) the case planner;
- (ii) a caseworker assigned to the case, as directed by the case planner;

~~[(ii)]~~ (iii) the person providing specialized rehabilitative services as defined in section 423.2(f) of this Part. Such person may be considered to be making casework contacts as defined in section 423.2(b)(3) of this Part when the specialized rehabilitative services are directed by, arranged by or otherwise coordinated by the case planner. Such persons

providing specialized rehabilitative services are permitted access to preventive services records only if they are employed by a preventive services agency as defined in section 423.2(a) of this Part or an authorized agency as defined in subdivision (a) of section 371.1 of the Social Services Law or have been granted access to individually identifiable information in such records with the consent of the parent or child pursuant to section 423.7(e) of this Part;

[(iii)] (iv) the person providing supportive services as defined in section 423.2(g) of this Part. Such person may be considered as making casework contacts as defined in section 423.2(b)(3) of this Part when the supportive services are directed by, arranged by or otherwise coordinated by the case planner. Such persons providing supportive services are permitted access to preventive service records only if they are employed by a preventive services agency as defined in section 423.2(a) of this Part or an authorized agency as defined in subdivision (a) of section 371.10 of the Social Services Law or have been granted access to individually identifiable information in such records with the consent of the parent or child pursuant to section 423.7(e) of this Part; and

[(iv)] (v) the person providing probation services as defined in section 423.2(h) of this Part.

(2) (i) At least six of the 12 casework contacts must be made by the case planner, or an assigned caseworker, as directed by the case planner. Four of such contacts must be individual face-to-face meetings with the child and/or his or her family. Two contacts by the case planner or an assigned caseworker, as directed by the case planner, within the six-month period must take place in the child's home.

(ii) No more than two of the remaining six contacts in any six-month period may be made by supportive service providers as defined by subclause [(iii)] (iv) of this clause.

PART 428  
STANDARDS FOR UNIFORM CASE RECORDS  
AND FAMILY AND CHILD ASSESSMENTS AND SERVICE PLANS

Sec.

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- [428.15] 428.10 General social services district requirements

Section 428.1 is amended to read as follows:

§ 428.1 General statement.

(a) Local social services districts [shall] must provide[, for all children in their custody placed in foster care or considered for such placement, and all those children who are in receipt of mandated and nonmandated preventive services (as defined in section 409-a of the Social Services Law), or legally freed for adoption or those who are named in an indicated report of child abuse or maltreatment (as defined under section 432.1 of this Title),] a thorough family assessment and an account of all family and children's services delivered to [such] children and their families through case records maintained in the form and manner and at such times as required by [the department] OCFS [in this Part] for the following:

- (1) all children placed in local social services district custody, or considered for such placement;
- (2) all children in receipt of mandated and nonmandated preventive services (as defined in section 409-a of the Social Services Law);
- (3) all children legally freed for adoption; and
- (4) all children named in an indicated report of child abuse or maltreatment (as defined under

section 432.1 of this Title).

(b) Such records [shall] must:

[(a)] (1) contain information that is relevant, useful, factual and objective;

[(b)] (2) contribute to the district's understanding of a child's or family's [major problems] need for involvement with the child welfare system;

[(c)] (3) contain [an early assessment] family assessments, including safety assessments, [an evaluation] evaluations of risk of future abuse and maltreatment in [open indicated] child protective cases, and assessments of the problems, strengths and needs of the child and the family receiving or applying for family and children's services, to [assure] promote valid decision making and planning and to [assure that] support major decisions affecting the safety, permanency and well-being of children [will be supported] by [a] careful, comprehensive and timely reviews and evaluations of all relevant material;

[(d)] (4) contain [the] service goals or desired outcomes for each child and/or parent who receives one or more direct family and children's services from the district, or for whom the district purchases such services; and, for each child in foster care, the child's permanency planning goal; and

[(e)] (5) [reflect] demonstrate district compliance with [the department's] OCFS's standards for family and children's services.

Subdivisions (b) and (c) of section 428.2 are amended to read as follows:

(b) *Case manager* is defined for the purpose of this Part as the employee of the social services district with responsibility to authorize the provision of services[,]; to approve the client eligibility determination according to sections 423.3(b), 430.9, 430.10, and 432.1(o) of this Title[,]; and to approve [in writing] by signature or electronic equivalent, the family assessments and service plans as defined in this Part. [In cases where more than one caseworker is acting as case planner for family members, the case manager for the case must ensure collaboration among all the case planners in order to develop a single family assessment and service plan, or, if appropriate, a risk assessment and service plan, and the case manager must delineate the roles of the various service providers.]

(c) The *case planner* is the caseworker with the primary responsibility for providing or [for ,] coordinating and evaluating the provision of services to the family as defined in subdivision [(g)] (e) of this section. Case planning includes referring the child and his or her family to providers of services as needed, and delineating the roles of the various service providers. The case planner also must require collaboration among all the case workers assigned to the case so that a single family assessment and service plan is developed. Case planning responsibility also includes documenting client progress and

adherence to the service plan by recording in the uniform case record that such services are provided, as required by this Part and sections 430.9 through 430.12 of this Title, [that such services are provided], and making casework contacts or arranging for casework contacts as required under sections 423.2(b)(3), 423.4(c)(1)(ii)(d)(2), 432.2 and 441.21 of this Title.

Subdivisions (d) through (j) of section 428.2 are amended and new subdivisions (k) and (l) are added to read as follows:

- (d) The *child protective services monitor* is the employee of the child protective service who is monitoring services being provided by someone other than [the] a child protective service employee to the children and family named in an indicated case of child abuse or maltreatment [which is open in the State central register].
- (e) *Family*[. For], for the purpose of this Part, [family] means:
- (1) the child who is at risk of or in foster care, or named in an indicated child protective services report, his or her parents, [or] legal guardians, or other caretakers and his or her siblings;
  - (2) a woman who is pregnant as specified in sections 430.9(c)(6) and 430.10(c)(6) of this Title;
  - (3) a minor parent/child unit as defined in section 426.2 of this Title; or
  - (4) a child who does not live with his or her parents and needs services to prevent return to foster care, [or] a foster child whose parent(s)' rights have been terminated or whose parent(s) have surrendered the child for adoption, [or] a child who needs services and whose parents or legal guardians are unavailable [and needs services], or a child who is an unaccompanied refugee minor with or without his or her parents or legal guardian [who is an unaccompanied refugee].
- (f) *Family and children's services* [shall mean] mean the assistance, care and services provided to a child and his or her family in accordance with the service plans developed and maintained [in accordance with] as required by this Part. Such assistance and/or services [shall include] include, but are not limited to those services set forth in section 429.4(a) of this Title.
- (g) *Program choice(s)* for the purposes of this Part are defined as:
- (1) Preventive (nonmandated). Services designed to prevent possible future [placements] placement in foster care or services which may enable a child to return home sooner than anticipated when the following conditions exist: (i) preventive services are needed by this child/family and would be beneficial in preventing possible future [placements] placement in foster care; or (ii) the child is currently in placement, the child and/or family is in need of additional

supportive services which are not eligible as mandated preventive services, and the provision of these services may enable the child to be returned home sooner than anticipated.

- (2) Preventive (mandated). Services designed to avert imminent foster care placement or re-placement, or to enable a child to return home earlier than anticipated, or to facilitate a timely discharge when the following conditions exist:
  - (i) the child [is at risk of foster care placement or re-placement] will be placed into foster care or be replaced into foster care unless preventive services are provided and it is reasonable to believe that the provision of preventive services will enable the child to remain in his or her home, or the court has ordered preventive services [and these services are necessary to keep this child at home with his family]; or
  - (ii) the child is presently in foster care placement but is expected to be discharged within six months, the services to be provided are directly related to one or more of the reasons the child is currently in foster care and the provision of these services will enable the child to return to his or her parents sooner than would otherwise be possible.
- (3) Placement. A child is currently in foster care placement or in need of out-of-home placement, or a child is currently in foster care placement [or] and has been legally freed for adoption.
- (4) Protective. A child is named in an open indicated child protective services case.
- (5) Non-LDSS Custody - Relative / Resource Placement. A child is placed in the home of a relative or non-related resource person with or without a court order and the local social services district is providing supervision and/or services to enable the child to return home or to enable the child to remain safely with the relative or resource person. The local social services district does not have custody of the placed child.
- (h) *Risk assessment* is a process of information gathering and analysis that examines the inter-relatedness of risk [influences and individual] elements affecting family functioning and documents them [on the appropriate uniform case record forms] in the form, manner and time prescribed by OCFS.
- (i) *Safety assessment* is a process of information gathering and analysis of selected safety factors and circumstances that [may] suggest there is an immediate threat to a child which, if not controlled or alleviated, will be likely to cause serious harm to the child and documents them in the form, manner and time prescribed by OCFS.

- (j) *Controlling interventions* are activities or arrangements which protect a child from unsafe situations, behaviors or conditions which are associated with immediate danger of serious harm, and without which the unsafe situations, behaviors or conditions would still be present or would in all likelihood immediately return.
- (k) Community optional preventive services are programs designed to serve families, children or youth where the children or youth are not at serious risk of foster care, but may be at general risk of future foster care by virtue of one or more identified characteristics of a population.
- (l) For the purposes of this Part, OCFS refers to the New York State Office of Children and Family Services

§ 428.3 is amended to read as follows:

428.3 Uniform case record requirements.

- (a) All social services districts must establish and maintain a single uniform case record for each family for whom a case record is required pursuant to section 428.1 of this Part.
- (b) (1) Each uniform case record must include, but need not be limited to the following [forms] items [as prescribed by the department] in the form and manner prescribed by OCFS:
  - (i) [WMS] a common application form;
  - (ii) [initial assessment] family assessments and service plans at regularly scheduled intervals in accordance with subdivision (f) of this section [plan, or initial risk assessment and service plan];
  - (iii) comprehensive assessment and service plan, or comprehensive risk assessment and service plan;
  - (iv) reassessment and service plan review, or risk reassessment and service plan review;]
  - [(v)] (iii) plan amendments [amendment], as required by section 428.7 [428.10 of this Part, or plan amendment risk assessment protocol, as required by section 428.14] of this Part completed for each status change; and
  - [(vi)] (iv) all forms for the child care review service pursuant to section 406.4 and 465.1 of this Title, for as long as that system remains the official system of record of OCFS[.];

- [(2)] Variations of the plan amendment prescribed by the department, based on local conditions, must be submitted to and approved by the department, however, no variation of the plan amendment risk assessment protocol will be permitted. All other documentation required in this Part must be recorded on the forms or in the format specified in this Part.
- (3) Each uniform case record must also include the following additional information and/or documents:]
- [(i)] (v) face sheet;
  - [(ii)] (vi) progress notes in [a format specified] the form and manner prescribed by [the department] OCFS;
  - [(iii)] (vii) all official documents and records of any judicial or administrative proceedings relating to the district's contact with a child and/or a family, including but not limited to records of petitions, court orders, probation reports, voluntary instruments or agreements, fair hearings, administrative reviews, and the results of any examinations or evaluations ordered by a court;
  - [(iv)] (viii) all correspondence between the family, [and] the district and/or purchase of service agencies[.];
  - [(v)] (ix) information received from private or public purchase of service agencies [providers of specialized rehabilitative services, supportive services and probation services, as defined in section 423.2 (f), (g) and (h) of this Title], concerning casework contacts with a child and/or his or her family receiving family and children services[.] ; and
  - (x) all documentation relating to the establishment of categorical eligibility for any funding source for which the child or family may be eligible.
- [(4)] (2) For foster care placement cases, additional information and documents must also include:
- (i) data and official documents relating to the identification and/or history of a child and/or his/her family, including but not limited to copies of birth certificates, documentation of religion, documentation of the child's immigration status, and any consent forms and/or religious preference forms signed by the parent or guardian [record of financial status, including any documentation of financial eligibility];

- (ii) all reports of medical or clinical examinations or consultations, including medical examinations and laboratory tests, psychiatric or psychological examinations or consultations (either court-ordered or voluntary), dental examinations[, plus]; and medical consent forms signed by the [parents] parent or guardian, by the commissioner of the social services district, or by the child if the child has capacity to consent, as applicable, regarding medical treatment for any child in foster care placement, including documentation that the child [in foster care] has been assessed for risk factors related to HIV infection in accordance with section 441.22(b) of this Title, and, if one or more risk factors have been identified, a description of the procedures that were followed to arrange for appropriate HIV-related testing including obtaining the necessary written informed consent for such testing; [and]
  - (iii) educational and/or vocational training reports or evaluations indicating the educational goals and needs of each foster child, including school reports and Committee on the Special Education evaluations and/or recommendations; and [.]
  - (iv) if the child has been placed in foster care outside of the state, a report prepared every 12 months by a caseworker either of the authorized agency with case management and/or case planning responsibility for the child or by the state in which the placement home or facility is located, documenting the caseworker's visit(s) with the child at his or her placement home or facility within the 12 month period.
- (c) A single family assessment and service plan [or risk assessment and service plan] must be completed [on one form,] as specified in sections 428.6[, and 428.7, 428.8, 428.11, 428.12 or 428.13] of this Part, for all family members at the intervals described in subdivision (f) of this section. The assessment and service plan must include a description of the collaborative efforts of the case planner and all case workers assigned to the case.
- (d) Each [initial] family assessment and service plan, [each comprehensive service plan and each service plan review] must document the involvement of the parent(s) or guardian and, where appropriate, child(ren) 10 years or older, including children in foster care and their siblings, in the development of the plan, or must document efforts to involve them in the development of the plan. Such efforts must include, but are not limited to:
- (1) [requesting parents] encouraging parent(s) or guardian and the children to participate in the development and review of the plan, and attempting to obtain the [parent's signature] parent(s)' or guardian's signatures documenting their review of the plan; and

- (2) where the parent(s) or guardian and/or children are not able to participate in the development of the plan and arrangements cannot be made to allow participation, conveying the contents of the service plan and any recommendations to them, and attempting to obtain the [parent's signature] parent(s)' or guardian's signatures documenting their review of the plan.
- (e) For foster care cases, the service plan review requirements of section 428.9 of this Part [will] also apply.
- (f) [Document] Case process flow.
  - (1) Social services districts must initiate a uniform case record for a family on the case initiation date as defined in section 428.2 (a) of this Part.
  - (2) On the case initiation date, the following must be completed and become part of the uniform case record:
    - (i) [WMS] a common application form; and
    - (ii) face sheet or equivalent in accordance with section 428.4 of this Part.
  - (3) Documentation of casework activity and contacts [on] in progress notes must [be commenced] begin on the case initiation date[.For] or, for cases where a report has been [made to] accepted by the [State] Statewide central register, casework activity must be recorded [on the] in progress notes from the date of receipt of the report of suspected abuse or maltreatment.
  - (4) Except for open indicated child abuse and maltreatment cases, [the] an initial family assessment and service plan must be completed by the social services district or by a provider agency providing services pursuant to a purchase of service agreement, and must be approved by the case manager within 30 days from the case initiation date. For open indicated child abuse and maltreatment cases, [the] an initial [risk] family assessment and service plan must be completed by the social services district or the provider agency providing services pursuant to a purchase of service agreement, and approved by the case manager [on] within seven days of the date that a report to the [State] Statewide central register is determined to be indicated.
  - (5) [The] A comprehensive family assessment and service plan [or the comprehensive risk assessment and service plan] must be completed by the social services district or by a provider agency providing services pursuant to a purchase of service agreement and must be approved by the case manager within 90 days from the case initiation date.
  - (6) All subsequent family reassessment and service plan reviews [or risk

reassessment and service plan reviews] must be completed by the social services district or by the provider agency providing services pursuant to a purchase of service agreement, and must be approved by the case manager six months from the case initiation date and every six months thereafter.

- (7) A plan amendment must be completed by the social services district or by the provider agency providing services pursuant to a purchase of service agreement, and must be approved by the case manager for the case, in accordance with the requirements of section [428.10] 428.7 of this Part, whenever a significant change occurs in the status of the case. [A plan amendment risk assessment protocol must be completed in accordance with the requirements of section 428.14 of this Part whenever a child protective report is indicated, the family does not already have an open case within the State central register, and one or more family members are in receipt of foster care and/or preventive services.]
- (g) Each initial family assessment, comprehensive family assessment and family reassessment developed in accordance with this Part must contain, as applicable: a written consideration of whether it is safe for the child to remain in his or her home; or whether it is safe for the child to remain in his or her current foster care placement, and whether it is safe to discharge the child from foster care.
- (h) The name or other information identifying the reporter and/or the source of a report of suspected child abuse or maltreatment, as well as the agency, institution, organization, and/or program with which such person(s) is associated must only be recorded or documented in progress notes and such documentation must be recorded in the manner specified by OCFS.

Section 428.4 is amended to read as follows:

§ 428.4 Face sheet.

- (a) Each uniform case record established under this Part [shall] must contain a face sheet or equivalent. [There are no mandated State forms developed for the face sheet.] Each local district and agency [shall] must utilize a form or on-line equivalent that will best meet local purposes.
- (b) The face sheet [shall] must be prepared at the time of application for services and [shall be located at the beginning of the record] be available for easy reference. The information on the face sheet [shall] must be amended as necessary and contain the most current information available.
- (c) The content for the face sheet [shall] must include, but need not be limited to:
- (1) the names of parent(s), including any absent parent as that term is defined in subdivision (a) of section 347.2 of this Title, if known, and their addresses and telephone numbers;

- (2) the name, sex, date of birth and marital status of each family member and their relationships with each other; and
  - (3) information which would be needed in case of an emergency, such as the name, address and telephone number of a specified person to be contacted other than a family member in the same household; and
  - (4) information on other agencies, districts or community programs that are presently serving members of this family].
- (d) The [WMS] common application form may be used as a face sheet [if such form meets the district's needs]. Any supplemental information may be attached to the [WMS] common application form.

Subdivision (a) and (b) of section 428.5 is amended to read as follows:

§ 428.5 Progress notes (record of service provision).

- (a) Progress notes [are] must begin [begun] on the case initiation date as defined in section 428.2(a) of this Part or upon receipt of a report of suspected abuse or maltreatment for child protective service cases, and [are] must [continued] continue until the case is closed to all services. Progress notes must be made as contemporaneously as possible with the occurrence of the event or the [receiving] receipt of the information which is to be recorded.
- (b) Each progress note entry [shall] must include the date of the entry, the date of the event, and the name or initials of the author and person making the entry.

Subdivision (c) of section 428.5 is repealed and a new subdivision (c) and (d) is added to read as follows:

- (c) Progress notes must include, but are not limited to:
  - (1) descriptions of contacts with children and parent(s) receiving services, including missed or cancelled appointments, and the reasons therefor;
  - (2) actions taken in the investigation of a reported case of child abuse or maltreatment, including emergency and/or controlling interventions taken, and descriptions of collateral contacts and other activities relating to the collecting of information needed to formulate an assessment, and/or assist with making a determination regarding the report of abuse or maltreatment; provided, however, the name or other information identifying the reporter and/or the source of a report of suspected child abuse or maltreatment, as well as the agency, institution, organization, and/or program with which such person (s) is associated, must be

recorded in the manner specified by OCFS;

- (3) efforts made to engage the family members in the development of the service plan, their level or degree of participation in the process and the family and children's reactions to services;
- (4) referrals and communications with other service providers involved in the case, and information received from specialized rehabilitative and supportive service providers concerning casework contact activities with a child and/or family receiving preventive and/or protective services;
- (5) referrals and communications with the local probation department regarding a child in the case;
- (6) descriptions of contacts with educational/vocational personnel on behalf of a child;
- (7) court hearings or other legal activities;
- (8) significant events such as births, marriages, and divorces; and
- (9) documentation of caseworker / supervisor conferences, including a description of the nature of the discussions and any required follow-up activities.
- (10) For children not residing with a parent and who are in foster care or an alternative placement setting, progress notes, as applicable, must also include:
  - (i) casework contacts with child's parent(s), guardian, and/or relatives, the child and the child's day-to-day caretaker(s) including casework contacts required in accordance with section 441.21 of this Title;
  - (ii) descriptions of activities related to medical and dental examinations required on a regularly scheduled basis, including the initial medical examination, and any significant results, diagnosis, referrals and prescribed medications arising from such medical and dental examinations in accordance with section 441.22 of this Title;
  - (iii) descriptions of parental and/or guardian visits with a child, and any missed visits and the reasons therefor;
  - (iv) descriptions of other visits with the child, including but not limited to visits with siblings and/or half-siblings not placed with the child, potential permanency resources and any other persons of significance to the child;
  - (v) chronological documentation of diligent efforts, as required under section 430.12 of this Title, by an authorized agency to assist, develop and encourage a

meaningful relationship between the parent(s) or the guardian and the child;

- (vi) efforts by parent(s) or guardian to provide an adequate home and provide parental care for the child, or when it is determined that permanency for a child cannot be achieved within the child's own family, discussions between the parent(s) and the authorized agency regarding the pursuit of adoption or another permanency planning goal for the child; and
  - (vii) documentation that the parent(s) or guardian were advised of the possible consequences if a child remains in foster care for 15 of the most recent 22 months, and of discussions with the parent(s) or guardian regarding the possible deleterious effects of foster care on the child and the child's need for permanency.
- (11) For children in foster care with certified or approved foster parent(s):
- (i) documentation that the foster parent(s) have been informed of the visiting plan for the child's parent(s), guardian(s), siblings or half-siblings, or others for whom a visiting plan with the child exists;
  - (ii) documentation that the foster parent(s) or prospective foster parent(s) have been asked whether they will accept a sibling group, if appropriate;
  - (iii) documentation that the foster parent(s) have been provided with information on the existence and location of all siblings or half-siblings of any child placed with them;
  - (iv) documentation that the foster parent(s) have been apprised of any special needs that the foster child has and the available supports and services to address the special needs; and
  - (v) documentation that the foster parent(s) have been informed that diligent efforts will be made to facilitate regular biweekly visitation or communication between minor siblings or half-siblings who have been placed apart, unless such contact would be contrary to the health, safety or welfare of one or more of the children or unless the lack of geographic proximity precludes visitation.
- (d) Progress notes need not include clinical notes, daily logs or other written material created by service providers who act in roles other than caseworker, child protective services monitor, case planner or case manager.

Section 428.6 is repealed and a new section 428.6 is added to read as follows:

§ 428.6 Family assessments and service plans (content)

- (a) The purpose of family assessments and service plans is to record information gathered

about family members in receipt of child welfare services, including preventive services, child protective services, foster care and/or adoption services; assist with evaluations and assessments of the family; assist with determining the family's need for services necessary to achieve the child(ren)'s permanency planning goal; assist with ascertaining family progress in meeting desired outcomes and assist with on-going planning with the family.

(1) Each family assessment and service plan must include but is not limited to the following:

- (i) a program choice or choices for each child receiving services;
- (ii) a goal and plan for child permanency;
- (iii) a description of legal activities and their impact on the case;
- (iv) a thorough and comprehensive assessment or reassessment and analysis of the family members' strengths, needs and problems;
- (v) immediate actions or controlling interventions, as defined in section 428.2 (j) of this Part, which must be taken or have been provided;
- (vi) the family's view of its needs and concerns;
- (vii) a plan of services and assistance made in consultation with the family and each child over 10 years old, whenever possible, which utilizes the family's strengths and addresses the family members' needs and concerns;
- (viii) the status of the service plan including service availability and a description of the manner of service provision;
- (ix) the family's progress toward plan achievement;
- (x) essential data relating to the identification and history of the child and family members and a summary which documents the involvement of the parent(s) or guardian, child(ren) and any others in the development of the service plan including their input into the service plan;
- (xi) safety assessments in all cases, as defined in section 428.2 (i) and section 428.3 (g) of this Part;
- (xii) risk assessments in child protective services cases, as defined in section 428.2 (h) of this Part; and
- (xiii) assessments of family functioning.

(2) Family assessment and service plans prepared at the time a child enters foster care or is moved from one foster care placement to another, as applicable, must also include but are not

limited to the following:

- (i) a description of the reasonable efforts made to prevent or eliminate the need for placement or the justification for the determination that reasonable efforts were not necessary;
  - (ii) identification of all available placement alternatives and the specific reasons why they were rejected;
  - (iii) the efforts made to locate any absent parents;
  - (iv) the type and level of placement; documentation that the placement has been assessed to be one that can safely provide for the individual needs of the foster child; and the reasons for selecting the placement if it is not the least restrictive environment;
  - (v) documentation that continuity in the child's environment has been maintained in accordance with the standards in section 430.11 (c) of this Title, or the reasons why this is not practicable or in the best interests of the child;
  - (vi) information about whether the child will be placed with the child's siblings and half-siblings and, if not, the reasons which preclude the placement and the arrangements made for contact between the siblings and half-siblings;
  - (vii) an estimate of the anticipated duration of the placement and the circumstances and conditions that must be met to safely discharge the child from placement;
  - (ix) a visiting plan for the child with his or her parent(s), guardian, siblings, half-siblings and other significant family members, potential permanency resources and/or any other persons of significance to the child;
  - (x) a description of the compelling or other reasons identified for not filing a petition to terminate parental rights for any child in foster care for at least 15 of the most recent 22 months, if such petition has not been filed or the child is not already free for adoption;
  - (xi) where concurrent planning is determined through assessment to be warranted in the case, a description of the alternate plan to achieve permanency for the child if the child cannot be safely returned home.
- (3) For a child in foster care, in a manner consistent with Article 27-F of the Public Health Law regarding HIV confidentiality, within ten days of the preparation of the complete initial family assessment and service plan, a copy of the following components of that document must be given to the child's parent(s) or guardian, counsel for such parent(s) or guardian, and the child's law guardian: the family and children's service plan as described in subparagraphs (vii) and (viii) of paragraph (1) of this subdivision, the visiting plan and those parts of the uniform

case record where the information described in paragraph (2) of this subdivision are contained.

(4) In addition to the requirements set forth in paragraph (1) of this subdivision, each family reassessment and service plan must also include but is not limited to:

- (i) a review of the prior assessments and analysis including necessary revisions to the prior assessment and analysis, and
- (ii) an evaluation of the efficacy of the service plan and necessary modifications, additions or other revisions needed to the service plan.

(5) In addition to the requirements set forth in paragraphs (1) and (2) of this subdivision, family reassessment and service plans where a child is in foster care must also include but are not limited to the following:

- (i) a description of the progress toward achievement of the permanency goal, including the compelling or other reasons identified for not filing a petition to terminate parental rights for any child in foster care for at least 15 of the most recent 22 months, if such petition has not been filed or the child is not already free for adoption;
- (ii) where concurrent planning is determined through assessment to be warranted in the case, a description of the alternate plan to achieve permanency for the child if the child cannot be safely returned home; and
- (iii) an evaluation of the visiting plan.

(6) In addition to the requirements set forth in paragraphs (1), (2), (4) and (5) of this subdivision, for children freed for adoption, individual reassessments and service plans must be maintained in a child case record and such record must also include but is not limited to:

- (i) a description of activities related to the exploration of alternative permanency resources, including the child's foster parent(s), if any;
- (ii) a description of activities undertaken to prepare the child for adoption or other permanency plan;
- (iii) actions taken to place the child in an adoptive home or other permanent living arrangement, including barriers to such placement and activities undertaken to overcome the barriers; and
- (iv) for children placed in an adoptive home or in an other permanent living arrangement, a description of efforts to finalize the adoption or other permanency living arrangement;
- (v) except that the requirements of Paragraphs (1), (2) and (5) of this subdivision do

not apply where they relate to the child's parents(s) or to a foster child who is not free for adoption.

(b) All family assessment and service plans, including the initial and comprehensive family assessment and service plans, and all family reassessments and services plans, must include the signature(s) or electronic equivalent(s) of the case planner, the case planner's supervisor and the case manager, and, where required pursuant to section 432.2(b)(5) of this Title, the signature of the child protective services monitor.

Sections 428.7 is repealed. Section 428.10 is renumbered section 428.7 and amended to read as follows:

§ [428.10] 428.7 Plan amendments (status changes).

- (a) The purpose of [the] a plan amendment is to describe and document significant changes in the status of a case and to direct a reassessment of the family and/or child's situation so that any necessary revisions to the service plan can be made. [When it is determined that one or more of the status changes specified in subdivision (b) of this section have occurred in a case, the procedures set forth in this section must be followed unless the social services district has obtained prior written approval of equivalent procedures from the department.]
- (b) Changes in case status that require a plan amendment [that the steps set forth in this section be followed. Such changes must] include, but are not limited to situations where:
- (1) preventive services are started for a child;
  - (2) preventive services are ended for a child;
  - (3) a case is opened for child protective services;
  - [(3)] (4) [a case is closed to the State Central Register of Child Abuse and Maltreatment] child protective services are ended for a case;
  - [(4)] (5) a child [is entering] enters or [reentering] reenters foster care;
  - [(5)] (6) a child is moved from one foster care setting to another;
  - [(6)] (7) a child becomes legally free for adoption; or
  - [(7)] (8) a child is discharged (trial or final) from foster care (includes finalization of adoption) [when finalized]; and
  - (8) a child in a foster care placement is absent without consent as defined in section 431.8(a) of this Part].

- (c) If a status change occurs prior to the completion of the initial family assessment and service plan as required in section 428.3(f)(4) of this Part, the change [shall] must be documented in a progress note entry.
- (d) If a status change occurs subsequent to completion of the initial family assessment and service plan, it must be documented and approved by the social services district having case management responsibility for the case within 30 days [of the occurrence] of the change, except for the [change] changes designated in paragraph (b)(3) and (4) of this section which must be documented and approved by the social services district having case management responsibility for the case [at the time] within seven days [of the occurrence] of the change [the change occurs]. If any status change occurs at the time of, or within 60 days prior to, the due date of the next family assessment and service plan, the status change may be documented and approved as part of the next family assessment and service plan. Documentation within the family assessment and service plan must include all information regarding the status change required by OCFS. Such documentation must be [on the plan amendment and must:] provided in the form and manner as required by OCFS and, where appropriate, include an update of the service plan for the family.

- (1) describe the change;
- (2) describe the effect of the change on the assessment of the family;
- (3) describe the effect of the change on the service plan for the family;
- (4) include, where appropriate, an update of the service plan for the family;
- (5) where services are being discontinued, describe the progress of the family and the expected impact of the discontinuation of services, and where protective services are being discontinued, describe the reason(s) for the action and an assessment of the child's present safety and of the likelihood of future abuse or maltreatment;
- (6) where a child is entering or reentering foster care, document:
  - (i) the reasonable efforts made to prevent or eliminate the need for placement or the reason such efforts were not made;
  - (ii) the identification of all available placement alternatives and the specific reasons why such alternatives were rejected;
  - (iii) the kind and level of placement and the reasons therefor, and where placement in an institution or a group home has been made or recommended, the reasons a less restrictive placement is not appropriate;

- (iv) that continuity in the child's environment has been maintained in accordance with the standards for utilization review as set out in section 430.11 of this Title, or the reasons why this is not practicable or is not in the best interests of the child; and
- (v) an estimate of the anticipated duration of placement, if it is other than the anticipated date of achievement of the permanency planning goal;
- (vi) that a diligent effort has been made to place minor siblings or half-siblings together and/or that justification is clear for placing minor siblings or half-siblings apart after a careful assessment in accordance with section 431.10 of this Title has determined that placement together would be contrary to the health, safety or welfare of one or more of the children; and
- (vii) a visiting plan which must include, but not be limited to:
  - (a) the names of parent(s) and other people who plan to visit the child on a regular basis;
  - (b) the frequency and location of planned visits;
  - (c) any special transportation and/or monitoring arrangements for such visits;
  - (d) documentation of the arrangements made for contact between the siblings and half-siblings if siblings and half-siblings are placed apart;
  - (e) when natural parents do not live together, the visiting plan for each parent; or
  - (f) where plans are not to maintain contact with the parents or caretakers, the amended written instrument relating to the transfer of care and custody of the child, or the court order justifying such plan, which must be contained in the record and referenced in the plan amendment, and documentation establishing that any termination or limitation of parental visiting by a district or authorized agency has met the requirements of sections 431.9 and 431.14 of this Title; and]

(e) [(7)] All plan amendments must [contain] include the signature(s) or electronic equivalent(s) of the case planner, the case planner's supervisor and the case manager, and where required pursuant to section 432.2(b)(5) of this Title, the signature of the child protective services monitor.

[(e)] (f) When services are started for a family member previously not receiving foster care[,] or when preventive services are started in an existing case, the case initiation date for the case will remain the [same as that] date [which] that was previously established for the case according to the requirement of section 428.2(a) of this Part. [A plan amendment must be completed, in accordance with the requirements of this section, documenting the provision of services to the individual family member and the date such services were authorized and/or provided, whichever is earlier.

(f) If a status change occurs at the time of, or within 30 days prior to, the due date of the comprehensive assessment and service plan or a reassessment and service plan review, the plan amendment must be completed along with the comprehensive assessment and service plan or the reassessment and service plan review, except as designated in subdivision (g) of this section.

(g) When the only status change(s) occurring at the time of or within 30 days of the due date of the comprehensive assessment and service plan or reassessment and service plan review relate to a child being legally free for adoption, a child being discharged from foster care and other services are continuing, the addition of preventive services, or the closing of a child's case to preventive services and other services are continuing, a plan amendment need not be completed. However, such changes shall be noted in the assessment portion of the comprehensive assessment and service plan or reassessment and service plan review.

(h)] (g) In a manner consistent with Article 27-F of the Public Health Law regarding HIV confidentiality, within [10] ten days of the preparation of the complete plan amendment prepared for a child who enters or reenters foster care, a [complete] copy of the following components of that document [most recently prepared family and children's service plan and visiting plan, including any modifications to such plans necessitated by the placement or replacement,] must be given to the child's [parent] parent(s) or guardian, counsel for such [parent] parent(s) or guardian, and the child's law guardian, if any: the most recently prepared family and children's service plan as described in section 428.6 (a) (1) (vii) and (viii) of this Part, the visiting plan, including any modifications to such plans necessitated by the placement or replacement, [. Included with the family and children's service plan and visiting plan, such persons also must be given: ] and those parts of the uniform case record where the information described in section 428.6 (a) (2) of this Part are contained.

[(1) a copy of the relevant pages of the plan amendment which include the information referenced in subparagraphs(i), (ii), (iii), (v) and (vi) of paragraph (6) of subdivision (d) of section 428.10; or

(2) a document or documents other than the plan amendment, or in combination with any sections or parts of the plan amendment, which contains the family and children's service plan, the visiting plan and the information referenced in subparagraphs (i), (ii), (iii), (v) and (vi) of paragraph (6) of subdivision (d) of section 428.10].

Section 428.8 is repealed and a new section 428.8 is added to read as follows:

§ 428.8 Access to foster care records by a former foster child. (a) Purpose. This section establishes the standards and process whereby a former foster child may receive access to foster care records from an authorized agency.

(b) Definitions. As used in this section:

(1) Former foster child means a person 18 years of age or older, who has been discharged from foster care on either a trial or final basis and was not adopted.

(2) Foster care record means the following:

(i) health and medical records, including medical histories of the foster child and his or her birth parents, to the extent available, and in accordance with section 373-a of the Social Services Law and section 357.3 of this Title;

(ii) educational records of the foster child;

(iii) social history, assessment and service plan documents and plan amendments in the form and manner required at the time such documents were completed, or which predate uniform case recording requirements pursuant to this Part;

(iv) face sheet or equivalent, and any other documents which identify and describe family members, including but not limited to parents, guardians, siblings and half siblings, and grandparents; and

(vi) placement information pursuant to section 372(1)(e) of the Social Services Law.

(3) Authorized agency includes those entities defined in section 371 (10) (a) and (b) of the Social Services Law.

(c) An authorized agency must grant a former foster child's request for access to his or her foster care record, subject to the provisions of this section. A former foster child is entitled to receive all items in the foster care record as that term is defined in paragraph (2) of subdivision (b) of this section, except for confidential HIV-related information concerning any person other than the former foster child. The former foster child may gain access to child protective services information regarding the former foster child, including reports to the Statewide central register of child abuse and maltreatment in accordance with section 422 of the Social Services Law.

(d) Access by a former foster child to his or her foster care record must be granted in one of the following methods as chosen by the authorized agency:

(1) a summary statement containing the requested information;

(2) a copy of the entire foster care record;

(3) a copy of the portions of the record containing the requested information;

(4) a personal review of the applicable records by the former foster child within the agency facility, when mutually convenient to the authorized agency and the former foster child; or

(5) any combination of the above.

(e) The former foster child must submit a written request detailing the specific information sought and include a copy of a document verifying the identity of the former foster child such as a current valid driver's license or other commonly accepted form of identification which provides proof of the name and date of birth of the former foster child. Nothing precludes the former foster child from requesting all available agency foster care records that pertain to the former foster child.

(f) Upon the receipt by an authorized agency of a written request from a former foster child for information concerning the former foster child, the authorized agency must verify the identity and age of the former foster child by reviewing the submitted identification documentation; the authorized agency must search its foster care records to determine whether a foster care record exists for such a person.

(g) Within 30 days of the receipt of the written request, the authorized agency must provide the former foster child with the requested information or a written explanation of the delay including the date the information will be provided.

(h) An authorized agency may impose reasonable and customary charges, not to exceed the actual costs incurred by the authorized agency, for making copies of and/or mailing case record documents. No charge may be imposed for providing personal review of the records or preparing a summary.

Section 428.9 is amended to read as follows:

§ 428.9 Service plan review for foster care cases.

The service plan review and case conference must be conducted in accordance with the requirements of section 430.12 of this Title and must be documented in the uniform case record [in accordance with the requirements of sections 428.7(b)(8) and 428.8(b)(10) or, in child protective cases, in accordance with the requirements of sections 428.12(b)(11) and 428.13(b)(12) of this Part and section 430.12 of this Title]. The term foster care case includes children who are legally free for the purpose of adoption and children not in the care and custody or custody and guardianship of the local commissioner of social services who reside with their minor parents in the same foster family home or residential

facility.

Sections 428.11 through 428.14 are repealed and section 428.15 is renumbered section 428.10. Paragraphs (1), (2) and (3) of subdivision (a) of such section are amended, paragraph (4) of subdivision (a) of the newly renumbered section 428.10 is renumbered paragraph (5) and amended, and a new paragraph (4) is added to subdivision (a) of such section to read as follows:

- (1) All social services districts [shall] must submit to [the department] OCFS the records required [by the department] in this Part in the form, manner and at such times as required by [the department] OCFS.
  - (2) All [such] records [shall] must be maintained in a manner consistent with the confidential nature of such records in accordance with sections 136, 372(4) and 422(4) of the Social Services Law and Part 357 and section 423.7 of this Title.
  - (3) [Such records] Records, whether maintained by a district or provider agency pursuant to a purchase of service agreement, [shall] must be available at all reasonable times for inspection by representatives of [the department] OCFS, and photostatic copies of such records [shall] must be forwarded to [the department] OCFS upon request.
  - (4) Uniform case records maintained in the CONNECTIONS system are available to OCFS and may be accessed by authorized OCFS personnel without prior notice to the district or provider agency.
- [~~(4)~~] (5) Such records, whether maintained by a social services district or provider agency must be retained in accordance with the following standards:
- (i) records of a foster child must be retained for 30 years following the discharge of the child from foster care;
  - (ii) records of a child and family receiving preventive services must be retained for six years after the 18<sup>th</sup> birthday of the youngest child in the family. Such records must be expunged after the 18<sup>th</sup> birthday of such child. The provisions of this subparagraph apply where the sole service provided is preventive services. Where preventive services is provided in conjunction with or in addition to foster care, adoption or child protective services, the applicable standards for record retention in relation to foster care, adoption or child protective services as set forth in this section apply;
  - (iii) records of a child and family receiving child protective services must be maintained in accordance with the standards set forth in sections 422(5) and 422(8) of the Social Services Law and section 432.9(f) of this Title; and
  - (iv) records of an adopted child must be sealed and permanently retained.

Paragraphs (1), (2) and (3) are amended and new paragraphs (4) and ( 5) are added to subdivision (b) of section 428.10 to read as follows:

- (1) Local social services districts may require agencies[, ] with whom they have entered into a purchase of service agreement for family and children's services, to maintain all or [some] a portion of the forms required to be maintained in accordance with this Part. [However, nothing] Nothing contained in [such] a purchase of service agreement [shall be construed to limit] limits the right of the local social services district and [the department] OCFS to receive copies of all information and records required to be kept pursuant to this Part and the local social services district's responsibility to monitor the recordkeeping of [such] the purchase of service agency[, assuring both adequacy of access and detail].
- (2) A purchase of service agreement [entered into between a local social services district and an] that requires an agency [which will] to maintain all or part of the uniform case record [shall] must set forth the respective responsibilities of the district and agency to maintain such uniform case record, including the forms and additional information and/or documents identified in paragraphs (1)[, (3) and (4)] and (2) of section 428.3(b) of this Part. [In cases where] Where the purchase of service[s] agreement has delegated case planning responsibility to [a] the purchase of service agency, [such purchase of service] the agency [shall be required to] must comply with the provisions of this Part to the same extent as a local social services district, except as may be set forth in the purchase of service agreement.
- (3) Nothing contained in a purchase of service agreement entered into pursuant to this subdivision [shall relieve] relieves the local social services district of its responsibilities under this Part to provide a uniform case record for all children [for whom a uniform case record] as is required by this Part.
- (4) Purchase of service agreements between local social services districts and public agencies to provide preventive services in non-foster care and non-child protective services cases may allow a waiver of the use of the uniform case recording forms, so long as the substitution is agreed by the contracting parties and the substitution is approved by an authorized representative of OCFS, in writing, prior to its use. Purchase of service agreements between local social services districts and private voluntary agencies to provide preventive services in non-foster care and non-child protective services cases may allow a waiver of the use of the uniform case recording forms so long as the agency uses a model program with prescribed case recording requirements and the substitution is agreed by the contracting parties and is approved by an authorized representative of OCFS, in writing, prior to its use.
  - (i) Substituted forms must contain but not be limited to essential data related to family history and identification of the child(ren) and family members; an assessment of child and family circumstances and functioning; a family service

plan; descriptions of care, maintenance, or services provided to the child(ren) and family and the dates of service provision; and any court related activity.

(ii) Family assessments and service plans must occur at 30 days, 90 days and six months from the case initiation date, and every six months thereafter.

(5) Directly provided or purchased community optional preventive services, as defined in subdivision (k) of section 428.2 of this Part, may be exempt from the uniform case record requirements if a waiver is requested by the local social services district and approved, in writing, by an authorized representative of OCFS.

Clause (b) of subparagraph (ii) of paragraph (3) of subdivision (b) of section 432.2 is amended to read as follows:

(b) the obtaining of information from the reporting source and other collateral contacts such as hospitals, schools, police and social services agencies; provided, however, the name or other information identifying the reporter and/or source of a report of suspected child abuse or maltreatment, as well as the agency, institution, organization, and/or program with which such person(s) is associated must only be recorded or documented in progress notes and such documentation must be recorded in the manner specified by OCFS pursuant to section 428.5(c)(2) of this Title;

Subparagraph (vi) of paragraph (4) of subdivision (b) of section 432.2 is amended to read as follows:

(vi) In cases where the child protective service is the primary service provider to children named in indicated child protective services cases and their families, the child protective service worker must make casework contacts which, at a minimum, consist of at least two separate face-to-face contacts per month with the subject(s) and other persons named in the report, at least one of which must take place in the subject's home. Where the child protective service is coordinating the delivery of rehabilitative services pursuant to subparagraph (viii) of this paragraph, by providers of specialized rehabilitative services, supportive services and probation services as defined by section 432.1 (x), (y) and (z) of this Part, such providers may make up to six of the contacts required during a six-month period. However, only contacts made by the case planner or case worker, as directed by the case planner, may be counted as the required in-home contact and only two of the contacts made by other service providers may be made by supportive service providers. For purposes of this subparagraph, the

first six month period commences at the case initiation date or at the opening of an indicated child protective service case; subsequent six month periods will be calculated from the service plan due date.

Subdivision (a) through (e) are amended and new subdivisions (f) and (g) are added to section 441.7 to read as follows:

§ 441.7 Records and reports.

(a) All authorized agencies [shall] must:

(1) maintain current case records for each child in its care, in accordance with the requirements of section 372 of the Social Services Law[.]. [which] The records [shall] must be conveniently indexed and retained [until such child becomes 21 years of age] in accordance with the requirements set forth in paragraph (5) of subdivision (a) of section 428.10 of this Title[;]. [such] The records [shall] must also include the intake study, the plan of service, plan for discharge and aftercare where applicable, the care and services provided, including social, psychiatric and psychological services, social history of the child and [his] the child's family, certification of birth, medical and surgical consent from parent or guardian, record of school placement, reports from other agencies, all pertinent correspondence, and periodic progress reports which [shall] must consist of social information, psychological or psychiatric reports, if applicable, medical and dental reports, reports from staff, and aftercare reports. The requirements of this paragraph [shall] must not be construed to require agencies to maintain duplicate records for those maintained by them pursuant to Part 428 of this Subchapter.

(2) maintain a record from which an accurate roll call of all children in care may be readily made; and

(3) maintain a record of the names, addresses and dates of visit of every person visiting any child in care; such names and addresses [shall] must be recorded at the time of each visit.

(b) All authorized agencies [shall] must [submit] make available to [the department] OCFS reports of admission, transfer and discharge in accordance with the requirements of [the department] OCFS.

(c) [A child care] All authorized [agency] agencies [shall] must:

(1) report the death of any child in [its] foster care to [the department] OCFS, within 24 hours of such death, [on a] in the form and [in accordance with instructions] manner prescribed by [the department] OCFS; and

(2) report to [the department] OCFS within 24 hours any injury to a child in [its] foster care which requires the services of a physician and which, in the opinion of

such physician, may cause death, serious disability or disfigurement.

- (d) Local social services districts [shall] must maintain records required pursuant to Part 428 of this Subchapter.
- (e) All records and reports required by this section [shall] must be available for inspection by [the department] OCFS at any reasonable time in accordance with section 428.10 of this Title.
- (f) Prior to an authorized agency ceasing operation, all foster care case records pertaining to children currently in its care must be transferred to the authorized agencies that have legal custody of such children. The authorized agency must provide OCFS with a plan for maintenance foster care case records regarding children who had previously been in the care of the authorized agency.
- (g) Access to foster care case records by a former foster child must be provided in accordance with the requirements of section 428.8 of this Title.

Paragraph (1) of subdivision (b) of section 441.21 is amended to read as follows:

- (b) Casework contact with parent or relatives. (1) Casework contacts with the child's parents or relatives shall be defined as individual or group face-to-face contacts between the case planner, or assigned caseworker, as directed by the case planner, and child's parents or relatives for the purpose of guiding the child's parents or relatives towards a course of action aimed at resolving problems or needs of a social, emotional, developmental or economic nature which are contributing to the reason(s) why such child is in foster care. For purposes of this section, a case planner [shall be] is defined as the person who is responsible for assessing the need for, providing or arranging for, coordinating and evaluating the provision of services to children in foster care and services to parents of children in foster care and such additional responsibilities as set forth in subdivision (c) of section 428.2 of this Title.

Paragraph (3) of subdivision (b) of section 441.21 is amended to read as follows:

- (3) Frequency of in-home casework contact with parents.
  - (i) For children with a permanency planning goal of return to parents or relatives, casework contacts [between the caseworker and] with the child's parents or relatives [shall] are to be scheduled to occur in the home of the parents or relatives to whom the child will be discharged as often as is necessary to implement the service tasks in the family and children's services plan, but no less than the required frequency noted in subparagraph (ii) of this paragraph unless compelling reasons are documented why such contacts are not possible.

- (ii) Casework [Contacts] contacts with [between the caseworker and] the child's parents or relatives [shall] are to be scheduled to occur in the home of the parents or relatives:

Paragraph (4) of subdivision (b) of section 441.21 is amended to read as follows:

- (4) For all children with a permanency planning goal of return to parents or relatives, the local social services district or the purchase of service agency, if required by the purchase of service agreement, [shall] is to facilitate casework contacts by scheduling contacts at least as often as required by this subdivision and by providing notice of the scheduled contact to the parents or relatives either by phone or through the mail. In those cases where the parents or relatives have failed to attend the scheduled session, the case planner or, the caseworker as directed by the case planner, [shall] must attempt to contact the parents or relatives and schedule another session. If the parents or relatives fail to meet with the case planner or, the caseworker as directed by the case planner, for a period of two months despite diligent efforts at contacting the parents or relatives and rescheduling missed contacts, the case planner or, the caseworker as directed by the case planner, [shall] must have an in-home contact with the parents or relatives. This contact [shall] is to be considered the monthly contact required to be held by paragraph (2) of this subdivision and [shall] must be held prior to the end of the month which necessitated the scheduling of this contact.

Paragraph (1) of subdivision (c) of section 441.21 is amended to read as follows:

- (c) Casework contacts with child. (1) Casework contacts with the child shall be defined as individual or group face-to-face contacts between the case planner, or the caseworker assigned to the child, as directed by the case planner, and the child. The purpose of the contacts is to guide the child towards a course of action aimed at resolving problems of a social, emotional or developmental nature which are contributing towards the reason(s) why such child is in foster care.

Paragraphs (1) and (2) of subdivision (d) of section 441.21 is amended to read as follows:

- (d) Casework contacts with the caretakers. (1) Casework contacts with the child's caretaker shall be defined as face-to-face contacts by the case planner, or the caseworker assigned to the child, as directed by the case planner, with those persons immediately responsible for the child's day-to-day care for the purpose of obtaining information as to the child's adjustment to foster care and for facilitating the caretaker's role in achieving the desired course of action specified in the child and family services plan.
- (2) During the first month of placement, casework contacts [shall] are to be held with the child's caretaker as often as is necessary to implement the services tasks in the family and children's services plan but at a minimum [shall] must occur at least twice. After the first month of placement, casework contacts [shall] must be held with the child's caretaker at least quarterly. In addition, the case planner or, the caseworker as directed by the case planner, [shall] must maintain, at a minimum, monthly contacts with the child's caretaker

which may include either face-to-face contacts or telephone consultations.

Subdivision (e) of section 441.21 is amended to read as follows:

- (e) Services, contacts, visits, interviews and information required by this section shall be recorded in progress notes in accordance with section [428.11] 428.5 of this Title.

Paragraph (5) of subdivision (a) of section 465.1 is repealed and a new paragraph (5) is added to read as follows:

- (5) All child care review records must be retained in accordance with the requirements of paragraph (5) of subdivision (a) of section 428.10 of this Title.

Paragraph (1) of subdivision (a) of section 466.4 is amended to read as follows:

- (1) Individual identifiable information regarding children in foster care and their families is confidential and access to such information is allowable only pursuant to the standards set forth in sections 372, 373-a, 409-e and 409-f of the Social Services Law and applicable OCFS regulations including sections 357.3, 428.8, 430.12 and 431.12 of this Title.