



New York State
Office of
Children & Family
Services

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David A. Paterson
Governor

Gladys Carrión, Esq.
Commissioner

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

April 18, 2008

Dear Commissioner:

The purpose of this letter is to advise you of the requirements of the federal Child and Family Services Improvement Act of 2006 (Public Law (P.L.) 109-288, as it relates to caseworker visits (contacts) with foster children. The Administration for Children and Families issued ACYF-CB-PI-07-08 on May 30, 2007 to advise states of the specific mandate and associated data collection and reporting requirements. In passing the Child and Family Services Improvement Act of 2006, Congress noted in its findings that "...CFSTRs also found a strong correlation between frequent caseworker visits with children and positive outcomes for these children, such as timely adherence of permanency and other indicators of child well-being."

P.L. 109-288 was signed into law on September 28, 2006, and included requirements for caseworker visits in Title IV-B of the Social Security Act. Under Section 424(e) (1) of this Act, a State cannot receive FY 2008 Title IV-B, subpart 1 funds unless it has provided fiscal year 2007 data which shows:

- the percentage of children in foster care who were visited on a monthly basis by the caseworker handling the case of the child; and
- the percentage of visits that occurred in the residence of the child.

HHS must consult with OCFS to establish steps and based on the data presented, HHS will establish the steps to be taken to ensure that at least 90% of children in foster care are visited on a monthly basis and that the majority of the visits occur in the residence of the child. Beginning October 1, 2008, if HHS determines that the requisite progress toward meeting the 90% standard has not been made, there are graduated penalties, as follows:

- Percentage not met by less than 10%, Title IV B Part 1 funds are reduced by 1%;
- Percentage not met by between 10 and 20 %, Title IV B Part 1 funds are reduced by 3%;
- Percentage not met by 20% or more, Title IV B Part 1 funds are reduced by 5%.

The national standard (90% of children visited on monthly basis) must be achieved by all states by October 1, 2011.

Visits must be made by the child's caseworker on a monthly basis, which is defined as **one visit per calendar month**. Only those months in which a child has been placed in foster care for the **entire** month are reviewed to determine if a visit had been made during that month. If a child has gone home for a trial discharge (still in the Commissioner's care and custody), then the time the child is at home must be included when determining if visits had been made each month. Months during which a child or youth have run away are not counted. For these purposes, the caseworker must in some way be responsible for either the case or for making contact with the child. A "child's residence" is defined as the home where the child is residing in the foster care setting, or the home from which the child was removed if the child is on a trial discharge.

States must have reported final, actual data on children who were visited each month they were in foster care to ACF by October 31, 2007.

OCFS has done several reviews of New York State data and found that **in any one month** the minimum number of contacts is not being made on average for more than 50% of the foster children. There are a number of reasons that may account for this, including:

- No contact was made with the foster child in the month
- Contact was made but not entered in the system



- Contact was made, but entry was so late, as to not be counted when the data was run
- Contact was made and entered, but improperly coded
- Contact was made and recorded using the type “summary”

It is important to note that contact must be made at least ***once in each full month of foster care***, for that episode of foster care. So if a contact is not made in the first full month or an early month of care, credit is lost for that child for the entire year or period he or she remains in foster care. There is almost no way to improve overall compliance, except as new children enter and monthly contacts are made each month. With this in mind, the following instructions are provided to guide you and your staff in documenting contacts with foster children.

Pursuant to 18 NYCRR Section 441.21 (c), contacts must be made monthly with all foster children by the child’s case worker, case planner or case manager. During the first 30 days of placement, casework contacts are to be held with the child as often as is necessary to implement the services tasks in the family and children’s services plan but must occur at least twice. At least one of the two contacts must be held at the child’s placement location. After the first 30 days of placement, casework contacts are to be held with the child at a minimum of once a month. At least two of the monthly contacts every 90 days must be at the child’s placement location.

All such contacts must be documented in CONNECTIONS Progress Notes. It is essential that entries be made contemporaneous with the event date. Furthermore, data fields/values for these entries must include:

- the child as both focus and participant;
- location as: adoptive home, foster home, congregate care facility;
- location for children on trial discharge: case address, parent’s home, relative’s home.

At least one discrete contact must be documented for each month the child is in foster care or on trial discharge. DO NOT use “Summary” to meet this requirement, because this will result in an inability to access and aggregate the required data.

OCFS has made the initial report of the data required in accordance with Child and Family Services Improvement Act of 2006 on October 31, 2007 for the ***time period of one year*** ending September 30, 2007. ***The initial percentage reported was 11.5%***. This will serve as the baseline data for New York State to develop its yearly improvement target percentages (benchmarks) and as a guide to develop what steps New York State will take in order to achieve a 90% threshold of children in foster care being visited monthly by their caseworker as well as demonstrate that the majority of the visits will be in the child’s residence by October 1, 2011.

In order to provide you with additional information and to assist you with improving compliance with this very important requirement, there are two attachments to this letter.

- The first is a listing of each county (and statewide totals) for each tracked child in foster care, the number of foster children contacted, the percentage contacted, the number of “no contacts” and percentage of “no contacts” for the month of ***December 2007***.
 - Data was run as of the end of March 08 – for the period ending December 31, 2007 so an 89 day window and as much as a 119 day window allowed it to count (for purposes of this report), depending on the date of contact. This run date was chosen due to the likelihood that 90% of the contacts have been entered in the three month to four month period after the contact. ***Please remember that all progress notes/contacts are to be entered contemporaneous with the event or activity, and we are in no way implying that entries three to four months late are acceptable.***
 - This data includes all foster children whether served directly by the district with custody or a voluntary agency has case planning responsibility, or the child is placed with a voluntary agency that does not have case planning responsibility.
- The second is a description of two casework contact reports available in the OCFS Data Warehouse.

Please review your data with appropriate district staff and staff from voluntary agencies with which you contract for foster care services. We trust that you will take all necessary steps to come into compliance with the requirements for casework contacts with foster children and ensure documentation demonstrating such compliance.

Questions should be directed to your Regional Office Director, as follows:

Buffalo Regional Office – Mary Miller	(716) 847-3145
User ID: Mary.Miller@ocfs.state.ny.us	
Rochester Regional Office – Linda Kurtz	(585) 238-8200
User ID: Linda.Kurtz@ocfs.state.ny.us	
Syracuse Regional Office – Jack Klump	(315) 423- 1200
User ID: Jack.Klump@ocfs.state.ny.us	
Albany Regional Office – Glenn Humphreys	(518) 486-7078
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Spring Valley Regional Office – Pat Sheehy	(845) 708-2498
User ID: Patricia.Sheehy@ocfs.state.ny.us	
New York City Regional Office – Patricia Beresford	(212) 383-1788
User ID: Patricia.Beresford@ocfs.state.ny.us	
Native American Services – Kim Thomas	(716) 847-3123
User ID: Kim.Thomas@ocfs.state.ny.us	

Sincerely,

s/s

Nancy W. Martinez
Director, Strategic Planning and Policy Development

cc: Directors of Service