

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



Arthur Y. Webb
 Acting Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 82 ADM-37
 [Services]

TO: Commissioners of Social Services
 Executive Directors of Authorized Agencies
 SUBJECT: Amended Uniform Case Record Regulations

DATE: July 19, 1982

SUGGESTED DISTRIBUTION: Child Welfare Staff
 Authorized Agency Staff
 Child Placement Agencies
 Family and Youth Services Agencies

CONTACT PERSON: Any questions concerning this release should be forwarded to the appropriate Family and Children Service Regional Office Director: Fredric Cantlo, Metropolitan Regional Office at 1-800-342-3715, extension 131-3484; John O'Connor, Eastern Regional Office at 1-800-342-3715, extension 31049; or John Gaynor, Western Regional Office at 716-454-4272.

I. Purpose

The purpose of this Directive is to advise local Districts and authorized agencies of the filing of amended Part 428, 431.14, 431.15 and 406.2(b)(1)(iii) of Department Regulations, which set forth the structure of the Uniform Case Recording (UCR) System, and to describe the resultant changes in administrative and recordkeeping requirements.

II. Background

The Uniform Case Recording standards were officially implemented on April 1, 1981 pursuant to the Child Welfare Reform Act of 1979 (Social Services Law, Sections 409-e and 409-f).

The requirements for establishing and maintaining the Uniform Case Record were set forth in general form in Department Regulations Part 428 which were filed

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
	76 ADM-100	Part 428 Part 406.2 Part 431.14 Part 431.15	Sections 409-e and 409-f		

DSS-29 (rev. 5/78)

April 1, 1980, and in greater detail in the Uniform Case Recording Standards Casework Manual which was issued during January, 1981.

Throughout the year, the Department reviewed and received comments from users in regard to the statewide implementation of the standards for Uniform Case Recording. As a result, some requirements have been modified and streamlined to enhance the effectiveness of this system as a case management and case recording tool.

The amended Part 428 regulation which was filed February 2, 1982, reflects the detailed requirements contained in the UCR Casework Manual with some significant modifications.

III. Program Implications

These regulations will further define and clarify the case management and case recording responsibilities of local districts and service providers. The modifications in the UCR described herein will reduce the case recording requirements.

The content and purpose of the modifications in UCR requirements contained in the amended regulations are set forth below:

In order to facilitate the document flow as described in Section 428.3(c) of the amended regulations, the Department inserted the provision that a local Department of Social Services must indicate approval of the first service plan review, if completed by a purchase of service agency, no more than 15 working days after the service plan review is due (90 days after the tracking date). All subsequent service plan reviews must be completed and approved by the local social services district within six months from the tracking date, and every six months thereafter.

The Department has also modified the UCR requirements to allow the use of a single child specific form (i.e. Assessment Life Areas-Child, Goal and Objective Review-Child, and Comprehensive Service Plan-Child) to cover a sibling group in the following situations: The children are receiving child protective or preventive services in their own home or the children are in placement together in a foster boarding home or an agency boarding home, and their permanency goals, service goals and tasks are identical. This modification is covered under Section 428.6(b) and 428.9(b)(3)(v).

In Section 428.9(b) covering the requirement that goals and service tasks be established for all children receiving preventive, foster care, adoption and child protective services, particularly when the child is very young and the parent is the primary recipient of services, the Department has modified the requirement for recording service plans for children as follows: effective immediately goals and service tasks are not required for children under 2 years of age for whom no specific problems are noted in the Assessment Life Areas Form, and no individual service needs beyond foster care, preventive services or protective services are noted on the Assessment Summary Form. In such cases, goals and service tasks are required for the family. All children will still require permanency goals.

In an effort to reduce paper work, the Department has revised Section 428.10, Changes in Program Status, to include a provision for Departmental approval of equivalent procedures to those set forth in Section 428.10. The modified instructions for recording program status changes which were described in the February 5,

1982 correspondence from Commissioner Barbara B. Blum to all commissioners and executive directors, and amended in the June 7, 1982 correspondence from Deputy Commissioner Norris P. Phillips, constitute an approved equivalent procedure. This means that the Department has reduced the case recording mandates for program status changes by requiring completion of only the Discharge/Transfer plan prior to or at the time of all program status changes. The district or agency then completes the full service review at the next scheduled date. The UCR time-line would not be altered. The option to do a full service plan review at the time of the status change and thereby alter the UCR time-line remains available.

IV. Required Action

The amended UCR regulations, Part 428, filed February 2, 1982 represent the standards for establishing and maintaining a Uniform Case Record. A Uniform Case Record shall be established and maintained for each child in custody of a local commissioner placed in foster care or being considered for foster care, each child receiving adoption services, each child receiving preventive services and each child who is the subject of an indicated report of child abuse or maltreatment.

A Uniform Case Record will now be required for all children in the custody of a local commissioner and placed outside of New York State. The requirement to describe the reasons for placement of a child who is in the custody of a local commissioner of social services in an out-of-state facility has been included in Section 428.6(c)(4)(v)(d) of the amended Regulations. The Department is committed to reducing the number of out-of-state placements by providing alternatives to such placements. That effort can be enhanced through requiring an exploration of alternatives to the out-of-state placement and, if no viable alternative exists, to describe the reasons for continuing the out-of-state placement.

The Uniform Case Record required forms, including the WMS Common Application Form (DSS 2921), must be completed by the district or by a purchase of service agency and approved by the district.

In addition to implementing the UCR requirements, including the modified requirements summarized in Section III of this release, districts and agencies shall comply with the following requirements:

Pursuant to Federal requirements, Section 475 Subdivision 6 of the Social Security Act, the requirement that the service plan review be performed by the appropriate persons, including a person not responsible for the delivery of services, or for case management in the particular case, was inserted in Section 428.9(a). The service plan review requirement is also described in utilization review standards (Department Regulation 430.12(c)(2). During utilization review training sessions, Department staff offered suggestions as to how the required participation by a "person not responsible for the case management of, or the delivery of services to either the child or his parents" should be documented in Progress Notes and/or the Comprehensive Service Plan forms. Further specification will be forthcoming upon promulgation of Federal regulations. It is important to note that the service plan review requirements discussed here apply to foster care cases only (cases in which the program choice is placement, placement/preventive-mandated or placement/preventive-non-mandated).

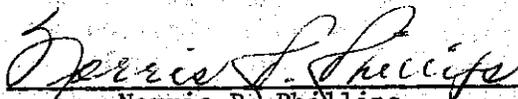
It is equally important to note here that the Federal regulations referenced in the statement in Section 429.9(a), "The service plan review shall be further subject to any Federal regulations finally promulgated pursuant to the foregoing provision of law requiring written notice to the child's parents two weeks prior to the review, notifying them of the date and location of the review, and the rights of parents to be accompanied by a representative of their choice, and a written statement of the conclusions and recommendations resulting from the review to be made available to all participants subject to agency safeguards for confidentiality" have not yet been promulgated. District and agencies will be notified as soon as the regulations are final.

A new regulation, Section 431.14 Information to Families, has been developed. This section requires that the families of children for whom a Uniform Case Record is required be provided with a full explanation of services including the respective obligations of parents and agencies as well as the rights of parents and children to religious protections, information about services or assistance which may be alternative to placement, assistance in applying for services, counseling and referral for and help in obtaining services.

It is important to note that this directive cancels 76 ADM-100 "Standards of Payment System; Standards of Administration for Foster Care of Children". The case recording requirements set forth in 76 ADM-100 have been superseded by the standards for Uniform Case Recording. However, the requirements in the area of service provision as set forth in 76 ADM-100 remain unchanged and are incorporated in the amended UCR regulations in Section 431.15 "Children in Placement." This means that local departments and purchase of service agencies, if required by the purchase of service agreement, shall continue to comply with the requirements for contact with the parents, the child and the child's caretaker and to arrange for contact between the child and his or her family with prescribed frequency.

V. Effective Date

These amended requirements became effective February 2, 1982.



Norris P. Phillips
Deputy Commissioner
Division of Services

Attachment

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(3)(f), 153-d(1)(b), 409-a(1), 409-c and 409-f of the Social Services Law, I, Barbara B. Blum
Commissioner of Social Services, do hereby amend as hereinafter indicated Part 428, Sections 431.14, 431.15, Part 424, Sections 406.2(b)(1)(iii), 441.7(a)(1), 441.7(a)(4) and 441.7(d) of the Official Regulations of the State Department of Social Services being Chapter II of Title 18 NYCRR, effective immediately upon filing with the Secretary of State.

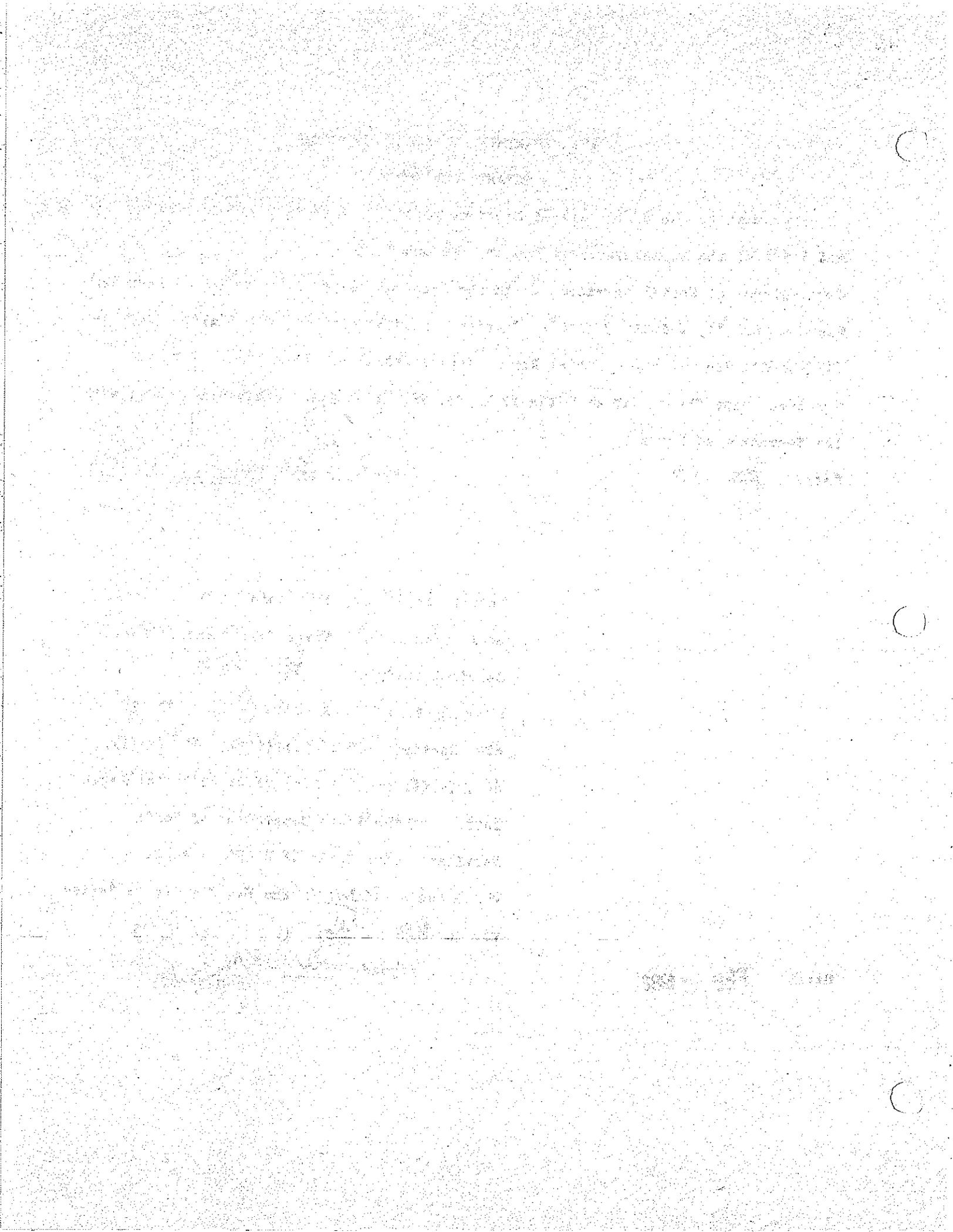
Dated: FEB 1 1982

Signed: Barbara B. Blum
COMMISSIONER

This is to certify that this is the original
of an order of the State Department of Social
Services, made on FEB 1 1982
amending Part 428, Sections 431.14, 431.15, Part
424, Sections 406.2(b)(1)(iii), 441.7(a)(1),
441.7(a)(4) and 441.7(d) of the Official Regu-
lations of the State Department of Social
Services, being Title 18 NYCRR, a summary of
which was published in the New York State Regis-
ter on MAR 11 1982

Dated: FEB 1 1982

Signed: Barbara B. Blum
COMMISSIONER



Part 428 is hereby repealed and a new part is enacted to read as follows:

PART 428

STANDARDS FOR UNIFORM CASE RECORDS

AND

CHILD SERVICE PLANS

(Statutory Authority: Social Services Law
§409-a(1)(a), 409-a(1)(b), 409-e, 409-f)

Sec.

428.1	General Statement
428.2	Definitions
428.3	Uniform Case Record Requirement
428.4	Common Application Form
428.5	Face Sheet
428.6	Assessment
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428.8	Visitation Plan
428.9	Service Plan Review
428.10	Change in Program Status
428.11	Progress Notes (Record of Service Provision)
428.12	General Local Social Service District Requirement
428.13	Loss of Reimbursement

Section 428.1 - General Statement

Local social service districts shall 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 non-mandated preventive services (as defined in Section 409-a of the Social Services Law), or legally freed for adoption or those who are the subject of an indicated report of child abuse or maltreatment, an account of all family and children's services delivered to such children and their families through case records maintained in the form required by the Department in this Part. Such records shall:

- (a) contain information that is relevant, useful, factual, and objective;
- (b) contribute to the district's understanding of a child's or family's major problems;
- (c) make an early assessment of the problems, strengths and

needs of the child and the family receiving or applying for family and children's services to assure valid decision-making and planning and to assure that major decisions affecting the safety and well-being of children will be supported by a careful comprehensive and timely review and evaluation of all relevant material;

- (d) contain the service goals for each child and family who receives one or more direct family and children's services from the district; or for whom the district purchases such services, and
- (e) reflect district compliance with the Department's standards for family and children's services.

428.2 - Definitions.

- (a) Asset-an asset is a personal characteristic, another person, or a positive circumstance which assists or could assist a client to achieve or maintain an adequate level of functioning in a life area specified in Section 428. 5.
- (b) Tracking date for the purpose of this Part shall mean the earliest of:
 - (1) the initial date of application for foster care services, mandated or non-mandated preventive services for children, or adoption services;
 - (2) the date that a report to the statewide central register of child abuse and maltreatment is determined to be indicated;
 - (3) the date of placement in foster care;
 - (4) the date of a court ordered commitment of care, custody and/or guardianship of the child to a local social services district commissioner for placement with an authorized agency or foster parent.
- (c) Family and Children's Services means the assistance, care and/or services provided to a child and his family in accordance with the Initial and Comprehensive Service Plans developed and maintained in accordance with this Part. Such assistance and/or services shall include but are not limited to those services set forth in subdivision (a) of Section 429.4 of this Title.
- (d) Family constellation means all persons residing in the same household as the child for whom the Uniform Case Record is being maintained, and any additional persons, whether or not related by blood or marriage, who are determined by the case manager or case planner, as defined in paragraph 428.7 (b) (5), to be important to the well being of the child.

428.3 - Uniform Case Record Requirements.

- (a) All local social services districts shall establish and maintain a Uniform Case Record for each child for whom a case record is required pursuant to Section 428.1 of this Part.
- (b) Content - Each Uniform Case Record shall include, but shall not be limited to the following forms, information and/or documents, where applicable -

(1) Forms.

- (i) Face Sheet
- (ii) WMS Common Application Form
- (iii) Assessment History
- (iv) Assessment - Life Areas Family
- (v) Assessment - Life Areas Child
- (vi) Assessment Summary
- (vii) Initial Service Plan
- (viii) Visitation Plans
- (ix) Goal and Objective Reviews Family
- (x) Goal and Objective Reviews Child
- (xi) Comprehensive Service Plans Family
- (xii) Comprehensive Service Plans Child
- (xiii) Discharge/Transfer Plans
- (xiv) Progress Notes
- (xv) All forms required pursuant to Section 406.4 for Child Care Review Service reporting

(2) Additional Information and Documents.

- (i) Essential data and official documents relating to the identification and history of such child and his/her family, including but not limited to birth, religion, and finances;
 - (ii) Medical and clinical reports, consultations, medical consent forms;
 - (iii) Educational and vocational training reports;
 - (iv) All official documents and records of any judicial or administrative proceedings relating to the district's contact with the child and his/her family;
 - (v) All correspondence between family and district or authorized agencies;
- (3) For non-placement cases, Additional Information and Documents section need only be established in those areas where service is being provided or coordinated by a service provider;
- (4) Any variations to these required forms, based on local conditions, must be submitted to the Department for approval

(c) Document Flow.

- (1) Local social services districts shall initiate a Uniform Case Record for a child on the tracking date as defined in Section 428.2(b) of this Part. For children in receipt of foster care, adoption, preventive or protective services prior to effective date of these Regulations, a Service Plan Review shall be completed at the time of the next scheduled eligibility redetermination.
- (2) On the tracking date the following shall be completed and become part of the Uniform Case Record:
 - (i) WMS Common Application Form,
 - (ii) Face Sheet,
- (3) Documentation of casework activity on Progress Notes shall be commenced on the tracking date. For cases where a report has been made to the central register of child abuse and maltreatment, Progress Notes entries must be maintained from the date of receipt of the report of suspected abuse or maltreatment.
- (4) Within 30 days of the tracking date, CCRS Supplemental Data Form, the Assessment, Initial Service Plan, and a Visitation Plan, if appropriate, shall be completed and receive all required approvals by the local social services district and be incorporated into the Uniform Case Record.
- (5) The first Service Plan Review shall be completed by the local social services district, or by a provider agency pursuant to a purchase of service agreement, within 90 days of the tracking date.
- (6) If the first Service Plan Review is completed by a provider agency pursuant to a purchase of service agreement, such Service Plan Review must be approved by the local Social Services district no more than 15 working days after such Service Plan Review is required to be completed by paragraph (5) of this subdivision.
- (7) All subsequent Service Plan Reviews shall be completed and approved by the local social services district within 6 months from the tracking date and every 6 months thereafter.

428.4 Common Application Form.

The WMS Common Application shall be completed by the district or by a purchase of service agency and approved by the district for each case. It includes the family and child demographic data resulting from the identification of the child and family, exploration of financial resources and determination of residence when expenditure of public funds is anticipated.

428.5 - Face Sheet.

- (a) Each Uniform Case Record established under this Part shall contain a Face Sheet. There are no mandated state forms developed for the Face Sheet. Each local district and agency should utilize a form that will best meet local purposes.

- (b) The Face Sheet shall be prepared at the time of application for service and shall be located at the beginning of the record for easy reference. The information on the Face Sheet should be amended as necessary and contain the most current information available.
- (c) The content for the Face Sheet may include but need not be limited to:
- (1) the parent(s) name and family's address and telephone number;
 - (2) for each family member, his or her name, sex, date of birth, race, religion, marital status and primary language;
 - (3) if a family member is not living at home, his or her place of residence and telephone number;
 - (4) 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. Include a description of such person's relationship to the family;
 - (5) health insurance information such as Medicaid numbers, Blue Cross/Blue Shield numbers or other health insurance coverage data, and the name and location of the clinic(s) and/or physician(s) who have treated or who are presently treating the family;
 - (6) for family members who are students or who are employed, include the name of the school or place of employment and the name and phone number of a contact person such as employer, supervisor, school counselor or teacher;
 - (7) the name and telephone number of the agency, district or program, including the name of the assigned caseworker or contact person familiar with the case and the period during which services were provided.
 - (8) court status
 - (9) claiming status, i.e., ADC-PC or CW.
- (d) The WMS Common Application Form may be used as a Face Sheet if such form meets the district's needs.

428.6 Assessment

- (a) An Assessment shall be completed by the district, or by a purchase of service agency and approved by the district, within 30 days of the tracking date. The Assessment shall include each child for whom a Uniform Case Record is required pursuant to the provisions of Section 428.1 of this part.
- (b) For siblings receiving child protective or preventive services in their own homes or who are in placement together in a foster boarding home or an agency operated boarding home and whose permanency goals, services goals and tasks are identical a single Child Life Area form may be completed.

(c) The Assessment shall include: .

- (1) an Assessment History for the child and the family which shall contain, but not be limited to:

- (i) a list of major sources of information used in the preparation of such form;
- (ii) the major events in the development of the family constellation bearing on the child(ren) including an assessment of trends in the stability of the family constellation and the effect of marriages, divorces, separation or deaths on the family unit; and
- (iii) the specific events and immediate presenting problem(s) which appear to require intervention by the local social services district.

- (2) Family Life Areas.

A separate discussion of each family life area, which discussion must identify the problems and assets present in the case and resulting service needs. Such Family Life Areas shall include, but need not be limited to:

- (i) family relations - the parent(s) or caretaker(s) role in facilitating adequate relationships among family members, including but not limited to child caring responsibilities, impact of changes in family composition, parents' approach to guidance and discipline;
- (ii) social relations - parent(s) or caretaker social relations and expectations with people other than family members, including but not limited to parent(s) interrelationships and interactions generally with other adults, authority figures, religious, cultural, and community programs and activities;
- (iii) income and employment - parent(s) or caretaker's income source and ability to provide for family, including but not limited to parent(s)' budgeting and money management skills and parent(s)' vocational attainment and/or goals;
- (iv) housing and environment - description and condition of the family's housing unit, stability of the housing arrangement, availability and quality of community services; and
- (v) health - overall health of both parents, including but not limited to diagnosed or suspected chronic or acute illness, the effect on the individual's functioning and the parent(s) maintenance of health through routine examinations and care.

- (3) Child Life Areas.

A separate discussion of each Child Life Area which discussion must identify the problems and assets present in the case and resulting service needs, including but not limited to:

- (i) relations with family - child relations with members of the family constellation, including but not limited to the child's response to guidance and discipline, behavior expressed towards family members, and child's perception of his/her responsibilities and role in the family unit;
 - (ii) social behavior - child's social interactions with peers and adults, including but not limited to child's behavior in social settings, behavior expressed toward authority figures, child's level of self-sufficiency as age appropriate and impact of religious and cultural activities.
 - (iii) educational and vocational functioning - child's past and current academic and behavioral functioning in school or vocational training program, including but not limited to child's development, cognitive, perceptual and gross motor abilities, behavior in school or vocational program, academic performance and academic or vocational goals;
 - (iv) life skills - child's ability to care for physical needs, independent functioning at home and in community, including but not limited to child's self-help skills, use of leisure time, social skills in travel, handling money; and
 - (v) health - child's overall well-being, including but not limited to the child's medical and developmental history, diagnosed or suspected illnesses and conditions.
- (4) Assessment Summary.

Each district must indicate approval of the Assessment Summary based on the information determined pursuant to paragraphs (1), (2) and (3) of this subdivision. If the Assessment Summary is prepared by a purchase of service agency, pursuant to a purchase of service agreement for family and children's services, both the purchase of service agency and the district with financial responsibility for the case must indicate approval of the Assessment Summary. The Assessment Summary shall include but need not be limited to:

- (i) a discussion of the degree of risk to the mental and physical well-being of the child(ren), if he/she remains in or returns to the home;
- (ii) an assessment of the family's ability to benefit from the provision of preventive services so that they are able to maintain the child(ren) in the home:

(iii) specifications of all service needs of the child and his/her family, including those which have the potential to increase family stabilization sufficiently to prevent or reduce the duration of placement, including an estimate of the time period necessary for such services;

(iv) an indication of program choice most appropriate for the child(ren) as follows:

- (a) Preventive services (non-mandated)
- (b) Preventive Services (mandated)
- (c) Placement/preventive (mandated)
- (d) Placement/preventive (non-mandated)
- (e) Placement services
- (f) Child Protective Services (non-placement)

(v) For children whose program choice is mandated preventive services the information required by clause (a) of this subparagraph and for children whose program choice is placement the information required by clauses (a) through (e) of this subparagraph:

- (a) An indication of the factors which describe why placement services are needed or being considered,
- (b) A description of alternatives to placement considered or tried,
- (c) Where placement has been made or recommended in an institution or group residence, or group home, the reasons a less restrictive placement is not appropriate, and
- (d) If placement is out-of-county/borough, describe reasons why. This includes out-of-state placements.
- (e) Where the child is placed out or boarded out in the custody or under the supervision or control of a person or persons of a religious faith different than that of the child, or if there is placement with an agency, association, corporation, society or institution which is under the control of persons of a religious faith different than that of the child, the facts which impelled such disposition shall be recited.

(vi) Such additional information required by regulations promulgated pursuant to Section 398-b of the Social Services Law.

428.7 - Initial Services Plan.

- (a) An Initial Service Plan shall be completed by the district, or by a purchase of service agency and approved by the district, for both the family members and children for whom a Uniform Case Record must be maintained, within 30 days of the tracking date. The Initial Service Plan shall be developed in consultation with the child's parent or guardian if appropriate.
- (b) The Initial Services Plan shall contain:
 - (1) a permanency goal which describes the living arrangement that is to be secured for the child, and the anticipated date of completion.
 - (2) Client goals which describe in terms of observable behavior, status or condition, the desired outcomes the child and family members will achieve in order to alleviate a major problem or group of related problems. Such client goals shall usually have an anticipated completion date of greater than six months.
 - (3) Service arrangements which describe actions taken, or which are to be taken, to meet family and child's needs and goals. Such service arrangements shall take into consideration alternative services where specific services are not available.
 - (4) A summary of court involvement in the case, if any, and indication of which services are provided pursuant to remand or court order.
 - (5) A description of the family's and child's involvement in the assessment process and development of the Initial Service Plan.
 - (6) Identification of Case Manager and Case Planner(s). The case manager is the case worker from the social services district with financial responsibility for the case who has the overall case management responsibility for the case in accordance with Section 403.4 of this Title. The case planners are the representatives from the district or purchase of service agency which has the primary role in the planning of the child's service program.

428.8- Visitation Plan.

- (a) For children in foster care or for whom foster care is planned, a visitation plan shall be developed, which shall include but need not be limited to:
 - (1) Names of parent(s) and other people who plan to visit the child on a regular basis;
 - (2) Frequency and location of planned visits;
 - (3) Special transportation and/or monitoring arrangements for such visits;
 - (4) When natural parents do not live together, the visiting plan for each parent.
- (b) Where plans are not to maintain contact, the amended written instrument relating to the transfer of care and custody of the child, or the court order justifying such plan, must be annexed to the Initial Service Plan or the Comprehensive Service Plan.

- (c) Termination or limitation of parental visiting rights by a district or authorized agency shall include documentation that the agency or district has met requirements of Sections 431.9 and 431.13 of this Title.
- (d) The Visitation Plan shall be updated at each service plan review.

428.9 - Service Plan Review.

(a) Local social service districts shall review and revise the Initial Service Plan and Comprehensive Service Plan in consultation with and open to the child(ren)'s parent or guardian, according to the time frames set forth in Section 428.3 of this Part. In accordance with Section 475 (subd. 6) of the Social Security Act, the service plan review shall be performed by appropriate persons including at least one person not responsible for case management of, or the delivery of services to, either the child or his parents. The service plan review shall be further subject to any Federal regulations finally promulgated pursuant to the foregoing provision of law requiring written notice to the child's parents two weeks prior to the review, notifying them of the date and location of the review, and the rights of parents to be accompanied by a representative of their choice, and a written statement of the conclusions and recommendations resulting from the review to be made available to all participants subject to agency safeguards for confidentiality.

(b) Service Plan Review shall include the following:

(1) Completion of an updated Assessment Summary form.

(2) A Family Goal and Objective Review and a Child Goal and Objective Review.

which shall:

- (i) Describe the progress toward achievement of the client goals and objectives established under the Initial Service Plan and subsequent Comprehensive Service Plan and the effect such progress has on the accomplishment of the child's permanency goal;
- (ii) Describe efficacy of services provided to achieve goals and objectives, client participation in the process and service provision problems, if any, during the period under review.
- (iii) Indicate basis or reasons for changes or modifications in goals or method/service tasks.
- (iv) A Goal and Objective Review-Child is not required where the child is less than two years of age and no specific problems are noted in the Child Life Area form and no service needs beyond foster care, preventive, or child protective services are noted in the Comment Summary form for such child.
- (v) For siblings receiving child protective or preventive services in their own homes or who are in placement together in a foster boarding home or an agency operated boarding home and whose permanency goals and tasks are identical a single Goal and Objective Review-Child may be completed.

- (3) Comprehensive Service Plan - A Comprehensive Service Plan (Family) and Comprehensive Service Plan (Child) shall be completed by the district or by a purchase of service agency and approved by the district. In such Comprehensive Service Plans:

- (i) client goals established in the Initial Service Plan or previous Comprehensive Service Plans shall be maintained or revised and new goals shall be established, if necessary. Anticipated completion dates for such goals shall be specified:
- (ii) objective/client tasks shall be specified which describe the activity the client has agreed to do or is expected to achieve within the upcoming review period toward the accomplishment of each related client goal; and
- (iii) method/service tasks shall be identified. Method/Service tasks are the specific actions to be taken by a service provider or other individual or group to achieve the related client goal and objective. For each method/service task information shall be specified, including but not limited to:
 - (a) Type of treatment program or service which shall be provided to the client,
 - (b) Tasks performed by service providers to assist in Objective/Client goal accomplishment,
 - (c) Name of the person or agency, including client or family members to perform the task, and
 - (d) Frequency of service to be delivered or tasks to be performed.
- (iv) A Comprehensive Service Plan-Child form is not required where the child is less than two years of age and no specific problems are noted in the Child Life Area form and no service needs beyond foster care, preventive, or child protective services are noted in the Assessment Summary for such child.
- (v) For siblings receiving child protective or preventive services in their own homes or who are in placement together in a foster boarding home or an agency operated boarding home and whose permanency goals, services goals and tasks are identical a single Comprehensive Service Plan-Child form may be completed.

(4) Completion of an updated visitation plan

428.10 Changes in Program Status.

(a) When it is determined that there is a change in program status the procedures set forth in this section shall be followed unless the authorized agency has obtained prior written approval of equivalent procedures from the Department.

(b) Changes in program status:

(1) In cases where changes in program status occur as a result of alterations in service plans or anticipated changes in cases, conditions or status, steps must be taken in a sequence different than that set forth in subdivision (c) of Section 428.3.

(2) Changes in program status which require that the steps set forth in this section be followed are:

(i) changes in program choices, as specified in the assessment summary,

(ii) changes in the level of foster care.

(iii) movement between agencies or districts, including but not limited to transfer of case planning responsibility from a program provided by a local district to a program operated by a second local social service district or purchase of service agency,

(iv) change in permanency goal, and

(v) case closing.

(3) In cases of changes in program status as set forth in subparagraphs (i), (ii), (iii) and (iv) of paragraph (2) of this subdivision which occur more than 90 days after the tracking dates.

(i) It is the responsibility of the sending district, unit or purchase of service agency or program, if required by the purchase of service agreement, prior to or at the time of change in service status, to:

(a) update the Assessment Summary Form,

(b) complete Family Goal and Objective Review and Child Goal and Objective Review forms.

- (c) complete a Discharge/Transfer Plan Form, as set forth in subdivision (c) of this section.
 - (d) forward copies of the forms specified in clauses (a) (b) and (c) of this subparagraph to the receiving agency,
 - (e) forward copy of most recent Initial or Comprehensive Service Plan Family and Comprehensive Service Plan Child.
 - (f) forward any other forms or documentation specified in subdivision 428.3(b) of this Title that may be requested by the receiving agency.
- (ii) It is the responsibility of the receiving district or purchase of service agency or program, if required by the purchase of services agreement, within 30 days of the change in program status to:
- (a) revise the Comprehensive Service Plan,
 - (b) revise the Visitation Plan (for Placement cases), and
 - (c) complete the CCRS Assessment/Service Plan reporting forms.
- (iii) It is the responsibility of the receiving district or purchase of service agency or program, if required by the purchase of service agreement, to complete subsequent Service Plan Reviews either:
- (a) at the next scheduled six month review established prior to the change in program status; or
 - (b) six months from the date of the change in service status.
- (4) In cases of changes in program status set forth in subparagraph (v) of paragraph (2) of this subdivision, it is the responsibility of the discharging district, or voluntary agency or program, if required by the purchase of service agreement, six months prior to discharge, or if not possible, at the time the decision to discharge is made, to:
- (i) Update the Assessment Summary Form;
 - (ii) complete Family Goal and Objective Review and Child Goal and Objective Review forms;
 - (iii) complete a Discharge/Transfer Plan, as set forth in subdivision (c) of this section; and
 - (iv) revise CCRS Assessment/Service reporting forms.
- (5) If any change in program status occurs, prior to 90 days from the tracking date, as defined in subdivision 428.2(b), the change should be documented in a Progress Note entry. Copies of the current assessment, initial service plan, visitation plan; if appropriate, and discharge/transfer plan, if appropriate, shall be forwarded to the receiving agency.
- (6) It is not considered a change in program status when a child is placed on suspended payment. Such situations should be documented in Progress Notes and the document flow set forth in subdivision 428.3(c) shall be maintained.

- (c) Discharge/Transfer Plan.
 - (1) A Discharge Plan shall be completed for a child in foster care 6 months prior to discharge or at the time the decision to discharge is made.
 - (2) A Transfer Plan shall be completed for a child in foster care prior to transfer between child caring agencies or districts.
 - (3) The Discharge/Transfer Plan includes, but is not limited to documentation of:
 - (i) to whom the child is to be discharged,
 - (ii) where responsibility for the child rests,
 - (iii) how a transfer or discharge will be accomplished,
 - (iv) the reasons for movement, and
 - (v) the after care needs and services which the child and/or his family will require and how such services will be provided.
 - (d) In case movements, or changes, not specified in paragraph(2) of subdivision(b) of this section, including but not limited to transfers from one foster care residence to another, a Progress Notes entry shall document and explain the change.
 - (e) Changes in program status may generate a need to redetermine financial and programmatic eligibility. Such changes should be reviewed by the district and any redetermination of eligibility found necessary shall be completed within the 30 day time limit allowed for such redeterminations.

428.11 Progress Notes (Record of Service Provision).

- (a) Progress Notes must be maintained as part of the Uniform Case Record. Progress Notes are concise case record entries which provide a chronological overview of all important activities and events which related to a family or child's case situation, descriptions of care, maintenance and/or services provided to the child and his/her family, and the dates such services were provided, with a record of contacts by members of the agency or district staff;
- (b) Progress Notes shall be begun at the time of service application or placement for foster care, child preventive and adoption cases, and upon receipt of a report of suspected abuse or maltreatment for Child Protective Cases, whichever occurs first. Progress Notes entries should be made as contemporaneously with the actual occurrence of events as possible to enable the case record to meet the Business Entry Rule of record keeping required in Family Court proceedings.
- (c) Each Progress Note Entry should include the date of the entry, date of the event and the name or initials of the person making the entry.
- (d) Progress Notes should include, but are not limited to:
 - (1) all contacts with family or children who are in receipt of services or who are the subjects of a report of suspected maltreatment, abuse or complaint,
 - (2) missed or cancelled appointment by parents or guardians where applicable,

- (3) all important conferences or consultations with collateral agencies,
 - (4) all service referrals and the results of these referrals, including offers of services which are refused by the family,
 - (5) the provision of a service and client's reaction to this service,
 - (6) hospitalization or treatment of medical emergency, or unexcused absence from the residence.
 - (7) parent visits if a child is in Foster Care, and missed visits when this occurs,
 - (8) the occurrence of court hearings and their outcomes.
 - (9) a significant event, such as an emergency situation, which will change one family or child's service needs or affect the way in which services are provided,
 - (10) chronological documentation of important and significant incidents related to the child's adjustment or acute problems that affect the child or the parent and/or their relationship, and
 - (11) chronological documentation of diligent efforts by an authorized agency to assist, develop, and encourage a meaningful relationship between the parents and the child, and efforts by parents to make a realistic plan, provide an adequate home and provide parental care for the child.
 - (12) actions taken in the investigation of a reported case of Child Abuse or Neglect,
- (e) For children in placement, the Progress Notes shall set forth the specific steps which are taken to implement the Initial Service Plan and Comprehensive Service Plan. Progress Notes shall show that the child is receiving adequate supervision in his placement and that the child and family are receiving those services which are judged to be necessary to make possible a permanent plan for the child, including those services provided pursuant to Section 431.15 of this Title.
- (f) If after-care services are provided or contacts made with a child or family during a trial discharge period, such after-care services or contacts should be documented in the Progress Notes. The date on which the discharge has been finalized shall be noted in the Progress Notes also.

428.12 General Social Service district requirements.

(a) Records and reports.

- (1) All social service districts shall submit to the department records required by the department in this Part in the form and at such times as required by the department.
- (2) All such records shall be maintained in a manner consistent with the confidential nature of such records in accordance with Sections 136, 372 and 422 of Social Services Law and Part 357 of this Title.

- (3) Such records, whether maintained by a district or provider agency pursuant to a purchase of service agreement, shall be available at all reasonable times for inspection by representatives of the department, and photostatic copies of such records shall be forwarded to the department upon request.
- (4) Such records, whether maintained by a district or provider agency shall be retained until the subject child becomes 21 years of age, or 6 years after the termination of service, whichever is later.

(b) Purchase of Service Agreements.

- (1) Local social service 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 of the forms required to be maintained in accordance with this Part. However, nothing contained in such purchase of service agreement shall be construed to limit the right of the local social service district and the department to receive copies of all information and records required to be kept pursuant to this Part and the local social services districts responsibility to monitor record keeping of such 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 agency which will maintain all or part of the Uniform Case Record shall set forth the respective responsibilities of the district and agency to maintain such records. In cases where the purchase of service agreement has delegated case planning responsibility to a purchase of service agency, such purchase of service agency shall be required to comply with the provisions of this Part to the same extent as a local social services district except as 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 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 is required by this Part.

428.13 Loss of Reimbursement.

(a) (1) Expenditures by a social services district for foster care and preventive services for a child and the administration thereof, shall not be subject to reimbursement by the department in accordance with Sections 153 or 409-b of the Social Services Law, or regulations promulgated pursuant thereto, if the district has failed to complete or approve the following forms within the time frames set forth in this Part:

- (i) Assessment Summary
- (ii) Initial Service Plan
- (iii) Goal and Objective Review Family
- (iv) Goal and Objective Review Child
- (v) Comprehensive Service Plan Child
- (vi) Comprehensive Service Plan Family

(2) The districts shall provide documentation of meeting the requirement of paragraph (1) of this subdivision in a form and manner prescribed by the department. Such documentation shall include but is not limited to the following:

(i) timely entering of the appropriate data related to Part 428 into the Child Care Review Service. The specific data elements to be included for each form are the following:

FORM

DATA ELEMENTS

Assessment Summary

Date of assessment
Child and family service needs
Services available
Program choice

Initial Service Plan

Permanency planning goal
Anticipated date of permanency
Planning goal completion
Date permanency planning goal set
Child and family client goals

Goal and Objective
Review-Family and
Child

Child and family client goals
Status of client goals
Status of services
Addressing client goals

Comprehensive
Service Plan-Family and
Child

Permanency Planning goal

Anticipated date of permanency planning
goal completion

Date permanency planning goal was set

Child and family client goals

Services which address the goals

- (b) Written notice that reimbursement will be denied for foster care and preventive services for a child, and the administration thereof, in accordance with subdivision (a) of this Section, shall be given to the Commissioner of the social services district with financial responsibility for such child. In addition, notice of such denial of reimbursement shall be given to any other authorized agency providing foster care or preventive services to such child on behalf of such district, its chairman or president of the board of directors, and its chief executive officer, if any. Such notification shall include the name of the child, the date on which the requirement was due and the date that non-compliance was determined.
- (c) Expenditures for foster care and preventive services for a child shall continue to be ineligible for reimbursement pursuant to subdivision (a) of this Section until the district is in compliance with Section 409-e of the Social Services Law and the provisions of subdivision (a) of this section. Upon such compliance such district shall not be entitled to reimbursement for foster care or preventive services for any period prior to the date the district was determined by the department to be in compliance with Section 409-e of the Social Services Law and the provisions of subdivision (a) of this Section.
- (d) A determination by the department denying reimbursement to a social services district for the provision of foster care or preventive services in accordance with subdivision (a) of this Section shall not relieve such district, or any authorized agency from which such district has purchased foster care or preventive services from its statutory or contractual obligations to continue to provide foster care or preventive services for the child or other children in its care.
- (e) A social services district which is denied reimbursement pursuant to this Section shall charge any loss of such reimbursement to agencies from which it has purchased foster care or preventive services to the extent that such loss of reimbursement is attributable to the actions of such agencies except that loss of reimbursement for administrative costs may not be charged to such agencies.
- (f) Every purchase of services agreement for foster care or preventive services entered into between a social services district and an authorized agency shall be deemed to include a provision which shall require the social services district to charge the authorized agency in accordance with subdivision (e) of this Section.
- (g) A social services district aggrieved by the denial of State reimbursement pursuant to this Section is entitled to a fair hearing to appeal such denial. Such fair hearing must be requested within 60 days of the date the written notice that reimbursement will be denied is sent.

- (h) Any authorized agency aggrieved by the determination of a social services district to charge loss of reimbursement pursuant to subdivision (e) of this Section is entitled to a fair hearing to appeal such determination. Such fair hearing must be requested within 60 days of the date the written notice that loss of reimbursement will be charged to such authorized agency is sent.
- (i) The department shall conduct fair hearings required by this Section in accordance with Section 22 of the Social Services Law and Article 3 of the State Administrative Procedure Act.

A new section, 431.14, is hereby added to read as follows:

431.14 Information to Families.

While the assessment is being prepared pursuant to Part 428 for those children for whom a Uniform Case Record is required to be maintained pursuant to Part 428, each family of such children shall be provided by the local social services district with:

- (a) A full explanation of foster care services and preventive services, including the respective obligations of parents and agencies as well as the rights of parents and children to religious protections as provided in Section 373 of the Social Services Law.
- (b) Information about other child welfare services or assistance which may be alternative to placement;
- (c) Assistance in applying for services for which they are eligible, and ascertaining whether those services are being provided;
- (d) counseling; and
- (e) referral for and help in obtaining assistance and services from other agencies and other units within the local district.

A new section, 431.15, is hereby added to read as follows:

431.15 Children in Placement.

The services set forth in this section shall be provided by the local social services district, or the purchase of service agency, if required by the purchase of service agreement as follows:

- (a) Within the first two weeks of placement:
 - (1) Parents shall be contacted (unless it is documented that they are not available) to determine their current situation and their reaction to the child's placement, services including at least counselling services shall be offered to assist them in correcting the conditions leading to placement and to participate in the child's placement.

- (2) Arrangements shall be made for frequent contact between parents, other relatives and the child, unless the written instruments relating to the care and custody of the child has been amended or unless the Family Court or Supreme Court, as the case may be, has ordered that parental visitation be denied. Dates of contact shall be recorded.
 - (3) The child shall be interviewed or visited to determine his reaction to separation and his adjustment to the foster care placement; arrangements shall be made for any services necessary to meet his needs, such as psychiatric care or special education.
 - (4) The social worker assigned to the child's case shall obtain information as to the child's adjustment through personal contacts with those immediately responsible for his day-to-day care.
- (b) During the first three months of placement:
- (1) Counseling interviews shall be held with the family at least every two weeks, unless compelling reasons are recorded why such contacts are not possible or desirable.
 - (2) The child shall be interviewed or visited every two weeks, unless compelling reasons are recorded why such contacts are not possible or desirable. In no case shall visits be made less frequently than every three months.
 - (3) The social worker assigned to the child's case shall obtain information as to the child's adjustment at least every two weeks through personal contacts with those immediately responsible for his day-to-day care.
 - (4) Arrangement shall be made for the provision of other services called for by the initial service plan maintained in accordance with Part 428 of this Title.
- (c) During the fourth through twelfth months of placement:
- (1) contacts shall be made with the family as needed to execute the Comprehensive Service Plan but in no cases less than monthly without documented reasons.
 - (2) The child shall be interviewed or visited at least monthly unless compelling reasons are recorded why such contacts are not possible or desirable.
 - (3) The social worker assigned to the child's case shall obtain information as to the child's adjustment through personal

- contacts with those immediately responsible for his day-to-day care as indicated by the Comprehensive Service Plan, but in no case less frequently than every three months
- (d) Counselling services to the child and family shall continue during the following 12 months as indicated by the Comprehensive Service Plan. Other services shall, if appropriate, continue as well. There shall be monthly contacts with the child and at least quarterly contact with those immediately responsible for his day-to-day care.
 - (e) During subsequent years of placement, contacts must be made as required by the Comprehensive Service Plan, but in no case shall contacts with the child and those immediately responsible for his day-to-day care, occur less than quarterly.
 - (f) Visits shall be made by the local social services district to all agencies from which care is purchased as frequently as necessary for adequate coordination and planning of work with the parents and child, but at least once a year.
 - (g) Service, contacts, visits, interviews and information required by this section shall be recorded in Progress Notes in accordance with Section 428.11 of this Title.

Part 424 is hereby repealed.

Subparagraph (iii) of Paragraph (1) of subdivision (b) of Section 406.2 is hereby amended to read as follows:

(iii) for foster care services for children, standards described by [sections 427.12-427.16 of this Subchapter] Part 428 shall [be the basis for the individual service plan] be applicable; and

Paragraph (1) of subdivision (a) of Section 441.7 is hereby amended to read as follows:

(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 records shall be conveniently indexed and retained until such child become 21 years of age; such record shall 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 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 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 not be construed to require agencies to maintain duplicate records for those maintained by them pursuant to Part 428 of this Title;

Paragraph (4) of subdivisions (a) of Section 441.7 is hereby repealed.

A new subdivision (d) of Section 441.7 is hereby enacted to read as follows:

(d) Local social Services districts shall maintain records required pursuant to Part 428 of this Title.

