

ADMINISTRATIVE DIRECTIVE

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



TRANSMITTAL NO:

88 ADM-11

DATE:

March 25, 1988
Family and Children's Services

DIVISION:

Commissioners of Social Services
Directors of Authorized Agencies

TO:

SUBJECT:

Amendments to "Utilization Review Standards" for Children
in Foster Care Pertaining to Independent Living Regulations
430.12(f) & 430.13(g)

SUGGESTED
DISTRIBUTION:

All Child Welfare Services Staff
Directors of Public Assistance, Employment, Food Stamps
and Medical Assistance
Administrative Staff
Attorneys and or Legal Staff
Staff Development Coordinators

CONTACT PERSON:

Questions regarding this release should be addressed to the
appropriate Regional Office of the Division of Family and
Children's Services, as follows: Fred Cantlo, Regional Director,
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I. Purpose

The purpose of this release is to advise and direct local
social service districts and authorized agencies providing foster
care regarding amendments to utilization review standards for
children in foster care who require independent living services.
The release addresses additions and changes to Department Regulations
18 NYCRR Sections 430.12(f) & 430.13(g). This release specifies

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
81-ADM-53 82-ADM-42		Part 428 430.12(f) 430.13(g)	SSL 398(6) SSL 398-b		Chapter 39.7 of the Laws of 1987

the youth in foster care who require independent living services and each of the major areas of service required to be provided to that population.

II. Background

Concern has been expressed that not all children leaving the foster care system are prepared to be self-sufficient in the community. What may be lacking are basic skills that will allow them to obtain employment, housing, medical and mental health services outside their foster care setting.

By issuance of the new Independent Living Regulations* and this directive, the Department is seeking to enhance earlier steps taken after the Child Welfare Reform Act of 1979 to ensure minimum standards for preparation for independent living. Many of the basic procedures presently in place in the utilization review and the Uniform Case Record (UCR) regulations are important to providing independent living services. These include:

- assessment/selection of independent living goals;
- development of independent living service plans;
- service plan reviews for independent living cases;
and
- Family Court reviews.

The amendments, Sections 430.12(f) and 430.13(g) of the Department's regulations require the development of new services and their documentation, but they do not change the process for selection of independent living goals or the basic manner of documenting the provision/evaluation of independent living services in the UCR.

III. Program Implications

In recognition of the need to adequately prepare foster children to live independently the amended regulations address:

- A. Foster Care Populations Requiring Independent Living Services

* The regulations filed on July 15, 1987 and effective on August 5, 1987 amend the introductory language of subdivision (f) of Section 430.12, subparagraph (i) of paragraph (1) of subdivision (f) of Section 430.12, paragraphs (2) and (3) of subdivision (f) of Section 430.12, add paragraph (4) to subdivision (f) of Section 430.12 and add clause (c) to subparagraph (ii) of paragraph (2) of subdivision (g) of Section 430.13 of Title 18 NYCRR. Throughout the Administrative Directive the new regulations refer to these amendments.

B. Preparation for Discharge Standards

- Independent Living Skills
- Vocational Training

C. Discharge Standards

- Referral Services
- Selection of Goal of Independent Living for at Least Six Months Prior to Independent Living
- 90 Day Notice of Discharge
- Appropriate Housing That Meets 12 Month Availability Requirement

D. Post-Discharge Standards

- Trial Discharge/After Care Services
- Loss of Housing During Trial Discharge
- Supervision Until 21 Years Old

The requirements identified in Sections 430.12(f) and 430.13(g) of the Regulations are requirements on the local districts having custody of foster children, although voluntary agencies will be asked to comply with the regulatory requirements when they enter into purchase of service arrangements for foster care with local districts for children who require independent living services. Due to the comprehensive nature of these amendments to the independent living regulations each new service category will be described separately both in the "Required Action" section as well as the attached Appendix entitled, "Recommendations For Developing An Independent Living Program".

All older children*, not simply those whose goal is independent living, require basic skills that will enable them to obtain employment, housing, referral services and live in a self-sufficient manner in the community. In order to provide all older children leaving foster care with independent living skills regardless of their permanency planning goals, the concept of deeming is introduced. Two deeming categories are identified; one where the child is deemed to have a goal of independent living and the other where the child is deemed to be discharged to independent living. An explanation of who may have a goal of independent living established as well as the deeming criteria is provided below.

* The Regulations and this directive do not require independent living services be provided to children with a goal of adult custodial care. However, many of the services described in the directive should be considered for children with this goal when appropriate.

- Independent Living Goal

A child must be 14 years of age or older, or be placed in a foster home with a relative of the third degree or closer, for this goal to be established and the district must determine it to be in the child's best interests that he or she remain in foster care until the child reaches the age of 18. No other child may have a goal of discharge to independent living unless the court has refused, after a hearing, to free the child for adoption, or unless that goal is approved by the State Commissioner of Social Services, or by his or her representative. (18 NYCRR 430.12(f)(i)(i))

- Deemed to Have a Goal of Independent Living

Any youth 16 years of age or older who has resided in foster care for at least twelve months within the past thirty-six months and who has a goal of discharge to parents or relatives or adoption will now be deemed to have a goal of independent living.

- Deemed to Be Discharged to Independent Living

Any youth 16 years of age or older who has resided in foster care for at least twelve months within the past thirty six months and who has been discharged to parents or relatives will now be deemed to have been discharged to independent living.

The category "deemed to have a goal of independent living" will require the same type of services, as if the child has a goal of independent living when specified in the regulation. Children in this deemed category will be required to meet all of the "preparation for discharge standards" but will not have to meet any of the "discharge standards".

The category "deemed to have been discharged to independent living" will only have to meet some of the specified requirements under "post discharge standards".

The population deemed to be discharged will only include youth discharged from foster care after the regulations have become effective. Deemed children discharged prior to August 5, 1987 will not be "grandfathered" into the population requiring services under these regulations.

Those children actually discharged to independent living must be provided with supervision until they are 21 years old. Local districts are not required to locate and re-establish contact with those children discharged to independent living prior to August 5, 1987. However, if those children become

known to the department and are in need of any services provided by the department, the requirements of "supervision until 21" must be provided.

Sanction Implications Relating to Section 430.13(g)(2)(d)

The last paragraph of the independent living regulations contains the following passage relating to the application of sanctions for children discharged inappropriately:

(c) For cases found out of compliance with clauses 430.12(f)(3)(i)(b) or 430.12(f)(3)(i)(c) of this Part, the violation shall be deemed to have occurred 90 days prior to the date of discharge of the child from care and to have ended upon the date of such discharge.

This regulation is designed to spell out the timeframes for sanctions taken for violations of the following discharge standards:

- the provision to the child of written notice of discharge ninety days prior to discharge and the establishment of a discharge goal of independent living for six months prior to discharge (paraphrased); and
- discharging children to appropriate residences that will be available for a twelve month period of time. Children should not be placed in a shelter for families or adults, single room occupancy hotels/motels, or any other congregate living arrangement that houses more than ten unrelated persons (paraphrased).

These requirements, relating to the child who is being discharged receiving notice, independent living services for at least six months and being discharged to appropriate housing are viewed as critical to avoid children being discharged inappropriately. Therefore the Department wishes to ensure that meaningful disincentives exist for violations of these discharge standards. Violations of these requirements will be projected as occurring 90 days prior to the date of discharge and ending on the date of discharge. Utilizing this time period, the cost of the penalty will be based upon the full cost of care and maintenance while the child was in care instead of utilizing the lower cost of after care or "supervision until 21" services that the child might be receiving when the sanction is identified in an audit.

IV. Required Action

Each of the services requiring district action is discussed separately below with required district action and exceptions. The reader should note information relating to program development identified in the Appendix that provides many suggestions on how

to provide the services that are required below. Each of the Required Services sections contains the regulation and an explanation of the services required by that regulation.

A. Preparation for Discharge Standards

Two types of services are required by the preparation for discharge standards; independent living skills and vocational training. These services must be provided to all children with a goal of independent living or "deemed" to have a goal of independent living.

Required Activities

1. Independent Living Skills

Regulation

The district must ensure the provision to all children with a goal of independent living, or deemed to have a goal of independent living, of structured programs of vocational training and independent living skills, including at least two days per year of formalized group instruction in independent living skills....

Independent living skills include formalized instruction, including supervised performance in job search, career counseling, apartment finding, budgeting, shopping, cooking, and house cleaning. Instruction in these skills must begin at the time the goal is selected or by the child's 14th birthday, whichever is later, and must continue without interruption until the child is discharged, unless the child has demonstrated competency in all of the above skills, either through a test approved by the Department or through an assessment based on observation of the child's performance; in either case, the child's on-going application of those skills must be deemed to meet the standard. (430.2(f)(2)(i))

The district must provide or arrange a series of independent living skills training and supervised performance in each skill area for children with a goal of independent living or deemed to have a goal of independent living. Different age criteria for initiating training applies to children with a goal of independent living as opposed to children deemed to have a goal of independent living. Children with a goal of independent living must be provided with both ongoing individual and formalized group instruction including supervised performance in the skills referenced below, beginning at the time the goal is selected or the child's 14th birthday whichever occurs later. Children who are deemed to have the goal of independent living (i.e., goal of discharge to parents/relatives

or adoption and have been in care for twelve months in the past 36 months) must be provided with both ongoing individual instruction/supervised performance and formalized group instruction/supervised performance in each skill area beginning at the time the child is deemed to have a goal of independent living (at the child's 16th birthday or later in certain instances when the child has not been in care for a year).

The district must provide or arrange for the provision of training and supervised performance regarding the following independent living skills:

- job search
- career counseling*
- locating housing/apartments
- budgeting
- shopping
- cooking
- house cleaning

Independent living skills preparation and training must be consciously structured and include ongoing individual and formal group instruction. The formal training must include a minimum of two days of formalized group instruction per year. The provision of instruction in each of the aforementioned areas can be discontinued if the child had demonstrated competency in a particular skills through:

- the child passing a test designed by the local district and approved by the Department's Regional Office that identifies competency in each skill; or
- the child receives a positive assessment based on observation of the child's on-going active application of these skills as noted in the UCR.

2. Vocational Training

Regulations

The district must ensure the provision to all children with a goal of independent living, or deemed to have a goal of independent living, of structured programs of vocational training and independent living skills, including at least two days per year of formalized group instruction in independent living skills. Vocational training includes, but is not limited to, training programs in a marketable skill or trade or formal on-the-job training. Children enrolled

* Due to the nature of career counseling, supervised performance is not required in this area.

in secondary education, taking academic courses and receiving at least passing grades which if maintained would lead to graduation prior to the child's twentieth birthday, and children enrolled in full time study at an accredited college or university shall be deemed to meet the requirement for vocational training. Vocational training must begin at the time the goal of independent living is selected or deemed to be selected or by the child's 16th birthday, whichever is later, and must continue without interruption until the child is discharged to independent living, unless the child is employed in a paying job for which such child's vocational training has prepared him or her, or is employed in a paying job at an hourly rate which would provide income, if the child was employed on a full-time basis, equal to or greater than 150% of the poverty level for a family of one as established by the federal Department of Health and Human Services, or has passed a test approved or administered by the agency, school, or firm providing the training, or has otherwise successfully completed a course of vocational training as evidenced by a certificate or some other document demonstrating completion...

The vocational training requirements of this subparagraph cannot apply where the child demonstrates an inability to participate in and benefit from vocational training because of the child's inability to read or compute at an appropriate grade level. Where a child is found to be unable to benefit from such training, remedial education must be provided to prepare the child to participate in and benefit from vocational training. (430.12(f)(2)(i))

The district must provide or arrange vocational training for children with a goal of independent living or deemed to have a goal of independent living if the foster child is not in school, is not receiving passing grades, or is not within a year or two of age appropriate grade level.

The vocational training provided should include training programs in a marketable skill or trade, or formal on the job training. The vocational training should begin at the time the goal is selected or deemed to be selected or by the child's 16th birthday, whichever is later and must continue without interruption until the child is discharged to independent living unless the following occurs:

- the child obtains a job in the employment area that he/she received vocational training, or
- the child is employed in any job that if full time would provide income that is 150% above the poverty level for one person. In 1988 this would be at least \$4.50 per hour. A child earning \$4.50 an hour part time or full time would meet this income criteria, or
- the child has received some type of certificate showing that he/she has passed a vocational training program.

The vocational training requirements of this paragraph do not apply where the child demonstrates an inability to participate in and benefit from vocational training because of the child's inability to read or compute at an appropriate grade level. Where a child is found to be unable to benefit from such training, remedial education must be provided that will subsequently enable the child to benefit from vocational training prior to the youth's discharge from care.

The vocational training requirements will not apply when the child refuses to participate after the district or agency has continuously encouraged participation in the vocational training program. The agency/district should thereafter continue to document efforts to have the child reconsider their participation in a vocational training program.

B. Discharge Standards

1. Referral Services

Regulation

For each child discharged to independent living, the district must identify any persons, services, or agencies which would help the child maintain and support himself and must assist the child to establish contact with such agencies, service providers or persons by making referrals and by counseling the child about these referrals prior to discharge. This must include efforts to assist the child to reestablish contacts with parents, former foster parents or other persons significant to the child. (430.12(f)(3)(i))

The previously existing independent living utilization review regulations, established in 1981, require the district to identify any persons, services or agencies which would help the child maintain and support themselves. The purpose of the referral services standard is to assist the child to establish contact with both informal and formal community supports by making referrals and by counseling the child regarding these supports. Referrals and counseling in the area of informal support groups will include assisting the child to reestablish contact if appropriate with parents, former foster parents or other persons significant to the child. Referrals in the area of formal supports will include assisting the child to establish contact with appropriate community service agencies including where the child will not be self-sufficient applications for income maintenance (IM), medicaid (MA) and food stamps (FS).

A requirement that a child discharged to independent living be provided with an independent living discharge plan that lists all referrals is identified in the 90-notice of discharge standard (See Required Action, 90 Day Notice of Discharge, for more complete information, p 11.).

2. Establishing the Goal of Independent Living Six Months Prior to Discharge

Regulation

No child can be discharged to independent living, unless such child has received written notice of such discharge at least ninety days prior to the date of discharge and has had the goal of independent living continuously for a six month period immediately prior to discharge. This notice requirement does not apply where the child has voluntarily departed from the foster care placement without the consent of the district and has been absent from said placement for sixty days. (430.12(f)(3)(i)(b))

The local district must ensure that each child who is to be discharged to independent living have a goal of independent living established at least six months prior to discharge. This will guarantee the provision of a minimum period during which vocational training, independent living skills and preparation for community life will be provided.

Children should normally not be discharged without a six month period where the goal of independent living and related services are provided prior to discharge 430.12(f)(3)(ii)b. If the child cannot continue in foster care due to expiring court authority under article 3, 7 or 10 of the Family Court Act the district should return to family court to extend the court order of placement. Similarly in the case of a voluntary placement where, for example, an extension of placement under Section 392 of the Social Services Law is coming due, the district should consider petitioning the court for an extension. If the voluntary placed foster child is approaching the age of 18 and the court will not entertain a motion for an extension, the district may rely on the existing terms of the voluntary placement agreement, or where necessary and if the parents are willing, amend the agreement to extend the time or event requiring discharge. If the district does not return to court or amend the voluntary placement agreement, the district must document the reasons why a court extension is not in the child's best interests and provide an assessment of the child's ability to live independently in the UCR progress notes.

Generally, at the time the goal of independent living is selected the child and, where appropriate, the child's foster parent should be informed that 90 days prior to the child's discharge from care a written notice of discharge will be given to the child. If therapeutic reasons exist why the child should not be informed at this time those reasons should be documented in the child's UCR.

3. Ninety-day Notice and Independent Living Discharge Plan

No child can be discharged to independent living, unless such child has received written notice of such discharge at least ninety days prior to the date of discharge and has had the goal of independent living continuously for a six month period immediately prior to discharge. This notice requirement does not apply where the child has voluntarily departed from the foster care placement without the consent of the district and has been absent from said placement for sixty days. (430.12(3)(i)(b))

Each child being discharged to independent living must be provided with a written notice of such discharge from care 90 days prior to discharge. This notice applies only to discharge from care and does not apply to transfers between placements (i.e., from one voluntary agency to another or from one foster home to another). The notice requirement will not apply if the child left the foster care placement without the consent of the district and has been absent for sixty days. Where a child becomes absent without the agency's permission, the efforts made by the district to contact the child to encourage his/her return to care must be documented.

At the time of the 90 day notice or any time prior to the child's discharge the child should be provided with a written independent living discharge plan*. The plan should be considered part of the child's progress notes. The plan should include a detailed description of resources for the child in terms of housing, employment/income maintenance, community mental health and health providers. A copy of the discharge plan should be retained in the UCR. The names and telephone numbers of the district/agency, case manager and case planner who will be responsible to assist the child during the period of after care and "supervision until 21" should be identified in the independent living discharge plan.

4. Provision Of Appropriate Housing For Children Discharged to Independent Living

Regulations

No child may be discharged to independent living, unless the child has a residence other than a shelter for adults, shelter for families, single room occupancy hotel or any other congregate living arrangement which houses more than ten unrelated persons and there is a reasonable expectation that the residence will

* This requirement does not require a specific UCR form. Most frequently the plan will be written/typed as ordinary correspondence and will be inserted in the child's record.

remain available to the child for at least the first twelve months after discharge. This requirement does not apply to a child who is a member of the military or job corps or who is a full time student in a post secondary educational institution or where the child has voluntarily departed from the foster care placement without the consent of the district and has been absent from said placement for sixty days. (430.12(f)(3)(i)(c))

The district must ensure that prior to discharge to independent living each youth will live in "appropriate housing" as defined in the regulation and that the housing meet the regulatory "twelve month availability" standard.

This requirement does not apply to a child who is a member of the military or job corps or who is a full-time student in a post secondary educational institution or to a child AWOL for 60 days (i.e., a child who has voluntarily departed from the foster care placement without the consent of the district and has been absent from said placement for 60 days).

a. Appropriate Housing Requirement

The district must ensure that each child discharged to independent living has an appropriate living arrangement in the community. Appropriate living arrangements can include apartments, shared apartments, small boarding homes, room and board arrangements and housing with relatives, friends or former foster parents. The regulations do not permit the following types of housing arrangements:

- shelter for adults
- shelter for families
- single room occupancy hotel/motel
- any other congregate living arrangement which houses more than ten unrelated persons

b. Housing "Availability For Twelve Months"

The district must seek to ensure that the housing the child enters upon discharge will be available for a twelve month period. There is no requirement that a particular housing arrangement be guaranteed by the district or leased by the district for twelve months. However, for the purposes of this regulation, available means that there is an expectation that the housing selected by the child or on the child's behalf would remain accessible for a twelve month period.

C. Post Discharge Standards

The district must provide or arrange for three types of post discharge services:

- trial discharge with custody including after care;
- relocation services due to loss of housing; and
- supervision until 21 years of age.

Trial discharge with custody including after care services will be required for children discharged to independent living and children deemed to be discharged to independent living. The requirement of "supervision until 21" years of age pertains to children who are discharged with a goal of independent living or children who are deemed to be discharged to independent living and subsequently leave the home of their parents/relatives before the district has terminated their custody. The period of "supervision until 21" begins after the period of trial discharge with custody and after care has ended, or at the time of discharge if no legal authority exists for trial discharge with custody.

During the period of trial discharge, the full requirements of the UCR apply regarding documentation, reassessment and service plan activities because the child is still in the custody of the local commissioner. After termination of the district's custody, whether by court order or by the district's own action, only progress notes will be required to document supervisory contacts, problems the child is encountering and referral services.

1. Trial Discharge/with Custody and After Care ServicesRegulations

Every child discharged to independent living and every child deemed to have been discharged to independent living must remain in a status of trial discharge for at least six months after discharge and must remain in the custody of the local commissioner during the entire period of trial discharge. Trial discharge may continue at the discretion of the district up to the age of twenty-one if the reassessment and service plan review indicates either the need for continued custody or a likelihood that the child may need to return to foster care. During the period of trial discharge, the district must provide after-care services to the child, including casework contacts with the child, with the number of face-to-face contacts and in-home contacts equal to those required for that child pursuant to subdivision 431.16(c) of this Part

during the six months immediately preceding the child's discharge.
In addition, after-care services include the provision of
services consistent with the service needs of the child identified
in the uniform case record which would enable the child to
live independently after he or she is discharged from care.
(430.12(f)(4)(i)(a))

Except as stated below, the district must retain the custody of every child discharged to independent living and every child deemed to be discharged to independent living in a status of trial discharge for at least six months after discharge. The child shall remain in the legal custody of the local commissioner during the entire period of trial discharge.

The provisions relating to trial discharge shall not apply where a court order terminates the district's custody of the child, the voluntary agreement expires, or where the child reaches the age of twenty-one. The decision to petition the court for extension should be made on a case by case basis by the district. The district may choose to continue CPS/PINS/JD* custody through a petition prior to discharge extending custody in family court based on the need to closely supervise the child during an extended trial discharge period. Where a voluntary agreement is involved and it is understood that a court will not grant an extension after the 18th birthday of the child, the district could use the existing terms of the placement agreement as a basis to retain custody. If the agreement will expire before the period of intended trial discharge is to end, the district should, prior to the child's 18th birthday, amend the placement agreement with the approval of both the parent(s) and the child.

Retaining custody during the period of trial discharge will allow the district the ability to immediately replace the child in foster care, if that becomes necessary in order to provide care and protection of the child or if the child becomes homeless. Additionally, trial discharge will enable children over the age of 18 to re-enter foster care since they are still in the custody of the commissioner. Trial discharge may continue at the discretion of the district up to the age of twenty-one, if the reassessment and service plan review indicates either the need for continued custody or a likelihood that the child may need to return to foster care.

The district will not be required to continue custody, provide service or maintain contact with children who abscond, refuse to inform the district of their whereabouts or are 18 years of age and refuse to cooperate with service or allow visitation by the district/agency. When these situations occur the case manager or case planner should note the circumstances in the progress notes of the UCR. However, the district will still be required

* Throughout the document the abbreviations CPS (child protective services), PINS (person in need of supervision) and JD (juvenile delinquent) are utilized.

to retain custody, maintain contact and provide services for children 18 years of age or older who refuse to cooperate where there is a court order requiring custody and service for a specific time period. For children over the age of 18 the consent of the child with respect to such issues as custody, trial discharge and supervision is required.

During the period of trial discharge the district is required to provide or arrange for the provision of after care services consistent with the service needs of the child, as specified in the UCR developed while the child was in care and the independent living discharge plan, and to provide case work contacts with the number of face to face and in home contacts by the case planner equalling the contacts required in the six months immediately preceding discharge, pursuant to 18 NYCRR 431.16(c). That subdivision requires at a minimum monthly casework contacts by the case planner if a child has been placed in care due in whole or in part to a child service need. If placement of a child in care was due entirely to parent service need a minimum of quarterly contacts are required.

All PINS and JD placements should be considered as placements made in whole or in part related to a child service need requiring a minimum of monthly contacts.

2.) Loss of Housing During Trial Discharge

Regulation

In the event that the child becomes homeless during the period of trial discharge, the district must assist the child to obtain housing equivalent to that authorized by clause 430.12(f)(3)(i)(c) of this Part. Under no circumstances may a district refer or place a child during the thirty day period following the child's becoming homeless in a shelter for adults, shelter for families, single room occupancy hotel, or any other congregate living arrangement which houses more than ten unrelated persons. If appropriate housing is not available within thirty days of the date the child becomes homeless, the district must place the child in a suitable foster boarding home, agency boarding home, group home or institution consistent with section 430.11 of this Part. The provisions of this clause relating to trial discharge shall not apply where a court order terminates the district's custody of the child or where the child reaches the age of twenty-one. 430.12(f)(4)(i)

The district is responsible for assisting any youth who becomes homeless during trial discharge, regardless of the child's discharge goal, to obtain "appropriate housing" that also meets the "12 month availability standard" (i.e. consistent with housing standards required as a condition for discharge).

If on an emergency basis "appropriate housing" is available that does not meet the "twelve month availability" standards described in the housing requirements, a temporary placement in "appropriate housing" is allowable for a period of up to thirty days from the time the child became homeless. At the end of thirty days, the district must find "appropriate housing" that will be available to the child for another minimum "twelve month" period. If "appropriate housing" that meets the "twelve month availability" standard is not available within thirty days of the date the child became homeless, the district must place the child in a suitable district/agency operated supervised independent living program (SILP) apartment, foster boarding home, agency operated boarding home, group home or institution consistent with the appropriateness of placement standards as specified in Department Regulation 430.11(c) and (d).

Under no circumstances shall a district refer or place a child during the thirty day period following the child's becoming homeless in a shelter for adults, shelter for families, single room occupancy hotel/motel, or any other congregate living arrangement which houses more than ten unrelated persons.

4. Supervision Until 21 Years Old

Regulation

After the district's custody of the child has been terminated whether by court order or by the district's own action, the district must maintain supervision of the child until the child is twenty-one years of age, where the child has been discharged to independent living or is deemed to have been discharged to independent living and has permanently left the home of his or her parents or relative prior to the termination of the district's custody. Supervision includes at least monthly contact with the child, unless the child has maintained adequate housing and income continuously for the past six months, in which case at least quarterly contacts shall occur, either face-to-face or by telephone. Where monthly contacts are required, face-to-face contacts on a quarterly basis must occur with the remaining contacts being either face-to-face or by telephone. This requirement of quarterly face-to-face contacts does not apply to children living fifty miles outside of the district. In all cases, the district must provide referral to needed services, including income and housing services, with sufficient follow-up efforts to ensure that the child has begun to receive the services for which he or she was referred. The contact requirements of this clause

must be satisfied when the child has refused contact or can not be located during a sixty day period in which two face-to-face or telephone contacts and one in-home contact have not been successful. The contact requirements mandated by this clause must resume when the child is located and desires to cooperate with the district.

(c) nothing, in this subdivision mandate(s) the participation of a child in the status of the trial discharge or supervision. Such participation is contingent upon the consent of the child. (430.12(f)(4)(i)(b) and (c).

The district is responsible for providing supervision until the child reaches twenty one years of age for all children discharged to independent living and for those children deemed to have been discharged to independent living who leave the home of their parent/relatives before the district terminates custody. During the period of after care/trial discharge the district retains custody and has a direct responsibility to deliver or ensure the delivery of a range of services. During supervision, after custody has ended, the district is not obligated to directly provide services but has an obligation to provide referral services to the child and monitor the provision of those referrals to the extent of ensuring that the child begins to receive the services for which he/she is eligible, including referrals for income maintenance and housing. Of course, if the child applies for and is otherwise eligible for other Title XX services, the district should provide such services.

Supervision shall include at least monthly contacts with the child, unless the child has maintained adequate housing and income continuously for the past six months, in which case at least quarterly contacts must occur, either face to face or by telephone. Where monthly contacts are required, face to face contacts must occur on a quarterly basis, with the remaining contacts being either face to face or by telephone. The requirement that quarterly contacts occur do not apply to children living fifty miles outside the district.

If the child cannot be located or refuses contact during a sixty day period in which two face to face or telephone contacts and one in home visit have been attempted the contact requirement shall be satisfied. The district will not have to continue to provide supervision if the child refuses to cooperate with the district/agency. When these situations occur the case manager or case planner should note the circumstances in the progress notes of the UCR. The contact requirements related to "supervision until 21" must be resumed when the child is located and desires to cooperate with the district.

If the district is providing a child who is at least 18 years of age with supervision through an appropriate adult service such as preventive or protective services for adults, as provided in accordance with an approved Consolidated Services Plan, that supervision may satisfy the regulation's supervisory requirements.

V. System Implications

During the period of foster care placement and trial discharge, districts will continue to maintain the WMS Services and CCRS case in the prescribed manner. When "supervision until 21" begins the CCRS case should be closed but the WMS Services case should be maintained for the authorization of appropriate direct service and purchase of services information and SSRR reporting.

Several system enhancements will be available in the future to assist districts in the management and monitoring of program requirements. Highlights of these systems are as follows:

- WMS - Additional purchase of service codes for Independent Living Skills Training, Vocational Training, Foster Care After Care, Independent Living Supervision, Stipends and Academic Support Services.
- CCRS - Additional Service Needs of Vocational Training/ Job Search, Career Counseling and Apartment Finding.

Additional reason for Service Program Choice of Loss of Housing of Individual Discharged to Independent Living.

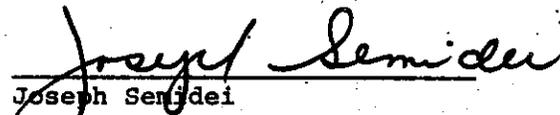
Anticipated completion date of the Permanency Planning Goal will be required for individuals with a Permanency Planning Goal of Independent Living. A notice reminding districts to send a 90 day notice to make the child aware that he/she will soon be discharged from foster care will be calculated from the anticipated completion date of the Permanency Planning Goal. The notice will be incorporated as actions due/overdue on the appropriate CCRS reports.

Additional activity code will be required which indicates that the 90 day notice of discharge to independent living has been sent.

Districts will be advised via a SIS Letter of the detailed system processing procedures in the future.

VI. Effective Date

The administrative directive will become effective April 1, 1988, retroactive to August 5, 1987 the effective date of the attached regulations.


Joseph Semidei
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Appendix

**Recommendations For Developing
An Independent Living Program**

The following section provides a recommended approach for developing an independent living program based on the requirements identified in the required action section. An explanation of each service with district-wide and individual case planning recommendations is provided.

A. Preparation for Discharge Standards

Standards for children with a goal of independent living or children deemed to have a goal of independent living will require that during their stay in foster care the two major program areas of independent living skills and vocational training be addressed. While it may be appropriate that both of these areas be addressed early in a child's stay in care, the regulations only contain requirements for training and evaluation in these areas during the latter stages of the child's adolescence. The requirements are not aimed at discouraging earlier training in these program areas but only seek to establish minimum standards, as described below.

Where the child being discharged is disabled the district or voluntary agency acting on behalf of the district should consider utilizing independent living services and vocational training services offered by New York State's Office of Vocational Rehabilitation and the New York State Commission for the Blind and Visually Handicapped.

1. INDEPENDENT LIVING SKILLS

Foster children with a goal of independent living, or deemed to have a goal of independent living, must be provided with a program of independent living skills, as specified in the Independent Living Skills, Required Action section or meet the exceptions identified in that section.

The district must provide or arrange a series of independent living skills training and supervised performance in each skill area for children with a goal of independent living or deemed to have a goal of independent living. Different age criteria for initiating training applies to children with a goal of independent living as opposed to children deemed to have a goal of independent living. Children with a goal of independent living must be provided with ongoing individual and formalized group instruction including supervised performance in the skills referenced below, beginning at the time the goal is selected or the child's 14th birthday whichever occurs later. Children who are deemed to have the goal of independent living (i.e., goal of discharge to parents/relatives or adoption and have been in care for twelve months in the past 36 months) must be provided with ongoing individual and formalized group instruction including supervised performance in each skill area beginning

at the time the child is deemed to have a goal of independent living (at the child's 16th birthday or later in certain instances when the child has not been in care for a year).

The general aim of the independent living skill requirements is to ensure that older children in foster care have competency in basic life skills including: job search, understanding different career requirements, locating apartments and home management skills including budgeting, shopping, cooking and house cleaning. It should be noted that many of these independent living skills may be developed over the early years of the foster child's life and are on-going and informal in nature. The regulations are not intended to restrict the overall learning experience of the foster child to the new requirements but to ensure that each child receives a minimum amount of information in these areas. The instruction should be of a continuous nature and be progressive, based on the child's ability to accept more responsibility and the proximity to time of discharge.

Independent living skills preparation and training must be consciously structured and provided on an ongoing individual basis that includes supervised performance in each skill area. The training must also include two days of formalized group instruction per year. Group instruction includes the requirement of providing supervised performance in each of the identified skills. With the exception of career counseling, the skill areas identified lend themselves to the provision of supervised performance. Supervised performance should include direct monitoring of the child in practical exercises in each skill area being developed. Some examples of practice exercises are included in the discussion of skill areas.

For a child in the care of a voluntary agency the district may opt to have the training provided through a contractual arrangement. For children in direct care, the district may wish to provide their own training program utilizing county personnel or can hire consultants or contract with other agencies to provide the training. Most districts have existing resources such as home makers, health aides, county extension home economists and foster parents, which can be utilized in developing an independent living skills training program. (Some curriculum materials relating to independent living skills training are available from the New York State Department of Social Services. For more information contact your regional office.)

In developing the training program, the district should integrate its instruction with instruction already provided by the school system and/or information provided by foster parents. Wherever possible, foster parents and the local foster parent association should be involved in developing the instructional package. Where applicable the instruction should include realistic supervised practice by the foster child in the skill being developed.

a. Purpose of Independent Living Skills

The purpose of providing independent living skills is to:

1. provide general life competencies to support community living
2. promote self sufficiency through increasing the youth's ability to identify employment opportunities
3. increase understanding of how to locate housing
4. enhance "home management skills" (budgeting, shopping, cooking and house cleaning)

b. Independent Living Skills Considerations

The provision of independent living skills will require district-wide and individual case planning efforts. Since a variety of different types of skills are included under the category of independent living skills, the similar skills are discussed together under the following headings:

- Career counseling/Job search
- Apartment finding
- "Home management skills"
 - budgeting
 - shopping
 - cooking
 - house cleaning

c. Independent Living Training and Supervised Performance in Each Skill Area

The regulations require the district to provide or arrange for the provision of a structured program of independent living skills. This program must include ongoing individual training/supervised performance and formal group training/supervised performance in each skill area. The case manager/case planner has a responsibility to coordinate the ongoing training provided by the foster parent, caseworker or residential staff with the more formalized group training.

d. Career Counseling and Training/Supervised Performance in Job Search

The general aim of providing career counseling and training/supervised performance in job search is to ensure that foster children understand the opportunities and responsibilities associated with various careers and gain the ability to access employment through assistance in job search. If existing career counseling provided by the local school system or available through the New York State Employment Services does not meet the needs of the child, the district should provide or arrange for additional counseling. Since instruction regarding job search or the supervision of children seeking employment is usually not provided by the educational system the district may have to develop or arrange for the development of a separate training approach in this area.

Due to the nature of the service offered in career counseling supervised performance in this area is not required. The other skills areas (i.e. job search, apartment finding, budgeting, shopping, cooking and housecleaning) will require the provision of ongoing individual and formal group training and supervised performance.

i. District-Wide Planning

- a. Administrative and case management staff should develop an overall approach that will ensure that provision of career counseling and ongoing individual training/supervised performance and formal group training/supervised performance in job search is provided to those children requiring the service, regardless of their placement location. The approach should include utilizing appropriate local district income maintenance employment counseling and job identification programs.
- b. As referenced in the Appendix, Vocational Training section, pages 11-14, a preliminary step to the training should be the identification by the district of a "Job Search/Career Planning Resource List" that includes:

- schools,
- employment services available through the local district employment unit,
- services offered by the state employment services,
- career planning agencies,
- public/private guidance counseling services,
- vocational training programs,
- major area employers,
- summer employment opportunities,
- Job Corps, and
- military career opportunities.

Children's services supervisory staff in conjunction with income maintenance staff should contact each agency in order to identify the types of services offered and their ability to be tailored to meet the needs of foster children.

- c. Supervisory staff should document the type and extent of career counseling, vocational training or job search assistance that is provided by the public and voluntary agency schools that foster children attend. Frequently foster children will have limited exposure to career information that may require the development of specialized career counseling, vocational training and job search assistance programs. Where deficiencies are noted, the district should have discussions with the local superintendent of schools or the voluntary agency school principal in order to arrange for the development of more appropriate career counseling and job search assistance. If appropriate career counseling and job search assistance will be unavailable through the school system supervisory staff should consider the inclusion of this topic for training to be provided through other resources or directly by the district.
- d. Administrative staff should implement a plan to ensure the provision of training/technical assistance program in supervised job search perhaps through the development of a "Job Club" that includes:
 - training in job search information
 - direct supervision of efforts to obtain employment
- e. For children in voluntary agencies the district may contract for the development of a "Job Club", the provision of job search instruction and the supervision of vocational training and employment efforts.

For children in direct care the district may elect to develop and provide its own training program, through the use of agency trainees, case managers and available state/county education/employment consultants or to purchase job search training from employment or educational organizations.
- f. The district must develop or arrange for the provision of a job search information program that is designed to meet the needs of its foster care population. The

instruction/supervised performance in job search should include but not be limited to the following:

- obtaining employment related documents, such as:
 - Social Security cards,
 - birth certificates, and
 - working papers/references;
- identifying employment through:
 - use of state and private employment agencies,
 - newspapers job ads,
 - help wanted signs, and
 - calling potential employers who have not advertised.
- responding to employment opportunities, by:
 - development of resume's and cover letters, and
 - practicing in person and phone inquiries;
- preparing for interviews, by understanding:
 - types of questions typically asked in interviews,
 - how to dress, and
 - how to ask and answer questions;
- understanding employment responsibilities of:
 - work schedules/time cards,
 - over time/sick leave/vacation, and
 - unemployment insurance/social security/employment compensation.

The instruction should include at least one "mock" training exercise that allows the child to practice applying for employment. The employment exercise should include:

- identifying and answering a job offering,
- developing a resume/cover letter to complete a job application,
- participating in a "mock" employment interview, and
- completing a job application form.

ii. Individual Case Planning

- a. Case managers/case planners should ensure that each child requiring independent living services be provided with career counseling, job search information, enrollment in "Job Club" or similar activities and supervision in his/her job search activities.
- b. Case planners should assess the vocational/employment needs of each child and assist the child to select the most appropriate opportunities identified on the "Job Search/Career Planning Resource List".
- c. Case planners should ensure that the child receive job search information and have an opportunity to practice applying for employment through the formalized and ongoing training that is offered or arranged by the district.
- d. Case managers/case planners should consider whether the child should be enrolled in drivers education and/or arrangements made to assist the child to apply for a drivers license. This should always be considered where a drivers license would be a requirement for employment the child might be seeking.
- e. Case planners should seek to ensure that career counseling is realistically based on the child's abilities and is linked to employment opportunities that are available to the child that will provide adequate pay in the geographic area where the child will be residing after discharge.
- f. Case planners must monitor the child's success in the area of career counseling, vocational training, job search and employment and should document the child's successes and problems in the UCR (see Appendix, Vocational Training, pages 11-14, for more information on utilizing and monitoring vocational training and employment).

D) Training and Supervised Performance in Apartment finding

The general aim of the requirement for training/supervised performance in apartment finding is to assist youth requiring independent living services to understand how to locate housing. This requirement is related to the district's responsibility to directly assist youth being discharged from care to find "appropriate" housing for a twelve month period of time, as described in, Required Action, Provision of Appropriate Housing, pages 11-12. However, the emphasis here in this requirement is to assist the child to understand how to locate an apartment and to gain skills in this area.

i. District-Wide Planning

a. Supervisory staff should identify all available housing resources, including public/private agencies that can assist children in locating housing. These resources should be incorporated into a "County Housing Resource List". The listing is expected to include but not be limited to the following:

- local housing authorities,
- current newspaper ads,
- lists of apartment complexes and small boarding homes, and
- real estate brokers who have rental apartment listings.

b. The local department should develop or arrange for the provision of ongoing individual training/supervised performance and formal group training/supervised performance in "apartment finding" that identifies the various housing resources described above and describes how to approach housing authorities and private individuals to apply for housing. The training/supervised performance should include responsibilities of tenants and landlords and explanations of housing terminology (leases/month to month rental, "plus utilities", application fees, security/key deposits, etc.) and practical exercises on filling out housing applications and reading a lease.

c. For children in direct care the training will usually be part of the formalized yearly training as well as ongoing training related to independent living services. Case management staff should ensure that children in voluntary agencies receive similar training regarding apartment finding.

ii. Individual Case Planning

a. Case managers/case planners should insure that each child requiring independent living services is provided with instruction and practical exercises regarding apartment finding and being a responsible tenant.

E) Training/Supervised Performance in "Home Management Skills"

The regulations require instruction and supervised performance in budgeting, shopping, cooking, and house cleaning. This set of skills will collectively be referred to as "home management skills". The general aim of these skills is to enable the child discharged from care to have basic daily life skills that will ensure self-sufficiency. In order to live independently the child should be able to budget his/her money, shop for clothing/household supplies/food, prepare nutritious meals and accomplish a minimum level of house cleaning. If children are not prepared to complete these tasks, they will not be able to sustain themselves in the community.

i. District-Wide Planning

- a. Administrators and supervisors should develop a list of home management and personal competencies that foster children will have to possess to be able to function on a personal level within the community. For each competency practice exercises should be developed that would assist the foster child in gaining that skill. In developing the list the supervisors should consult with foster parents, child care agency staff, district home makers/home economists, and where practicable foster children who are successfully maintaining themselves in the community.
- b. Supervisory staff should develop a training curriculum that will serve as the basis for ongoing and formalized instruction for children in direct care. For children in the care of voluntary agencies the district should review the type of training children will receive in home management skills. Foster parents should be considered as central to both formal and informal teaching of home management skills.
- c. In finalizing the types of training/practical exercises to be addressed the district may wish to consider including the categories of topics identified below. Due to the variety of suggestions relating to home management skills, examples of two of the skills "budgeting" and "food shopping" as one shopping skill activity, are provided. Training activities for clothing shopping, furniture shopping, cooking and house cleaning instruction should follow a similar format.

- Budgeting - Considerations/Activities to be considered regarding budgeting are identified below:

Considerations:

- reviewing with the child how much of his/her income should be spent on food, clothing, shelter, recreation, etc.;
- explain how credit should be applied for and used;
- explain purchases on time, layaway;
- review procedures for opening savings/checking accounts, balancing checkbooks; and
- explain the significance of signing contracts.

Activities:

- having foster parents create a family budget with the child;
- have child develop his/her own budget; and
- have child open saving/checking account.

Shopping

Food Shopping - Considerations/Activities in food shopping are identified below:

Considerations:

- where to shop,
- preparing a shopping list and weekly menu;
- unit pricing, use of coupons, buying generic brands, and checking freshness dates; and
- eligibility for food stamps, if applicable, (for more information see Appendix, Referral Services Standards, pages 15-18);

Activities:

- have child develop weekly menu/shopping list;
- allow child to purchase weekly groceries; and
- review with child menu planned and food shopping.

ii. Individual Case Planning

Case managers/case planners should ensure that each child receives ongoing individual training/supervised performance and formal training/supervised performance in home management skills prior to being discharged from care. Case managers should verify that children in voluntary agencies receive training similar to the training developed by the district for children in direct care.

For children in foster boarding homes, either under agency or public auspices, the case planner should discuss approaches with the foster parents that will support the child practicing home management skills. Possible exercises to consider include:

- reviewing or planning the family budget,
- shopping for the foster family for a designated time period, and
- preparing a menu and cooking a meal for the entire family.

2. VOCATIONAL TRAINING

Foster children with a goal of independent living, or deemed to have a goal of independent living must be provided with a program of vocational training, as specified in the Vocational Training, Required Action section or meet one of the exceptions identified in that section. Unlike the independent living skills requirement which is mandated to be provided at 14 for the children with the goal of independent living and at 16 for the deemed population vocational training for both populations generally occurs at 16 years* of age. The district can opt to provide vocational training when either of the following circumstances occur; but must provide the service when both have occurred:

- the goal of independent living is established or is deemed to be established; and
- the child reaches 16 years of age.

The general aim of the vocational training requirements is to ensure that older children in foster care receive adequate vocational training or work experiences to prepare them for employment upon discharge. This requirement builds upon the general career counseling/job search standard that is identified in the independent living skill section. The specific vocational training requirement identified in the regulations supports foster children acquiring job skills through a vocational training program or employment.

a. Purpose of Vocational Training/Employment

The purpose of providing vocational training or employment is to:

1. Provide orientation to the world of work
2. Establish/reinforce importance of self-sufficiency through preparation for present/future labor market
3. Gain self-sufficiency through learning and applying job skills or gaining employment

* the exact age may be after the child's 16th birthday for the deemed population if the child hasn't been in foster care for twelve months within the past thirty six months.

b. Vocational Training/Employment Considerations

Vocational training should include district-wide and individual case planning efforts. Approaches to the provision of vocational training should include the following:

i. District-Wide Planning

- a. Administrative and case management staff should develop an approach to assess both vocational training and employment opportunities available in the district and the extent of resources needed by the foster care population.

An assessment of existing community resources will require contacts with local school systems, Boards of Cooperative Educational Services (BOCES), Job Training Partnership Act/Private Industry Councils (JTPA/PIC), the local office of the New York State Employment Service and community employers. The assessment should build upon the training, employment and job search resources identified previously in Appendix, Sections on Career Counseling and Job Search, pages 4-7.

As a result of the assessment of service needs and available resources, the districts should develop a list of services that need to be developed. These services should be identified as unmet service needs to be developed in the district's Consolidated Services Plan (CSP).

- b. Based on the assessment, the district should develop a "Job Search/Career Planning Resource List" that can be used with the child to select the most appropriate vocational training and employment opportunities (see Appendix, Job Search/Career Planning section, page 4).
- c. District supervisory staff must develop procedures to identify the children who are unable to participate in either vocational training or employment due to their inability to read or compute. Supervisors should contact local school systems and voluntary agencies to ensure that educational programs are available to meet the remedial needs of these children. The goal of the remedial programs should be to prepare the child to benefit from vocational training prior to discharge from care.
- d. For children in the custody of voluntary agencies, supervisory or case management staff should review with agency staff the general availability and appropriateness of existing vocational training and ensure that individual children receive these service opportunities. Where appropriate vocational training is not available the voluntary agency should develop or purchase the required services.

The district's supervisory staff should develop procedures to ensure that the vocational training the child receives at the voluntary agency will take into account employment opportunities available in the community where the child will be living after discharge.

- e. For children cared for directly by the local district, the supervisory and administrative staff should provide written information regarding the local district's efforts concerning vocational training and employment to the foster parents and any foster parent organizations. Case planners should be instructed to seek the support of the individual foster parents in encouraging and monitoring the vocational training and employment efforts of the foster child.

The district should reimburse district and voluntary agency foster parents for non-routine vocational and transportation expenses associated with assisting the child to enroll or participate in vocational training. This reimbursement to foster parents will be treated as a special payment.

ii. Individual Case Planning

- a. Case managers or case planners should develop a plan that identifies each child's vocational training needs, interests and aptitudes. Many times existing school evaluations will provide comprehensive evaluations of the child's aptitudes, vocational needs or employment readiness. Where evaluations do not exist the case planner should ensure that such evaluations are performed. Where ever possible the case manager or case planner should directly involve the child in the plan's development. The plan to provide vocational training should be identified in the child's UCR progress notes.

If a particular child is unable to participate due to inability to read or compute at an appropriate level to benefit from vocational training, the case manager/case planner must ensure that the child receives remedial education that will subsequently allow the child to benefit from vocational training. Children in public schools or campus schools should be referred for remedial education to the appropriate school system.

If remedial programs are not available the district will be responsible for developing or arranging for the development of an appropriate remedial program for the children involved. If the child is in the care of a voluntary agency the district must cooperate with the voluntary agency in the development of the program and will reimburse the voluntary agency for the development of the remedial program. The district and/or the voluntary agency should consider utilizing individual teachers or tutors if community programs are unavailable or cannot be established.

- b. The case planner should discuss all available vocational training and employment opportunities with the child and foster parents prior to making vocational/employment referrals. The likelihood of subsequent employment being available in a particular vocational area should be heavily weighed when making referrals. For more complete information see Appendix, Career Counseling/Job Search, pages 4-7.
- c. As referenced in the Independent Living section under Job Search/Career Planning section, the case planner is responsible to assist the child to select the most appropriate training or employment.
- d. The case planner should consider whether the child will need to be enrolled in drivers education or assisted to obtain a drivers license. This should always be considered when possession of a drivers license will be an employment requirement.
- e. For children in voluntary agencies, district case managers and voluntary agency case planning staff should agree upon the types of vocational training and employment opportunities to be provided for individual children and how each child's vocational experience will be monitored.
- f. The case planner should ensure that the child is participating in a vocational training program. The case planner should periodically monitor the success the child is having in completing the vocational training program and later his/her employment progress. Monitoring the child's vocational training/employment should include conversations with the child, foster parents, and where appropriate the child's employer.
- g. In some instances foster children will not be successful in completing their initial vocational training courses or have success with their first job. In these situations, the case planner should review the situation with the child, the foster parent, the vocational training supervisor or employer to identify the reasons that caused the child to be unsuccessful. If necessary the case planner should consider employment counseling, additional vocational preparation, and increased monitoring of future vocational training or employment.

3. DISCHARGE SERVICE STANDARDS

The discharge service standards established by the amended regulations only apply to children discharged to independent living. The standards in this area do not apply to the "deemed" populations. Children with an independent living goal must be provided with all discharge services as specified in the Discharge Service Standards, Required Action section or meet the exceptions identified in that section.

The general aim of discharge service standards is to ensure that children who will be leaving foster care in the very near future are prepared to live independently in the community. Services that are required to be provided before discharge, include the following:

- referral services
- selection of the goal of Independent Living for at least six months prior to discharge
- 90 day notice of discharge
- housing

The standards require that a final set of discharge services are provided to children in order to enable them to be self-sufficient in the community.

a. Purpose of Discharge Service Standards

The purpose of discharge standards is to:

1. establish a service plan that identifies the child's needs and offers services to meet those needs prior to discharge
2. provide a time schedule and notice to the child for his/her discharge from care
3. provide community based referral services that will substitute for previous services provided by the child care agency or foster parents
4. assist in the identification of appropriate housing for the child

b. Discharge Services

Each discharge service will require district-wide and/or individual case planning efforts. Since a variety of different types of services are included under the category of Discharge Services each service will be described separately.

c. Referral Services

The previously existing utilization review regulations, established in 1981, require the district to identify any persons, services or agencies which would help the child maintain and support themselves. The purpose of the referral services standard is to assist the child to establish contact with both informal and formal community supports by making referrals and by counseling the child regarding these supports. Referrals and counseling in the area of informal

support groups will include assisting the child to reestablish contact if appropriate with parents, former foster parents or other persons significant to the child. Referrals in the area of formal supports will include assisting the child to establish contact with appropriate community service agencies.

The existing utilization review standard referenced above continues to provide a comprehensive framework for planning for services the child may need after discharge. The existing requirement supports the new requirements for written notice of discharge, the independent living discharge plan and housing support for the child (see Required Action, Notice of Discharge/Independent Living Discharge Plan and Appropriate Housing, pages 11-12).

A written description of formal supports the child may want to contact and major referral services (including agency names, addresses, contact people and a description of the application process) including employment/income maintenance, medicaid, food stamps, community mental health and health providers should be identified in the independent living discharge plan and provided with the ninety day notice or within ninety days of discharge. If the child being discharged from care is not expected to be self-supporting prior to discharge and is otherwise eligible, the district is responsible for ensuring that income maintenance, medicaid and food stamps are available by the time of the child's discharge.

i. District-Wide Planning

a. Supervisory Staff and administrative staff should identify or arrange for the identification of all major community referral sources that will supplement the list of informal supports developed by the case planner. Efforts should include developing a district resource list incorporating:

- agency names
- services provided/availability
- application procedures/contact names
- fee schedules

b. Supervisory staff should utilize the UCR procedures in conjunction with case planning staff procedures that will identify for each child leaving care the types of services required and the related community agency that will be able to provide those services.

c. Administrative staff should establish procedures to ensure that children who will not be self-sufficient after discharge will be able, if eligible, to receive income maintenance, medicaid and food stamps by the time of discharge.

Applications for Income Maintenance, Medicaid, Food Stamps and Supplemental Security Income

Due to the complexity of providing these services across different organizational units within local districts, procedures should be established that would support the following recommendations.

- Discussions should be held with income maintenance (IM), medicaid (MA) and food stamp (FS) personnel to insure that when necessary a timely application process is available for children leaving foster care. For children with a goal of independent living who will not be self supporting after discharge, procedures should be established that will ensure that applications for IM, MA and FS are filed 30 days prior to discharge.
 - For the same group of children procedures should be established which will allow processing of IM, MA and FS applications pending the location of specific housing by child welfare staff. An evaluation and written notation that children with independent living goals should not be required to return home as a condition of eligibility since such action would be detrimental to their health and safety should be placed in each child's UCR.* This evaluation should be made available to IM staff prior to applications for PA and MA in order to avoid requests that the child's family be considered as a housing resource for the child.
 - For children who are disabled procedures should be established which will enable the case manager or case planner to submit an application for supplemental security income (SSI) prior to discharge. For this population of children procedures should be established that will enable the child to receive interim home relief (HR) until the SSI funds are available.
- ii. Individual Case Planning
- a. Case managers/case planners should assist and provide counseling to each child regarding the reestablishment of contact if appropriate with parents, former foster parents or other persons significant to the child.
 - b. Case managers/case planners should ensure that the service needs each child will have after discharge are identified in the UCR. The independent living discharge plan should

* Please note that there is no requirement for food stamps that the home of a parent be considered an available resource. However, for food stamp purposes resources which a parent retains on behalf of a child would be considered in determining food stamps eligibility.

also include a listing of specific community resource agencies that will be providing services appropriate to meet the child's service problems. Wherever appropriate prior to discharge the child should be referred to community resources for an intake interview. This intake referral will ensure both a timely transition to community services and allow the child and case planner to evaluate the appropriateness of the community service in addressing the child's problems.

- c. The child's case manager/case planner should coordinate with the local district's employment unit where the child will reside after discharge to take advantage of currently existing employment services/opportunities.
 - d. Case managers/case planners should assist children who will not be self-sufficient after discharge to apply for income maintenance, medicaid and food stamps. Any child who does not have a firm job offer within 30 days of discharge should be referred for IM, MA and FS.
 - e. Case managers/case planners and the child should work cooperatively with IM, MA and FS in meeting necessary eligibility requirements. Certain information is required for public assistance eligibility with respect to legally responsible relatives. In establishing relative responsibility, "good cause" can be claimed for refusing to cooperate in establishing paternity, but the decision regarding whether "good cause" exists is to be made by the income maintenance worker. Children under 21 must petition their parents for support. Please note that no such requirement exists, however, for food stamps.
- d. Selection of the Goal of Independent Living at Least Six Months Prior to Discharge

The local district must ensure that each child who is to be discharged to independent living have a goal of independent living established at least six months prior to discharge. This will guarantee the provision of a minimum period during which vocational training, independent living skills and services relating to the preparation for community life will be provided.

During this period the district/voluntary agency should work with the child who is to be discharged so that the child has an understanding of how to live in the community on an independent basis. Additionally the child should be given reassurances that, during the time of trial discharge, the district/agency will be

available to assist the child to resolve problems/difficulties. This should include providing the child with specific services (directly provided or purchased), information and making referrals regarding housing, employment, community mental health services, income maintenance, day care, medical assistance and food stamps that are available in the community where the child will be living.

i. District-Wide Planning

a. Administrative staff should initiate discussions with their local family court judges to inform them of the independent living requirements generally, with specific attentions to the need for extending placements of some youth (with the youth's consent) when the youth is over the age of 18 but is not ready to live independently.

ii. Individual Case Planning

a. Case management staff should ensure that wherever possible children will receive at least a six month period of services once the goal of independent living is established. In establishing the goal, case managers and case planners should take into account expiring court authority or voluntary placement agreements which may not provide a sufficient period of preparation for independent living. In these instances the case manager/case planner should consider returning to court to extend court orders or to amend voluntary placement agreements (prior to the child's 18th birthday) in order to provide additional time to prepare the child to live independently in the community.

b. The case planner/case manager should develop a comprehensive plan with the child and, where appropriate, the foster parent that identifies the following:

- psycho/social/medical problems and strengths the child exhibits that will hinder or assist him/her from living independently in the community;
- vocational/employment deficiencies and strengths of the child; and
- availability of housing for the child upon discharge.

The plan should identify services that will be offered to the child to address each of these service problems and to build upon identified strengths during the remaining time the child is in foster care.

c. For children 16 years of age who have been in care over several years, case managers/case planners should use the service plan review mechanism, to determine whether the goal

of independent living should be established. While the regulations only require that the goal of independent living be established for six months, the establishment of the goal for a year or more would provide a more adequate period of preparation for independent living.

d. The case management staff should establish an approach, in conjunction with the case planner, to review the goals selected for older JD and PINS children when they first enter care. Since many of these children may be discharged within twelve to eighteen months, early assessment of the child's home should be made in order to determine whether the selection of a goal of discharge to "Independent Living" should be made.

e. During the child's last six months in care, the case planner should identify the child's discharge date, a preliminary time for providing the 90 day notice of discharge and the formulation of a preliminary plan for referral services required by the child upon discharge including referrals for IM, MA and FS if the child will not be self supporting. The final plan of referral services should be identified in the independent living discharge plan described below.

e. Ninety-day Notice and Independent Living Discharge Plan

The purpose of the ninety day notice is to make the child aware that he/she will very shortly be discharged from foster care to community life. This notice should signal a period of intensified services to insure that earlier independent living plans are viable.

A written independent living discharge plan should be given to each child being discharged to independent living. The plan should be developed with the child and should be provided to the child during the ninety day period immediately preceding the child's discharge. The plan can be attached to the ninety day notice or provided to the child any time during the ninety day period. The plan should be included in the UCR progress notes. The name and telephone number of the district/agency case manager and case planner who will be responsible to assist the child during the period of after care and "supervision until 21" should be identified on the independent living discharge plan.

The plan should include a detailed description of resources for the child in terms of employment/income maintenance, housing, community mental health and health providers (see Appendix, Referral Services, pages 15-18, for more complete information). At this time the district/agency should reassure the child that they will be available to assist the child in coping with problems during the periods of trial discharge and "supervision until 21".

i. District-Wide Planning

a. The district's supervisory staff should develop procedures with voluntary agencies and public foster parents/child care staff that identifies the manner for providing this notice for children in their care and documents services to be identified in the independent living discharge plan including required community referrals and IM, MA and FS applications.

b. The district should include in its procedure for notification protections to avoid notice being provided to the child without prior explanation or counseling by the case planner or case manager.

ii. Individual Case Planning

a. When the goal of independent living is established the foster child and, where applicable, the child's foster parents should be verbally informed that ninety days prior to discharge a written notice of discharge will be provided.*

b. The decision to discharge a child from foster care should be made by the case manager after consultation with the child, the case planner and where appropriate the foster parents.

c. For children in voluntary agencies, the district case managers and the agency case planners should confer prior to the issuance of notice regarding time frames involved and the manner in which the child should receive the notice.

d. For children in foster boarding homes, the district or agency supervising the children should discuss the 90 day notice requirement before issuance of the notice with the foster parents and the foster child.

All children should be made aware of the approximate date of their discharge at the earliest feasible time. At the latest, children should be told of the approximate date of discharge at the last service plan review prior to the 90 day notice. Any child with reading deficiencies should be verbally informed by the case planner that discharge will occur in 90 days.

e. Some children may react negatively to the provision of the 90-day notice or may be uncooperative towards responsibilities in the period after the notice is provided. One approach that may be utilized as a method for casework in these instances is a 90-day contract/service agreement that identifies the tasks and responsibilities of the child and the agency during the final ninety days.

* See Required Action, Establishing Goal of Independent Living Six Months Prior to Discharge p. 10, for exceptions to this requirement.

f. Case managers and case planners should ensure that all necessary referrals including applications for IM, MA, and FS are made on a timely basis as referenced in the Required Action, Referral section and the Required Action, Establishing Goal of Independent Living 6 Months Prior to Discharge section.

f. Housing

This program area may require the development of the most new resources relating to the provision of appropriate services for children being discharged from care. The requirements in this area are aimed at ensuring that all youth with a goal of independent living are discharged to an appropriate and stable housing arrangement that is expected to be available for a twelve month period.

A wide variety of living arrangements may be appropriate for youth being discharged from foster care with a goal of independent living including apartments, shared apartments, small boarding homes (less than 10 unrelated adults), and housing with relatives, friends or former foster parents. The regulations do not permit housing arrangements that involve: shelters for adults, shelters for families, single room occupancy hotels/motels or large congregate living arrangements that house more than ten unrelated persons. Additionally, for children in the care of voluntary agencies where housing is not readily available to children leaving care, the district retains an active responsibility in assisting the contract agency to find appropriate housing in a timely manner.

The district must ensure that prior to discharge each youth has an appropriate living arrangement and that there would be a reasonable expectation that the residence remain available for the first twelve months after discharge. The twelve months availability requirement is intended to ensure that the housing located for children leaving care will be "available" for an extended period of time so as to promote stability, at least in the children's living arrangements. There is no requirement that a particular housing arrangement be guaranteed or leased by the district for twelve months. However, there should be an expectation that the apartment selected by the child or on the child's behalf would remain accessible for twelve months.

Housing services required to be provided by the district when children who have been discharged to independent living or deemed to have been discharged to independent living who are in a trial discharge status and subsequently become homeless are referenced in this directive under post discharge (see Required Action, Loss of Housing During Trial Discharge, p. 15 and Appendix, Loss of Housing, p. 27-28, for more complete information).

As referenced in the previous standard, during the minimum six month time period for having an independent living goal prior to discharge, various referrals should be developed. One of the key referrals will be for housing the child upon discharge. Activities during this period will include assisting the child to apply for apartments, public housing, or finding residences with friends or former foster parents. If the child has no previously existing housing resources available to him/her in the community, the district should ensure that intensive efforts are initiated at the earliest possible time to assure available housing upon discharge.

i. District-Wide Planning

a. Supervisory and administrative staff should evaluate the types of problems children leaving care will have in locating acceptable housing. If appropriate housing is readily available, the district's case planners may only need to utilize the "County Housing Resource List" to identify appropriate housing (see Appendix, Training and Supervised Performance in Apartment Finding, pages 7-8).

When sufficient housing is not readily available for children being discharged the district should consider utilizing the following approaches in order to better access available housing or promote housing opportunities:

- create the position of "local district housing coordinator" with responsibility to intensively work with voluntary agencies, local housing authorities, landlords, and realtors to identify appropriate housing;
- have discussions with local public housing authorities, New York State Division of Housing and Community Renewal and local urban/rural housing preservation corporations regarding the development of additional housing units that would be available to discharged foster children; and
- for children in the care of voluntary agencies the district should consider utilizing the resources of child care agencies to identify appropriate housing. Discussion should be held with each voluntary agency in order to assess their ability to locate housing. Several voluntary agencies have utilized demonstration funds available from New York State Department of Social Services Homeless Housing Assistance Program and the New York State Division of Housing and Community Renewal Program to rehabilitate property for living quarters for children being discharged from care.

ii. Individual Case Planning

- a. Case management and case planning staff should utilize the "County Housing Resource List" developed to assist children in apartment finding skills as a general guide to locating housing for children being discharged from foster care. Depending on the availability of housing in the location where the child will be living after discharge, the case planner will be responsible for directly assisting the child to locate appropriate housing (see Appendix, Training/Supervised Performance in Apartment Finding, pages 7-8).
- b. For children in voluntary agencies, the case manager should discuss with the case planner the plan for appropriate housing for each child. Discussion should be held at least six month's prior to the child's discharge from care, in order to allow sufficient time to locate appropriate housing.

4. POST DISCHARGE STANDARDS

The requirements in the area of post discharge include a standard for trial discharge with custody and after care services, as well as "supervision until 21 years of age". The general aim of these requirements is intended to ensure that sufficient intensive post discharge services are provided to children upon discharge from foster care to sustain them in the community.

a. Purpose of Post Discharge Standards

The purpose of the post discharge standards is to:

1. establish a trial discharge period that includes retention of custody and the provision of planned after care services
2. provide for supervision of the child in the community until the child reaches twenty-one
3. help children adjust to community life
4. provide for the provision of housing related services for discharged children who become homeless

b. Post Discharge Standards

The three major services incorporated into the post discharge standards will be discussed separately with recommendations for both district-wide and individual case management suggestions.

c. Trial Discharge with Custody and After Care Services

Every child discharged to independent living and every child deemed to be discharged to independent living is to remain in a status of trial discharge for at least six months after discharge when the local commissioner retains custody. Trial discharge may continue at the discretion of the district until the child turns twenty-one, if the reassessment/service plan review indicates either the need for continued custody or a likelihood that the child may need to return to foster care. Retaining custody during the period of trial discharge will allow the district the ability to immediately replace the child in foster care, if that becomes necessary in order to provide protection or care of the child or if the child becomes homeless. Trial discharge enables a child over the age of 18 to re-enter foster care since the child is still in the custody of the commissioner. A person who is not in the custody of the commissioner cannot re-enter foster care after he/she has reached 18 years of age because for foster care placement purposes he/she is no longer defined as a child (See Section 371.1 of the Social Services Law (SSL) and Section 1012 of the Family Court Act (FCA)). It should be remembered that participation by the foster child in trial discharge and post discharge supervision is voluntary (18 NYCRR 430.12(f)(4)(i)(c)). In the case of a foster child over the age of 18, whether he/she is to remain in the custody of the district will also be subject to the consent of the foster child.

During the period of trial discharge the district is required to provide after care services and case work contacts consistent with the service needs of the child, as specified in the uniform case record and the discharge plan. After care services shall include the provision of services consistent with the service needs of the child that would enable the child to live independently in the community.

i. District-Wide Services

- a. Supervisory and administrative staff should establish the district's plan for providing after care services on an intensive basis during the period when the district is retaining custody of children discharged into the community to independent living and returned to parents/relatives. Procedures should be established to monitor discharge plans identified in the UCR reassessment and service plan and the independent living discharge plan and to closely evaluate services that are required during trial discharge. Evaluative reports from the service referral agency and interviews with the child should be held to determine the child's progress in living independently in the community.

The District may want to examine different staffing approaches in order to ensure effective provision of service to the after care population.

- b. Supervisors should establish procedures with each case manager regarding the criteria to be utilized in determining whether to extend custody of children either by returning to family court or extending voluntary transfer of care and custody agreements (prior to the child's 18th birthday). The major factor in determining whether to extend custody should be the success the child is having or is expected to have in becoming selfsufficient. For children who require an extension of custody, supervisors and case managers should consider extending custody prior to the child leaving care where extensions will not be possible through family court once the child is in the community.
- c. Administrators and supervisors should set general criteria for determining when it is necessary to return the child to foster care when that child is unable to provide a "minimum degree of care" for themselves.

ii. Individual Case Planning

- a. Prior to discharge, the case managers and case planners should establish with the child, the type of case work supervision that will be available to him/her during the after care period.
- b. The case planner should continue to identify services to be provided directly, purchased or through referrals to existing community services. The case planner should utilize the UCR reassessment and service plan review process to continue to closely monitor the child's progress towards self-sufficiency. For children discharged to independent living the case planner should review the independent living discharge plan to ensure that appropriate services are being utilized. As new problem and related services are identified the services referral information should be provided to the child by amending the independent living discharge plan or providing new written referrals to the child.
- c. The case planner should attempt to target service areas where the child is unsuccessful in utilizing community resources designed to resolve his/her problems. The case planner should be prepared to alter the service plans for particular children who are not achieving success in the community. Where necessary the case planner or case manager should be prepared to re-admit children to foster care who are not able to live independently.

d. Loss of Housing During Trial Discharge

In the event that a child becomes homeless during the period of trial discharge, whether the child was discharged to independent living or is "deemed to have been discharged to independent living", the district should assist the child to obtain housing equivalent to that initially required in terms of appropriateness and the "twelve-month" availability requirement. If a child has been discharged to parent or relative and the district is retaining custody when the child becomes homeless the district must ensure the finding of appropriate housing (as defined in Required Action, Loss of Housing, pages 15-16) or replace the child in foster care. In an emergency, if appropriate housing is found that does not meet the "twelve month" availability standards, a placement there is allowable for a period of up to thirty days from the time the child became homeless.

At the end of thirty days, if appropriate housing that meets the twelve month availability standard is not obtained, the district must place the child in a suitable district/agency operated independent living apartment, foster boarding home, agency operated boarding home, group home or institution consistent with the appropriateness of placement standards as specified in Department Regulation 430.11(c) and (d).

i. District-Wide Planning

- a. Administrators should develop with agency supervisors alternative housing plans for children who become homeless during trial discharge.
- b. Districts that contract for the location of housing prior to discharge with voluntary child care agencies may also enter into contractual arrangements with voluntary agencies to assist children in their relocation efforts during the trial discharge period.
- c. Administrative and supervisory staff should also make contingency plans for replacing children in foster care when the district cannot relocate children in appropriate housing. Obviously this step is less preferable to relocating the child within the community. If appropriate housing that meets the "twelve month availability" standard is not available within thirty days of the date the child became homeless, the district must place the child in a suitable district/agency operated supervised independent living program (SILP) apartment, foster boarding home, agency operated boarding home, group home or institution consistent with the appropriateness of placement standards as specified in Department Regulation 430.11(c) and (d).

ii. Individual Case-Planning

- a. The case planner should check with the child during the first month after discharge to ensure that the child is not encountering any problem which might lead to loss of housing. The child should be asked to report any loss of income that would result in non-payment of rent immediately to the case planner. If the child loses his/her employment the case planner should assist the child to obtain another job and/or refer child to other community resources to help regain self-sufficiency. If loss of income continues, the case planner should assist the child in applying for income maintenance, until the child regains self-sufficiency.
- b. The case planner should work with the supervisory staff and the district's "Housing Coordinator" (see Appendix, Housing, p. 23 for more information) to identify contingency housing plans for children who become homeless. If traditional housing cannot be located, housing that meets the appropriateness and availability standards may be identified by consideration of:
- shared apartments with other foster children,
 - use of appropriate boarding homes, or
 - informal return of the child to previous foster parents where the child can pay board in lieu of returning the child to actual placement in foster care.

e. Supervision until 21 years old

The requirements relating to "supervision until 21" are aimed at ensuring that children who have developed independent living skills have the continuing supervision and resources of the local district available to them. The period of supervision for each child begins when the period of trial discharge with custody and after care services has ended or at discharge from foster care if no court authority or voluntary agreement for retaining custody is available. The services provided during supervision are not expected to be as intensive as those provided during after care/trial discharge. During the period of after care/trial discharge the district has a direct responsibility to deliver and closely monitor a range of services. During "supervision until 21" the district is not obligated to provide services directly but has an obligation to refer the child to appropriate services and monitor the case to the extent of ensuring the child begins to receive any needed services for which the child is eligible. Of course, if the child applies for and is otherwise eligible for other Title XX services, the district should provide such services.

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- * Supervision until 21 applies to all children discharged to independent living and to those children deemed to have been discharged to independent living who leave the home of parents or relatives prior to termination of the district's custody, see Required Action, Supervision until 21, pages 16-17, for more information.

i. District-Wide Supervision

a. Supervisory staff should expect that services during this period will continue to be provided, as necessary, but that the foster care units within the district will be providing fewer services directly. During this time the emphasis regarding referral services will be on seeing that appropriate referrals are made and the child starts to receive services.

Due to the emphasis on service referral and monitoring children in the community required by this standard, the district or the voluntary agency should review staffing procedures in order to provide appropriate levels of service while utilizing staff in the most efficient manner. Casework contact requirements are less during the supervision period than during the after care/trial discharge period. The district's children's services supervisors may wish to discuss with adult services supervisors the feasibility of their providing some or all of the services to this population. Supervision through an appropriate adult services is acceptable if the supervision is part of the district's approved Consolidated Services Plan. In order to receive adult services a person must be at least 18 years of age and meet the other eligibility criteria for the service.

ii. Individual Case Planning

a. During the "supervision until 21" period the case managers and case planners should continue to monitor the child's progress and problems in achieving independence. Casework activities only need to be documented in the UCR progress notes. It should be anticipated that problems or obstacles will remain at least to some degree as the child strives for more self-sufficiency. The case manager should ensure that needed services are provided through referrals. The child should be provided with referral information in writing. Additionally, the case planner will be responsible for ensuring that services provided through referral help to resolve identified problems. When necessary, additional referrals may need to be made to help impact upon difficult problems which the initial referral(s) failed to sufficiently resolve.