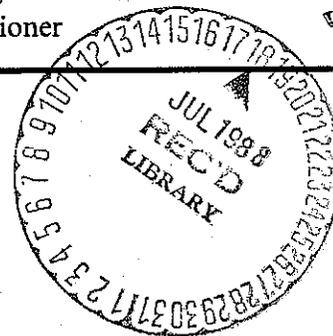


ADMINISTRATIVE DIRECTIVE

NEW YORK STATE DEPARTMENT OF SOCIAL SERVICES

40 North Pearl Street
Albany, New York 12243
Cesar A. Perales, Commissioner



TRANSMITTAL NO: 88 ADM-27

DATE: June 30, 1988

DIVISION: Family and Children Services

TO: Commissioners of Social Services
Directors of Voluntary Foster Care Agencies

SUBJECT: Service Plan Review Standards

SUGGESTED DISTRIBUTION: Directors of Services
Child Welfare Staff
Staff Development Coordinators

CONTACT PERSON: Frederic Cantlo, Regional Director, Metropolitan Regional Office, (212) 804-1202; John O'Connor, Regional Director, Albany Regional Office, (518) 432-2763; Jack Klump, Regional Director, Syracuse Regional Office, (315) 428-3235; Frank Petrus, Regional Director, Rochester Regional Office, (716) 238-8201; or Linda Brown, Acting Regional Director, Buffalo Regional Office, (716) 847-3145.

I. Purpose

The purpose of this directive is to inform you about changes in the Department's utilization review standards for conducting service plan reviews for foster care cases. This directive

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Department Regs.	Social Services Law and Other Legal References	Manual References	Miscellaneous Reference
82 ADM 42 86 ADM 48		Part 428 Part 430	153-d 398-b 409-e 409-f		Uniform Case Record Desk Aid

also provides additional information about conducting service plan reviews in order to facilitate permanency planning for children.

II. Background

One of the major objectives of the Child Welfare Reform Act of 1979 (CWRA) was to reduce placement of children into foster care and to reduce the length of stay in foster care for those children who do require placement. A related objective of the Act was to increase uniform, well-based case planning and management concerning each individual family and child to ensure permanent homes for children. A combination of incentives and penalties, general guidelines and regulatory standards were enacted to achieve these objectives.

Part 428 of Department Regulations provides standards for uniform case records for child welfare cases which include a case assessment, a child service plan, periodic reviews of the service plan and documentation of services provided. Part 430 specifies the utilization review (UR) standards to determine the necessity of foster care or preventive services (430.9 and 430.10), and diligence of effort toward achieving permanent placements of children (430.12). These standards are subject to utilization review and withholding of reimbursement (sanctioning) for non-compliance pursuant to Social Services Law, Section 398-b.

The standards for service plan reviews are set forth in Section 430.12(c)(2) of Department Regulation. Periodic service plan reviews are required for all children in foster care to facilitate permanent placements, whether it be return to parent, adoption or independent living. The findings from the last utilization review conducted by the Department indicated that certain sections of the Department's regulations were not consistently interpreted. Specifically, it was determined that the regulations were not sufficiently clear concerning (1) who should attend the service plan reviews; (2) how the results of the review are to be conveyed to someone who is unable to attend the review; and (3) the type of documentation which is required. To address this need, the Department promulgated amendments to Part 428 and Section 430.12 of 18 NYCRR to specify the standards for conducting service plan reviews.

III. Program Implications

A. Amendments to Part 428 and Section 430.12

The amendments to Part 428 and Section 430.12 specify the UR standards for service plan reviews and required documentation in the uniform case record. These amendments add greater specificity and should reduce misunderstandings by social services districts and agencies which could result in a denial of reimbursement in a utilization review audit.

B. Service Plan Reviews

1. Definition & Purposes

A service plan review is a case conference whose purpose is to facilitate permanency planning for children by allowing the participants to review and discuss the child's and family's previous service plan and to develop the new service plan. The service plan review must be conducted prior to the due date of the Comprehensive Assessment and Service Plan and any subsequent Reassessment and Service Plan Reviews for children in foster care. However, the Department strongly encourages service plan reviews for all child welfare cases, particularly mandated preventive cases, in order to reduce the need for foster care by ensuring the provision of client specific, goal oriented services.

A service plan review can fulfill a number of purposes. It allows for joint decision making which will assure objectivity and creativity and eliminate arbitrariness in the provision of services. The service plan review process can serve to empower parents and children by ensuring that they actively participate in permanency planning and decision making. Finally, by sharing the responsibility for decision making with other professionals and the parent and child, the burden upon caseworkers who in their role as "helper" must make critical decisions about the future of children will be lessened.

2. Participants

A service plan review must consist of a panel of at least 2 persons and must include the case planner and an administrator or other person not responsible for the case management or delivery of services to that case. In addition, the parent, guardian, or relative to whom the child will be discharged, and the child, if he or she is 10 years of age or older, must be invited to attend the service plan review. Beyond what is required in regulation, good casework practice dictates that all persons who are actively involved with the child should be invited to participate.

a. Mandated Participants

Case Planner (Caseworker) - The caseworker most frequently provides direction and leadership during the service plan review. For these purposes, caseworker refers to the designated case planner, i.e., the person responsible to direct and oversee service provision, coordinate services when more than one provider is involved, prepare the UCR, etc. There may be more than one caseworker in attendance (multiple case planners and the case manager).

Independent third party - Department regulations require the participation of an independent third party reviewer who is not involved in the provision of services to the child and/or family and who is not in the line of supervision of anyone who is. This means that anyone responsible for supervising the worker on case-specific matters cannot be the third party reviewer. Almost anyone else within the organization can play this role including other caseworkers, other supervisors, clinical specialists, administrators, CPS monitors, adoption coordinators, non-services staff, etc. Persons from outside the agency can also serve as the independent third party reviewer including a consultant hired for this purpose, a volunteer, or a person from another agency perhaps in a reciprocal arrangement. The independent third party reviewer fulfills several purposes of service plan reviews, namely, to guarantee thoughtful provision of service and the prevention of arbitrariness, to assure objectivity and creativity, and to share in decision making and risk taking.

Children - Department regulations require that children aged 10 or older be invited to attend the service plan review. You may invite children younger than ten if the participation of the child would be of value. This decision should be weighed against the ability of the other participants to freely discuss the child's service plan in the presence of the child. In certain limited circumstances, it may be desirable to limit a child's attendance to a portion of the review.

Biological parents - Caseworkers may take many steps to encourage parents, guardians or relatives attendance by:

- clarifying, on an ongoing basis, that it is the parents' responsibility for providing for and protecting their own children and that this review is based upon those values;
- scheduling a time and location which is convenient for the parent as well as to the other participants;

- providing needed supports, such as money for transportation, actual transportation, babysitting;
- discussing with the parent who else will be attending the review, including being clear about who is required to attend (caseworker and independent party) and discussing/negotiating on the other participants, and
- encouraging/permitting the participation of a supportive person of the parents own choosing.

b. Optional Participants

Case Planners' Supervisors - Although the attendance of the supervisor is optional, his/her participation may not only be beneficial to the family and/or the caseworker, but may enable the supervisor to gain valuable information which may enhance his/her ability to provide informed supervision.

Foster parents - The participation of foster parents is strongly encouraged. Foster parents are a source of valuable information and knowledge and their involvement is important. They are part of the team and their presence and participation may serve to reduce the distance between the parents and the foster parents.

Case Manager - Case managers should attend the service plan review since the case manager has the responsibility for approving in writing the service plans for the child and family and for ensuring collaboration among all the case planners in order to develop a single family assessment and service plan.

Other participants - Service providers from other agencies (such as community mental health or counseling agencies) law guardians, etc may be appropriate participants in the service plan review. Their participation should be agreed to by the case planner, and the parents should be comfortable with inviting these people. It is possible that such participation could be limited to a portion of the review.

3. Improving the Quality of Service Plan Reviews

Service plan reviews need to go beyond regulatory requirements; meeting the minimum diligence of efforts requirements may not be enough. A successful service plan review will advance permanence for the child in a significant way and will empower the participants. For the parent and

child, empowerment is a feeling of investment, participation and influence in the service plan. For the case planner, empowerment is obtained through the acknowledgement of casework efforts, the acquisition of new information, and from the feeling of being part of a team. The planner and the independent third party reviewer play an important role in ensuring these outcomes.

The case planner usually assumes the leadership role in the review. The case planner may come to the review with a written service plan, in draft, or be prepared to develop the plan during the review. The important consideration is that the process and the plan be based on interdependent decision-making, investment in and ownership of the plan by the parent. To this end, the case planner should make every effort to involve all the participants, especially the parent in the development of the service plan during the case conference.

The role of the third party reviewer can vary, depending upon the nature of the particular review. In general, the third party reviewer facilitates permanency planning by: asking questions which will assist participants to examine various alternatives; being supportive of the parents and child as well as the caseworker; offering suggestions as to resources and services available; managing conflicts which may arise; and confronting those issues which are not being addressed adequately. Although the expectation for this role is that the individual will be objective, he or she should not be uninformed. It is essential that there be some sort of case specific review/preparation prior to the case conference including: reviewing some or all of the case record; reviewing the draft service plan; discussing the case with the caseworker/supervisor, if needed; and preparing notes to share verbally during the conference and in written form subsequent to the conference for inclusion in the case record. It is not the purpose of the third party reviewer to take over the caseworker's or caseworker's supervisor's role.

IV. Required Action

Local district and voluntary agency staff must follow the requirements in the amendments to Part 428 and 430 of Department regulations. Those changes provide clarification concerning who must attend service plan reviews for foster care cases, when case conferences must be held and efforts which must be made by social services districts to involve persons in the development and review of service plans. Each of these standards is discussed below.

A. Persons Involved in Service Plan Reviews

The panel for the service plan review must consist of at least 2 persons and must include the case planner and an administrator or other person not responsible for the case management or delivery of services to that case. The parents, guardians, or in the case of a child whose permanency planning goal is discharge to a relative, the relative to whom the child will be discharged also must be invited. In addition, the child, if he or she is 10 years of age or older, must be involved unless there is a reason documented in the Uniform Case Record related to the current necessity of placement why the child should not be involved.

Finally, in the case of an Indian Child, the child's tribe, if known, and a qualified expert witness as defined in Section 431.18(a)(5) of Department Regulations must be invited to be involved. A qualified expert witness is a person qualified to speak on whether continued custody by the parents is likely to result in serious physical or emotional harm to the child and could include a member of the Indian child's tribe who is recognized by the tribe as being knowledgeable in tribal customs, a lay expert witness having substantial knowledge of the social and cultural standards of the child's tribe or a professional having substantial education and experience in the provision of services to Indian children and their families.

B. Timing of the Case Conference

Department regulation 430.12(c)(2)(i) was amended to state that the case conference must be held no earlier than the first day of the month preceding the month in which the child's Comprehensive Assessment and Service Plan or the Reassessment and Service Plan is to be approved.

C. Involving Mandated Participants in the Service Plan Review

1. The case planner; or the person with this designated responsibility, must provide written notice to each mandated participant at least two weeks prior to the service plan review inviting them to attend, giving them the date, time and location. Parents should be informed that they may be accompanied by person(s) of their choice.

2. If mandated participants do not attend, the case planner must make face to face contact where possible with the invited mandated participants who were unable to attend the case conference no later than 30 days after the date of the case conference. At the face to face contact, the case planner must provide the mandated invited participant with the following information, at a minimum:

a. new or continued goals and anticipated completion dates for such goals;

- b. tasks to be completed in the upcoming review period;
- c. visiting plan;
- d. a listing of the participants in the service plan review and
- e. a review of the previous service plan.

If face to face contact is not possible, the local district must send the invited mandated participant(s) a letter informing them that the service plan review was held and that a copy of the service plan will be made available to them upon request.

D. Documentation

The local district must document in the UCR that each of the above requirements was met, or provide an explanation as to why the requirements were not met.

V. Systems Implications

No changes are being made in the Department's computer information systems as a result of these amendments.

VI. Additional Information

Attachment A is a Service Plan Review Matrix which set out suggested and required (*) activities for case planners, supervisors, third party reviewers and participants.

Attachment B provides suggestions for effective participation by the third party reviewer.

Attachment C is a brief outline of suggested and required (*) case planner's activities.

Attachment D is a copy of the regulatory amendments.

VII. Effective Date

The effective date of this release is July 15, 1988, retroactive to November 1, 1987.


Joseph Semidei
Deputy Commissioner
Division of Family and
Children's Services

Attachments

Phase

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<u>Role</u>	<u>Preparation</u>	<u>Case Review</u>	<u>Case Planning*</u>	<u>Follow-up Action</u>
Caseworker/ Case Planner	Be sure case record up-to-date. Set time and date for meeting. Secure room for meeting. Notify all parties-service providers, etc. and invite mandated participants 2 weeks prior.* Prepare client (parent and child) for the Review. Arrange transportation if needed. Confer with supervisor prior to review. a) Establish agenda. b) Address permanency goal.	Attend review* Escort parties into room. Make introductions. Explain purpose of review. Explain all roles. Review history which led to Agency involvement. Review permanency goal*. Review current plan.* Solicit input from parties.	Determine goals already accomplished. Determine goals needing further attention. Establish tasks to accomplish goals. Establish new goals that may be relevant. Be sure to address permanency.	Complete assigned tasks, per service plan. Monitor collateral tasks. Assist client, where needed, to complete client tasks. Document actions in case record* Follow up as required with mandated participants who did not attend*
Supervisor	Review: - Case record, Progress Notes. - Agenda (identify needs). - Determine with caseworker who should or should not be invited/roles each plays.	Familiarize with personalities to better assess	As last resort, respectively identify issues no one else did or clarifies issue tactfully. Support and Evaluation of the Caseworker and his/her involvement and performance tactfully.	Follow-up periodic regular supervision of the worker to ensure actual tasks match goals and are carried out Periodic review of case record and progress notes. Correct deficiency in and performance during review. Identify strengths/problems.

* this action is required by regulation, refer to regulations (428 & 430) for details

(487) 808C-SSD

Service Plan Review Matrix
Phases and Roles
Service Plan Review

<u>Role</u>	<u>Preparation</u>	<u>Case Review</u>	<u>Case Planning</u>	<u>Action</u>
Independent Third Party	<p>Review case record. Formulate written questions regarding necessity and appropriateness of placement, diligence, quality of service plan, appropriateness of permanency goal. Clarify issues with caseworker or supervisor in advance. Review new plan.</p>	<p>*Attend review Ask previously prepared questions. Ensure client participation. Support client and caseworker. Confront discrepancies. Assist in conflict resolution. Advocate for child, parent and foster parent. Offer ideas about service delivery. Nurture a bias toward permanence.</p>	<p>Advocate for needs of child, parent. Confront inconsistencies between plan and needs. Explore alternatives to current plan. Ascertain that new services are permanency directed. Confront lack of progress. Ask: What if ---? Ascertain that child, parent and foster parent, understand responsibilities. Support creativity.</p>	<p>Provide feedback to participants. Understand new responsibilities. Ask any question regarding the review Express feelings over adequacy of plan.</p>
Parent, Child and any other participants	<p>Understand purpose of Service Plan Review. Understand expectations during Service Plan Review. Consider changes in the plan. Understand reasons for attending.</p>	<p>Discuss perceptions and feelings about events. Reaffirm commitment to service plan and permanency goal. Review value of services. Solve problems related to visiting, if any. Identify needs to achieve goal.</p>	<p>Share reactions to new Contribute perspective on permanency goal. Express commitment to the new plan. Identify new goals. Identify own service needs and direction.</p>	

* this action is required by regulation

Attachment B

The Independent Third Party Reviewer's Role in the Service Plan Review

1. Questioning - the power of asking: What if?, Has this been considered?, How would you feel if?, What would prevent us from? is considerable. In fact, the question is often more potent, and certainly more empowering, than the command!

2. Supporting - clients and workers both need to be supported in equal measure for different things. The client for effort and desire, and, in the presence of accomplishment, for that too. Workers need support for diligence, thoughtful planning and results.

3. Consulting - the review can benefit from the third-party's knowledge of resources, services and from the reviewers past experience. The consultative function must be judiciously employed in order to enhance the natural discovery process of the review.

4. Conflict Management - the reviewer may need to mediate disputes or disagreements among the parties present at the review. When conflict is managed, the process is managed, not the product. The following behaviors are useful for managing conflict in the Service Plan Review.

- o Specifically identify the problem or issue under consideration.
- o Clarify the feelings of the participants.
- o Recognize shared interests and legitimate disagreements.
- o Explore alternatives - play "what if."
- o Acknowledge the needs of the participants.

Interpersonally it is useful to:

- o Focus on behavior.
- o Look for non-verbal cues.
- o Identify your own feelings and reactions.
- o Ask for feedback on your comments.

5. Confrontation - in certain instances, when permanency is being undermined by the action of one or more participants, or by the nature of the plan itself, confrontation becomes necessary. The confrontation should be specific to the manner in which the reviewer perceives permanency being impeded.

Attachment C

SERVICE PLAN REVIEW PROCESS - CASE PLANNER'S ACTIVITIES

I. Preparation For Conference

A. Three-Four weeks prior to conference:

- ° Schedule and arrange location
- *° Mail invitations to participants at least two weeks prior
 - a. include child over 10, parent(s) (or relative to whom child is to be discharged) and third party reviewer at a minimum
 - b. give date, time and location; inform parents they maybe accompanied by a person(s) of their choice
- ° Develop written agenda

B. One week prior to conference:

- ° provide case file and discuss case, as needed, with the independent third party

C. One-three days prior to conference:

- ° confirm attendance of participants as necessary

II. The Service Plan Review Conference (To be held no earlier than the first day of the month preceeding the month in which the Service Plan is to be approved)

A. Review case history

- ° reasons for placement
- ° permanency planning goal

B. Review previous service plan

- ° progress toward client goals and objectives
- ° current risk to the child
- ° visitation plan
- ° significant events during placement

C. Develop new service plan

- ° assess reactions to client, foster parent and service provider to current case plan
- ° discuss changes or modifications
- ° assess appropriateness of permanency planning goal

- assess appropriateness of placement
- establish new or revised goals, objectives, tasks, and visitation plan as needed
- if plan is complete, seek parent signature

III. Follow-up Activities Subsequent to the Service Plan Review

- A. Assign responsibilities
- *B. Document outcomes and incorporate input as appropriate into new plan.
- *C. Make face to face contact with absent mandated participants no later than 30 days after review
 - if face to face contact is not possible, send letter informing them of that the conference was held and that a copy of service plan will be available upon request.

* these activities are required in Department Regulation

