

Paragraph (c) of section 421.4 is amended to read as follows:

- (c) respect the right and responsibility of the biological parent or legal guardian to establish a plan for the child. The biological parent and legal guardian must be advised of the guardianship and custody provisions of section 383-c or 384 of the Social Services Law, as applicable, of the provisions for periodic family court review under [section 392 of the Social Services Law] Articles 3,7 or 10-A of the Family Court Act, as applicable, and of the provisions for permanent neglect proceedings under [section 611] Part 1 of Article 6 of the Family Court Act and section 384-b of the Social Services Law;

Subdivision (l) is added to section 421.6 to read as follows:

(l) Conditional Surrender. A surrender executed pursuant to either section 383-c or 384 of the Social Services Law may be conditioned upon the adoption of the child by a particular designated person or persons and/or provide for post surrender and post adoption communication or contact between the child and the child's biological parents and/or biological siblings or half siblings. Where the surrender is conditioned upon the adoption of the child by a particular person or persons, such person or persons must be either a certified or approved foster parent in accordance with Part 443 of this Title or an approved adoptive parent in accordance with this Part and the permanency plan for the child must be for such child to be adopted by the person or persons. The authorized agency must comply with the requirements set forth in sections 383-c and 384 of the Social Services Law, section 1055-a of the Family Court Act and section 112-b of the Domestic Relations Law regarding conditional surrenders.

Subdivision (h) is added to section 421.17 to read as follows:

(h) The authorized agency must inform any person who is expressing an interest in the adoption of a particular child whether there is a surrender agreement in place relating to such child that provides for the placement of the child with a designated person or persons and/or contains a communication or contact agreement, as set forth in section 383-c or 384 of the Social Services Law.

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

(2) Case planning [as] is defined as assessing the need for, providing or arranging for, coordinating and evaluating the provision of those preventive services needed by a child and his or her family to prevent disruption of the family or to help a child in foster care return home sooner. Case planning shall include, but not be limited to, referring such child and his or her family to other services as needed, including but not limited to, educational counseling and training, vocational diagnosis and training, employment counseling, therapeutic and preventive medical care and treatment, health counseling and health maintenance services, vocational rehabilitation, housing services, speech therapy and legal services. Case planning responsibility shall also include documenting client progress and adherence to the plan by recording in the uniform case record as defined in Part 428 of this Title and sections 430.8 through [430.13] 430.12 of this Title that such services are provided and providing casework contacts as defined in

paragraph (3) of this subdivision. *Case planner* means the caseworker assigned case planning responsibility as defined in Section 428.2 (c) of this Title.

Subparagraph (ii) of paragraph (2) of subdivision (c) of Section 423.2 is amended to read as follows:

(ii) a child with a goal of [independent living] discharge to another planned living arrangement with a permanency resource who is to be discharged from foster care prior to his or her 18th birthday or who is placed in trial discharge status after his or her 18th birthday and his or her own child or children.

Subdivision (c) of section 426.4 is amended to read as follows:

(c) has undergone periodic court review to determine that such placement is in the best [interest] interests of the child pursuant to the requirements of [sections 430.6 and/or 431.8 of this Title] the Family Court Act, and

Section 426.10 is added to read as follows:

Section 426.10 Maximum number of foster children remaining in care for more that twenty-four months.

The Title IV-E State Plan must set forth specific goals as required by the provisions of Title IV-E of the federal Social Security Act for the federal fiscal years commencing on or after October 1, 1983 establishing the maximum number of children who, at any one time during such year, will remain in foster care after having been in foster care for more than twenty four months. For the federal fiscal year commencing on October 1, 2005 and thereafter, the goal is 55 percent of all children in foster care with respect to whom assistance under the State Title IV-E Plan for foster care and adoption assistance is provided during such years.

Paragraph (1) of subdivision (a) of section 428.1 is amended to read as follows:

(1) all children placed in local social services district custody, or considered for such placement, which includes all children placed by a court directly in the custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act;

Paragraph (3) of subdivision (a) of section 428.2 is amended to read as follows:

(3) the date of placement of a child in foster care pursuant to Article 3 or 7 of the Family Court Act or the date of removal of a child from his or her home which led to placement in foster care either pursuant to Article 10 of the Family Court Act or section 383-c, 384 or 384-a of the Social Services Law or placement by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act [of a child]; or

Subdivision (m) of section 428.2 is added to read as follows:

(m) Permanency hearing report is a report as defined in section 1087 of the Family Court Act prepared in accordance with section 1089 of the Family Court Act, and in the form and manner as required by OCFS.

Subparagraph (vii) of paragraph (1) of subdivision (b) of section 428.3 is amended to read as follows:

- (vii) all official documents and records of any judicial or administrative proceedings relating to the district's contact with a child and/or a family, including but not limited to records of petitions, permanency hearing reports and notices, court orders, probation reports, voluntary instruments or agreements, fair hearings, administrative reviews, and the results of any examinations or evaluations ordered by a court;

Subdivisions (d) and (e) of section 428.3 are amended to read as follows:

- (d) Each family assessment and service plan, must document the involvement of the parent(s) or guardian and, where appropriate, child(ren) 10 years or older, including children in foster care and their siblings or half-siblings and children placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act, in the development of the plan, or must document efforts to involve them in the development of the plan. Such efforts must include, but are not limited to:
 - (1) encouraging parent(s) or guardian and the children to participate in the development and review of the plan, and attempting to obtain the parent(s)' or guardian's signatures documenting their review of the plan; and
 - (2) where the parent(s) or guardian and/or children are not able to participate in the development of the plan and arrangements cannot be made to allow participation, conveying the contents of the service plan and any recommendations to them, and attempting to obtain the parent(s)' or guardian's comments and signatures documenting their review of the plan.
- (e) For foster care cases and for children placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act, the service plan review requirements of section 428.9 of this Part also apply.

Paragraph (6) of subdivision (f) of section 428.3 is amended to read as follows:

- (6) The first family reassessment and service plan must be completed by the social services district or by the provider agency providing services pursuant to a purchase of service agreement, and must be approved by the case manager no later than 210 days from the case initiation date. All subsequent family

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

Paragraph (1) of subdivision (c) of section 428.4 is amended to read as follows:

- (1) the names of parent(s), including any absent parent as that term is defined in subdivision (a) of section 347.2 of this Title, or non-respondent parent of a child placed in foster care pursuant to Article 10 of the Family Court, or placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act, or where a parent executes a voluntary placement agreement or surrender, the non-signatory parent, if known, and their addresses, [and] telephone numbers, social security numbers, and employer's addresses;

Subparagraphs (vi) – (vii) of paragraph (10) of subdivision (c) of section 428.5 are amended and new subparagraphs (viii) and (ix) are added to read as follows:

- (vi) efforts by parent(s) or guardian to provide an adequate home and provide parental care for the child, or when it is determined that permanency for a child cannot be achieved within the child's own family, discussions between the parent(s) and the authorized agency regarding the pursuit of adoption or another permanency planning goal for the child; [and]
- (vii) documentation that the parent(s) or guardian were advised of the possible consequences if a child remains in foster care for 15 of the most recent 22 months, and of discussions with the parent(s) or guardian regarding the possible deleterious effects of foster care on the child and the child's need for permanency[.] ;
- (viii) any information acquired about an absent or non-respondent parent that is in addition to information recorded pursuant to paragraph (1) of subdivision (c) of section 428.4, and the results of an investigation into the location of any relatives, including grandparents of a child, subject to Article 10 of the Family Court Act or section 384-a of the Social Services Law; and
- (ix) documentation of the case consultation(s) held for each child subject to the provisions of Article 10-A of the Family Court Act and section 428.9 of this Part in preparation for each permanency hearing.

Subparagraphs (ix) – (xi) of paragraph (2) of subdivision (a) of section 428.6 are renumbered subparagraphs (viii) – (x) to read as follows:

- [(ix)] (viii) a visiting plan for the child with his or her parent(s), guardian, siblings, half-siblings and other significant family members, potential permanency resources

and/or any other persons of significance to the child;

~~[(x)]~~ (ix) a description of the compelling or other reasons identified for not filing a petition to terminate parental rights for any child in foster care for at least 15 of the most recent 22 months, if such petition has not been filed or the child is not already free for adoption;

~~[(xi)]~~ (x) where concurrent planning is determined through assessment to be warranted in the case, a description of the alternate plan to achieve permanency for the child if the child cannot be safely returned home.

Paragraphs (4), (5), and (6) of subdivision (a) of section 428.6 are renumbered paragraphs (5), (6) and (8) and new paragraphs (4) and (7) are added to subdivision (a) of section 428.6 and the newly renumbered paragraph (8) of subdivision (a) of section 428.6 is amended to read as follows:

(4) Family assessment and service plans prepared at the time a child is placed by the court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act or is moved from one such placement to another, as applicable, must also include but are not limited to the following:

(i) a description of the appropriateness of the living arrangement, including documentation that the placement has been assessed to be one that can safely provide for the individual needs of the child, and the caretaker's name and relationship to the child;

(ii) a description of the child's functioning, including the child's adjustment to the placement, and how the setting meets the child's needs;

(iii) a visiting plan for the child with his or her parent(s), guardian, siblings, half-siblings and other significant family members, potential permanency resources and/or any other persons of significance to the child;

(iv) a description of the permanency plan for the child; and

(v) where concurrent planning is determined through assessment to be warranted in the case, a description of the alternate plan to achieve permanency for the child if the child cannot be safely returned home.

~~[(4)]~~ (5) In addition to the requirements set forth in paragraph (1) of this subdivision, each family reassessment and service plan must also include but is not limited to:

(i) a review of the prior assessments and analysis including necessary revisions to the prior assessment and analysis, and

- (ii) an evaluation of the efficacy of the service plan and necessary modifications, additions or other revisions needed to the service plan.

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

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

(7) In addition to the requirements set forth in paragraphs (1) and (2) of this subdivision, family reassessment and service plans where a child is placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act must also include but are not limited to the following:

- (i) a description of the progress toward achievement of the permanency goal,
- (ii) where concurrent planning is determined through assessment to be warranted in the case, a description of the alternate plan to achieve permanency for the child if the child cannot be safely returned home; and
- (iii) an evaluation of the visiting plan.

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

- (i) a description of activities related to the exploration of alternative permanency resources, including the child's foster parent(s), if any;
- (ii) a description of activities undertaken to prepare the child for adoption or other permanency plan;
- (iii) actions taken to place the child in an adoptive home or other permanent living arrangement, including barriers to such placement and activities undertaken to overcome the barriers; and

- (iv) for children placed in an adoptive home or in an other permanent living arrangement, a description of efforts to finalize the adoption or other permanency living arrangement;
- (v) except that the requirements of Paragraphs (1), (2) and (5) of this subdivision do not apply where they relate to the child's parents(s) or to a foster child who is not free for adoption.

Subdivision (b) of section 428.7 is amended to read as follows:

(b) Changes in case status that require a plan amendment include, but are not limited to situations where:

- (1) preventive services are started for a child;
- (2) preventive services are ended for a child;
- (3) a case is opened for child protective services;
- (4) child protective services are ended for a case;
- (5) a child is removed from his or her home and enters or reenters foster care;
- (6) a child is moved from one foster care setting to another;
- (7) a child is removed from his or her home and is placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act;
- [(7)] (8) a child becomes legally free for adoption; or
- [(8)] (9) a child is discharged (trial or final) from foster care (includes finalization of adoption).

Subdivision (d) of section 428.7 is amended to read as follows:

(d) If a status change occurs subsequent to completion of the initial family assessment and service plan, it must be documented and approved by the social services district having case management responsibility for the case within 30 days of the change, except for the changes designated in paragraphs [(b)] (3) and (4) of subdivision (b) of this section which must be documented and approved by the social services district having case management responsibility for the case within seven days of the change. Except for the status changes set forth in paragraphs (5) and (7) of subdivision (b) of this section, [If] if any status change occurs at the time of, or within 60 days prior to, the due date of the next family assessment and service plan, the status change may be documented and approved as part of the next family assessment and service plan. Documentation within

the family assessment and service plan must include all information regarding the status change required by OCFS. Such documentation must be provided in the form and manner as required by OCFS and, where appropriate or where a child has been removed from his or her home, must include a visiting plan and an update of the service plan for the family.

Subdivision (f) of section 428.7 is amended to read as follows;

(f) When services are started for a family member previously not receiving foster care or other placement related services or when preventive services are started in an existing case, the case initiation date for the case will remain the date that was previously established for the case according to the requirement of section 428.2(a) of this Part.

Subparagraph (iv) of paragraph (2) of subdivision (b) of section 428.8 is renumbered (v) and a new subparagraph (iv) of paragraph (2) of subdivision (b) of section 428.8 is added to read as follows:

(iv) progress notes;

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

Section 428.9 is amended to read as follows:

§ 428.9 Service plan review for foster care and other out-of-home placement cases.

(a) The service plan review [and case conference] must be conducted in accordance with the requirements of section 430.12 of this Title and must be documented in the uniform case record for any child in foster child or any child who was placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act. The term foster care case includes children who are legally free for the purpose of adoption and children not in the care and custody or custody and guardianship of the local commissioner of social services who reside with their minor parents in the same foster family home or residential facility.

(b) (1) Unless such service plan review will occur within 60 days of the date certain for a permanency hearing, a case consultation must be held for each child defined in section 1087 of the Family Court Act in preparation for each permanency hearing held in accordance with Article 10-A of the Family Court Act including in those cases where the permanency hearing will constitute the service plan review. Such case consultation must be documented in the progress notes and the decisions and outcomes must be incorporated into the permanency hearing report. Such case consultation must be conducted no earlier than 60 days, prior to the date certain of the permanency hearing and must be completed with sufficient time to finalize and submit the permanency hearing report at least 14 days before the date certain for the permanency hearing. Participants in

the case consultation must include:

- (i) the case planner and/or the child's caseworker;
- (ii) the child's parent(s), unless the parent has had his or her parental rights to the child terminated or unless it can be documented that one or both of them are unwilling or unable to attend;
- (iii) each child age 10 or over, unless it can be documented that the child is unwilling to attend, or it can be demonstrated that such attendance would not be in the child's best interests; and
- (iv) the child's foster parent, if the child is in placement in a foster boarding home; the child's pre-adoptive parent, if the child is in such placement; or the relative or other suitable person with whom the child has been placed directly by a court order.

(2) Wherever practicable, the case consultation participants must meet together at the same time, however, at a minimum a face-to-face case consultation must be held separately with each of the required participants.

(3) Efforts must be made to also consult with the case manager; the permanency discharge resource; key providers of service to the child and family; the child's school; in the case of an Indian child, the child's tribe, if known; and any other person identified by the parent(s), however, efforts to involve such additional person(s) must not delay the case consultation or preparation of the permanency hearing report.

(c) The purpose of such case consultation described in subdivision (b) is to assist with the development of the permanency hearing report and to address the following:

- (1) review the progress and the status of the child who had been removed from his or her home, including the child's health and education;
- (2) review the safety of the child in his or her current environment;
- (3) review the appropriateness of the current placement, including whether such placement is the least restrictive environment that can meet the child's needs;
- (4) assess whether it would be safe to return the child to his or her home, and assess the level of risk of the likelihood of abuse or maltreatment such return would entail;
- (5) review the progress made by the each parent toward successful implementation of the service plan and the child's permanency planning goal, unless the parent has had his or her parental rights to the child terminated;
- (6) review the reasonable efforts made to assist with the achievement of the child's permanency planning goal;
- (7) assess the need for modification or continuation of the current permanency planning goal;
- (8) review the current service plan and any barriers to service delivery and assess the need to make modifications to support the safety, permanency and well-being of the child;
- (9) review the current visiting plan and assess the need to make modifications to support family relationships;

- (10) for a child who is not free for adoption, review the status of the concurrent permanency plan for the child, in the event the child is unlikely to be able to safely return home;
- (11) review the status of any permanency discharge resource being considered for the child; and
- (12) develop a recommendation as to whether the child needs to continue in placement or be discharged from such placement. If the child will be discharged from placement within the upcoming six months, develop a recommended discharge plan.
- (13) For a child completely free for adoption with a goal of adoption, review the status of each adoption milestone, and assess progress toward achievement, as appropriate, including but not limited to recruitment efforts, adoption assistance/subsidy approval and overcoming any other barriers to finalization of the adoption.

(d) The permanency hearing report, prior to filing with the court, must be developed by the responsible social services district or voluntary agency in accordance with a purchase of services agreement, and in consultation with appropriate district and voluntary staff, including but not limited to the social services district and/or agency attorney.

(e) The permanency hearing report must be prepared in the form and manner as required by OCFS.

(f) The permanency hearing report must be filed with the court and mailed to those parties required by section 1089 of the Family Court Act.

Subparagraph (ii) of paragraph (5) of subdivision (a) of section 428.10 is amended to read as follows:

- (ii) records of a child and family receiving preventive services must be retained for six years after the 18th birthday of the youngest child in the family. Such records must be expunged six years after the 18th birthday of such child. The provisions of this subparagraph apply where the sole service provided is preventive services. Where preventive services is provided in conjunction with or in addition to foster care, adoption or child protective services, the applicable standards for record retention in relation to foster care, adoption or child protective services as set forth in this section apply;

PART 430
[ADDITIONAL LIMITATIONS ON REIMBURSEMENT] UTILIZATION REVIEW
FOR FOSTER
CARE AND PREVENTIVE SERVICES

Sec.

- [\[430.1 Foster care status; periodic court reviews\]](#)
- [430.2 Compliance with uniform case record requirements](#)
- [430.3 Referral to the Statewide Adoption Service](#)
- [430.4 Compliance with orders under section 1055 of the Family Court Act](#)
- [430.5 Compliance with section 384-a\(2\) of the Social Services Law](#)
- [430.6 Compliance with section 358-a of the Social Services Law](#)
- [430.7 Procedure relating to the denial of reimbursement\]](#)
- [430.8 Utilization review](#)
- [430.9 Appropriate provision of mandated preventive services](#)
- [430.10 Necessity of placement](#)
- [430.11 Appropriateness of placement](#)
- [430.12 Diligence of effort](#)
- [\[430.13 Procedures relating to utilization review\]](#)

Sections 430.1 through 430. 7 are repealed and reserved.

Section 430.8 is amended to read as follows:

- (a) General. Sections 430.8- [430.13] [430.12](#) of this Part establish the department's utilization review regulations for foster care and preventive services cases. These standards [are intended to ensure] require that family relationships are sustained whenever possible, that each child's interests for sound and permanent relationships are protected, and that appropriate services are provided to every client. To these ends the standards provide that:
 - (1) every family with a child at clear risk of foster care placement receives preventive services to improve the family relationships and prevent the placement;
 - (2) only children who must be removed from their families in order to be [assured] provided proper care, nurturance or treatment are placed in foster care;
 - (3) children in foster care are placed in the least restrictive, most home-like setting possible; and
 - (4) every possible effort is undertaken to prepare each child and his family for the discharge of the child.
- (b) All documentation required in sections 430.9-430.12 of this Part shall be recorded [on forms] in the form and manner required by OCFS and specified in Part 428 of this Title.

The heading of subdivision (f) of Section 430.9 is amended to read as follows:

(f) *Standard for the provision of housing services as a mandated preventive service to children with a goal of discharge to [independent living] another planned living arrangement with a permanency resource.*

Subparagraph (i) of paragraph (1) of subdivision (f) of Section 430.9 is amended to read as follows:

(i) Condition. The provision of housing services as a preventive service will be considered mandated to discharge a child to [independent living] another planned living arrangement with a permanency resource only if:

Clause (b) of subparagraph (i) of paragraph (1) of subdivision (f) of Section 430.9 is amended to read as follows:

(b) the case manager has determined that, at the time housing services are authorized, the child has been in foster care at least 90 days, is prepared for discharge to [independent living] another planned living arrangement with a permanency resource and can be discharged only if housing services are provided.

Paragraph (5) of subdivision (d) of section 430.11 is amended to read as follows:

(5) Supervised independent living.

(i) Standard. The placement of a child in supervised independent living shall be considered placement at an appropriate level for the purposes of this section only if the child:

(a) is at least 16 years of age and (1) has been in foster care for at least 90 consecutive days during period immediately preceding the date on which the child entered the program, or (2) is in the care and custody of a social services official but has been discharged from foster care on a trial basis at the time that the child entered the program;

(b) has a permanency planning goal of [discharge to independent living] another planned living arrangement with a permanency resource; and

(c) will be discharged from care within 12 months after placement in the program and has an established service plan for discharge; a child in a supervised independent living program may be discharged from care within 18 months after placement in the program if it is determined that the child would be unable to complete a vocational training or

educational program if the child was discharged from the program to an alternative address within 12 months after placement in the program.

(ii) Documentation. The first uniform case record form required after placement of the child in the program must show that the child was at least 16 years of age and was in foster care for at least 90 consecutive days during the period immediately preceding the date on which the child was placed in supervised independent living, or was in the care and custody of a social services official but had been discharged from foster care on a trial basis at the time the child entered such program, that he or she has a permanency planning goal of [discharge to independent living] another planned living arrangement with a permanency resource, and that the anticipated discharge date is no later than 12 months after the placement of the child in supervised independent living, unless the child will be unable to complete a vocational training or educational program if the child was discharged from the supervised independent living program to an alternative address. In such instances the discharge date must be no later than 18 months after the child entered the program, and documentation must be provided that details why the child would be unable to continue in the vocational/educational program if the child was discharged to an alternative address.

Subdivision (b) of section 430.12 is amended to read as follows:

(b) The requirements of this section [shall pertain] pertain to all children placed in foster care for whom a uniform case record, as described in Part 428 of this Title, is required and additionally the requirements of paragraph (2) of subdivision (c) of this section pertain to all children placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act. Compliance with these requirements [shall] must be documented [on the forms] in the form and manner required by OCFS [prescribed by the department in] pursuant to Part 428 according to the standards for documentation defined under the general requirements, the standards for discharge to parents, the standards for discharge to adoption, the standards for [discharge to independent living] another planned living arrangement with a permanency resource, and the standards for discharge to adult residential care, as set forth in subdivisions (c)-(g), respectively, of this section. To the extent permitted by the Mental Hygiene Law and the regulations of the Office of Mental Health and the Office of Mental Retardation and Developmental Disabilities, social services officials [shall] must obtain copies of the case records and service plans and any updates to such records and plans for children whose care and custody have been transferred to such officials and who are receiving care in facilities operated supervised by such offices. Such records, plans and updates [shall] must be made a part of the uniform case record. It [shall be] is the responsibility of the district to show that the requirements of this section have been met, and a failure to

provide evidence that the requirements have been met [shall be] is deemed equivalent to a failure to make diligent efforts to achieve the permanent discharge of the child.

Paragraph (2) of subdivision (c) of section 430.12 is amended to read as follows:

(2) Service plan reviews.

(i) Standard. A panel of at least two people must participate in the [development and] review of each comprehensive family assessment and service plan, [or comprehensive risk assessment and service plan] each family reassessment and service plan and each child assessment and service plan, if the child is completely legally freed for adoption, as required under section [428.7 or section 428.12] 428.6 of this Title [and all subsequent service plans as required in the reassessment and service plan reviews as required under section 428.9 of this Title or the risk reassessment and service plan as required under section 428.13 of this Title]. The panel must include the case planner or the child's caseworker and an administrator or other person not responsible for the case management or delivery of services to that case, nor in the direct line of supervision for that case. The review panel must convene a case conference, with the review panel members and the parent(s) and child present, as required in clauses (a) and (b) of this subparagraph, to review progress made through implementation of the previous service plan, [and] identify issues of concern and suggest modifications that impact on and inform the [develop] development of a new service plan for the case. A written statement of the conclusions and recommendations must be developed by the panel, and such report must identify barriers to permanency and any other issues that must be addressed in the new service plan. [The plan which is developed by the panel must be approved by the case manager.] The [case conference] service plan review must be held no earlier than [the first day of the month preceding the month in which the plan is due to be approved by the case manager as defined in section 428.2 of this Title, or if case planning responsibility has been delegated to a purchase of service provider, the case conference must be held no earlier than the first day of the month preceding the month in which the plan is due to be submitted to the case manager as specified in the purchase of service agreement] 60 days, but no later than 90 days from the date the child was removed from his or her home, or where the child is placed in foster care pursuant to Article 3 or 7 of the Family Court Act, no earlier 60 days, but no later than 90 days from the date the child was placed in foster care. Subsequent service plan reviews must be held every six months thereafter. A permanency hearing satisfies the requirements for a service plan review if such permanency hearing is held and

completed within six months of the previous service plan review.

(a) Efforts must be made to involve the following persons as participants in the development and review of the service plan and in the [case conference] service plan review:

(1) the child, if he or she is 10 years of age or older, unless there is a documented reason related to the current necessity of placement why the child should not be involved;

(2) the parent(s), unless their rights to the child have been terminated, guardian(s), or, in the case of a child whose permanency planning goal is [discharged] discharge to a relative, the relative to whom the child will be discharged;

(3) in the case of an Indian child, the child's tribe if known, and where possible, a qualified expert witness as defined in section 431.18(a)(5) of this Title; [and]

(4) the child's current foster parent, caretaker relative, or pre-adoptive parent presently providing care for the child. Such foster parent, caretaker relative or pre-adoptive parent must be provided with notice of and an opportunity to be heard in any service plan review;

(5) the case manager, case planner's supervisor, and child protective services monitor, if applicable;

(6) key providers of service to the child and family;

(7) the child's law guardian; and

(8) any other person the child's parent(s) identifies.

(b) (1) The efforts to involve the participants listed in clause (a) of this subparagraph must include, but are not limited to:

(i) written notice to each participant at least two weeks prior to the [case conference] service plan review inviting them to attend, giving the date, time and location of the [conference] service plan review and in the case of the parent(s), informing them that they may be accompanied by a person(s) of their choice; and

(ii) where possible, face-to-face contact by the case planner with the invited participants who were unable to attend the [case conference] service plan review no later than 30 days after the date the [case conference] service plan review was held.

(2) During the face-to-face contact required by item (ii) of subclause (1) of this clause, those invited participants who were unable to attend the [case conference] service plan review must be given a summary of the service plan for the child and family which at a minimum must include the following:

(i) new or continued goals or outcomes and anticipated completion dates when goals [have been established] are to be achieved;

(ii) tasks which describe the activities to be completed within the upcoming review period, and the family members and/or the service provider who are to perform each activity;

(iii) an updated visiting plan for children in foster care;

(iv) documentation stating the involvement of the parent, child and any others in the development of the service plan as required by sections 428.3(d) and 428.9 of this Title, and a listing of the participants in the service plan review; and

(v) a review of the previous service plan, which describes the progress in meeting or completing previously stated goals or outcomes and tasks or activities, the participation of family members in the process, and the service provision problems, if any, during the period under review.

Upon presentation of the service plan documents described in subclause (2) of this clause to the invited [case conference] service plan review participants, the contents will be discussed, or, in the event that such face-to-face contact is not possible, a letter stating that a [case conference] service plan review was held will be sent to the invited participant(s). The letter must inform the invited participant(s) that a copy of the documents described in subclause (2) of this clause will be made available to them upon request.

(3) For a child in foster care or a child placed by a court in the direct custody of a relative or other suitable person pursuant to Article 10 of the Family Court Act, the parent of the child must be given a copy of the family and child(ren)'s service plan, consistent with article 27-F of the Public Health Law.

(c) A written statement of the conclusions and recommendations from the review or a copy of the service plan shall be made available to all participants, subject to the confidentiality requirements of Part 357 of this Title.

(ii) Documentation. The family assessment and service plan or child assessment and service plan if the child is completely legally freed for adoption [risk assessment and service plan] required by the uniform case record must indicate the names and, where appropriate, the title(s) of the panel members, the names of the

invited participants who attended the [case conference] service plan review and the date of the [conference] review. Attendance by the invited participants or their representative will indicate that the two-week notice requirement of clause (i)(b) of this paragraph has been met. When the invited participants do not attend the [case conference] review the efforts made to involve them in the [case conference] review and the efforts made pursuant to clause (i)(b) of this paragraph must be documented.

Subdivision (f) of Section 430.12 is amended to read as follows:

(f) [Independent living] Another planned living arrangement with a permanency resource. Another planned living arrangement with a permanency resource is a permanency planning goal to assist foster care youth in their transition to self-sufficiency by connecting the youth to an adult permanency resource, equipping the youth with life skills and, upon discharge, connecting the youth with any needed community and/or specialized services. An adult permanency resource is a caring committed adult who has been determined by a social services district to be an appropriate and acceptable resource for a youth and is committed to providing emotional support, advice and guidance to the youth and to assist the youth as the youth makes the transition from foster care to responsible adulthood. The following requirements pertain to all children in a foster care placement whose permanency goal is discharge to [independent living] another planned living arrangement with a permanency resource and, where indicated, to children deemed to be discharged to [independent living] another planned living arrangement with a permanency resource or deemed to have a goal of discharge to [independent living] another planned living arrangement with a permanency resource. For the purposes of this subdivision only, a child deemed to be discharged to [independent living] another planned living arrangement with a permanency resource means a child 16 years of age or older who has resided in foster care for at least 12 months within the past 36 months and who has been discharged to parents or relatives. For the purposes of this subdivision only, a child deemed to have a goal of [independent living] another planned living arrangement with a permanency resource means a child 16 years of age or older who resided in foster care for at least 12 months within the past 36 months and who has a goal of discharge to parents or relatives or a goal of adoption.

(1) Setting of goal.

(i) Standard. The child is 14 years of age or older, or is placed in a foster home with an approved relative as defined by 443.1(f) of this Title for this goal to be established and it is determined to be in the child's best interests that he or she remain in foster care and not return to his or her parents or be adopted until the child reaches the age of 18. No other child may have a goal of discharge to [independent living] another planned living arrangement with a permanency resource 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] Office of Children and Family Services.

(ii) Documentation. The first assessment and service plan [or risk assessment and service plan] required by the uniform case record at the time of the selection of the permanency planning goal must indicate the reasons for choosing this goal rather than "discharge to parents or relatives" or "discharge to adoption," and must summarize efforts to accomplish either or both of these permanency goals before this goal was selected and document a compelling reason why it would not be in the best interests of the child to be returned home, placed for adoption, placed with a legal guardian or placed with a fit and willing relative .

(2) Preparation for discharge.

(i) Standard.

(a) The district must ensure the provision to all children with a goal of discharge to [independent living] another planned living arrangement with a permanency resource, or deemed to have a goal of discharge to [independent living] another planned living arrangement with a permanency resource, 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 in secondary education, taking academic courses and receiving at least passing grades which if maintained would lead to graduation prior to the child's 20th birthday, and children enrolled in full-time study at an accredited college or university are deemed to meet the requirement for vocational training. Vocational training must begin at the time the goal of discharge to [independent living] another planned living arrangement with a permanency resource 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] another planned living arrangement with a permanency resource, 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 percent 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. 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. 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. In the case of children who have been placed in facilities operated or supervised by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities, the services provided by that facility are deemed to fulfill the requirements of the standard contained in this subparagraph.

(b) Subject to the availability of State and Federal funds therefor, the district must ensure that a monthly independent living stipend is regularly provided to each child 16 years of age or older who has, or is deemed to have, a goal of discharge to [independent living] another planned living arrangement with a permanency resource and who, according to his or her case plan, is actively participating in independent living services. The independent living stipend is to be provided in addition to the regular allowance the child is entitled to receive pursuant to section 441.12(a) of this Title. The purposes for providing an independent living stipend are: to give the child incentive to participate in independent living services, to teach the child to manage money, and to provide the child with a means to accumulate savings to assist him or her in

the transition to independent living. The amount of the monthly stipend must be in accordance with the following schedule:

| Age | Monthly stipend |
|-----|-----------------|
| 16 | \$20.00 |
| 17 | 25.00 |
| 18 | 30.00 |
| 19 | 35.00 |
| 20 | 40.00 |

Depending upon the child's financial needs and abilities, the district must pay the entire monthly stipend in one lump sum payment or in two or more smaller payments spread over the month. Stipend payments to the child must be suspended for any period of time that the child, according to his or her case plan, is not actively participating in independent living services. A child placed in a facility operated or supervised by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities is not eligible to receive an independent living stipend.

(ii) Documentation.

(a) Each assessment and service plan or [risk assessment and service plan] required under Part 428 of this Title must show the type, location, duration, and intensity of the vocational training and instruction in independent living skills being provided to the child, as well as the level of achievement the child has attained. If the required vocational training and/or instruction in independent living skills has not been provided, the case record must document that the reason for the failure to complete the training was because of the child's unwillingness to cooperate, or the child's employment in a job as referenced in clause (a) of subparagraph (i) of this paragraph, or the child's passing of a test displaying competence in relevant job skills and independent living skills, or the child's inability to participate in and benefit from vocational training because of educational deficiencies. If the reason for the failure to complete the training or instruction is the child's unwillingness to cooperate, the case record must document the efforts made by the district to encourage participation by the child in the training or instruction. Any assessment that the child cannot participate in and benefit from vocational training because of the lack of reading or computation skills must be contained in the uniform case record. The record

must contain the date of the assessment of educational deficiencies, a plan of remediation including the remedial services provided to the child and the date of anticipated completion of the plan which under no circumstances may be the same as or subsequent to the date of planned discharge. This plan must be designed to enable the child to participate in and benefit from vocational training. Information concerning the services which are provided to children in facilities operated or supervised by the Office of Mental Health or Office of Mental Retardation and Developmental Disabilities and which is forwarded by such facilities to the social services district responsible for maintaining the uniform case record must be included in the uniform case record and will be deemed to fulfill the documentation requirements of this subparagraph.

(b) Each service plan, reassessment and service plan review also must show the amount and frequency of the independent living stipend payments made to the child and the child's active participation in independent living services as outlined in the case plan. If the child did not receive an independent living stipend for any period of time, the case record must document the reason the child did not receive a stipend or the reason that the stipend was suspended. Such documentation must include a description of how and why the child was not actively participating in independent living services as outlined in the case plan or that the child was placed in a facility operated or supervised by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities.

(3) Discharge.

(i) Standards.

(a) For each child discharged to [independent living] another planned living arrangement with a permanency resource, the district must identify any persons, services or agencies which would help the child maintain and support himself or herself 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.

(b) No child can be discharged to [independent living] another planned living arrangement with a permanency resource, unless such child has received written notice of such discharge at least 90 days prior to the date of discharge and has had the goal of [independent living] another planned living arrangement with a permanency resource 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 60 days.

(c) No child may be discharged to [independent living] another planned living arrangement with a permanency resource, 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 10 unrelated persons and there is a reasonable expectation that the residence will remain available to the child for at least the first 12 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 60 days.

(ii) Documentation.

(a) Documentation includes goals or outcomes and services in the service plan and a summary by the district of the efforts made and their results in the assessment and service plan required by the uniform case record.

(b) A copy of the written notice of discharge must be maintained in the case record until the child attains the age of 21, showing the date the child received the notice. In addition, the child's service plans prepared pursuant to Part 428 of this Title must show that the child has had the goal of independent living continuously for a six-month period immediately prior to discharge. If the notice is not received by the child because the child is voluntarily absent from the foster care placement without the consent of the district, the case record must document when the child left the foster care placement, the voluntary nature of the

absence of the child, the absence of consent by the district and the efforts made by the district to make contact with the child to encourage the return of the child to the placement.

(c) The plan amendment or service plan required by the uniform case record must include a description of the living arrangements secured for the child, together with an assessment of the permanency of those arrangements. If the child is discharged without the district securing living arrangements for the child, the case record must document that the reason for the failure to secure such arrangement has been that the child is a member of the military or job corps or a full-time student in a post-secondary educational institution or has voluntarily departed from the foster care placement without the district's consent and has been absent from the placement for 60 days.

(4) Post-discharge.

(i) Standards.

(a) Every child discharged to [independent living] another planned living arrangement with a permanency resource and every child deemed to have been discharged to [independent living] another planned living arrangement with a permanency resource 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 21 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 Title 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. 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 (c) of

this subparagraph. Under no circumstances may a district refer or place a child during the 30-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 10 unrelated persons. If appropriate housing is not available within 30 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 does not apply where a court order terminates the district's custody of the child or where the child reaches the age of 21.

(b) 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 21 years of age, where the child has been discharged to [independent living] another planned living arrangement with a permanency resource or is deemed to have been discharged to [independent living] another planned living arrangement with a permanency resource and has permanently left the home of his or her parents or relatives 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 50 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 cannot be located during a 60-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 mandates the

participation of a child in the status of trial discharge or supervision. Such participation is contingent upon the consent of the child.

(ii) Documentation.

(a) The requirements of the uniform case record, as established in Part 428 of this Title, will apply until the district's custody of the child has been terminated, either by court order or by the district's own action. Each reassessment and service plan review or [risk reassessment and service plan] after the child's discharge must show whether the child remains in the custody of the local commissioner, the need for continued custody, the number and location of casework contacts with the child, the child's current living arrangements and service needs including, but not limited to whether the child has become homeless, the services provided during the past six months, including but not limited to housing and income services, and the services to be provided during the next six months. If the required number of casework contacts with the child has not been made, the case record must document that the primary reason for the failure to complete the contacts has been the child's unwillingness to cooperate with the district. The case record must also document the efforts made by the district to make contact with the child and to encourage participation in the district's supervisory functions.

(b) After termination of the district's custody of the child, whether by court order or by the district's own action, progress notes must be maintained which show the number and type of contacts with the child, the services and service providers to whom the child has been referred, and whether the child actually received services. If the required number of contacts with the child has not been made, the case record must document the efforts made by the district to contact the child and to encourage the child to cooperate with the district.

Section 430.13 is repealed.

Subdivision (a) of section 431.9 is amended to read as follows:

431.9 Termination of parental rights by local social services agency.

(a) Except as required in subdivision (e) of this section, each social services official must, at

six months from removal and [least] every six months thereafter, evaluate the status of the relationship, of each child in direct or purchased foster care with his/her natural family in order to determine whether the interests of the child will be served through termination of the parent's legal rights to guardianship and custody of the child. If it is determined that termination of the rights of the parent(s) would be in the child's best interests, or if, following a Family Court [review] permanency hearing held under [subdivision 2-a of section 358-a or under section 392 of the Social Services Law or a hearing for extension of placement held under article 10] Article 10-A of the Family Court Act, there is a court order directing that a proceeding to terminate parental rights be instituted, the social services official must take appropriate steps to [action to insure that] promptly initiate essential procedures to terminate parental rights [are promptly initiated].

Subdivision (b) of section 431.9 is amended to read as follows:

- (b) In making a determination to terminate parental rights in accordance with subdivision (a) of this section, the social services official must consider:
- (1) whether there are indications of parental rejection of the child, which may include the failure of the parent(s) since the child was removed or the most recent permanency hearing [in the past six months] to:
 - (i) request visits with the child;
 - (ii) cooperate with the agency in planning and arranging visits with the child, although physically and financially able;
 - (iii) communicate with the child regularly by phone or letter if there is physical or financial inability to visit;
 - (iv) keep appointments to visit child as arranged;
 - (v) keep the agency informed as to his or her whereabouts;
 - (vi) keep appointments with agency staff which may have been arranged to assist the parent with those problems which affect the parent's ability to care for the child;
 - (vii) use community resources as arranged or suggested by the agency, or ordered by the court, or other involved agencies to resolve or correct the problems which impair parental ability to care for the child;
 - (viii) demonstrate a willingness and capacity to plan for the child's discharge, including taking what steps are necessary to provide an adequate, safe and stable home and parental care for the child within a reasonable period of time;

Paragraph (1) of subdivision (c) of section 431.9 is amended to read as follows:

- (1) require that a caseworker on his or her staff, or on the staff of the agency having direct care of the child, interview the parents, parent, or legal guardian in order to discuss the future needs of the child for care, parental affection, safety and security, and determine whether the parent, parents or guardian will voluntarily surrender the guardianship and custody of the child, and accept such surrender as agreed. If such agreement cannot be reached with the parent, parents or guardian, clearly indicate to such parent, parents or guardian the steps which the agency may take or have been ordered to take in order to obtain a court commitment of guardianship and custody;

Subdivision (d) of section 431.9 is amended to read as follows:

- (d) Denying or limiting parental visitation. Prior to or concurrent with the initiation of a proceeding to terminate parental rights, if it is deemed to be in the child's best interests to deny or limit the right of the parent or parents to visit, and if such parent or parents will not voluntarily agree to such a limitation or discontinuance of visiting, a social services official must seek court approval of such decision to limit or deny to the parents the right to visit, provided legal grounds for such action exists under [section 392 of the Social Services Law or article 10] Article 10 or 10-A of the Family Court Act.

Subclause (2) of clause (a) of subparagraph (ii) of paragraph (2) of subdivision (e) of section 431.9 is amended to read as follows:

- (2) A social services district is not required to file a petition to terminate parental rights as set forth in paragraph (1) of this subdivision if based on a case by case determination:
 - (i) the child is being cared for by a relative, provided, however, nothing in this section precludes a social services district from filing a petition to terminate parental rights when such petition is in the best interests of the child.
 - (ii) the social services district has documented in the case plan available for court review a compelling reason for determining that filing such a petition would not be in the best interests of the child and, for the purposes of this section, a compelling reason would include, but not be limited to:
 - (a) the child was placed into foster care pursuant to article three or seven of the family court act and a review of the specific facts and circumstances of the child's placement demonstrate that the appropriate permanency goal for the child is either:
 - (1) return to his or her parent or guardian, or

(2) discharge to [independent living] another planned living arrangement with a permanency resource;

Clause (b) of subparagraph (ii) of paragraph (1) of subdivision (c) of Section 432.2 is amended to read as follows:

(b) continuing in out-of-home placement with a permanency planning goal of [independent living] another planned living arrangement with a permanency resource or adult residential care; or

Section 441.20 is repealed and reserved.

Paragraph (2) of subdivision (b) of section 441.21 is amended as follows:

(2) Frequency of casework contacts with parents or relatives. During the first month of placement, casework contacts shall be held with the child's parents or relatives as often as is necessary to implement the services tasks in the family and children's services plan, but at a minimum, shall occur at least twice unless compelling reasons are documented why such contacts are not possible. After the first month of placement, casework contacts shall be held with the child's parents or relatives at least once every month if the permanency planning goal for the child is return to parents or relatives and at least quarterly if the child's permanency planning goal is adult residential care or [preparation for independent living] another planned living arrangement with a permanency resource unless compelling reasons are documented why such contacts are not possible. In the case of children with the permanency planning goal of [independent living] another planned living arrangement with a permanency resource or adult residential care, the local social services district or the purchase of service agency shall facilitate such contacts for the purpose of mobilizing and encouraging family support of the child's efforts to function independently and to increase his/her capacity to be self-maintaining.

Subdivision (n) of Section 441.22 is amended as follows:

(n) Medical examination upon discharge from care. Each child discharged from care [according to a permanency planning goal of independent living] to another planned living arrangement with a permanency resource must have a comprehensive medical examination prior to discharge, unless the child has undergone such an examination within one year prior to the date of discharge.

Paragraph (1) of subdivision (e) of section 443.2 is amended to read as follows:

(1) Authorized agencies must provide training to each certified or approved foster parent in a training program approved by the Office of Children and Family Services which will prepare foster parents to meet the needs of children in their care so that the best interests of the children placed by the certifying or approving agency will be met. Such training will, as appropriate, help the foster parent to understand the issues confronting children preparing for [independent living] another planned living arrangement with a permanency resource; and will, to the extent possible, be coordinated with [the independent living] a child's program to

develop life skills for the purpose of preparing for another planned living arrangement with a permanency resource.

Subdivision (d) of Section 476.2 is amended to read as follows:

(d) A facility shall not discontinue operations in accordance with the terms and conditions of its operating certificate except upon notice to [the department] OCFS at least 90 days in advance of the proposed discontinuance. Such notice shall include the submission of a plan, to be approved by [the department] OCFS, for the transfer of all residents therein to other facilities or, where appropriate, to arrange for the return of such residents to their families or to [independent living arrangements] another planned living arrangement with a permanency resource in the community.

Subdivision (c) of Section 507.2 is amended to read as follows:

(c) Discharge to [independent living] another planned living arrangement with a permanency resource. Prior to the child's discharge from foster care according to a permanency planning goal of [independent living] discharge to another planned living arrangement with a permanency resource, such child must have a comprehensive medical examination in accordance with sections 441.22 of this Title, and 507.1 of this Part, unless the child has undergone such an examination within one year prior to the date of discharge.