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| LOCAL COMMISSIONERS MEMORANDUM |  
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Transmittal No: 90 LCM-154

Date: September 24, 1990

Division: Commissioner's  
Office

TO: Local District Commissioners

SUBJECT: Filed Regulation Part 423  
Filed Regulation Part 457

ATTACHMENTS: Attachment I - Part 423 (available on-line)

Attachment II - Part 457 (not available on-line)

The following changes to the Official Regulations of the State Department of Social Services have been filed for adoption with the Secretary of State.

18 NYCRR Part 423 relating to intensive home-based family preservation services.

Filed as an emergency rule - 5/11/90 - effective 5/11/90.  
Refiled as an emergency rule - 8/7/90 - effective 8/7/90.

The final rule - Filed: 9/18/90 - Effective: 10/3/90.

18 NYCRR Part 457 relating to protective services for adults .

The final rule - Filed: 9/21/90 - Effective: 10/10/90.

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Michael J. McNaughton  
Director, Local District  
Policy Communications

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

Pursuant to the provisions of Sections 20(3)(d), 34(5)(f), 409, and 409-a of the Social Services Law, I, Cesar A. Perales, Commissioner of Social Services, do hereby add Sections 423.2(b)(17) and 423.4(b)(6) and amend Sections 423.2(e) and 423.3(b) of the Official Regulations of the State Department of Social Services, being Chapter II of Title 18 NYCRR, effective when the Notice of Adoption is published in the New York State Register.

Dated: September 18, 1990

Signed: \_\_\_\_\_

Commissioner

This is to certify that this is the original of an order of the State Department of Social Services, made on Sept. 18, 1990, adding Sections 423.2(b)(17) and 423.4(b)(6), amending Sections 423.2(e) and 423.3(b) of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, the express terms of which were published in the New York State Register on May 30, 1990

Dated: September 18, 1990

Signed: \_\_\_\_\_

Commissioner

A new paragraph (17) is added to subdivision (b) of Section 423.2 to read as follows:

(17)(i) Intensive, home-based, family preservation services are defined as casework services and direct therapeutic services provided to families in order to reduce or avoid the need for foster care placements of children who are in imminent danger of such placements.

Intensive, home-based, family preservation services may include arranging, on behalf of the families, housing assistance, child care, job training, education services, emergency cash grants and basic support needs.

(ii) Caseworkers providing intensive, home-based family preservation services must provide at least one-half of their direct services in the family's residence or temporary home, work with not more than four families at any given time and be available to the families 24 hours a day. The caseworkers must be trained in family preservation techniques and must aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and better resolution of intra-familial conflicts.

(iii) Intensive, home-based, family preservation services may be provided for up to 30 days per family and may be extended for an additional 30 days per family when necessary to maintain the progress already achieved or when the provision of such services for the additional days is necessary to avoid the foster care placement of children.

Subdivision (e) of section 423.2 is amended to read as follows:

(e) [Nonmandated] Non-mandated preventive services means preventive services defined in paragraphs (b)(1)-(15) of this section provided to a child and his/her family who the district may serve pursuant to section 409-a(2) of the Social Services Law. [Nonmandated] Non-mandated preventive services will not include housing services in subdivision (b)(16) or intensive, home-based, family preservation services in subdivision (b)(17) of this section.

Subdivision (b) of section 423.3 is amended to read as follows:

(b) [Nonmandated] Non-mandated preventive services may be provided by a [local department] of social services district to children and their families when such services are not required pursuant to subdivision (a) of this section and the child is at risk of foster care or returning to foster care or is in foster care and preventive services would enable the child to be returned home sooner, except that intensive, home-based, family preservation services, as defined in paragraph (17) of subdivision (b) of section 423.2 of this Part may not be provided as non-mandated preventive services.

A new paragraph (6) is added to subdivision (b) of section 423.4 to read as follows:

(6) The provision of intensive, home-based, family preservation services must not exceed 30 days except as provided in section 423.2(b)(17)(iii) of this Part.