



# Office of Children and Family Services

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## Administrative Directive

<b>Transmittal:</b>	23-OCFS-ADM-11
<b>To:</b>	Local Departments of Social Services Commissioners Voluntary Authorized Agencies Executive Directors
<b>Issuing Division/Office:</b>	Office of Strategic Planning and Policy Development
<b>Date:</b>	June 15, 2023
<b>Subject:</b>	<b>Casework Contacts for Children in Foster Care</b>
<b>Suggested Distribution:</b>	Local Departments of Social Services Directors Voluntary Authorized Agencies Executive Directors Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators
<b>Contact Person(s):</b>	See section VI.
<b>Attachments:</b>	None

### Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
10-OCFS-INF-02 12-OCFS-ADM-07 20-OCFS-INF-11 21-OCFS-ADM-04 22-OCFS-ADM-02	16-OCFS-ADM-16	18 NYCRR 428.3, 428.5(a), 430.11, 430.12, 441.21, 449.1	SSA § 422(b)(17) SSA § 424(f)SSA § 472(c)(2) Family First Prevention Services Act (FFPSA) (P.L. 115-123)		ACYF-CB-PI-10-11 ACFY-CB-PI-12-01

### I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of previously established and new casework contact requirements for children and youth in foster care. This ADM replaces and clarifies the requirements set forth in the previous casework contacts ADM, 16-OCFS-ADM-16, which is now canceled.

### II. Background

To receive federal Title IV-B, subpart 1 funding, New York State must have a state plan that satisfies the casework contact requirements of sections 422(b)(17) and 424(f) of the Social Security Act (SSA), which require caseworkers to have monthly contact with children in foster care.

The U.S. Department of Health and Human Services (HHS) issued clarification on the casework contacts requirements with children in foster care, by way of federal Program Instruction (PI), [ACYF-CB-PI-10-11](#) and [ACYF-CB-PI-12-01](#). These PIs state that the casework contact requirements apply to children, on whose behalf a title IV-E foster care maintenance payment is made, who are placed in an out-of-state foster care placement, children on trial discharge, children who have run away from a foster care placement, and those in foster care who are 18 years of age or older (these requirements were previously applied to youth in foster care under the age of 18). They further clarify that all casework contacts with such children in foster care must be made in person, face-to-face. The contacts must be focused on issues pertinent to case planning and service delivery to ensure the safety, permanency, and well-being of the youth.

The New York State Office of Children and Family Services (OCFS) regulatory amendments to 18 NYCRR §§ 428.3, 430.11, 430.12, and 441.21 were adopted in 2016 to comply with the above federal requirements.

This ADM reinforces the preexisting requirements set forth by regulation. Additionally, recognizing the need to assess the safety, permanency, and well-being of youth in foster care outside of New York State regardless of setting, this ADM sets forth practice requirements for youth out-of-state who are not in licensed, approved, or certified foster care settings.

The Informational Letter, *Casework Contacts: Best Practice Guidelines* ([10-OCFS-INF-02](#)), which was released on April 14, 2010, remains in effect and provides LDSSs and VAs with a set of best practice guidelines for making and documenting these required casework contacts between caseworkers and children in foster care.

### III. Program Implications

Local departments of social services (LDSSs) and voluntary agencies (VAs) are required to follow the requirements set forth in 18 NYCRR 441.21 to provide consistent, statewide standards for casework contacts that are in compliance with federal requirements. These requirements include conducting and documenting monthly face-to-face<sup>1</sup> casework contacts with children in foster care for whom such requirements apply as follows:

- All children and youth in foster care under the age of 21 who are placed within New York State.
- Those children in foster care under the age of 21 who are placed in approved or certified foster family boarding homes or child care institution<sup>2</sup> located outside of New York State.
  - Child-care institutions include Qualified Residential Treatment Facilities and Qualified Residential Treatment Facility Exceptions<sup>3</sup> including Supervised Setting Programs<sup>4</sup> (SSPs) as established under the Family First Prevention Services Act.

Previously, as set forth in 16-OCFS-ADM-16 (now canceled), monthly casework contacts were not required for children and youth under the age of 21 who were outside of New York State who were not residing in a foster home or child care institution. It is critical however that all youth in foster care are assessed for safety and well-being regardless of the setting they reside in. Therefore, this ADM establishes monthly contact requirements for such youth who are residing out of state and are not in a foster home or child care institution. For such youth only, the monthly contacts may be made through videoconferencing or other electronic means. Such youth, for whom monthly contacts are not required to be face to face, include but are not limited to those youth:

<sup>1</sup> Face-to-face means in-person contacts that do not occur on a virtual platform.

<sup>2</sup> The term “child-care institution” is defined in SSA § 472(c)(2). The term “facility” as used in 18 NYCRR 441.21(c)(3) has the same meaning as child-care institution.

<sup>3</sup> Family First Prevention Services Act (FFPSA) (P.L. 115-123), 21-OCFS-ADM-04

<sup>4</sup> 18 NYCRR 449.1, 22-OCFS-ADM-02

- attending educational or vocational programs out-of-state and residing in college dorms or other college housing that are not approved as a Supervised Setting,
- incarcerated out-of-state, or
- residing outside of the United States.

Note: Additional requirements apply for children and youth who are discharged from a QRTP or EMPOWER program. See [22-OCFS-ADM-07](#); *Provision of Aftercare in Qualified Residential Treatment Programs and EMPOWER Programs*.

#### IV. Required Action

Requirements and expectations for casework contacts for children and youth in foster care are described below.

##### **Children and Youth in Foster Care Within New York State**

In accordance with 18 NYCRR 441.21, LDSSs and VAs must conduct or arrange to conduct monthly casework contacts for children and youth under the age of 21 who are located within New York State regardless of whether they are residing in a foster boarding home or child care institution. For example, monthly face-to-face requirements apply for youth who reside in unlicensed or unapproved housing associated with vocational or educational programs, such as college dorms, or who are incarcerated.<sup>5</sup>

Such contacts must be made by

- the authorized agency with case management and/or case planning responsibility of the child; or
- if a child is placed in a facility operated or supervised by the Office of Mental Health (OMH), Office for People With Developmental Disabilities (OPWDD), Office of Addiction Services and Supports (OASAS), or the Department of Health (DOH), contacts may be made by appropriate staff from these state agencies or by appropriate staff who perform like or similar functions under contract with such state agencies. Such contacts must satisfy the frequency, location and content requirements set forth in 18 NYCRR 441.21.

##### **Children and Youth in Foster Care Outside of New York State**

All youth in foster care outside of New York State must receive monthly casework contacts; however, the method for such casework contacts is dependent on whether the youth is residing in a certified, approved, or licensed foster care setting (foster boarding home or child care institution).

##### **Residing in a foster boarding home or child care institution:**

In accordance with previously established guidance, such monthly contact must be face-to-face if the youth is in a foster boarding home or child care institution.

Prior to the child's placement outside of NYS, the LDSS or VA must complete an Interstate Compact on the Placement of Children (ICPC) packet and submit it to ICPC for approval. The packet should contain the request for the state in which the child's foster family boarding home or child-care facility is located to conduct the monthly casework contacts. When the ICPC request is fully approved, the LDSS or VA may place the child. The LDSS or VA is responsible for submission of the [ICPC-100B](#) form at the time of placement. The [ICPC-100B](#) form provides notification to the receiving state to begin supervision.

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<sup>5</sup> Casework contact requirements apply to youth placed with an authorized agency in non-secure and limited secure placements.

- Youth may attend college out-of-state without an ICPC agreement; however, there is no Title IV-E reimbursement. In this case, the college setting would not be a child care institution and casework contacts would be required as described below.

Residing in a setting other than a foster boarding home or child care institution:

Monthly casework contacts with youth residing in non-foster care settings outside of New York State are encouraged, but not required, to be face-to-face. Such contacts may be made via videoconferencing, phone call, or by other means as appropriate for the needs of the youth.

- Examples of non-foster care settings include prisons, jails, and any setting that is located outside of the country.
- Vocational or college housing not approved by an authorized agency as a Supervised Setting Program (SSP) are also non-foster care settings. Casework contact requirements for SSPs are described further below.

In any out-of-state setting, monthly face-to-face contacts must be made by

- the authorized agency with case management and/or case planning responsibility of the child;
- a public agency in the state in which the foster family boarding home or child care institution is located; or
- a private agency under contract with either the authorized agency or the other public agency.

**Timing of Casework Contacts**

During the first 30 days of placement, casework contacts must be held with the child as often as necessary to implement the services outlined in the family's and children's services plan (FASP) but must occur at least twice.

- At least one of these contacts must be held at the child's placement location.

After the first 30 days of placement, face-to-face, in-person casework contacts must be held at least once a month.

- At least two of the casework contacts every 90 days must be held at the child's placement location.

**Casework Contact Requirements for Youth in Supervised Setting Programs (SSPs)**

Specific casework contact requirements apply to all youth in SSPs, whether such setting is in-state or out-of-state. Supervision and support of a youth in a SSP in another state must occur through ICPC approval with the receiving state.

SSPs are approved, Title IV-E eligible foster care settings that allow transition of youth ages 16-21 to live independently. An authorized agency must apply to OCFS for permission to operate one or more SSPs, and if granted, the agency may then approve the individual housing units. These include community sites (e.g., apartments, room rentals, shared housing), college or vocational housing (i.e., dorms), and supervised independent living program (SILP) units. See [22-OCFS-ADM-02-R1](#) for more information on operating a SSP and approving individual housing units.

Casework contact requirements for youth in SSPs are set forth by 18 NYCRR Part 449.3. In addition to the monthly face-to-face requirements set forth in 18 NYCRR 441.21, staff must

- visit or communicate with youth in college owned housing or community site supervised settings at least once per week for the first 30 days of placement. After 30 days, contacts may occur at a reasonable frequency appropriate to meet the needs of the youth. Contacts made in addition to

the monthly face-to-face contact may be made via videoconferencing, text, email, or other appropriate means;

- visit and consult with youth residing in SILPs at least twice per week, with at least one visit occurring outside of normal business hours.

### **Documentation of Casework Contacts**

Every month, the entity conducting the casework contacts in the state where the foster care is placed must record information regarding the contacts. This information must include whether the contacts occurred monthly or more frequently, the location of the contacts, and details of what was discussed and observed during the contacts. This information must be provided monthly to the LDSS or VA that is responsible for maintaining the child's case record. The LDSS or VA worker must then enter the casework contact into a progress note within the child's case record in CONNECTIONS. OCFS regulation (18 NYCRR 428.5(a)) requires that progress notes must be entered as contemporaneously as possible with the occurrence of the event or the receipt of the information, which is to be recorded. Contemporaneous documentation is defined as within 30 days from when the face-to-face casework contact occurred. See [20-OCFS-INF-11](#) for more detail.

## **V. Systems Implications**

Each month, the LDSS or VA worker must enter the information about each casework contact into the child's case record in CONNECTIONS. This includes contacts made by the LDSS or VA worker, as well as information received by a state or contract agency if such agency conducted the casework contacts.

## **VI. Contacts**

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## **VII. Effective Date**

This release is effective immediately.

***/s/ Thomas R. Brooks, Esq.***

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**Issued by:**

Name: Thomas R. Brooks, Esq.

Title: Deputy Commissioner

Division/Office: Office of Strategic Planning and Policy Development