



Office of Children and Family Services

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Administrative Directive

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| Transmittal: | 16-OCFS-ADM-16 |
| To: | Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies |
| Issuing Division/Office: | Strategic Planning and Policy Development |
| Date: | September 7, 2016 |
| Subject: | Casework Contacts for Children in Foster Care |
| Suggested Distribution: | Directors of Social Services Child Welfare Supervisors Foster Care Supervisors Adoption Supervisors Staff Development Coordinators |
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| Attachments: | none |

Filing References

| Previous ADMs/INFs | Releases Cancelled | NYS Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
|--------------------|--------------------|--|-----------------------------------|---|--------------------------------------|
| 10-OCFS-INF-02 | | 18 NYCRR §§ 428.3, 430.11, 430.12 and 441.21 | | Child Welfare Policy Manual (Section 7.3) | ACYF-CB-PI-10-11 ACYF-CB-PI-12-01 |

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSSs) and Voluntary Agencies (VAs) of recent amendments to 18 NYCRR §§ 428.3, 430.11, 430.12 and 441.21. The amendments relate to casework contacts¹ with children in foster care placed in foster boarding homes or facilities located outside of New York State (NYS) and those in foster care who are 18 years of age or older and attend educational or vocational programs within NYS.

II. Background

The federal Administration for Children and Families of the Department of Health and Human Services (DHHS) has identified a positive correlation between the number of casework contacts and positive outcomes for children in foster care. These outcomes include: achieving reunification or other permanent placement; preserving children's connections and relationships with family members; and greater involvement of children, parents, and other relatives in case planning. In order to receive federal Title IV-B, Subpart 1 funding, NYS 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.

DHHS 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 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. They further clarify that all casework contacts with 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.

As a result of the guidance received from DHHS via the federal PIs, and to avoid exposure to federal fiscal sanctions for non-compliance with federal casework contact requirements, amendments to 18 NYCRR §§ 428.3, 430.11, 430.12 and 441.21 were adopted. The notice of proposed rulemaking for the amendments was published in the NYS Register on February 17, 2016. Public comments were received until April 4, 2016, and the regulations were filed for adoption on May 3, 2016, taking effect on May 18, 2016.

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

III. Program Implications

LDSSs and VAs are required to follow the standards set forth in 18 NYCRR 441.21 in order to provide a consistent, statewide standard for casework contacts that is in compliance with federal requirements. This includes conducting and documenting monthly casework contacts with children in foster care for whom such requirements

¹The term "casework contact" is used interchangeably with "casework visit" throughout this policy.

apply, including, but not limited to, those children in foster care under the age of 21 who are placed in foster family boarding homes or facilities located outside of NYS, and those who are 18 to 21 years of age and attend vocational or educational programs within NYS. Those in foster care who are ages 18 to 21 years of age and attend educational or vocational programs located outside of NYS and are not residing in a foster home or child care facility, and those who are incarcerated outside of NYS, or who are currently residing outside of the United States are **not** subject to the monthly face-to-face casework contact requirement.

Previously under 18 NYCRR 430.11(c)(2)(x) and 428.3(b)(2)(IV), all casework contacts conducted within a six-month period with children in out-of-state foster care placement were documented in a report. That report was prepared every six months by either a caseworker employed by the authorized agency who had case management and/or case planning responsibility for the child; the state in which the foster family boarding home or child care facility was located; or a private agency under contract with either the authorized agency or other state. The regulations cited above have been repealed and are no longer in effect.

The amendments to 18 NYCRR 430.12(c)(3) and the new 18 NYCRR 441.21(c)(3) offer LDSSs and VAs flexibility regarding who may conduct casework contacts with children in foster care placements located within or outside NYS. If children are placed in a facility that is operated or supervised by the Office of Mental Health (OMH), Office for People With Developmental Disabilities (OPWDD), Office of Alcoholism and Substance Abuse Services (OASAS), or the Department of Health (DOH), the monthly casework contacts may be conducted by the appropriate staff from one of the above state agencies or by appropriate staff that performs like or similar functions under contract with the state agency. Such contacts must satisfy the frequency, location and content requirements set forth in 18 NYCRR 441.21. Regarding out-of-state placements, casework contacts may be conducted by the New York State authorized agency with case management or case planning responsibility for the child, a public agency in the state in which the foster home or facility is located, or a private agency under contract with the LDSS or the public out-of-state agency.

Where such contacts are conducted by state or contract staff, all information regarding the monthly casework contact with the child, including the date, location, details of what was discussed and observed during the contact, and any services that were provided to the child, must be documented by the state or contract staff and forwarded each month to the LDSS or VA. The LDSS or VA case manager, case planner, or caseworker who is responsible for maintaining the child's case record must then complete a progress note in CONNECTIONS to include the information.

According to Section 7.3 of the federal *Child Welfare Policy Manual* (Q&A #8)², all casework contacts with foster children in NYS, and those with children placed in foster care boarding homes or facilities located outside NYS, must be made in person, face-to-face. Therefore, 18 NYCRR 441.21(c)(2) was amended to repeal the provision that allowed casework contacts with those in foster care who were 18 years of age or older and were attending educational or vocational programs 50 miles or more outside of the

² U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau. *Child Welfare Policy Manual*. Section 7.3.

https://www.acf.hhs.gov/cwpm/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=178

LDSS to be made by mail or telephone. Such long-distance methods are no longer acceptable.

IV. Required Action

LDSSs and VAs must conduct or arrange to conduct casework contacts for children in foster family boarding homes or child care facilities located within or outside of NYS following the requirements outlined below.

Casework contacts with children placed in foster family boarding homes or facilities outside of NYS:³

LDSSs and VAs that are not conducting or arranging for monthly face-to-face casework contacts with children in out-of-state foster family boarding homes or child care facilities will have to increase the frequency of these contacts to monthly, or arrange for these monthly contacts to be made by a public agency in the state in which the foster family boarding home or child care facility is located or a private agency under contract with the LDSS.

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.⁴ 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 100B form provides notification to the receiving state to begin supervision.

Casework contacts for a child in foster care placed in a foster family boarding home or child care facility located within NYS must be made by one of the following entities:⁵

- the authorized agency with case management and/or case-planning responsibility for the child;
- a public agency in the state in which the foster family boarding home or child care facility is located;
- a private agency under contract with either the authorized agency or the other public agency; 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 Alcoholism and Substance Abuse Services (OASAS) or the Department of Health

³ 18 NYCRR 441.21(c)(3)

⁴ OCFS. (2015, July). *ICPC Checklist for a FOSTER CARE Request.*

http://ocfs.ny.gov/adopt/interstate_compact_checklists/ICPC-Checklist-for-a-FOSTER-CARE-Request.pdf

⁵ 18 NYCRR 430.12(c)(3)

(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 and where such contacts otherwise satisfy the frequency, location and content requirements for casework contacts of children in foster care.

Casework contacts for a child in foster care placed in a foster family boarding home or child care facility located outside of NYS must be made by one of the following entities.⁶

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

Time frames for casework contacts:⁷

- 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 and children's services plan (FASP) but must occur at least twice.
 - At least one of the 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 at the child's placement location.

Documentation of casework contacts:⁸

Every month, the entity⁹ conducting the casework contacts in the state where the child in 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.¹⁰ The LDSS or VA worker must then enter the casework contact into a progress note within the child's case record in CONNECTIONS.

⁶ 18 NYCRR 430.12(c)(3)

⁷ 18 NYCRR 441.21(c)(2)

⁸ 18 NYCRR 430.12(3)(ii)

⁹ The authorized agency with case management and/or case planning responsibility for the child; a public agency in the state in which the foster family boarding home or child care facility is located; a private agency under contract with either the authorized agency or the other public agency; or staff of a facility operated or supervised by OMH, OPWDD, OASAS or DOH. 18 NYCRR 430.12(c)(3)

¹⁰ If an ICPC placement request was submitted and approved by ICPC prior to the child's placement and the NYS LDSS or VA is having difficulty getting monthly reports from the other state, contact the NYS ICPC office for assistance.

Casework contacts with those who are 18 to 21 years of age and attending vocational or educational programs within NYS:

All monthly casework contacts with children attending vocational or educational programs within NYS must be conducted in person, face-to-face.

V. Systems Implications

Each month, the LDSS or VA worker must enter the information about their casework contact or the information received from the appropriate state agency or contract agency into a progress note within the child's case record in CONNECTIONS.

VI. Effective Date

This policy directive is effective immediately.

/s/ Thomas R. Brooks

Issued By:

Name: Thomas R. Brooks

Title: Deputy Commissioner

Division/Office: Strategic Planning and Policy Development