

18 CRR-NY 428.9
NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 18. DEPARTMENT OF SOCIAL SERVICES
CHAPTER II. REGULATIONS OF THE DEPARTMENT OF SOCIAL SERVICES
SUBCHAPTER C. SOCIAL SERVICES
ARTICLE 2. FAMILY AND CHILDREN'S SERVICES
PART 428. STANDARDS FOR UNIFORM CASE RECORDS AND FAMILY AND CHILD ASSESSMENTS AND
SERVICE PLANS

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

(a) The service plan review 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 care 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 who is at least 10 but less than 14 years of age, 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;

(iv) each child 14 years of age or older in accordance with the standards set forth in section 428.3(i) of this Part;

(v) members of the case planning team chosen by the child who is 14 years of age or older in accordance with the standards set forth in section 428.3(i) of this Part; and

(vi) 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) of this section 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;