

18 CRR-NY 430.11  
NY-CRROFFICIAL 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 430. UTILIZATION REVIEW FOR FOSTER CARE AND PREVENTIVE SERVICES18 CRR-NY 430.11  
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## 430.11 Appropriateness of placement.

(a) The type and level of a foster care placement for a particular child shall be considered appropriate for the purposes of this section if the standard for continuity in the child's environment and the standards for appropriate level of placement, as set forth in subdivisions (c) and (d) of this section, are met.

(b) The requirements of this section shall pertain to all children placed in foster care for whom a uniform case record, as described in Part 428 of this Title, is required. The appropriateness of a foster care placement shall be documented on the forms prescribed by the department in Part 428, according to the standards for documentation defined in the standard for continuity in the child's environment and the standards for appropriate level of placement, as set forth in subdivisions (c) and (d) of this section. In the absence of documentation in the uniform case record, the placement shall be deemed inappropriate.

(c) *Continuity in the child's environment.*

(1)

(i) Standard. Whenever possible, a child shall be placed in a foster care setting which permits the child to retain contact with the persons, groups and institutions with which the child was involved while living with his or her parents, or to which the child will be discharged. It shall be deemed inappropriate to place a child in a setting which conforms with this standard only if the child's service needs can only be met in another available setting at the same or lesser level of care. The initial placement of the child into foster care and all subsequent placements must take into account the appropriateness of the child's existing educational setting and the proximity of such setting to the child's placement location. When it is in the best interest of the foster child to continue to be enrolled in the same school in which the child is currently enrolled, the agency with case management, case planning or casework responsibility for the foster child must coordinate with applicable local school authorities to ensure that the child remains in such school. When it is not in the best interests of the foster child to continue to be enrolled in the same school in which the child is currently enrolled, the agency with case management, case planning or casework responsibility for the foster child must coordinate with applicable local school authorities where the foster child is placed in order that the foster child is provided with immediate and appropriate enrollment in a new school; and the agency with case management, case planning or casework responsibility for the foster child must coordinate with applicable local school authorities where the foster child previously attended in order that all of the applicable school records of the child are provided to the new school.

(ii) Any Indian child who is placed into foster care pursuant to the provisions of section 384, 384-a or 384-b of the Social Services Law or article 3, 7, 10, 10-B or 10-C of the Family Court Act shall be placed in the least restrictive setting which most approximates a family and in which his or her special needs, if any, may be met. Placement in accordance with the order of preference set forth in subdivision (f) of section 431.18 of this Title supersedes other continuity factors in the placement of an Indian child. Any placement made pursuant to this subparagraph shall, in the absence of good cause to the contrary, as defined in section 431.18(f)(2) or (g)(2) of this Title, be made according to the preferences set forth in section 431.18(f) of this Title.

(2) Documentation. The uniform case record, as described in Part 428 of this Title, shall:

(i) show in the first uniform case record form required after the child's placement in his current setting that the child has been placed in a setting which enables him or her to maintain ties to his or her previous school, neighborhood, peers and family members, or show the reasons why such placement was not practicable or in the best interests of the child;

(ii) show in the first visiting plan required by the uniform case record after the child's placement in his current setting that biweekly visits with the parents or significant others are possible or the reasons why a placement was chosen which made