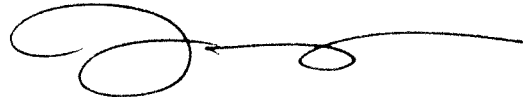


City of New York
Administration for Children's Services

Guidance 2009/#06

ACS Policy
SUBJECT: Case Consultation

APPROVED: John B. Mattingly



DATE: July 16, 2009

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IMPLEMENTATION RESPONSIBILITY:
Children's Services Family Permanency
Services, Division of Child Protection, Division
of Family Court Legal Services staff; Foster
Care Provider Agency Provider

PURPOSE: This Guidance articulates the process for conducting a case consultation in the event that a Permanency Planning Conference (also known as the Service Plan Review) is not conducted within 60 days of a scheduled permanency hearing. Conducting a case consultation will allow the foster care provider agency to review the service plan with relevant stakeholders and to assess permanency plans for the child.

SCOPE: This Guidance is effective immediately and applies to all Foster Care Provider Agencies, Children's Services Division of Family Permanency Services, Division of Child Protection, and Division of Family Court Legal Services.

POLICY: A case consultation¹ must be conducted within 60 days of the date for the permanency hearing if a permanency planning conference has not occurred within 60 days of the date for the permanency hearing. In addition, the case consultation must be completed with sufficient time to finalize and submit the permanency hearing report.

NOTE: The permanency hearing report should be completed at least 24 days before the date for the permanency hearing so the attorney can review the report and send it out in advance of the hearing. Family Court Legal Services (FCLS), through the Legal Tracking System (LTS);

¹ Section 1087 of the Family Court Act and of 18 NYCRR 428.9 dealing with case consultations prior to an upcoming permanency hearing, and 18 NYCRR 430.12(c) (2) (i) (a) related to invitees.

provides reminders to case planners of the report due dates and provides the agency with a calendar of upcoming report due dates.

I. Case Consultation Participants

The participants required for the case consultation is consistent with the participants required for the Permanency Planning Conference and include²:

- The case planner and/or the child's caseworker;
- The case manager (when the case is a split case and case management is being managed by the Division of Child Protection);
- 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 parents are unwilling or unable to attend;
- Each child age 10 or over, 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;
- 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.

NOTE: Efforts must be made to involve 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 tribal representative, if known; and any other person identified by the parent(s). 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. Please note that such efforts must not delay the case consultation or preparation of the permanency hearing report.

II. Guidelines for Conducting a Case Consultation

The guidelines for the case consultation are consistent with the guidelines for the Permanency Planning Conference (SPR) and include:

- Review the progress made by each parent toward successful implementation of the service plan (include addressing safety and risk factors that led to the child's removal) and the child's permanency planning goal, unless the parent has had his or her parental rights to the child terminated;
- Assess whether it would be safe to return the child to his or her home, and assess the level of risk of the likelihood of abuse or maltreatment such return would entail;

² A facilitator is not required for a case consultation. A facilitator is required for a permanency planning conference.

- 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;
- Review the safety of the child in his or her current environment;
- Review the appropriateness of the current placement, including whether such placement is the least restrictive environment that can meet the child's needs;
- Review the reasonable efforts made to assist with the achievement of the child's permanency planning goal;
- Assess the need for modification or continuation of the current permanency planning goal;
- Review the current service plan and any barriers to service delivery and assess the need to make modifications to support the safety, permanency and well-being of the child;
- Review the current visiting plan and assess the need to make modifications to support family relationships;
- For a child who is not free for adoption, review the status of the concurrent permanency plan for the child, in the event the child is unlikely to be able to safely return home;
- Review the status of any permanency discharge resource being considered for the child;
- Develop a recommendation as to whether the child needs to continue in placement or be discharged from such placement. If the child will be discharged from placement within the upcoming six months, develop a recommended discharge plan;
- For a child completely free for adoption with a goal of adoption, review the status of each adoption milestone, and assess progress toward achievement, as appropriate, including but not limited to recruitment efforts, adoption assistance/subsidy approval and overcoming any other barriers to finalization of the adoption.

III. Documentation

Documentation must occur in the form of progress notes and must be consistent with existing procedures. The decisions and outcomes of the case consultation must be incorporated into the permanency hearing report. *CONNECTIONS Build 18 Procedures: Case Management* Appendix G offers specific guidelines for documenting in progress notes in CONNECTIONS.

For further information on this guidance, please contact Steve Bieber, Shared Response Team at 212-676-7480.