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Informational Letter

Transmittal:	10-OCFS-INF-09
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	August 26, 2010
Subject:	Guidelines for Casework Contacts with Parents or Relatives by Parent Advocates
Suggested Distribution:	Directors of Social Services Foster Care Supervisors Staff Development Coordinators
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Attachments:	Yes
Attachment Available Online:	Yes (as part of this document)

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
08-OCFS-INF-14		18 NYCRR 441.2(o) and 441.21 (b)			

I. Purpose

The purpose of this Informational Letter (INF) is to advise local departments of social services (LDSS) and voluntary authorized agencies of newly promulgated amendments to 18 NYCRR 441.2 and 441.21 regarding casework contact standards, which became effective on August 11, 2010. The regulatory amendments add a definition of parent advocate, and expand the category of individuals that a social services district or a voluntary authorized agency can utilize to complete the casework contact requirements with parents or relatives of children currently in foster care to include parent advocates, under certain circumstances. This INF also provides guidance and best practice recommendations regarding the use of parent advocates to make casework contacts that meet the regulatory requirements.

II. Background

The Office of Children and Family Services (OCFS) recognizes the importance of utilizing parent advocates in child welfare cases. In November 2008, OCFS released an INF (08-OCFS-INF-14) titled *Parent Advocate Programs*, which provided information to LDSSs and voluntary authorized agencies regarding the use of parent advocates. Parent advocate programs employ parents who were previously recipients of child welfare services, and who have successfully addressed the issues which brought them to the attention of child welfare, as advocates to assist other families that are involved in the child welfare system. Several agencies within New York State currently have parent advocate programs, and it appears these types of programs can be a valuable resource in the delivery of child welfare services.

Parents who have experienced child welfare intervention firsthand have a different perspective and can offer a unique type of support to other parents who are currently experiencing similar situations. Individuals who have had experience as clients of the child welfare system and have successfully addressed the issues which brought them into contact with child welfare possess a wealth of knowledge and understanding of how the child welfare

system functions in regard to their own personal experience within the system. As parents who have made it successfully through the child welfare system, these parent advocates can serve as positive role models for families trying to achieve reunification. They can provide hope, support, and motivation to families who need to navigate through the system and work toward getting their children returned to them. These advocates also are able to add credibility because they speak from their own real experiences rather than explaining how the system is “supposed to” work. Parent advocates may be of particular assistance with families that have not responded to previous outreach, have expressed unwillingness to participate in planning, or have demonstrated ambivalence toward the process. For all these reasons, parent advocates are often able to engage families in the provision of services, including casework contacts, and help them have successful interactions within the child welfare system.

Previously under 18 NYCRR 441.21, casework contacts with parents or relatives of children in foster care were limited to being with either the case planner, caseworker or case manager. The primary purposes of these contacts are to assess whether the child would be safe if returned home, or the potential future risk of abuse or maltreatment if the child returned home; to assist the parent or relative with resolving the issues that led to the child being placed; and to encourage positive supportive relationships between parents and relatives and children who have a goal of another planned living arrangement. The amendments to regulation add a definition of parent advocate to 18 NYCRR 441.2(o) and expand 18 NYCRR 441.21(b) to allow those persons who meet this definition to complete a limited number of casework contacts with the parents or relatives of children placed in foster care. Precedent for making this change can be found in the casework contact requirements for preventive services under 18 NYCRR 423.4, which allows the completion of casework contacts by other supportive service providers, including parent aide/training services, for two out of the contacts required in a six-month period if arranged or coordinated by the case planner.

These amendments to the casework contact requirements under 18 NYCRR 441.21 offer mandate relief to local departments of social services by allowing flexibility in the casework contact requirements for parents and relatives of children in foster care. This change further supports the use of parent advocates by local districts and authorized agencies, and could reduce overall costs of providing casework contacts without reducing the quality of care provided.

III. Program Implications

The amendments to 18 NYCRR 441.2 and 441.21 offer LDSSs and voluntary authorized agencies more flexibility in the casework contact requirements with parents or relatives, as well as support the usage of parent advocates in engaging families in the child welfare system. There are no mandates

imposed on LDSSs or voluntary authorized agencies as a result of these amendments to regulation. Districts and agencies may opt to take advantage of the increased flexibility to use parent advocates to conduct a limited number of casework contacts with parents or relatives of children in foster care based on the particular case circumstances, but are in no way obligated to do so.

The amendments add a definition of parent advocate in 18 NYCRR 441.2(o). A parent advocate is defined as a person who has been a recipient of child welfare services, has successfully addressed issues that brought the family to the attention of child welfare, has been reunified with his or her children, if applicable, and has been successfully trained as a parent advocate. Such person would be either an employee or under contract with a social services district or a voluntary authorized agency to provide support and advocacy to a parent or relative of a child in foster care. The role of the parent advocate is to provide support and advocacy to parent(s) or relative(s) through a variety of activities, including, but not limited to, engaging parent(s) or relative(s) and assisting them to understand the child welfare and family court process; attending case conferences; coaching for productive visitation between parents and their children in foster care; accompanying parent(s) or relative(s) to court, school, public benefits offices, and health centers; assisting parent(s) in advocating for themselves; providing assistance in accessing community services; facilitating appointments; and working as a liaison between parent(s) or relative(s), caseworkers, foster parents, and other service providers.¹

In addition, the regulations amend 18 NYCRR 441.21(b) to allow those persons who meet the definition of parent advocate to complete a limited number of casework contacts with the parents or relatives of children placed in foster care, with the exception of the assessment of whether the child would be safe if returned home or the potential risk for future abuse or maltreatment if the child were returned home. Such safety and risk assessments must be made by the case planner. However, if a parent advocate observes or discovers anything of concern during his/her casework contact, this information should be provided to the case manager/planner for the safety and risk assessment. The initial casework contacts with the parent or relative would still have to be made either by the case manager, case planner or caseworker. In addition, the case planner/manager must make all key decisions in the case, though information that may help them with these decisions may be provided by parent advocates. For example, the parent advocate may provide information on a conversation that occurred during a casework contact regarding the progress of the parent on one of his or her court-ordered goals, or may report on the conditions in the home observed during the casework contact. The regulations allow up to two monthly casework contacts by a parent advocate during a six-month period to count towards the casework contact requirements set forth in 18 NYCRR 441.21, as noted above.

¹ 18 NYCRR § 441.2 (o)

Best Practice Guidelines and Requirements

As reflected in this issuance, OCFS supports the use of parent advocates for parent or relative casework contacts. In addition, we strongly recommend that LDSSs and authorized voluntary agencies give careful consideration to the best practice guidelines or requirements listed in the remainder of this policy document before having advocates begin these casework contacts.

Recruitment- The first step in recruitment is a job description that clearly defines the role of the parent advocate, as well as any requirements the agency wants to use in choosing advocates. Careful consideration should be given to the length of time since the applicant was last involved with the child welfare system, as well as any other background issues that may be deemed acceptable or not acceptable for an advocate. Applicants with active substance abuse issues or untreated significant mental health issues would not be good candidates for the advocate position. It may be helpful to develop a candidate checklist of what requirements your agency defines for the job, as well as what background checks will be completed. Parent advocates should go through the same clearance process as other employees working at the agency. Part of the definition of parent advocate is that the individual has previous experience with the child welfare system and, therefore, in many cases the individual may be the subject of an indicated report of child abuse or maltreatment, so a case-by-case determination will need to be made based on the child protective history and the progress the individual has made at the time of application for the advocate position.

For most programs, the primary source of referrals will be child welfare workers who have families that graduate from the child welfare system successfully. In some cases, you may have some self-referral applicants, and, as time goes by, an agency may have parents who have had a parent advocate themselves who graduate to the role of parent advocate.

Training- Parent advocates need to be fully trained in child welfare, advocacy skills, and expectations of the advocate role. Training should include a baseline understanding of child protective and child welfare services (including safety and risk assessment), understanding and working on boundaries with families with needs, understanding the role of the parent advocate and case planner/manager, communication and advocacy skills, understanding public assistance and public housing issues, understanding confidentiality, and knowledge of parent rights. In addition, parent advocates should receive training on separating their own personal experiences from that of the clients. The length and level of training that an advocate must undergo before being assigned responsibility to work with a parent of

a child in foster care and complete a subset of casework contacts is determined by the LDSS or voluntary authorized agency. An LDSS or voluntary authorized agency may provide this training, or it may be provided through an outside training program, such as the Family Development Credentialing (FDC) training through Cornell University or Columbia University's Parent Empowerment and Self-Advocacy (PESA) program. It is recommended that parent advocates be encouraged to attend ongoing training. In addition, parent advocates should have a clear understanding of the mission, goals and values of the agency employing them.

Support- It is crucial that parent advocates receive regular ongoing supervision and support within their role. A supervisor needs to be accessible to the parent advocate, and regular supervision meetings need to occur between the advocate and his or her supervisor. It is recommended that this supervision be tailored to the needs of the advocate based on his or her experience in the job, as well as personal strengths and weaknesses. In addition, peer support groups or mentoring by an experienced parent advocate can provide valuable support to an advocate when needed.

The LDSS or voluntary authorized agency must also prepare agency staff by training them on what the role of the parent advocate entails. The parent advocate role is to strengthen contact with families, not replace the case planner/manager. In addition, advocates should not be put in the position of making case planning decisions; however, their input should be sought when the case planner/manager is making such decisions. It is recommended that parent advocates be included in general staff meetings and trainings that pertain to their role. Other LDSS and agency staff should be encouraged by supervisory staff to view the parent advocate as a partner and valuable resource in their child welfare cases.

Records- Casework contacts made by the parent advocate must be entered into CONNECTIONS. This can be done by the parent advocate (if he/she has access), or another staff person, such as the caseworker or case planner, may be designated to enter the advocate's contacts. In addition, information from parent advocates on how the family is functioning and meeting their casework goals needs to be included in the Family Assessment Service Plan (FASP) and reports to the Family Court.

Communication- Regular meetings need to be held between the parent advocate and the case planner/manager to communicate progress or any concerns on shared cases. Parent advocates need to be aware that families may try to split them and the case planner/manager. The parent advocates should be encouraged to view themselves as part of a team working in conjunction with child welfare

staff with each family and, as such, should be made to feel comfortable in giving the other workers updates on the family and communicating any concerns that arise. The case planner/manager makes the ultimate decisions in the case with input from the parent advocate, so communication is very important.

Confidentiality/Client Privacy- Confidentiality requirements for parent advocates must be the same as for other child welfare staff. Information gathered by parent advocates may be shared within the agency only with those who “have a need to know,” such as child protective service staff and case planner/managers. In addition, information regarding the case should be shared with the advocate at the same level as it is shared with the caseworker/case planner. To maintain client privacy, careful consideration should be made when matching a parent advocate to a family that may reside in the same community.

Agency Requirements- In the role as a parent advocate and as an employee of an authorized agency, they will need to follow the mandated reporter requirements under section 413 of Social Services Law. Parent advocates also need to be aware that it is possible in some cases for them to be involved in court hearings regarding the family’s progress, including potential witness testimony, if needed.

In addition, if at any time an LDSS or voluntary authorized agency has any concerns regarding a parent advocate completing casework contacts with a particular family, the supervisor of the advocate, in conjunction with other agency staff, should assess whether continuing casework contacts is in the best interests of both the family and the advocate.

There are several agencies within New York State that currently use parent advocates as an engagement resource with their families. Where advocates are already being used, this amendment allows LDSSs and authorized agencies to count contacts currently being made by these parent advocates toward a limited number of casework contact requirements. For districts and agencies that do not currently employ advocates, this increased flexibility with casework contacts may be an additional incentive to consider starting a parent advocate program.

/s/ Nancy Martinez

Issued By:

Name: Nancy Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development

Attachment A

Regulatory Amendments to 18 NYCRR 441.2 and 441.21

Subdivision (o) of section 441.2 is added to read as follows:

(o) Parent advocate means a person who has previously been a recipient of child welfare services, has successfully addressed the issues which brought the family to the attention of child welfare, has been reunified with his or her children, if applicable, and has subsequently been trained as a parent advocate to work within the child welfare system. A parent advocate is employed by or under contract with an authorized agency, or is employed by an agency that is under contract with an authorized agency, for the purpose of providing support and advocacy to parent(s) or relative(s) through a variety of activities, including, but not limited to, engaging parent(s) or relatives(s) and assisting them to understand the child welfare and family court process; attending case conferences; coaching for productive visitation between parents and their children in foster care; accompanying parent(s) or relative(s) to court, school, public benefits offices, and health centers; assisting parent(s) in advocating for themselves; providing assistance in accessing community services; facilitating appointments; and working as a liaison between parent(s) or relative(s), caseworkers, foster parents, and other service providers.

Paragraphs (1) and (2) of subdivision (b) of section 441.21 are amended to read as follows:

(b) Casework contact with parent or relatives.

(1) Casework contacts with the child's parents or relatives is defined as individual or group face-to-face contacts between one or more of the case planner, or assigned caseworker, as directed by the case planner, or the case manager persons listed in subparagraph (i) of this paragraph and the child's parents or relatives. Casework contacts are for the purpose of assessing whether the child would be safe if he or she was to return home, and the potential for future risk of abuse or maltreatment if he or she was to return home. Such contacts are also for the purpose of guiding the child's parents or relatives towards a course of action aimed at resolving problems or needs of a social, emotional, developmental or economic nature that are contributing to the reason(s) why such child is in foster care. In the case of children with the permanency planning goal of another planned living arrangement with a permanency resource or adult residential care, such contacts are for the purpose of mobilizing and encouraging family support of the youth's efforts to function independently, and to increase his/her capacity to be self-maintaining; evaluating the ability of the parents

or relatives to establish or reestablish a connection with the youth and serve as a resource to the youth; and, where appropriate, encouraging an ongoing relationship between the parents or relatives and the youth. For purposes of this section, a case planner is defined as the person who is responsible for assessing the need for, providing or arranging for, coordinating and evaluating the provision of services to children in foster care and services to parents of children in foster care and such additional responsibilities as set forth in section 428.2(c) of this Title.

(i) For the purposes of this section, casework contacts must be made by the following:

- (a) the case manager;
- (b) the case planner;
- (c) a caseworker assigned to the case, as directed by the case planner; or
- (d) a parent advocate as defined in section 441.2 (o) of this Part.

(ii) A parent advocate may be considered for the purpose of making casework contacts with the child's parent or relatives, as defined in subdivision (b) of this section, when the contacts are directed, arranged, or otherwise coordinated by the case planner. A parent advocate providing casework contacts is permitted access to such child's foster care case file only if the parent advocate is employed by or under contract with an authorized agency, or employed by an agency under contract with an authorized agency, as defined in section 441.2 (d) of the Part. Casework contacts between a parent advocate and the child's parent or relative can be made for the purposes set forth in section 441.21 (b)(1), except that they can not be used for the purposes of assessing whether the child would be safe if he or she was to return home, or the potential for future risk of abuse or maltreatment if he or she was to return home. The case planner is responsible for all assessments and case planning decisions; however, the parent advocate may be asked to provide their input. Parent advocates will be trained in risk and safety assessment, and parent advocates need to be prepared to provide any feedback to the case planner regarding any safety and risk issues they discover during case work contacts. Casework contacts made by a parent advocate must be recorded in accordance with Parts 428 and 466 of this Title.

(2) Frequency of casework contacts with parents or relatives.

(i) During the first 30 days of placement, casework contacts are to be held with the child's parents or relatives as often as is necessary but at a minimum, must occur at least twice unless compelling reasons are documented why such contacts are not possible. Such initial casework contacts within 30 days of placement must be made by the case manager, the case planner or a caseworker assigned to the case, as directed by the case planner.

(ii) After the first 30 days of placement, casework contacts are to be held with the child's parents or relatives at least once every month unless compelling reasons are documented why such contacts are not possible. Such monthly casework contacts made after the first 30 days of placement must be made by one of the persons set forth in subparagraph (i) of paragraph (1) of this subdivision. .

(a) No more than two of the monthly casework contacts in any six-month period may be made by a parent advocate.