

City of New York
Administration for Children's Services

Procedure # 2010/03

**Subject: Case Planning and Case Management Responsibilities for Children
Discharged from Care with Ongoing "Court Ordered Supervision"**

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PAGE: 1 of 13 (1 attachment)

**IMPLEMENTATION RESPONSIBILITY:
Children's Services Division of Child
Protection, Family Court Legal Services,
and the System Support Office¹ Staff;
Foster Care Provider Agency Staff**

PURPOSE: This document establishes protocols for the transfer of court-ordered supervision (COS) cases from foster care agencies to Children's Services Division of Child Protection/Family Service Unit (DCP/FSU). Its goal is to strengthen coordination and communication between these two case planning entities.

SCOPE: These procedures apply to Children's Services Division of Child Protection (DCP), Family Court Legal Services (FCLS), and the System Support Office (SSO) and all foster care provider agency staff.

These procedures should be utilized whenever a child is being discharged from foster care, as a result of the Family Court discharge and supervision order [aka Court Ordered Supervision (COS) order] to Children's Services and/or its foster care provider agencies prior to, during or after case disposition.²

These guidelines are effective immediately.

If you have any questions or comments regarding this policy, please contact Melody M. Grissom, Deputy Director of Policy and Procedures, at melody.grissom@dfa.state.ny.us.

¹ Formerly referred to as the System Implementation Program Office (SIPO)

² In phases of the family court proceeding which may be held "pre-disposition" or "post-disposition". A dispositional hearing in family court occurs after the court has made a finding or "adjudication" that the subject child is an abused or a neglected child and the court has stated the grounds for such a finding. Pre-disposition refers to the period of the Family Court proceeding prior to the court issuing any final orders determining whether the child is placed or released home with or without supervision. It is current policy that Children's Services Child Protective Staff attend all pre-dispositional hearings. Upon "adjudication", it is Children's Services expectation that the appropriate foster care agency staff attend "post-disposition" hearings.

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Introduction

Court Ordered Supervision: Definition

For the purposes of these procedural guidelines, Court Ordered Supervision (COS)--sometimes referred to as a **discharge and supervision** order--will be defined as the return of the physical custody of the child from the Commissioner of Social Services to the parent or other primary resource.

Supporting Information

The attached procedures outline the business process for the transfer of case planning and case management upon the child/ren's return home when a COS has been issued. It is supplemented with key supportive information with which all Children's Services and foster care agency staff should become familiar on the following topics:

1. Immediate casework responsibilities of the Family Service Unit upon CNNX case assignment
2. Various phases of a case with COS
3. Understanding the court order with respect to the effective date and the length of time the order is in effect including: Trial Discharge, Final Discharge, Final Discharge with Supervision, and Trial Discharge followed by Final Discharge with Supervision
4. Sibling groups
5. Court Actions Summaries and Court Orders
6. Permanency Law of 2005 and the Amendments of 2006
7. Definitions for key terminology

POLICY:

I. Current Policy

As is the current practice, all foster care provider agency staff will be expected to immediately facilitate the transfer of case planning responsibility to the Children's Services Family Service Unit (FSU) subsequent to the issuance of a COS for one or more children in care. Additionally, foster care provider agency staff will be expected to maintain case planning and child planning responsibility for siblings remaining in care, if applicable. For the purposes of this document, all such case types, more commonly referred to as a 'COS split case,' will be defined as those case types where one or more children remain in care while other siblings have been discharged home with COS.

Utilizing Aftercare Services

Agencies are reminded that it is Children's Services expectation that children leaving foster care will have received all the necessary preparation and support for their successful discharge by way of service planning and effective use of aftercare services³, without the need for continued supervision. Therefore, the following policy guidelines should only be adhered to in the event that court-ordered supervision is directed after a final discharge.⁴

Parental Readiness

If complying with a court order such as a COS, and service providers have assessed risk to the child if s/he returns home, it is Children's Services expectation that the case planner would not return the child to the parent. Case planners should consult with the FCLS attorney within 24 hours to apply for the appropriate court order and document risk factors in CNNX, as appropriate.

II. Casework Responsibilities

The following policy guidelines describe the casework responsibilities for both Children's Services and foster care provider agency staff whenever a court order for discharge and supervision (COS) has been issued.

³ See Children's Services memorandum entitled, "Provision of Preventive Services in Conjunction with Foster Care Services: Revised Procedures". Procedure #2010-01 (2.2.10)

⁴ Refer to Children's Services memorandum, "Court Ordered Supervision after Final Discharge from Foster Care" (1-16-09)

A. Children's Services Staff

1. Protective Diagnostic (PD) Unit

The following guidelines described for Protective Diagnostic staff pertain to **pre-disposition** cases only.

a. *Notification of COS to all Relevant Staff*

It is the responsibility of the Children's Services Protective Diagnostic (PD) staff to communicate via phone with all relevant service providers including, but not limited to, the PD supervisor and foster care agency case planner no later than 24 hours of learning that a COS has been issued. Additionally, all PD staff is required to fax Form M-354x, Court Action Summary (CAS) to both Centralized System Specialist Team Supervisor and the foster care agency case planner.

b. *Documentation of COS information in CNNX Progress Notes*

It is the responsibility of the Protective Diagnostic (PD) staff to document in CNNX progress notes (FSS stage) the service providers contacted when the COS was issued, the terms of COS, the names of the children ordered discharged, and the current address and contact information of the discharge resource(s). This documentation will ensure that foster care agency staff and assigned FSU staff are aware of the circumstances of the discharge order so that service coordination may begin.

Note: Upon notification of the COS order, the IOC Central Team Supervisor will transfer the CNNX Case Manager role to the Applications staff in the appropriate borough field office.⁵

2. Family Services Unit Staff

Providing Preventive and Court Ordered Supervision Services: Pre and Post-Disposition Case Types

It is the responsibility of the Family Services Unit (FSU) staff to immediately provide preventive and court ordered supervision services⁶ upon case assignment including attending a joint home visit arranged by the foster care case planning agency no later than 7 days of case assignment. Additionally, FSU staff must immediately begin reviewing the terms and circumstances of the discharge order, ensuring WMS/CCRS has been updated appropriately, and updating CNNX with

⁵ See Children's Services Memorandum entitled, "IOC/Court Ordered Supervision Case Transfer: Interim Process" dated 12-14-07, for additional guidance.

⁶ See Appendix A for a complete discussion regarding case management and case planning responsibilities.

the appropriate Program Choice and PPG. Lastly, upon communication with the foster care provider agency staff the Family Service Unit staff will un-assign the appropriate CNNX roles once all case activities have been completed and document all actions in CNNX progress notes.⁷

3. Centralized System Specialists/System Support Office (SSO):

a. *Verifying the Order*

Children's Services Centralized System Specialist staff are responsible for verifying all orders for discharge and supervision (COS) prior to re-assigning its CNNX Case Manager role to the appropriate Children's Services Borough Applications Unit. Centralized System Specialist staff will be notified via one of two methods when a COS has been ordered: (1) Code "M990" appearing on the Movement Activity Report and/or (2) faxed CAS received from the foster care provider agency.

- In cases where a review of the Movement Activity Report indicates a COS was ordered, Centralized System Specialist staff will be required to complete a review of the appropriate CCRS screens including legal screens to confirm the COS order.
- In cases where a faxed CAS has been received, staff will be required to ensure the "M990" code has been entered into the appropriate CCRS screen.

b. *Transferring the Case Manager Role: Pre and Post-Disposition Case Types*

The Centralized System Specialist staff will transfer the CNNX Case Manager role to the appropriate Children's Services Borough Applications Unit in those circumstances whenever the Family Court issues a COS order to Children's Services and/or its foster care provider agencies for one or more child in care.

4. Family Court Legal Services

It is the responsibility of Family Court Legal Services (FCLS) attorneys upon the receipt of the Court Order (CO) to thoroughly review its contents and immediately scan the CO into the Legal Tracking System (LTS) per current local procedures. It is crucial that the contents be compared and reconciled with language appearing in the Court Action Summary (CAS). If there is any inconsistency between the CO and CAS, attorneys must ensure that which appears in the CO is complied with including contacting the appropriate service provider(s) to apprise him/her of the CO language.

⁷ For additional guidance for various types of court-orders, including COS with trial and final supervision and other general guidelines, refer to Appendix A, attached.

B. The Foster Care Provider Agency Staff:

1. General Policy Guidelines

a. Remaining Involved with the Family

For COS orders issued at post-dispositional hearings, it is Children's Services expectation that the foster care agencies will take the necessary steps as described below to ensure a smooth transition of case planning responsibilities to the Family Service Unit with the Division of Child Protection. For COS orders where children are returned home while other siblings remain in care, foster care agencies are expected to maintain case planning and child planning responsibility for those siblings in foster care.

2. Specific Policy Guidelines

Note: Guidelines described for foster care provider agency staff pertain to cases which are both in pre and/or post-disposition stages where indicated below:

a. Notification of COS to all Relevant Staff: Post Disposition Only

It is the responsibility of the foster care agency staff to notify all relevant service providers immediately but no later than 24 hours of learning that a COS has been issued for all post-disposition cases only. Additionally, all foster care provider agency staff are required to fax the Court Action Summary (form M-354X) to the IOC Central System Specialist Team Supervisor.

b. Documentation of COS Information in CNNX Progress Notes: Post Disposition Only

It is the responsibility of the foster care agency staff to document the name, agency and contact information of staff contacted when the COS was issued; terms of COS; the children ordered discharged; and the current address and contact information of the discharge resource in CNNX progress notes (FSS stage). This documentation will ensure that the assigned FSU staff is aware of the circumstances of the discharge order so that service coordination may begin.

c. Joint Home Visit and Final Discharge Conference: Pre and Post-Disposition Cases

Once all service providers have been notified of the COS it is the responsibility of the foster care agency staff to arrange a joint home visit with the assigned FSU worker no later than 7 days of FSU assigned CNNX role in the case. Additionally, all foster care agencies must arrange a discharge conference per current IOC Case Conference Protocol guidelines.⁸

d. Updating Family Composition in CNNX: Pre and Post-Disposition Cases

It is the responsibility of the foster care agency provider agency to update the family composition and demographics in CNNX to include all members of the household residing within the home of the discharge resource if these household members have not been previously added to the family's case in CNNX.

e. Maintaining Case Planning Responsibility: Pre and Post-Disposition Cases

Foster care provider agency staff are expected to continue to carry out all case planning responsibility for children discharged from care including but not limited to preparing the discharge resource for the return of the children and facilitating all required actions necessary to provide appropriate services as outlined in the COS order and/or is deemed appropriate. All case planning responsibilities will continue to be provided by the foster care agency until the documentation of the FSU joint home visit and the discharge conference has been entered in CNNX progress notes and the approved Discharge Plan Amendment has been submitted to the Children's Services.

Foster care provider agency staff are expected to communicate with the Family Service Unit so that the CNNX Case Planner or Caseworker role may be re-assigned and/or removed as appropriate upon the completion and documentation of all required case activities CNNX progress notes as outlined herein.

f. Trial Discharges

Foster care provider agency staff is expected to carry out trial discharge actions on all COS post-dispositional orders regardless of the terms of the COS order. Children discharged to another planned living arrangement with a permanency resource and every child deemed to have been

⁸ Please refer to the Children's Services Memorandum entitled, "Guidelines for Family Team Conferencing (FTC) for Children Returning Home from Foster Care" (3-11-10).

discharged to another planned living arrangement must remain in a status of trial discharge for a minimum of six months and is contingent upon the child's consent⁹ and at least 3 months for all other children discharged from care. Foster care agency staff are reminded that there is no trial discharge period for children for whom a COS has been ordered during the pre-disposition phase of the case. For additional information on various types of COS orders and how Children's Services interpretation of them, refer to Appendix A, attached.

⁹ Trial discharge timeframes are subject to change pending the issuance of revised OCFS regulations

PROCEDURE:

I. Children's Services Staff

A. When Protective Diagnostic staff are in receipt of the Court Order Supervision (COS) while seeking final disposition, PD staff¹⁰ must:

1. Notify all relevant service providers by phone immediately but no later than 24 hours of receiving the discharge and supervision order including, but not limited to:
 - a. The PD Unit Supervisor and the
 - b. Foster care agency staff assigned the 'Case Planner' role in CNNX
2. Fax Court Action Summary (form M-354x) to the CSS Team Supervisor and foster care agency case planner
3. File Court Action Summary (form M-354x) in case file
4. Document in CNNX Progress Notes:
 - a. Name, agency and contact information of service providers contacted when COS was issued
 - b. Terms of COS
 - c. Children to be discharged
 - d. Current address and contact information of discharge resource
5. Update Program Choice to "Mandated Preventive" in CNNX¹¹
6. Change PPG to "Prevent Return to Placement" in CNNX

B. Upon COS case assignment; COS Applications Unit Staff must:

1. Immediately reassign the CNNX 'Case Manager' role to the appropriate Family Services Unit (FSU).
2. Facilitate the transfer of the physical case to the appropriate FSU Unit per current local procedures.

C. Upon COS case assignment, the Family Services Unit (FSU) staff must:

1. Immediately review CNNX progress notes and provide preventive and court ordered supervision services upon case assignment.¹²
2. Attend joint home visits arranged with the foster care provider agency Case Planner within seven (7) business days of case assignment.
3. Upon discharge of children to court-ordered resource:
 - a. Ensure WMS/CCRS is updated,
 - b. Ensure correct role assignment, and
 - c. Update Program Choice and PPG in CNNX.

¹⁰ CNNX role will be "CPS Worker Monitor" for pre-dispositional cases only;

¹¹ Refer to Children's Services Memorandum, "Modification and Maintenance of Program Choice", Guidance #2009/02

¹² Refer to Appendix A for additional guidance.

4. Un-assign foster care provider agency CNNX role as appropriate upon the complete documentation of all required case planning activities including joint home visit and IOC Case Conference.

D. Upon notification of COS, Centralized System Specialist staff must:

1. If Code "M990" appears on the Final Discharge Report:
 - a. Complete an analysis of CCRS
 - b. If Legal Code "55" appears, continue to step 3 below
2. If CAS was faxed to Central Team
 - a. Review CAS
 - b. Complete an analysis of CCRS
 - c. If Legal Code "55" appears, continue to step 3 below
 - d. If Legal Code "55" does **not** appear, enter COS action into CCRS, then continue to step 3 below
3. Review progress note and confirm discharge address
4. Transfer CNNX Case Manager role to appropriate Applications Borough and synchronize CNNX with WMS while maintaining Caseworker role
5. Upon synchronization, un-assign Caseworker role
6. Ensure correct role assignments
7. Approve all submitted FASPs and Final Discharge Plan Amendments¹³ per current local procedures

¹³ Refer to *Delegation and Centralization of Case Management Casework Requirements (Schedule B)* for additional instructions.

II. Foster Care Provider Agency Staff

A. Pre-Disposition

1. Upon notification of COS by PD Unit foster care provider agency staff must:
 - a. Prepare the discharge resource for the return of the children;
 - b. Facilitate all required actions necessary to provide appropriate services as outlined in the COS order
 - c. Arrange a joint home visit with the assigned FSU worker and document in CNNX progress note
 - d. Provide appropriate services and maintain case planning responsibility for children to be discharged from care until the joint home visit with the assigned FSU worker has been convened (no later than 7 days of FSU case assignment) and documented in CNNX progress note by foster care provider agency staff.
 - e. Arrange a discharge conference per the IOC Case Conference Protocol Guidelines
 - f. Obtain internal approval of all due Family Assessment Service Plans (FASPs) or Final Discharge Plan Amendments
 - g. Update CCRS entry (M990) indicating discharge of child(ren)¹⁴
 - h. Request un-assignment of case Planner role once all case activities have been completed and documented in CNNX progress notes.

The following policy guidelines should only be adhered to in the unlikely event that court-ordered supervision is directed after a final discharge¹⁵.

B. Post-Disposition

1. Upon receipt of the COS during a regularly scheduled permanency hearing foster care provider agency staff must:
 - a. Notify all relevant service providers by phone or e-mail upon the notification of a COS
 - b. Fax¹⁶ Court Action Summary (M-354x) to the Children's Services Centralized System Specialist Team
 - c. File CAS in physical case record
 - d. Document in CNNX Progress Notes:
 - i. Staff contacted when COS was issued
 - ii. Terms of COS
 - iii. Children to be discharged
 - iv. Current Case Status update
 - v. Siblings remaining in care (if applicable)

¹⁴ Refer to the *Delegation and Centralization of Case Management Casework Requirements (Schedule B)* for additional instructions.

¹⁵ Refer to Children's Services memorandum, "Court Ordered Supervision after Final Discharge from Foster Care" (1/16/09)

¹⁶ Fax No. (212) 676-7444

- vi. The current address and contact information of the discharge resource
- e. Facilitate all required actions necessary to provide appropriate services as outlined in the COS order
- f. Prepare the discharge resource for the return of the children.
- g. Arrange a joint home visit with the assigned FSU worker and document in CNNX progress note
- h. Provide appropriate services and maintain case planning responsibility for children to be discharged from care until the joint home visit with the assigned FSU worker has been convened (no later than 7 days of FSU case assignment) and documented in CNNX progress note by foster care provider agency staff.
- i. Arrange a discharge conference per the IOC Case Conference Protocol Guidelines
- j. Obtain internal approval of all Family Assessment Service Plans (FASPs) due within 30 days of final discharge and Final Discharge Plan Amendments
- k. Update CCRS entry (M990) indicating discharge of child(ren)¹⁷
- l. Communicate with the Children's Services Family Service Unit the need to un-assign the CNNX Case Planner role once all case activities have been completed and documented in CNNX progress notes.

¹⁷ Refer to the *Delegation and Centralization of Case Management Casework Requirements (Schedule B)* for additional instructions.

APPENDIX A

Children Discharged from Care with Ongoing “Court Ordered Supervision”

A. Casework Responsibilities of the Family Service Unit.....pg.2

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A. Casework Responsibilities of the Family Service Unit

The Children's Services Family Service Unit (FSU) is responsible for serving families by providing preventive and court ordered supervision services. Once the case record has been assigned to the appropriate FSU worker, case management activities become the responsibility of that worker. Case management activities¹ are those activities necessary for initiating and continuing the provision of services on a case-by-case basis. Such responsibility includes, but is not limited to:

- Determining eligibility for service and authorizing the case for service;
- Reviewing and approving the plan of service developed by the provider agency with planning responsibility;
- Authorizing the length of time services are to be provided;
- Under certain circumstances, the assigning of case planning responsibility when two or more agencies are providing direct services to the same family to ensure that consistency of the service plan is developed.
- Determining appropriateness of placement

B. Timeframes

1. Points in Time Court Ordered Supervision May be Issued

Court Ordered Supervision (COS) may be issued during: 1) the initial proceedings (while the child is still on remand status), 2) at a subsequent Permanency Hearing where the child has been in care via a final disposition order, or 3) at any time upon the petition of a parent requesting discharge of the child.

2. Interpreting Effective Date of Court Order

The *Date of Discharge Order* (effective date of the COS) can be determined by either the Court or, in cases of voluntary placement, at the parent's request. If a court issues the order for supervision, the date or the timeframe the Court specifically identifies, serves as the date of discharge, i.e. "within 24 hours" or "immediately". If the Court orders a specific date or timeframe by which the discharge is to be effected and the parent/discharge resource informs the Children's Services or provider agency staff that he/she is not prepared to receive physical custody of the child at the time the court has specified, the case planner must immediately advise the FCLS attorney and the case manager of this

¹ 18 NYCRR 403.4

information and request that the attorney seek to have the court order modified or vacated.

In case of voluntary placements, the discharge date can be the date of the parent's or discharge resource's request or the date or event set forth in the voluntary placement agreement and is not necessarily based on parental readiness as assessed by Children's Services and its provider agencies, unless the Court had ordered a specific date or timeframe by which the discharge is to be effected.

3. Length of Time COS is in Effect

When COS is ordered prior to the disposition of an Article 10 case, COS lasts until the next court date and may be ordered to continue to subsequent court dates up to disposition. At disposition, the court ordered supervision period is usually 12 months from the date the order is determined to be in effect, it is essential that the dispositional order specify the exact period for which supervision is ordered. Time frames for court-ordered supervision may be requested by the Case Manager or Case Planner, but are ultimately decided by a Judge. For original Article 10 case, no order of supervision can last longer than 12 months. In the unlikely event that the order of disposition fails to state the length of supervision, then by default, Children's Services and its provider agencies must assume a 12 month period. COS may be extended for an additional twelve months upon the filing of a petition to extend supervision.

C. Sibling Groups:

1. No Siblings Remaining in Care

If the court ordered supervision directs that Children's Services must return all siblings to a discharge resource, the foster care provider agency staff must prepare a final discharge plan amendment for all children in care.

2. Siblings Remaining in Care:

If the court-ordered supervision directs that Children's Services must return one or more children in care to a discharge resource while other siblings remain in foster care, Children's Services and provider agency staff must prepare a final discharge plan amendment for only those children who will be returning home.

D. Court Action Summary and Court Orders

Form M-354X, the Court Action Summary (CAS) is the document that is immediately completed after each court appearance and reflects court activity completed for the day and actions to be taken going forward. Although the CAS is usually submitted to the service provider appearing in court, Children's Services policy will require that the *Court Order* be filed in the case record prior

to any transfer of the physical case record to another program area. The *Court Order* is the only document that satisfies the legal authority criteria for Title IV-E eligibility. Lack of a court order should not in any way delay the transfer of the electronic record in CNNX.

E. Permanency Law of 2005 and the Amendments of 2006

Under the Permanency Law of 2005 and the subsequent amendment of July 2006, the court may grant an order authorizing a final discharge of a child to the parent prior to the next permanency hearing date upon ten days notice to the court and law guardian in accordance with FCA Section 1089(c). If the case is not restored to the calendar in the ten day notice period, the child may be sent home to the parent on a final discharge. Once a child is final discharged, the next permanency hearing is dismissed and the order is ended.

The Permanency Law of 2005 and 2006 amendment also authorizes Children's Services to send a child home for a trial discharge. However this authority may be limited by an order of the Court stating that (i) Children's Services does not have authority to send the child home for trial discharge or (ii) trial discharge is conditioned upon some event. Permanency hearings will continue to be held for children on trial discharge. The amendment also specifies that Children's Services can trial discharge a child whose goal is another planned permanent living arrangement that includes a significant connection to an adult unless the Court has prohibited or otherwise conditioned the discharge.

F. Key Terminology

All Children's Services and foster care staff should become familiar with the various types of court orders and other key terminology listed below as each type determines the length of time a child remains in care.

1. Court Order Supervision

For the purposes of these procedural guidelines, Court Ordered Supervision (COS)--sometimes referred to as a discharge and supervision order--will be interpreted by Children's Services and foster care provider agency staff as the return of the physical and legal custody of the child from the Commissioner of Social Services to the parent or other primary resource.

2. Dispositional Hearing

A *dispositional hearing* in family court occurs after the court has made a finding or "adjudication" that the subject child is an abused or a neglected child and the court has stated the grounds for such a finding. The purpose of the disposition is to determine where a child shall be placed. The court can enter any of the

following orders at disposition: 1) suspending judgment; 2) releasing the child to the custody of his/her parents or other person legally responsible; 3) placing the child with the Commissioner of Children's Services; 4) placing the child directly in the care of a relative or non-relative caretaker and 5) as part of any order making an order of protection against one or more individuals; placing the respondent under supervision. At this phase of the family court proceeding, the court will also enter orders determining whether continuation in the child's home would be "contrary to the best interests of the child" and where appropriate, enter orders regarding whether "reasonable efforts" were made prior to the date of the dispositional hearing to prevent or eliminate the need for removal of the child from his/her home and that if there was a lack of reasonable efforts but it was appropriate, the court shall include such a finding.

3. Trial Discharge

A Trial Discharge will be interpreted by Children's Services and provider agency staff as the return of the physical custody of the child from the Commissioner of Social Services (CSS) to the parent or other primary resource, while the CSS maintains legal custody of the child. Children's Services' contract with foster care planning agencies, along with Foster Care standards require a minimum of three months of trial discharge services/supervision with the option to extend if the need continues. Children discharged to another planned living arrangement with a permanency resource and every child deemed to have been discharged to another planned living arrangement must remain in a status of trial discharge for a minimum of six months² and is contingent upon the child's consent. At the end of the trial discharge period, if all service providers have assessed that the family and the child remains safe with all services needed, the child is placed on "final discharge" pending court approval.

4. Final Discharge

Children's Services and provider agency staff will interpret Final Discharge as the return of physical and legal custody from the CSS to the discharge resource as ordered by the court. Thus, if a child was court placed under FCA Articles 3, 7, or 10, a court ordered final discharge would mean that the placement order is considered to have expired and any "after care," "supervision" or "services" that a family may need following the discharge, could only be provided via a voluntary request for services or via a court order to continue services or supervision.

5. Final Discharge with Supervision

² Trial discharge timeframes are subject to change pending the issuance of revised OCFS regulations

Final Discharge with Supervision will be interpreted as final discharge from foster care with supervision by FSU until the next permanency hearing or another date determined by the court up to 12 months. During the final discharge phase the child is no longer in the legal custody of the Commissioner but there is legal authority for supervision.

6. Trial Discharge followed by Final Discharge with Supervision

Children's Services will interpret Trial Discharge followed by Final Discharge with Supervision as trial discharge with 3 months of routine supervision (trial discharge services) by the foster care agency, followed by **final** discharge for an additional 9 months of supervision by the Family Services Unit/Field Office (FSU/FO).

During the 3-month trial discharge, the child remains in the legal custody of the Commissioner and the foster care agency continues to maintain planning responsibility while providing "aftercare" services.

Upon **final** discharge, the foster care agency no longer has planning responsibility and planning is transferred to the FSU/FO for the balance of the supervision period. Therefore, the court could make an order for supervision lasting any number of months, with or without bringing the case back for periodic reports until the child is 18 years of age.