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**NY - New York Codes, Rules and Regulations > 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 423.
PREVENTIVE SERVICES REGULATIONS**

§ 423.2 Definitions

(a) Preventive services agency means an authorized agency as defined in paragraphs (a) and (b) of subdivision 10 of [section 371 of the Social Services Law](#), or a not-for-profit corporation as defined in paragraph 5 of subdivision (a) of [section 102 of the Not-for-Profit Corporation Law](#), or a public agency that receives prior approval from the department, that provides a program of preventive services as defined herein.

(b) Preventive services shall mean those supportive and rehabilitative services provided to children and their families in accordance with the provisions of this Part for the purpose of: averting a disruption of a family which will or could result in placement of a child in foster care; enabling a child who has been placed in foster care to return to his family at an earlier time than would otherwise be possible; or reducing the likelihood that a child who has been discharged from foster care would return to such care. The following services, when provided for the above-stated purpose and in conformity with this Part, are considered preventive services:

(1) Case management as defined as the responsibility of the local department of social services to authorize the provision of preventive services, to approve the client eligibility determination according to the criteria of section 423.3 of this Part and, to approve in writing, the service plans as defined in Part 428 of this Title.

(2) Case planning is defined as assessing the need for, providing or arranging for, coordinating and evaluating the provision of those preventive services needed by a child and his or her family to prevent disruption of the family or to help a child in foster care return home sooner. Case planning shall include, but not be limited to, referring such child and his or her family to other services as needed, including but not limited to, educational counseling and training, vocational diagnosis and training, employment counseling, therapeutic and preventive medical care and treatment, health counseling and health maintenance services, vocational rehabilitation, housing services, speech therapy and legal services. Case planning responsibility shall also include documenting client progress and adherence to the plan by recording in the uniform case record as defined in Part 428 of this Title and sections 430.8 through 430.12 of this Title that such services are provided and providing casework contacts as defined in paragraph (3) of this subdivision. Case planner means the caseworker assigned case planning responsibility as defined in Section 428.2 (c) of this Title.

(3) Casework contacts as defined as:

(i) Individual or group face-to-face counseling sessions between the case planner, assigned caseworker, as directed by the case planner, or person providing specialized rehabilitative services, supportive services or probation services as defined in section 423.2(f), (g) and (h) of this title and the child and/or family in receipt of preventive services for the purpose of guiding the child and/or family towards a course of action agreed to by the child and/or family as the best method of attaining personal objectives or resolving problems or needs of a social, emotional, developmental or economic nature.

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- (ii) Individual or group activities with the child and/or the child's parents that are planned for the purpose of achieving such course of action as specified in the child and family's service plan.
- (4) Day care services as defined in the Consolidated Services Plan of the department prepared pursuant to [section 34-a of the Social Services Law](#).
- (5) Homemaker services as defined in the Consolidated Services Plan of the department prepared pursuant to [section 34-a of the Social Services Law](#).
- (6) Housekeeper/chore services as defined in the Consolidated Services Plan of the department prepared pursuant to [section 34-a of the Social Services Law](#).
- (7) Family planning services as defined in the Consolidated Services Plan of the department prepared pursuant to [section 34-a of the Social Services Law](#).
- (8) Home management services as defined in the Consolidated Services Plan of the department prepared pursuant to [section 34-a of the Social Services Law](#).
- (9) Clinical services as defined as assessment, diagnosis, testing, psychotherapy, and specialized therapies provided by a person who has received a master's degree in social work, a licensed psychologist, a licensed psychiatrist or other recognized therapist in human services.
- (10) Parent aide services as defined as those services provided in the home and community that focus on the need of the parent for instruction and guidance and are designed to maintain and enhance parental functioning and family/parent role performance. Techniques may include but are not limited to role modeling, listening skills, home management assistance and education in parenting skills and personal coping behavior.
- (11) Day services to children as defined in section 425.1 of this Title shall mean a program offering a combination of services including at least: social services, psychiatric, psychological, education and/or vocational services and health supervision and also including, as appropriate, recreational and transportation services, for at least three but less than 24 hours a day and at least four days per week, excluding holidays. If it can be demonstrated that one or more of these services are not needed by the population served, that service may be waived.
- (12) Parent training as defined as group instruction in parent skills development and the developmental needs of the child and adolescent for the purpose of strengthening parental functioning and parent/child relationships in order to avert a disruption in a family or help a child in foster care return home sooner than otherwise possible. Parent training may include child-parent interaction groups formed to enhance relationship and communication skills.
- (13) Transportation services as defined as providing or arranging for transportation of the child and/or his family to and/or from services arranged as part of the child's service plan except that transportation may not be provided as a preventive service for visitation of children in foster care with their parents and may only be provided if such transportation can not be arranged or provided by the child's family.
- (14) Emergency cash or goods as defined as money or the equivalent thereto, food, clothing or other essential items that are provided to a child and his family in an emergency or acute problem situation in order to avert foster care placement.
- (15) Emergency shelter as defined as providing or arranging for shelter where a child and his family who are in an emergency or acute problem situation reside in a site other than their own home in order to avert foster care placement.
- (16) Housing services defined as rent subsidies, including payment of rent arrears, or any other assistance necessary to obtain adequate housing will be considered preventive services but will only be available to families of children already in foster care if such families satisfy the definition set forth in paragraph (c)(2) of this section and the eligibility standards set forth in sections 430.9(e)(2) and 430.9(f) of this Title. Rent subsidies and/or other assistance necessary to obtain adequate housing may not exceed the sum of \$ 300 per month per family, except as provided in section 423.4(b)(2) of this Part,

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may not be provided for a period of more than three years, and must be made in addition to any other payments or benefits received by the family.

(i) Such other assistance necessary to obtain adequate housing will include security deposits; finder's or broker's fees; household moving expenses; exterminator fees; mortgage arrears on client owned property which place the family at imminent risk of losing their home; and/or essential repairs of conditions in rental or client owned property which create a substantial health or safety risk.

(ii) Housing services may be provided directly by the local social services district or by a local public agency or private not-for-profit agency or organization through a purchase of services agreement, as prescribed by Part 405 of this Title. The social services district responsible for determining the permanency planning goal of a child or children in foster care must determine whether the family is eligible for housing services and must be the district responsible for the cost of such services. If the family moves out of the housing unit before the three year maximum eligibility period has elapsed, housing services must be terminated, unless the local social services district in which the family is residing determines that housing services must be continued to prevent the child or children from reentering foster care. In such cases, the local social services district in which the family is residing must be responsible for providing housing services to the family for the remainder of the three year period. If the family moves to another state, housing services must be terminated.

(iii) For purposes of this Part, lack of adequate housing will be determined pursuant to the standards set forth in paragraph (e)(2) of section 430.9 of this Title. In no case will a temporary residence in a shelter, including those defined in Part 900 of this Title, a hotel/motel or any other such emergency or transitional residential facility be considered adequate housing for purposes of providing housing services.

(iv) If a rent subsidy is being provided, the sum of the public assistance shelter allowance, or the amount of rent the family is deemed able to pay, and the rent subsidy must not exceed the family's actual rent expenditures for the particular residence.

(a) When the family is not eligible for or in receipt of a public assistance shelter allowance, the amount the family is deemed able to pay will be the highest of the following:

(1) 10 percent of the family's gross monthly income; or

(2) 30 percent of the family's gross monthly income after first deducting \$ 40 for each dependent and any amount paid by the family for the care of children under 13 years of age for that month, but only where such care is necessary to enable the parent or caretaker to be gainfully employed or to participate in an approved program of vocational training or rehabilitation as defined in section 415.2(a)(2) of this Title, and only to the extent such amounts are not reimbursed.

(b) As used in this subparagraph the term:

(1) family includes any person residing in the household to which the child will be discharged, unless such person pays a prorated amount toward rent and utilities. In such a case, the share of rent and utilities payable by such person will be deducted from the actual cost of rent.

(2) dependent includes any member of the family household (excluding foster children), other than the head of the household or such person's spouse, who is under 18 years of age or is a disabled person or is a full-time student.

(c) In no event may the actual cost of rent toward which subsidy may be applied exceed 150 percent of the following fair market rental values:

Metropolitan Counties:

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0 Bedrooms	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms				
Albany-Schenectady-Troy, NY COUNTY(IES):								
Albany, Greene, Montgomery, Rensselaer, Saratoga, Schenectady								
309	371	438	551	613				
Binghamton, NY COUNTY(IES): Broome, Tioga					279	335	396	
489	549							
Buffalo, NY COUNTY(IES): Erie			282	342	403	504	563	
Elmira, NY COUNTY(IES): Chemung			282	342	403	504	563	
565								
Glens Falls, NY COUNTY(IES): Warren, Washington					291	354	416	
520	583							
Nassau-Suffolk, NY COUNTY(IES): Nassau, Suffolk					499	605	712	
891	996							
New York, NY COUNTY(IES): Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland								
	375	455	535	671	751			
Niagara Falls, NY COUNTY(IES): Niagara				271	328	386	483	
541								
Orange County, NY COUNTY(IES): Orange				372	452	531	664	
744								
Poughkeepsie, NY COUNTY(IES): Dutchess				422	513	604	755	
846								
Rochester, NY COUNTY(IES): Livingston, Monroe, Ontario, Orleans, Wayne								331
405	477	596	663					
Syracuse, NY COUNTY(IES): Madison, Onondaga, Oswego						292	349	
409	511	573						
Utica-Rome, NY COUNTY(IES): Herkimer, Oneida					254	309	363	
455	509							
COUNTY(IES): Westchester			472	572	674	842	942	

Non-Metropolitan Counties:

0 Bedrooms	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms	
Allegany	249	298	349	437	490
Cayuga	291	354	416	520	583
Chenango	288	349	411	514	575
Columbia	274	332	392	490	549
Delaware	267	326	383	478	536
Franklin	264	321	377	472	529
Genesee	271	328	387	483	541
Jefferson	284	345	406	507	569
Otsego	267	326	383	478	536
Schoharie	267	326	383	478	536
Seneca	291	354	416	520	583
Sullivan	288	362	414	506	578
Ulster	341	414	488	609	683

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	Yates	272	330	389	487	543
0 Bedrooms	1 Bedroom	2 Bedrooms	3 Bedrooms	4 Bedrooms		
Cattaraugus	245	297	349	437	490	
Chautauqua	261	318	374	468	523	
Clinton	278	331	389	483	531	
Cortland	298	362	427	534	598	
Essex	265	321	377	472	529	
Fulton	237	289	339	425	475	
Hamilton	264	321	377	472	529	
Lewis	284	345	406	507	569	
St. Lawrence	271	328	387	483	541	
Schuyler	274	332	392	490	549	
Steuben	274	332	392	490	549	
Tompkins	298	362	427	534	598	
Wyoming	272	328	387	483	541	

These fair market values may be increased by the department upon issuance of written notice to local social services districts of such changes.

(v) The family's need for housing services, including the need for the specific form of assistance and the amount of any financial assistance being provided, must be reassessed at each assessment and service plan review required pursuant to Part 428 of this Title. When a rent subsidy is being provided, the family's need for such subsidy must be calculated as prescribed in subparagraph (iv) of this paragraph at each reassessment. When, as a result of such reassessment, the case manager determines that the family's needs have changed and the housing services should be modified, reduced, increased or terminated before the three year maximum eligibility period has elapsed, the family must be so notified in writing no later than 30 days prior to the initiation of such action. Such notice must advise the family of its right to request a hearing pursuant to section 423.4(m)(4) of this Part. Housing services must be terminated before the three year maximum eligibility period has elapsed if:

- (a)** the child or children have returned to foster care, except when such return is due to emergency circumstances based upon a parent service need and foster care is necessary for a specified period not to exceed 30 days;
- (b)** the local social services district or the family has located adequate permanent housing for the family and continued housing services are not necessary;
- (c)** the family no longer meets the financial eligibility standard set forth in subparagraph (iv) of this paragraph;
- (d)** the child is no longer residing in the household;
- (e)** the family moves out-of-state;
- (f)** the youngest child discharged from care as a result of the family's eligibility for housing services reaches his/her 18th birthday; or
- (g)** the family moves out of the original housing unit for which housing services were obtained and the local social services district in which the family currently resides determines that adequate permanent housing is available and continued housing services are not necessary to prevent the child's return to foster care.

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(vi) Payments for housing services must be made directly by the local social services district or purchase of service agency to the landlord, mortgage holder, exterminator, or contractor responsible for repairs.

(17)

(i) Intensive, home-based, family preservation services are defined as casework services and direct therapeutic services provided to families in order to reduce or avoid the need for foster care placements of children who are in imminent danger of such placements. Intensive, home-based, family preservation services may include arranging on behalf of the families housing assistance, child care, job training, education services, emergency cash grants and basic support needs.

(ii) Caseworkers providing intensive, home based family preservation services must provide at least one-half of their direct services in the family's residence or temporary home, work with not more than four families at any given time and be available to the families 24 hours a day. The caseworkers must be trained in family preservation techniques and must aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and better resolution of intra-familial conflicts.

(iii) Intensive, home-based, family preservation services may be provided for up to 30 days per family and may be extended for an additional 30 days per family when necessary to maintain the progress already achieved or when the provision of such services for the additional days is necessary to avoid the foster care placement of children.

(18) Outreach activities are defined as those activities designed to publicize the existence and availability of preventive services for parents, caretakers, and children who meet the criteria for the provision of preventive services and to advise such parents, caretakers and children of the availability of such services to meet their needs, alleviate the cause or condition that creates the risk of foster care placement and to assist the family to stay together. Outreach activities may be undertaken to publicize the existence and availability of preventive services for parents, caretakers, and children who have been diagnosed as having acquired immune deficiency syndrome (AIDS), or human immunodeficiency virus (HIV)-related illness or HIV infection, as those terms are defined by the AIDS Institute of the State Department of Health and are contained in directives issued by the department from time to time. These outreach activities are for the purpose of identifying parent service needs and child services needs, as described in sections 430.9(c) (4) and 430.9(c) (5) of this Title.

(19) Respite care and services for families as described in Part 435 of this Title.

(c)

(1) Family is defined solely for the purpose of this section as:

(i) the child who is at risk of foster care, his/her parents, or legal guardians, or other caretakers and siblings; or

(ii) a woman who is pregnant as specified in section 430.9(c) (6) of this Title; or

(iii) a child who does not live with his/her parents and needs services to prevent return to foster care; or

(iv) a minor parent in foster care whose child or children are residing with him or her in a foster family home or residential facility.

(2) For the limited purpose of authorizing eligibility for housing services as defined in paragraph (b)(16) of this section, family may only include:

(i) a child in foster care whose permanency planning goal is discharge to parent or relative, together with such child's parent, legal guardian or other caretaker, siblings and own child or children; or

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(ii) a child with a goal of discharge to another planned living arrangement with a permanency resource who is to be discharged from foster care prior to his or her 18th birthday or who is placed in trial discharge status after his or her 18th birthday and his or her own child or children.

(d) Mandated preventive services shall mean preventive services provided to a child and his family whom the district is required to serve pursuant to section 430.9 of this Title.

(e) Non mandated preventive services means preventive services defined in paragraphs (b)(1)-(15) of this section provided to a child and his/her family who the district may serve pursuant to *section 409-a(2) of the Social Services Law*. Non mandated preventive services will not include housing services defined in paragraph (b)(16) of this section or intensive, home-based, family preservation services in paragraph (b)(17) of this section or crisis respite care and services for families defined in paragraph (b)(19) of this section.

(f) Specialized rehabilitative services are defined as assessment, diagnosis, testing, psychotherapy, and specialized therapies provided as a component of a service plan to a child and/or family by a person who has received a master's degree in social work, is a licensed psychologist, is a licensed psychiatrist or other recognized therapist in human services or is a licensed or qualified individual including, but not limited to, a registered nurse or an alcohol or substance abuse counselor.

(g) Supportive services are defined as those services provided as a component of a service plan to a child and/or family including, but not limited to, parent aide services, homemaker services, home health aide services, parent training services, housekeeper/chore services, and home management services.

(h) Probation services are defined as services provided by a probation service that are related to the provision of adjustment services to persons in need of supervision or are included as preventive services pursuant to a contract or agreement with a social services district.

Statutory Authority

Section statutory authority:

[Social Services Law, § 371](#); [Not-For-Profit Corporation, § 102](#); [Social Services Law, § 34-A](#), § 409-A

Statutory authority:

Social Services Law, §§ 20(3)(d), 34(3)(f), [395](#), [409-a](#), [409-b](#), [409-e](#), [409-f](#)

History

Repealed and added 423.2 on 10/27/83; amended 423.2 on 3/31/87; amended 423.2 on 9/10/87; amended 423.2 on 9/18/90; amended 423.2 on 9/26/91; amended 423.2 on 8/30/91; amended 423.2 on 4/16/93; amended 423.2 on 6/29/93; amended 423.2 on 4/15/94; amended 423.2(b)(2) on 8/03/05; amended 423.2(b)(2) (effective 12/29/05) on 1/18/06, expired 90 days after filing; amended 423.2(b)(2) (effective 03/29/06) on 4/19/06, expired 90 days after filing; amended 423.2(b)(2) (effective 06/27/06) on 7/12/06, expired 90 days after filing; amended 423.2(b)(2) (effective 09/25/06) on 10/11/06, expired 90 days after filing; amended 423.2(b)(2) on 12/20/06; amended 423.2(b)(3) on 8/03/05; amended 423.2(b)(19) on 3/12/97; amended 423.2(c)(2)(ii) (effective 12/29/05) on 1/18/06, expired 90 days after filing; amended 423.2(c)(2)(ii) (effective 03/29/06) on 4/19/06, expired 90 days after filing; amended 423.2(c)(2)(ii) (effective 06/27/06) on 7/12/06, expired 90 days after filing; amended 423.2(c)(2)(ii) (effective 09/25/06) on 10/11/06, expired 90 days after filing; amended 423.2(c)(2)(ii) on 12/20/06.

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