

Where to Find It:

2025 NYPWA Winter Conference

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There are a number of sources, primarily created by the New York State agencies that regulate social services, that you should be familiar with. The following is a compilation of some helpful sources of information that you should consider if you find yourself stumped on a legal question. These sources are primarily found on the websites of the State agencies that regulate social services- OCFS, OTDA, and NYSDOH, but there are some others on the Office of Court Administration (OCA) website.

When you are utilizing these sources, always make sure to cross-check the relevant State agency directives to make sure that the information is current, and if the source cites a statute or regulation, check the statute to make sure that the citation is current.

OCFS

CPS:

CPS Manual

The purpose of the Child Protective Services (CPS) Program Manual is to provide a comprehensive guide that incorporates current law and regulation as well as policies and procedures for CPS. The CPS manual describes all aspects of CPS cases in New York State, including the state requirements regarding making a report of suspected child abuse or maltreatment, the process of registering such reports, the means of investigating or using an alternative approach to address reports including in and out-of-home settings, the provision of services for reported families, and processes to use when safety concerns necessitate bringing a case to Family Court. In addition, the manual describes the roles of the regional and home offices of the New York State Office of Children and Family Services (OCFS) related to CPS, the process for reviewing the investigations of fatalities of children involved in the child welfare system, and state requirements for maintaining the confidentiality of child protective reports and for protecting the rights of people involved in the child protective system. This manual is intended for use by staff of local departments of social services (LDSSs) in New York State, especially in their CPS units; and OCFS staff. It is available to the public on the OCFS website at <http://ocfs.ny.gov>.

[2024-CPS-Manual.pdf \(ny.gov\)](http://ocfs.ny.gov)

Preventive Services:

Preventive Services Practice Guidance Manual

[Preventive Services Guide 2015.pdf \(ny.gov\)](#)

No introductory blurb on the contents, but it is the current policy guide for preventive services.

Foster Care

OCFS website-> Child Welfare tab-> Foster Care tab-> Forms and Publications tab-> Practice Guide

Foster Care Practice Guide for Caseworkers and Supervisors:

This guide is designed to support you in your practice as a foster care caseworker or supervisor. It is a resource that can be used by those who are new to this area of child welfare, as well as by those with years of experience. Here you will find the relevant laws, regulations, and policy and practice guidance that govern how foster care is provided in New York State. In addition, this guide is designed to give you the information you need to be successful in your interactions with children, their birth families, foster parents, and other child welfare and legal professionals. It is based on the overall vision outlined in the OCFS Child Welfare Practice Model: that children, families, and adults are protected and supported to achieve safety, permanency, and well-being.

Adoption

OCFS website-> Child Welfare tab->Adoption->More Information->Publications->Adoption Services Guide

Adoption Services Guide:

This guide is designed to support you in your practice as an adoptive services caseworker or supervisor. It is a resource that can be used by those who are new to this area of child welfare, as well as by those with years of experience. Here you will find the relevant laws, regulations, policies, and practice guidance that govern how adoptive services are provided in New York State (NYS). The guide does not replace training, supervision, and legal guidance from agency trainers, supervisors, or attorneys. Using this guide will help you to become familiar with the laws, regulations, and policies that govern adoption practice, supplemented by ongoing supervision and case-specific legal consultation from agency attorneys. The guide focuses on adoption services for children from the public foster care system and children who are surrendered directly to NYS

authorized voluntary agencies (VAs). Some of the material in the guide may be relevant to other types of adoptions, such as the domestic adoption of infants through private adoption agencies or independently, or the international adoption of infants and children from other countries by United States (U.S.) citizens. These types of adoptions are not the guide's focus, however, and its contents should not be used to guide practice in those areas. The Adoption Services Practice Guide is one of a series of manuals that are designed to guide the practice of caseworkers across the continuum of child welfare services. These include:

- Preventive Services Practice Guidance Manual
- Child Protective Services Manual
- Home Finding Practice Guide
- Foster Care Practice Guide for Caseworkers and Supervisors
- KinGAP Guardianship Assistance Program

Utilization of Sources Example

You are offering CPS progress notes into evidence in an Art. 10 fact-finding hearing. An objection is raised that the notes were not made in a "timely" fashion after the event occurred which required the notes to be made. What is the standard for the timely entry of CPS progress notes, and how do you prove it?

Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence or event, shall be admissible in evidence in proof of that act, transaction, occurrence or event, if the judge finds that it was made in the regular course of any business and that it was the regular course of such business to make it, **at the time of the act, transaction, occurrence or event, or *within a reasonable time thereafter.***

Statute? No

Regulation? 18 NYCRR 428.5:

(a) Progress notes must begin on the case initiation date as defined in section 428.2(a) of this Part or upon receipt of a report of suspected abuse or maltreatment for child protective service cases, and must continue until the case is closed to all services. **Progress notes must be made as contemporaneously as possible with the occurrence of the event or the receipt of the information which is to be recorded.**

OCFS Directive specific to CPS? No

Any other guidance specific to CPS progress notes? Yes:

CPS Manual, Chapter 6, I. CPS investigation progress notes

Progress notes are to be recorded contemporaneously, as timely as possible after the events described, “Contemporaneously” is generally taken to be immediately, but no more than 30 days, after the event.

Any other guidance related to non-CPS social services progress notes?

Yes:

15-OCFS-ADM-25- Timely Data Entry and Use of Incident Date

Effectively immediately, LDSSs are expected to data enter into CONNECTIONS all key movement activities (admissions and discharges) for children in foster care no later than 30 calendar days after the movement has taken place.

20-OCFS-INF-11- Contemporaneous Documentation of Casework Contacts With Children in Foster Care:

OCFS regulation⁶ requires that progress notes must be entered as contemporaneously as possible with the occurrence of the event or the receipt of the information, which is to be recorded. Contemporaneous documentation is defined as within 30 days from when the face-to-face casework contact occurred.

Note here- the footnote (“6”) refers to 18 NYCRR 428.5(a)

See also, 23-OCFS-ADM-11

18 NYCRR 457.2 PSA client case record

(c) Progress notes. Progress notes must be maintained as part of the PSA client record as prescribed by the department. Progress notes must be recorded in the PSA case record as soon as possible but no later than 30 days after date of the event which required the use of progress notes.

OTDA

TA Sourcebook

OTDA website- under Laws & Policies tab

Provides information on the various TA programs, eligibility, etc.

The current versions contains this note: “Under revision, please refer to OTDA policy directives for up-to-date information”

SNAP

OTDA website- under Supplemental Nutrition Assistance Program (SNAP) Source Book tab

The Supplemental Nutrition Assistance Program Source Book (SNAPSB) will provide local districts with guidelines to determine eligibility and benefit levels for households and to operate local programs. These include application and notice requirements, and budgeting and resource procedures basic to a determination of financial eligibility for Supplemental Nutrition Assistance Program benefits. At the end of every subject, the reader will find at the bottom of the page, three possible headings or columns - "References," "Related Items," and "TA Source Book." References will cite the State Regulations; Related Items will cite other relevant sources; the TASB will cite the appropriate TASB Section(s). To facilitate further access to information, the reader will find a master Table of Contents in the front of the book. Information in the SNAPSB will be revised and updated as needed in order to maintain the continued validity of the Source Book. Notification of the most recent updates will be found in Section 1 in the Notices area. Administrative Directives, Regulations, General Information System (GIS) and Automated Budgeting and Eligibility Logic (ABEL) Transmittals will provide necessary notification of changes affecting Temporary Assistance staff.

Wherever a conflict arises between the SNAPSB and Regulations, Social Services Law, Administrative Directives, GIS or an ABEL Transmittal, local district staff should contact the Center for Employment and Economic Supports, Supplemental Nutrition Assistance Program Bureau.

2024-2026 TANF State Plan

The New York State Plan and Executive Certification for the Administration of the Block Grant for Temporary Assistance for Needy Families

[Temporary Assistance for Needy Families – Plan – 2024-2026 \(ny.gov\)](#)

This document provides an outline of The General Provisions of Its Temporary Assistance for Needy Families (TANF) Program- includes many regulatory references

NYSDOH

Medicaid Resource Guide

Do a search on the DOH website-

[The Medicaid Reference Guide](#) (MRG) was designed for local social services districts in New York State. Its purpose is to assist districts in determining Medicaid eligibility for applicants/recipients.

The Medicaid Reference Guide is arranged in five sections: Categorical Factors; Income; Resources; Other Eligibility Factors; and Reference. Within each of the five sections, there are subsections. The titles are in bold print at the top of each page. The electronic version of the MRG is in Portable Document Format (PDF). A Glossary and Master Index (cumulative) are also available.

Standard abbreviations are used throughout and are defined within the text and the Glossary.

The Medicaid Reference Guide is intended only to express Department policies and interpretations. The final authority remains Book 52A of McKinneys Consolidated Laws of New York and [Title 18 of the Codes, Rules and Regulations of the State of New York](#).

The pace of change within the New York State Medicaid program makes periodic replacement of the Medicaid Reference Guide pages essential to maintain its validity as a current working document. Information contained in the Medicaid Reference Guide is revised and updated on a regular basis. Individual updates can also be found in separate electronic files (see below). This allows users to rapidly identify updated sections. The date on the top left of each page indicates the date of printing or revision.

The Medicaid Reference Guide (MRG) is available only as a portable document format (PDF) file. Requests for the MRG in an alternate format should be made by sending an e-mail note to: medicaid@health.state.ny.us.

(*User Hint:* To find a specific page in the MRG, please refer to the page number found in the white box on the top right corner of each page and NOT the page number which comes up in the gray rectangular box when you use the gray scroll bar on the right side.)

Page numbers are provided for print use only. To search for a specific topic within a section, use the search function and enter the specific word or topic.

You may search for a desired word or term within any section by clicking on the binocular icon on the toolbar at the top of the page and entering the word or term in the box which appears.

Questions concerning the Medicaid Reference Guide may be addressed by sending an e-mail message to medicaid@health.state.ny.us.

To enhance the electronic version of the Medicaid Reference Guide (MRG), all updates to the MRG have been filed/integrated into the document. With this enhancement, users will no longer have to review the material in the MRG as well as each update to assure that the most current information has been consulted.

NOTE: ALL updates will continue to be posted separately to the website.

Other

Evidence:

OCA Guide to NY Evidence

The objective of this Guide, as set forth in Rule 1.01, "is to bring together in one document, for the benefit of the bench and bar, New York's existing rules of evidence, setting forth each rule with a note on the sources for that rule. Given that most of New York's evidentiary rules are not codified and that the New York Court of Appeals provides the controlling interpretation of the New York State constitution, statutes and common law, this Guide places particular emphasis on and adheres to the controlling precedents of the New York Court of Appeals. Finally, the rules of evidence set forth in this Guide are not intended to alter the existing law of New York evidence and shall not be construed as doing so or as precluding a change in the law."

<https://nycourts.gov/JUDGES/evidence/>

Adult Guardianship

The following resources are found on the OCA website

Guardian and Fiduciary Services (GFS)

coordinates education, training, information services, monitoring and reporting for court-appointed New York Fiduciaries including: Guardians; Attorneys for Alleged Incapacitated Persons; Court Evaluators; Court Examiners; Supplemental Needs Trustees; Guardians ad Litem; Receivers; Referees; Attorneys for Children (formerly Law Guardians); and Counsel to the Public Administrator. Further categories include all secondary appointments: Counsel to Guardian; Counsel to Receiver; Accountants; Auctioneers; Appraisers; Property Managers; and Real Estate Brokers.

[Guardian & Fiduciary Services \(nycourts.gov\)](https://nycourts.gov/gfs/)

The Guardian Assistance Network

helps families or friends who have been appointed by the court under Article 81 of the New York State Mental Hygiene Law to serve as guardians. GAN offers support, practical advice and [training](#) in carrying out guardianship responsibilities.

A guardian is an adult who is selected by a judge to make decisions for another person who needs help managing finances and making personal care decisions. Guardians are usually appointed to care for adults but parents or family members of a severely disabled child may be appointed as guardian to care for that child.

[Welcome - Guardian Assistance Network | NYCOURTS.GOV](#)