§ 409-e. Family service plan. 1. With respect to each child who is identified by a local social services district as being considered for placement in foster care as defined in section one thousand eighty-seven of the family court act by a social services district, such district, within thirty days from the date of such identification, shall perform an assessment of the child and his or her family circumstances. Where a child has been removed from his or her home, within thirty days of such removal the local social services district shall perform an assessment of the child and his or her family circumstances, or update any assessment performed when the child was considered for placement. Any assessment shall be in accordance with such uniform procedures and criteria as the office of children and family services shall by regulation prescribe. Such assessment shall include the following:

(a) a statement of the specific immediate problems which appear to require some intervention by the social services officials;

(b) a description of the long term family relationships, an assessment of trends in the stability of the family unit, and of the likelihood that specific preventive services will increase family stabilization sufficiently to prevent placement or to reduce the duration of a necessary placement;

(c) an estimate of the time period necessary to ameliorate the conditions leading to a need for placement, and a description of any immediate actions that have been taken or must be taken during or immediately after the conclusion of the assessment; and

(d) where placement in foster care is determined necessary, the reasonable efforts made to prevent or eliminate the need for placement or the reason such efforts were not made, the kind and level of placement and the reasons therefor, whether the child will be placed with the child's siblings and half-siblings and, if not, the reasons therefor and the arrangements made for contact between the siblings and half-siblings, identification of all available placement alternatives and the specific reasons why they were rejected, an estimate of the anticipated duration of placement, and plan for termination of services under appropriate circumstances, with specific explanation of the reasons for such termination plan.

2. Upon completion of any assessment provided for in subdivision one

of this section, and not later than thirty days after placement of a child in foster care pursuant to article three or seven of the family court act or not later than thirty days after a child is removed from his or her home, the local social services district shall establish or update and maintain a family service plan based on the assessment required by subdivision one of this section. The plan shall be prepared in consultation with the child's parent or guardian, unless such person is unavailable or unwilling to participate, or such participation would be harmful to the child, and with the child if the child is ten years of age or older, and, where appropriate, with the child's siblings. Such consultation shall be done in person, unless such a meeting is impracticable or would be harmful to the child. If it is impracticable to hold such consultation in person, such consultation may be done through the use of technology, including but not limited to, videoconferencing and teleconference technology. If the parent is incarcerated or residing in a residential drug treatment facility, the plan shall reflect the special circumstances and needs of the child and the family. The plan shall include at least the following:

(a) time frames for periodic reassessment of the care and maintenance needs of each child and the manner in which such reassessments are to be accomplished;

(b) short term, intermediate and long range goals for the child and family and actions planned to meet the need of the child and family and each goal;

(c) identification of necessary and appropriate services and assistance to the child and members of the child's family. The services so identified shall, before being included in the family service plan, be assessed to determine the projected effectiveness of such plan including but not limited to the following considerations:

(i) the family's concurrence with the plan;

(ii) the ability and motivation of the family to access services, including geographic accessibility;

(iii) the relatedness of the services to the family's needs and its socio-economic and cultural circumstances; and

(iv) other factors which may impact upon the effectiveness of such plan. The service plan shall also describe the availability of such services and the manner in which they are to be provided;

(d) any alternative plans for services where specific services are not available, and any viable options for services considered during the planning process;

(e) where placement in foster care is determined necessary, specification of the reasons for such determination, the kind and level of placement, any available placement alternatives, an estimate of the anticipated duration of placement, and plan for termination of services under appropriate circumstances.

3. The plan shall be reviewed and revised, in accordance with the procedures and standards in subdivision two of this section, at least within the first ninety days following the date the child was first considered for placement in foster care, and, if the child has been placed in foster care pursuant to article three or seven of the family court act or removed from his or her home, within the first ninety days following the date of placement or removal. The plan shall be further reviewed and revised not later than one hundred twenty days from this initial review and at least every six months thereafter; provided, however, that if a sibling or half-sibling of the child has previously been considered for placement or removed from the home, the plan shall be further reviewed and revised on the schedule established for the family based on the earliest of those events. Such revisions shall indicate the types, dates and sources of services that have actually been provided and an evaluation of the efficacy of such services, and any necessary or desirable revisions in goals or planned services. The review and revision of the plan shall be prepared in consultation with the child's parent or guardian, unless such person is unavailable or unwilling to participate, or such participation would be harmful to the child, and with the child if the child is ten years of age or older, and, where appropriate, with the child's siblings. Such consultation shall be done in person, unless such a meeting is impracticable or would be harmful to the child. If it is impracticable to hold such consultation in person, such consultation may be done through the use of technology, including but not limited to, videoconferencing and teleconference technology.

4. In accordance with regulations of the department, relevant portions

of the assessment of the child and family circumstances, including but not limited to the material described in paragraph (d) of subdivision one of this section, and a complete copy of the family service plan, established pursuant to subdivisions one and two, respectively, of this section shall be given to the child's parent or guardian, counsel for such parent or guardian, and the child's attorney, if any, within ten days of preparation of any such plan.

5. The family service plan developed in regard to a child in foster care pursuant to this section shall include the permanency plan provided to the court in accordance with the family court act and this chapter.

6. Nothing in this section shall require a social services district to complete an assessment or service plan for a child who is in the custody of the office of children and family services, unless the child is also in the care and custody or custody and guardianship of the commissioner of the social services district.