

# REGULATORY AGENDA

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## Office of Children and Family Services

### Regulatory Proposals

Pursuant to subdivision 1 of section 202-d of the State Administrative Procedure Act (SAPA), the Office of Children and Family Services (OCFS) is required to publish a regulatory agenda for regulations that it is considering proposing but for which a notice of proposed rulemaking has not been submitted to the State Register. The public is welcome to send written comments on the OCFS Regulatory Agenda to the contact person at the end of this list. It is anticipated that the proposals marked with an asterisk will include a regulatory flexibility analysis and/or rural area flexibility analysis.

Below is a brief description of the regulations, by subject matter, that are under review by OCFS:

#### Child Care Services

Amending Part 415 of 18 NYCRR to enhance administrative enforcement of fraud involving child care subsidies.

Revising Parts 413, 414, 416, 417, 418-1 and 418-2 of 18 NYCRR governing family day care homes, group family day care homes, day care centers and school age child care programs to make changes required by Chapter 117 of the Laws of 2010 and to promote the health and safety of children in care.

#### Child Protective Services

\*Amending 18 NYCRR 432.2(e)(5) regarding mandatory training for child protective services caseworkers and supervisors as well as the qualifications for supervisors.

#### Foster Care and Adoption

\*Amending Parts 428, 430 and 441 of 18 NYCRR regarding casework contacts for children placed out-of-state.

\*Repealing and enacting new sections 441.17, 441.18, and 431.8; adding a new section 441.23, and amending section 442.2 of 18 NYCRR regarding residential care for children in areas of behavioral support, crisis prevention and intervention, privacy and searches, and unauthorized absences.

\*Amending 18 NYCRR 441.22 to clarify health service standards for children in foster care.

Amending 18 NYCRR 435.5 to allow more flexibility in the duration of respite services.

\*Amending Parts 421, 428, 430, and 447 of 18 NYCRR and adding a new Part 437 to update the regulations governing the provision of adolescent services.

#### Juvenile Detention Services

\*Amending 9 NYCRR 180.9 and 180.10 to increase the minimum number of hours of education youth must receive while in detention.

Amending section 180.8 of 9 NYCRR to revise personnel requirements so that detention staff members who are licensed professionals must maintain the appropriate license, but eliminate other extraneous personnel requirements.

Amending 180.7(c)(1) of 9 NYCRR to allow each county to designate one public official as the emergency contact for detention instead of two officials.

#### Juvenile Justice Residential Services

Amending Part 181 of 9 NYCRR to clarify the status of, and procedures necessary for, youth who are absent without leave from a facility operated by OCFS.

Amending 9 NYCRR 168.7 regarding confidentiality for youth in OCFS facilities.

Amending Subpart 175-1 of 9 NYCRR pertaining to hearings under Executive Law § 509, to temporarily transfer custody of OCFS youth to OMH for residential mental health services.

Repealing the regulations (9 NYCRR Part 179, Subpart 4) pertaining to resident rules to update the rules and promulgate them as policy.

#### Youth Bureaus

Amending 9 NYCRR 165-1.2 to allow municipalities (counties, cities, towns and villages) to charge a fee to participants for recreational services programs, but require that any child who is unable to pay the fee be accommodated through a scholarship or waiver of the fee.

Amending 9 NYCRR 165-1.1 to allow youth bureaus to reorganize and operate from within another governmental subdivision where the reorganization adds value for the municipality and preserves the integrity of the youth bureau function, and to report to a department head other than the municipality's chief executive officer.

#### General Administrative Regulations

Amending Part 405 of 18 NYCRR to permit local social services districts to enter into multi-year contracts for the provision of services.

Amending Part 165 of 9 NYCRR and Parts 406 and 407 of 18 NYCRR to streamline the county planning and reporting process.

Adding a new part to Title 18 of NYCRR and amending Part 165 of Title 9 of NYCRR to authorize OCFS to waive regulatory requirements as necessary for innovative programs.

\*Amending sections 180.5(a) and 182-1.5(g)(1) of 9 NYCRR, sections 421.2, 421.16(h), 423.4(f), 423.4(m) and Part 441 of 18 NYCRR to prohibit discrimination on the basis of sexual orientation, and gender identity and expression in detention, runaway and homeless youth programs, foster care, and adoption and preventive services.

