New York State Office of Children & Family Services

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CERTIFICATION OF AN EMERGENCY RULE
OFFICE OF CHILDREN AND FAMILY SERVICES

I, Sheila Poole, acting Executive Deputy Commissioner of the Office of Children and Family Services (OCFS), hereby certify that the attached amendments and additions to sections 428.3, 430.11 and 430.12 of Title 18 of the Official Compilation of Codes, Rules and Regulations of the State of New York are duly adopted by me and are effective on January 25, 2012.

These amendments were adopted pursuant to the provisions of sections 20(3)(d) and 34(3)(f) of the Social Services Law, and in accordance with Chapter 436 of the Laws of 1997. Chapter 436 transferred certain functions, powers, duties and obligations of the former Department of Social Services to OCFS under which the Commissioner of OCFS may promulgate regulations necessary to carry out the purposes of the agency.

The emergency adoption of these regulations is necessary in order for New York State to have a compliant Title IV-E State plan. New York State must be able to demonstrate to the federal government that it has enacted the provisions reflected in the emergency regulations by January 31, 2012 or risk the potential loss of significant federal funding. The timing of the federal directive did not afford the State of New York with sufficient time to promulgate the regulations through any other means other than on an emergency basis.

Dated: January 25, 2012

Sheila Poole
Acting Executive Deputy Commissioner

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