

Assessment of Public Comment

The Office of Children and Family Services (OCFS) received the following comments on the educational stability of foster children and prevention of identity theft involving foster children regulations:

1. Two comments from a voluntary agency:

The commenter requested that the terms, case manager, case planner or caseworker be further defined in regard to the agency responsible for providing or arranging for the provision of the consumer report for a foster child who is 16 years of age or older.

The terms case manager and case planner are currently defined in 18 NYCRR 428.2(b) and (c). The term case worker is defined in the model foster care purchase of services contract as established by OCFS in 18 NYCRR 405.3(d) and as issued by OCFS in release 06-OCFS-ADM-02.

The regulations were not revised in response to this comment because the terms in question are presently adequately defined

The commenter also expressed concern that there was lack of clarify in terms of role and function as to which agency must provide the consumer report. The regulation presently states that the social services district with legal custody of the foster child determines which agency is responsible.

The regulations were not revised in response to this comment because the regulations, as proposed, clearly address who is responsible to determine which agency is to provide or cause the provision of the consumer report.

2. Two comments from an advocacy organization:

The commenter proposed that the regulations be amended to mandate credit literacy training be provided for all foster care agency staff who are charged with interpreting and resolving inaccuracies in the consumer report.

Such training is not required by federal law. OCFS is preparing guidance material for agency staff to be used to comply with the regulatory requirement and to address the training needs of staff.

The regulations were not revised in response to this comment to impose an additional mandate on agencies.

The commenter also proposed that the regulations be amended to provide that the child's court-appointed advocate should not be charged with resolving inaccuracies with the consumer report. The commenter stated that such advocacy would be outside of the purview of the child's court-appointed advocate

The regulations presently provide that the agency with case planning, case management or casework responsibility, as determined by the social services district with legal custody over the foster child, must provide or arrange for the provision of assistance, including, where feasible, from any court appointed advocate, in interpreting or resolving any inaccuracies in the consumer report. The current regulation reflects the standards required by federal law. It anticipates the involvement of court-appointed advocates for the child, "when feasible". It does not mandate the involvement of the child's court-appointed advocate. If such advocate is not willing or able to provide such assistance, then the use of the court -appointed advocate would not be deemed as feasible.

The regulations were not revised in response to this request.