

## Notice of Adoption

Children and Family Services, Office of  
(SUBMITTING AGENCY)

- This adoption will amend the NYCRR.  
 This adoption will not amend the NYCRR.

ATTACHMENTS SUBMITTED  E-MAIL (nysregister@dos.state.ny.us)  
 DISK

**NOTE:** Typing and submission instructions are at the end of this form. Please be sure to COMPLETE ALL ITEMS. Incomplete forms and nonscannable text attachments will be cause for rejection of this notice.

**1. Action taken:**

Amend sections 427, 441 and 447 of Title 18 NYCRR; addition of a new Part 449 to Title 18 NYCRR

"X" box if the rule was originally proposed as a consensus rule making.

**2. Effective date of rule:**

Date this notice is published in the *State Register*.

This is a "rate making" as defined in SAPA §102(2)(a)(ii), and, is effective as follows:

Date of filing.

Other date (*specify*):

Other date (*specify*):

\_\_\_\_\_ days after filing.

**3. Statutory authority under which the rule was adopted:**

Sections 20(3)(d), 34(3)(f), 374-b and 462(1)(a) of the Social Services Law (SSL)

**4. Subject of the rule:**

Supervised Independent Living Programs (SILPs)

**5. Purpose of the rule:**

To establish standards for the approval and operation of supervised independent living programs and living units.

6. Terms and identification of rule :

A. I.D. No. of original notice of proposed or emergency/proposed rule making: CFS-48-07-00008 - P

B. Comparison of the proposed rule to the adopted rule (CHECK ALL THAT APPLY):

[x] No changes were made to the proposed rule.

• Do NOT attach the text of the previously published rule. If the last previously published RIS, RFA, RAFA or JIS remain adequate and do not require correction, SKIP ITEMS 9-12 and do NOT attach any such statements. If any of the most recently published statements were deemed inadequate or required correction, complete Item 9, 10, 11, or 12 as applicable, do NOT attach previously published statements. Be sure to complete C, if applicable, as well as remaining Items 7-8 and 13-14.

[ ] Nonsubstantive changes were made in [Parts, sections, subdivisions or paragraphs]:

[Redacted text]

• Attach the original of the text as adopted (if proposed as full text, submit full text; if proposed as a summary, submit a summary) typed in scannable format. Do not skip Items 9-12; revised statements or explanatory statements are required.

[ ] Text attached.

[ ] Summary attached.

[ ] This is a "rate making" as defined in SAPA §102(2)(a)(ii) and, pursuant to SAPA §202(7)(b), the agency elected to submit an original copy of a description of the substance. Substantial revisions were made in the following Parts, sections, subdivisions or paragraphs:

[Redacted text]

C. List the publication date and I.D. No. of any previously published notice(s) of revised rule making:

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ -

Publication date: \_\_\_\_\_, I.D. No. \_\_\_\_\_ -

7. The text of the final rule and any required statements and analyses may be obtained from:

Agency contact Public Information Office
Agency name NYS Office of Children and Family Services
Office address 52 Washington Street
Rensselaer, NY 12144
Telephone (518) 473-7793 E-mail: \_\_\_\_\_

8. Additional matter required by statute:

[ ] Yes (include below material required by statute).

[Redacted text]

[x] No additional material required by statute.

9. Revised Regulatory Impact Statement (RIS)

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

A. The attached Revised RIS contains:

[ ] The full text of the Revised RIS.

[ ] A summary of the Revised RIS.

B. A statement is attached explaining why a revised RIS is not required (check one box):

[ ] Changes made to the last published rule do not necessitate revision to the previously published RIS.

[ ] This is a technical amendment exempt from SAPA §202-a.

- C.  A revised RIS is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RIS is **not** attached because this rule was proposed as a consensus rule as defined in SAPA

**10. Revised Regulatory Flexibility Analysis (RFA) for small businesses and local governments**

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

- A. The attached Revised RFA contains:  
 The full text of the Revised RFA.  
 A summary of the Revised RFA.
- B. A **statement is attached** explaining why a revised RFA is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published RFA.  
 The changes will not impose any adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C.  A revised RFA is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

**11. Revised Rural Area Flexibility Analysis (RAFA)**

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

- A. The attached Revised RAFA contains:  
 The full text of the Revised RAFA.  
 A summary of the Revised RAFA.
- B. A **statement is attached** explaining why a revised RAFA is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published RAFA.  
 The changes will not impose any adverse impact or reporting, recordkeeping or other compliance requirements on public or private entities in rural areas. The attached statement sets forth this agency's findings and the reason(s) upon which the findings were made, including what measures were used to determine those findings.
- C.  A revised RAFA is **not** attached because this rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 A revised RAFA is **not** attached because this rule was proposed as a consensus rule as defined in SAPA §102(11).

**12. Revised Job Impact Statement (JIS)**

(SELECT AND COMPLETE ALL THAT APPLY; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

- A. The attached Revised JIS contains:  
 The full text of the Revised JIS.  
 A summary of the Revised JIS.
- B. A **statement is attached** explaining why a revised JIS is not required (check one box):  
 Changes made to the last published rule do not necessitate revision to the previously published JIS.  
 The changes will not impose a substantial impact on jobs and employment opportunities. The attached statement sets forth this agency's findings that the rule will have a positive impact or no impact on jobs and employment opportunities; except when it is evident from the subject matter of the rule that it could only have a positive impact or no impact on jobs and employment opportunities, the statement shall include a summary of the information and methodology underlying that determination.
- C. A revised JIS is **not** attached because:  
 This rule is a "rate making" as defined in SAPA §102(2)(a)(ii).  
 This rule was proposed by the State Comptroller or Attorney General.

13. **Assessment of Public Comment** (includes legislative comments) (check applicable box):

A.  45-day minimum comment period is complete (Full text was submitted with proposal or summary of text was submitted with the proposal and the full text was posted on a State web site or the rule is a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making])

60-day minimum comment period is complete (Summary of text was submitted with the proposal and the full text was not posted on a State web site or the rule is **not** a consensus rule or a rule defined under SAPA §102[2][a][ii] [Rate Making])

B. (COMPLETE ONE; ALL ATTACHMENTS MUST BE 2,000 WORDS OR LESS)

Attached is an assessment of public comment.

No particular form is required, and it need **only** include comments not addressed in any previously published assessment for this rule. However, the assessment must be based on any written comments received by the agency or any comments presented at any public hearing held by the agency about this rule (include legislative comment). It must contain a summary and an analysis of the issues raised and significant alternatives suggested, a statement of the reason(s) why any significant alternatives were not incorporated, and a description of any changes made as a result of such comments.

An assessment is not attached because no comments were received.

An assessment is not required because this action is for a "rate making" as defined in SAPA §102(2) (a)(ii).

14. **Referenced material** (check one box):

No information is being incorporated by reference in this rule.

This rule contains referenced material in the following Parts, sections, subdivisions or paragraphs:

[Redacted area]

**AGENCY CERTIFICATION (To be completed by the person who PREPARED the notice)**

I have reviewed this form and the information submitted with it. The information contained in this notice is correct to the best of my knowledge.

I have reviewed Article 2 of SAPA and Parts 260 through 263 of 19 NYCRR, and I hereby certify that this notice complies with all applicable provisions.

Name Craig R. Sunkes Signature 

Address NYS OCFS, 52 Washington Street, Rensselaer, NY 12144

Telephone 518-402-6722 E-mail \_\_\_\_\_

Date 1-29-08

**Please read before submitting this notice:**

1. Except for this form itself, all text must be typed in the prescribed format as described in the Department of State's *Register* procedures manual, *Rule Making in New York*.
2. **Collate the original notice and attachments** as: (1) form; (2) text or summary of rule; and, **if any**, (3) regulatory impact statement, (4) regulatory flexibility analysis for small businesses and local governments, (5) rural area flexibility analysis, (6) job impact statement, (7) assessment of public comment. Submit the originals, as collated, **and ONE copy of that collated set**. When filing any type of agency adoption, also submit an original certification stapled to rule text — **and TWO copies of that set**.
3. **Mail or hand deliver hard copy of rule making package to:** Department of State, Division of Administrative Rules, 41 State Street, Suite 330, Albany, NY 12231-0001
4. **E-mail required attachments to:** nysregister@dos.state.ny.us or attach a disk containing required material.