

## Assessment of Public Comment

The Office of Children and Family Services (OCFS) received six comments, two from social services districts, and one each from an advisory committee of the Office of Court Administration, the Legal Aid Society, Lawyers for Children, Inc, and the New York Public Welfare Association.

Three commenters supported the creation of the kinship guardianship assistance program.

One commenter recommended that the regulations clarify the distinction between the process for granting an application for kinship guardianship assistance payments and the awarding of letters of guardianship by the court. The commenter recommended that further guidance be provided on the requirements for prospective relative guardians to apply to the court for letters of guardianship. The commenter requested clarification regarding the scope of fair hearings in relation to the court process. The regulations were revised to clarify the distinction between the process for granting an application for kinship guardianship assistance and the granting of letters of guardianship by the court. The issues noted in these comments will be further addressed in an administrative directive to be released by OCFS. The commenter requested an amendment to the case recording standards on the subject of best interests. The regulations were not revised in response to this comment as the regulations reflect federal case planning standards.

Two commenters raised the issue of state funding of the kinship guardianship assistance program. The regulations were not revised as that subject is pending further action by the Legislature.

One commenter requested that 18 NYCRR 436.4(b)(4) be revised to insert language set forth in statute regarding the content of the kinship guardianship assistance agreement. The commenter requested clarification relating to the consequence of entering into the kinship guardianship assistance agreement in relation to when guardianship becomes effective. The commenter also identified two typographical errors. The regulations were revised to reflect the language in current statute regarding the content of the kinship guardianship agreement. The regulations were also revised to include the requested clarification and to correct the typographical errors. The commenter requested that the regulations be amended to provide further clarification on the issue of age appropriate consultation. The regulations were not revised to address this comment as the regulations are consistent with state statute. Further guidance on the issue of consultation with the child will be provided by OCFS through the issuance of an administrative directive and other releases.

One commenter objected to what was perceived as a six-month minimum period of the child residing with the relative before a relative may apply for kinship guardianship assistance payments. The commenter requested that the regulations be amended to reflect that the child

must be in the home of the relative for a 12-month period. The regulations were not revised in response to this comment. The standard set forth in the regulations reflects the state statutory standards.

One commenter requested clarification of the section of the regulations that address federally funded independent living services. The regulations were not revised in response to these comments. OCFS will clarify this subject matter in an administrative directive it plans to release.

One commenter requested that the regulations be amended to provide further guidance to social services districts on when the discharge to a relative guardian in receipt of kinship guardianship assistance payments would be an appropriate permanency goal. The commenter requested that the regulations be amended to create a new permanency goal of placement with a fit and willing relative as a guardian and the receipt of kinship guardianship assistance payments by such relative and the factors agencies must consider before this new permanency planning goal may be selected. The regulations were not revised to address this comment. The statute does not establish the proposed permanency goal. The administrative directive OCFS will release on the kinship guardianship assistance program will discuss some of the factors social services districts should consider when determining whether to enter into a kinship guardianship arrangement.

Two commenters requested that the regulations be amended to provide that fair hearings held in relation to the kinship guardianship assistance program be limited in scope. The regulations were not revised as the regulations reflect the standards set forth in state statute.