

## **Summary of Comments and the Office of Children and Family Services' Response**

The Office of Children and Family Services (Office) received one set of comments from a public employee union. The Office reviewed all comments. The following summarizes the comments and provides the Office's response to the comments.

The Office received a comment relating to the transfer of the authority for certifying supervised independent living programs (SILPS) from the Office to authorized agencies. There was concern that the transfer of authority for certifying SILPS from the Office to authorized voluntary agencies would not increase access to these programs as stated in the needs and benefits section of the Regulatory Impact Statement. The Office reviewed the comment and believes that the proposed regulations reflect the legislative change enacted by Chapter 160 of the Laws of 2004. Chapter 160 added a definition of a supervised independent living program in section 371 (21) of the SSL. A supervised independent living program is defined in statute to mean one or more of a type of agency boarding home operated and certified by an authorized agency (social services district, voluntary authorized agency, or an Indian tribe with a State/Tribal agreement with the Office), in accordance with regulations of the Office to provide a transitional experience for older youth who, based upon their circumstances, are appropriate for transition to the level of care and supervision provided in the program. Thus there is no change to the proposed regulations based on this comment.

The Office received a comment that there was concern that shifting certification authority to authorized agencies is a conflict of interest in that the operating agency is the certifying agency and that such an arrangement will increase opportunities for system abuse. As reflected in the statutory definition of a SILP and in the proposed regulations,

the Office maintains a role in establishing the standards for the approval of SILP units. In addition, the Office is responsible for the approval of SILP programs operated by an authorized agency. That role includes the granting waivers of regulatory standards for SILP programs and units. As noted above, the proposed regulations are consistent with current statute and the Office will maintain a role in the oversight of such programs. Accordingly, there is no change to the proposed regulations based on this comment.

The Office received a comment that there was concern that the proposed regulations establish procedures for certifying SILPS which are different from the certification process of other levels of residential care and would create a precedent for erosion of the child welfare system. Again, the proposed regulations reflect current statute and are consistent with the current authority of authorized agencies to certify foster boarding homes. There will be no changes to the proposed regulations bases on this comment.