



**New York State  
Office of  
Children &  
Family  
Services**

[www.ocfs.state.ny.us](http://www.ocfs.state.ny.us) February 25, 2011

**Andrew M. Cuomo**  
*Governor*  
**Gladys Carrión, Esq.**  
*Commissioner*

Carol Dankert, Commissioner  
Erie County Department of Social Services  
Rath Building  
95 Franklin Street  
Buffalo, New York 14202

Dear Commissioner Dankert:

**Capital View Office Park**  
52 Washington Street  
Rensselaer, NY  
12144-2796

The New York State Office of Children and Family Services (OCFS) is in receipt of a petition from Erie County pursuant to the State Administrative Procedure Act (SAPA) Section 204-a, requesting alternate compliance with OCFS regulations for the provision of Non-residential Services to Victims of Domestic Violence, 18 NYCRR Part 462. Notice of the receipt of this petition was published in the State Register on December 28, 2010. OCFS posted the petition in its entirety on the OCFS website and provided for a 30-day public comment period which concluded on January 28, 2011. OCFS also sought supplemental information from Erie County by way of letter and telephone conversations further clarifying the intent of the petition. Pursuant to SAPA Section 204-a(5)(a), OCFS hereby approves the petition with conditions and modifications as set forth below.

OCFS has determined that the proposed alternate method of compliance is consistent with and will effectively carry out the regulatory mandate and grants approval to Erie County for alternate compliance with 18 NYCRR Part 462.4, with modifications, as outlined below. Specifically, OCFS is granting approval for Erie County to pursue an alternate approach to compliance with 18 NYCRR 462.4, by allowing Non-Residential Programs for Victims of Domestic Violence in Erie County relief from the requirement that they must provide all the core services directly. With respect to Erie County's request for alternate compliance with the remaining sections of 18 NYCRR Part 462, such request is denied.



OCFS' approval of the request for alternate compliance with 18 NYCRR 462.4 is contingent upon Erie County's providing OCFS with a plan in writing within 120 days of the date of this letter setting forth the following:

- 1) At least one provider in Erie County, other than the Family Justice Center (FJC) will continue to offer all the core services directly by staff and/or volunteers of the provider agency.
- 2) The service delivery system for the approved alternate method of regulatory compliance will be cost neutral.
- 3) The plan must clearly delineate the core and optional services offered by each provider, including the hours and location of services, with sufficient justification for the distribution of services. Any changes to the plan or services offered by each provider must be provided to OCFS in writing within 30 days of the change.
- 4) All of the core services will be available to victims of domestic violence in Erie County in accordance with 18 NYCRR 462.3.
- 5) The plan will be created in collaboration with the existing approved domestic violence service providers in Erie County
- 6) The quality and impact of services will meet the needs of victims of domestic violence and their children. The revised system shall neither diminish in any way the existing quality and access to services nor the number of victims of domestic violence who can be served.

OCFS' approval will commence upon its approval of the above information, and will be for two years from the date the plan is approved. OCFS is granting Erie County relief from the provisions of 18 NYCRR 462.4 only. All Non-Residential Programs for Victims of Domestic Violence in Erie County must remain in compliance with all other parts of 18 NYCRR 462.

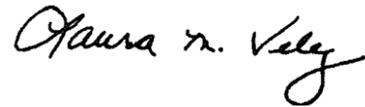
Pursuant to SAPA Section 204-a(8), OCFS will prepare an evaluation plan and two-year timetable to assess the effectiveness of the alternate plan, which will be forwarded under separate cover. The evaluation plan will assess the savings, benefits, costs and disadvantages of the alternate plan, and the desirability of incorporating the alternate method of compliance into OCFS regulations. The evaluation plan will include the data elements needed to address these items, satisfaction survey information for clients and providers, and timeframes for reviewing progress. OCFS will coordinate the evaluation with Erie County. OCFS is also available to provide technical assistance as needed.

Finally, pursuant to SAPA Section 204-a(6), OCFS may rescind this approval at any time if it determines that the alternate method approved is not effectively carrying out the objective of 18 NYCRR 462.4 or is being implemented in a manner detrimental to the public interest.

Please submit the information above by June 27, 2011 to Lisa Gordon, Director, Bureau of Program and Community Development. You may contact Ms. Gordon at 518-474-1644 if you have questions or need further assistance.

OCFS looks forward to working with Erie County on this initiative.

Sincerely,

A handwritten signature in cursive script that reads "Laura M. Velez". The signature is written in black ink and is positioned above the typed name.

Laura M. Velez  
Deputy Commissioner