

REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESS AND LOCAL GOVERNMENTS

1. Effect of Rule:

Social services districts will be affected by the proposed regulation. There are 58 social services districts. Most voluntary foster care and preventive services agencies also will be affected by portions of the proposed regulation. There are approximately 250 of such agencies.

2. Compliance Requirements:

These proposed regulations implement provisions of the federal Adoption and Safe Families Act (ASFA) and Chapter 7 of the Laws of 1999 and subsequent amendments to State law. These laws create new requirements. The requirements in the proposed regulation mostly derive directly from statutory provisions. The Office of Children and Family Services (OCFS) has already promulgated several sets of regulations aimed at implementing the provisions of ASFA and corresponding State law. These proposed regulations continue to implement provisions of ASFA and corresponding State law, sometimes expanding upon the aforementioned regulations, and in some instances utilizing the discretion that ASFA affords states to promote better child welfare practices directed toward child safety and expediting permanency outcomes. In addition, design work on the UCR component of New York State's SACWIS system (CONNECTIONS) has been completed and the proposed regulations seeks to support such design. After much consultation with child welfare providers during ASFA implementation and again during CONNECTIONS design, the UCR was amended in a number of areas. These include but are not limited to: a new safety assessment at key points in the casework process; a new research based risk assessment; additional

questions pertaining to children in foster care designed to expedite an alternative permanent discharge outcome if a child cannot return to his or her family of origin; and questions to document that a petition for termination of parental rights has been filed for a child in care for 15 of the most recent 22 months, or, alternatively, that the petition should not be filed because it would be contrary to the best interests of the child.

Section 153-k of the SSL was enacted in 2002 and significantly changed how child welfare programs are financed in New York. This legislation promotes a reduction in foster care placements by instituting a foster care block grant, capping State reimbursement to social services districts for foster care services, and creating an uncapped reimbursement system at a 65% State, 35% local split for non-foster care child welfare services (after applying federal reimbursement). The UCR is designed to focus assessments to enable clear decision making about services that will allow a child to remain safely at home, return home sooner, and avoid replacement in foster care after discharge. Furthermore, once a child is placed in foster care, the UCR is designed to focus on providing a permanent placement for each child.

In addition, the waiver authority in section 153-k of the SSL has led to a more flexible approach regarding preventive services purchased from a public agency or a private voluntary agency that uses an alternative evidence based model of practice approach, so long as the substitution contains the listed essential data and OCFS grants its approval.

3. Professional Requirements:

No need for additional staff is anticipated. Existing staff will be comprehensively trained, as part of comprehensive CONNECTIONS training. In addition, current training

programs will be enhanced to emphasize the casework support that these amendments bring.

4. Compliance Costs:

The proposed revisions to sections 404.1, 441.7 and 465.1 and Part 428 of 18 NYCRR are not projected to have any fiscal impact on OCFS, local social service districts or child welfare services providers. The activities required (and those streamlined) are not anticipated to increase or decrease overtime costs or other staffing costs of the local social service districts or child welfare services providers. Social services districts and child welfare services providers are already required to participate in CONNECTIONS by State statute and other OCFS regulations.

5. Economic and Technological Feasibility:

The proposed regulation will not impose additional economic or technological burdens on social services districts or child welfare services providers beyond those currently required to implement the CONNECTIONS system.

6. Minimizing Adverse Impact:

Most of the new requirements were necessitated by ASFA, Chapter 7, and subsequent amendments, and by changes to Section 153-k of the SSL enacted in 2002 and were therefore unavoidable. They were also necessitated by SACWIS system development.

7. Small Business and Local Government Participation:

The OCFS actively sought and obtained the input of users as these requirements were developed. There was an ad hoc committee of local social services district staff whose comments were directly solicited as ASFA related UCR changes were developed.

In relation to the child welfare services agencies, draft material concerning the proposed UCR changes were made available to the Council of Family and Child Caring Agencies, which is an umbrella group for many of the voluntary child welfare agencies. Additionally, intense involvement of the user community, including both local districts and voluntary agencies, took place during CONNECTIONS design meetings. The UCR will become a part of the CONNECTIONS case management application.