



Office of Children and Family Services

ANDREW M. CUOMO
Governor

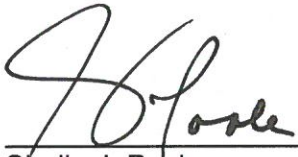
SHEILA J. POOLE
Commissioner

CERTIFICATION FOR AN EMERGENCY ADOPTED RULE OFFICE OF CHILDREN AND FAMILY SERVICES

I, Sheila J. Poole, Commissioner of the New York State Office of Children and Family Services (OCFS), hereby certify that the attached amendments to 427.2, 428.3, 441.2, 441.4, 441.21, 441.24, 442.17, 442.21, 442.25, 447.2, 448.1, 448.3, 448.9, 449, 449.1, 449.2, 449.3, 449.4, 449.6, 449.7, 449.8 and 628.3 of Title 18 NYCRR; addition of new Parts 439 and 440 of Title 18 NYCRR; and the addition of new sections 441.26, 442.26, 447.10, 447.11, 448.11 and 448.12 of Title 18 NYCRR of the State of New York are duly adopted by me. These amendments and additions are adopted pursuant to the provisions of sections 20, 34, 409-h and 462(1)(a) of the New York State Social Services Law, under which the Commissioner of OCFS may promulgate regulations necessary to carry out the purposes of the agency. I determined that it is necessary for the preservation of the general welfare that this amendment be adopted on an emergency basis as authorized by section 202(6) of the State Administrative Procedure Act, effective immediately upon filing with the Department of State.

This rule would adopt provisions and standards necessary to operationalize compliance with the federal Family First Prevention Services Act (FFPSA) enacted as part of the Bipartisan Budget Act of 2018 (P.L. 115-123) and the corresponding state legislation related thereto (Part L of Chapter 56 of the Laws of 2021). Such state and federal legislation require New York to comply with a myriad of provisions regarding foster care services on or before September 29, 2021. Failure to adopt these regulations on an emergency basis may result in a loss of the ability for New York State to receive any federal Title IV-E reimbursement. This funding stream provides approximately \$600 million in federal reimbursement to New York State and local governments (all counties and New York City) for eligible child welfare expenditures.

Dated: August 12, 2021

A handwritten signature in black ink, appearing to read 'S. Poole', written over a horizontal line.

Sheila J. Poole
Commissioner