

EMERGENCY JUSTIFICATION

The Office of Children and Family Services (Office) finds that immediate adoption of these regulations on an emergency basis are necessary to protect the health, safety and general welfare of children in foster care, to comply with state and federal legislation and to avoid the loss of crucial federal Title IV-E funding to support various child welfare activities in New York State.

Specifically, 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. In recognition of the need for regulatory changes following the adoption of the state legislation, paragraph (d) of section 17 of Part L of Chapter 56 of the Laws of 2021 specifically authorizes the Office to adopt on an emergency basis, rules and regulations as may be needed for implementation of FFPSA on or before September 29, 2021, such as those contained herein.

Additionally, the federal and corresponding state legislation enacted provisions requiring new types of congregate foster care programs to be operated by voluntary authorized agencies. Specifically, the new types of congregate care foster care programs are qualified residential treatment programs (QRTPs); and QRTP exceptions, which include supervised settings; specialized programs to serve prenatal, postpartum, or parenting youth; and programs for youth who have been or are at risk of sex-trafficking. These regulations, among other things, provide the health, safety, and programmatic standards for prospective QRTP and QRTP exception programs to obtain and maintain operating certificates from the Office as are necessary to provide these types of residential services to children.

Moreover, failure to adopt these regulations on an emergency basis may result in a loss of the ability for New York 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 (counties and New York City) for eligible child welfare expenditures.