

## SUMMARY OF SUBSTANCE

The proposed amendment of 18 NYCRR 427.2 changes the definition of “foster care” and “residential program” to clarify the new congregate foster care program types are eligible for federal reimbursement. These new program types are qualified residential treatment programs (QRTPs) and three QRTP exceptions: 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. Proposed amendments to this section also change definitions that refer to youth in foster care who are parents and their child(ren), and includes conforming changes related thereto.

The proposed amendment of 18 NYCRR 428.3 adds requirements regarding documentation in the uniform case record of specific information regarding assessments and court findings when placement of a child into a QRTP is contemplated or made on or after September 29, 2021, as are required by state and federal law.

The proposed addition of a new Part 439 to 18 NYCRR establishes the requisite health, safety, and programmatic standards for the issuance of an operating certificate and continued operation of a program as a QRTP. These proposed provisions also add definitions for terms to be used in the Part, and adopt various provisions conforming to, or required by state and/or federal law regarding: the qualified individual; required assessments; special provisions for children who remain in QRTPs for an extended time; after care and discharge planning. These amendments also authorize the Office of Children and Family Services (the Office) to issue waivers of regulatory provisions in this new Part and detail the standards required to request, approve and extend a waiver.

The proposed addition of a new Part 440 to 18 NYCRR establishes the health, safety and programmatic standards for the issuance of an operating certificate, and continued operation of programs for youth who have been or are at-risk of sex trafficking. These amendments authorize the Office to issue waivers of regulatory provisions in this new Part and detail the standards required to request, approve, and extend a waiver.

The proposed amendment of 18 NYCRR 441.2 adds various new definitions of terms that are used throughout the regulatory package.

The proposed amendment of 18 NYCRR 441.4 clarifies the policies and manuals required to be maintained by voluntary foster care agencies and which are subject to approval by the Office under Article 3 of Volume B of 18 NYCRR.

The proposed amendment of 18 NYCRR 441.21 specifies the case work contact requirements that must be met when a youth in foster care is a parent and is caring for their child while in foster care.

The proposed amendment of 18 NYCRR 441.24 amends the non-discrimination requirements for foster care to be inclusive of family members that may be served by the agency.

The proposed addition of a new 18 NYCRR 441.26 authorizes the Office to issue waivers of regulatory provisions contained in Article 3 of Volume B of 18 NYCRR, and includes the standards for request, approval, and extension of a waiver.

The proposed amendment to 18 NYCRR 442.17 changes the name of “mother and baby facilities” to the gender-neutral term “parenting facilities” (that also encompasses fathers). This proposed amendment makes conforming changes to terms and clarifies requirements regarding health and safety for such programs.

The proposed amendment to 18 NYCRR 442.21 requires that institutional programs licensed by the Office under Part 442 that are serving youth in foster care that are a parent and caring for their child(ren) who are placed with them in the institution, have access to a pediatrician and that the required nursing staff that is trained in CPR also be trained in infant CPR.

The proposed amendment to 18 NYCRR 442.25 repeals the existing provisions that authorize the Office to issue an exception to specified regulatory provisions and replaces such provisions with language that allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 442.

The proposed addition of a new section 18 NYCRR 442.26 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as an institution by the Office in accordance with Part 442.

The proposed amendment to 18 NYCRR 447.2 makes changes regarding the health, safety and programmatic requirements for agency boarding homes licensed by the Office under 18 NYCRR Part 447 regarding when the agency boarding home is providing residential care to youth in foster care that is a parent and caring for their child(ren) who are placed with them in the agency boarding home.

The proposed addition of a new section 18 NYCRR 447.10 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as an agency board home by the Office in accordance with Part 447.

The proposed addition of a new section 18 NYCRR 447.11 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 447 pertaining to agency boarding homes.

The proposed amendment to 18 NYCRR 448.3 makes changes regarding the health, safety and programmatic requirements for group homes licensed by the Office under 18 NYCRR Part 448 regarding when a group home is caring for youth in foster care that is a parent and caring for their child(ren) who are placed with them in the group home.

The proposed amendments to 18 NYCRR 448.9 extends regulatory requirements for additional safety precautions that group homes must take with children with special needs cared for in the

group home to also apply to a child of a youth in foster care who is being cared for in the group home.

The proposed addition of a new section 18 NYCRR 448.11 provides health, safety and programmatic standards for the issuance of an operating certificate and continued operation of a program as a specialized program to serve prenatal, postpartum or parenting youth in facilities that are licensed as a group home by the Office in accordance with Part 448.

The proposed addition of a new section 18 NYCRR 447.12 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 447 pertaining to group homes.

The proposed amendment to the name of 18 NYCRR Part 449 expands the coverage of the Part from supervised independent living programs (SILPs) to cover the supervised setting programs that are a QRTP exception and that which include, among other things, SILPs.

The proposed amendments to 18 NYCRR 449.1 amend definitions for supervised settings to include new terms and to clarify that individuals over the age of 18 may be served in a supervised setting program.

The proposed amendments to 18 NYCRR 449.2 clarify the application process and conditions for approval by the Office for a program to operate as a supervised setting.

The proposed amendments to 18 NYCRR 449.3 clarify the conditions for operation of a supervised setting program.

The proposed amendments to 18 NYCRR 449.4 clarify the requirements of this section apply to supervised settings and not just SILPs. Additionally, these amendments provide the staffing and health and safety requirements for supervised settings.

The proposed amendments to 18 NYCRR 449.6 clarify the record keeping requirements for supervised settings.

The proposed amendment to 18 NYCRR 449.7 allows the Office to grant, deny or extend a waiver of a regulatory provision contained in 18 NYCRR Part 449 pertaining to supervised settings.

The proposed amendment to 18 NYCRR 449.8 applies the existing provisions for discontinuance of a SILP by the Office to supervised settings.

The proposed amendment to 18 NYCRR 628.3 authorizes but does not mandate reimbursement to a program for youth who have been or are at risk of sex trafficking that has been approved by the Office pursuant to 18 NYCRR Part 440 for youth who have run away from such program and who have been absent between 7-14 days.