

Reducing Workload Draft Regulatory Amendments

Subdivision (c) of section 443.2 of Title 18 NYCRR is amended by adding a new paragraph (8) to read as follows:

(8) Foster Family Boarding Home Applicants with Approved Adoptive Home Studies. Authorized agencies may use relevant and timely information from a previously approved adoptive home study completed in accordance with Part 421 of this Title to assist in completion of the foster family boarding home study. Information from a previous adoptive home study does not automatically satisfy the requirements for a foster family boarding home study. Any additional or differing requirements pursuant to Part 443 of this Title and any other standards prescribed by the Office of Children and Family Services for foster family boarding home certification or approval must be met. Authorized agencies that use information from a previously approved adoptive home study must do so by taking the following steps:

(i) review the information about the family obtained in the approved adoptive home study that is available to the agency staff conducting the foster family boarding home study;

(ii) identify any information that does not meet the standards of Part 443 of this Title or any standards prescribed by the Office of Children and Family Services;

(iii) identify any information needed for a foster family boarding home study that is lacking or information from the adoptive home study which is no longer accurate;

(iv) identify areas including family functioning that may need further exploration or strengthening;

(v) clarify for the applicant the difference between adoption and foster care including, but not limited to, those related to subsidies; and

(vi) conduct a foster family boarding home study process that:

(a) does not repeat information gathering activities with regard to information already available;

(b) obtains additional or updated information including obtaining the results of any criminal history record check completed on the applicant and each person over the age of 18 currently residing in the home of the applicant in accordance with section 427.27 of this Title, conducting a state criminal history record check through the Division of Criminal Justice Services on any person over the age of 18 in the home who has not previously had such a state criminal history check, and conducting a national criminal history record check through the Federal Bureau of Investigation on the applicant and each person over the age of 18 currently residing in the home of the applicant;

(c) focuses on areas needing further exploration or strengthening;

(d) includes inquiring of the Office of Children and Family Services whether an applicant or other person over the age of 18 who resides in the home of the applicant is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment, in accordance with paragraph (7) of subdivision (b) of this section, and, if the applicant or other person over the age of 18 who resides in the home of the applicant resided in another state at any time during the five years preceding the application made pursuant to this section, includes inquiring of the applicable child welfare

agency in each such state for child abuse and maltreatment information maintained by that state's child abuse and maltreatment registry, in accordance with paragraph (7) of subdivision (b) of this section; and

- (e) includes inquiring of the Justice Center for the Protection of People with Special Needs whether an applicant or other person over the age of 18 who resides in the home of the applicant is listed on the register of substantiated category one cases of abuse or neglect maintained by the Justice Center for the Protection of People with Special Needs, in accordance with paragraph (7) of subdivision (b) of this section.

Paragraphs (4) and (7) of subdivision (a) of section 443.3 of 18 NYCRR are amended to read as follows:

(4) [Separate bedrooms are required for children of the opposite sex over seven years of age, unless the children are siblings or half siblings sharing the same bedroom and the alternative sleeping arrangement is consistent with the health, safety, and welfare of each of the siblings or half-siblings and is necessary to keep the siblings or half siblings placed together in the same foster home.] Sleeping arrangements should be age and developmentally appropriate for all the children placed in the home. Further, sleeping arrangements, including those that involve room sharing with any other child or adult, must be consistent with the health, safety, welfare and in the best interests of the children placed in the home.

(7) [No child above the age of three years may sleep in the same room with an adult of the opposite sex.] Children must not sleep together in the same bed as an adult.

Paragraphs (1), (2) and (3) of subdivision (h) of section 443.7 of 18 NYCRR are amended to read as follow:

(h) Continued placement.

(1) An emergency relative foster home approved on an emergency expedited basis for 90 days in accordance with this section may continue to provide foster care beyond the 90th day of approval as an emergency relative foster home when the foster parent has otherwise satisfied all of the requirements for final approval as an approved foster home except for: (i) the completion of the Statewide Central Register of Child Abuse and Maltreatment database check process in accordance with section 443.2 of this Part;[,] or (ii) the completion of the process to check the Justice Center's register of substantiated Category one cases of abuse or neglect maintained by the Justice Center for the Protection of People with Special Needs in accordance with section 443.2 of this Part, or (iii) the completion of the criminal history record check process in accordance with section 443.8 of this Part where the approved emergency relative foster parent has otherwise complied with the requirements of subdivisions (e) and (f) of this section, or (iv) the submission of a completed medical report form required by section 443.2 of this Part if the authorized agency determines that barriers exist to timely submission of such completed form and the emergency relative foster parent is making reasonable efforts to overcome those barriers, with the assistance of the authorized agency, if necessary and practicable.

(2) Such approved emergency relative foster parent may continue to provide foster care until the completion of the Statewide Central Register of Child Abuse and Maltreatment check process as set forth in section 443.2 of this Part, the check of the Justice Center's register of substantiated Category one cases of abuse or neglect as set forth in section 443.2 of this Part [and], the criminal history record check process as set forth in section 443.8 of this Part, and submission of a

completed medical report form as set forth in section 443.2 of this Part, or unless the approval is otherwise revoked by the authorized agency for cause in accordance with this Part.

(3) Upon receipt of the result(s) of the Statewide Central Register of Child Abuse and Maltreatment and the criminal history record check(s) from the Office of Children and Family Services, [and] the check of the register of substantiated category one cases of abuse or neglect from the Justice Center for the Protection of People with Special Needs, and submission of a completed medical report form as set forth in section 443.2 of this Part, the authorized agency must make a decision whether to grant final approval of such emergency foster parent within 60 days of the receipt of such results. If, once the Statewide Central Register of Child Abuse and Maltreatment database check process, the Justice Center's register of substantiated category one cases of abuse or neglect check process, [and] criminal history record check process are completed, a completed medical report form as set forth in section 443.2 of this Part is submitted, and the authorized agency determines that the home should continue to be approved, a final approval must be issued for the home.