

Regulatory Flexibility Analysis for Small Businesses and Local Governments

1. Effect on Small Businesses and Local Governments

Small businesses (other than voluntary authorized agencies [VAs]) and local government (other than local department of social services [LDSSs]) are not impacted by this rule. This rule affords LDSSs additional opportunities to utilize kinship foster homes through expanded waiver authority. Depending on the county, the LDSS or VA may approve foster homes. Therefore, this rule could impact the LDSS or VA depending on their role in approving foster homes. A subset of additional kinship foster homes would include children who may not otherwise be in foster care; this number is expected to be minimal and would impact the LDSS by placing additional children in the custody of the LDSS. Another subset of additional kinship foster homes would include children who may otherwise be placed in a non-kinship foster home or a congregate care placement. This would have a positive impact on LDSSs by preserving capacity in such foster care settings.

2. Compliance Requirements:

The proposed regulations would expand the ability for the LDSS to issue waivers for non-safety, non-statutory regulatory requirements for approving foster homes. Currently, waiver authority is only permitted for relatives within the third degree of consanguinity to the child. The proposed regulation would expand such waiver authority to include any relative and persons with a positive relationship to the child or child's family. The current process, which requires documentation and approval of the waiver by the LDSS, would continue to be followed.

3. Professional Services:

These proposed regulations would not create the need for additional professional services.

4. Compliance Costs

The implementation of emergency and proposed regulations will not result in costs to VAs or LDSSs. The proposed rules do not impose any new mandates. The proposed rules create the opportunity for additional kinship foster homes and an opportunity to reduce congregate care placements; therefore, any impact would be cost neutral.

5. Economic and Technological Feasibility:

These proposed regulations would not have an adverse economic impact on LDSSs and would not require the hiring of additional staff.

6. Minimizing Adverse Impact:

It is not anticipated that the proposed regulations would result in an adverse impact on local government agencies or small businesses.

7. Small Business and Local Government Participation:

The New York State Office of Children and Family Services has been soliciting feedback and providing guidance statewide on strategies for increasing kinship foster care. This includes hosting a monthly statewide implementation meeting for the Family First Prevention Services Act, providing technical assistance to LDSSs and VAs, and collaborating with consultants to identify barriers and strategies to kinship care.

8. For rules that either establish or modify a violation or penalty

The proposed regulations would not establish or modify an existing violation or penalty.