

## Summary of Assessment of Public Comment

This summary of the assessment responds to comments received by the Office of Children and Family Services (OCFS) on proposed regulations adding Part 444 of Title 18 of the New York State of Codes, Rules and Regulations. The Notice of Proposed Rule Making was published in the State Register issued on July 7, 2021.

OCFS received 85 comments, during the public comment period, which ended on August 21, 2021. Comments were received from: New York State Unified Court System - Family Court Advisory and Rules Committee, New York State Permanent Judicial Commission on Justice for Children, New York State Kinship Navigator, New York State Bar Association, Unified Court System of New York City Family Court, Statewide Committee on Attorneys for Children, New York State Unified Court System – Commission on Parental Legal Representation, Chief Defenders Association of New York, New York State Defenders Association, Inc., Rise, Redlich Horwitz Foundation, Lawyers for Children, Legal Services of Hudson Valley, The Legal Aid Society Juvenile Rights, and a joint response from the Brooklyn Defender Services, the Bronx Defenders, the Center for Family Representation, and the Neighborhood Defender Services of Harlem, the New York City Administration for Children’s Services, Safe Families for Children, Restore, AVAIL, Mont Lawn City Camp and Summer Camp, Women in Need, Inc., Hope for New York, volunteers currently involved in host family home programs in other states, parents, persons interesting in volunteering in a host family home program in New York, staff and members from houses of worship, a small business owner, a former Alaska State Senator, a public school teacher, and a licensed practicing family physician. Many included comments on more than one provision of the proposed regulations. Comments were reviewed and considered by OCFS and addressed in this assessment.

The comments fall into the following topic areas: the need for this type of community-based preventive services, concern with creation of a “quasi-foster care system”, legal representation of the child and parent, youth voice, court oversight, application of section 5-1551 of the General Obligations Law (GOL), compliance with the federal Indian Child Welfare Act, application of section 384-a of the Social Services Law (SSL) voluntary placement agreements, fiscal impact, conflict with state statutes, kinship and sibling placements issues, program monitoring, educational stability, visitation, non-custodial parent issues, services to the parents and child, child’s rights, disproportionate impact on poor families of color, financial responsibility for care,

host family home agency/child contacts, interstate placements, extension of placement, reunification of child with parent, serving LGBTQA+ youth, adequacy of host family and staff training and additional public input.

OCFS received comments from individuals and community groups who strongly supported the revised proposed regulations and who referenced the success of similar host family home programs in other states.

OCFS also received several comments objecting to the revised proposed regulations on a variety of grounds including that the revised proposed regulations created a quasi-foster care system, the lack of assigned counsel, objection to the use of the person in parental relation set forth in Article 15-A of the General Obligations Law, lack of necessity for the program, and others. Each category of comment is addressed in detail in the full Assessment of Public Comment.

OCFS is not amending the proposed regulations in response to these comments.