



To: New York State Department of State – Division of Administrative Rules
From: Nicholas Steinbock-Pratt, Deputy Counsel
Date: January 3, 2025
Re: OCFS 2025 Regulatory Agenda

Pursuant to section 202-d of the State Administrative Procedure Act (SAPA), the Office of Children and Family Services (OCFS) presents its regulatory agenda for 2025. OCFS reserves the right to add, delete, or modify, without further notice except as required by SAPA, any item or information herein relating to its 2025 regulatory agenda. Section 202-d of SAPA does not preclude OCFS from proposing for adoption a regulation that is not described in this agenda, nor does it require OCFS to propose for adoption a regulation that is described in this agenda.

Repeal and replace Part 180 of Title 9 of the NYCRR to update juvenile detention regulations. The new Part 180 will have five Subparts.

- Subpart 180-1 will define the responsibilities and functions of county detention-administering agencies.
- Subpart 180-2 will implement uniform standards and procedures for the establishment and operation of non-secure detention facilities.
- Subpart 180-3 will implement uniform standards and procedures for the establishment and operation of secure detention facilities with limited certification.
- Subpart 180-4 will implement uniform standards and procedures for the establishment and operation of secure and specialized secure detention facilities.
- Subpart 180-5 will implement the procedures for enforcement revocation and suspension of a detention facility operating certificate issued by OCFS.

Repeal and replace Part 182 of Title 9 of the NYCRR to update runaway and homeless youth program regulations. The new Part 182 will have eight Subparts.

- Subpart 182-1 will establish general standards applicable to all runaway and homeless youth programs.
- Subpart 182-2 will establish standards and procedures for crisis services shelters.
- Subpart 182-3 will establish standards and procedures for family support programs.
- Subpart 182-4 will establish standards and procedures for transitional independent living support programs—group residences.
- Subpart 182-5 will establish standards and procedures for transitional independent living support programs—supported residences.
- Subpart 182-6 will establish standards and procedures for programs serving parenting youth and dependent children.
- Subpart 182-7 will establish standards and procedures for non-residential runaway and homeless youth programs.
- Subpart 182-8 will establish standards and procedures for administration of runaway and homeless youth programs.

Amendment of Parts 311, 358-3, 404, and 415 of Title 18 of the NYCRR related to the administration of the child care assistance program. These changes will clarify existing regulations, support efficient payment practices, implement and expand upon statutory requirements, and strengthen standards related to health and safety for children in care.

Amendment of Parts 414, 416, 417, and 418 of Title 18 of the NYCRR to update health and safety standards and staff qualification and training requirements.

Amendment of Part 422 of Title 18 of the NYCRR related to eliminating the requirement of child support payments for biological parents of children who have been placed in foster care.

Amendment of Parts 421, 427, 435, and 436 of Title 18 of the NYCRR to establish an extraordinary rate for foster care and to make other technical amendments.

Amendment of Part 441 of Title 18 of the NYCRR to comply with the new Federal rule (88 FR 66752 / 45 CFR 1355) that requires Title IV-B/IV-E agencies to ensure a Designated Placement is available for all children in foster care who identify as LGBTQIA+, establish a process for children in foster care to request a Designated Placement, and specify requirements for case planning and case reviews for such children.

Amendment to Part 443 of Title 18 of the NYCRR to establish standards for the approval of kinship foster homes that are more flexible and separate from the standards for certification of non-kinship foster homes, as authorized by Federal law (88 FR 66700 / 45 CFR 1355 and 1356).

Amendment of Parts 442.18, 447.2, 448.3, and 449.4 of Title 18 of the NYCRR related to the administration of child abuse and neglect registry checks and criminal records checks for staff of child care institutions (CCI). These amendments will specify that all staff, regardless of their contact with children, are subject to the background check requirements when working in a CCI. These changes are made in accordance with amendments made to Section 471(a)(20) of the Social Security Act (42 U.S.C. § 671(a)(20)), which requires that Title IV-E agencies complete fingerprint-based criminal records checks of national crime information databases and child abuse registry checks on any adult working in a CCI.

Amendment to Part 430.12 of Title 18 of the NYCRR to provide greater clarity and specificity for permanency planning requirements for youth in foster care, with a focus on permanency planning for youth with a goal of Another Planned Permanent Living Arrangement with a permanency resource (APPLA).

Any questions, comments, or requests for information concerning the items listed in this agenda may be referred to Nicholas Steinbock-Pratt, Deputy Counsel, Office of Children and Family Services, 52 Washington Street, Rensselaer, NY 12144. Telephone: (518) 473-3226. Email: regcomments@ocfs.ny.gov. This agenda may also be accessed on OCFS's website at: <https://ocfs.ny.gov/main/legal/Regulatory/>.