

Regulatory Impact Statement

1. **Statutory authority:** *(Explain the rationale used by your agency to determine that the statutory authority authorize the rule.)*

The Office of Children and Family Services (OCFS) has the authority to regulate adoption and foster care home studies and residential foster care programs, including group homes and child caring institutions through Social Services Law sections: 20, 34, 372-b, 374-c, 378 and 462; and Executive Law sections 500 and 501.

2. **Legislative objectives:** *(Explain how the proposal accords with the public policy objectives the Legislature sought to advance by enacting the statutory authority.)*

These regulatory changes relate specifically to the health, safety and general welfare of children who are adopted or in foster care settings overseen by OCFS.

3. **Needs and benefits:** *(Explain the purpose of, the necessity for, and benefits derived from the rule. A citation and summary, not to exceed 500 words, for each scientific or statistical study, report or analysis that served as the basis for the rule, an explanation of how it was used to determine the necessity for and benefits derived from the rule, and the name of the person that produced each study, report or analysis.)*

The purpose of this rule is to modernize the requirements for medical reviews that are a condition precedent for the approval of adoptive parents, certification, approval and renewal of foster homes and for initial and continued employment in certain residential foster care programs so that the required standards not act as a barrier to foster care placements, adoptive placements or certain individuals employed by public or non-profit entities licensed by OCFS to provide residential services to foster children as child caring institutions or group homes. Instead, the rule enacts a new standard that is based on what poses a health and safety risk to children based on an assessment by a qualified and licensed medical professional.

These changes standardize the requirements for the medical evaluations to determine physical and mental fitness for an individual to care for children in connection to adoption home studies, foster home certification, approval and renewal and evaluation for initial and continuing employment for child caring institutions and group homes and are aligned with the regulatory requirements used to determine physical and mental fitness for persons to act as non-residential childcare providers in New York State.

4. **Costs:** *(A statement detailing the projected costs of the rule, including responses to a, b and c; or d: a. costs to regulated parties for the implementation of and continuing compliance with the rule; b. costs to agency, the state and local governments for the implementation and continuation of the rule; and c. the information, including the source(s) of such information and the methodology upon which the cost analysis is based; OR d. where an agency finds that it cannot fully provide a statement of costs, a statement setting forth the agency's best estimate, which shall indicate the information and methodology upon which the estimate is based and the reason(s) why a complete cost statement cannot be provided.)*

There are no anticipated costs associated with this rule.

5. Local government mandates: *(Describe any program, service, duty or responsibility imposed by the rule upon any county, city, town, village, school district, fire district or other special district.)*

This change enacts no new mandates on local governments. Instead, this regulatory package will simplify requirement local departments of social services must navigate in relation to adoptive parent approval and foster home certification, approval and renewal.

6. Paperwork: *(Describe the need for any reporting requirements, including forms and other paperwork that would be required as a result of the rule.)*

The rule does not create any additional Paperwork requirements. The current OCFS medical report form will be revised to reflect the changes enacted by the rule.

7. Duplication: *(Identify relevant rules and other legal requirements of the state and federal governments, including those that may duplicate, overlap or conflict with the rule. Identify efforts agency has or will undertake to resolve or minimize the impact of any duplication, overlap or conflict on regulated persons, including but not limited to seeking waivers or amendments of or exemptions from such other rules or legal requirements, or entering into a memorandum of understanding or other agreement regarding same.)*

No duplication of requirements is associated with this rule.

8. Alternatives: *(Describe any significant alternative proposals that were given consideration before deciding on the final proposal and for each alternative, explain way the alternatives were rejected in favor of this proposal. If there were no significant alternatives to be considered, state that fact.)*

No significant other proposals were considered.

9. Federal standards: *(Identify whether the rule exceeds any minimum standards of the federal government for the same or similar subject areas and, if so, provide an explanation of why the rule exceeds such standards.)*

While there are federal requirements relating to background clearances for adoptive families, foster homes and employees of residential foster care programs for children, regulations and standards for determining fitness of individuals to care for children based on their health is left to the states.

10. Compliance schedule: *(Indicate the estimated period of time needed to enable regulated persons to achieve compliance with the rule.)*

As this rule simplifies existing regulatory requirements, it is estimated that compliance can be achieved immediately.