

Administrative Adjudication Report
of the
New York State Department of Social Services
Division of Legal Affairs
Office of Administrative Hearings

Pursuant to Executive Order No. 131 issued by Governor Mario Cuomo on December 4, 1989, each agency is required to publish a report that sets forth the steps taken by the agency to comply with the Order. The previous report, for the period ending November 30, 1990, detailed the initial steps taken to comply with the Order, including changes in organizational structure, Department regulations and practices, and hearing procedures. Those provisions remain in effect.

In the Plan, the Department indicated that it would develop regulations describing the applicable procedures in certain areas as required by the Order, Section III, B, 5. The Department is presently engaged in developing regulations in the following areas:

1. Procedures for conducting hearings concerning residential programs for adults. These regulations are being reviewed by staff of the Department.

2. Procedures for conducting hearings which are requested by families which are discharged involuntarily from shelters for homeless families. These regulations were published in the New York State Register on April 22, 1992.

The Department also is considering developing regulations which would establish procedures for conducting hearings to contest certain sanctions against social services districts which fail to comply with the statutory and regulatory requirements for providing foster care and preventive services to children and families.

The Order (Section V) requires that this report include "statistics on Article 78 proceedings brought against the agency, including the outcome of such proceedings and the reasons for any reversal or modification of an agency determination." In order to establish a consistent reporting period for future reports, the following statistics on Article 78 proceedings are from the period commencing July 1, 1990, through June 30, 1992:

Cases Opened:	303
Cases Closed:	207

The closed cases resulted in the following outcomes:

Stipulations of Settlements:	112
Decisions Favorable to the Department:	56
Withdrawn or Abandoned by Petitioner:	21
Decisions Adverse to the Department:	18

Reasons for Adverse Decisions:

Mistake of Law as Applied to Facts:	11
Record Deficient:	7