
NEW YORK STATE REGISTER

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State agencies must specify in each notice the last date on which they will accept public comment. Agencies always accept public comment for a minimum of 45 days following publication in the *Register* of a Notice of Proposed Rule Making, and for 30 days after publication of a Notice of Revised Rule Making. When a public hearing is required by statute, the hearing cannot be held until 45 days after publication of the notice; and comment must be accepted for at least five days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies accept comment through close of business on the next succeeding workday.

For notices published in this issue:

- the 45-day period expires on Saturday, February 4, 1995
- the 30-day period expires on Friday, January 20, 1995

**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 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 in 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. On March 31, 1994, the Department adopted regulations which streamlined the administrative hearing process concerning residential programs for adults. Those regulations became effective on October 1, 1994. In addition, on May 27, 1994, the Department adopted regulations which ensure that hearings conducted by Tier II family shelter operators are conducted in a uniform and appropriate manner, consistent with residents' rights to fair and impartial review of determinations to discharge the residents involuntarily.

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." The following statistics on Article 78 proceedings are from the period commencing July 1, 1992 through June 30, 1994:

Cases Opened:	567
Cases Closed:	296

The closed cases resulted in the following outcomes:

Stipulations of Settlement:	136
Decisions Favorable to the Department:	112
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