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DEPARTMENT OF STATE  
Division of Administrative Rules

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**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, April 12, 2003
- the 30-day period expires on Friday, March 28, 2003

# ADJUDICATORY REPORTS

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Office of Children and Family Services  
Division of Legal Affairs  
Bureau of Special Fair Hearings

Pursuant to Executive Order No. 131 issued 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 of the former Department of Social Services, an Office of Children and Family Services' predecessor agency, detailed the initial steps taken to comply with the Order, including changes in organizational structure, office regulations and practices and in hearing procedures. Those provisions substantially continue to be in effect and applicable to the Office of Children and Family Services.

The Order requires that the 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 January 1, 2001 to December, 25, 2002:

Cases Opened: 30  
Cases Closed: 16  
Stipulation of Settlement: 6  
Decisions Favorable to the office: 4  
Withdrawn or abandoned by petitioner: 2  
Decisions adverse to the office: 4  
Reasons –  
Mistake of law as applied to facts:  
Record deficient (no substantial evidence): 4