



Office of Children and Family Services

ANDREW M. CUOMO
Governor

SHEILA J. POOLE
Commissioner

NYS Office of Children and Family Services Guidance on Regulatory Relief Related to COVID-19

Runaway and homeless youth (RHY) regulations create universal standards that protect the health and safety of youth in certified residential programs (9 NYCRR 182-1 and 9 NYCRR 182-2). They address a wide range of subjects, including physical space and programmatic requirements.

Due to the novel coronavirus, COVID-19, programs may need to take extra precautions and make unique exceptions to best protect the health and safety of youth in their care and community. On March 17th, OCFS issued guidance to RHY programs restricting in-person visitation to specified family members, medical personnel, and behavioral health specialists. On March 18th, OCFS issued guidance to RHY programs concerning quarantine and isolation. The requirements in these documents remain in effect until further notice.

During this pandemic, there may be unique circumstances that universal guidance cannot address, including:

- Increased local demand for residential RHY services
- Decreased bed availability/need to relocate, isolate, or quarantine one or more youth
- Decrease in available staffing to safely supervise youth in the program
- Increased demands on staff that result in delays of administrative tasks

In the circumstances listed above, programs may request regulatory relief from OCFS. Programs may request relief from one or more of the following regulatory requirements:

Regulation	To the extent that they	To allow
182-1.4(c)/182-2.4(b)	limit the programs to admit youth to the ages on the OCFS-issued operating certificate	programs certified for ages 16 through 20 to admit youth younger than 16 for more than 72 hours and/or programs to admit homeless young adults through the age of 24 when approved in the most current approved Child and Family Services Plan (CFSP)
182-1.4(d)/182-2.4(c)	limit the programs maximum bed capacity to the number of beds on the OCFS-issued operating certificate	programs to operate over their certified capacity
182-1.5(f)/182-2.5(f)	require 40 hours of training per staff annually	staff additional time to complete mandatory trainings (note that the requirement for each staff to receive training in the specific content areas defined in the regulation <i>cannot</i> be waived)
182-1.10(a)(3)/182-2.10(a)(3)(i)	require RHY programs to maintain distinct program spaces by program model and/or require distinct program staff	the commingling of runaway and homeless youth crisis services and transitional independent living support programs and/or

		staff from certified residential RHY programs to provide coverage for other certified RHY programs
182-1.10(b)(3)/182-2.10(b)	limit bedroom accommodations based on square footage and/or limit the number of youth that can sleep in a single bedroom and/or require each youth be provided with a bed	programs flexibility with sleeping space in the event youth need to be isolated, quarantined, or temporarily relocated and/or for youth to sleep on couches, cots, air mattresses, or other suitable alternatives to a bed in the event youth need to be isolated, quarantined, or temporarily relocated

To seek a variance, the program must immediately notify OCFS by sending the appended form, signed by the Executive Director of the program’s administering agency, to RHY@ocfs.ny.gov. The plan described in the form must account for how health and safety will be monitored and maintained should the request be approved. Note that approval may require an inspection from the OCFS Regional Office; this inspection may be conducted virtually/through video conferencing.

Please email any questions to RHY@ocfs.ny.gov or contact Madeline Hehir, Director, Bureau of Health and Well-Being at 518-514-8182.