

EMERGENCY JUSTIFICATION

The adoption of these regulations on an emergency basis is necessary to protect the health, safety and welfare of children in New York State. Chapter 810 of the Laws of 2021, as amended by Chapter 38 of the Laws of 2022, raised the lower age of juvenile delinquency to age 12 for most offenses and requires the Office of Children and Family Services (OCFS) to promulgate regulations to establish a differential response for those children for whom there is no longer jurisdiction under Article 3 of the Family Court Act. Each local department of social services is required to submit a differential response plan to OCFS for review and approval prior to December 29, 2022. These differential response programs are necessary to reduce the likelihood of interaction with the juvenile justice and child welfare systems in the future for eligible children.