

5 of 14 DOCUMENTS

NEW YORK STATE REGISTER

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SUBJECT: ADJUDICATORY REPORTS

AGENCY: OFFICE OF CHILDREN AND FAMILY SERVICES
DIVISION OF LEGAL AFFAIRS
BUREAU OF SPECIAL FAIR HEARINGS

2003-8 N.Y. St. Reg. 83

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Withdrawn or abandoned by petitioner: 2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