§ 398-c. Powers and duties of the commissioner in relation to children. 1. The commissioner shall determine whether a child, whose report is submitted to the department pursuant to subparagraph five of paragraph b of subdivision one of section forty-four hundred two of the education law or subdivision thirteen of section three hundred ninety-eight of this article, will likely need adult services and, if such need will likely exist, develop a recommendation of all appropriate programs authorized or operated by the department which may be available when the child attains the age of twenty-one. If necessary and appropriate, the commissioner may conduct an evaluation of the child to determine if adult services will be necessary. Such recommendation of all programs shall be made available to the parent or guardian of such child as soon as practicable but no later than six months before such child attains the age of twenty-one.

2. If the commissioner determines pursuant to subdivision one of this section, that such child will not require adult services, the commissioner shall notify the child's parent or guardian in writing of such determination. Such notice shall be given as soon as practicable but no later than six months before the child attains the age of twenty-one.

3. Notwithstanding subdivisions one and two of this section, the commissioner may determine that the department is not responsible for determining and recommending adult services for such child. When such a determination is made it shall be made as soon as practicable after receiving the report and the commissioner shall promptly notify in writing the committee on special education, multidisciplinary team or social services official who sent the report that such determination has been made. Such notice shall state the reasons for the determination and may recommend a state agency which may be responsible for determining and recommending adult services.

4. Nothing in this section shall be construed to create an entitlement to adult services.

5. A designee of the commissioner may carry out the functions of the

commissioner described in this section.