

MONROE COUNTY PINS SYSTEM REDESIGN

Executive Summary

The current system for serving Persons in Need of Supervision (PINS) and their families is costly, relies heavily on non-secure detention and Office of Children and Family Services (OCFS) residential care, does not provide immediate access to services, fails to empower families or involve them in the process of planning and does not adequately respond to their needs.

Specifically:

- The number of youth entering the PINS system and the number of PINS youth placed in residential care in Monroe County has continued to increase over the past 10 years and remains higher than comparable counties despite a full array of services.
- In 2001, the PINS age was raised from 16 to 18 thereby increasing the number of PINS referrals.
- Research demonstrates that children and families served through the PINS system often have significant unmet mental health needs.

New legislation passed as part of the 2005-06 State Budget and effective April 1, 2005 mandates immediate changes and enhancements to the PINS system. The legislation requires:

- Immediate access to services;
- Increased family involvement;
- More efforts to divert youth before they are referred to Family Court;
- Reduced use of Detention.

The County Executive appointed a planning group to address these issues and develop a plan that would offer a more effective, efficient, and cost effective PINS service system for Monroe County. With the assistance of the Vera Institute of Justice, the planning group reviewed national models and successful programs throughout New York State. The proposed recommendations, which are conservatively estimated to save the County 1.4 million dollars the first full year of operation, integrate these practices.

RECOMMENDATIONS FOR A NEW SYSTEM OF PINS SERVICES

- Create a County operated Family Access and Connection Team (FACT) to serve as the centralized entry point which offers immediate response, effective triage, family assessment, short-term care coordination and linkage to supports and services for families experiencing significant behavioral and emotional challenges with their children without court intervention.
- Create a runaway response model that partners with families to locate their youth who have run

away and offers community-based interventions, which assure safety, assesses the youth and family's needs and reunifies the family as quickly as possible.

- Create a mandatory family orientation/educational seminar for all parents and youth before a youth will be referred to the Probation Intake Team.
- Develop and enhance the array of community-based interventions and alternatives to non-secure detention and out-of-home placement including juvenile tracking, short-term respite, intensive supervision, Juvenile Reporting Center and electronic monitoring.
- Require that community-based alternatives continue to be used once a petition has been filed.
- Create and implement a PINS truancy protocol in collaboration with Monroe County school districts
- Require that community-based dispositions are tried and exhausted prior to seeking out-of-home placement.
- Contract with a community agency to provide transportation.

FUNDING

The County has applied for the limited new funding that is available through OCFS to support these efforts. However, reallocation of existing resources and redeployment of existing County staff will allow Monroe County to fully implement these recommendations, come into compliance with new legislative mandates and provide more appropriate, responsive and cost-effective services to Monroe County residents.

Funds currently used to purchase Non-secure detention, Enhanced Diversion Services Program and In Home Diversion Services will be reallocated to:

- Create FACT;
- Develop an array of alternatives to detention including juvenile tracking services;
- Develop short-term out-of-home respite services;
- Purchase evidence-based practices for the Juvenile Justice population such as Functional Family Therapy (FFT) and Multi-Systemic Therapy (MST).

Existing County staff from the Department of Human Services (Division of Social Services and Office of Mental Health) and the Probation Department will be reassigned to FACT.

By implementing the proposed recommendations services to PINS youth and their families be improved while savings to Monroe County are conservatively estimated at 1.4 million dollars the first full year of operation.

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I. Background

The current system for serving PINS (Persons in Need of Supervision) and their families is costly, relies too much on out-of-home placements in both non-secure detention and OCFS licensed residential facilities, does not allow for immediate access to services, does not sufficiently involve families in the process of problem-solving, and does not serve young people who need support and structure well. Four factors have pushed the issue of redesigning the PINS service system to the top of the agenda.

First, new legislation effective April, 2005 mandates immediate changes and enhancements to the PINS system. Chapter 57, of the Laws of 2005 (a summary of the Legislation is annexed as Appendix A) establishes new requirements concerning the provision of diversion services to prospective PINS (and their families) for the purpose of avoiding the need to file a petition or order the detention of a youth. This law resulted from both programmatic and fiscal considerations. Programmatic, there is little evidence that filing a PINS petition or detaining a youth results in better outcomes for the majority of PINS youth and their families, although these activities are warranted in limited circumstances. Fiscally it is clear that detention services are expensive and the use of alternatives such as respite and crisis counseling are less costly and more importantly may prevent expensive longer-term costs such as foster care. The new State legislation mandates changes in the PINS system including immediate 24-hour response to families in crisis, alternatives to non-secure detention, crisis intervention counseling/dispute resolution and residential respite. There is no longer any time limit for diversion services.

Second, despite Monroe County's full array of services available to at risk families, the number of youth entering the PINS system and the number of PINS youth placed in residential care remains higher than comparable counties and has continued to increase over the last 10 years. Figure 1 shows the number of PINS complaints, petitions, placements with DSS, and Probation Supervision cases from 1995 to 2004.

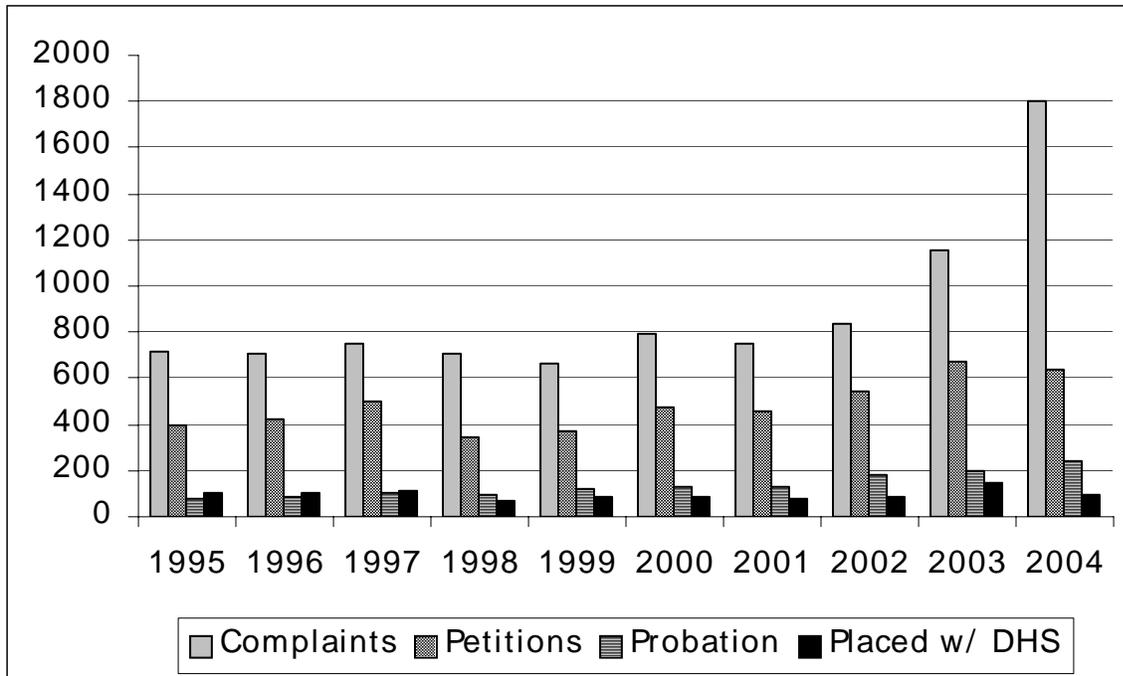


Figure 1

Third, in 2001 the New York State legislature raised the PINS age from sixteen to eighteen. Experts across the state predicted this would result in an increase in PINS intakes. Monroe County officials are concerned about the County’s ability to provide adequate services for the growing number of older youth entering the PINS system.

Fourth, research indicates that many youth enter the Juvenile Justice system as a result of other needs, most often mental health, not being adequately addressed. Specifically the National Mental Health Association has indicated that “...the prevalence [of mental health disorders] for youth in the juvenile justice system is as high as 60 percent.”¹

II. THE SUCCESS OF OTHER JURISDICTIONS

Supported by the NY State Office of Children and Family Services and at the request of the Monroe County leadership, in June 2004 the Vera Institute of Justice facilitated a two-day session (A list of participating organizations is annexed as Appendix B) to review and begin redesign of our PINS system. At the start of the session, County Executive Brooks charged the retreat participants with the task of developing a proposal to move the PINS reform process forward in Monroe County.

¹ Mental health Treatment for Youth in the Juvenile Justice System: A Compendium of Promising Practices. (2004) Alexandria, VA: National Mental Health Association., p.1.

Vera Associates presented compelling data regarding PINS reform from Cook County, Illinois, Erie County, New York and the Southwest Keys Programs (currently operational in Orange County, New York). Through the use of new response models, these localities have reduced the number of PINS petitions filed in court, reduced the number of children being placed in non-secure detention, provided timely and effective services to families and reduced costs to taxpayers. Highlights from these and other successful efforts in New York State follow:

Orange County implemented a new PINS system, which offers assessment and service planning for diversionary purposes within two to 48 hours of the initial call. Result: Within one year, PINS intake and supervision cases dropped by 43%, placements were reduced by 31%.

New York City implemented the Family Assessment Program (FAP), which incorporates immediate crisis response and diverts youth and families from Probation to Social Services. Result: In the initial six months, PINS intakes were reduced by 79%, PINS referrals to court declined 55% and placements declined by 21%.

Albany County began Juvenile Release under Supervision (JRUS) as an alternative to non-secure detention. Within the initial 10 months of operation, 61% of youth screened for JRUS were enrolled, 24% were released to a parent or guardian and only 14% were remanded to detention. Eighty-two percent (82%) of enrolled youth completed the program without being remanded to detention which yielded a savings to Albany County of nearly \$50,000. Reports indicate that new PINS initiatives have saved Albany County nearly \$1.5million.

Oswego County diverted youth from Probation to Social Services Preventive. The County reports reduction in PINS intakes by greater than 85% since 1998.

Certain trends emerge from these models. Innovative PINS programs involve:

- Single points of access;
- Immediate response and assessment by well-trained staff;
- Timely and seamless referrals to community-based service providers;
- Diminished court intervention.

Following the Vera retreat, a subcommittee was charged with the task of making a recommendation for the redesign of the Monroe County PINS system to the Monroe County Juvenile Justice Council. Dan

Ross, Former Director of Children and Family Services, Monroe County Department of Human Services and George Barrett, Former Assistant Administrator, Monroe County Office of Probation, co-chaired this subcommittee. Members of the Council, along with representatives from other key systems, participated in the review. (A list of representatives and participating organizations is annexed as Appendix C).

III. THE RE-DESIGNED PINS SYSTEM

The system being proposed includes:

- A new County operated assessment and referral process tightly linked with the mental health Single Point of Access (SPOA) which will provide immediate intervention for families experiencing significant emotional and behavioral challenges with their children;
- A new way to respond to the needs of youth who runaway and their families;
- Alternatives to detention;
- A cooperative effort with area school districts to develop and implement a truancy protocol;
- Continued emphasis on alternatives to placement for adjudicated youth;
- An improved way to transport youth to and from non-secure detention.

The model to be used for intervening with families will be the Child and Family Team (CFT) process that is currently being used in the Youth and Family Partnership (YFP) and the SPOA. The key elements of the redesigned system are discussed in the following sections.

A. FAMILY ACCESS AND CONNECTION TEAM (FACT)

Recommendation: Create a County operated Family Access and Connection Team (FACT) to provide assessment and triage of families seeking services from the PINS system, an aggressive approach to youth who have runaway, education of families about the PINS system and collaboration with school districts with regard to PINS truancy issues.

The Family Access and Connection Team (FACT) will provide immediate intervention, assessment and triage for families who are seeking services. FACT will provide a family assessment, short-term care coordination and referrals to service providers without the need for Family Court intervention. FACT will also offer an aggressive approach for youth who have runaway, education to families about the child-serving systems and PINS process and will collaborate with schools districts on truancy issues and other behavioral issues of their students.

A multi-disciplinary team from child welfare, probation and mental health will staff FACT. The FACT multi-disciplinary team will include employees from DHS, Probation, Office of Mental Health, and care

coordinators employed by Coordinated Care Services Inc. (CCSI). This cross-systems approach will allow for an assessment, which incorporates multiple perspectives and offers a more thorough understanding of all spheres of family functioning. It will also maximize the potential to identify and meet the family's needs. The cross-systemic staffing model also supports the intent of this redesign, which is to integrate care and offer alternative interventions as research has demonstrated that many young people enter the juvenile justice system due to other needs, most often mental health, not being adequately met. This cross-system contact point offers the opportunity to successfully divert youth from the Juvenile Justice system, provide a thorough assessment, offer a broader array of service options and ultimately improve outcomes. As it is the vision of the Monroe County leadership of the Social Services, Mental Health and Probation systems to create an integrated system of care for children and families, this movement towards centralization and simplification, will offer the first concrete step in that direction. Relatedly, the functions of the Office of Mental Health Single Point of Access (SPOA) will be integrated into FACT. The Children's Clinical Services Coordinator; an employee of the Monroe County Office of Mental Health will serve as a FACT supervisor and a team leader/coach. A DSS casework supervisor and a Probation supervisor will also serve as team leaders/coaches.

It is anticipated that FACT will handle approximately 3500 calls a year (see Appendix D for rationale). FACT will have an on-call capability available to families 24 hours per day, seven days per week. It will be expected to respond to FACT referrals within two to 48 hours as dictated by the need. Normal hours of operation will be 9:00 a.m. to 8:00 p.m. weekdays and 12:00 pm to 4:00 pm on Saturdays. FACT staff will provide on-call service from 8:00 pm to 12:00 pm on weekdays with contracted on-call services available from 12:00 am to 9:00 am weekdays and after regular business hours on weekends.

1. Assessment, Triage and Care Coordination

FACT will provide immediate response, assessment, and short-term care coordination for families experiencing significant behavioral or emotional challenges with their children.

Currently, Monroe County has multiple points of access for children's services. These include Probation Intake, Child Protective Services, SPOA, Lifeline and police agencies. Some of these points of access have limited ability to respond quickly with appropriate interventions for families in immediate need. The services received are often dependent upon the point of access and effectiveness may be diminished when services are needed from multiple systems. FACT will offer rapid response, assessment, short-term care coordination and runaway response services. Any parent, guardian, caretaker or relevant other who is experiencing significant emotional or behavioral challenges with a youth will be directed to FACT.

FACT will be responsible for assessing; triaging and linking callers to an appropriate resource or for providing assessment, short-term care coordination and linkages to appropriate natural supports and service providers. For callers seeking immediate access to Family Court, FACT will provide an explanation of the new PINS process. If the caller's needs can be met through another community service provider, the caller will be referred to that community agency or service. If the caller needs immediate intervention, FACT will determine if the situation needs the immediate attention of the YES Mobile Crisis Team, FACT or another resource.

Upon referral to FACT, staff will develop a crisis plan if necessary and complete an assessment of child and family functioning, including identification of strengths and needs and appropriate screening instruments (e.g. YASI) if indicated. Through the cross-disciplinary staffing model presenting situations will be viewed through a variety of lenses thereby offering a more thorough understanding of all spheres of family functioning and of the potential options to meet identified needs.

The family, in partnership with FACT, will use the assessment to develop an initial plan of care, which will include referrals to appropriate community-based services and supports. The initial plan of care will serve as a foundation and will be built upon by the supports and providers with whom the family is linked. FACT will generally complete this assessment and begin implementation of the plan of care within four weeks, but may remain involved longer if necessary to assure that the initial plan of care has been implemented. FACT will have access to a pool of flexible service dollars to purchase necessary individualized services that have been identified through the plan development process.

2. Plan for Youth Who Have Runaway

FACT will provide interventions for youth who have runaway that emphasize a partnership with parents and provide immediate efforts to locate the child, offer community-based intervention that ensures safety, responds to the underlying needs and is committed to reunify the family as quickly as possible.

FACT staff will be available to work with youth who have runaway. When FACT receives a call about a youth who has runaway it will refer the caller to the appropriate police agency to file a missing person report. FACT and the police will work closely to determine the possible whereabouts of the youth, locate the youth, make a plan to house the youth in a safe setting, attempt to establish the cause for the runaway behavior and assess whether it is safe for the youth to return home. FACT's efforts will be focused on returning the youth to the family as soon as it is safe to do so.

Once located, if the youth refuses to participate with FACT's efforts to secure safe housing, the parent will be encouraged to file for a PINS warrant. This should only occur when the youth is at serious risk of harm due to the runaway behavior. When the youth is brought to Family Court to answer the PINS warrant, the Family Court Judge will be asked to consider referring the youth and family back to FACT if the youth agrees. FACT and Probation will also explore and propose to the court alternatives to non-secure detention and out-of-home placement for the youth.

3. Family Orientation Seminar

FACT will provide a regularly scheduled family orientation/educational seminar for all parents and youth before a youth will be referred to the Probation Intake Team.

Families are often unaware of all the consequences of filing a PINS petition, including the potential loss of their ability to make decisions regarding their child. One-session seminars will be coordinated by FACT to help families better understand the PINS process and outcomes. The seminars will be offered bi-weekly and will be presented by representatives from Probation, DHS, and families with past involvement with the PINS system. A Child Support Enforcement (CSEU) representative will be available to discuss the financial implications to the family of out-of-home placement to the family. This will be a necessary step for families prior to filing a PINS petition. Youth will be expected to participate in this process however; FACT will continue to work with the family if the youth does not. If FACT efforts do not meet the identified needs of the family, FACT may refer the family to Probation Intake for more intensive intervention.

4. PINS Truancy Complaints

FACT will work collaboratively with the Monroe County school districts to create and implement a PINS truancy protocol, which assures that sufficient efforts are made to address truancy issues at the school level prior to referral to FACT.

Fifty percent of all PINS complaints filed in Monroe County are truancy complaints. Jurisdictions that have worked collaboratively with school districts to address PINS issues and have implemented truancy protocols have successfully reduced the number of truancy petitions and have created more effective methods of response. The new PINS legislation mandates the development of a truancy protocol.

Within FACT a specific position will be designated as the School District Liaison to serve as a resource to school districts to review referral forms, provide consultation and support and determine if sufficient

intervention efforts have been made. This FACT Liaison will convene Child and Family Teams when necessary. FACT staff will be available to consult with school districts with regard to a particular youth's truancy issues. When sufficient efforts have been made by the school district to address the truancy issues FACT will initiate its process to develop a family assessment and short-term care coordination plan. This will be a collaborative effort between the school districts and FACT.

The truancy protocol will allow school districts to document the efforts they have made to address the truancy issues, which may include CSE referrals, school-based counseling, outreach to families and referrals for community services to address truancy issues at the school level prior to filing the PINS. This protocol will include the development of a standard referral form to FACT that documents the youth's school issues and the district's intervention efforts.

5. Location of FACT

The FACT proposes to offer rapid access to assessment, short-term care coordination and linkage for children with emotional and behavioral challenges and their families. Consistent with the creation of a community-based integrated or entry point, FACT must be housed in a community-based location that is distinct from the County and any one specific child-serving system. This is critical, as it will offer easier access for children and families while also serving to reduce the stigma typically associated with seeking services from the child-serving systems. Further, a community-based location is aligned with the concepts of family-driven and youth-guided care by offering supports and services in environments that are comfortable and welcoming to families. This is essential, as historically, these barriers have impeded access to care, particularly for families of color.

B. PROBATION PINS INTAKE

Recommendation: Create community-based interventions and alternatives to non-secure detention and out-of-home placements that can continue to be explored even after a PINS petition has been sought or filed.

A youth will be referred to Probation PINS Intake only after all other community-based efforts have failed to prevent the youth from continuing their PINS behaviors. FACT will provide Probation with the comprehensive family assessment and history of its interventions. Probation will use the assessment to determine if further diversion efforts are appropriate and make every effort to continue to adjust the case. FACT will arrange for any specialized evaluations necessary. If the family is willing, Probation can refer back to the FACT for further implementation of the care coordination plan.

Probation staff will remain available to the Family Court judges to assist in the alternatives to detention process for youth who have the possibility of being detained. Probation staff in Family Court will refer families, who appear there requesting PINS petitions, to FACT.

C. ALTERNATIVES TO DETENTION

Develop new and enhance current resources to assure that an array of alternatives to detention are available.

When a youth is brought to court on a warrant, the Family Court Judge has a choice between detaining the youth and releasing the youth home. Parents often refuse to take the youth home citing inability to supervise the youth or to guarantee that the youth will appear in court. The youth may also refuse to return home. In these cases, the Family Court Judge has had no alternative except to remand the youth to non-secure detention. This entire process occurs without any opportunity for assessment or intervention with the youth and their family.

There will be Probation staff assigned to FACT to work with youth who have runaway. These Probation staff will assess youth prior to their appearance in Family Court to answer a PINS matter for appropriate alternatives to non-secure detention. These staff will be aware of capacity in the various alternatives to detention options. They will be available to the Family Court Judges and will be in court to help implement a safe plan. If a PINS petition is unavoidable or a youth is returned on a PINS warrant, the Probation Officer will attempt to implement alternatives to non-secure detention, when appropriate. Currently the Juvenile Reporting Center (JRC), Electronic Monitoring, Probation supervision and curfew monitoring can be used as alternatives to non-secure detention.

In addition new resources need to be developed to assure that there is a wide array of services available to meet the individualized needs of youth who in the past have required the services of non-secure detention. Several counties across the state have purchased tracking services for youth, which offer 24-hour crisis intervention, and the ability for adult contact with the youth from one to five times daily in their home, school and/or community to ensure they are safe and are not engaging in ungovernable behavior. The intensity of tracking can be modified as appropriate to the situation. In addition, crisis respite beds will be available 24 hours per day, seven days per week, for youth who require a short-term respite placement. The length of stay will be from one to twenty one days

D. PINS DISPOSITIONS

Recommendation: Ensure that alternatives to placement are tried prior to out-of-home placement.

Prior to PINS adjudication, the Family Court may order diversion services, adjourn the petition in contemplation of dismissal or allow the petition to be withdrawn. After PINS adjudication, the court may order alternatives to placement such as a suspended judgment, probation or intensive probation programs such as FFT, Juvenile Intensive Supervision (JISP), Alternatives to Placement (ATP), Juvenile Reporting Center (JRC), Electronic Monitoring (EM), Drug Court, Substance Abuse Intervention Specialist (SAIS), Juvenile Tracking and Youth and Family Partnership (YFP). The Alternative Program Review (APR) committee will continue to review all cases of adjudicated PINS youth who are in need of more intensive services than regular Probation supervision to determine the appropriate level of community-based services.

E. TRANSPORTATION OF YOUTH IN NON-SECURE DETENTION

Recommendation: Create a contract with a community agency to provide transportation services for all PINS youth that require these services.

Currently, non-secure detention staff and the Monroe County Sheriff's Department Transportation Unit share responsibility for transportation services between non-secure detention and Family Court. When youth are transported by the Sheriff's Transport Unit they are handcuffed. As it is not legal to handcuff PINS youth, an alternative transportation system must be developed.

The transportation service will be available 24 hours a day, 7 days a week. To ensure safety staff will participate in appropriate training from the Public Safety Training facility and OCFS transportation training. Staff will be expected to have the appropriate class of NYS driver's license and maintain annual safety and defensive driving certification. The transportation service will maintain at least two vehicles to be used solely for transporting youth to and from non-secure detention to ensure that there is no contraband in the vehicles and that they meet all safety standards for transporting multiple youth. Space will be made available on the Family Court floor at the Hall of Justice to be used as a waiting room for non-secure detention youth who are being detained. This will allow Probation Officers and legal counsel access to the youth while awaiting their court appearance.

IV. FUNDING

Recommendation: The PINS redesign can be funded by a phased in reduction of non-secure

detention beds in Monroe County and reallocation of existing resources.

Very little new funding is available to support this redesign however, reallocation of current resources can be used to support all elements suggested in this proposal. This proposal recommends the development of an array of alternatives to detention, which would support the reduction of non-secure beds in Monroe County. Monroe County currently contracts for 45 non-secure detention beds. In 2005, the cost to Monroe County for non-secure detention was \$3,935,697. The 2006 non-secure detention contract was negotiated at a cost of \$226 per day per bed. This will allow for increased savings to Monroe County if non-secure detention placements are reduced. As a benchmark for comparison, Figure 2 outlines the number of non-secure beds in various New York State Counties.

County	2000 Census Population 10 to 18 year olds	2004 # non-secure beds
Erie	106,773	35
Monroe	86,618	49
Nassau	146,259	26
Onondaga	54,178	18
Orange	44,440	22
Westchester	98,562	32

Figure 2

As is reflected in the table above, several counties have fewer detention beds than Monroe proportionate to the size of their youth population. By reducing non-secure beds commensurate with other large counties, considerable resources become available to support the development of effective, alternative, community-based models.

As previously noted the current Monroe County diversion and detention programs have existed for many years without significantly reducing the number of youth entering the PINS system or out-of-home PINS placements. There are many reasons for this. A central one is the fact that the Monroe County community has historically placed a heavy emphasis on the need for PINS petitions to control youth's behavior, detention to ensure community safety and out of home residential placements to achieve behavioral change. The proposed PINS redesign emphasizes more cost-effective community-based alternatives, which will ensure more positive outcomes for youth and their families. Funding currently allocated for

diversion services must be allocated to FACT for the purchase of individualized, flexible and evidence-based services that have proven success rates working with the juvenile justice population. As the new legislation requires the availability of respite services for one to twenty one days, we recommend these reallocated funds be used to create an effective respite program model that serves the intent and requirement of the new legislation.

New York State Office of Children and Family Services has made limited funding available for counties to implement alternatives to detention as required by the new PINS legislation. Monroe County has received \$98,000, the maximum allowed, which will be used to support new tracking services.

Additional funding will become available for this redesign by incorporating the mental health functions of SPOA into FACT. As it is the vision of Monroe County leadership to create an integrated system of care for all Monroe County families who are experiencing challenges this redesign serves as an initial step by incorporating the resources of DSS, Mental Health and Probation. This movement, towards centralization and simplification, will lead to increased access to supports and services that will most appropriately meet the needs of the residents of Monroe County and use our limited resources more effectively.

CONCLUSION

Despite its wealth of resources for families in crisis, Monroe County has not been able to reduce the number of youth entering the judicial PINS system. This has led to a cost to taxpayers in excess of \$6.5 million dollars annually. Innovative PINS models have emerged and demonstrated success as evidenced by reductions in PINS intakes, petition, placements and detention costs. Many New York counties have begun using these models with excellent results. This proposal recommends building on these and offers PINS reform that promises to be effective, efficient and cost effective for Monroe County.

APPENDIX A

Chapter 57 of the Laws of 2005 PINS REFORM LEGISLATION SUMMARY

Effective April 1, 2005

Counties and the City of New York

- Each county and the City of New York is mandated to provide diversion services to youth at risk of becoming the subject of a Person In Need of Supervision (PINS) petition and their families. [FCA 712 and 735(a)]
- Each county and the City of New York must designate either the local social services district (LDSS) or probation department as "lead agency" for the provision of PINS diversion services. [FCA 735(a)]
- Each county and the City of New York must offer PINS diversion services designed to provide an immediate response to families in crisis and must identify and use appropriate alternatives to detention. [FCA 712, 735(d)]
- LDSS multi-year consolidated plans or integrated county plans ("child and family services plans" as of 2008), as applicable, must include a diversion services portion that will be jointly established and approved by OCFS and the Division of Probation and Correctional Alternatives (DPCA). LDSS and local probation department must establish cooperative procedures for diversion services. [SSL 34-a (4)(b)] Executive Law (ExL) 243-a, relating to Adjustment Services Planning by probation departments, is REPEALED.

Social Services Districts/ Probation Departments as Designated Lead Agency

- In providing diversion services, the lead agency must:
 - Convene a conference with person(s) seeking to file a PINS petition, the youth (potential respondent), and his/her family concerning diversion services;
 - Diligently attempt to prevent the filing of a PINS petition and/or placement as a PINS into foster care;
 - Assess whether youth may benefit from residential respite (with consent of parent);
and
 - Determine whether alternatives to detention are appropriate. [FCA 735 (b)]
- Determine (and document) whether to continue diversion services or whether there is no substantial likelihood that the youth and his/her family will benefit from further diversion attempts. There is no time limited restriction on diversion services. [FCA 735 (c)]
- Where a school district or Local Educational Agency (LEA) seeks to file a PINS petition, review efforts made by the school district or LEA to improve the youth's attendance and/or conduct in school, engage school/LEA in further efforts if beneficial to youth. [FCA 735 (d)]
- Advise the potential petitioner when diversion efforts terminate and whether such efforts were successful. Provide necessary documentation to the Family Court (FCT) and potential petitioner where there is no bar to filing a PINS petition. [FCA 735(g)]
- Where a PINS petition is filed, report to FCT regarding diversion attempts. FCT may order

additional diversion efforts and may order youth and parent to participate. [FCA 742(b)]

- Lead agency (and any diversion services provider) may not use any statement made by a respondent youth against him/her at a fact-finding hearing or if transferred to a criminal court prior to conviction. [FCA 735(h)]
- A PINS placed with LDSS post-disposition, may remain in detention for no more than 15 days after disposition (previously was 30 days outside of NYC). OCFS may approve a 15-day extension upon written documentation by LDSS that the youth is in need of specialized treatment and the diligent efforts made by LDSS to locate an appropriate placement. [FCA 756(c), SSL 398(3)(c)]

Peace and Police Officers

- Peace and police officers may not bring runaways to non-secure detention unless unable to or unsafe to return youth home. [FCA 718(b)]
- Peace and police officers taking a PINS youth into custody may take the youth to FCT only where the officer affirms that he/she attempted and was unable to: (i) release the youth to his/her parents to be produced before the lead agency; (ii) take the youth to lead agency; or (iii) take the youth to an approved runaway program or other respite/crisis program. [FCA 724(b)]

Family Court Judges/Clerks

- FCT may not order pre-petition detention for an alleged PINS unless the court determines there is no substantial likelihood that the youth and his/her family will continue to benefit from diversion services and all available alternatives to detention are exhausted. [FCA 728(d)]
- No PINS petition may be filed without documentation by the lead agency that diversion services were terminated because there is no substantial likelihood of further benefit.
 - A parent may not file PINS petition where diversion was terminated as unsuccessful because of the parent's lack of cooperation.
 - Any PINS petition filed by a school district or LEA must include the steps taken by school district or LEA to improve the school attendance or conduct of the respondent [FCA 732(a)] and document provision of diversion services [FCA 732(d) and 735]
- A PINS respondent may be remanded to non-secure detention only if the FCT determines that there is a substantial probability that he/she will not appear in court on the return date and all available detention alternatives have been exhausted. [FCA 739(a)] Serious risk of committing a crime is no longer grounds or basis to remand a PINS to detention.
- Where a PINS petition is filed, the lead agency must make a written report to FCT regarding diversion attempts. [FCA 742(a)]
- FCT may order additional diversion efforts. [FCA 742(b)]
- FCT may order the youth and parent to participate in additional diversion services. [FCA 742(b)]
- FCT may include alternative dispute resolution and other services as a condition of a PINS order of protection. [FCA 759(f)]

School Districts and Local Educational Agencies (LEA)

- Any PINS petition filed by a school district or LEA must include the steps taken by school

district or LEA to improve the school attendance or conduct of the respondent. [FCA 732(a)]

Non-Secure Detention Providers

- Peace and police officers may not bring runaways to non-secure detention unless unable to or it is unsafe to return youth home. [FCA 718(b)]
- A PINS respondent may be remanded to non-secure detention only where there exists a substantial probability that he/she will not appear in court on the return date and all available detention alternatives have been exhausted. [FCA 739(a)] Serious risk of committing a crime is no longer grounds to remand a PINS to detention.
- A PINS placed with LDSS may remain in detention for no more than 15 days after placement. OCFS may approve a 15 day extension upon written documentation by LDSS that the youth is in need of specialized treatment and diligent efforts by LDSS to locate an appropriate placement. [FCA 756(c)]

Runaway and Homeless Youth Programs

- Approved runaway programs and transitional independent living support programs (TILSP) would be permitted to provide crisis intervention and respite services to youth in need of crisis intervention or respite services. Respite services may be provided for up to 21 days. [ExL 532-a (3), (4), (5) and (6)]
- Increases from 12 to 18 months the maximum period that a youth may stay in a TILSP. [ExL 532-a (6)]
- Permits a TILSP to continue to provide services to homeless youth not yet 18 but who has reached the 18 month maximum until he/she is 18 or for up to an additional 6 months if the youth is still less than 18. [ExL 532-d (f)]

APPENDIX B

Participants at the Vera retreat included representatives from:

Center for Dispute Settlement
Coordinated Care Services Inc. (CCSI)
Finger Lakes Developmental Disabilities Service Organization (FLDDSO)
Greece Human Services
Hillside Children's Center Non Secure Detention
Legal Aid Society
Monroe County Department of Human Services
Monroe County Children's Center
Monroe County Drug Court
Monroe County Family Court Clerk's Office
Monroe County Family Court Judge
Monroe County Juvenile Prosecutor's Office
Monroe County Law Department
Monroe County Office of Probation, Community Corrections
Monroe County Office of Mental Health
Monroe County Office of Mental Health Parent Advocate
Monroe County Sheriff's Office
Pathways to Peace
Rochester City School District
Rochester and Monroe County Youth Bureau
Rochester Police Department
Webster Police Department

APPENDIX C

PINS Redesign Committee Members

Co-chairs:

George Barrett, Monroe County Office of Probation/Community Corrections

Dan Ross, Monroe County Department of Human Services

Donna Durbin, Center for Dispute Settlement

Karen Ward, Center for Dispute Settlement

Jody Levison-Johnson, Coordinated Care Services Inc. (CCSI)

Frank Ardino, Greece Human Services

Don Nadolinski, Greece School District

Mike Doran, Hillside Children's Center Non-Secure Detention

Anne Prunoske, Finger Lakes DDSO

Ed Orlando, Legal Aid Society

Linda Oinen, Monroe County Department of Human Services

Kim Hare, Monroe County Department of Human Services

Mike Marinan, Monroe County Children's Center

Dan DeBruin, Monroe County Drug Court

Ron Pawlczek, Monroe County Family Court Clerk's Office

Joan Kohout, Monroe County Family Court Judge

Jim Mulley, Monroe County Juvenile Prosecutor's Office

Dave Vanvarick, Monroe County Law Department

Bob Burns, Monroe County Office of Probation/Community Corrections

Leslie Barnes, Monroe County Office of Probation/Community Corrections

Laura Canori, Monroe County Office of Probation/Community Corrections

Kathy Plum, Monroe County Office of Mental Health

Chuck Allan, Monroe County Office of Mental Health

Philomenia Allen, Monroe County Office of Mental Health Parent Partner

Dan Greene, Monroe County Sheriff's Office

Karla, Boyce, Rochester Monroe County Youth Bureau

Chris Brady, Rochester City School District

APPENDIX D

FACT Staffing

Administration: Kathy Plum, Linda Oinen, Leslie Barnes

Clinical Coordinator/Director – team leader

Supervises and coaches assigned staff

Probation Supervisor – team leader

Supervises Probation staff and coaches assigned staff

DSS Supervisor – team leader

Supervises DSS staff and coaches assigned staff

18 MH/Community Facilitators (includes 3 SPOA Facilitators)

Provides triage, assessment and short term care coordination

Available to all teams:

.5 Sr. PO Community Liaison

Liaison with Family Court coordinates all alternatives to Detention

2 PO

PO for all FACT youth, assists with runaways

2 Prob. Assistants – Runaways

Provide runaway service

1 School District Liaison

Coordinates with school districts, consults on truancy cases

1 DSS caseworker

Connections expert, liaison to Preventive services, information/data specialist, provides triage, assessment & care coordination

1 SPOA Facilitator/Information Specialist

2 Administrative assistants

Staffing Assumptions:

3500 referrals per year (3000 calls and walk-ins to Probation + 500 calls to SPOA)

Assume the average length of a case is 4 weeks (flexible depending on the needs of the family)

Assume caseloads of 15 per worker

All 3500 calls that come to FACT will need to be touched by a worker. Some of the situations may only need a phone conversation to resolve, others may need a home visit or two and others may need intensive work over the course of the 4 to 6 weeks involvement. Any worker will have cases assigned to them that require differing levels of involvement.

52 weeks in a year divided by 4 weeks (average length of the case) = 13 caseloads/year/worker
or 195 cases per worker per year

3500 calls divided by 195 cases per worker = 18 staff