



Office of Children and Family Services

Responding to Children, Youth and Families From a Cross Systems Approach

August 3, 2022

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Raising the Lower Age of Juvenile Delinquency



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Introduction

- Raises the lower age of juvenile delinquency definition under the Family Court Act (FCA) to twelve years of age in most circumstances as of December 29, 2022.
- Requires New York State Office of Children and Family Services (OCFS) to promulgate regulations to outline criteria related to a differential response for these children and their families.
- Purpose is to be responsive to children and their families using community services and early interventions and to address disparities in child welfare and juvenile justice systems.



Introduction

- Requires each Local Department of Social Services (LDSS) to develop a differential response for children under twelve years of age who no longer fall under the definition of Juvenile Delinquent (JD) under the FCA as of December 29, 2022, and whose behavior, but for their age, would otherwise bring them under the jurisdiction of Article 3 of the FCA.
- Requires OCFS to review the LDSSs' differential response plans for approval.
- Differential Response could be supported by Supervision and Treatment Services to Juveniles Program (STSJP) funding.
- Prohibits youth under the age of 13 from secure detention
- Requires an annual report by OCFS.

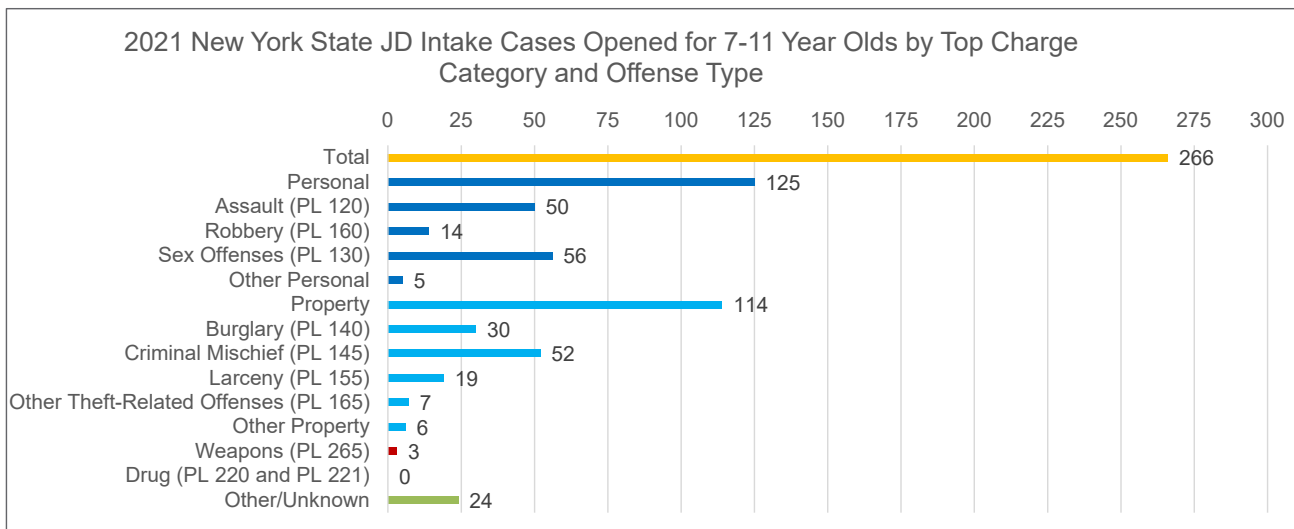


Introduction

- **Differential response for children under 12 years old is not**
 - PINS Diversion Services
 - Family Assessment Response (FAR) – alternative child protective response.



Data



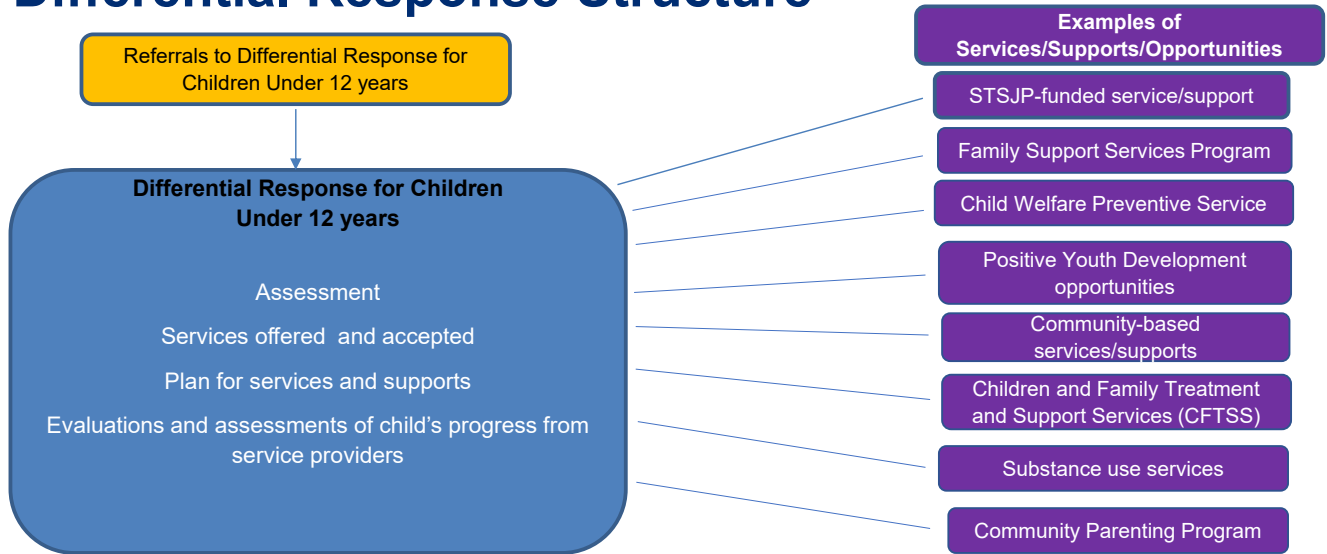
Source: Caseload Explorer data as of 5/14/2022



Differential Response for Children Under 12 Years

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Differential Response Structure



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Planning and Monitoring



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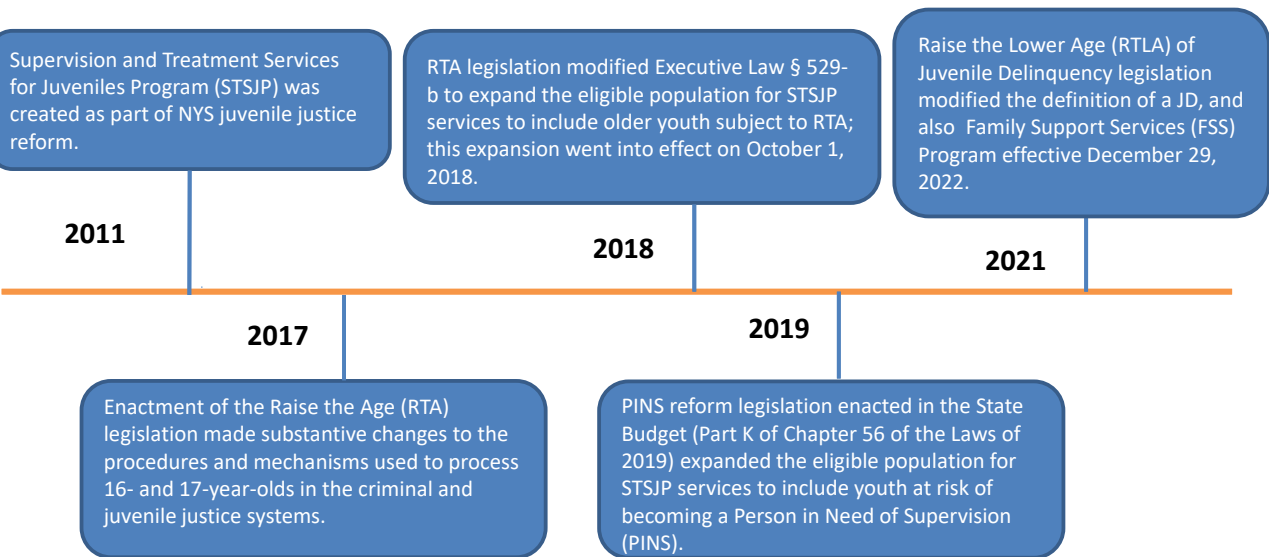
Planning and Monitoring

- Continuous collaborative assessment of continuum of services, supports and opportunities
- Current data with any noted disparities
- Process for community, family and child feedback
- Strategies to reduce adverse impacts on marginalized communities



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Supervision and Treatment Services to Juveniles Program



General Overview

- STSJP was created to incentivize the use of local programs to divert youth from detention or residential care
- A municipality that elects to use STSJP funds for programs that prevent the detention and placement of youth must:
 - designate a lead agency for the purposes of planning and administering services under STSJP
 - engage in a collaborative effort to support the successful planning and administration of STSJP-funded programs (Executive Law § 529-b)
 - submit an STSJP Annual Plan for Office of Children and Family Services' (OCFS) review and approval, as prescribed in Executive Law § 529-b



Eligible Population

- Youth at risk of becoming, alleged to be or adjudicated as Persons In Need of Supervision (PINS)
- Youth at risk of becoming, alleged to be or adjudicated as Juvenile Delinquents (JDs), both non-RTA JDs and RTA JDs
- Youth who are alleged to be or convicted as Juvenile Offenders (JOs), Adolescent Offenders (AOs) or adjudicated as Youthful Offenders (YOs)



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Continuum of Service Domains

CONTINUUM OF SERVICE DOMAINS

Prevention
(P)

Early
Intervention
(EI)

Alternatives
to Detention /
Alternatives to Pre-
dispositional
Placement

Alternatives to
Placement
(ATP)

Reentry/Aftercare
(R/A)

FAMILY SUPPORT SERVICES PROGRAMS

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Continuum of Service Domains

Domain	Definition
Prevention (P)	Programs that serve youth with no juvenile justice involvement but who have characteristics that place them at risk for juvenile justice contact. These programs utilize prosocial activities that engage at-risk youth to lower the risk of youth entering the juvenile justice system.
Early Intervention (EI)	Programs that serve youth who have had some contact with the juvenile justice system; a youth who is on JD adjustment, PINS diversion, or Voluntary Assessment and Case Planning Services (VACPS) would be a good candidate for this service type. EI programs could also serve children under 12 years of age who do not fall under the definition of a JD as of December 29, 2022, and whose behavior, but for their age, would bring them within the jurisdiction of the family court under Article 3 of the Family Court Act (FCA). These programs utilize prosocial activities in a targeted strategy to engage youth at risk of becoming, or alleged to be, a JD or PINS, or an alleged AO or JO engaged in VACPS who has not been referred for detention, to prevent further involvement in the juvenile justice system.

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Continuum of Service Domains

Alternative to Detention/Alternative to Pre-dispositional Placement (ATD/ATPDP)	Programs that are intended to reduce the reliance on non-secure, secure or specialized secure detention for youth charged as JDs, JOs and AOs who would otherwise be in detention if not for this program, and youth petitioned as a PINS who would otherwise be ordered to pre-dispositional placement if not for this program. ATD/ATPDP programs help ensure that youth return to court and remain crime free until the disposition of their case. The program service period is limited to the court case processing time frames.
Alternative to Placement (ATP)	Programs that serve adjudicated youth who would otherwise be placed out of home if not for programs that can maintain youth safely in the community. ATP programs can be used for youth adjudicated as PINS, JDs and YO, or convicted as JOs or AOs. These programs target and address known criminogenic risk factors and identified needs.
Reentry/Aftercare (R/A)	Programs that support youth's reentry and reintegration into the community once released from residential placement and programs that reduce length of stay in residential placement.



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Family Support Services (FSS) Programs

- The goals of these programs are to
 - prevent a child from being adjudicated as a PINS and help prevent out-of-home placements of such youth,
 - prevent a petition from being filed under Article 7 of the FCA, or
 - as of December 29, 2022, reducing future interaction with the juvenile justice and/or child welfare system for children under 12 years of age who do not fall under the definition of a JD and whose behavior, but for their age, would bring them within the jurisdiction of the family court under Article 3 of the FCA.
- Municipalities may choose to utilize STSJP money to fund FSS programs and may do so collectively for a regional response.



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STSJP-RTA Funding

- The RTA legislation provides eligible municipalities with access to 100% state reimbursement for RTA-related expenditures if they meet certain criteria.
- For municipalities to receive RTA-related reimbursements:
 - the expenditures must be included in the locality's comprehensive **RTA Plan** and
 - be approved by OCFS, the Division of Criminal Justice Services (DCJS) and the New York State Division of Budget (DOB)



Resources

- STSJP website: <https://ocfs.ny.gov/programs/youth/stsjp/>
- STSJP mailbox: stsjp@ocfs.ny.gov
- PINS website: <https://ocfs.ny.gov/programs/youth/pins/>
- PINS mailbox: PINS@ocfs.ny.gov
- Municipality detention data: <https://ocfs.ny.gov/reports/detention/>
- Municipality placement data: <https://ocfs.ny.gov/programs/youth/stsjp/planning.php>
- Recording STSJP program data: <https://www.ocfs.ny.gov/programs/youth/stsjp/recording.php>
- Youth justice data available on the New York State Division of Criminal Justice Services website at <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>



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Questions and Contact Information



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Bureau of Cross Systems Supports
Division of Youth Development and Partnerships for Success



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