



**Office of Children  
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**Division of Criminal  
Justice Services**

## **Overview of Persons in Need of Supervision Reform Changes in New York State**

April 29, 2022

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# PINS Diversion Services

## Family Court Act (FCA) Article 7

**Person in Need of Supervision**—*A person less than eighteen years of age who does not attend school in accordance with the provisions of article sixty-five of the education law or who is ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care or other lawful authority, or who violates the provisions of section 230.0 of the penal law or who appears to be a sexually exploited child as defined in paragraph (a), (c) or (d) of subdivision one of section 447-a of the social services law if the child consents to the filing of a petition under this article. FCA §712 (a)*

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## PINS Diversion Services

Services provided to children and families for the purpose of avoiding the need to

- file a petition and
- direct the pre-dispositional placement of the child.

**Required** for youth (and their family) who are at risk of becoming the subject of a PINS petition

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## PINS Diversion Services

### Historical Evolution in New York State

From 1962 to 1985, PINS procedures were governed by FCA §734 only. In 1985, FCA §735 was added as an option for counties.

In 2005, reforms to the PINS law were enacted which require each county to provide mandatory diversion services and alternatives to detention – FCA §734 was repealed; FCA §735 was significantly reformed.

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## PINS Diversion Services

### Highlights of 2005 PINS and Detention Reform Law:

- **Lead Agency**; either Local Department of Social Services (LDSS) or Probation Department
- Requires **24/7 crisis intervention**, respite, and alternatives to detention
- Removed **time limits**
- Age for Preventive (LDSS) Services is extended to age 18
- No Substantial Likelihood standard for petitioning
- Annual **PINS Diversion Service Plan** submitted by each jurisdiction to OCFS; co-approved by OCFS and DCJS-OPCA



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## PINS Lead Agencies 2022

36 LDSS

(in 10, Probation has PINS Intake role)

22 Probation



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## PINS Diversion Services

### Lead Agency Responsibilities:

- Maintenance of **case records** and documentation
- **Eligibility** determinations; initial conference scheduling
- Diligent attempts to **prevent the filing** of petition in court
- Assessment as to whether youth/family would benefit from **respite**
- Assessment for **sexual exploitation** and whether the youth should be referred to safe house services
- Providing an **immediate response** to families and youth in need



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## PINS Diversion Services

### Lead Agency Responsibilities (continued):

- **Assessment and case planning** protocols
- Determine appropriateness of **alternatives** to pre-dispositional placement
- Review **efforts by schools** before PINS filing
- Provide **report to family court** regarding diversion efforts when case is referred to petition; substantiate that there's "No Substantial Likelihood" that youth/family would further benefit from diversion services



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## PINS Diversion Services

### Assessment drives case planning

- Youth Assessment Screening Instrument (YASI)
- Family Assessment Service Plan (FASP)

### Specialized screenings refine need for further evaluation

- MAYSI-2, GAIN-SS
- Rapid Indicator Tool



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## PINS Diversion Services

### Strategies for Success

- Pre-diversion Services
- Multidisciplinary Teams: strategize community-based solutions
- School-based probation officers
- Referring petition back to PINS intake
- Runaway/Stay away youth



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## PINS Diversion Outcomes

2020	NYS (Probation & LDSS) Total
Intakes Closed	5,477
Granted Petition Access	405

Source: Probation Workload System, 4/14/22.

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## Court Referral/Petition

### Requirements for referral for petition:

- Diversion services **attempted and exhausted**
- Documented **exhaustion** of services
- School districts must document **steps taken** to improve school attendance or conduct of youth
- Notice to the court that “**petitioner has complied** with requirements”
- Parents may not file petition where diversion services terminated as unsuccessful because of parental **lack of cooperation**

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## PINS Adjudication and Orders of Disposition

- Discharge with Warning
- Suspended Judgment
- Order of Protection
- Probation\*
- Placement

**\*PINS Probation Supervision Cases opened (2020)= 123**

*Source: Probation Workload System, 4/14/22*



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## Additional Enacted Legislation



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## Additional Enacted Legislation

PINS reform is contained in three pieces of legislation:

1. PINS reform legislation enacted in the 2019-2020 State Budget (Part K of Chapter 56 of the Laws of 2019)
2. Enacted Office of Court Administration Departmental bill of 2018 (Chapter 362 of the Laws of 2018) that pertains to PINS truancy (and educational neglect)
3. Enacted RTA legislation (Part WWW of Chapter 59 of the Laws of 2017)

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## Special Provisions Regarding School-Based Behavior

Pursuant to Chapter 362 of the Laws of 2018 (effective March 2019):

- As part of PINS diversion, a review by the lead agency of the steps undertaken by the school district to resolve the educational issues **must occur prior to petition**, regardless of whether the school district is the petitioner
- All PINS petitions that include allegations of truancy/school behavior must detail **steps taken by the school district** to address the issue(s)

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## Special Provisions Regarding Truancy

Pursuant to the PINS reform legislation of 2019 (effective January 1, 2020):

- If the only finding made against the child is truancy, **no placement shall be ordered.**
  - This includes pre-dispositional and post-dispositional placements.

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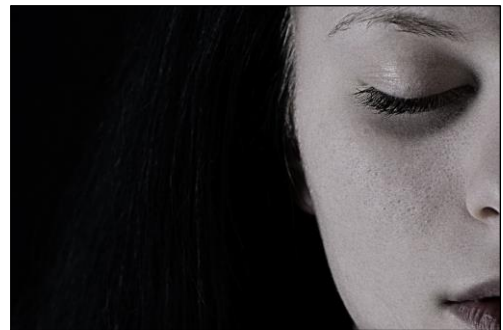
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## Special Provisions Regarding Sexually Exploited Youth

- Lead designated agencies must assess whether a youth may be sexually exploited as part of PINS diversion.
- LDSS has been required to assess due to Preventing Sex Trafficking and Strengthening Families Act– this is a new requirement for Probation Departments.

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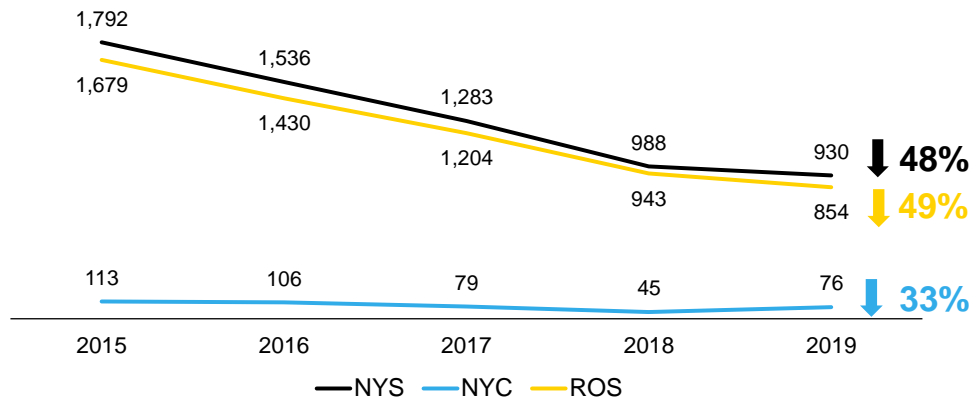
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## PINS Detention Admissions

### Five-Year Trend (2015-2019)



Source: Juvenile Detention Automated System (JDAS), 2-2-22.



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## Context: Placement Changes

Out-of-home placement longer than 6 months has a negative impact on youth

- Loss of connection to family, increased likelihood of stalled permanency
- Loss of educational continuity
- Loss of connection to natural supports
- Loss of hope

PINS youth have broken no law.

Youth who runaway from home do not stay put in strange and new settings—trafficking risk increases by placing them out of home.



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# Funding

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## PINS Reform-Related Funding Changes

### The Legislation:

- Eligible PINS preventive services continue to qualify for open-ended 62% state reimbursement
- Continued the provision in Raise the Age for no state funding for PINS Detention or PINS out-of-home placement as of January 1, 2020
- Supervision and Treatment Services to Juveniles Program (STSJP)
  - Expanded to include youth at risk of becoming a PINS

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# Pre-dispositional Placement and Warrants

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## Pre-dispositional Placement (PDP)

Pre-dispositional placements can only occur in:

- A foster care setting certified or licensed by OCFS or authorized agency
  - Foster boarding home
  - Group home
  - Residential treatment center (RTC)
 with required court findings prior to PDP
- OR directed by the court, upon consent of the youth, to a short-term safe house (runaway and homeless youth program – Safe Harbour legislation) which is voluntary (See Family Court Act (FCA) §720.)

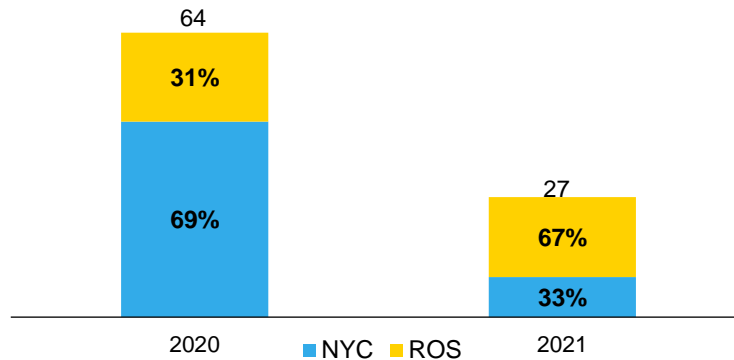
**No state funding can support Pre-dispositional placement;  
IV-E is also not available, as PDP is NOT foster care.**

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## PINS Pre-dispositional Placements (PDP)

### ■ #Unique Youth Experiencing a PDP



Source: 2020 data extracted from Connections 2/13/21.  
2021 data extracted from Connections 2/16/22.



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## PINS Warrants

- The ability of the court to issue a warrant (FCA §725) and the return of youth who have left their residence without consent (FCA §718) remains unchanged by the PINS reform legislation.
- Youth alleged or adjudicated to be PINS **may not be brought to pre-dispositional placement without a court order with the necessary findings.**
- **If there is not a family court open at the time a youth is taken into custody, the youth must be returned to a parent/legal guardian, or another resource named by the parent/legal guardian, who then must appear at the earliest instance before the court to answer the warrant.**
- If a child is absent without consent from pre- or post-dispositional placement and a warrant is issued, they may be returned to placement.



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## Crisis Intervention and Respite Services

- Required PINS diversion crisis intervention services may need to be available to local law enforcement and/or the family if the youth is taken into custody after hours and unique scenarios arise.
- Respite, which is a **required PINS diversion service**, is critical during times of crisis to avoid youth leaving without consent, escalation in the home, and provides a supportive cooling-off period for all.

## Changes to PINS Post-dispositional Placement

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## PINS Adjudication and Orders of Disposition

- Discharge with Warning
- Suspended Judgment
- Order of Protection
- Probation
- Placement



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## Post-dispositional Types of Placements

Post-disposition, the legislation allows for limited placements for PINS youth

The court may order:

- Placement in the **child's own home** (not foster care)
- Order the child be placed in the **custody of a suitable relative**/private person (e.g., direct placement/Article 6)
- Order the child be placed in the custody of the **commissioner of the LDSS** into a:
  - Foster boarding home/kinship foster care
  - If the child is found by the court to have been a sexually exploited child under Social Services Law (SSL) 447-a, an available long-term safe house
  - An authorized agency (agency operated boarding home, group home, institution, RTC)



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## Time Limitations on PINS Placements

The first period of PINS placement can last no longer than 60 days prior to a court review.

- Crucial assessment and service planning occur expeditiously
  - **Initial Family Assessment and Services Plan (FASP) is due within 14 days of the post-dispositional placement.**



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## PINS Extensions of Placement

- First extension of placement can be for **no more than 6 months** and must be filed 15 days prior to the end of the initial placement.
- Second extension of placement must be filed 30 days prior to the expiration of the placement period and can be for **no more than 4 months unless**
  - the Attorney for the Child, at the request of the child, seeks an extension and the court determines an extension is in the child's best interest; or
  - the court finds that extenuating circumstances exist that necessitate the child be placed out of the home.
- **No additional extensions can be ordered.**



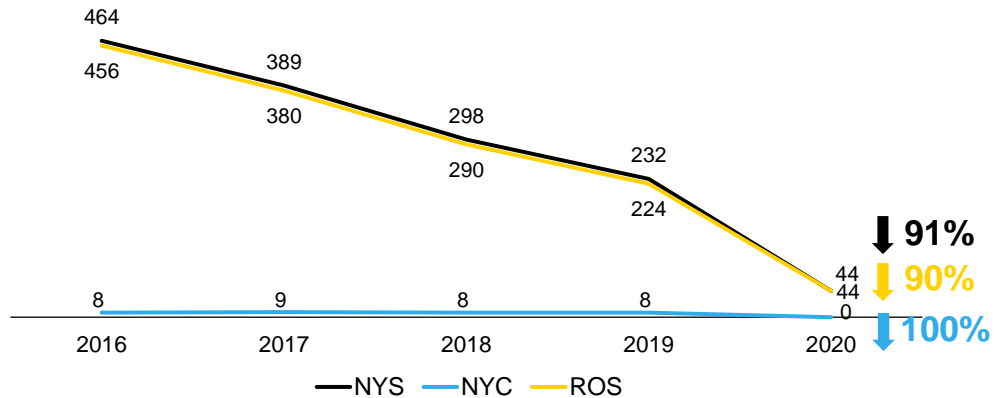
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## PINS Placement Admissions

### ■ Five-Year Trend (2016-2020)



Source: Connections, 2-2-22.



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## Lessons Learned



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## Partnerships and Opportunities

1. **Shifting approach** from juvenile justice to child welfare
2. Crucial to **engage multiple stakeholders** with diverse perspectives
3. **Share information** often and in varied formats
4. Opportunity to introduce additional **equity strategies**
5. **Data** collection and reporting across the system continuum
6. Joint **trainings** for multidisciplinary audiences
7. Create opportunities for support of community-based supports and **reinvestment of cost savings**
8. Ongoing support and **technical assistance**
9. **Flexibility** for local design of system response

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