

Types of Respite Programs* Under PINS Diversion

- Respite programs currently exist under the regulations
- Approved runaway programs
- Transitional independent living support programs (TILSPs)
- Certified or approved foster boarding homes
- Licensed agency boarding homes
- Licensed group homes
- Licensed group residences
- Licensed institutions
- Programs certified or approved by the NYS Office of Mental Health (OMH) or the Office of Mental Retardation and Developmental Disabilities (OMRDD) to provide care for children
- Individuals approved by district, voluntary agency or preventive agency to provide respite.
- Runaway and Homeless Youth Shelters may provide respite to PINS population as separate program and adhere to the maximum length of stay for a respite placement is 21 days.

***Programs must be appropriately licensed or certified as a residential program and approved by the social services district (or, for foster boarding homes, by the voluntary agency) as a respite provider.**

If respite, crisis or other diversion services are unavailable, the county must seek services from a nearby county or bring in services from another county.

Three Primary Provisions of the PINS Reform Law are:

1. Each county and the City of New York is required to provide enhanced PINS diversion services designed to provide an immediate response to families in crisis and to identify and provide appropriate alternatives to detention, including preventive respite services.
2. Each county and the City of New York must designate either the local social services district or probation department as the lead agency for PINS diversion services and to undertake specific steps to facilitate compliance with new statutory requirements.
3. Local social services districts' multi year consolidated plans or integrated county plans must include an enhanced PINS diversion services portion to be jointly established and approved by the Office of Children and Family Services (OCFS) and the Division of Probation and Correctional Alternatives (DPCA). Each local social services district and local probation must establish cooperative procedures for diversion services.

For more information on PINS reform, go to:

<http://www.ocfs.state.ny.us>

Or call the probation department:

631-853-5281

631-853-7889

The Person in Need of Supervision (PINS) and Detention Reform Law A Guide* for Parents, Advocates and the Community

The PINS Reform Law became effective statewide on April 1, 2005. The new provisions of law promise to address the need for early and effective interventions of alleged PINS youth and to reduce the high costs associated with detention, court involvement and out-of-home placements. This new law discourages the placement of PINS into detention facilities by requiring local governments and courts to exhaust community-based preventive alternatives before filing PINS petitions and making detention placements. The new law applies to current PINS cases.

*The information in this guide was compiled from a teleconference and power point presentation provided by The New York State Division of Probation and Correctional Alternatives (DPCA) and Office of Children and Family Services (OCFS) held on May 18, 2005.



ALTERNATIVES FOR YOUTH

**3555 Veterans Highway
Suite R
Ronkonkoma, NY 11779
631-648-2700**

Person in Need of Supervision (PINS) is:

- Youth less than 18 years of age; and
- Does not attend school (Education Law Article 65); or
- Is incorrigible, 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 221.05 of the penal law (unlawful possession of marijuana)

Under the new legislation, each county must name a lead agency to oversee the PINS program.

The PINS detention Reform Law mandates diversion services for youth at risk of becoming the subject of a PINS petition, and their families before a PINS petition is filed. Cases may be closed for diversion only when the lead agency determines that there is no substantial likelihood that the youth and his/her family will benefit from further services.

Diversion Services Must Include:

- Pre-petition adjustment efforts and preventive services (preventive services can be provided up to age 18).
- Immediate (24hr/day) response to families in crisis.
- Appropriate alternatives to detention.
- Crisis intervention services/programs, including family crisis counseling and alternative dispute resolution.
- Residential respite for youth in crisis for up to 21 days.

A referral for PINS Petition

- May be filed in Family Court by a parent or other person legally responsible for the care of the child, by a peace officer or police officer, by a person who has been injured by a child, or by a school or other authorized agency.
- Cannot occur until diversion services have been attempted.
- Requires documented exhaustion of diversion services.
- The lead agency may file a petition when the parent is refusing to cooperate with diversion services.
- ***The parent may only file*** where documentation from the county's lead agency indicates that parent cooperated with unsuccessful diversion services.
- ***School District may file*** only if they document the steps taken by school district to improve school attendance or the conduct of the youth. The school district must also meet with lead agency to review efforts and documentation.

Peace and Police Officers:

- Police officer must always attempt to return the youth to the custody of the parent.
- If it is unsafe or they are not able to return the youth home, the youth may be brought to:
 1. Lead agency
 2. Respite program
 3. Runaway program

Role of the Courts:

- Court reviews documentation from parents and schools.
- Court serves as the "check and balance" of diversion effort.
- May order further diversion activities.
- May order the parents to participate in the diversion activities.

Post-Disposition Admission of the PINS in Detention:

- After being admitted to custody of local commissioner (i.e. post-disposition), the youth can be directed to a detention facility for up to 15 days.
- Extension of 15 days can be approved by Office of Children and Family Services Regional Office. Local agency must provide documentation that: Youth is in need of specialized treatment or placement; and diligent efforts are being made by local agency to locate an appropriate placement.

RESPITE—Custody and Consent

- Custody remains with parents.
- Youth can remain in respite only with parental consent and consent of youth.
- Youth cannot be compelled to remain in respite and can return home at any time.
- Parents cannot pay for respite.
- Respite must include immediate attempts at reunification of family.
- RESPITE IS NOT DETENTION!

Detention is only available through a PINS court remand, warrant or post-adjudication.