

The following questions were taken from the field. In the spirit of sanctuary and transparency, for the safety and morale of all in our work environments, we have provided answers we hope will help clarify the Close to Home Initiative. For some questions that were submitted, answers are not currently available. Every attempt will be made to issue answers as they come available.

NON-SECURE PLAN

QUESTIONS ON THE CLOSE TO HOME INITIATIVE AND PROCESS

Q: Close to Home has been in papers, and on TV, parents are asking questions, is there something we can tell them or someone we can refer them to?

A: You can refer them to the OCFS web page on Close to Home:

http://www.ocfs.state.ny.us/main/rehab/close_to_home/default.asp

Q: If the budget has been approved to transfer the handling of non-secure placements to ACS, then these details should be reflected in the budget, why are we in the dark?

A: The budget authorized New York City to develop separate, comprehensive plans for both the non-secure and limited secure phases of the Close to Home initiative. As a result, the details are not reflected in the New York State budget. Further, since neither of the plans have been approved (as of June 1, 2012), we do not have any additional details that would be in the actual plan.

Q: How many programs will actually fall into Non Secure Designations i.e.: ERC, EM, EBCIs such as MTFC?

A: Non-Secure designations include youth placed in OCFS custody by a family court within New York City who are in non-secure levels of care, or are on after care or community supervision from a non-secure level of care; and youth placed by a family court in New York City in other than a limited secure or secure setting after the effective date of an approved plan for ACS to operate the non-secure phase of a juvenile justice close to home initiative.

Q: How will the phases, September and April, occur?

A: New York City must develop separate, comprehensive plans for both the non-secure and limited secure phases, which then must be approved. It is anticipated that the initiative will start with youth in **non-secure** settings in the fall of 2012 and then move to youth in **limited secure** settings in 2013. Both phases are contingent on the City submitting detailed plans to the NYS Office of Children and Family Services (OCFS) for its approval. OCFS cannot approve a limited secure plan prior to April 1, 2013. The chart below outlines how the phases will occur:

	<u>Non-Secure</u>	<u>Limited Secure</u>
Target Date	September 2012	April 2013
Public Input Phase for ACS Plan	30 days with at least one public hearing	30 days with at least 5 public hearings and 5 public forums (1 each in all 5 boroughs)
Plan Review & Approval Time for OCFS	30 days	60 days
Review & Approval of any Plan changes required by OCFS	15 days	15 days

Following final plan approval,
transfer petitions filing time

within 90 days

within 90 days

Q: Were families of youth currently in OCFS invited to the public hearings held by New York City on the plan?

A: The hearings for the non-secure plan were open to the public and all were welcome to attend. The public was also able to submit written comments via e-mail at closetohome@acs.nyc.gov or by mail to:

Close to Home
C/O Division of Policy Planning and Measurement
150 William Street, 17th Floor
New York, NY 10038

The process will be similar for the limited secure plan next year.

Q: Will case managers have copies of the letters notifying the families?

A: OCFS will follow the same due process procedures currently in place and case managers will get copies of all correspondence.

Q: Are families being informed of this new change?

Q: How will the parents be involved in this transition process?

A: A planning group is currently developing a comprehensive strategy for involving parents in the planning and transition process. Parents will be notified of the court hearing to transfer custody, but will not be able to object to the transfer legally.

Q: When will be an appropriate time to have this discussion with the youth?

A: Guidance on discussion with youth will be provided by DJJOY administration once the plan is approved and the process begins to move forward.

Q: How will this affect youth with no family resources?

A: Youth with no family resources would possibly become or are wards of ACS. Any planning, notices etc should be coordinated with the youth's ACS caseworker and the youth managed like other undomiciled youth.

Q: What OCFS services will be available to non-secure youth up to September 1st?

A: The target date for the effective date for the non-secure plan is the fall of 2012. Prior to their transfer, non-secure youth from New York City who are in OCFS custody will continue to have access to the services they need. OCFS will also continue to have custody of the non-secure youth from the rest of the State and provide them with services and care.

Q: What is the actual process of the transitioning of youth to ACS?

Q: What is the step-down process?

A: Transition of youth to ACS custody will require a Modification of Placement petition to be completed by OCFS and filed in the county that placed the youth for those youth who qualify for transfer under the initiative. Absent an objection to the transfer by the Attorney for the Child, or unless the Court determines there is insufficient information in the petition, the Court will be required to sign the order transferring custody. Protocols for the physical transfer of the youth are currently under development.

Q: How will the youth that are in the community be transitioned to ACS custody after September 1, 2012?

A: This is being worked out on a case by case basis in cooperation with ACS.

Q: How does this affect release planning?

Q: Are there certain referrals that case managers should no longer make for their youth?

A: Case managers should continue to develop pre-release treatment plans with recommendations for after care prior to transfer. Continuity of care plans should be developed as we would for any youth in our care and custody. Once youth are transferred to New York City, OCFS no longer has custody and therefore the responsibility for developing pre-release treatment plans and continuity of care will lie with ACS.

Q: Who is responsible for filing late EOP's prior to release to "Close to Home?"

A: This is the responsibility of the current case manager.

Q: What will aftercare services through the OCFS CMSOs look like for limited secure youth after September 1st and what services will be provided?

A: Once the non-secure plan is approved and the transition of non-secure youth to ACS custody begins, CMSOs will still provide aftercare and community supervision services for limited secure youth until that population is transferred to New York City ACS custody in 2013.

Q: Will B2H slots for OCFS youth be carried over to ACS?

A: OCFS is currently examining the numbers of youth in B2H slots that will be transferred to New York City and will reassign the slots as needed to ACS to allow for continuity of care.

Q: If the kid continues to be a problem while still in Close to Home will they be sent to OCFS?

Q: What happens to youth who cannot be successfully maintained in the community and close to home?

A: Once custody of a youth is transferred to New York City, if a youth cannot be successfully maintained by ACS in the current placement, the youth would be readjudicated and the Court would determine placement.

QUESTIONS ON THE IMPACT TO PERSONNEL

Q: Who does the 60 days notice apply to?

A: OCFS is authorized to close or make significant associated service or public employee staff reductions from a non-secure facility on 60 days notice **for a period of one year following the effective date of the ACS non-secure plan**. By law, in no event can this authority extend beyond September 1, 2014. OCFS can only take such actions for the following reasons: to reflect a decrease in the number of youth placed in state custody from New York City in non-secure settings; to reduce costs to the state and other social service districts resulting from the decrease; or to adjust services to provide regionally-based care to youth from other parts of the state.

New York City has not yet submitted its non-secure plan to OCFS for approval. New York City has posted a draft of its non-secure plan on its website and has gathered public comments on the plan and held hearings as required by the legislation. They will submit the non-secure plan to OCFS for approval, along with a summary of comments received, including an analysis of any significant alternatives suggested. In addition, they must detail any changes made to the plan as a result of the hearing and why any significant alternatives were rejected. OCFS then has 30 days to approve, disapprove, or request amendments to the non-secure plan. If OCFS requests amendments to the non-secure plan, OCFS will have 15 days to approve or disapprove any amended plan.

Q: Will we have 30 days notice or 1 year notice?

A: OCFS is authorized to close or downsize non-secure facilities on sixty (60) days notice for a period of one year following the effective date of the ACS non-secure plan, in no event can this authority extend beyond September 1, 2014. The decision to close a facility would be based on the decrease in the number of youth placed in state custody from New York City in non-secure settings, the need to reduce costs to the state and other social service districts resulting from the decrease; and the need to adjust services to provide regionally-based care to youth from other parts of the state.

Q: What happens to pensions, accumulated sick leave/annual leave accruals, medical coverage, etc.?

A: For information on your benefits, including leave accruals, medical coverage and pensions, you should contact OCFS Personnel Office. Additional helpful information may also be found in the two guides below, as well as the Career Mobility Office website also linked below.

[Employee Guide for Agency Reduction Transfer](#) (📄)

[Health Insurance Coverage and Related Benefits](#) (📄)

<http://careermobilityoffice.cs.ny.gov/cm/>

Q: Are we going to be given the opportunity for lateral transfers to other state agencies?

A: For information on transfers, you should review both the Employee Guide below and the information available on the Department of Civil Service website:

[Employee Guide for Agency Reduction Transfer](#) (📄)

<http://www.cs.ny.gov/jobseeker/faq/transfer.cfm>

Q: How will the transition of youth impact on community staff after September 1st (Legislation date)?

A: Once the non-secure plan is approved and the transition of non-secure youth to ACS custody begins, community staff may still be providing care to non-secure youth as they are transitioned over to ACS. In addition, they will still be responsible for supervising limited secure youth in community settings or who are on after care from limited secure levels of care, until the limited secure plan is approved and implemented. Under the legislation, the limited secure plan cannot be approved before April 1, 2013.

Q: Will seniority be the determining factor in deciding what staff will still remain employed with OCFS?

A: If the transfer of youth to NYC ACS custody results in the closure of OCFS offices or programs, NYS Civil Service laws provide procedures governing bumping and seniority. More information is available at the Civil Service website linked below:

<http://www.cs.ny.gov/pio/summaryofcslaw/summofcsl-layoffs.cfm>

LEGAL/FAMILY COURT PROCESSES

Q: What is commencement/deadline date in which all these youths must be petitioned via court over to ACS?

A: There is no specific date set yet to file petitions. The time frames will depend on when the non-secure plan is submitted by ACS and approved by OCFS. Once the non-secure plan is approved, OCFS will begin to transfer youth who were placed by a New York City Family Court in non-secure placements from OCFS custody to ACS custody. OCFS must file petitions to transfer custody within 90 days of the effective date of the non-secure plan, unless OCFS determines that transfer would be detrimental to the educational, emotional, mental or physical well being of a particular youth or would interfere with a youth's imminent discharge or interstate transfer. The petition format is currently being drafted.

Q: Once the petitions are developed to transfer custody of youth over to ACS who will be responsible for submitting the individual petitions to the courts? Will case managers be responsible for submitting petitions for youth on their case loads that are from non-secure facilities?

A: As is standard procedure for any petitions related to NYC youth, petitions should be prepared by the case manager and then submitted to the OCFS court liaison responsible for the borough through which the youth was placed. The liaison would then be responsible for filing the petition with the court.

Q: In practice, how will custody be legally transferred?

A: OCFS files the petition. Under Family Court Act 355.1(2), for the first 90 days after the effective date of an approved Close To Home plan (for both the non-secure and limited secure phases), the court is obligated to grant the petition to transfer custody from OCFS to ACS, without a hearing, unless the attorney for the child objects to the transfer on the basis that the youth needs to be placed with OCFS, or the court determines that there is insufficient information in the petition to grant the custody transfer. Starting 91 days after the plan takes effect (for both the non-secure and limited secure phases) the court must hold a hearing prior to transferring custody. However, the court must grant the petition to transfer custody, unless the court determines and states in its written order the reasons why limited secure or secure placement (non-secure phase only) is needed, or why a secure level of placement is needed (non-secure and limited secure phase).

Q: How will the orders read?

A: The order language is currently in draft and is not ready for dissemination at this time. In addition, it is possible that individual judges may make changes or OCA may submit draft orders for judges to use so we cannot guarantee that the language used in the orders will be uniform.

Q: Who is responsible for filing the motions for the modification?

A: OCFS files the petition. Under Family Court Act 355.1(2), for the first 90 days after the effective date of an approved Close To Home plan (for both the non-secure and limited secure phases), the court is obligated to grant the petition to transfer custody from OCFS to ACS, without a hearing, unless the attorney for the child objects to the transfer on the basis that the youth needs to be placed with OCFS, or the court determines that there is insufficient information in the petition to grant the custody transfer. Starting 91 days after the effectiveness of a plan (for both the non-secure and limited secure phases) the court must hold a hearing prior to transferring custody. However, the court must grant the petition to transfer custody, unless the court determines and states in its written order the reasons why limited secure or secure placement (non-secure phase only) is needed, or why a secure level of placement is needed (non-secure and limited secure phase).

Q: Will there be PP petitions filed prior to release to “Close to Home”?

A: Yes. OCFS is responsible for maintaining the status quo as to its statutory responsibilities for these youth until custody is transferred to ACS, so OCFS will continue to file all necessary or required petitions prior to transfer of custody to ACS.

Q: Will OCFS Court Liaison appear in court on all placements to determine agency?

A: There will not be a hearing for every placement. The Close to Home legislation requires that the Family Court grant the order to transfer custody from OCFS to ACS unless the attorney for the child objects to the transfer on the grounds that placement with OCFS is needed on the basis that the youth has shown him or herself to be exceptionally dangerous or has demonstrated, through a pattern of behavior, that he or she is in need of a more structured setting, or unless the court determines there is insufficient information in the petition. In those cases, a hearing will be held and the presence of OCFS court liaisons and/or OCFS attorneys may be required.

Q: Would the child’s attorney have to deal with ACS instead of OCFS?

A: Once custody is transferred to ACS, the youth’s attorney would then deal with ACS.

Q: Who is responsible for the placement location once transfer of custody has occurred?

A: ACS will ultimately be responsible for where youth are placed within their system. However, OCFS will assist in the transfer of information to assure a continuum of care for youth.

Q: What if the judge says “unspecified,” who determines where the youth goes?

A: The court will be required to determine into whose custody a youth adjudicated to be a juvenile delinquent and determined to be in need of placement will be placed. The legislation requires that upon approval of a non-secure plan, the court must place youths with ACS unless a youth needs limited secure or secure placement. Under the legislation, the court cannot direct a youth placed with ACS be placed into a particular voluntary agency. If the court makes an “unspecified” placement with ACS, then ACS would determine placement.

Q: As per ACS, if youth becomes a problem/or rearrested, he/she will be placed in OCFS Secure setting? Is this true and who makes that determination?

Q: What if the youth assaults someone and gets re-arrested in an ACS supervised limited secure facility – would he/she have to be sent to secure with OCFS?

A. Under the Close to Home Legislation, if ACS determines that placement of a youth in a secure setting is appropriate and consistent with the need for protection of the community and in the best interest of the youth, ACS can petition the court to transfer a youth to placement in an OCFS secure facility. However, under the legislation, the court can only grant the petition to place the youth in a secure setting if the court determines and states in the written order that the youth has shown him or herself to be exceptionally dangerous, or has demonstrated, through a pattern of behavior, that he or she is in need of a more structured setting and that ACS has considered the appropriateness and availability of placement in a limited secure setting. Placement of the youth following a re-arrest would depend on whether the youth was adjudicated to be a juvenile delinquent and what court hears the case. If the youth is readjudicated as a juvenile delinquent in a New York City Family Court, replacement of the youth would be guided by the Close to Home legislation.

Q: Will it still be 6 months in and go home or will they be eligible to get out earlier? Will there be home visits even in Limited secure settings?

A: This is something that will be determined by ACS. For further information on ACS and their Close to Home initiative plans, you can visit their website at http://www.nyc.gov/html/acs/html/close_to_home/close_to_home.shtml

Q: Who will be training ACS attorneys for our roles....since I had a visitor from ACS inquiring of liaison’s job function?

A: This is something that will be determined by ACS. For further information on ACS and their Close to Home initiative plans, you can visit their website at http://www.nyc.gov/html/acs/html/close_to_home/close_to_home.shtml

Q: What happens when ACS takes custody of the limited secure youth and judge says 6 month minimum facility placement – will ACS be responsible for them under those circumstances?

A: Once ACS takes custody of a youth, they are responsible under all circumstances and must follow all court orders just as OCFS has done in the past. Further, the legislation states that once the non-secure plan is approved, the New York City family courts would not be able to place youths with OCFS (except for limited secure or secure placements) from that day forward. Similarly, once the limited secure plan is approved, the courts would only be authorized to place youths with OCFS for secure placement.

NYC ADMINISTRATION FOR CHILDREN’S SERVICES

For the following questions, the same answer applies to all:

Q: What happens to a youth if he AWOLs from a group home?

Q: What types of facilities does ACS plan to have for youth?

Q: What plan does ACS have for community safety?

Q: What is the process for selecting staff?

Q: Where will ACS place these kids? Who is going to work there?

- Q: Is ACS contracting to private agencies to supervise these children?**
- Q: What is going to happen with training, hiring, and policy development in 3 months?**
- Q: What ACS community services will be available for youth after the transition?**
- Q: ACS staff will need training, so who will be providing such training?**
- Q: What staff is ACS going to use to supervise youth?**
- Q: Should parents expect the same service from ACS as they receive from them with child welfare?**
- Q: Are youth housed and programmed for within the five boroughs?**
- Q: How will this initiative affect JJI teams since all of our youth are already in non-secure placements (voluntary agencies)?**
- Q: Will there be wrap-around services to assist families with the purchasing of clothing and furniture?**
- Q: Will parents have to pay a portion of the child's care under the closer to home initiative?**
- Q: Parents are often concerned with the youth's behavior in the home and support services to assist, what can we provide to the parents as a reassurance that they will receive support once their children return home?**
- Q: Exactly where will the kid be going? Would they stay home with services?**

A: This is something that will be determined by ACS. For further information on ACS and their Close to Home initiative plans, you can visit their website at

http://www.nyc.gov/html/acs/html/close_to_home/close_to_home.shtml

OCFS OVERSIGHT OF CLOSE TO HOME INITIATIVE

Q: Who will have responsibility for oversight and monitoring of ACS practices?

A: OCFS will have ongoing, robust oversight of the New York City system. This will include regular review of data, case record reviews, on-site inspections, and submission of an annual report by the City. Additionally, OCFS will have licensing and regulatory authority over the authorized agencies which will provide residential services to youth.

Q: What if ACS is not operating the program effectively once it has begun?

A: If OCFS determines that ACS is failing to provide for youth in the program, OCFS can require ACS submit a corrective action plan. OCFS will retain authority to withhold funding and/or terminate the initiative if New York City fails to implement the program in accordance with any regulation or any portion of a corrective action plan intended to prevent imminent danger to the health, safety or welfare of youth served under the initiative. The legislation also sunsets in five years, providing opportunity for legislative reassessment of the initiative.

CLOSE TO HOME INITIATIVE – LIMITED SECURE POPULATION (NYC YOUTH) – 2013

Q: What if there is no collective agreement between ACS and OCFS on how to properly service our Limited Secure population? Will the OCFS to ACS transition be delayed until something that both parties can agree upon is made?

A: The Limited Secure Phase will not take effect until OCFS approves the plan from ACS. That plan cannot be submitted for approval until after April 1, 2013. If OCFS does not approve the ACS plan for the Limited Secure population, then the Limited Secure phase cannot begin.