

**Memorandum in Support
Article VII, Part G – Enact Juvenile Justice Reform**

Purpose:

This bill would improve outcomes for youth in the juvenile justice system through comprehensive services provided closer to home.

Statement in Support, Summary of Provisions, Existing Law, and Prior Legislative History:

This bill would transform the juvenile justice system by authorizing New York City to develop a juvenile justice system that provides an effective combination of community services, supervision, treatment and residential placement. Through the use of a validated risk assessment instrument and process, youth would be placed in the least restrictive, most appropriate level of care, consistent with public safety and keeping youth close to home to strengthen family and community connections. Programs and services provided to youth would be those with a record of improving outcomes for youth and maintaining public safety.

Effective April 1, 2012, New York City will be authorized to implement a close to home initiative to provide services for adjudicated juvenile delinquents determined by a Family Court as needing placement in other than a secure facility and to contract with authorized agencies to operate and maintain non-secure and limited secure facilities. The initiative would be subject to a plan prepared by New York City and approved by the Office of Children and Family Services (OCFS) and the Director of the Budget. Before submitting a plan, New York City would be required to hold at least one public hearing on its proposed plan.

Upon approval of a close to home initiative plan, Family Courts in New York City will only be able to place juvenile delinquents needing the level of care contained in the plan with the Administration for Children's Services; such youth could no longer be placed with OCFS. In addition, OCFS will petition the Family Courts to transfer New York City youth who are in its care to New York City, except when such a transfer would be detrimental to a particular youth.

To balance the size and cost of the State-run system and provide regionally-based care to the remaining juveniles, OCFS will be authorized, for up to one year from the effective date of the approved plan, to close any of its facilities in the same level of care, and to make associated service and staffing reductions, upon 60 days' notice of its intent to close a facility.

OCFS will be responsible for oversight and monitoring of the initiative. Such activities will include: establishing regulations; licensing new residential programs; conducting case record reviews, on-site inspections, and staff, family and client interviews; reviewing information and data regarding provider performance, youth and staff safety, and quality of care; and requiring corrective actions, if necessary.

The bill expands to all social services districts OCFS's current authority to conditionally release juvenile delinquents placed in its care and to obtain court authority to provide

routine medical care to juvenile delinquents. It also requires the use of a pre-dispositional risk assessment instrument throughout the State to provide an objective tool to inform the court, prior to its dispositional decision, of the risk an adjudicated delinquent may pose to public safety. In addition, it eliminates the Family Courts' authority to require that juvenile delinquents placed in the custody of OCFS or social services districts reside in specific voluntary agencies.

Under existing law, OCFS operates facilities across the State for juvenile delinquents sent for residential placement by the Family Courts. Such facilities are costly. In addition, many are a significant distance from the home communities of New York City youth, need to improve the conditions of care, and have inconsistent results at reducing recidivism.

Budget Implications:

This bill is necessary to implement the 2012-13 Executive Budget because it authorizes the closure of OCFS youth facilities and the implementation of a close to home initiative, both of which are included in the Executive Budget. While the bill is estimated to have a modest cost (\$3 million) to the State and to provide modest savings to local governments in 2012-13 initially, when fully implemented there would be an estimated recurring cost savings to both the State (\$4.5 million) and localities.

Effective Date:

This bill takes effect immediately. Part A is effective April 1, 2012 expires and is repealed on March 31, 2018. Part B is effective April 1, 2012.

Links to Legislation

Citizens Guide to the Executive Budget (explanation of budget process and legislation)
<http://publications.budget.ny.gov/eBudget1213/fy1213littlebook/CitizensGuide.pdf>

Budget Briefing Book – Human Services section – (narrative on the Human Services budget proposals)
<http://publications.budget.ny.gov/eBudget1213/fy1213littlebook/HumanServices.pdf>

Education, Labor & Family Assistance Article VII Bill (S.6257/A.9057)

Includes Amendments made to the original language as follows:

Part G, relating to juvenile justice reform, is amended to:

Change certain paragraph letters to conform with references to such paragraphs.

http://publications.budget.ny.gov/eBudget1213/fy1213artVIIbills/ELFA_ArticleVII.pdf

Part K, relating to juvenile justice, is added to:

Authorize OCFS to enter into contracts with BOCES to provide educational services to youth in juvenile justice facilities.

<http://publications.budget.ny.gov/eBudget1213/21day/ELFANewPartK.pdf>

Part L, relating to juvenile justice, is added to:

Repeal the requirement that OCFS issue an annual report on the youth center facility program.

<http://publications.budget.ny.gov/eBudget1213/21day/ELFANewPartL.pdf>

Part M, related to juvenile justice, is added to:

Clarify that local probation departments are required to share information with OCFS that is necessary for the creation of a validated risk assessment instrument.

<http://publications.budget.ny.gov/eBudget1213/21day/ELFANewPartM.pdf>