



**Transcript of “Enacted 2017 Runaway and Homeless Youth Legislation” webinar
delivered May 5, 2017**

Good afternoon everybody welcome and thank you for participating in the webinar about the enacted 2017 Runaway and Homeless Youth legislation. I'm Nina Aledort, I'm the Associate Commissioner here at OCFS over Youth and Young Adult Services and I am joined by Cassandra Kelleher-Donaruma who is our Senior Attorney. We're going to take some time to walk you through the changes and what our process will be and we are very excited to have this hour with you. Just a little bit of housekeeping, if you can't hear us or there's a technical problem just type it in the chat window we have people here who can respond. The technical support is 1-800-810-1349. We will be taking questions at the end but if you do have a question you can type it in the chat window. We have folks who are writing down the questions and we will be posting this webinar with the PowerPoint on the website. Once it's all sort of finalized it will be on our website in the runaway and homeless youth section of the OCFS website. So with that we're going to go...here we go.

So our agenda for today is, we are going to what the actual changes in the legislation are, sort of the big picture changes. Then we are going to discuss the regulatory changes that we are required to do and the opportunity that we have for regulatory change. What the process OCFS is going to be engaging with the field and then we will take your questions. So I'm going to hand the microphone off to Cassie who will walk us through the legislation.

Hello, good afternoon everyone my name is Cassandra Kelleher-Donaruma or I go by Cassie and I am in charge of legislation. I am the attorney in charge of legislation in inner-governmental affairs for OCFS. So as you all may be aware the reason that we are having this webinar is to discuss substantial changes to the law that governs Runaway and Homeless Youth that was enacted in the budget that was just completed last month. So I'm going to run through those and then I'll turn it back over to Nina and then we'll take your questions as she had indicated earlier.

So the first thing I am going to discuss is some of the big changes to legislation. So first of all the new Runaway and Homeless Youth law that will take effect January 1st of 2018 which also coincides with the plan year and the time the plans that take effect for runaway and homeless youth. This will enact substantial reforms in the area and some of the major ones are that it will raise the maximum permissible age for homeless youth that may be served in Runaway and Homeless Youth programs to 24 years of age. This change as many of these other changes I'm going to highlight on this slide are made at both the local option and the program option which I will explain in a little bit. It will allow localities to choose whether or not to permit a youth under the age of 16 to be served TILP. That would be a case-by-case basis determination by the program and I'll get into the process for how that's going to work too later in future slides.

And it would also extend the permissible length of stay for youths in TILPS (and I think we are all familiar with Transitional Independent Living Services Program) from 18 to 24 months. So right now you may all be aware at 18 months that's the end of the statutory time frame that a youth can stay in a Transitional Independent Living Support Program and that will be changed to 24 months with possibly the option to allow for additional time on a case-by-case basis. It also will extend at local option and program option the permissible length of stay for youth in runaway programs. And the way I like to think of this is that it basically doubles the amount of permissible length of stay depending on the circumstance for each category for runaway youth.



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So as you may already, I'm sure many of you are already aware, for runaway youth the length of stay the youth can remain in the program depends on whether or not the youth is absent without the consent of their parent or legal guardian and whether or not an Article 10 abuse and neglect petition is contemplated. So in the case where an abuse and neglect petition is not contemplated for youth who are over the age of fourteen this statute would allow the length of stay to change from 30 days for the maximum permissible length to 60, so otherwise doubling that. And the new statute does not provide an additional length of time for youth who are under the age of 14 who are absent without the consent of their parents and there is no contemplation of an Article 10 given those youths you know 13 and younger seems very young to be allowing youth to stay for that long without the consent of their parents. So that change is only for those who are 14 and older. Additionally, if the youth has the consent of their parent or legal guardian, right now a youth who's runaway can stay in a residential program for 60 days and this doubled that period to 120. So it doubles the period for runaway youth in all categories with a consent of the parent or guardian there's no qualifier for 14 years of age.

And then as previously mentioned when I was clicking through one of the previous slides one of the things that this law does is it allows for the length of stay, whether it's the 24 months in the Transitional Independent Living Services Program or the maximum length of stay for a runaway youth, to be extended upon written notice by the municipality that's, again a County or New York City to OCFS, and we have a little bit more on that in a coming slide.

But so we're in a nutshell we are expanding the length of stay that youth can be served and we're also expanding the age of the youth from 21 through the end of 24 at local option. And for those youth - just again to recap - who hit the maximum new statutory permissible length, you can still allow on a case-by-case basis for them to stay longer upon written notice to OCFS.

And so for all those changes that I just discussed that as I mentioned is a local option, which means that each locality under statute right now to receive Runaway and Homeless Youth funding as you all may be aware need to submit a runaway and homeless youth plan to OCFS. So the locality, meaning your county or if they're in New York City the city of New York, has to indicate that they're willing to allow programs to engage in those expanded services that we just went over. And that is not just a global question of whether or not, so for example let's take New York City. It is not at the plan that the new DYCD for example would say in their plans they want to allow for expanded services, just that they're going to allow expanded services. It's going to be tailored program by program, which also means, which is the first bullet on this slide, at the program level each Runaway and Homeless Youth *program* will choose of those what we just talked about. Which is serving older youth and serving youth for additional service options that we just picked through. Your program could choose one as it's a menu of options that you can choose from or you can choose all. It's discretion to provide the maximum flexibility both the programs and locals government to tailor Runaway and Homeless Youth services that are available to meet the needs of the community.

In relation to the addition we talked about allowing on a case-by-case basis an additional length of stay for youth who are under the age of 16 to be served in TILPS. That's just so everyone has it the written notice that goes to OCFS is provided by the municipality and has to be provided within 60 days. So that means if the youth is entering a TILP and they're under the age of 16 that the municipality would have to notify OCFS within 60 days of that youth entering. Similarly, if a youth hits the maximum period of time that they're allowed to stay and the youth continues



in a program notice just has to be communicated to OCFS within that 60 days from when that maximum length of stay date was met. And that written notice has to, as is indicated in the slide, set forth the circumstances that make shelter necessary for that youth and efforts to find suitable alternative living arrangements in the outcome of such efforts. So that's is what has to be in writing. And then OCFS will then determine if that is appropriate or not and if it's inappropriate OCFS has to instruct the program on how to seek a more suitable living arrangement.

The next slide, the enacted legislation also requires Runaway and Homeless Youth programs to contact the applicable Local Department of Social Services if it is believed that a youth being served in a program may be a destitute child as defined in Section 592 of the Family Court Act. I have that section of law here with me and I can just really quickly tick off what the criteria are because that is tied specifically. I know also we think of destitute children and I know when this bill was pending that there was a lot of questions regarding aren't, you know, many of the children who are served in these programs technically destitute? But this, for the purposes of this statutory change it's really tied to another provision of the Family Court Act. So, under 1092-A of the Family Courts Act a child's destitute if they are in a state of want or suffering due to lack of sufficient food clothing or shelter *and* they cannot be deemed to be an abused or neglected child under Article 10 and they are without a parent or caretaker available to sufficiently care for them due to the death or incapacity of their parent or caretaker or the inability of the Local Department of Social Services to locate the parents or the parent is outside of the State of New York and efforts to reunite would not be fruitful. Such as children who maybe for example, the children of parents who have been deported and therefore you cannot reunite them and they're located outside of the state. So it's a much more narrow definition but in a case when you have youth who follow that who would fit within that definition coming into a program, the program will be required to notify the Local Department of Social Services in the form of a referral for services for that youth. And OCFS will be providing more guidance to programs specifically on this prior to the change in law taking effect.

Additionally, the law will require that Runaway and Homeless Youth programs provide information to youth who may be eligible to re-enter foster care under Article 10-B of the Family Court Act. And just so you know, OCFS will be providing information to all of the Runaway and Homeless Youth programs to provide to meet this requirement. So you don't have to come up with that information on your own. And also just so everybody has to sense youth are re-eligible to enter foster care under Article 10-B of the Family Court Act if they left foster care after turning age 18, are less than age 21, and have not re-entered foster care more than two times previously after turning page 18.

On the next slide the legislation also renamed "approved runaway programs" as "runaway and homeless youth crisis services programs". This name change was made because, as I'm sure you all know, what we call approved runaway programs now actually serve more than just runaway youth. They also serve homeless youth and their programs aren't necessarily just designed to meet the needs of runaway youth. They are really short-term crisis intervention type programs so this changing of the name better aligns the services being provided with the name for those types of programs.

And the legislation would also require that all residential Runaway and Homeless Youth programs that are serving youth under the age of 18 and that are certified by OCFS on or after the bill's effective date become authorized agencies. So there's a few points I want to make to clarify about this change so that everybody's on the same page. So first of all, right now what



we would call approved runaway home programs that are going to become our runaway and homeless youth crisis services programs are all already required to be authorized agencies. The Transitional Independent Living Services Programs are not required to be authorized agencies, though many are. An authorized agency is in turn a piece of the social services law that relates to a number of things that OCFS blesses for a program to operate and have to serve kids on a residential basis. So, what this is really saying is at the time - so existing TILPS that are not authorized agencies now will be grandfathered in unless they need to have their certification changed which might occur they want to serve older youth after the effective date and change the certification after the effective date or want to open a different program such that they're getting a new certification or expand upon their program. Additionally, what this also means is that if there's a runaway and homeless youth, say there is a residential program that is either established for the primary purpose of serving runaway and homeless youth, even if it's not going to be in a local plan, a municipality plan to Runaway and Homeless Youth services, that they must be certified by OCFS if they're residential and serving kids under 18 and they must be authorized agencies. And any program that is in an approved plan, even if it's serving older youth who are over the age of 21, also has to be an authorized agency and certified by OCFS. I know that's kind of complicated and if people have very specific questions I can kind of walk that through more in more detail. But many of you know all the crisis programs are already authorized agencies and many TILPS are as well, so hopefully that will not be too much of a lapse, especially with the grandfather.

Okay and that is it for the regulatory changes I'm going to turn it back over to Nina.

So and I just want to say one thing about, you know, Cassie has been talking about the plan and as you know there are many places where you do planning for runaway and homeless youth services. So it's not a new plan. There's the RAP, there's the county plan, there's the Administrative Services plan, so we don't expect there to be some new fancy consolidated runaway and homeless youth plan. It's just a typical planning area that you are already currently using.

So I'm going to walk you through briefly the regulatory changes that are both either required by the legislation or we now have the opportunity because of the legislation. So we have specific changes that are required by this legislation by January 1st, 2018 and we are going to be taking it sort of a two-phase approach. We are going to make sure that we hit all of those changes and updates by January 1st because we are required by law and make sure that we do all of the conforming changes; it's a fairly small number of things but I'll walk you through. And simultaneously we are going to be engaging in more thoughtful regulatory reform process with a lot of input from key stakeholders because this opens up the opportunity to take a look back at the regulations which were created in 1978, I believe.

So phase 1 is really to maintain compliance with the enacted legislation. And the things that we are required to update are the name change for runaway programs to "run away and homeless youth services crisis services programs", the certification requirements for programs serving children under 18 that Cassie just walked through and the authorized agency requirements for new TILPS or amended TILPS, that there is an option provided to municipalities to authorize the increased length of stay and raise the ages of youth in programs, and the notifications to DSS of destitute youth and requirement for programs regarding youth eligibility for re-entry into foster care. So all existing regulations will be updated with minimal changes to conform with the enacted legislation so that we can hit the January 1 target date that is required by law. At the same time that we are engaging in that process we are going to really take a look at all of the



governing regulations for Runaway and Homeless Youth programs. And we're going to be having several meetings with key stakeholders probably scheduled either in the summer of 2017 or early fall depending on everybody's availability. And we're going to be looking at the current regulations through sort of a four square process. We're most likely going to hold one meeting in Albany and one in New York City. We may have, if we need to, we may have a third if there aren't enough people who can come. But we're really looking at the current regulations, so starting from the top left, the green keep in. So what regulations currently exist that are working for the field with or without some minor changes? Going over to the next box, which regulations currently exist that no longer really function to respond to the needs on the ground or somehow contradict the current regulations that we have to change? What is missing from the current regulations that would be helpful from a regulatory standpoint, and what is missing from the current regulations that we don't want to inadvertently include that would end up with some collateral consequences of, you know making it more difficult for folks to actually do the work on the ground. So that is the sort of the framework that we're going to be getting input from the field from.

So you know for anybody who's gone through regulatory process there's a very clear set of guidelines that are required in statute, do that are the rule making process for the adoption of new regulations that includes a public comment period. And once the new regulations are enacted both the ones due January 1st and the ones that will come shortly thereafter we will be providing technical assistance, and information to the field in the form of policies, informational memos, fact sheets. And we're also going to be providing technical assistance as usual through the Regional Offices and the Office of Youth and Young Adult Services.

Well, thank you everybody. If you continue to have questions, please make sure that you send them to our email box rhy@ocfs.ny.gov. We will be posting this webinar to our website, we will have an FAQ and we will also have the PowerPoint available up on our website by the within a month. So thank you so much and we hope that this was helpful to you. And again if there are more questions please make sure to send them in.

Questions posed at the conclusion of this webinar are captured in the *Frequently Asked Questions: 2017 Runaway Homeless Youth Enacted Legislation* available at <http://ocfs.ny.gov/main/youth/>. For more information on Runaway-Homeless Youth programs please contact RHY@ocfs.ny.gov.