



The Office of the Ombudsman (OOTO) in the New York State Office of Children and Family Services (OCFS) is comprised of attorneys and individuals with expertise in the areas of juvenile justice, who help protect the legal rights of youth. “Youth” is any person under 21 held at a county detention center or placed in a county-run or OCFS-run residential facility as a juvenile delinquent, youthful offender, juvenile offender, or adolescent offender.

### **The Rights of Youth in Custody**

Youth in custody have legal rights, defined broadly. These rights begin with those established by the constitutions and laws of the United States and New York State, and extend to rights granted by court orders, decisions, or stipulations; by state and federal rules and regulations; and by OCFS or facility policies. These rights cover many aspects of a youth’s time in care—from intake, to placement, to release or transfer.

### **OOTO Responsibilities in Protecting the Rights of Youth**

- ***Site Visits:*** OOTO has unhindered access to youth. Across the state, OOTO staff conduct announced and unannounced visits to OCFS-operated facilities (administered by the Division for Juvenile Justice and Opportunities for youth [DJJOY]), county detention centers, Close to Home programs (administered by Administration for Children’s Services in New York City), and child welfare voluntary agencies that fall under OCFS’s oversight authority.
- ***Investigation and Resolution:*** OOTO investigates reports made by youth regarding their care and raises these reports to relevant OCFS program areas or other state and local agencies/divisions for resolution. OOTO also connects youth and their families/caregivers to resources across the juvenile justice system that can assist them. OOTO does not represent youth in court but can explain juvenile justice-related issues; laws, rules, and policies to youth and their caregivers; and can aid a youth in obtaining an attorney. OOTO is not the Justice Center for the Protection of People with Special Needs—it is a separate entity and does not work in collaboration with the Justice Center’s operations.
- ***Resources:*** OOTO has several resources for youth, their families, and facility administration. These include: a youth-oriented video, guide, and palm card on navigating interactions with law enforcement; a guide to advocacy during school disciplinary proceedings; social media safety one-sheets; and region-based, subject-specific lists of legal service providers for youth and families. OOTO worked with DJJOY to provide youth in OCFS facilities access to an encyclopedia of policies applicable to their time in care. OOTO also provides youth rights training to staff at OCFS facilities and training about OCFS facility due process proceedings to youth attorneys.

### **Contacting OOTO**

Youth may contact OOTO with any concern they have related to youth rights. Regardless of where a youth resides, staff may not refuse a youth’s request to call OOTO, and they must be afforded a reasonable level of privacy during the call. Written correspondence between youth and the OOTO is confidential. When OOTO staff conduct site visits, youth can also speak with an ombudsperson about issues related to their care and/or treatment.

Facility staff, a youth’s family or attorney, and/or other interested person may call OOTO if they have concerns about a particular youth or the rights of youth in care, generally. By statute and policy, OOTO is careful to verify outside contact and maintain confidentiality where required.

Staff in OCFS facilities call OOTO whenever a youth is about to be in contact with law enforcement. OOTO attorneys advise the youth of their rights when speaking to law enforcement and will connect the youth to an/their attorney.

Individuals can call the OOTO Youth Helpline at 1.888.219.9818. OOTO is also available at: [MyAllies@ocfs.ny.gov](mailto:MyAllies@ocfs.ny.gov); <https://ocfs.ny.gov/main/ombudsman/>, or Office of the Ombudsman, 52 Washington Street, 230N, Rensselaer, NY 12144.