



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Sheila J. Poole
Commissioner

Administrative Directive

Transmittal:	19-OCFS-ADM-06
To:	Runaway and Homeless Youth Residential Programs Municipal Youth Bureaus Runaway and Homeless Youth Service Coordinators
Issuing Division/Office:	Division of Youth Development and Partnerships for Success, Bureau of Health & Wellbeing
Date:	July 31, 2019
Subject:	Notification of Increased Length of Stay in a Residential Runaway and Homeless Youth (RHY) Crisis Services Program
Suggested Distribution:	OCFS Regional Offices
Contact Person(s):	(518) 474-4110, RHY@ocfs.ny.gov
Attachments:	Attachment A: <i>Increased Length of Stay Notifications: Residential RHY Crisis Services Program Flow Chart</i> Attachment B: OCFS-2133, <i>Notification to OCFS of an Extended Length of Stay in a Residential RHY Program</i>

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		9 NYCRR §§ 165-1.3 & 182-1.2(u), 182-1.9(d)	§§ 420(2)(a)(3), 532-b(2)(a) and 532-b(2)(b) of the Executive Law; see also Part M of Chapter 56 of the Laws of 2017		

I. Purpose

The purpose of this Administrative Directive (ADM) is to clarify the conditions under which a runaway and homeless youth (RHY) service coordinator, and others as designated by a municipality via the RHY section of the Child and Family Services Plan (CFSP), must

provide written notification to the New York State Office of Children and Family Services (OCFS) of a circumstance warranting additional residential services in a certified residential RHY crisis services program. These conditions were created with the enactment of Part M of Chapter 56 of the Laws of 2017 and accompanying changes in regulation. This policy applies only to runaway youth in OCFS-certified residential RHY crisis services programs; homeless youth and Transitional Independent Living Support Programs (TILPs) are addressed in 19-OCFS-ADM-05 - *Notification of Expanded Services in a Transitional Independent Living Support Program (TILP)*.

II. Background

There are two types of RHY crisis services programs: RHY shelters and interim family programs. OCFS-certified RHY shelters provide temporary shelter to runaway and homeless youth, all of whom are either between the ages of 16 and 20 years old or under 18 years of age. OCFS-certified interim family homes provide temporary shelter to runaway and homeless youth who are under the age of 21 as part of an interim family program. If approved by OCFS as part of a municipality's CFSP or otherwise authorized by OCFS, RHY crisis services programs may also serve homeless young adults who are within the age range of 21 through 24 years old. The goal of RHY crisis services programs is to support a safe reunification of youth and young adults to their parents, legal guardians, or custodians, when appropriate.

Under section 532-a(1) of the Executive Law, a runaway youth is defined as a person under the age of 18 years who is absent from his or her legal residence without the consent of his or her parent, legal guardian, or custodian.

Under section 532-(a)(4) of the Executive Law, a residential RHY crisis services program is defined as any residential program operated by an authorized agency and certified by OCFS to provide short-term residential services to runaway and homeless youth in accordance with applicable regulations. Residential RHY crisis services programs may also provide residential respite services to youth in need of crisis intervention or respite services for up to, but not exceeding 21 days.

A runaway youth may remain in a certified residential RHY crisis services program on a voluntary basis for a period not to exceed 30 days, or for a youth age 14 or older for a period not to exceed 60 days when authorized in the applicable municipality's approved CFSP. These periods begin on the date of admission where the filing of a petition pursuant to Article 10 of the Family Court Act is not contemplated, so that arrangements can be made for the runaway youth's return home, an alternative residential arrangement, or any other suitable plan.

If the runaway youth and the parent, legal guardian, or custodian agree in writing, the runaway youth may remain in a certified residential RHY crisis services program for up to 60 days, or up to 120 days when authorized in the applicable municipality's approved CFSP, without the filing of a petition pursuant to Article 10 of the Family Court Act, provided the program director has obtained written approval from the applicable municipal RHY service coordinator. The municipal RHY service coordinator must notify the municipality's youth bureau of his or her approval, together with a statement as to the reason why such additional residential stay is necessary and a description of the efforts being made to find suitable alternative living arrangements for such youth.

III. Program Implications

Changes made to the Executive Law by part M, Chapter 56 of the Laws of 2017 allow for runaway youth to remain in a certified residential RHY crisis services program beyond the program's maximum length of stay, as defined above when the municipality believes that circumstances warrant a youth receive additional, extended services. In any such case, written notification must be submitted to OCFS as described below.

IV. Required Action

Actions for Municipalities

When circumstances warrant a runaway youth receiving residential services past the program's maximum length of stay, such residential services may be provided. In any such case or circumstance, the municipality **must** provide written notification to OCFS **within 60 calendar days** of the date the decision to extend the length of stay of the youth was made by the program. The municipality must provide the written notification to OCFS through its RHY service coordinator or other designee as approved in the CFSP. Form OCFS-2133 is provided for this purpose.

The following information must be included in the written notification:

1. The circumstances that make the extended provision of shelter necessary
2. Efforts made by the program to find other suitable alternative living arrangements
3. The outcomes of those efforts
4. A tentative date by which the youth will be successfully discharged from the program, and efforts planned to prepare the youth for such discharge

Form OCFS-2133 is to be submitted via email to OCFS at RHY@ocfs.ny.gov, and a copy of the notification must be maintained in the youth's case file. OCFS will acknowledge the notification within five business days of the receipt of the notification. Unless OCFS advises a more suitable course of action than that identified in the notification, the plan is deemed acceptable. OCFS may instruct the program on how to seek a more suitable alternative living arrangement.

Actions for Programs

When youth who have been provided with an extended length of stay beyond what is allowed for by the municipality's CFSP is discharged from the residential RHY crisis services program, the program must notify the municipal RHY service coordinator. This discharge notification must be made in writing and include a summary of the youth's discharge plan. Following discharge, programs may continue to provide youth with case management and other non-residential services; programs shall document all efforts made to provide services after discharge in youth's case records.

In accordance with 9 NYCRR 182-1.13(a), residential RHY crisis services programs that are not funded as part of any municipality's approved CFSP may apply to OCFS for a variance related to the length of time youth may remain in residential RHY crisis services programs subject to the same limitations placed on municipalities. To initiate this process

programs must contact OCFS either by email at RHY@ocfs.ny.gov or by writing to the mailing address below:

New York State Office of Children and Family Services
Attn: RHY
52 Washington Street, 338N
Rensselaer, NY 12144

V. Contacts

For additional guidance please contact RHY@ocfs.ny.gov or (518) 474-4110 during normal business hours.

VI. Effective Date

This policy is effective immediately.

/s/ Nina Aledort

Issued By:

Name: Nina Aledort, Ph.D.

Title: Deputy Commissioner

Division/Office: Division of Youth Development and Partnerships for Success