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**Overview of
Persons In Need of Supervision Reform Changes
(20-OCFS-ADM-22 R1)**

November 2, 2023

Background



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Enacted Legislation

PINS reform is contained in three pieces of legislation:

1. PINS reform legislation enacted in the 2019-2020 State Budget (Part K of Chapter 56 of the Laws of 2019)
2. Enacted RTA legislation (Part WWW of Chapter 59 of the Laws of 2017)
3. Enacted Office of Court Administration Departmental bill of 2018 (Chapter 362 of the Laws of 2018) that pertains to PINS truancy (and educational neglect)



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Background

**PINS Petitions,
Detention and
Placement Have Been
Decreasing**



PINS reform and Federal Family First Legislation

The PINS reform legislation was crafted specifically with Family First requirements in mind

Family First requirements limit the reasons and lengths of stay for IV-E reimbursement for congregate care



Context: Placement Changes

Out-of-home placement longer than 6 months has a negative impact on youth

- Loss of connection to family, increased likelihood of stalled permanency
- Loss of educational continuity
- Loss of connection to natural supports
- Loss of hope

PINS youth have broken no law

Youth who runaway from home do not stay put in strange and new settings—trafficking risk increases by placing them out of home



PINS Diversion Services



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Special Provisions Regarding Truancy

Pursuant to the PINS reform legislation of 2019 (effective January 1, 2020):

- If the only finding made against the child is truancy, no placement shall be ordered
 - This includes Pre-dispositional and Post-dispositional placements



Special Provisions Regarding Sexually Exploited Youth

- Lead designated agencies must assess whether a youth may be sexually exploited as part of PINS diversion
- LDSS has been required to assess due to Preventing Sex Trafficking and Strengthening Families Act– this is a new requirement for Probation



Funding



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STSJP

- Localities may transfer funds from their detention allocation (reimbursed at 49%) to support STSJP and receive a higher reimbursement rate (62%)
 - Expanded to include youth at risk of becoming a PINS
 - Prevention
 - Early Intervention
 - Alternatives to Detention / Alternatives to Pre-dispositional Placement
 - Alternatives to Placement
 - Reentry / Aftercare
 - Family Support Services (can be regional)



Family Support Services Programs

- The enacted legislation created a new Title 12 of Article 6 of the Social Services Law relating to Family Support Services Programs which may be created at local option
- One or more municipalities (meaning a county, or the City of New York) that are located in close geographic proximity may join together to operate a regional program
- The goal of these programs are to provide community-based services to children and families to prevent PINS petitions from being filed, PINS adjudications and PINS out of home placements

Other Service Funding Sources



- Youth Development Program
 - Primary Prevention
 - Early Intervention
- 62/38 Preventive
 - Youth at imminent risk of placement
 - Uncapped
- Medicaid State Plan Services
 - Medicaid eligible youth and families

PINS Reform-Related Funding Changes



The Legislation:

- Continued PINS diversion as a preventive service. Eligible PINS preventive services continue to qualify for open-ended 62% state reimbursement
- Continued the provision in Raise the Age for no state funding for PINS Detention or PINS out-of-home placement as of January 1, 2020
 - No state funding for pre-dispositional placements; Title IV-E reimbursement *is not available*, because at the point of pre-dispositional placement, the court has not transferred legal care and custody of the child to the LDSS Commissioner. Therefore, the child is not in foster care and Title IVE reimbursement for maintenance and care does not apply.
 - No state funding for post-dispositional placements; Title IV-E and EAF reimbursement continues to be available for eligible cases



Pre-dispositional Placement & Warrants



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Pre-dispositional Placement (PDP)

Pre-dispositional placements can only occur in:

- A foster care setting certified or licensed by OCFS or authorized agency
 - Foster boarding home
 - Group home
 - Residential Treatment Centerwith required Court findings prior to PDP
- OR directed by the court, upon consent of the youth, to a short-term safe house (runaway and homeless youth program – Safe Harbour legislation) which is voluntary (See Family Court Act (FCA) §720)

**No state funding can support Pre-dispositional placement;
IV-E is also not available, as PDP is NOT foster care**



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Pre-dispositional Placement 3 Day Rule

A youth cannot remain in pre-dispositional placement for more than 3 days unless:

- The respondent waives a determination that probable cause exists to believe that they are a PINS; or
- The court finds that such probable cause exists; or
- Special circumstances exist, in which cases such placement may be extended not more than an additional three days exclusive of Saturdays, Sundays and public holidays



Hearing Time Frames when a Youth is in Pre-dispositional Placement

Fact finding must occur within certain time frames if the Respondent youth is in pre-dispositional placement.

Specifically:

- The fact-finding for the Article 7 must be held within three days of the filing of the petition
- The presentment agency, or the court on its own motion may adjourn fact finding for a period of not more than three days



PINS Warrants



- The ability of the court to issue a warrant (FCA §725) and the return of youth who have left their residence without consent (FCA §718) remains unchanged by the PINS reform legislation
- Youth alleged or adjudicated to be PINS **may not be brought to pre-dispositional placement without a court order with the necessary findings**
- **If there is not a family court open at the time a youth is taken into custody, the youth must be returned to a parent/legal guardian, or another resource named by the parent/legal guardian, who then must appear at the earliest instance before the court to answer the warrant**
- If a child is absent without consent from pre- or post-dispositional placement and a warrant is issued, they may be returned to placement



Crisis Intervention and Respite Services



- Required PINS Diversion crisis intervention services may need to be available to local law enforcement and/or the family if the youth is taken into custody after hours and unique scenarios arise
- Respite, which is a **required PINS Diversion service**, is critical during times of crisis to avoid youth leaving without consent, escalation in the home, and provides a supportive cooling-off period for all



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Changes to PINS Post-dispositional Placement



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Post-dispositional Types of Placements

Post-disposition, the legislation allows for limited placements for PINS youth

The court may order:

- Placement in the child's own home (not foster care)
- Order the child be placed in the custody of a suitable relative/private person (e.g. direct placement/Article 6)
- Order the child be placed in the custody of the Commissioner of the Local Social Services District into a:
 - Foster boarding home/kinship foster care
 - If the child is found by the court to have been a sexually exploited child under Social Services Law (SSL) 447-a, an available long-term safe house
 - An authorized agency (Agency Operated Boarding Home, group home, institution, RTC)



Time Limitations on PINS Placements

The first period of PINS placement can last no longer than 60 days prior to a court review

- Crucial assessment and service planning occur expeditiously
 - **Initial Family Assessment and Services Plan (FASP) is due within 14 days of the post-dispositional placement**



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PINS Extensions of Placement



- First extension of placement can be for no more than 6 months and must be filed 15 days prior to the end of the initial placement
- Second extension of placement must be filed 30 days prior to the expiration of the placement period and can be for no more than 4 months unless
 - the Attorney for the Child, at the request of the child, seeks an extension and the court determines an extension is in the child's best interest; or
 - the court finds that extenuating circumstances exist that necessitate the child be placed out of the home
- **No additional extensions can be ordered**



Recording a Pre-dispositional Placement & Scenarios



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Pre-dispositional Placement Order to a Foster Care Setting



- Open a Family Services Intake (FSI) stage in CONNECTIONS, select FSI service type Child Welfare Services, and stage progress to FSS
- Complete the family “Relationship Matrix” in CONNECTIONS
- **Do not** select a “Program Choice” for the youth in the Tracked Children window
- **Do not** use the CONNECTIONS placement module for a foster care setting the LDSS is utilizing for pre-dispositional placement
- Open a WMS case; **do not enter Purchase of Service (POS) codes**

Expenditures for pre-dispositional placement in a foster care setting **must not be authorized in WMS, BICS or ACS; these must be processed outside of WMS/BICS and are all local share funding.

Pre-dispositional Placement order to a foster care setting



- LDSS workers with the “Maintain Activity Entry” business function must directly enter in the activity record:
 - **N910** – Non-Custodial placement with the following modifiers:
 - Modifier A – **Facility ID** (required)
 - Modifier B – Out of County/Border Placement Reason (optional)
 - Modifier C – **10** – Pre-Dispositional PINS Placement (required)
- Enter the corresponding “Legal Activity” codes in CONNECTIONS for pre-dispositional placement in a foster care setting
 - L100, 06, (county code), F (petition filed)
 - L300, 06, 97
- Upload court order to CONNECTIONS



Youth Absence – Pre-dispositional Placement

- If the youth is absent without consent (AWOC) prior to arriving at the pre-dispositional placement in a foster care setting,
 - enter the corresponding “Legal Activity” codes in CONNECTIONS
 - L100, 06, (county code) F (petition filed)
 - L300, 06, 97
- If the youth is absent without consent during their pre-dispositional placement in a foster care setting,
 - record the absence in “Activities” in CONNECTIONS (N950)



Youth Absence – Pre-dispositional Placement

If the youth does not return to the pre-dispositional placement by the next court date from AWOC, the court must determine if the pre-dispositional placement order shall be extended within the scope and limits of the legislation

- If extended:
 - the corresponding “Legal Activity” codes need to be entered in CONNECTIONS--L300, 06, 98
- If not extended:
 - the corresponding “Activity” code needs to be entered in CONNECTIONS ending the pre-dispositional placement (N990)



Scenarios: Pre-dispositional Placement and Extension with No Services after Placement

- L100, 06, (county code) F (petition filed)
- **DO NOT** use the CONNECTIONS Placement Module and manually enter into Activities N910 - NON-CUSTODIAL PLACEMENT
- Do not enter Purchase of Services (POS) codes in WMS
- L300, 06, 97 - PINS PRE-DISPOSITIONAL
- L300, 06, 98 - PINS PRE-DISPOSITIONAL EXTENSION
- Upload the court order into CONNECTIONS
- N990 – CHILD DISCHARGED FROM NON-CUSTODIAL PLACEMENT(Enter event date)
- M999 – CHILD’S TRACK CLOSED (no continued services in CONNECTIONS)



Scenarios: Pre-dispositional Placement, AWOC, and Returns from AWOC to the Same Placement Resource

- L100, 06, (county code) F (petition filed)
- **DO NOT** use the CONNECTIONS Placement Module and manually enter into Activities N910 - NON-CUSTODIAL PLACEMENT
- Do not enter Purchase of Services (POS) codes in WMS
- L300, 06, 97 - PINS PRE-DISPOSITIONAL
- Upload the court order into CONNECTIONS
- N950 – CHILD BEGINS ABSENCE (Enter date)
- N960 – CHILD ENDS ABSENCE (Enter date)



Scenarios--Pre-dispositional Placement, AWOC, and Returns from AWOC to the Same Placement Resource



- Reminder:
 - If there is a warrant issued, Law Enforcement cannot return youth to the same, or other, Pre-dispositional Placement (PDP) unless there is a valid court order for PDP. If there is no valid court order for PDP, Law Enforcement must return youth to identified family resource or caregiver



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Scenarios—Youth is order to Pre-dispositional Placement and Then Directly to Post-dispositional Placement

- L100, 06, (county code) F (petition filed)
- **Do not** use the CONNECTIONS Placement Module and manually enter into Activities N910 - NON-CUSTODIAL PLACEMENT
- **Do not** enter Purchase of Services (POS) codes in WMS
- L300, 06, 97 - PINS PRE-DISPOSITIONAL
- Upload the court order into CONNECTIONS
- N990 - CHILD DISCHARGED FROM NON-CUSTODIAL PLACEMENT

*Must be entered **one day prior** to the post-dispositional date*

- Use an exact search in the CONNECTIONS Placement Module to populate the M910 for the post-dispositional placement
- L300, 06 - ARTICLE 7 PINS, 43 - CARE/CUSTODY – LDSS
- Upload the post-dispositional court order into CONNECTIONS



Recording a Post-dispositional Placement & Scenarios



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Post-dispositional Placement

- Use the CONNECTIONS placement module to locate the most appropriate foster care setting that will support the youth's success in placement. All other placement module rules apply (19-OCFS-ADM-17)
- Open the CONNECTIONS Family Services Stage (FSS), choose the program choice of “placement”
- Enter the corresponding “Legal Activity” codes for post-dispositional placement
 - L100, 06, (county code) F (petition filed)
 - L300, 06, 33 (adjudication as PINS)
 - L300, 06, 43 (post-dispositional placement in care and custody of LDSS) with the corresponding “To” date for the placement order expiration
- Follow all WMS “Purchase of Service”(POS) codes for post-dispositional foster care placement and all other system requirements for foster care cases
- Upload the post-dispositional placement order to CONNECTIONS



Post-dispositional Placement Extensions



- If at the first permanency hearing, an extension of foster care placement is ordered under the Article 7 proceeding:
 - Enter the corresponding “Legal Activity” codes for **Initial Extension** of post-dispositional placement—L300, 08, 44—with the corresponding “To” date for the placement order expiration
 - Upload the placement extension order into CONNECTIONS
 - Follow all WMS “Purchase of Service”(POS) codes for post-dispositional foster care placement and all other system requirements for foster care cases



Post-dispositional Placement Extensions



- If at the second permanency hearing an extension of foster care placement is ordered for the youth under Article 7 proceeding:
 - Enter the corresponding “Legal Activity” codes for Second Extension of post-dispositional placement—L300, **29 or 30**, 44—with the corresponding “To” date for either the next permanency hearing date or the placement order expiration if less than or equal to one year
 - The **(29)** second extension of placement can only be for a period of **up to four (4) months** after the permanency hearing
 - The **(30)** second extension of placement can only be for **a period determined by the court at the second permanency hearing** and can **only occur if**:
 - The attorney for the child, at the request of the respondent youth, requests an extension and the court determines it is the youth’s best interest; or
 - The court finds extenuating circumstances exist, which necessitate the child be placed out of the home
 - Upload the placement extension order into CONNECTIONS
- **No additional extensions of placement can be ordered**



Scenarios: Youth is court ordered into a Post-dispositional Placement, Discharged, Placement Ends and No Continued Services

- L100, 06 (county code) F (petition filed)
- Use an *exact* search in the CONNECTIONS Placement Module to populate the M910 code
- L300, 06, 43 (Care and Custody to LDSS Commissioner)
- Upload the court order into CONNECTIONS
- M990 (enter event date)
- M999 track closed (no continued services in CONNECTIONS)



Scenarios: Youth Placement Type Changes from an Article 7 (PINS) to an Article 3 (JD)

- L100, 07 (county code) F (petition filed)
- L300, 07, 34 (JD adjudication made, placement cannot exceed 12 months)
- L300, 07, 71 (JD adjudication made, placement exceeds 12 months)
- L300, 07, 43 (care and custody to LDSS) **OR**
- L300, 07, 72 (care and custody to OCFS)
- Upload the court order into CONNECTIONS



Resources



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Resources

- OCFS Child Welfare and Community Services Regional Offices
- PINS mailbox: PINS@ocfs.ny.gov
- PINS Website: <https://www.ocfs.ny.gov/programs/youth/pins/>
- Activities Worksheet for Legal Entries:
<https://ocfs.ny.gov/connect/jobaided/jobaided.asp>
- Activities Window Reference Manual:
<https://ocfs.ny.gov/connect/jobaided/>

