



**Office of Children
and Family Services**

Records Related to Persons in Need of Supervision (PINS)

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Overview

Overview

- Amendment to the Family Court Act (FCA) regarding the expungement and sealing of records in PINS cases.
 - Chapter 691 of the Laws of 2023, amended by Chapter 94 of the Laws of 2024
- Provides for the automatic sealing or expungement of records pertaining to PINS proceedings.
- Affords youth the same protections given to youth who are subject to a delinquency proceeding under Article 3 of the FCA.
- **This change went into effect March 7, 2024.**



Implications and Required Actions



Implications and Required Actions

The amendments to Article 7 of the FCA include the following:

- A prohibition of using court records against a youth in any other court.
- Automatic expungement of court records where the proceeding has been
 - diverted prior, or after, the filing of a PINS petition; or
 - withdrawn or dismissed for failure to prosecute, or for any other reason at any stage; or
 - dismissed following an adjournment in contemplation of dismissal (ACOD); or
 - resulted in an adjudication where the only finding was for a violation of former section 221.05 or section 230.00 of the Penal Law; however, the expungement shall not take place until after the period of disposition or extension.



Implications and Required Actions

- The court clerk is to notify and direct that records on file with the following agencies be expunged:
 - Probation department
 - Designated lead agency
 - Local education agency, if the petitioner
 - The presentment agency, if involved
- However, if the PINS case is diverted
 - prior to the filing of a petition, the designated lead agency shall **seal** any records, or
 - after the filing of the petition, upon notice from the court, the designated lead agency shall **seal** any records.
- The court notice to expunge shall also be sent to any law enforcement agency if
 - the youth was the subject of a warrant or an arrest in connection with the proceeding or
 - law enforcement was the petitioner.



Implications and Required Actions

- If the designated lead agency diverts a case, and the youth was the subject of a warrant or referred by law enforcement, the designated lead agency shall notify in writing the
 - probation department and law enforcement agency of the diversion, and
 - those agencies shall expunge any records regarding the youth.
- If the petitioner, or the presentment agency, elects not to file a PINS petition
 - the petitioner or applicable presentment agency must notify the
 - probation department and designated lead agency of such determination, and
 - any law enforcement agency, where the referent, or if a warrant was issued for the youth;
 - upon receipt of such notification, those agencies shall expunge the records;
 - however, the designated lead agency may have access to its own records and therefore shall **seal** them.



Implications and Required Actions

- Access to sealed records can only occur by the designated lead agency for the following purposes:
 - Where there is continuing or subsequent contact with the youth as a PINS.
 - Where the information is necessary to determine services arranged or provided to the family.
 - The information is necessary for the commissioner to comply with disclosure under SSL 422-a.
- Sealed records must be made available to
 - the youth or their agent, and
 - the parent, or person legally responsible for the youth where they are the petitioner or potential petitioner.
- No statement made to the lead agency in the sealed records shall be admissible in any court proceeding except upon the consent of the youth, parent, or person legally responsible for the youth.



Implications and Required Actions

- PINS case terminated in favor of a youth prior to March 7, 2024:
 - Youth can file a motion with the court for expungement of records.
 - The court **shall** grant such request.
 - The designated lead agency
 - must determine if any of such records should be sealed in accordance with FCA Section 783(c)(v), and
 - seal applicable records as previously outlined.
- PINS adjudication and disposition under Article 7 of the FCA and upon motion of the respondent youth:
 - The court **may**, in the interest of justice, expunge the records of the proceeding.
 - If the court orders such, all records shall be expunged in possession of the
 - designated lead agency,
 - the probation service,
 - any applicable presentment agency, and
 - any applicable law enforcement agency.
- Except in the cases where records shall be **sealed** as outlined previously.



Implications and Required Actions

- All court records related to a PINS proceeding will automatically be expunged upon the respondent youth's 21st birthday, or after the conclusion of any period of disposition or extension.
- Preventive and foster care records maintained by LDSSs relating to a PINS matter are not subject to expungement or sealing and shall be held confidential in accordance with SSL Article 6.
- All PINS Diversion Services records that are **not part of a preventive or foster care record** shall be **sealed** by the LDSS lead agency upon diversion.
 - Includes all copies and duplicates of such records.



Implications and Required Actions

- Upon diversion, and the youth was the subject of a warrant or referred by law enforcement:
 - LDSSs, as lead agency, shall notify in writing the
 - probation department and law enforcement agency of the diversion, and
 - those agencies shall expunge any records regarding the youth.
- Upon notice from the court that the PINS matter
 - has been withdrawn or dismissed for failure to prosecute, or
 - withdrawn or dismissed for any other reason, at any stage, or related to an ACOD,all PINS Diversion Services records of the LDSS that are not part of a preventive or foster care record must be **expunged**.
- Upon notice from the court, or if the LDSS has knowledge of a PINS proceeding being terminated in favor of a respondent youth, all PINS PDP cases must be **expunged**.



Systems Implications

Systems Implications

- As of March 7, 2024, PINS PDP cases **shall not** be entered into CONNECTIONS.
 - Must be confidentially maintained separately at the local level.
- CONNECTIONS system changes are being implemented



Systems Implications

- No longer allow for the entry of a PINS PDP (L300, 06, 97) or an extension of a PINS PDP (L300, 06, 98) in the Activities Window of CONNECTIONS.
- To maintain accurate foster care resource availability:
 - Workers with modify access to the Characteristics hyperlink from the Foster and Adoptive Home Development (FAD) stage or Characteristics tab from the Resource Directory
 - mark the resource bed “Unavailable” where the youth has been placed, and
 - once discharged from the PINS PDP, mark the resource bed “Available.”



Systems Implications

Total Capacity: 2 Close to Home Resource Resource Languages: ...

Available: 2

Unavailable: 0 ORRUAC Resource

Resource is willing and able to care for a child who is/has characteristics OR resource has an interest (displayed at the bottom of list and prefaced with INTEREST) in:

Resource Characteristics	
<input type="checkbox"/>	Aggression towards others
<input checked="" type="checkbox"/>	Aggression towards property
<input checked="" type="checkbox"/>	Bedwetting or encopresis
<input checked="" type="checkbox"/>	Chronic medical condition
<input checked="" type="checkbox"/>	Complex medication regimen
<input checked="" type="checkbox"/>	Developmental disability

Resource provides the following Local Program Types:

Local Program Types	
<input type="checkbox"/>	Regular
<input type="checkbox"/>	EFFC - Enhanced Family Foster Care (NYC Only)
<input type="checkbox"/>	SFFC - Specialized Family Foster Care (NYC Only)
<input type="checkbox"/>	TFFC - Treatment Family Foster Care
<input type="checkbox"/>	TFCO - Treatment Foster Care Oregon
<input type="checkbox"/>	DD - Developmental Delays and/or Developmental Disabilities

Bed Detail

Bed ID	Available	Unavailable	End Date
Bed 1	<input checked="" type="radio"/>	<input type="radio"/>	__/__/__
Bed 2	<input checked="" type="radio"/>	<input type="radio"/>	__/__/__

Count = 2

Comments:

Save & Close Save Reset

Systems Implications

- For valid court orders for PINS PDP that were **issued prior** to March 7, 2024:
 - Follow the previously issued guidance contained in [Attachment A of 20-OCFS-ADM-22-R1](#).
 - Complete the corresponding CONNECTIONS Activities Window through PDP discharge.



Data Reporting

Data Reporting

- PDP data will no longer be accessible via CONNECTIONS.
- LDSSs to submit aggregate quarterly PDP admissions data to OCFS:
 - Use the OCFS *PINS Pre-Dispositional Placement Quarterly Data* sheet at: <https://ocfs.ny.gov/programs/youth/pins/resources.php>.
 - Submit to PINS@ocfs.ny.gov.



Data Reporting



PINS Pre-Dispositional Placement Quarterly Data Sheet

All local departments of social services (LDSSs) shall report the aggregate number of youth admissions to PINS pre-dispositional placement (PDP) and the unique number of youth, per those admissions, to the New York State Office of Children and Family Services (OCFS) on a calendar-year quarterly basis to the PINS mailbox at PINS@ocfs.ny.gov (Due dates: April 15, July 15, October 15, and January 15). The completion and submission of this data document by the required due dates will fulfill the data submission requirement.

Municipality:	Click or tap here to enter text.
Name of Municipality Contact:	Click or tap here to enter text.
Municipality Contact Email:	Click or tap here to enter text.

Quarter 1 (due [April 15](#))

Quarter 3 (due [October 15](#))

Quarter 2 (due [July 15](#))

Quarter 4 (due [January 15](#))

Number of PINS PDP Admissions for Quarter:	Click or tap here to enter text.
Number of Unique Youth of Those Admissions:	Click or tap here to enter text.



Resources

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/>
- OCFS Policy Directives: <https://ocfs.ny.gov/main/policies/external/>



Questions?