



**Office of Children
and Family Services**

How to Identify and Make Required Notifications for Youth Served in RHY Programs

**Youth who are homeless, destitute, or ran away
from home**

December 15, 2021

Objectives

Participants will understand how to:

- identify youth who are homeless, destitute, and who have run away from home
- make the necessary notifications for youth with each experience
- determine if youth is eligible for reentry into foster care



Definitions



Runaway and Homeless Youth

Runaway Youth:

A person **under 18** years old who is absent from their legal residence **without the consent** of his or her parent, legal guardian or custodian.

Homeless Youth:

1. A person under 18 years old who is in need of services and is **without a place of shelter where supervision and care are available** OR
2. A person who is under 21 but is at least 18 years old and who is need of services and is **without a place of shelter**; OR
3. A homeless young adult as defined below IF they are included in the county's Child and Family Services Plan (CFSP)

Homeless Young Adult:

A person who is age 24 or younger but is at least age 21 and who is **in need of services and is without a place of shelter**

Destitute Child

A youth who is **under 18 years old** who is:

- in a **state of want or suffering** due to lack of sufficient food, clothing, shelter, or medical or surgical care,
- does not fit within the definition of an “abused child” or a “neglected child,” and
- is **without any parent or caretaker available** to sufficiently care for them because the caretaker:
 - died
 - was incapacitated or debilitated in a way that prevents the caretaker from able to voluntarily transfer custody of the youth
 - cannot be located by the local department of social services (LDSS)
 - is located outside the state of New York, and the LDSS is unable to reunite the youth and caregiver.

RHY Response



Why does it matter?

RHY Service Coordinators need to know a youth's status to:

- make appropriate referrals
- develop appropriate contracts
- monitor RHY programs.

RHY Programs need to know a youth's status to:

- be sure the youth qualifies for services
- make the notifications required by law
- adequately protect youth's confidentiality
- accurately report data to OCFS and other entities



Service Eligibility: Residential Crisis Services

Youth are eligible for residential **crisis** services at an OCFS-certified RHY program when they:

- are homeless
- **run away from home**
- are destitute
- are in need of crisis intervention or respite services

AND

- are part of the population the program is certified by OCFS to serve
- are not disqualified by the criteria outlined in 9 NYCRR 9 182-1.9(b)



Service Eligibility: Residential Transitional Services

Youth are eligible for residential **transitional** services at an OCFS-certified RHY program when they:

- are homeless
- are destitute
- are in need of crisis intervention or respite services

AND

- are part of the population the program is certified by OCFS to serve
- are not disqualified by the criteria outlined in 9 NYCRR 9 182-2.9(b)

*Youth under age 16 cannot be admitted to a TILP unless provided for in the current CFSP. In cases where a youth under age 16 is admitted to a TILP, the program needs to notify the county RHY Coordinator per 19-OCFS-ADM-05.



How do I identify a youth's status?

Determining WHY a youth is eligible for services is part of the intake process

- What does the youth tell you about their needs and why they are looking to stay at your program?
- What do you know from the referral source/case file, if available?

It is possible that a youth's status changes over time.

- As youth build relationships with staff they may disclose more information
- Ongoing assessments are more thorough than initial intakes
- The youth's circumstance may change
- If a youth's status changes, the new status should be noted in the youth's case file.



Identifying Potentially Destitute Youth

Residential RHY program are required to notify the appropriate LDSS if a youth in their program has been identified as potentially destitute.

To help programs identify whether a youth might meet the legal definition of a destitute child, OCFS provides optional form *Appendix C*, attached to the policy *Responsibility of Runaway and Homeless Youth Crisis Services Programs Regarding Destitute Children and Youth Formerly in Foster Care*

Identifying Potentially Destitute Youth

Whether the youth was identified as *potentially destitute* or *not destitute* must be documented in each youth's case file.

If a program ops not to use the available form, the program must implement another procedure to consistently identify potentially destitute youth in their care.

Identifying and Referring Destitute Children

- 1) Is the child or youth under 18 years of age?
 Yes, continue. No, stop

- 2) Do you have reason to believe the youth has insufficient food, shelter, clothing, or medical care?
 Yes, continue. No, stop.
- 3) Do you have reason to believe the youth's experience fits the criteria of an abused¹ or neglected² child?
 No, continue. Yes, stop and call the Statewide Central Register of Child Abuse and Maltreatment at 1 (800) 635-1522.
- 4) Is the child's parent or caretaker (check all that apply):
 deceased?
 incapacitated or debilitated in such a way that he or she or they would be unable to knowingly and voluntarily enter into a written agreement to transfer the care and custody of the child³ (examples include the caretaker is incarcerated, deported, medically incapacitated, etc.)? **OR**
 located outside of New York State **AND**
 efforts to reunite the caregiver and youth are determined inappropriate, **OR**
 efforts to reunite the caregiver and youth were unsuccessful.
 Yes to any of these items, continue. No, stop.

Required Notifications



Required Notification When a Youth is:

	Runaway	Homeless	Potentially Destitute	In need of crisis intervention or respite services
Parental Notification	<p>Required within 24 hours of intake, regardless of whether youth consents <i>9 NYCRR 182-1.9(c)/2.9(c)</i></p>	<p>Required within 24 hours of intake if the youth is under 18 years old. For youth 18+, notification is not permitted without the youth's consent. <i>9 NYCRR 182-1.9(c)/2.9(c)</i></p>	Not possible	Not permitted without youth's consent
LDSS Notification	Not permitted without youth's consent	Not permitted without youth's consent	<p>Required regardless of youth consent <i>9 NYCRR 182-1.5(p)/2.5(p)</i></p>	Not permitted without youth's consent

What does a notification consist of?

Parental notification for runaway youth and homeless youth under age 18 must be made within 24 hours* of their admission to the program.

The notification includes:

- that the youth is present at the program
- a summary of the youth's physical and emotional condition
- basic information about the youth's participation in the program (that services are voluntary, how long can they stay, what services are available, etc.)

Details about the notification must be documented in the youth's case file.

*Notification can be delayed up to 72 hours or waived when the conditions defined in 9 NYCRR 182-1.9(c)/2.9(c) are met.

What does a notification consist of?

Notification to the LDSS of a potentially destitute child must be made as soon as practicable after the youth was identified as potentially destitute.

- Programs are strongly encouraged to discuss the notification with the youth before it is made.
- Notification to an LDSS has no impact on a youth's eligibility for services at an RHY program.
- Details about the notification must be documented in the youth's case file.

The notification includes the youth's identifying information and why the program believes the youth might meet the definition of destitute. Once notified, the LDSS will follow the procedures outlined in 12-OCFS-ADM-08.



Reentry into Foster Care



Foster Care Reentry

Youth may be eligible to reenter foster care if:

- They are under 21 **AND** left foster care on or after their 18th birthday
- The youth left foster care because:
 - They did not consent to remain in foster care
 - They were discharged to permanency and that arrangement was disrupted or ended

Additionally.....

Other considerations for eligibility to reenter foster care include:

- youth must consent to reenter care
- youth has no other reasonable alternatives to foster care
- reentry is in the best interest of the youth
- youth agrees to enrollment in and attendance at an appropriate educational/vocational program, unless it is unnecessary or inappropriate given circumstances

If youth meets these eligibility requirements, a motion for reentry must be filed within 24 months of the youth's first final discharge.

LDSS and Family Court make the final determination on eligibility.



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What if...?

a youth ran from a foster care placement and the program they left is asking about them?

If the youth is under age 18 or identified as having run away from a place where care is available notification to the youth's parent or guardian is required within 24 hours of intake. If the youth is in foster care the legal guardian is the LDSS, not the foster care program. Therefore the LDSS must be notified in accordance with 9 NYCRR 182-1.9(c)/182-2.9(c). Information about the youth cannot be shared with the foster care placement.



What if...?

the youth won't share enough information to identify whether they are runaway, homeless, or something else?

Given the trauma many youth seeking RHY services have experienced it is not surprising when youth are reluctant to share details about their circumstances. Unless the youth is clearly ineligible for services, admit the youth to the program and do the best you can based on what the youth is willing to share. As rapport develops, update the youth's case file and make notifications as necessary.

If a youth is being served in a TILP is identified as being a runaway, contact the RHY Service Coordinator for assistance transitioning the youth to a crisis services program or other suitable arrangement.



What if...?

a crisis services programs notified the youth's parent of the youth's presence in the program, and the parent didn't indicate they want the youth to come home? Does that mean the youth has consent to leave home, care is being withheld, and the youth is therefore homeless?

No. The absence of a parent specifically requesting the youth come home is not the same as the parent withholding care.

If a parent affirmatively vocalizes that a minor is not welcome home/cannot return home, crisis services programs should:

1. continue engaging the parent and youth in mediation and family reunification efforts to the extent safe and practical
2. call the Statewide Central Register to report potential neglect.



What if...?

the police are looking for information about a youth staying in an RHY program?

Unless the youth has given written consent to share information with the police, information cannot be shared. An appropriate response might be “I cannot confirm or deny whether the youth is staying here.” followed by basic information about what RHY program offer and the rights of youth in the program.

However, if the police are in ‘hot pursuit’ of a youth or arrive at the program to execute a warrant, the program needs to yield/follow police instruction.



Questions?

