



**Office of Children
and Family Services**

Raising the Lower Age of Juvenile Delinquency – Responding to Younger Children

July 21, 2022

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Introduction and Data

Introduction

- Raises the lower age of juvenile delinquency definition under the Family Court Act (FCA) to twelve years of age in most circumstances as of December 29, 2022.
- Requires New York State Office of Children and Family Services (OCFS) to promulgate regulations to outline criteria related to a differential response for these children and their families.
- Purpose is to be responsive to children and their families using community services and early interventions and to address disparities in child welfare and juvenile justice systems.



Introduction

- Requires each Local Department of Social Services (LDSS) to develop a differential response for children under twelve years of age who no longer fall under the definition of Juvenile Delinquent (JD) under the FCA as of December 29, 2022, and whose behavior, but for their age, would otherwise bring them under the jurisdiction of Article 3 of the FCA.
- Requires OCFS to review the LDSSs' differential response plans for approval.
- Differential Response could be supported by Supervision and Treatment Services to Juveniles Program (STSJP) funding.
- Prohibits youth under the age of 13 from secure detention
- Requires an annual report by OCFS.

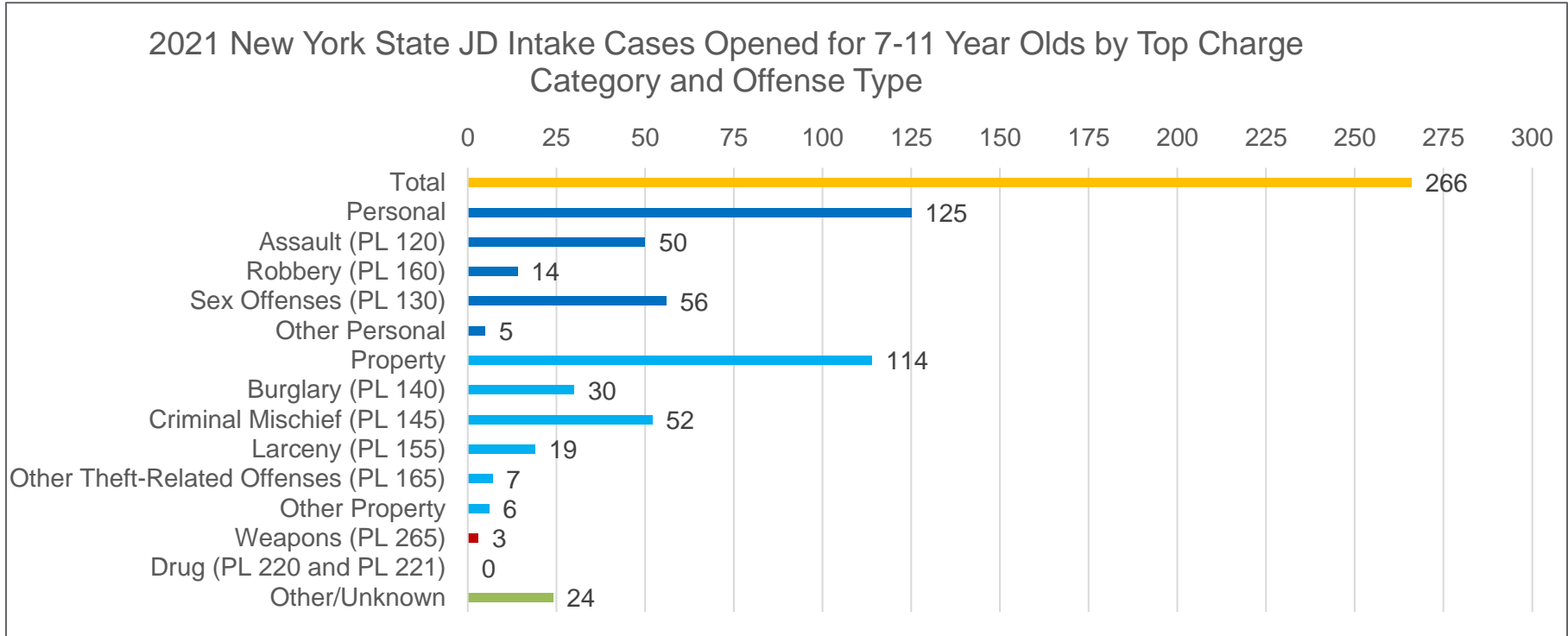


Introduction

- Differential response for children under 12 years old is not
 - PINS Diversion Services
 - Family Assessment Response (FAR) – alternative child protective response.



Data



Source: Caseload Explorer data as of 5/14/2022

Differential Response for Children Under 12 Years



Differential Response Structure

Referrals to Differential Response for Children Under 12 years

Differential Response for Children Under 12 years

Assessment

Services offered and accepted

Plan for services and supports

Evaluations and assessments of child's progress from service providers

Examples of Services/Supports/Opportunities

STSJP-funded service/support

Family Support Services Program

Child Welfare Preventive Service

Positive Youth Development opportunities

Community-based services/supports

Children and Family Treatment and Support Services (CFTSS)

Substance use services

Community Parenting Program



Differential Response Plan

- The LDSS's efforts to reduce the likelihood of children having contact with the juvenile justice and child welfare systems in the future.
- A description of how to ensure such differential response addresses adverse impacts on marginalized communities.
- A description of the type of assessments to be utilized to determine whether services are necessary.
- A description of services and supports to be provided including but not limited to child welfare prevention services and Family Support Services (FSS) Programs as eligible and available, and how the services will be offered.



Differential Response Plan

- A description of the process to be followed for planning and monitoring the services offered under the differential response.
- A description of the training of district and relevant non-district staff regarding the differential response. Such description shall include the training to law enforcement whose responsibilities include interactions with children.
- A description of any funding that shall be made available to enhance the differential response.



Differential Response Examples

- 11-year-old leaves a store without paying for 3 pairs of jeans that are hidden under a sweatshirt
- 8-year-old throws a chair at their teacher in the classroom and harms them
- 10-year-old engages in forced sexual behavior with another child



Records, Retention and Confidentiality

Records, Retention and Confidentiality

Records created under a district's differential response program shall:

- Include, at a minimum
 - information regarding the reason(s) the child was referred,
 - documentation of all services offered and accepted by the child and their family, and
 - all evaluations and assessments of the child's progress.
- Be maintained for five (5) years after an eligible child has been referred to the district or until the eligible child reaches the age of twelve (12), whichever is sooner.

Records are confidential and shall not be disclosed except as set forth in law.



Planning and Monitoring

Planning and Monitoring

- Continuous collaborative assessment of continuum of services, supports and opportunities
- Current data with any noted disparities
- Process for community, family and child feedback
- Strategies to reduce adverse impacts on marginalized communities



Submission of the Differential Response Plan

Differential Response Plan

- First year of implementation, districts will submit the differential response plan separately to OCFS for review by November 14, 2022.
- Thereafter, such plan shall be contained in the district-wide child welfare services plan and deemed approved by OCFS upon approval of the Child and Family Services Plan (CFSP) and Annual Plan updates to such plan.

Training

Training

- District staff
- Relevant stakeholders
 - Law Enforcement where responsibility involves interactions with children
 - Schools
 - Community-based providers
 - Families and communities



STSJP and FSS Programs

STSJP

- STSJP provides localities (up to their allocation) with 62 % state reimbursement for services meant to prevent detention and placement for certain classifications of youth
- Localities may transfer funds from their detention allocation (reimbursed at 49%) to support STSJP and receive a higher reimbursement rate (62%)
- The legislation also allows for STSJP to fund Family Support Services Programs and the Differential Response for Children under 12 years

(See Executive Law section 529-b)

Family Support Services (FSS) Programs

- The goals of these programs are to
 - prevent a child from being adjudicated as a PINS and help prevent out-of-home placements of such youth,
 - prevent a petition from being filed under Article 7 of the FCA, or
 - as of December 29, 2022, reducing future interaction with the juvenile justice and/or child welfare system for children under 12 years of age who do not fall under the definition of a JD and whose behavior, but for their age, would bring them within the jurisdiction of the family court under Article 3 of the FCA.



FSS Programs

- The services shall be:

Tailored to the Individual Needs of the Family and Child Based on Assessments and Screenings	Trauma-Responsive	Family-Focused
Evidence- and Strengths-Based	Gender-Responsive	Capable of Serving Families Outside of Regular Business Hours



Annual Reporting

OCFS Annual Report

- The districts' efforts to reduce the likelihood of children having contact with the juvenile justice and child welfare systems in the future
- How the districts are ensuring the safety and well-being of these children
- How the districts' differential responses are addressing adverse impacts on marginalized communities



Questions and Contact Information

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