



**Office of Children
and Family Services**

Raising the Lower Age of Juvenile Delinquency Differential Response Annual Plan

October 28, 2022

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Introduction



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Introduction

- As of December 29, 2022, raises the lower age (RTLTA) of juvenile delinquency (JD) under the Family Court Act (FCA) from 7 to 12 years of age, with an exception for alleged homicide offenses.
- 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.



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Introduction

- Requires each Local Department of Social Services (LDSS) to develop a RTLTA differential response (DR-RTLTA) 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.
- Requires an annual report by OCFS.



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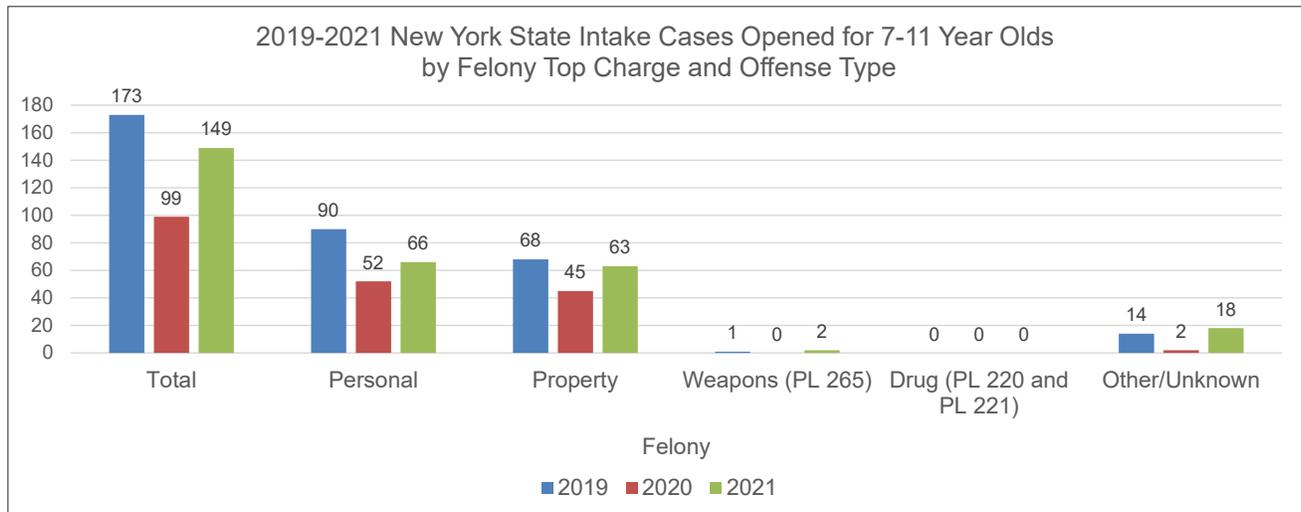
Introduction

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



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Data

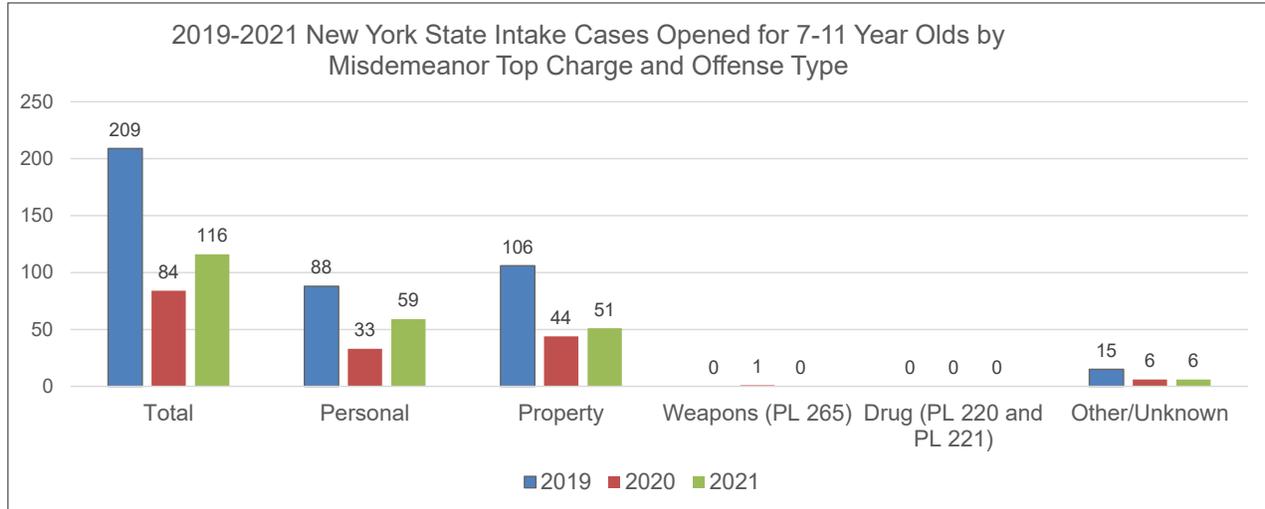


Source: Caseload Explorer data as of 5/14/2022



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Data



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



Differential Response for Children Under 12 Years



Differential Response Structure



DR-RTLA Annual Plan

Differential Response Annual 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 Annual 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.



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Differential Response Annual Plan

Planning Activities

- Partners engaged
- Specific collaborative activities for the DR-RTLA plan development
 - Examples:
 - Current data assessment with any noted disparities
 - Community needs assessment
 - Focus groups with families
 - Meetings with law enforcement and other stakeholders



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Differential Response Annual Plan

Assessment tool for the DR-RTLA program

- Must include:
 - Current safety of the child and safety concerns related to the child's behaviors that led to the DR-RTLA referral, which could include, but is not limited to, the safety of other children in the family
 - Child's and family's strengths, concrete needs and challenges
 - Individualized vulnerabilities
 - Responsiveness to child's and family's culture
 - Sexual exploitation screening and assessment ([15-OCFS-ADM-16](#))
- Must inform the recommended interventions



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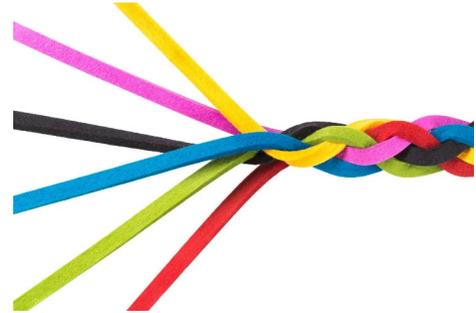
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Differential Response Annual Plan

Continuum of Supports, Services and Opportunities

- Positive Youth Development Programming
- Housing/Food/Clothing Supports
- Parent Peer Supports
- Respite Services
- Behavioral Health Services and Supports
- Parent/Caretaker Skill Development Supports
- Supervision and Treatment Services for Juveniles Programming
- Family Support Services (FSS) Program (if eligible and established) (required)
- Child Welfare Preventive Services (if eligible) (required)



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Support Plan Development

- Recommended interventions are voluntary and the DR-RTLA Annual Plan must clearly describe this.
- Child- and family-led
- Coordinate with any other providers and natural supports
- Explanation of interventions should be in plain language



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Facilitated Referral Process

- Critical transition time for child and family
- Family team meetings or other family-led collaborative forums
- Promotes continuity of care and alignment of strategies and resources



Differential Response Annual Plan

Assessment of Child's Progress

- Obtain all evaluations and assessments of the child's progress in interventions from the providers, as permitted by the family via a release of information form while the DR-RTLA is active
- Contact with the family, child, and providers on or about 30 days from the development of the support plan, and
- Contact with the family, child and providers within seven days prior to the anticipated DR-RTLA case completion

Requirements listed in all DR-RTLA Annual Plans.

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Reduction of System Involvement

- Promotion of healthy and stable families and communities
- Comprehensive, interdisciplinary approach
- Meet families where they are
- Culturally relevant supports
- Strengthen and empower families and natural supports



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Differential Response Annual Plan

Promoting Safety and Well-Being

- Trauma-informed approach of the DR-RTLA program
- Inclusive and accessible supports and opportunities
- Culturally responsive
- Supporting children and families to thrive



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Differential Response Annual Plan

Reducing Adverse Impacts

- Equitable Access and Opportunity
- Social and Economic Well-Being
- Family and Youth Partnership



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Monitoring Requirements

- Must include:
 - How the required service elements of the DR-RTLA program are monitored, and
 - How feedback from the child and family is consistently included in the monitoring activities.
- Optional:
 - Supervisory review of DR-RTLA case activities
 - Regular assessment of current DR-RTLA processes and protocols for improvements



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Records created under a district's DR-RTLA program shall:

- include, at a minimum, documentation related to the required activities of the DR-RTLA outlined in the [Raising the Lower Age of Juvenile Delinquency Differential Response Practice Guide](#);
- be locally maintained and individualized for each eligible child served by the DR-RTLA; and
- be maintained for five years after an eligible child has been referred to the DR-RTLA or until the eligible child reaches the age of 12, whichever is sooner.

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



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Differential Response Annual Plan

Funding

- Describe any additional funding used to enhance the DR-RTLA program (e.g., grant funding).
- STSJP funding can be used for the DR-RTLA.



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Differential Response Annual Plan

Training for District Staff

At a minimum:

- the LDSS DR-RTLA structure and annual plan
- information regarding the required elements of the DR-RTLA (intake and eligibility, assessment, support plan development, facilitated referral process, monitoring of child's progress in interventions)
- the voluntary nature of the DR-RTLA program and the interventions
- the DR-RTLA program case documentation, confidentiality, and completion requirements
- the current continuum of services, supports, and opportunities available
- record retention schedules for the DR-RTLA
- local district protocols when a DR-RTLA eligible child may be considered for Person in Need of Supervision (PINS) diversion services.



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Training for Non-District Staff

At a minimum:

- an overview of the LDSS DR-RTLA structure and referral processes
- contact information for the LDSS DR-RTLA program and hours of operation
- the DR-RTLA eligibility criteria and the processes followed if the referred child is not eligible for the DR-RTLA program
- the requirements of the DR-RTLA program (e.g., monitoring of the child's progress in interventions and follow-up time frames, and DR-RTLA case completion)
- the voluntary nature of the DR-RTLA program and interventions
- the current continuum of services, supports, and opportunities available
- record retention schedules for the DR-RTLA



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DR-RTLA Program Contact

- Each LDSS must have a point of contact for their DR-RTLA program, which must be listed on the OCFS [RTLA webpage](#).
- [OCFS-2210](#), *Raising the Lower Age of Juvenile Delinquency Differential Response Referral Form* will have a direct link to the DR-RTLA program contacts.



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Differential Response Annual Plan

Data Collection

- Local tracking of all referrals to the LDSS DR-RTLA program
- Starting in 2023, annual reporting to OCFS of aggregate data and a status update on elements of the DR-RTLA plan
- The [Raising the Lower of Age of Juvenile Delinquency Differential Response Annual Plan Desk Aid](#) includes the required information.



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Submission of the DR-RTLA Annual Plan



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Submission of the DR-RTLA Annual Plan

- First year of implementation, districts will submit the DR-RTLA annual plan to OCFS at RTLA@ocfs.ny.gov using [OCFS-2211](#), *Raising the Lower Age of Juvenile Delinquency Differential Response for Children Under 12 Years of Age 2022 Annual Plan* 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.



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Questions ?



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Contact Information and Resources



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Contact Information

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Resources

OCFS [RTLA home page](#).

[22-OCFS-ADM-23](#), *Raising the Lower Age of Juvenile Delinquency — A Differential Response for Children Under 12 Years of Age*

[Raising the Lower of Age of Juvenile Delinquency Differential Response Annual Plan Desk Aid](#)



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