



Persons In Need of Supervision (PINS) reform legislation, which included changes to PINS pre-and post-dispositional placements, became effective January 1, 2020. This tip sheet provides an outline of the key changes related to out-of-home PINS placements for case workers, supervisors, and any designated local department of social services (LDSS) and voluntary agency (VA) staff responsible for the case planning of PINS-identified youth and their families. It is not intended as a replacement for consulting your respective legal departments or reading of the law.

Also included is a list of common PINS pre- and post-dispositional placement case scenarios and the corresponding sequence of legal codes that need to be entered in the Activities window for each scenario.

For more information, please refer to the OCFS policy, Persons In Need Of Supervision Reform Changes, 20-OCFS-ADM-22, including Attachment A.

LEGAL AUTHORITY

Pre-dispositional Placement	Post-dispositional Placement
<p><i>Pre-dispositional placement is <u>NOT</u> foster care as the LDSS has not been granted care and custody of the youth.</i></p>	<p><i>Post-dispositional placement <u>IS</u> foster care as care and custody of the youth has been granted to the LDSS commissioner at the time of post-dispositional placement.</i></p>
<p>As of January 1, 2020, under Family Court Act (FCA) §720 the court shall not order pre-dispositional placement unless the court determines and states in its written order all of the following:</p> <ul style="list-style-type: none"> • There is no substantial likelihood that the youth and their family will continue to benefit from diversion services, including respite services • All available alternatives have been exhausted • Pre-dispositional placement is in the best interest of the youth • It would be contrary to the welfare of the youth to continue in their own home. <p>The court shall not order or direct pre-dispositional placement for a youth age 16 or older unless the court determines and states in its order that special circumstances exist to warrant the placement. (FCA §720(4)(b),)</p>	<p>As of January 1, 2020, legislation narrows the ability of family courts to order placements at disposition (FCA §756)</p> <p>Post-disposition, the legislation allows for limited placements for PINS youth.</p>

FUNDING

Pre-dispositional Placement	Post-dispositional Placement
<ul style="list-style-type: none"> No state funding can support pre-dispositional placement. Title IV-E funding is also not available. 	<ul style="list-style-type: none"> No state funding can support post-dispositional placement. Title IV-E and EAF funding may still be available for eligible cases.

PLACEMENT SETTING

Pre-dispositional Placement	Post-dispositional Placement
<p>Pre-dispositional placements can only occur in</p> <ul style="list-style-type: none"> a foster care setting certified or licensed by the New York State Office of Children and Family Services (OCFS) or an authorized agency <ul style="list-style-type: none"> Foster Boarding Home Group Home Residential Treatment Center <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> A short-term safe house if directed by the court upon consent of the youth (runaway and homeless youth program – Safe Harbour legislation). <p>(See FCA §720)</p>	<p>The court may order</p> <ul style="list-style-type: none"> placement in the youth’s own home (not foster care). placement in the custody of a suitable relative/private person (e.g., direct placement under Article 6). placement in the custody of the LDSS commissioner into a foster boarding home; or direct the commissioner to place the youth with an authorized agency or class of authorized agencies. If the youth is found by the court to have been a sexually exploited child, placement in an available long-term safe house. (See Social Services Law (SSL) §447-a) <p><u>Kinship Firewall</u></p> <p>As with all youth placed in the custody of an LDSS, a determination must be made as to the least restrictive appropriate placement, consistent with any court order, that</p> <ul style="list-style-type: none"> includes whether a kinship placement would be safe, appropriate and in the youth’s best interests; should not prolong any PINS pre-dispositional placement; and should be continuously assessed and reviewed throughout the placement.

IMPACTS RELATED TO FAMILY FIRST LEGISLATION

Pre-dispositional Placement	Post-dispositional Placement
<p>Placement is NOT impacted by Family First legislation since pre-dispositional placement is NOT foster care.</p>	<p>Placements Impacted:</p> <ul style="list-style-type: none"> • Group Homes • Institutional Care <p>Placements Not Impacted:</p> <ul style="list-style-type: none"> • Direct Article 6 custody • Kin/Fictive Kin • Foster Boarding Home

PINS WARRANTS

Pre-dispositional Placement	Post-dispositional Placement
<ul style="list-style-type: none"> • 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 <i>not</i> be brought to pre-dispositional placement under any circumstances without a court order with the necessary findings (see §720 and §739). • If the family court is not open at the time a youth is taken into custody, the youth must be returned to a parent/legal guardian or another resource identified by the parent/legal guardian who then must appear before the court regarding the warrant. • If a youth is absent without consent from pre-dispositional placement and a warrant is issued, they may be returned to such placement with an existing valid court order. 	<ul style="list-style-type: none"> • 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. • If a youth is absent without consent from a post-dispositional placement and a warrant is issued, they may be returned to such placement with an existing valid court order.

PLACEMENT TIME FRAMES AND EXTENSIONS OF PLACEMENT

Pre-dispositional Placement	Post-dispositional Placement
<p>A youth cannot remain in pre-dispositional placement for more than 3 days unless</p> <ul style="list-style-type: none"> the youth 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 case such detention may be extended not more than an additional three days exclusive of Saturdays, Sundays and public holidays. <p>(See FCA §720 (4) (b), FCA §739)</p> <p>Fact finding must occur within certain time frames if the youth is in pre-dispositional placement. Specifically:</p> <ul style="list-style-type: none"> The fact-finding for the Article 7 petition must be held within three days of the filing of the petition. (See FCA §747) On motion of the court or the petitioner, the fact-finding hearing may be adjourned for a period of not more than three days for good cause. (See FCA §748(a)(i)) On motion on behalf of the youth or by the parent/ legal guardian, the fact-finding hearing may be adjourned for a reasonable period of time for good cause. (See FCA §748(a)(ii)) 	<p>Extensions of PINS placements must occur in accordance with FCA §756-a.</p> <ul style="list-style-type: none"> The petition for a first extension of placement must be filed 15 days prior to end of initial placement period. The petition for a second extension of placement must be filed 30 days prior to expiration of the first extension placement period. <p>Each request for an extension of placement triggers a permanency hearing for the youth (FCA §756-a(b)).</p> <ul style="list-style-type: none"> Initial placement may not be for more than 60 days. First extension of placement may not be for more than 6 months. Second extension of placement may not be for more than 4 months, unless: <ul style="list-style-type: none"> at the request of the youth, the Attorney for the Child requests an additional length of extension and the court determines such length of extension is in the youth's best interest (See FCA 756-a(d)(ii)(A)), <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> the court finds that extenuating circumstances exist that necessitate the youth be placed out of the home. (See FCA 756-a(d)(ii)(B)) <p>If the court makes one of these findings, the second extension of placement (<i>"with exception"</i>) can only be for a <u>period determined by the court at this second permanency hearing.</u></p> <p>No additional extensions can be ordered.</p>

SPECIAL PROVISIONS

Truancy	<p><i>If the only finding made against the child is truancy, no placement shall be ordered.</i></p> <ul style="list-style-type: none"> This includes both pre-dispositional placement and post-dispositional placement. (See FCA §720 and §756) <p>Pursuant to Chapter 362 of the Laws of 2018 (effective March 2019):</p> <ul style="list-style-type: none"> As part of PINS diversion, a review by the lead designated agency must review the steps undertaken by the school district to resolve the educational issues prior to a petition, regardless of whether the school district is the petitioner. All PINS petitions that include an allegation of truancy must detail steps taken by the school district to address the issue. (See FCA §735)
Sexually Exploited Youth	<p>The enacted PINS reform legislation continues to allow youth who have been found to be sexually exploited to be directed to a short-term safe house (runaway and homeless youth program) as a pre-dispositional placement (see FCA §720 and §739) or a long term-safe house (none presently exist) at disposition (see FCA §756).</p> <p>These placements require the consent of the respondent as placement in such settings are voluntary.</p>

RECORDING A PLACEMENT

Pre-dispositional Placement	Post-dispositional Placement
<ol style="list-style-type: none"> Open a Family Services Intake (FSI) stage in CONNECTIONS for the youth and their family. <i>Note: If an open Family Services Stage (FSS) already exists, skip to step 5 (below).</i> Stage progress the FSI to a FSS. Complete the Family Relationship Matrix. <u>Do not</u> select a “Program Choice” for the youth in the Tracked Children window. In the Placement module, conduct an exact resource search to select the foster care setting the LDSS is utilizing for the pre-dispositional placement. (For specific steps, see the CONNECTIONS Quick Tip Sheet, <i>Using an Exact Search.</i>) Complete documentation of the placement by selecting the resource, “placing” the child, and verifying the placement. <p style="text-align: center;"><i>(continued on next page)</i></p>	<ol style="list-style-type: none"> Open a Family Services Stage (FSS) in CONNECTIONS for the the family, if an open FSS does not exist. Use the 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. (See 19-OCFS-ADM-17.) In the Tracked Children window, enter a program choice of “Placement” for the youth. In the Activities window, enter the corresponding Legal Activity codes for post-dispositional placement, including petition codes: 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)

RECORDING A PLACEMENT (CONT'D)

Pre-dispositional Placement	Post-dispositional Placement
<p>7. Open the companion Welfare Management System (WMS) case; do not enter Purchase of Service (POS) codes.</p> <p>8. In the Activities window, navigate and save the pending transaction to record the youth's placement (M910).</p> <p>9. Enter the legal activities codes for pre-dispositional placement in a foster care setting: L100 / 06 / (county code) / F (petition filed) L300 / 06 / 97 - PINS PRE-DISPOSITIONAL</p> <p>If the court order for pre-dispositional placement has remained active through the court order for post-dispositional placement, enter an M990 to end the pre-dispositional placement using the day prior to the post-dispositional placement as the Activity Date.</p> <p>10. The LDSS must upload the pre-dispositional placement court order into CONNECTIONS through the My Upload functionality, using the file category of Legal and the subcategory of Placement Order.</p> <p><u>Extension of Pre-dispositional Placement:</u> In the Activities window, enter the legal activity codes for pre-dispositional placement extension: L300 / 06 / 98 - PINS PRE-DISPOSITIONAL EXTENSION</p>	<p>5. If the court order for pre-dispositional placement has remained active through the court order for post-dispositional placement, enter an M990 to end the pre-dispositional placement using the day prior to the post-dispositional placement as the Activity Date.</p> <p>6. Follow all WMS Purchase of Service (POS) codes for post-dispositional foster care placement and all other system requirements for foster care cases. (See the CONNECTIONS Tip Sheet, <i>Recording Essential Information When a Child Enters Care</i>)</p> <p>7. The LDSS must upload the post-dispositional placement court order into CONNECTIONS through the My Upload functionality, using the file category of Legal and subcategory of Placement Order.</p> <p><u>Extensions of Post-dispositional Placement:</u></p> <p><u>First Extension:</u> In the Activities window, enter the legal activity codes for post-dispositional placement first extension, including the petition codes L100/ 08 / (county code) F (petition filed) L300 / 08 - 756-a COURT REVIEW PINS / 44 - CONT FC-PERM AND EXT (first extension)</p> <p><u>Second Extension:</u> In the Activities window, enter the legal activity codes for a second extension of post-dispositional foster care placement of the youth, including petition codes L100 / 29 / (county code) F (petition filed) L300 / 29 (756-a EXTENSION) or 30 (756-a EXTENSION WITH EXCEPTION) / 44 (CONT FC-PERM AND EXT)</p> <p>MOD D - For the "To" date enter either the next permanency hearing date or the expiration date of the placement order if less than or equal to one year.</p>

PRE-DISPOSITIONAL PLACEMENT CASE SCENARIOS WITH ACTIVITIES CODING

<p>Youth goes into a pre-dispositional placement (PDP) and placement ends with no continued services after PDP.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • Do <u>not</u> enter Purchase of Services (POS) codes in WMS. • L300 /06 / 97 - PINS PRE-DISPOSITIONAL <i>Reminder: Maximum stay is 3 days.</i> • Upload the court order into CONNECTIONS. • M990 – CHILD DISCHARGED FROM FOSTER CARE PROGRAM (Enter event date.) • M999 – CHILD’S TRACK CLOSED (no continued services in CONNECTIONS)
<p>Youth goes into pre-dispositional placement (PDP) and placement is extended with no continued services after PDP.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • Do <u>not</u> enter Purchase of Services (POS) codes in WMS. • L300 /06 / 97 - PINS PRE-DISPOSITIONAL • L300 / 06 / 98 - PINS PRE-DISPOSITIONAL EXTENSION <i>Reminder: Maximum stay is three days.</i> • Upload the court order into CONNECTIONS. • M990 – CHILD DISCHARGED FROM FOSTER CARE PROGRAM (Enter event date.) • M999 – CHILD’S TRACK CLOSED (no continued services in CONNECTIONS)
<p>Youth is in pre-dispositional placement, goes AWOC and returns from AWOC to the same placement resource.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • Do <u>not</u> enter Purchase of Services (POS) codes in WMS. • L300 / 06 / 97 - PINS PRE-DISPOSITIONAL • Upload the court order into CONNECTIONS. • M950 - CHILD BEGINS ABSENCE /SC - AWOL (Enter date.) • M960 - CHILD ENDS ABSENCE / VID (Enter date.)

PRE-DISPOSITIONAL PLACEMENT CASE SCENARIOS WITH ACTIVITIES CODING

<p>Youth in pre-dispositional placement is AWOC and is located by law enforcement with a warrant.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • Do <u>not</u> enter Purchase of Services (POS) codes in WMS. • L300 / 06 / 97 - PINS PRE-DISPOSITIONAL • Upload the court order into CONNECTIONS. • M950 - CHILD BEGINS ABSENCE / SC - AWOL (Enter start date.) • M960 - CHILD ENDS ABSENCE / VID (Enter return date.) • Law Enforcement cannot return youth to 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. • M990 – CHILD DISCHARGED FROM FOSTER CARE PROGRAM Enter event date when valid court order for Pre-dispositional Placement ends.
<p>Youth goes from a pre-dispositional placement to a post-dispositional placement.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • Do <u>not</u> enter Purchase of Services (POS) codes in WMS. • L300 / 06 - ARTICLE 7 PINS / 97 - PINS PRE-DISPOSITIONAL • Upload the pre-dispositional court order into CONNECTIONS. • M990 - CHILD DISCHARGED FROM FOSTER CARE PROGRAM <i>Must be entered <u>one day prior</u> to the post-dispositional date.</i> • Add “Placement” as a Program Choice for the youth on the Tracked Child window, using the Start Date of the post-dispositional placement. • 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. <p>Note: The Case Initiation Date (CID) will remain the date established by the opening of the Family Services Stage (FSS) for the pre-dispositional placement. It cannot be changed to the date of the post-dispositional placement since a CID is designed to reflect the earliest of the possible trigger dates, which in this circumstance, is the pre-dispositional court order.</p> <p style="text-align: center;">For any questions regarding the FASP cycle, please contact your Regional CONNECTIONS Implementation Team member.</p>

POST-DISPOSITIONAL PLACEMENT CASE SCENARIOS WITH ACTIVITIES CODING

<p>Youth is court ordered into a post-dispositional placement, is discharged, and placement ends with no continued services.</p>	<ul style="list-style-type: none"> • L100 / 06 / (county code) F (petition filed) • Use an <i>exact</i> search in the CONNECTIONS Placement Module to populate the M910 code. • L300 / 06 / 43 - CARE/CUSTODY – LDSS • Upload post-dispositional court order into CONNECTIONS. • M990 - CHILD DISCHARGED FROM FOSTER CARE PROGRAM (Enter event date.) • M999 - CHILD’S TRACK CLOSED (no continued services in CONNENCTIONS)
<p>Youth’s placement is extended for the first time.</p>	<ul style="list-style-type: none"> • L100 / 08 / (county code) F <i>Petition must be filed 15 days prior to the end of the initial placement (by day 45).</i> • L300 / 08 - 756-a COURT REVIEW PINS / 44 - CONT FC-PERM AND EXT MOD B “To” date must not be more than 6 months (180 days) after the completion of the permanency hearing for the first extension of placement. • Upload extension of placement court order into CONNECTIONS.
<p>Youth’s placement is extended for a second time with a finding of “no exception” by the court.</p>	<ul style="list-style-type: none"> • L100 / 29 / (county code) F <i>Petition must be filed 30 days prior to the end of the first extension.</i> • L300 / 29 - PINS 756-a EXTENSION (2nd extension) MOD B 44 - CONT FC-PERM AND EXT MOD D - Enter “To” date for a period of up to 4 months • Upload extension of placement court order into CONNECTIONS
<p>Youth’s placement is extended for a second time based on exception finding by the court.</p>	<ul style="list-style-type: none"> • L100 / 29 / (county code) F • L300 / 30 - PINS 756-a EXTENSION WITH EXCEPTIONS (2nd extension) MOD B 44 - CONT FC-PERM AND EXT MOD D - Enter the date of the next hearing OR the expiration date of the placement order if less than or equal to 1 year • Upload extension of placement court order into CONNECTIONS

POST-DISPOSITIONAL PLACEMENT CASE SCENARIOS WITH ACTIVITIES CODING

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 - IF PLCD. =<12MO (JD adjudication made, placement cannot exceed 12 months)
 - L300 / 07 / 71 - JD PLCMNT > 12 MOS (JD adjudication made, initial placement exceeds 12 months)
 - L300 / 07 / 43 - CARE/CUSTODY - LDSS
- OR**
- L300 / 07 / 72 - CARE/CUSTODY OCFS
 - Upload placement court order into CONNECTIONS

RESOURCES

Casework Resources:

OCFS Internet Website	https://ocfs.ny.gov/main/policies/external/ocfs_2020/ADM/20-OCFS-ADM-22.pdf
OCFS PINS Website	https://ocfs.ny.gov/programs/youth/pins/assets/docs/PINS-FAQ.pdf
PINS Lead Agency List	https://ocfs.ny.gov/programs/youth/pins/assets/docs/PINS-Lead-Agencies-by-Locality.pdf
Preventive Services Practice Manual	https://ocfs.ny.gov/main/publications/Preventive%20Services%20Guide%202015.pdf
DCJS Website	https://www.criminaljustice.ny.gov/opca/index.htm

Legal and Movement Code Resources:

OCFS CONNECTIONS Internet	https://ocfs.ny.gov/main/policies/external/ocfs_2020/ADM/20-OCFS-ADM-22-Att-A.pdf
Activities Worksheet for Legal Entries	http://ocfs.state.nyenet/connect/jobaidex/jobaidex.asp
Legacy System Resources	http://ocfs.state.nyenet/it/GeneralResources/GeneralResourcesDefault.asp

Social Services Law and Other Legal References::

SSL §§447-a, 458-m, and 458-n; Chapter 59 of the Laws of 2017 A-3009c/S-2009c Part WWW; FCA §§718, 720, 725, 728, 739, 747, 748, and 756; Executive Law §§529-b, and 530; Chapter 362 of the Laws of 2018; Part K of Chapter 56 of the Laws of 2019.

CONNECTIONS Resources:

CONNECTIONS Job Aids and Tip Sheets	http://ocfs.state.nyenet/connect/jobaides/jobaides.asp
CONNECTIONS Uploads Job Aid	https://ocfs.ny.gov/connect/imp/
CONNECTIONS Regional Implementation Staff:	http://ocfs.state.nyenet/connect/contact.asp
CONNECTIONS Application Help Mailbox	<p>ocfs.sm.conn_app@ocfs.state.ny.us <i>(NOTE: address contains an underline)</i></p> <p>A Helpdesk ticket is now required before sending requests to the Triage Unit. This can be acquired by emailing FixIt@its.ny.gov.</p>

ITS Enterprise Service Desk
1-844-891-1786