

Broome County Mental Health Department



in cooperation and collaboration with:

Broome County Department of Social Services

and

Broome County Probation

**DCS-Designated Population
for Priority Access to Broome County
OMH Article 31 Outpatient Clinics for
Justice-Involved Youth**

Guidance

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A. Background

Pursuant to authority vested in the Director of Community Services by NYS Mental Hygiene Law § 41.13 (a) (1) and NYCRR § 599.6 (7) (i), Broome County has identified and designated *Justice-Involved Youth* as a population to receive five (5) day priority access to OMH-Licensed Article 31 Outpatient Clinics.

B. Purpose

1. Identify and define qualifying circumstances for eligibility for designation as a Justice-Involved Youth.
2. Outline the workflow and communication process including the role of community partners.

C. Definitions

Justice-Involved Youth:

For the purposes of this policy, *Justice-Involved Youth* are individuals under age 18 who have contact /interaction with any of the following:

1. Persons in Need of Supervision (PINS)

Youth who is displaying ungovernable, not necessarily illegal, behaviors, (i.e., truancy, run/stay away, marijuana use, etc.). Behaviors are not criminal, they are statutory – meaning the behaviors are problematic because the individual is under the age of 18. The Youth is referred to Broome County Department of Social Services (DSS) by a parent/legal caregiver or school district due to the behaviors.

a. PINS - Diversion

An early intervention focused on keeping the Youth out of Family Court and is a necessary service prior to filing a PINS petition. Services are provided in accordance with Article 7, Section 735 of the Family Court Act. <https://codes.findlaw.com/ny/family-court-act/fct-sect-735.html>.

b. PINS - Alleged

Denotes that a Family Court Act Article 7 petition has been filed in Family Court alleging that the Youth is a *Person in Need of Supervision*. DSS files the petition and manages the case.

c. PINS - Adjudicated

Denotes that Family Court has heard the case and determined the Youth is a *Person in Need of Supervision*. Post-court disposition, these cases are generally handled by Broome County Probation. However, there are different outcomes that could occur at disposition, thereby denoting different oversight (e.g., if the Youth is put in DSS custody, then DSS manages the case, not Probation).

2. Juvenile Delinquent (JD)

Juvenile Delinquent (JD) means a person over seven and less than eighteen years of age, who, having committed an act that would constitute a crime if committed by an adult, or (with respect to a person over sixteen and less than eighteen) a violation as defined by subdivision three of section 10.00 of the penal law if committed by an adult, where such violation is alleged to have occurred in the same transaction or occurrence of the alleged criminal act, and where such person: (a) is not criminally responsible for such conduct by reason of infancy, or (b) is the defendant in an action ordered removed from a Criminal Court to the Family Court pursuant to Article seven-hundred twenty-five (725) of the criminal procedure law. <https://www.nysenate.gov/legislation/laws/FCT/301.2>

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a. JD - Alleged

The eligible-aged Youth receive a Family Court appearance ticket (arrest) issued by a police agency alleging they committed a juvenile delinquent act.

1. Alleged Juvenile Delinquent - Adjustment Services (a/k/a: JD-Diversion)

Probation conducts an Intake that determines if the alleged juvenile delinquent's case is eligible or suitable for Adjustment Services.

- i. "Adjustment" – means an attempt to successfully resolve a complaint by Probation arranging certain activities or acts to be performed by a potential respondent, parent or other person legally responsible for the Youth's care, the victim or their representative, or any other relevant interested person, with their respective concurrence, in order to achieve the voluntary resolution of a matter.
- ii. "Adjustment Services" – means services provided by Probation, pursuant to Family Court Act §308.1, for the purpose of avoiding the need to file a petition or direct the detention of the Youth (Part 356.1 of 9 NYCRR).

2. Alleged Juvenile Delinquent – Presentment Agency

Youth alleged to have committed a delinquent act where Probation has determined the case is not suitable or eligible for Adjustment Services (Diversion) are forwarded to the Presentment Agency – Broome County Attorney's Office. The Presentment Agency determines if a petition is filed in Broome County Family Court under Article 3 of the Family Court Act alleging Juvenile Delinquency. Once the matter is sent to the Presentment Agency, Probation is not involved unless Court order.

3. Alleged Juvenile Delinquent – Court orders the case/matter returned to Probation

i. Adjustment (Diversion) Services or Others Pre-Dispositional Supervision

The alleged juvenile delinquent is in the Court process and the Judge orders the matter returned to Probation for Adjustment Services. Same process as 2(a)(1) above.

ii. Pre-Dispositional Supervision (Pre-Trial)

Judge can order the Youth be supervised by Probation as an alternative to Detention, pending appearances and the Disposition of the case. Probation monitors the youth according to the conditions of the program and the Court's release. During this time, the Youth can be referred for services.

b. JD – Adjudication

If the Youth is adjudged to be a Juvenile Delinquent in Family Court based on the allegations of the petition either through admission or Fact-Finding, a Pre-Dispositional Investigation may be ordered by the Court to be conducted by the Probation Department. Probation completes the Investigation and makes a recommendation to the Court.

1. Probation Supervision: If a term of Probation Supervision is ordered by the Court, the Youth is assigned a Probation Officer who enforces the conditions set forth upon the record in the Court Disposition order and make referrals to address the criminogenic needs.

2. DSS Involvement / Custody: this could include pushing supports and services into the home, or out-of-home placement for the Youth.

3. Raise the Age (RTA)

On April 10, 2017, New York State *Raised The Age* of criminal responsibility to 18 years of age, ensuring that young people in New York who commit non-violent crimes receive the intervention and evidence-based treatment they need. [See diagram in Appendix C or at [RTA flowchart.pdf \(nycourts.gov\)](#).]

a. Misdemeanor Offenses

Youth that are 16 and 17 who are charged with a misdemeanor offense are alleged Juvenile Delinquents and are eligible for Adjustment Services resulting from of Probation intake.

- i. Eligible / Suitable for Adjustment Services – referral made by Probation
- ii. Not Eligible / Suitable for Adjustment Services – case if forwarded to the Presentment Agency (Broome County Attorney’s Office) for possible petition to Family Court.
- iii. Pre-Dispositional Investigation – if the youth is adjudged to be a Juvenile Delinquent in Family Court based on the alleged petition either through admission or Fact-Finding, a Pre-Dispositional Investigation may be ordered by the Court to be conducted by the Probation Department. Probation completes the Investigation and makes a recommendation to the Court.
- iv. Probation Supervision: If a term of Probation Supervision is ordered by the Court, the Youth is assigned a Probation Officer who enforces the conditions set forth upon the record in the Court Disposition order and make referrals to address the criminogenic needs.
- v. DSS Involvement / Custody: this could include pushing supports and services into the home, or out-of-home placement for the Youth.

b. Felony Offenses

Raise The Age (RTA) established two other classifications (besides Juvenile Delinquent) for youths who allegedly commit a felony offense.

- i. Adolescent Offender (AO) – A Youth that is age 16 or 17 years old who is accused of a felony.
- ii. Juvenile Offender (JO) – A youth that is between 13 and 15 years old that is charged with committing a serious or violent felony offense listed in Penal Law 10.00 (18).

4. Youth Part Court

Alleged Adolescent and Juvenile Offender Felony Cases are initially heard in the *Youth Part (Criminal)* of the County/Supreme Court referred to as *Youth Part*, or *Youth Part Court*.

a. Cases Retained in Youth Part Court

- i. Voluntary Assessment and Case Planning Services – if not detained by the Court (in an appropriate Detention facility), a community-based Adolescent Offender (AO) or Juvenile Offender (JO) can participate in services offered by Probation, pending their appearances in Youth Part Court. A Voluntary Assessment is completed, and a Case Plan is implemented that can include referrals to appropriate services that target criminogenic needs. The Court is notified of the Voluntary Agreement, and a Summary of Compliance is provided to the Court.

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- ii. Pre-Trial Release – The Court can place AO or JO Youth on Pre-Trial Release. The Youth are ordered to abide by the conditions of the program and any other release conditions from Youth Part Court. During this time, the Youth can be referred for services. Participation ends once the case is Removed to Family Court (see below) or once the Youth is sentenced in Court.
 - iii. Conviction or Adjudicated (Youthful Offender Status) / Sentence – If a Youth is convicted by plea or trail, the Court orders a Pre-Sentence Investigation to be conducted by Probation. If they are sentenced to a period of incarceration, they are remanded to an OCFS/DOCCS facility and Probation’s interest in the case is complete. If the Youth is sentenced to a term of Probation, they will be referred to services based on conditions and to address the underlying reasons for their criminal behaviors.
- b. Criteria for Removal from the Youth Part Court
- i. All non-violent felony cases are removed from *Youth Part Court* to Family Court.
 - ii. Violent Felony cases start in Youth Part and are subject to the *3-Part Test*. If any one of the following three criteria are met, or the District Attorney files a motion to retain the case in Youth Part based on extraordinary circumstances, the case moves to Family Court.

3-Part Test Criteria for Retention in Youth Part Court:
 - Significant physical injury, or
 - Display of a weapon, or
 - Sex Offenses
 - iii. Any case removed from Youth Part Court is then considered to be an Alleged Juvenile Delinquent.
- c. Cases Removed to Family Court
- Cases removed from Youth Part Court to Family Court include the following:
- i. JD Adjustment (Diversion) Services – Any case removed from *Youth Part Court* to *Family Court* is considered an Alleged Juvenile Delinquent (JD) and may be eligible for *Probation Intake and Adjustment (Diversion) Services*. If the Youth is not deemed eligible or suitable for *Adjustment (Diversion)*, the matter is referred to the County Attorney for possible petition to Family Court.
 - ii. JD Court Directs Case Return to Diversion or Pre-Dispositional Supervision – The Alleged JD is in the Court process and the Judge orders the matter returned to Probation for Adjustment (Diversion). [*Same process as 4(c)(i).*] Judge could order the Youth be supervised by Probation as an *Alternative to Detention* under *Pre-Dispositional Supervision (Pre-Trial)* pending appearances and *Disposition* of the case. Probation monitors the Youth according to the conditions of the program and the Court’s release. During this time, the Youth can be referred for services. Pre-Dispositional Supervision ends per the Judge’s Order, or at the Disposition.
 - iii. JD Adjudication – If the Youth is Adjudged to be a Juvenile Delinquent in Family Court based on the allegations of the petition either through admission (to the crime) or Fact-Finding, a *Pre-Dispositional Investigation* may be ordered by the Court to be conducted by the Probation Department. Probation completes the Investigation and makes a recommendation to the Court. If a term of *Probation Supervision* is ordered by the Court, the Youth is assigned a Probation Officer who enforces the conditions set forth upon the record in the Court’s

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Disposition Order. Alternative Disposition recommendations to Court, such as DSS custody, completes Probation’s involvement with the case.

D. Process to Access a Priority Appointment

1. Eligibility

Eligibility for this access is limited to Broome County DSS and Probation-identified Youth that meet at least one of the following categories (*as described above*):

1. PINS	1a. PINS – Diversion	1b. PINS – Alleged	1c. PINS – Adjudicated
2. JD	2a. JD – Alleged	2b. JD – Adjudication	
3. RTA	3a. RTA - Misdemeanor	3bi. RTA – Adolescent Offender	3bii. RTA-Juvenile Offender

JD petitions can be filed up until a youth is age 18. Dispositions can extend for a year which would take some of those youth until age 19. Treatment and support services will be facilitated by the Broome County Mental Health Department, Single Point of Access (SPOA), either Child or Adult, whichever is most appropriate.

2. Required Documentation

DSS and/or Probation staff to complete the following:

- a. **Broome County Preventive Services Screening / Referral Form** (*Appendix A*); and
- b. **Child Single Point of Access (C-SPOA) Universal Consent for Release of Information** (*Appendix B*)
 - Detailed instructions on how to complete forms, please refer to *Instructions for Screening/Referral Form and/or the Instructions for Universal Consent for Release of Information* located at: <https://gobroomecounty.com/mh/spoa>.
- c. Submit completed **BC Preventive Services Screening & Referral Form** and **Universal Consent for Release of Information** to the identified agency contacts (*Section F*).

3. Communication Expectations

- a. The **Universal Consent** allows C-SPOA to communicate with DSS, Probation, the Youth/Family, and OMH Clinics regarding scheduling of – and attendance to - clinic appointments for system monitoring (*Appendix C*).
- b. Once engaged in services, the OMH clinic will facilitate **additional consents** for release of information to effect communication between the clinic and DSS and/or Probation to facilitate specific case monitoring.

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E. Workflow

OMH Article 31 Outpatient Clinic 5-Day Priority Status
For Justice-Involved Youth

Key:	Care Management	C-SPOA	DSS	OMH Article 31 Outpatient Clinic	Probation	Youth Family
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Workflow - Process

- 1a. DSS** identifies eligible Youth; completes C-SPOA *Universal Consent for Release of Information* and *BC Preventive Services Screening Referral Form*; submits documents to C-SPOA.

----- or ----- [See GUIDANCE document for eligibility and required documentation.]
- 1b. Probation** identifies eligible Youth; completes C-SPOA *Universal Consent for Release of Information* and *BC Preventive Services Screening Referral Form*; submits documents to C-SPOA.
- 2. C-SPOA** receives *Universal Consent for Release of Information* and *BC Preventive Services Screening Referral Form*, reviews for completeness; amend as needed. [See GUIDANCE document]

2a. OPTIONAL: C-SPOA Application can be submitted to access other specialized services.
A-SPOA for Justice-Involved Youth who will be turning, 18 within the next several months.
- 3. C-SPOA** contacts and submits documentation to clinic-identified by youth/family via method identified by receiving clinic.
- 4. Clinic** receives and reviews *BC Preventive Services Screening Referral Form*.
- 5. Clinic** communicates day/time of priority appointment to C-SPOA within three (3) business days of receipt.
- 6. C-SPOA** notifies BOTH the referral source (DSS/Probation – per information on referral) and youth/caretaker of scheduled priority appointment. Transportation assistance *may* be available..
- 7. Youth/Family** attend priority-scheduled appointment – and any follow-up appointments with clinic.
- 8. C-SPOA to communication with Clinic** regarding attendance/completion of intake process and disposition of care.
- 9. C-SPOA** advises referral source (DSS/Probation – per information on referral) of status of intake and disposition of care.
- 10. Clinic** communicates with referral source regarding attendance/disposition as permitted via signed C-SPOA *Universal Consent for Authorization for Release of Information*.
- 11. C-SPOA** maintains communication with clinic regarding attendance/enrollment status – *data collection only*.

----- End -----
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F. OMH Article 31-Licensed Outpatient Clinics Eligible for Priority Referral

<p><u>Family & Children’s Counseling Services</u></p> <p>Main Clinic 257 Main Street Binghamton, NY 13905</p>	<p><u>Greater Binghamton Health Center</u></p> <p>Child & Adolescent Behavioral Health Center (CABHC)</p> <p>425 Robinson Street Binghamton, NY 13904</p>	<p><u>Lourdes Center for Mental Health</u></p> <p>Main Clinic 184 Court Street Binghamton, NY 13901</p> <p>Satellite Clinic 415 E. Main Street Endicott, NY 13760</p>
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G. Expectations

1. **OMH Clinics**
 - a. Set a minimum 45-minute session scheduled appointment for youth and caregiver.
 - b. Communication with C-SPOA with prompt notification of scheduled appointment.
 - c. Communication with C-SPOA regarding attendance and case status (e.g., open/closed, etc.).
2. **C-SPOA**
 - a. Communicate with referral source (DSS and/or Probation), and youth/caregiver.
 - b. Collect data and maintain metrics.

H. Contact Information

1. For questions about Eligibility as a Justice-Involved Youth, contact either:

a. Dept	<p>Broome County DSS - Specialized Services</p> <p>Broome County Department of Social Services 36-42 Main Street Binghamton, NY 13905</p>	<p>Broome County Probation – Family Services</p> <p>Broome County Probation Department George Harvey Justice Building 45 Hawley Street, Floors 1-3 PO Box 1766 Binghamton, NY 13902</p>
b. Phone	(607) 778-3080	(607) 778-2121
c. Fax	(607) 778-2758	(607) 778-6137

2. For questions about the 5-Day Priority Access process, contact:

Broome County Child SPOA

Broome County Mental Health Department
501 Reynolds Road
Johnson City, NY 13790
Phone: (607) 778-1102
Fax: (607) 778-6189

Email: ChildSPOA@BroomeCounty.us Website: www.gobroomecounty.com/mh/SPOA

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I. Tracking & System Monitoring

1. C-SPOA will monitor the referral / process, including admission/discharge and length of stay.
2. C-SPOA will not monitor or provide case-specific monitoring. That level of monitoring is the responsibility of DSS and/or Probation.

J. Appendix A - Broome County Preventive Services Screening / Referral Form

Forms: Fillable Referral Form can be downloaded here: <https://www.gobroomecounty.com/mh/spoa>

Sample: Broome County Preventive Services Screening / Referral Form

K. Appendix B - C-SPOA Universal Consent for Release of Information

Forms & Instructions: C-SPOA Universal Consent form and detailed *Universal Consent Instructions* on how to complete can be downloaded here: <https://www.gobroomecounty.com/mh/spoa>

Sample: Child Single Point of Access (C-SPOA) Universal Consent

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N. Appendix E – Agency Specific Contact Information

1. Each of the OMH Article 31 Outpatient Clinic Treatment Providers complete / submit the following contact information to the C-SPOA Coordinator.
2. C-SPOA Coordinator will maintain accurate contact information as submitted by treatment providers.

Broome County Mental Health Department Broome County Probation Department Broome County Department of Social Services			
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Clinic Name			
PRIMARY SITE / LOCATION			
Address		Phone	
		Fax	
Primary Contact Name		Primary Contact Email	
Secondary Contact Name		Secondary Contact Email	
SECONDARY / SATELLITE LOCATION			
Address		Phone	
		Fax	
Primary Contact Name		Primary Contact Email	
Secondary Contact Name		Secondary Contact Email	
NOTES: Enter below any details or instructions that would be helpful for coordination with C-SPOA for scheduling.			
Notes			

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