S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. MONTGOMERY, ADAMS, DUANE, HASSELL-THOMPSON, KRUEGER, PARKER, SAVINO, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the executive law, in relation to reimbursement for alternatives to detention and alternative to residential placement programs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The executive law is amended by adding a new section 529-b to read as follows:

S 529-B. REIMBURSEMENT FOR ALTERNATIVES TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, TO THE EXTENT FUNDS ARE SPECIFICALLY APPROPRIATED THEREFOR, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REIMBURSE A POLITICAL SUBDIVISION, OR COUNTY OUTSIDE OF THE CITY OF NEW YORK, SIXTY-FIVE PERCENT OF FUNDS EXPENDED IN ALTERNATIVES TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS.

2. AS USED IN THIS SECTION, THE TERM ALTERNATIVES TO DETENTION SHALL MEAN COMMUNITY BASED SERVICES, APPROVED BY THE POLITICAL SUBDIVISION OR COUNTY, WHICH ARE MEANT TO HELP KEEP YOUTH AWAITING TRIAL IN FAMILY COURT PURSUANT TO ARTICLE THREE OR SEVEN OF THE FAMILY COURT ACT, OR AWAITING TRIAL IN CRIMINAL COURT, OUT OF DETENTION. SUCH SERVICES MAY INCLUDE, BUT NOT BE LIMITED TO:

(A) SERVICES OR PROGRAMS WHICH ARE AIMED AT HELPING DETER YOUTH FROM COMMITTING ACTS, THAT IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIME UNDER THE PENAL LAW;

(B) SERVICES OR PROGRAMS WHICH ARE AIMED AT HELPING ENSURE THAT THE YOUTH APPEARS IN COURT ON SCHEDULED RETURN DATES;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(C) SERVICES OR PROGRAMS WHICH PROVIDE OR FACILITATE SUPPORT FOR MENTAL HEALTH DISORDERS, SUBSTANCE ABUSE PROBLEMS OR LEARNING DISABILITIES;
(D) SERVICES OR PROGRAMS WHICH ARE FAMILY-FOCUSED;
(E) SERVICES OR PROGRAMS WHICH ARE CAPABLE OF REPLICATION ACROSS MULTIPLE SITES;
(F) SERVICES OR PROGRAMS WHICH ARE AIMED AT REDUCING ARREST RATES OF YOUTH PARTICIPATING IN SUCH PROGRAMS; AND
(G) SERVICES OR PROGRAMS WHICH ARE AIMED AT PRODUCING POSITIVE OUTCOMES FROM YOUTH PARTICIPATING IN SUCH PROGRAMS.
3. AS USED IN THIS SECTION, THE TERM ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS SHALL MEAN, COMMUNITY BASED PROGRAMS OR SERVICES, APPROVED BY A POLITICAL SUBDIVISION OR COUNTY OUTSIDE OF THE CITY OF NEW YORK, WHICH ARE MEANT TO PREVENT RESIDENTIAL PLACEMENTS OF YOUTH PURSUANT TO PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 352.2 OF THE FAMILY COURT ACT. SUCH SERVICES OR PROGRAMS MAY INCLUDE BUT NOT BE LIMITED TO:
(A) SERVICES OR PROGRAMS WHICH PROVIDE OR FACILITATE SUPPORT FOR MENTAL HEALTH DISORDERS, SUBSTANCE ABUSE PROBLEMS AND LEARNING DISABILITIES;
(B) SERVICES OR PROGRAMS WHICH PROVIDE POST-RELEASE SUPPORT WITHIN THE YOUTH'S COMMUNITY;
(C) SERVICES OR PROGRAMS WHICH ARE CAPABLE OF REPLICATION ACROSS MULTIPLE SITES;
(D) SERVICES OR PROGRAMS WHICH ARE FAMILY-FOCUSED;
(E) SERVICES OR PROGRAMS AIMED AT REDUCING RECIDIVISM;
(F) SERVICES OR PROGRAMS WHICH ARE AIMED AT REDUCING ARREST RATES OF YOUTH PARTICIPATING IN SUCH PROGRAMS; AND
(G) SERVICES OR PROGRAMS WHICH ARE AIMED AT PRODUCING POSITIVE OUTCOMES FROM YOUTH PARTICIPATING IN SUCH PROGRAMS.
4. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A POLITICAL SUBDIVISION OR COUNTY OUTSIDE OF THE CITY OF NEW YORK SHALL BE ELIGIBLE FOR PROSPECTIVE REIMBURSEMENT IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR ALTERNATIVES TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS FUNDED BY SUCH POLITICAL SUBDIVISION OR COUNTY.
(B) (I) IN ORDER FOR A POLITICAL SUBDIVISION OR COUNTY TO RECEIVE PROSPECTIVE REIMBURSEMENT PURSUANT TO THIS SUBDIVISION, SUCH POLITICAL SUBDIVISION OR COUNTY MUST SUBMIT A PLAN TO THE OFFICE OF CHILDREN AND FAMILY SERVICES DETAILING HOW ALTERNATIVES TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT SERVICES SHALL BE PROVIDED WITHIN THE POLITICAL SUBDIVISION OR COUNTY.
(II) PROVIDED HOWEVER, THAT EACH YEAR FOLLOWING THE IMPLEMENTATION OF THIS SECTION, THE POLITICAL SUBDIVISION OR COUNTY SHALL SUBMIT IN THE PLAN REQUIRED PURSUANT TO THIS SUBDIVISION INFORMATION FOR THE MOST RECENT PRECEDING YEAR FOR WHICH SUCH POLITICAL SUBDIVISION OR COUNTY RECEIVED FUNDING PURSUANT TO THIS SECTION. SUCH INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:
(A) THE NUMBER OF YOUTH SERVED IN ALTERNATIVE TO DETENTION OR RESIDENTIAL PLACEMENT PROGRAMS WHICH RECEIVE FUNDING PURSUANT TO THIS SECTION, IF KNOWN; AND
(B) THE NUMBER OF REDUCTIONS IN DETENTION AND RESIDENTIAL PLACEMENTS, THAT RESULTED FROM SERVICES OR PROGRAMS FUNDED PURSUANT TO THIS SECTION, IF KNOWN.
(C) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REVIEW PLANS SUBMITTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION AND APPROVE OR DISAPPROVE OF SUCH PLANS SUBMITTED.

(I) IF THE OFFICE OF CHILDREN AND FAMILY SERVICES DISAPPROVES OF A PLAN SUBMITTED PURSUANT TO THIS PARAGRAPH, THE POLITICAL SUBDIVISION OR COUNTY SHALL HAVE SIXTY DAYS TO SUBMIT AN AMENDED PLAN.

(II) UPON APPROVAL OF SUCH PLAN, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL:

(A) MAKE ALLOCATIONS TO A POLITICAL SUBDIVISION OR COUNTY IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION; AND

(B) POST ON THEIR WEBSITE THE POLITICAL SUBDIVISION OR COUNTY'S APPROVED PLAN.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011; provided however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed.