

7032

2011-2012 Regular Sessions

I N A S S E M B L Y

April 11, 2011

Introduced by M. of A. SCARBOROUGH, CAMARA, PHEFFER, COOK -- read once
and referred to the Committee on Children and Families

AN ACT to amend the executive law, the state finance law and the family
court act, in relation to alternative-to-detention programs for juve-
niles; and to repeal certain provisions of the executive law relating
thereto

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

1 Section 1. Legislative intent. The legislature finds that New York
2 state could simultaneously realize significant fiscal savings and posi-
3 tively impact the lives of court-involved children by encouraging coun-
4 ties to expand access to alternative-to-detention programs and alterna-
5 tive-to-placement programs. Average costs per bed for pre-trial
6 detention range from \$150,000 outside of New York city and over \$200,000
7 inside New York city. The cost to incarcerate a child in an office of
8 children and family services placement is approximately \$150,000 a year.
9 These expenditures have yielded dismal results as evidenced by the
10 forty-six percent re-admission rate within one year for youth in the
11 custody of the New York city department of juvenile justice and the
12 seventy-six percent recidivism rate for youth released from the office
13 of children and family services facilities.
14 Currently, counties throughout the state receive a fifty percent
15 reimbursement for the costs of detaining a youth pre-trial. However,
16 there is no similar fiscal arrangement for counties choosing to imple-
17 ment alternatives-to-detention and placement for juveniles. There exists
18 significant purpose and public interest in the expansion of alterna-
19 tive-to-placement that reduce youth recidivism, provide meaningful life
20 interventions, and drastically reduce the costs associated with incar-
21 cerating juveniles. A sixty-five percent reimbursement rate for youth
22 diverted into alternative programs would encourage the statewide expan-
23 sion of such programs. The reimbursement plan would also help counties

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

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1 build and maintain a community-based and results-proven infrastructure
2 that works toward the positive support of youth and the prevention of
3 juvenile delinquency. Sixty percent of the funds saved in the fiscal
4 year 2011-2012 budget should be redirected to cover the start-up funds
5 necessary to implement Re-Direct New York.

6 S 2. Section 529 of the executive law is amended by adding a new
7 subdivision 3 to read as follows:

8 3. EACH COUNTY, AND THE CITY OF NEW YORK, SHALL PREPARE AND SUBMIT A
9 COMPREHENSIVE DETENTION PLAN TO THE COMMISSIONER OF THE OFFICE OF CHIL-
10 DREN AND FAMILY SERVICES, AFTER CONSULTATION WITH THE PERSONS OR AGENCY
11 REPRESENTATIVES, OR THEIR DESIGNEES: THE DIRECTOR OF THE SOCIAL SERVICES
12 DISTRICT, THE COUNTY DIRECTOR OR COMMISSIONER OF PROBATION, THE FAMILY
13 COURT JUDGE, THE DIRECTOR OR COMMISSIONER OF THE COUNTY DETENTION AGEN-
14 CY, A REPRESENTATIVE FROM THE COUNTY ATTORNEY OR CORPORATION COUNSEL'S
15 OFFICE, A REPRESENTATIVE FROM THE LAW GUARDIAN'S OFFICE OR OTHER LEGAL
16 SERVICES PROVIDER, A REPRESENTATIVE FROM THE YOUTH BUREAU, A REPRESENT-
17 TATIVE OF THE POLICE DEPARTMENT AND AT LEAST ONE REPRESENTATIVE FROM A
18 COMMUNITY-BASED ORGANIZATION WORKING WITH COURT-INVOLVED YOUTH. THIS
19 PLAN SHALL DESCRIBE THE COUNTY'S THREE-YEAR PLAN TO REDUCE ITS USE OF
20 SECURE AND NON-SECURE DETENTION FACILITIES AND POST-DISPOSITION PLACE-
21 MENTS. COMMENCING THE YEAR FOLLOWING THE PREPARATION OF A THREE-YEAR
22 COMPREHENSIVE DETENTION PLAN, EACH COUNTY SHALL PREPARE ANNUAL IMPLEMEN-
23 TATION REPORTS. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REVIEW
24 AND APPROVE OR DISAPPROVE THE PROPOSED PLAN AND REPORTS IN ACCORDANCE
25 WITH THE PROCEDURES SET FORTH IN PARAGRAPH (D) OF THIS SUBDIVISION.

26 THE GOAL OF EACH COUNTY AND NEW YORK CITY'S COMPREHENSIVE DETENTION
27 PLAN SHALL BE TO REDUCE THE USE OF SECURE AND NON-SECURE DETENTION
28 FACILITIES AND POST-DISPOSITION PLACEMENTS AS MEASURED BY DECREASING
29 DAILY POPULATIONS AND/OR ADMISSIONS TO DETENTION AND PLACEMENT. EACH
30 LOCALITY'S PLAN SHALL DETAIL CRITERIA AND SCREENING TOOLS USED TO DETER-
31 MINE YOUTH ELIGIBILITY FOR REFERRAL TO AN ALTERNATIVE PROGRAM. PORTIONS
32 OF THE SAVINGS REALIZED AND REIMBURSEMENTS RECEIVED FOR THE IMPLEMENTA-
33 TION FOR ALTERNATIVE PROGRAMS SHOULD BE RE-INVESTED WITHIN THE LOCALITY
34 TO MAINTAIN AND BUILD UPON THE USE OF COMMUNITY-BASED, RESULTS-PROVEN
35 ALTERNATIVES TO DETENTION AND INCARCERATION AND TO EXPLORE AND IMPLEMENT
36 EARLY-PREVENTION PLANNING. EACH LOCALITY'S COMPREHENSIVE DETENTION PLAN
37 SHALL DETAIL THE DECISION MAKING PROCESS FOR THE ALLOCATION OF SAVED
38 FUNDS TO BE REINVESTED IN ALTERNATIVES-TO-DETENTION AND ALTERNATIVE-TO-
39 PLACEMENT PROGRAMS.

40 (A) EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, AND/OR DEPARTMENTS
41 OF PROBATION IN PROVIDING CARE, MAINTENANCE AND SUPERVISION TO YOUTH
42 ASSIGNED TO COMMUNITY-BASED, NOT-FOR-PROFIT, POST-DISPOSITION ALTERNA-
43 TIVES-TO-PLACEMENT OR REFERRED PURSUANT TO PARAGRAPH (F) OF SUBDIVISION
44 ONE OF SECTION 352.2 OF THE FAMILY COURT ACT, INCLUDING ALLEGED AND
45 ADJUDICATED JUVENILE DELINQUENTS AND PERSONS IN NEED OF SUPERVISION, AND
46 JUVENILE OFFENDERS COMMITTED PURSUANT TO SECTION 70.05 OF THE PENAL LAW,
47 SHALL BE SUBJECT TO REIMBURSEMENT BY THE STATE IN ACCORDANCE WITH ITS
48 REGULATIONS, AS FOLLOWS: SIXTY-FIVE PERCENT OF THE AMOUNT EXPENDED FOR
49 CARE, MAINTENANCE AND SUPERVISION OF LOCAL CHARGES INCLUDING JUVENILE
50 OFFENDERS.

51 (B) TO QUALIFY FOR THE SIXTY-FIVE PERCENT REIMBURSEMENT THE LOCALITY
52 MUST EVIDENCE A TWENTY-FIVE PERCENT REDUCTION IN THE RATE OF ADMISSIONS
53 TO STATE JUVENILE PLACEMENT FACILITIES. THE RATE OF REDUCTION SHALL BE
54 MEASURED FROM THE LOCALITY'S AVERAGE RATE OF ADMISSION TO STATE JUVENILE
55 PLACEMENT FACILITIES AS OF JULY FIRST, TWO THOUSAND SEVEN. TO CONTINUE
56 RECEIVING THE REDUCTION REIMBURSEMENT, THE LOCALITY'S ADMISSION RATE

1 (WHICHEVER WAS THE INITIAL MEASUREMENT BASE) SHALL NOT RISE MORE THAN
2 FIVE PERCENT ABOVE THE REIMBURSEMENT QUALIFYING THRESHOLD. IN THE EVENT
3 THAT A LOCALITY'S RATE OF ADMISSION RISES MORE THAN FIVE PERCENT ABOVE
4 THE QUALIFYING THRESHOLD, THAT LOCALITY SHALL ASSUME FULL COSTS FOR THE
5 IMPLEMENTATION AND MAINTENANCE OF ITS ALTERNATIVE-TO-PLACEMENT PROGRAMS.

6 (C)(1) IN ITS COMPREHENSIVE DETENTION PLAN, EACH COUNTY AND NEW YORK
7 CITY SHALL DETAIL ITS SCREENING AND ASSESSMENT TOOLS FOR DETERMINING
8 ALTERNATIVE PROGRAM REFERRAL ELIGIBILITY. EACH PROGRAM SHALL REPORT
9 ANNUALLY THE TOTAL NUMBER OF YOUTH REFERRALS RECEIVED, NUMBER OF YOUTH
10 REFERRALS ACCEPTED, NUMBER OF YOUTH REFERRALS REJECTED, THE OFFENSES OF
11 YOUTH REJECTED, AND THE OFFENSES OF YOUTH ACCEPTED. THIS DATA SHALL ALSO
12 BE CATEGORIZED BY RACE/ETHNICITY AND GENDER.

13 (2) THE FUNDED ALTERNATIVE TO DETENTION AND ALTERNATIVE TO PLACEMENT
14 PROGRAMS SHALL EACH REPORT TO ITS FUNDING ENTITY THE FOLLOWING DATA,
15 CATEGORIZED BY AGE, RACE, AND OFFENSE TO THE EXTENT POSSIBLE:

16 (I) NUMBER OF YOUTH REFERRED TO PROGRAM;

17 (II) NUMBER OF YOUTH COMPLETING PROGRAM;

18 (III) NUMBER OF YOUTH VIOLATED FOR NON-COMPLIANCE;

19 (IV) RATES OF SCHOOL ATTENDANCE FOR YOUTH IN THE PROGRAM;

20 (V) YOUTH TO STAFF RATIO FOR EACH STAFF CATEGORY (CLINICAL, COMPLIANCE
21 MONITORS, LINE STAFF);

22 (VI) NUMBER OF REFERRALS GIVEN FOR ADDITIONAL ASSISTANCE REQUESTS
23 (E.G., FAMILY ASSISTANCE, COUNSELING, HOUSING);

24 (VII) NUMBER OF YOUTH ARRESTED WHILE IN PROGRAM AND/OR WITHIN ONE YEAR
25 OF COMPLETING PROGRAM;

26 (VIII) DESCRIPTION OF VIOLATION PROCESS; AND

27 (IX) DESCRIPTION OF EDUCATIONAL AND OTHER INFORMATION PROVIDED TO
28 YOUTH.

29 (3) THE INFORMATION REQUIRED IN SUBPARAGRAPHS ONE AND TWO OF THIS
30 PARAGRAPH SHALL BE REPORTED ANNUALLY TO THE SOCIAL SERVICES DISTRICT
31 AND/OR PROBATION DEPARTMENT. THE ANNUAL REPORT SHALL LIST THIS DATA IN
32 QUARTERLY INTERVALS.

33 (D) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ENSURE THAT
34 SOCIAL SERVICES DISTRICTS AND/OR PROBATION DEPARTMENTS ARE REFERRING
35 YOUTH TO COMMUNITY-BASED ORGANIZATIONS PROVIDING CULTURALLY COMPETENT,
36 EVIDENCE BASED AND POSITIVE YOUTH DEVELOPMENT PROGRAMMING, WITH LIMITED
37 EXCEPTION. FUNDED COMMUNITY-BASED ORGANIZATIONS SHOULD UTILIZE
38 STRENGTH-BASED APPROACHES THAT PROVIDE YOUTH WITH SKILL SETS AND OPPOR-
39 TUNITIES FOR ACHIEVEMENT. THE ORGANIZATIONS SHOULD ALSO BE ABLE TO
40 PROVIDE LONG-TERM SUPPORT WITHIN THE YOUTH'S COMMUNITY.

41 (1) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL, IN COOPERATION
42 WITH THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, THE OFFICE
43 OF MENTAL HEALTH, AND THE OFFICES OF ALCOHOLISM AND SUBSTANCE ABUSE
44 SERVICES; REVIEW THE INTERVENTION AND PREVENTION PROGRAM MODELS FUNDED
45 BY THE SOCIAL SERVICES DISTRICTS AND/OR PROBATION DEPARTMENTS AND GRANT
46 EACH PROGRAM ONE OF THE FOLLOWING CLASSIFICATIONS: EVIDENCE-BASED,
47 PROMISING, DILIGENTLY WORKING TO COLLECT EVIDENCE, OR NONE OF THE ABOVE.

48 (A) THE TERM "EVIDENCE-BASED" MEANS A PROGRAM THAT IS DEMONSTRATED
49 WITH RELATIVE EVIDENCE, NORMED AND VALIDATED FOR A DIVERSE POPULATION,
50 TO BE EITHER:

51 (I) EXEMPLARY, SUCH THAT IT IS IMPLEMENTED WITH A HIGH DEGREE OF
52 FIDELITY AND DEMONSTRATES ROBUST EMPIRICAL FINDINGS USING A REPUTABLE
53 CONCEPTUAL FRAMEWORK AND AN EXPERIMENTAL EVALUATION DESIGN OF THE HIGH-
54 EST QUALITY (A RANDOM ASSIGNMENT CONTROL TRIAL); OR

55 (II) EFFECTIVE, SUCH THAT IT IS IMPLEMENTED WITH SUFFICIENT FIDELITY
56 THAT IT DEMONSTRATES ADEQUATE EMPIRICAL FINDINGS USING A SOUND CONCEPTU-

1 AL FRAMEWORK AND A QUASI-EXPERIMENTAL EVALUATION DESIGN OF HIGH QUALITY
2 (COMPARISON GROUP WITHOUT RANDOM ASSIGNMENT CONTROL GROUP).

3 (B) THE TERM "PROMISING" MEANS A PROGRAM THAT DEMONSTRATES EFFECTIVE-
4 NESS USING REASONABLE, LIMITED FINDINGS, AND THAT HAS UNDERWAY A MORE
5 APPROPRIATE EVALUATION THAT MEETS THE CRITERIA SET FORTH IN CLAUSE (A)
6 OF THIS SUBPARAGRAPH FOR DETERMINING EVIDENCE BASED PROGRAMS.

7 (C) "DILIGENTLY WORKING TO COLLECT EVIDENCE" SHALL APPLY TO ANY EXIST-
8 ING OR NEWLY FORMED PROGRAM THAT IS COLLECTING DATA TO ESTABLISH THE
9 NECESSARY QUALIFICATIONS FOR CLASSIFICATION AS "EVIDENCE-BASED" OR
10 "PROMISING".

11 (D) "NONE OF THE ABOVE" SHALL BE APPLIED TO PROGRAMS THAT DO NOT
12 EVIDENCE A DETERRENT EFFECT AND DO NOT COLLECT, ANALYZE, AND/OR PUBLISH
13 ANY CLIENT OUTCOME DATA.

14 (2) SOCIAL SERVICES DISTRICTS AND/OR PROBATION SHALL UTILIZE THE
15 FOLLOWING FUND ALLOCATION PRIORITIZATION:

16 (A) EVIDENCE-BASED PROGRAMS ARE FIRST PRIORITY FOR FUNDING;

17 (B) PROMISING PROGRAMS SHALL BE FUNDED WHEN NO HIGHER CATEGORY PROGRAM
18 EXISTS TO ADDRESS AN ISSUE;

19 (C) "DILIGENTLY WORKING TO COLLECT EVIDENCE" PROGRAMS MAY BE FUNDED
20 WHEN NO HIGHER CATEGORY PROGRAM EXISTS TO ADDRESS AN ISSUE; OR

21 (D) ANY PROGRAM NOT ELIGIBLE FOR ANY OF THESE CLASSIFICATIONS SHALL
22 NOT BE FUNDED USING THIS FUNDING STREAM.

23 (3) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REVIEW THE
24 PROGRAM MODELS AND ASSESS CLASSIFICATIONS ANNUALLY AND PUBLISH THE
25 RESULTS OF THIS REVIEW.

26 (4) FIFTY PERCENT OF ALL REIMBURSEMENTS MADE BY SOCIAL SERVICES
27 DISTRICTS FOR CARE, MAINTENANCE AND SUPERVISION UNDER THIS SECTION SHALL
28 BE PAID DIRECTLY TO THE STATE THROUGH THE OFFICE OF CHILDREN AND FAMILY
29 SERVICES FOR DEPOSIT INTO A MISCELLANEOUS SPECIAL REVENUE FUND KNOWN AS
30 THE ALTERNATIVE-TO-DETENTION PROGRAM PER DIEM ACCOUNT.

31 S 3. Subdivisions 2 and 2-a of section 530 of the executive law are
32 REPEALED and a new subdivision 2 is added to read as follows:

33 2. (A) EACH COUNTY, AND THE CITY OF NEW YORK, SHALL PREPARE AND SUBMIT
34 A COMPREHENSIVE DETENTION PLAN TO THE COMMISSIONER OF THE OFFICE OF
35 CHILDREN AND FAMILY SERVICES, AFTER CONSULTATION WITH THE PERSONS OR
36 AGENCY REPRESENTATIVES, OR THEIR DESIGNEES: THE DIRECTOR OF THE SOCIAL
37 SERVICES DISTRICT, THE COUNTY DIRECTOR OR COMMISSIONER OF PROBATION, THE
38 FAMILY COURT JUDGE, THE DIRECTOR OR COMMISSIONER OF THE COUNTY DETENTION
39 AGENCY, A REPRESENTATIVE FROM THE COUNTY ATTORNEY OR CORPORATION COUN-
40 SEL'S OFFICE, A REPRESENTATIVE FROM THE LAW GUARDIAN'S OFFICE OR OTHER
41 LEGAL SERVICES PROVIDER, A REPRESENTATIVE FROM THE YOUTH BUREAU, A
42 REPRESENTATIVE OF THE POLICE DEPARTMENT AND AT LEAST ONE REPRESENTATIVE
43 FROM A COMMUNITY-BASED ORGANIZATION WORKING WITH COURT-INVOLVED YOUTH.
44 THIS PLAN SHALL DESCRIBE THE COUNTY'S THREE-YEAR PLAN TO REDUCE ITS USE
45 OF SECURE AND NON-SECURE DETENTION FACILITIES AND POST-DISPOSITION
46 PLACEMENTS. COMMENCING THE YEAR FOLLOWING THE PREPARATION OF A
47 THREE-YEAR COMPREHENSIVE DETENTION PLAN, EACH COUNTY SHALL PREPARE ANNU-
48 AL IMPLEMENTATION REPORTS. THE OFFICE OF CHILDREN AND FAMILY SERVICES
49 SHALL REVIEW AND APPROVE OR DISAPPROVE THE PROPOSED PLAN AND REPORTS IN
50 ACCORDANCE WITH THE PROCEDURES SET FORTH IN PARAGRAPH (F) OF THIS SUBDI-
51 VISION.

52 THE GOAL OF EACH COUNTY AND NEW YORK CITY'S COMPREHENSIVE DETENTION
53 PLAN SHALL BE TO REDUCE THE USE OF SECURE AND NON-SECURE DETENTION
54 FACILITIES AND POST-DISPOSITION PLACEMENTS AS MEASURED BY DECREASING
55 DAILY POPULATIONS AND/OR ADMISSIONS TO DETENTION AND PLACEMENT. EACH
56 LOCALITY'S PLAN SHALL DETAIL CRITERIA AND SCREENING TOOLS USED TO DETER-

1 MINE YOUTH ELIGIBILITY FOR REFERRAL TO AN ALTERNATIVE PROGRAM. PORTIONS
2 OF THE SAVINGS REALIZED AND REIMBURSEMENTS RECEIVED FOR THE IMPLEMENTA-
3 TION OF ALTERNATIVE PROGRAMS SHOULD BE RE-INVESTED WITHIN THE LOCALITY
4 TO MAINTAIN AND BUILD UPON THE USE OF COMMUNITY-BASED, RESULTS-PROVEN
5 ALTERNATIVES-TO-DETENTION AND INCARCERATION AND TO EXPLORE AND IMPLEMENT
6 EARLY-PREVENTION PLANNING. EACH LOCALITY'S COMPREHENSIVE DETENTION PLAN
7 SHALL DETAIL THE DECISION MAKING PROCESS FOR THE ALLOCATION OF SAVED
8 FUNDS TO BE REINVESTED IN ALTERNATIVE-TO-DETENTION AND
9 ALTERNATIVE-TO-PLACEMENT PROGRAMS.

10 (B) EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS, AND/OR PROBATION
11 DEPARTMENTS, IN PROVIDING CARE, MAINTENANCE AND SUPERVISION TO YOUTH IN
12 SECURE AND NON-SECURE DETENTION FACILITIES DESIGNATED PURSUANT TO
13 SECTIONS SEVEN HUNDRED TWENTY-FOUR AND 305.2 OF THE FAMILY COURT ACT AND
14 CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL BE
15 SUBJECT TO REIMBURSEMENT BY THE STATE IN ACCORDANCE WITH ITS REGU-
16 LATIONS, AS FOLLOWS:

17 (I) THE FULL PER DIEM RATE SET BY THE STATE OFFICE OF CHILDREN AND
18 FAMILY SERVICES FOR SUCH PROGRAMS FOR THE CARE, MAINTENANCE AND SUPER-
19 VISION OF STATE CHARGES;

20 (II) FIFTY PERCENT OF THE PER DIEM RATE SET BY THE STATE OFFICE OF
21 CHILDREN AND FAMILY SERVICES FOR SUCH PROGRAMS FOR THE CARE, MAINTENANCE
22 AND SUPERVISION OF LOCAL CHARGES; AND

23 (III) SUBJECT TO APPROVAL OF THE COMPREHENSIVE DETENTION PLAN SPECI-
24 FIED IN THIS SUBDIVISION, EXPENDITURES MADE BY SOCIAL SERVICES
25 DISTRICTS, AND/OR PROBATION DEPARTMENTS, IN PLANNING FOR AND PROVIDING
26 ALTERNATIVE-TO-DETENTION AND ALTERNATIVE-TO-INCARCERATION PROGRAMS OPER-
27 ATED BY COMMUNITY-BASED, NOT-FOR-PROFIT ORGANIZATIONS SHALL BE REIM-
28 BURSED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AT SIXTY-FIVE
29 PERCENT OF THE PER DIEM RATE SET BY THE OFFICE OF CHILDREN AND FAMILY
30 SERVICES.

31 NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH, SECTION THREE
32 HUNDRED NINETY-EIGHT-A OF THE SOCIAL SERVICES LAW SHALL NOT APPLY TO
33 FACILITIES CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES
34 PURSUANT TO SECTION FIVE HUNDRED THREE OF THIS ARTICLE.

35 (C) EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS AND/OR PROBATION
36 DEPARTMENTS, IN PROVIDING CARE, MAINTENANCE AND SUPERVISION TO YOUTH IN
37 ALTERNATIVE-TO-DETENTION PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN
38 AND FAMILY SERVICES, SHALL BE SUBJECT TO REIMBURSEMENT BY THE STATE IN
39 ACCORDANCE WITH ITS REGULATIONS, AS FOLLOWS:

40 (I) UP TO SIXTY-FIVE PERCENT OF THE PER DIEM RATE SET BY THE STATE
41 OFFICE OF CHILDREN AND FAMILY SERVICES FOR SUCH PROGRAMS FOR THE CARE,
42 MAINTENANCE AND SUPERVISION OF LOCAL CHARGES IN STATE FISCAL YEAR TWO
43 THOUSAND ELEVEN--TWO THOUSAND TWELVE;

44 (II) SUBJECT TO APPROVAL OF THE COMPREHENSIVE DETENTION PLAN SPECIFIED
45 IN THIS SUBDIVISION, EXPENDITURES MADE BY SOCIAL SERVICES DISTRICTS,
46 AND/OR PROBATION DEPARTMENTS, IN PLANNING FOR AND PROVIDING ALTERNA-
47 TIVE-TO-DETENTION PROGRAMS OPERATED BY COMMUNITY-BASED, NOT-FOR-PROFIT
48 ORGANIZATIONS SHALL BE REIMBURSED BY THE OFFICE OF CHILDREN AND FAMILY
49 SERVICES AT SIXTY-FIVE PERCENT OF THE PER DIEM RATE SET BY THE OFFICE OF
50 CHILDREN AND FAMILY SERVICES.

51 (D) TO QUALIFY FOR THE SIXTY-FIVE PERCENT REIMBURSEMENT THE LOCALITY
52 MUST EVIDENCE A TWENTY-FIVE PERCENT REDUCTION IN DETENTION USAGE AS
53 MEASURED BY A DECREASE IN THE AVERAGE DAILY DETENTION POPULATION OR A
54 DECREASE IN RATES OF ADMISSION TO DETENTION. THE RATE OF REDUCTION SHALL
55 BE MEASURED FROM THE AVERAGE DAILY DETENTION POPULATION AND RATES OF
56 ADMISSION TO DETENTION AS OF JULY FIRST, TWO THOUSAND SEVEN. TO CONTINUE

RECEIVING THE REDUCTION REIMBURSEMENT, THE LOCALITY'S DETENTION POPULATION OR ADMISSION RATE (WHICHEVER WAS THE INITIAL MEASUREMENT TOOL) SHALL NOT RISE MORE THAN FIVE PERCENT ABOVE THE REIMBURSEMENT QUALIFYING THRESHOLD. IN THE EVENT THAT A LOCALITY'S AVERAGE DAILY POPULATION OR RATES OF ADMISSION SHOULD RISE ABOVE THE QUALIFYING THRESHOLD, THAT LOCALITY SHALL ASSUME FULL COSTS FOR THE IMPLEMENTATION AND MAINTENANCE OF ITS ALTERNATIVE-TO-DETENTION PROGRAMS.

(E) (I) IN ITS COMPREHENSIVE DETENTION PLAN, EACH COUNTY AND NEW YORK CITY SHALL DETAIL ITS SCREENING AND ASSESSMENT TOOLS FOR DETERMINING ALTERNATIVE PROGRAM REFERRAL ELIGIBILITY. EACH PROGRAM SHALL REPORT ANNUALLY THE TOTAL NUMBER OF YOUTH REFERRALS RECEIVED, NUMBER OF YOUTH REFERRALS ACCEPTED, NUMBER OF YOUTH REFERRALS REJECTED, THE OFFENSES OF YOUTH REJECTED, THE OFFENSES OF YOUTH ACCEPTED, AND THE NUMBER OF YOUTH REJECTED DUE TO MENTAL HEALTH NEEDS. THIS DATA SHALL ALSO BE CATEGORIZED BY RACE/ETHNICITY AND GENDER.

(II) THE FUNDED ALTERNATIVE TO DETENTION AND ALTERNATIVE TO PLACEMENT PROGRAMS SHALL EACH REPORT TO ITS FUNDING ENTITY THE FOLLOWING DATA, CATEGORIZED BY AGE, RACE, AND OFFENSE TO THE EXTENT POSSIBLE:

- (A) NUMBER OF YOUTH REFERRED TO PROGRAM;
- (B) NUMBER OF YOUTH COMPLETING PROGRAM;
- (C) NUMBER OF YOUTH VIOLATED FOR NON-COMPLIANCE;
- (D) RATES OF SCHOOL ATTENDANCE FOR YOUTH IN THE PROGRAM;
- (E) YOUTH TO STAFF RATIO FOR EACH STAFF CATEGORY (CLINICAL, COMPLIANCE MONITORS, LINE STAFF);
- (F) NUMBER OF REFERRALS GIVEN FOR ADDITIONAL ASSISTANCE REQUESTS (E.G., FAMILY ASSISTANCE, COUNSELING, HOUSING);
- (G) NUMBER OF YOUTH ARRESTED WHILE IN PROGRAM AND/OR WITHIN ONE YEAR OF COMPLETING PROGRAM;
- (H) DESCRIPTION OF VIOLATION PROCESS; AND
- (I) DESCRIPTION OF EDUCATIONAL AND OTHER INFORMATION PROVIDED TO YOUTH.

(III) THE INFORMATION REQUIRED IN SUBPARAGRAPHS (I) AND (II) OF THIS PARAGRAPH SHALL BE REPORTED ANNUALLY TO THE SOCIAL SERVICES DISTRICT AND/OR PROBATION DEPARTMENT. THE ANNUAL REPORT SHALL LIST THIS DATA IN QUARTERLY INTERVALS.

(F) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL ENSURE THAT SOCIAL SERVICES DISTRICTS AND/OR PROBATION DEPARTMENTS ARE REFERRING YOUTH TO COMMUNITY-BASED ORGANIZATIONS PROVIDING CULTURALLY COMPETENT, EVIDENCED BASED AND POSITIVE YOUTH DEVELOPMENT PROGRAMMING, WITH LIMITED EXCEPTION. FUNDED COMMUNITY-BASED ORGANIZATIONS SHOULD UTILIZE STRENGTH-BASED APPROACHES THAT PROVIDE YOUTH WITH SKILL SETS AND OPPORTUNITIES FOR ACHIEVEMENT. THE ORGANIZATIONS SHOULD ALSO BE ABLE TO PROVIDE LONG-TERM SUPPORT WITHIN THE YOUTH'S COMMUNITY.

(I) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL, IN COOPERATION WITH THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, THE OFFICE OF MENTAL HEALTH, AND THE OFFICES OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, REVIEW THE INTERVENTION AND PREVENTION PROGRAM MODELS FUNDED BY THE SOCIAL SERVICES DISTRICTS AND/OR PROBATION DEPARTMENTS AND GRANT EACH PROGRAM ONE OF THE FOLLOWING CLASSIFICATIONS: EVIDENCE-BASED, PROMISING, DILIGENTLY WORKING TO COLLECT EVIDENCE, OR NONE OF THE ABOVE.

(A) THE TERM "EVIDENCE-BASED" MEANS A PROGRAM THAT IS DEMONSTRATED WITH RELATIVE EVIDENCE, NORMED AND VALIDATED FOR THE DIVERSE POPULATION, TO BE EITHER:

(1) EXEMPLARY, SUCH THAT IT IS IMPLEMENTED WITH A HIGH DEGREE OF FIDELITY AND DEMONSTRATES ROBUST EMPIRICAL FINDINGS USING A REPUTABLE

1 CONCEPTUAL FRAMEWORK AND AN EXPERIMENTAL EVALUATION DESIGN OF THE HIGH-
2 EST QUALITY (A RANDOM ASSIGNMENT CONTROL TRIAL); OR
3 (2) EFFECTIVE, SUCH THAT IT IS IMPLEMENTED WITH SUFFICIENT FIDELITY
4 THAT IT DEMONSTRATES ADEQUATE EMPIRICAL FINDINGS USING A SOUND CONCEPTU-
5 AL FRAMEWORK AND A QUASI-EXPERIMENTAL EVALUATION DESIGN OF HIGH QUALITY
6 (COMPARISON GROUP WITHOUT RANDOM ASSIGNMENT CONTROL GROUP).
7 (B) THE TERM "PROMISING" MEANS A PROGRAM THAT DEMONSTRATES EFFECTIVE-
8 NESS USING REASONABLE, LIMITED FINDINGS, AND THAT HAS UNDERWAY A MORE
9 APPROPRIATE EVALUATION THAT MEETS THE CRITERIA SET FORTH IN CLAUSE (A)
10 OF THIS SUBPARAGRAPH FOR DETERMINING EVIDENCE-BASED PROGRAMS.
11 (C) "DILIGENTLY WORKING TO COLLECT EVIDENCE" SHALL APPLY TO ANY EXIST-
12 ING OR NEWLY FORMED PROGRAM THAT IS COLLECTING DATA TO ESTABLISH THE
13 NECESSARY QUALIFICATIONS FOR CLASSIFICATION AS "EVIDENCE BASED" OR
14 "PROMISING".
15 (D) "NONE OF THE ABOVE" SHALL BE APPLIED TO PROGRAMS THAT DO NOT
16 EVIDENCE A DETERRENT EFFECT AND DO NOT COLLECT, ANALYZE, AND/OR PUBLISH
17 ANY CLIENT OUTCOME DATA.
18 (II) SOCIAL SERVICES DISTRICTS AND/OR PROBATION SHALL UTILIZE THE
19 FOLLOWING FUND ALLOCATION PRIORITIZATION:
20 (A) EVIDENCE-BASED PROGRAMS ARE FIRST PRIORITY FOR FUNDING;
21 (B) PROMISING PROGRAMS SHALL BE FUNDED WHEN NO HIGHER CATEGORY PROGRAM
22 EXISTS TO ADDRESS AN ISSUE;
23 (C) "DILIGENTLY WORKING TO COLLECT EVIDENCE" PROGRAMS MAY BE FUNDED
24 WHEN NO HIGHER CATEGORY PROGRAM EXISTS TO ADDRESS AN ISSUE; AND
25 (D) ANY PROGRAM NOT ELIGIBLE FOR ANY OF THESE CLASSIFICATIONS SHALL
26 NOT BE FUNDED USING THIS FUNDING STREAM.
27 (III) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REVIEW THE
28 PROGRAM MODELS AND ASSESS CLASSIFICATIONS ANNUALLY AND PUBLISH THE
29 RESULTS OF THIS REVIEW.
30 (IV) FIFTY PERCENT OF ALL REIMBURSEMENTS MADE BY SOCIAL SERVICES
31 DISTRICTS FOR CARE, MAINTENANCE AND SUPERVISION UNDER THIS SECTION SHALL
32 BE PAID DIRECTLY TO THE STATE THROUGH THE OFFICE OF CHILDREN AND FAMILY
33 SERVICES FOR DEPOSIT INTO A MISCELLANEOUS SPECIAL REVENUE FUND KNOWN AS
34 THE ALTERNATIVE-TO-DETENTION PROGRAM PER DIEM ACCOUNT.
35 S 4. The state finance law is amended by adding a new section 99-u to
36 read as follows:
37 S 99-U. THE ALTERNATIVE-TO-DETENTION PROGRAM PER DIEM ACCOUNT. 1.
38 THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMP-
39 TROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE AN ACCOUNT IN THE
40 MISCELLANEOUS SPECIAL REVENUE FUND TO BE KNOWN AS THE
41 "ALTERNATIVE-TO-DETENTION PER DIEM ACCOUNT".
42 2. THE ALTERNATIVE-TO-DETENTION PER DIEM ACCOUNT SHALL CONSIST OF
43 FIFTY PERCENT OF THE MONEYS RECEIVED BY THE STATE PURSUANT TO SECTION
44 FIVE HUNDRED THIRTY OF THE EXECUTIVE LAW. SUCH MONEYS SHALL BE USED TO
45 SUPPORT EVIDENCE-BASED, COMMUNITY-BASED ALTERNATIVES TO DETENTION AND
46 ALTERNATIVES TO PLACEMENT PROGRAMS. THE STATE OFFICE OF CHILDREN AND
47 FAMILY SERVICES WILL DETERMINE REIMBURSEMENT ELIGIBILITY BASED ON EACH
48 COUNTY AND NEW YORK CITY'S COMPREHENSIVE DETENTION PLAN, AS REQUIRED BY
49 SUBDIVISION TWO OF SECTION FIVE HUNDRED THIRTY AND SUBDIVISION THREE OF
50 SECTION FIVE HUNDRED TWENTY-NINE OF THE EXECUTIVE LAW. THE COMPREHENSIVE
51 DETENTION PLAN WILL SPECIFY WHICH LOCAL ENTITY WILL RECEIVE THESE FUNDS
52 AND THE APPROPRIATE USES AND DISTRIBUTION OF THESE FUNDS.
53 3. THE SOCIAL SERVICES DISTRICT AND/OR PROBATION DEPARTMENT OVERSEEING
54 THE ALTERNATIVE-TO-DETENTION PROGRAMS SHALL SUBMIT ANNUALLY TO THE
55 OFFICE OF CHILDREN AND FAMILY SERVICES, IN THE MANNER DETERMINED BY THAT

1 OFFICE, A REQUEST FOR REIMBURSEMENT WITHIN TWELVE MONTHS OF INITIALLY
2 QUALIFYING FOR THE REIMBURSEMENT.

3 S 5. Subdivision 1 of section 352.2 of the family court act, as added
4 by chapter 920 of the laws of 1982, is amended to read as follows:

5 1. Upon the conclusion of the dispositional hearing, the court shall
6 enter an order of disposition:

7 (a) conditionally discharging the respondent in accord with section
8 353.1; or

9 (b) putting the respondent on probation in accord with section 353.2;
10 or

11 (c) continuing the proceeding and placing the respondent in accord
12 with section 353.3; or

13 (d) placing the respondent in accord with section 353.4; or

14 (e) continuing the proceeding and placing the respondent under a
15 restrictive placement in accord with section 353.5[.]; OR

16 (F) PLACING THE RESPONDENT IN AN EVIDENCE BASED ALTERNATIVE-TO-PLACE-
17 MENT PROGRAM.

18 S 6. This act shall take effect July 1, 2012; provided, however, that
19 effective immediately, the addition, amendment and/or repeal of any rule
20 or regulation necessary for the implementation of this act on its effec-
21 tive date are authorized and directed to be made and completed on or
22 before such effective date.