

4214

2011-2012 Regular Sessions

I N A S S E M B L Y

February 2, 2011

Introduced by M. of A. SCARBOROUGH -- read once and referred 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The executive law is amended by adding a new section 529-b
2 to read as follows:
3 S 529-B. REIMBURSEMENT FOR ALTERNATIVES TO DETENTION AND ALTERNATIVE
4 TO RESIDENTIAL PLACEMENT PROGRAMS. 1. NOTWITHSTANDING ANY PROVISION OF
5 LAW TO THE CONTRARY, TO THE EXTENT FUNDS ARE SPECIFICALLY APPROPRIATED
6 THEREFOR, THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REIMBURSE A
7 POLITICAL SUBDIVISION, OR COUNTY OUTSIDE OF THE CITY OF NEW YORK,
8 SIXTY-FIVE PERCENT OF FUNDS EXPENDED IN ALTERNATIVES TO DETENTION AND
9 ALTERNATIVE TO RESIDENTIAL PLACEMENT PROGRAMS.
10 2. AS USED IN THIS SECTION, THE TERM ALTERNATIVES TO DETENTION SHALL
11 MEAN COMMUNITY BASED SERVICES, APPROVED BY THE POLITICAL SUBDIVISION OR
12 COUNTY, WHICH ARE MEANT TO HELP KEEP YOUTH AWAITING TRIAL IN FAMILY
13 COURT PURSUANT TO ARTICLE THREE OR SEVEN OF THE FAMILY COURT ACT, OR
14 AWAITING TRIAL IN CRIMINAL COURT, OUT OF DETENTION. SUCH SERVICES MAY
15 INCLUDE, BUT NOT BE LIMITED TO:
16 (A) SERVICES OR PROGRAMS WHICH ARE AIMED AT HELPING DETER YOUTH FROM
17 COMMITTING ACTS, THAT IF COMMITTED BY AN ADULT WOULD CONSTITUTE A CRIME
18 UNDER THE PENAL LAW;
19 (B) SERVICES OR PROGRAMS WHICH ARE AIMED AT HELPING ENSURE THAT THE
20 YOUTH APPEARS IN COURT ON SCHEDULED RETURN DATES;
21 (C) SERVICES OR PROGRAMS WHICH PROVIDE OR FACILITATE SUPPORT FOR
22 MENTAL HEALTH DISORDERS, SUBSTANCE ABUSE PROBLEMS OR LEARNING DISABILI-
23 TIES;
24 (D) SERVICES OR PROGRAMS WHICH ARE FAMILY-FOCUSED;

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

LBD01553-01-1

1 (E) SERVICES OR PROGRAMS WHICH ARE CAPABLE OF REPLICATION ACROSS
2 MULTIPLE SITES;

3 (F) SERVICES OR PROGRAMS WHICH ARE AIMED AT REDUCING ARREST RATES OF
4 YOUTH PARTICIPATING IN SUCH PROGRAMS; AND

5 (G) SERVICES OR PROGRAMS WHICH ARE AIMED AT PRODUCING POSITIVE
6 OUTCOMES FROM YOUTH PARTICIPATING IN SUCH PROGRAMS.

7 3. AS USED IN THIS SECTION, THE TERM ALTERNATIVE TO RESIDENTIAL PLACE-
8 MENT PROGRAMS SHALL MEAN, COMMUNITY BASED PROGRAMS OR SERVICES, APPROVED
9 BY A POLITICAL SUBDIVISION OR COUNTY OUTSIDE OF THE CITY OF NEW YORK,
10 WHICH ARE MEANT TO PREVENT RESIDENTIAL PLACEMENTS OF YOUTH PURSUANT TO
11 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION 352.2 OF THE FAMILY COURT
12 ACT. SUCH SERVICES OR PROGRAMS MAY INCLUDE BUT NOT BE LIMITED TO:

13 (A) SERVICES OR PROGRAMS WHICH PROVIDE OR FACILITATE SUPPORT FOR
14 MENTAL HEALTH DISORDERS, SUBSTANCE ABUSE PROBLEMS AND LEARNING DISABILI-
15 TIES;

16 (B) SERVICES OR PROGRAMS WHICH PROVIDE POST-RELEASE SUPPORT WITHIN THE
17 YOUTH'S COMMUNITY;

18 (C) SERVICES OR PROGRAMS WHICH ARE CAPABLE OF REPLICATION ACROSS
19 MULTIPLE SITES;

20 (D) SERVICES OR PROGRAMS WHICH ARE FAMILY-FOCUSED;

21 (E) SERVICES OR PROGRAMS AIMED AT REDUCING RECIDIVISM;

22 (F) SERVICES OR PROGRAMS WHICH ARE AIMED AT REDUCING ARREST RATES OF
23 YOUTH PARTICIPATING IN SUCH PROGRAMS; AND

24 (G) SERVICES OR PROGRAMS WHICH ARE AIMED AT PRODUCING POSITIVE
25 OUTCOMES FROM YOUTH PARTICIPATING IN SUCH PROGRAMS.

26 4. (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A POLI-
27 TICAL SUBDIVISION OR COUNTY OUTSIDE OF THE CITY OF NEW YORK SHALL BE
28 ELIGIBLE FOR PROSPECTIVE REIMBURSEMENT IN ACCORDANCE WITH SUBDIVISION
29 ONE OF THIS SECTION, FROM THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR
30 ALTERNATIVES TO DETENTION AND ALTERNATIVE TO RESIDENTIAL PLACEMENT
31 PROGRAMS FUNDED BY SUCH POLITICAL SUBDIVISION OR COUNTY.

32 (B) (I) IN ORDER FOR A POLITICAL SUBDIVISION OR COUNTY TO RECEIVE
33 PROSPECTIVE REIMBURSEMENT PURSUANT TO THIS SUBDIVISION, SUCH POLITICAL
34 SUBDIVISION OR COUNTY MUST SUBMIT A PLAN TO THE OFFICE OF CHILDREN AND
35 FAMILY SERVICES DETAILING HOW ALTERNATIVES TO DETENTION AND ALTERNATIVE
36 TO RESIDENTIAL PLACEMENT SERVICES SHALL BE PROVIDED WITHIN THE POLITICAL
37 SUBDIVISION OR COUNTY.

38 (II) PROVIDED HOWEVER, THAT EACH YEAR FOLLOWING THE IMPLEMENTATION OF
39 THIS SECTION, THE POLITICAL SUBDIVISION OR COUNTY SHALL SUBMIT IN THE
40 PLAN REQUIRED PURSUANT TO THIS SUBDIVISION INFORMATION FOR THE MOST
41 RECENT PRECEDING YEAR FOR WHICH SUCH POLITICAL SUBDIVISION OR COUNTY
42 RECEIVED FUNDING PURSUANT TO THIS SECTION. SUCH INFORMATION SHALL
43 INCLUDE, BUT NOT BE LIMITED TO:

44 (A) THE NUMBER OF YOUTH SERVED IN ALTERNATIVE TO DETENTION OR RESIDEN-
45 TIAL PLACEMENT PROGRAMS WHICH RECEIVE FUNDING PURSUANT TO THIS SECTION,
46 IF KNOWN; AND

47 (B) THE NUMBER OF REDUCTIONS IN DETENTION AND RESIDENTIAL PLACEMENTS,
48 THAT RESULTED FROM SERVICES OR PROGRAMS FUNDED PURSUANT TO THIS SECTION,
49 IF KNOWN.

50 (C) THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REVIEW PLANS
51 SUBMITTED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION AND APPROVE OR
52 DISAPPROVE OF SUCH PLANS SUBMITTED.

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

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

3 (A) MAKE ALLOCATIONS TO A POLITICAL SUBDIVISION OR COUNTY IN ACCORD-
4 ANCE WITH SUBDIVISION ONE OF THIS SECTION; AND

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

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