



**Office of Children  
and Family Services**

# **Raising the Lower Age of Juvenile Delinquency**

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# Introduction

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- Raises the lower age (RTLTA) of juvenile delinquency definition under the Family Court Act (FCA) to twelve years of age in most circumstances as of December 29, 2022.
- Requires New York State Office of Children and Family Services (OCFS) to promulgate regulations to outline criteria related to a differential response for these children and their families.
- Purpose is to be responsive to children and their families using community services and early interventions and to address disparities in child welfare and juvenile justice systems.

# Introduction

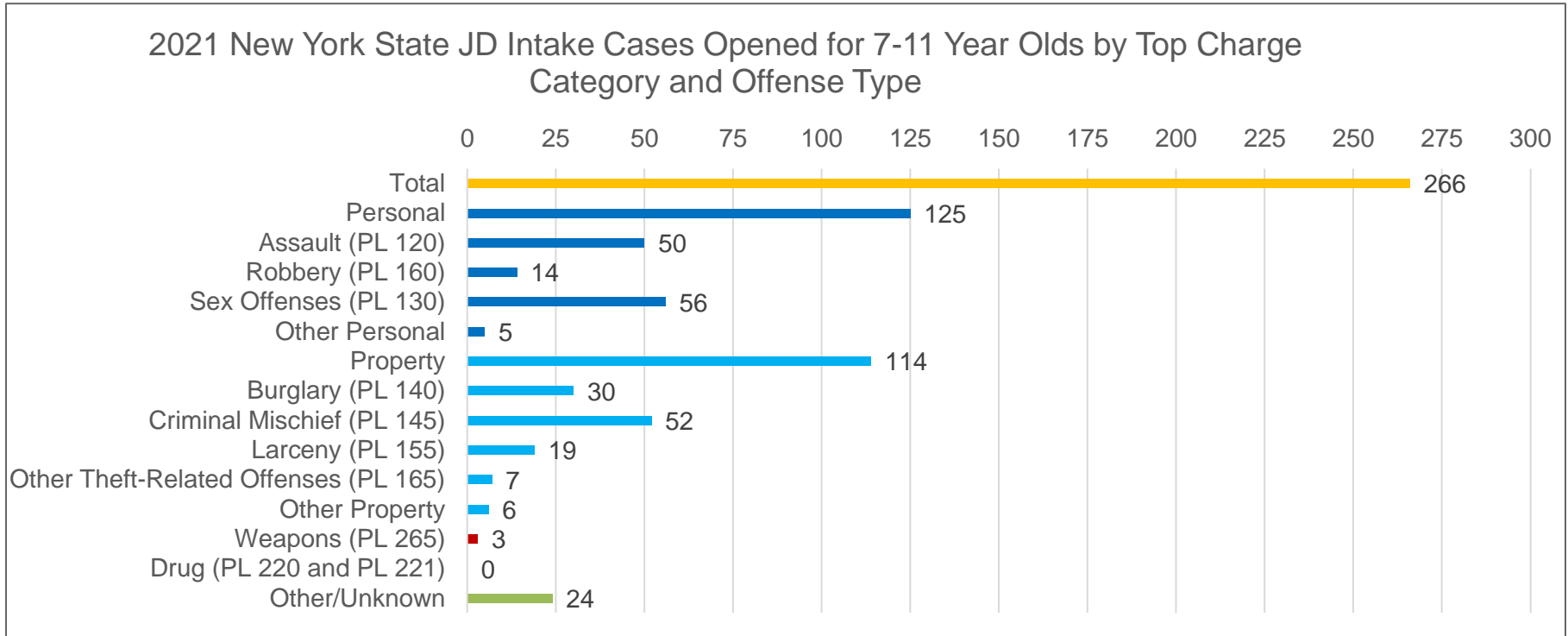
- Requires each Local Department of Social Services (LDSS) to develop a RTLA differential response (DR-RTLA) for children under twelve years of age who no longer fall under the definition of Juvenile Delinquent (JD) under the FCA as of December 29, 2022, and whose behavior, but for their age, would otherwise bring them under the jurisdiction of Article 3 of the FCA.
- Requires OCFS to review the LDSSs' DR-RTLA plans for approval.
- Prohibits youth under the age of 13 from secure detention, except for alleged homicide-related offenses



# Introduction

- Differential response for children under 12 years old is not
  - PINS Diversion Services
  - Family Assessment Response (FAR) – alternative child protective response.

# Data



Source: Caseload Explorer data as of 5/14/2022



Office of Children  
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# Differential Response for Children Under 12 Years

# Differential Response Structure

Referrals to Differential Response for Children Under 12 years

## Differential Response for Children Under 12 years

Intake

Assessment

Supports offered and accepted

Plan for supports

Evaluations and assessments of child's progress from providers

### Examples of Services/Supports/Opportunities

STSJP-funded service/support

Family Support Services Program

Child Welfare Preventive Service

Positive Youth Development opportunities

Community-based services/supports

Children and Family Treatment and Support Services (CFTSS)

Substance use services

Community Parenting Program





# Intake

- Available to receive referrals during LDSS regular business hours
- DR-RTLTA point of contact will be posted publicly on the OCFS [RTLTA webpage](#).
- Potential referral sources: law enforcement agencies, schools, parents, LDSS staff, probation department, community-based providers, voluntary agencies
  - LDSS can use the [OCFS-2210](#), *Raising the Lower Age of Juvenile Delinquency Differential Response Referral Form* with stakeholders



# Intake

- Persons harmed
  - Information about the DR-RTLA referred child cannot be disclosed.
  - Access to victim services
    - Law enforcement incident report
    - New York State Office of Victim Services hosts [OVS Resource Connect](#)
  - May be other known community supports the LDSS can advise the person harmed of.



# Intake

- Gathers intake information
- Makes a determination of the child's eligibility

NOTE: the DR-RTLA is voluntary to the child and family.

If safety plans are in place or known safety concerns exist, the DR-RTLA program must act immediately in accordance with existing policy, regulations, and law.



# Intake

- For eligible children residing in the district:
  - Contacts the family of an eligible child within one business day of receiving a referral.
  - Schedules an appointment within seven business days with the child, family and any familial supports; any barriers to attendance should be addressed.
  - Inquires if the family is working with child welfare services and ask permission to speak to the LDSS case manager/caseworker
  - Contacts the LDSS case manager/caseworker

# Assessment

- DR-RTLTA assessment must include an assessment of
  - the current safety of the child and safety concerns related to the child's behaviors that led to the DR-RTLTA referral;
  - the eligible child's strengths, concrete needs, and challenges as well as those of the family;
  - any individualized vulnerabilities;
  - cultural considerations; and
  - indicators of child sex trafficking ([OCFS-3920](#), *Child Sex Trafficking Indicators Tool*, and [OCFS-3921](#), *Rapid Indicator Tool to Identify Children Who May Be Sex Trafficking Victims or Are at Risk of Being a Sex Trafficking Victim*).



# Assessment

- Practice considerations per family focus groups conducted:
  - What purpose is the child's behavior serving?
  - What are the underlying issues beyond the behaviors?
  - Children and families need support to understand any trauma and its impact on them and their interactions.
  - Children need skills to regulate their emotions.
  - Use plain language to explain information to the child and family.
  - *(We) "needed services to happen as fast as (law enforcement was contacted) for my child" -- parent*



# Support Plan Development

- Family- and child-led
- Initiated within 15 days of the referral to the DR-RTLA
- Include any current providers, with permission of the family
- Driven by the assessment to build strengths and overall well-being of the familial unit
- Consists of agreed-upon interventions, as all are **voluntary**
- Safety concerns must be addressed by the DR-RTLA program.

# Successful Intervention Engagement

*“Need someone to walk with you and understand while you are navigating through systems.” –young adult*

- Facilitated referrals to agreed-upon interventions
- Strategies for consideration:
  - Family team meetings and other family-led forums
  - Engagement of peer supports





# Differential Response Examples

- 8-year-old throws a chair at an adult in a voluntary agency program and harms them
- 10-year-old engages in forced sexual behavior with another child



# Assessment of the Child's Progress

*“When the family is feeling supported, it helps the youth feel supported.”* –young adult

- Required to obtain evaluations and assessments of the child's progress in interventions, as permitted by the family, while the DR-RTLA is active
- Contact with the family, child and providers:
  - On or about 30 days from support plan development and
  - Within seven days prior to the anticipated DR-RTLA case completion



# DR-RTLA Case Completion

- Whichever is sooner:
  - 90 days from the initial referral to the DR-RTLA or
  - when the child turns 12 years old

**Note: DR-RTLA case completion has no impact on the child and family's continued participation in community-based interventions.**



# Records, Retention and Confidentiality

# Records, Retention and Confidentiality

Records created under a district's DR-RTLA program shall

- be locally maintained and individualized for each eligible child served by the DR-RTLA program; and
- be maintained for five (5) years after an eligible child has been referred to the district or until the eligible child reaches the age of twelve (12), whichever is sooner.

Records are confidential and shall not be disclosed except as set forth in statute and regulation.



# Questions ?

# Contact Information and Resources

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Lynn Tubbs, Director ([Lynn.Tubbs@ocfs.ny.gov](mailto:Lynn.Tubbs@ocfs.ny.gov))

Karen Sessions, Supervisor ([Karen.Sessions@ocfs.ny.gov](mailto:Karen.Sessions@ocfs.ny.gov))

Mailbox: [RTLA@ocfs.ny.gov](mailto:RTLA@ocfs.ny.gov)

OCFS [RTLA home page](#).

[22-OCFS-ADM-23](#), *Raising the Lower Age of Juvenile Delinquency — A Differential Response for Children Under 12 Years of Age*

