

# ONEIDA COUNTY PROBATION DEPARTMENT PRE-PINS DIVERSION PROGRAM

Oneida County Probation Department/Pre-PINS Unit

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\* PINS is an acronym for Persons In Need of Supervision. PINS are youth under 18 years old who have been adjudicated by Family Court because they have repeatedly committed such non-criminal status offenses as school truancy and incorrigibility.

## **PROGRAM OVERVIEW**

The Oneida County Pre-PINS Diversion Program is aimed at helping families and youth solve incorrigibility/truancy issues through voluntary preventive services, thus preventing the need for formal Family Court intervention. The primary objectives of the Pre-PINS Diversion Program are to divert youth from Family Court, to prevent placements into foster care or institutions and to maximize the chances for youth to stay with their families and in their communities and schools.

***Pre-PINS Diversion Program is a mandatory pre-requisite prior to filing a formal PINS petition in Family Court. The Probation Department cannot approve a formal petition unless it can document that all diligent efforts have been made to remediate the complaint and there is no substantial likelihood that the youth would benefit from further diversion services. Probation is required to follow the rules established in the Division of Probation and Correctional Alternatives (DPCA) part 357 PINS Intake for Article 7 of the Family Court Act.***

**A Pre-PINS referral should not be the first response to problem behaviors.** Schools, parents and police can refer youth with patterns of incorrigible/truant behavior to the Probation Department, but only after they have made diligent efforts to resolve the problem behavior. Referrals for the Pre-PINS Diversion Program are made to the Oneida County Probation Department.

If the Probation Department determines that the case may be eligible for Pre-PINS Diversion Services, then an initial appointment with a probation officer will be scheduled for the youth and family to meet and discuss the presenting issues. If an interpreter is needed due to a language barrier, the parent or school should arrange to bring an interpreter.

Once accepted into the Pre-PINS Diversion Program, possible services can range from the least intensive probation monitoring to the most intensive home-based family intervention. Other services in between include referrals to counseling, mental health services, parent skills training, substance abuse treatment, education and mentoring services. In certain cases, the Probation

Department will coordinate services with the Oneida County Department of Social Services. Youth and their parents are expected to cooperate with and participate in the services plan. There used to be a 90 day time limit for the Pre-PINS Diversion Program, but that is no longer the case. Currently, a case generally remains open for up to six months.

### **HOW THE PRE-PINS DIVERSION PROGRAM WORKS**

The Pre-PINS Diversion Program is a voluntary program. Both the youth and parent/guardian must be willing to participate. The first stage of the program is the referral process. This stage culminates when the Probation Department determines the appropriateness of the referral. Once the Probation Department accepts a referral, the second stage begins. First, the case is assigned to a Probation Officer, who then sets-up an initial appointment with both the parent/guardian and youth. At the initial appointment, the Probation Officer interviews the family and screens the youth. Depending on the results of the screening, if it is found that more in-depth services are needed, then the youth's case may be presented to the Case Review Team (Formerly referred to as CAP – Committee for Appropriate Placement). This team consists of the Juvenile Probation Supervisor, an Oneida County Department of Social Services Grade A Supervisor and an ICAN representative to determine what referrals would be appropriate for the youth/family.

Service plans have no set timeframes. Instead, the timeframe for Diversion Services depends on each youth's personal adjustment to services. A Probation Officer monitors each case, but a DSS preventive service provider or other partners may provide services depending on the youth and family's needs.

If the youth and parent/guardian have made satisfactory progress, meaning the truant/incorrigible behavior has improved, then the case may be closed without any formal Family Court action. This is the ultimate goal of the program.

However, if the inappropriate behavior persists, and the Probation Department documents that "diligent efforts" have been made and that there is "no substantial likelihood that the youth would benefit from further diversion services," then the Probation Department can approve a formal PINS petition, and the third stage begins. The petition can be filed with the Oneida County Family Court for inclusion on the court calendar.

### **PINS REFERRAL PROCESS**

#### **Parent referrals:**

If the repeated offense involves disobedience/incorrigibility at home or there is a current incident of the youth running away, then the parents may make a Pre-PINS referral to Probation. Parents are generally encouraged to first access appropriate community services, such as mental health services, substance abuse treatment, family counseling, etc., prior to initiating a Pre-PINS referral. The intent is to intervene quickly in the least intrusive manner to reduce the incidence of formal PINS adjudications. The Probation Department routinely suggests such early interventions to parents prior to accepting a referral. If those interventions do not resolve the problem, a Pre-PINS referral can be made.

If the youth is a RUNAWAY (meaning whereabouts unknown) or STAYAWAY (whereabouts are known but they are refusing to return home) then the parent/guardian needs to notify their local law enforcement agency and file a Missing Person's Report (MPR), prior to contacting the Probation Department. After a MPR report has been filed and the youth is still unable to be located (or child is refusing to return home), then the parent/guardian should contact the Probation Department for further direction. Parents may schedule an appointment with the Probation Department to discuss their youth's disappearance and related behavioral problems, if any.

In cases when a parent or police initiate the Pre-PINS referral, the complainant makes the referral directly to the Probation Department. In order to both accurately and consistently document the child's behavioral background and school performance, the Probation Officer informs the youth's school of the Pre-PINS referral and requests that the school case conferencing team review their information about the pupil and attempt to secure a signed Parent/Guardian Release of Information Consent Form. If the parent/guardian signs the form, then the school should compile the appropriate records, complete a social summary and recommend appropriate services.

### **School referrals:**

With school referrals, the process generally begins when a teacher, guidance counselor, school nurse, principal or other school personnel witness a pupil exhibiting a change in behavior or performance. If the repeated offense by the youth involves truancy or incorrigibility in school, then the Pre-PINS referral needs to be made by the school, not the parent. Prior to making the referral, the school is expected to consult with their case conferencing team, i.e. Child Study Team (CST), Instructional Support Team (IST) and Initial Response Team (IRT, if applicable). If the youth is a special education student, the Committee on Special Education (CSE) must review the case. By law, the Probation Department Pre-PINS Diversion Program cannot refer a PINS referral for formal petition to Family Court on a special education student unless there has been a conclusion with respect to the manifestation determination and the school has provided such documentation to the Probation Department and the court that the youth's behavior is intentional and ongoing and not a result of his/her handicapping condition. This will ensure that the educational rights of youth are protected.

These CST/IST/IRT are expected to develop a service plan, offer appropriate school-based and, if possible, community-based services to resolve the presenting problems. An example of school-based services may include: Safe Schools, school-based Probation (for those buildings with Probation Officers on site), counseling with Social Worker or Psychiatrist, etc... Community-based services may include, but are not limited to: Health Homes, ICAN, DSS Preventive Services, RIYS, private counseling and Empowered Pathways.

After a careful evaluation of the pupil and after careful consideration of the available options, if the CST/IST/IRT decides on a Pre-PINS referral, then the school should complete a Pre-PINS referral report. This includes the *School Pre-PINS Diversion Services Referral Form* (See Appendix A) and, if the parent/guardian signs the *Release of Information Consent Form* (See Appendix B), all other documentation.

### **The list of required documentation for a school Pre-PINS referral is as follows:**

1. Case Conferencing Team Report
2. Parent/Guardian Release of Information Consent Form
3. Pupil Personnel Information
  - a. Most current report card
  - b. Current record of attendance
  - c. Permanent record card/info
  - d. Achievement tests
  - e. Current discipline record
  - f. Health record
  - g. Social history\*
  - h. Social Worker/Counselor report\*
  - i. Psychiatric evaluation\*
  - j. Psychological evaluation\*
  - k. Summation of parent contacts
  - l. If a Special Education student:
    - i. I.E.P. (I&II)
    - ii. Documentation from the Manifestation Determination Hearing *\*Include if available*

The Case Manager of the school case conferencing team, with the input of appropriate school support services personnel, is generally responsible for preparing the Pre-PINS referral report. Either the CSE case manager or school's guidance counselor/psychologist is expected to interview the family and develop the necessary social summary. In schools where a Safe Schools worker and/or school-based Probation Officer is based, they can be an integral part of this process.

In cases where there has been a pattern of illegal absences and the parent/guardian refuses to cooperate with the school, the school should file an educational neglect report with New York State Central Registry of Child Abuse and Maltreatment, by using the statewide toll-free numbers:

- For Mandated Reporters - 1-800-635-1522
- For General Public - 1-800-342-3720\*

Likewise, if there is suspicion that the parent/guardian is abusive or neglectful, then this should be reported to the New York State Central Registry. It should be noted that in cases where CPS is investigating the student's family for educational neglect, no PINS Truancy petitions will be allowed to be filed in Family Court until the CPS investigation is closed without a finding of educational neglect. Should CPS file an educational neglect petition in family court no PINS Truancy case will be pursued.

### **Police referrals:**

For the police, violations that can be documented as incidences of incorrigibility in a Pre-PINS complaint are behaviors that do not reach the level of a crime, such as Possession of Marijuana or Disorderly Conduct. A Pre-PINS referral should not allege a penal code delinquency charge. Those charges should be pursued by the police under juvenile delinquency proceedings.

## **PRE-PINS DIVERSION PROGRAM REFERRAL**

### **CRITERIA**

#### **Definition of Truancy**

Truancy is an unexcused illegal absence.

An absence is unexcused if:

1. Cooperating parent (or guardian) reports that their child refuses to attend school.
2. Cooperating parent reports that the child left for school but school records reveal an absence.
3. Cooperating parent reports child has run away and is missing.

An absence is illegal if allowed by the parent (or guardian) for reasons other than physical or mental health, emergencies, or family death. Such illegal absences include:

1. Babysitting
2. Family Vacations
3. Problems at School
4. Scheduling Problems
5. Non-certified Alternative Education
6. Non-cooperative parent refuses to explain child's absence.
7. Non-cooperative parent lies about reasons for absence, and this can be documented.

### **Suggested Intervention Plan\***

Step 1: Once truancy is identified, contact family.

Step 2: After 5 days, refer to the CST/IST.

Step 3: After 8 days, implement CST/IST strategies/schedule an IRT meeting if utilized in district

- ④ Family interview at school, if not already done
- ④ Home visit (School Counselor, Preventive Program worker)
- ④ Counseling
- ④ Service referral
- ④ Other school options

Step 4: If family is uncooperative and if CST/IST/IRT strategies are clearly ineffective, make a CPS Report.

Step 5: If family is cooperative and CST/IST/IRT strategies ineffective, make a Pre-PINS referral.

\*The steps outlined are according to an academic year, if there has been a pattern of truancy in the past year(s); then perhaps this process should be accelerated. For the most part, the Probation Department will not accept a PINS referral from schools for truancy after May 1<sup>st</sup> in that academic year.

### **Definition of Incurrable**

PINS/Incurrable is defined in Family Court Act (SS712b) as a child who is, "ungovernable, or habitually disobedient and beyond the lawful control of a parent or other lawful authority."

From a school's perspective, there must be a documented pattern of incurrability that should include some form of harassment or physical threat.

### **Suggested Intervention Plan**

The following steps only describe a possible model. Different circumstances and the severity of a case dictate the course of action.

Step 1: Once a student is identified as incurrable, refer the child to the Child Study Team (CST)/Instructional Support Team (IST)/Initial Response Team (IRT).

Step 2: If incurrable behavior continues, take disciplinary action and have the CST/IST/IRT review the case.

Step 3: Implement possible CST/IST/IRT strategies:

- a. Family interview at school, if not already done
- b. Home visit
- c. Counseling
- d. Service referral
- e. Other school options

Step 4: If incurrable behavior continues, perhaps conduct a Superintendent's Hearing.

Step 5: After further incurrable behavior and when school can document a pattern, make a PINS Referral.

## **FAMILY COURT PROCEDURES**

### **Petitions**

- ◆ Filed for a Person in Need of Supervision (PINS)
  - Filed by a parent or school official or police
  - Meets the criteria under "Incurrability" and/or "Truancy"
- ◆ Filed for a Juvenile Delinquent (JD)
  - Filed by a law enforcement agency on behalf of a business or private citizen
  - Commits any act that, if committed by an adult, would be considered a crime

## **Arraignment**

- ◆ The initial court appearance at which the youth answers the charges alleged in the petition.
- ◆ If the youth admits the charges, he is adjudicated either a PINS or JD, and court is adjourned for an investigation and disposition.
- ◆ If the youth denies the charges, a fact finding hearing is scheduled within a four week period.
- ◆ If facts do not support the petition and/or there is no evidence of wrong-doing, the petition will be dismissed.
- ◆ In some instances, the court can refer a case back to the Probation Department for the continuation of diversion services.

## **Investigation**

1. A probation officer obtains information about a youth and his family. Information is obtained through interviews with the parent(s), youth, school personnel, and any other significant person. This information is compiled into an investigative report which is submitted to the judge at least three days prior to a scheduled appearance. The investigation identifies causal factors that may have contributed to the incorrigible behavior of the youth and recommends possible dispositional alternatives that might best meet the needs of the youth and family on a continuum of “least” restrictive to “most restrictive – residential placement.” If out-of-home placement is seen as an option, then the Committee on Appropriate Placements reviews the case in order to determine whether placement is necessary, and, if so, to decide what is the least restrictive setting which still accounts for the needs and safety of the youth.

## **Disposition**

2. Is usually made after adjudication.
3. The Oneida County Family Court judge determines a disposition-outcome that is most appropriate for an adjudicated youth to include:
  1. Formal Probation Supervision
  2. Suspended Judgment with Court ordered services through a designated Program.
  3. Residential Placement (No longer allowed for PINS Truancy cases due to PINS law change effective January 2020)
4. The Family Court Judge utilizes the Probation investigation report and recommendations of the Committee on Appropriate Placements to make the decision on each case.
5. The parents and/or youth have the right to disagree with a disposition. A dispositional hearing can be requested.
6. PINS dispositions are generally up to one year.

## **PINS REFERRAL FORMS**

1. School Pre-PINS Diversion Services Referral Form *(See Appendix A)*

The School Pre-PINS Diversion Services Referral Form is required by the Oneida County Probation Department. School officials must complete this form when making a referral; and if the parent or guardian has signed the Release of Information Consent Form, school officials must also submit all school evaluation team case records and pupil personnel information.

2. Probation Department Authorization for School to Release Confidential Information *(See Appendix B)*

The Probation Department Authorization for School to Release Confidential Information is highly recommended. School officials must secure the signature of the parent or guardian on some type of an information consent form before they can release confidential school records to the Probation Department. Not

all such forms are accurate or legally inclusive. This Parent/Guardian Release of Information Consent Form was specifically designed for PINS referrals and meets the legal requirements.

**Oneida County Probation Department**

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**School Pre-PINS Diversion  
Services Referral Form**

**Student Information**

*This box must be completed to make a referral:*

Student's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
DOB: \_\_\_/\_\_\_/\_\_\_ Age: \_\_\_\_\_ Grade: \_\_\_\_\_

Referral Date: \_\_\_/\_\_\_/\_\_\_  
Referrer's Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
School: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

**Family Information**

Mother's Name: \_\_\_\_\_ Father's Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Address (if different): \_\_\_\_\_  
Phone Home: \_\_\_\_\_ Phone Home (if different): \_\_\_\_\_  
Work: \_\_\_\_\_ Work: \_\_\_\_\_  
Cell: \_\_\_\_\_ Cell: \_\_\_\_\_

If does not live with parents, adult(s) with whom student lives: (Legal Guardian? \_\_\_ Yes \_\_\_ No)

Name(s): \_\_\_\_\_ Phone Home: \_\_\_\_\_  
Address: \_\_\_\_\_ Work: \_\_\_\_\_  
Cell: \_\_\_\_\_

Siblings (From oldest to youngest)

<u>Name</u>	<u>DOB</u>	<u>Remarks</u>
1. _____	___/___/___	_____
2. _____	___/___/___	_____
3. _____	___/___/___	_____
4. _____	___/___/___	_____

**Reason for Referral**

\_\_\_ Truant Number of days truant this year: \_\_\_\_\_ Comments: \_\_\_\_\_

\_\_\_ Incorrigible Number of discipline referrals: \_\_\_\_\_ Number of in-school suspensions: \_\_\_\_\_

Number of out-of-school suspensions: \_\_\_\_\_ Comments: \_\_\_\_\_



## Release of Information Consent

Has parent signed the Release of Information Consent Form? \_\_\_\_ Yes \_\_\_\_ No (If no, please explain)

If the parent/guardian has not signed the Release of Information Consent Form, do not supply the "School Information" section below or include the accompanying documentation.

### School Information

IEP? \_\_\_\_ Yes \_\_\_\_ No (If yes, please attach copy)

Special Ed? \_\_\_\_ Yes \_\_\_\_ No

(If yes, date of Manifestation Hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_ ; and attach copy of letter of determination.)

Remarks: \_\_\_\_\_  
Was the case referred to SPFY? \_\_\_\_ Yes \_\_\_\_ No If yes, date referred: \_\_\_\_/\_\_\_\_/\_\_\_\_, and what was the outcome? \_\_\_\_\_

### School Intervention Steps

<u>Student Contacts:</u>	<u>Dates</u>	<u>Outcomes</u>
1. Teacher	____/____/____	_____
2. Guidance Counselor	____/____/____	_____
3. Attendance Officer	____/____/____	_____
4. Other: _____	____/____/____	_____

<u>Parent Contacts:</u>	<u>Dates</u>	<u>Outcomes</u>
5. Phone	____/____/____	_____
6. In-School Conference	____/____/____	_____
7. Home Visit	____/____/____	_____
8. Other: _____	____/____/____	_____
9. Superintendent's Hearing	____/____/____	_____

**Social Service Agency Information** ( If child/family accessed services) Attach available documents.

<u>Agency Name</u>	<u>Type of Service</u>	<u>Contact</u>
Person/Title		
_____	_____	_____
_____	_____	_____
_____	_____	_____

**ALL INFORMATION AND DOCUMENTS MUST BE INCLUDED FOR THE ONEIDA COUNTY PROBATION DEPARTMENT TO TAKE ACTION.**

\_\_\_\_\_  
Signature of Referrer

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Building Principal

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

ONEIDA COUNTY PROBATION DEPARTMENT

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Authorization for School to Release Confidential Information

(Name of Child/Adolescent)

(Date of Birth)

I, the undersigned, hereby authorize School District (Name of School District Releasing Information)

to release written records and verbal information on the above named person to the following agencies:

- 1. Oneida County Probation Department
2. Oneida County Department of Social Services Other: (Name only if applicable)

The information to be released is restricted to the following: (Check ( ) if applicable)

- 1. Most current report card
2. Current record of attendance
3. Permanent record card
4. Achievement tests
5. Current discipline record
6. Health record
7. Social history
8. Social Worker/Counselor report
9. Psychiatric evaluation
10. Psychological evaluation
11. I.E.P. (I&II)
12. Manifestation determination documentation
13. Summation of parent contacts
14. Child Study Team Report
Other:

This information will be used to assess the service and treatment needs of the child and family, to coordinate services and educational planning programs and, if necessary, to enable judges, attorneys and probation officers to make legal decisions.

I, the undersigned, sign this Authorization willingly and voluntarily for the purposes specified above. I understand that I may withdraw my consent at any time except to the extent that action has already been taken in reliance upon this authorization. In any event, this authorization will expire when my child is no longer receiving services from the above noted agencies or one year from its signing, whichever comes first. , unless I specify a date, event or condition upon which it will expire sooner. I also understand the information to be released is confidential and protected from re-disclosure.

(Signature of Student)

(Date)

(Signature of Parent/Guardian)

(Date)

(Signature of Witness)

(Date)

Specify date, event or condition upon which this agreement will expire sooner: