

CHINS Task Force Retreat: Summary of Discussion

Monday, February 6, 2006

Welcome

Senator Karen Spilka

- Focused the conversation on the best interest of children, not budgetary concerns

Harry Spence, Department of Social Services

- Characterized Rep. Donato's bill to repeal CHINS as a "fire bell in the night"
- Explained that he would view reform of the CHINS law as memorialization of an agreement about how to attack this problem
- Expressed hope of overcoming institutional differences and finding common ground

Agenda Overview and Introductions

Sara Mogulescu, Vera Institute of Justice

- Described mission of the Vera Institute of Justice
- Provided statistics on the workings of the current CHINS system and outlined the challenges of the problem it is designed to address

Panel Discussion: National Statutory Trends: A New Paradigm in Status Offender Services (Moderator: Sara Mogulescu)

Dee Richter, Executive Director, Florida Network of Youth & Family Services

- Before Reform
 - Explained that, as a warm climate, Florida feared being a haven for runaways
 - Described the pre-reform statute as having classified children as "dependent" rather than "delinquent," but bemoaned the lack of available options in the old system (delinquency or foster care)
- Reform Process
 - Observed that a high profile tragedy was the catalyst for reform
 - Described the formation of a task force comprised of educators, parents, law enforcement officers, and legislators
- The New System
 - Explained that the program, created under Chapter 984, was designed for prevention and diversion of children from government care by giving children and families what they need
 - Described FINS as a means for families to come for free services on a voluntary basis (states can recoup costs) and CINS as a way for individuals to file a petition, while stipulating who must be at the case staffing, which includes everyone who has an interest in the child (even a child can call for a case staffing if the services aren't working)
 - Explained that the individuals can reform the plan at any time

- Said that if the process moves to court, and the child does not comply with the court's orders, the court can order shelter for 30 days, which can be renewed up to 90 days
- Cited substance abuse or mental health issues as the common reasons for compliance, indicating that one-on-one attention is appropriate
- Expressed concern that the state was not doing enough for mental health issues
- Explained that the Tough Love Bill provides that the child will be put in a locked placement for diagnosis of mental health issues and substance abuse, if he does not comply at that point (9 located throughout the state, placed for 9-10 days)
- Indicated that a parent can call a shelter 24/7 if they feel their kids are on the brink (centralized intake, public education materials in doctors' offices, runaway hotline), giving parents control to initiate the process before it reaches crisis proportions, resulting in 25% of intake coming from parents themselves (20% from law enforcement bringing to shelter or business with a safe place sign)
- Explained that, because the system was designed to fill the gap, children with an open juvenile justice case or custody case were not eligible
- Emphasized nonresidential services that keep families together as the goal
- Clarified that a school could not file a petition, as truancy was thought to be a symptom of other problems
- Results
 - Emphasized that the state statutes guide without being overly prescriptive to communities, so counties carry out the objectives slightly differently
 - Highlighted that Florida has 26 private, nonprofit, community-based systems (different in terms of driving force and needs)
- Pre-Reform/Post-Reform Problems
 - Explained that the previous system used to treat children as problems, not as children who are ignored
 - Expressed frustration about the challenges of retaining funding, keeping communities educated, and ensuring that the children do not become invisible just because they are not in the courts, but rather that they get in, get the help they need, and get out

Rick Velasquez, Executive Director, Youth Outreach Services (Cook County, Illinois)

- Before Reform
 - Explained that, prior to the implementation of systemic reforms, the police were generally the entry point into the Cook County MINS system

- Described how after the police brought the children into court, the court would order the child to go home, listen to his parents, or go to school, additionally putting them under the supervision of the probation department
- Reflected on the difficulties accessing community services within the old system, as the community services were treated as a backup, and they were often ineffective, costly and long-term, or unavailable expeditiously
- Reform Process
 - Observed that issues concerning violence to these children and budgetary concerns (current available placements were long-term and costly) animated the reform process
 - Delineated two different strands to the reform efforts: (1) push for statutory change (through SB623) and (2) later efforts to change the system of care (SB1500 forced the service aspect)
 - Explained that, by conducting pilot tests of the new program, policymakers assuaged concerns that children would end up dead if the police could not take them into court
- The New System
 - Described the creation of Minors Requiring Authoritative Intervention in SB623, which eliminated direct access to the courts
 - Indicated that CCBYS was a statewide system, with some programs developed on a county basis
 - Emphasized the following features of the new system: limited police custody (6 hour maximum, facilitating a family focus within 6 hours), crisis intervention (as opposed to long-term interference), temporary respite (up to 21 days, serving as a breather for the family, not a placement)
 - Explained that, within 15 minutes of a call from a police officer, someone would decide if an intervention was necessary; within 60 minutes, on-sight crisis intervention (90 minutes in rural counties) to determine if the child is going to go home, if there is a safety plan, what to do with this child/family next
 - Indicated that with someone listening and responding to the children, they would often go home, and, when they wouldn't go home, they would often have a voluntary placement with a relative or someone in the community, preferring them to the more disruptive shelter placement
 - Indicated that parental consent was not necessary to hold the child for 48 hours, but children tended to go home within 2-3 hours, with a goal of getting the child stabilized and then returning him to the home
 - Laid out respite alternatives: showed relative costs and pros and cons of family generated, host home, group home, and residential (especially noting that family generated was free of charge and

- benefited from family familiarity, while residential cost \$250-350/day and suffered from substantial disruption)
 - Explained that courts hearing MRAI petitions get creative when considering solutions, like supervision, DCFS, partial/full emancipation, suspension of driving privileges, etc.
 - Clarified that school petitioned truancy cases do not go through this path
- Results
 - Highlighted CCBYS Performance Benchmarks: 95% receive CI within 60 minutes, 100% receive written assessment and service plan within 72 hours, 75% reunited with family (temporary placement (respite) not required), not 1 child ended up in court
- Pre-Reform/Post-Reform Problems
 - Celebrated the significant impact that the program has had on the juvenile justice/delinquency population and the way that communities can work together
 - Questioned whether the program should reorganize everything under the youth services population
 - Bemoaned that the mental health system was not working for kids
 - Reflected that the CCBYS system has become a safety net for the failures of other systems

Presentation and Discussion: New York City's Changing Response to Status Offenders

Pat Brennan, Deputy Commissioner of Family Court Services, New York City Department of Probation

- Outlined the PINS (persons in need of supervision) program: covering incorrigibles, truants, runaways, ungovernables, and marijuana users; petitioners were always parents (though schools would persuade them by raising the specter of educational neglect)
- Described PINS as a patchwork, not a system, in which people sought out a court because they thought the judge would restore parental authority, and the judge would have to encourage the parents to push the matter because there was no prosecutor (only the child gets an attorney, not the parents)
- Characterized the actors as follows: the parents would state that they didn't want the children, the children would go to child welfare while appearing that they didn't want the help of child welfare, and child welfare would resent the kids, ultimately sending them to group homes not prepared to take them
- Said that the new legislation dispelled the myth about the need for a PINS warrant and what it would accomplish, explaining that the act enticed jurisdictions with money to figure out who the kids were, who should take responsibility for them, and how to carve up the money
- Described the PINS process as prescriptive, unable to proceed beyond 6 months, and all that was required was the cooperation of the juvenile

- Complained that the system required institutions to sign off on each other (leading to rubberstamping or micromanaging) and irreparably pitted a child against a parent; the cases would not proceed to an outcome; many would fade away; many would experience delays
- Explained that a Family Assessment Program allows the family to deal with the issue and identify the services needed; as a consumer of services, probation could get services more easily
- Identified the concern that reorganization would cause people to lose their jobs
- Reported that more kids are diverted and on probation supervision, that the program provides options less severe than custody but allows people to obtain services; probation officers are getting involved in the creation of community, moving beyond a paper-driven process for probation officers; nevertheless, the program is a work-in-progress

Discussion: Visioning CHINS Reform

Break-out Group 1

- Identified probation as the immediate responder, but not necessarily in control of services
- Wanted to make the court a last response but not a consistent first response
- Did not arrive at a consensus in regards to the population that needs to be served
- Emphasized the importance of initial investment to ultimately save funds
- Expressed the need for a model and a political strategy
- Discussed whether statutory reform was required (instigating discussion of the permissiveness of the current statute and difficulties with agency accountability, in terms of measurement of diversion and imposition of time limits—the crux of the issue being that the current statute allows the provision of services but does not demand it or elucidate the objectives of the program)

Break-out Group 2

- Supported reforms that would allow for immediate community response, pre-court front door mechanisms, short-term interventions, and an array of services (including better mental health services)
- Wanted to reserve the courts for people whose needs wouldn't be met otherwise and to have a first responder make the assessment
- Sought to facilitate stratification of services based on family needs

Senator Karen Spilka

- Questioned whether the legislature should raise the age to 18 and/or lower the minimum age
- Expressed a desire to invite kids to talk about the process and a desire to increase the racial diversity of discussants
- Emphasized that the goal was to break the cycle