



**New York City Administration for Children's Services Close to Home:
Plan for Non-Secure Placement**

Response to Public Comments

June 8, 2012

Background

As part of the development of the “Close to Home” juvenile justice reform initiative (initiative), the New York City Administration for Children’s Services (ACS) released a Draft Plan for Non-Secure Placement (Draft Plan) on April 3, 2012. The legislative framework for the initiative is set forth in Part G of Chapter 57 of the Laws of 2012.

ACS made the Draft Plan available online and in hard copy at our main office at 150 William Street in lower Manhattan. ACS held public hearings on May 7 and May 8 to receive oral and written public comments on the Draft Plan. Additionally, ACS encouraged the public to submit written comments via e-mail to closetohome@acs.nyc.gov. The comment period closed on May 8 at 5pm.

ACS received comments from approximately 60 individuals and agencies. We are grateful to commenters for taking the time to respond to the Draft Plan. We classified and evaluated all comments before revising and submitting a final Plan for Non-Secure Placement to the New York State Office of Children and Family Services on June 8, 2012.

This document outlines our responses to comments on the Draft Plan. We have organized individual comments by topic area to help individuals navigate the document.

Assessment of Public Comment

I. General Comments Expressing Support for the Draft Plan

Many commenters, including parents, youth, service providers, community-based organizations, advocacy groups, health and mental health providers, elected officials, and private citizens expressed their support for the Close to Home initiative and the Draft Plan. Several commenters from advocacy and community-based organizations noted that the Draft Plan reflected years of collaboration and planning, and they praised the agency’s reform work to date. Commenters commended the agency for its outreach to a broad range of stakeholders during the development of the initiative and the Draft Plan. One parent praised the New York State Office of Children and Family Services (OCFS) for its collaboration with ACS on the initiative.

Several commenters supported the creation of support systems for youth in their own communities that would help those youth lead successful and productive lives. One representative of a neighborhood association emphasized the need for stable and supportive environments that are familiar to youth. A parent suggested that the Draft Plan held promise to break the cycle of incarceration in some communities, and other commenters indicated that the Draft Plan would help reduce reoffending among adjudicated youth. A local elected official suggested that the Draft Plan represented a more fiscally sound approach to working with juvenile justice-involved youth, given the relatively high cost of serving youth in state-run facilities. A commenter noted that she had been inspired to become a foster parent after touring a facility that she believed did not provide youth with the supports that they need to succeed.

Many commenters praised the agency’s plans for transitioning youth to appropriate community-based services, expressing particular support for provisions relating to education.

These commenters stated that the Draft Plan would expand opportunities for youth to earn credits and complete their education. Another commenter from a parent advocacy organization applauded the agency's focus on cultural competence when considering the development and administration of community-based services.

Commenters also stated that the initiative will present youth with greater opportunities to sustain meaningful relationships with family members and other important individuals in their lives. Several commenters stressed the financial and logistical hardships that low-income parents confront when their children are placed far from their homes. One commenter stressed that a lack of visitation opportunities could lead youth to feel abandoned. A parent advocacy organization recognized ACS' work to improve family engagement and hoped that the agency would continue its efforts. Others praised and encouraged the opportunity for families to play a more significant role in their children's rehabilitation.

Some individuals expressing support for the plan recognized the challenges of implementation, but expressed their hope for the initiative's success and the desire for ongoing collaboration.

Response: We appreciate the support for the Draft Plan and the initiative. The agency values the many contributions of advocacy organizations, service providers, parents, youth, and others during this process. We look forward to ongoing collaboration to achieve the vision of a network of high quality community-based services and supports for New York City's youth and families.

II. General Comments Expressing Opposition to the Draft Plan

We also received general comments opposing the Draft Plan and the initiative. Some comments expressed the view that removal from a youth's environment was not only appropriate, but also beneficial to youth. Commenters suggested that some aspects of a youth's community contribute to offending behavior. An organization representing state public employees asserted that many youth receive more support from employees in state-run facilities than they do from their family members at home. A current OCFS employee noted that family members may be frustrated with youth and regard a youth's placement in a state facility with relief.

A number of comments questioned whether community-based providers could serve youth successfully. An organization representing state public employees expressed the view that private, community-based providers did not have a demonstrated track record of working with juvenile justice-involved youth. Another commenter suggested that youth placed in state-run facilities had shown that they could not be successful in less restrictive community-based placements. Other individuals believed that staff of community-based service providers did not have the same level of experience with or dedication to working with juvenile justice-involved youth as staff in state-run facilities. Another commenter expressed concern that community-based service providers suffered from high staff turnover rates.

Several commenters disagreed with the plan to use community-based programs to serve youth instead of using existing state-run facilities. For example, a representative of a public employee federation questioned the need to remove youth from state-operated facilities that already offered certain services. Representatives of a state public employee federation also suggested that using community-based providers is unnecessary because non-secure state-operated facilities already exist within New York City. Another representative of a public employee federation expressed concerns about the possible loss of jobs at OCFS as a result of the shift to community-based providers.

Some commenters expressed the view that youth require secure care because of their behavior. One employee at a state-run facility articulated concerns about juvenile crime trends in New York City and expressed the view that youth required highly structured settings to change their behavior. Several commenters stated that OCFS-operated facilities had particular success helping youth develop life skills and make progress toward taking the General Educational Development (GED) test.

One commenter suggested that the Draft Plan was developed too quickly and without weighing potential benefits and costs associated with its provisions. Other commenters stated that the public and elected officials need to be aware of what they perceived to be weaknesses in the Draft Plan and the initiative.

Response: We appreciate the perspectives of these commenters and recognize the dedication of staff who work with youth in state-run facilities. The Close to Home legislation represents a judgment by key stakeholders, including Governor Cuomo, the New York State Legislature, Mayor Michael Bloomberg, the Juvenile Justice Advisory Committee, ACS, OCFS, that the best way to serve adjudicated youth from New York City is through a continuum of services available in or close to their own communities. The Draft Plan was the product of research, priority-setting, inter-agency discussions, provider proposals, and community input as to how ACS could achieve that goal, consistent with public safety.

III. Aftercare

1. A service provider recommended that we make the same services that are available to youth prior to placement available to youth who are leaving non-secure placements.

Response: We included language that describes ACS plans to procure evidence-based aftercare services – including evidence-based and evidence-informed models – which may include services currently available to youth prior to placement in alternative to placement programs like Functional Family Therapy (FFT).

2. A service provider recommended that we make Functional Family Therapy, Multi-Systemic Therapy, and Multidimensional Treatment Foster Care available as aftercare services.

Response: We included language that provides for the procurement of evidence-based aftercare services through a competitive process. ACS already contracts for FFT as part

of aftercare for adjudicated youth. Multi-Systemic Therapy may be among the services we procure through the competitive application and bidding process. Additionally, Multidimensional Treatment Foster Care will be a non-secure placement option for some youth. We will determine whether those services best meet the needs of our clients among the range of other evidence-based practices submitted in response to a request for proposals.

3. A parent advocacy organization suggested that parents who have had experience with justice-system involved children could support other parents whose youth are receiving aftercare services.

Response: We included language in the plan that describes how ACS will work with providers to promote the development of family supports throughout NSP and aftercare so that there is structure for support of family members of youth in our care.

4. A community activist articulated the need for long-term goals for youth after they leave the system.

Response: We did not revise the plan in response to this comment. The plan's provisions on aftercare address planning for a youth's discharge, which will include long-term goals.

5. An advocacy organization encouraged ACS to engage families, children, and service providers in discussions about needed aftercare services. The commenter requested that we do so as part of the development of an aftercare model and prior to issuing a request for proposals for aftercare services.

Response: We did not modify the plan in response to this comment, but ACS is committed to implementing aftercare services that demonstrate positive outcomes. The agency will build upon the success of its Intensive Preventive and Aftercare Services (IPAS) program and will seek services and supports that include programs with strong community ties.

6. An advocacy organization suggested that ACS release additional information on plans for aftercare services as it becomes available.

Response: We did not modify the plan in response to this comment, but we intend to release information on plans for aftercare services as it becomes available.

7. One commenter asked whether youth without a suitable discharge resource will be provided with a liaison between his or her case manager and the Division of Child Protection.

Response: We clarified language in the plan describing the process that ACS will follow in this situation. The NSP case planner, in conjunction with the appropriate DCP office and with oversight by the ACS Placement and Permanency Unit, will facilitate the

youth's entry into a child welfare placement consistent with relevant State laws and regulations.

8. An OCFS community worker articulated the need to provide services and supports to both youth and families in order to promote successful reentry after placement.

Response: ACS did not modify the plan in response to this comment. The plan's provisions on aftercare and discharge planning address how the agency will connect youth and families with services and supports that will encourage a youth's success upon his or her return home.

IV. Youth Who Are Absent Without Leave from a Placement

1. A commenter suggested that the absent without leave (AWOL) rates at private providers, when compared with the AWOL rates for OCFS facilities, demonstrated that private providers were not equipped to work with juvenile justice-involved youth.

Response: We did not revise the plan in response to this comment. The plan outlines provisions surrounding prevention of and response to AWOLs, and the ACS Non-Secure Placement Quality Assurance Standards contain provisions relating to the prevention of and response to AWOLs. ACS will work closely with providers to help limit AWOLs and develop quality assurance measures to track the success of their efforts.

2. Two commenters from a public employee federation expressed concerns that AWOL youth may jeopardize community safety.

Response: The plan outlines provisions surrounding prevention of and response to AWOLs. Additionally, the ACS Non-Secure Placement Quality Assurance Standards contain provisions relating to the prevention of and response to AWOLs, including the requirement that providers and ACS make diligent efforts to apprehend youth. We will work closely with providers to help limit AWOLs and include providers' compliance with these provisions as part of our quality assurance efforts. Accordingly, we did not revise the plan in response to these comments.

3. A public employee federation member stated that allowing youth day and overnight visits at home would substantially increase the potential for AWOLs.

Response: We did not revise the plan in response to this comment. The ACS Non-Secure Placement Quality Assurance Standards require providers to consider the likelihood of AWOLs and a youth's past community behavior when determining eligibility for home visits.

4. A commenter suggested that we establish a means to transmit notification of AWOLs to the court electronically through a dedicated process. The commenter believed that this would help expedite returns to placement through faster issuance of warrants and other court processes.

Response: Although we did not modify the plan in response to this comment, we will take this suggestion into consideration as we finalize our AWOL notification protocols. Currently, the plan and the ACS Non-Secure Placement Quality Assurance Standards provide for immediate notification of the court immediately in writing following an AWOL.

5. A private citizen suggested that the proposed timeframe for notification of community members of a youth's AWOL status was too long.

Response: We did not modify the plan in response to this comment. However, we will take the suggestion to notify community members of a youth's AWOL status into consideration as we finalize our AWOL notification protocols.

V. Staffing

1. A commenter requested clarity on the civil service titles for the positions of ACS Case Manager and ACS Supervisor, as well as the titles of the individuals responsible for monitoring contracts with non-secure providers.

Response: ACS added job postings that indicate civil service titles for the positions of Placement and Permanency Specialists and Directors as attachments to the plan in Appendix T. ACS Placement and Permanency Specialists will provide case coordination services for youth in NSP and the Directors of Placement and Permanency will directly supervise the Placement and Permanency Specialists. We also added language to the Quality Assurance section of the plan to address monitoring of contracts with non-secure providers.

2. Comments from an advocacy organization, a public employee federation, and a private citizen suggested that the minimum staff ratios established in the Draft Plan would not ensure adequate supervision of youth.

Response: ACS has added a requirement that all NSP facilities maintain a minimum of two direct care or supervisory staff at all times, regardless of the size of the program.

3. Two commenters stated that the success of the initiative depended on ACS' commitment to hiring staff who demonstrate a strong understanding of positive youth development, who understand the challenges that youth in confinement face, and who are committed to the values of the initiative.

Response: ACS added language to the plan articulating its commitment to hiring staff who demonstrate a strong understanding of positive youth development, who understand the challenges that youth in confinement face, and who are committed to the values of the initiative.

4. A commenter expressed concern that providers with low numbers of staff who are not adequately trained would rely on local law enforcement to manage incidents. The commenter noted that this, in turn, could strain local law enforcement resources at taxpayers' expense.

Response: ACS' proposed Safe Intervention Policy for Non-Secure Placement has been incorporated into the Plan. The Safe Intervention Policy contains detailed guidelines and procedures that NSP programs will be required to follow to address behavior of youth that presents a risk of physical injury to the youth or others, poses a substantial threat to the safety and order of the facility, or clearly indicates that the youth is attempting to destroy property or escape from the NSP facility or from custody and represents a danger to him or herself or others. Further, as indicated above, ACS has amended the plan to require that all NSP facilities maintain a minimum of two direct care staff at all times, regardless of the size of the program. Additionally, ACS Placement and Permanency Unit staff will be responsible for providing crisis management assistance to NSP case planners, aftercare service providers, youth, and their caregivers. We believe that these mechanisms, along with comprehensive staff training on crisis management, de-escalation, and adolescent development will help minimize referrals to law enforcement.

5. A comment from a children's advocacy organization stated that employees of ACS and NSP providers should receive adequate compensation, low caseloads, and sufficient training, supervision, and support. The commenter requested that ACS establish staffing requirements, salary levels, and caseload levels that are consistent with the needs of staff and youth. The commenter also recommended making staffing requirements, salary levels, and caseload levels publicly available. Similarly, a spokesperson for a state senator and a member of the New York City Council's Juvenile Justice Committee also emphasized the need to ensure that providers had the training, resources, and support necessary to work effectively with youth and minimize opportunities for mistreatment.

Response: We added language to the plan that outlines caseload expectations for Placement and Permanency Specialists. We added Appendix T which includes the Job Vacancy Notice for these positions. Further, we added language to the plan describing the training that ACS staff will receive.

6. A comment from a representative of a public employee federation expressed concerns about turnover among private service providers' staff. Another commenter shared similar concerns, questioning whether staff of private providers were as committed to and equipped for work with juvenile justice-involved youth as the staff in state-run facilities.

Response: We believe that the recommended NSP providers will be equipped to work with youth in non-secure placement and ACS is committed to working closely with providers to meet the needs of youth and families, while maintaining public safety. Accordingly, we did not revise language in the plan.

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VI. Case Plans

1. One community service worker encouraged ACS to create individualized case plans for each youth.

Response: We have added descriptions of the case planning process that clarify the ways in which plans will be designed to meet each youth's individual needs.

VII. Community and Stakeholder Engagement

1. One commenter pointed out that the Close to Home initiative will allow youth to connect with their communities by working and helping in local city parks.

Response: We have noted in the introductory section that this initiative will allow youth to be connected with a variety of activities and opportunities to develop vocational skills and engage in community service close to their homes, parks, and schools.

2. A representative of a children's advocacy organization suggested that the initiative's success will depend on the strength of community partners. The commenter expressed the desire of community organizations to participate in the initiative and urged ACS to provide funding to support those organizations. Similarly, a representative of the New York Association of Alcoholism and Substance Abuse Providers asked how contracted agencies would work with other community-based organizations to support a youth's transition to the community.

Response: We look forward to supporting a robust spectrum of supports and services for youth and families throughout the city's five boroughs. We added language to the plan encourages formal and informal linkages of aftercare service providers with local community-based organizations. ACS will require that a portion of aftercare contracts be made available to smaller community-based organizations to ensure that those organizations have resources to serve youth returning home from non-secure placements.

3. A community-based service provider requested greater detail on how ACS will engage with and support community resources, including the amount of funding dedicated to community partnerships, the amount of sub-grants available to community-based organizations, the participation of community members in analyzing data from the initiative, and the process by which data will be made available to community members.

Response: As described above, we added language to the plan providing for formal and informal linkages of aftercare service providers with local community-based organizations. ACS plans to require that a portion of aftercare contracts be made available to smaller community-based organizations to provide resources for those organizations to serve youth returning home from non-secure placements. Additionally,

we added language to the plan describing public quality assurance indicators, which will help communities assess the initiative's effectiveness.

4. A representative from Community Connections for Youth provided suggestions for how to evaluate the extent to which juvenile justice practices can build community capacity.

Response: We have included assurances that the Department of Probation and ACS will work with providers and community-based organizations to build community capacity and sustainability of these reforms.

5. A private citizen requested opportunities for community-based organizations to have ongoing input into services provided through the initiative.

Response: ACS recognizes the importance of community partnerships to the success of youth. We added language to the plan providing for formal and informal linkages of aftercare service providers with local community-based organizations to help foster those partnerships.

6. A commenter representing a parent advocacy organization requested broader use of community partnership programs as part of the initiative. The commenter noted that the Draft Plan includes the Community Partnership Program (CPP) as a key component of connections with local organizations, but that CPPs only exist in 11 of 59 Community Planning Districts. The commenter questioned whether ACS could develop adequate community partnerships when using many of the same contractors that are used for youth in foster care.

Response: We are committed to fostering meaningful partnerships with community-based organizations and supporting those partnerships with resources necessary to serve youth. As described above, we added language to the plan providing for formal and informal linkages of NSP and aftercare service providers with local community-based organizations. In addition to requiring participation in CPPs, we also added language to the plan that describes the required development of Community Advisory Boards.

7. A parent advocacy organization requested that ACS consider supporting services through community-based organizations that may not meet the formal definition of "evidence-based practices," but that have demonstrated effectiveness with youth and families. The commenter asked how ACS would increase voluntary access to preventive and aftercare services.

Response: The plan envisions a wide range of supports and services for youth, including grassroots community organizations with a strong record of and reputation for working successfully with youth and families. As described above, we added language to the plan providing for formal and informal linkages of aftercare service providers with local community-based organizations. We will require that a portion of aftercare contracts be made available to local community-based organizations to ensure that those organizations have adequate resources to provide services to youth returning home from non-secure

placements. Voluntary access to preventive services, such as Persons in Need of Supervision (PINS) diversion services, will still be available to youth and families. Aftercare will not be a voluntary service; youth who have been in NSP will be required to participate in aftercare services.

9. A representative from the Correctional Association of New York requested additional information on how ACS plans to work with families, communities, and the public in an ongoing manner. The commenter asked about mechanisms to gather input from those groups on the initiative's implementation and effectiveness. Similarly, a member of the New York City Council urged ACS to collaborate with the City Council and other community stakeholders as the initiative develops.

Response: We recognize the need for strong oversight of the residential placement system to ensure accountability. We added language to the plan regarding system accountability to stakeholders, including families, community members, elected officials, and other partners. We also added information on public quality assurance indicators, which will help communities assess the effectiveness of the initiative.

10. A private citizen suggested that his community had not been aware of the Close to Home initiative and the development of the Draft Plan. An OCFS Community Service Worker also suggested that some community members had not been aware of the development of the initiative and the Draft Plan and requested greater opportunities for community input and inter-agency communication. A representative of a parent advocacy organization suggested that community forums hosted by ACS were not developed with adequate input from community members and asked whether the agency had used feedback from the forums to inform the Draft Plan.

Response: We worked to inform community stakeholders of the initiative and the Draft Plan by advertising and hosting community forums in each borough. We also solicited comments on the Draft Plan, which was published on the ACS website and made available in hard copy at our main administrative office. We solicited comments through two public hearings, as well as through a dedicated email address. ACS values community input and we have added language describing continued work to partner with communities to connect youth to programs and to solicit ongoing feedback about the initiative. Both the Draft Plan and the revised plan incorporate public feedback received throughout the process.

11. A private citizen requested opportunities for greater community involvement as the initiative develops.

Response: ACS values ongoing community input and we have added language to the plan describing efforts to foster communication with stakeholders as the initiative moves forward. We added language to the plan outlining the development of Community Advisory Boards for NSP sites. We also added further detail to the plan about the continued communication between ACS, providers, stakeholders and community members.

12. A commenter from a parent advocacy organization suggested that ACS needs to do more to ensure that youth in foster care are placed in their own communities.

Response: The initiative is predicated on the idea that youth should be served in their own communities. Various aspects of the plan describe our efforts to create a robust continuum of services and supports that are close to the homes of youth and their family members. We did not add discussion of foster care placements because this plan is about juvenile justice placements; however we take the commenter's point about foster care placements being close to home seriously.

13. A commenter from a parent advocacy organization suggested that, to the extent that procurement guidelines permit, ACS should involve community members in evaluating prospective contractors' proposals. The commenter recommended involving youth and families in the evaluation of contractor performance, and that client feedback be given significant weight in the evaluation of NSP agencies.

Response: While we did not add language to the plan in response to this comment, ACS will consider this response for future solicitations for juvenile justice system involved youth.

VIII. Cultural Competency.

1. A commenter commended ACS on its planning to provide cultural competence programming and training. This commenter also suggested that families that are new to this country may need supports in developing cultural understanding about how the juvenile justice system and Close to Home operate.

Response: We have added language to the plan explaining that NSP providers will be expected to help families understand the resources available and how to access them, including providing particular assistance to families that are less familiar with this country.

2. The New York Society for the Prevention of Cruelty to Children recommended that ACS create measures of cultural competence as part of the agency's "Scorecard" for non-secure providers.

Response: As stated in the Draft Plan, ACS expects to include measures of cultural competence as we develop quality assurance measures for non-secure providers. ACS has a cultural competence scorecard already in use for its child welfare service providers.

3. A representative of Carnegie Hall commended the initiative's emphasis on cultural competence for programming and staff training. The commenter urged ACS to prioritize partnerships with cultural organizations and community-based programs as part of the plan.

Response: The plan requires NSP agencies to develop and provide a full range of services that are detailed in the plan. Because ACS is not providing community-based programming directly, we do not intend to issue solicitations for programs. However, we added language to the plan about developing partnership with cultural organizations and community-based organizations to provide programming while youth are in NSP. Additionally, the plan provides for formal and informal linkages of aftercare service providers with local community-based organizations. ACS will require that a portion of aftercare contracts be made available to local community-based organizations to ensure that those organizations have adequate resources to provide services to youth returning home from non-secure placements. This could include cultural organizations and community-based programs.

IX. Education

1. Advocates for Children of New York (ACNY) raised concern that unless strict criteria were applied uniformly, the options for education settings might not be available to each youth fairly.

Response: ACS has added language to the plan detailing the continuum of educational services that are available to all youth in NSP.

2. ACNY encouraged the usage of restorative practices to help youth understand and develop skills for conflict resolution, and to feel that they are respected and supported as members of a community. When the behavior leading to the arrest involves an incident that occurred at the student's home school, restorative practices can also be used in conjunction with students and staff at the home school to help repair damaged relationships and to facilitate successful reintegration when students return.

Response: ACS is working closely with the NYC Department of Education (DOE) to plan for educational services for NSP youth. We did not add restorative practices in the plan, but we will discuss how they might be integrated into school for NSP youth with DOE in connection with the planning process.

3. ACNY also suggested aligning the curricula and work assignments at schools for court-involved youth with those of other educational settings and their home schools in order to ease transitions between placements and back to home schools.

Response: We have added to the plan discussion of the efforts that ACS will make, in partnership with DOE, to align curricula and assignments to the extent possible. The plan also addresses education transition planning.

4. ACNY further suggested that transition coordinators remain in communication with youth's home schools during NSP stays so that staff at home schools remain informed about the services youth are receiving as well as their academic progress.

Response: We have incorporated discussion of this responsibility for ACS Placement and

Permanency Specialists and NSP providers.

5. One youth from the Safe Passages youth leadership program of the Correctional Association of New York wrote to express his frustration at falling behind in school, and his hope that the Close to Home plan will keep youth from feeling left behind educationally.

Response: We have incorporated this youth's comments into the plan. The plan describes the commitment of DOE and ACS to help each youth in placement achieve his or her academic potential, and describes the planned approach to assessment, review of records and input from family, youth and agencies that work with the youth to ensure that their educational settings during placement and when transitioning to the community are appropriate to meet their needs.

6. Another youth from Safe Passages articulated that some people have a stereotype that youth of color do not finish high school. She expressed concern that some facilities do not help youth graduate from high school and urged coordinators of Close to Home to provide opportunities for youth to complete their diplomas.

Response: We added language in the plan describing ACS and DOE's commitment to providing opportunities for youth to work toward their high school diplomas while in NSP.

7. A teacher from OCFS expressed concern about whether the program would be able to recruit dedicated and qualified teachers at a pay scale below that of OCFS.

Response: We have modified the plan to include an explanation of the commitment and qualifications of teachers in Passages Academy, the DOE school for court-involved youth. In addition, most of the educational component of Close to Home will be handled by the New York City Department of Education, which employs licensed teachers pursuant to a collective bargaining agreement with the United Federation of Teachers.

8. ACNY commended ACS for establishing a greater range of educational services in the academies than could be available in individual group homes. The commenter encouraged ACS and DOE to remain mindful of the needs of students in the most difficult academic situations, such as older middle school students, youth with extremely low reading and math skills, and youth with emotional and mental health needs.

Response: We have modified the plan to underscore the commitment of ACS and DOE to pay close attention to the unique educational needs of each youth.

9. A commenter from ACNY expressed concern that District 75 schools were listed as one of the main educational options for youth in non-secure placements.

Response: We added clarifying language to the plan that notes all youth will be

individually assessed for an appropriate school, which would include, in appropriate cases, District 79 and 75 schools.

10. A commenter shared her perspective, based on findings from her graduate thesis, that case managers played an integral role in successful educational reentry. The commenter suggested that linking youth with appropriate schools presented the best opportunity for their success and referred the agency to a particular program.

Response: We have outlined in further detail efforts to assess all youth entering non-secure placements and link them with educational programs that will meet their needs.

11. A private citizen asked that ACS make a range of educational placements available to youth, including placements for youth with special needs.

Response: The plan describes the steps the agency will take to assess the educational needs of all youth entering non-secure placements and match them to appropriate services. We have added language to the plan describing the continuum of educational options available to youth in NSP facilities, which includes educational services for youth with special needs.

12. ACNY asked ACS to ensure that quality mental health services will be available to youth and that educators and support staff be trained in crisis intervention.

Response: In response to this comment, we added details to the plan regarding mental health services. The plan provides details NSP providers' responsibility to ensure that youth receive appropriate mental health services.

13. ACNY applauded ACS' commitment to implementing positive behavioral supports across NSPs and schools. The commenter expressed hope that ACNY could participate in efforts to ensure consistency of these supports, including when youth leave NSPs to attend school in other locations.

Response: We added language to the plan describing the role of NSP provider staff in assisting school staff with implementation of positive behavioral strategies and interventions with individual students.

X. Family Engagement

1. The New York Society for the Prevention of Cruelty to Children noted that the plan mentions interest in greater family involvement, and suggests institutionalizing this involvement in the form of a parents' council or support group.

Response: We have noted in the plan the importance of institutionalizing family involvement and have added a description of ACS' plans to hire staff to ensure that Children's Services is incorporating perspectives of parents and youth who have had direct involvement with residential placement in planning, policy development, and

program implementation and monitoring.

2. The spokesperson for a state senator reinforced the need to address family needs and concerns as part of the assessment of how best to work with youth.

Response: ACS recognizes the integral role that family members play in a youth's rehabilitation. The plans has been revised to provide a more detailed description of the intake and assessment process, including work with family members to ensure appropriate placement of youth.

3. A community activist expressed that parents need parenting skills in order to guide their children, and that Close to Home paves the way for youth to be more connected to their parents.

Response: We have added a more detailed description of our plans for NSP providers to work closely with families, including helping parents build new skills.

4. A representative of the New York Association of Alcoholism and Substance Abuse Providers asked how the Draft Plan would identify and address intergenerational alcohol or drug related issues for youth in non-secure care.

Response: ACS recognizes that the data regarding youth currently in OCFS care provide a stark picture of the need for substance abuse services. For that reason, the Negotiated Acquisition developed by ACS placed a strong emphasis on the need for all providers of residential care to provide appropriate substance abuse services. We have also added language to the plan describing the screening process for substance abuse issues and the planned continuum of services to address those issues.

5. A representative of the Children's Defense Fund suggested that ACS require providers to conduct home assessments 60 days prior to a youth's release, instead of 30 days before a youth's release, as was described in the Draft Plan, and that the provider involve the ACS case manager in these visits. The commenter suggested that providing more time between the home assessment and the youth's return would ensure that there is enough time for support services to begin prior to the youth's return.

Response: ACS recognizes that discharge planning must begin on day one of a youth's placement in non-secure care. We have added language to the plan that requires all NSP providers to visit the home of the youth's discharge resource by day 30 of the placement to identify any barriers to release that exist in the home. Providers will use a checklist of issues and report any concerns to the ACS Placement and Permanency Unit. Placement and Permanency Specialists will ensure that the concerns are being addressed during the youth's time in placement to create the best opportunity for a smooth transition.

6. A representative of the Children's Defense Fund described the challenges that some families face with facilities that establish rigid visitation policies, and encouraged ACS to establish flexible schedules and open door policies to encourage and support visitation.

Response: ACS has added language to the plan describing the requirements of the NSP Quality Assurance Standards that mandate flexible visitation times and policies.

7. A representative of the Children's Defense Fund also noted that some parents may wish to limit their interactions directly with ACS. The commenter encouraged ACS to establish parent support roles for other community organizations.

Response: We have added language to the plan describing our commitment to establish family support roles in other community-based organizations.

8. A representative of the New York Initiative for the Children of Incarcerated Parents encouraged ACS to extend the work it has done with its child welfare clients who are children of incarcerated parents to juvenile justice-involved youth whose parents are incarcerated. She also urged ACS to treat incarcerated parents as they would treat any others, with the assumption that their involvement is essential to their children's rehabilitation, unless careful assessment proves otherwise. She also recommended training for ACS staff and NSP providers to raise awareness of the issues facing youth with incarcerated parents and the important role that these parents can play. In addition, the commenter recommended expanding the agency's Children of Incarcerated Parents Program (CHIPP) to juvenile justice-involved youth.

Response: We have added discussion to the plan of ACS' intention to incorporate training, facilitate communication between youth and their incarcerated parents, ask sensitive and non-judgmental questions about parents' location, include parents in the assessment and planning processes, and identify needed supports for youth. Although we have not included an expansion of the agency's Children of Incarcerated Parents Program (CHIPP) to the plan, the plan includes a number of important elements from the CHIPP program; ACS will consider expansion of the full program as planning and implementation of Close to Home continue.

9. An OCFS staff member encouraged ACS to support effective activities with families, describing the lunch and learn sessions and family nights that some OCFS programs provide.

Response: We have incorporated discussion in the plan of our intention to work with NSP providers to develop effective activities to involve families and build their skills.

10. A representative of the Children's Defense Fund suggested that the plan and requests for proposals "require that service providing agencies structure messages to communities that recognize parents as integral components to a young person's successful return home and transition to adulthood."

Response: We have added language to the plan that describes that ACS will encourage providers to express the valuing they place on family participation with families interpersonally as they work with individual families, in written communications, and

any public presentations.

11. A state senator suggested adding more detail about incorporating families into treatment and transition plans.

Response: We added language to the plan regarding the incorporation of families into treatment and transition plans.

12. The parent of a youth involved in the juvenile justice system emphasized that parents care about helping their youth develop the skills necessary to be successful.

Response: We recognize the desire of parents to be active participants in their youth's care. We have added details to the plan about engaging and working with parents.

13. A commenter from the New York Association of Alcoholism and Substance Abuse Providers asked whether there was a system in place to support a youth's return to his or her family.

Response: We added further details to the discharge and aftercare planning sections of the plan describing efforts to facilitate a youth's return to his or her family from an NSP facility.

14. A member of the Safe Passages program at the Correctional Association of New York stressed the importance of youth being able to visit their families, relatives, and other individuals who can provide support and encouragement while they are in non-secure placements. Another Safe Passages member stressed the importance of opportunities to stay connected to family members.

Response: ACS has added language to the plan describing the requirements of the NSP Quality Assurance Standards that mandate flexible visitation times and policies. The plan also discusses home visits, which will begin as soon as safely possible once a youth is placed, consistent with an assessment of the family's capacity and the community's safety.

15. A representative of the Children's Defense Fund expressed concerns about how ACS would address family issues that may have contributed to a youth's involvement with the juvenile justice system.

Response: The plan's aftercare section outlines steps designed to ensure that a youth's family is prepared for his or her return. We added language requiring all NSP providers to visit the home of the youth's discharge resource by day 30 of his or her placement to identify any barriers to release that exist in the home, such as housing issues. NSP providers will use a checklist of issues and report any concerns to the ACS Placement and Permanency Unit, which will work with NSP providers to address any barriers during the youth's time in NSP.

16. An OCFS community worker emphasized the need to strengthen families and prepare caregivers for a youth's return. She suggested that some youth and families had expressed opposition to reunification because of difficulties at home, and stated that youth could commit more serious offenses without first strengthening family dynamics. Another commenter raised similar concerns, requesting that ACS equip families with skills that will help youth succeed at home.

Response: As described above, the plan has been modified to provide more details on the steps that the agency will take to ensure that a youth's family is prepared for his or her return. ACS currently contracts for Functional Family Therapy, which is an evidence-based, structured prevention and intervention program that focuses on family communication, parenting skills, and conflict management techniques. The agency also expects to add other evidence-based practices to the options available for families to build skills during aftercare.

17. A private citizen asked ACS to consider the perspective of caregivers during the initiative's development.

Response: As described above, ACS values this type of input, and we have added language to the plan describing efforts to ensure ongoing communication and feedback as the initiative develops.

XI. Health and Mental Health Care

1. Several commenters urged ACS to be mindful of the mental health needs of youth in the agency's care and to ensure that there are adequate resources to meet those needs. A representative of a public employee federation requested that we re-examine the number of slots available for youth with mental health needs.

Response: We recognize the prevalence of mental health needs among youth involved in the juvenile justice system. For that reason, we have required NSP providers to meet the mental health needs of the youth in their care. We have modified the plan to include a discussion of how NSP providers will identify youth with mental health needs and ensure that they receive appropriate services from qualified mental health providers.

2. A representative of the Center for HIV Law and Policy (Center) recommended that ACS make its sexual health care and sexual health education policies publicly available. The commenter also recommended that we establish written standards for sexual health education and services that align with the Center's Teen SENSE Model Policies and Model Standards. The Center expressed the desire to work with ACS to align its policies, trainings, and quality assurance protocols with the Center's Model Policies and Model Standards.

Response: Although we did not modify the plan in response to these comments, we will consider adopting the Teen SENSE Model Policies and Model Standards. Additionally,

we look forward to working with the Center to evaluate our policies, practices, trainings, and quality assurance standards.

XII. Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Youth

1. A representative of the Health and Education Alternatives for Teens program suggested that medical services needed to be provided in way that is not only “culturally sensitive” to the need of transgender youth, but also culturally competent.

Response: In response to this comment we added language to the plan that reflects ACS’ expectation that medical services will be provided in a culturally competent manner.

2. A representative of the Correctional Association of New York supported the plan’s reference to the needs of LGBTQ youth. The commenter expressed that meaningful implementation would require a number of factors, including robust training and supervision of staff, a hiring process that reflected the values of the ACS LGBTQ anti-discrimination policy, meaningful measurement of providers’ compliance with the policy, mechanisms to track data on anti-LGBTQ harassment and discrimination that is publicly released, and aftercare and family engagement services that are LGBTQ competent and affirming.

Response: We support robust training of all staff and use of best practices for working effectively with LGBTQ youth, and we have articulated this commitment in the plan. We have added language in the staffing section of the plan to reflect our commitment to hiring staff who reflect the values and principles of the LGBTQ Anti-Discrimination Policy and Guidelines. We added language to the plan that discusses measuring agencies’ ability to adopt the LGBTQ policy, possibly by including measures in the NSP provider scorecard. At this time, ACS is not adding the development of a mechanism to receive, track and collect data regarding anti-LGBTQ harassment and discrimination to the plan. ACS will consider this method of data collection during the implementation of this initiative. Regarding family engagement and aftercare services, aftercare services provided through this initiative are expected to adhere to the LGBTQ policy as are other contract service providers.

3. A representative of the Correctional Association of New York urged ACS to collect data related to incidents of bias against and harassment of LGBTQ youth as part of the agency’s quality assurance and regular program evaluation measures. The commenter outlined a number of recommended data collection practices.

Response: Although we did not include these details in the plan, as mentioned above, we have committed to considering the development of a mechanism to receive, track and collect data regarding anti-LGBTQ harassment and discrimination.

4. A representative of the Center for HIV Law and Policy expressed support for ACS’ effort to integrate sexual health care and sexual health education into the NSP Quality Assurance Standards and the agency’s policies. The commenter inquired about our ability

to ensure that providers are receiving adequate and appropriate training on the needs of LGBTQ youth and youth who are HIV positive.

Response: We are committed to providing youth and families with a safe, healthy, affirming, and discrimination-free environment. This includes youth who self-identify as LGBTQ and those who are perceived by others as LGBTQ. For that reason, the plan and the Non-Secure Placement Quality Assurance Standards require providers to adhere to the ACS LGBTQ non-discrimination policy. ACS will monitor compliance with the policy. We also have a comprehensive, mandatory training on the needs of LGBTQ youth; we will look at incorporating HIV specific material to this or other appropriate trainings.

5. A representative of the Center for HIV Law and Policy recommended that ACS make public the content of its trainings on LGBTQ and HIV-positive youth. The commenter asked us to ensure that the training includes a range of topics including maintaining confidential, safe environments; the effects of stigma and discrimination on LGBTQ and HIV-positive youth; understanding the need for comprehensive health services and activities consistent with youth's interests; and communities' laws and policies established to support all youth. The commenter also recommended that we consult the Center's Model Staff Training Standards.

Response: Although we did not modify the plan, we will review the Model Staff Training Standards and best practices when we revise the agency's LGBTQ policy and training curriculum to address youth in non-secure placements. ACS will make the revised policy available to the public.

6. A representative of the Health and Education Alternatives for Teens program asked us to ensure that staff understand the agency's policy regarding protocols for hormone treatment, specific hormonal regimens, and other issues surrounding hormone treatment. The commenter shared his experience of working with a youth under ACS supervision who had difficulty obtaining hormone treatment.

Response: Although we did not modify the plan, ACS has a comprehensive training on the needs of LGBTQ youth, which is mandated for all NSP providers. Through that training, we will ensure that staff are aware of the protocols surrounding hormone treatment.

7. A representative of the Health and Education Alternatives for Teens program expressed general support for the agency's policies on LGBTQ youth. He recommended two modifications. The first involved removing the term "gender identity disorder," which the commenter noted had been largely dropped by the medical and psychiatric community as offensive to transgender individuals. The second involved endorsing the Endocrine Society's Clinical Guidelines on the Endocrine Treatment of Transsexual Persons (2009) in order to ensure youth's timely access to hormone treatment. The commenter also recommended consulting with Dr. Michael Cohen at OCFS regarding access to hormone treatment.

Response: Although we did not modify the plan in response to these suggestions, we will consider both of these proposed changes when revising the LGBTQ policy. We will also consult with Dr. Cohen regarding access to hormone treatment.

8. A representative of the Correctional Association of New York expressed support for ACS' LGBTQ anti-discrimination policy. She stressed the need for regular training on the policy and guidelines. The commenter noted that trainers should have expertise in the substance of the trainings, and that the content of the training should include experiences of LGBTQ youth. She also emphasized the need for training of supervisory staff and administrators in addition to direct care staff. Finally, the commenter encouraged ACS to incorporate issues related to LGBTQ youth into other aspects of its trainings.

Response: Although we did not modify the plan in response to these comments, the plan and the Non-Secure Placement Quality Assurance Standards require providers to adhere to the agency's LGBTQ policy; ACS has a comprehensive, mandatory training on the needs of LGBTQ youth.

9. A representative of the Correctional Association of New York noted that youth who report anti-LGBTQ discrimination and harassment may fear reprisals from staff or other youth. The commenter encouraged ACS to develop multiple mechanisms for youth and families to report such incidents, including: (1) speaking with the LGBTQ point person at the NSP site, (2) submitting a complaint to an advocate, such as an ombudsperson, who has the authority to investigate the issue and take appropriate action, (3) contacting an independent external oversight entity, and (4) conducting regular and anonymous surveys of youth regarding conditions in and safety of NSP facilities.

Response: We will consider these recommendations as we revise our policies on LGBTQ youth. We also modified the plan to include a description of ACS' plans to establish an Independent Oversight Board, which will be responsible for reviewing and reporting on conditions throughout the residential placement system.

XIII. Modifications and Placement Process

1. A commenter from a parent advocacy organization asked how ACS would ensure that youth with behavioral challenges were not placed with providers who are not prepared to work with them. The commenter urged ACS to clarify how the agency would prevent those youth from being transferred to secure facilities because of their failure to adjust to non-secure placements.

Response: ACS is committed to limiting the number of times a youth is moved between facilities and is strongly committed to limiting movement to more restrictive levels of care. The plan addresses measures ACS is taking to limit these sorts of movements and modifications and we have added language that describes the inclusion of movement and modifications as a measured indicator on the juvenile justice scorecard.

2. A commenter asked whether the ACS Case Manager or the Non-Secure Placement Case Manager will be responsible for filing a petition if there is a need to extend a youth's placement beyond its initial term.

Response: The plan has been modified to clarify that NSP provider staff and ACS Placement and Permanency Specialists will appear in court as necessary. Extension of Placement petitions will be prepared by the NSP provider. Attorneys from ACS' Division of Family Court Legal Services will present permanency hearings and extension of placement petitions before the Family Court.

3. Two comments from the New York State Public Employees Federation questioned whether and how placements could be modified in the case of disruptive and violent youth.

Response: We have modified the plan in response to these comments to provide further detail regarding the modification process.

4. A private citizen commented that we had not provided information on how modification of a youth's placement would occur. The commenter expressed concern that youth could be placed in secure settings without considering less restrictive alternatives.

Response: We modified the plan to underscore that placements will be made placing the utmost importance on least restrictive setting consistent with the needs of the youth. We are committed to serving youth in the least restrictive setting consistent with public safety. The plan describes agency practices that will enable staff to identify the least restrictive setting and minimize the need for modifications to higher levels of care.

5. Two commenters inquired how ACS would determine appropriate placements for youth. One commenter shared his experience visiting a group home that housed youth as young as fourteen years old, as well as individuals as old as twenty years old.

Response: We have added language to the plan detailing the intake and assessment process, which will provide appropriate placements using a Mobile Assessment Team that has access to a range of information about the youth.

6. The New York Society for the Prevention of Cruelty to Children requested a schedule for the updating of lists of the youth in OCFS custody that will be transferred to NSP providers between September 1, 2012, and December 1, 2012. The commenter also suggested establishing a means for resolving disagreements about whether youth should be transferred from OCFS to ACS custody.

Response: The activities described above will only take place during the transition period from September 1, 2012, to December 1, 2012. ACS and OCFS have already begun to discuss youth currently in OCFS NSP who will be transferred to ACS custody. We have added language to the plan indicating that ACS and OCFS are meeting on a regular basis

to exchange the information necessary to determine appropriate placements.

XIV. Oversight

1. Several commenters requested that ACS provide publicly available data on a range of indicators related to the initiative and the youth being served, such as demographics, service outcomes and costs, recidivism rates, educational outcomes, staff training, and injuries to youth and staff.

Response: We modified the plan to describe that ACS will develop management indicators similar to the indicators for child welfare and detention to analyze and measure overall system performance. ACS is currently developing indicators that will be available to the public and will track and measure critical measures such as: occurrences of AWOL, restraints, assaults/altercations, injuries from restraints, average length of stay, average daily population, and recidivism measures. These indicators will be used by management staff to determine whether problems, issues or trends exist and to develop remediation plans and strategies on an ongoing and as needed basis to address any issues. ACS will also share provider level data with the NSP providers so that individual performance may be assessed for issues and trends and remediation efforts can be put into place. Additionally, building on ACS' ChildStat and GOALS models, ACS will consider developing a data/case review process for NSP.

2. A commenter from the Correctional Association of New York expressed concern about the dangers associated with the use of restraints, citing recent deaths of children in facilities in New York State. The commenter requested that ACS develop an external system to monitor and evaluate the use of restraints. The commenter also requested that the agency publicly release information on the use of restraints and the outcomes of investigations into the use of restraints.

Response: We added language to the plan indicating that ACS will develop publicly available data indicators similar to those currently used for child welfare and detention, which will capture the use of restraints and injuries associated with their use. We have also added language on how the agency will monitor and use that type of information to address any concerns. Finally, we have modified the plan to include a description of ACS' plans to create an Independent Oversight Board, which will be responsible for reviewing and reporting on conditions throughout the residential placement system.

3. A representative of the Citizens' Committee for Children of New York recommended that ACS consider developing a system analogous to ChildStat for its non-secure providers.

Response: We have added language to the plan indicating that we will look into developing a system similar to ChildStat for non-secure placement providers.

4. Several commenters suggested that we create an independent oversight board to monitor the initiative's development and key indicators. Commenters encouraged the agency to

create a mechanism whereby families and parents can confidentially report complaints and grievances to an external body, and ensure that youth and families understand how to file such complaints. Additionally, comments requested that any independent oversight entity publicly report its findings.

Response: We have modified the plan to include a description of ACS' plans to create an Independent Oversight Board, which will be responsible for reviewing and reporting on conditions throughout the residential placement system. The Independent Oversight Board will be comprised of individuals from a range of backgrounds who are knowledgeable about the issues facing young people in residential care and committed to improved outcomes for youth, families, and communities. We also have amended the plan to describe the creation of an Office of Residential Care Advocacy within ACS, which will oversee residential placement facilities, respond to complaints and concerns of youth in custody and their families, track data, and identify systemic issues related to conditions of care.

5. A commenter from the Correctional Association of New York suggested that the plan clarify which offices within ACS will be tasked with oversight and quality assurance responsibilities, and how those offices will coordinate efforts and share information. The Chairperson of the New York City Council's Juvenile Justice Committee urged ACS to ensure that providers are demonstrating appropriate care of youth in custody.

Response: We have added language to the plan to clarify the ACS offices that will be responsible for oversight and quality assurance. Specifically, the Office of Residential Care Advocacy will oversee residential placement facilities, respond to complaints and concerns of youth in custody and their families, track data, and identify systemic issues related to conditions of care. The plan also describes the Juvenile Justice Planning and Measurement Unit, which will be responsible for evaluating the work of contracted service providers, serving as a liaison between City agencies or programs and community groups and service provider agencies, and developing and monitoring corrective action plans. We have added language to the plan describing how these entities will obtain, use, and share information.

6. The Chairperson of the New York City Council's Juvenile Justice Committee urged ACS to keep the Committee apprised of the initiative's development.

Response: We have valued the support and involvement of the Juvenile Justice Committee to date, and we look forward to keeping the committee informed as the initiative develops.

XV. Programming

1. An employee at Boys Town and a former OCFS-involved youth expressed strong support for the Boys Town model of working with youth. He stressed the need for program models that teach social skills and incorporate health, mental health, physical health and education.

Response: Although not all NSP providers will be using the Boys Town model, ACS believes that all providers should use a documented, consistent, and effective model. We added language to the plan that describes the requirement that providers develop a program manual that includes description of the model adopted by the program to help facilitate effective and consistent service delivery in NSP providers.

2. One commenter expressed the concern that children feel that they are isolated from the rest of society when they are involved in the juvenile justice system, and that they perceive themselves as numbers and not as individuals.

Response: ACS added language to the plan describing the types of individual services and planning that will be required of providers to ensure that youth's individual needs are met.

3. A private citizen requested that the plan contain research and other evidence supporting the principles outlined in the initiative.

Response: We added language to the plan that describes how all services administered through the Close to Home initiative will implement programs that draw upon research and experience.

4. A private citizen requested additional information about how we would provide for the educational, social, and recreational needs of youth in NSP facilities.

Response: The plan requires that the services offered by NSP providers include youth care, food, clothing, transportation, recreation, court-related services, social work and case management services, social skills development, access to mental health and substance abuse treatment, coordination of education and health care, public safety measures, and the monitoring and supervision of these services. Additionally, we have added language to the plan providing for formal and informal linkages of aftercare service providers with local community-based organizations that can provide specialized, youth development-type services, such as mentoring; sports, arts and other recreation; and tutoring.

5. An OCFS employee stressed the need to create programs that support positive youth development.

Response: The plan requires NSP providers to provide comprehensive training for all staff working directly with youth to assist them with administering rewards and consequences designed at teaching and modeling positive behaviors. Additionally, NSP providers must develop the array of services described above, which will create opportunities to engage youth in activities that will provide opportunities and help them develop skills needed for healthy adolescent development. These can include opportunities for community service, connection with positive role models, vocational

development and opportunities, and a strong focus on education, health and mental health. Accordingly, we did not modify the plan in response to this comment.

6. A private citizen inquired about whether parents would incur child support obligations for youth in non-secure placement, expressing concerns about low-income families who may have difficulties meeting those financial obligations.

Response: We added a footnote to the plan in response to this comment, stating that ACS is required to follow the applicable state regulations with regards to making determinations about which matters should be referred to the Human Resources Administration's child support enforcement unit.

7. A representative of the Correctional Association of New York urged ACS to support community-based alternatives to detention and incarceration. The commenter stressed the need to ensure that children are not in placement solely because no appropriate alternative exists; continue to identify gaps in the continuum of alternative programs and channeling funds toward closing those gaps; and ensure that sufficient start-up funds exist for the creation or expansion of additional community-based programs.

Response: The plan describes the planned continuum of post-adjudication community-based alternatives. We have added language to the plan that describes the planned services in detail. We will build on our experience procuring and overseeing detention, residential placements, and alternatives to placement as we develop the continuum of options for youth.

8. A representative of a parent advocacy organization inquired about the reimbursement methodology for NSP providers. The commenter urged ACS and OCFS to develop a plan for reimbursement that encouraged funding of programs focused on prevention and aftercare. The commenter believed that the per diem system currently used for foster care improperly incentivized out-of-home placements.

Response: ACS will continue to offer preventive services to youth and families. For NSP the plan describes a rate based system that ACS is reimbursing providers. However, NSP providers will be paid based on a set allocation, which will not encourage longer lengths of stay. The plan has not been modified in response to this comment as the reimbursement methodology was outlined in the Draft Plan.

9. The New York Association of Alcoholism and Substance Abuse Providers asked how ACS would facilitate referrals to outpatient and residential treatment substance abuse providers. The organization encouraged us to create a network of outpatient and day treatment substance abuse facilities that can support youth's recovery and return to their communities.

Response: The Negotiated Acquisition developed by ACS placed a strong emphasis on the need for all providers of residential care to provide appropriate substance abuse services. We have added language to the plan describing the screening process for

substance abuse issues and the planned continuum of services to meet those needs.

10. The New York Association of Alcoholism and Substance Abuse Providers inquired about the treatment model being used in alcohol and drug treatment facilities.

Response: ACS has recently recommended awards for both general and specialized NSP placements. We have included language to the plan about program development and substance abuse services.

11. Outreach, a drug and alcohol treatment provider, encouraged us to reach out to leaders of the Office of Alcoholism Substance and Abuse Services and the New York Association of Alcoholism and Substance Abuse Providers for technical assistance. Outreach recommended that leaders of the Close to Home initiative personally visit the City's adolescent treatment programs to gain insights into effective service delivery, as well as encourage NSPs to integrate substance abuse treatment as a core component of their programming. The organization also encouraged ACS to examine and integrate evidence-based practices specifically focused on addressing immediate and long-term chemical dependency needs. Outreach provided several examples of such programs.

Response: As mentioned above, the Negotiated Acquisition developed by ACS placed a strong emphasis on the need for all providers of residential care to offer appropriate substance abuse services. We will take these suggestions into consideration as we examine services for youth with substance abuse issues. Further, we modified the plan to include additional detail on substance abuse issues and services.

12. Outreach, a drug and alcohol treatment provider, shared the belief that non-secure facilities would benefit from resources to support medical supervision and nursing services, as well as the authority to oversee prescription medications.

Response: We have added details to the plan about the provision of medical and mental health services. NSP providers who will not have on site medical supervision and/or nursing services will be required to work with community providers to oversee and prescribe prescription medications to individual youth. Additionally, NSP staff members are required to take medication administration training.

XVI. Quality Assurance

1. The New York Society for the Prevention of Cruelty to Children suggested including frequency of emergencies, frequency and manner of restraint use, AWOL rates, revocation rates, and number of length of stay waivers into the agency's scorecard for NSP providers.

Response: We added language to the plan indicating that the scorecard for NSP providers will include these or comparable indicators.

XVII. Resource Availability

1. A representative of the Citizens' Committee for Children of New York expressed concern that the addition of new residential placements in the city might have the unintended consequence of reducing placements close to home for youth in the child welfare system.

Response: ACS is using new contracts to add residential services for delinquent youth; these contracts will not reduce existing child welfare services. The plan has not been modified in response to this comment.

XVIII. Restraints

1. A member of the Safe Passages youth leadership program commented on the need for restraints to be used as a last resort, and he stated that youth will respond better to kindness and professionalism from staff than the use of force. He shared his personal experience being restrained in a residential treatment facility, as well as the alternative techniques for behavior control that were effective with him.

Response: We agree that restraints should only be used as a last resort. The plan has been amended to incorporate ACS' proposed Safe Intervention Policy for NSP Facilities, which contains provisions regarding staff training on the appropriate use of restraints and alternative methods of behavior control, such as verbal de-escalation techniques.

2. A representative of the Children's Defense Fund supported our directive to NSP providers to prioritize staff training that will equip staff with the communication, crisis management, conflict resolution, and de-escalation skills that will ensure that restraints are used as a last resort. The commenter urged ACS to release additional guidance on the use of restraints in non-secure placements.

Response: We have attached to the plan, as Appendix U, the draft NSP Safe Intervention Policy.

3. A representative of the Children's Defense Fund suggested that ACS staff should participate in all after action reviews of use of restraints and other emergency situations. The commenter noted that such participation would permit ACS to have a more complete understanding of what precipitated the restraint, the decisions that were made, and opportunities for corrective action.

Response: We added language requiring that ACS Placement and Permanency Specialists review restraint incidents pertaining to youth on their caseloads and follow up with the youth and the facility, including visiting youth at NSP facilities and participation in after action reviews.

4. A representative of the Correctional Association of New York expressed strong support for the provision allowing NSP providers to utilize alternative approaches to managing youth behavior as they transition to the use of Safe Crisis Management. The commenter recommended that ACS publicly release detailed information surrounding the use of

restraints in NSP facilities. The commenter also suggested releasing information on the frequency of use of restraints; frequency of injuries to youth and staff; details about the nature of any injuries to youth and staff; what if any measures and mechanisms are there for staff accountability with regard to inappropriate restraints and information about how these measures/mechanisms are communicated to staff; how many restraints result in a State Central Registry report for suspected abuse and neglect; how many restraints result in an internal investigation within a provider agency or ACS; de-identified outcomes of investigations with regard to staff with regard to the use of restraints; and, if there is a collective bargaining agreement in place at any NSP provider agency, what, if anything, the agreement states with regard to the employment of staff who have been found to have engaged in inappropriate use of force or restraint. The commenter suggested aggregating information by provider agency and by children's race, ethnicity, age, sex and, when possible and appropriate, LGBTQ status.

Response: As described above, we modified the language to describe that ACS is developing indicators that will be available to the public. The indicators will track critical measures such as use of restraints and injuries from those restraints. ACS will use these indicators, along with other information, to determine whether problems, issues, or trends exist, and we will work with NSP providers to develop remediation plans to address any issues.

7. The Children's Defense Fund requested that we release the agency's guidelines on the use of mechanical restraints for public review and comment.

Response: We have attached to the plan, as Appendix U, the draft NSP Safe Intervention Policy.

8. A representative of the Correctional Association of New York requested that we include the agency's standards for mechanical restraints and room isolation as part of the plan. The commenter also requested that we publicly release the standards for mechanical restraints and room isolation.

Response: We have attached to the plan, as Appendix U, the draft NSP Safe Intervention Policy.

9. A representative of the Correctional Association of New York suggested that ACS limit the use of restraint to situations where a child or another person is at risk of serious harm. The commenter recommended that ACS revise the definition of "acute physical behavior" in the NSP Quality Assurance Standards to eliminate intent to "destroy property" and bar the use of restraint as a method of preventing property destruction.

Response: ACS is committed to limiting the use of restraints to a last resort to manage behavior. We have attached to the plan, as Appendix U, the draft NSP Safe Intervention Policy.

10. A representative of the Correctional Association of New York recommended that ACS release additional details on its restraint policy, including what alternative methods ACS will consider temporarily approving and the time that temporary approval may last. The commenter requested that the agency specify any limitations that it will place on the use of restraints, including when using Safe Crisis Management techniques. The commenter also asked whether we would adopt the remedial measures set forth by the U.S. Department of Justice with respect to the use of restraints in OCFS facilities.

Response: ACS considered the mandates issued by the Department of Justice with respect to the use of restraints in OCFS facilities when developing the safe intervention policy, the plan, and the NSP Quality Assurance Standards. The plan has been amended to incorporate ACS' proposed NSP Safe Intervention Policy.

XIX. Safety

1. The New York State Public Employees Federation questioned the Draft Plan's references to the "Missouri Model" of small, home-like facilities for juvenile justice-involved youth. The commenter asserted that that the Missouri Model worked well for youth with property crimes, but was not as successful for youth who are in placement for crimes against persons.

Response: In 2010, the Annie E. Casey Foundation released a report outlining outcomes from Missouri's post-adjudication facilities. The report noted that a majority of youth released from the Missouri Department of Youth Services (DYS) custody in 2005 had a prior felony adjudication on their record (64 percent). Further, the report found that youth with felony offenses were nearly as successful as other youth in avoiding future criminal justice involvement during the three years following their commitment to DHS (62.8 percent for felony offenders; 68.6 percent for non-felony offenders). We added language to the plan describing that the models used by providers have been developed through research or are evidence informed and have demonstrated outcomes.

2. Representatives of the New York State Public Employees Federation concerns about community safety. One commenter asserted that the youth in OCFS care had shown that they could not be successful in placements with non-profit providers, and that private service providers demonstrated higher recidivism rates than state-run facilities. Comments described the youth in OCFS care as "difficult" and "dangerous," and several commenters described the offenses of New York City youth in OCFS non-secure care.

Response: The proposed plan is the product of research, priority-setting, inter-agency discussions, provider proposals, and community input as to how the City's delinquent youth and their families may be best served while the City also continues to protect public safety. As we implement Close to Home, we will draw upon and expand several well-established principles and practices the City currently uses to address youth offending and reduce recidivism rates. We have added language throughout the plan describing ACS's role in working closely with providers to develop effective programs that will promote community safety.

3. The representative of a victim support and advocacy group supported the goals of linking youth with community-based services. However, the commenter urged ACS to be mindful of victim safety when placing youth in community-based settings. The commenter asked ACS to implement a notification system to alert victims that youth were being released into non-secure care, as well as a system where victims could track the status of a youth's placement, similar to the adult criminal justice system's Victim Information and Notification Everyday program. The commenter also suggested that ACS and NSP providers, either directly or in consultation with a victim service provider, consider where a crime took place and where the victim lives, works, or attends school when determining placements.

Response: We are committed to ensuring the safety of community members, including victims, as part of the initiative. Although we did not incorporate these suggestions directly into the plan, we will take these recommendations into consideration in its ongoing planning and implementation of the Close to Home Initiative.

4. A state senator suggested including more explicit language about how the presence of NSP facilities will be affecting communities.

Response: We have revised the plan to underscore our commitment to ensuring public safety in the communities in which NSP facilities are located.

XX. Training

1. The representative of a parent advocacy organization suggested that youth and parents be offered structured, remunerated opportunities to participate in the training of ACS staff and contractors.

Response: We have modified the plan to state that ACS will consider ways to incorporate parents and youth in training opportunities.

2. A comment from the Correctional Association of New York suggested that the plan include details of how ACS will evaluate training plans proposed by NSPs, how ACS will work with NSPs to ensure the trainings' effectiveness, and how ACS will remedy any deficiencies.

Response: The Scorecard that is under development for NSP providers will incorporate measures of compliance with our training mandates. The plan has been modified to clarify that the Scorecard will incorporate measures of compliance with training mandates.

3. Two commenters from a state public employee federation raised concerns about the consistency of training across NSP providers and the amount of training that NSP

provider staff will receive. The commenters noted the centralized nature of training for OCFS staff, as well as the level of experience of OCFS staff members.

Response: ACS has extensive experience developing and providing training in the child welfare system and recent experience in juvenile justice trainings. The plan requires NSP providers to provide comprehensive training for all staff working directly with youth. We will hold NSP providers accountable for staffing their facilities with a sufficient number of individuals who have the necessary training and experience to comply with the Quality Assurance Standards in all service areas. As mentioned above, the Scorecard that is under development for NSP providers will incorporate measures of compliance with our training mandates. The plan has been modified to clarify that the Scorecard will incorporate measures of compliance with training mandates.

XXI. Other Comments

1. A number of commenters suggested that the agency support parent and youth advocates. Commenters believed that youth advocates could help serve as linkages between youth and their case workers and foster better working relationships by encouraging youth to be more open about their experiences under ACS supervision. Commenters suggested that parent advocates who had successfully navigated the system could serve as role models and supports for parents of youth currently in the system.

Response: In response to the numerous comments we received regarding parent advocates, the plan has been modified to describe ACS' plans to create a staff position to ensure that Children's Services incorporates perspectives of parents and youth who have had direct involvement with residential placement in planning, policy development, program implementation and monitoring. This position will promote incorporation of the voices of parents – including what they are saying to the NSP providers' parent advocates and the Office of Residential Care Advocacy – and the voices of youth – including what they are saying to Placement and Permanency Specialists, quality assurance and staff of the Office of Residential Care Advocacy – into policy, program design, and practice.

2. Commenters from the New York State Public Employees Federation noted that it is difficult to comment on the location of the new NSP sites when the specific locations have not been provided to the public.

Response: We have attached to the plan, as Appendix S, the specific locations of the recommended NSP provider sites.

3. One commenter from an independent research and development organization for the New York City court system requested information on how ACS will put the principles outlined in the plan into place across the full spectrum of the juvenile justice system, particularly with respect to alternatives to detention.

Response: The Draft Plan was limited to addressing non-secure placements for adjudicated youth. We did not modify the plan to include a full spectrum discussion of

the juvenile justice systems, because the legislation calls for the plan to address non-secure placement.

4. A private citizen stated that she had concerns as to whether training was adequately funded.

Response: The plan states that training will be required and delivery will be monitored. The financing NSP providers will receive from ACS accounts for training costs. Accordingly, we did not add any language to the plan in response to this comment.

5. A number of commenters stated their desire to provide services to youth as part of the initiative.

Response: We appreciate the enthusiasm of community-based organizations. We have also added language to the plan providing for formal and informal linkages of aftercare service providers with local community-based organizations.

6. A commenter from a children's advocacy organization expressed the desire to transfer knowledge from the Close to Home initiative to the child welfare system.

Response: We are committed to continued improvement of services for youth and families. The agency looks forward to applying lessons from the implementation of the initiative to the child welfare system.

7. The representative of a parent advocacy organization suggested the need to examine overrepresentation of youth of color at arrest and criticized law enforcement's stop and frisk practices.

Response: ACS is working on a number of strategies to reduce racial and ethnic disparities, which are described in the plan.

8. Two commenters shared their perspective that prevention programs were the best way of reducing youth offending. The commenters suggested that early education and after school programming were important to delinquency prevention, and they discouraged cuts to those programs.

Response: ACS is committed to continuing its current preventive programs.

9. A representative of the Correctional Association of New York recommended that we dedicate a minimum of 25% of all cost savings resulting from the initiative to community-based programs that have been demonstrated to keep children from entering the juvenile justice system.

Response: Although we did not modify the plan to include this requirement, we will take this suggestion into consideration when determining resource allocations for future programming.