

ARTICLE 19-A

DELINQUENCY AND YOUTH
CRIME PREVENTION

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§ 411. Purpose of article. The purpose of this article is to put into effect those measures most suitable to supplement and aid in coordinating the work of existing religious and social institutions for the prevention of delinquency and youth crime, and the advancement of the moral, physical, mental and social well-being of the youth of this state, and to encourage the municipalities of this state to undertake increased activities in this field by assistance and financial aid as provided in this article.

§ 412. Definitions. As used in this article,

1. "Office" shall mean the office of children and family services established in the department of family assistance by chapter four hundred thirty-six of the laws of nineteen hundred ninety-seven.

2. "Commissioner" shall mean the commissioner of children and family services, designated as the head of the office of children and family services by chapter four hundred thirty-six of the laws of nineteen hundred ninety-seven.

3. "Youth" shall mean any person under twenty-one years of age.

4. "Municipality" shall mean a county, city, village, town, that part of a town not included within the boundaries of a village, or a school district (if approved for such purpose by the commissioner, in instances where no other municipality, overlapping such school district in whole or part, is receiving state aid pursuant to this article or upon such other basis as the commissioner shall by regulation determine).

Municipality may mean an Indian reservation, subject to rules and regulations of the office.

5. "Youth program" shall mean a "youth bureau," "recreation project" or "youth service" project established under prior authorizing legislation establishing a temporary state youth commission as well as similar local programs designed to accomplish the broad purposes of this article. The definition, determination and classification of youth programs shall be subject to approval by the office in accordance with rules and regulations adopted by it.

6. "State aid" shall mean payments by the state to a municipality for or toward the cost of establishment, operation and/or maintenance of approved youth programs in accordance with the provisions of this article.

7. "Youth board" shall mean the citizen board of a youth bureau.

§ 419. Rules and regulations. The office may adopt, amend or rescind all rules and regulations necessary to carry out the provisions of this

article, including the objective that state aid hereunder shall be granted uniformly throughout the state, having regard for varying conditions and needs in different parts of the state.

§ 420. State aid. 1. There shall be three alternative methods through which a county or municipality as defined in this article can obtain state aid for youth programs provided in its geographic area. When such youth programs are approved for state aid by the commissioner, state aid shall be paid to the county or municipality, in accordance with the approved youth program, within the limits of the state aid formula set forth in this section and within the limits of funds made available by appropriation.

a. Comprehensive county plan; state aid.

(1) A county may submit to the commissioner a comprehensive plan for the provision of a broad coordinated range of programs for the youth of such county. Such a plan must have been developed in accordance with the regulations of the commissioner and shall include provision for review and evaluation of the programs provided to youth in the county.

(2) Such county shall also submit to the commissioner, if required by the commissioner, quarterly estimates of anticipated expenditures for operation and maintenance of its youth program, including rental of buildings, purchase of equipment, administrative expense and approved expenditures for improvements to real property for youth program purposes not less than thirty days before the first day of the months of April, July, October and January, in such form and containing such additional information as the commissioner may require. At the end of each quarter each county shall submit to the commissioner, in such form as the commissioner may require, a verified accounting of the financial operations of such youth program during such quarter together with a claim for reimbursement of one-half of such amount as herein provided. The commissioner may, at his discretion, permit the submission of such accountings for periods greater than three months, but not exceeding one year.

(3) The commissioner shall thereupon certify to the comptroller for payment by the state of one-half of the entire amount of such expenditures as approved by the commissioner; provided, however, that the amount of state aid for youth bureaus shall not exceed seventy-five thousand dollars per annum for any county youth bureau and fifty thousand dollars for any city, town or village youth bureau except a city containing wholly within its boundaries more than one county and such city may be granted state aid not in excess of an aggregate sum per annum equal to seventy-five thousand dollars for each county therein; except that the commissioner may authorize additional state aid for any youth bureau in an amount not to exceed twenty-five thousand dollars per annum where a municipality has exceeded maximum state aid youth bureau eligibility for at least the two preceding fiscal years; provided further, however, that the aggregate amount of state aid for recreation, youth service and similar projects to any county shall not exceed five thousand five hundred dollars per annum, of which no more than two thousand nine hundred dollars may be used for recreation projects, for each one thousand youths residing therein as shown by the last published federal census certified in the same manner as provided by section fifty-four of the state finance law. No county operating and maintaining such a youth program shall receive state aid in excess of one-half of its expenditures as approved by the commissioner.

(4) Any county which has fully utilized its maximum eligibility for state aid for youth programs provided in subparagraph three of this paragraph shall be eligible to receive additional state aid for programs which provide new or expanded youth development and delinquency prevention services designed to curb the high priority problems affecting youth, including but not limited to the problems of truancy, youth prostitution, school violence, multi-problem families, police juvenile aid bureaus, and the inappropriate placement of youths in residential or institutional settings, in accordance with the regulations of the commissioner. Such programs shall be submitted as part of the comprehensive county plan of such counties, and shall be consistent with the goals and objectives contained therein. Upon approval of such programs, the commissioner shall certify to the comptroller for payment by the state of one-half of the entire amount of expenditures for such approved programs, after first deducting therefrom any federal or other state funds received or to be received on account thereof, provided, however, that the aggregate amount of such state aid shall not exceed one thousand dollars per annum for each one thousand youths residing in such county as shown by the last published federal census certified in the same manner as provided by section fifty-four of the state finance law.

b. State aid for youth development and delinquency prevention programs through municipalities.

(1) Each county, city, town or village operating and maintaining a youth program may submit to the commissioner estimates of anticipated expenditures, including rental of buildings, purchase of equipment, administrative expense and approved expenditures for improvements to real property for youth program purposes, at such time, in such form and containing such additional information as the commissioner may require. At the end of each quarter each municipality shall submit to the commissioner, in such form as the commissioner may require, a verified accounting of the financial operations of such youth programs during such quarter together with a claim for reimbursement of one-half of such amount as herein provided. The commissioner may, at his discretion, permit the submission of such accountings for periods greater than three months, but not exceeding one year.

(2) The commissioner shall thereupon certify to the comptroller for payment by the state of one-half of the entire amount of such expenditures as approved by the commissioner; provided, however, that the amount of state aid for youth bureaus shall not exceed seventy-five thousand dollars per annum for any youth bureau of a county, and fifty thousand dollars for any youth bureau of a city, town or village, except a city containing wholly within its boundaries more than one county and such city may be granted state aid not in excess of an aggregate sum per annum equal to seventy-five thousand dollars for each county therein; and provided further, however, that the aggregate amount of state aid for recreation, youth service and similar projects to a county and municipalities within such county shall not be less than two thousand seven hundred fifty dollars of which no more than one thousand four hundred fifty dollars may be used for recreation projects, per one thousand youths residing in the county based on a single count of such youths as shown by the last published federal census for the county certified in the same manner as provided by section fifty-four of the state finance law. Such aggregate amount of state aid shall be allocated first to the unit of local government having the least population and to each succeeding unit based on

population in such manner so that no one youth shall be counted more than one time for state aid purposes.

c. State aid for special delinquency prevention programs.

(1) Within the limits of funds made available by appropriation, the office and county youth bureaus may enter into contracts with private not-for-profit community agencies to provide needed services for the operation of programs to prevent juvenile delinquency and promote youth development. Where it is documented that private not-for-profit community agencies are not available to provide such services, the office and county youth bureaus may allocate available funds to public agencies.

(2) Funds shall be made available under this paragraph;

(i) by the office to county youth bureaus to support community agencies in counties outside the city of New York based on youth population. Funded programs must be submitted by the county youth bureaus as part of their county's comprehensive county plan and be consistent with the goals and objectives contained therein. These funds shall be allocated by county youth bureaus for distribution subject to final funding determinations by the commissioner subject to the approval of the director of the budget;

(ii) by the commissioner to community agencies in cities with populations of three hundred thousand or more subject to the approval of the director of the budget; and

(iii) by the commissioner to community agencies statewide and through contingency funding subject to the approval of the director of the budget.

(3) The office shall not reimburse any claims under this paragraph unless they are submitted within seven months of the project year in which the expenditure was made.

2. Runaway and homeless youth plan; state aid.

a. A county may submit to the commissioner a plan for the providing of services for runaway and homeless youth, as defined in article nineteen-H of this chapter. Where such county is receiving state aid pursuant to paragraph a of subdivision one of this section, such runaway and homeless youth plan shall be submitted as part of the comprehensive county plan and shall be consistent with the goals and objectives therein. A runaway and homeless youth plan shall be developed in consultation with the county youth bureau and the county or city department of social services, shall be in accordance with the regulations of the commissioner, shall provide for a coordinated range of services for runaway and homeless youth and their families including preventive, temporary shelter, transportation, counseling, and other necessary assistance, and shall provide for the coordination of all available county resources for runaway and homeless youth and their families including services available through the county youth bureau, the county or city department of social services, local boards of education, local drug and alcohol programs and organizations or programs which have past experience dealing with runaway and homeless youth. Such plan may include provisions for transitional independent living support programs for homeless youth between the ages of sixteen and twenty-one as provided in article nineteen-H of this chapter. Such plan shall also provide for the designation and duties of the runaway and homeless youth service coordinator defined in section five hundred thirty-two-a of this chapter who is available on a twenty-four hour basis and maintains information concerning available shelter space, transportation and services. Such plan may include provision for the

per diem reimbursement for residential care of runaway and homeless youth in approved runaway programs which are authorized agencies, provided that such per diem reimbursement shall not exceed a total of thirty days for any one youth.

b. Each county shall submit to the commissioner such additional information as the commissioner shall require, including but not limited to:

(1) A description of the current runaway and homeless population including their age, place of origin, family status, service needs and eventual disposition;

(2) A description of the public and private resources available to serve runaway and homeless youth within the county;

(3) A description of new services to be provided and current services to be expanded.

c. The commissioner shall review such plan and may approve or disapprove such plan, or any part, program, or project within such plan, and may propose such modifications and conditions as deemed appropriate and necessary.

d. (1) Counties having an approved runaway and homeless youth plan pursuant to this subdivision shall be entitled to reimbursement by the state for sixty percent of the entire amount of the expenditures for programs contained in such plan as approved by the commissioner, after first deducting therefrom any federal or other state funds received or to be received on account thereof. All reimbursement pursuant to this subdivision shall be from and limited to funds appropriated separately for such runaway and homeless youth program purposes by the state, and shall not be included under the limits set in subdivision one of this section. The county's share of the cost of such programs may be met in part by donated private funds or in-kind services, as defined by the office, provided that such private funding or receipt of services shall not in the aggregate be more than fifty percent of such county's share.

(2) Notwithstanding any inconsistent provision of law and subject to funds appropriated separately therefor, a county having an approved runaway and homeless youth plan which includes provisions for transitional independent living support programs shall be entitled to reimbursement by the state for sixty percent of the entire amount of the approved expenditures for transitional independent living support programs contained in the plan as approved by the commissioner. The county's share of the cost of such programs may be met by donated private funds or in-kind services, as defined by the office, provided that such receipt of in-kind services shall not in the aggregate be more than fifty percent of such county's share.

3. For the purpose of reimbursement by the state, administrative expenses shall include compensation for personal services paid by a municipality, to any employee for the purpose of administering the benefits provided by this article. No state reimbursement shall be made, however, for such compensation paid to any employee who lacks the qualifications necessary for the work or who, after a trial period, is considered by the commissioner unable to do satisfactory work.

4. Moneys appropriated for use of the commissioner shall be paid out of the state treasury on the certificate of the commissioner or of an officer of the office designated by the commissioner, after audit by and upon the warrant of the comptroller.

5. a. Notwithstanding any other provision of law, the office of children and family services shall plan for the statewide implementation by the thirty-first day of December, two thousand eight, of a county child and family services plan that combines the county

comprehensive plan required by this section and the multi-year consolidated services plan required by section thirty-four-a of the social services law into a single plan.

b. All counties shall implement a county child and family services plan prior to or for the two thousand eight plan year in accordance with a schedule developed by the office of children and family services and shall continue to implement such a plan thereafter. With the approval of such office, a county may implement a child and family services plan before the date required by such schedule.

c. The office of children and family services may waive any regulatory requirements relating to the content and timing of county comprehensive plans that may impede the ability of a county to implement a county child and family services plan.

d. Nothing in this subdivision shall be deemed to affect county planning requirements under the mental hygiene law.

§ 421. Withholding state aid. The office may authorize or require the comptroller to withhold the payment of state aid to any municipality in the event such municipality alters or discontinues without the approval of the office the operation of a plan approved by the office, or fails to adopt or change a plan as recommended by the office, or fails to comply with rules or regulations established by the office, or fails to enforce in a manner satisfactory to the office, laws now in effect or hereafter adopted that relate in any manner to the protection and welfare of youth.

§ 422. Youth bureaus; recreation and youth service projects; and other youth programs. 1. Any county or city, or any town or village with a total population of twenty thousand or more persons desiring to establish a youth bureau, or any municipality desiring to establish a recreation, youth service or other project may apply to the office for approval of its plans. The application shall be in writing, specifying the nature of the program, and shall contain such information as the office shall require.

2. No application for the approval of plans for a youth program shall be considered that has not been first approved by the governing body of the municipality making application.

3. The office may approve or disapprove the proposed youth program as filed, or, if its modifications are not objected to by the applicant, approve the same with such modifications.

4. The approval of any proposed youth program by the office shall authorize the county, city or municipality to establish, operate and maintain the program and entitle it to state aid as herein set forth; provided, however, the office may at any time subsequently withdraw its approval or require changes in a plan or program previously approved.

5. Two or more municipalities may join together to establish, operate and maintain youth programs and may make and perform agreements in connection therewith. Such agreements shall include provisions for the proportionate cost to be borne by each municipality and for the manner of employment of personnel and may provide that a fiscal officer of one such municipality shall be the custodian of the moneys made available for expenditure for such purposes by all such municipalities and that such fiscal officer may make payments therefrom upon audit of the appropriate auditing body or officer of his municipality. In making claims for state aid pursuant to this article, each such municipality shall claim for its proportionate share of expenditures so made. However, where it is provided that there shall be a disbursing

municipality, such disbursing municipality shall claim for the total joint program expenditures so made and shall disburse such state aid to each participating municipality based upon the proportionate share of expenditures so made.

6. A municipality and the board of education, board of trustees or the trustee of a school district may make and perform agreements providing for the operation by a school district of a youth service, recreation or other project of such municipality.

7. Moneys derived by a municipality from taxation, from profits of a public utility service operated by it, or from gifts or grants available therefor, may be made available in accordance with law and expended for improvements to real property owned by it and held for school purposes or owned by a school district in whole or in part located in such municipality where such real property is used by such municipality for youth program purposes and where such improvements are required in connection with such purposes. Such municipality may receive reimbursement for such expenditures as herein provided, subject to the rules and regulations of the office.

8. The office, by rule and regulation, may authorize expenditures to be made by a municipality for work to be done or improvements to be made to real property for youth program purposes.

9. Subject to the regulations of the office, a municipality may enter into contracts to effectuate its youth program established and approved as provided in this article.

10. Notwithstanding any provision of law, rule or regulation to the contrary, no city, town or village with a youth population of twenty-five thousand or less residing in such city, town or village shall be required under this article, or for purposes of receiving state aid hereunder, to employ a full time executive director for their respective proposed or approved youth programs, as the case may be.

§ 423. Grants; raising and paying over of local funds. 1. The office, with the approval of the governor, may accept as agent of the state any gift or grant for any of the purposes of this article. Any moneys so received may be expended by the office to effectuate any of the purposes of this article, subject to the same limitations as to approval of project, approval of expenditures and audit as are prescribed for state moneys appropriated for the purposes of this article.

2. A board of education, board of trustees or trustee of a school district may raise, appropriate and pay over to a municipality in which it is in whole or in part located moneys to be expended by such municipality for any purpose authorized by this article. Such a municipality may accept and expend moneys so received only for such purpose. Moneys so appropriated and paid over by a school district shall not be included in computing the amount that should be apportioned to such school district pursuant to article seventy-three of the education law.

§ 424. Report and recommendations. The office shall make an annual report to the governor and legislature which shall include its recommendations and program with respect to the provisions of this article.

§ 425. Interpretation. This article shall be liberally construed in order to effectuate its purpose.

§ 426. Constitutionality. If any clause, sentence, paragraph, section or part of this article shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or section or part thereof directly involved in controversy in which such judgment shall have been rendered.