

**ONEIDA COUNTY  
PROBATION DEPARTMENT  
PRE-PINS UNIT**

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**Oneida County  
Probation Department  
PRE-PINS  
DIVERSION PROGRAM**



The Oneida County Pre-PINS Diversion Program is aimed at helping families with youth solve incorrigibility/truancy issues through voluntary preventive services, thus preventing the need for formal Family Court intervention.

**Pre-PINS Diversion is a mandatory prerequisite prior to filing a formal PINS petition in Family Court.**

•**(PINS)** *Person in Need of Supervision are youth under the age of 18 who have been adjudicated by Family Court because they repeatedly committed such non-criminal offenses such as truancy and incorrigibility in school or incorrigibility at home.*

**WHAT IS THE PRE-PINS DIVERSION PROGRAM?**

Oneida County Probation Department is the **Lead Agency** designated to delivering Pre-Pins Diversion Services. The Pre-Pins Diversion Program is a preventive program that provides intervention services coordinated by the Oneida County Probation Department (OCPD) and the Oneida County Department of Social Services (OCDSS). The program is designed to divert from Family Court those children who are at serious risk of being taken to court as a PINS because they have been persistently incorrigible or truant.

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

Possible services can range from probation supervision to referrals for intensive home-based family intervention and can also include referrals to counseling, mental health, parenting, substance abuse, education and mentoring services.

**HOW DOES THE PRE-PINS PROGRAM WORK?**

The Pre-PINS Adjustment Service Program is a voluntary program. Both the youth and parent/guardian must be willing to participate. Once the Oneida County Probation Department accepts a Pre-PINS referral, it is assigned to a Probation Officer who then interviews and screens both the parent/guardian and the youth at the time of the initial appointment. Depending on the results of the screening, if it is found that more in depth services are needed, then the youth's case may be presented to the Committee for Appropriate Placement (CAP). At the CAP meeting, community agencies and probation officers discuss each case to make assessments and to determine what services are needed. Service plans have no time frames and will depend on the youth's personal adjustment to services.

If the youth and parent/guardian have made satisfactory progress, meaning the truant/incorrigible behavior has improved, then the case maybe closed without any formal Family Court record. However, if the inappropriate behavior persists, then a formal PINS petition, screened at the Oneida County Probation Department, can be filed with the Oneida County Family Court for inclusion on the court calendar. The petition must include documentation that all diligent efforts had been made without success.

**WHAT HAPPENS IN COURT?**

In Family Court, the youth are appointed a Law Guardian (Attorney) to represent their best interest. If the Judge determines or adjudicates the youth a PINS either by his/her own admission or by the trial process, the Oneida County Probation Department investigates the circumstances surrounding the case in order to assist the Judge in determining the most appropriate disposition.

ALL PARTIES ARE REQUIRED BY LAW TO PARTICIPATE IN COURT ORDERED DISPOSITIONS. LENGTH OF DISPOSITIONS MAY VARY. POSSIBLE DISPOSITIONS ARE AS FOLLOWS:

- 1) **Probation Supervision with conditions that may include domicile restriction/ community service.**
- 2) **ACD-Adjournment in contemplation of dismissal supervised or unsupervised.**
- 3) **Suspended Judgment and Referred to:**
  - a) **Preventive Services**
  - b) **House of Good Shepherd - Families Foremost Program**
  - c) **Kids Oneida Program**
- 4) **Out of Home Placement which can include:**
  - a) **Foster Care**
  - b) **Group Home Residence**
  - c) **Residential Treatment Centers**

Out of home placements happen only as a last resort for adjudicated PINS youth, where it has been proven in court that the youth continues to be at risk in that his/her behaviors continue, despite all diligent efforts to divert and correct the behaviors, and there is no substantial likelihood that the youth and family would benefit from further community-based supervision programs.

## WHEN ARE PRE-PINS REFERRALS APPROPRIATE?

A Pre-PINS referral should not be the first response to problem behavior or replace the authority and responsibility of parents and schools. A referral is appropriate only after parents and schools have made diligent efforts and when additional support is needed to try and resolve the problem behavior. Parents must understand that when there is a Pre-PINS referral made, they, along with their child, will be expected to cooperate with and participate in preventive services.

### SCHOOL

If the repeated offense by the youth involves truancy or incorrigibility in school, then the Pre-PINS referral needs to be made by the school **NOT** the parent.

Schools are expected to access services within the school to resolve the presenting problem, such as the use of Child Study Teams (CST), Instructional Support Teams (IST) and School Partnership for Youth (SPFY) services prior to making a Pre-PINS referral. When

the matter involves truancy and or incorrigible/ungovernable behavior at the school and the youth is a special education student, the school district cannot file a PINS petition unless a **Manifestation Determination Hearing** has been held by the Committee on Special Education (CSE) and the school has provided the Probation Department and the court documentation that the student's behaviors are intentional and ongoing and are not related to the student's disability, thereby warranting court action.

A *Pre-PINS Diversion Referral Form* must be completely filled out when making a referral. Also, if possible, a *Parent/Guardian Release of Information Consent Form*, signed by the parent/guardian, should accompany the *Referral Form*. This is needed to obtain the student's personal information pertaining to school.

**A school can file a Pre-PINS referral for truancy or ungovernable/incorrigible behaviors in the school setting or on school grounds.**

**When a parent refuses to cooperate with services in a school-referred PINS matter, an educational neglect report may be made regarding the parent if there has been a pattern of illegal absences.**

### PARENT

If the repeated offense by the youth involves habitual disobedience and ungovernable behavior strictly in the home, then it is appropriate for a parent/guardian to make a Pre-PINS referral. However, if the youth's incorrigible behavior occurs habitually both at school and home, then in the interest of keeping the family intact there are often compelling reasons to have the school refer the youth to the Probation Department. When a parent/guardian makes a Pre-PINS referral, it often intensifies an already adversarial relationship between the parent/guardian and their child.

Parents/Guardians are expected to make full use of one or a combination of the community-based services, which may include family and individual counseling, substance abuse treatment, parent/guardian and youth mediation, runaway and homeless youth services and mental health services. Mental health services could include evaluations, treatment plans and sometimes medication. If those services have been exhausted then the parent/guardian needs to call the Probation Department to set up an appointment with an officer prior to appearing at the probation office.

•If the youth is a RUNAWAY then the parent/guardian needs to notify their local law

enforcement agency and file a Missing Person's Report (MPR), prior to contacting the Probation Department. After a MPR report has been filed and the youth is unable to be located, then the parent/guardian should contact the Probation Department for further direction.

**A parent/guardian can file a Pre-PINS referral for their child's ungovernable/incorrigible behaviors occurring at home or in the community.**