

Raising the Lower Age
of Juvenile Delinquency –
Responding to Younger Children

Raising the Lower Age (RTLTA): What Does it Mean?

Effective December 29, 2022, New York State legislation is raising the lower age of juvenile delinquency from 7 to 12, with an exception for alleged homicide offenses.

RTLA: What Does it Mean?

- The intent of the law is to:
 - Remove these cases from the family court and juvenile justice systems
 - Prevent youth from future involvement in the child welfare and juvenile justice systems
 - Be responsive to children and their families using community services and early interventions and to address disparities in the child welfare and juvenile justice systems.

What's Different?

New Law

- Youth who are under the age of 12 who have committed an offense that would have been considered a criminal act (excluding homicide) prior to December 29, 2022 can no longer be charged with a crime
- No appearance ticket to appear at probation can be issued by police
- Youth cannot be processed as a JD and will not go to family court
- Youth and families should be referred to DCYF

Old Law

- Youth aged 7 and up could be charged with a crime and processed as a Juvenile Delinquent
- Police could issue appearance tickets in which the youth and parent would need to appear at the probation department
- The youth would be processed as a JD and either petitioned to court or complete JD adjustment through the probation department
- Orders of Restitution would be handled through the probation department

Exceptions to the Law

If a youth over the age of 7 and less than 12 commits one of the following acts that would constitute a crime if committed by an adult, such person shall be considered a juvenile delinquent:

- Aggravated criminally negligent homicide (PL 125.11)
- Vehicular manslaughter in the second degree (PL 125.12)
- Vehicular manslaughter in the first degree (PL 125.12)
- Aggravated vehicular homicide (PL 125.14)
- Manslaughter in the second degree (PL 125.15)
- Manslaughter in the first degree (PL 125.20)
- Aggravated Manslaughter in the second degree (PL 125.21)
- Aggravated Manslaughter in the first degree (PL 125.22)
- Murder in the second degree (PL 125.25)
- Aggravated Murder (PL 125.26)
- Murder in the first degree (PL 125.27)

Differential Response

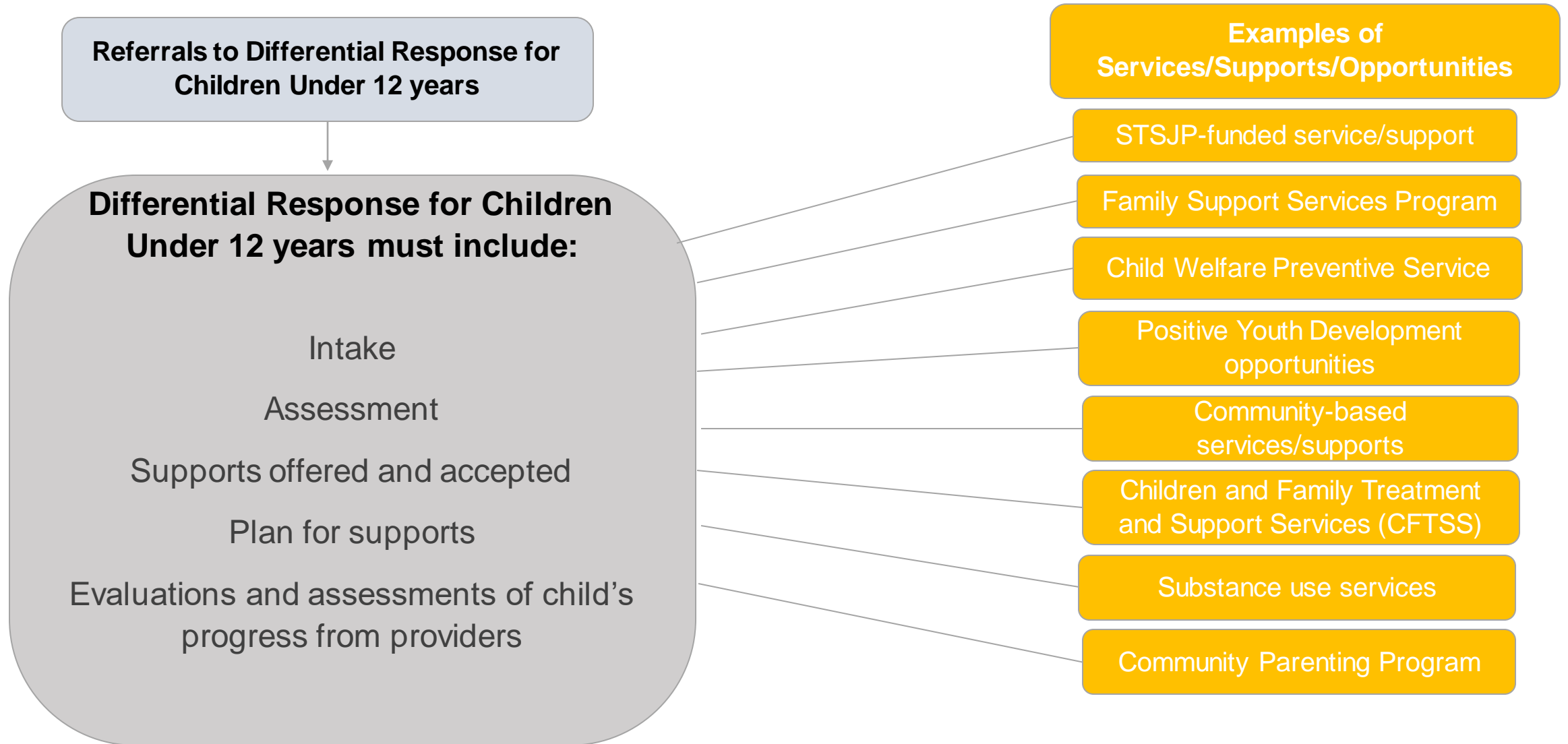
DR RTLA is:

- Opportunities, supports, and services for a child and their family
- Voluntary

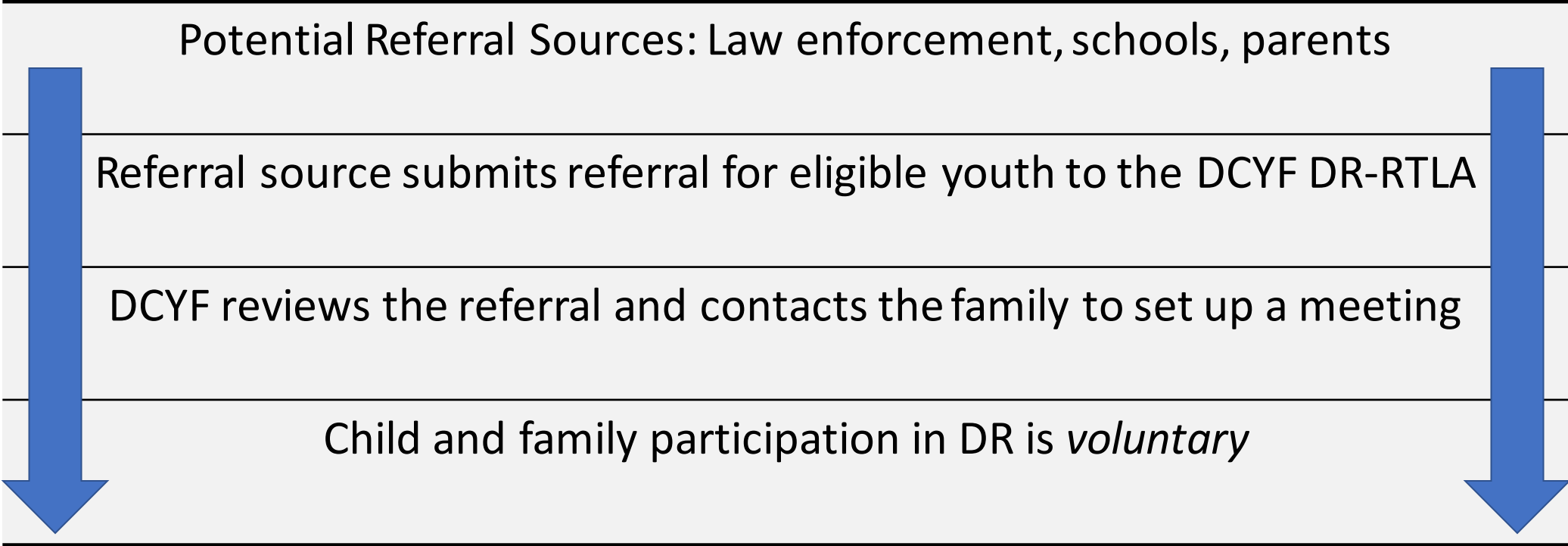
DR RTLA is not:

- PINS diversion services
- An alternative child protective response

Differential Response Structure



The Referral Process



Making/Receiving a Referral

OCF 5-2210 (09/2022)

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
**RAISING THE LOWER AGE OF JUVENILE DELINQUENCY
DIFFERENTIAL RESPONSE REFERRAL FORM**

New York State passed legislation that raised the lower age (RTLA) of juvenile delinquency from 7 to 12 years of age, except for alleged homicide related offenses (Chapter 810 of the Laws of 2021, as amended by Chapter 38 of the Laws of 2022). As of December 29, 2022, the new law requires that each local department of social services (LDSS) establish an RTLA differential response (DR-RTLA) program for children under 12 years old who no longer fall under the definition of juvenile delinquent under [section 301.2 of the Family Court Act](#) (FCA), and whose behavior would otherwise bring them under the jurisdiction of the family court pursuant to Article 3 of the FCA.

It is critical that the referral source complete and submit this form to the DR-RTLA program, so the DR-RTLA is aware of the reason for the child's contact with law enforcement (as applicable), can contact the child's family successfully, and offer needed services and supports.

- Form is to be completed to refer all eligible youth under age 12 to the DR-RTLA Program
- Form should be completed online and emailed to DCYF at: RTLA@albanycountyny.gov.
- Referrals are received during normal business hours

Date: [] / [] / []	
Name of agency or organization referring the child: []	
LDSS differential response program referred child to: [] (LDSS DR-RTLA contacts).	
Name of child: []	Child's DOB: [] / [] / []
Address: []	Child's Sex at Birth: []
Name of parent or person legally responsible for the child: []	
Telephone number: ([]) [] - []	Email address: []

Information related to the behavioral incident

Child's behavior: []	Date: [] / [] / []	Time: []	<input type="checkbox"/> AM <input type="checkbox"/> PM
Please include in the child's behavior description the reason it is believed this behavior would otherwise bring the child under the jurisdiction of the family court pursuant to Article 3 of the FCA but for their age.			
Location of child's behavior: []			
Referral source name and title (as applicable): []			
Telephone number: ([]) [] - []	Email address: []		

Instructions:

1. Referral source shall forward a copy of this referral form and any supporting information to the LDSS differential response contact (LDSS [DR-RTLA contacts](#)).
2. The parent or caretaker for the child shall also receive a copy of this referral form and the contact information for the LDSS differential response program.
3. Any immediate safety concerns for the child or others should be addressed immediately through current protocols and procedures as the LDSS differential response is not an emergency service.

The DR-RTLA Process

The DR-RTLA caseworker assesses the family for any immediate safety concerns

If the family agrees to participate, the caseworker conducts an assessment of the child's and family's strengths, needs, and challenges

The caseworker develops a support plan in partnership with the child and family that offers the least restrictive, most appropriate supports/services available

The caseworker facilitates referral to agreed upon supports/services and follows up with the child, family, and providers after 30 days

The DR-RTLA case is considered completed 90 days from the initial referral or when the child turns 12

Support Plan Development

- Family and child led
- Initiated within 15 days of the referral
- Interventions will be recommended based on the assessment using the service continuum
- Facilitated referral process

Services, Supports and Opportunities

- Positive Youth Development Programming
- Housing/Food/Clothing Supports
- Parent Peer Support and Skill Development
- Educational Supports
- Mentoring
- Behavioral Health Services and Supports
- Child Welfare Preventive Services (if eligible)

Case Closure

The Differential response case closure has no impact on the child's and family's continued participation in the services/supports

The DR-RTLA Timeline

DR-RTLA Practice Time Frames Chart

DR-RTLA Program Action	Time Frame
Receive referrals for the DR-RTLA program	During LDSS regular business hours
Child eligibility determination	Determined based on referral information
Contact the family of an eligible child	Within 1 business day of receiving a referral
Schedule an appointment with the child, family and any familial supports	Within 7 business days of receiving a referral
Support plan development with eligible child and family	Initiated within 15 days of the referral to the DR-RTLA
If a family declines DR-RTLA program and agrees to 30-day check-in, contact the family	30 days after the initial contact with the family
Contact with the family, eligible child and agreed-upon providers	30 days from the development of the support plan
Contact with the family, eligible child and agreed-upon providers	Within 7 days prior to the anticipated DR-RTLA case completion
DR-RTLA case completion	90 days from the initial DR-RTLA referral or when the child turns 12, whichever is sooner

Records, Retention, and Confidentiality

- DCYF will maintain a case file for every case
 - *Case information shall not be entered into any NYS electronic system, including but not limited to the CONNECTIONS system*
 - Select case information will be entered into an Excel database that is only for RTLA cases
 - Records will be maintained for five (5) years after an eligible child has been referred to DR-RTLA or until the eligible child reaches the age of twelve (12)
 - Records are confidential and shall not be disclosed except as set forth in the law

Resources

- NYS Office of Children and Family Services:
<https://ocfs.ny.gov/programs/youth/raise-the-lower-age/>
- Michelle Dowe, DCYF Director of Child Welfare:
RTL@albanycountyny.gov; 518-447-7500

Questions?