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## ***LEGAL AID APPLAUDS NEWLY ADOPTED REFORMS TO NEW YORK STATE'S JUVENILE PAROLE SYSTEM***

(NEW YORK, NY) – **The Legal Aid Society** lauded the New York State Office of Children and Family Services (OCFS) for adopting a set of reasonable [rules](#) that reform the State's juvenile parole system (aftercare).

“Youth cannot be afforded less due process protections than adults when deprived of their liberty. We are pleased that OCFS enacted necessary and fair procedural protections for youth facing revocation of their conditional release, adopting many of our proposals including a meaningful opportunity for youth to defend themselves and present mitigation evidence,” said **Dawne Mitchell, Attorney-In-Charge of the Juvenile Rights Practice at The Legal Aid Society.**

### **Background**

In April, in a case brought by The Legal Aid Society, the New York State Supreme Court [found](#) that the New York City Administration for Children's Services (ACS) had been unlawfully reincarcerating hundreds of children since 2012, after the implementation of “Close to Home” – a juvenile justice reform initiative designed to keep youth close to their families and community. After “Close to Home” became law, Legal Aid clients and other New York City youth were placed in the custody of ACS.

Up until the implementation of “Close to Home,” youth adjudicated as juvenile delinquents were placed in the custody of OCFS. State regulations governed aftercare, a process that is akin to parole in the criminal justice system. Those regulations governed when and how OCFS could

release a youth; supervise that release; and revoke that release. However, Close to Home, a welcome change in the law, contemplated a framework for parole release, supervision, and revocation - to be administered by ACS, and it required OCFS to promulgate regulations to grant ACS that authority.

OCFS never promulgated such regulations – which OCFS acknowledged in an April 2019 memo justifying the promulgation of emergency regulations for the first time – and for years, ACS and individual hearing officers, without guidance from the state, unlawfully manufactured an entire scheme for aftercare release and revocation of youth, which led to the unlawful re-incarceration of hundreds of New York City youth.

Without lawful regulations in effect, hearing officers arbitrarily determined whether to apply an internal ACS policy – which the Court ruled lacked any authority – or outdated OCFS regulations, that were inapplicable to ACS. As a result, youth were unable to adequately defend themselves when faced with release revocation. These ad hoc practices resulted in inconsistent outcomes and arbitrary determinations.

This past April, OCFS published emergency regulations for ACS in response to [litigation](#) brought by Legal Aid. After a lengthy comment period, OCFS finally adopted the new rules, incorporating many of the proposals submitted by The Legal Aid Society.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. <https://www.legalaidnyc.org>*