

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR BURKE**

**Re: Urging the State to Fully Fund New Costs Related to Raising the Age of Criminal Responsibility and to Invest in Provider Capacity to Ensure Appropriate and Meaningful Services and Diversion Programs are Available to those who need them**

**WHEREAS**, the State has enacted legislation to raise the age of criminal responsibility in New York effective October 1, 2018; and

**WHEREAS**, the State has indicated they will fully fund incremental costs county governments incur related to raise the age provisions as long as they remain within the State-imposed property tax cap; and

**WHEREAS**, significant questions remain unanswered on how incremental costs will be defined and how counties will be treated in regard to State reimbursement; and

**WHEREAS**, the State currently caps funding for foster care and youth detention, limits reimbursement for other child welfare and probation programs, and is proposing the elimination of Persons in Need of Supervision funding by 2020 under the new law, causing concern among counties of a potentially significant increase in unreimbursed State mandated costs related to changing the age of criminal responsibility; and

**WHEREAS**, structural changes to raising the age of criminal responsibility will require a significant investment in services based on a children and families social services model and a significant recalibration of the treatment of impacted youth and their families in the court, juvenile justice and educational systems; and

**WHEREAS**, the human services based models will require the need for enhanced job-training skills, significant engagement of the education system before youth need intervention, transportation supports, drug and alcohol treatment, family and individual counseling, remedial and vocational education for youth and adults, coordinated mental hygiene services, case management, and an increase in trained foster parents with skills to care for and provide guidance to older troubled youth, and other interventions resulting in higher expenses; and

**WHEREAS**, the law includes significant reforms to and places new mandates upon public safety, youth detention, probation and county legal departments; and

**WHEREAS**, there are significant changes required under the law to the criminal justice system for youth requiring a fundamental realignment of court jurisdiction; training of judges, prosecutors, defense attorneys; and numerous other activities that are under the control of the Judicial Branch of New York government; and

**WHEREAS**, many regions of the State continue to struggle with ensuring they have adequate capacity to provide the type and quantity of necessary services to affected youth and their families in their local communities; and

**WHEREAS**, numerous questions related to the new legal and judicial requirements remain open; and

**WHEREAS**, the Governor's Office and State agencies continue outreach efforts on the new law in coordination with county officials and others that will implement the law, but process and other implementation issues remain unsettled and are causing counties concern.

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Erie County Legislature calls on the State of New York to fully cover all new costs associated with changing the age of criminal responsibility for counties and New York City to avoid the imposition of a new unfunded mandate on local taxpayers; and be it further

**RESOLVED**, the State should consider removing fiscal caps for foster care and youth detention as part of this age of criminal responsibility reform, as well as restore the 65% State matching rate for child welfare services and continue State funding for the Persons in Need of Supervision program; and be it further

**RESOLVED**, the State is encouraged to conduct extensive outreach and engage the K-12 school system as a partner in these systemic reforms; and be it further

**RESOLVED**, given the fast approaching deadlines for "raise the age", this Honorable Body strongly encourages the State to consider a waiver process during the early transition years, especially in regard to finding appropriate placement options for youth and families in need of services; and be it further

**RESOLVED**, that fiscal waivers should be guaranteed by the State for counties in the early years of the transition, or until such time that reliable historical data is available to help counties develop accurate budget projections; and be it further

**RESOLVED**, counties strongly encourage State agencies and the judicial branch to continue to work with counties on solidifying pending fiscal, caseload and other costs related to this law as soon as practicable so that counties can prudently plan their budget, staffing and fiscal needs in a timely manner; and be it further

**RESOLVED**, the State should recognize there will need to be flexibility in implementing raise the age, such that, a staggered roll-out may be appropriate in some counties depending on local conditions and service capacity; and be it further

**RESOLVED**, that Erie County expresses its appreciation for the outreach by the Governor and State agencies related to implementation of raise the age and we strongly encourage this dialogue to continue and be expanded in the future; and be it further

**RESOLVED** that certified copies of this resolution shall be transmitted to Governor Andrew M. Cuomo, the New York State Legislature, Erie County Executive Mark Poloncarz

and all others deemed necessary and proper.

**Fiscal Impact:** None for this resolution.