



The PINS Process

Hotline: (212) 343-1122 • www.LIFTonline.org

What is a PINS petition?

Persons in Need of Supervision (soo-per-VI-shun), or **PINS**, is a term used to describe a child under the age of 18 who has committed a **status offense**. Examples of a status offense are running away, using marijuana, or skipping school.



A PINS petition is a written request asking the Family Court to get involved when other efforts to control a child have failed.

Who can file (ask for) one?

Most PINS petitions are filed by the parent or caregiver of a child. But school officials, police officers, people injured by the child, or the **Administration for Children's Services (ACS)** may also file a PINS petition.

How do I start a PINS case?

Before you can start a PINS case in court, you **MUST** first work with the **Family Assessment Program (FAP)**. You can only start a PINS case when FAP informs you that they cannot help any more. At that point, to start a case, you must file a PINS petition in the Petition Room in Family Court.

What is the Family Assessment Program (FAP)?

FAP is run by ACS in partnership with the **Department of Probation (DOP)**. FAP is sometimes called **diversion** (di-VER-shun) or **diversion services**. FAP tries to help families take care of their problems without going to court. FAP is also sometimes called the "designated lead agency."

What if my child has run away?

If your child has run away, you can ask the court to issue a warrant. After the judge issues the warrant, the police will look for your child. When they find your child, they will bring him or her to court right away. To get a warrant, you must file a PINS petition stating that you want one. If you need a PINS warrant, you do **NOT** have to go to FAP first. Depending on where you are, you may have to file a missing person report first. You may have to bring the report to FAP. After your child is found, you may have to go to FAP for services.



What if FAP cannot help?

Based on certain criteria the FAP worker will refer your case to DOP. Everyone will decide whether or not you can start a PINS case.

What can happen if I go to court?

Different things can happen in court:

- You and your child may agree that a short stay in foster care (usually at a group home) is the best thing for everyone.
- You and your child may agree that working out the problems at home is best for everyone.
- You and your child may not agree about what is best. When this happens, the judge can select a date for either a **probable cause hearing** or a **fact-finding hearing**. A hearing is a proceeding before a court.
- The judge can refer the case back to FAP.

What is a probable cause hearing?

A probable cause hearing is scheduled when a judge needs to decide if your child should stay somewhere else until the fact-finding hearing. A judge who thinks your child might not show up at the fact-finding hearing, can order your child to stay in a **non-secure facility** until the next court date. A non-secure facility is a place where your child is not locked in.



What is a fact-finding hearing?

A fact-finding hearing is a trial. At this trial, you must prove to the court that your child did what you said he or she did in the PINS petition. You will be able to **testify**, or tell the court, about what happened and bring in other evidence. Evidence is the information people give the court to prove their case.

At the fact-finding hearing, the judge can:

- Decide that your child did what you said. If this happens, the judge will set a date for a **dispositional** (DIS-po-ZI-shun-al) **hearing**.
- Dismiss the case.

What is a dispositional hearing?

A dispositional hearing is when a judge decides what will happen to your child as a result of the PINS case. This includes where your child will live for the next 12 months or less. The judge also decides what services your child will get. The judge will sign an order that does one of the following things:

- Gives your child a **suspended judgment**. This may include things your child must do or must not do. If your child does what the judge says, the case may be dismissed.
- Puts your child on **probation** (pro-BAY-shun). This means your child has to meet with a probation officer and follow certain rules.
- Put your child in a group home, a foster home, or some other non-secure facility. This may happen if you do not want your child to return home or the child does not want to go home.

If the judge places your child in a non-secure facility, group home or foster home, you may be responsible for financially supporting him or her. This means that a child support case may be started against you.

- **Adjourn the case in contemplation of dismissal** (ACD) for up to six months. If everything is okay during that period, the case will be dismissed.

Please note: PINS is not the same as a **juvenile delinquency** (JU-vin-ile de-LIN-kwin-see) proceeding. It does not create a criminal record. Your child cannot be put in a secure or locked facility as a result of a PINS case.



Remember: Your child cannot be locked up or sent to “boot camp” as a result of a PINS case.

What if my child does not follow the order?

If your child does not follow the order, the person who started the PINS case can file a **violation** (vy-o-LAY-shun) petition in Family Court. The court may then hold a new dispositional hearing. At this hearing the judge can change the order.

Can I still use FAP after I have filed a PINS petition?

Usually FAP will help at any time. When the case is in front of a judge, the judge will usually refer the case back to FAP, if that is what the family needs. However, sometimes FAP does not work with a family if the family is being investigated for abuse or neglect.

Can an abuse and neglect proceeding be started against me if I start a PINS case?

Yes, if the court finds that the behavior of your child was the result of something you did that could be considered abuse or neglect. For more information, see LIFT's guide "Rights and Responsibilities: A Guide for Parents Involved in Child Protective Proceedings."

Please note that FAP workers are mandated reporters. Mandated reporters must report any abuse or neglect that they have reason to believe is happening.

Can I have a lawyer?

The person who files the PINS petition does NOT have an automatic right to a lawyer appointed by the court. However, if your child may enter foster care, the judge MAY assign a lawyer to help you with the case. If the judge does not assign a lawyer, you may hire one.

Is my child assigned a lawyer?

Yes. The court MUST appoint a lawyer, called a **law guardian**, or **attorney for the child**, to represent your child.

What else can I do to get my child help?

Counseling and mediation

(mee-dee-AYE-shun) are ways to help your child. Counseling is when a social worker or someone else who understands children talks to them. Mediation is when someone helps you and your child work out a way to get along. If you use counseling or mediation in place of a trial, there will be no court record. Contact FAP to learn about these services.



Locations and phone numbers of the Family Assessment Program (FAP)



Brooklyn

345 Adams Street, 8th Floor
Brooklyn, NY 11201
718-260-8550 or 718-260-8508

Bronx

220 E. 161st Street, 2nd Floor
Bronx, NY 10451
718-590-6700 or 718-590-7987

Manhattan

New York County Family Court
60 Lafayette Street, 2nd Floor
New York, NY 10013
212-341-0012

Queens

Queens County Family Court, 4th Floor
151-20 Jamaica Avenue
Jamaica, NY 11433
718-725-3244

Staten Island

350 St. Mark's Place, 5th Floor
Staten Island, NY 10301
718-720-0418

This document should not take the place of a consultation with a lawyer. LIFT encourages all individuals involved with the Criminal and Family Court systems to consult with a lawyer.

Hotline: (212) 343-1122 • www.LIFTonline.org