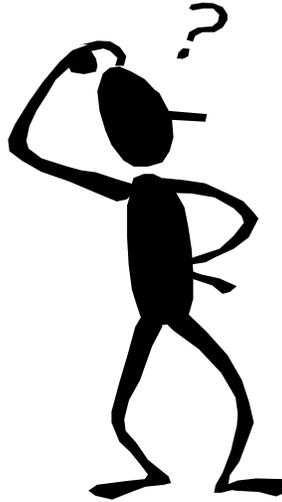


# PINS

## Persons In Need of Supervision



What is PINS?  
What are my rights?

### **The Door's Legal Services Center**

121 Avenue of the Americas  
(entrance at 555 Broome Street)  
New York, NY 10013  
(212) 941-9090, ext. 3280

### **What is PINS?**

A **PINS** is a person under the age of **18** that a Family Court has determined has a pattern of ungovernable behavior.

→ Examples of ungovernable behavior:

- refusing to attend school when required to by law;
- running away from home without a valid reason;

- staying out late at night;
- using alcohol or other drugs;
- stealing from home;
- refusing to obey a parent's reasonable rules.

→ A **PINS** proceeding is not a criminal proceeding.

## **How does a person become a PINS?**

→ In most cases, a parent or legal guardian will file a PINS petition in Family Court. But before the petition can be filed, the court will set up a preliminary conference with a probation officer or a social services worker to attempt to work out the problems between the young person and the parent or legal guardian usually through counseling.

→ If the problems cannot be resolved through available services, then the parent/guardian may file a PINS petition in family court alleging specific instances of misbehavior by the young person. A petition is a written document that asks the family court to determine what the young person and the parent/guardian should do to solve the problems.

→ A PINS proceeding has two parts:

- (i) fact-finding hearing to determine if the statements in petition are true; and
- (ii) if the statements are found to be true then a dispositional hearing is held to determine if the young person is a PINS.

## **What rights do you have in a PINS proceeding?**

→ **You have a right to a lawyer.** The court must appoint you a lawyer if you do not already have one.

→ **You cannot be thrown in jail.** After the petition is filed, the court can order you to return home or order placement outside of home, either with a relative or in a foster care facility. The court can place you in a foster care facility if the court believes that you will not appear in court for the hearing or that you are at a serious risk of committing a crime before the hearing.

→ If you are over 16, the court cannot order you into a foster care facility unless the court determines and states in an order that special circumstances exist that justify you being put in foster care.

→ You have the right to remain silent at the fact-finding hearing. You should speak with a lawyer before you go to a preliminary conference.

→ Your parent must prove that they exercised proper supervision and made reasonable efforts to prevent you from committing the acts you are accused of.

→ The PINS petition must allege a specific course of conduct, not just one instance of misconduct, that you intentionally followed.

→ If the petition is filed after your 18<sup>th</sup> birthday, it must be dismissed, even if the misconduct occurred before your 18<sup>th</sup> birthday.

## **What does the Family Court do if a person is found to be a PINS?**

The court can order a young person to return home or order a young person to go into foster care or live with a relative. The court can also order a young person to follow certain rules or order a young person to take specific actions.

→ Examples of court orders include:

- living arrangements;
- household rules;
- curfews;
- drug treatment; or
- other appropriate remedies.

## **Other important information you need to know about:**

→ The court can issue a warrant against you if you fail to appear in court for a PINS proceeding. A warrant gives the police the power to pick you up and take you to family court to appear before a judge.

→ The police can return any person under the age of 18 to their home if the young person ran away from home without a valid reason.

→ The Family Court has the authority to substitute a neglect petition for a PINS petition if the court suspects the parent or guardian is part of the problem. If you believe that your parent is abusive or neglectful, tell your lawyer and the judge.

If you have any questions or concerns or need further information about PINS, contact:

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