

An Act Regarding Children and Families Requiring Assistance

Background

In 1973, Massachusetts replaced statutes criminalizing youth behaviors that include running away, truancy, disobedience to parents, and violating school rules with a status offender system. The fundamental principle behind the statutory shift was the belief that these behaviors were not offenses against society, but rather behaviors contrary to the youth's own self-interest. However, even though policymakers had deemed it inappropriate to focus on determining the innocence or guilt of these "children in need of services," decriminalization did not precipitate a withdrawal of the state from the children's lives. The advent of status offender systems facilitated a redirection of state efforts from punishing troubled children to diverting them from the courts and providing them with special services.

The CHINS system, since its inception, has been studied by multiple commissions to evaluate if the status offender system was working for the youth involved. Each study commission has returned recommendations to improve the system varying from repealing the system to giving the courts greater control over the youth involved.

In 2005 Senator Karen E. Spilka, Chair of the Joint Committee on Children and Families, called together a task force to explore the practices and laws around the children in need of services (CHINS) system. This group was formed after the committee heard multiple bills around CHINS reform where the same families came to testify for the past decade on the need for change to this system. Senator Spilka as Chair of this newly formed committee wanted to use the legislative process to implement change. Senator Spilka invited over 100 stakeholders involved with the CHINS system to form this task force.

In January of 2007, Senator Spilka filed new legislation, based on the task force's recommendations and other states' best practices, to reform the CHINS system. This legislation is continues to undergo changes as Senator Spilka receives feedback from the task force and members of the community.

General Overview

This legislation proposes an accountable, community based crisis intervention system to provide consistent services throughout the Commonwealth to address the needs of families and children in crisis, by providing them with an array of resources. The goal is to preserve and strengthen families while ensuring the healthy, emotional, mental and social development of the child.

The major changes are the creation of a state wide system of community-based crisis intervention centers and the streamlining of the juvenile justice status offender system. Coordinated community based services will provide the family and child with an immediate response to a family crisis and connect the family to additional services in the community. These services will be provided on a continuum of increasing intensity with the goal of keeping the child out of the juvenile justice system. The juvenile justice system would be reserved for families as a last resort, no longer being the door to social services.

Children and Families Requiring Assistance Process

➤ Community-Based Crisis Intervention System

These community-based centers would be overseen by the Executive Office of Health and Human Services (EOHHS). EOHHS would be charged with designing the model to deliver the services, basing centers in current agencies or non-profit organizations, adopting a standard intake process and creating a data collection system. The services provided will be focused on diverting children from the juvenile justice system. Services from these centers are prior to any legal processes or intervention and would be focused on the entire family and not just the child.

These services are open to:

- All children and families 24 hours a day, 7 days a week
- Families with children between the ages of 7-18
- Services are available on a voluntary, walk in basis

Services include but are not limited to:

- All families who enter the center will be screened and assessed
- A family plan of action will be drafted between a case manager and the family
- These services will last for three months with a possible three month extension

At the conclusion of the service plan a determination will be made whether or not the goals of the family plan were met. The case will either be discharged with success or it will be referred to the juvenile court system where families can access more intensive services.

➤ Juvenile Justice System for Status Offenders

The streamlining of procedural requirements for the juvenile justice system will ensure due process for children and families requiring assistance. It will continue the goal of promoting diversion and family unity. After the family has shown proof that they have attempted services from the community-based center, a parent or legal guardian, police officer or school district may file a request for assistance with the court. Once this takes place the services are no longer voluntary. A probation officer will then be assigned to the case for more intensive services for the family and child. The child will also receive legal counsel at this time.

The probation officer will:

- Complete a standardized initial intake of the family and child
- Draft a contract between the family, for the best course of action for success
- These services will last for three months with a possible three month extension
- Determine if the family is working towards completing the plan's goals; if so the case will be dismissed from court

If the family plan not being met, the case will be heard by a juvenile court judge. If the judge determines the child will be better served with placement outside of the home, the parent will receive legal counsel. This placement will be reviewed every three months with a maximum stay of one year. The judge may also determine that additional services are required or may also send the family back to the community-based program.

**For more information contact: Lead Sponsor: Senator Karen Spilka, Room 511-C, State House
617-722-1640**