

**Questions and Comments to S.113 from 11/14/07 Hearing
Compiled 7/6/23 3-12-08**

- Parents right to counsel – SJC ruling
- 72 hour response team approach to the child – Boston Police Dept.
- Cases where exploitation are identified place child in house placements that are locked for 7-10 days / use this as clearing house where all the agencies involved with the child are identified and action steps are in place prior to discharge – Boston Police Dept.
- Section 2 – concern over the implementation of new programs and the use of funding from trauma sensitive schools (currently CH.69, Sec. 1N (b)) – wants the truancy intervention program placed entirely into Chap. 69, Sec. 10 to establish a separate program – Rep. Wolf
- Infringement on Constitutional Separation of Powers – line 518-21 caseworkers for HHS would have the power to dismiss a court proceeding – Commish of Probation
- Creates a system of delays – Commish of Probation
- Statutory Evidentiary Issues – lines 512-13, 526-28, what if parents agree and child does not, or vice versa
- Probation as data collection agency – line 475-81. “yet this legislation absurdly would require the probation service to establish and operate a database that would collect information regarding insurance ...”
- Compel agencies to provide services – all of the probation testimony
- Allow children and families to go directly to the courts – Asst. Sec. Chase, courts
- Retain a higher burden of proof which is under the current statute – petitioner must prove beyond a reasonable doubt that a child is in need of services. The bill should require that the petitioner prove beyond a reasonable doubt that a child for whom community-based services were either not available or ineffective is, in fact, a child requiring assistance before he is subject to court-ordered conditions. – ACLU
- Bill should incorporate explicit protections for a child engaged in community-based services to prevent the child’s school district from utilizing any information gained in staffing meetings against him in the context of school disciplinary proceedings. - ACLU

- Define periodic reviews as to when that occurs – 8(vii) – parent of child
- In section 39O (2) – a copy of the request for assistance should also be served to the child named – parent of child
- Involve the Juvenile Court Clinics in providing emergency court evaluations for high risk kids – Rebecca Pries
- Truancy age – I have notes that say 7 and 12 but the draft says 6
- Jim Morton has concern in line 116 – the use of the social security act (I think we meant the Rosie D compliance)