

SECTION 1. The General Laws as appearing in the 2006 official edition are hereby amended by adding after chapter 6A section 16G the following new section:

Section 16H. Community-based services for families and children

1. *Whereas* families in the Commonwealth whose children are truant, runaway and acting in a fashion that interferes with their parent's ability to adequately care for and protect said children are families in crisis; and

Whereas the issues facing said children and families are complex and the services which would best assist such families are not always available from a single agency or department of the Commonwealth and the collaboration among multiple public and private agencies and offices is required to ensure that all children and families receive the services they need to succeed; and

Whereas the current efforts to help said children and families lack accountability and consistency; and

Whereas services are not consistently available in all communities;

Therefore, it shall be the policy of the Commonwealth to develop a flexible, consistent, and accountable system of community-based programs to assist said children and families.

2. It is the intent of the General Court to create an accountable, community-based system that provides 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 of said system is to preserve and strengthen families while ensuring the healthy behavioral, social and educational,

development of the child. These services shall focus on creating a stable environment and

strengthening the family as a whole while emphasizing parental responsibility. These services

shall also focus on assisting children who are at risk of dropping out of school. Nothing in this

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24 act is intended to abrogate the responsibility of the education system to provide educational
25 services as required by state and federal law.

26 Said community-based system shall provide the family and child with immediate responses for
27 the stabilization of the family, as well as to connect the family to additional services in the
28 community through referrals and advocacy. The services provided to the families and children
29 involved shall be provided on a continuum of increasing intensity with the goal of keeping the
30 child out of the juvenile justice and child protection systems. The system shall include a
31 mechanism for the collection and analysis of information which will enable the Commonwealth
32 to evaluate the effectiveness of services and to identify gaps in services. It is the intent of the
33 General Court to reserve judicial intervention for those children and families who require
34 services beyond said community-based services in order to achieve stabilization and resolution.

35 3. For the purpose of this Section the following words shall have the following meanings:

36 ‘Child requiring assistance’: a child between the ages of 6 and 18 who repeatedly runs away
37 from the home of his parents, legal guardian, or custodian or repeatedly fails to obey the lawful
38 and reasonable commands of his parents, legal guardian, or custodian, thereby interfering with
39 said parent’s, legal guardian’s, or custodian’s ability to adequately care for and protect said child
40 or repeatedly fails to obey the lawful and reasonable regulations of his school or who is
41 habitually truant;

42 “Community-based services”: services, including coordination of services, that are designed to
43 assist families with children requiring assistance so that, where appropriate, such children will be
44 able to: continue residing with their families in their home communities; continue as students in
45 their community schools; strengthen relationships with their families.

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50 “Community Service Agency” : a community-based organization providing services under
51 contract with the Commonwealth, whose function is to facilitate access to and ensure
52 coordination of services for families with children with serious emotional disturbance who
53 require or are already utilizing multiple services, or are involved with multiple child-serving
54 systems including, but not limited to, the juvenile justice system, department of mental health,
55 and special education, as agreed upon under the settlement dated August 29, 2006 entered into
56 by the parties of Rosie D. et al v. Romney civil action No. 01-30199-MAP filed in the United
57 States District Court.

58 ‘Family with children requiring assistance’: the parents, guardians, custodian, siblings, and any
59 other relatives or caretakers responsible for a child between the ages of 6 and 18 who need
60 assistance from state, local, or private agencies, or providers of social, educational health, mental
61 health, or behavioral health services in order to adequately care for and protect the child;

62 ‘Habitually truant’: a school-aged child, not otherwise excused from attendance in accordance
63 with the lawful and reasonable regulations of his school who fails to attend school for more than
64 8 school days in a quarter;

65 ‘Secretary’: the secretary of the Executive Office of Health and Human Services.

66 4. (a) Subject to appropriation or availability of third party reimbursement, the secretary shall:
67 (i) develop a model for delivery of community-based services to families with children
68 requiring assistance which shall form a basis of a network of child and family service
69 programs developed in this section. The purpose of the network of community-based
70 services program shall be to assist families so that children will be able to continue
71 residing with their families in their home communities; assist families to enable children

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Deleted: in consultation with the Commissioner commissioners of the Department departments of Children children and Familiesfamilies, the Commissioner of the Department of Youth youth Servicesservices, and the Commissioner of the Department of Mental mental Healthhealth, and public health shall...

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80 to continue as students in their community schools; strengthen the relationships between
81 children and families; and provide coordinated, comprehensive, community-based
82 services for children at risk of dropping out of school, delinquency, or engaging in
83 behaviors which impede the likelihood of their leading healthy, productive lives. The
84 secretary may enter into contracts with the Community Service Agencies (CSAs), local
85 schools, other local public agencies, private organizations, or medical or mental health
86 care providers who shall act as ~~community-based service centers~~, to implement the
87 network and provide services which are within their capacity. The ~~community-based~~
88 ~~service centers~~ shall be encouraged to subcontract with other local providers as needed to
89 provide the full complement of services required under this section.

90 (ii) make grants for the coordination of community-based services which may include
91 outreach, intake, screening, assessment and referral. In awarding the grants, the secretary
92 shall seek to promote efficiency and access to existing services. Grants may be awarded
93 to existing networks of community-based services. Referrals may be provided for
94 services, including but not limited to: eligibility ~~determination~~, behavioral health,
95 medical, counseling, safety, education, learning disabilities, employment, mentoring,
96 family and parent support, civic engagement and community service, after school and
97 out-of-school opportunities, residential programs, non-residential programs, crisis
98 management and case management.

99 (iii) pilot alternative systems to address the problem of children running away from their
100 parents, legal guardians, or custodians. Two grants shall be awarded for runaway
101 treatment and prevention programs, one in an urban location and one in a rural
102 location. Grants may award funding for up to five years subject to demonstration of

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effectiveness and the submission of annual reports to the secretary;

(iv) develop standards necessary to achieve and maintain on a statewide basis comprehensive and integrated community-based services for children and families;

(v) monitor and provide technical assistance to providers of community-based services;

(vi) adopt a standard intake screening and assessment tool to evaluate all families and children seeking community-based services which identifies the family's strengths, resources, and service needs such as mental health, behavioral health, or substance abuse treatment, basic family shelter, clothing and food needs, child care needs, health insurance status, legal issues, education placement, and child protection;

(vii) create a data collection system for use by programs within the network of child and family service programs developed pursuant to this section which maintains the privacy of clients served, assists programs and the executive office of health and human services in addressing the needs of the population to be served, collects information related to, among other things, the insurance status and benefit coverage of clients served, income documentation as needed to apply a sliding fee scale for payment or waiver of payment for services, and other information that may assist the program and the secretary in providing services, identifying service needs and gaps, and evaluating the effectiveness of community-based services.

(viii) establish a network of child and family service programs throughout the commonwealth to provide community-based services to families with children requiring assistance.

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Deleted: who are at risk of contact with the juvenile justice system or the child protection system, families with children requiring assistance, and children who require assistance. The secretary shall may enter into contracts with the Community Service Agencies (CSAs), local schools, other local public agencies, private organizations, or medical or mental health care providers who shall act as Community-Based Service Centers, to implement the program and provide services which are within their capacity. In awarding the contracts the secretary shall seek to promote efficiency and access to existing services. The Community-Based Service Centers shall be permitted, subject to approval by the Secretary, encouraged to subcontract with other local providers as needed to provide the full complement of services required under paragraph 8 of this section.

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Deleted: The purpose of the community-based services program shall be to assist families so that children will be able to continue residing with their families in their home communities; assist families to enable children to continue as students in their community schools; strengthen the relationships between children and families; and provide coordinated, comprehensive, community-based services for children at risk of dropping out of school delinquency, or engaging in behaviors which impede the likelihood of their leading healthy, productive lives... (c) The secretary shall: → → → → → ¶

(i) design models for delivery of community-based services by community-based organizations and collaborations of public and private organizations; ¶

(ii) pilot alternative systems to address the problem of children running away from their parents or legal guardians; ¶

(iii) develop standards necessary to achieve and maintain on a statewide basis comprehensive and integrated community-based services for children and families; ¶

(iv) monitor and provide technical assistance to providers of community-based services; ¶

(v) adopt a standard intake screening and assessment tool to evaluate all families and children seeking community-based services which identifies the family's strengths, resources, and service needs such as mental health, behavioral health, or substance abuse treatment, basic family shelter, clothing and food needs, child care needs, health insurance status, legal issues, education placement, and child ... [1]

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(i) design models for delivery of community-based services by community-based organizations and collaborations of public and private organizations; ¶

(ii) pilot alternative systems to address the problem of children ... [2]

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(iii) develop standards necessary to achieve and maintain on a statewide basis comprehensive and integrated community-based services for children and families; ¶ ... [3]

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268 5.
269 (b) The secretary shall issue requests for proposals for the provision of community-based
270 services. Proposals must demonstrate expertise in assisting children and families who are at risk
271 of contact with the juvenile justice system or the child protection system and program staffing
272 which meets the credentialing and caseload criteria as defined by the secretary. Proposals shall
273 also require that applicants submit:

274 (i) A plan for development, implementation and coordination of services as required
275 under this section for families from public and private providers;

276 (ii) A plan for the establishment of a local advisory board which, shall focus on the needs
277 of families and children at risk of involvement in the juvenile justice system and the child
278 protection system. The advisory board shall include: representatives from school districts,
279 police officers, juvenile probation officers, district attorneys, attorneys who represent

280 children and parents, mental health clinicians, behavioral health providers, parents and
281 youth. The advisory board may also include local religious organizations, representatives
282 of local businesses, higher education, social service agencies, public health agencies and
283 other persons with experience in assisting youth and families in crisis. Membership shall
284 be broadly representative of the racial ethnic and economic diversity of the community.

285 The local advisory boards may, where necessary to facilitate work in communities, create
286 similarly constituted work groups for each municipality in the service area;

287 (iii) Periodic evaluation of the success in achieving program goals and a process for
288 making adaptations and improvements based on evaluation information.

Deleted: 5. (a) Subject to appropriation, the secretary shall make grants for the purpose of planning, establishing, operating, coordinating, and evaluating centers, which will provide community-based servicesCommunity Based Service Centers. At least one grant shall be awarded for the operation of a community-based services program in each of the 29 Department department of Children children and Families families' service areas. Additionally, two grants shall be awarded for runaway treatment and prevention programs, one in an urban location and one in a rural location. Grants may award funding for up to five years subject to demonstration of effectiveness and the submission of annual reports to the secretary.

Deleted: b) Preference in awarding the grants shall be given to the CSA for the service area wherever the experience and resources of the CSA will promote efficiency and increased access to services. In circumstances where, in the judgment of the secretary, the CSA is not the appropriate selection for the Community-Based Services Center, proposals may be submitted by a local school or other local public agency or private organization or medical or mental health care providers.

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320 6. (a) Community-based services shall be available to children between the ages of 6 and 18 who
321 are habitually truant or children between the ages of 6 and 18 who run away from the home of
322 their parents, ~~legal guardian, or custodian~~ or refuse to obey the lawful rules of their parents, ~~legal~~
323 ~~guardian, or custodian~~ or repeatedly fail to obey school rules and to families whose children
324 engage in such behaviors.

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325 (b) Whenever the staff of the program offering community-based services determines that a
326 family seeking or referred for services for a child has significant and complex medical needs
327 which cannot be met by the program or where the child's behavior presents a significant risk of
328 harm to the child himself, the family or the community, the child and family shall be referred to
329 other services pursuant to ~~subsection 4 of this section~~.

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330 (c) Where a youth has been charged with a delinquency offense or is an adjudicated delinquent,
331 eligibility for participation in community-based services shall be determined by the program
332 administrator after a review of the facts surrounding the ~~alleged~~ offense by a team consisting of:
333 a community-based services caseworker, probation officer, family members and the counsel
334 representing the child in the delinquency matter.

335 (d) Where the child is in the custody of the department of children and families and residing in
336 an out-of-home placement, eligibility for participation in community-based services shall be
337 determined by the program administrator after a review of the facts surrounding the placement
338 by a team consisting of the community-based services caseworker, the department of children
339 and families caseworker, a responsible adult with whom the child has an ongoing connection,
340 and ~~if the custody is based on an order in any proceeding under chapter 119~~, any counsel
341 representing the child in ~~that proceeding~~.

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342 (e) Where a child or family is denied access to community-based services for reasons other than

349 those described in this section, the program shall provide the child and his parent, legal guardian,
350 or custodian a written explanation of reasons for exclusion and the identification of other
351 community-based services and resources available to them.

352 (f) When a child or family is denied services pursuant to this section, the program shall contact
353 the child and his parent, legal guardian, or custodian in person or by telephone within two weeks
354 after the denial decision to determine if the other appropriate services have been obtained and
355 whether or not community-based services are now appropriate. The program shall provide to the
356 child and his parent, legal guardian, or custodian a notice in a form acceptable to the juvenile
357 court stating that the family is not eligible for community-based services and listing the reasons
358 for ineligibility.

359 7. (a) A child or family may seek assistance from a community-based services program directly
360 and without referral.

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362 (b) Employees of the departments of children and families or youth services may make referrals
363 to Community-Based Service Centers as part of a case plan.

364 (c) Voluntary referrals to community based services may be made by any professional who is
365 working with the family or child(ren).

366 (d) Except as provided herein, a school administrator shall refer a child to community-based
367 services at the same time that the administrator notifies the student and his parent, legal guardian,
368 or custodian that the student will be expelled for failure to comply with the lawful and reasonable
369 rules of the school. After providing the process that is due the student, including an expulsion
370 hearing if requested, the school administrator shall consider the outcome of the community based

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Deleted: (b) Pursuant to Section 39R and 39U of Chapter 119, families may be ordered to seek services from a Community-Based Service Center by a probation officer or judge.

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383 ~~service center referral if the student provides that information to the school.~~ Provided that when
384 a school administrator refers a child for habitually truant behavior, it must be shown that the
385 school, child, and family have completed a department of education certified truancy program, if
386 such a program is available at the school. Whenever a child or family seeks assistance for
387 habitually truant behavior, the program staff shall assist the family in gaining access to the
388 child's school's department of education certified truancy program.

Deleted: prior to expelling them for failure to comply with the lawful and reasonable rules of the school or for habitual truancy, and the outcome of the services shall be considered as part of any decision to expel for these violations. Provided that when a school

389 8. Community-based services shall include, but are not limited to:

390 (i) program representatives available to respond to requests for service 24 hours a day, 7
391 days a week;

392 (ii) initial response to referral or request for services by a family or child ~~and stabilization~~
393 ~~of any crisis presented, within a reasonable time, not to exceed 24 hours, so as to assure~~
394 ~~the safety and well being of the child and family;~~

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Deleted: iii) a plan for stabilization of any crisis, which initiated the referral or request within a reasonable time;

396 (iii) assessment and screening of each person requesting services and, if possible, all
397 family members residing in the household using the standard intake tool as established by
398 the secretary pursuant to paragraph 4(a)(vi);

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399 (iv) assignment of a case manager to each family upon assessment;

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Deleted: within seventy-two hours of the referral or request. The person conducting the assessment and screening must note the reasons why any family member was not screened within seventy-two hours of the initial request and must complete the screening process for all family members residing in the household within one week of the initial referral;

400 (v) creation of a family service plan, which includes ~~but is not limited to:~~ strength-based

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401 assessment and statement of family needs presented; services and treatment to be

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402 provided by the community-based services program or to which the family and child will

Deleted: needs of the child; needs of the parents, legal guardian or legal custodian; measurable objectives that address the identified needs; services and treatment to be provided by the community-

403 be referred ~~that address the identified needs,~~ assistance with obtaining special education

Deleted: which may include but are not limited to: community, medical, mental health and behavioral health services,

404 evaluation and services, assistance with insurance coverage issues, and timeframes for

Deleted: and remedial education services

405 achieving the plan objectives. The service plan shall be reviewed and agreed upon by the

Deleted: ; recreational services; mediation and family group conferencing. For each service or treatment included, the plan shall contain a statement clearly identifying the type of services or treatment, frequency of services or treatment, location of responsible service providers or staff, ...

437 family before implementation;

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439 (vi) data collection in a format which protects the privacy of the individuals seeking
440 services and permits the evaluation of the effectiveness of the program;

441 (vii) compilation and dissemination to the general public of information about family
442 support resources and services available in the community;

443 (viii) crisis intervention residential placements for children for up to 72 hours;

444 (ix) voluntary respite residential placement of the child for up to 21 days; and

445 (ix) mediation or alternative dispute resolution, including restorative justice programs.

446
447 9. (a) Participation in community-based services shall be pursuant to a voluntary agreement of
448 the parent, legal guardian, or custodian and the child. Families or children may terminate their
449 involvement at any time.

450 (b) Services may be provided for 120 days. After the initial 120 day period families or children
451 and the community-based services program case manager may agree to extend services for up to
452 an additional 90 days.

453 (c) Covered services shall be billed to the insurance provider for the client.

454 (d) The program shall advise the parents, legal guardian, or custodian that they may be
455 responsible for co-payments for covered services and for contributing to the cost of non-covered
456 services for the child or family. Allowable rates for services not covered by insurance, including

Deleted: (vii) periodic review of the family service plan by the case manager and the family to determine whether it is being followed and if it is effective; ⁴
(viii) intensive crisis counseling for both children and families; ⁴
(ix) parent training in appropriate skill areas directly related to the needs of the family; ⁴

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Deleted: (xv) The program shall make available to the public information that identifies a variety of community-based educational, social, medical, mental health and behavioral health services available to assist families and children. →→

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480 the portion for which parents will be held responsible, shall be set by the secretary and
481 periodically adjusted as needed to meet actual costs.

482 (e) In the absence of the consent of a parent, legal guardian, or custodian, respite care may be
483 provided to a child pursuant to the provisions and subject to the limitations of chapter 119
484 section 23 paragraph 7.

485 10. (a) Each family shall have a case manager and a case staffing team. The case staffing team
486 shall include, but is not limited to, the primary providers of the services to the child and family,
487 the case manager and a representative of the child's school district.

488 (b) (i) The case manager shall be responsible for working with the family to develop a
489 family service plan, agreed upon by the family and the case manager, that outlines the delivery of
490 services. The family service plan shall be reviewed if there is cause to believe the continuation of
491 services is no longer appropriate because the child has complex medical needs which cannot be
492 met by the program or the child's behavior presents a significant risk of harm to the child
493 himself, the family or the community. The case manager, the family and child shall periodically
494 review the progress towards achieving the objectives of the plan and may make adjustments to
495 the plan if necessary.

496 (ii) The case staffing team shall work with the family to address barriers that may
497 prevent the family and child from participating in and benefiting from services, ensure
498 the continued progress of the family service plan and shall address any issue that may be
499 preventing the family from continuing to participate in and benefit from services. The
500 case staffing team shall periodically review the family service plan with the family and
501 may make recommendations for additional services.

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Deleted: who shall be responsible for working with the family to develop a crisis stabilization plan where warranted and a family service plan; coordinating services; assisting the family to resolve administrative issues including issues with insurance coverage, interagency issues and other issues which serve as barriers to successful implementation of the service plan; facilitating communication between providers as authorized by the child or their parent or legal guardian; implementing resolution processes when necessary; and working with the case staffing team to create an after care plan.

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Deleted: (ii) The service engagement team shall assist the family and child in addressing barriers that may prevent the family and child from participating in and benefiting from services....

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Deleted: The composition of the case staffing team shall be based on the needs of the family and child and be chosen after consultation with the child and their parent or legal guardian. It shall include the case manager, the primary providers of services to the child and family, a representative from the child's school district. The case staffing team may also include other individuals with professional expertise in health care, mental health care, behavioral health care, substance abuse, social or educational services, or other persons recommended by the child, parent or legal guardian, or case manager.

(c) The service engagement team shall be comprised of the Director of the Community- Based Service Center or their designee, members of the local advisory board and other professionals who are charged with developing engagement strategies for the Center and, at the request of the child, parent or guardian, or the case manager, addressing barriers to the initial engagement of individual children and their families.

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538 (c) The case manager, case staffing team, family and child may, upon reviewing the progress
539 towards achieving the objectives of the plan, terminate the case as indicated by successful or
540 substantial achievement of the objectives of the plan. The parent, legal guardian, custodian or
541 child who is over the age of 16 or any other member of the case staffing team may make a
542 written request that the case manager convenes a resolution meeting at any time if the member
543 finds that doing so is in the best interest of the family or child. ▼
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548 11. (a) Not more than 110 days after the assessment and screening of a child and family referred
549 to or requesting community-based services, or 10 days prior to any extension of services granted
550 under paragraphs c and d of this section, the case manager shall convene a resolution meeting
551 with the case staffing team to assess whether the goals of the family service plan have been
552 achieved or if further services are in the best interest of the family and child. After the meeting
553 the case manager shall document the resolution of the case as follows:
554 (i) that the family and or child will benefit from additional community-based services; or
555 (ii) that it is unlikely the family and child will benefit from additional community-based
556 services at this time and the case is discharged; or
557 (iii) that the family failed to cooperate with the service plan and the case is discharged; or

Deleted: (c) The service engagement team shall be comprised of of the Community- Based Service Center or their designee, members of the local advisory board and other professionals who are charged with developing engagement strategies for the Center and, at the request of the child, parent or guardian, or the case manager, addressing barriers to the initial engagement of individual children and their families.

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Deleted: The case manager shall, in consultation with the family, develop a family service plan which shall be provided to the child and their parent or legal guardian and other family members requiring assistance who are involved in the plan within ten days of the initial referral. Upon receipt of the plan, the child and each family member named in the plan shall accept or reject the services and provisions in writing. Each service provider identified in the plan shall also accept or reject their participation in writing. If the plan is accepted, it shall be implemented immediately. If the child or family is not in agreement with the plan and attempts by the case manager to develop an alternative plan are unsuccessful or when the services required are not available, the child, their parent or guardian or the case manager may request review by the service engagement team who shall assist the case manager, child and family in developing an alternative plan.¶

(e) The case manager and the family shall be equally responsible for implementing the plan. The case manager, the family and child shall periodically review the progress towards achieving the objectives of the plan in order to:¶

(i) advise the case staffing team of the need to make **adjustments to the plan**; or ¶

(ii) **terminate the case as indicated by successful or substantial achievement of the objectives of the plan.** ... (f) The case manager

(f) The case manager shall request a meeting of the family and child at a time and place that is convenient to them with a case staffing team to review the family service plan of any family or child whenever: ¶

(i) the family or child is not in agreement with the services or treatment offered; or ¶

... [5]

Deleted: (e) The case manager and the family shall be equally implementing the plan. The case manager, the family and child shall periodically review the progress towards achieving the objectives of the plan in order to:¶

(i) advise the case staffing team of the need to make **adjustments to the plan**; or ¶

... [6]

Deleted: (f) The case manager shall request a meeting of the at a time and place that is convenient to them with a case staffing team to review the family service plan of any family or child whenever: ¶

(i) the family or child is not in agreement with the services or treatment offered; or ¶

(ii) the family or child does not participate in the services or

... [7]

Deleted: (v) there is cause to believe that continuation of services appropriate because the child has complex medical needs which cannot be met by the program or where the child's behavior presents a significant risk of harm to the child himself the family or the community.¶

(g) The parent or legal guardian or child who is over the age of 16 or any other member of the case staffing team may make a writt...

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Deleted: (g) The parent or legal guardian or child who is over the any other member of the case staffing team may make a written request that the case manager convenes a resolution meeting at any time if the member finds that doing so is in the best interest of the family or child. A resolution meeting requested by a parent or legal guardian or child who is over the age of 16 must be convened...

... [9]

750 (iv) that the public or private agencies designated in the plan to provide specific
751 services did not provide those services and the case is discharged; or

752 (v) that the presenting behaviors are resolved and the case is discharged.

753 (b) Within 7 days after meeting, the case manager shall provide the parent, legal guardian, or
754 custodian with a written report that details the reasons for the decisions made at the resolution
755 meeting. The report shall contain a notice in a form acceptable to the juvenile court stating that
756 community-based services have concluded and whether or not the case manager believes it is
757 likely that the child and family would benefit from further services.

758 (c) If the family, child and case manager agree to extend services, then the services shall be
759 extended for an additional 90 days.

760 (d) If the family was referred to community-based services by a court or a probation officer, then
761 services may be extended for additional 90 day periods at the agreement of, the court or
762 probation officer and the family.

763 12. (a) The report and any documentation of services provided to the family and child shall not
764 be public records. Statements made by the family and child while receiving services from the
765 program shall be treated as confidential. Such statements may not be used in school disciplinary
766 proceedings, or in any court proceeding, without the written consent of the person making the
767 statement.

768 (b) Any person offering community-based services to children under this program shall be
769 required to report suspected physical or emotional abuse or neglect of a child pursuant to General
770 Laws Chapter 119 Section 51A.

771 (c) Notwithstanding any provision to the contrary, in the absence of specific written directive

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780 from the child and or member of the family who is receiving service, information about the case,
781 including interactions with service providers and protected health information services, may be
782 shared among members of the case team as needed to coordinate treatment and provide
783 appropriate case management.

784 13. There shall be an advisory council appointed by the secretary, which shall advise the
785 secretary on creation, operation, and effectiveness of the community-based services
786 program. Members shall include the commissioners or their designees of the departments of
787 public health, mental health, developmental services, children and families, youth services,
788 transitional assistance, elementary and secondary education, early education and care, and public
789 safety, the child advocate, the director of the office of Medicaid or his designee, the
790 commissioner of probation or his designee, the chief justice of the juvenile court or his designee,
791 a district attorney, members of the bar who represent children in juvenile court proceedings, a
792 designee of the committee for public counsel services, an education advocate, representatives of
793 urban, suburban, and rural municipal police departments and school districts, providers of
794 service to children and families, parents, and at least 2 young adults who have participated in a
795 community-based services program.

796 14. The secretary shall report annually on February 1 to the joint committee on children, families
797 and persons with disabilities and the house and senate committees on ways and means and the
798 child advocate on the progress of the community-based services program.

799 SECTION 2: Chapter 69 of the General Laws is hereby amended by adding after section 1N the
800 following new section:

801 Section 1O. Within three years of the effective date of this act, the department shall establish a
802 discretionary grant program to assist schools in planning and implementing truancy preventions

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Deleted: 16. The secretary shall report annually on February 1, to the joint committee on children, families and persons with disabilities, the house and senate committees on ways and means, and the child advocate on the progress of the community-based services program.[¶]

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810 programs which meet the certification requirements established pursuant to section 1P of Chapter
811 69.

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812 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section 1O the
813 following new section:

814 Section 1P

815 The Department of Education shall promulgate regulations establishing a truancy prevention
816 program certification process. The regulations shall include requirements that the truancy
817 prevention program evaluate the level of out-of-school support for students and families, and
818 address the conditions that may make students more likely to become truant, including
819 previously unidentified special needs, bullying and harassment. School districts shall establish a
820 truancy prevention program which meets the requirements for certification by the department.

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821 SECTION 4: Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to
822 39J, inclusive, and adding the following new sections:

823 Section 39K. Definitions

824 "Child requiring assistance", a child below the age of eighteen who repeatedly runs away from
825 the home of his parents or legal guardian, or repeatedly fails to obey the lawful and reasonable
826 commands of his parents or legal guardian, thereby interfering with said parent's or legal
827 guardian's ability to adequately care for and protect said child, or repeatedly fails to obey the
828 lawful and reasonable regulations of his school, or who is a habitually truant;

829 'Family requiring assistance', the parents, guardians, siblings and any other relatives or
830 caretakers responsible for a child between the ages of 6 and 18 who need assistance from state,

833 local, or private agencies or providers of social, educational, health, mental health, or behavioral
834 health services in order to adequately care for and protect the child;

835 “Habitual truant”, a school-aged child, not otherwise excused from attendance in accordance
836 with the lawful and reasonable regulations of his school, who willfully fails to attend school for
837 more than 8 school days in a quarter;

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838 “Parent”, includes a legal guardian or other person legally responsible for a child’s care.

839 Section 39L. Jurisdiction

840 The Juvenile court department has original and exclusive jurisdiction over any proceeding
841 commenced under section 39N alleging that a family or child requires assistance. The
842 jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the
843 territorial limits of Suffolk county.

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844 Section 39M. Nature of the Proceedings

845 1. Proceedings pursuant to sections 39K to 39X, inclusive, shall not be deemed criminal
846 proceedings and any record of these proceedings, including the filing of a request for
847 assistance and creation of a docket, shall not be entered in the Criminal Offender Record
848 Information System.

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849 2. Notwithstanding any general or special law to the contrary, no record pertaining to the
850 child involved in the proceedings shall be maintained or remain active after the request for
851 assistance is dismissed. The identity and record of any child for which a request for
852 assistance is filed shall not be submitted to the criminal history systems board, criminal

offender record information system, court activity record index or any other criminal record
information system. 3. Proceedings pursuant to sections 39K to 39X, inclusive, shall be
confidential and not be open to the public.

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Section 39N. Request for Assistance

1. A proceeding to determine whether or not a child or family requires assistance is originated by
the filing of a request for assistance, stating the petitioner's information and belief:

(a) that the child repeatedly runs away from the home of his parents or legal guardian or
repeatedly fails to obey the lawful and reasonable commands of his parents thereby
resulting in said parent's inability to adequately care for and protect said child, or that the
child is habitually truant or repeatedly fails to obey the lawful and reasonable regulations
of his school;

(b) that the child was under the age of 18 at the time the specified acts took place,

(c) specific acts on which the request for assistance is based and the time and place they
are believed to have occurred;

(d) when the petitioner is a school district, the request for assistance shall also include:

(i) if the request for assistance states that a child is habitually truant, a
statement of the actions taken by the school district to comply with its
obligations under its truancy prevention program certified pursuant to
chapter 69, section 10 and to improve the school attendance of the
child. The request for assistance shall also state whether or not the

878 child and his family have participated in the truancy prevention
879 program.; and
880 (ii) if the request for assistance states that a child has repeatedly failed to
881 obey the lawful and reasonable regulations of the school, a statement of
882 the specific steps taken by the school to improve the child's conduct.

883 (e) when the petitioner is a parent, whether they have applied for or received services
884 from a community-based services program under Section 16H of chapter 6A; and
885 (f) that the child and family require assistance.
886

887 2. The following persons may originate a proceeding under this section:

888 (a) a police officer, but only if the request states that the child repeatedly runs away from
889 the home of his parents, legal guardian, or custodian;

890 (b) a parent;

891 (c) a school district, but only if the request states that the child is habitually truant or
892 repeatedly fails to obey the lawful and reasonable regulations of his school;

893 3. (a) When a request for assistance is presented to the clerk for filing by a parent or a police
894 officer, the clerk shall determine whether or not the child and family named in the petition have
895 received services from a community service program created under section 16H of chapter 6A.
896 If the child and family have participated in such services, the clerk shall attach to the petition the

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903 notice of conclusion of community-based services as provided for in chapter 6A, section
904 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H(6)(f). If the child
905 and family have not participated in such services the clerk shall provide to the petitioner the
906 option of referring the child and family to the program designated by the secretary of the
907 executive office of health and human services to provide community-based services in the
908 juvenile court district where the child resides.

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909 (b)(1) If the petitioner is a parent, the clerk shall offer to contact the community-based services
910 provider on the parent's behalf in order to complete a referral to such services. If the parent
911 declines to be referred to such services, the clerk shall attach to the request for assistance the
912 parent's signed statement that the parent does not wish to be referred to such services and that
913 the parent understands the nature of services available through the court process, the manner in
914 which those services will be delivered, the nature of the orders which the court may issue and the
915 possibility of changes in custody of the child. The clerk may accept the request of assistance for
916 filing if said documents are attached.

917 (2) If the petitioner is a police officer, the clerk shall offer to contact the community-based
918 services provider in order to complete a referral to such services. The clerk may accept a written
919 statement of the reasons for the officer's belief that the referral to community-based services
920 prior to filing the request for assistance would present a risk of harm to the child. The clerk shall
921 then i) immediately contact the designated community-based services to provide notice that a
922 request for assistance has been prepared for filing, ii) create a docket for the matter and iii)
923 request that the chief probation officer, or his designee, conduct an immediate inquiry and report
924 to the clerk, or a judge if the clerk is not available with advice on how to proceed to obtain

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927 ~~assistance for the child. After considering such advice the clerk may accept the request for~~
928 ~~assistance for filing.~~

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929 ▼
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931 Section 39O Notice
932 1. Except as provided in subsection 2, on the filing of a request for assistance pursuant to this
933 section, the court ~~shall~~ cause a copy of the request for assistance and a summons to be issued,
934 requiring the child and each parent to appear at the court at a time and place named to address
935 the request for assistance

Deleted: 3. The petitioner shall attach to the request for assistance the notice of termination of community-based services as provided for in chapter 6A, section 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H(e). Except as provided below, the clerk shall not accept for filing any request for assistance that does not have attached thereto said notice of termination or ineligibility. Any person or agency seeking to file a request for assistance pursuant to this section which does not have attached thereto the notice of termination of community-based services shall be referred by the clerk of the court to the program designated by the secretary of the executive office of health and human services to provide community-based services in the juvenile court district where the child resides.

936 2. In proceedings ~~commenced~~ by a parent, the court shall, ~~at the time the request is filed,~~ notify
937 ~~the parent in writing of the time and place that the request for assistance will be heard to ensure~~
938 ~~the parent has a copy of the request for assistance.~~ The court is not required to issue a summons
939 to ~~either parent in such a case if the parents are living together. If the parents are not living~~
940 ~~together, the court shall cause a copy of the request for assistance and a summons to be issued,~~
941 ~~requiring the child and the parent who did not initiate the request for assistance to appear to~~
942 ~~address the request for assistance at the court at a time and place named.~~

Deleted: If the petitioner is a police officer, the clerk may accept a written statement of the reasons for the officer's belief that the referral to community-based services prior to filing the request for assistance would present a risk of harm to the child or others in lieu of the notice of termination or ineligibility. The clerk shall then immediately contact the designated community-based services to provide notice that a request for assistance has been filed. If the petitioner is a parent, then the clerk may accept a written statement of the parents' reasons for the parents' belief that referral to community based services prior to filing the request for assistance would present a risk of significant harm to the child, family or community. The court shall then immediately review the request for assistance and if the court finds that referral of the family and child to community based services is likely to result in said harm, then the court shall order the creation of a docket for the matter and assign a probation officer to conduct an immediate inquiry and report to the court with advice on how to proceed to obtain assistance for the child.¶

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943 3. A copy of the request for assistance served or provided under subsection 1 or 2 shall be
944 accompanied by a notice that, in the event that the court deems it necessary to place the child in
945 the care and custody of the department of children and families, said parent may be named as a
946 respondent in any child support proceeding brought in connection with the child's care

4. Unless service of the summons required by this section is waived in writing, such summons shall be served by a constable or police officer, either by delivering it personally to the person to whom addressed, or by leaving it with a person of proper age to receive the same, at the place of residence or business of such person, and said constable or police officer shall immediately make return to the court of the time and manner of service.

Section 39O ½ Determination of probable cause that a child and family requires assistance; expungement.

Whenever a request for assistance is filed, the clerk, or a judge if the clerk is not available, shall hold a hearing as soon as possible, but not later than 15 days after the creation of a docket. At that hearing the clerk, or a judge if the clerk is not available, shall receive the recommendation of the probation officer and receive evidence from the petitioner and the child. The clerk, or the judge shall determine i) whether or not there is probable cause for a determination that a child and family are in need of assistance and ii) whether it is in the best interest of the child for the matter to proceed to a fact finding hearing. The clerk or judge shall then either i) dismiss the request for assistance, or ii) refer the child and family to a probation officer for the preliminary inquiry under section 39R. When a request for assistance is dismissed under this section, the court shall enter an order directing the expungement of any records of the claimant maintained by the clerk, the court, the criminal history systems board, the court activity record index, and the probation department that directly pertain to the this request for assistance.

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Section 39P Scheduling the Fact Finding Hearing

1008 ~~At the conclusion of the probable cause hearing required by section 39O1/2, the~~ clerk shall set a
1009 date for a fact finding hearing no more than 90 days from the date the request for assistance ~~was~~
1010 filed. If at any time prior to the ~~fact finding~~ hearing the parents, child, petitioner and probation
1011 officer agree, the fact finding hearing may be postponed for an additional 90 days after the
1012 expiration of the initial 90 day period.

1013 Section 39Q Appointment of Counsel

1014 1. When the request for assistance is filed the child shall be informed that he has a right to
1015 counsel at all hearings. ~~At the time the request for assistance is filed, that court shall ensure that~~
1016 if said child is not able to retain counsel, the court shall appoint counsel for said child. The court
1017 shall appoint counsel for the child ~~at the time~~ the request for assistance is filed. The clerk shall
1018 cause a copy of the request for assistance and notice of the time and place of the fact finding
1019 hearing to be delivered to counsel at the time of appointment.

1020 2. When the request for assistance is filed, each parent or legal guardian of the child shall be
1021 informed that he has the right to participate as a party in any proceeding under sections 39K to
1022 39X involving his child and that he has the right to counsel at any hearing or ~~proceeding~~
1023 regarding custody of his child. If said parent or legal guardian is financially unable to retain
1024 counsel, the court shall appoint counsel for said parent or legal guardian.

1025 3. The court shall determine whether the parent or legal guardian of a child alleged to require
1026 assistance is indigent. If the court determines that the parent or legal guardian is not indigent, the
1027 court shall assess ~~up to a \$1000 fee~~ against the parent or legal guardian to pay for the cost of
1028 counsel appointed for the child. If the parent or legal guardian is determined to be indigent but is

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1035 still able to contribute toward the payment of some of said costs, the court shall order the parent
1036 or legal guardian to pay a reasonable amount toward the cost of counsel appointed for the child.

1037 Section 39R Preliminary Inquiry by Probation

1038 1. ~~When requested by the court or a clerk~~ the chief probation officer or his designee shall
1039 conduct a preliminary inquiry to determine whether in his opinion the best interests of the child
1040 and family require that crisis intervention services be provided to the child and family.

1041 The probation officer in his discretion may:

1042 (a) refer the family and child to a community-based services program in the community
1043 where the child resides; the probation officer may confer with the provider of
1044 community-based services to resolve the situation which formed the basis of the request
1045 for assistance;

1046 (b) refer the child to an appropriate public or private organization or person for
1047 psychiatric, psychological, educational, occupational, medical, dental or social services;

1048 (c) conduct conferences with the child, the child's family and the petitioner for the
1049 purpose of effecting adjustments or agreements which are calculated to resolve the

1050 situation which formed the basis of the request for assistance. ~~Information obtained by~~
1051 the probation officer may be used in the present proceeding but it is otherwise
1052 confidential and may not be used in school disciplinary proceedings or other court
1053 proceedings;

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1058 (d) if the child or his parents fail to participate in good faith with the referrals or
1059 conferences arranged by the probation officer or if the probation officer is not able to
1060 refer the child or his parents to an appropriate public or private organization which is
1061 willing and able to provide appropriate services, the probation officer shall so certify in
1062 writing and present these findings to the court.

1063 2. (a) The probation officer shall gather information concerning the child and family which in
1064 both substance and format is compatible with and complementary to the information gathered by
1065 programs providing community-based services pursuant to section 16H of chapter 6A, including
1066 but not limited to the insurance status and coverage and other information that may assist the
1067 commissioner of probation and the court in evaluating the availability and effectiveness of
1068 services for children who are the subjects of requests for assistance pursuant to this section.

1069 (b) The commissioner of probation shall establish a system to collect data regarding requests for
1070 assistance made and how they are resolved under sections 39K through 39X. Said system shall
1071 maintain the privacy of clients served, assist the court in addressing the needs of the population
1072 to be served, collect information related to, among other things the racial and ethnic identity of
1073 the child, the insurance status and coverage of clients served, the length of time a child is
1074 receiving assistance from a probation officer, the identity of any public or private organization to
1075 whom a probation officer has referred a child or family for services; and other information that
1076 may assist the commissioner and the court in evaluating the availability and effectiveness of
1077 services for children who are the subjects of requests for assistance pursuant to this section.

1078 (c) The Commissioner of Probation shall report annually to the Child Advocate, the house and
1079 senate committees on ways and means, joint committee on children, families and persons with

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1091 disabilities and the joint committee on the judiciary on the assistance provided by probation
1092 officers to children and families under Sections 39K to 39X. The report shall be filed on October
1093 1 of each year and shall include for each juvenile court district: the number of children and
1094 families receiving assistance, their racial and ethnic identity, as identified by the child and family
1095 members, an analysis of the services provided and an identification of gaps in services available,
1096 the status or resolution of each request for assistance filed in the previous year, and the numbers
1097 of children who are the subject of a request for assistance and also charged with a delinquency
1098 matter in the previous year. The report shall exclude information that identifies or allows others
1099 to identify any child or family who is the subject of a request for assistance.

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1100 3. Conferences and referrals arranged under this section may extend for a period not to exceed
1101 120 days from the date that the request for assistance was filed, unless the parent, child and
1102 petitioner voluntarily agree in writing to a continuation of such conferences or referrals for an
1103 additional period not to exceed 90 days from the expiration of the original period. Upon the
1104 expiration of the initial 90 day period, or of such additional 90 day period, the request for
1105 assistance may be dismissed and the child and his parents discharged from any further obligation
1106 to participate in such conferences and referrals, or a fact finding hearing shall be held.

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1107 Section 39S Custody, Failure to Appear

1108 If, after a hearing at which the child is represented by counsel, the court finds that a child alleged
1109 to require assistance by reason of repeatedly failing to obey the lawful and reasonable commands
1110 of his parent is likely not to appear at the fact finding hearing or at the disposition hearing, the
1111 court may order the child to be released upon such terms and conditions as it determines to be
1112 reasonable or may place the child in the temporary custody of the department of children and

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1117 families. Prior to the court granting temporary custody to the department of children and
1118 families, the court must make a written certification and determination that it is contrary to the
1119 welfare of the child to be in his home, and that the department of children and families has made
1120 reasonable efforts to prevent removal of the child from his home or the existing circumstances
1121 indicate that there is an immediate risk of harm or neglect which precludes the provision of the
1122 preventative services as an alternative removal.

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1123 An order placing a child with the department under this Section shall be valid for no more than
1124 15 days without the child being brought again before the court for a hearing on whether the order
1125 should be continued for another 15 day period. If the court decides to extend the order, it shall
1126 note in writing the detailed reasons for its decision. An order under this section may be in effect
1127 for no more than 45 days total.

1128 A child who is the subject of a request for assistance may not be confined in shackles or similar
1129 restraints or in a court lockup facility in connection with any proceedings pursuant to Sections
1130 39K through 39X.

1131 Section 39T Withdrawal of Request for Assistance

1132 The petitioners may, withdraw the request for assistance at any time prior to a hearing to
1133 determine the disposition of a request for assistance. A probation officer may at any time
1134 recommend to the court that the request for assistance be dismissed upon a showing that
1135 dismissal is in the best interests of the child.

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1136 Section 39U Fact Finding Hearing

1141 1. The court shall hold a fact finding hearing in which it shall receive evidence from the
1142 petitioner, the parent, ~~the child, a representative from~~ the community-based services program, if
1143 ~~involved with the family, and the~~ probation officer. ~~At any hearing held to determine whether a~~
1144 ~~child and family require assistance, the child and his attorney shall be present and the parents or~~
1145 ~~legal guardian shall be given an opportunity to be heard. The petitioner who files the request for~~
1146 ~~assistance shall bear the burden of presenting evidence proving that the child and family require~~
1147 ~~assistance.~~

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1148 2. At the fact finding hearing the court shall review any notice of termination of community-
1149 based services. The court shall consider any available documentation of diligent attempts to
1150 provide appropriate services and determine whether such efforts or services provided were
1151 sufficient. With the consent of the parent(s) and child the court may consider any written reports
1152 from service providers which would otherwise be subject to confidentiality or privilege.

1153 The court may ~~refer~~ the child and the parent to participate in community-based services
1154 regardless of whether or not the child and parents have previously used community based
1155 services. ~~,~~

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1156 3. The court shall either:

1157 (i) dismiss the request for assistance because the circumstances which led to the filing of
1158 a request for assistance have been resolved ~~or~~ the court finds that the child and family
1159 ~~will not benefit from the assistance being offered;~~

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1160 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the child
1161 would best be served by continued informal assistance, in which case the court shall, with

1174 the consent of the child and his parent, refer the child to a probation officer or refer the
1175 child and family to the designated program for additional community-based assistance; or
1176 (iii) If the court finds the allegations in the request for assistance have been proved at the
1177 fact finding hearing beyond a reasonable doubt, it may find that the child and family
1178 named in such request for assistance to be a child and family requiring assistance and
1179 schedule a hearing for disposition

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1180 4. No statements made by a child, family member, or by any other person during the period of
1181 inquiries, conferences, or referrals may be admitted at any hearing without the consent of the
1182 child or the family member who made the statement.

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1183 Section 39V Disposition Conference and Hearing

1184
1185 1. Upon making a finding that a child and family require assistance after a fact finding hearing ,
1186 the court shall convene a conference of the probation officer who conducted the preliminary
1187 inquiry, a representative from the community-based services program, if involved with the
1188 family, the petitioner, a representative from the child's school, the child's parent and his
1189 attorney, the child and his attorney, a representative of the department of children and families, if
1190 involved with the family, and any other person who may be helpful in determining the assistance
1191 to be offered to the child and family. The probation officer shall present written
1192 recommendations and other persons at the conference may present written recommendations to
1193 the court to advise the court on appropriate treatment and services for the child and family.

Deleted: 1. At any hearing held to determine whether a child and family require assistance, the child and his attorney shall be present and the parents or legal guardian shall be given an opportunity to be heard. The petitioner who files the request for assistance shall bear the burden of presenting evidence proving that the child and family require assistance. If the court finds the allegations in the request for assistance have been proved at the fact finding hearing by a preponderance of the evidence, it may find that the child and family named in such request for assistance to be a child and family requiring assistance.

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1219 appropriate placement for the child, and appropriate conditions and limitations of such
1220 placement.

1221 At the conference and subsequent hearing on disposition, the child and his attorney shall be
1222 present and the parents or legal guardian and the petitioner shall be given an opportunity to be
1223 heard. The court may receive evidence as to the best disposition from all persons who
1224 participate in the conference and any other person who may be helpful in determining an
1225 appropriate disposition.

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1226 2. The court shall then conduct a dispositional hearing. The court, taking into consideration the
1227 evidence admitted at the hearing, the report of the probation officer, and the physical and
1228 emotional welfare of the child, may make any of the following orders of disposition:

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1229 (a) subject to any conditions and limitations the court may prescribe, including provision
1230 for medical, psychological, psychiatric, educational, occupational and social services, and
1231 for supervision by a court clinic or by any public or private organization providing
1232 counseling or guidance and for any other services deemed appropriate by the court,
1233 permit the child to remain with his parents;

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1234 (b) subject to such conditions and limitations as the court may prescribe, including, but
1235 not limited to provisions for services deemed appropriate by the court, including but not
1236 limited to services described in clause (a), place the child in the care of any of the
1237 following:

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(i) a relative, or other adult individual who, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child; or

(ii) a private charitable or childcare agency or other private organization, licensed or otherwise authorized by law to receive and provide care for such children;

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(c) subject to the provisions of sections 32 and 33 and with such conditions and limitations as the court may recommend, place the child in the custody of the department of children and families. If the court chooses to place the child in the custody of the department then at the same time, the court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C. When the court has placed a child in the custody of the department, then the department:

Deleted: (iii) a private organization which, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child.

(i) may not refuse out-of-home placement of a child if the placement is recommended by the court provided that the court has made the written certification and determinations required by said section 29C;

(ii) may not refuse out of home placement when requested by the child if there is a substantiated history of abuse or neglect in the home by the parent or legal guardian;

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(iii) subject to clauses (i) and (ii), shall direct the type and length of such out-of-home placement;

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(iv) subject to clauses (i) and (ii), shall give due consideration to the recommendations of the court. Whenever the department

1270 decides not to carry out the recommendations of the court
1271 regarding placement and treatment of the child it shall present
1272 the reasons for its decision and the alternative plan for treatment
1273 and placement in writing to the court.

1274 (d) The court may issue an order directing any state agency to provide particular services
1275 to the family and child including but not limited to those services described in clause (a).
1276 If the agency is not able to comply with the order directing services then the agency shall
1277 provide to the court a written statement of the reasons why it is unable to provide those
1278 services. A copy of the statement shall be sent to the house and senate committees on
1279 ways and means and the joint committee on children, families and persons with
1280 disabilities and the office of the child advocate.

1281 Section 39V1/2 Prohibition on placements with the department of youth services or in locked
1282 facilities

1283 1. Notwithstanding the provisions of subsection 2 (d) the court may not order the child to be
1284 placed in the custody of the department of youth services.

1285 2. A child found to require assistance shall not be placed in a locked facility or any facility
1286 designated or operated for juveniles who are alleged to be delinquent or who have been
1287 adjudicated delinquent. However, such child may be placed in a facility which operates as a
1288 group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated
1289 delinquent are also provided care in such facility.

1290 Section 39W. Duration of Assistance

Deleted: 2. A child found to require assistance shall not be placed in a locked facility or any facility designated or operated for juveniles determined to be delinquent. However, if such child meets applicable admission criteria, such child may be placed in a facility which operates as a group home or psychiatric facility to provide therapeutic care for juveniles regardless of whether juveniles determined delinquent are also provided care in such facility, provided no such contract exists limiting the group home to referrals from the department of youth services.

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1304 1. Any order of disposition under Section 39V shall continue in force for not more than 120
1305 days; provided, however, that the court which entered the order may, after a hearing, extend its
1306 duration for up to three additional periods, each such period not to exceed 90 days, if the court
1307 finds that the purposes of the order have not been accomplished and that such extension would
1308 be reasonably likely to further those purposes. ~~The child shall have the opportunity to present~~
1309 ~~evidence and rebut evidence presented at any extension hearing.~~

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1310 2. No order shall continue in effect after the eighteenth birthday of a child named in a request for
1311 assistance.

1312 Section 39X. Custodial Protection

1313 1. (a) A child may be taken into custodial protection for engaging in the behaviors described in
1314 section 39N, only if such child has failed to obey a summons issued pursuant to section 39Q, or
1315 if the law enforcement officer initiating limited custody has probable cause to believe that such
1316 child has run away from the home of his parents or legal guardian ~~and will not respond to a~~
1317 ~~summons.~~

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1318 (b) After an officer has taken a child into custodial protection, the officer shall immediately
1319 notify the parent or other person legally responsible for the child's care, or the person with whom
1320 he is domiciled, that he is under the custodial protection of the officer.

1321 (c) After making every reasonable effort to give notice under paragraph (b), the officer shall:

1322 (i) release the child to the custody of his or her parent or other person legally responsible
1323 for his or her care upon the written promise, without surety, of the person to whose

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1330 custody the child is released that he will bring the child to the program designated to
1331 provide community-based services for the geographic region which constitutes the
1332 district of the juvenile court department within which the child was taken into custodial
1333 protection or in which the child resides, at a time and place specified in writing; or

1334 (ii) forthwith and with all reasonable speed take the child directly, and without first being
1335 taken to the police station house, to the program designated to provide community-based
1336 services for the geographic region which constitutes the district of the juvenile court
1337 department within which the child was taken into custodial protection or in which the
1338 child resides,; or

1339 (iii) release the child to a representative of the department of children and families, if the
1340 law enforcement officer has reason to believe that the child is or has been in the care or
1341 custody of such department; or

1342 (iv) take the child directly to the juvenile court in which the act occasioning the taking
1343 into custodial protection occurred, provided that the officer affirms on the record that he
1344 or she attempted to exercise the options identified in paragraphs (i), (ii), and (iii) of this
1345 subdivision, was unable to exercise these options, and the reasons therefore.

1346 (d) In the absence of special circumstances, the officer shall release the child to his parents or
1347 other person legally responsible for his care in accord with paragraph (c)(i).

1348 (e) A child may not be securely detained in a police station or town lockup. At no time shall a
1349 child be ~~held~~ in any locked facility.

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1354 (f) Notwithstanding the foregoing requirements for placement, any such child who has been
1355 taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or
1356 observation.

1357 SECTION 5

1358 Notwithstanding any general law to the contrary the secretary of the executive office of health
1359 and human services and the commissioners of departments of public health, mental health,
1360 developmental services, children and families, youth services and transitional assistance shall
1361 enter into memoranda of understanding among themselves and with the department of
1362 elementary and secondary education, office of the commissioner of probation, the juvenile court,
1363 municipal police departments and school districts to provide coordination, delivery, and funding
1364 of services to children and families who, pursuant to the provisions of section 16H(7)(b) of
1365 chapter 6A of the General Laws, are not eligible for community-based services established
1366 pursuant to section 16H of chapter 6A.

1367 SECTION 6

1368 The secretary of the executive office of health and human services shall pilot a program to
1369 address the unique needs of girls who run away from their parents and legal guardians.

1370 SECTION 7

1371 The department of elementary and secondary education shall pilot a truancy prevention program
1372 using a restorative justice format in at least one urban high school in the Commonwealth. The
1373 program shall include the use of healing circles which allow family, neighborhood and school
1374 community members to be present; a reparative board, comprised of peers and led by an adult;

1375 family group counseling, and mediation or alternative dispute resolution with the child, family
1376 members and school representatives. The program shall be designed to address the underlying
1377 causes both in and out of school which led to truancy. The department shall evaluate the
1378 effectiveness of the program in preventing truancy and enhancing the child's academic
1379 performance and report the results of that evaluation to the board of elementary and secondary
1380 education, the house and senate committees on ways and means, joint committee on education
1381 and the department of elementary and secondary education.

1382 SECTION 8,

1383 Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 3 of the first paragraph,
1384 the word "sixteen" and inserting in place thereof the following word:- eighteen.

1385 SECTION 9,

1386 Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 4 of the second
1387 paragraph, the word "sixteen" and inserting in place thereof the following word:- eighteen

1388 SECTION 10

1389 Five years after the effective date of this act, the Child Advocate shall report to the governor, the
1390 president of the senate, the speaker of the house, the senate and the house committees on ways
1391 and means, and the chairs of the joint committee on children, families and persons with
1392 disabilities on the needs of families whose children are truant, runaways, or whose conduct
1393 interferes with their parents ability to adequately care for and protect them. The report shall
1394 examine: (i) the community-based service system; (ii) the differences in service delivery
1395 throughout the state; (iii) the need for immediate response to stabilize a family in crisis and to
1396 connect the family to services in their own community; and (iv) the collection and analysis of

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1400 information, or lack thereof, needed to evaluate and identify gaps in service to such children and
1401 families throughout the commonwealth. The report shall also review and make
1402 recommendations, as appropriate, with respect to system-wide improvements that may increase
1403 the effectiveness of the care and services provided to such children and their families and
1404 suggested legislative and regulatory changes. The report shall be made public.

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1405 SECTION 11

1406 The department of mental health, in collaboration with the department of youth services and the
1407 department of public health shall conduct a comprehensive review of the mental health and
1408 substance abuse service needs of adolescents in the care of or detained in the commonwealth
1409 through the order of a juvenile court, including without limitation juveniles detained in the
1410 department of youth services or in the custody of the department of children and families or
1411 receiving services from the department of mental health, the court clinics, probation or otherwise
1412 and including without limitation any such departments, offices, agencies or instrumentalities of
1413 the commonwealth, and any private organizations or agencies operating under arrangement with
1414 departments or agencies of the commonwealth. To complete said review the department of
1415 mental health, the department of youth services, and the department of public health shall solicit
1416 input from the office of probation, the department of children and families , the department of
1417 elementary and secondary education, the juvenile court, the juvenile court clinics, the committee
1418 for public counsel services, the department of mental retardation, the division of insurance., the
1419 division of medical assistance, the Massachusetts Association of District Attorneys, at least one
1420 individual representing the interests of parents and families, at least one advocate for juvenile
1421 justice, at least one representative of the service provider community, and at least one

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1422 representative of the Massachusetts Association of Health Plans. Said review shall be for
1423 purposes of identifying the following:

1424 (i) existing and proposed models of alternatives to detention, within and outside the
1425 commonwealth, of providing mental health and substance abuse services to
1426 juveniles in the care of the department of youth services; community resources
1427 and other dependencies which affect the appropriateness and effectiveness of
1428 models of services designed to avoid placement of children in a locked facility;
1429 and data demonstrating the relative efficacy, cost-effectiveness, and effect on
1430 public safety of alternative models;

1431 (ii) unmet mental health and substance abuse needs of juveniles within the juvenile
1432 court systems of the commonwealth, including an explicit comparison of the best
1433 practices and models identified in paragraph a of this section with services and
1434 models available in the commonwealth;

1435 (iii) recommendations for addressing unmet needs, including without limitation
1436 through the court clinics of the juvenile courts, and through contracting by the
1437 department of mental health for community based services through community
1438 providers, or through consortia of community providers, local government
1439 agencies and others operating in congruence with local courts involved in the
1440 juvenile justice system;

1441 (b) within 60 days after the effective date of this act, the department shall post to its external
1442 website, for 30 days public comment, a proposed work plan to gather information necessary to
1443 prepare the report required by this section, in consultation with clinical, philanthropic and
1444 advocacy organizations for children, and providers of mental health and substance abuse services

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1447 for minors. The proposed work plan shall be directed to submit a final report to the legislature
1448 ant the governor no later than 270 days after the effective date of this act.

1449 (c) Within 90 days after the effective date of this act, the department shall post its final work plan
1450 on its external website.

1451 (d) Within 210 days after the effective date of this act, the department shall post on its external
1452 website, for public comment, a draft report responsive to this section.

1453 (e) Within 270 days after the effective date of this act, the department shall post on its external
1454 website, a final report responsive to this section, including a summary of all public comments
1455 received, and responses to such comments. The department shall also that day provide a copy to
1456 the governor, the president of the senate, the speaker of the house of representatives, the chairs of
1457 the joint committees of mental health and substance abuse, and children, families and persons
1458 with disabilities and the legislative mental health caucus.

1459 SECTION 12. Section 16H(b)(j) shall take effect 12 months after the effective date of this
1460 legislation.

1461 SECTION 13. Section 16H(b)(ii) shall take effect 24 months after the effective date of this
1462 legislation.

1463 SECTION 14. Section 16H(b)(iii) shall take effect 24 months after the effective date of this
1464 legislation.SECTION 15. Section 16H(b)(iv) shall take effect 24 months after the effective date
1465 of this legislation.SECTION 16. Section 16H(b)(v) shall take effect 24 months after the
1466 effective date of this legislation.

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1473 SECTION 17. Section 16H(b)(vi) shall take effect 24 months after the effective date of this
1474 legislation.

1475 SECTION 18. Section 16H(b)(vii) shall take effect 24 months after the effective date of this
1476 legislation.

1477 SECTION 19. Section 16H(b)(viii) shall take effect 36 months after the effective date of this
1478 legislation, to enable the Secretary to engage in the planning process required to establish the
1479 service delivery network provided therein.

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