

SUMMARY
Children and Families Requiring Assistance

SECTION 1	<p>Adds Section 16H to Chapter 6A, which pertains to EOHHS. Titled: Community-based crisis intervention services for families and children.</p>	<p>Generally, should we change the name?</p> <p>M. Messeder (DSS): the Adolescent Services/Outreach staff and Youth Advisory Board proposes the following names for the legislation: Families & Children Engaging in Services (FACES), Parents and Children Engaging in Services (PACES), Family Access to Community Support (FACS), Family RISE Law (Respond, Intervene, Support, and Empower Families), Collaborative Family Intervention Services, Family Assistance Collaboration Services, Family Intervention and Community Services (FICS)</p> <p>T. O'Loughlin (Milford PD): Recommends the name “Community Services for Youth and Families”</p> <p>K. Burns (DSS): Recommends the name STEPS (Systems to Enhance Parental Supports or System Tools Enhancing Parental Supports)</p> <p>R. Brown (DSS): Recommends the name Child Assistance through Supportive Interventions (CASI) or Family Assistance though Supportive Interventions (FASI)</p> <p>B. Talkov (Children’s League): take the word crisis out of this.</p>
Chapter 6A. Section 16H(1) Lines 1-16	Legislative Findings and Policy of the Commonwealth	
16H(2)	Intent	D. Jerszyk-Hollis (DSS): Line 18 references “consistent services throughout the

17-31	<p>To address the needs of family and children in crisis and to preserve and strengthen families while ensuring the healthy emotional, mental, and social development of the child through the provision of an array of resources.</p> <p>Judicial intervention is to be reserved for those children and families who require services beyond community based services in order to achieve stabilization and resolution</p>	<p>Commonwealth” but services vary from community to community so the services may not always mirror each other.</p>
16H (3) 33-40	<p>Definitions</p> <ul style="list-style-type: none"> • <i>Child requiring assistance</i> – a child below the age of 18 who persistently runs away from the home of his parents or legal guardian, or <ul style="list-style-type: none"> -persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or legal guardian's inability to adequately care for and protect said child, or -persistently violates the lawful and reasonable regulations of his school, or -a child between the ages of 6 and 16 who is habitually truant • <i>Secretary</i> – Secretary of the Executive Officer of Health & Human Services • <i>Habitual truant</i> – a child who persistently and willfully fails to attend school for more than 8 school days in a quarter 	<p>P. Scibak (DSS): doesn't like the categories of youth behavior</p> <p>M. Mason (DSS): categories for youth behavior seem a little open to interpretation. Ideally, the truant kids would be in a different category; they seem to be less at risk than other kids who are runaways, drug-involved, or out all night and may need earlier intervention. What about other kids who place themselves at risk (of physical harm, addiction, death) through behaviors that may not be captured under runaway or stubborn kids?</p> <p>M. Messeder (DSS): perhaps behavioral categories should be focused on the family as a whole. Age 6 maybe too young, especially because a 6 year old is rarely responsible for his/her own truancy and a 6 year old not attending school is a protective issue. Many suggested the age be increased to 10. “Running away” is too much of a catchall category; in most cases, it's indicative of another, more serious, problem. In addition, the term lends itself to the philosophy of a problem with the youth, not the family. They recommend a category such as “family in need of services” in addition to the other categories.</p> <p>D. Jerszyk-Hollis (DSS): Not sure that truancies should be handled the same way as other categories; judges shouldn't be able to order children out of their homes for truancy matters. Further, perhaps DSS should not get custody in</p>

		<p>those situations; missing school may not create the risk of serious harm.</p> <p>H. Spence (DSS): in prioritizing resources, we must consider age & behavior. With respect to age, young kids should get top priority because they will be most impacted.</p> <p>T. O'Loughlin (Milford PD): Truancy should include all children under the age of 18 who are enrolled as a student in a secondary school. Kids who are 16-18 should be held to the same rules of attendance if they are enrolled. Keep the age for eligibility from 6-16; this is school age and kids need access to the front-end system. Denying them access would do kids a disservice.</p> <p>B. Talkov (Children's League): the tone is too adversarial</p> <p>J. Dohan (CPCS): Language sounds too criminal Line 34 – “persistently refuses” Line 37 – “persistently violates” Consider, e.g., using “repeatedly fails to obey”</p> <p>Adolescent Services/ Outreach staff and Youth Advisory Board: concern over behavioral categories only focused on children not families. Thought age 6 was too young for truancy – suggest changing to age 10. Youth in this group recommended a separate category: family in need of services.</p>
16H (4) 42-54	<p>Community based Crisis Intervention Service Grant program. EOHHS responsibilities.</p> <p>EOHHS creates a network of community-based crisis intervention services programs for children and families at risk of contact with the juvenile justice system or meet the definition of families with children requiring assistance.</p>	<p>D. Jerszyk-Hollis (DSS): Will there be funding to support the programs or will it be DSS' responsibility to fund them? Who will be responsible for coordinating and managing the programs? Who will oversee collaboration among the multiple agencies? Will the agencies</p>

56-77	<p>Grants may be to private non-profits</p> <p>EOHHS must:</p> <ul style="list-style-type: none"> ○ design models for delivery of services ○ pilot alternative systems ○ develop standards ○ monitor and provide technical assistance to service providers ○ adopt a standard intake tool, and ○ create a data collection system ○ create a local advisory board 	<p>receive funding?</p> <p>Line 66 mentions a standard intake tool. Would the CANS be an appropriate tool?</p> <p>V. Melendez (DSS liaison with Administration for Children & Families) – What are the referral options when it is determined that a child's needs require longer term or high level of services, e.g., child's mental health needs are greater than what can be handled by new the community based provider system? Who will ensure the family has access to these longer-term or greater-intensity services. If the services are not readily available, will the child still end up at DSS to get timely access to services or it no longer an option?</p> <p>Line 66-71 – The family is expected to pay (to some extent) for services; however, the standard intake screening and assessment tool section does not include an evaluation of the family's income/financial means. It is important to disclose in the relevant sections of the legislation that during the intake screening, the extent to which the family will have to pay for such services will be evaluated. Also, what if this financial contribution requirement results in a disincentive for (low income) families to self-refer? Will there be any fee waiver options?</p> <p>Funding – Additional funding will be needed if this involves an expansion of services; will the legislation come with new funding, not just funding diverted from the current CHINS?</p> <p>EOHHS oversight – Won't this require an additional layer of administration and administrative funding? May want to explore the potential for claiming IV-E admin for "candidates" for foster care under this system.</p> <p>Competition for FamilyNetworks – How will this network function with FamilyNetworks? If pay, caseloads, etc. are better than those provided by</p>
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		DSS, providers may opt out of the DSS network. There is already insufficient provider capacity; how will provider capacity be expanded to respond to increased demand?
16H (5) 78-98	Minimum RFP requirements 1. RFP's must include plans for: <ul style="list-style-type: none">○ coordination of local services○ creation of local advisory boards○ periodic evaluation of program 2. One CCIS program in each juvenile court district (11). One truancy prevention pilot program (youth court model) and One runaway treatment and prevention program. 3. Applicants may be local schools, local public agencies, or non profits.	Dr. Kinscherff (DMH): Line 100 – juvenile courts have regions, counties are divisions B. Talkov (Children's League) Line 89 – local advisory board should include mental health “clinicians” (not “providers” who are institutions) Line 93-96 – Parents & youth should also be part of the local advisory board
16H (6) 111-23	Eligibility; voluntary participation in CCIS; Duration of services; mandated reporting Services are available to persons defined in 16H (3). Participation is voluntary and families or children may terminate involvement at any time. Families may receive services for 90 days. After the initial 90 days, services may be extended for up to 90 additional days. Program staff must report any suspected physical or emotional abuse or neglect pursuant to General Laws Chapter 119, Section 51A.	B. Talkov (Children's League): Line 116-120 – is this enough time (3 mos + 3 §mos)? Perhaps the period of time for the provision of services should be extended to 6 mos + 6 mos (HG: this also applies to 16H(10) below) Adolescent Services/ Outreach staff and Youth Advisory Board: suggest 120 days first with an additional 90 days due to trying to coordinate between agencies.
16H (7) 124-31 132-38	Process for seeking services • (a) Children or families may seek services directly and do not need a referral. They may also be referred by a police officer, probation officer, court clerk, court employee, judge, school administrator, pediatrician, or other medical provider treating a child. • (b) The child is not eligible for services if: <ul style="list-style-type: none">○ the child or family is experiencing significant family violence,	Dr. Kinscherff (DMH): Line 135 – Define “complex medical needs” and condition referral to other services on the fact that such needs can't be met by the program. K. Paige (DSS): Line 130-31 – all schools need to have the program. C. Birnbaum (DYS): Line 139 – “convicted of”

	<ul style="list-style-type: none"> ○ the child is at risk for abuse and neglect, or ○ the child's behavior presents a risk to the community <p>Families not eligible will be referred to other services, pursuant to SECTION 5. (SECTION 5 requires that the various departments providing those services agree among themselves to <u>coordinate, deliver, and fund</u> the services to children and families who are not eligible for CCIS.</p> <ul style="list-style-type: none"> • (c) Children involved with the delinquency or dependency systems, or in DSS custody might sometimes still participate; the program administrator will review the facts with caseworker, defense counsel and probation to decide. • If a family or child is denied access to CCIS for another reason, they are entitled to an explanation of why they were denied services and of other services available. Program must follow-up with family and provide notice regarding denial of participation 	<p>should be replaced with "adjudicated delinquent." Also, a word of caution: DYS doesn't want to set up an impression among community service providers that they can easily reject a DYS kid from services; it might be a recipe for disaster as kids leave their units and try to make it in the community.</p> <p>D. Jerszyk-Hollis (DSS): Line 144 – if a child in is DSS custody and in an out of home placement, why would DSS refer them to the community based services? The fact that DSS already has custody suggests it's too late to divert the family from court involvement and DSS would provide services through Family Networks.</p> <p>R. Block (Parents Helping Parents): Believes there should be an anonymous parent support group associated with each site as well as other services parents could access without going through a formal intake. Families should be able to get information and some services even without registering and developing a service plan. Community-based crisis intervention services program will be most effective if they are as family friendly and focused as possible.</p> <p>J. Dohan (CPCS): Line 132 – by rendering kids ineligible if they're at risk of abuse & neglect or is experiencing family violence, will all families in the dependency system be excluded? This would exclude too many; kids need protection from this. (HG note: Availing all families in the dependency system of the front-end services may overburden and the services may be duplicative of the services the family would receive through the dependency system anyway.)</p>
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16H (8)(a) 162-202	<p>Minimum Services</p> <p>Services must include:</p> <ul style="list-style-type: none"> • Program must be open 24/7 • Initial response to contact within 2 hours • Stabilization of any crisis within 6 hours • Assessment and screening of family within 72 hours and of entire household within 1 week • Assignment of a case manager to each family • Creation of a family service plan • Crisis counseling for the children and families • Parent training • Data collection • Crisis intervention residential placements for up to 72 hours • Information on all available community services • Voluntary respite residential placement for up to 21 days • Mediation or alternative dispute resolution 	<p>L. Lambert (PAL): 188 – family service plan should also be reviewed by the family</p> <p>K. Paige (DSS): Line 164-66 – What's the staffing ratio? Line 167-68 – Will there be available resources to ensure it? Line 176 – Recommend a case manager per family, not per child Line 201 – Who provides the residential placement and manages it when a child is placed?</p> <p>L. Shea (DSS): Line 177-78 – Consistent with DSS's philosophy of working with families, a “strength based assessment and statement” concerning the family should be used instead a “statement of the problem.” This allows social workers to focus on family strengths, not deficits.</p> <p>P. Scibak (DSS): Statute should authorize providers and stakeholders to share information about the child & family</p> <p>M. Mason (DSS): one big barrier to success is a lack of community providers who can truly respond immediately with a high level response. Absent real services available in the moment, the community intervention falls short. Other resources might include: immediate psychiatric services, highly trained mediators, Family Group Conferencing folks, recreational services (many kids simply have nothing to do with their down time). Also, would like courts to be able to use programs like Outward Bound where kids could work on their self-esteem.</p> <p>M. Messeder (DSS): DSS and the courts should develop strong collaborative relationships to ensure the system is fully implemented & that</p>
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16H (8)(b) 203-208	Payment for services <ul style="list-style-type: none">Services must be pursuant to a voluntary agreement of the parent and child. Parents pay for services pursuant to sliding fee scale established by EOHHS.	<p>K. Paige (DSS): Who's going to collect the money?</p> <p>Dr. Kinscherff (DMH): leave in the ability to pay provision, but some people will be grumpy</p>
16H (9) 209-238	Case Staffing Teams <ul style="list-style-type: none">When family disagrees with service plan or will not cooperate, or the case manager needs assistance, then the case manager shall convene a 'case staffing team' to create a service plan.Members of the case staffing team will vary depending on the needs of the	<p>B. Talkov (Children's League): Line 216-229 – should be changed to reflect a strong child & family centered approach to decision-making; Children's League has offered a suggestion for language which may accomplish this.</p>

	<p>child and family, including: representatives from the child's school district, EOHHS, service providers, the DA, probation and persons recommended by the family.</p> <ul style="list-style-type: none"> • Families may accept or reject service plan. • At any time, the parent or any member of the case staffing team may convene a disposition meeting to terminate the services if it is in the best interest of the family or child 	<p>J. Dohan (CPCS) –should include a solution where a school or state doesn't provide services</p> <p>Line 212 – “will” not participate should be changed to “does” not participate</p> <p>Line 214 – add “and funding services”</p> <p>Line 215 – add a subparagraph (iv.) that addressed what to do if a school, state agency, or service provider doesn't in fact provide services</p> <p>Line 224 – school or other agencies providing services should also accept or reject services</p> <p>Line 233 – a child should be able to convene a disposition meeting (HG note: this may raise constitutional issues concerning a parent's raising right. The Supreme Court has long found a strong liberty interest in a parent's right to raise their child. In <u>Meyer v. Nebraska</u> (1923), a NE statute was found to interfere with a parent's right to choose/direct a child's education. In <u>Pierce v. Society of Sisters</u> (1925), the Court found that parents had a right to choose their child's school. In <u>Wisconsin v. Yoder</u> (1972), a WI compulsory education statute was found to interfere with parent's religious beliefs (in Dissent, Douglas raised the issue of whether kids rights should be considered & what to do if the kid & parent disagree). In <u>Troxel v. Granville</u> (2000), the Court reasserted parents' fundamental right to raise their child and invalidated a WA statute that permitted any person to petition for visitation rights because it didn't give the parents' determination any weight</p> <p>K. Paige (DSS): Case staffing team may be unrealistic as everyone is spread so thin anyway and the large size of the team would make it difficult to get together quickly.</p> <p>M. Messeder (DSS): Line 233 – should allow a youth age 16 and older to convene a disposition</p>
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		<p>meeting of the case staffing team if things are not going well at home.</p> <p>D. Jerszyk-Hollis (DSS): Line 209 – will the case manager’s consultation with the case staffing team create a barrier to the timely provision of services? How often will the team be available to review the case manager?</p> <p>L. Shea (DSS): Line 227 – In keeping with the emphasis on parental responsibility (line 23), the family shall be responsible for implementing the plan. Putting families in charge empowers them to take control of their lives.</p>
16H (10) 239-248	90 day term of services – extensions Services are provided for 90 days. Services may be extended for a second 90-day period. Services may be extended for additional 90 day periods at the request of a court or probation officer.	<p>M. Messeder (DSS): may want to consider 120-day initial period to allow for scheduling meetings with the various agencies & putting services into place</p> <p>C. Fernandez: Is this enough time? (HG: this also applies to 16H(6) above)</p>
16H (11) 249-258 (11)(b) 259	Disposition meeting <ul style="list-style-type: none"> The purpose of the disposition meeting is to determine whether the goals of the family service plan have been achieved or whether further intervention is necessary. The case may be discharged for the following reasons: <ul style="list-style-type: none"> it is unlikely the family or child will benefit from additional services the family failed to cooperate with the service plan the crisis is resolved The parent will receive a written report, in form acceptable to the juvenile court, containing statement of facts and whether or not further services are likely to be beneficial Report is not a public record. Statements made by family while receiving services must be treated as confidential and not admissible as evidence in any subsequent court proceeding arising from the same circumstances. 	<p>M. Messeder (DSS): Line 264 – add “and the family” to reinforce that the issues to be addressed are centered on the family.</p> <p>Mary Anne: it’s unclear what happens after the various dispositions (e.g., failure to cooperate); do they go to court? What next?</p> <p>J. Dohan (CPCS): Line 249 – change “disposition” Line 257 – add another disposition that the school or one or more state agencies is failing to cooperate with the plan Line 267-71 – spell out that statements should not be used in youthful offender or criminal cases Line 268 – create a second exception if the child & parent agree to waive confidentiality</p>

16H (12) 272-279	<p>Advisory council to the Secretary of EOHHS</p> <p>An advisory council comprising commissioners of DPH, DMH, DSS, DYS, DTA, DPS, DOE, Probation, and representatives of various service providers, the Juvenile Court, municipal departments and districts will advise the secretary on the creation, operation and effectiveness of the program.</p>	<p>Dr. Kinscherff (DMH): Add DMR to the advisory council</p> <p>J. Dohan (CPCS): Line 277 – the advisory council should not include just any member of the bar, also need CPCS, education advocate</p> <p>B. Talkov (Children's League): Line 272-79 – the advisory council should also include young adults & youth who have completed the program. Define 7 days (business or calendar)</p>
16H (13) 280	<p>Annual report to the legislature</p> <p>Annually, the secretary will report to the joint committee on children and families and the ways and means committees on the progress of the program.</p>	
SECTION 2 283	<p>DOE Grants for truancy prevention programs</p> <p>Amends the alternative schools grant program (GL Ch. 69, Sec 1N) by adding that grants may be awarded to assist schools with truancy prevention programs.</p>	
SECTION 3 290	<p>DOE Truancy prevention certification process</p> <p>Amends GL Ch 69 to requires DOE to promulgate regulations for the certification process for local truancy prevention programs.</p>	<p>K. Paige (DSS): Line 292 says that school districts may establish a truancy prevention program; it should be a requirement.</p> <p>J. Dohan (CPCS): Line 291 – prevention program should address school policies & practices & student focused remediation & intervention; is the problem what the kid or school is doing?</p>
SECTION 4 MGL 119, 39E-39J 296	<p>Repeal existing CHINS statute</p> <p>Amends General Laws Chapter 119 by repealing Sections 39E to 39J and adding sections 39J to 39X.</p>	
39K 298	<p>Definitions</p> <ul style="list-style-type: none"> Child requiring assistance: runaway, stubborn or habitual school offender younger than 18 Habitual truant younger than 16, who fails to attend school for 8 days in a quarter. 	<p>K. Paige (DSS): Line 303 – A child from ages 6-11 should not be a truant, this should be a failure to send or neglect by parent/guardian. This is labeling a child when they should not be responsible for getting themselves to school. At that age it would be a parent not meeting their educational needs.</p>

		J. Dohan (CPCS): Line 304 – add “without reasonable (or medical) excuse”; take out “persistently & willfully”
39L 306-316	Jurisdiction and Venue <ol style="list-style-type: none"> 1. Juvenile court has original and exclusive jurisdiction. 2. Court – on its own motion - may substitute a care and protection petition for a request for assistance. 3. Venue is jurisdiction where child resides. Transfer is possible on motion of child or parent 	R. Block (Parents Helping Parents): Court involvement is unnecessary; sees no reason why the current “care and protection” and juvenile delinquency laws are not adequate to allow the state and court to intervene in a family when warranted.
39M 317-328	Nature of the Proceedings Proceedings will not be deemed criminal and will not be entered in the CORI system. The matter will not be labeled a ‘probation case’ for purposes of reporting to the CORI system, even if a probation officer is assigned to assist a child.	
39N 330-353 354-370	Filing a request for assistance – allegations required A parent or legal guardian, school district, or police officer may initiate the process to determine whether a child is in need of assistance. To do this, the petitioner must file a request that alleges: <ul style="list-style-type: none"> • The child meets the requirements based on the child’s actions and age (see definitions 39M); • The school has taken reasonable steps to improve school attendance and conduct (if filed by a school district); and • The child requires supervision or services • Notice from community-based crisis intervention services program stating termination or intelligibility must also be attached to the request. • Police officers may substitute a statement that the child is at risk of harm for the notice. 	J. Dohan (CPCS): re-think this section; it’s a status offender system trying to fit families in Line 332 – change “persistently” to “repeatedly” Line 337 – add “or a school or state agency repeatedly fails to meet the child’s needs” (HG Note: But where does the school get the money to provide the services? Also, does this give rise to a cause of action against schools; is that good (accountability) or bad (resource drain & other unintended consequences)? Line 344 – also add to “improve performance”; with respect to truancy problem, add that the request shall indicate the rate of truancy, MCAS success, & reasonable steps taken by the school district to improve overall school performance Josh wants to push back on schools to make sure kids learn, noting that truancy and school failure are correlated (HG: but where is the failure? Is this the school’s responsibility? The parent’s?) (HG Note: CHINS would be a very blunt tool to

try to improve the MA public education system. Statements on items beyond truancy, and into academic performance, will likely open a whole new can of worms and will likely invite plenty of opposition. Therefore, it might be best to save education reform for education reform; don't try to squeeze it in the backdoor of a child welfare program. Once you start to demand, request, or hold schools accountable for minimum performance standards, you get into battles that have long been fought and litigated in the various waves of education reform. For example, demands for performance standards lead to questions of vertical & horizontal equity in outcomes. It should be noted that these issues, among others, contribute to make NCLB so contested. In addition, there are factors exogenous to the student's school experience that will impact his/her educational performance. To what extent must the school overcome those factors? Is that part of the school's responsibility? Do we want it to be?)
Line 348 – add “resources, opportunities, and services”; also, this should apply to the child and family

P. Scibak (DSS): Clarify whether DSS is a legal guardian for purposes of filing a petition when a child runs away. Why should DSS be less able to protect/provide for kids in state custody?

C. Birnbaum (DYS): There might be a danger in using the word “adjudicate” throughout the bill because it is the well-established word for what happens to juvenile offenders whose cases are disposed; may want to use a different word, such as “deemed” to be in need of services.

K. Paige (DSS): Line 342-47 – This isn't

		<p>congruent with what was stated earlier on.</p> <p>Line 348 – Who will supervise or provide services?</p> <p>Line 354 – not clear</p> <p>L. Shea (DSS): Line 343-47 – School districts tend to be too quick in referring families to courts for truancy matters. School districts should be held more accountable by having them state specifically what has been done to improve attendance and child conduct. More emphasis on truancy prevention programs in school is needed.</p>
39O 371-391	Service of process Once a petition is filed, the court may summons the child and parent to appear Where one parent initiates the proceeding, the court provides notice to a parent or guardian who has not signed the request for assistance. The notice must state that if the child is placed with DSS, the parent may be named as a respondent in a child support hearing.	K. Paige (DSS): Line 384 – Who will name the parent as a respondent in a child support proceeding?
39P 393	Scheduling the fact finding hearing The fact finding hearing must be scheduled for a date within 90 days after the request for assistance is filed. Upon agreement of the parent, child, probation officer and petitioner the hearing may be postponed for another 90 days.	P. Scibak (DSS): 90 days seems like a long time
39Q 398-409	Appointment of counsel to child Counsel is appointed to the child 3 business days prior to any scheduled hearing, or immediately if a hearing is held on an emergency basis. The parent or guardian will pay the cost of appointed counsel to the extent s/he is able to pay; if the parent is not indigent, the court will assess a \$300 fee.	
39R 411-428	Responsibilities of probation – Duration of preliminary inquiry – Data collection <ul style="list-style-type: none"> Upon filing of a request for assistance the clerk assigns a probation officer who shall conduct a preliminary inquiry. The PO has discretion to: <ul style="list-style-type: none"> Refer the family to the community based crisis interventions services 	<p>P. Scibak (DSS): Shouldn't the PO have access to the written reports from the community-based crisis intervention services for the "preliminary inquiry?"</p> <p>K. Paige (DSS): What ensures that the PO does</p>

440-447 429-432 443-439	<p>program</p> <ul style="list-style-type: none"> ○ Refer the family directly to services ○ Confer with the family and enter into an agreement on actions to be taken to solve the crisis ○ Present the matter to the court if the family fails to participate. ● Services will be provided for up to 90 days unless the parent, child, and petitioner voluntarily agree to services for an additional period up to 90 days. ● At the end of the initial or additional 90-day period, the child and family will either: <ul style="list-style-type: none"> ○ be dismissed from further participation in the services, or ○ a fact finding hearing will be held to determine whether the child is in need of services. ● Probation officers shall collect date in which is in substance and format compatible with information gathered by CCIS. ● The Commissioner of Probation will establish a data collection system to assist probation officers and the court in addressing the needs of the populations served, and to evaluate the effectiveness of services provided. 	<p>what's in the best interest of the child? In order to prevent the PO from directly referring the child to a public or private organization to dispense with responsibility, there should be criteria and explanation of why the PO made a decision.</p>
39S 449-465	<p>Limited DSS custody – Counsel for parents</p> <p>If a child is at risk of serious harm, the court may order the child into the <u>emergency limited custody</u> of DSS.</p> <p>The child may also be placed in <u>temporary limited DSS custody</u> if the child is likely not to appear at the hearings.</p> <p>In either case, counsel must be provided to the child's parents.</p>	<p>P. Scibak (DSS): What is “limited” custody? Also, confused about the standard of proof (line 454). DSS’ 72 hour hearings don’t require clear & convincing evidence. Was the higher standard adopted to keep kids at home?</p> <p>Lines 457-65 – Is this DSS bail?</p> <p>L. Shea (DSS): Line 452 – Sounds like the current proceeding for a Care and Protection Petition, which initiates the termination of parental rights, but current CHINS statutes doesn’t seek to terminate parental rights. Perhaps the 72 hour hearing could be a format for deciding whether temporary custody to DSS continues or moves to the C&P level. Adding hearings could be a burden to an already overwhelmed court system.</p>

		<p>V. Melendez (HHS ACF) – Is there a definition for “limited custody?”</p> <p>J. Morton (Courts): line #449 blend into a C&P case, does this blur the lines?</p> <p>L. Lambert (PAL): Provided language around DSS voluntary placement agreement.</p>
39T 467	<p>Right to withdraw request</p> <p>Petitioner can withdraw the request for assistance prior to an adjudication hearing.</p>	<p>P. Scibak (DSS): Should parents have the right to withdraw the request for assistance? How does this section fit with the prior section regarding commitment to DSS?</p>
39U 470	<p>Fact finding hearing</p> <p>Evidence will be presented at the hearing by the petitioner and the CCIS case manager. The probation officer will present a recommendation to the court. The court will review the notice of termination of services. With the consent of the family the court will review written reports created by the CCIS, and any other documentation of services.</p> <p>At the hearing the court will do one of the following:</p> <ul style="list-style-type: none"> • Dismiss the request for assistance for lack of probable cause; • Adjourn the hearing for up to 60 days and order that the child and family return to the CCIS program for additional community-based crisis intervention services or to probation; • Schedule an adjudication hearing upon finding that there is probable cause that the child requires assistance. <p>No statements made by the child or family prior to the hearing may be used against the child during the fact finding or adjudication hearing, but they may be used after adjudication for purposes of disposition.</p>	<p>P. Scibak (DSS): Line 474 – Why is consent by the child and family needed for the court to review written reports from the community-based crisis intervention services? What is the impact of a family’s refusal to sign releases? A fix may be: “The court may, upon notice to the child, parent or guardian, issue such orders for records and documents the court deems necessary.”</p> <p>K. Paige (DSS): Line 480-81 – What if the parent doesn’t participate? How is the parent held responsible?</p> <p>Line 495-98 – A 51A could be filed, which then would be admissible.</p>
39V 500	<p>Adjudication hearing and Dispositions</p> <ol style="list-style-type: none"> 1. At adjudication hearing petitioner has burden of proof. Allegations must be proven by preponderance of evidence. 2. Upon adjudicating a child to be a “child requiring assistance,” the court convenes meeting of probation officer, CCIS case manager, the petitioner, the child’s school, 	<p>K. Paige (DSS): Line 521-23 – would DSS have to look into the relative to determine ability to care for the child or whether the relative is an appropriate caretaker?</p> <p>Line 541-21 – Does this mean it can be just one night? Would DSS have to go back into court to</p>

	<p>and the parent or guardian to determine the appropriate placement of the child. Those persons present written findings to advise on placement of the child.</p> <p>The court may make one of the following dispositions:</p> <ul style="list-style-type: none"> • Permit the child to remain with the parents, subject to conditions regarding treatment and supervision. • Place the child in the care of a relative, licensed private charitable or childcare agency, or other private organization qualified to care for the child • Commit the child to DSS. <ul style="list-style-type: none"> ○ DSS may not refuse placement if court has made required determinations. ○ DSS may not refuse request of child for placement if there is a history of abuse and neglect in the home. ○ DSS will direct type and length of out of home placement <p>3. Before committing a child to DSS with a recommendation for out-of-home placement, the court must hold a hearing to determine by clear and convincing evidence whether there is substantial likelihood of serious harm if the child remains at home.</p> <p>4. A child adjudged as requiring assistance cannot be committed to a county training school or an institution for juvenile delinquents.</p>	<p>have the out-of-home order removed?</p> <p>Line 548-49 – If the parents are not together, do both parents get appointment and should DSS's legal department be at the hearings? How do the changes affect DSS's legal representation and their staffing ability to serve us?</p> <p>P. Scibak (DSS): Lines 545-49 – wonders about the nature of the hearing; is this conducted by the petitioner? Does DSS receive notice? If not, maybe should add, "If the child is committed to the department, the probation officer shall notify DSS and provide the following information regarding the child and the family: ..." Would include the same notice to DSS and provision of information to DSS whenever custody goes to DSS or when the court files a C&P.</p> <p>J. Morton (Courts): Line #545 went into a C&P case does this bring up CH.119?</p> <p>C. Birnbaum (DYS): Lines 550-556 – seems to prohibit kids from being committed to DYS; however:</p> <p>Line 550 – mentions "county training schools" that no longer exist</p> <p>Line 553 – mentions "committed" to "group homes." If the bill contains the word "committed" it implies the child is being sent to DYS; if the population in the group homes has DYS committed clients, the purpose of the bill is defeated.</p> <p>Lines 553-56 – mentions referrals to DYS for individual foster care which is something DYS doesn't routinely provide and the bill is written to avoid DYS; this should be deleted.</p> <p>Overall, references to DYS should be removed for clarification and consistency with the rest of</p>
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		<p>the bill.</p> <p>D. Jerszyk-Hollis (DSS): Line 537 – Is it new to require that DSS may not refuse an out-of-home placement when requested by the child if there is substantiated history of abuse and neglect?</p> <p>Line 541 – Will DSS be working with the juvenile court judges to address the type and length of out-of-home placements (as opposed to the judges ordering/pressuring the social workers to place children in settings the judges recommend)?</p> <p>Line 552: Judges do not seem to exercise the option of placing children in group home facilities to provide therapeutic care. Who would fund the placement if custody was not granted to DSS and this option was chosen?</p> <p>Dr. Kinscherff (DMH): Give court the authority to pull in whoever is needed to help the child</p>
39W 558-567	Duration of disposition orders Disposition orders will be in effect for up to 90 days and may be extended for up to 3 additional 90-day periods if the court determines that the goals have not been accomplished and that extension of the disposition order would further the goals. Orders may be extended if child and family are not participating in good faith. Orders expire after the child turns 18 or, for habitual truants, after the child turns 16.	P. Scibak (DSS): The 90 day disposition seems short. Does the extension entail court review of the status every 90 days? How about writing in an administrative (clerk magistrate or probation) review instead? Is there a right of appeal?
39X 569 579-585, 606	Children in limited custody A child may be taken into <u>limited custody</u> if the child did not obey a summons or if the law enforcement officer believes the child has run away and will not respond to a summons. The officer must immediately notify the parent after a child is taken into custody. A child must be released to the parent or guardian in the absence of special circumstances. A child may not be placed in a locked facility. After attempting to notify the parent, the officer must do one of the following:	P. Scibak (DSS): Confused about the need to question the child K. Paige (DSS): Line 599-600 – Who has the runaway or other approved respite or crisis programs? Line 611-13 – How do you secure runaways? This has been an ongoing problem. T. O'Loughlin (Milford PD): Line 573 – Delete

586-601	<ul style="list-style-type: none"> Release the child to the custody of the parent or guardian with the promise that the child will be presented to the local CCIIS program to receive services Take the child directly to the CCIS program or to a facility approved by the juvenile court for questioning Release the child to DSS if the child is or has been in the care and custody of the department Take the child to an approved runaway program or other approved respite or crisis program If all else fails, take the child directly to juvenile court 	<p>“and will not respond to a summons.” Police officers who encounter children who have run away should have the authority to take the child to the police station so that resources can be introduced immediately.</p> <p>Line 574 – Remove the word “limited” Line 580 – Replace “security” with “surety” Line 593 – After “children,” add the words “or a police station”</p>
SECTION 5 618	<p>Coordination among state agencies and local</p> <p>Requires that EOHHS, DPH, DMH, DSS, DYS, DTA, DOE, Probation, juvenile court, municipal police and school departments enter into memoranda of understanding among themselves to <u>coordinate, deliver, and fund the services</u> to children and families who are not eligible for community-based crisis intervention services.</p>	Dr. Kinscherff (DMH): Add DMH
SECTION 6 627	<p>Pilot program for runaway girls</p> <p>EOHHS directed to pilot a program to address the needs of girls who run away.</p>	D. Jerszyk-Hollis (DSS): This is long overdue. DSS has a committee in Worcester that looks at causes of the increased violence among girls called “Investing in Girls.”
SECTION 7 631	<p>Pilot truancy prevention program</p> <p>EOHHS directed to pilot a truancy prevention program using a ‘youth court’ format in at least one urban high school.</p>	