

CHINS

Suggested Language Changes

CSAs

L 58 Consider directing the secretary to give a preference to CSAs when awarding grants; require secretary to avoid duplication of services whenever possible.

L 172-216 minimum services: consider aligning the response times to that currently required of CSAs

L203 (SEIU) Consider reference to Parent Partners – parents mentoring parents

L195 and 213 Northeastern suggests include restorative justice process in the list of things the family service plan ‘may’ include and add restorative justice to mediation and ADR bullet

Confidentiality

L310-316 Need to review this language regarding confidentiality– Are we creating a privilege or just excluding statements in certain actions? (CPCS will offer language – 324 MD text)

EDUCATION –

DESE alerted us to potential impact on disciplinary process and ‘code of conduct’.

I 162 –we require referral to CSA prior to expulsion, DESE suggests making the referral simultaneously with expulsion,.

We are told that expulsion triggers due process rights; therefore some schools use an “indefinite exclusion process – akin to a permanent suspension.

CPCS suggests that we require a SPED assessment be done prior to referral

L350 – 353 DESE certified truancy prevention program

This section needs discussion – what happens if the family does not participate in the certified program, or if no one requests a SPED assessment

CPCS suggests:

Consider expanding it to cover both school based CHINS categories. Requirements shall include statement of efforts made to identify any special education needs and identification of the barriers to success that the student is facing.

Require SPED assessment as part of certified program

Northeastern suggests we direct DESE to use restorative justice formats in creating certification requirements.

Court Process

Jurisdiction of the Gloucester and Brookline district courts

L371 See ch 278 of 1995 – CPCS would like to eliminate this and give exclusive jurisdiction to the district court.

Conduct of fact finding hearings by clerk magistrate

Juvenile Ct suggests that language clearly state that either a clerk or judge be authorized to conduct the ‘initial hearing’ in the existing statute. The bill could make that clarification for the fact finding hearing. This would conform to existing practice.

L 366 Habitually truant definition –

CPCS thinks we should have 2, fails to attend for front end, **II49-52**, Willfully fails to attend **II366-368**.

Withdrawal of request for assistance

LI524 -527 CPCS suggests allowing dismissal for any reason (not just resolution of the matter that initiated the filing of this request.) Petitioner (school, parent, and police) may file a motion to dismiss. A PO may at any time recommend to the court that case be dismissed on showing that it is in best interests of the child.

Avoiding the possibility of a contempt citation against the child

LI536 CPCS suggests changing so court cannot ‘order’ family to community based services, to instead allow ‘referral’ to services

Standard for dismissal

L541 CPCS suggests that court dismissal at the fact finding hearing be based on the best interests of the child. (Bill allows dismissal on resolution of circumstances that prompted filing.)

Clarification and changes to language regarding procedure in fact finding and disposition hearings

L556-553 Move this language on representation, standing and evidence standard out of this section and into the section on fact finding hearing. CPCS suggests changing the standard from preponderance to clear and convincing. We need right to be heard and present evidence at the earlier hearing as well as at disposition.

LI564-573 The meeting the bill requires is very like a pretrial conference, so describe it as a pre-disposition conference

At disposition hearing, take evidence from all who participated in the predisposition conference.

Ordering services:

L610-616 CPCS believes there is no constitutional limitation on giving a court the power to order an executive department to provide services.

L616 Add the child advocate to list of recipients of written refusal to provide services.

Child Advocate review

Add a section to have the CA examine the new system – particularly the court process – on a biannual basis. Try to distinguish between procedure problems and resource needs.

Truancy prevention pilot program

Northeastern suggests more specific language describing details of the restorative justice aspects of the pilot program