

<u>Current Leg.</u>	<u>Language of Current Legislation</u>		<u>Proposed Leg.</u>	<u>Language of Legislation</u>		<u>Notes</u>
39 E P4	If the child is not brought into court on arrest the clerk shall,	set a date for a hearing to determine whether a petition should issue,	39N P3	When a request for assistance is presented to the clerk for filing by a parent or a police officer, the clerk shall *All Petitioners*	determine whether or not the child and family named in the petition have received services from a community service program	In the proposed legislation all petitioners must receive or waive their right to receive various social services prior to filing a request for assistance.
					If the child and family have participated in such services, the clerk shall attach to the petition the notice of conclusion of community-based services...	
					If the child and family have not participated in such services the clerk shall provide the petitioner the option of referring the child and family to the program	
			39 N P3-b1	If the petitioner is a parent	The clerk shall offer to contact the community-based services provider on the parents behalf If the parent declines to be referred to such services, the clerk shall attach to the request for assistance the parent's signed statement that the parent does not wish to be referred to such services and that the parent understands the nature of services available through the court process...	
		notify the child of such hearing and				

		request the chief probation officer or his designee to conduct a preliminary inquiry to determine whether in his opinion the best interest of the child require that a petition be issued.				
		The court shall hold a hearing in which it shall receive the recommendation of the probation officer and shall either:	39 O ½	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 judge shall determine:		
		(1) decline to issue the petition because there is no probable cause to believe that the child is in need of services;		(1) whether or not there is probable cause for a determination that a child and family are in need of assistance →	(if not) dismiss the request for assistance	The language of the proposed legislation is almost identical to the current legislation, however, worded a bit differently.
		(2) decline to issue the petition because it finds that the interests of the child would best be served by informal assistance without a trial on the merits, in which		(2) whether it is in the best interest of the child for the matter to proceed to a fact finding hearing→	(if yes) refer the child and family to a probation officer for the preliminary inquiry under section 39R.	

		case the court shall, with the consent of the child and his parents or guardian, refer the child to a probation officer for assistance; or				
		(3) issue the petition and schedule a trial on the merits.	39 P P1	At the conclusion of the probable cause hearing required by section 39O ½ , the clerk shall set a date for a fact finding hearing no more than 90 days from the date the request for assistance was filed.		The trial on the merits which the court may issue under the current legislation is similar to the fact finding hearing that the clerk may schedule at the end of a probable cause hearing under the proposed legislation.
			39 O ½	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 request for assistance.		
	If the child is brought in on arrest,	the petition shall issue if it has not already issued and	39 N P3-b2	If the petitioner is a police officer,	The clerk shall offer to contact the community – based services provider in order to complete a referral to such services.	

					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.	
					The clerk shall then: (1) immediately contact the designated community based services to provide notice that a request for assistance has been prepared for filing,	
					(2) create a docket for the matter	
		the court shall immediately request the probation officer promptly to make like inquiry and			(3) request that the chief probation officer, or his designee, conduct an immediate inquiry and	Similar language, however in the proposed legislation the step prior to this is referral to community-based services.
		Thereafter report to the court his recommendation as to whether the interest of the child can best be served by informal assistance without a trial on the merits.			report to the clerk, or a judge if the clerk is not available with advice on how to proceed to obtain assistance for the child .	Similar language.
		Upon receiving such recommendation, the court may hold a				

		hearing and				
		Shall decided whether to proceed with a trial on the merits or				
		To refer the child to the care of a probation officer for assistance.				
					After considering such advice the clerk may accept the request for assistance for filing.	
39 E P5	Whenever a child is referred to a probation officer for assistance,		39R P1	When requested by the court or a clerk the chief probation officer or his designee shall conduct a preliminary inquiry to determine whether in his opinion the best interest of the child and family require that crisis intervention services be provided to the child and family. The probation officer in his discretion may:		
			39R P1-a	(a)refer the family and child to a community-based services program in the community where the child resides; the probation officer may confer with the provider of community-based services to resolve the situation which formed the basis of the request for assistance.		

such officer shall have the authority to refer the child to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental, or social services and			39R P1 -b	(b) refer the child to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental, or social services		Exact same language
Shall have the authority to conduct conferences with the child and child's family for the purpose of effecting adjustments or agreements which are calculated to resolve the situation which formed the basis of the application or petition and which will eliminate the need for a judicial trial on the merits			39R P1-c	(c) conduct conference with the child, the child's family and the petition for the purpose of effecting adjustments or agreements which are calculated to resolve the situation which formed the basis of the request for assistance.		Almost the exact same language.
				Information obtained by the probation officer may be used in the present proceeding but it is otherwise confidential and may not be used in school disciplinary proceedings or other court proceedings;		
During the pendency of such referrals or conferences, neither the child nor his parents may be compelled to appear at any conferences, produce any papers, or visit any place.						

<p>However, if the child or his parents fail to participate in good faith in the referrals or conferences arranged by the probation officer,</p>		<p>39R P1-d</p>	<p>(d) If the child or his parents fail to participate in good faith with the referrals or conferences arranged by the probation officer or if the probation officer is not able to refer the child or his parents to an appropriate public or private organization which is willing and able to provide appropriate services</p>		<p>Almost exactly the same, with a small addition in the proposed legislation referring to the probation officer's ability to refer the child and family to appropriate services.</p>
<p>The probation officer shall so certify in writing, and</p>			<p>The probation officer shall so certify in writing and present these findings to the court.</p>		
<p>The clerk shall issue a petition, if one has not already been issued and,</p>					
<p>Shall set a date for a trial on the merits.</p>					
<p>The judge who conducted the hearing on the issuance of a petition shall not preside at any subsequent hearing on the merits.</p>					
<p>If the child is being detained in any facility pending the determination as to whether a petition shall issue, or pending a trial on the merits, and a determination is made either not to issue the petition or to refer the child to the probation</p>					

	<p>officer, the person in charge of the facility wherein the child is detained shall be notified immediately and the child shall be immediately released.</p>				
	<p>Conferences and referrals arranged under this section may extend for a period not to exceed six months from the date that the application was initially made for the petition Unless the parent and child voluntarily agree in writing to a continuation of such conferences or referrals for an additional period not to exceed six months from the expiration of the original period.</p>		39R P3	<p>Conferences and referrals arranged under this section may extend for a period not to exceed 120 days from the date that the request for assistance was filed, unless the parent, child and petitioner voluntarily agree in writing to a continuation of such conferences or referrals for an additional period not to exceed 90 days from the expiration of the original period. Upon the expiration of the initial 90 days period, or of such additional 90 day period, the request for assistance may be dismissed and the child and his parents discharged from any further obligation to participate in such conferences and referrals, or a fact finding hearing shall be held.</p>	<p>This language is extremely similar; however, the time frames used in the proposed legislation are shorter than those used in the current legislation. The proposed legislation also includes a provision about what is to happen at the expiration of the allotted time for conferences and referrals.</p>
39E P6	<p>Upon the filing of a petition under this section, the court may issue a summons, to which a copy</p>		39O P1	<p>Except as provided in subsection 2, on the filing of a request for assistance pursuant to this section,</p>	<p>Very similar language, however, the proposed legislation requires</p>

<p>of the petition shall be attach, requiring the child named in such petition to appear before said court at the time</p>			<p>the court shall cause a copy of the request for assistance and a summons to be issued, requiring the child and each parent to appear at the court at a time and place named to address the request for assistance.</p>		<p>the child <i>and</i> each parent to appear at the court.</p>
		<p>390 P3</p>	<p>A copy of the request for assistance served or provided under subsection 1 and 2 shall be accompanied by a notice that, in the event that the court deems it necessary to place the child in the care and custody of the department of children and families, said parent may be named as a respondent in any child support proceeding brought in connection with the child's care.</p>		
<p>If such child fails to obey the summons, said court may issue a warrant reciting the substance of the petition and requiring the officer to whom it is directed forthwith to take and bring such child before said court.</p>					
<p>Notice of the hearing shall be given to the department of youth services and to</p>					

	the department of children and families.					
39E P7	Where the court summons such child, the court shall in addition issue a summons to both parents of the child, if both parents are known to reside in the commonwealth, or to one parent if only one is known to reside within the commonwealth, or, if there is no parent residing in the commonwealth, then to the parent having custody or to the lawful guardian of such child.		39 O P2	In proceedings commenced by a parent, the court shall, at the time the request is filed, notify the parent in writing of the time and place that the request for assistance will be heard to ensure the parent has a copy of the request for assistance. The court is not required to issue a summons to either parent in such a case if the parents are living together. If the parents are not living together, the court shall cause a copy of the request for assistance and a summons to be issued, requiring the child and the parent who did not initiate the request for assistance to appear to address the request for assistance at the court at a time and place named.		Both the current and proposed legislation contain language about issuing a summons to the parents of the child, however, the language in the proposed legislation doesn't reference whether or not they reside in the commonwealth, but focuses more on whether the parents are living together as a means to ensure both parents are informed of the request for assistance and the summons.
	Said summons shall require the person served to appear at a time and place stated therein at a hearing to determine whether or not such child is in need of services.		39O P1	...a summons to be issued, requiring the child and each parent to appear at the court at a time and place named to address the request for assistance.		Almost the exact same language.

39E P8	Unless service of the summons required by this section is waived in writing, such summons shall be served by the 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 of business of such person, and said constable or police officer shall immediately make return to the court of the time and manner of service.		390 P4	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.		Exact same language.
39E P9	<p>The hearing of a petition filed under section 39E in a division of the district court department or of the juvenile court department shall be by a jury of six, unless the child files a written waiver and consent to the petition being heard without a jury, subject to his right of appeal there form for trial by a jury of six pursuant to section 39 I.</p> <p>Such waiver shall not be received unless the child is represented by counsel or has filed, through his parent or guardian, a written waiver of counsel.</p>					

	Such trials by jury in the first instance shall be in jury sessions designated for their respective departments by the administrative justices of the district and juvenile courts for the hearing of appeals claimed pursuant to section 39I.					
	All provisions of law and rules of court relative to the hearing and trial of such appeals shall apply also to jury trials in the first instance.					
39F	When a child alleged to be in need of services is brought before a juvenile court or a juvenile session of a district court pursuant to section 39E, said child shall be informed that he has a right to counsel at all hearings,		39Q-P1	When the request for assistance is filed the child shall be informed that he has a right to counsel at all hearings.		Almost exact same language-exact same meaning.
	and if said child is not able to retain counsel, the court shall appoint counsel for said child.			At the time the request for assistance is filed, that court shall ensure that if said child is not able to retain counsel, the court shall appoint counsel for the child at the time the request for assistance is filed.		Almost exact same language-exact same meaning.

				The clerk shall cause a copy of the request for assistance and notice of the time and place of the fact finding hearing to be delivered to counsel at the time of appointment.	
			39Q P2	When the request for assistance is filed, each parent or legal guardian of the child shall be informed that he had the right to participate as a party in any hearing or proceeding regarding custody of his child. If said parent or legal guardian is financially unable to retain counsel, the court shall appoint counsel for said parent or legal guardian.	Unlike the current legislation, the proposed legislation includes provisions allowing parents the right to retain counsel.
	The court shall determine whether the parent or guardian of a child alleged to be in need of services is indigent. If the court determines that the parent or guardian is not indigent, the court shall assess a \$300 fee against the parent or guardian to pay for the cost of appointed counsel. If the parent is determined to be indigent but is still		39Q P3	The court shall determine whether the parent or legal guardian of a child alleged to require assistance is indigent. If the court determines that the parent or legal guardian is not indigent, the court shall assess up to \$1000 fee against the parent or legal guardian to pay for the cost of counsel appointed for the child. If the parent or	Almost the exact same language, the only difference being the amount the court can assess in fees against the parents or legal guardian.

	able to contribute toward the payment of some of said costs, the court shall order the parent to pay a reasonable amount toward the cost of appointed counsel.			legal guardian is determined to be indigent but is still able to contribute toward the payment of some of said costs, the court shall order the parent or legal guardian to pay a reasonable amount toward the cost of counsel appointed for the child.		
39G P1	At any hearing to determine whether a child is in need of services, said child and his attorney shall be present. If the court finds the allegations in the petition have been proved at the hearing beyond a reasonable doubt, it may adjudge the child named in such petition to be in need of services. Upon making such adjudication the court, taking into consideration the physical and emotional welfare of the child, may make any of the following orders of disposition:		39V P2	The court shall then conduct a dispositional hearing. The court, taking into consideration:		Almost exactly the same, however, worded a bit differently.
				the evidence admitted at the hearing,		
				the report of the probation officer,		
		(a) subject to any conditions and limitations the court may prescribe, including provision for medical,			(a)subject to any conditions and limitations the court may prescribe, including provision for medical, psychological, psychiatric,	Exact same language.

		<p>psychological, psychiatric, educational, occupational and social services, and for supervision by a court clinic or by any public or private organization providing counseling or guidance services, permit the child to remain with his parents;</p>			<p>educational, occupational, and social services, and for supervision by a court clinic or by any public or private organization providing counseling or guidance and for any other services deemed appropriate by the court, permit the child to remain with his parents;</p>	
		<p>(b) subject to such conditions and limitations as the court may prescribe, including, but not limited to provisions for those services described in clause (a), place the child in the care of any of the following: (1) a relative, probation officer, 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; (2) a private charitable or childcare agency or other private organization, licensed or otherwise authorized by law to receive and provide care for such children; or</p>			<p>(b) subject to such conditions and limitations as the court may prescribe, including, but not limited to provisions for services deemed appropriate by the court, including but not limited to services described in clause (a), place the child in the care of any of the following: (1) 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, (2) a private charitable or childcare agency or other private organization, licensed or otherwise authorized by law to receive and provide care for such children</p>	Exact same language.

		(3) 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				
		(c) subject to the provisions of sections 32 and 33 and with such conditions and limitations as the court may recommend, commit the child to the department of children and families.			(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.	Same language.
		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.			If the court chooses to place the child in the custody of the department then at the same time, the court shall consider the provision of section 29C and shall make the written certification and determinations required by said section 29C.	Same language.

		The department shall give due consideration to the recommendations of the court.			When the court has placed a child in the custody of the department then the department :	
		The department 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.			(1) 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.	Same language.
		The department shall give due consideration to the requests of the child that the child be placed outside the home of a parent or guardian where there is a history of abuse and neglect in the home by the parent or guardian.			(2) may not refuse out-of-home placement when requested by the child if there is a substantial history of abuse or neglect in the home by the parent or legal guardian;	Similar language; however in the proposed legislation the department may not refuse out-of-home placements, while the current legislation only requires the department to give due consideration to the requests of the child.

		The department shall direct the type and length of such out-of-home placement.			(3) subject to clauses (1) and (2), shall direct the type and length of such out-of-home placement.	Exact same language.
					(4)subject to clauses (1) and (2), shall give due consideration to the recommendations of the court. Whenever the department decides not to carry out the recommendations of the court regarding placement and treatment of the child it shall present the reasons for its decision and the alternative place for treatment and placement in writing to the court.	
					(d) The court may issue an order directing any state agency to provide particular series to the family and child including but not limited to those services described in clause (a). If the agency is not able to comply with the order directing services then the agency shall provide to the court a written statement of reasons why it is unable to provide those services. A copy of the statement shall be sent to	

					the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities and the office of the child advocate.	
			39 V ½ P1	Notwithstanding the provisions of subsection 2 (P2 below) the court may not order the child to be placed in the custody of the department of youth services.		
39G P2	A child found to be in need of services shall not be committed to any county training school. A child found to be in need of services shall not be committed to an institution designated or operated for juveniles adjudicated delinquent.		39V ½ P2	A child found to require assistance shall not be placed in a locked facility or any facility designated or operated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent.		Almost the exact same language, however, the proposed legislation does not mention training schools.

	<p>However, such child may be committed to a facility which operates as a group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated delinquent are also provided care in such facility and may, in addition, be referred to the department of youth services for placement in individual foster care.</p>			<p>However, such child may be placed in a facility which operates as a group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated delinquent are also provided care in such facility.</p>		<p>Almost the exact same language, however, the current legislation includes a provision about the child being referred to DYS for foster care placement.</p>
39G P3	<p>Any order of disposition pursuant to this section shall continue in force for not more than six months; provided, however, that the court which entered the order may, after a hearing, extend its duration for additional periods, each such period not to exceed six months if the court finds that the purposes of the order have not been accomplished and that such extension would be reasonably likely to further those purposes.</p>		39W P1	<p>Any order of disposition under 39V shall continue in force for not more than 120 days; provided, however, that the court which entered the order may after a hearing, extend its duration for up to three additional periods, each such period not to exceed 90 days, if the court finds that the purpose of the order have not been accomplished and that such extensions would be reasonably likely to further those purposes. The child shall have the opportunity to present evidence and rebut evidence presented at any extension hearing.</p>		
39G P4	<p>No order shall continue in effect after the 18th birthday of a child named</p>		39 W P2	<p>No order shall continue in effect after the 18th birthday of a child named</p>		<p>Similar language, however, the proposed legislation</p>

	in a petition authorized to be filed by a parent or a legal guardian having custody, or a police officer, under the provisions of the 2 nd paragraph of section 39 E, or after the 16 th birthday of a child named in a petition authorized to be filed by a supervisor of attendance under the provisions of the 3 rd paragraph of said section 39 E.			in a request for assistance.		does not contain a provision referring to a petition filed by a school to be in effect until the child's 16 th birthday.
39H P1	A child may be arrested for committing the behavior described in the definition of child in need of services in section 21, only if such child has failed to obey a summons issued pursuant to section 39E, or if the arresting law enforcement officer has probable cause to believe that such child has run away from the home of his parents or guardian and will not respond to a summons.		39X P1	(a) A child may be taken into custodial protection for engaging in the behaviors described in section 39N, only if such child has failed to obey a summons issued pursuant to section 39O, or if the law enforcement officer initiating limited custody has probable cause to believe that such child has run away from the home of his parents or legal guardian and will not respond to a summons.		Almost exact same language.

39H P2	Whenever such child is arrested and the court with jurisdiction over the case is not in session, the law enforcement officer in charge of the police station or town lockup to which the child has been taken, or his designee, shall immediately notify:	(1) the probation officer of the division of the juvenile court department within whose district such child was arrested or resides, or such other probation officer who may have knowledge of the child and				
		(2) a representative of the department of children and families, if the law enforcement officer has reason to believe that the child is or has been in the care or custody of such department, and shall inquire into the case.		(b) After an officer has taken a child into custodial protection, the officer shall immediately notify the parent or other person legally responsible for the child's care, or the person with whom he is domiciled, that he is under the custodial protection of the officer.		

39H P3	The law enforcement officer, in consultation with the probation officer, shall then immediately make all reasonable diversion efforts so that such child is delivered to the following types of placements, and in the following order of preference:	(1) to one of the child's parents, or to the child's guardian or other responsible person known to the child, or to the child's legal custodian including the department of children and families or the child's foster home;		(c)After making every reasonable effort to give notice under paragraph (b), the officer shall:	(1) release the child to the custody of his or her parent or other person legally responsible for his or her care upon written promise, without surety, of the person to whose custody the child is released that he will bring the child to the program designated to provide community-based services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into custodial protection or in which the child resides, at a time and place specified in writing.	Similar language, however, the proposed legislation includes a provision requiring a written promise from the parent that they will bring the child to community-based services upon being released into their custody.
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		<p>(2) to a temporary shelter facility licensed or approved by the department of early education and care, a shelter home approved by a temporary shelter facility licensed or approved by said department of early education and care, or a family foster care home approved by a placement agency licensed or approved by said department of early education and care; provided, however, that such a placement is available and, in the view of the probation officer, appropriate for the child; provided, further, that such a placement furnish said law enforcement officer with a written statement that it will make reasonable efforts to secure the child's appearance at the next available court session and that such placement will furnish the necessary transportation to such placement and to the court, unless the law enforcement officer</p>				
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		chooses to furnish said transportation...				
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					(2) forthwith and with all reasonable speed take the child directly, and without first being taken to the police station house, to the program designated to provide community-based services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into custodial protection or in which the child resides or,	
					(3) release the child to a representative of the department of children and families, if the law enforcement officer has reason to believe that the child is or has been in the care of custody of such department; or	
					(4) take the child directly to the juvenile court in which the act occasioning the taking into custodial protection occurred, provided that the officer affirms on the record that he or she attempted to	

					exercise the options identified in paragraphs (1), (2), and (3) of this subdivision, was unable to exercise these options and the reasons therefore.	
				(d) In the absence of special circumstances, the officer shall release the child to his parents or other person legally responsible for his care in accord with paragraph (c)(i).		
		further, that such child may not be securely detained in a police station or town lockup.		(e) a child may not be securely detained in a police station or town lockup. At no time shall a child be held in a locked facility.		Almost exact same language.
39H P4	Notwithstanding the foregoing requirements for placement, any such child who is arrested shall, if necessary, be taken to a medical facility for treatment or observation.			(f) Notwithstanding the foregoing requirement for placement, any such child who has been taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or observation.		Exact same language.
39H P5	If the court finds that a child alleged to be a child in need of services by reason of persistently refusing to obey the lawful and reasonable commands of his parents or legal guardian is likely not to appear at the preliminary		39S P1	If, after a hearing at which the child is represented by counsel, the court finds that a child alleged to require assistance by reason of repeatedly failing to obey the lawful and reasonable commands of his parent is likely not to		Similar language, however, the proposed legislation includes provisions requiring the court to certify in writing that it would be contrary to the best interest of the child to be in

	<p>inquiry or at the hearing on the merits, the court shall order the child to be admitted to such bail or to be released upon such terms and conditions as it determines to be reasonable. A child who does not post bail and is not otherwise released may be detained under such terms and conditions as the court may impose in a facility operated by or under contract with the department for the care of juveniles,</p>		<p>appear at the fact finding hearing or at the disposition hearing, the court may order the child to be released upon such terms and conditions as it determines to be reasonable or may place the child in the temporary custody of the department of children and families. Prior to the court granting temporary custody to the department of children and families. Prior to the court granting temporary custody to the department of children and families, the court must make a written certification and determination that it is contrary to the welfare of the child to be in his home, and that the department of children and families has made reasonable efforts to prevent removal of the child from his home or the existing circumstances indicate that there is an immediate risk of harm or neglect which precludes the provision of the preventative services as an alternative removal.</p>		<p>his home and that DCF has make reasonable efforts to prevent removal.</p>
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			39S P2	An order placing a child with the department under this Section shall be valid for no more than 15 days without the child being brought again before the court for a hearing on whether the order should be continued for another 15 day period. If the court decides to extend the order it shall note in writing the detailed reasons for its decision. An order under this section may be in effect for no more than 45 days total.		
	If a child fails without good cause to respond to a summons, the court may similarly admit the child to bail, or release the child upon conditions set by the court, or, if the child fails to post bail, and is not otherwise released, detain the child subject to the above limitations. Whenever bail is imposed under this section, the provisions of section 50		39X P1 (a)	A child may be taken into custodial protection for engaging in the behaviors described in section 39N, only if such child has failed to obey a summons issued pursuant to section 39O, or if the law enforcement officer initiating limited custody has probable cause to believe that such child has run away from the home of his parents or legal guardian and will not respond to a summons.		Similar language.
			39S P3	A child who is subject of a request for assistance may not be confined in shackles or similar restraints or in a court lockup facility in connection with any		

				proceedings pursuant to Sections 39K and 39X.		
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