

## S. 2329 Points

### **Regarding “Concerns about the availability and timeliness of access to services”**

- Current statute allows up to 90 days from filing application to preliminary hearing and up to a 6 month period of receiving informal assistance. This includes the ability to extend assistance an additional 6 months with the consent of the child and parents.
- The Judge is not a healthcare or human service professional. While they may understand that a child needs services and make their own recommendations, they do not have the in-depth understanding that a human service provider provides regarding the necessary duration of services.
- The probation officer is not trained in assessing the needs of the child and family. Thus, the judicial system should not be treated as a human service agency.

### **The definition of “Community Service Agency” indicates that those agencies may not provide service to typical CHINS children.**

- The definition for Community Service Agency is provided to clarify the use of the term in the legislation. It is clearly stated in the legislation that community-based service centers, as created by the secretary of EOHHS, will provide services to families with children requiring assistance.
- See lines 46-52 for definitions of community-based service centers and community service agency; see line 76 stating ability of secretary to enter into contract with CSA (this is not required).
- This legislation does not presume, or expressly state such a presumption, that all children in need of services must contain the same characteristics as children categorized similarly with the plaintiffs in the case *Rosie D. et al v. Mitt Romney*.

### **The legislation proposes a bureaucratic System**

- The intent of this legislation is not to provide more “red tape” for children and families to receive services. In fact, it improves accessibility to services by allowing voluntary participation without needing to go through the court process of filing a CHINS petition/request for assistance.
- The process outlined reduces the amount of time it would take for families to receive services. Rather than going to the courts first, then being referred to services, the family is able to seek services before entering the court system. This makes the process much more efficient, and saves money by reducing the workload of the court system. Arguably, the current CHINS process is bureaucratic.

### **Legislation discourage parents from seeking court assistance**

- Probation states that most cases, despite lack of data, are resolved through informal assistance, which involves referring families to services. This clearly shows that the important aspect of the CHINS process is the fact that families and children are receiving services that they likely had not accessed prior to entering the court system. Rather than

exposing the child and family to the judicial system, which can have severely negative impacts on the child's future behaviors and self-esteem, this legislation proposes that the children and family receive services without having to enter the judicial process.

- The process of children and families receiving services is not repealed, nor is the process for children and families who wish to enter the judicial system.

#### **There are delays in accessing services, such as in rural areas where they may not be available.**

- As previously stated, the ability to receive services will be much quicker. Rather than waiting for a referral from a probation officer, the child and family may seek services on their own or be referred by the child's school or a police officer.
- The community-based services network would be as easily accessible as the probation officers currently serving children and families involved in the CHINS system.

#### **Regarding the cost of personnel and team coordination for the case staffing team**

- No additional personnel required. The participants of the staffing team are already involved with the youths, and such meetings can be conducted via conference call. Although there may be scheduling issues, this will be part of the job description of the people involved with the child and family in order to provide the most comprehensive and helpful services.

#### **Cost of the overall program**

- There is likely a start-up cost involved. However, probation does not provide a concrete estimate, with data to support the estimate. The legislation is phased in over three years, and the community-based service system is subject to appropriation. Until the Legislature funds the system, probation will still be relied upon to refer children and families to services.
- Probation should already be collecting and recording such information. The courts and EOHHs have implemented a data collection system; however this data is incomplete without information from probation. Without complete data, it is difficult to address inefficiencies among agencies.

#### **Requiring signature of service refusal will discourage parents from seeking services**

- Parents will receive information from the clerk regarding such services. If the parent refuses the services, they will enter the court process. A probation officer will be assigned, and may refer the parent and child to the services that the parents originally refused.

#### **Legal counsel fee increased to a maximum limit of \$1000**

- The current statute assesses up to \$300 in legal counsel fees for the child's counsel. There is no language in this legislation that would overrule SJC 3:10. The language in Section 39N(3)(b)(1) is current statutory language – only the monetary piece has been adjusted to address inflation since the original language was signed into law.

#### **Notice that parents will be named a respondent**

- Lines 441-442 "...said parent **MAY** be named as a respondent in any children support proceeding brought in connection with the child's care."

- It is important to notify the parents of the possibilities of the proceedings.

### **Time line for provision of services is too long**

- All of the services are voluntary, and the child and parent can choose to end receipt of services at any point
- The point of this legislation is to identify and address the needs of the child and family as quickly and early as possible. The time line has been established from over 5 years of discussion with providers, administration, and children and families.
  - Based on other models and the input from health and human services professionals, the minimum amount of time to adequately identify and address the needs of the child and family is 120 days.
  - If there is agreement among the service providers, child and family that services are no longer necessary, participation may be terminated.
  - If the child and family need additional participation time in order to benefit from the services, the child, family and case manager may agree to extend services for an additional 90 days.
- The report that must be completed must occur at least three days prior to the extension of services.
- Receiving necessary services that address the needs of the child and family in a timely manner should be characterized as **relief**. There is a major, and inaccurate, assumption that such services will not provide relief and the court is the only effective means of receiving services.
- Probation stated earlier that they use these services, what is the difference between being referred by probation to services versus directly receiving services? It is **cheaper** and much more **efficient**.

### **Judge Edgerton Counterpoints**

#### **Probation provides services and oversight that are not contingent on annual contracts with providers**

- This legislation does not prevent children and families from accessing services through the court system whether or not there are contractual issues with the community-based service network.
- Probation officers are not trained to assess the needs of children and families in the same manner as professionals within EOHHS, as stated above.