

## NEW CHINS ACT

SECTION 1. The General Laws as appearing in the 2004 official edition are hereby amended by adding after chapter 6A, section 16G the following new section:

### **Section 16H. Community-Based Crisis Intervention Services for Families and Children**

#### **1 - *Findings of fact regarding the state of families and children***

Taken from FL 984.04

The Legislature recognizes the need to distinguish the problems of truants, runaways, and children beyond the control of their parents, and the services provided to these children, from the problems and services designed to meet the needs of abandoned, abused, neglected, and delinquent children. In achieving this recognition, it shall be the policy of the state to develop short-term, temporary services and programs utilizing the least restrictive method for families in need of services and children in need of services. FLA 984.04

#### **2 *Intent* (Taken from Florida's statute FLA 984.04)**

It is the intent of the commonwealth -to address the problems of families in need of services by providing them with an array of services designed to preserve the unity and integrity of the family and to emphasize parental responsibility for the behavior of their children. Services to families in need of services and children in need of services shall be provided on a continuum of increasing intensity and participation by the parent and child.

Judicial intervention to resolve the problems and conflicts that exist within a family shall be limited to situations in which a resolution to the problem or conflict has not been achieved through service, treatment, and family intervention after all available less restrictive resources have been exhausted.

### **3 Definitions**

For the purpose of this act, the following words shall have the following meanings:

- CCIS
- Child in need of services", a child below the age of eighteen who persistently runs away from the home of his parents or legal guardian, or persistently refuses to obey the lawful and reasonable commands of his parents or legal guardian, thereby resulting in said parent's or guardian's inability to adequately care for and protect said child, or a child between the ages of six and sixteen who persistently

and wilfully fails to attend school or persistently violates the lawful and reasonable regulations of his school

- Family
- Truancy Prevention Program
- Runaway Prevention and Treatment Program
- Case manager
- Secretary means the secretary of the executive office of health and human services

#### **4. Create Program**

**(a).** Secretary shall create a network of child and family service programs throughout the commonwealth to provide community based crisis intervention services (CCIS) to all children and families who are at risk of contact with the juvenile justice system or the child protection system families with children in need of services, and children who are in need of services. The secretary may enter into contracts with private non-profit organizations to implement the program and provide services.

##### ***Goal of the statewide program:***

**(b).** The purpose of the program shall be to  
Maintain children residing with their families in their home communities  
Maintain children as students in their community schools  
Strengthen the relationships between youth and families  
Provide coordinated, comprehensive, community based services for youth at risk of dropping out of school, delinquency, or engaging in behaviors which impede the likelihood of their leading healthy productive lives.

##### ***Other things the secretary must do***

**(c).** The secretary shall

- (i) design models for delivery of CCIS by community based organizations and collaborations of public and private organizations;
- (ii) pilot alternative systems for delivering youth services;
- (iii) develop standards necessary to achieve and maintain, on a statewide basis, comprehensive and integrated community based youth services;
- (iv) monitor and provide technical assistance to providers of CCIS,
- (v) adopt a standard intake screening and assessment tool to evaluate all families and children seeking CCIS which identifies family strengths and resource and service needs such as mental health or substance abuse treatment, basic family shelter, clothing, and food needs, child care needs, health insurance status, legal issues, education placement and child protection.
- (vi) create a data collection system for use by programs which maintains the privacy of clients served, assists programs and the executive office of health and human services in addressing the needs of the population to be served, collects information related to, among other things the insurance status and coverage of clients served and other information that may assist the program and the secretary in evaluating the effectiveness of CCIS.

### ***Issue RFPs***

**5(a)**The secretary shall make grants for the purpose of planning, establishing, operating, coordinating and evaluating programs which will provide CCIS. The secretary shall issue requests for proposals for the provision of CCIS and such requests for proposals shall include among its requirements that applicants submit a plan for:

- (i).** coordination of direct services for families from public and private providers,
- (ii).** creation of a local advisory board which shall include: representatives from school districts, police officers, juvenile probation officers, district attorneys, mental health providers, parents, youth; local religious organizations, representatives of local businesses, higher education, social service agencies and public health agencies and other persons with experience in assisting troubled youth and families in crisis. Membership shall be broadly representative of the racial, ethnic and economic diversity of the community. The local advisory boards shall create a subcommittee for each municipality in the service area which shall consist of representative from the school department and the police department and at least one other member of the advisory board.
- (iii).** periodic evaluation of the success in achieving program goals, a process for making adaptations and improvements based on evaluation information.

### ***Make Grants***

**(b)** Subject to appropriation, at least one grant shall be awarded for the operation of a program of CCIS in each juvenile court district and, where appropriate, in each juvenile court division, as defined in the General Laws Chapter 218, Section 57. Additionally grants shall be awarded for at least one truancy prevention program and one runaway treatment and prevention program, each in an urban location. Grants may award funding for up to three years, subject to appropriation and based on evidence of effectiveness and the submission of annual reports to the secretary.

### ***Eligible applicants for grant***

**(c)** Proposals may be submitted by a local school or other local public agency or private non-profit organization or medical or mental health care providers. Applicant must demonstrate expertise in dealing with children and families who are at risk of contact with the juvenile justice system or the child protection system and program staffing which meets the credentialing and caseload criteria as defined by the secretary.

### ***Nature of the program***

**6. (a)** CCIS shall be available to children between the ages of 6 and 16 who are truant or children between the ages of 6 and 18 who runaway from the home of their parents or legal guardian, or refuse to obey the lawful rules of their parents or legal guardians, or habitually fail to obey school rules, and to families whose children engage in such behaviors.

**(b)** Participation in CCIS shall be voluntary. Families or children may terminate their involvement at any time. Services may be provided for 90 days. After the initial 90 day

period, families or children and the CCIS program representative may agree to extend services for up to an additional 90 days.

**(c)** Staff of the program offering CCIS shall be required to report suspected physical or emotional abuse or neglect of a child pursuant to General Laws Chapter 119, Section 51A

***Population served***

**7(a)** A child or family may seek assistance from a CCIS directly and without referral. Children and families may be referred to local programs offering CCIS by a police officer, probation officer, clerk of court, court employee, judge, school administrator, pediatrician or other mental health or medical provider treating a child. Provided that, when a school administrator refers a child for truant behavior it must show that the school, child and family have completed a department of education certified truancy program if such a program is available at the school.

***Exclusions from CCIS***

**(b)** Whenever the staff of the program offering CCIS determines that a family or child seeking or referred for services is experiencing significant family violence, or that the child is in need of protection from abuse or neglect or that the child has significant and complex medical needs which cannot be met by the program, or the child's behavior presents a significant risk of harm to the child or the community then the child and family shall be referred to other services, pursuant to SECTION X of the Act which created this Section.

**(c)** Where a youth has been charged with or convicted of a delinquency offense, participation in CCIS shall be determined by the program administrator after a review of the facts surrounding the offense by a team consisting of CCIS caseworker, probation officers and the counsel representing the child in the delinquency matter.

**(d)** Where the child is in the custody of the department of social services and residing in an out of home placement, participation in CCIS shall be determined by the program administrator after a review of the facts surrounding the placement by a team consisting of CCIS caseworker, the department of social services caseworker and any counsel representing the child in the matter of placement and custody.

**(e)** Where a child or family is denied access to CCIS for reasons other than those described in this section the program shall provide a written explanation of reasons for exclusion and other community based services and resources available to them.

**(f)** When a child or family is denied services pursuant to this section the program shall contact the family in person or by telephone two weeks after the denial to determine if the other appropriate services have been obtained and whether or not CCIS are now appropriate. The program shall provide to the family and child a notice, in a form acceptable to the juvenile court, stating that the family is not eligible for CCIS and listing the reasons for ineligibility.

***Services offered***

**8 (a)** The CCIS shall include but are not limited to:

- i. Program representatives available to respond to requests for service 24 hours a day, 7 days a week.;
- ii. Initial response to referral or request for services by a family or child which includes a meeting to determine the circumstances which resulted in the request or referral within **two hours** of contact;
- iii. Stabilization of any crisis which initiated the referral or request within **six hours**;
- iv. Assessment and screening of each person requesting services and, if possible, all family members residing in the household, using the standard intake tool as established by the secretary pursuant to section 4(c), within **seventy-two hours** of referral or request.
- v. Assignment of a case manager to each child or family upon assessment
- vi. Creation of a family service plan which includes:
  - Statement of the problems.
  - Needs of the child.
  - Needs of the parents, guardian, or legal custodian
  - Measurable objectives that address the identified problems and needs.
  - Services and treatment to be provided by the CCIS or to which the family and child will be referred which may include but are not limited to community medical and mental health services, assistance with obtaining special education evaluation and services and remedial education services, assistance with insurance issues,
  - For each service of treatment included, the plan shall contain a statement clearly identifying:
    - Type of services or treatment.
    - Frequency of services or treatment.
    - Location
    - Responsible service providers or staff
    - Timeframes for achieving objectives
- vii. Periodic review of the family service plan by the case manager to determine whether plan is being followed and if it is effective
- viii. Intensive crisis counseling
- ix. Parent training
- x. Data collection in a format as required by the secretary for each referral or request which protects the privacy of the individuals seeking services while providing a means to

insure that information necessary to optimize the likelihood of successful outcome for each person seeking services and to permit the evaluation of the effectiveness of the program.

xi. Providing information provided about family support resources and services available in the community.

xii. Crisis intervention residential placements for children for up to 72 hours

xiii. Voluntary respite residential placement of the child for up to 21 days

xiv. Mediation or alternative dispute resolution

**Fees**

(b) Services and treatment to families in need of services shall be by voluntary agreement of the parent or legal guardian and the child.

The program shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. Programs shall charge and collect fees for services and treatment provided to families and children at rates established by the secretary.

***More intensive services – case staffing team***

9. a) The case manager shall request a meeting of the family and child with a case staffing team to review the family service plan of any family or child if:

- (i) The family or child is not in agreement with the services or treatment offered;
- (ii) The family or child will not participate in the services or treatment selected; or
- (iii) The case manager needs assistance in developing an appropriate plan for services. The time and place selected for the meeting shall be convenient for the child and family.

(b) The composition of the case staffing team shall be based on the needs of the family and child. It shall include a representative from the child's school district and a representative of the secretary, and may include a supervisor of the case manager; a representative from the area of health, mental health, substance abuse, social, or educational services; a representative of the district attorney; a probation officer, the child's attorney, and any person recommended by the child, family, or case manager.

(c) The case staffing team shall reach a timely decision on a family service plan which meets the needs of the child and family

(d) Upon receipt of the plan, the child and family shall acknowledge their position by accepting or rejecting the services and provisions in writing. If the plan is accepted, it shall be implemented immediately.

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

- (i) Advise the case staffing team of the need to make adjustments to the plan; or
- (ii) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(f) The parent, guardian, or legal custodian may convene a disposition meeting of the case staffing team, and any other member of the team may convene a disposition meeting at any time if the member finds that doing so is in the best interest of the family or child. A disposition meeting requested by a parent, guardian or legal custodian must be convened within 7 days, excluding weekends and legal holidays, after the date the case manager receives the request in writing.

## **10 Extension**

**(a)** After the expiration of 90 days after the assessment and screening for a child and family referred to or requesting CCIS the case manager shall meet with the family and child, or with the case staffing team if one has been created, in order to determine whether or not services should be extended for another 90 days.

If the family, child and case manager agree to extend services they shall be extended, if they agree not to extend then the case manager shall convene a disposition meeting

**(b)** If services are extended then at the end of the second 90 day period the case manager shall convene a disposition meeting.

**(c)** Services may be extended for additional 90 day periods at the request of a court or probation officer.

## **11 Disposition**

**(a)** A disposition meeting shall be convened by a case manager so that the family and child and case manager and case staffing team, if one has been created, shall determine whether the goals of the family service plan have been achieved or if further intervention is in the best interest of the family and child. After the meeting the case manager shall determine the disposition of the case as follows:

- (i) That it is unlikely the family and child will benefit from additional CCIS and the case is discharged, or
- (ii) That the family failed to cooperate with the service plan and the case is discharged, or
- (iii) That the crisis is resolved and the case is discharged, or
- (iv) That the case manager shall petition the court to request that the child be determined a child in need of services

**(b)** Within 7 days after meeting, the case staffing team shall provide the parent, guardian, or legal custodian with a written report that details the reasons for the decision. The report shall contain a written statement of the circumstances which brought the family and child to the program. The report shall contain a notice, in a form acceptable to the juvenile court, stating that CCIS have terminated and whether or the case manager believes it is likely that the child would benefit from further services.

**(c)** The report and any documentation of services provided to the family and child shall not be public records.

Statements made by the family and child while receiving services from the program shall be treated as confidential and may not be admitted into evidence in any court proceeding arising from the circumstances which brought the family and child to the program, unless a court finds that such inadmissibility would result in substantial harm to the child.

***Interagency policy board to advise the secretary.***

12 There shall be an advisory council which shall advise the secretary on creation, operation and effectiveness of the community based crisis intervention services program. Members shall include the commissioners of the departments of public health, mental health, social services, youth services and transitional assistance, education and public safety, the commissioner of probation, the chief justice of the juvenile court, and representatives of urban, suburban and rural municipal police departments and school districts, providers of service to children and families, parents..

**14. Periodic reports to the legislature on the success of the program**

The secretary shall report annually on February 1, to the joint committee on children and families and the house and senate committees on ways and means on the progress of the CCIS program.

***Collaboration among agencies to coordinate services to children not eligible for CCIS***

**SECTION X**

Not notwithstanding any general law to the contrary, the secretary of the executive office of health and human services and the commissioners of departments of public health, mental health, social services, youth services and transitional assistance shall enter into memoranda of understanding among themselves and with the department of education, office of the commissioner of probation, the juvenile court, municipal police departments and school districts to provide coordination, delivery, and funding of services to children and families who, pursuant to the provisions of section 16H(7)(b) of chapter 6A of the General Laws, are not eligible for CCIS established pursuant to section 16H of chapter 6A.

***Doe Certified Truancy Prevention Programs***

**SECTION XX:** Section 1N of Chapter 69 of the General Laws is hereby amended by adding at the end of subsection (b) there of the following new paragraph:

“grants may be awarded to assist schools in plan and implementing truancy preventions programs which meet the certification requirements established pursuant to section 1O of Chapter 69.

**SECTION XXX:** Chapter 69 of the General Laws is hereby amended by adding after section 1N the following new section:

**Section 1O Certified Truancy Prevention Programs**

The Department of Education shall promulgate regulations establishing a truancy prevention program certification process. School districts may establish a truancy prevention program which meets the requirements for certification by the department and apply to the department for certification.