

## An Act Regarding Children and Families Requiring Assistance

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 needs of families and children.*

#### *2 Intent of the legislature*

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

‘Child requiring assistance’, 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 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 six and sixteen who is habitually truant

‘Secretary’, the secretary of the executive office of health and human services

‘Habitually truant’, a child who persistently and willfully fails to attend school for more than 8 school days in a quarter

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

(b). The purpose of the community-based crisis intervention services program shall be to assist families in crisis so that children will be able to continue residing with their families in their home communities; assist families to enable children to continue as students in their community schools; strengthen the relationships between children and families; and provide coordinated, comprehensive, community based services for children at risk of dropping out of school, delinquency, or engaging in behaviors which impede the likelihood of their leading healthy productive lives.

(c).The secretary shall:

- (i) design models for delivery of community-based crisis intervention services by community based organizations and collaborations of public and private organizations;
- (ii) pilot alternative systems for to address the problem of children running away from their parents or legal guardians;
- (iii) develop standards necessary to achieve and maintain, on a statewide basis, comprehensive and integrated community-based crisis intervention services for children and families;
- (iv) monitor and provide technical assistance to providers of community-based crisis intervention services,
- (v) adopt a standard intake screening and assessment tool to evaluate all families and children seeking community-based crisis intervention services 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 community-based crisis intervention services.

5(a)The secretary shall make grants for the purpose of planning, establishing, operating, coordinating and evaluating programs which will provide community-based crisis intervention services. The secretary shall issue requests for proposals for the provision of community-based crisis intervention services 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 is broadly representative of the members of the community concerned for and experienced with the needs of families and children at risk of involvement in the juvenile justice system and the child protection system and include, but not be limited to: representatives from school districts, police officers, juvenile probation officers, district attorneys, attorney's who represent children, 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.

(b) Subject to appropriation, at least one grant shall be awarded for the operation of a program of community-based crisis intervention services 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.

(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. Applicants 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.

6. (a) Community-based crisis intervention services shall be available to children between the ages of 6 and 16 who are habitually 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 guardian, or habitually fail to obey school rules, and to families whose children engage in such behaviors.

(b) Participation in community-based crisis intervention services 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 community-based crisis intervention services program representative may agree to extend services for up to an additional 90 days.

(c) Staff of the program offering community-based crisis intervention services shall be required to report suspected physical or emotional abuse or neglect of a child pursuant to General Laws Chapter 119, Section 51A.

7(a) A child or family may seek assistance from a community-based crisis intervention services directly and without referral. Children and families may be referred to local programs offering community-based crisis intervention services 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 habitually 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.

(b) Whenever the staff of the program offering community-based crisis intervention services 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 community-based crisis intervention services shall be determined by the program administrator after a review of the facts surrounding the offense by a team consisting of community-based crisis intervention services 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 community-based crisis intervention services shall be determined by the program administrator after a review of the facts surrounding the placement by a team consisting of the community-based crisis intervention services 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 community-based crisis intervention services for reasons other than those described in this section the program shall provide a written explanation of reasons for exclusion and the identification of 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 within two weeks after the denial decision to determine if the other appropriate services have been obtained and whether or not community-based crisis intervention services 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 community-based crisis intervention services and listing the reasons for ineligibility.

8 (a) Community-based crisis intervention services 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. The person conducting the assessment and screening must note the reasons why any family member was not screened within seventy-two hours of the initial request, and must complete the screening process for all family members residing in the household within one week of the initial referral.

- 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 problem presented; needs of the child; needs of the parents, legal guardian, or legal custodian; measurable objectives that address the identified problems and needs; services and treatment to be provided by the community-based crisis intervention services 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 or 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 the plan 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 for both children and families;
- ix. Parent training in appropriate skill areas directly related to the needs of the family;
- 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. Compilation and dissemination of information 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.

(b) Services and treatment for families be pursuant to a 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.

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; representatives 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 or legal guardian 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 or legal guardian must be convened within 7 days, excluding weekends and legal holidays, after the date the case manager receives the request in writing.

10 (a) After the expiration of 90 days after the assessment and screening of a child and family referred to or requesting community-based crisis intervention services, 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 (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, may 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 community-based crisis intervention services 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.

(b) Within 7 days after meeting, the case staffing team shall provide the parent or legal guardian 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 community-based crisis intervention services have terminated and whether or not 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.

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, a district attorney, members of the bar who represent children in juvenile court proceedings, representatives of urban, suburban and rural municipal police departments and school districts, providers of service to children and families, and parents.

14. 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 community-based crisis intervention services program.

**SECTION X:** 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 planning and implementing truancy prevention programs which meet the certification requirements established pursuant to section 1O of Chapter 69.

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

#### **Section 1O**

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.

#### **SECTION XXX**

Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to 39J, inclusive, and adding the following new sections:

#### **Section 39K.**

“Child requiring assistance”, 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 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 six and sixteen who is a habitual truant.

“Habitual truant”, a child who persistently and willfully fails to attend school for more than 8 school days in a quarter.

#### **Section 39L. Jurisdiction and Venue**

1. The Juvenile court department has original and exclusive jurisdiction over any proceeding involving a child alleged to require assistance.
2. On its own motion and at any time during proceedings brought under sections 39K through 39\_\_\_\_, the court may substitute a care and protection petition pursuant to section \_\_\_\_\_ for a request for assistance to determine whether a child requires assistance.
3. Proceedings involving a child alleged to require assistance shall originate in the juvenile court district in which the child resides. On motion made on behalf of the child,

or by his parent or other person legally responsible for his care, or on the court's motion, and for good cause shown, the court may transfer the proceedings to another district

#### Section 39M Nature of the Proceedings

1. Proceedings pursuant to sections 39K to 39\_, inclusive, shall not be deemed criminal proceedings and any record of these proceedings, including the filing of a request for assistance and creation of a docket, shall not be entered in the Criminal Offender Record Information System.
2. Notwithstanding the assignment of a probation officer to assist a child who is involved in proceedings conducted pursuant to sections 39K through 39\_, the matter shall not be deemed a 'probation case' for purposes of reporting records to the criminal offender record information system pursuant to General Laws chapter 6 section 168A.
3. No adjudication pursuant to sections 39K through 39\_ shall operate as a forfeiture of any right or privilege or disqualify any person from subsequently holding public office or receiving any license granted by public authority.

#### Section 39N.

1 A proceeding to adjudicate a child to require assistance is originated by the filing of a request for assistance, alleging:

- (a) that the child 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 legal guardian's inability to adequately care for and protect said child, or that the child is habitually truant or persistently violates the lawful and reasonable regulations of his school,
- (b) that the child was under the age of 18 at the time the specified acts took place, or under the age of 16 if habitual truancy is alleged.
- (c) specific acts on which the allegations are based and the time and place they allegedly occurred.
- (e) when the petitioner is a school district, the request for assistance shall also include a statement of the reasonable steps taken by the responsible school district to improve the school attendance and conduct of the child. The request for assistance shall also state whether or not the child and his family have participated in truancy prevention program certified by the department of education pursuant to chapter 69, section 1O;
- (f) that the child requires supervision or services.

2. The following persons may originate a proceeding under this section:

- (a) a police officer;
- (b) the parent, legal guardian or other person legally responsible for the child's care;
- (c) a school district;

3. The petitioner shall attach to the request for assistance the notice of termination of community-based crisis intervention services as provided for in chapter 6A, section 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H (7)(e). Except as provided below, clerk shall not accept for filing any request for assistance that does not have attached thereto said notice of termination or ineligibility.

Any person or agency seeking to file a request for assistance pursuant to this section which does not have attached thereto the notice of termination of community-based crisis intervention services shall be referred by the clerk of the court to the program designated by the secretary of the executive office of health and human services to provide community-based crisis intervention services in the juvenile court region where the child resides.

If the petitioner is a police officer, the clerk may accept a written statement of the reasons for the officer's belief that the referral to community-based crisis intervention services prior to filing the request for assistance would present a risk of harm to the child or others in lieu of the notice of termination or ineligibility. The clerk shall then immediately contact the designated community-based crisis intervention services to provide notice that a request for assistance has been filed.

#### Section 39O

1. On the filing of a request for assistance pursuant to this section, the court may cause a copy of the request for assistance and a summons to be issued, requiring the child and his parent or other person legally responsible for his care, or with whom he is domiciled, to appear at the court at a time and place named to answer the request for assistance.
2. In proceedings originated by a parent, legal guardian or other person legally responsible for the child's care the court shall cause a copy of the request for assistance and notice of the time and place to be heard to be served upon any parent of the child or other person legally responsible for the child's care who has not signed the request for assistance, provided that the address of such parent or other person legally responsible is known to the court or is ascertainable by the court. Said copy shall be accompanied by a notice that, in the event that the court deems it necessary to place the child in the child in the care and custody of the department of social services or any other agency, said parent may be named as a respondent in any child support proceeding brought in connection with the child's care.

3. 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..

#### Section 39P

The clerk shall set a date for a fact finding hearing no more than 90 days from the date the request for assistance is filed. If at any time prior to the hearing the parents, child, petitioner and probation officer agree, the fact finding hearing may be postponed for an additional 90 days after the expiration of the initial 90 day period.

#### Section 39Q

The clerk shall appoint counsel for the child 3 business days prior to any scheduled hearing. The clerk shall cause a copy of the request for assistance and notice of the time and place to be heard to be delivered to counsel at the time of appointment.

If a hearing is to be held on an emergency basis, the clerk shall appoint counsel for the child immediately upon scheduling said hearing.

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 a \$300 fee against the parent or legal guardian to pay for the cost of appointed counsel. If the parent or 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 appointed counsel.

#### Section 39R

1. The clerk shall request the chief probation officer or his designee to conduct a preliminary inquiry to determine whether in his opinion the best interests of the child and family require that crisis intervention services be provided to the child and family.

The probation officer in his discretion may:

(a) refer the family and child to the program designated to provide community-based crisis intervention services for this juvenile court district; the probation officer may confer with the provider of community-based crisis intervention services to resolve the situation which formed the basis of the request for assistance;

(b) refer the child to an appropriate public or private organization or person for psychiatric, psychological, educational, occupational, medical, dental or social services;

- (c) conduct conferences with the child, the child's family and the petitioner for the purpose of effecting adjustments or agreements which are calculated to resolve the situation which formed the basis of the request for assistance;
- (d) If the child or his parents fail to participate in good faith in the referrals or conferences arranged by the probation officer the probation officer shall so certify in writing and present these findings to the court.

2. (a) The probation officer shall gather information concerning the child and family which in both substance and format is compatible and complementary to the information gathered by programs providing community-based crisis intervention services pursuant to section 16H of chapter 6Aa.

(b) The Commissioner of Probation shall establish a data collection system for use by probation officers assisting children pursuant to sections 39K through 39\_\_ which maintains the privacy of clients served, assists the court 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 commissioner and the court in evaluating the effectiveness of services to children who are the subject of request for assistance pursuant to this section.

3. Conferences and referrals arranged under this section may extend for a period not to exceed 90 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 day 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.

#### Section 39S

1. If at any time the court determines by probable cause that there is a likelihood of serious harm to the child, the court may order the child into the emergency limited custody of the Department of Social Services.

A hearing shall be scheduled within 72 hours of any such commitment, and counsel shall be appointed for the parents or legal guardian of said child.

If it is shown by clear and convincing evidence that there is a likelihood of serious harm to the child, the child may be placed in the temporary limited custody of the Department of Social Services pending a hearing.

2. If the court finds probable cause that a child alleged to require assistance by reasons of persistently refusing to obey the lawful and reasonable commands of his parents or legal guardian is likely not to appear at the fact finding hearing or at the hearing on adjudication, the court may conduct an emergency hearing to determine if the child should be placed in the temporary limited custody of the Department of Social Services.

Counsel shall be appointed for the parents or legal guardian of said child. If the court finds by clear and convincing evidence that the child is likely not to appear, the court may place the child in the temporary limited custody of the Department of Social Services pending adjudication and disposition.

#### Section 39T

Petitioner shall retain the right to withdraw the request for assistance at any point prior to a hearing to adjudicate a child requiring assistance.

#### Section 39U

1. The court shall hold a fact finding hearing in which it shall receive evidence from the petitioner and the community-based crisis intervention services program case manager and the recommendation of the probation officer.

2. At the initial appearance of the child, the court shall review any notice of termination of community-based crisis intervention services. With the consent of the family and child the court shall consider any written reports created by the community-based crisis intervention services indicating any previous actions it has taken with respect to the case. The court shall consider any available documentation of diligent attempts to provide appropriate services and determine whether such efforts or services provided are sufficient.

The court may order the child and the parent or other person legally responsible for the child to participate in community-based crisis intervention services. If the designated program thereafter determines that the case has been successfully resolved, it shall so notify the court, and the court shall dismiss the request for assistance.

3. The court shall either

(i) dismiss the request for assistance because there is no probable cause to believe that the child and family require assistance;

(ii) adjourn the hearing for up to 60 days because it finds that the interests of the child would best be served by continued informal assistance, in which case the court shall, with the consent of the child and his parents or legal guardian, refer the child to a probation officer or order the child and family to return to the designated program for additional community-based crisis intervention services assistance; or

(iii) find probable cause that the child requires assistance and schedule a hearing for adjudication

4. No statements made by a child, family member, or by any other person during the period of inquiries, conferences, or referrals may be used against the child at the fact

finding hearing or hearing for adjudication but such statements may be received by the court after adjudication for the purpose of disposition

Section 39V.

1. At any hearing held to determine whether a child requires assistance, said child and his attorney shall be present. The petitioner shall bear the burden of presenting evidence proving that the child requires assistance. If the court finds the allegations in the request for assistance have been proved at the hearing by a preponderance of the evidence, it may adjudge the child named in such request for assistance to be a child requiring assistance.

2. Upon adjudicating a child as requiring assistance the court shall convene a meeting of the probation officer who conducted the preliminary inquiry, a case manager from the community-based crisis intervention services program, the petitioner, the child's school, and parent or legal guardian. The persons at the meeting shall present written findings to the court to advise the court on appropriate placement for the child and appropriate conditions and limitations of such placement. The court, taking into consideration those findings and the physical and emotional welfare of the child, may make any of the following orders of disposition:

(a) subject to any conditions and limitations the court may prescribe, including provision for medical, 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;

(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:

(i) 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;

(ii) 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

(iii) 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 social services. If the court chooses to commit the child to the department then 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. 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. The department may not refuse out of home placement when requested by the child if there is a substantiated history of abuse and neglect in the home by the parent or legal guardian.

The department shall direct the type and length of such out-of-home placement. The department shall give due consideration to the recommendations of the court.

3. Prior to committing the child to the department with a recommendation that the child be placed outside his home, the court shall hold a hearing to determine by clear and convincing evidence if there is a substantial likelihood of serious harm if the child is allowed to remain at home. The court shall appoint counsel for the parents or legal guardian at said hearing

4. A child found to require assistance shall not be committed to any county training school. A child found to require assistance shall not be committed to an institution designated or operated for juveniles adjudicated delinquent. 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.

#### Section 39W

1. Any order of disposition pursuant to this section shall continue in force for not more than 90 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 purposes of the order have not been accomplished and that such extension would be reasonably likely to further those purposes. Orders shall be extended upon a finding that the child or family are not participating in good faith.

2. No order shall continue in effect after the eighteenth birthday of a child named in a request for assistance or after the sixteenth birthday of a child named in a request for assistance if the request for assistance alleges that the child is habitual truant.

#### Section 39X.

1. (a) A child may be taken into limited custody for committing the behaviors described in the definition of child requiring assistance in section twenty-one, only if such child has failed to obey a summons issued pursuant to section \_\_, 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.

(b) After an officer has taken a child into limited custody, 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 has been taken into custody.

(c) After making every reasonable effort to give notice under paragraph (b), the officer shall

- (i) release the child to the custody of his or her parent or other person legally responsible for his or her care upon the written promise, without security, of the person to whose custody the child is released that he will produce the child before the program designated to provide community-based crisis intervention services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into limited custody or resides, at a time and place specified in writing; or
- (ii) 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 crisis intervention services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into limited custody or resides, unless the officer determines that it is necessary to question the child, in which case he or she may take the child to a facility designated by the chief administrator of the juvenile court as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him or her for a reasonable period of time; or
- (iii) release the child to a representative of the department of social services, if the law enforcement officer has reason to believe that the child is or has been in the care or custody of such department.
- (iv) take a child in need of crisis intervention or respite services to an approved runaway program or other approved respite or crisis program; or
- (v) take the child directly to the juvenile court in which the act occasioning the taking into limited custody was allegedly done, provided that the officer affirms on the record that he or she attempted to exercise the options identified in paragraphs (i), (ii), (iii) and (iv) of this subdivision, was unable to exercise these options, and the reasons therefor.

(d) In the absence of special circumstances, the officer shall release the child in accord with paragraph (c) (i).

(e) In determining what is a "reasonable period of time" for questioning a child, the child's age and the presence or absence of his parents or other person legally responsible for his care shall be included among the relevant considerations

(f) A child may not be securely detained in a police station or town lockup. At no time will a child be placed in any locked facility under the supervision of any police department, sheriff department, Department of Youth Services.

(g) Notwithstanding the foregoing requirements for placement, any such child who has been taken into limited custody shall, if necessary, be taken to a medical facility for treatment or observation.

## **SECTION XXXX**

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 community-based crisis intervention services established pursuant to section 16H of chapter 6A.

## **SECTION XXXXX**

The secretary of the executive office of health and human services shall pilot a program to address the unique needs of girls who run away from their parents and legal guardians.

## **SECTION XXXXXX**

The secretary of the executive office of health and human services shall pilot a truancy prevention program using a ‘youth court’ format in at least one urban high school in the commonwealth. The secretary shall evaluate the effectiveness of the program in preventing truancy and report the results of that evaluation to the board of education.

## **SECTION XXXXXXX**

Effective dates