

## **I. Community Based Program**

- Grant program in EOHHS –

### **Section \_\_\_\_\_ EOHHS**

**(or DSS in each region or in each Juvenile court district/region) – here we need to identify which agency is directed to do it and how many there will be)**

**shall offer Family crisis intervention services as defined in section \_\_\_\_\_ to \_\_\_\_\_ (youth/families at risk)**

**Such services shall be designed to provide (goals)**

- **an immediate response to families in crisis,**
  - **to identify and utilize appropriate alternatives to out of home placemtn and**
  - **to divert youth from being the subject of a CHINS petition**

**Each county and such city shall designate either the local social services district or the probation department as lead agency for the purposes of providing diversion services.**

Section \_\_\_\_\_ shall develop a State program for youth and community services which will assure that youth who come into contact or may come into contact with the **child welfare and the juvenile justice systems** will have access to needed community, prevention, diversion, emergency and independent living services.

The term "youth" means a person under the age of **19** years. The term "homeless youth" means a youth who cannot be reunited with his or her family and is not in a safe and stable living situation.

This Section shall not be construed to require the Department of Human Services to provide services under this Section to any homeless youth who is at least 18 years of age but is younger than 19 years of age; however, the Department may, in its discretion, provide services under this Section to any such homeless youth.

(a) **The goals of the program** shall be to: List the goals of the FRONT END – (Illinois goals follow

(1) maintain children and youths in their own community;

(3) encourage local volunteers and voluntary

associations in developing programs aimed at preventing and controlling juvenile delinquency;

(4) address voids in services and close service gaps;

(5) develop program models aimed at strengthening the relationships between youth and their families and aimed at developing healthy, independent lives for homeless youth;

(6) contain costs by redirecting funding to more comprehensive and integrated community-based services; and

(7) coordinate education, employment, training and other programs for youths with other State agencies.

**(b) The duties of the Department under the program shall be to:**

(1) design models for service delivery by local communities;

(2) test alternative systems for delivering youth services;

(3) develop standards necessary to achieve and maintain, on a statewide basis, more comprehensive and integrated community-based youth services;

(4) monitor and provide technical assistance to local boards and local service systems;

(5) assist local organizations in developing programs which address the problems of youths and their families through direct services, advocacy with institutions, and improvement of local conditions; and

Local boards and service systems; Department of Human Services.

EOHHS shall promulgate regulations for the establishment and recognition of service areas and local boards or local service systems responsible for the development or coordination of more comprehensive and integrated community-based youth services.

Such service areas, local boards and local service systems shall be reviewed every 4 years.

Any entity formed in conformity with the regulations of the Department desiring recognition as a local board or local

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service system for a service area may apply to the Department for such recognition.

The Department may refuse to renew or may withdraw recognition of a service area, local board or local service system if such area, board or system substantially fails to comply with the regulations and minimum service requirements promulgated by the Department under this Section.

The Department shall assist in the organization and establishment of local service systems and may provide for community youth services in any area of the State where no recognized local board or local services system exists.

Section \_\_\_\_\_. Annual community youth service plan; Department of Human Services.

Each local board or local service system shall, in conformity with regulations of the Department of Human Services, prepare an annual community youth service plan and annual budget to implement the community youth service plan.

Such plans shall be transmitted to the regional youth planning committees and included in a regional youth service plan.

Each plan shall demonstrate, at a minimum, the following components of a youth service system:

- (a) community needs assessment and resource development;
- (b) case management (including case review, tracking, service evaluation and networking);
- (c) accountability;
- (d) staff development;
- (e) consultation with and technical assistance for providers; and (f) assurance of the availability of the following:
  - (i) community services, including primary prevention, outreach and recreational opportunities, and the use of indigenous community volunteers to provide programs designed to correct conditions contributing to delinquency;
  - (ii) diversion services, including client advocacy, family counseling, employment and educational assistance and service brokerage;
  - (iii) emergency services, including 24-hours crisis intervention and shelter care;

(iv) comprehensive independent living services, including outreach, referral for public assistance or other benefits to which homeless youth may be entitled, emergency shelter care homes, transitional support programs in a residential setting, outward bound experiences and transitional independent living skills support, in a non-residential facility, with special emphasis on youth employment and training opportunities; and

(v) mental health services.

Each component of the annual community youth service plan shall expressly address the following high-risk populations:

homeless youth,  
pregnant youth and  
youth who are parents.

SECTION \_\_\_\_ Grants for community-based youth services;  
Department of Human Services.

(a) The Department of Human Services shall make grants for the purpose of planning, establishing, operating, coordinating and evaluating programs aimed at reducing or eliminating the involvement of youth in the child welfare or juvenile justice systems.

The programs shall include those providing for more comprehensive and integrated community-based youth services including Unified Delinquency Intervention Services programs and for community services programs.

The Department may authorize advance disbursement of funds for such youth services programs.

When the appropriation for "comprehensive community-based service to youth" is equal to or exceeds \$5,000,000, the Department shall allocate the total amount of such appropriated funds in the following manner:

- (1) no more than 20% of the grant funds appropriated shall be awarded by the Department for new program development and innovation;
- (2) not less than 80% of grant funds appropriated shall be allocated to community-based youth services programs based upon population of youth under 18 years of age and other demographic variables defined by the Department of Human Services by rule, which may

include weighting for service priorities relating to special needs identified in the annual plans of the regional youth planning committees established under this Act;

(4) the local boards or local service systems shall certify prior to receipt of grant funds from the Department of Human Services that a 10% local public or private financial or in-kind commitment is allocated to supplement the State grant.

(b) Notwithstanding any provision in this Act or rules promulgated under this Act to the contrary, unless expressly prohibited by federal law or regulation, **all individuals, corporations, or other entities that provide medical or mental health services, whether organized as for-profit or not-for-profit entities, shall be eligible for consideration by the Department of Human Services to participate in any program funded or administered by the Department.** This subsection shall not apply to the receipt of federal funds administered and transferred by the Department for services when the federal government has specifically provided that those funds may be received only by those entities organized as not-for-profit entities.

## **CREATE THE GRANT PROGRAM**

### Section 6

a) The department of -----, in collaboration with the department of -----, shall establish a quality improvement grant program for the purpose of

b) The agency shall issue requests for proposals for the receipt of funds for the

. The agency may contract with ----- to administer the program.

Proposals shall include:

- c) Upon approval of the plan by the agency or the organizations which have contracted to administer the program,

## Section 7

Subject to appropriation, an eligible program shall receive

## Section 9

The office of child care services shall establish a grant program for technical assistance to eligible programs offering ----- services in the commonwealth. Eligible applicants shall be ----- and nonprofit organizations qualified to provide technical assistance as defined by this act..

Proposals shall include a plan to provide technical assistance to eligible programs serving-----.

## Section 10

- (a) The office of child care services shall gather information about the quality of each. Data collection shall include, but not be limited to:

## Section 11

(a) The department shall contract for evaluation of the quality grant program with an independent organization. .

(b) An interagency data and policy committee with representatives from the -----  
----- shall report annually to the joint committee and the house and senate  
committees on ways and means, on the -----

## SECTION 13

(a) The department of education shall create a collaborative, comprehensive, high quality network of family outreach and education and support resources and services in every community of the Commonwealth for all families with children prenatal through age five. These services shall be provided by expanding family outreach, education and support programs, including, but not limited to,

The purpose of the \_\_\_\_\_ is to develop, and enhance existing, local networks of community-based family outreach and support programs to promote the well-being of children and their families.

The resources and services provided by such local networks shall be

. The networks shall build upon the strengths of families and existing resources in the community and shall emphasize preventive programs that are designed to increase the strength and stability of families and the healthy development of youth. .

(b) The department shall, subject to appropriation, fund proposals to provide -----  
--- for families in crisis and children in crisis

Services shall include, but are not limited to, the following:

(c) (i) Proposals to provide these resources and services shall be developed by a community coalition. Only one proposal may be submitted by each city or town.

Participation by families in the Massachusetts family network project shall be voluntary.

(ii) An on-going, active community coalition shall be required to oversee and govern the.

. Coalition membership should include, but not be limited to the following:



. Other members might include representatives of local businesses, higher education, local religious organizations, social services, municipal agencies such as libraries and public health agencies, pediatricians, and other persons with experience in family outreach, education and support.

Coalition membership shall be broadly representative of the racial, ethnic and economic diversity of the community.

(iii) The department shall choose a lead agency, which may be \_\_\_\_\_, an, or other non-profit community agency. The coalition shall develop a proposal which the lead agency shall submit to the department.

The lead agency is encouraged to subcontract with other public and private agencies to provide services.

(iv) Proposals shall describe how the community will meet the following goals:

(1) develop and coordinate a system of community and family outreach, education and support services for all families

(2) create a management plan describing how the lead agency and the community coalition governing body will support.

(3) plan and conduct outreach to all families with children.

(4) list the required activities:

(5) evaluate the program and develop a process for making adaptations and improvements based on evaluation information, and participate in statewide data collection and evaluation efforts.

define minimum RFP

Voluntary, family centered  
Accountable for case outcomes  
Staffing criteria and credentialing.

- Use lead agency model  
Public or private, state or local agencies as participants, or partners  
Specify required partner agencies, e.g. DMH, DSS, Probation, each school system, police. Create small group/task force for each community
- Lead agencies to have advisory boards.
- Accountability: some sort of periodic reports to EOHHS, Legislature.  
*(How will this influence governance?)*
- Location and service area should mirror existing regional structures  
*(Probably DSS – they match with DMH)*

#### **Policy Oversight**

Formal mechanism for collaboration at state level among agencies, probation and courts  
Advisory board at the state level

#### **Population to be served – Review existing offenses for possible redefinition.**

Same population that is subject to the court process for these behaviors  
age 6-16 – truant or habitual offender of school rules  
age 6-18 runaway and refusal to obey lawful rules  
*(Hold a separate meeting on this)*

#### **Who may refer to the front end?**

- Parent(s) or legal guardian(s)
- Child (self referral)
- Police
- School, After a phase in period while programs get going, school it must show that they have first completed a DOE certified truancy program.
- Pediatricians, emergency rooms

**Exclusions**

- Significant family violence – triggers mandated report.
- Significant child protection concerns. – triggers mandated report.
- Safety Issues i.e. prostituting while a run away
- Complexity of need i.e. taxing services offered

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Minor delinquency is not a reason for exclusion.

(This is determined by case review involving program administrators, probation, and defense counsel)

DSS out of home placement is not automatic exclusion

Excluded families receive written explanation of what other resources are available to them. Some follow-up contact will be made.

### **First Contact with Family**

- Goals:
  - To avoid filing a petition
  - To prevent separation of child from family
- Rapid initial response to referral or walk-in – open 24/7  
*(Should we establish time limit for first actions; e.g. confer within 2 hours, act to stabilize within 6 hours, assessment within 3 days?)*
- Intake done with universal tool provided by EOHHS.
- Data collection for all who come through the door
- Everyone through the door is triaged and assigned a case manager
- Information provided about resources/services available in the community.
- Crisis intervention placement – 72 hours only  
*(If child objects? Go home or stay here? Is this a placement to ensure the child's safety?*  
*If parent objects?*  
*Should there be a hearing mechanism at the front end? – in NY a 'shelter hearing' takes place at the lead agency location)*

### **After the initial crisis is over**

- Case screening to identify family strengths and resource/service needs (e.g. mental health, substance abuse, basic family needs, child care, insurance, legal issues, education placement, child protection)
- Voluntary respite – days  
*(Is parent/child agreement required?)*
- Create a service plan, refer to services, assist with insurance issues, follow-up on use of services  
*(What other actions are allowed? –temporary shelter, medical care, placement for safety in some particular setting?, others?)*

### **Minimum level of services available**

*Should the statute establish some minimum level of service? Do we have an entitlement after Rosie D.?*

*Should the statute address the private insurance / mental health issue? How?*

**Duration of Services**

- 3 months with possible extension of another 3 months.  
*(How is that decision made?)*  
*Does the front end caseworker continue in any capacity after this period is over?)*
- Participation in Front End services is voluntary; families may terminate their involvement at any time. *(What happens if parents want to terminate and child does not?)*

**Disposition:**

- Refer to Court to file a petition or for 2d tier informal assistance
- Closed, no CHINS finding.  
*(How is success defined?)*
- Discharged, No more benefit likely to child, CHINS possible
- Discharged, Failure to cooperate by parent or child, CHINS possible

**Documentation of all contact with and services provided to family by lead agency**

- Eventually it may be filed in court if
- Report should contain findings of fact – if successful then no filing in court on same facts
- Confidentiality of statements made during front end services  
*(May they be used in court? How to handle the problem of case team members also part of court process if petition issues.)*
- Not public records
- Not deemed probation cases – so no criminal record sent to criminal history systems board.

**Separate Truancy System**

- Each school must have a DOE certified system  
*(DOE will articulate standards and certify any program that meets them.)*  
*(What about non-public schools?)*
- Articulate in statute minimum steps a school must take before it refers to the front end.
- Define what school must show in application for petition to court
- Identify the administrator who must handle truant cases; that person must continue to appear as petitioner

## II. Court Process

**Jurisdiction:** Juvenile Ct and Gloucester and Brookline District Ct.

**Venue:** residence of the child – include a mechanism for transfer.

**Who is the applicant?** Who has standing to apply for petition which seeks determination that child is a CHINS?

- Police
- Parent or guardian with custody
- Supervisor of attendance – or administrator designated to handle truancy.
- DSS – (Should this be limited to situations where a 51A investigation is under way.)

### **Offenses:**

**ABA strongly suggests that these behaviors not be described as status offenses and that the label accurately reflects the intent of the statute.**

(Reforming Juvenile status offense laws, ABA , p22)

*The offenses still need to be reviewed.*

- Under 18, Runaway (c119. 21, 39E, par 2)
- Under 18, Refusal to obey lawful and reasonable demands of parents (c119. 21, 39E, par 2)

*(Statute group recommends specifying elements of this offense to avoid low level behaviors. Should it include language similar to that in statute governing mental health commitments – requiring some kind of endangerment to the child?)*

- Aged 6-16, persistently and willfully fails to attend school (c119. 21, 39E, par 3)
- Aged 6-16, persistently fails to obey lawful and reasonable school regulations.(c119. 21, 39E, par3)

### **Criteria for application for petition to be accepted:**

#### If parent is petitioner

Statement from the front end agency stating that petitioner consented to and participated in services, case was not successfully resolved, time for services has ended, or no more benefit is likely.

#### If school is petitioner in a truancy matter

Statement that certified truancy program has been tried and statement from the front end. In the absence of a certified truancy program, a showing that reasonable efforts were taken to address the issue.

#### If school is a petitioner in a non-truancy matter ?

#### If Police officer is petitioner:

Show that there is a risk of harm to child or others by going directly to the front end.

Any petitioner may attempt to show they are entitled to skip the first step for any of the exclusion criteria.

**Procedure at filing of application:**

- Intake will include data collection that is compatible with and complementary to that collected at the front end. (docket number is assigned)
- Child will be assigned to a probation officer, but this matter will not be deemed a 'probation case' for purposes of reporting to the criminal offender record information system – (See Chapter 6 section 168A)
- Preliminary hearing date set at filing – 90 days - it can be delayed if probation assistance is extended.
- Notice by summons to parents, child. Counsel will be appointed with 72hrs. notice of hearing. If a need for out of home placement arises on an emergency basis counsel will be appointed on emergency basis..

**Has the child been brought to court by a police officer?**

If Yes and in custody of police, either under CHINS precept/warrant because child has failed to appear in response to summons when petition was filed (39E) or is a runaway (39H):–

*(Consider the issue of arrest – NY refers to 'limited custody', the children are not 'under arrest' so presumably not arraigned. What is the import to the criminal records systems? CORI seems to be triggered whenever there is a Probation case – is it also triggered by arrest?)*

Then file application – however if no risk of harm, try to divert to front end.

**Holding a child at risk of running away or some other harm**

- *If a child is excluded from the front end and brought to court, under what circumstances may the child be held? Where? How long?*
- *Should there be a hearing? Where? Counsel to child and parent?*
- *What are criteria? Standard of proof?*
- *Duration of time a child can be held*  
*(In NY 72 hrs or next session)*

1. If application for petition has not been filed:

- Findings required in order to hold the child at all?:

2. If application has been filed or petition has issued, or child is already adjudicated:

- Findings required in order to hold the child:  
Child not likely to appear at hearing,  
Home not in best interest,  
Alternative placements are exhausted

Existing practice regarding holding CHINS: If court is not in session, police and probation decide. Statute allows for placement with family, medical facility or temporary shelter. Lock up is prohibited by 39H and federal law (42 USC 5633(a)(11)(12)).

Statute research group reports that in practice they are sometimes sent to DYS or Juvenile lockup.

**Formal assistance by Probation** (This is currently the *'preliminary inquiry'*)

- What is the goal? (*Not likely the same as at the front end, but what? Is keeping the family together a consideration but not a goal?*)
- Require data collection and documentation of all services provided to family and child, in a format that is compatible with that used by front end.
- Probation Officer has discretion to
  1. immediately refer to front end community program unless the family has already been discharged for this particular set of facts, or
  2. work with the front end case management team while continuing in their present authoritative role; i.e. accessing services directly and creating the CHINS agreement; and/or
  3. access any services, the Probation Officer is not limited to those available through the front end community program, or
  4. accelerate the matter to a preliminary hearing ASAP for petition to issue
- The CHINS agreement must be approved by the Probation Officer
- Duration of probation assistance:
  - 3 months with potential for 3 month extension
  - (*Procedure for obtaining the extension?*)
- Temporary DSS custody is not permitted. (This is based on belief that services will be available without DSS taking custody)

**Preliminary Hearing –**

- *What is the Question presented? Is it 'shall the petition issue'?*
- Temporary out of home placement is possible.
- *What is the standard to dismiss?*
- Child should be represented by counsel.
- Parents should be represented by counsel.
- *When is the hearing scheduled? Should a date be set at time of filing? What is the hearing date? Is it at 3 months, with potential for delay of another 3 months?*
- *Should be before a judge?*



- *CHINS agreement created at preliminary inquiry should be presented at hearing.*
- *Who is petitioner? If Parent or school should they be required to appear as adversary to child? If it is police should it be the DA? Since PO is mediator/leader of informal assistance should they be prohibited from prosecuting at this hearing.*

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## **What happens between the issuance of the petition and the trial on the merits?**

*Is the goal set out in CHINS agreement*

*Does the court now become the child's advocate for services?*

*Is temporary placement possible? Should it trigger another hearing?*

*How long may petition be open before adjudication?*

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### **Adjudication**

- *Hearing – but eliminate right to trial by jury*
- *Standard of proof?*  
*(Currently beyond a reasonable doubt. Statute group recommends preponderance of the evidence. NY has 2, one for facts alleged in petition – BRD, one for determination that disposition is in best interest of the child - POE)*
- *Written orders stating reason for disposition.*  
*Standard for disposition: (Should it be best interest of child, reasonable efforts to keep child in the home? NY has exception for situations where parent has committed crime affecting sibling or other parent)*

### **Dispositional orders**

- *Permit child to remain at home*
- *Place child in care of another adult or relative*
- *Custody to DSS*  
*With or without out of home placement*  
*Permit order that it must be out of home.*  
*Initial term of 3 months - Extensions of 3 months, with maximum time period of 1 year.*  
*No detention in secure facility – (but what is the alternative for safety requirements?)*  
*How to terminate placement?*  
*May parent petitioner seek change or termination of placement?*
- *Suspension of petition – delay in disposition.*  
*Should the court be able to send family to front end for 2d or 3d try?*  
*If school is cooperating by providing education services should case stay open without finding for a while?*  
*What would time limit be?*
- *Discharge – Court may on its own motion convert this to a care and protection*
- *Probation - Chins agreement monitored by probation*

**Enforcement**

*Contempt for parent or child? Drivers license removal?  
Holding in out of home/ residential placement?*

**Nature of adjudication**

Not a conviction

When child is apprehended by the police for one of these behaviors it is not deemed an arrest

CHINS adjudication cannot be used to deny any privilege, right, license

Court and front end records never become public

Records are all kept separate from adult records.

**Permanency Hearing**

Require after 12 months of out of home placement.

(Currently required (119.29B) but not always held.)

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