

Issue	Senate 1963	House 4330	Decision	Recommendation
Definitions – Child Requiring Assistance	<ul style="list-style-type: none"> • Child Requiring Assistance - up to 19th birthday – 6 and 18 inclusive • Reference is to 119:21 	<ul style="list-style-type: none"> • Child between 6 and 18 • located in Chapter 6A 		<p><u>Cede to House on age</u> - Go back to up to 18th birthday, 16th for school based behaviors</p> <p><u>BUT</u> need to be consistent with changes made in 119:21 by Children's Behavioral Health bill</p>
Definitions Community Based Services	Wording/structure different, same substance	Wording/structure different, same substance		Cede to House
Definitions – Family Requiring Assistance Habitually Truant	<ul style="list-style-type: none"> • Both definitions located in Section 21 of Chapter 119 • "Family with a child requiring assistance" is definition for Chapter 6A , while it is "Family requiring assistance" in Section 21 of Chapter 119 	Definitions not located in Ch. 119		Technical differences in Family requiring assistance definition Staff to Resolve

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Front End differences	<ul style="list-style-type: none"> SEC1 (b) Creation of network (b)(3) wording (b)(4) list of services: "including but not limited to" SEC 1 (d) *statements made by child or family while receiving services are confidential and "may" not be used in any proceedings without written consent Case team information sharing includes other providers as needed 	<ul style="list-style-type: none"> SEC 1 (b) Creation of network (b)(3) wording (b)(4) language not included SEC 1(d) *statements made by child or family while receiving services are confidential and "shall" not be used in any proceedings without written consent Case team information sharing includes any agency within EOHHS providing services 		<ul style="list-style-type: none"> 1(b)(3) wording style – cede to House • 1(b)(4) Senate language • 1(d) cede to the House

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Front End Differences	<ul style="list-style-type: none"> SEC 1(f) Referral by school admin. occurs at same time as notification that such student "may" be expelled <p>No reference to Section 37H 1/2 of Ch. 71</p> <p>School districts "shall" make educational services available to expelled students</p>	<p>SEC 1(f) Referral at same time as notification that such student "is to" be expelled</p> <p>Reference included to expulsion hearing requested under 37H 1/2 of Ch. 71</p> <p>School districts "may" make education services available to expelled students.</p>		<p>Cede to House on "is to be" expelled</p> <p>Cede to house on reference to Ch. 71 – technical</p> <p>Senate language on services "shall" be available to expelled students</p>
DMH Review - Mental Health and Substance Abuse of Juveniles	NONE	DMH conducts comprehensive review of mental health and substance abuse service needs of adolescents in juvenile court		<p>Cede to House</p> <p>Kahn amendment deals with DYS – the bill is all about DCF.</p>

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Truancy	<p>Section 1(f) In front end reference to certified truancy program</p> <p>Sect 2 DESE creates guidelines for a certified truancy program; each school creates one</p>	<p>Section 1(f) omits “certified”</p> <p>Omits section creating in chapter 69 - certified truancy program guidelines</p>		<p>Senate Language</p> <p>See Rep. Peisch requested amendments - consistent with childrens behavioral health bill program should be created.</p>
Name of the program	FACES Families and Children engaged in Services - In the court process it is called Request for Assistance	CHINS		Senate Language
Process of filing request for assistance	<p>Senate requires petitioner file a statement that they have been referred to a community based services and have chosen not to be referred.</p> <p>Clerk contacts EOHHS to determine if they are already serving the child and family</p>	Clerk informs the petitioner that they can delay filing and return at another time to file		<p>Compromise language</p> <p>Instead of separate statement the Request for Assistance form could have a check off box to indicate petitioner was informed</p> <p>Call to a hotline should be made</p>

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Dismissal	<p>Senate provides in new 39T that petitioner may withdraw request at any time prior to disposition hearing.</p> <p>Probation may recommend dismissal for best interests of child</p>			Senate Language
Criminal and Court Records and expungement	<p>No permanent records are created:</p> <p>No court activity record,</p> <p>No CORI</p> <p>No arrest record</p> <p>Eventually any records created are expunged - i.e. if a CARI is needed while in the court process - when it is over that is expunged</p>			<p>Senate Language</p> <p>existing system creates CORI entry when PO assigned</p> <p>CARI created when docket is created – application for CHINS petition is filed</p> <p>Arrest records created sometimes</p> <p>Even on dismissal records remains</p> <p>Court is already familiar with destroying records after probable cause hearings in delinquency cases</p>

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Criminal- like attributes of the entire CHINS process and certain criminal based proceedings	<p>Arrest</p> <p>No arrest, if necessary police take a child into custodial protection. This is to avoid the creation of an arrest record which might appear on RMV records</p> <p>No shackles</p> <p>No Detention</p> <p>No Bail process</p> <p>Changes language and procedure that is associated with criminal behavior (alleged, persistently, adjudication, trial on the merits)</p> <p>No mixing with Juvenile delinquent system</p>	<p>In 39E: No shackles</p> <p>No placing child in locked facility – but it does not strike the language allowing this in 39G</p>		<p>Senate Language</p> <p>Existing CHINS statute allows for arrest and detention</p> <p>Existing statute: trial de nova is the only appeal</p> <p>All hearings can be jury trials – even the first probable cause hearing though jury often waived</p> <p>Held on bail in detention arrest</p> <p>Allows for referral to DYS foster care (39G 44-45)</p>

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Burden of Proof	<p>Preponderance of the evidence for temporary custody (39S) same as Care and protection</p> <p>Clear and convincing at fact finding hearing (39U(a) petitioner has burden)</p>			<p>Senate Language</p> <p>existing statute standard is beyond a reasonable doubt – Judges do not want this</p>
Parent and other Petitioner Participation	<ul style="list-style-type: none"> Parents who file a request must participate as petitioner Parents have standing to participate in all court hearings Because there is a risk of loss of custody, parents are appointed counsel if indigent Person (or school) that files the request must remain involved as a party -present evidence - meet the burden of proof 			<p>Senate Language</p> <p>Existing CHINS: Parents may file but have no standing at hearings under statute - likely unconstitutional</p> <p>Existing CHINS – people file application for petition and walk away. There is no one to present the facts of the case.</p>

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Time limits and hearings	<p>15 days to Probable Cause hearing</p> <p>90 days (+ 90 ex + 60 recess) for probation assistance before fact finding hearing</p> <p>120 days after disposition for court ordered placement/treatment</p> <p>up to 90 day extension of placement may happen 3 times</p> <p>Everything ends on the child's 19th birthday</p> <p>15 -45 days for temporary custody in emergency</p>			<p>Senate Language</p> <p>Preliminary Hearing to determine if CHINS petition issues(this is also the probable cause hearing) it can be a jury trial</p> <p>Trial on the merits – can be 12 months wait</p> <p>After disposition placement it can go on until the child ages out – no time limit, no one has standing to stop it</p> <p>Stubborn Child or runaway orders last until 18th birthday</p> <p>School based petitions end at 16th birthday</p>
Pre - Disposition Conference	<p>After the fact finding hearing and before hearing to determine placement and services hold a meeting with all people involved in working with the child and family: school, parents, PO, CBS, any medical providers</p>			

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Disposition	<p>Agencies must report in writing to the court when they doesn't carry out court ordered services</p> <p>EOHHS must report to Legislature each year on extent of following court orders and alternatives</p> <p>If a child asks not to be returned to a home with substantiated history of abuse DCF must give out of home placement</p> <p>Health Insurer cannot deny medically necessary services just because the services are ordered by the court.</p>			<p>Senate Language –</p> <p>There are very few differences from the existing statute</p>
Confidentiality	<p>39Ra(5) statements can only be used in present proceeding - not school disciplinary or other court proceedings</p> <p>39U(c) no statements of any child family service provider can be used in fact finding hearing except if required by</p>			<p>Senate Language</p> <p>Existing statute has some protections but not as strong and without waiver possibility</p>

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	51A or other law			
Appeal	Appeal from interlocutory orders is allowed to Appeals court			<p>Senate Language</p> <p>Existing statute only has appeal in case of detention and trial de novo after adjudication.</p> <p>In the current system there are never any final orders so virtually nothing can be appealed –</p> <p>Staff needs to make a technical change to ch 276 sec 118</p>

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Materials provided to parents by court	Information given to parents which is prepared by the court, which describes the court process, types of orders and services available thru court and possibility of change of custody	1B of H4330, adding to 39E: Clerk prepares, publishes and disseminates info on FRC, CBS and EOHHS services		<p>Compromise language – include both Senate and House</p> <p>Senate idea came from Child advocate - it is modeled after materials prepared by family court to give grandparents and other relatives when about to begin adoption proceedings</p> <p>House would have court prepare information that should be prepared by EOHHS</p>

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Advisory Board - Membership	<ul style="list-style-type: none"> • Sec of EOHHS appoints one co-chair • EOHHS Sec appoints reps for DCF, DYS, DMH, Medicaid; DESE commissioner appoints a DESE rep; • Gov appt rep for CPCS; • Minority leaders each appoint 1 • 1 municipal police dept 	<ul style="list-style-type: none"> • *Gov appoints one co-chair • Commissioners of DCF, DYS, DMH, DESE, Director of Medicaid; Chair CPCS board • DCF social worker and DMH case manager each approved by director of pilot program; • Commissioner of DPH 		<p>Compromise language mostly House and add the minority leader appointments</p> <p>Also may need technical changes</p>
Advisory Board - Initial 12 Month Report	Initial 12 month report on implementation and funding does not go to HWM and SWM	Initial 12 month report also goes to HWM and SWM		Cede to House

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Advisory Board - Annual Report	<ul style="list-style-type: none"> * On implementation of network and court process changes *includes Goals, budget for next year *Final report in 2016 - board terminates 	<ul style="list-style-type: none"> *On implementation of pilot program *Includes design plans, progress, recommended budget, legislative changes *Once pilot program established, detailed account of success/obstacles, recommendations to alter program or establish new pilot program centers 		Compromise language
Timeline	<ul style="list-style-type: none"> * 24 months - EOHHS creates model, Advisory board reviews model, makes recommendations for pilot programs * 36 months - pilot FRC/system established * 48 months - network throughout state * 90 days - EOHHS creates mechanism for JC to make referrals and get information about families 			<p>Cede to House (mostly)</p> <p>Pilots start in one year, Some technical changes will be needed</p>

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Advisory Board - Tasks	<ul style="list-style-type: none"> • Advise on creation of network • on data collection systems • on effectiveness of juvenile court assistance to children and families • recommend to Gov the resource and support needed 	<ul style="list-style-type: none"> • *Advise Sec on designing network and pilot program and collection of certain client data • provide mechanism for Court to make referrals to EOHHS • Recommendations on resources needed to expand pilot programs • Collaborates with probation to obtain certain info on pilots in each judicial district 		<p>Compromise language</p> <p>The “Hotline” for the court clerks to contact EOHHS for information must be effective ASAP</p> <p>Last</p>
Probation Annual Report	<p>*Report on children families receiving assistance in each judicial district</p>			

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EOHHS - Semi-Annual Report	*Semi-annual report on 4 year transition and adequacy of resources			
Pilot Truancy Program	*Creates a pilot truancy prevention program with restorative justice format			
Pilot Runaway Program	*Creates a pilot program for girls who runaway from parents or legal guardians			