

SECTION 1. The General Laws as appearing in the 2006 official edition are hereby amended by adding after chapter 6A section 16G the following new section:

Section 16H. Community-based services for families and children

1. *Whereas* families in the Commonwealth whose children are truant, runaway and acting in a fashion that interferes with their parent's ability to adequately care for and protect said children are families in crisis; and

Whereas the issues facing said children and families are complex and the services which would best assist such families are not always available from a single agency or department of the Commonwealth and the collaboration among multiple public and private agencies and offices is required to ensure that all children and families receive the services they need to succeed; and

Whereas the current efforts to help said children and families lack accountability and consistency; and

Whereas services are not consistently available in all communities;

Therefore, it shall be the policy of the Commonwealth to develop a flexible, consistent, and accountable system of community-based programs to assist said children and families.

2. It is the intent of the General Court to create an accountable, community-based system that provides consistent services throughout the Commonwealth to address the needs of families and children in crisis by providing them with an array of resources. The goal of said system is to preserve and strengthen families while ensuring the healthy emotional, mental, and social development of the child. These services shall focus on creating a stable environment and strengthening the family as a whole while emphasizing parental responsibility.

Said community-based system shall provide the family and child with immediate responses for

23 the stabilization of the family, as well as to connect the family to additional services in the
24 community through referrals and advocacy. The services provided to the families and children
25 involved shall be provided on a continuum of increasing intensity with the goal of keeping the
26 child out of the juvenile justice and child protection systems. The system shall include a
27 mechanism for the collection and analysis of information which will enable the Commonwealth
28 to evaluate the effectiveness of services and to identify gaps in services. It is the intent of the
29 General Court to reserve judicial intervention for those children and families who require
30 services beyond said community-based services in order to achieve stabilization and resolution.

31 3. For the purpose of this Section the following words shall have the following meanings:

32 ‘Child requiring assistance’: a child between the ages of 6 and 18 who repeatedly runs away
33 from the home of his parents or legal guardian or repeatedly fails to obey the lawful and
34 reasonable commands of his parents or legal guardian, thereby interfering with said parent’s or
35 legal guardian’s ability to adequately care for and protect said child or repeatedly fails to obey
36 the lawful and reasonable regulations of his school or who is habitually truant;

37 “Community Service Agency”: a community-based organization providing services under
38 contract with the Commonwealth, whose function is to facilitate access to and ensure
39 coordination of services for families with children with serious emotional disturbance who
40 require or are already utilizing multiple services, or are involved with multiple child-serving
41 systems including, but not limited to, the juvenile justice system, department of mental health,
42 and special education, as agreed upon under the settlement dated August 29, 2006 entered into
43 by the parties of Rosie D. et al v. Romney civil action No. 01-30199-MAP filed in the United
44 States District Court.

45 'Family with children requiring assistance': the parents, guardians, siblings, and any other
46 relatives or caretakers responsible for a child between the ages of 6 and 18 who need assistance
47 from state, local, or private agencies, or providers of social, educational health, mental health, or
48 behavioral health services in order to adequately care for and protect the child;

49 'Habitually truant': a child between the ages of 6 and 18 not otherwise excused from attendance
50 in accordance with the lawful and reasonable regulations of his school who fails to attend school
51 for more than 8 school days in a quarter;

52 'Secretary': the secretary of the Executive Office of Health and Human Services.

53 4. (a) The secretary, in consultation with the ~~commissioners~~ of the ~~departments~~ of ~~children~~ and
54 ~~families, youth services, mental health, and public health~~ shall establish a network of child and
55 family service programs throughout the Commonwealth to provide community-based services to
56 all children and families who are at risk of contact with the juvenile justice system or the child
57 protection system, families with children requiring assistance, and children who require
58 assistance. The secretary ~~may~~ enter into contracts with the Community Service Agencies
59 (CSAs), ~~local schools, other local public agencies, private organizations, or medical or mental~~
60 ~~health care providers~~ who shall act as Community-Based Service Centers, to implement the
61 program and provide services which are within their capacity. ~~In awarding the contracts the~~
62 ~~secretary shall seek to promote efficiency and access to existing services.~~ The Community-
63 Based Service Centers shall be ~~encouraged~~ to subcontract with other local providers as needed
64 to provide the full complement of services required under paragraph 8 of this section. ~~(b) The~~
65 purpose of the community-based services program shall be to assist families so that children will
66 be able to continue residing with their families in their home communities; assist families to
67 enable children to continue as students in their community schools; strengthen the relationships

Deleted: Commissioner

Deleted: Department

Deleted: Children

Deleted: Families

Deleted: the Commissioner of the Department of Youth

Deleted: Services

Deleted: and the Commissioner of the Department of Mental

Deleted: Health

Deleted: shall

Deleted: permitted, subject to approval by the Secretary,

Deleted: ¶

79 between children and families; and provide coordinated, comprehensive, community-based
80 services for children at risk of dropping out of school delinquency, or engaging in behaviors
81 which impede the likelihood of their leading healthy, productive lives.

82 (c) The secretary shall:

- 83 (i) design models for delivery of community-based services by community-based
84 organizations and collaborations of public and private organizations;
- 85 (ii) pilot alternative systems to address the problem of children running away from their
86 parents or legal guardians;
- 87 (iii) develop standards necessary to achieve and maintain on a statewide basis
88 comprehensive and integrated community-based services for children and families;
- 89 (iv) monitor and provide technical assistance to providers of community-based services;
- 90 (v) adopt a standard intake screening and assessment tool to evaluate all families and
91 children seeking community-based services which identifies the family's strengths,
92 resources, and service needs such as mental health, behavioral health, or substance abuse
93 treatment, basic family shelter, clothing and food needs, child care needs, health
94 insurance status, legal issues, education placement, and child protection;
- 95 (vi) create a data collection system for use by programs which maintains the privacy of
96 clients served, assists programs and the executive office of health and human services in
97 addressing the needs of the population to be served, collects information related to,
98 among other things, the insurance status and benefit coverage of clients served, income
99 documentation as needed to apply a sliding fee scale for payment or waiver of payment
100 for services, and other information that may assist the program and the secretary in

101 providing services, identifying service needs and gaps, and evaluating the effectiveness
102 of community-based services.

103 5. (a) Subject to appropriation, the secretary shall make grants for the purpose of planning,
104 establishing, operating, coordinating, and evaluating Community Based Service Centers. At least
105 one grant shall be awarded for the operation of a community-based services program in each of
106 the department of children and families' service areas. Additionally, two grants shall be awarded
107 for runaway treatment and prevention programs, one in an urban location and one in a rural
108 location. Grants may award funding for up to five years subject to demonstration of effectiveness
109 and the submission of annual reports to the secretary.

Deleted: centers, which will provide community-based services

Deleted: 29

Deleted: Department

Deleted: Children

Deleted: Families

110 (c) The secretary shall issue requests for proposals for the provision of community-based
111 services. Proposals must demonstrate expertise in assisting children and families who are at risk
112 of contact with the juvenile justice system or the child protection system and program staffing
113 which meets the credentialing and caseload criteria as defined by the secretary. Proposals shall
114 also require that applicants submit:

Deleted: b) Preference in awarding the grants shall be given to the CSA for the service area wherever the experience and resources of the CSA will promote efficiency and increased access to services. In circumstances where, in the judgment of the secretary, the CSA is not the appropriate selection for the Community-Based Services Center, proposals may be submitted by a local school or other local public agency or private organization or medical or mental health care providers.

116 (i) A plan for development, implementation and coordination of services as required
117 under paragraph 8 of this section for families from public and private providers. ▾

Deleted: direct

Deleted: ;

118 (ii) A plan for the establishment of a local advisory board which, wherever possible, shall
119 be a subcommittee of the Systems of Care Committee required of all CSAs to focus on
120 the needs of families and children at risk of involvement in the juvenile justice system
121 and the child protection system. The subcommittee shall include: representatives from
122 school districts, police officers, juvenile probation officers, district attorneys, attorneys

138 who represent children and parents, mental health clinicians, behavioral health providers,
139 parents and youth. The committee may also include local religious organizations,
140 representatives of local businesses, higher education, social service agencies, public
141 health agencies and other persons with experience in assisting youth and families in
142 crisis. Membership shall be broadly representative of the racial ethnic and economic
143 diversity of the community. The local advisory boards may, where necessary to facilitate
144 work in communities, create similarly constituted work groups for each municipality in
145 the service area;

146 (iii) Periodic evaluation of the success in achieving program goals and a process for
147 making adaptations and improvements based on evaluation information.

148 6. (a) Community-based services shall be available to children between the ages of 6 and 18 who
149 are habitually truant or children between the ages of 6 and 18 who run away from the home of
150 their parents or legal guardian or refuse to obey the lawful rules of their parents or legal guardian
151 or repeatedly fail to obey school rules and to families whose children engage in such behaviors.

152 (b) Whenever the staff of the program offering community-based services determines that a
153 family seeking or referred for services for a child has significant and complex medical needs
154 which cannot be met by the program or where the child's behavior presents a significant risk of
155 harm to the child himself, the family or the community, the child and family shall be referred to
156 other services pursuant to Section 5 of this act.

157 (c) Where a youth has been charged with a delinquency offense or is an adjudicated delinquent,
158 eligibility for participation in community-based services shall be determined by the program
159 administrator after a review of the facts surrounding the alleged offense by a team consisting of:
160 a community-based services caseworker, probation officer, family members and the counsel

Deleted: paragraph 5 of this section

162 representing the child in the delinquency matter.

163 (d) Where the child is in the custody of the department of children and families and residing in
164 an out-of-home placement, eligibility for participation in community-based services shall be
165 determined by the program administrator after a review of the facts surrounding the placement
166 by a team consisting of the community-based services caseworker, the department of children
167 and families caseworker, a responsible adult with whom the child has an ongoing connection,
168 and if the custody is based on an order in any proceeding under chapter 119, any counsel
169 representing the child in that proceeding.

Deleted: the matter of placement and custody

170 (e) Where a child or family is denied access to community-based services for reasons other than
171 those described in this section, the program shall provide the child and his parent, guardian, or
172 custodian a written explanation of reasons for exclusion and the identification of other
173 community-based services and resources available to them.

174 (f) When a child or family is denied services pursuant to this section, the program shall contact
175 the child and his parent, guardian, or custodian in person or by telephone within two weeks after
176 the denial decision to determine if the other appropriate services have been obtained and whether
177 or not community-based services are now appropriate. The program shall provide to the child
178 and his parent, guardian, or custodian a notice in a form acceptable to the juvenile court stating
179 that the family is not eligible for community-based services and listing the reasons for
180 ineligibility.

Deleted: the family

Deleted: the family and child

Formatted: Font: Bold, Italic

181 7. (a) A child or family may seek assistance from a community-based services program directly
182 and without referral.

183 ▼ **Deleted:** (b) Pursuant to Section 39R and 39U of Chapter 119, families may be ordered to seek services from a Community-Based Service Center by a probation officer or judge.

190 (b) Employees of the departments of children and families or youth services may make referrals
191 to Community-Based Service Centers as part of a case plan.

Deleted: c

192 (c) Voluntary referrals to community based services may be made by any professional who is
193 working with the family or child(ren).

Deleted: d

194 (d) Except as provided herein, a school administrator shall refer a child to community-based
195 services at the same time that the administrator notifies the student and his parent, guardian, or
196 custodian that the student will be expelled for failure to comply with the lawful and reasonable
197 rules of the school. After providing the process that is due the student, including an expulsion
198 hearing if requested, the school administrator shall consider the outcome of the community based
199 service center referral if the student provides that information to the school. Provided that when
200 a school administrator refers a child for habitually truant behavior, it must be shown that the
201 school, child, and family have completed a department of education certified truancy program, if
202 such a program is available at the school. Whenever a child or family seeks assistance for
203 habitually truant behavior, the program staff shall assist the family in gaining access to the
204 child's school's department of education certified truancy program.

Deleted: e

Deleted: s

Deleted: s

Deleted: must

Deleted: children or families to

Deleted: prior to expelling them for failure to comply with the lawful and reasonable rules of the school or for habitual truancy, and the outcome of the services shall be considered as part of any decision to expel for these violations. Provided that when a school

205 8. Community-based services shall include, but are not limited to:

206 (i) program representatives available to respond to requests for service 24 hours a day, 7
207 days a week;

208 (ii) initial response to referral or request for services by a family or child, stabilization of
209 any crisis presented, within a reasonable time, not to exceed 24 hours, so as to assure the
210 safety and well being of the child and family;

Deleted: which includes a meeting to determine the circumstances which resulted in the request or referral within six

Deleted: six hours of contact

211 (;

Deleted: iii) a plan for stabilization of any crisis, which initiated the referral or request within a reasonable time;

(iii) 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 paragraph 4(c)(v);

(iv) assignment of a case manager to each family upon assessment;

(v) creation of a family service plan, which includes **but is not limited to:** strength-based assessment and statement of family needs presented; services and treatment to be provided by the community-based services program or to which the family and child will be referred **that address the identified needs,** assistance with obtaining special education evaluation and services, assistance with insurance coverage issues, and timeframes for achieving the plan objectives. The service plan shall be reviewed and agreed upon by the family before implementation;

▼

(vi) data collection in a format, which protects the privacy of the individuals seeking services **and permits** the evaluation of the effectiveness of the program;

(vii) compilation and dissemination to the general public of information about family support resources and services available in the community;

(viii) crisis intervention residential placements for children for up to 72 hours;

(ix) voluntary respite residential placement of the child for up to 21 days; and

(ix) mediation or alternative dispute resolution, **including restorative justice programs.**

Deleted: iv

Deleted: within seventy-two hours of the 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; ⁴⁷

Deleted: i

Deleted: within ten working days from initial contact

Deleted: needs of the child; needs of the parents, legal guardian or legal custodian; measurable objectives that address the identified needs; services and treatment to be provided by the

Deleted: which may include but are not limited to: community, medical, mental health and behavioral health services,

Deleted: and remedial education services

Deleted: ; recreational services; mediation and family group conferencing. For each service or treatment included, the plan shall contain a statement clearly identifying the type of services or treatment, frequency of services or treatment, location of responsible service providers or staff, and timeframes for achievin

Deleted: (vii) periodic review of the family service plan by the case manager and the family to determine whether it is being followed and if it is effective; ⁴⁸
(viii) intensive crisis counseling for both children and families; ⁴⁹
(ix) parent training in appropriate skill areas directly related to the needs of the family; ⁵⁰

Deleted: x

Deleted: as required by the secretary for each referral or request,...

Deleted: while providing a means to insure that information necessary to optimize the likelihood of successful outcome for each person seeking services and toand

Deleted: xi

Deleted: xii

Deleted:

Deleted: xiii

Deleted: xiv

Deleted: (xv) The program shall make available to the public information that identifies a variety of community-based educational, social, medical, mental health and behavioral health services available to assist families and children. →→

290 9. (a) Participation in community-based services shall be pursuant to a voluntary agreement of
291 the parent or legal guardian and the child. Families or children may terminate their involvement
292 at any time.

293 (b) Services may be provided for 120 days. After the initial 120 day period families or children
294 and the community-based services program case manager may agree to extend services for up to
295 an additional 90 days.

296 (c) Covered services shall be billed to the insurance provider for the client.

297 (d) The program shall advise the parents or legal guardian that they may be responsible for co-
298 payments for covered services and for contributing to the cost of non-covered services for the
299 child or family. Allowable rates for services not covered by insurance, including the portion for
300 which parents will be held responsible, shall be set by the secretary and periodically adjusted as
301 needed to meet actual costs.

302 (e) In the absence of the consent of a parent or legal guardian, respite care may be provided to a
303 child pursuant to the provisions and subject to the limitations of chapter 119 section 23
304 paragraph 7.

305 10. (a) Each family shall have a case manager who shall be responsible for working with the
306 family to develop a crisis stabilization plan where warranted and a family service plan;
307 coordinating services; assisting the family to resolve administrative issues including issues with
308 insurance coverage, interagency issues and other issues which serve as barriers to successful
309 implementation of the service plan; facilitating communication between providers as authorized
310 by the child or their parent or legal guardian; implementing resolution processes when necessary;
311 and working with the case staffing team to create an after care plan.

312 (b) The composition of the case staffing team shall be based on the needs of the family and child
313 and be chosen after consultation with the child and their parent or legal guardian. It shall include
314 the case manager, the primary providers of services to the child and family, a representative from
315 the child's school district. The case staffing team may also include other individuals with
316 professional expertise in health care, mental health care, behavioral health care, substance abuse,
317 social or educational services, or other persons recommended by the child, parent or legal
318 guardian, or case manager.

319 (c) The service engagement team shall be comprised of the Director of the Community- Based
320 Service Center or their designee, members of the local advisory board and other professionals
321 who are charged with developing engagement strategies for the Center and, at the request of the
322 child, parent or guardian, or the case manager, addressing barriers to the initial engagement of
323 individual children and their families.

324 (d) The case manager shall, in consultation with the family, develop a family service plan which
325 shall be provided to the child and their parent or legal guardian and other family members
326 requiring assistance who are involved in the plan within ten days of the initial referral. Upon
327 receipt of the plan, the child and each family member named in the plan shall accept or reject the
328 services and provisions in writing. Each service provider identified in the plan shall also accept
329 or reject their participation in writing. If the plan is accepted, it shall be implemented
330 immediately. If the child or family is not in agreement with the plan and attempts by the case
331 manager to develop an alternative plan are unsuccessful or when the services required are not
332 available, the child, their parent or guardian or the case manager may request review by the
333 service engagement team who shall assist the case manager, child and family in developing an
334 alternative plan.

335 (e) The case manager and the family shall be equally responsible for implementing the plan. The
336 case manager, the family and child shall periodically review the progress towards achieving the
337 objectives of the plan in order to:

338 (i) advise the case staffing team of the need to make adjustments to the plan; or
339 (ii) terminate the case as indicated by successful or substantial achievement of the
340 objectives of the plan.

341 (f) The case manager shall request a meeting of the family and child at a time and place that is
342 convenient to them with a case staffing team to review the family service plan of any family or
343 child whenever:

344 (i) the family or child is not in agreement with the services or treatment offered; or
345 (ii) the family or child does not participate in the services or treatment selected; or
346 (iii) a school state agency or private service provider does not provide the services or
347 treatment selected; or
348 (iv) the case manager needs assistance in developing an appropriate plan for the provision
349 and funding of services; or
350 (v) there is cause to believe that continuation of services is no longer appropriate because
351 the child has complex medical needs which cannot be met by the program or where the
352 child's behavior presents a significant risk of harm to the child himself the family or the
353 community.

354 (g) The parent or legal guardian or child who is over the age of 16 or any other member of the
355 case staffing team may make a written request that the case manager convenes a resolution
356 meeting at any time if the member finds that doing so is in the best interest of the family or child.

357 A resolution meeting requested by a parent or legal guardian or child who is over the age of 16
358 must be convened within 7 working days from the date that the case manager receives the
359 request in writing.

360 11. (a) Not more than 110 days after the assessment and screening of a child and family referred
361 to or requesting community-based services, or 10 days prior to any extension of services granted
362 under paragraphs c and d of this section, the case manager shall convene a resolution meeting
363 with the case staffing team to assess whether the goals of the family service plan have been
364 achieved or if further services are in the best interest of the family and child. After the meeting
365 the case manager shall document the resolution of the case as follows:

366 (i) that the family and or child will benefit from additional community-based services; or

367 (ii) that it is unlikely the family and child will benefit from additional community-based
368 services at this time and the case is discharged; or

369 (iii) that the family failed to cooperate with the service plan and the case is discharged; or

370 (iv) that the public or private agencies designated in the plan to provide specific
371 services did not provide those services and the case is discharged; or

372 (v) that the presenting behaviors are resolved and the case is discharged.

373 (b) Within 7 days after meeting, the case manager shall provide the parent or legal guardian with
374 a written report that details the reasons for the decisions made at the resolution meeting. The
375 report shall contain a notice in a form acceptable to the juvenile court stating that community-
376 based services have ~~concluded~~ and whether or not the case manager believes it is likely that the
377 child and family would benefit from further services.

Deleted: terminated

379 (c) If the family, child and case manager agree to extend services, then the services shall be
380 extended for an additional 90 days.

381 (d) If the family was referred to community-based services by a court or a probation officer, then
382 services may be extended for additional 90 day periods at the request of the court or probation
383 officer.

384 12. (a) The report and any documentation of services provided to the family and child shall not
385 be public records. Statements made by the family and child while receiving services from the
386 program shall be treated as confidential. Such statements may not be used in school disciplinary
387 proceedings, ~~or in any court proceeding without the written consent of the person making the~~
388 ~~statement.~~

389 (b) Any person offering community-based services to children under this program shall be
390 required to report suspected physical or emotional abuse or neglect of a child pursuant to General
391 Laws Chapter 119 Section 51A.

392 (c) Notwithstanding any provision to the contrary, in the absence of specific written directive
393 from the child and or member of the family who is receiving service, information about the case,
394 including interactions with service providers and protected health information services, may be
395 shared among members of the case team as needed to coordinate treatment and provide
396 appropriate case management.

397 13. There shall be an advisory council appointed by the secretary, which shall advise the
398 secretary on creation, operation, and effectiveness of the community-based services
399 program. Members shall include the commissioners or their designees of the departments of
400 public health, mental health, developmental services, children and families, youth services,
401 transitional assistance, elementary and secondary education, ~~early education and care,~~ and public

Deleted: and may not be admitted into evidence

Deleted: arising from the circumstances which brought the family and child to the program unless the child and family waive their privilege or unless a court finds that such inadmissibility would result in substantial harm to the child....

407 safety, the child advocate, the director of the office of Medicaid or his designee, the
408 commissioner of probation or his designee, the chief justice of the juvenile court or his designee,
409 a district attorney, members of the bar who represent children in juvenile court proceedings, a
410 designee of the committee for public counsel services, an education advocate, representatives of
411 urban, suburban, and rural municipal police departments and school districts, providers of
412 service to children and families, parents, and at least 2 young adults who have participated in a
413 community-based services program.

414 14. The secretary shall report annually on February 1 to the joint committee on children, families
415 and persons with disabilities and the house and senate committees on ways and means and the
416 child advocate on the progress of the community-based services program.

417 SECTION 2: Chapter 69 of the General Laws is hereby amended by adding after section 1N the
418 following new section:

419 Section 1O. Within three years of the effective date of this act, the department shall establish a
420 discretionary grant program to assist schools in planning and implementing truancy preventions
421 programs which meet the certification requirements established pursuant to section 1P of Chapter
422 69."

423 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section 1O the
424 following new section:

425 Section 1P

426 The Department of Education shall promulgate regulations establishing a truancy prevention
427 program certification process. The regulations shall include requirements that the truancy
428 prevention program evaluate the level of out-of-school support for students and families, and

Deleted: on

Deleted: 16. The secretary shall report annually on February 1, to the joint committee on children, families and persons with disabilities, the house and senate committees on ways and means, and the child advocate on the progress of the community-based services program.

Deleted: , subject to appropriation,

436 address the conditions that may make students more likely to become truant, including
437 previously unidentified special needs, bullying and harassment. School districts shall establish a
438 truancy prevention program which meets the requirements for certification by the department. ▼

Deleted: .

439 SECTION 4:Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to
440 39J, inclusive, and adding the following new sections:

441 Section 39K. Definitions

442 “Child requiring assistance”, a child below the age of eighteen who repeatedly runs away from
443 the home of his parents or legal guardian, or repeatedly fails to obey the lawful and reasonable
444 commands of his parents or legal guardian, thereby interfering with said parent’s or legal
445 guardian’s ability to adequately care for and protect said child, or repeatedly fails to obey the
446 lawful and reasonable regulations of his school, or who is a habitually truant;

447 ‘Family requiring assistance’, the parents, guardians, siblings and any other relatives or
448 caretakers responsible for a child between the ages of 6 and 18 who need assistance from state,
449 local, or private agencies or providers of social, educational, health, mental health, or behavioral
450 health services in order to adequately care for and protect the child;

451 “Habitual truant”, a child between the ages of 6 and 18 , not otherwise excused from attendance
452 in accordance with the lawful and reasonable regulations of his school, who willfully fails to
453 attend school for more than 8 school days in a quarter;

454 “Parent”, includes a legal guardian or other person legally responsible for a child’s care.

455 Section 39L. Jurisdiction

457 The Juvenile court department has original and exclusive jurisdiction over any proceeding
458 commenced under section 39N alleging that a family or child requires assistance. The
459 jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to the
460 territorial limits of Suffolk county.

Formatted: Font: Bold, Italic

461 Section 39M. Nature of the Proceedings

462 1. Proceedings pursuant to sections 39K to 39X, inclusive, shall not be deemed criminal
463 proceedings and any record of these proceedings, including the filing of a request for
464 assistance and creation of a docket, shall not be entered in the Criminal Offender Record
465 Information System.

Deleted: 1.

Deleted:

Formatted: Indent: Left: 0.25"

466 2. Notwithstanding any general or special law to the contrary, no record pertaining to the
467 child involved in the proceedings shall be maintained or remain active after the request for
468 assistance is dismissed. The identity and record of any child for which a request for
469 assistance is filed shall not be submitted to the criminal history systems board, criminal
470 offender record information system, court activity record index or any other criminal record
471 information system. 3. Proceedings pursuant to sections 39K to 39X, inclusive, shall be
472 confidential and not be open to the public.

Deleted: ¶
2.

473 Section 39N. Request for Assistance

474 1. A proceeding to determine whether or not a child or family requires assistance is originated by
475 the filing of a request for assistance, stating the petitioner's information and belief:

(a) that the child repeatedly runs away from the home of his parents or legal guardian or repeatedly fails to obey the lawful and reasonable commands of his parents thereby resulting in said parent's inability to adequately care for and protect said child, or that the child is habitually truant or repeatedly fails to obey 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,

(c) specific acts on which the request for assistance is based and the time and place they are believed to have occurred;

(d) when the petitioner is a school district, the request for assistance shall also include:

(i) if the request for assistance states that a child is habitually truant, a statement of the actions taken by the school district to comply with its obligations under its truancy prevention program certified pursuant to chapter 69, section 1O and to improve the school attendance of the child. The request for assistance shall also state whether or not the child and his family have participated in the truancy prevention program.; and

(ii) if the request for assistance states that a child has repeatedly failed to obey the lawful and reasonable regulations of the school, a statement of the specific steps taken by the school to improve the child's conduct.

(e) that the child and family require assistance.

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

501 (a) a police officer, but only if the request states that the child repeatedly runs away from
502 the home of his parents or legal guardian;

503 (b) a parent;

504 (c) a school district, but only if the request states that the child is habitually truant or
505 repeatedly fails to obey the lawful and reasonable regulations of his school;

506 3. (a) The petitioner shall attach to the request for assistance the notice of ~~conclusion~~ of
507 community-based services as provided for in chapter 6A, section 16H(11)(b) or notice of
508 ineligibility as provided for in chapter 6A, section 16H(e). Except as provided in paragraph (b),
509 the clerk shall not accept for filing any request for assistance that does not have attached thereto
510 said notice of ~~conclusion~~ or ineligibility and a person or agency seeking to file a request for
511 assistance pursuant to this section which does not have attached thereto the notice of ~~conclusion~~
512 of community-based services shall be referred by the clerk of the court to a program designated
513 by the secretary of the executive office of health and human services to provide community-
514 based services in the juvenile court district where the child resides. If the clerk accepts the
515 request for assistance then the clerk shall create a docket for the matter. and request that the chief
516 probation officer or his designee, conduct an immediate inquiry in order to recommend to the
517 court whether or not there is probable cause for a determination that a child and family are in need of
518 assistance and whether it is in the best interest of the child for the matter to proceed to a fact finding
519 hearing.

Deleted: termination

Deleted: below

Deleted: termination

Deleted: . Any

Deleted: termination

Deleted: the

526 (b) If the petitioner is a police officer, the clerk may accept a written statement of the reasons for
527 the officer's belief that the referral to community-based services prior to filing the request for
528 assistance would present a risk of harm to the child or others in lieu of the notice of ~~conclusion~~
529 or ineligibility. The clerk shall then ~~i~~ immediately contact the designated community-based
530 services to provide notice that a request for assistance has been filed, ~~ii) create a docket for the~~
531 ~~matter and iii) request that the chief probation officer, or his designee, conduct an immediate~~
532 ~~inquiry and report to the clerk, or a judge if the clerk is not available with advice on how to~~
533 ~~proceed to obtain assistance for the child.~~ If the petitioner is a parent, then the clerk may accept
534 a ~~statement of the parents' reasons for the parents' belief that referral to community based~~
535 services prior to filing the request for assistance would present a risk of significant harm to the
536 child, family or community. The ~~clerk~~ shall then immediately review the request for assistance
537 and if the ~~clerk~~ finds that ~~a~~ referral of the family and child to community based services is likely
538 to result in said harm, then the ~~clerk~~ shall ~~create~~ a docket for the matter and ~~request that the chief~~
539 probation officer ~~or his designee,~~ conduct an immediate inquiry and report to the ~~clerk, or a~~
540 ~~judge if the clerk is not available,~~ with advice on how to proceed to obtain assistance for the
541 child.

Deleted: termination

Deleted: written

Deleted: court

Deleted: court

Deleted: court

Deleted: order the creation of

Deleted: assign a

Deleted: to

Deleted: court

542 Section 39O Notice

543 1. Except as provided in subsection 2, on the filing of a request for assistance pursuant to this
544 section, the court ~~shall~~ cause a copy of the request for assistance and a summons to be issued,
545 requiring the child and each parent to appear at the court at a time and place named to address
546 the request for assistance

Deleted: may

557 2. In proceedings ~~commenced~~ by a parent the court shall cause a copy of the request for
558 assistance and notice of the time and place to be heard to be provided to that person when the
559 request is filed. The court is not required to issue a summons to ~~either parent in such a case if the~~
560 ~~parents are living together. If the parents are not living together, the court shall cause a copy of~~
561 ~~the request for assistance and a summons to be issued, requiring the child and the parent who did~~
562 ~~not initiate the request for assistance to appear to address the request for assistance at the court at~~
563 ~~a time and place named,~~

Deleted: originated

564 3. A copy of the request for assistance served or provided under subsection 1 or 2 shall be
565 accompanied by a notice that, in the event that the court deems it necessary to place the child in
566 the care and custody of the department of children and families, said parent may be named as a
567 respondent in any child support proceeding brought in connection with the child's care

Deleted: that person

568 4. Unless service of the summons required by this section is waived in writing, such summons
569 shall be served by a constable or police officer, either by delivering it personally to the person to
570 whom addressed, or by leaving it with a person of proper age to receive the same, at the place of
571 residence or business of such person, and said constable or police officer shall immediately make
572 return to the court of the time and manner of service.

573 ~~Section 39O ½ Determination of probable cause that a child and family requires assistance;~~
574 ~~expungement.~~

575 ~~Whenever a request for assistance is filed, the clerk, or a judge if the clerk is not available, shall~~
576 ~~hold a hearing as soon as possible, but not later than 15 days after the creation of a docket. At~~
577 ~~that hearing the clerk or a judge if the clerk is not available, shall receive the recommendation of~~

580 the probation officer and receive evidence from the petitioner and the child. The clerk, or the
581 judge shall determine i) whether or not there is probable cause for a determination that a child
582 and family are in need of assistance and ii) whether it is in the best interest of the child for the
583 matter to proceed to a fact finding hearing. The clerk or judge shall then either i) dismiss the
584 request for assistance, or ii) refer the child and family to a probation officer for the preliminary
585 inquiry under section 39R. When a request for assistance is dismissed under this section, the
586 court shall enter an order directing the expungement of any records of the claimant maintained
587 by the clerk, the court, the criminal history systems board, and the probation department that
588 directly pertain to the this request for assistance.

589

590 Section 39P Scheduling the Fact Finding Hearing

591 At the conclusion of the probable cause hearing required by section 39O1/2., the clerk shall set a
592 date for a fact finding hearing no more than 90 days from the date the request for assistance was
593 filed. If at any time prior to the fact finding hearing the parents, child, petitioner and probation
594 officer agree, the fact finding hearing may be postponed for an additional 90 days after the
595 expiration of the initial 90 day period.

596 Section 39Q Appointment of Counsel

597 1. When the request for assistance is filed the child shall be informed that he has a right to
598 counsel at all hearings, and if said child is not able to retain counsel, the court shall appoint
599 counsel for said child. The court shall appoint counsel for the child when the request for

Deleted: The

Deleted: is

602 assistance is filed. The clerk shall cause a copy of the request for assistance and notice of the
603 time and place of the fact finding hearing to be delivered to counsel at the time of appointment.

604 2. When the request for assistance is filed, each parent or legal guardian of the child shall be
605 informed that he has the right to participate as a party in any proceeding under sections 39K to
606 39X involving his child and that he has the right to counsel at any hearing or proceeding
607 regarding custody of his child. If said parent or legal guardian is financially unable to retain
608 counsel, the court shall appoint counsel for said parent or legal guardian.

609 3. The court shall determine whether the parent or legal guardian of a child alleged to require
610 assistance is indigent. If the court determines that the parent or legal guardian is not indigent, the
611 court shall assess a \$300 fee against the parent or legal guardian to pay for the cost of counsel
612 appointed for the child. If the parent or legal guardian is determined to be indigent but is still
613 able to contribute toward the payment of some of said costs, the court shall order the parent or
614 legal guardian to pay a reasonable amount toward the cost of counsel appointed for the child.

615 Section 39R Preliminary Inquiry by Probation

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

619 The probation officer in his discretion may:

620 (a) refer the family and child to the program designated to provide community-based
621 services for this juvenile court division; the probation officer may confer with the

622 provider of community-based services to resolve the situation which formed the basis of
623 the request for assistance;

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

626 (c) conduct conferences with the child, the child's family and the petitioner for the
627 purpose of effecting adjustments or agreements which are calculated to resolve the
628 situation which formed the basis of the request for assistance. Information obtained by
629 the probation officer may be used in the present proceeding but it is otherwise
630 confidential and may not be used in school disciplinary proceedings or other court
631 proceedings;

632 (d) if the child or his parents fail to participate in good faith with the referrals or
633 conferences arranged by the probation officer or if the probation officer is not able to
634 refer the child or his parents to an appropriate public or private organization which is
635 willing and able to provide appropriate services, the probation officer shall so certify in
636 writing and present these findings to the court.

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

640 (b) The commissioner of probation shall establish a system to collect data regarding requests for
641 assistance made and how they are resolved under sections 39K through 39X. Said system shall
642 maintain the privacy of clients served, assist the court in addressing the needs of the population

Deleted: Commissioner

Deleted: Probation

Deleted: data collection

Deleted: for use by probation officers assisting children pursuant to sections 39K through 39X

Deleted: which

Deleted: s

Deleted:

Deleted: s

652 to be served, collect information related to, among other things ~~the racial and ethnic identity of~~
653 ~~the child,~~ the insurance status and coverage of clients served, ~~the length of time a child is~~
654 ~~receiving assistance from a probation officer, the identity of any public or private organization to~~
655 ~~whom a probation officer has referred a child or family for services;~~ and other information that
656 may assist the commissioner and the court in evaluating the availability and effectiveness of
657 services for children who are the subjects of requests for assistance pursuant to this section.

Deleted: s

658 (c) The Commissioner of Probation shall report annually to the Child Advocate on the assistance
659 provided by probation officers to children and families under Sections 39K to 39X. The report
660 shall be filed on October 1 of each year and shall include for each juvenile court district: the
661 number of children and families receiving assistance, ~~their racial and ethnic identity, as identified~~
662 ~~by the child and family members,~~ an analysis of the services provided and an identification of
663 gaps in services available, the status or resolution of each request for assistance filed in the
664 previous year, and the numbers of children who are the subject of a request for assistance and
665 also charged with a delinquency matter in the previous year. ~~The report shall exclude~~
666 ~~information that identifies or allows others to identify any child or family who is the subject of a~~
667 ~~request for assistance.~~

Deleted: ,

668 3. Conferences and referrals arranged under this section may extend for a period not to exceed 90
669 days from the date that the request for assistance was filed, unless the parent, child and petitioner
670 voluntarily agree in writing to a continuation of such conferences or referrals for an additional
671 period not to exceed 90 days from the expiration of the original period. Upon the expiration of
672 the initial 90 day period, or of such additional 90 day period, the request for assistance may be

675 dismissed and the child and his parents discharged from any further obligation to participate in
676 such conferences and referrals, or a fact finding hearing shall be held.

677 Section 39S Custody, Failure to Appear

678 If, after a hearing at which the child is represented by counsel, the court finds that a child alleged
679 to require assistance by reason of repeatedly failing to obey the lawful and reasonable commands
680 of his parent is likely not to appear at the fact finding hearing or at the disposition hearing, the
681 court may order the child to be released upon such terms and conditions as it determines to be
682 reasonable or may place the child in the temporary custody of the Department of Children and
683 Families.

684 An order placing a child with the department under this Section shall be valid for no more than
685 15 days without the child being brought again before the court for a hearing on whether the order
686 should be continued for another 15 day period. If the court decides to extend the order, it shall
687 note in writing the detailed reasons for its decision. An order under this section may be in effect
688 for no more than 45 days total.

689 A child who is the subject of a request for assistance may not be confined in shackles or similar
690 restraints or in a court lockup facility in connection with any proceedings pursuant to Sections
691 39K through 39X.

692 Section 39T Withdrawal of Request for Assistance

693 The petitioners may withdraw the request for assistance at any time prior to a hearing to
694 determine the disposition of a request for assistance. A probation officer may at any time

Deleted: , upon a showing that the circumstances which brought the matter before the court have been resolved, withdraw the request

Deleted: point

698 recommend to the court that the request for assistance be dismissed upon a showing that
699 dismissal is in the best interests of the child.

700 Section 39U Fact Finding Hearing

701 1. The court shall hold a fact finding hearing in which it shall receive evidence from the
702 petitioner, the parent, the child, the community-based services program case manager and the
703 probation officer. At any hearing held to determine whether a child and family require assistance,
704 the child and his attorney shall be present and the parents or legal guardian shall be given an
705 opportunity to be heard. The petitioner who files the request for assistance shall bear the burden
706 of presenting evidence proving that the child and family require assistance

707 2. At the fact finding hearing the court shall review any notice of termination of community-
708 based services. The court shall consider any available documentation of diligent attempts to
709 provide appropriate services and determine whether such efforts or services provided were
710 sufficient. With the consent of the parent(s) and child the court may consider any written reports
711 from service providers which would otherwise be subject to confidentiality or privilege.

712 The court may refer the child and the parent or other person legally responsible for the child to
713 participate in community-based services regardless of whether or not the child and parents have
714 previously used community based services on a voluntary basis. ▼

715 3. The court shall either:

Deleted: ,

Deleted: and

Deleted: the recommendation of

Deleted: order

Deleted: 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.¶

723 (i) dismiss the request for assistance because the circumstances which led to the filing of
724 a request for assistance have been resolved ~~or~~ the court finds that the child and family
725 ~~will not benefit from the assistance being offered;~~

Deleted: and

Deleted: do not require assistance

726 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the child
727 would best be served by continued informal assistance, in which case the court shall, with
728 the consent of the child and his parent, refer the child to a probation officer or refer the
729 child and family to the designated program for additional community-based assistance; or

Deleted: services

730 (iii) ~~If the court finds the allegations in the request for assistance have been proved at the~~
731 ~~fact finding hearing beyond a reasonable doubt, it may find that the child and family~~
732 ~~named in such request for assistance to be a child and family requiring assistance~~ and
733 schedule a hearing for disposition

Deleted: find that the child and family require assistance

734 4. No statements made by a child, family member, or by any other person during the period of
735 inquiries, conferences, or referrals may be admitted at ~~any~~ hearing without the consent of the
736 child or ~~the~~ family member who made the statement. ~~;~~

Deleted: the fact finding

Deleted: but may be received by the court at the hearing for disposition ¶

737 Section 39V Disposition ~~Conference and~~ Hearing

738 ~~1.~~ Upon making a finding that a child and family require assistance ~~at a fact finding hearing~~, the
739 court shall convene a ~~conference~~ of the probation officer who conducted the preliminary inquiry,
740 the case manager, if any, from the community-based services program, the petitioner, a
741 representative from the child's school, the child's parent ~~and his attorney~~, ~~the child and his~~

Deleted: 1. At any hearing held to determine whether a child and family require assistance, the child and his attorney shall be present and the parents or legal guardian shall be given an opportunity to be heard. The petitioner who files the request for assistance shall bear the burden of presenting evidence proving that the child and family require assistance. If the court finds the allegations in the request for assistance have been proved at the fact finding hearing by a preponderance of the evidence, it may find that the child and family named in such request for assistance to be a child and family requiring assistance....

Deleted: 2

Deleted: meeting

762 attorney, a representative of the department of children and families, and any other person who
763 may be helpful in determining the assistance to be offered to the child and family. The probation
764 officer shall present written recommendations and other persons at the meeting may present
765 written recommendations to the court to advise the court on appropriate treatment and services
766 for the child and family and appropriate placement for the child and appropriate conditions and
767 limitations of such placement.

768 At the conference and subsequent hearing on disposition, the child and his attorney shall be
769 present and the parents or legal guardian and the petitioner shall be given an opportunity to be
770 heard. The court may receive evidence as to the best disposition from all persons who
771 participated in the conference.

772 2. The court shall then conduct a dispositional hearing. The court, taking into consideration the
773 evidence admitted at the hearing, the report of the probation officer, and the physical and
774 emotional welfare of the child, may make any of the following orders of disposition:

775 (a) subject to any conditions and limitations the court may prescribe, including provision
776 for medical, psychological, psychiatric, educational, occupational and social services, and
777 for supervision by a court clinic or by any public or private organization providing
778 counseling or guidance and for any other services deemed appropriate by the court,
779 permit the child to remain with his parents;

780 (b) subject to such conditions and limitations as the court may prescribe, including, but
781 not limited to provisions for services deemed appropriate by the court, including but not

Deleted: the court deems

Deleted: The

Deleted: shall

Deleted: findings

Deleted: those findings

Deleted: services

Deleted: those

limited to 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, place the child in the custody of the department of children and families. If the court chooses to place the child in the custody of 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. When the court has placed a child in the custody of the department, then the department:

(i) 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;

809 (ii) may not refuse out of home placement when requested by the
810 child if there is a substantiated history of abuse and neglect in
811 the home by the parent or legal guardian;
812 (iii) subject to clauses (i) and (ii), shall direct the type and length of
813 such out-of-home placement;
814 (iv) subject to clauses (i) and (ii), shall give due consideration to the
815 recommendations of the court. Whenever the department
816 decides not to carry out the recommendations of the court
817 regarding placement and treatment of the child it shall present
818 the reasons for its decision and the alternative plan for treatment
819 and placement in writing to the court.

820 (d) The court may issue an order directing any state agency to provide particular services
821 to the family and child including but not limited to those services described in clause (a).
822 If the agency is not able to comply with the order directing services then the agency shall
823 provide to the court a written statement of the reasons why it is unable to provide those
824 services. A copy of the statement shall be sent to the house and senate committees on
825 ways and means and the joint committee on children, families and persons with
826 disabilities and the office of the child advocate.

827 Section 39V1/2 Prohibition on placements with the department of youth services or in locked
828 facilities

829 1. Notwithstanding the provisions of subsection 2 (d) the court may not order the child to be
830 placed in the custody of the department of youth services

Deleted:

Formatted: Indent: Left: 0"

Deleted: (e)

Deleted: and may not be placed in a locked facility.

834 2. A child found to require assistance shall not be placed in a locked facility or any facility
835 designated or operated for juveniles who are alleged to be delinquent or who have been
836 adjudicated delinquent. However, such child may be placed in a facility which operates as a
837 group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated
838 delinquent are also provided care in such facility.

Deleted: 3

839 Section 39W. Duration of Assistance

Deleted:

840 1. Any order of disposition under Section 39V shall continue in force for not more than 90 days;
841 provided, however, that the court which entered the order may, after a hearing, extend its
842 duration for up to three additional periods, each such period not to exceed 90 days, if the court
843 finds that the purposes of the order have not been accomplished and that such extension would
844 be reasonably likely to further those purposes. The child shall have the opportunity to present
845 evidence and rebut evidence presented at any extension hearing.

Deleted:

Deleted: Orders shall be extended upon a finding that the child or family are not participating in good faith.

Deleted:

846 2. No order shall continue in effect after the eighteenth birthday of a child named in a request for
847 assistance.

848 Section 39X. Custodial Protection

849 1. (a) A child may be taken into custodial protection for engaging in the behaviors described in
850 section 39N, only if such child has failed to obey a summons issued pursuant to section 39Q, or
851 if the law enforcement officer initiating limited custody has probable cause to believe that such
852 child has run away from the home of his parents or legal guardian and will not respond to a
853 summons.

Deleted: 0

861 (b) After an officer has taken a child into custodial protection, the officer shall immediately
862 notify the parent or other person legally responsible for the child's care, or the person with whom
863 he is domiciled, that he is under the custodial protection of the officer.

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

865 (i) release the child to the custody of his or her parent or other person legally responsible
866 for his or her care upon the written promise, without surety, of the person to whose
867 custody the child is released that he will bring the child to the program designated to
868 provide community-based services for the geographic region which constitutes the
869 district of the juvenile court department within which the child was taken into custodial
870 protection or in which the child resides, at a time and place specified in writing; or

871 (ii) forthwith and with all reasonable speed take the child directly, and without first being
872 taken to the police station house, to the program designated to provide community-based
873 services for the geographic region which constitutes the district of the juvenile court
874 department within which the child was taken into custodial protection or in which the
875 child resides,; or

876 (iii) release the child to a representative of the department of children and families, if the
877 law enforcement officer has reason to believe that the child is or has been in the care or
878 custody of such department; or

879 (iv) take the child directly to the juvenile court in which the act occasioning the taking
880 into custodial protection occurred, provided that the officer affirms on the record that he

Deleted:

882 or she attempted to exercise the options identified in paragraphs (i), (ii), and (iii) of this
883 subdivision, was unable to exercise these options, and the reasons therefore.

884 (d) In the absence of special circumstances, the officer shall release the child to his parents or
885 other person legally responsible for his care in accord with paragraph (c)(i).

886 (e) A child may not be securely detained in a police station or town lockup. At no time shall a
887 child be ~~held~~ in any locked facility.

Deleted: placed

Deleted: under the supervision of any police department, sheriff department, or department of youth services.

888 (f) Notwithstanding the foregoing requirements for placement, any such child who has been
889 taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or
890 observation.

891 SECTION 5

892 Notwithstanding any general law to the contrary the secretary of the executive office of health
893 and human services and the commissioners of departments of public health, mental health,
894 developmental services, children and families, youth services and transitional assistance shall
895 enter into memoranda of understanding among themselves and with the department of
896 ~~elementary and secondary~~ education, office of the commissioner of probation, the juvenile court,
897 municipal police departments and school districts to provide coordination, delivery, and funding
898 of services to children and families who, pursuant to the provisions of section 16H(7)(b) of
899 chapter 6A of the General Laws, are not eligible for community-based services established
900 pursuant to section 16H of chapter 6A.

901 SECTION 6

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

907 SECTION 7

908 The department of elementary and secondary education shall pilot a truancy prevention program
909 using a restorative justice format in at least one urban high school in the Commonwealth. The
910 program shall include the use of healing circles which allow family, neighborhood and school
911 community members to be present; a reparative board, comprised of peers and led by an adult;
912 mediation or alternative dispute resolution with the child, family members and school
913 representatives. The program shall be designed to address the underlying causes both in and out
914 of school which led to truancy. The department shall evaluate the effectiveness of the program
915 in preventing truancy and enhancing the child's academic performance and report the results of
916 that evaluation to the board of elementary and secondary education.

917 SECTION 8

918 Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 3 of the first paragraph,
919 the word "sixteen" and inserting in place thereof the following word:- eighteen.

920 SECTION 9

921 Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 4 of the second
922 paragraph, the word "sixteen" and inserting in place thereof the following word:- eighteen

923 SECTION 10

924 Two years after the effective date of this act, the Child Advocate shall report to the governor, the
925 president of the senate, the speaker of the house, the senate and the house committees on ways

Deleted: .

Deleted: .

Formatted: Font: 12 pt

Formatted: Line spacing: Double

928 and means, and the chairs of the joint committee on children, families and persons with
929 disabilities on the needs of families whose children are truant, runaways, or whose conduct
930 interferes with their parents ability to adequately care for and protect them. The report shall
931 examine: (i) the community-based service system; (ii) the differences in service delivery
932 throughout the state; (iii) the need for immediate response to stabilize a family in crisis and to
933 connect the family to services in their own community; and (iv) the collection and analysis of
934 information needed to evaluate and identify gaps in service to such children and families
935 throughout the commonwealth. The report shall also review and make recommendations, as
936 appropriate, with respect to system-wide improvements that may increase the effectiveness of the
937 care and services provided to such children and their families and suggested legislative and
938 regulatory changes. The report shall be made public.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

939 SECTION 11

940 The department of mental health, in collaboration with the department of youth services and the
941 department of public health shall conduct a comprehensive review of the mental health and
942 substance abuse service needs of adolescents in the care of or detained in the commonwealth
943 through the order of a juvenile court, including without limitation juveniles detained in the
944 department of youth services or in the custody of the department of children and families or
945 receiving services from the department of mental health, the court clinics, probation or otherwise
946 and including without limitation any such departments, offices, agencies or instrumentalities of
947 the commonwealth, and any private organizations or agencies operating under arrangement with
948 departments or agencies of the commonwealth. To complete said review the department of
949 mental health, the department of youth services, and the department of public health shall solicit
950 input from the office of probation, the department of children and families , the department of

951 elementary and secondary education, the juvenile court, the juvenile court clinics, the committee
952 for public counsel services, the department of mental retardation, the division of insurance, the
953 division of medical assistance, the Massachusetts Association of District Attorneys, at least one
954 individual representing the interests of parents and families, at least one advocate for juvenile
955 justice, at least one representative of the service provider community, and at least one
956 representative of the Massachusetts Association of Health Plans. Said review shall be for
957 purposes of identifying the following:

- 958 (i) existing and proposed models of alternatives to detention, within and outside the
959 commonwealth, of providing mental health and substance abuse services to
960 juveniles in detention, and as alternatives to detention; community resources and
961 other dependencies which affect the appropriateness and effectiveness of models
962 of alternatives to detention; and data demonstrating the relative efficacy, cost –
963 effectiveness, and effect on public safety of alternative models;
- 964 (ii) unmet mental health and substance abuse needs of juveniles within the juvenile
965 court systems of the commonwealth, including an explicit comparison of the best
966 practices and models identified in paragraph a of this section with services and
967 models available in the commonwealth;
- 968 (iii) recommendations for addressing unmet needs, including without limitation
969 through the court clinics of the juvenile courts, and through contracting by the
970 department of mental health for community based services through community
971 providers, or through consortia of community providers, local government
972 agencies and others operating in congruence with local courts involved in the
973 juvenile justice system.

Formatted: List Paragraph, Line spacing: Double, Numbered
+ Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 +
Alignment: Left + Aligned at: 0.5" + Indent at: 1"

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic

Formatted: Font: Bold, Italic

974 (b) within 60 days after the effective date of this act, the department shall post to its external
975 website, for 30 days public comment, a proposed work plan to gather information necessary to
976 prepare the report required by this section, in consultation with clinical, philanthropic and
977 advocacy organizations for children, and providers of mental health and substance abuse services
978 for minors. The proposed work plan shall be directed to submit a final report to the legislature
979 ant the governor no later than 270 days after the effective date of this act.

980 (c) Within 90 days after the effective date of this act, the department shall post its final work plan
981 on its external website.

982 (d) Within 210 days after the effective date of this act, the department shall post on its external
983 website, for public comment, a draft report responsive to this section.

984 (e) Within 270 days after the effective date of this act, the department shall post on its external
985 website, a final report responsive to this section, including a summary of all public comments
986 received, and responses to such comments. The department shall also that day provide a copy to
987 the governor, the president of the senate, the speaker of the house of representatives, the chairs of
988 the joint committees of mental health and substance abuse, and children, families and persons
989 with disabilities and the legislative mental health caucus.

Formatted: Line spacing: Double

Formatted: Font: 12 pt

Formatted: Font: Bold, Italic