

14 May 2010

Senator Panagiotakos
State House, Room 212
Boston, MA 02133

Dear Senator Panagiotakos:

Regarding S. 2329: *An Act Regarding Children and Families Engaged in Service*, I would like to share these thoughts and ask for your support on behalf of children and families across the Commonwealth.

No child should need to go to juvenile court to get mental health treatment, and no child can get effective treatment in isolation from his or her family. Yet that is what happens daily in Massachusetts, where experts estimate that 8 out of 10 young people in the juvenile justice system have serious emotional disturbance, often acting out deep stresses in their families. Spending on corrections has increased 121% in the past 8 years, whereas services to children and families have lost ground. It is time to reform the Massachusetts Child In Need of Services (CHINS) statute. We need to divert young people from the juvenile justice system. We need to strengthen families to prevent out of home placement. And we need to treat -- not punish -- young people with mental health conditions.

The CHINS law enacted in 1973 had good intentions: to separate non-criminal, youth matters (truancy, unruliness) from criminal offences, and to allow parents to petition for help in stopping troublesome behavior. But with diminished funding in the 1980s-90s and evidence pointing to the necessity of engaging families as part of treatment, CHINS has lost efficacy over the years. CHINS petitions now serve as a gateway into the Department of Children and Families (DCF), a juvenile justice response to mental health issues, and -- too often -- out of home placement.

"Juan," age 21, shared his CHINS experience at a recent young adult focus group on the CHINS process, with Senator Karen Spilka, held at Wayside's Tempo Young Adult Resource Center in Framingham. Juan described life as a youngster, with younger sisters, an absent father, and a mother suffering from incapacitating mental illness. When Juan's mother lost her job, and her health insurance, she also lost access to psychiatric treatment. Juan started missing school to help her and his sisters. In school, with heavy burdens on his young shoulders, Juan struggled to control his impulses. Eventually, the school reacted by pressing his mother to file a CHINS petition, and she complied.

This began five years of DCF workers and probation officers exhorting Juan to clean up his non-compliant behavior and, when he couldn't, one DCF placement after another. Every new placement -- when a foster family moved out of state, or a fight broke out with another boy at a program -- brought another new school and another new counselor in another new environment. At times, Juan would be allowed to reunite with his family, but no change in their circumstances and no coherent treatment of Juan's own emotional disturbance, he experienced the same troubled mix with the same bleak results.

At age 14, stressed beyond coping, Juan was sent to a psychiatric hospital for an emergency mental health evaluation. What started as an episode of brief treatment turned into a year on a children's ward. Sad to say, Juan neither needed nor received prolonged hospital level of treatment. He was simply "on hold."

His admission had thrust him into the world of “stuck kids” (*Boston Globe*, 6/13/08) -- youth kept in hospital because no program or foster home was available.

Strong and resilient as Juan is, he has finally been able to get effective diagnosis and outpatient treatment for his own mental health condition and to understand the impact of mental illness on his mother. He lost eight years of childhood to get to this point. What if the system had been able to address his needs when he first started missing school, rather than narrowly focusing on his truant behavior?

Fortunately, there is hope on the horizon. The CHINS law can be reformed. We can update the law to take into account the demonstrated benefits of accurate diagnosis and treatment of mental health conditions, the proven results of family-based treatment, and the importance of stable living and learning environments for children. The Children’s Behavioral Health Initiative (CBHI) shows great promise in implementing these types of changes through Intensive Care Coordination that brings together the whole family and all stakeholders to make comprehensive, realistic plans to help youth cope in their family, school, and community.

The CHINS reform proposed by Senator Spilka – S. 2329: ***An Act Regarding Children and Families Engaged in Service***, filed for the 2009-2010 Legislative Session – builds on the best ideas of the CBHI reforms and relevant legislation of the past several years (including changes made by ***An Act Relative to Children’s Mental Health (Chapter 321 of the Acts of 2008)*** and ***An Act Protecting Children in the Care of the Commonwealth (Chapter 176 of the Acts of 2008)***, and the remedy agreement in the ***Rosie D. et al. v. Romney*** class action lawsuit). The bill combines these ideas to fill the gap for those left out of the protected class under CBHI and not in need of child protective services from DCF.

This is the time to put in place the missing pieces of the service system that will serve youth like Juan better, keep families together, help communities to support their struggling youth, and save the state resources that are currently spent on less effective juvenile justice intervention. A family treatment approach saves families **AND** money -- hundreds of thousands of dollars in Juan's case alone -- by treating the causes of risky behavior in the community and not in a hospital or a residential program or, later on, in the prison system.

It is time to make compassionate, fiscally responsible changes in the CHINS system. We need the law to mandate early family treatment and make court involvement a last resort. S. 2329 will help us move in a planned, evidenced-based manner toward effective reform.

On behalf of Wayside Youth & Family Support Network, and the families with whom we work, we urge you to support this important legislation.

Sincerely,

Bonny Saulnier, M.A.
Vice President for Community Services

Cc: Senator Karen Spilka
Colby Dillon

