

S113

[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. OF]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT REGARDING COMMUNITY SERVICES FOR CHILDREN AND FAMILIES

*Be it enacted by the Senate and House of Representatives in General Court assembled,
And by the authority of the same, as follows:*

- 1 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section
- 2 1N the following new section:
- 3 Section 1O
- 4 The Department of Education shall promulgate regulations establishing a truancy
- 5 prevention program certification process. School districts shall establish a truancy
- 6 prevention program which meets the requirements for certification by the department. .
- 7 SECTION 4
- 8 Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to 39J,
- 9 inclusive, and adding the following new sections:

10 Section 39K. "Child requiring assistance", a child below the age of eighteen who
11 repeatedly runs away from the home of his parents or legal guardian, or repeatedly fails
12 to obey the lawful and reasonable commands of his parents or legal guardian, thereby
13 resulting in said parent's or legal guardian's inability to adequately care for and protect
14 said child, or repeatedly fails to obey the lawful and reasonable regulations of his school,
15 or who is a habitual truant.

16 "Habitual truant", a child who fails to attend school for more than 8 school days in a
17 quarter without a reasonable excuse.

18 Except in section 39O(4), "parent" includes a legal guardian or other person legally
19 responsible for a child's care.

Commented [MD1]: In some places, but not others, the bill refers to "other person legally responsible for a child's care." I added this definition for consistency's sake.

20 Section 39L.

21 1. The Juvenile court department has original and exclusive jurisdiction over any
22 proceeding commenced under section 39N alleging that a person is a child requiring
23 assistance.

Deleted: involving
Deleted: alleged to require

Commented [MD2]: Without this change, the Juvenile Court has jurisdiction over a personal injury lawsuit filed by a child requiring assistance.

24 3. Proceedings involving a child alleged to require assistance shall originate in the
25 juvenile court district in which the child resides. On motion made on behalf of the child,
26 or by his parent or other person legally responsible for his care, or on the court's motion,
27 and for good cause shown, the court may transfer the proceedings to another district

Deleted: 2. On its own motion and at any time during proceedings brought under sections 39K through 39X, the court may substitute a care and protection petition pursuant to Chapter 119 section 24 of the General Laws for a request for assistance to determine whether a child requires assistance.¶

28 Section 39M Nature of the Proceedings

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

40 2. Notwithstanding the assignment of a probation officer to assist a child who is involved
41 in proceedings conducted pursuant to sections 39K through 39X, the matter shall not be
42 deemed a 'probation case' for purposes of reporting records to the criminal offender
43 record information system pursuant to General Laws chapter 6 section 168A.

44 3. No adjudication pursuant to sections 39K through 39X shall operate as a forfeiture of
45 any right or privilege or disqualify any person from subsequently holding public office or
46 receiving any license granted by public authority.

47 Section 39N.

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

50 (a) that the child repeatedly runs away from the home of a parent, or repeatedly
51 fails to obey the lawful and reasonable commands of the parent, thereby resulting
52 in the parent's inability to adequately care for and protect said child, or that the
53 child is habitually truant or repeatedly fails to obey the lawful and reasonable
54 regulations of his school;

55 (b) that the child was under the age of 16 at the time the specified acts took place.

Deleted: his
Deleted: s or legal guardian
Deleted: his
Deleted: s or legal guardian
Deleted: said
Deleted: or legal guardian's

Commented [MD3]: I understand Sen. Spilka's interest in changing the compulsory school attendance law. But as long as children are required to attend only until they turn 16, the court should have jurisdiction over a child in a truancy case only if the child is under the age of 16. Also, is it your intent to have no age "floor"? Can truancy petitions be brought with respect to a 7-year-old?

Deleted: 18

63 (c) specific acts on which the allegations are based and the time and place they are
64 believed to have occurred;

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

67 1. In a case alleging that a child is habitually truant, a statement of the specific
68 steps taken by the school district to comply with its obligations under its truancy
69 prevention program under chapter 69, section 10. The request for assistance
70 shall also state whether or not the child and his family have participated in the
71 truancy prevention program;

Deleted: reasonable

Deleted: responsible

Deleted: improve the school attendance and conduct of the child

Commented [MD4]: A judge or a school district could read the “reasonable steps” language as imposing a separate requirement on school districts. Referring to compliance with the truancy prevention program requirements eliminates this possibility.

Deleted: certified by the department of education pursuant to
chapter 69, section 10;

72 2. In a case alleging that a child has repeatedly failed to obey the lawful and
73 reasonable regulations of the school, a statement of the specific steps taken by the
74 school to improve the child’s conduct.

Commented [MD5]: This language is similar to what had been
in draft 3, but it is separated from the truancy cases because the
truancy prevention program requirement does not apply to “habitual
school offender” cases.

75 (e) that the child and family require services.

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

77 (a) a police officer;

78 (b) a parent;

Deleted: the

Deleted: , legal guardian or other person legally responsible for
the child’s care;⁴

79 (c) a school district;

80 3. The petitioner shall attach to the request for assistance the notice of termination of
81 community-based services as provided for in chapter 6A, section 16H(11)(b) or notice of

90 ineligibility as provided for in chapter 6A, section 16H (7)(e). Except as provided below,
91 the clerk shall not accept for filing any request for assistance that does not have attached
92 thereto said notice of termination or ineligibility.
93 Any person or agency seeking to file a request for assistance pursuant to this section
94 which does not have attached thereto the notice of termination of community-based
95 services shall be referred by the clerk of the court to the program designated by the
96 secretary of the executive office of health and human services to provide community-
97 based services in the juvenile court district where the child resides.
98 If the petitioner is a police officer, the clerk may accept a written statement of the reasons
99 for the officer's belief that the referral to community-based services prior to filing the
100 request for assistance would present a risk of harm to the child or others in lieu of the
101 notice of termination or ineligibility. The clerk shall then immediately contact the
102 designated community-based services to provide notice that a request for assistance has
103 been filed.

104 Section 39O

105 1. Except as provided in subsection 2., on the filing of a request for assistance pursuant to
106 this section, the court shall cause a copy of the request for assistance and summonses to
107 be issued, requiring the child and each parent to appear at the court at a time and place
108 named to address the request for assistance.

Deleted: On

Deleted: may

Deleted: a

Deleted: his

Deleted: , legal guardian or other person legally responsible for his care, or with whom he is domiciled, to appear at the court at a time

109 2. In proceedings originated by a parent, the court shall cause a copy of the request for
110 assistance and notice of the time and place to be heard to be provided to that person
111 when the request is filed. The court is not required to issue a summons to the person.

Deleted: , legal guardian or other person legally responsible for the child's care the court shall cause a copy of the request for

Deleted: served upon any parent of the child or other person legally responsible for the child's care who has not signed the request for assistance, provided that the address of such parent or other person legally responsible is known to the court or is ascertainable by the court. ¶

125 3. A copy of a request for assistance served or provided under subsection 1 or 2 shall be
126 accompanied by a notice that, in the event that the court deems it necessary to place the
127 child in the care and custody of the department of social services or any other agency,
128 said parent may be named as a respondent in any child support proceeding brought in
129 connection with the child's care.

Deleted: Said

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

Deleted: 3

136 Section 39P
137 The clerk shall set a date for a fact finding hearing no more than 90 days from the date
138 the request for assistance is filed. If at any time prior to the hearing the parents, child,
139 petitioner and probation officer agree, the fact finding hearing may be postponed for an
140 additional 90 days after the expiration of the initial 90 day period.

141 Section 39Q
142 1. The clerk shall appoint counsel for the child when the request for assistance is filed.
143 The clerk shall cause a copy of the request for assistance and notice of the time and place
144 of the fact finding hearing to be delivered to counsel at the time of appointment.

147 .

148 2. The court shall determine whether the parent of a child alleged to require assistance is

Deleted: or legal guardian

149 indigent. If the court determines that the parent is not indigent, the court shall assess a

Deleted: or legal guardian

150 \$300 fee against the parent to pay for the cost of counsel appointed for the child.

Deleted: or legal guardian

151 3. If a parent does not originate the proceedings and is determined to be indigent, the

Deleted:

152 court shall appoint counsel for the parent when the request for assistance is filed. The

Deleted: the

153 clerk shall cause a copy of the request for assistance and notice of the time and place of

Deleted: or legal guardian

154 the fact finding hearing to be delivered to counsel at the time of appointment.

155 4. If a parent is indigent but is still able to contribute toward the payment of some of the

Deleted: said

156 costs of counsel, the court shall order the parent to pay a reasonable amount toward the

Deleted: or legal guardian

157 cost of appointed counsel.

Deleted: appointed for the child

158 Section 39R

159 1. The chief probation officer or his designee shall conduct a preliminary inquiry to

160 determine whether in his opinion the best interests of the child and family require that

161 crisis intervention services be provided to the child and family.

162 The probation officer in his discretion may:

163 (a) refer the family and child to the program designated to provide community-

164 based services for this juvenile court division; the probation officer may confer

165 with the provider of community-based services to resolve the situation which

166 formed the basis of the request for assistance;

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

179 (c) conduct conferences with the child, the child's family and the petitioner for the
180 purpose of effecting adjustments or agreements which are calculated to resolve
181 the situation which formed the basis of the request for assistance;

182 (d) If the child or his parents fail to participate in good faith in the referrals or
183 conferences arranged by the probation officer the probation officer or if the
184 probation officer is not able to refer the child or his parents to an appropriate
185 public or private organization which is willing and able to provide appropriate
186 services, the probation officer shall so certify in writing and present these findings
187 to the court.

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

192 (b) The Commissioner of Probation shall establish a data collection system for use by
193 probation officers assisting children pursuant to sections 39K through 39X which
194 maintains the privacy of clients served, assists the court in addressing the needs of the
195 population to be served, collects information related to, among other things the insurance
196 status and coverage of clients served, and other information that may assist the

197 commissioner and the court in evaluating the availability and effectiveness of services for
198 children who are the subjects of requests for assistance pursuant to this section.

199 3. Conferences and referrals arranged under this section may extend for a period not to
200 exceed 90 days from the date that the request for assistance was filed, unless the parent,
201 child and petitioner voluntarily agree in writing to a continuation of such conferences or
202 referrals for an additional period not to exceed 90 days from the expiration of the original
203 period. Upon the expiration of the initial 90 day period, or of such additional 90 day
204 period, the request for assistance may be dismissed and the child and his parents
205 discharged from any further obligation to participate in such conferences and referrals, or
206 a fact finding hearing shall be held.

207 Section 39S

208 If, after a hearing at which the child is represented by counsel, it is shown by clear and
209 convincing evidence that there is an imminent likelihood of serious harm to the child that
210 is not the result of the unwillingness, inability, or unavailability of a parent to care for the
211 child, the court may authorize the child to reside in a temporary shelter care facility
212 program or a group care facility, licensed under the provisions of chapter twenty-eight A,
213 without parental consent or may place the child in the temporary custody of the
214 Department of Social Services. An order under this subsection shall be valid for no more
215 than 15 days without the child being brought again before the court for a hearing on
216 whether the order should be continued for another 15 day period. If the court decides to
217 extend the order, it shall note in writing the detailed reasons for its decision. An order
218 under this section may be in effect for no more than 45 days total.

Deleted: 1. If at any time the court determines that there is a likelihood of serious harm to the child and that the child's parent or legal guardian is unwilling, unable or unavailable to adequately care for and protect the child from such harm, the court may issue an emergency order transferring custody of the child to the department of social services or to a licensed child care agency or individual as described in clause 2(b) of section 39V. The transfer of custody shall be for a period not exceeding 72 hours. Upon the entry of the emergency order, notice of the time and place to be heard shall be given to either or both parents, legal guardian, or other person legally responsible for the child's care. The court shall determine whether the parent or legal guardian of the child is indigent. If the court determines that the parent or legal guardian is indigent then counsel shall be appointed to the parents or legal guardian of the child.¹

The court shall, at that hearing, determine whether temporary custody shall continue until the fact finding hearing. The court shall also consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C.¹

Commented [MD6]: This is based on existing law – ch. 119, 23G.

Deleted: may be placed

Commented [MD7]: I deleted lines 501-503. The likelihood of the child not appearing does not seem relevant unless the child is at an imminent risk of serious harm, and a child facing that level of risk is covered by the language immediately preceding this comment.

Deleted: pending the hearing to determine whether the child is requires assistance.¹

2. If the court finds probable cause that a child alleged to require assistance by reasons of repeatedly failing to obey the lawful and reasonable commands of his parents or legal guardian is likely not to appear at the fact finding hearing or at the disposition hearing, the court custody of the Department of Social Services. . The court shall determine whether the parent or legal guardian of the child is indigent. If the court determines that the parent or legal guardian is indigent then counsel shall be appointed to the parents or legal guardian of the child...

Deleted: 1

2. If the court finds probable cause that a child alleged to require assistance by reasons of repeatedly failing to obey the lawful and reasonable commands of his parents or legal guardian is likely not to appear the fact finding hearing or at the disposition hearing, the court custody of the Department of Social Services. . The court shall determine whether the parent or legal guardian of the child is indigent. If the court determines that the parent or legal guardian is indigent then counsel shall be appointed to the parents or legal guardian of the child...

Deleted: 1

. If the court finds by clear and convincing evidence that the child is likely not to appear, the court may place the child in the temporary custody of the Department of Social Services pending disposition.

266 Section 39T

267 Petitioner shall retain the right to withdraw the request for assistance at any point prior to
268 a hearing to determine the disposition of a request for assistance.

269 Section 39T1

270 Upon motion by the child or a parent filed any time before the fact-finding hearing, the
271 court shall dismiss the request for assistance if it finds:

272 1. That there is no probable cause to believe that the child is a child requiring assistance;

273 2. In a case alleging that a child is habitually truant, that the school district has not
274 complied with its obligations under its truancy prevention program under chapter 69,
275 section 1O; or

276 3. In a case alleging that a child has repeatedly failed to obey the lawful and reasonable
277 regulations of the school, that the school has not taken reasonable steps to improve the
278 child's conduct.

279 The court shall make specific factual findings when ruling on a motion filed under this
280 section.

281 Section 39U

282 1. The court shall hold a fact finding hearing in which it shall receive evidence from the
283 petitioner, the parents, the child, and the community-based services program case
284 manager and the recommendation of the probation officer. The child and his attorney

(Deleted: or legal guardian

286 shall be present and the parents and the child shall be given an opportunity to be heard.
287 The petitioner who files the request for assistance shall bear the burden of presenting
288 evidence and proving that the child and family require assistance.

289 2. At the fact finding hearing the court shall review any notice of termination of
290 community-based services. With the consent of the family and child the court shall
291 consider any written reports created by the community-based services which indicate
292 previous actions it has taken with respect to the case. The court shall consider any
293 available documentation of diligent attempts to provide appropriate services, except for
294 information that is confidential under section 16H (11) (c) of chapter 6A and determine
295 whether such efforts or services provided were sufficient.

Commented [MD8]: Section 16H (11) (c) should be amended as well, to eliminate the court's authority to override the confidentiality requirement.

296 The court may suspend the proceedings to permit the child and the parent to participate in
297 community-based services. If the designated program thereafter determines that the case
298 has been successfully resolved, it shall so notify the court, and the court shall dismiss the
299 request for assistance.

Deleted: order

Deleted: or other person legally responsible for the child

300 3. The court shall either

301 (i) find that the child is not a child requiring assistance and dismiss the request for
302 assistance;

Deleted: because there is no probable cause to believe that the child and family require assistance...

303 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the
304 child would best be served by continued informal assistance, in which case the
305 court shall, with the consent of the child and the parent, refer the child and family

Deleted: his

Deleted: s

Deleted: or legal guardian

313 to a probation officer or to the designated program for additional community-
314 based services assistance; or

Deleted: order the child and family to return

315 (iii) find, by a preponderance of the evidence, that the child and family require
316 assistance and schedule a hearing for disposition.

317 4. No statements made by a child, family member, or by any other person during the
318 period of inquiries, conferences, or referrals may be admitted at the fact finding hearing
319 without the consent of the child but may be received by the court at the hearing for
320 disposition

321 Section 39V

322 1. Upon making a finding that a child and family require assistance, the court shall
323 convene a meeting of the probation officer who conducted the preliminary inquiry, the
324 case manager, if any, from the community-based services program, the petitioner, a
325 representative from the child's school, the child's parent, the child, a representative of
326 the department of social services, and any other person the court deems helpful in
327 determining the assistance to be offered to the child and family. The persons at the
328 meeting shall present written findings to the court to advise the court on appropriate
329 treatment and services for the child and family and appropriate placement for the child
330 and appropriate conditions and limitations of such placement. The court, taking into
331 consideration those findings and the physical and emotional welfare of the child, may
332 make any of the following orders of disposition:

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. 2

Deleted: or legal guardian

346 (a) subject to any conditions and limitations the court may prescribe, including
347 provision for medical, psychological, psychiatric, educational, occupational and
348 social services, and for supervision by a court clinic or by any public or private
349 organization providing counseling or guidance services, permit the child to
350 remain with his parents;

351 (b) subject to such conditions and limitations as the court may prescribe,
352 including, but not limited to provisions for those services described in clause (a),
353 place the child in the care of any of the following:

354 (i) a relative, or other adult individual who, after inquiry by the probation
355 officer or other person or agency designated by the court, is found to be
356 qualified to receive and care for the child;

357 (ii) a private charitable or childcare agency or other private organization,
358 licensed or otherwise authorized by law to receive and provide care for
359 such children; or

360 (iii) a private organization which, after inquiry by the probation officer or
361 other person or agency designated by the court, is found to be qualified to
362 receive and care for the child.

363 (c) subject to the provisions of sections 32 and 33 and with such conditions and
364 limitations as the court may recommend, place the child in the custody of the
365 department of social services. If the court chooses to place the child in the custody
366 of the department then at the same time, the court shall consider the provisions of

367 section 29C and shall make the written certification and determinations required
368 by said section 29C. When the court has placed a child in the custody of the
369 department, then the department:

370 (i) may not refuse out-of-home placement of a child if the
371 placement is recommended by the court provided that the court
372 has made the written certification and determinations required
373 by said section 29C.

374 (ii) may not refuse out of home placement when requested by the
375 child if there is a substantiated history of abuse and neglect in
376 the home by the parent.
377 (iii) subject to clauses (i) and (ii), shall direct the type and length of
378 such out-of-home placement.

379 (iv) subject to clauses (i) and (ii), shall give due consideration to the
380 recommendations of the court. Whenever the department
381 decides not to carry out the recommendations of the court
382 regarding placement and treatment of the child, other than
383 recommendations covered by clause (i), it shall present the
384 reasons for its decision and the alternative plan for treatment
385 and placement in writing to the court.

386 (d) the court may issue an order directing any state agency to provide particular
387 services to the family and child including but not limited to those services
388 described in clause (a). If the agency is not able to comply with the order

(Deleted: or legal guardian

390 directing services then the agency shall provide to the court a written statement of
391 the reasons why it is unable to provide those services. A copy of the statement
392 shall be sent to the house and senate committees on ways and means and the joint
393 committee on children, families and persons with disabilities.

394

395

396 2. Prior to committing the child under subsection 1 (b) or (c), the court shall hold a
397 hearing to determine by clear and convincing evidence if there is a substantial likelihood
398 of serious harm if the child is allowed to remain at home.

Deleted: 3

Deleted: to the department with a recommendation that the child
be placed outside his home, the co

399 3. A child found to require assistance shall not be placed in a facility designated or
400 operated for juveniles adjudicated delinquent. However, such child may be placed in a
401 facility which operates as a group home to provide therapeutic care for juveniles
402 regardless of whether juveniles adjudicated delinquent are also provided care in such
403 facility..

Deleted: The court shall appoint counsel for the parents or legal
guardian at said hearing....

Deleted: 4

404 Section 39W

405 1. Any order of disposition under section 39V shall continue in force for not more than
406 90 days; provided, however, that the court which entered the order may, after a hearing,
407 extend its duration for up to three additional periods, each such period not to exceed 90
408 days, if the court finds that the purposes of the order have not been accomplished and that

Deleted: pursuant to this

416 such extension would be reasonably likely to further those purposes. Orders shall be
417 extended upon a finding that the child or family are not participating in good faith.

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

420 Section 39X

421 1. (a) A child may be taken into custodial protection for engaging in the behaviors
422 described in section 39N, only if such child has failed to obey a summons issued pursuant
423 to section 390, or if the law enforcement officer initiating limited custody has probable
424 cause to believe that such child has run away from the home of his parents, and will not **Deleted:** or legal guardian
425 respond to a summons. **Commented [MD9]:** This is from current law.

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

429 (c) After making every reasonable effort to give notice under paragraph (b), the officer
430 shall do one of the following, in the order of preference as listed:

431 (i) release the child to the custody of his or her parent upon the parent's written **Deleted:** or other person legally responsible for his or her care
432 promise, without surety, that he will bring the child to the program designated to **Deleted:** of the person to whose custody the child is released
433 provide community-based services for the geographic region which constitutes
434 the district of the juvenile court department within which the child was taken into
435 custodial protection or in which the child resides, at a time and place specified in

440 writing. If the law enforcement officer has reason to believe that the child is in
441 the care or custody of department of social services, the officer may release the
442 child to a representative of the department.

Deleted: ; or

Commented [MD10]: The provision regarding releasing the child to DSS makes more sense here, since DSS takes the place of the parent in this context.

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

448 (iii) take a child in need of or respite services to an approved runaway program or
449 other approved respite or crisis program; or

450 (iv) take the child directly to the juvenile court in which the act occasioning the
451 taking into custodial protection occurred, provided that the officer affirms on the
452 record that he or she attempted to exercise the options identified in paragraphs (i),
453 (ii), and (iii) of this subdivision, was unable to exercise these options, and the
454 reasons therefor.

Deleted: , unless the officer determines that it is necessary to question the child, in which case he or she may take the child to a facility designated by the chief administrator of the juvenile court as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him or her for a reasonable period of time

Deleted: (iii) release the child to a representative of the department of social services, if the law enforcement officer has reason to believe that the child is or has been in the care or custody of such department; or

Deleted: v

Deleted: and (iv)

Deleted: (d) In the absence of special circumstances, the officer shall release the child to his parents or other person legally responsible for his care in accord with paragraph (c)(i).
(e) In determining what is a "reasonable period of time" for questioning a child, the child's age and the presence or absence of his parents or other person legally responsible for his care shall be included among the relevant considerations.

482 Section 39Y

483 A child who is the subject of a request for assistance may not be confined in shackles or
484 similar restraints or in a court lockup facility in connection with request for assistance
485 proceedings.

486 SECTION 5

487 Not notwithstanding any general law to the contrary the secretary of the executive office of
488 health and human services and the commissioners of departments of public health, mental
489 health, mental retardation, social services, youth services and transitional assistance shall
490 enter into memoranda of understanding among themselves and with the department of
491 education, office of the commissioner of probation, the juvenile court, municipal police
492 departments and school districts to provide coordination, delivery, and funding of
493 services to children and families who, pursuant to the provisions of section 16H(7)(b) of
494 chapter 6A of the General Laws, are not eligible for community-based services
495 established pursuant to section 16H of chapter 6A.

496 SECTION 6

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

499 SECTION 7

500 The department of education shall pilot a truancy prevention program using a restorative
501 justice format in at least one urban high school in the commonwealth. The department
502 shall evaluate the effectiveness of the program in preventing truancy and enhancing the

503 child's academic performance and report the results of that evaluation to the board of
504 education.

505 SECTION 8

506 The secretary of health and human services shall report to the house and senate
507 committees on ways and means and the joint committee on children, families and
508 person's with disabilities on the various programs and services operated by or being
509 developed by the departments within the executive office of health and human services
510 which provide community-based or in-home services to children with behavioral,
511 emotional, or mental health needs on December 1, 2008. Said report shall include a study
512 of current and planned programs including but not limited to the juvenile detention
513 alternatives initiative of the department of youth services and the behavioral health
514 system of care under development to implement the settlement agreement, dated August
515 29, 2006, and entered into by the parties of Rosie D. et al v. Romney, civil action No. 01-
516 30199-MAP, filed in the United States District Court in order to provide community-
517 based services to children suffering from severe emotional disturbances. The report shall
518 include, but not be limited to: i) a proposal to coordinate overlapping services in order to
519 achieve cost effectiveness and efficiency in the use of the resources of the commonwealth
520 and to offer better services to children and families in need, and ii) a proposal coordinate
521 private insurance, Masshealth, and soley state funded programs to ensure the provision of
522 needed services to children who are not eligible for Medicaid funded services..

523

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in the General Court assembled.

The undersigned, citizen of _____, respectfully petitions for the passage of the accompanying bill and for legislation.

AN ACT REGARDING CHILDREN AND FAMILIES REQUIRING ASSISTANCE

Karen Spilka(KES0)
Paul Donato(PJD1)

Second Middlesex and Norfolk
Thirty-fifth Middlesex