

Northeastern Research Questions
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Front-End

1. Compare differences in commercial and public sector behavioral health reimbursements for youth who go through the Front End in light of mental health parity law. Insurance coverage through public sector and commercial insurance for services otherwise covered through their designated provider networks (e.g., is this a covered “out of network” service? A covered service at all in part or entirely?)
2. Authority for youth to give consent for services in the Front End when parents or legal guardian cannot be accessed on an urgent basis and/or if parents would decline to authorize a reasonably necessary service such as screening or respite
3. Confidentiality/testimonial privilege status of information exchanged in “teams” assembled around a youth/family where team members may include local probation officer, teacher or school administrator, juvenile court clinician, etc.
4. Recommendations about whether the entity that acts as the Front End should have some statutory shielding from liability when providing services to these youth/families in crisis

Court Process

5. If a parent on a CHINS matter is before the court and there is a possibility that custody of their child could be removed and given to the state, should they receive counsel, and when should they receive the right to speak to counsel?
6. On a CHINS adjudication hearing, who should act as the prosecutor? (the Probation Officer usually acts as the prosecutor, but actually is a potential witness and the court should not be in the position to ask questions and prosecute the hearing.)
7. How can a court enforce conditions on a CHINS matter, if there is no authority to make an order that a child must follow any imposed conditions?

Mary Anne

- I. Certain fundamental legal questions will need to be addressed no matter what changes are proposed to the CHINS statute. It is not likely that the steering committee will have the resources to fully research these issues. We need to know about existing MA case law and statutory language in other parts of the

general laws, as well as federal statute and case law. Also, it would be helpful to know how other states handle these issues. Some statutes have been examined by the statute research group but very little case law has been researched.

Court Procedure:

Standard of proof – should it remain reasonable doubt?

Right to jury trial – should this be retained; should the trial de novo be in a different court?

Enforcement – how can court orders regarding treatment, behavior changes, etc be enforced.

Who has/ should have standing to participate in hearing on a petition?

Who may/must prosecute once a petition is filed?

Appeal procedures, i.e. there is uncertainty as to which orders are final, when and how may they be appealed?

Constitutional issues:

Is the parent-child relationship protected and therefore should parents have the right to counsel – the statute provides counsel only to children.

Is it possible to give the juvenile court the power to order an agency or local school district to provide services? Can we get around the separation of powers issue?

If we create a pre-court diversion system, how can we be sure not to cut off all access to judicial relief in the juvenile court should the pre-court system fail.

Federal preemption:

Do federal laws concerning detention and permanency limit action a court may take the length of time a child can be in the custody of a state agency?

Should federal program/funding requirements influence any changes to the MA CHINS system.

- II.** Any proposal for a new ‘prior to the juvenile court’ program could be evaluated by the northeastern class for its likely impact on the particular status offender populations, (i.e. truants, runaways, etc). If the legislative proposal for the ‘front end’ is not fully formed they might propose a structure.

Misc.

1. Define categories of children and determine what priorities are there to place children into these categories.