

AN ACT REGARDING FAMILIES AND CHILDREN ENGAGED IN SERVICES.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

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

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 often require the assistance of government agencies, including schools, human service agencies and the courts, as well as non-governmental service providers; 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

Whereas 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 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.

Commented [A2]: [Senator's Office: all legal citations need to be verified]

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Deleted: *Whereas* the current efforts to help said children and families lack accountability and consistency; and ¶

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

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

23 It is the intent of the General Court to create an accountable, community-based system
24 that provides consistent services throughout the Commonwealth to address the needs of children
25 requiring assistance and their families by providing them with an array of resources. The goal of
26 said system is to preserve and strengthen families while ensuring the healthy behavioral, social
27 and educational development of the child and to provide opportunities to divert children from the
28 juvenile justice and child protection systems. These services shall focus on creating a stable
29 environment and strengthening the family as a whole while emphasizing parental responsibility.
30 These services shall also focus on assisting children who are at risk of dropping out of school.

31 Subject to appropriation, said community-based system shall consist of a network of public
32 and private providers that will provide service coordination, referrals and services in the community as a
33 timely response to children requiring assistance. The system shall include a mechanism for the
34 collection and analysis of information which will enable the Commonwealth to evaluate the
35 effectiveness of services and to identify gaps in services.

36 Nothing in this act is intended to abrogate the responsibility of the education system to provide
37 educational services as required by state and federal law. There shall be no entitlement to
38 community based services. The provision of all such services is subject to appropriation and the
39 availability of funds.

40 (1) For the purpose of this Section the following words shall have the following
41 meanings:

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Deleted: families and children in crisis

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Deleted: It is the intent of the General Court to reserve judicial intervention for those children and families who require services beyond said community-based services in order to achieve stabilization and resolution.

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Deleted: The creation of said community based service system is subject to appropriation and services provided shall be limited by the availability of funds and third party reimbursement.

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55 ‘Child requiring assistance’: a child between the ages of 6 and 18 who (a) repeatedly runs away
56 from the home of his parents, legal guardian, or custodian; (b) repeatedly fails to obey the lawful
57 and reasonable commands of his parents, legal guardian, or custodian, thereby interfering with
58 said parent’s, legal guardian’s, or custodian’s ability to adequately care for and protect said child;
59 (c) repeatedly fails to obey the lawful and reasonable regulations of his school; (d) who is
60 habitually truant;

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61 “Community-based services”: services, including coordination of services, that are
62 designed to assist families with children requiring assistance so that, where appropriate, such
63 children will be able to: (a) continue residing with their families in their home communities; (b)
64 continue as students in their community schools; (c) strengthen relationships with their families.

65 ‘Family with children requiring assistance’: the parents, guardians, custodian, siblings,
66 and any other relatives or caretakers who are responsible for a child requiring assistance.

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

67 ‘Habitually truant’: a school-aged child not otherwise excused from attendance in
68 accordance with the lawful and reasonable regulations of his school who fails to attend school
69 for more than 8 school days in a quarter;

Deleted: between the ages of 6 and 18 who need assistance from state, local, or private agencies, or providers of social, educational health, mental health, or behavioral health services in order to adequately care for and protect the child;...→

70 ‘Secretary’: the secretary of the Executive Office of Health and Human Services.

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71 The Secretary shall:

72 (1). Subject to appropriation, including but not limited to sufficient funding to support the
73 agency’s administration of the activities described herein, the secretary or other agency if
74 designated by the secretary, shall

95 (a) Within 12 months of the effective date of this act conduct data analysis with
96 the cooperation from the Juvenile Court, Administrative Offices of the Trial Court and
97 the Probation Department. The secretary shall gather data to understand the number of
98 community service agencies required, the location, the staffing needs and other
99 components necessary to establish a network of services.

100 (b) Establish a Families and Children Requiring Assistance Advisory Board. The
101 Families and Children Requiring Assistance Advisory Board will review the EOHHS
102 data analysis and the Juvenile Court, Administrative Offices of the Trial Court and the
103 Probation Department data analysis and make a recommendation to the Secretary of
104 whether there is sufficient information to design a model in 24 months.

105 (c) Within 24 months of the effective date of this act, design a model for the
106 delivery of community based services for children requiring assistance which will
107 augment, be compatible with and integrated with existing community based service
108 systems for children. The secretary will also design a system to monitor the
109 effectiveness of the services, and a system to gather data including demographic
110 information, insurance status and benefit coverage of clients served, income
111 documentation as needed to apply a sliding fee scale for payment or waiver of payment
112 for services, and other information that may assist the program and the secretary in
113 providing services, and evaluating the effectiveness of community based services. The
114 model shall allow a child or family to seek assistance from a community based services
115 agency directly and without referral. The model shall include procedures for referral to
116 other services whenever the staff of the agency offering community based services
117 determines that a family seeking or referred for services for a child has significant and

118 complex medical needs which cannot be met by the agency or where the child's behavior
119 presents a significant risk of harm that cannot be safely managed in the community.

120 (d) Subject to appropriation, within 36 months of the effective date of this act,
121 pilot the development of a community based service system for children requiring
122 assistance, provided further that, in the event the Secretary determines that there are
123 insufficient funds to continue the pilot in whole or in part, the pilot shall be terminated.
124 The secretary shall analyze the effectiveness of these pilot sites in order to make
125 necessary changes to the program design.

126 (e) Subject to appropriation, within 48 months of the effective date of this act,
127 establish a network of community based services for children requiring assistance and
128 their families throughout the Commonwealth, provided further that, in the event the
129 Secretary determines that there are insufficient funds to maintain the network, the
130 network may be terminated or the amount duration and scope of the community based
131 services the network provides may be reduced or eliminated.

132 (2) Any documentation of services provided to the family and child shall not be public records.
133 Except as otherwise required by law, including laws related to the reporting of suspected abuse
134 or neglect, statements made by the family and child while receiving services from the network of
135 community based services shall be treated as confidential and may not be used in school
136 disciplinary proceedings without the written consent of the person making the statement.
137 Information about the child and family requiring assistance, including interactions with service
138 providers and protected health information services, may be shared among providers of
139 community services providing such services to the child and family as well as with any EOHHS

agency for which the child is eligible as needed to coordinate treatment and provide appropriate case management. Notwithstanding any provision to the contrary, in the absence of specific written directive from the child and or member of the family who is receiving service, information about the case, including interactions with service providers and protected health information services, may be shared among members of the case team as needed to coordinate treatment and provide appropriate case management, to the extent permitted under applicable federal law.

(3) Participation in community based services shall be pursuant to a voluntary agreement of the parent, legal guardian, or custodian and the child; provided however that provision of community based services shall be contingent upon parents/legal guardians and custodians (and child if of age) granting consent to allow covered services to be billed to the insurance providers.

(4) Except as provided herein, a school administrator shall refer a child to community-based services at the same time that the administrator notifies the student and his parent, legal guardian, or custodian that the student will be expelled for failure to comply with the lawful and reasonable rules of the school. After providing the process that is due the student, including an expulsion hearing if requested, the school administrator shall consider the outcome of the community based service center referral if the student provides that information to the school. Provided that when a school administrator refers a child for habitually truant behavior, it must be shown that the school, child, and family have completed a department of education certified truancy program, if such a program is available at the school. Whenever a child or family seeks

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→ 4. (a) Subject to appropriation or availability of third party reimbursement, the secretary shall: ¶
(i) → establish a network of child and family service programs throughout the Commonwealth to provide community-based services to families with children requiring assistance. (48 months) ¶
(ii) → develop a model for delivery of community-based services to families with children requiring assistance which shall form a basis of a network of child and family service programs developed in this section. The purpose of the network of community-based services program shall be to assist families so that children will be able to continue residing with their families in their home communities; assist families to enable children to continue as students in their community schools; strengthen the relationships between children and families; and provide coordinated, comprehensive, community-based services for children at risk of dropping out of school, delinquency, or engaging in behaviors which impede the likelihood of their leading healthy, productive lives. (12 months) ¶
(iii) → make grants for the coordination of community-based services which may include outreach, intake, screening, assessment and referral. In awarding the grants, the secretary shall seek to promote efficiency and access to existing services. Grants recipients may include, but are not limited to organizations with experience in coordinating access to community-based services such as Community Service Agencies (CSAs), local schools, other local public agencies, private organizations, or medical or mental health care providers. Grant recipients shall be encouraged to work with other local providers as needed to provide the full complement of services required under this section. Referral may be provided for services, including but not limited to: eligibility determination, behavioral health, medical, counseling, safety, education, learning disabilities, employment, mentoring, family and parent support, civic engagement and community service, after school and out-of-school opportunities, residential programs, non-residential programs, crisis management and case management. (36 months) ¶
(iv) → pilot alternative systems to address the problem of children running away from their parents, legal guardians, or custodians. Two grants shall be awarded for runaway treatment and prevention programs, one in an urban location and one in a rural location. Grants may award funding for up to five years subject to demonstration of effectiveness and the submission of annual reports to the secretary; (36 months) ¶
¶
(v) → create a data collection system for use by programs within the network of child and family service programs developed pursuant to this section which maintains the privacy of clients served, assists programs and the executive office of health and human services in addressing the needs of the population to be served, collects information related to, among other things, the insurance status and benefit coverage of clients served, income documentation as needed to apply a sliding fee scale for payment or waiver of payment (... [1])

Commented [A3]: (4) Except as provided herein, a school administrator shall refer a child to community based services at the same time that the administrator notifies the student and his parent, legal guardian, or custodian that the student will be expelled for failure to comply with the lawful and reasonable rules of the school. After providing the process that is due the student, including an expulsion hearing if requested, the school administrator shall consider the outcome of the community based service center referral if the student provides that information to the school. Provided that when a school administrator refers a child for habitually truant behavior, it must be shown that the school, child, and family have completed a department of education certified truancy program, if such a program is available at the school. Whenever a child or family seeks assistance for habitually truant behavior, the program staff shall assist the family in gaining access to the child's school's department of education certified truancy program.

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299 assistance for habitually truant behavior, the program staff shall assist the family in gaining
300 access to the child's school's department of education certified truancy program.

301 **SECTION 2:** Chapter 69 of the General Laws is hereby amended by adding after section
302 10 the following new section:

303 Section 1P. The Department of Education shall promulgate regulations establishing a
304 truancy prevention program certification process. The regulations shall include requirements that
305 the truancy prevention program evaluate the level of out-of-school support for students and
306 families, and address the conditions that may make students more likely to become truant,
307 including previously unidentified special needs, bullying and harassment. School districts shall
308 establish a truancy prevention program which meets the requirements for certification by the
309 department.

310 **SECTION 3:** Section 21 of Chapter 119 of the General Law, as appearing in the 2008 Official
311 Edition, is hereby amended by striking lines 8 to 16 and inserting in place thereof the following:

312 "Child requiring assistance", a child, between the ages of 6 and 8 who (a) repeatedly
313 runs away from the home of his parents or legal guardian; (b) repeatedly fails to obey the lawful
314 and reasonable commands of his parents or legal guardian, thereby interfering with said parent's
315 or legal guardian's ability to adequately care for and protect said child; (c) repeatedly fails to
316 obey the lawful and reasonable regulations of his school; (d) who is a habitually truant;

317 **SECTION 4:** Section 21 of Chapter 119 of the General Law, as appearing in the 2008 Official
318 Edition, is hereby amended by adding the following definitions:

Deleted: -> 7. (36 months) The secretary shall identify the nature of services to be made available through the community-based services program. In determining those services the secretary shall consider the appropriateness and the cost of services including, but are not limited to the following:

(i) -> providing a response to requests for service 24 hours a day, 7 days a week;

(ii) -> providing for an initial response to referrals or requests for services within a reasonable time, not to exceed 24 hours, so as to assure the safety and well being of the child and family;

<#>assessment and screening of each person requesting services and, if possible, all family members residing in the household using a standard intake tool;

<#>assignment of a case manager to each family upon assessment;

<#>creation of a family service plan, which would include: 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;

<#>data collection in a format which protects the privacy of the individuals seeking services and permits the evaluation of the effectiveness of the program;

<#>compilation and dissemination to the general public of information about family support resources and services available in the community;

<#>crisis intervention residential placements for children for up to 72 hours;

<#>voluntary respite residential placement of the child for up to 21 days; and

<#>mediation or alternative dispute resolution, including restorative justice programs.

-> 8. (a) Participation in community-based services shall be pursuant to a voluntary agreement of the parent, legal guardian, or custodian and the child. Families or children may terminate their involvement at any time.

(b) Where possible, covered services shall be billed to the insurance provider for the client.

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

(d) In the absence of the consent of a parent, legal guardian, or custodian, respite care may be provided to a child pursuant to the provisions and subject to the limitations of chapter 119 section 23 paragraph 7. [21]

Deleted: Chapter 69 of the General Laws is hereby amended by adding after section 1N the following new section:
Section 1O. Within three years of the effective date of this act, the department shall establish a discretionary grant program to assist schools in planning and implementing truancy preventions pr [31]

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461 “Family requiring assistance”, the parents, guardians, siblings and any other relatives or
462 caretakers responsible for a school aged child who needs assistance;

463 “Habitual truant”, a school-aged child, not otherwise excused from attendance in
464 accordance with the lawful and reasonable regulations of his school, who willfully fails to attend
465 school for more than 8 school days in a quarter;

466 **SECTION 5:** Section 21 of Chapter 119 of the General Law, as appearing in the 2008
467 Official Edition, is hereby amended at line 54 by adding at the end thereof the following:

468 For purposes of sections 39L through 39X exclusive the word “Parent”, includes a legal
469 guardian or other person legally responsible for a child’s care.

470

471 **SECTION 7** Chapter 119 of the General Laws is hereby amended by repealing Sections
472 39E to 39J, inclusive, and adding the following new sections:

473 Section 39K (there is no 39K)

474 Section 39L. Jurisdiction

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

479 Section 39M. Nature of the Proceedings

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

Deleted: between the ages of 6 and 18 who need assistance from state, local, or private agencies or providers of social, educational, health, mental health, or behavioral health services in order to adequately care for and protect the child;

Commented [A5]: “Habitual truant”, a school-aged child, not otherwise excused from attendance in accordance with the lawful and reasonable regulations of his school, who willfully fails to attend school for more than 8 school days in a quarter;

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489 2. Notwithstanding any general or special law to the contrary, no record pertaining to the

490 child involved in the proceedings shall be maintained or remain active after the request for

491 assistance is dismissed. The identity and record of any child for which a request for assistance is

492 filed shall not be submitted to the criminal history systems board, criminal offender record

493 information system, court activity record index or any other criminal record information system.

494 3. Proceedings pursuant to sections 39K to 39X, inclusive, shall be confidential and not be open

495 to the public.

496 Section 39N. Request for Assistance

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

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

503 (b) that the child was under the age of 18 at the time the specified acts took place,

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

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

507 (i) if the request for assistance states that a child is habitually truant, a
508 statement of the actions taken by the school district to comply with its
509 obligations under its truancy prevention program certified pursuant to
510 chapter 69, section 10 and to improve the school attendance of the
511 child. The request for assistance shall also state whether or not the

Commented [A6]: court activity record index [Senator's Office:
We don't know what this is- please check with courts. Does this
preclude using the MassCourts data system?] or any other criminal
record information system

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) when the petitioner is a parent, whether the family was informed of and referred to a
community-based services program under Section 16H of chapter 6A; and

(f) that the child and family require assistance.

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

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

(b) a parent;

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

3. (a) When a request for assistance is presented to the clerk for filing by a parent or a
police officer, the clerk shall determine whether or not the child and family named in the petition
have received services from a community service program created under section 16H of chapter
6A. If the child and family have participated in such services, the clerk shall attach to the
petition the notice of conclusion of community-based services as provided for in chapter 6A,
section 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H(6)(f). If
the child and family have not participated in such services the clerk shall provide to the petitioner
the option of referring the child and family to the program designated by the secretary of the

534 executive office of health and human services to provide community-based services in the
535 juvenile court district where the child resides.

536 (b)(1) If the petitioner is a parent, the clerk shall offer to contact the community-based
537 services provider on the parent's behalf in order to complete a referral to such services. If the
538 parent declines to be referred to such services, the clerk shall attach to the request for assistance
539 the parent's signed statement that the parent does not wish to be referred to such services and
540 that the parent understands the nature of services available through the court process, the manner
541 in which those services will be delivered, the nature of the orders which the court may issue and
542 the possibility of changes in custody of the child. The clerk may accept the request of assistance
543 for filing if said documents are attached.

Commented [A7]: the clerk shall offer to contact the community based services provider on the parent's behalf in order to complete a referral to such services.

544 (2) If the petitioner is a police officer, the clerk shall offer to contact the
545 community-based services provider in order to complete a referral to such services. The
546 clerk may accept a written statement of the reasons for the officer's belief that the referral
547 to community-based services prior to filing the request for assistance would present a risk
548 of harm to the child. The clerk shall then i) immediately contact the designated
549 community-based services to provide notice that a request for assistance has been
550 prepared for filing, ii) create a docket for the matter and iii) request that the chief
551 probation officer, or his designee, conduct an immediate inquiry and report to the clerk,
552 or a judge if the clerk is not available with advice on how to proceed to obtain assistance
553 for the child. After considering such advice the clerk may accept the request for
554 assistance for filing.

Commented [A8]: the clerk shall attach to the request for assistance the parent's signed statement that the parent does not wish to be referred to such services and that the parent understands the nature of services available through the court process, the manner in which those services will be delivered, the nature of the orders which the court may issue and the possibility of changes in custody of the child. The clerk may accept the request of assistance for filing if said documents are attached.

Commented [A9]: the clerk shall offer to contact community based services provider [Senator's Office: Are there consent issues here?] in order to complete a referral to such services. The clerk may accept a written statement of the reasons for the officer's belief that the referral to community based services prior to filing the request for assistance would present a risk of harm to the child. The clerk shall then (i) immediately contact the designated community based services to provide notice that a request for assistance has been prepared for filing.

555 Section 390 Notice

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

560 2. In proceedings commenced by a parent, the court shall, at the time the request is filed,
561 notify the parent in writing of the time and place that the request for assistance will be heard to
562 ensure the parent has a copy of the request for assistance. The court is not required to issue a
563 summons to either parent in such a case if the parents are living together. If the parents are not
564 living together, the court shall cause a copy of the request for assistance and a summons to be
565 issued, requiring the child and the parent who did not initiate the request for assistance to appear
566 to address the request for assistance at the court at a time and place named,

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

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

576 Section 39O ½ Determination of probable cause that a child and family requires
577 assistance; expungement.

579 Whenever a request for assistance is filed, the clerk, or a judge if the clerk is not
580 available, shall hold a hearing as soon as possible, but not later than 15 days after the creation of
581 a docket. At that hearing the clerk, or a judge if the clerk is not available, shall receive the
582 recommendation of the probation officer and receive evidence from the petitioner and the child.
583 The clerk, or the judge shall determine i) whether or not there is probable cause for a
584 determination that a child and family are in need of assistance and ii) whether it is in the best
585 interest of the child for the matter to proceed to a fact finding hearing. The clerk or judge shall
586 then either i) dismiss the request for assistance, or ii) refer the child and family to a probation
587 officer for the preliminary inquiry under section 39R. [When a request for assistance is dismissed
588 under this section, the court shall enter an order directing the expungement of any records of the
589 claimant maintained by the clerk, the court, the criminal history systems board, the court activity
590 record index, and the probation department that directly pertain to the this request for assistance.]

591 Section 39P Scheduling the Fact Finding Hearing

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

597 Section 39Q Appointment of Counsel

598 1. When the request for assistance is filed the child shall be informed that he has a right
599 to counsel at all hearings. At the time the request for assistance is filed, that court shall ensure
600 that if said child is not able to retain counsel, the court shall appoint counsel for said child. The
601 court shall appoint counsel for the child at the time the request for assistance is filed. The clerk

Commented [A10]: When a request for assistance is dismissed under this section, the court shall enter an order directing the expungement of any records of the claimant maintained by the clerk, the court, the criminal history systems board, the court activity record index, and the probation department that directly pertain to the this request for assistance. [Senator's Office: Are there MassCourts issues here- losses of data if family returns? DCF would like past history to inform service delivery.]

602 shall cause a copy of the request for assistance and notice of the time and place of the fact
603 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
605 be 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
610 require assistance is indigent. If the court determines that the parent or legal guardian is not
611 indigent, the court shall assess up to a \$1000 fee against the parent or legal guardian to pay for
612 the cost of counsel appointed for the child. If the parent or legal guardian is determined to be
613 indigent but is still able to contribute toward the payment of some of said costs, the court shall
614 order the parent or legal guardian to pay a reasonable amount toward the cost of counsel
615 appointed for the child.

616 Section 39R Preliminary Inquiry by Probation

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

620 The probation officer in his discretion may:

621 (a) refer the family and child to a community-based services program in the community
622 where the child resides; the probation officer may confer with the provider of community-based
623 services to resolve the situation which formed the basis of the request for assistance;

Commented [A11]: the probation officer may confer with the provider of community based services to resolve the situation [Senator's Office: what does "resolve" mean- is parents consent needed?] which formed the basis of 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 situation

628 which formed the basis of the request for assistance. Information obtained by the probation

629 officer may be used in the present proceeding but it is otherwise confidential and may not be

630 used in school disciplinary proceedings or other court proceedings;

631 (d) if the child or his parents fail to participate in good faith with the referrals or

632 conferences arranged by the probation officer or if the probation officer is not able to refer the

633 child or his parents to an appropriate public or private organization which is willing and able to

634 provide appropriate services, the probation officer shall so certify in writing and present these

635 findings to the court.

636 2. (a) The probation officer shall gather information concerning the child and family

637 which in both substance and format is compatible with and complementary to the information

638 gathered by programs providing community-based services pursuant to section 16H of chapter

639 6A, including but not limited to the insurance status and coverage and other information that may

640 assist the commissioner of probation and the court in evaluating the availability and effectiveness

641 of services for children who are the subjects of requests for assistance pursuant to this section.

642 (b) The commissioner of probation shall establish a system to collect data regarding

643 requests for assistance made and how they are resolved under sections 39K through 39X. Said

644 system shall maintain the privacy of clients served, assist the court in addressing the needs of the

645 population to be served, collect information related to, among other things the racial and ethnic

646 identity of the child, the insurance status and coverage of clients served, the length of time a

Commented [A12]: Information obtained by the probation officer shall be confidential and may not be used in school disciplinary proceedings except as required by law.

647 child is receiving assistance from a probation officer, the identity of any public or private
648 organization to whom a probation officer has referred a child or family for services; and other
649 information that may assist the commissioner and the court in evaluating the availability and
650 effectiveness of services for children who are the subjects of requests for assistance pursuant to
651 this section.

652 (c) The Commissioner of Probation shall report annually to the Child Advocate, the the
653 Families and Children ~~Requiring Services~~ advisory board, the house and senate committees on
654 ways and means, joint committee on children, families and persons with disabilities and the joint
655 committee on the judiciary on the assistance provided by probation officers to children and
656 families under Sections 39K to 39X. The report shall be filed on October 1 of each year and
657 shall include for each juvenile court district: the number of children and families receiving
658 assistance, their racial and ethnic identity, as identified by the child and family members, an
659 analysis of the services provided and an identification of gaps in services available, the status or
660 resolution of each request for assistance filed in the previous year, and the numbers of children
661 who are the subject of a request for assistance and also charged with a delinquency matter in the
662 previous year. The report shall exclude information that identifies or allows others to identify
663 any child or family who is the subject of a request for assistance.

664
665 Section 39S Custody, Failure to Appear

666 If, after a hearing at which the child and his parent is represented by counsel, the court
667 finds that a child alleged to require assistance by reason of repeatedly failing to obey the lawful
668 and reasonable commands of his parent is likely not to appear at the fact finding hearing or at the
669 disposition hearing, the court may order the child to be released upon such terms and conditions

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Deleted: 3. Conferences and referrals arranged under this section may extend for a period not to exceed 120 days from the date that the request for assistance was filed, unless the parent, child and petitioner voluntarily agree in writing to a continuation of such conferences or referrals for an additional period not to exceed 90 days from the expiration of the original period. Upon the expiration of the initial 90 day period, or of such additional 90 day period, the request for assistance may be dismissed and the child and his parents discharged from any further obligation to participate in such conferences and referrals, or a fact finding hearing shall be held. ...

682 as it determines to be reasonable or may place the child in the temporary custody of the
683 department of children and families. Prior to the court granting temporary custody to the
684 department of children and families, the court must make a written certification and
685 determination that it is contrary to the welfare of the child to be in his home, and that the
686 department of children and families has made reasonable efforts to prevent removal of the child
687 from his home or the existing circumstances indicate that there is an immediate risk of harm or
688 neglect which precludes the provision of the preventative services as an alternative removal.

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

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

697 Section 39T Withdrawal of Request for Assistance

698 The petitioner may, withdraw the request for assistance at any time prior to a hearing to
699 determine the disposition of a request for assistance. A probation officer may at any time
700 recommend to the court that the request for assistance be dismissed upon a showing that
701 dismissal is in the best interests of the child.

702 Section 39U Fact Finding Hearing

703 1. The court shall hold a fact finding hearing in which it shall receive evidence from the
704 petitioner, the parent, the child, a representative from the community-based services program, if

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706 involved with the family, and the probation officer. At any hearing held to determine whether a
707 child and family require assistance, the child and his attorney shall be present and the parents or
708 legal guardian shall be given an opportunity to be heard. The petitioner who files the request for
709 assistance shall bear the burden of presenting evidence proving that the child and family require
710 assistance.

711
712 (2). Following a fact finding hearing the court shall either:
713 (a) dismiss the request for assistance because the circumstances which led to the filing of
714 a request for assistance have been resolved or the court finds that the child and family
715 will not benefit from the assistance being offered;
716 (b) adjourn the hearing for up to 60 days because it finds that the interests of the child
717 would best be served by continued informal assistance, in which case the court shall, with
718 the consent of the child and his parent, refer the child to a probation officer or refer the
719 child and family to the designated program for additional community-based assistance; or
720 (c) If the court finds the allegations in the request for assistance have been proved at the
721 fact finding hearing beyond a reasonable doubt, it may find that the child and family
722 named in such request for assistance to be a child and family requiring assistance and
723 schedule a hearing for disposition

724 4. No statements made by a child, family member, or by any other person during the
725 period of inquiries, conferences, or referrals may be admitted at any hearing without the consent
726 of the child or the family member who made the statement.

727 Section 39V Disposition Conference and Hearing

Commented [A13]: The petitioner who files the request for assistance shall bear the burden of presenting evidence proving that the child requires assistance.
Senator's Office: -- court system may have comments on this...especially sections c

Deleted: 2. The court shall consider any available documentation of attempts to provide appropriate services by a community based services program and determine whether such efforts or services provided were sufficient. With the consent of the parent and child the court may consider any written reports from service providers which would otherwise be subject to confidentiality or privilege. The court may refer the child and the parent to participate in community-based services regardless of whether or not the child and parents have previously used community based services....

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Commented [A14]: No statements made by a child, family member, or by any other person during the period of inquiries, conferences, or referrals may be admitted at any hearing without the consent of the child or the family member who made the statement.

742 1. Upon making a finding that a child requires assistance after a fact finding hearing, the
743 court shall convene a conference of the probation officer who conducted the preliminary inquiry,
744 a representative from the community-based services program, if involved with the family, the
745 petitioner, a representative from the child's school, the child's parent and his attorney, the child
746 and his attorney, a representative of the department of children and families, if involved with the
747 family, and any other person who may be helpful in determining the assistance to be offered to
748 the child and family. The probation officer shall present written recommendations and other
749 persons at the conference may present written recommendations to the court to advise the court
750 on appropriate treatment and services for the child and family, appropriate placement for the
751 child, and appropriate conditions and limitations of such placement.

752 At the conference and subsequent hearing on disposition, the child and his attorney shall
753 be present and the parents or legal guardian and the petitioner shall be given an opportunity to be
754 heard. The court may receive evidence as to the best disposition from all persons who
755 participate in the conference and any other person who may be helpful in determining an
756 appropriate disposition.

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

761 (a) subject to any conditions and limitations the court may prescribe, including provision
762 for medical, psychological, psychiatric, educational, occupational and social services, and for
763 supervision by a court clinic or by any public or private organization providing counseling or

Deleted: and family

Commented [A15]: 1) Upon making a finding that a child require assistances after a fact finding hearing , the court shall convene a conference of the probation officer who conducted the preliminary inquiry, a representative from the community based services agency, if involved with the family, the petitioner, a representative from the child's school, the child's parent and his attorney, the child and his attorney, a representative of the department of children and families, if involved with the family, and any other person who may be helpful in determining the assistance to be offered to the child and family. The probation officer shall present written recommendations and other persons at the conference may present written recommendations to the court to advise the court on appropriate treatment and services for the child and family, appropriate placement for the child, and appropriate conditions and limitations of such placement.
At the conference and subsequent hearing on disposition, the child and his attorney shall be present and the parents or legal guardian and the petitioner shall be given an opportunity to be heard. The court may receive evidence as to the best disposition from all persons who participate in the conference and any other person who may be helpful in determining an appropriate disposition.

765 guidance and for any other services deemed appropriate by the court, permit the child to remain
766 with his parents;

767 (b) subject to such conditions and limitations as the court may prescribe, including, but
768 not limited to provisions for services deemed appropriate by the court, including but not limited
769 to services described in clause (a), place the child in the care of any of the following:

- 770 (i) a relative, or other adult individual who, after inquiry by the probation
771 officer or other person or agency designated by the court, is found to be
772 qualified to receive and care for the child; or
- 773 (ii) a private charitable or childcare agency or other private organization,
774 licensed or otherwise authorized by law to receive and provide care for
775 such children;

776 (c) subject to the provisions of sections 32 and 33 and with such conditions and
777 limitations as the court may recommend, place the child in the custody of the department of
778 children and families. If the court chooses to place the child in the custody of the department
779 then at the same time, the court shall consider the provisions of section 29C and shall make the
780 written certification and determinations required by said section 29C. When the court has placed
781 a child in the custody of the department, then the department:

- 782 (i) may not refuse out-of-home placement of a child if the placement is
783 recommended by the court provided that the court has made the written
784 certification and determinations required by said section 29C;
- 785 (ii) may not refuse out of home placement when requested by the child if there
786 is a substantiated history of abuse or neglect in the home by the parent
787 or legal guardian;

- (iii) subject to clauses (i) and (ii), shall direct the type and length of such out-of-home placement;
- (iv) subject to clauses (i) and (ii), shall give due consideration to the recommendations of the court. Whenever the department decides not to carry out the recommendations of the court regarding placement and treatment of the child it shall present the reasons for its decision and the alternative plan for treatment and placement in writing to the court.

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

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

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

Section 39W Duration of Assistance

1. Any order of disposition under Section 39V shall continue in force for not more than 120 days; provided, however, that the court which entered the order may, after a hearing, extend its duration for up to three additional periods, each such period not to exceed 90 days, if the court finds that the purposes of the order have not been accomplished and that such extension would

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

819 be reasonably likely to further those purposes. The child shall have the opportunity to present
820 evidence and rebut evidence presented at any extension hearing.

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

823 **Section 39X. Custodial Protection**

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

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

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

834 (i) release the child to the custody of his or her parent or other person
835 legally responsible for his or her care upon the written promise, without
836 surety, of the person to whose custody the child is released that he will
837 bring the child to the court on the next court date.

838 **SECTION 7. (36 months)** The department of elementary and secondary education shall
839 pilot a truancy prevention program using a restorative justice format in at least one urban high
840 school in the Commonwealth. The program shall include the use of healing circles which allow
841 family, neighborhood and school community members to be present; a reparative board,

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Commented [A16]: Section 39Y. Custodial Protection

[Senator's Office: renaming this so it's not an arrest- courts need to weigh in- there are due process issues for consideration]

-(1) (a) A child may be taken into custodial protection for engaging in the behaviors described in section 39M, only if such child has failed to obey a summons issued pursuant to section 39N, or if the law enforcement officer initiating limited custody has probable cause to believe that such child has run away from the home of his parents or legal guardian and will not respond to a summons.
(b) After an officer has taken a child into custodial protection, the officer shall immediately notify the parent or other person legally responsible for the child's care, or the person with whom he is domiciled, that he is under the custodial protection of the officer.
(c) After making every reasonable effort to give notice under paragraph (b), the officer shall:
(i) release the child to the custody of his or her parent or other person legally responsible for his or her care upon the written promise, without surety, of the person to whose custody the child is released that he will bring the child to the court on the next court date.

Deleted: program designated to provide community-based services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into custodial protection or in which the child resides, at a time and place specified in writing; or⁴

(ii) forthwith and with all reasonable speed take the child directly, and without first being taken to the police station house, to the program designated to provide community-based services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into custodial protection or in which the child resides; or⁴

(iii) release the child to a representative of the department of children and families, if the law enforcement officer has reason to believe that the child is or has been in the care or custody of such department; or⁴

(iv) take the child directly to the juvenile court in which the act occasioning the taking into custodial protection occurred, provided that the officer affirms on the record that he or she attempted to exercise the options identified in paragraphs (i), (ii), and (iii) of this subdivision, was unable to exercise these options, and the reasons therefore.⁴

(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).⁴

(e) A child may not be securely detained in a police station or town lockup. At no time shall a child be held in any locked facility..⁴

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

SECTION 5.(48 months) Notwithstanding any general law to the contrary the secretary of the executive office of health and hu... [4]

Deleted: SECTION 5.(48 months) Notwithstanding any general law to the contrary the secretary of the executive office of health and human services and the commissioners of departments of public health, mental health, developmental services, children and families, youth services and transitional assistance shall enter into memoranda of understanding among themselves and with the department of elementary and secondary education, office of the commissioner of probation, the juvenile court, municipal police departments and school districts to provide coordination, delivery, and funding of services to children and families who, pursuant to the provisions of section 16H(7)(b) of chapter 6A of the General Laws, are not eligible for community-based services established pursuant to section 16H of chapter 6A. ⁴

SECTION 6. (36 months) The secretary of the executive office of health and human services shall pilot a program to address th... [5]

951 comprised of peers and led by an adult; family group counseling, and mediation or alternative
952 dispute resolution with the child, family members and school representatives. The program shall
953 be designed to address the underlying causes both in and out of school which led to truancy. The
954 department shall evaluate the effectiveness of the program in preventing truancy and enhancing
955 the child's academic performance and report the results of that evaluation to the board of
956 elementary and secondary education, the house and senate committees on ways and means, joint
957 committee on education and the department of elementary and secondary education.

958 **SECTION 8.(36 months)** Chapter 741 of the Acts of 1965 is hereby amended by striking
959 out, in line 3 of the first paragraph, the word "sixteen" and inserting in place thereof the
960 following word:- eighteen.

961 **SECTION 9. (36 months)**Chapter 741 of the Acts of 1965 is hereby amended by striking
962 out, in line 4 of the second paragraph, the word "sixteen" and inserting in place thereof the
963 following word:- eighteen

964 **SECTION 12 Probation Data collection**

965 Within 12 months of the effective date of this act, the Commissioner of Probation shall submit a report to
966 the Child Advocate, the Families and Children Engaged in Services advisory board, the house and
967 senate committees on ways and means, joint committee on children, families and persons with disabilities
968 and the joint committee on the judiciary. The report shall include for each juvenile court district: the
969 number of children and families receiving assistance from probation officers; the racial and ethnic
970 identity of the children and families, as identified by the child and family members; an analysis of the
971 services provided and an identification of gaps in services available; the status or resolution of each Child
972 in Need of Services petition filed, and the numbers of children who are the subject of a Child in Need of
973 Services petition and also charged with a delinquency matter in the previous year; and the custody status

Commented [A17]: [Senator's Office: Is this appropriate to change here? The Board of Elementary and Secondary Education has the authority to set the minimum and maximum age for school attendance.]

Deleted: SECTION 10. The department of mental health, in collaboration with the department of youth services and the department of public health shall conduct a comprehensive review of the mental health and substance abuse service needs of adolescents in the care of or detained in the commonwealth through the order of a juvenile court, including without limitation juveniles detained in the department of youth services or in the custody of the department of children and families or receiving services from the department of mental health, the court clinics, probation or otherwise and including without limitation any such departments, offices, agencies or instrumentalities of the commonwealth, and any private organizations or agencies operating under arrangement with departments or agencies of the commonwealth. To complete said review the department of mental health, the department of youth services, and the department of public health shall solicit input from the office of probation, the department of children and families, the department of elementary and secondary education, the juvenile court, the juvenile court clinics, the committee for public counsel services, the department of mental retardation, the division of insurance, the division of medical assistance, the Massachusetts Association of District Attorneys, at least one individual representing the interests of parents and families, at least one advocate for juvenile justice, at least one representative of the service provider community, and at least one representative of the Massachusetts Association of Health Plans. Said review shall be for purposes of identifying the following:

<#>existing and proposed models of alternatives to detention, within and outside the commonwealth, of providing mental health and substance abuse services to juveniles in the care of the department of youth services; community resources and other dependencies which affect the appropriateness and effectiveness of models of services designed to avoid placement of children in a locked facility; and data demonstrating the relative efficacy, cost-effectiveness, and effect on public safety of alternative models;

<#>unmet mental health and substance abuse needs of juveniles within the juvenile court systems of the commonwealth, including an explicit comparison of the best practices and models identified in paragraph a of this section with services and models available in the commonwealth;

<#>recommendations for addressing unmet needs, including without limitation through the court clinics of the juvenile courts, and through contracting by the department of mental health for community based services through community providers, or through consortia of community providers, local government agencies and others operating in congruence with local courts involved in the juvenile justice system.

By January 1 2012, the department shall post on its external website, a final report responsive to this section, including a summary of all public comments received, and responses to such comments. The department shall also that day provide a copy to the governor, the president of the senate, the speaker of the house of representatives, the chairs of the joint committees of mental health and substance abuse, and children, families and persons with disabilities and the legislative mental health caucus. SECTION 11 EOHHS data collection

Within 12 months after effective date of this act, the secretary shall submit a report to the Child Advocate, the Families and Children Engaged in Services advisory board, the house and senate committees on ways and means, joint committee on children, families and persons with disabilities and the joint committee on the judiciary. The report shall include information on the services

Deleted: -the executive office of health and human services; the number of children receiving services from probation officers that also receive services through the children's behavioral health initiative;

1112 of the child that is subject to the Child in Need of Services petition, specifying if the child is committed to
1113 the department of children and families or the department of youth services. The report shall exclude
1114 information that identifies or allows others to identify any child or family involved in the juvenile justice
1115 system.

Deleted: has custody of said child

1116 **SECTION 13.** (a) There shall be a Families and Children Requiring Assistanct Advisory Board.
1117 The board shall consist of the following members:

Deleted: Engaged in Services

1118 4 representatives of the executive office of health and human services appointed by the secretary,
1119 one of whom shall be a representative of the department of children and families and one of
1120 whom shall be a representative of the department of youth services, one of whom shall be a
1121 representative of the department of mental health, the Child Advocate, or her designee,
1122 the director of the office of Medicaid or his designee, a representative of the department of
1123 elementary and secondary education, appointed by the commissioner, a juvenile court judge
1124 appointed by the chief justice of the juvenile court, a probation officer assigned to a juvenile
1125 court, appointed by the commissioner of probation, a district attorney, a designee of the
1126 committee for public counsel services, an education advocate, one member appointed by the
1127 Governor who is a parent and is not be an employee of the commonwealth, two members
1128 representing the legislature, one appointed by the Speaker of the House and one appointed by the
1129 President of the Senate.

1130 The secretary of health and human services and the chief justice of the juvenile court shall
1131 designate two board members to serve as chairs. All appointments to the board shall be made not
1132 later than thirty days after the effective date of this section. Any vacancy shall be filled by the

1135 appointing authority. The chairpersons of the board shall schedule the first meeting of the board,
1136 which shall be held not later than sixty days after the effective date of this section.

1137 (b) The Families and Children Requiring Assistance, Advisory Board shall (1) monitor the
1138 progress being made by the executive office of health and human services in developing a
1139 community based services network under section 16H of chapter 6A, (2) monitor the progress
1140 being made by the probation department in developing a system to collect data regarding requests
1141 for assistance made and how they are resolved as required by section 39R of chapter 119, (3)
1142 monitor the effectiveness of the juvenile court in providing assistance to children and families
1143 who file or are the subjects of requests for assistance under sections 39K through 39X of chapter
1144 119, (4) provide advice with respect to such implementation upon the request of the chief justice
1145 of the juvenile court, the commissioner of probation, the secretary of health and human services
1146 or the general court and make recommendations to the secretary annually whether there are
1147 sufficient resources and support to continue with the activities identified in the bill,

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1148 (d) Within 12 months of the effective date of this act, The Families and Children Requiring
1149 Assistance Board will require periodic data reports from EOHHS and the Court and review final
1150 data results and make recommendations to the secretary for funding and implementation of this
1151 act.

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1152 (e) Within 24 months The Families and Children Requiring Assistance Advisory Board will
1153 review the model design and make recommendations to the secretary for pilot programs
1154 including recommendations of whether there is sufficient information, workforce and funding
1155 available to prepare and implement a pilot program in 36 months.

1156

1160 (f) Within 36 months, The Families and Children Requiring Assistance Advisory Board will
1161 review the pilot results programs make a recommendation to the secretary of whether there is
1162 sufficient information, workforce and funding available to expand the pilot to other sites.

1163 (g) The Families and Children Requiring Assistance Advisory Board shall annually, not later
1164 than January 30th of each year, report in writing to the Governor and the house and senate
1165 committees on ways and means, the joint committees on children and families and the judiciary
1166 on the progress made on the implementation of section 16H of chapter 6A and sections 39K
1167 through 39X of chapter 119. In each annual report the advisory board shall report its expectation
1168 with respect to the likelihood that further progress toward the goals of the enabling legislation
1169 will be achieved in the coming year. The annual report shall also contain a recommended budget
1170 for the continued implementation activities to be undertaken in the following year. The board
1171 will make a final report on the implementation of section 16H of chapter 6A and sections 39K
1172 through 39X of chapter 119 together with any recommendations for legislative and regulatory
1173 changes not later than The report shall be public. The board shall terminate following submission
1174 of the final report.

1175 SECTION 12. Section 2(a) - (b) of chapter 16H as inserted by SECTION 1 of this act, shall take
1176 effective on July 1, 2011.

1177 SECTION 13. SECTION 7 and 10 shall take effect within 12 months of the effective date of this
1178 act.

1179 SECTION 14.

1180 SECTIONS 3 through 6, SECTIONS 8 and 9 shall take effect take effect no sooner than 48
1181 months after the effective date of the act, conditional upon the Secretary's written notice to the

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Deleted: [one year after the network is up – so 5 years?].

Deleted: on December 31, 20XX. SECTION 14. Section 4(a)(i) and Section 5 of chapter 16H as inserted by SECTION 1 of this act, shall take effective on July 1, 2014. ...

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Deleted: Section 4(a) (iii) through (v) of chapter 16H as inserted by SECTION 1 of this act, shall take effective on July 1, 2013....

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Commented [A18]: . [Senator's Office: - the system must be funded and fully operational before the current CHINS legislation is amended].

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1201 legislature that, subject to appropriation in any given year, the executive office has developed the
1202 capacity for a community based services network in accordance with the provisions of Section I
1203 of this Act. ▼

1204 ▼

Deleted: SECTION 5 shall take effect on July 1, 2014.

Deleted: SECTION 16. SECTIONS 6 through 10 shall take effect on July 1, 2013. [↑](#)

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