

S68
Families and Children Engaged in Services
Redraft of S2570

Section 1 (Lines 1-3)	Adds Section 16H to Chapter 6A, which pertains to EOHHS. Titled: Community-based service for families and children.	Comments
Chapter 6A. Section 16H.1. (Lines 4-15)	Legislative Findings and Policy of the Commonwealth	
16H.2. (Lines 16-30)	<p>Intent</p> <p>To address the needs of family and children in crisis and to preserve and strengthen families while ensuring the healthy emotional, mental, and social development of the child through the provision of an array of resources.</p> <p>Judicial intervention is to be reserved for those children and families who require services beyond community based services in order to achieve stabilization and resolution</p>	
16H.3. (Lines 31-52)	<p>Definitions</p> <ul style="list-style-type: none"> • <i>Child requiring assistance</i> – a child between the ages of 6 and 18 who: <ul style="list-style-type: none"> ○ Repeatedly runs away from the home of his parents or legal guardian, or ○ Repeatedly fails to obey the lawful and reasonable commands of his parents or legal guardian, thereby interfering with said parent's or legal guardian's ability to adequately care for and protect said child, or ○ Repeatedly fails to obey the lawful and reasonable regulations of his school, or ○ Child who is habitually truant. • <i>Secretary</i> – Secretary of the Executive Officer of Health & Human Services (“EOHHS”) • <i>Habitual truant</i> – a child between the ages of 6 and 18 who persistently and willfully fails to attend school for more than 8 school days in a quarter • <i>‘Family with children requiring assistance’</i>, the parents, guardians, siblings and any other relatives or caretakers responsible for a child 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 	
16H.4.a. (Lines 53-63)	<p>Community Based Service Program (“CBSP”). EOHHS responsibilities.</p> <p>EOHHS creates a network of community-based programs for children and families at risk of contact with the juvenile justice system or meet the definition of families with children requiring assistance.</p> <p>Grants may be subcontracted with other local providers.</p>	
16H.4.b. (Lines 64-69)	<p>Purpose of CBSP:</p> <ul style="list-style-type: none"> • To keep children with their families; • To enable children to continue as students in their community schools; • To strengthen the relationships with their families; and • To provide services for children at risk for dropping out of school or engaging in behavior adverse to them leading healthy and productive lives. 	

16H.4.c. (Lines 70-90)	EOHHS must: <ul style="list-style-type: none"> ○ Design models for delivery of services ○ Pilot alternative systems ○ Develop standards ○ Monitor and provide technical assistance to service providers ○ Adopt a standard intake tool, and ○ Create a data collection system 	
16H.5.a. (Lines 90-97)	EOHHS must make grants for: <ul style="list-style-type: none"> ● Planning, establishing, operating, coordinating, and evaluating centers. ● One in each geographic region defined as a service area for the delivery of behavioral health services to children under Rosie D. ● Two runaway treatment and prevention programs – one urban, one rural. 	
16H.5.b. (Lines 98-102)	<p>Preference given to the CSA for the service area that promotes efficiency and increased access to services.</p> <p>Applicants may be local schools, public agencies or private organizations or medical or mental health care providers if EOHHS determines that CSA is not fitting for CBSC.</p>	
16H.5.c. (Lines 103-123)	Minimum Proposal Requirements: <ul style="list-style-type: none"> ● 3-yr plan to develop, implement and coordinate local services ● Establish a local advisory board to focus on the needs of the children and families likely to be involved in the juvenile justice and children protection systems. ● Periodic evaluation of program. 	
16H.6.a. (Lines 124-127)	Eligibility Services are available to persons defined in 16H.3 .	
16H.6.b. (Lines 128-132)	Program staff may refer family and children to other services listed in 16H.5.	
16H.6.c. (Lines 133-137)	Children involved with the delinquency may participate depending on the determination of the program administrator, who will review the facts with caseworker, defense counsel and probation to decide.	
16H.6.d. (Lines 138-143)	Children in DCF custody may participate depending on the determination of the program administrator, who will review the facts with the CBS and DCF caseworkers, responsible adult, and defense counsel.	
16H.6.e. (Lines 144-147)	If a family or child is denied access to services for another reason, they are entitled to an explanation of why they were denied services and of other services available. Program must follow-up with family and provide notice regarding denial of participation	
16H.6.f. (Lines 148-153)	When denying services, the program must contact the family within 2 weeks of decision. The notice should be in a form acceptable to the juvenile court, and must list reasons for ineligibility.	
16H.7.a. (Lines 154-155)	Process for Seeking Services Children or families may seek services directly and do not need a referral.	
16H.7.b. (Lines 156-157)	Children or families may also be referred by probation officer or judge.	

16H.7.c. (Lines 158-159)	Employees of DCF may make referrals to CBSC.	
16H.7.d. (Lines 160-161)	Referrals may be made by any professions working with the family or children.	
16H.7.e. (Lines 162-170)	Before expelling children, schools must refer them to CBS. A frequently referring school must show that the school, child and family completed a DESE certified truancy program.	
16H.8. (Lines 171-216)	<p>Minimum Requirement for Services:</p> <ul style="list-style-type: none"> • Program must be open 24/7 • Initial response to contact within 6 hours • Stabilization of any crisis within a reasonable time • Assessment and screening of family within 72 hours and of entire household within 1 week • Assignment of a Case Manager (“CM”) to each family • Creation of a family service plan within 10 days of initial contact • Crisis counseling for the children and families • Parent training • Data collection • Crisis intervention residential placements for up to 72 hours • Information on all available community services • Voluntary respite residential placement for up to 21 days • Mediation or alternative dispute resolution • Information must be made available to the public 	
16H.9.a. (Lines 217-219)	Participation must be pursuant to a voluntary agreement of the parent/guardian and child, and may be terminated at any time.	
16H.9.b. (Lines 220-222)	<p>120 day term of services – extensions</p> <p>Services are provided for 120 days. Services may be extended for an additional 90-day period.</p> <p>Services may be extended for additional 90 day periods at the request of a court or probation officer.</p>	
16H.9.c. (Line 223)	Insurance provider will be billed for covered services.	
16H.9.d. (Lines 224-228)	Payment for services Parents pay for services that are not covered by insurance pursuant to sliding fee scale established by EOHHS.	
16H.9.e. (Lines 229-231)	In the absence of the consent of a parent or legal guardian, respite care may be provided to a child pursuant to the provisions and subject to limitations of MGL chapter 119, section 23, paragraph 7.	
16H.10.a. (Lines 232-238)	<p>Each family must have a CM who is responsible for:</p> <ul style="list-style-type: none"> • Developing a crisis stabilization plan, • Assisting in resolving issues that are administrative (surrounding insurance), interagency, and communicative (between providers), and • Putting into action resolution practices when needed. 	

16H.10.b. (Lines 239-245)	Case Staffing Team (“CST”) members vary depending on the needs of the child and family, including: CM, primary providers, school district representative, and may consist of other health and educational professionals.	
16H.10.c. (Lines 246-250)	Service Engagement Team (“SET”) consists of the Director and local advisory board members, and other professionals responsible for developing engagement strategies and issues surrounding initial engagement.	
16H.10.d. (Lines 251-261)	CM must develop a family service plan within 10 days of initial referral.	
16H.10.e. (Lines 262-267)	Plan’s progress must be reviewed to advise the CST of the need to make adjustments or terminate the case.	
16H.10.f. (Lines 268-280)	CM must request a meeting to review the plan when: <ul style="list-style-type: none"> • Family or child disagree, or do not participate in, the service or treatment; or • School state agency does not provide the services or treatment; or • CM needs help in creating an appropriate plan; or • Services are no longer appropriate due to child’s medical needs. 	
16H.10.g. (Lines 281-286)	Parent, guardian or child over 16 or CST member may request in writing that the CM convene a resolution meeting, which must take place within 7 days from the request.	
16H.11.a. (Lines 287-299)	Resolution Meeting <ul style="list-style-type: none"> • The purpose of the resolution meeting is to determine whether the goals of the family service plan have been achieved or whether further intervention is necessary. • The case may be discharged for the following reasons: <ul style="list-style-type: none"> ◦ Unlikely the family or child will benefit from additional services ◦ Family failed to cooperate with the service plan ◦ Service provider failed to provide the services ◦ Presenting behaviors are resolved. 	
16H.11.b. (Lines 300-304)	At any time, the parent or any member of the case staffing team may convene a disposition meeting to terminate the services if it is in the best interest of the family or child	
16H.11.c. (Lines 305-306)	Services may be extended to 90 days if the family, child and CM agree.	
16H.11.d. (Lines 307-309)	If referred to CBS by a court or probation officer, services may be extended for additional 90 day periods at their request.	
16H.12.a. (Lines 310-316)	Report s and documentation of services are not public record. Statements made by family while receiving services must be treated as confidential, may not be used in a school disciplinary proceeding and are not admissible as evidence in any subsequent court proceeding arising from the same circumstances unless the parent and child waive their privileges.	
16H.12.b. (Lines 317-319)	CBS members must report suspected abuse or neglect.	

16H.12.c. (Lines 320-324)	Unless indicated to the contrary, information about the case may be shared for treatment and case management purposes.	
16H.13. (Lines 325-335)	Advisory council to the Secretary of EOHHS An advisory council comprising commissioners of DPH, DMH, DCF, DYS, DTA, DPS, DESE , Probation, and representatives of various service providers, the Juvenile Court, municipal departments and districts will advise the secretary on the creation, operation and effectiveness of the program.	
16H.14. (Lines 336-338)	Annual report to the legislature Annually, the secretary will report to the joint committee on children, families, and persons with disabilities and the ways and means committees on the progress of the program.	
16H.15.	Omitted	
16H.16. (Lines 339-341)	Duplicate of 16 H.14.	
Section 2 (Lines 342-347)	DESE Grants for truancy prevention programs Creates a new grant program in DESE to assist schools with developing certified truancy prevention programs.	
Section 3 (Lines 348-353)	DESE Truancy prevention certification process Amends GL Ch 69 to require DESE to promulgate regulations for the certification process for local truancy prevention programs.	
Section 4 MGL 119, 39E-39J (Lines 354-355)	Removal of existing CHINS sections which are replaced with new sections Amends General Laws Chapter 119 by repealing Sections 39E to 39J and adding sections 39J to 39X.	

39K (Lines 356- 369)	<p>Definitions</p> <ul style="list-style-type: none"> • <i>Child requiring assistance</i> – a child between the ages of 6 and 18 who: <ul style="list-style-type: none"> ○ Repeatedly runs away from the home of his parents or legal guardian, or ○ Repeatedly fails to obey the lawful and reasonable commands of his parents or legal guardian, thereby interfering with said parent's or legal guardian's ability to adequately care for and protect said child, or ○ Repeatedly fails to obey the lawful and reasonable regulations of his school, or ○ Child who is habitually truant. • <i>'Family with children requiring assistance'</i>, the parents, guardians, siblings and any other relatives or caretakers responsible for a child 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 • <i>Habitual truant</i> – a child between the ages of 6 and 18 who persistently and willfully fails to attend school for more than 8 school days in a quarter • <i>Parent</i> – legal guardian or other person legally responsible for child's care. 	
39L (Lines 370- 372)	<p>Jurisdiction: Juvenile court has original and exclusive jurisdiction.</p>	
39M (Lines 373- 379)	<p>Nature of the Proceedings</p> <ol style="list-style-type: none"> 1. Proceedings will not be deemed criminal and will not be entered in the CORI system. The matter will not be labeled a 'probation case' for purposes of reporting to the CORI system, even if a probation officer is assigned to assist a child. 2. All proceedings under 39K to 39X are closed to the public. 	

39N (Lines 380- 427)	<p>Filing a request for assistance – allegations required</p> <p>A parent or legal guardian, school district, or police officer may initiate the process to determine whether a child or family is in need of assistance. To do this, the petitioner must file a request that alleges:</p> <ul style="list-style-type: none"> • Child meets the requirements based on the child's actions and age (see definitions 39M); • School has taken reasonable steps to improve school attendance and conduct (if filed by a school district); and • Child and family require services • Notice from community-based service program stating termination or intelligibility must also be attached to the request. • Police officers may substitute a statement that the child is at risk of harm for the notice • Parents may substitute a statement of their reasons why a referral would present a risk of harm; court must then immediately review and determine how to best help child and family. 	
39O (Lines 428- 444)	<p>Service of process</p> <p>Once a petition is filed, the court may summons the child and parent to appear</p> <p>Where one parent initiates the proceeding, the court provides notice to a parent or guardian who has not signed the request for assistance. The notice must state that if the child is placed with DCF, the parent may be named as a respondent in a child support hearing.</p>	
39P (Lines 445- 449)	<p>Scheduling the fact finding hearing</p> <p>The fact finding hearing must be scheduled for a date within 90 days after the request for assistance is filed.</p> <p>Upon agreement of the parent, child, probation officer and petitioner the hearing may be postponed for another 90 days.</p>	
39Q (Lines 450- 466)	<p>Appointment of counsel to child and parent</p> <p>Counsel is appointed to the child when the request for assistance is filed.</p> <p>Parents are informed of their right to counsel, if parents are indigent, counsel is appointed.</p> <p>The parent or guardian will pay the cost of appointed counsel to the extent s/he is able to pay; if the parent is not indigent, the court will assess a \$300.</p>	

39R (Lines 467-509)	<p>Responsibilities of probation – Duration of preliminary inquiry – Data collection</p> <ul style="list-style-type: none"> Upon filing of a request for assistance the clerk assigns a probation officer who shall conduct a preliminary inquiry. The PO has discretion to: <ul style="list-style-type: none"> Refer the family to the community based service program Refer the family directly to services Confer with family and enter into an agreement on actions to be taken to resolve the crisis Present the matter to the court if the family fails to participate. Services will be provided for up to 90 days unless the parent, child, and petitioner voluntarily agree to services for an additional period up to 90 days. At the end of the initial or additional 90-day period, the child and family will either: <ul style="list-style-type: none"> Be dismissed from further participation in the services, or Fact finding hearing will be held to determine whether the child is in need of services. Probation officers shall collect data in which is in substance and format compatible with information gathered by CBSP. Commissioner of Probation will establish a data collection system to assist probation officers and the court in addressing the needs of the populations served, and to evaluate the effectiveness of services provided. Commissioner reports annually to the Child Advocate. 	
39S (Lines 356-369)	<p>Temporary DCF custody – No locked facilities</p> <p>After a hearing, if the court finds a child is unlikely to appear at a disposition hearing, then the court may order the child into the <u>temporary custody</u> of DCF.</p> <p>Such an order may be valid for 15-45 days.</p> <p>A child who is the subject of a request for assistance may not be confined in shackles or similar restraints or in a court lockup facility in connection with any proceedings pursuant to Sections 39K through 39X.</p>	
39T (Lines 523-526)	<p>Right to withdraw request</p> <p>Upon a showing that the circumstances which brought the matter before the court are resolved, the petitioner may withdraw the request for assistance prior to a disposition hearing.</p>	
39U (Lines 527-555)	<p>Fact finding hearing</p> <p>Evidence will be presented at the hearing by the petitioner and the community services CM. The probation officer will present a recommendation to the court. The court will review the notice of termination of services. With the consent of the family the court will review written reports created by the community services program, and any other documentation of services.</p> <p>At the hearing the court will do one of the following:</p> <ul style="list-style-type: none"> Dismiss the request for assistance because the circumstances have been resolved; Adjourn the hearing for up to 60 days and order that the child and family return to the community program for additional services or to probation; Schedule a disposition hearing upon finding that there is probable cause that the child requires assistance. <p>No statements made by the child or family prior to the hearing may be admitted at the fact finding hearing, without the consent of the person making the statement, but they may be received at the disposition hearing.,</p>	

39V (Lines 556- 623)	<p>Disposition hearing</p> <p>1. At disposition hearing the parents have the right to be heard.</p> <p>Petitioner has burden of proof. Allegations must be proven by preponderance of evidence.</p> <p>2. Upon finding a child or family to “require assistance,” the court convenes meeting of probation officer, community program CM, the petitioner, the child’s school, and the parent or guardian to determine the appropriate treatment and services for the family and placement for the child. Those persons present written findings.</p> <p>The court may make one of the following dispositions:</p> <ul style="list-style-type: none"> • Permit the child to remain with the parents, subject to conditions regarding treatment and supervision. • Place the child in the care of a relative, licensed private charitable or childcare agency, or other private organization qualified to care for the child • Place the child in the custody of DCF. <ul style="list-style-type: none"> ○ DCF may not refuse out-of-home placement if court has made required determinations. ○ DCF may not refuse request of child for out-of-home placement if there is a history of abuse and neglect in the home. ○ DCF will direct type and length of out of home placement. ○ Whenever DCF does not carry out the recommendations of the court in the placement of the child DCF must provide written documentation to the court of the new treatment plan. • Require any state agency to offer services to the child and/or family. If the agency cannot perform these services they must provide a written statement as to why to the court and the legislature. • The court may not place the child in the custody of DYS or in a locked facility. <p>3. A child found in need of assistance may not be placed in any locked facility. However, the child may be placed in a facility caring for children adjudicated delinquent if that facility provides therapeutic care.</p>	
39W (Lines 624- 632)	<p>Duration of disposition orders</p> <p>Disposition orders will be in effect for up to 90 days and may be extended for up to 3 additional 90-day periods if the court determines that the goals have not been accomplished and that extension of the disposition order would further the goals. Orders may be extended if child and family are not participating in good faith.</p> <p>Orders expire when the child turns 18.</p>	

39X (Lines 633- 667)	<p>Custodial Protection</p> <p>A child may be taken into custodial protection if the child did not obey a summons or if the law enforcement officer believes the child has run away and will not respond to a summons.</p> <p>The officer must immediately notify the parent after a child is taken into custodial protection.</p> <p>A child must be released to the parent or guardian in the absence of special circumstances. A child may not be placed in a locked facility at any time.</p> <p>A child may be taken to a medical facility for treatment or observation if necessary.</p> <p>After attempting to notify the parent, the officer must do one of the following:</p> <ul style="list-style-type: none"> • Release the child to the custody of the parent or guardian with the promise that the child will be brought to the local Community Based service program. • Take the child directly to the Community Based Service program in the appropriate geographic area. • Release the child to DCF if the child is or has been in the care and custody of the department. • If all else fails, take the child directly to juvenile court. 	
Section 5 (Lines 668-676)	<p>Coordination among state agencies and local</p> <p>Requires that EOHHS, DPH, DMH, DOS, DCF, DYS, DTA, DESE, Probation, juvenile court, municipal police and school departments enter into memoranda of understanding among themselves to <u>coordinate, deliver, and fund the services</u> to children and families who are not eligible for community-based services.</p>	
Section 6 (Lines 677-679)	<p>Pilot program for runaway girls</p> <p>EOHHS directed to pilot a program to address the needs of girls who run away.</p>	
Section 7 (Lines 680-684)	<p>Pilot truancy prevention program</p> <p>DESE is directed to pilot a truancy prevention program using a restorative justice format in at least one urban high school. DESE shall then evaluate the program and report the results to the BOE.</p>	
Section 8 (Lines 685-687)	<p>Coordination of programs</p> <p>EOHHS is to study and report on existing programs and any programs being developed by any department within EOHHS that provides services to children with behavioral, mental or emotional needs. The report shall include a proposal to coordinate such services and pay for said services.</p>	
Section 9 (Lines 688- 690)	<p>High School Drop-out Age – Technical</p> <p>Changes the age from 16 to 18 years old that a child can drop out of high school.</p>	
Section 10 (Lines 691- 369)	<p>High School Drop-out Age – Technical</p> <p>Changes the age from 16 to 18 years old that a child can drop out of high school.</p>	