

Topics	Current Legislations	Proposed Legislation
Definition of CHINS	<p>A child between 6 and 17 who:</p> <p>(a) Repeatedly runs away from home, (b) refuses to obey the lawful and reasonable commands of his parents or legal guardian, (c) violates the lawful and reasonable regulations of his school, (d) willfully fails to attend school for more than 8 days in a quarter. (119:21, 8-16)</p>	<p>Changes the age to any child under 18. (338)</p> <p>Includes a definition for habitual truant as a school-aged child who willfully fails to attend more than 8 days of school in a quarter. (347-349)</p>
Jurisdiction	<p>The juvenile court may receive and hear petitions seeking a determination that a child is in need of services. Proceedings shall not be criminal. (119:39E, 1-8)</p>	<p>Juvenile court has original and exclusive jurisdiction. Proceedings shall not be criminal. (351-360)</p>
Standing	<p>The following people can file an application:</p> <ul style="list-style-type: none"> • A parent of legal guardian having custody of child • A police officer , if the child is a runaway • A supervisor of attendance, but only if child is truant or a school offender(39E: 9-18) 	<p>The following people can file a request for assistance:</p> <ul style="list-style-type: none"> • A parent or legal guardian • A police officer, if child is a repeat runaway • A school district, but only if child is a habitual truant or school offender. (392-397)
Appointment of Counsel	<p>Child has the right to counsel and if not able to retain counsel the court shall appoint counsel. If parent or guardian is determined not to be indigent then the court shall assess fees up to \$300. (39F: 1-12)</p>	<p>Child has the right to counsel and if not able to retain counsel the court shall appoint counsel. (469)</p> <p>Each parent or legal guardian has right to participate as a party in any proceedings and has a right to counsel separate from the child. (475-479) If parent or guardian is determined not to be indigent then the court shall assess fees up to \$1000. (480-481)</p>
Procedure (A) Filing Application/Request for Assistance	<p>A parent, a police officer, or a supervisor of attendance may apply for a petition, and then a date is set for a hearing to determine whether a petition should be issued. The clerk must notify the child of the hearing. If child is brought in on arrest the petition shall be issued. In both cases an inquiry is made into whether the best interests of the child can be served by informal assistance. (39E: 19-36)</p>	<p>Filing a request for assistance begins the process of determining whether or not a child is in need of services. A request may be filed by a parent, a police officer, or a school district. When a request for assistance is made, the clerk shall provide the petitioner the option of referring them to community based services. Petitioner may waive such services and have the clerk accept the request of assistance. (426)</p>
Procedure	<ul style="list-style-type: none"> • If child is not brought in on arrest, after a 	<ul style="list-style-type: none"> • When a request for assistance has been filed

<p>(B) Informal Assistance</p>	<p>preliminary inquiry a court may refer a child to informal assistance. (39E: 19-29)</p> <ul style="list-style-type: none"> • If a child is brought in on arrest a probation officer shall make an immediate inquire into whether the child can best be served by informal assistance. (39E: 32-36) <p>Formal assistance shall last for no more than 12 months. It starts with a 6 month contract and can be extended once for another 6 month period if all parties agree.</p>	<p>clerk can provide the petitioner with an option of being referred to community-based services. (403-407)</p> <ul style="list-style-type: none"> • During a preliminary inquiry conducted by a probation officer he may refer a family and child to community based services. (488-496) • After a fact finding hearing the court may determine it is in the best interest of the child to refer said child to additional community based services.(580-582 & 587-590) • If a child is taken into custodial protection an officer shall <ul style="list-style-type: none"> ○ release said child into the custody of his parent or guardian upon written promise that the child will be brought to a program to provide community-based services. (685-691) ○ take the child directly to community based services. (695-700) 	
<p>Procedure (C) Hearings</p>			
<p>Procedure (D) Disposition</p>	<p>After adjudication the court may:</p> <ul style="list-style-type: none"> • Permit the child to stay at home (39G: 8-12) • Place the child in the care of a qualified relative or other adult (39G: 16-18) • Place the child in the care of licensed childcare agency or other qualified private organization (39G: 18-23) • Commit the Child (39G: 24-26) <p>The initial dispositional order may be imposed for a term not to exceed 6 months; provided, however, an order may be extended for subsequent 6 months after an additional hearing. (39G: 46-51)</p>	<p>After adjudication the court may:</p> <ul style="list-style-type: none"> • Permit the child to stay at home • Place the child in the care of a qualified relative or other adult • Place the child in the care of licensed childcare agency or other qualified private organization • Commit the Child (615-638) <p>Any order of disposition may be imposed for a term of not more than 120 days; provided, however, that after a hearing the court may extend its duration for up to three additional periods, each period not to exceed 90 days.</p>	
<p>Procedure (E) Summons, Arrest, Bail</p>	<p>When the court issues a summons to a child then the court shall issue a summons to either both the parents, or the parent who resides in the Commonwealth, or to the parent with custody or the legal guardian if neither parent resides in the commonwealth. (39E: 85-92)</p>	<p>Copy of a request for assistance and a summons shall be issued requiring the child and each parent to appear at the court. An exception being when a parent files a request for assistance and both parents are living together, then a summons is not required. If parents are not living together then a summons shall</p>	

	<p>A child may be arrested for behavior in the description of CHINS only if they failed to obey a summons or if the arresting officer has probable cause to believe that the child has run away from home and will not respond to a summons. (39H: 1-6)</p> <p>If a CHINS determination is made, and the court believes the child will likely not appear at any hearings or if a child fails without good cause to respond to a summons, the court may order the child be admitted to such bail or released upon reasonable conditions. If the child fails to post bail, and is not otherwise released, detain the child subject to limitations. (39H: 42-65)</p> <p>Arrest is allowed only if the child has failed to obey a summons, or if the police officer initiating 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. An officer shall then notify:</p> <ul style="list-style-type: none"> • Probation officer in district or who know child • DCF, if child has been in there care <p>Then the officer shall attempt the following placements:</p> <ul style="list-style-type: none"> • Parent or guardian, or • Temporary shelter <p>(39H: 1-38)</p>	<p>be issued to the parent who did not issue the request. (427-438) Where the court summons such child, the court shall in addition issue a summons to both parents of the child, if both parents are known to reside in the commonwealth, or to one parent if only one is known to reside within the commonwealth, or, if there is no parent residing in the commonwealth, then to the parent having custody or to the lawful guardian of such child. (443-447)</p> <p>Arrest is allowed only if the child has failed to obey a summons, or if the police officer initiating 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. Once in custody the child's parents must be notified immediately. Once reasonable efforts to notify parents have been made the officer shall:</p> <ul style="list-style-type: none"> • release child to parents or legal guardian, • take child directly to program designated to provide community-based services. • release child to DCF, if child has been in the care or custody of DCF • take the child to juvenile court, only if attempted first 3 options. <p>Child may not be held in lockup. (676-712)</p>
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