

Docket Number: **SD01935**

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



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT REGARDING COMMUNITY SERVICES FOR CHILDREN AND FAMILIES

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

- 1 SECTION 1. The General Laws as appearing in the 2004 official edition are hereby
- 2 amended by adding after chapter 6A, section 16G the following new section:
- 3 Section 16H. Community-based crisis intervention services for families and children
- 4 1. *Whereas*, families in the commonwealth whose children are truant, runaway, and
- 5 acting in a fashion that results in their parents inability to adequately care for and protect
- 6 said children are families in crisis; and
- 7 *Whereas*, the issues facing said children and families are complex and the services which
- 8 would best assist such families are not available from a single agency or department of
- 9 the commonwealth and 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, the current efforts to help said children and families lack accountability and consistency; and

Whereas, services are not consistently available in all communities;

Therefore, it shall be the policy of the Commonwealth to develop a flexible, consistent, accountable system of community-based programs to assist said children and families.

2. It is the intent of the General Court to create an accountable, community based crisis intervention system that provides consistent services throughout the Commonwealth to address the needs of families and children in crisis, by providing them with an array of resources. The goal of said system is to preserve and strengthen families while ensuring the healthy emotional, mental and social development of the child. These services shall focus on creating a stable environment and strengthening the family as a whole while emphasizing parental responsibility.

Said community based system shall provide the family and child with immediate responses for the stabilization of the family as well as to connect the family to additional services in the community through referrals and advocacy. The services provided to the families and children involved shall be provided on a continuum of increasing intensity with the goal of keeping the child out of the juvenile justice system.

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.

3. For the purpose of this act, the following words shall have the following meanings:

33 'Child requiring assistance': a child between the ages of six and eighteen who repeatedly
34 runs away from the home of his parents or legal guardian, or repeatedly fails to obey the
35 lawful and reasonable commands of his parents or legal guardian, thereby resulting in
36 said parent's or legal guardian's inability to adequately care for and protect said child, or
37 repeatedly fails to obey the lawful and reasonable regulations of his school, who is
38 habitually truant;

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39 'Secretary': the secretary of the executive office of health and human services;

40 'Habitually truant': a child between the ages of 10 and 18 who is not otherwise excused
41 from attendance in accordance with the lawful and reasonable regulations of his school
42 repeatedly fails to attend school for more than 8 school days in a quarter.

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Deleted: or a child between the ages of six and sixteen

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43 'Family with children requiring assistance', the parents, guardians, siblings and any other
44 relatives or caretakers responsible for a child between the ages of 6 and 18 who need
45 assistance from state, local, or private agencies or providers of social, educational, health,
46 or mental health services in order to adequately provide for the care and protection of the
47 child. (CONSIDER IOWA – 'A FAMILY IN WHICH THERE HAS BEEN A

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48 BREAKDOWN IN THE RELATIONSHIP BETWEEN A CHILD AND THE
49 CHILD'S PARENT OR GUARDIAN' 232.2 AND THE PETITIONER SHALL ALLEGE
50 THAT THERE HAS BEEN A BREAKDOWN IN THE FAMILIAL RELATIONSHIP
51 AND THAT THE PETITIONER HAS SOUGHT SERVICES FROM PUBLIC OR
52 PRIVATE AGENCIES TO MAINTAIN AND IMPROVE THE FAMILIAL
53 RELATIONSHIP. [C79, 81, §232.125])

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61 4. (a) The secretary shall create a network of child and family service programs
62 throughout the commonwealth to provide community-based crisis intervention services to
63 all children and families who are at risk of contact with the juvenile justice system or the
64 child protection system, families with children requiring assistance, and children who
65 require assistance. The secretary may enter into contracts with private non-profit
66 organizations to implement the program and provide services.

67 (b) The purpose of the community-based crisis intervention services program shall be to
68 assist families in crisis so that children will be able to continue residing with their
69 families in their home communities; assist families to enable children to continue as
70 students in their community schools; strengthen the relationships between children and
71 families; and provide coordinated, comprehensive, community based services for
72 children at risk of dropping out of school, delinquency, or engaging in behaviors which
73 impede the likelihood of their leading healthy productive lives.

74 (c) The secretary shall:

75 (i) design models for delivery of community-based crisis intervention services by
76 community based organizations and collaborations of public and private
77 organizations;

78 **(CONSIDER A REFERENCE IN THIS SECTION TO ROSIE D.)**

79 (ii) pilot alternative systems ~~to address the problem of children running away~~
80 from their parents or legal guardians;

81 (iii) develop standards necessary to achieve and maintain, on a statewide basis,
82 comprehensive and integrated community-based crisis intervention services for
83 children and families;

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(iv) monitor and provide technical assistance to providers of community-based crisis intervention services;

(v) adopt a standard intake screening and assessment tool to evaluate all families and children seeking community-based crisis intervention services which identifies family strengths and resource and service needs such as mental health or substance abuse treatment, basic family shelter, clothing, and food needs, child care needs, health insurance status, legal issues, education placement and child protection;

(vi) create a data collection system for use by programs 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 for services, and other information that may assist the program and the secretary in providing services and evaluating the effectiveness of community-based crisis intervention services.

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5. (a) The secretary shall make grants for the purpose of planning, establishing, operating, coordinating and evaluating programs which will provide community-based crisis intervention services. The secretary shall issue requests for proposals for the provision of community-based crisis intervention services and such requests for proposals shall include among its requirements that applicants submit a plan for:

(i) coordination of direct services for families from public and private providers;

(ii) creation of a local advisory board which is broadly representative of the members of the community concerned for and experienced with the needs of families and children at risk of involvement in the juvenile justice system and the child protection system and includes, but is not limited to: representatives from school districts, police officers, juvenile probation officers, district attorneys, attorneys who represent children, mental health clinicians, parents, youth, local religious organizations, representatives of local businesses, higher education, social service agencies, public health agencies, and other persons with experience in assisting troubled youth and families in crisis. Membership shall be broadly representative of the racial, ethnic and economic diversity of the community. The local advisory boards shall create a subcommittee for each municipality in the service area which shall consist of a representative from the school department and the police department and at least one other member of the advisory board;

(iii) periodic evaluation of the success in achieving program goals, a process for making adaptations and improvements based on evaluation information.

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(b) Subject to appropriation, at least one grant shall be awarded for the operation of a community-based crisis intervention services program in each juvenile court district and, where appropriate, in each juvenile court division, as defined in the General Laws Chapter 218, Section 57. Additionally grants shall be awarded for at least one truancy prevention program **(CONSIDER GIVING THIS GRANT TO THE DOE –)** and one runaway treatment and prevention program, each in an urban location. Grants may award funding for up to three years, subject to appropriation and based on evidence of effectiveness and the submission of annual reports to the secretary.

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132 (c) Proposals may be submitted by a local school or other local public agency or private
133 non-profit organization or medical or mental health care providers. Existing organizations
134 or coalitions of organizations which provide or coordinate social, educational, health, or
135 mental health services to children or families may be given preference in awarding grants
136 wherever additional coordination will promote efficiency and increased access to services.
137 Applicants must demonstrate expertise in dealing with children and families who are at
138 risk of contact with the juvenile justice system or the child protection system and
139 program staffing which meets the credentialing and caseload criteria as defined by the
140 secretary.

141 6. (a) Community-based crisis intervention services shall be available to children between
142 the ages of 10 and 18 who are habitually truant or children between the ages of 6 and 18
143 who runaway from the home of their parents or legal guardian, or refuse to obey the
144 lawful rules of their parents or legal guardian, or repeatedly fail to obey school rules, and
145 to families whose children engage in such behaviors. **(CONSIDER THE IOWA**
146 **STATUTE 232.2 – ‘A FAMILY WHERE THERE HAS BEEN A BREAKDOWN IN**
147 **THE RELATIONSHIP BETWEEN A CHILD AND THE CHILD’S PARENT OR**
148 **GUARDIAN’)**

149 (b) Participation in community-based crisis intervention services shall be voluntary.
150 Families or children may terminate their involvement at any time. Services may be
151 provided for 120 days. After the initial 120 day period, families or children and the
152 community-based crisis intervention services program representative may agree to extend
153 services for up to an additional 90 days.

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(c) Staff of the program offering community-based crisis intervention services shall be required to report suspected physical or emotional abuse or neglect of a child pursuant to General Laws Chapter 119, Section 51A.

7. (a) A child or family may seek assistance from a community-based crisis intervention services program directly and without referral. Children and families may be referred to local programs offering community-based crisis intervention services by a police officer, probation officer, clerk of court, court employee, judge, school administrator, pediatrician or other mental health or medical provider treating a child. Provided that, when a school administrator refers a child for habitually truant behavior, it must show that the school, child, and family have completed a department of education certified truancy program if such a program is available at the school.

(b) Whenever the staff of the program offering community-based crisis intervention services determines that a family or child seeking or referred for services is experiencing significant family violence, or that the child is in need of protection from abuse or neglect or that the child has significant and complex medical needs which cannot be met by the program, or the child's behavior presents a significant risk of harm to the child or the community then the child and family shall be referred to other services, pursuant to SECTION 5 of the Act which created this Section.

(c) Where a youth has been charged with a delinquency offense or adjudicated delinquent (AND CURRENTLY IN THE CUSTODY OR UNDER SUPERVISION OF DYS ????), participation in community-based crisis intervention services shall be determined by the program administrator after a review of the facts surrounding the offense by a

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team consisting of community-based crisis intervention services caseworker, probation officers and the counsel representing the child in the delinquency matter.

(d) Where the child is in the custody of the department of social services and residing in an out of home placement, participation in community-based crisis intervention services shall be determined by the program administrator after a review of the facts surrounding the placement by a team consisting of the community-based crisis intervention services caseworker, the department of social services caseworker and any counsel representing the child in the matter of placement and custody.

(e) Where a child or family is denied access to community-based crisis intervention services for reasons other than those described in this section the program shall provide a written explanation of reasons for exclusion and the identification of other community based services and resources available to them.

(f) When a child or family is denied services pursuant to this section the program shall contact the family in person or by telephone within two weeks after the denial decision to determine if the other appropriate services have been obtained and whether or not community-based crisis intervention services are now appropriate. The program shall provide to the family and child a notice, in a form acceptable to the juvenile court, stating that the family is not eligible for community-based crisis intervention services and listing the reasons for ineligibility.

(g) The program shall make available to the public information identifying a variety of community based educational, social, medical and mental health services available to assist families and children.

8. (a) Community-based crisis intervention services shall include but are not limited to:

205 (i) Program representatives available to respond to requests for service 24 hours a
206 day, 7 days a week;

207 (ii) Initial response to referral or request for services by a family or child which
208 includes a meeting to determine the circumstances which resulted in the request or
209 referral within two hours of contact; ~~(SHOULD WE ELIMINATE THE~~

210 ~~REQUIREMENT FOR A MEETING? MOVE IT TO STABILIZATION~~
211 ~~OR ASSESSMENT LEVEL?)~~

212 (iii) Stabilization of any crisis which initiated the referral or request within six
213 hours;

214 (iv) Assessment and screening of each person requesting services and, if possible,
215 all family members residing in the household, using the standard intake tool as
216 established by the secretary pursuant to section 4(c), within seventy-two hours of
217 referral or request. The person conducting the assessment and screening must
218 note the reasons why any family member was not screened within seventy-two
219 hours of the initial request, and must complete the screening process for all family
220 members residing in the household within one week of the initial referral;

221 (v) Assignment of a case manager to each family upon assessment;

222 (vi) Creation of a family service plan which includes: ~~strength based assessment~~
223 ~~and statement of family needs~~, presented; needs of the child; needs of the parents,

224 legal guardian, or legal custodian; measurable objectives that address the
225 identified problems and needs; services and treatment to be provided by the
226 community-based crisis intervention services or to which the family and child will
227 be referred, which may include, but are not limited to: community medical and

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231 mental health services, assistance with obtaining special education evaluation and
232 services and remedial education services, assistance with insurance coverage

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233 issues; recreational services; mediation and family group conferencing. For each
234 service or treatment included the plan shall contain a statement clearly
235 identifying: the type of services or treatment, frequency of services or treatment,
236 location, responsible service providers or staff, and timeframes for achieving the
237 plan objectives. The service plan shall be reviewed by the family before
238 implementation;

239 (vii) Periodic review of the family service plan by the case manager to determine
240 whether it is being followed and if it is effective;

241 (viii) Intensive crisis counseling for both children and families;

242 (ix) Parent training in appropriate skill areas directly related to the needs of the
243 family;

244 (x) Data collection in a format as required by the secretary for each referral or
245 request which protects the privacy of the individuals seeking services while
246 providing a means to insure that information necessary to optimize the likelihood
247 of successful outcome for each person seeking services and to permit the
248 evaluation of the effectiveness of the program;

249 (xi) Compilation and dissemination to the general public of information about
250 family support resources and services available in the community;

251 (xii) Crisis intervention residential placements for children for up to 72 hours;

252 (xiii) Voluntary respite residential placement of the child for up to 21 days (ASK

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253 **THE EXECUTIVE STEERING COMMITTEE FOR ADVICE ON WHETHER**

OR NOT CHILDREN SHOULD BE ALLOWED RESPITE IN THE ABSENCE OF PARENTAL CONSENT.); and

(xiv) Mediation or alternative dispute resolution.

(b) Services and treatment for families be pursuant to a voluntary agreement of the parent or legal guardian and the child. The program shall advise the parents or legal guardian that they are responsible for contributing to the cost of the child or family services and treatment to the extent of their ability to pay. Programs shall charge and collect fees for services and treatment provided to families and children at rates established by the secretary.

9. (a) The case manager shall request a meeting of the family and child with a case staffing team to review the family service plan of any family or child if:

(i) The family or child is not in agreement with the services or treatment offered;

(ii) The family or child ~~does~~ not participate in the services or treatment selected;

~~(iii) a school, state agency, or private service provider does not provide the services or treatment selected.~~

~~(iv) The case manager needs assistance in developing an appropriate plan for the provision and funding of services.~~

The time and place selected for the meeting shall be convenient for the child and family.

(b) The composition of the case staffing team shall be based on the needs of the family

and child. It shall include a representative from the child's school district, and may

include a supervisor of the case manager; representatives from the area of health, mental

health, substance abuse, social, or educational services; a representative of the district

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attorney; a probation officer, the child's attorney, and any person recommended by the child, family, or case manager.

(c) The case staffing team shall reach a timely decision on a family service plan which meets the needs of the child and family.

(d) Upon receipt of the plan, the child and family shall ~~accept or reject~~ the services and provisions in writing. ~~Each service provider identified in the plan shall also accept or reject their participation in writing.~~ If the plan is accepted, it shall be implemented immediately.

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(e) The case manager ~~and the family~~ shall be equally responsible for implementing the plan. The case manager shall periodically review the progress towards achieving the objectives of the plan in order to:

- (i) Advise the case staffing team of the need to make adjustments to the plan; or
- (ii) Terminate the case as indicated by successful or substantial achievement of the objectives of the plan.

(f) The parent or legal guardian ~~or child who is over the age of 16~~ may convene a disposition meeting of the case staffing team, and any other member of the team may convene a disposition meeting at any time if the member finds that doing so is in the best interest of the family or child. A disposition meeting requested by a parent or legal guardian ~~or child who is over the age of 16~~ must be convened within 7 days, excluding weekends and legal holidays, after the date the case manager receives the request in writing.

10. (a) ~~120~~ days after the assessment and screening of a child and family referred to or requesting community-based crisis intervention services, the case manager shall meet

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307 with the family and child, or with the case staffing team if one has been created, in order
308 to determine whether or not services should be extended for ~~an additional~~ 90 days. If the
309 family, child and case manager agree to extend services they shall be extended, if they
310 agree not to extend then the case manager shall convene a disposition meeting.

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311 (b) If services are extended then at the end of the second 90 day period the case manager
312 shall convene a disposition meeting.

313 (c) ~~If the family was referred to community-based crisis intervention services by a court or~~
314 ~~a probation officer then~~ services may be extended for additional 90 day periods at the
315 request of ~~the~~ court or probation officer.

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316 11. (a) A disposition meeting shall be convened by a case manager so that the family and
317 child and case manager and case staffing team, if one has been created, may determine
318 whether the goals of the family service plan have been achieved or if further intervention
319 is in the best interest of the family and child. After the meeting the case manager shall
320 determine the disposition of the case as follows:

321 (i) that it is unlikely the family and child will benefit from additional community-
322 based crisis intervention services and the case is discharged, or

323 (ii) that the family failed to cooperate with the service plan and the case is
324 discharged, or

325 ~~(iii) that the public or private agencies designated in the plan to provide specific~~
326 ~~services did not provide those services and the case is discharged; or~~

327 ~~(iv) that the crisis is resolved and the case is discharged.~~

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328 (b) Within 7 days after meeting, the case staffing team shall provide the parent or legal
329 guardian with a written report that details the reasons for the decision. The report shall

334 contain a written statement of the circumstances which brought the family and child to
335 the program. The report shall contain a notice, in a form acceptable to the juvenile court,
336 stating that community-based crisis intervention services have terminated and whether or
337 not the case manager believes it is likely that the child and family would benefit from
338 further services.

339 (c) The report and any documentation of services provided to the family and child shall
340 not be public records. Statements made by the family and child while receiving services
341 from the program shall be treated as confidential and may not be admitted into evidence
342 in any court proceeding arising from the circumstances which brought the family and
343 child to the program, unless the child and family waive confidentiality or unless a court
344 finds that such inadmissibility would result in substantial harm to the child, (CAN WE,

345 SHOULD WE, SPECIFY, THAT STATEMENTS CANNOT BE ADMISSIBLE IN
346 YOUTHFUL OFFENDER OR CRIMINAL CASES?)

347 12. There shall be an advisory council which shall advise the secretary on creation,
348 operation and effectiveness of the community-based crisis intervention services program.
349 Members shall include the commissioners of the departments of public health, mental
350 health, mental retardation, social services, youth services and transitional assistance,
351 education and public safety, the commissioner of probation, the chief justice of the
352 juvenile court, a district attorney, members of the bar who represent children in juvenile
353 court proceedings, a designee of the committee on public counsel services, and education
354 advocate (WHAT IS THE PROPER DESIGNATION OF THIS PERSON?)
355 representatives of urban, suburban and rural municipal police departments and school

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356 districts, providers of service to children and families, ~~parents, and young adults who~~
357 ~~have participated in a community-based crisis intervention services program.~~

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358 13. The secretary shall report annually on February 1, to the joint committee on children,
359 families and ~~persons with disabilities and~~ the house and senate committees on ways and
360 means on the progress of the community-based crisis intervention services program.

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361 SECTION 2: Section 1N of Chapter 69 of the General Laws is hereby amended by
362 adding at the end of subsection (b) the following new paragraph:

363 “grants may be awarded to assist schools in planning and implementing truancy
364 prevention programs which meet the certification requirements established pursuant to
365 section 1O of Chapter 69.”

366 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section
367 1N the following new section:

368 Section 1O

369 The Department of Education shall promulgate regulations establishing a truancy
370 prevention program certification process. School districts may establish a truancy
371 prevention program which meets the requirements for certification by the department and
372 apply to the department for certification.

373 ~~**THIS SECTION 3 NEEDS CHANGES PER MEETING WITH DOE, e.g Program**~~
374 ~~**must address school policy and practices, student focused remediation and**~~
375 ~~**intervention ...**~~

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377 SECTION 4

380 Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to 39J,
381 inclusive, and adding the following new sections:

382 Section 39K. “Child requiring assistance”, a child below the age of eighteen who

383 ~~repeatedly~~ runs away from the home of his parents or legal guardian, or ~~repeatedly fails~~

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384 to obey the lawful and reasonable commands of his parents or legal guardian, thereby

385 resulting in said parent’s or legal guardian’s inability to adequately care for and protect

386 said child, or ~~repeatedly fails to obey~~ the lawful and reasonable regulations of his school,

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387 ~~or~~ who is a habitual truant.

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388 “Habitual truant”, a child who ~~fails~~ to attend school for more than 8 school days in a

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389 quarter ~~without a reasonable excuse~~.

390 Section 39L.

391 1. The Juvenile court department has original and exclusive jurisdiction over any
392 proceeding involving a child alleged to require assistance.

393 2. On its own motion and at any time during proceedings brought under sections 39K
394 through 39X, the court may substitute a care and protection petition pursuant to Chapter
395 119 section 24 of the General Laws for a request for assistance to determine whether a
396 child requires assistance.

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

406 Section 39M Nature of the Proceedings

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

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

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

418 Section 39N.

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

421 (a) that the child ~~repeatedly~~ runs away from the home of his parents or legal
422 guardian, or ~~repeatedly fails~~ to obey the lawful and reasonable commands of his
423 parents or legal guardian, thereby resulting in said parent's or legal guardian's
424 inability to adequately care for and protect said child, or that the child is

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432 habitually truant or ~~repeatedly fails to obey~~ the lawful and reasonable regulations
433 of his school;

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

Deleted: or under the age of 16 if habitual truancy is alleged;

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

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437 (d) when the petitioner is a school district, the request for assistance shall also
438 include a statement of the reasonable steps taken by the responsible school district
439 to improve the school attendance and conduct of the child. The request for
440 assistance shall also state whether or not the child and his family have participated
441 in truancy prevention program certified by the department of education pursuant
442 to chapter 69, section 10;

443 (e) that the child requires ~~services~~.

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

445 (a) a police officer;

446 (b) the parent, legal guardian or other person legally responsible for the child's
447 care;

448 (c) a school district;

449 3. The petitioner shall attach to the request for assistance the notice of termination of
450 community-based crisis intervention services as provided for in chapter 6A, section

455 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H (7)(e).

456 Except as provided below, the clerk shall not accept for filing any request for assistance
457 that does not have attached thereto said notice of termination or ineligibility.

458 Any person or agency seeking to file a request for assistance pursuant to this section
459 which does not have attached thereto the notice of termination of community-based crisis
460 intervention services shall be referred by the clerk of the court to the program designated
461 by the secretary of the executive office of health and human services to provide

462 community-based crisis intervention services in the juvenile court ~~district~~ where the child
463 resides.

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464 If the petitioner is a police officer, the clerk may accept a written statement of the reasons
465 for the officer's belief that the referral to community-based crisis intervention services
466 prior to filing the request for assistance would present a risk of harm to the child or others
467 in lieu of the notice of termination or ineligibility. The clerk shall then immediately
468 contact the designated community-based crisis intervention services to provide notice that
469 a request for assistance has been filed.

470 Section 39O

471 1. On the filing of a request for assistance pursuant to this section, the court may cause a
472 copy of the request for assistance and a summons to be issued, requiring the child and his
473 parent, legal guardian or other person legally responsible for his care, or with whom he is
474 domiciled, to appear at the court at a time and place named to ~~address~~ the request for
475 assistance.

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478 2. In proceedings originated by a parent, legal guardian or other person legally
479 responsible for the child's care the court shall cause a copy of the request for assistance
480 and notice of the time and place to be heard to be served upon any parent of the child or
481 other person legally responsible for the child's care who has not signed the request for
482 assistance, provided that the address of such parent or other person legally responsible is
483 known to the court or is ascertainable by the court. Said copy shall be accompanied by a
484 notice that, in the event that the court deems it necessary to place the child in the care and
485 custody of the department of social services or any other agency, said parent may be
486 named as a respondent in any child support proceeding brought in connection with the
487 child's care. **(DO DSS OR DMH EVER SEEK CHILD SUPPORT FOR CHILDREN**

488 **IN THEIR CARE, PERHAPS USING DOR AS DTA DOES? DO WE NEED TO**
489 **GIVE AUTHORITY FOR THAT?)**

490 3. Unless service of the summons required by this section is waived in writing, such
491 summons shall be served by a constable or police officer, either by delivering it
492 personally to the person to whom addressed, or by leaving it with a person of proper age
493 to receive the same, at the place of residence or business of such person, and said
494 constable or police officer shall immediately make return to the court of the time and
495 manner of service. **(IS THIS SECTION NEEDED? IS IT COVERED BY OTHER**

496 **NOTICE STATUTES?)**

497 Section 39P

498 The clerk shall set a date for a fact finding hearing no more than 90 days from the date
499 the request for assistance is filed. If at any time prior to the hearing the parents, child,

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505 petitioner and probation officer agree, the fact finding hearing may be postponed for an
506 additional 90 days after the expiration of the initial 90 day period.

507 Section 39Q

508 1. The clerk shall appoint counsel ~~for the child when the request for assistance is filed.~~
509 The clerk shall cause a copy of the request for assistance and notice of the time and place
510 ~~of the fact finding hearing~~ to be delivered to counsel at the time of appointment.

Deleted: for the child 3 business days prior to any scheduled hearing when the request for assistance is filed

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511 ~~2. If a hearing is to be held on an emergency basis, the clerk shall appoint counsel for the child immediately upon scheduling said hearing.~~

Deleted: 2. If a hearing is to be held on an emergency basis, the clerk shall appoint counsel for the child immediately upon scheduling said hearing.

512 3. The court shall determine whether the parent or legal guardian of a child alleged to
513 require assistance is indigent. If the court determines that the parent or legal guardian is
514 not indigent, the court shall assess a \$300 fee against the parent or legal guardian to pay
515 for the cost of counsel ~~appointed for the child.~~ If the parent or legal guardian is
516 determined to be indigent but is still able to contribute toward the payment of some of
517 said costs, the court shall order the parent or legal guardian to pay a reasonable amount
518 toward the cost of counsel ~~appointed for the child.~~

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519 Section 39R

520 1. The clerk shall request the chief probation officer or his designee to conduct a
521 preliminary inquiry to determine whether in his opinion the best interests of the child and
522 family require that crisis intervention services be provided to the child and family.

523 The probation officer in his discretion may:

532 (a) refer the family and child to the program designated to provide community-
533 based crisis intervention services for this juvenile court ~~division~~; the probation
534 officer may confer with the provider of community-based crisis intervention
535 services to resolve the situation which formed the basis of the request for
536 assistance;

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

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

543 (d) If the child or his parents fail to participate in good faith in the referrals or
544 conferences arranged by the probation officer the probation officer or if the
545 probation officer is not able to refer the child or his parents to an appropriate
546 public or private organization which is willing and able to provide appropriate
547 services, the probation officer shall so certify in writing and present these findings
548 to the court.

549 2. (a) The probation officer shall gather information concerning the child and family
550 which in both substance and format is compatible and complementary to the information
551 gathered by programs providing community-based crisis intervention services pursuant to
552 section 16H of chapter 6A.

(b) The Commissioner of Probation shall establish a data collection system for use by probation officers assisting children pursuant to sections 39K through 39X which maintains the privacy of clients served, assists the court in addressing the needs of the population to be served, collects information related to, among other things the insurance status and coverage of clients served, and other information that may assist the commissioner and the court in evaluating the availability and effectiveness of services ~~for~~ children who are the subjects of requests for assistance pursuant to this section.

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3. Conferences and referrals arranged under this section may extend for a period not to exceed 90 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.

Section 39S

1. If at any time the court determines that there is a likelihood of serious harm to the child and that the child's parent or legal guardian is unwilling, unable or unavailable to adequately care for and protect the child from such harm, the court may issue an emergency order transferring custody of the child to the department of social services or to a licensed child care agency or individual as described in clause 2(b) of section 39V. The transfer of custody shall be for a period not exceeding 72 hours. Upon the entry of

577 the emergency order, notice of the time and place to be heard shall be given to either or
578 both parents, legal guardian, or other person legally responsible for the child's care. The
579 court shall determine whether the parent or legal guardian of the child is indigent. If the
580 court determines that the parent or legal guardian is indigent then counsel shall be
581 appointed to the parents or legal guardian of the child.

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

585 If it is shown by clear and convincing evidence that there is a likelihood of serious harm
586 to the child, the child may be placed in the temporary custody of the Department of
587 Social Services pending the hearing to determine whether the child is requires assistance.

588 2. If the court finds probable cause that a child alleged to require assistance by reasons of

589 repeatedly failing to obey the lawful and reasonable commands of his parents or legal
590 guardian is likely not to appear at the fact finding hearing or at the disposition hearing,
591 the court custody of the Department of Social Services. . The court shall determine
592 whether the parent or legal guardian of the child is indigent. If the court determines that
593 the parent or legal guardian is indigent then counsel shall be appointed to the parents or
594 legal guardian of the child.

595

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1. If at any time the court determines by probable cause that there is a likelihood of serious harm to the child, the court may order the child into the emergency limited custody of the Department of Social Services. ¶

A hearing shall be scheduled within 72 hours of any such commitment, and counsel shall be appointed for the parents or legal guardian of said child. ¶

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

Deleted: Counsel shall be appointed for the parents or legal guardian of said child. If the court finds by cle

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614 Section 39T

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

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617 Section 39U

618 1. The court shall hold a fact finding hearing in which it shall receive evidence from the
619 petitioner, the parents or legal guardian, and the community-based crisis intervention
620 services program case manager and the recommendation of the probation officer.

621 2. At the fact finding hearing the court shall review any notice of termination of
622 community-based crisis intervention services. With the consent of the family and child
623 the court shall consider any written reports created by the community-based crisis
624 intervention services which indicate previous actions it has taken with respect to the case.
625 The court shall consider any available documentation of diligent attempts to provide
626 appropriate services and determine whether such efforts or services provided were
627 sufficient.

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628 The court may order the child and the parent or other person legally responsible for the
629 child to participate in community-based crisis intervention services. If the designated

640 program thereafter determines that the case has been successfully resolved, it shall so
641 notify the court, and the court shall dismiss the request for assistance.

642 3. The court shall either

643 (i) dismiss the request for assistance because there is no probable cause to believe
644 that the child and family require assistance;

645 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the
646 child would best be served by continued informal assistance, in which case the
647 court shall, with the consent of the child and his parents or legal guardian, refer
648 the child to a probation officer or order the child and family to return to the
649 designated program for additional community-based crisis intervention services
650 assistance; or

651 (iii) find ~~that~~, the child ~~and family~~ require assistance and schedule a hearing for
652 ~~disposition~~

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

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657 Section 39V

658 1. At any hearing held to determine whether a child ~~and family~~ require assistance, ~~the~~
659 child and his attorney shall be present ~~and the parents or legal guardian shall be given an~~

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670 opportunity to be heard. The petitioner who files the request for assistance shall bear the
671 burden of presenting evidence proving that the child and family require assistance. If the
672 court finds the allegations in the request for assistance have been proved at the fact
673 finding hearing by a preponderance of the evidence **1 OR SHOULD IT BE CLEAR**
674 **AND CONVINCING EVIDENCE?]**, it may find that the child and family named in
675 such request for assistance to be a child and family requiring assistance.

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676 2. Upon adjudicating a child and family as requiring assistance, the court shall convene a
677 meeting of the probation officer who conducted the preliminary inquiry, a case manager
678 from the community-based crisis intervention services program, the petitioner, the child's
679 school, and parent or legal guardian. The persons at the meeting shall present written
680 findings to the court to advise the court on appropriate placement for the child and
681 appropriate conditions and limitations of such placement. The court, taking into
682 consideration those findings and the physical and emotional welfare of the child, may
683 make any of the following orders of disposition:

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

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

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

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

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

703 (c) subject to the provisions of sections 32 and 33 and with such conditions and
704 limitations as the court may recommend, commit the child to the department of
705 social services. If the court chooses to commit the child to the department then at
706 the same time, the court shall consider the provisions of section 29C and shall
707 make the written certification and determinations required by said section 29C.
708 The department may not refuse out-of-home placement of a child if the placement
709 is recommended by the court provided that the court has made the written
710 certification and determinations required by said section 29C. The department
711 may not refuse out of home placement when requested by the child if there is a
712 substantiated history of abuse and neglect in the home by the parent or legal
713 guardian.

(d) The department shall direct the type and length of such out-of-home placement.

(e) The department shall give due consideration to the recommendations of the court.

3. Prior to committing the child to the department with a recommendation that the child be placed outside his home, the court shall hold a hearing to determine by clear and convincing evidence if there is a substantial likelihood of serious harm if the child is allowed to remain at home. The court shall appoint counsel for the parents or legal guardian at said hearing.

4. A child found to require assistance shall not be committed to any county training school. A child found to require assistance shall not be committed to an institution designated or operated for juveniles adjudicated delinquent. However, such child may be committed to 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 and may, in addition, be referred to the department of youth services for placement in individual foster care.

Section 39W

1. Any order of disposition pursuant to this section shall continue in force for not more than 90 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 be reasonably likely to further those purposes. Orders shall be extended upon a finding that the child or family are not participating in good faith.

2. No order shall continue in effect after the eighteenth birthday of a child named in a request for assistance or after the sixteenth birthday of a child named in a request for assistance if the request for assistance alleges that the child is habitually truant.

Section 39X

1. (a) A child may be taken into limited custody for committing the behaviors described in the definition of child requiring assistance in section twenty-one, only if such child has failed to obey a summons issued pursuant to section ___, 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 limited custody, 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 has been taken into custody.

(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 security, of the person to whose custody the child is released that he will produce the child before

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

(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 crisis intervention services for the geographic region which constitutes the district of the juvenile court department within which the child was taken into limited custody or resides, unless the officer determines that it is necessary to question the child, in which case he or she may take the child to a facility designated by the chief administrator of the juvenile court as a suitable place for the questioning of children or, upon the consent of a parent or other person legally responsible for the care of the child, to the child's residence and there question him or her for a reasonable period of time; or

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

(iv) take a child in need of crisis intervention or respite services to an approved runaway program or other approved respite or crisis program; or

(v) take the child directly to the juvenile court in which the act occasioning the taking into limited custody was allegedly done, provided that the officer affirms

on the record that he or she attempted to exercise the options identified in paragraphs (i), (ii), (iii) and (iv) of this subdivision, was unable to exercise these options, and the reasons therefor.

(d) In the absence of special circumstances, the officer shall release the child in accord with paragraph (c)(i).

(e) In determining what is a "reasonable period of time" for questioning a child, the child's age and the presence or absence of his parents or other person legally responsible for his care shall be included among the relevant considerations.

(f) A child may not be securely detained in a police station or town lockup. At no time will a child be placed in any locked facility under the supervision of any police department, sheriff department, or Department of Youth Services.

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

SECTION 5

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, social services, youth services and transitional assistance shall enter into memoranda of understanding among themselves and with the department of 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 crisis intervention services established pursuant to section 16H of chapter 6A.

SECTION 6

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

SECTION 7

The secretary of the executive office of health and human services shall pilot a truancy prevention program using a 'youth court' format in at least one urban high school in the commonwealth. The secretary shall evaluate the effectiveness of the program in preventing truancy and report the results of that evaluation to the board of education.

SECTION 8

Study of current and planned programs to achieve the coordination of overlapping services to achieve cost effectiveness and efficiency - steward the resources of the commonwealth and offer better services to children and families in need .

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

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

AN ACT REGARDING CHILDREN AND FAMILIES REQUIRING ASSISTANCE

Karen Spilka(KES0) Paul Donato(PJD1)	Second Middlesex and Norfolk Thirty-fifth Middlesex