

**HOUSE . . . . . No. 3466**

By Representative Donato of Medford and Senator Spilka, joint petition of Paul J. Donato and Karen E. Spilka for legislation to provide community-based crisis intervention services for children and families requiring assistance. Transportation.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Seven.

AN ACT REGARDING CHILDREN AND FAMILIES REQUIRING ASSISTANCE.

*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  
2 edition are hereby amended by adding after Chapter 6A, Section  
3 16G the following new section:—

4 Section 16H. Community-based crisis intervention services for  
5 families and children.

6 1.) For the purpose of this act, the following words shall have the  
7 following meanings:—

8 “Child requiring assistance” a child below the age of eighteen  
9 who persistently runs away from the home of his parents or legal  
10 guardian, or persistently refuses to obey the lawful and reasonable  
11 commands of his parents or legal guardian, thereby resulting in said  
12 parent’s or legal guardian’s inability to adequately care for and pro-  
13 tect said child, or persistently violates the lawful and reasonable reg-  
14 ulations of his school, or a child between the ages of six and sixteen  
15 who is habitually truant;

16 “Secretary” the secretary of the executive office of health and  
17 human services;

18 “Habitually truant” a child who persistently and willfully fails to  
19 attend school for more than 8 school days in a quarter.

20 2.) (a) The secretary shall create a network of child and family  
21 service programs throughout the Commonwealth to provide commu-  
22 nity-based crisis intervention services to all children and families  
23 who are at risk of contact with the juvenile justice system or the

24 child protection system, families with children requiring assistance,  
25 and children who require assistance. The secretary may enter into  
26 contracts with private non-profit organizations to implement the pro-  
27 gram and provide services.

28 (b) The purpose of the community-based crisis intervention serv-  
29 ices program shall be to assist families in crisis so that children will  
30 be able to continue residing with their families in their home com-  
31 munities; assist families to enable children to continue as students in  
32 their community schools; strengthen the relationships between chil-  
33 dren and families; and provide coordinated, comprehensive, commu-  
34 nity based services for children at risk of dropping out of school,  
35 delinquency, or engaging in behaviors which impede the likelihood  
36 of their leading healthy productive lives.

37 (c) The secretary shall:—

38 (i) design models for delivery of community-based crisis inter-  
39 vention services by community based organizations and collabora-  
40 tions of public and private organizations;

41 (ii) pilot alternative systems for to address the problem of children  
42 running away from their parents or legal guardians;

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

46 (iv) monitor and provide technical assistance to providers of com-  
47 munity-based crisis intervention services;

48 (v) adopt a standard intake screening and assessment tool to eval-  
49 uate all families and children seeking community-based crisis inter-  
50 vention services which identifies family strengths and resource and  
51 service needs such as mental health or substance abuse treatment,  
52 basic family shelter, clothing, and food needs, child care needs,  
53 health insurance status, legal issues, education placement and child  
54 protection;

55 (vi) create a data collection system for use by programs which  
56 maintains the privacy of clients served, assists programs and the  
57 executive office of health and human services in addressing the  
58 needs of the population to be served, collects information related to,  
59 among other things the insurance status and coverage of clients  
60 serves and other information that may assist the program and the  
61 secretary in evaluating the effectiveness of community-based crisis  
62 intervention services.

63 3.) (a) The secretary shall make grants for the purpose of plan-  
64 ning, establishing, operating, coordinating and evaluating programs  
65 which will provide community-based crisis intervention services.  
66 The secretary shall issue requests for proposals for the provision of  
67 community-based crisis intervention services and such requests for  
68 proposals shall include among its requirements that applicants  
69 submit a plan for:—

70 (i) coordination of direct services for families from public and pri-  
71 vate providers;

72 (ii) creation of a local advisory board which is broadly representa-  
73 tive of the members of the community concerned for and experi-  
74 enced with the needs of families and children at risk of involvement  
75 in the juvenile justice system and the child protection system and  
76 includes, but is not limited to:— representatives from school dis-  
77 tricts, police officers, juvenile probation officers, district attorneys,  
78 attorneys who represent children, mental health providers, parents,  
79 youth, local religious organizations, representatives of local busi-  
80 nesses, higher education, social service agencies, public health agen-  
81 cies, and other persons with experience in assisting troubled youth  
82 and families in crisis. Membership shall be broadly representative of  
83 the racial, ethnic and economic diversity of the community. The  
84 local advisory boards shall create a subcommittee for each municipi-  
85 pality in the service area which shall consist of a representative from  
86 the school department and the police department and at least one  
87 other member of the advisory board;

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

91 (b) Subject to appropriation, at least one grant shall be awarded  
92 for the operation of a community-based crisis intervention services  
93 program in each juvenile court district and, where appropriate, in  
94 each juvenile court division, as defined in the General Laws Chapter  
95 218, Section 57. Additionally grants shall be awarded for at least one  
96 truancy prevention program and one runaway treatment and preven-  
97 tion program, each in an urban location. Grants may award funding  
98 for up to three years, subject to appropriation and based on evidence  
99 of effectiveness and the submission of annual reports to the secre-  
100 tary.

101 (c) Proposals may be submitted by a local school or other local  
102 public agency or private non-profit organization or medical or  
103 mental health care providers. Applicants must demonstrate expertise  
104 in dealing with children and families who are at risk of contact with  
105 the juvenile justice system or the child protection system and pro-  
106 gram staffing which meets the credentialing and caseload criteria as  
107 defined by the secretary.

108 4.) (a) Community-based crisis intervention services shall be  
109 available to children between the ages of 6 and 16 who are habitu-  
110 ally truant or children between the ages of 6 and 18 who runaway  
111 from the home of their parents or legal guardian, or refuse to obey  
112 the lawful rules of their parents or legal guardian, or habitually fail  
113 to obey school rules, and to families whose children engage in such  
114 behaviors.

115 (b) Participation in community-based crisis intervention services  
116 shall be voluntary. Families or children may terminate their involve-  
117 ment at any time. Services may be provided for 90 days. After the  
118 initial 90 day period, families or children and the community-based  
119 crisis intervention services program representative may agree to  
120 extend services for up to an additional 90 days.

121 (c) Staff of the program offering community-based crisis interven-  
122 tion services shall be required to report suspected physical or emo-  
123 tional abuse or neglect of a child pursuant to General Laws Chapter  
124 119, Section 51A.

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

136 (b) Whenever the staff of the program offering community-based  
137 crisis intervention services determines that a family or child seeking  
138 or referred for services is experiencing significant family violence,  
139 or that the child is in need of protection from abuse or neglect or that

140 the child has significant and complex medical needs which cannot be  
141 met by the program, or the child's behavior presents a significant  
142 risk of harm to the child or the community then the child and family  
143 shall be referred to other services, pursuant to Section 5 of the Act  
144 which created this Section.

145 (c) Where a youth has been charged with or convicted of a delin-  
146 quency offense, participation in community-based crisis intervention  
147 services shall be determined by the program administrator after a  
148 review of the facts surrounding the offense by a team consisting of  
149 community-based crisis intervention services caseworker, probation  
150 officers and the counsel representing the child in the delinquency  
151 matter.

152 (d) Where the child is in the custody of the department of social  
153 services and residing in an out of home placement, participation in  
154 community-based crisis intervention services shall be determined by  
155 the program administrator after a review of the facts surrounding the  
156 placement by a team consisting of the community-based crisis inter-  
157 vention services caseworker, the department of social services case-  
158 worker and any counsel representing the child in the matter of  
159 placement and custody.

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

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

174 6.) (a) Community-based crisis intervention services shall include  
175 but are not limited to:—

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

- 178 (ii) Initial response to referral or request for services by a family  
179 or child which includes a meeting to determine the circumstances  
180 which resulted in the request or referral within two hours of contact;
- 181 (iii) Stabilization of any crisis which initiated the referral or  
182 request within six hours;
- 183 (iv) Assessment and screening of each person requesting services  
184 and, if possible, all family members residing in the household, using  
185 the standard intake tool as established by the secretary pursuant to  
186 Section 4(c), within seventy-two hours of referral or request. The  
187 person conducting the assessment and screening must note the rea-  
188 sons why any family member was not screened within seventy-two  
189 hours of the initial request, and must complete the screening process  
190 for all family members residing in the household within one week of  
191 the initial referral;
- 192 (v) Assignment of a case manager to each child or family upon  
193 assessment;
- 194 (vi) Creation of a family service plan which includes:—  
195 Statement of the problem presented; needs of the child; needs of  
196 the parents, legal guardian, or legal custodian; measurable objectives  
197 that address the identified problems and needs; services and treat-  
198 ment to be provided by the community-based crisis intervention  
199 services or to which the family and child will be referred, which may  
200 include, but are not limited to:— community medical and mental  
201 health services, assistance with obtaining special education evalua-  
202 tion and services and remedial education services, and assistance  
203 with insurance issues. For each service or treatment included the  
204 plan shall contain a statement clearly identifying:— the type of serv-  
205 ices or treatment, frequency of services or treatment, location,  
206 responsible service providers or staff, and timeframes for achieving  
207 the plan objectives;
- 208 (vii) Periodic review of the family service plan by the case man-  
209 ager to determine whether it is being followed and if it is effective;
- 210 (viii) Intensive crisis counseling for both children and families;
- 211 (ix) Parent training in appropriate skill areas directly related to the  
212 needs of the family;
- 213 (x) Data collection in a format as required by the secretary for  
214 each referral or request which protects the privacy of the individuals  
215 seeking services while providing a means to insure that information  
216 necessary to optimize the likelihood of successful outcome for each

217 person seeking services and to permit the evaluation of the effective-  
218 ness of the program;

219 (xi) Compilation and dissemination of information about family  
220 support resources and services available in the community;

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

223 (xiii) Voluntary respite residential placement of the child for up to  
224 21 days; and

225 (xiv) Mediation or alternative dispute resolution.

226 (b) Services and treatment for families be pursuant to a voluntary  
227 agreement of the parent or legal guardian and the child. The program  
228 shall advise the parents or legal guardian that they are responsible  
229 for contributing to the cost of the child or family services and treat-  
230 ment to the extent of their ability to pay. Programs shall charge and  
231 collect fees for services and treatment provided to families and chil-  
232 dren at rates established by the secretary.

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

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

238 (ii) The family or child will not participate in the services or treat-  
239 ment selected; or

240 (iii) The case manager needs assistance in developing an appro-  
241 priate plan for services. The time and place selected for the meeting  
242 shall be convenient for the child and family.

243 (b) The composition of the case staffing team shall be based on  
244 the needs of the family and child. It shall include a representative  
245 from the child's school district and a representative of the secretary,  
246 and may include a supervisor of the case manager; representatives  
247 from the area of health, mental health, substance abuse, social, or  
248 educational services; a representative of the district attorney; a pro-  
249 bation officer, the child's attorney, and any person recommended by  
250 the child, family, or case manager.

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

253 (d) Upon receipt of the plan, the child and family shall acknowl-  
254 edge their position by accepting or rejecting the services and provi-

255 sions in writing. If the plan is accepted, it shall be implemented  
256 immediately.

257 (e) The case manager shall be responsible for implementing the  
258 plan. The case manager shall periodically review the progress  
259 towards achieving the objectives of the plan in order to:—

260 (i) Advise the case staffing team of the need to make adjustments  
261 to the plan; or

262 (ii) Terminate the case as indicated by successful or substantial  
263 achievement of the objectives of the plan.

264 (f) The parent or legal guardian may convene a disposition  
265 meeting of the case staffing team, and any other member of the team  
266 may convene a disposition meeting at any time if the member finds  
267 that doing so is in the best interest of the family or child. A disposi-  
268 tion meeting requested by a parent or legal guardian must be con-  
269 vened within 7 days, excluding weekends and legal holidays, after  
270 the date the case manager receives the request in writing.

271 8.) (a) 90 days after the assessment and screening of a child and  
272 family referred to or requesting community-based crisis intervention  
273 services, the case manager shall meet with the family and child, or  
274 with the case staffing team if one has been created, in order to deter-  
275 mine whether or not services should be extended for another 90  
276 days. If the family, child and case manager agree to extend services  
277 they shall be extended, if they agree not to extend then the case man-  
278 ager shall convene a disposition meeting.

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

281 (c) Services may be extended for additional 90 day periods at the  
282 request of a court or probation officer.

283 9.) (a) A disposition meeting shall be convened by a case manager  
284 so that the family, child and case manager and case staffing team, if  
285 one has been created, may determine whether the goals of the family  
286 service plan have been achieved or if further intervention is in the  
287 best interest of the family and child. After the meeting the case man-  
288 ager shall determine the disposition of the case as follows:—

289 (i) that it is unlikely the family and child will benefit from addi-  
290 tional community-based crisis intervention services and the case is  
291 discharged, or

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

294 (iii) that the crisis is resolved and the case is discharged.

295 (b) Within 7 days after meeting, the case staffing team shall pro-  
296 vide the parent or legal guardian with a written report that details the  
297 reasons for the decision. The report shall contain a written statement  
298 of the circumstances which brought the family and child to the pro-  
299 gram. The report shall contain a notice, in a form acceptable to the  
300 juvenile court, stating that community-based crisis intervention serv-  
301 ices have terminated and whether or not the case manager believes it  
302 is likely that the child would benefit from further services.

303 (c) The report and any documentation of services provided to the  
304 family and child shall not be public records. Statements made by the  
305 family and child while receiving services from the program shall be  
306 treated as confidential and may not be admitted into evidence in any  
307 court proceeding arising from the circumstances which brought the  
308 family and child to the program, unless a court finds that such inad-  
309 missibility would result in substantial harm to the child.

310 10.) There shall be an advisory council which shall advise the sec-  
311 retary on creation, operation and effectiveness of the community-  
312 based crisis intervention services program. Members shall include  
313 the commissioners of the departments of public health, mental  
314 health, social services, youth services and transitional assistance,  
315 education and public safety, the commissioner of probation, the chief  
316 justice of the juvenile court, a district attorney, members of the bar  
317 who represent children in juvenile court proceedings, representatives  
318 of urban, suburban and rural municipal police departments and  
319 school districts, providers of service to children and families, and  
320 parents.

321 11. The secretary shall report annually on February 1, to the joint  
322 committee on children and families and the house and senate com-  
323 mittees on ways and means on the progress of the community-based  
324 crisis intervention services program.

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

4 “grants may be awarded to assist schools in planning and imple-  
5 menting truancy preventions programs which meet the certification  
6 requirements established pursuant to Section 1O of Chapter 69.”

1 SECTION 3. Chapter 69 of the General Laws is hereby amended  
2 by adding after Section 1N the following new section:—

3 Section 1O. The Department of Education shall promulgate regu-  
4 lations establishing a truancy prevention program certification  
5 process. School districts may establish a truancy prevention program  
6 which meets the requirements for certification by the department and  
7 apply to the department for certification.

1 SECTION 4. Chapter 119 of the General Laws is hereby amended  
2 by repealing Sections 39E to 39J, inclusive, and adding the  
3 following new sections:—

4 Section 39K. “Child requiring assistance”, a child below the age  
5 of eighteen who persistently runs away from the home of his parents  
6 or legal guardian, or persistently refuses to obey the lawful and rea-  
7 sonable commands of his parents or legal guardian, thereby resulting  
8 in said parent’s or legal guardian’s inability to adequately care for  
9 and protect said child, or persistently violates the lawful and reason-  
10 able regulations of his school, or a child between the ages of six and  
11 sixteen who is a habitual truant.

12 “Habitual truant”, a child who persistently and willfully fails to  
13 attend school for more than 8 school days in a quarter.

14 Section 39L. 1.) The Juvenile court department has original and  
15 exclusive jurisdiction over any proceeding involving a child alleged  
16 to require assistance.

17 2.) On its own motion and at any time during proceedings brought  
18 under Sections 39K through 39X, the court may substitute a care and  
19 protection petition pursuant to Chapter 119 Section 24 of the  
20 General Laws for a request for assistance to determine whether a  
21 child requires assistance.

22 3.) Proceedings involving a child alleged to require assistance  
23 shall originate in the juvenile court district in which the child  
24 resides. On motion made on behalf of the child, or by his parent or  
25 other person legally responsible for his care, or on the court’s  
26 motion, and for good cause shown, the court may transfer the pro-  
27 ceedings to another district.

28 Section 39M. Nature of the Proceedings. 1. Proceedings pursuant  
29 to Sections 39K to 39X, inclusive, shall not be deemed criminal pro-  
30 ceedings and any record of these proceedings, including the filing of

31 a request for assistance and creation of a docket, shall not be entered  
32 in the Criminal Offender Record Information System.

33 2.) Notwithstanding the assignment of a probation officer to assist  
34 a child who is involved in proceedings conducted pursuant to Sec-  
35 tions 39K through 39X, the matter shall not be deemed a ‘probation  
36 case’ for purposes of reporting records to the criminal offender  
37 record information system pursuant to General Laws Chapter 6  
38 Section 168A.

39 3.) No adjudication pursuant to Sections 39K through 39X shall  
40 operate as a forfeiture of any right or privilege or disqualify any  
41 person from subsequently holding public office or receiving any  
42 license granted by public authority.

43 Section 39N. 1.) A proceeding to adjudicate a child to require  
44 assistance is originated by the filing of a request for assistance,  
45 alleging:—

46 (a) that the child persistently runs away from the home of his par-  
47 ents or legal guardian, or persistently refuses to obey the lawful and  
48 reasonable commands of his parents or legal guardian, thereby  
49 resulting in said parent’s or legal guardian’s inability to adequately  
50 care for and protect said child, or that the child is habitually truant or  
51 persistently violates the lawful and reasonable regulations of his  
52 school;

53 (b) that the child was under the age of 18 at the time the specified  
54 acts took place, or under the age of 16 if habitual truancy is alleged;

55 (c) specific acts on which the allegations are based and the time  
56 and place they allegedly occurred;

57 (d) when the petitioner is a school district, the request for assis-  
58 tance shall also include a statement of the reasonable steps taken by  
59 the responsible school district to improve the school attendance and  
60 conduct of the child. The request for assistance shall also state  
61 whether or not the child and his family have participated in truancy  
62 prevention program certified by the department of education pur-  
63 suant to Chapter 69, Section 10;

64 (e) that the child requires supervision or services.

65 2.) The following persons may originate a proceeding under this  
66 section:—

67 (a) a police officer;

68 (b) the parent, legal guardian or other person legally responsible  
69 for the child’s care;

70 (c) a school district;

71 3.) The petitioner shall attach to the request for assistance the  
72 notice of termination of community-based crisis intervention serv-  
73 ices as provided for in Chapter 6A, Section 16H(11)(b) or notice of  
74 ineligibility as provided for in Chapter 6A, Section 16H (7)(e).  
75 Except as provided below, the clerk shall not accept for filing any  
76 request for assistance that does not have attached thereto said notice  
77 of termination or ineligibility.

78 Any person or agency seeking to file a request for assistance pur-  
79 suant to this section which does not have attached thereto the notice  
80 of termination of community-based crisis intervention services shall  
81 be referred by the clerk of the court to the program designated by the  
82 secretary of the executive office of health and human services to  
83 provide community-based crisis intervention services in the juvenile  
84 court region where the child resides.

85 If the petitioner is a police officer, the clerk may accept a written  
86 statement of the reasons for the officer's belief that the referral to  
87 community-based crisis intervention services prior to filing the  
88 request for assistance would present a risk of harm to the child or  
89 others in lieu of the notice of termination or ineligibility. The clerk  
90 shall then immediately contact the designated community-based  
91 crisis intervention services to provide notice that a request for assis-  
92 tance has been filed.

93 Section 39O. 1.) On the filing of a request for assistance pursuant  
94 to this section, the court may cause a copy of the request for assis-  
95 tance and a summons to be issued, requiring the child and his parent  
96 or other person legally responsible for his care, or with whom he is  
97 domiciled, to appear at the court at a time and place named to  
98 answer the request for assistance.

99 2.) In proceedings originated by a parent, legal guardian or other  
100 person legally responsible for the child's care the court shall cause a  
101 copy of the request for assistance and notice of the time and place to  
102 be heard to be served upon any parent of the child or other person  
103 legally responsible for the child's care who has not signed the  
104 request for assistance, provided that the address of such parent or  
105 other person legally responsible is known to the court or is ascertain-  
106 able by the court. Said copy shall be accompanied by a notice that,  
107 in the event that the court deems it necessary to place the child in the  
108 care and custody of the department of social services or any other

109 agency, said parent may be named as a respondent in any child sup-  
110 port proceeding brought in connection with the child's care.

111 3.) Unless service of the summons required by this section is  
112 waived in writing, such summons shall be served by a constable or  
113 police officer, either by delivering it personally to the person to  
114 whom addressed, or by leaving it with a person of proper age to  
115 receive the same, at the place of residence or business of such  
116 person, and said constable or police officer shall immediately make  
117 return to the court of the time and manner of service.

118 Section 39P. The clerk shall set a date for a fact finding hearing  
119 no more than 90 days from the date the request for assistance is  
120 filed. If at any time prior to the hearing the parents, child, petitioner  
121 and probation officer agree, the fact finding hearing may be post-  
122 poned for an additional 90 days after the expiration of the initial 90  
123 day period.

124 Section 39Q. 1.) The clerk shall appoint counsel for the child 3  
125 business days prior to any scheduled hearing. The clerk shall cause a  
126 copy of the request for assistance and notice of the time and place to  
127 be heard to be delivered to counsel at the time of appointment.

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

131 3.) The court shall determine whether the parent or legal guardian  
132 of a child alleged to require assistance is indigent. If the court deter-  
133 mines that the parent or legal guardian is not indigent, the court shall  
134 assess a \$300 fee against the parent or legal guardian to pay for the  
135 cost of appointed counsel. If the parent or legal guardian is deter-  
136 mined to be indigent but is still able to contribute toward the pay-  
137 ment of some of said costs, the court shall order the parent or legal  
138 guardian to pay a reasonable amount toward the cost of appointed  
139 counsel.

140 Section 39R. 1.) The clerk shall request the chief probation officer  
141 or his designee to conduct a preliminary inquiry to determine  
142 whether in his opinion the best interests of the child and family  
143 require that crisis intervention services be provided to the child and  
144 family.

145 The probation officer in his discretion may:—

146 (a) refer the family and child to the program designated to provide  
147 community-based crisis intervention services for this juvenile court

148 district; the probation officer may confer with the provider of com-  
149 munity-based crisis intervention services to resolve the situation  
150 which formed the basis of the request for assistance;

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

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

158 (d) If the child or his parents fail to participate in good faith in the  
159 referrals or conferences arranged by the probation officer the proba-  
160 tion officer shall so certify in writing and present these findings to  
161 the court.

162 2.) (a) The probation officer shall gather information concerning  
163 the child and family which in both substance and format is compat-  
164 ible and complementary to the information gathered by programs  
165 providing community-based crisis intervention services pursuant to  
166 Section 16H of Chapter 6A.

167 (b) The Commissioner of Probation shall establish a data collec-  
168 tion system for use by probation officers assisting children pursuant  
169 to Sections 39K through 39X which maintains the privacy of clients  
170 served, assists the court in addressing the needs of the population to  
171 be served, collects information related to, among other things the  
172 insurance status and coverage of clients served, and other informa-  
173 tion that may assist the commissioner and the court in evaluating the  
174 effectiveness of services to children who are the subject of request  
175 for assistance pursuant to this section.

176 3.) Conferences and referrals arranged under this section may  
177 extend for a period not to exceed 90 days from the date that the  
178 request for assistance was filed, unless the parent, child and peti-  
179 tioner voluntarily agree in writing to a continuation of such confer-  
180 ences or referrals for an additional period not to exceed 90 days from  
181 the expiration of the original period. Upon the expiration of the ini-  
182 tial 90 day period, or of such additional 90 day period, the request  
183 for assistance may be dismissed and the child and his parents dis-  
184 charged from any further obligation to participate in such confer-  
185 ences and referrals, or a fact finding hearing shall be held.

186 Section 39S. 1.) If at any time the court determines by probable  
187 cause that there is a likelihood of serious harm to the child, the court  
188 may order the child into the emergency limited custody of the  
189 Department of Social Services.

190 A hearing shall be scheduled within 72 hours of any such com-  
191 mitment, and counsel shall be appointed for the parents or legal  
192 guardian of said child.

193 If it is shown by clear and convincing evidence that there is a  
194 likelihood of serious harm to the child, the child may be placed in  
195 the temporary limited custody of the Department of Social Services  
196 pending a hearing.

197 2.) If the court finds probable cause that a child alleged to require  
198 assistance by reasons of persistently refusing to obey the lawful and  
199 reasonable commands of his parents or legal guardian is likely not to  
200 appear at the fact finding hearing or at the hearing on adjudication,  
201 the court may conduct an emergency hearing to determine if the  
202 child should be placed in the temporary limited custody of the  
203 Department of Social Services.

204 Counsel shall be appointed for the parents or legal guardian of  
205 said child. If the court finds by clear and convincing evidence that  
206 the child is likely not to appear, the court may place the child in the  
207 temporary limited custody of the Department of Social Services  
208 pending adjudication and disposition.

209 Section 39T. Petitioner shall retain the right to withdraw the  
210 request for assistance at any point prior to a hearing to adjudicate a  
211 child requiring assistance.

212 Section 39U. 1.) The court shall hold a fact finding hearing in  
213 which it shall receive evidence from the petitioner and the commu-  
214 nity-based crisis intervention services program case manager and the  
215 recommendation of the probation officer.

216 2.) At the initial appearance of the child, the court shall review  
217 any notice of termination of community-based crisis intervention  
218 services. With the consent of the family and child the court shall  
219 consider any written reports created by the community-based crisis  
220 intervention services indicating any previous actions it has taken  
221 with respect to the case. The court shall consider any available docu-  
222 mentation of diligent attempts to provide appropriate services and  
223 determine whether such efforts or services provided are sufficient.

224 The court may order the child and the parent or other person  
225 legally responsible for the child to participate in community-based  
226 crisis intervention services. If the designated program thereafter  
227 determines that the case has been successfully resolved, it shall so  
228 notify the court, and the court shall dismiss the request for assis-  
229 tance.

230 3.) The court shall either:—

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

233 (ii) adjourn the hearing for up to 60 days because it finds that the  
234 interests of the child would best be served by continued informal  
235 assistance, in which case the court shall, with the consent of the  
236 child and his parents or legal guardian, refer the child to a probation  
237 officer or order the child and family to return to the designated pro-  
238 gram for additional community-based crisis intervention services  
239 assistance; or

240 (iii) find probable cause that the child requires assistance and  
241 schedule a hearing for adjudication

242 4.) No statements made by a child, family member, or by any  
243 other person during the period of inquiries, conferences, or referrals  
244 may be used against the child at the fact finding hearing or hearing  
245 for adjudication but such statements may be received by the court  
246 after adjudication for the purpose of disposition.

247 Section 39V. 1.) At any hearing held to determine whether a child  
248 requires assistance, said child and his attorney shall be present. The  
249 petitioner shall bear the burden of presenting evidence proving that  
250 the child requires assistance. If the court finds the allegations in the  
251 request for assistance have been proved at the hearing by a prepon-  
252 derance of the evidence, it may adjudge the child named in such  
253 request for assistance to be a child requiring assistance.

254 2.) Upon adjudicating a child as requiring assistance the court  
255 shall convene a meeting of the probation officer who conducted the  
256 preliminary inquiry, a case manager from the community-based  
257 crisis intervention services program, the petitioner, the child's  
258 school, and parent or legal guardian. The persons at the meeting  
259 shall present written findings to the court to advise the court on  
260 appropriate placement for the child and appropriate conditions and  
261 limitations of such placement. The court, taking into consideration

262 those findings and the physical and emotional welfare of the child,  
263 may make any of the following orders of disposition:—

264 (a) subject to any conditions and limitations the court may pre-  
265 scribe, including provision for medical, psychological, psychiatric,  
266 educational, occupational and social services, and for supervision by  
267 a court clinic or by any public or private organization providing  
268 counseling or guidance services, permit the child to remain with his  
269 parents;

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

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

277 (ii) a private charitable or childcare agency or other private orga-  
278 nization, licensed or otherwise authorized by law to receive and pro-  
279 vide care for such children; or

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

283 (c) subject to the provisions of Sections 32 and 33 and with such  
284 conditions and limitations as the court may recommend, commit the  
285 child to the department of social services. If the court chooses to  
286 commit the child to the department then at the same time, the court  
287 shall consider the provisions of Section 29C and shall make the  
288 written certification and determinations required by said Section  
289 29C. The department may not refuse out-of-home placement of a  
290 child if the placement is recommended by the court provided that the  
291 court has made the written certification and determinations required  
292 by said Section 29C. The department may not refuse out of home  
293 placement when requested by the child if there is a substantiated his-  
294 tory of abuse and neglect in the home by the parent or legal  
295 guardian.

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

298 (e) The department shall give due consideration to the recommen-  
299 dations of the court.

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

306 4.) A child found to require assistance shall not be committed to  
307 any county training school. A child found to require assistance shall  
308 not be committed to an institution designated or operated for juve-  
309 niles adjudicated delinquent. However, such child may be committed  
310 to a facility which operates as a group home to provide therapeutic  
311 care for juveniles regardless of whether juveniles adjudicated delin-  
312 quent are also provided care in such facility and may, in addition, be  
313 referred to the department of youth services for placement in indi-  
314 vidual foster care.

315 Section 39W. 1.) Any order of disposition pursuant to this section  
316 shall continue in force for not more than 90 days; provided, how-  
317 ever, that the court which entered the order may, after a hearing,  
318 extend its duration for up to three additional periods, each such  
319 period not to exceed 90 days, if the court finds that the purposes of  
320 the order have not been accomplished and that such extension would  
321 be reasonably likely to further those purposes. Orders shall be  
322 extended upon a finding that the child or family are not participating  
323 in good faith.

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

328 Section 39X. 1.) (a) A child may be taken into limited custody for  
329 committing the behaviors described in the definition of child  
330 requiring assistance in section twenty-one, only if such child has  
331 failed to obey a summons issued pursuant to Section \_\_, or if the law  
332 enforcement officer initiating limited custody has probable cause to  
333 believe that such child has run away from the home of his parents or  
334 legal guardian and will not respond to a summons.

335 (b) After an officer has taken a child into limited custody, the  
336 officer shall immediately notify the parent or other person legally  
337 responsible for the child's care, or the person with whom he is domi-  
338 ciled, that he has been taken into custody.

339 (c) After making every reasonable effort to give notice under  
340 paragraph (b), the officer shall:—

341 (i) release the child to the custody of his or her parent or other  
342 person legally responsible for his or her care upon the written  
343 promise, without security, of the person to whose custody the child  
344 is released that he will produce the child before the program desig-  
345 nated to provide community-based crisis intervention services for  
346 the geographic region which constitutes the district of the juvenile  
347 court department within which the child was taken into limited cus-  
348 tody or resides, at a time and place specified in writing; or

349 (ii) forthwith and with all reasonable speed take the child directly,  
350 and without first being taken to the police station house, to the pro-  
351 gram designated to provide community-based crisis intervention  
352 services for the geographic region which constitutes the district of  
353 the juvenile court department within which the child was taken into  
354 limited custody or resides, unless the officer determines that it is  
355 necessary to question the child, in which case he or she may take the  
356 child to a facility designated by the chief administrator of the juve-  
357 nile court as a suitable place for the questioning of children or, upon  
358 the consent of a parent or other person legally responsible for the  
359 care of the child, to the child's residence and there question him or  
360 her for a reasonable period of time; or

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

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

368 (v) take the child directly to the juvenile court in which the act  
369 occasioning the taking into limited custody was allegedly done, pro-  
370 vided that the officer affirms on the record that he or she attempted  
371 to exercise the options identified in paragraphs (i), (ii), (iii) and (iv)  
372 of this subdivision, was unable to exercise these options, and the rea-  
373 sons therefor.

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

376 (e) In determining what is a "reasonable period of time" for ques-  
377 tioning a child, the child's age and the presence or absence of his

378 parents or other person legally responsible for his care shall be  
379 included among the relevant considerations.

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

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

1 SECTION 5. Not withstanding any general law to the contrary the  
2 secretary of the executive office of health and human services and  
3 the commissioners of departments of public health, mental health,  
4 social services, youth services and transitional assistance shall enter  
5 into memoranda of understanding among themselves and with the  
6 department of education, office of the commissioner of probation,  
7 the juvenile court, municipal police departments and school districts  
8 to provide coordination, delivery, and funding of services to children  
9 and families who, pursuant to the provisions of Section 16H(7)(b) of  
10 Chapter 6A of the General Laws, are not eligible for community-  
11 based crisis intervention services established pursuant to Section  
12 16H of Chapter 6A.

1 SECTION 6. The secretary of the executive office of health and  
2 human services shall pilot a program to address the unique needs of  
3 girls who run away from their parents and legal guardians.

1 SECTION 7. The secretary of the executive office of health and  
2 human services shall pilot a truancy prevention program using a  
3 'youth court' format in at least one urban high school in the Com-  
4 monwealth. The secretary shall evaluate the effectiveness of the pro-  
5 gram in preventing truancy and report the results of that evaluation  
6 to the board of education.