

# SENATE NO. 113

## 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 edition are hereby amended by  
2 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 acting in a  
5 fashion that results in their parents inability to adequately care for and protect said children are  
6 families in crisis; and

7 *Whereas*, the issues facing said children and families are complex and the services which would  
8 best assist such families are not available from a single agency or department of the  
9 commonwealth and the collaboration among multiple public and private agencies and offices is  
10 required to ensure that all children and families receive the services they need to succeed; and

11 *Whereas*, the current efforts to help said children and families lack accountability and  
12 consistency; and

13 *Whereas*, services are not consistently available in all communities;

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

16 2. It is the intent of the General Court to create an accountable, community based crisis  
17 intervention system that provides consistent services throughout the Commonwealth to address  
18 the needs of families and children in crisis, by providing them with an array of resources. The  
19 goal of said system is to preserve and strengthen families while ensuring the healthy emotional,  
20 mental and social development of the child. These services shall focus on creating a stable  
21 environment and strengthening the family as a whole while emphasizing parental responsibility.  
22 Said community based system shall provide the family and child with immediate responses for  
23 the stabilization of the family as well as to connect the family to additional services in the  
24 community through referrals and advocacy. The services provided to the families and children  
25 involved shall be provided on a continuum of increasing intensity with the goal of keeping the  
26 child out of the juvenile justice system.

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

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

31 ‘Child requiring assistance’: a child below the age of eighteen who persistently runs away from  
32 the home of his parents or legal guardian, or persistently refuses to obey the lawful and  
33 reasonable commands of his parents or legal guardian, thereby resulting in said parent’s or legal  
34 guardian’s inability to adequately care for and protect said child, or persistently violates the  
35 lawful and reasonable regulations of his school, or a child between the ages of six and sixteen  
36 who is habitually truant;

37 ‘Secretary’: the secretary of the executive office of health and human services;

38 'Habitually truant': a child who persistently and willfully fails to attend school for more than 8  
39 school days in a quarter.

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

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

53 (c) The secretary shall:

- 54 (i) design models for delivery of community-based crisis intervention services by  
55 community based organizations and collaborations of public and private organizations;
- 56 (ii) pilot alternative systems for to address the problem of children running away from  
57 their parents or legal guardians;
- 58 (iii) develop standards necessary to achieve and maintain, on a statewide basis,  
59 comprehensive and integrated community-based crisis intervention services for children  
60 and families;

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

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

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

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

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

80 (ii) creation of a local advisory board which is broadly representative of the members of  
81 the community concerned for and experienced with the needs of families and children at  
82 risk of involvement in the juvenile justice system and the child protection system and  
83 includes, but is not limited to: representatives from school districts, police officers,

84 juvenile probation officers, district attorneys, attorneys who represent children, mental  
85 health providers, parents, youth, local religious organizations, representatives of local  
86 businesses, higher education, social service agencies, public health agencies, and other  
87 persons with experience in assisting troubled youth and families in crisis. Membership  
88 shall be broadly representative of the racial, ethnic and economic diversity of the  
89 community. The local advisory boards shall create a subcommittee for each  
90 municipality in the service area which shall consist of a representative from the school  
91 department and the police department and at least one other member of the advisory  
92 board;

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

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

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

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

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

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

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

126 (b) Whenever the staff of the program offering community-based crisis intervention services  
127 determines that a family or child seeking or referred for services is experiencing significant  
128 family violence, or that the child is in need of protection from abuse or neglect or that the child  
129 has significant and complex medical needs which cannot be met by the program, or the child's

130 behavior presents a significant risk of harm to the child or the community then the child and  
131 family shall be referred to other services, pursuant to SECTION 5 of the Act which created this  
132 Section.

133 (c) Where a youth has been charged with or convicted of a delinquency offense, participation in  
134 community-based crisis intervention services shall be determined by the program administrator  
135 after a review of the facts surrounding the offense by a team consisting of community-based  
136 crisis intervention services caseworker, probation officers and the counsel representing the child  
137 in the delinquency matter.

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

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

148 (f) When a child or family is denied services pursuant to this section the program shall contact  
149 the family in person or by telephone within two weeks after the denial decision to determine if  
150 the other appropriate services have been obtained and whether or not community-based crisis  
151 intervention services are now appropriate. The program shall provide to the family and child a

152 notice, in a form acceptable to the juvenile court, stating that the family is not eligible for  
153 community-based crisis intervention services and listing the reasons for ineligibility.

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

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

157 (ii) Initial response to referral or request for services by a family or child which includes  
158 a meeting to determine the circumstances which resulted in the request or referral within  
159 two hours of contact;

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

161 (iv) Assessment and screening of each person requesting services and, if possible, all  
162 family members residing in the household, using the standard intake tool as established  
163 by the secretary pursuant to section 4(c), within seventy-two hours of referral or request.

164 The person conducting the assessment and screening must note the reasons why any  
165 family member was not screened within seventy-two hours of the initial request, and  
166 must complete the screening process for all family members residing in the household  
167 within one week of the initial referral;

168 (v) Assignment of a case manager to each child or family upon assessment;

169 (vi) Creation of a family service plan which includes: Statement of the problem  
170 presented; needs of the child; needs of the parents, legal guardian, or legal custodian;  
171 measurable objectives that address the identified problems and needs; services and  
172 treatment to be provided by the community-based crisis intervention services or to  
173 which the family and child will be referred, which may include, but are not limited to:  
174 community medical and mental health services, assistance with obtaining special

175 education evaluation and services and remedial education services, and assistance with  
176 insurance issues. For each service or treatment included the plan shall contain a  
177 statement clearly identifying: the type of services or treatment, frequency of services or  
178 treatment, location, responsible service providers or staff, and timeframes for achieving  
179 the plan objectives;

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

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

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

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

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

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

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

193 (xiv) Mediation or alternative dispute resolution.

194 (b) Services and treatment for families be pursuant to a voluntary agreement of the parent or  
195 legal guardian and the child. The program shall advise the parents or legal guardian that they  
196 are responsible for contributing to the cost of the child or family services and treatment to the

197 extent of their ability to pay. Programs shall charge and collect fees for services and treatment  
198 provided to families and children at rates established by the secretary.

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

- 201 (i) The family or child is not in agreement with the services or treatment offered;
- 202 (ii) The family or child will not participate in the services or treatment selected; or
- 203 (iii) The case manager needs assistance in developing an appropriate plan for services.

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

205 (b) The composition of the case staffing team shall be based on the needs of the family and  
206 child. It shall include a representative from the child's school district and a representative of the  
207 secretary, and may include a supervisor of the case manager; representatives from the area of  
208 health, mental health, substance abuse, social, or educational services; a representative of the  
209 district attorney; a probation officer, the child's attorney, and any person recommended by the  
210 child, family, or case manager.

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

213 (d) Upon receipt of the plan, the child and family shall acknowledge their position by accepting  
214 or rejecting the services and provisions in writing. If the plan is accepted, it shall be  
215 implemented immediately.

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

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

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

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

226 10. (a) 90 days after the assessment and screening of a child and family referred to or requesting  
227 community-based crisis intervention services, the case manager shall meet with the family and  
228 child, or with the case staffing team if one has been created, in order to determine whether or  
229 not services should be extended for another 90 days. If the family, child and case manager  
230 agree to extend services they shall be extended, if they agree not to extend then the case  
231 manager shall convene a disposition meeting.

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

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

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

241 (i) that it is unlikely the family and child will benefit from additional community-based  
242 crisis intervention services and the case is discharged, or  
243 (ii) that the family failed to cooperate with the service plan and the case is discharged, or  
244 (iii) that the crisis is resolved and the case is discharged.

245 (b) Within 7 days after meeting, the case staffing team shall provide the parent or legal guardian  
246 with a written report that details the reasons for the decision. The report shall contain a written  
247 statement of the circumstances which brought the family and child to the program. The report  
248 shall contain a notice, in a form acceptable to the juvenile court, stating that community-based  
249 crisis intervention services have terminated and whether or not the case manager believes it is  
250 likely that the child would benefit from further services.

251 (c) The report and any documentation of services provided to the family and child shall not be  
252 public records. Statements made by the family and child while receiving services from the  
253 program shall be treated as confidential and may not be admitted into evidence in any court  
254 proceeding arising from the circumstances which brought the family and child to the program,  
255 unless a court finds that such inadmissibility would result in substantial harm to the child.

256 12. There shall be an advisory council which shall advise the secretary on creation, operation  
257 and effectiveness of the community-based crisis intervention services program. Members shall  
258 include the commissioners of the departments of public health, mental health, social services,  
259 youth services and transitional assistance, education and public safety, the commissioner of  
260 probation, the chief justice of the juvenile court, a district attorney, members of the bar who  
261 represent children in juvenile court proceedings, representatives of urban, suburban and rural  
262 municipal police departments and school districts, providers of service to children and families,  
263 and parents.

264 13. The secretary shall report annually on February 1, to the joint committee on children and  
265 families and the house and senate committees on ways and means on the progress of the  
266 community-based crisis intervention services program.

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

269 “grants may be awarded to assist schools in planning and implementing truancy preventions  
270 programs which meet the certification requirements established pursuant to section 1O of  
271 Chapter 69.”

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

274 Section 1O

275 The Department of Education shall promulgate regulations establishing a truancy prevention  
276 program certification process. School districts may establish a truancy prevention program  
277 which meets the requirements for certification by the department and apply to the department  
278 for certification.

279 SECTION 4

280 Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to 39J,

281 inclusive, and adding the following new sections:

282 Section 39K. “Child requiring assistance”, a child below the age of eighteen who persistently  
283 runs away from the home of his parents or legal guardian, or persistently refuses to obey the  
284 lawful and reasonable commands of his parents or legal guardian, thereby resulting in said  
285 parent’s or legal guardian’s inability to adequately care for and protect said child, or persistently

286 violates the lawful and reasonable regulations of his school, or a child between the ages of six  
287 and sixteen who is a habitual truant.

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

290 Section 39L.

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

293 2. On its own motion and at any time during proceedings brought under sections 39K through  
294 39X, the court may substitute a care and protection petition pursuant to Chapter 119 section 24  
295 of the General Laws for a request for assistance to determine whether a child requires  
296 assistance.

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

301 Section 39M Nature of the Proceedings

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

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

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

313 Section 39N.

314 1. A proceeding to adjudicate a child to require assistance is originated by the filing of a request  
315 for assistance, alleging:

316 (a) that the child persistently runs away from the home of his parents or legal guardian,  
317 or persistently refuses to obey the lawful and reasonable commands of his parents or  
318 legal guardian, thereby resulting in said parent's or legal guardian's inability to  
319 adequately care for and protect said child, or that the child is habitually truant or  
320 persistently violates the lawful and reasonable regulations of his school;

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

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

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

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

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

332 (a) a police officer;

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

334 (c) a school district;

335 3. The petitioner shall attach to the request for assistance the notice of termination of  
336 community-based crisis intervention services as provided for in chapter 6A, section 16H(11)(b)  
337 or notice of ineligibility as provided for in chapter 6A, section 16H (7)(e). Except as provided  
338 below, the clerk shall not accept for filing any request for assistance that does not have attached  
339 thereto said notice of termination or ineligibility.

340 Any person or agency seeking to file a request for assistance pursuant to this section which does  
341 not have attached thereto the notice of termination of community-based crisis intervention  
342 services shall be referred by the clerk of the court to the program designated by the secretary of  
343 the executive office of health and human services to provide community-based crisis  
344 intervention services in the juvenile court region where the child resides.

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

351 Section 390

352 1. On the filing of a request for assistance pursuant to this section, the court may cause a copy of  
353 the request for assistance and a summons to be issued, requiring the child and his parent or other  
354 person legally responsible for his care, or with whom he is domiciled, to appear at the court at a  
355 time and place named to answer the request for assistance.

356 2. In proceedings originated by a parent, legal guardian or other person legally responsible for  
357 the child's care the court shall cause a copy of the request for assistance and notice of the time  
358 and place to be heard to be served upon any parent of the child or other person legally  
359 responsible for the child's care who has not signed the request for assistance, provided that the  
360 address of such parent or other person legally responsible is known to the court or is  
361 ascertainable by the court. Said copy shall be accompanied by a notice that, in the event that the  
362 court deems it necessary to place the child in the care and custody of the department of social  
363 services or any other agency, said parent may be named as a respondent in any child support  
364 proceeding brought in connection with the child's care.

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

370 Section 39P

371 The clerk shall set a date for a fact finding hearing no more than 90 days from the date the  
372 request for assistance is filed. If at any time prior to the hearing the parents, child, petitioner  
373 and probation officer agree, the fact finding hearing may be postponed for an additional 90 days  
374 after the expiration of the initial 90 day period.

375 Section 39Q

376 1. The clerk shall appoint counsel for the child 3 business days prior to any scheduled hearing.  
377 The clerk shall cause a copy of the request for assistance and notice of the time and place to be  
378 heard to be delivered to counsel at the time of appointment.

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

381 3. The court shall determine whether the parent or legal guardian of a child alleged to require  
382 assistance is indigent. If the court determines that the parent or legal guardian is not indigent,  
383 the court shall assess a \$300 fee against the parent or legal guardian to pay for the cost of  
384 appointed counsel. If the parent or legal guardian is determined to be indigent but is still able to

385 contribute toward the payment of some of said costs, the court shall order the parent or legal  
386 guardian to pay a reasonable amount toward the cost of appointed counsel.

387 Section 39R

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

391 The probation officer in his discretion may:

392 (a) refer the family and child to the program designated to provide community-based  
393 crisis intervention services for this juvenile court district; the probation officer may  
394 confer with the provider of community-based crisis intervention services to resolve the  
395 situation which formed the basis of the request for assistance;

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

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

401 (d) If the child or his parents fail to participate in good faith in the referrals or  
402 conferences arranged by the probation officer the probation officer shall so certify in  
403 writing and present these findings to the court.

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

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

415 3. Conferences and referrals arranged under this section may extend for a period not to exceed  
416 90 days from the date that the request for assistance was filed, unless the parent, child and  
417 petitioner voluntarily agree in writing to a continuation of such conferences or referrals for an  
418 additional period not to exceed 90 days from the expiration of the original period. Upon the  
419 expiration of the initial 90 day period, or of such additional 90 day period, the request for  
420 assistance may be dismissed and the child and his parents discharged from any further  
421 obligation to participate in such conferences and referrals, or a fact finding hearing shall be  
422 held.

423 Section 39S

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

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

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

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

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

441 Section 39T

442 Petitioner shall retain the right to withdraw the request for assistance at any point prior to a  
443 hearing to adjudicate a child requiring assistance.

444 Section 39U

445 1. The court shall hold a fact finding hearing in which it shall receive evidence from the  
446 petitioner and the community-based crisis intervention services program case manager and the  
447 recommendation of the probation officer.

448 2. At the initial appearance of the child, the court shall review any notice of termination of  
449 community-based crisis intervention services. With the consent of the family and child the  
450 court shall consider any written reports created by the community-based crisis intervention  
451 services indicating any previous actions it has taken with respect to the case. The court shall  
452 consider any available documentation of diligent attempts to provide appropriate services and  
453 determine whether such efforts or services provided are sufficient.

454 The court may order the child and the parent or other person legally responsible for the child to  
455 participate in community-based crisis intervention services. If the designated program  
456 thereafter determines that the case has been successfully resolved, it shall so notify the court,  
457 and the court shall dismiss the request for assistance.

458 3. The court shall either

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

461 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the child  
462 would best be served by continued informal assistance, in which case the court shall,  
463 with the consent of the child and his parents or legal guardian, refer the child to a

464 probation officer or order the child and family to return to the designated program for  
465 additional community-based crisis intervention services assistance; or

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

468 4. No statements made by a child, family member, or by any other person during the period of  
469 inquiries, conferences, or referrals may be used against the child at the fact finding hearing or  
470 hearing for adjudication but such statements may be received by the court after adjudication for  
471 the purpose of disposition.

472 Section 39V

473 1. At any hearing held to determine whether a child requires assistance, said child and his  
474 attorney shall be present. The petitioner shall bear the burden of presenting evidence proving  
475 that the child requires assistance. If the court finds the allegations in the request for assistance  
476 have been proved at the hearing by a preponderance of the evidence, it may adjudge the child  
477 named in such request for assistance to be a child requiring assistance.

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

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

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

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

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

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

501 (c) subject to the provisions of sections 32 and 33 and with such conditions and  
502 limitations as the court may recommend, commit the child to the department of social  
503 services. If the court chooses to commit the child to the department then at the same  
504 time, the court shall consider the provisions of section 29C and shall make the written  
505 certification and determinations required by said section 29C. The department may not

506 refuse out-of-home placement of a child if the placement is recommended by the court  
507 provided that the court has made the written certification and determinations required by  
508 said section 29C. The department may not refuse out of home placement when requested  
509 by the child if there is a substantiated history of abuse and neglect in the home by the  
510 parent or legal guardian.

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

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

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

517 4. A child found to require assistance shall not be committed to any county training school. A  
518 child found to require assistance shall not be committed to an institution designated or operated  
519 for juveniles adjudicated delinquent. However, such child may be committed to a facility which  
520 operates as a group home to provide therapeutic care for juveniles regardless of whether  
521 juveniles adjudicated delinquent are also provided care in such facility and may, in addition, be  
522 referred to the department of youth services for placement in individual foster care.

523 Section 39W

524 1. Any order of disposition pursuant to this section shall continue in force for not more than 90  
525 days; provided, however, that the court which entered the order may, after a hearing, extend its

526 duration for up to three additional periods, each such period not to exceed 90 days, if the court  
527 finds that the purposes of the order have not been accomplished and that such extension would  
528 be reasonably likely to further those purposes. Orders shall be extended upon a finding that the  
529 child or family are not participating in good faith.

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

### 533 Section 39X

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

539 (b) After an officer has taken a child into limited custody, the officer shall immediately notify  
540 the parent or other person legally responsible for the child's care, or the person with whom he is  
541 domiciled, that he has been taken into custody.

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

543 (i) release the child to the custody of his or her parent or other person legally responsible  
544 for his or her care upon the written promise, without security, of the person to whose  
545 custody the child is released that he will produce the child before the program

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

550 (ii) forthwith and with all reasonable speed take the child directly, and without first  
551 being taken to the police station house, to the program designated to provide  
552 community-based crisis intervention services for the geographic region which  
553 constitutes the district of the juvenile court department within which the child was taken  
554 into limited custody or resides, unless the officer determines that it is necessary to  
555 question the child, in which case he or she may take the child to a facility designated by  
556 the chief administrator of the juvenile court as a suitable place for the questioning of  
557 children or, upon the consent of a parent or other person legally responsible for the care  
558 of the child, to the child's residence and there question him or her for a reasonable period  
559 of time; or

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

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

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

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

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

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

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

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

## 580 SECTION 5

581 Notwithstanding any general law to the contrary the secretary of the executive office of health  
582 and human services and the commissioners of departments of public health, mental health,  
583 social services, youth services and transitional assistance shall enter into memoranda of  
584 understanding among themselves and with the department of education, office of the  
585 commissioner of probation, the juvenile court, municipal police departments and school districts  
586 to provide coordination, delivery, and funding of services to children and families who,  
587 pursuant to the provisions of section 16H(7)(b) of chapter 6A of the General Laws, are not

588 eligible for community-based crisis intervention services established pursuant to section 16H of  
589 chapter 6A.

590 SECTION 6

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

593 SECTION 7

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