

Juvenile Justice Policy and Data Board

CBI Subcommittee

Virtual Meeting

April 15, 2021

1:00-2:30pm

Agenda

1. Welcome and Introductions
2. Review/Approval of March meeting minutes
3. Learning Lab Updates
4. Discussion re: long-term impacts of COVID-19 on the juvenile justice system
5. Child Requiring Assistance System Foundation Setting and Discussion

Learning Lab Updates

Join DYS & the OCA at a virtual information session to hear more about the Diversion Learning Lab launch and learn more about the program like:



- What are the goals of the Learning Labs?
- How will DYS work with current diversion programs?
- Who will be eligible for diversion?
- What services will the diversion program provide?
- How was the program model developed?

Tuesday, April 27th 1:00pm-2:30pm on Zoom

[Registration required](#) (will be mailed out with post-meeting materials)

<https://docs.google.com/forms/d/e/1FAIpQLScOQaKxnilljE6NC4rTC1FzHo2cP3zDtU7yZjyZ45TXXGtasg/viewform?vc=0&c=0&w=1&flr=0>

Long Term Impacts of COVID-19 on the Juvenile Justice System

What changed throughout the course of the pandemic that benefited youth?

Remote Technology Interventions

- TeleHealth for outpatient services
- Virtual court hearings especially for non-evidentiary hearings
- Remote cross-agency meetings
- Reduce in-person court attendance for youth/families which was costly, timely, sometimes unsafe and can be extremely burdensome for youth/families

System Stakeholder Attitudes and Beliefs

- Increased openness to creative intervention strategies
- Increased openness and focus on race equity and social justice
- Consensus to avoid taking youth into custody

Reducing the Number of Youth in Custody

- Reducing detentions
- Reducing the number of youth in residential commitments & shift to community supervision
- Standards of confinement set after the SJC decision

Program Responses

- Increased use and expanded roles of therapeutic mentors
- More Than Words and Youth Options Unlimited created engaging virtual job programs

What changed throughout the course of the that may have negatively impacted youth? (pt.1)

Technology Challenges

- Access to reliable internet/Wi-Fi, access to technology with video capabilities
- Virtual platforms were more appropriate for older youth; younger children might not have had access without parent's help
- Delayed infrastructure start up on the agency's end
- Remote learning challenges

Isolation causing trauma and/or negative outcomes disproportionately felt among youth of color and under resourced communities

- The pandemic increased disparities and exacerbated gaps in resources for young people of color, and young POC who faced traumatic experiences
- Inequities with access to learning and resources
- Anxiety experienced due to uncertainty of the situation
- Stress experienced by detained and committed youth due to:
 - added isolation
 - fears and worries about their family's health and safety on the outside
 - lack of movement, recreation, ways to expend energy while locked up
 - fear of contracting/actually contracting COVID while in custody

What changed throughout the course of the that may have negatively impacted youth? (pt.2)

Lack of resources to address ongoing trauma & delays in programming:

- Mental & emotional health issues with young people and lack of resources to meet those needs
- Longer waits for DCF residential placements
- Lack of person to person supports, mentoring and job programs, and other positive programs during a stressful time
- Youth were not referred for services who should have been due to school closures
- Delays in services adjusting to a virtual platform or to the demands of the pandemic
- Reluctance to enter residential treatment for fear of contracting COVID
- Reduced availability of family support services (esp if not related to MH) → increase in stressed families & DCF involvement with families

Other

- Delays in court proceedings & the disconnect from the reality of having an open criminal case
- Overuse of home confinement and GPS restrictions

What are We Worried about Moving Forward? (pt. 1)

Long-term Impact on Educational Connections/Attainment

- Anticipated future dropout crisis or overage/under credited kids
- Long term impact of disruption in education
- Disconnect from educational institutions
- Providing services/supports for students with disabilities who experiences regression during the pandemic
- How to address chronic absenteeism through community based and school district supports? (51A's and CRA should not be the first option)
- Truancy uptick
- Upticks in CRAs, especially school related CRAs

MH/BH Challenges

- Depression, anxiety PTSD, social anxiety & self-esteem issues due to the pandemic, loved one's death due to COVID, and impacts of isolation
- Issues related to readjustment
- Increased anxiety, depression and PTSD experienced by youth and already vulnerable youth
- Significant trauma experienced due to added isolation in lock up and dealing with grief while inside
- Limited number/availability of culturally competent mental health professionals
- Continued gaps in access to services/treatment

What are We Worried about Moving Forward? (pt. 2)

Longer Term Impacts of Financial Insecurity During COVID

- Evictions and other housing instability
- Food insecurity, job insecurity, added financial burdens, challenges with reliance on public transportation

Longer Term Impacts on Relationships and Behaviors

- Impacts of loss of pro-social adult relationships
- Challenges with connections to peers

COVID-19 Discussion Questions

- What stop-gap/transition measures are needed as we transition to a “post-pandemic” world?
 - Ex: identification of youth who didn’t get referred for services due to COVID but should have been
- How do we triage given limited resources?
- What is needed to prepare for longer term impacts on JJ system?
 - Policies that need re/further examination?
 - Programs/services that need to be expanded?

Child Requiring Assistance Foundation Setting

Child Requiring Assistance (CRA) Overview

1. CRA Process Overview
2. CRA Data
3. Research Plan & Emerging Themes

Child Requiring Assistance (CRA)

- The Juvenile Court can receive and hear petitions that a child “requires assistance”
- Legal process but NOT a criminal proceeding
- Depending on circumstances, petitioners can be parents/guardians, schools, or police
- “Assistance” can range from referrals to services to a change in custody and out of home placement
- There can be overlap between CRA, Delinquency and Care and Protection Systems
 - E.g. Case that starts as one type and becomes another

CRA Petition Type for Children (6 - 18 years old): Stubborn & Runaway

[Ch. 119 § 39E through I](#)

- **Petitioner:** Parent, legal guardian, custodian
- **Stubborn Child:** repeatedly fails to obey lawful and reasonable commands of a parent/guardian/custodian, thereby interfering with the parent's/ guardian's/custodian's ability to adequately care for and protect said child
- **Runaway Child:** repeatedly runs away from the home of a parent/guardian/ custodian

CRA Petition Type for Children (6 - 16 years old): Truancy & Habitual School Offender

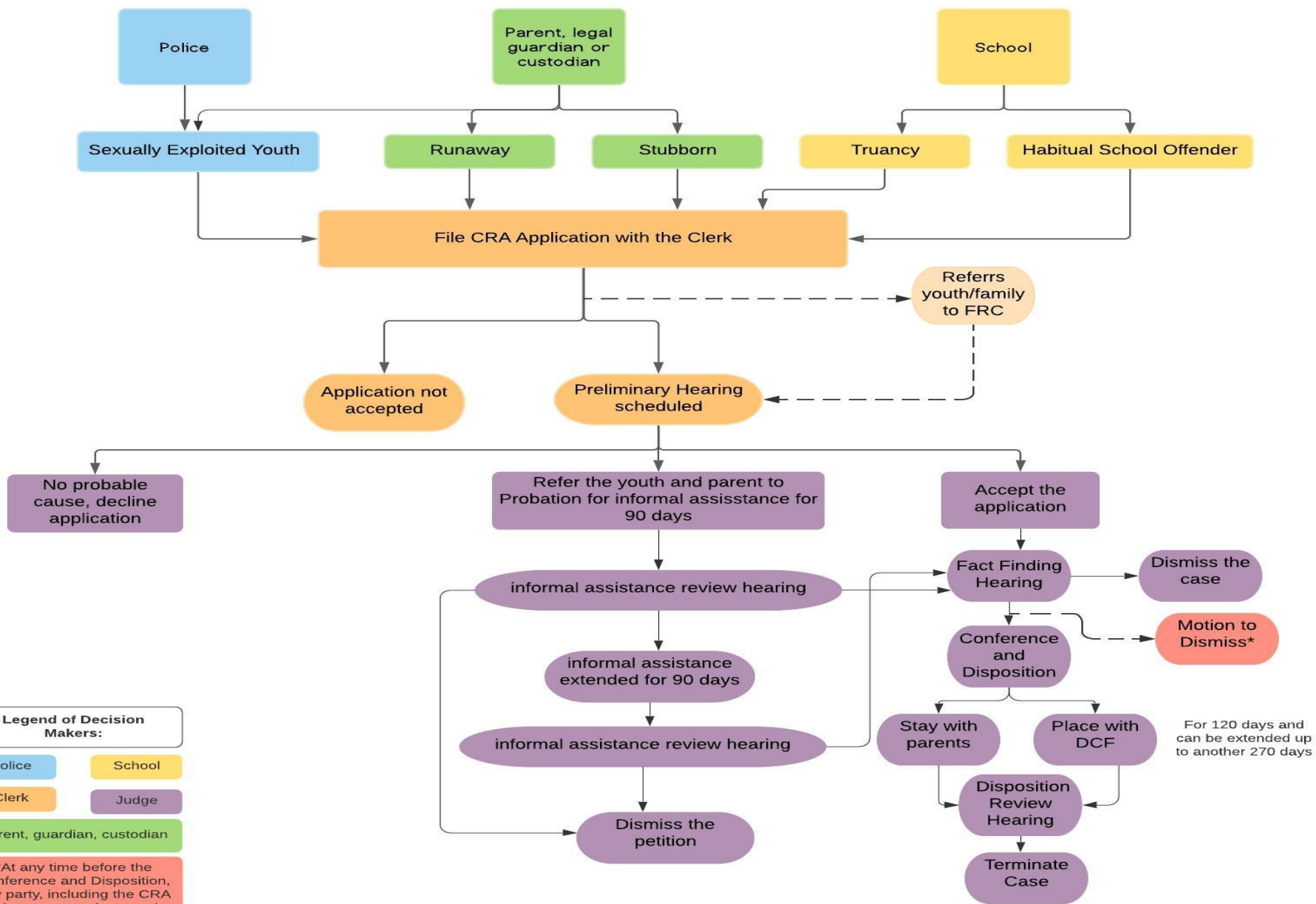
- **Petitioner:** School Representative [Ch. 119 § 39E through I](#)
- **Truancy:** for a child who was not excused from attendance under the lawful and reasonable regulations of such school, who willfully fails to attend school for more than 8 school days in a quarter
 - School needs to elaborate on the specific steps taken in a truancy prevention program or other school steps taken to prevent truancy/misconduct prior to filing a court application for CRA
 - “willfully fails to attend” was clarified in *Millis Public Schools v. M.P.* (2018) to mean “**a child who “acts purposefully, such that his or her behavior arises from reasons portending delinquent behavior”** & has been included in new court [Standing Order](#) (4/1/21)
- **Habitual School Offender:** for a child who repeatedly fails to obey lawful and reasonable regulations of school

CRA Petition Type for Children (6 - 18 years old): Sexually Exploited Child

[Ch. 119 § 39E through I](#)

- **Petitioner:** Police
- **Sexually Exploited Child:** any person under the age of 18 who has been subjected to sexual exploitation because such person:
 - (1) is the victim of the crime of sexual servitude pursuant or is the victim of the crime of sex trafficking;
 - (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, or in exchange for food, shelter, clothing, education or care;
 - (3) is a victim of the crime, whether or not prosecuted, of inducing a minor into prostitution; or
 - (4) engages in common night walking or common streetwalking.

CRA Court Process



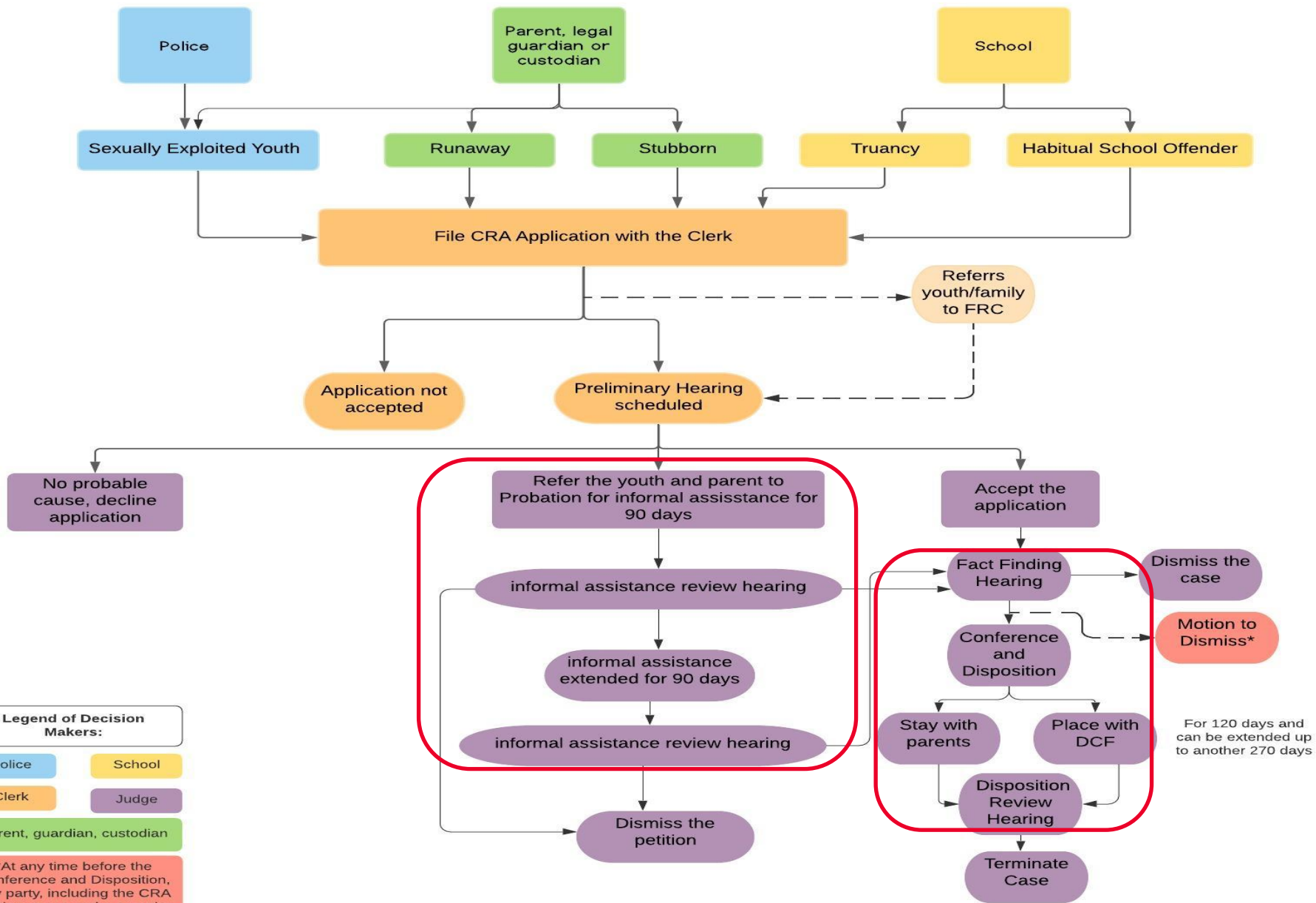
Legend of Decision Makers:

- Police
- School
- Clerk
- Judge
- Parent, guardian, custodian

*At any time before the Conference and Disposition, any party, including the CRA Petitioner, can make a motion to dismiss the case.

For 120 days and can be extended up to another 270 days

CRA Court Process



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- Police
- School
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Role of the Clerk

- **Diversion to FRC:**
 - When an application for assistance is present to the clerk for filing, the clerk **shall** inform the petitioner that the petitioner may delay filing the request and meet with FRC first
 - The clerk shall prepare, publish and disseminate to each petitioner educational material relative to available FRCs and community-based programs.
- **Description of CRA Process:** If the petitioner is a parent, clerks shall provide informational materials that explain the court process
 - Types of orders court may issue
 - Possibility of change in custody
 - Services available through court process, including language translation
- **Preliminary Hearing:** If application is initiated, clerks shall set a date for a preliminary hearing (no later than 15 days)

Informal Assistance (Probation)

- Probation Officer supervising the child **can refer the child** to an appropriate public or private organization or person for psychiatric, psychological, educational occupational, medical, dental or social services
 - *Is not a guarantee of service acceptance/availability*
- Probation Officers **may conduct conferences with the child** and the child's family to effect adjustments or agreements to attempt to resolve the situation
- **Neither the child nor the child's parents may be compelled** to appear at any conferences, produce and papers or visit any place. If there is no good faith effort, the probation office shall certify that in writing for the court.

Formal Assistance (Judge/Court)

- The court may issue a summons requiring the child named to appear before the court. If the child fails to obey the summons, the court **may issue a warrant of custodial protection** for an officer to bring the child before the court
- For petitions that are not resolved through an informal process, the court conducts a **fact-finding hearing**.
- If the case moves forward after the fact-finding hearing, the court is required to **convene a conference** with Probation, the FRC or other community-based programs, the petitioner, a representative from the child's schools, the child's parent/legal guardian, the child, the child's families, DCF and other persons that may be helpful
- Written recommendations (from the probation officer or anyone else) are presented regarding:
 - Appropriate treatment and services for the child and family
 - Appropriate placement for the child
 - Appropriate conditions and limitations of such placement

Formal Assistance: Possible Dispositions

- **Set conditions for the child while remaining home:** including provision for medical, psychological, psychiatric, educational, occupational and social services, and for supervision by a court clinic or by any public or private organization providing counseling or guidance services
 - *Is not a guarantee of service acceptance/availability*
- **Set conditions for the child while placing a child in the temporary custody of:**
 1. a relative or other adult
 2. a licensed private charitable or childcare agency or other private organization
 3. a private organization which, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child
 4. DCF

Supervision
of Conditions
= Probation

Restrictions on Responses

- A child **may not be confined** in shackles or similar restraints or in a court lockup facility in connection with any CRA proceedings
- A child **shall not be placed in a locked facility** or any facility designated or operated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent.
- A child may be **placed in a facility which operates as a group home** to provide therapeutic care for juveniles, regardless of whether juveniles adjudicated delinquent are also provided care in such facility.

CRA Placement with DCF

- Temporary custody can be awarded pre-fact finding hearing to DCF for Stubborn petitions or if the court finds that the child is likely not to appear at the fact finding or disposition hearing. Temporary custody can last 15-45 days.
- DCF shall give due consideration to the recommendations of the court.
- DCF may not refuse out-of-home placement of a child if the placement is recommended by the court provided that the court has made the written certification and determinations required law.
- DCF shall direct the type and length of such out-of-home placement.
 - *Court cannot require a certain placement type*
 - *Court cannot require DCF to provide specific in- or out of-home services*
- DCF shall give due consideration to the requests of the child that the child be placed outside the home of a parent or guardian where there is a history of abuse and neglect in the home by the parent or guardian

Children in Need of Services (CHINS) to Child Requiring Assistance (CRA)

[Session Laws Acts 2012 Chapter 240](#)

- The goal of CHINS reform was to help children get the care they need without the stigma of being court-involved. The CRA legislation did this by:
 - focusing on FRCs and community-based referrals before CRA filing
 - ensuring youth with CRAs do not have CORI records from their involvement
- Set timelines for probable cause and fact-findings hearings (previously CHINS did not have timelines for these hearings in statute)
- Provided more rights to children and their families throughout the process
 - petitioners are able to move to dismiss a CRA petition at any point before disposition
 - parents gained right to counsel (children already had right at hearings)
 - children cannot be placed in handcuffs or lock up

Children in Need of Services (CHINS) to Child Requiring Assistance (CRA)

[Session Laws Acts 2012 Chapter 240](#)

- Created Family Resource Centers & Family and Child Requiring Assistance Advisory Board (FACRA)
- Required schools to refer youth about to be expelled to FRCs (can refer youth to a department of education truancy program first)
- Directed DESE to adopt regulations establishing a truancy prevention program certification process, and a pilot truancy program using restorative justice processes

DATA ON CRAS IN MA

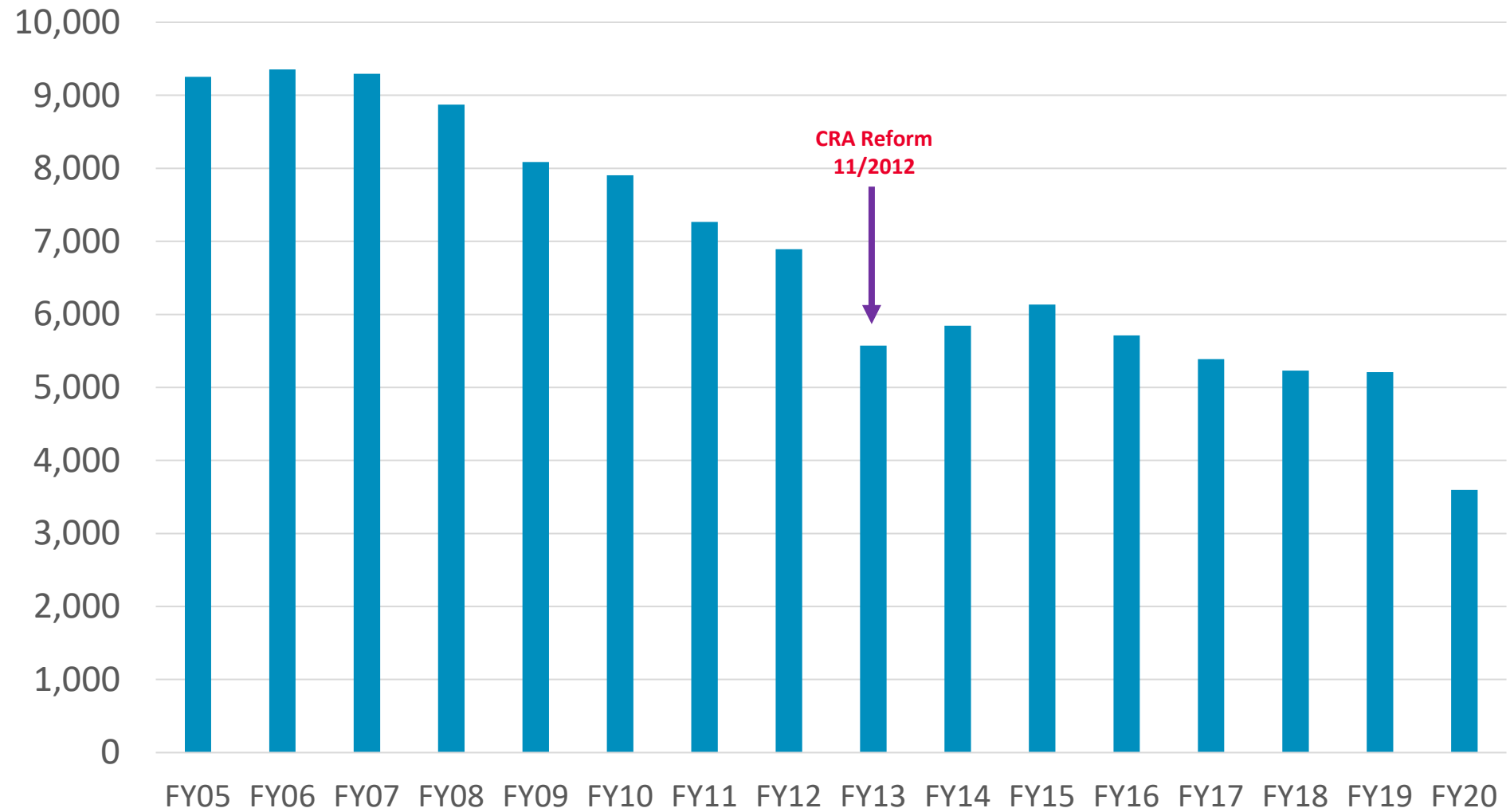
What do we know about youth with CRAs in Massachusetts?

There are 4 main sources for CRA data:

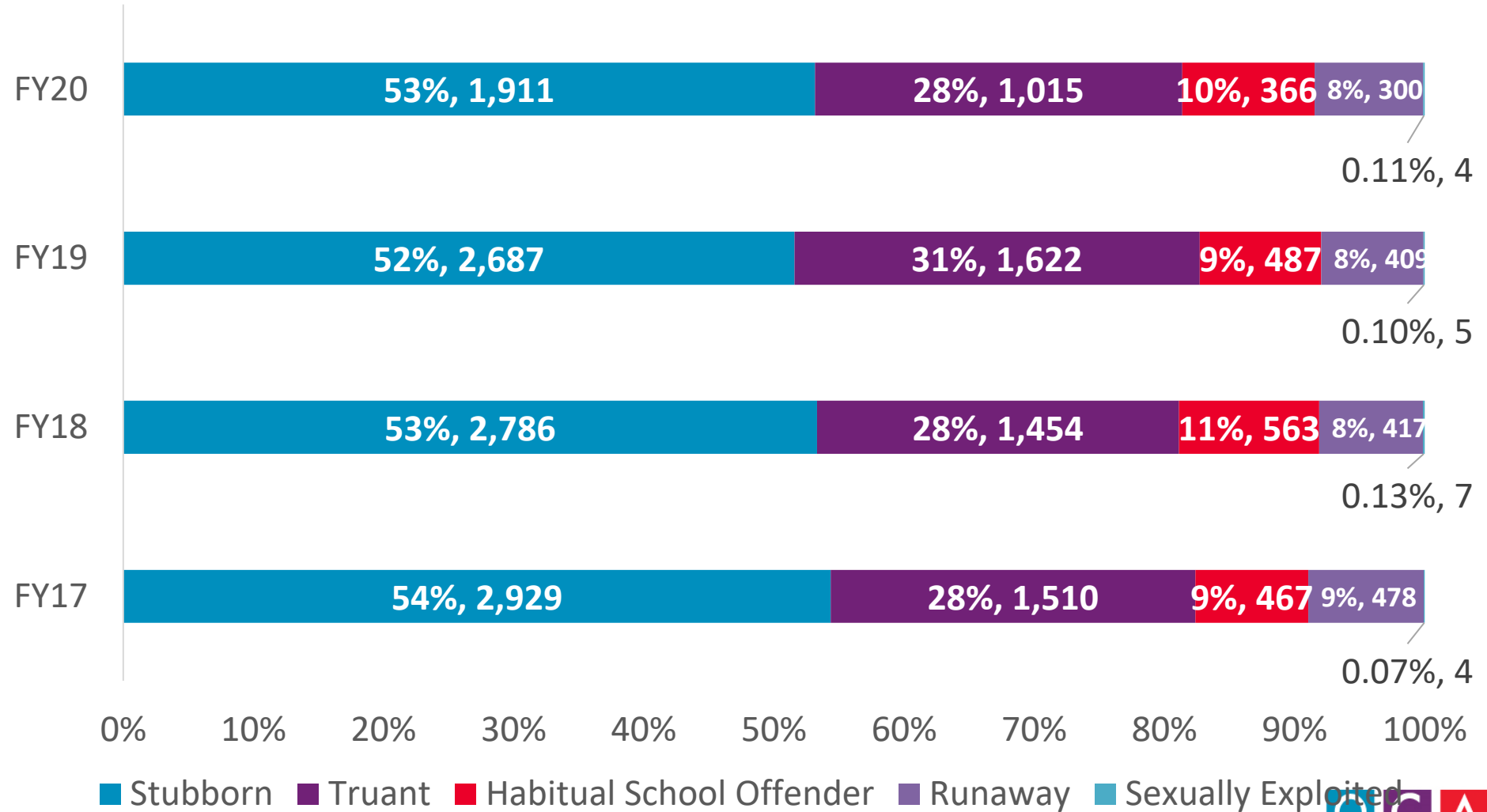
1. JJPAD Annual Report
2. FACRA Board Annual Report
3. UMass FRC Evaluation Reports
4. [Juvenile Court Tableau](#)

CHINS/CRA Filings by FY

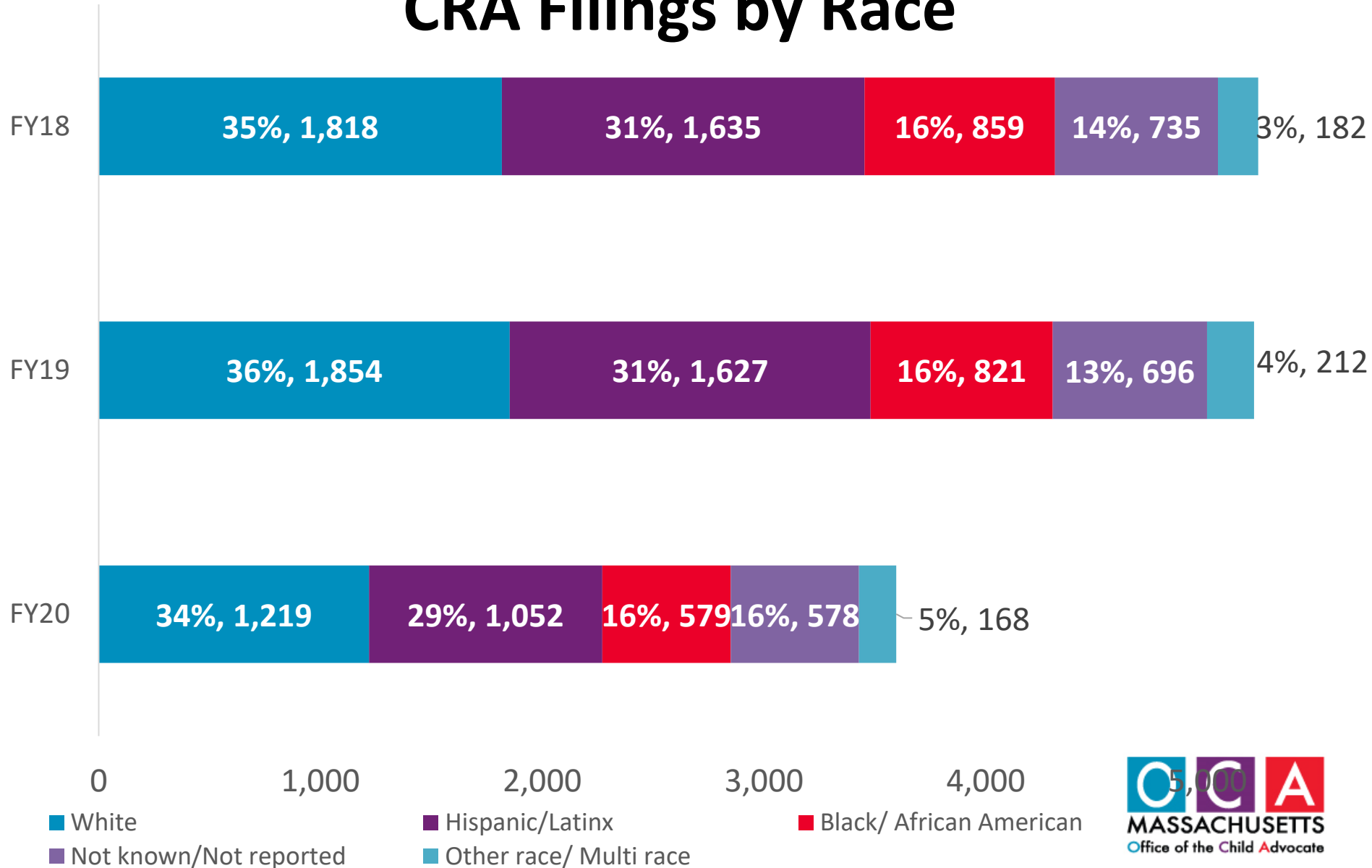
Total Filings



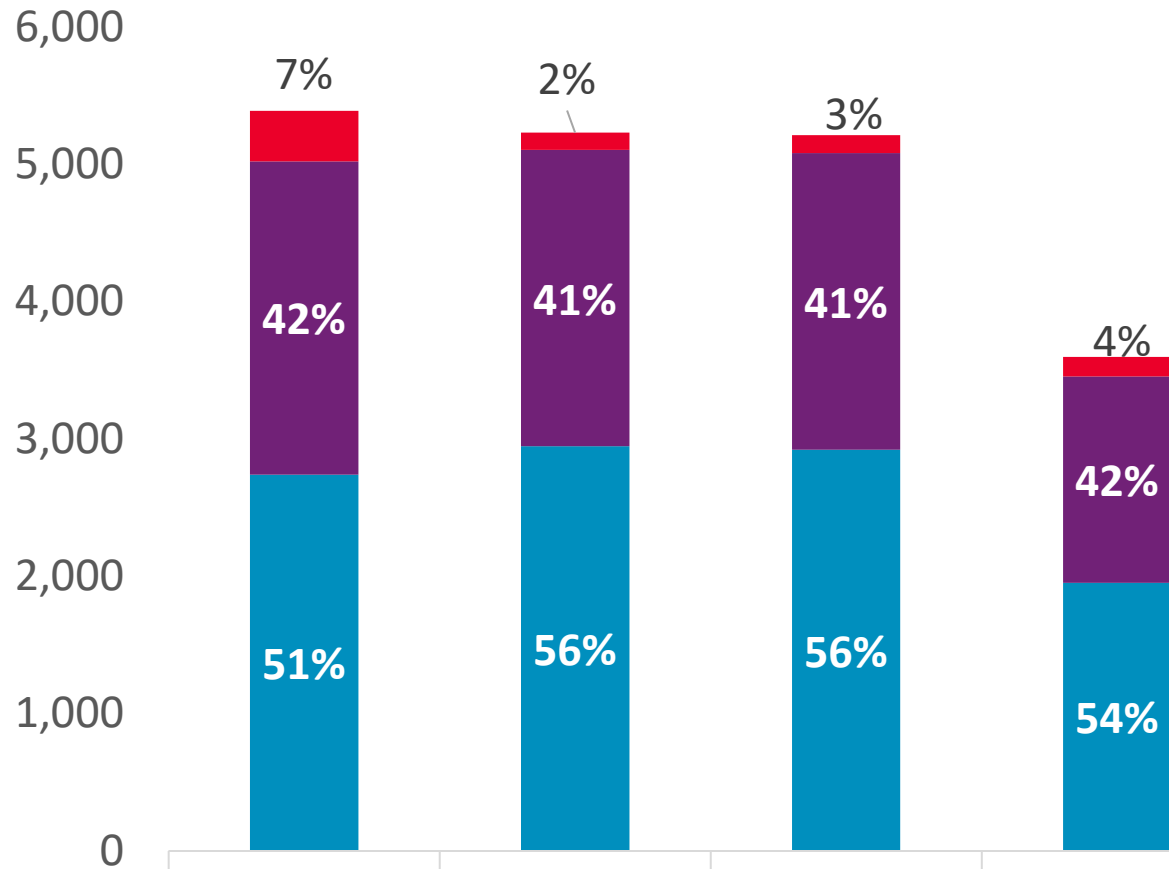
CRA Data (JJPAD Report): CRA Filings by Petition Type



CRA Data (JJPAD Report): CRA Filings by Race



CRA Data (JJPAD Report): Filings by Gender

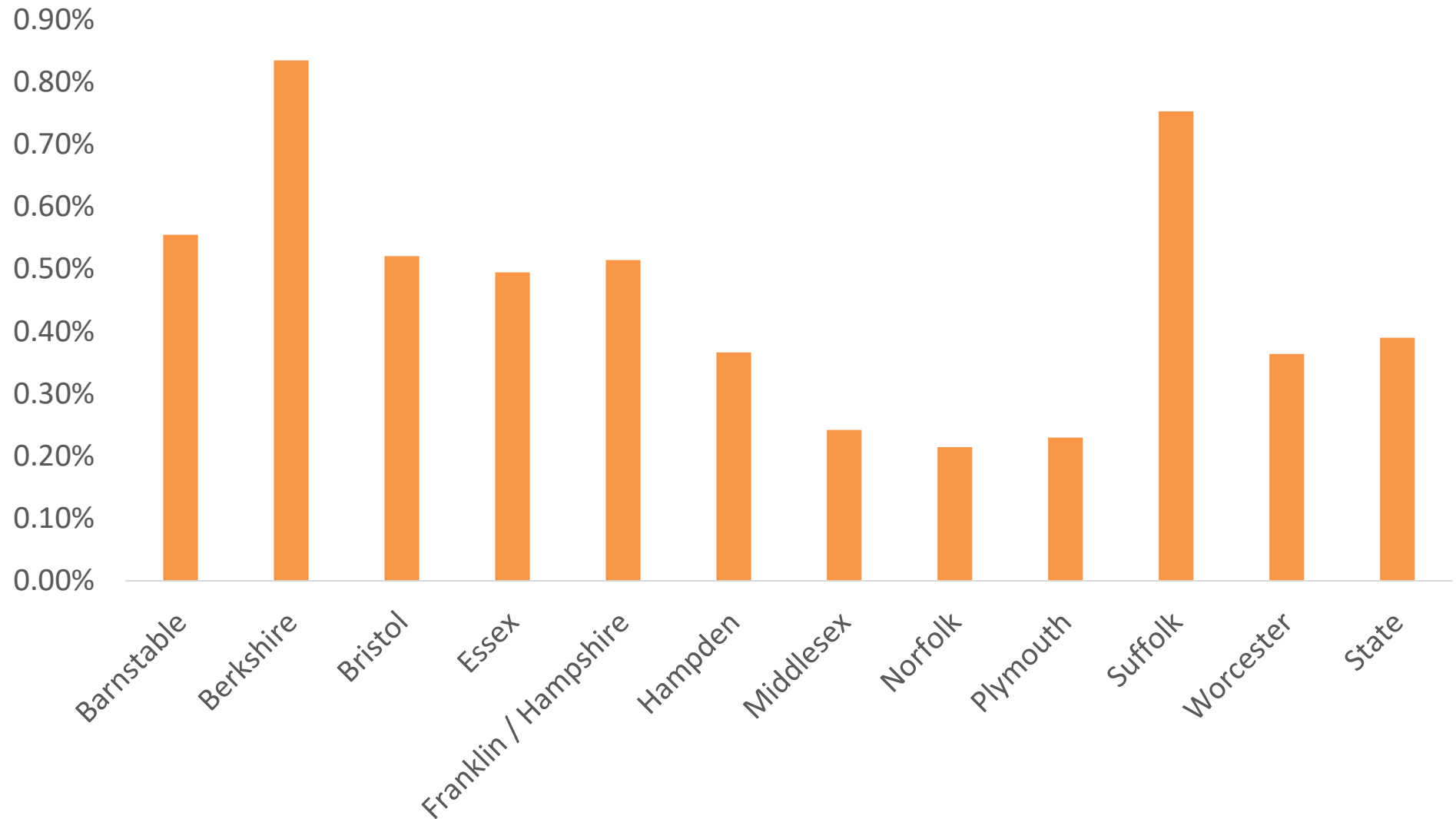


	FY17	FY18	FY19	FY20	% Change FY19 to FY20
■ Not Known/Not Reported	369	128	131	141	8%
■ Girls	2,279	2,155	2,159	1,504	-30%
■ Boys	2,740	2,947	2,920	1,951	-33%

CRA Data (JJPAD Report): Filings by Age

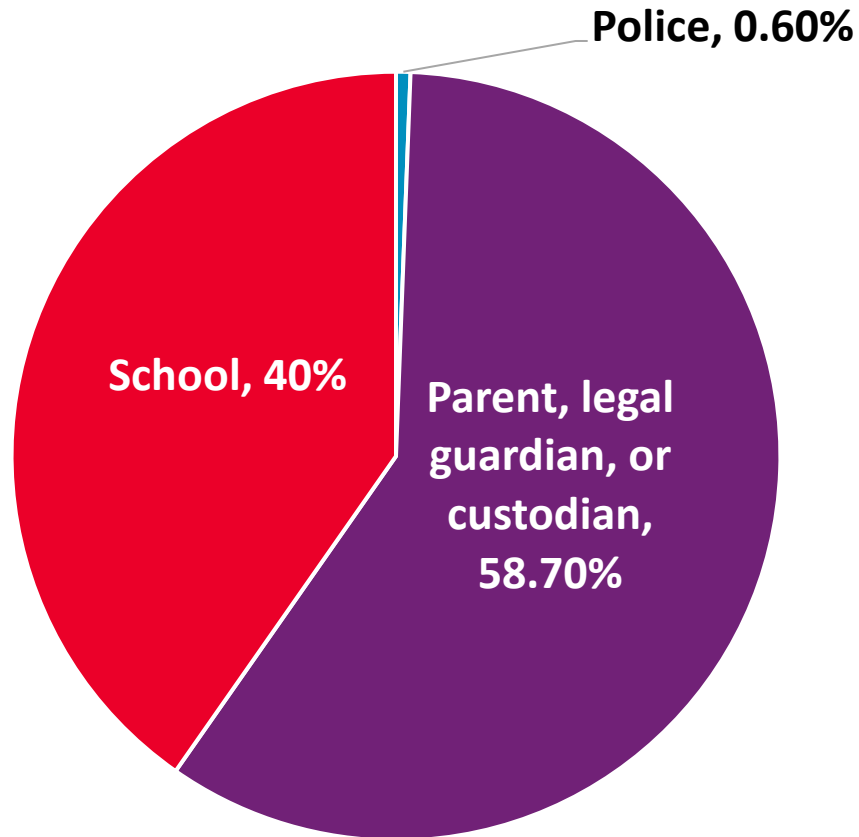


CRA Filings by Court County: Adjusting for County Population (6–17-year-old, CY19)



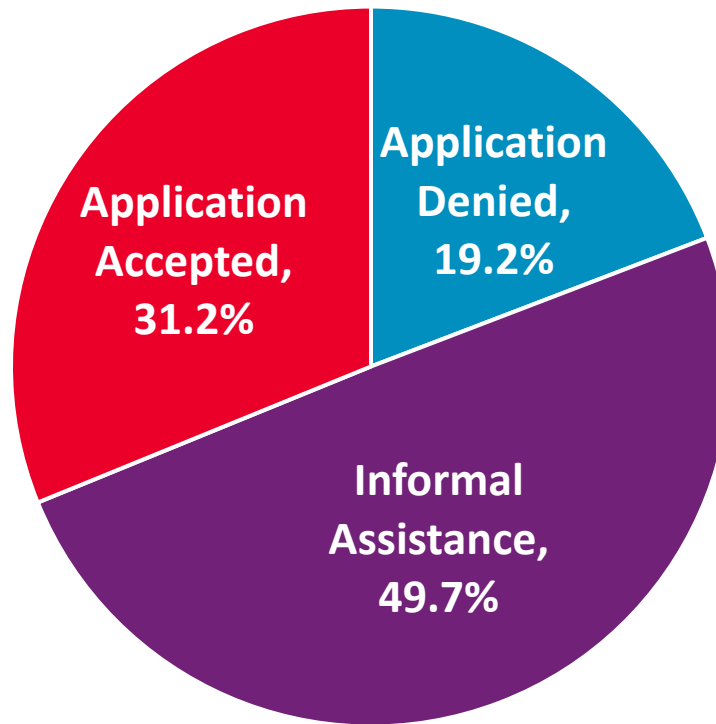
FACRA Board CRA Annual Report Data (n=4,462)

Petitioners



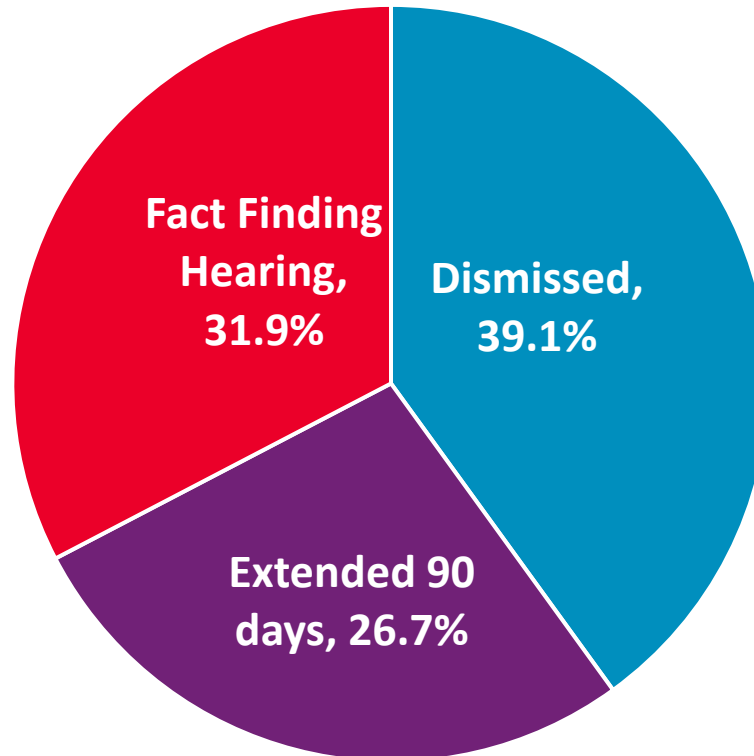
FACRA Board CRA Annual Report Data (n=4,462)

Results of the Preliminary Hearing



FACRA Board CRA Annual Report Data (n=2,186)

Results of Informal Assistance Review Hearing



- 24% of youth with a fact-finding hearing were in DCF custody

FACRA Board CRA Annual Report Data

- Of the total calls 2-1-1 calls in CY20, 832 callers were requesting information directly related to a CRA-related issue; this number is up 32% from 628 callers in CY2019.
- In CY20, there were 3 youth served by the Runaway Assistance Program.

Reported Category	CY2020 Totals
# Of Family Assistance Calls (from families with children 6 to 18 years old)	22,146
# Of Intervention Service CRA Related Calls	832
Total CRA and Families Assistance Calls	22,978

Year	# of runaway youth served
CY2015	51
CY2016	53
CY2017	44
CY2018	19
CY2019	15
CY2020	3
Total	185

- 70% of youth reported having some type of insurance
 - 82.7% MassHealth
 - 15.3% Private insurance
 - 1.9% Did not disclose insurance type

FACRA Board CRA Annual Report Data: By Petition Type

Example tables based on Stubborn Petition Types

The following are the services referred to help stubborn children in 2019:

Primary Services Referred to Stubborn Children:

Community/Social Services	521
Family Resource Center	381
Court/Probation Based Services	232
Juvenile already has services in place	214
Family Support Services	196
Mental Health/Substance Abuse Services	132
School Based Services	50
No Additional Services/No Service Listed	952

Custody	Frequency	Percent
Parent	1717	74.7
Custody of DCF	367	16
Legal Guardian	191	8.3
Committed to DYS	21	0.9
Missing	1	0
Total	2,297	100

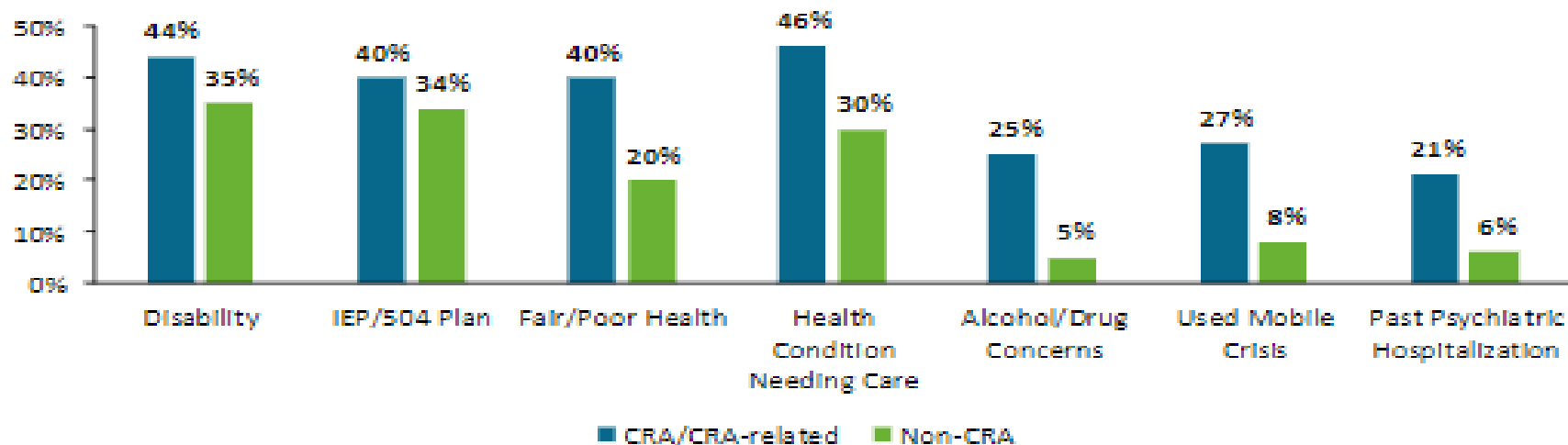
2019 UMass FRC Annual Report: Youth with CRA Filings

Table 7. Demographic Characteristics of CRA vs. non-CRA Children and Youth (n=4,866)

Demographic Characteristics		CRA or CRA-related		p
		Yes	No	
		(n=947) %	(n=3,919) %	
Age	0-5 years	3	34	<.0001
	6-10 years	15	29	
	11-14 years	45	24	
	15-17 years	37	13	
Gender	Male	56	52	<.01
	Female	44	48	
Primary Language	English	89	76	<.0001
	Non-English	11	24	

2019 UMass FRC Annual Report: Youth with CRA Filings

Figure 10. Disability and Health Characteristics of CRA/CRA-Related vs. Non-CRA Children and Youth, 2019



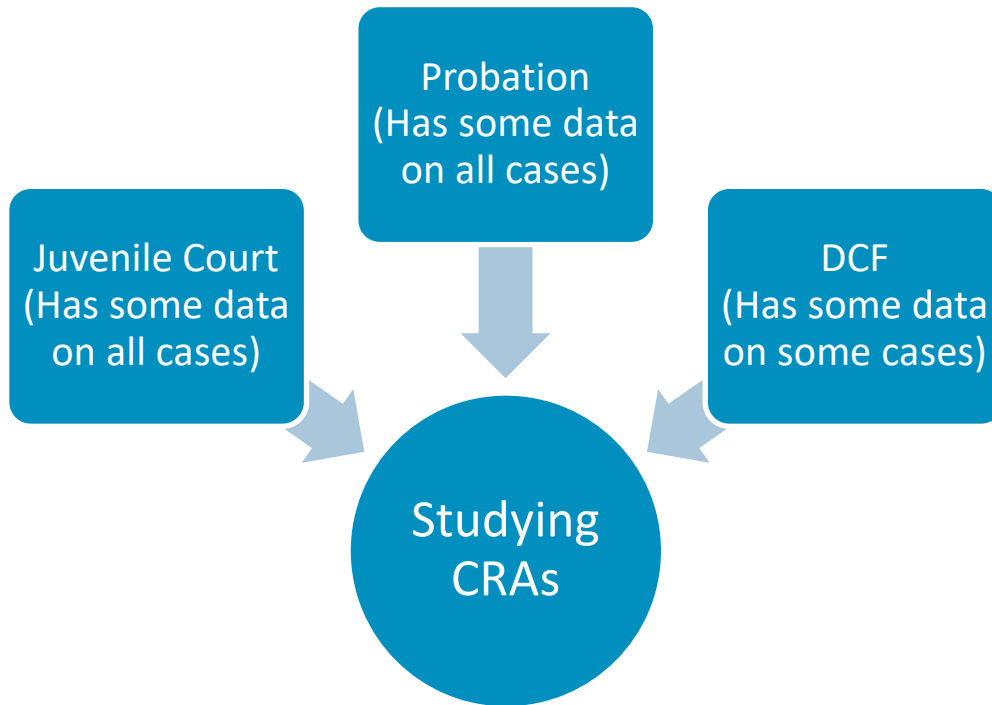
2019 UMass FRC Annual Report

Table 12. CRA Status for Child Family Members

CRA Status (n=144)		%
Was a CRA petition filed with the courts for this child?	Yes	26
	No	58
	Don't know	16
<i>If yes:</i>		
What was the outcome of the CRA petition?	CRA is pending	5
	CRA was dismissed	35
	Family received assistance from PO	5
	Family had disposition hearing	0
	Don't know/no follow-up	55
Describe child's behavior since coming to FRC	A lot better	23
	A little better	16
	No change	5
	A little worse	1
	A lot worse	0
	Don't know/no follow-up	55

RESEARCH PLAN & EMERGING KEY THEMES

What Other Data Do We Need to Consider?



- Data is collected across multiple entities
- The data we request will depend on our research questions.
- Other potential data sources:
 - FRCs
 - Juvenile Court Clinics
 - Schools

Tie in with Data Subcommittee

Family/Youth Focus Groups

- OCA is planning to contract with an external research organization to conduct focus groups with youth and families who have been through CRA process
- Will work with a variety of orgs to support recruitment
- Timing TBD, but hope to have results to bring back to this subcommittee in the fall
- Will want subcommittee feedback on topics to explore in focus groups

OCA Interviews

Conducted– 24 interviews (as of 4/14/21)

- DCF (current & former)- 3
- Providers (current & former)- 3
- Probation-4
- Clerk Magistrate-1
- Attorneys- 2
- Academic Researchers-2
- Other states-2
- FRCs-2
- Police-1
- Schools (current & former)- 1
- Juvenile Court Clinics (current & former)-2
- FACRA Board-1

Upcoming/Planned

- DCF
- Providers
- Probation
- Clerk Magistrates
- Attorneys
- Advocacy & Parent Orgs
- Judges
- Police
- Schools
- Juvenile Court Clinics
- MA LGBTQ Youth Commission
- Other States TBD

Emerging Key Themes from Initial Interviews

Unnecessary/Inequitable
Use of CRAs

CRAs as System Fail Safe

CRAs & Out of Home
Placement

Child Requiring
Assistance...or Families
Requiring Assistance?

Unnecessary/Inequitable Use of CRAs

Are there inequities in who is referred for a CRA, and when?

- Variations in referrals to FRCs from Court to Court
- Wide variation in when schools file (and what they do before filing)
- Parent CRA filings “under duress” (e.g. alternative to 51A)
- Role of racial/ethnic disparities in all of above

Do practitioners and families understand what CRA can/cannot do?

- Myths about what court can/cannot do
- When/why parents are encouraged to file CRA
- Do parents understand potential for loss of custody?

CRA as System Fail Safe

CRA as vehicle for assessment and case management

- Probation Officer as case manager
- Juvenile Court Clinics
- Variations in Probation-DCF relationships
- Could any of this be provided in lower stakes setting?

What role do issues re: service funding and eligibility play in CRA referrals?

- Impacts of disagreements over “who should pay” for services pre-CRA referral
- Insurance issues
- School placement issues
- “Failing up”

CRA & Out of Home Placements

Do we have the right services available for kids with significant needs?

- Availability of evidence-based services for this population
- Availability of more intensive in-home services or short term stabilization (e.g. CBAT)
- Out of home placement (service type and placement matching)
- Issues re: runaways

Are there times CRAs make things worse?

- Times out of home placement makes things worse
- Confusion over if/when parent can withdraw CRA
- CRA → Congregate Care → Delinquency pipeline

Child Requiring Assistance...or Families Requiring Assistance?

Should our system be more focused on needs of family rather than placing emphasis on child?

- Families in need of respite/support
- Interplay between C&P and CRA cases
- DCF Voluntary Services
- Family role in (some) truancy cases
- FRC service focus
- Why are CRA conditions focused solely on child?

CRA Discussion Questions

- Thoughts on emerging themes?
- What do you want to know more about?
- Who else should we be interviewing?
- What questions do you want answered?
- What kinds of presentations would you find helpful?

Ideas for Upcoming Meeting Topics

- Alternatives to CRAs (MHAP for Kids, FRCs)
- CRAs & Behavioral Health Services (DMH, MassHealth, Provider Org?)
- CRA intake, assessment & case management (Probation, JCC, DCF)
- New DCF Congregate Care Model (DCF)
- Challenges with Out of Home Placements (CAFL? Who else?)
- Schools & CRAs (Summer Fellow Project + ?)
- Inequities in CRA process
- Results of Youth/Family Focus Groups

Next Meeting Date

May 20, 2021
1:00pm-2:30pm
Virtual Meeting

*2021 CBI Subcommittee meetings are on the
3rd Thursday of the month 1:00pm-2:30pm until further notice.*

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