

Office of the Child Advocate  
Juvenile Justice Policy and Data Board  
Community Based Interventions Subcommittee  
Thursday June 17, 2021  
1:00pm – 2:30pm  
**Meeting held virtually**

**Subcommittee Members or Designees Present:**

Maria Mossaides, Chair (OCA)  
Kim Lawrence (Probation)  
Amy Ponte & Lisa Augusto (CAFL/CPCS)  
Barbara Wilson (CLM)  
Leon Smith (CfJJ)  
Migdalia Nalls (CPCS)  
Nokuthula Sibanda (DYS)  
Rachel Wallack (Juvenile Court)  
Brian Jenney (DPH)

**OCA Staff:**

Melissa Threadgill  
Kristi Polizzano  
Judy Touzin (Summer Research Fellow)  
Marcela Familiar-Bolanos (Summer Research Fellow)  
Ayanna Miller-Smith (Summer Research Fellow)

**Other Attendees:**

Shayna Simmonds (Probation)  
Kathleen Bitetti (State Auditor)  
Mike Glennon (Suffolk DA's Office)  
Krissy Williams (Berkshire DA's Office)  
Michael Kilkelly (Attorney)  
Other Members of the public

**Meeting Commenced:** 1:04pm

**Welcome and Introductions**

Ms. Threadgill welcomed the attendees to the Community Based Interventions (CBI) subcommittee virtual meeting. She introduced all the individuals in the WebEx video conference and individuals on the phone introduced themselves. She then presented the agenda.

### **Review and Approval of Minutes from May 2021 Meeting**

Ms. Threadgill held a formal vote on the approval of the previous Community Based Interventions meeting minutes. No one was opposed or abstained from voting on the May minutes.

The meeting minutes for May 20,2021 were approved.

### **Learning Lab Updates**

Ms. Sibanda told the group there were 7 RFR applications for the state diversion pilot sites, representing a diverse geographic region. She told the group she anticipates DYS awarding the pilot sites in July. She also announced that DYS is conducting interviews for a Diversion Manager position and, in partnership with the OCA, contracting with Dr. Gina Vincent to consult on the identification and implementation of any risk/screening and assessment tools the program will use.

Ms. Threadgill reiterated the important work Dr. Gina Vincent has done around assessments. She will let the CBI Subcommittee know when pilot sites are selected.

### **CRA Case Management: Presentation by Kim Lawrence (ACPO), Massachusetts Probation Service**

Kim Lawrence, First Assistant Chief Probation Officer, introduced herself and her background to the group. She explained her role as the First Assistant Chief of Probation and outlined that her presentation would include how CRA cases are filed; give background on the new juvenile court CRA standing order; and her office's perspectives on the strengths of the CRA process and what could be improved.

**The CRA Process:** FACPO Lawrence told the group when a family comes in to file a CRA, the Clerk is required to share information about the FRC, MASS 211 and give the family the court's CRA parent handbook. If parents want to file a CRA at that time, they are given the application. Once that happens, the probation office fills out their standard intake with basic information. The probation officer can recommend dismissal at that point, although that is very rare. A "preliminary hearing" is scheduled about two weeks from the initial filing. FACPO Lawrence told the group the a probation officer might do some initial case planning during these two weeks, but most often waits until all parties have been heard at the preliminary hearing. During this hearing, the probation officer makes recommendations to the court on whether to proceed. If the case is accepted, the probation officer, child's lawyer and the child complete a more comprehensive intake. If everyone signs on to the informal assistance the court "declines the application" and puts in place informal assistance. If the parties cannot come to agreement or probation determines formal assistance is necessary, the court will schedule a fact-finding hearing.

FACPO Lawrence told the group that probation officers are required to contact youth monthly, and less than monthly if youth are in DCF custody. She expressed the importance of more frequent contacts probation officers will make especially if youth have a higher-level of care/needs. She told the group one reform from the old CHINS law created time limits for open CRA cases.

FACPO Lawrence described the fact-finding hearing and the role the petitioner plays as the person who tries the case in front of the court. This can be a parent, school or other legal guardian. She told the group that can get confusing and hard for parents. Judges must be convinced “beyond a reasonable doubt” that a child requires assistance at this stage. A judge has the option to dismiss the case, adjudicate and make a dispositional order, and/or place the youth in the custody of DCF and/or out of home placement not to exceed 390 days. The judge does not have authority to order to a specific placement or order how long youth must stay there. The fact-finding hearing, disposition and case conference are three separate hearings that can happen all in one day or spread out over a few days. Subcommittee members stressed case conferences are helpful but suggested they might come too late in the process.

FACPO Lawrence described another aspect of the CRA process for Runaway petitions. A *warrant of apprehension* can be filed if the child is missing or is believed to have runaway. The warrant of apprehension is not inputted into the general missing persons database, and police often struggle to enforce these warrants since they expire outside of court hours. This presents a lot of challenges for law-enforcement and presents a safety concern for the youth.

**Juvenile Courts Standing Order:** FACPO Lawrence reviewed some of the bigger points of clarification that the new standing order addressed. The Juvenile Court released this standing order on April 1, 2021. FACPO Lawrence highlighted:

- Schools must provide their attendance policy and all steps the school took prior to filing a CRA.
- Parents also have a place on the CRA application to outline specific behaviors of the child prior to filing the CRA.
- The CRA Application also now has a box that must be checked off if the youth was first referred to the FRC.
- The court order defined truancy as 16 unexcused absences in a semester and 11 in a trimester. The courts defined “willful” for CRA Truancy filings as “purposeful conduct”

**CRA Process Strengths:** FACPO Lawrence told the group that the probation officers in her office said the follow positive elements of the CRA process exist:

- CRAs present a chance for youth to be connected with excellent Juvenile Court Clinics
- Probation officers are experts in their community, have credibility in the community and can connect youth with community resources that fit their needs

- The case conference that takes place during a CRA is a mini version of a unified planning teams
- CRAs can allow probation officers to look at a child and families' needs and prioritize addressing the whole child, not just one aspect or element of concern
- Access to counsel ensures youth have appropriate advocates in the process
- In situations where youth are in DCF custody, parents are also appointed counsel and that can help families
- Probation works with interstate compact offices to safely find youth who run away from Massachusetts and support their return.
- There is an opportunity for meaningful connection between the child and a probation officer.

**CRA Areas for Improvement:** FACPO Lawrence told the group that the probation officers in her office said the follow elements have room for improvement/changes:

- There are inconsistencies in when referrals for DCF voluntary cases are accepted
- There are a lack of services and placements for youth, and long waitlists are barriers to accessing service
- Parents as the petitioner can lead to a very adversarial relationship between all parties
- There are many myths and misconceptions to the CRA process
- The focus of the CRA is solely on the child, and no focus is dedicated to the parents who may also need support
- The court process can be slow

Subcommittee members discussed the importance of expanding support and services to families in order to address the root cause of some of a child's behaviors. The group mentioned that sometimes the inability to address parent needs causes tension with the youth and that can hurt rapport with the probation officer.

FACPO Lawrence answered the group's question on non-compliance and how probation officers address youth who do not engage in their CRA conditions (whether the case is categorized as informal or formal assistance). She told the group that there are no court set requirements on when to advance the case for noncompliance, but probation officers use graduated responses to address the youth's noncompliance before bringing it back in front of the court. She stated the goal is to not manage behavior by violations and went on to let the group know that sometimes CRA cases are helpful for youth on Delinquency probation because that gives the probation officer some flexibility to address behavior changes through the CRA process and not violate youth on delinquency probation which has more serious consequences.

A guest added that from their experience many jurisdictions do not have access to FRCs and lack programming for youth. They reiterated that there is a lack of placements for youth and CRA cases are often custody cases. The guest also mentioned that in the case of parents who are not

married to each other, one parent is left out of decision making and court proceedings with CRA cases.

### **Update on OCA CRA Research Work**

Ms. Threadgill thanked FACPO Lawrence for her time and presentation. Ms. Threadgill briefly updated the group on the interviews OCA staff members are conducting with CRA stakeholders. There have been 45 interviews so far, and more to come. She told the group the OCA would continue to update them on themes that emerge from these conversations.

Ms. Threadgill reminded the group of the four themes they already saw and two new emerging themes. Two new themes include an informal and formal processing triage. Many folks agree the value of informal hearing and questioned if they can move conferencing up to happen earlier on in the process.

The other new theme involves CRA runaways including what the role of the police is and should be. The OCA has heard concerns and challenges between police and congregate care sites as well. Most people interviewed would like other ways to respond to runaway youth. A member pointed out short term and long-term concerns on the topic of policing. Other members told the group one unintended consequence is that police will find an arrestable offense for youth with a CRA Runaway case in order to take them into custody. Members discussed the disparate impact of policing on youth of color. Members suggested a response team that could intervene in these cases. Ms. Threadgill mentioned credible messenger programs and finding out who would be helpful for that youth to have by their side in that moment. Members also mentioned DCF missing/absent polices, and that DCF has staff that work with law enforcement on runaway cases. Members brought up that police officers have a formal duty to intervene when there is an “evident risk of harm to self or others” and runaway youth might fall into that category.

### **Member Discussion on CRA Presentations to Date and Next Steps**

The OCA Rappaport research fellows introduced themselves. Judy Touzin introduced herself to the group. Her focus is on Truancy and school based CRAs. Marcela Familiar- Bolanos introduced herself and her background. Her projects this summer concentrate around how other states are looking at CRA models and figuring out specific services. Ayanna Miller- Smith introduced herself and her background. Her project will focus on racial and ethnic disparities in policing. Ms. Threadgill mentioned at the July meeting Judy will present her research and Marcela’s research will be presented at a future meeting as well.

### **Closing Comments:**

Ms. Threadgill thanked the presenters and members for their participation and conversation. She informed the group that the next meeting will take place on Thursday July 15, from 1:00pm to 2:30pm.

**Meeting adjourned: 2:25pm**