



## **A Decade to De-Criminalize Status Offenses in the Commonwealth**

*by: Erin G. Bradley, Associate Director, Children's League of Massachusetts*

In 1974, the Commonwealth of Massachusetts set forth to de-criminalize four categories of juvenile offenses, including: failure to obey the commands of the child's parent; failure to obey the regulations of the child's school; habitual truancy from school; and repeatedly running away from the home of the child's parent; and instead replaced them with status offender system. From the moment the new Children in Need of Service (CHINS) system became law, advocates, the Governors' Blue-Ribbon panel and parents, realized that the new system did not fulfill the intentions of its original mandate – to provide children the help they needed to end these behaviors.

The CHINS statute instead created an adversarial system where the child was often pitted against their parent in front of a judge. Parents were often encouraged to file a CHINS to receive help for their children, but the CHINS process and the very real potential that the parent would lose custody of their child was never adequately explained, leaving these families with a wedge between them that often times could never be repaired. For decades, neither parents nor children had the right to speak on their own behalf, and parents were not allowed to stop the petition once it was set in motion. After the CHINS was filed, the child was assigned a probation officer, and an agreement would be drafted that would lay out specific steps the child would have to complete to end the CHINS petition, which could go on indefinitely or until the child turned 18.

These families went to the courts to receive help for their children but what their children received instead was a probation officer, a stigma and a direct path into the prison pipeline. According to Massachusetts juvenile court records, more than 9,000 children age 6-17 were funneled through this system annually. Of those, more than 6,000 youth received a probation officer and the quick induction to being a court involved youth.

The call to change this system grew to a new level, when, in 2005, the Children's League of Massachusetts filed a bill to repeal the entire CHINS system. Parents, children, experts and lawyers testified that this system was outdated and not in the best interest of children. Families spoke of their desire to get help, children spoke of the situations that drove them to run away or act-out in school, and experts educated the legislature about newer approaches better suited to working with children in these circumstances. Over the past decade we have learned that holistic, child- and family-focused treatment plans provide the best outcomes for these children – especially to the more

than 50% of children in the CHINS system that have a diagnosable mental health disorder.

Over the next 7 years, championed by State Senator Karen E. Spilka, the CHINS system was analyzed and reform began to take shape. Stakeholders in every corner of the state were called upon to voice their concerns with a new system, contribute their ideas for creating change, and were invited to give their expertise on the type of system that would best benefit families and children in need of help. Guidance was also provided from watching the steps taken by other states including Florida, New York, and Connecticut, as they implemented systems meant to handle these status offenses.

In envisioning a new system, a number of key themes for reform from the old CHINS system were identified, the provision of community-based services that families could access and receive help from on a host of issues, the creation of a standardized assessment tools to evaluate the gaps in services, empowering families to have a voice in the process and taking these families out of the court system.

The “perfect storm” of events began to take shape in 2011 that glimmered hope for children and families impacted by the CHINS system. The state's probation department was under federal investigation for their hiring practices, the Executive Office of Health and Human Services began developing Family Resource Centers tasked with providing access to services within the community, advocates joined forces and created a powerful coalition, and the framework for true community-based services had been created through the Children's Behavioral Health Initiative (CBHI), a court-mandated program resulting from a lawsuit the state lost in 2006, requiring youth with state health insurance to receive quality mental health services.

In the final moments of the 2012 legislative formal session, CHINS reform was passed by both branches, thanks to the bills lead sponsors, Senator Karen Spilka, and Representative Paul Donato. Together, their relentless dedication to reforming the system allowed them to push the bill through every legislative hurdle. Finally, on August 7, 2012 the CHINS reform bill was signed into law by Governor Deval Patrick culminating years of research, best-practices and advocacy into one moment that will impact thousands of Massachusetts children and their families, annually.

Earlier this month, citizens of the Commonwealth began to see the impact of these changes as Children Requiring Assistance began stage one of implementation, starting with the courts. The court system must now inform families about the process, and the possibility of losing custody, and offer a referral for community-based services for the child prior to the family filing an application for assistance in court. The courts must also begin to utilize a standardized data-collection system in order to determine existing gaps in the system, and to ensure that proper services are provided.

Children and families in this system are now guaranteed a voice, and the ability to work together in their home structure, to see change rather than criminalization. Over the course of the next three years, the state will continue to work on implementing Family Resource Centers capable of delivering the services needed for these children, and to develop a standardized intake and assessment tool, so that all families are receiving the same quality care.

Schools will have to develop and provide truancy prevention programs for these children prior to filing a request for assistance with the court, and will have to work towards educating all students expelled from the school. Police officers are no longer allowed to put these children in shackles, or any other restraint, nor are they permitted to bring these youth to the police station, helping to de-criminalize this system even further.

Perhaps most importantly, children will no longer have the burden of the CHINS stigma to carry on their shoulders. Their record, indicating their need for assistance will no longer be entered into any criminal or court record system, and if the application for assistance is dismissed, all records will be expunged. These cases also now have a standardized timeframe and will not be permitted to continue indefinitely, allowing children to receive the services needed and then continue on with their life's path.

The goal of this reform is two-fold: to bring families together in their home communities while receiving the highest quality services to meet the needs of their children; and to create a cost effective, research-based system to deliver the services to citizens of the Commonwealth. Advocates and government officials agree that this reform is a major step in creating a net for these children, and their families. Now all eyes turn to the state to watch this implementation unfold over the next three years – which will be exactly a decade since legislation was first introduced to repeal this broken system.

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