

SECTION	STATUTE MODIFIED	SUMMARY	AGENCY AFFECTED	DATE OF IMPLEMENTATION
1	6A; 16U (a) – NEW	<p>Definitions: Child Requiring Assistance, Family Requiring Assistance & Habitually Truant refers to section 21;119 Community-based services – services and coordinated services that assist families to allow children to reside with family, continue to attend home school and a strengthened family relationship Secretary - HHS</p>	ALL	11-5-2015
	6A; 16U (b) – New Subject to Appropriation or private insurance payments	<p>Creation of Community-Based Services (CBSs) and Family Resource Centers (FRCs):</p> <ol style="list-style-type: none"> (1) Establish a network of community-based service programs (CBS) <u>AND</u> Family Resource Centers (FRC) to deliver services to families; (2) Develop standards and guidelines to achieve a state-wide integrated system; (3) Promote efficiency by coordinating with CBHI services, local schools services, local public and private organization and local medical and behavioral health facilities; (4) Coordinate services provided to include outreach and intake and screening, assessment and referrals; (5) Encourage working together among all these separate agencies and organizations; (6) Provide technical assistance to the CBSs & FRCs; (7) Require standard intake and assessment tools which shall focus on the family's strengths and service needs and refer families to the appropriate community services (many specialties are listed); and (8) Create a data collection system for CBSs & FRCs that maintains privacy; needs of the population requesting assistance; insurance status and income level for sliding fee scale; other information to evaluate the effectiveness and service gaps. 	Secretary - HHS	11-5-2015
	6A; 16U (c) - New	<p>Goals and Services offered by CBSs & FRCs:</p> <ul style="list-style-type: none"> - Assist the family to reside together in their home community; have the child continue in their home school; strengthen the family's relationship with each other; provide coordinated and comprehensive services to children in order for them to lead healthy, productive lives; - Services offered for treatment or assistance: eligibility for service, medical and mental health needs, special ed evaluation, remedial education services, insurance issues, mentoring and civic engagement, parent/family support, after school opportunities, residential programs and crisis and case management. 	Secretary – HHS	11-5-2015

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	6A; 16U (d) – New	Records: Confidentiality of records, no records shall be public and no record shall be used in any proceeding unless written consent provided - except in cases of suspected abuse & neglect; Records may be shared among case team and any involved EOHHS agency to improve coordination of the case unless the child or family declines this in writing.	Secretary – HHS Court	11-5-2015
	6A; 16U (e) – New	Voluntary Participation: Families <u>AND</u> child must agree to these services provided by CBSs & FRCs and the family must consent to pay for these services or agree to bill the insurance company for services that would be covered.	MassHealth Third Party Payors	11-5-2015
	6A; 16U (f) – New	Expulsion from School: Failure to comply with the lawful & reasonable rules of the school: A school administrator shall refer any student about to be expelled to a CBS or FRC, and they shall notify the family that the student is about to be expelled. After the expulsion process is complete the school administrator shall consider any outcome of the CBS (if the student agrees to disclose that information). If an expulsion is imposed, the child and school administrator can consider information provided from the CBS when considering the child to be allowed to return from school. However, regardless of the decision to expel a child, the school district shall provide educational services designed to help that child re-enter a regular education setting or receive a high school diploma. Truancy: If a child is truant, the school must refer them to a DESE truancy program (if available) prior to referring that child to any CBS or FRC. If the family or child first presents at a CBS or FRC the staff there shall assist the family to identify a certified truancy prevention program in their area.	LEAs DOE/DESE	11-5-2015
	6A; 16U (g) - New	Protection for Students: Nothing in this section shall interfere with the rights and protections for students with disabilities under federal and state special education laws.	Child	11-5-2015
2	69; 10 – New	Truancy Prevention Programs: <ul style="list-style-type: none"> - DESE shall adopt regulations to establish a certification process for truancy prevention that is consistent with the behavioral health and public school framework; - The truancy program shall evaluate the level of out of school support for the family 	LEAs DESE	11-5-2012

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		and child, and address factors contributing to the truancy of the child, such as bullying or special needs; - All programs must meet the requirements adopted by DESE.		
3	119; 21 – New	Definition: Child In Need of Services has been struck from the General Laws; Child Requiring Assistance – between age 6-18 (increased from age 17) - Who repeatedly runs away from home; - Who repeatedly fails to obey the lawful and reasonable commands of their parent; - Who repeatedly fails to obey the lawful and reasonable regulations of their school; - Who is habitually truant.	ALL	11-5-2012
4	119; 21 – New	Definitions: Family Requiring Assistance – a parent, guardian, custodian and any relative or caretaker responsible for a Child Requiring Assistance. Habitually truant – (unchanged from prior statute) – not excused for more than 8 days in a quarter	ALL	11-5-2012
5	119; 39E – Amends	Technical: Changes the CHINS terminology from “petitions seeking determination ...” to “requests for assistance stating that a child requiring assistance or a family requiring assistance”	Courts	11-5-2012
6	119; 39E – New	Court Records; Expungement: Makes private any document pertaining to the child or family requiring assistance and shall not be entered into any court record system. Upon dismissal of the Request for Assistance, no record shall be maintained or remain active in any court system.	Courts	11-5-2012
7	119; 37E – Amends	File for a Runaway: Removes the ability of police officers to initiate an application for assistance in the case of a child who repeatedly runs away from home.	Courts Police	11-5-2012
8	119; 39E – New	File for School District; Presenting for Assistance in Court: - A school district (changed from school attendance officer) may initiate an application for assistance if the child is habitually truant or fails to follow the rules of the school. - The school must also state if the child and child’s family has participated in the truancy prevention program, if one is available and the specific steps taken. If the application is in response to failure to obey the rules, the school must state the specific steps taken to improve the child’s conduct.	Courts LEAs DESE	11-5-2012

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		<p>Responsibilities of the Clerk of the Court:</p> <ul style="list-style-type: none"> - Inform the petitioner that they can delay the filing of a request and instead seek assistance from a CBS, FRC or other entity deemed appropriate by HHS Secretary to provide services within the jurisdiction of the court, and can return at a later date to file an application for assistance. - Prepare, publish and disseminate material about the option of going to a CBS, FRC or other entity deemed by the Secretary of HHS. - If the petitioner is a family member the clerk must provide written material that explains the court process, the possibility of changes to the child's custody, and a list of services available through the court process. Said material is to be prepared by the courts. 	Courts	11-5-2012
9	119; 39E – New	<p>Procedure for Application for Assistance; Expungement:</p> <ul style="list-style-type: none"> - When an application is started the clerk must set a hearing date <u>within 15 days</u> of the date the application is filed. The hearing will determine if assistance is needed. - The clerk shall notify the child of the hearing and shall request the chief probation officer to investigate the application and determine if granting the application for assistance is in the child's best interest. - The court shall hold a hearing and obtain the probation officer's opinion on the case and shall do one of the following: <ul style="list-style-type: none"> o Decline to accept the application; o Decline to accept the application and instruct informal assistance, with consent of the child and family, and refer the child to a probation officer for assistance; o Accept the application and schedule a fact-finding hearing. <p>If an application is dismissed under this section all records and proceedings held in the courts or probation department shall be expunged.</p>	Courts Probation	11-5-2012
10	119; 39E – New	<p>Informal Assistance Procedures; Data Collection; Summons:</p> <p>Procedure for Probation Referral:</p> <ul style="list-style-type: none"> - May refer the child to a public or private organization or person for services. - May conduct conferences with the family to determine if an agreement can be 	Probation Courts	11-5-2012

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		<p>reached to modify the child’s behavior, with the goal of dismissing the application. The family and the child are not required to attend or produce any material for the probation officer. This time of conferences shall not exceed <u>90 days</u> from the date of filing for the application for assistance, unless the family agrees in writing to extend this time to an <u>additional 90 days</u>.</p> <ul style="list-style-type: none"> - Upon completion of the 90 day conference period (or additional agreed upon 90 days) the application for assistance shall be either: <ul style="list-style-type: none"> o Dismissed and the family and child are no longer required to participate in any conference or referral; o Accepted and a date set for the fact finding hearing. - If the family and child do not want to participate with the probation officer, the probation officer shall certify that in writing to the courts. The clerk, upon receiving a certified statement from a probation officer, shall accept the application for assistance and schedule a hearing. - The Judge who accepts this application for assistance shall not preside over any other hearing regarding this case. - No statements made by the child or family during this conference period may be used against the child at future hearings; however the court may accept such statements after the fact finding hearing to determine the disposition of the application. <p>Data Collection System:</p> <ul style="list-style-type: none"> - Probation Commissioner is to create a data collection system for all requests for assistance and their outcomes while maintaining the clients privacy. - The system will collect aggregate data to assist the department in assessing the system and the effectiveness of services. - Instructs the probation officer to gather all of the information. <p>Summons:</p> <ul style="list-style-type: none"> - Allows the court to issue a summons upon the filing of an application for assistance requiring the child to appear in court. - The court may issue a warrant if the child fails to appear. 		

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		- Notice of the hearing shall also be given to DCF and DYS.		
11	119; 39E – Amends	Technical Change: Changes a word from: services; to: assistance	Court	11-5-2012
12	119; 39E – Amends	Jury Trial: Strikes the paragraph pertaining to jury hearings for all applications for assistance	Court	11-5-2012
13	119; 39F – Amends	Right to Counsel – Technical: Technical change of the name of the system from: CHINS; to: application for assistance. Nothing is changed to the rights of the child to obtain counsel.	Court	11-5-2012
14	119; 39F – New	Right to Counsel: The clerk upon filing the application for assistance shall inform: <ul style="list-style-type: none"> - Counsel by sending a copy of the application and the scheduled hearing information; - Each parent or legal guardian that they have a right to be heard in any proceedings that involve the child and that they have the right to counsel at any hearing regarding the custody of their child. - If the parent cannot afford counsel the court shall appoint one for them. 	Court CPCS	11-5-2012
15	119; 39F – Amends	Technical Change: Changes the words “alleged to be in need of services” pertaining to the parents’ right to council to “stated to require assistance” for the basis of the court to determine providing legal counsel.	Court CPCS	11-5-2012
16	119; 39G – NEW	Hearing; Findings for Determining a Child Requiring Assistance: Hearing: <ul style="list-style-type: none"> - Allows the child and child’s attorney to be present at any hearing; - Allows the child’s parent or legal guardian to be heard at any hearing; - Allows the petitioner or any party to file a motion to dismiss the case at any time prior to the disposition hearing; - Allows the Judge to agree to the dismissal if it is in the best interest of the child or if all parties agree to the dismissal of the case; and - Allows probation to dismiss the case. Findings: <ul style="list-style-type: none"> - Once the child has been found to require assistance after a fact finding hearing the court shall hold a conference, which they can participate in, with all workers 	Court CPCS DCF	11-5-2012

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		<p>involved, family members and attorneys to determine the most effective plan for assistance;</p> <ul style="list-style-type: none"> - The probation officer and others involved shall present recommendations to the court for the service plan and placement plan moving forward; - During the conference the child and child's attorney is to be present and they, along with the child's parents, shall be heard during the conference; - The court can find the application for assistance to be proven beyond a reasonable doubt, the child can then be found in need of assistance and can make the following orders of disposition: <i>These were NOT changed:</i> <ul style="list-style-type: none"> o Allow the child to remain with their parents and order services; o Place the child in any of the following places and order services: <ul style="list-style-type: none"> ▪ A relative, probation officer, or other adult qualified to receive the child; ▪ A private child care agency; ▪ A private organization. o Place the child in DCF care, which the department may not refuse. 		
17	119; 39G Clause (a) – Amends	<p>Technical Change: Adds legal guardian and custodian to parent in allowing who a child can remain with.</p>	Court	11-5-2012
18	119; 39G – Amends	<p>Technical Change - Decriminalization: Changes the words “commit the child to” to “place the child in the custody of”</p>	Court	11-5-2012
19	119; 39G – New	<p>Insurance Payment; Child Confinement:</p> <ul style="list-style-type: none"> - If a private insurance company would otherwise cover services they must cover the same services if ordered by the court and shall not deny services. - Any child who is found to require assistance will not be confined in shackles, court lock-up facility or locked facility. But allows for children to be placed in therapeutic settings even if other juveniles who are found to be delinquent are also provided care. 	Third Party Payers Police Courts	11-5-2012
20	119; 39G – Amends	<p>Timeline for Children Requiring Assistance Process: Decreases the time that a child requiring assistance order is in effect from 6 months to 120 days (4 months) before a required review of the case.</p>	Courts HHS	11-5-2012

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21	119; 39G – Amends	Extensions for Children Requiring Assistance Process: Allows the process to be re-assed and extended up to 3 times total. Previously it could continue indefinitely.	Court HHS	11-5-2012
22	119; 39G – Amends	Timeframe for Extensions of Children Requiring Assistance Process: Reduces extension times from 6 months to 90 days (3 months)	Court HHS	11-5-2012
23	119; 39G – Amends	Technical Change – Decriminalization: Changes the word “petition” to “application for assistance” and removes the reference to a section that was amended by this Act.	Court	11-5-2012
24	119; 39H – Amends	Technical Change – Decriminalization: Decriminalizes the actions of the child requiring assistance by changing the words from “arrested for committing the behavior” to “taken into custodial protection for engaging in the behavior”.	Police Courts	11-5-2012
25	119; 39H – Amends	Technical Change – Decriminalization: Decriminalizes the behavior by changing the “arresting law enforcement officer” to “law enforcement officer initiating such custodial protection”.	Police	11-5-2012
26	119; 39H – Amends	Police Procedure for Child under Supervision: <ul style="list-style-type: none"> - Strikes the line allowing police to take the child to the police station; - Removes the word “arrested”; - Removes that the police officer at the station shall notify the probation officer in the district and replaces it with the following: Requires the police officer who takes the child into custodial protection to notify the child’s parents or other legal guardian that they have the child. 	Police	11-5-2012
27	119; 27 – Amends	Written Promise by Parent: Requires police to gain a written promise from the child’s parent or guardian that they will bring the child to court at the next court date once the police officer has left the child in the parent or guardians’ custody.	Police	11-5-2012
28	119; 39H (ii) – NEW	Placement of Child in Police Supervision; Confinement of Child: <ul style="list-style-type: none"> - Requires the police to take the child to a temporary shelter licensed by EEC and may not take the child to the police station first; - Take the child to the Juvenile Court only after the police officer states for the record that they first attempted to take the child to the child’s home or temporary shelter. - Reaffirms that a child may not be confined in shackles, court lock-up facility or 	Police Courts	11-5-2012

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		locked facility. But allows for children to be placed in therapeutic settings even if other juveniles who are found to be delinquent are also provided care		
29	119; 39H – Amends	Technical Change – Decriminalization: Decriminalizes the process by striking the word “arrested” to “taken into custodial protection”.	Police Courts	11-5-2012
30	119; 39H – Amends	Court Orders for Runaways: <ul style="list-style-type: none"> - Technical changes to match new term ex: child requiring assistance, hearings, etc.; - Removes that the court can issue bail; - Place the child in temporary DCF care but NOT DYS after the court has certified in writing that this is in the child’s best interest and DCF has made efforts to try to keep the child in their home previously; - This order is valid for no more than 15 days (this is not new) at which point the child, parent and attorneys for both will be present for a continuation hearing for no more than 15 days, this order may not exceed 45 days. 	Courts DCF	11-5-2012
31	119; 39I – NEW	Appeals: <ul style="list-style-type: none"> - Removes the trial de novo with and without a jury; - Allows the child or parent to appeal the court’s order; - Allows the court to retain jurisdiction of the case during the appeals process; - Sends the appeal to the Appellate Court that governs all child welfare cases. 	Court CPCS	11-5-2012
32	119; 39J – Repealed	Repealed: County to pay for services	Repealed	11-5-2012
33	231; 118 – Amended	Technical Change: Clarifying that department is the Juvenile Court Department	Courts	11-5-2012
34	NEW	Establish Family and Children Requiring Assistance Advisory Board; Tasks; Information; Reporting: Establishment: <ul style="list-style-type: none"> - Creates the Board within EOHS but not under the control of; - Consists of 21 members including commissioners of HHS agencies, Courts, Probation, CPCS, DESE, Legislature, Police, DA, social worker, parent, and provider of services. - Governor and Chief Justice of the Juvenile Court each select 1 co-chair; - Appointment to be made by 12-5-2012; 	ALL	Appointments made by : 12-5-12 First meeting by: 1-4-2013 First report by: 1-30-2013 then

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		<ul style="list-style-type: none"> - First meeting scheduled by co-chairs and held prior to 1-4-2013. <p>Board Tasks:</p> <ul style="list-style-type: none"> - Advise Secretary of HHS in designing & implementing a community-based service network and pilot FRC program that included data collection methods; - Monitor the progress of HHS in the development of the Community-based network and FRC program; - Keep informed about the progress of the Probation department pertaining to the data collection system and the outcomes of the applications for assistance; - Provide a way for the clerk of the courts to obtain information and make referrals to the community-based network or FRC system; - Provide advice and recommendations to the adequacy of the resources for the support and expansion of the program; - Coordinate with probation, the juvenile court and the pilot program to obtain aggregate information about the clients served, the services provided and the custody of the child. - Keep informed about the effectiveness of the Juvenile Court providing assistance. <p>Information:</p> <ul style="list-style-type: none"> - Periodic data reports will be provided to the Board pertaining to the services provided from the Secretary of HHS, Chief Justice of the Juvenile Court, Commissioner of Probation and Commissioner of DESE; - Board shall submit recommendations for funding to the Governor and Ways and Means committees based on the data submitted by 11-5-2013. <p>Reporting:</p> <ul style="list-style-type: none"> - The Board shall submit an annual report beginning 1-30-2013 to the Governor and Legislature relative to the progress made on the pilot program and definition changes pertaining to children requiring assistance. - Report is to include: <ul style="list-style-type: none"> o Design plan and implementation progress of the pilot program; o Recommended budget for implementation; 		<p>annually thereafter</p> <p>First recommendations by: 11-5-2013</p>

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		<ul style="list-style-type: none"> ○ Any legislative changes to ensure implementation. - After the first report each annual report is to include: the expected progress towards the goal of full implementation during the following year. - Upon completion of the pilot program the report is to include: detailed account of the program's success and any obstacles; and any recommendations to alter the program's design or establish new pilot centers. 		
35	NEW	<p>CBS Pilot Program Established:</p> <ul style="list-style-type: none"> - HHS Secretary, with advice from the Board, shall design the pilot program for the delivery of CBS which shall include a FRC and shall work with existing service systems for children. - This pilot program will allow for children and families to seek assistance without referral and shall include procedures to refer that child and family to other programs if the child displays complex medical needs that the FRC can't meet. - The Board shall review the pilot design and make recommendation to the Secretary pertaining to the workforce and funding to ensure proper implementation of the program. - Secretary of HHS shall implement the pilot program and establish FRC or CBS in each county of the state; with advice of the board analyze the pilot program and make adjustments to the program design. 	HHS Board	<p>Design of pilot program by: 11-5-2013</p> <p>Subject to Appropriation; Implementation of pilot program by: 11-5-2014</p>
36	NEW	<p>Information for Clerks:</p> <p>Secretary of HHS will provide a way for the clerk of courts to get information and make referrals to FRCs (if available) or any other provider of services to the families that present requiring assistance to the court.</p>	HHS Courts	11-5-2012
37	NEW	<p>Probation Data Report:</p> <p>Probation Commissioner is to submit a report to the legislature containing the aggregate data for each juvenile court district on the following:</p> <ul style="list-style-type: none"> - Number of children and families receiving assistance from probation; - Racial and ethnic identity of children and families; - Analysis of services provided and any gaps in these services; - Status or resolution of each request for assistance; - Number of children who are part of the request for assistance and also have a delinquency during the prior year; 	Probation	11-5-2013 Annually after that



Section by Section Analysis of Chapter 240 of the Acts of 2012

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		- Custody status of the child.		
38	NEW	<p>Restorative Justice Pilot Program:</p> <ul style="list-style-type: none"> - DESE shall develop a pilot truancy prevention program based on the restorative justice format in at least 1 urban high school. The format shall include: healing circles with the community, a reparative board with peers, family group counseling and mediation. Requires the program to meet the standards of the school and behavioral health framework (established in the Children's Mental Health Act of 2008). - DESE shall evaluate the effectiveness of this format and report these findings to the legislature. 	DESE	Subject to Appropriation 11-5-2012
39	NEW	<p>Runaway Girls Pilot Program:</p> <p>Secretary of HHS to create a pilot program specifically for runaway girls</p>	HHS	Subject to Appropriation 11-5-2012
40	Implementation Timeframe	Section 1 take effect 3 years after the effective date	HHS	11-5-2015