

**Families and Children Engaged in Services
Chapter 240 of the Acts of 2012:**

**Report on Progress Made Relative to the Implementation of Section 16U
of Chapter 6A of the General Laws**

January 30, 2013

**Joan Wallace-Benjamin, Ph.D.
President and CEO
The Home for Little Wanderers
Co-Chair**

**Joan M. McMenemy
First Justice
Berkshire Juvenile Court
Co-Chair**

Table of Contents

1. Overview
2. Timeline
3. Progress Report

A. Effective date: Court handles CHINS proceedings as Chapter 240 proceedings; court begins referral process to EOHHS

- Court Guidance
- Outreach and Training
- EOHHS Information and Referral Request for Responses
- EOHHS FY14 Budget recommendations
- Press coverage

B. Appointments to Families and Children Requiring Assistance **Advisory Board**

- Members
- Pending

C. First meeting of Families and Children Requiring Assistance **Advisory Board**

D. Families and Children Requiring Assistance Board Report on recommendations for **funding/implementation**

Attachment A: Governor Patrick Press Release

**Families and Children Engaged in Services
Chapter 240 of the Acts of 2012:
Report on Progress Made Relative to the Implementation of Section 16U of Chapter
6A of the General Laws**

1. Overview

On Tuesday, August 7, 2012, Governor Deval Patrick signed Chapter 240 of the Acts of 2012 entitled “AN ACT REGARDING FAMILIES AND CHILDREN ENGAGED IN SERVICES” this legislation takes comprehensive steps to reform the Children in Need of Services (CHINS) program. The legislation makes significant changes to the CHINS court process, and requires the Secretary of the Executive Office of Health and Human Services (EOHHS) to “...*establish a network of child and family service programs and family resource centers throughout the commonwealth to provide community-based services to families with children requiring assistance.*”(Chapter 240)

Among its provisions, the legislation establishes a Families and Children Requiring Assistance Advisory Board, (Advisory Board). The Advisory Board’s duties include advising EOHHS, collecting and reporting data, and monitoring implementation of the legislation.

Additionally: “...*(d) The advisory board shall, on or before January 30 of each year, report in writing to the governor, the child advocate, the house and senate committees on ways and means, the joint committee on children and families and persons with disabilities and on the joint committee on the judiciary on the progress made relative to the implementation of the pilot program under section 35 and on the progress made relative to the implementation of section 16U of chapter 6A of the General Laws . The report shall include the design plans for the pilot program and any progress made toward its implementation, including a recommended budget for the activities to be undertaken and any necessary legislative changes...*” (Chapter 240)

This report constitutes the report required by section (d) of the legislation.

A full copy of the legislation is available at:

<http://www.malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

2. Timeline

Families and Children Engaged in Services Timeline

| | |
|---|--|
| 11/5/12 (90 days from signing) | Effective date: Court handles CHINS proceedings as Chapter 240 proceedings; court begins referral process to EOHHS |
| 12/5/12 (Within 30 days of effective date) | Appointments to Families and Children Requiring Assistance Advisory Board |
| 1/4/13 (Within 60 days of effective date) | First meeting of Families and Children Requiring Assistance Advisory Board |
| 1/30/13 (& each year thereafter on this date) | Families and Children Requiring Assistance Advisory Board Report on recommendations for funding/implementation |
| 11/5/13 (within 12 months of effective date) | <ul style="list-style-type: none"> • The Secretary of EOHHS shall design a pilot program for the delivery of community-based services in each county • The Families and Children Requiring Assistance Advisory Board shall submit recommendations to the governor and house/senate committees on W & M for funding/implementation • Probation files first annual probation data report |
| 11/5/14 (within 24 months of effective date) | Pilot program implemented by the Secretary of EOHHS in each county |
| 11/5/15 (within 36 months of effective date) | Statewide network of child and family service programs and family resource centers established by the Secretary of EOHHS |

3. Progress Report

A. Effective date: Court handles CHINS proceedings as Chapter 240 proceedings; court begins referral process to EOHHS

- **Court Guidance**

On October 26, 2012, the Trial Court of Massachusetts, Administrative Office of the Juvenile Court issued a “Child Requiring Assistance Memorandum” that outlined changes in court process related to Chapter 240; accompanying the memorandum were new forms related to court processing of Families and Children Engaged in Services cases.

- **Outreach and Training**

There have been several meetings hosted by the bill’s legislative sponsors with stakeholders to identify implementation questions, challenges and opportunities related to Chapter 240. These meetings have included representatives from state agencies, the courts, municipal law enforcement, private sector providers and advocacy organizations.

- The Children’s League of Massachusetts has developed a comprehensive webpage related to Chapter 240 which is available at:
<http://www.childrensleague.org/advocacy/chins-reform-law/>
- The MA Department of Children and Families (DCF) has conducted several trainings for DCF staff regarding the new legislation, including a September 27, 2013 Statewide managers meeting. A presentation related to this meeting is available at <http://www.childrensleague.org/wp-content/uploads/DCF-Analysis-CRA-Law.pdf>
- The Committee for Public Counsel Services, Children and Family Law (CAFL) Division is conducting mandatory 2-hour trainings throughout the state for all attorneys handling Families and Children Engaged in Services cases in the Juvenile Court.
- CAFL has posted detailed information regarding Chapter 240 on their website. This information can be accessed at:
http://www.publiccounsel.net/practice_areas/cafl_pages/cafl_news.html

- **EOHHS Information and Referral Request for Responses**

On January 8, 2012, EOHHS released a Request for Proposals soliciting vendors to operate a Commonwealth-wide call center that provides telephonic information and referral services, 24 hours a day, seven days per week, to all families and individuals requiring assistance, including but not limited to families with children who are involved with Chapter 240. The RFR requires the selected Contractor to have the capability to expand to meet the Commonwealth’s need for health and human services information and referral services. Additional requirements of the call center include:

- Conducting outreach and marketing activities statewide, to ensure that the call center is utilized by families and interested parties who serve families. For the purpose of the CRA program under Chapter 240, during the first six months of the contract, the selected Contractor shall design, produce and distribute a minimum of 10,000 brochures to schools, human services agencies, law enforcement, the court system, community and faith-based organizations;
- With permission from the caller, providing follow-up or outreach to callers who have requested services, to ensure the client has connected to such service to which the Contractor referred the caller
- Providing multi-lingual phone line services to callers and offer interpretation services for non-English speaking callers and those who are deaf
- Maintaining emergency protocols and confidentiality policies and procedures that have been reviewed and approved by EOHHS and that comply with all applicable federal and state confidentiality and security laws and regulations
- Monitoring call activity, track call data and submit aggregate data reports to EOHHS, related to types of services and calls to understand trends

Proposals are due January 30, 2013; a contract is expected to be executed by February 15, 2013.

- **EOHHS FY14 Budget recommendations**

House One includes \$1.53M (EHS Line item 4000-0051) in the SFY14 Budget for the operation and enhancement of Family Access Centers. This line item provides funding for the centers, program staff and a web and telephonic information & referral system.

- **Press coverage**

On August 7, 2012, the Office of the Governor issued a press release related to the bill signing (see Attachment A, below). The event was reported in several news media outlets.

| |
|---|
| B. Appointments to Families and Children Requiring Assistance Advisory Board |
|---|

Relevant parties to the legislation have named individuals to participate in all seats on the Families and Children Requiring Assistance Advisory Board: (Note: Please see below. Some individuals are in the process of being appointed and therefore are listed as “pending” until the appointment is approved.)

Families and Children Requiring Assistance Advisory Board

| Seat | Status | Member Name | Appointed By |
|--|---------|----------------------------------|--------------|
| Commissioner, DCF (designee) | CURRENT | Ms. Olga Roche | Ex Officio |
| Commissioner, Department of Elementary and Secondary Education (designee) | CURRENT | Mr. John Bynoe | Ex Officio |
| Commissioner, DMH | CURRENT | Ms. Joan Mikula | Ex Officio |
| Commissioner, DPH | CURRENT | Mr. Ron Beham | Ex Officio |
| Commissioner, DYS (designee) | CURRENT | Commissioner Edward J. Dolan | Ex Officio |
| Department of Children and Families Adolescent Social Worker Approved by The Regional Director of the Area Pilot Program | CURRENT | Ms. Lisa Ciullo | Ex Officio |
| Department of Mental Health Case Manager Approved by The Regional Director of The Area Pilot Program | CURRENT | Mr. Mark Keayes | Ex Officio |
| Director, Office of Medicaid (designee) | CURRENT | Ms. Priscilla Portis | Ex Officio |
| District Attorney | CURRENT | Mr. Gerard T. Leone Jr. | Governor |
| House Minority Leader Appointee | CURRENT | Representative Kimberly Ferguson | Legislature |
| Juvenile Court Judge Appointed by The Chief Justice of The Juvenile Court (co-chair) | CURRENT | The Honorable Joan M. McMenemy | Ex Officio |
| Office of the Child Advocate (designee) | CURRENT | The Honorable Gail Garringer | Ex Officio |
| Private Provider of Services to Families with Children who have Behavioral Needs (Co-Chair) | CURRENT | Dr. Joan Wallace-Benjamin | Governor |
| Senate Minority Leader Appointee | CURRENT | Ms. Susan Todd | Legislature |
| Senate President Appointee | CURRENT | Senator Karen Spilka | Legislature |

Pending Appointments

| Seat | Status | Member Name | Appointed By |
|---|-----------|-------------|--------------|
| Speaker of the House of Representatives Appointee | (pending) | | Legislature |
| A Member of a Municipal Police Department | (pending) | | Governor |
| A Parent Who is Not an Employee of the Commonwealth | (pending) | | Governor |
| Chair of the Board of the Committee for Public Counsel Services (or designee) | (pending) | | Ex Officio |
| Independent Education Advocate | (pending) | | Governor |
| Probation Officer, Assigned to a Juvenile Court, Appointed by Commissioner of Probation | (pending) | | Ex Officio |

C. First meeting of Families and Children Requiring Assistance Advisory Board

An Advisory Board meeting has been tentatively scheduled for **February 21, 2013**.

D. Families and Children Requiring Assistance Advisory Board Report on recommendations for funding/implementation

This report constitutes a baseline report on progress made since the 11/5/12 effective date of the legislation.

Attachment A:
For Immediate Release - August 07, 2012

GOVERNOR PATRICK SIGNS LEGISLATION TO REFORM CHILDREN IN NEED OF SERVICES SYSTEM



*Governor Patrick hosts a ceremonial bill signing for "An Act Regarding Families and Children Engaged in Services." (Photo Credit: Michela Finnegan / Governor's Office)
View additional [photos](#).*

BOSTON – Tuesday, August 7, 2012 – Governor Deval Patrick today signed legislation to reform the Children in Need of Services (CHINS) program, for handling children who consistently get in trouble at home or at school, including runaways and students who are habitually truant. The legislation focuses on a community-based service network to achieve positive results for children and their families.

“By creating a statewide network of supports, we will help keep more children with their families and schools, and out of the court system,” said Governor Patrick. “These reforms will strengthen our communities and families for generations to come.”

The legislation, Senate Bill 2410, “An Act Regarding Families and Children Engaged in Services,” transforms the 38-year-old CHINS system, which oftentimes puts troubled children in front of a judge before seeking services to help children and their families.

“This is all about empowering our children and families to thrive and succeed in their communities,” said Secretary of Health and Human Services Dr. JudyAnn Bigby. “By keeping youth out of the courts and in their communities and schools, we are increasing their chances at living full and productive lives.”

The new law:

- Establishes a statewide network of family resource centers to coordinate services for screening, assessment and referrals including: behavioral health and medical services, mentoring, family and parent support and after-school opportunities.
- 1. Requires school districts to establish truancy prevention programs that would be offered to habitually truant students before referring them to juvenile court; and
- 2. Shifts significant responsibility from the juvenile court and probation department to the Executive Office of Health and Human Services for the current CHINS population, which will now be known as Children Requiring Assistance (CRAs).

“After working on this legislation for seven years, I am thrilled that these new procedures for assisting our children and families in their time of need have been signed into law,” said Senator Karen Spilka, lead Senate sponsor of the legislation. “For several decades, the CHINS system has not kept children out of the juvenile justice system as the legislature intended. This will give thousands of children and families who need assistance each year a clearer path to accessing the services and support they need without exacerbating their situation and before it becomes dire. It is difficult to overestimate the importance of this critical reform. This is in honor of all those children and families involved in the CHINS system who thought their repeated calls for reform went unnoticed. This is their voice. They have been heard.”

“The signing of this law is proof positive that our Commonwealth is wholly committed to improving our children’s lives by strengthening the connections at home with their families, in school with their teachers, and in their communities,” said Senator Michael J. Rodrigues. “Our schools and human services agencies can, and will, play an integral role in providing community-based services to keep our children in school, at home and out of trouble.”

“I am so pleased that the Governor has signed this comprehensive CHINS bill into law concerning children in the Commonwealth who are in need of services. This law will allow a child to reside with their own family or guardian while receiving supportive services, as well as attend their own community school, which will help build and strengthen their relationship with family and self,” said Representative Kay Khan, House Chair, Joint Committee on Children, Families and Persons with Disabilities. “With the signing of this

bill into law, we can provide early intervention through HHS agencies and avoid children being dragged through the court system where they might begin to think of themselves as criminals.”

"This legislation is the first step in replacing the existing CHINS system, which has not met all the needs of children and families in the Commonwealth", said Representative Paul Donato. "This reform will replace CHINS with a new system that will provide preventative services and keep children in their homes and schools without overburdening courts, police and probation. It will create a statewide system of community-based programs that will provide direct access to mental health or substance abuse counseling"

###