



An Act Regarding Families and Children in Need of Assistance SB141/HB265 - Sen. Kennedy and Rep. Mendes

Overview

An Act Regarding Families and Children in Need of Assistance proposes changes to the Commonwealth's Child Requiring Assistance (CRA) system to ensure that youth and families who are in need of support are better able to access it without needing to go through a lengthy and potentially harmful court process. These changes were recommended in 2022 in a [report](#) published by the state's [Juvenile Justice Policy and Data Board](#).

Every year, thousands of children become involved with the Juvenile Court as part of a civil process in which parents/caregivers or schools can file a petition alleging that a child "requires assistance." While the goal of the CRA system is to connect families with needed supports and services, the JJPAD Board report found that:

- **Court involvement is unnecessary in many cases:** The Juvenile Court does not have access to "special" services beyond what is available in the community, and a court order is typically not required to obtain these services. While service availability and waitlists are serious challenges, these are not problems the court system can solve.
- **Court involvement can be harmful to children and families:** An adversarial court process is not the best way to address what are often complex family dynamics and significant behavioral health challenges. An increasingly large body of research has documented the negative impact that court involvement of any kind can have on youth.
- **There are significant disparities in which youth are subjects of a CRA petition,** including disparities for Black and Latino youth, youth with learning disabilities, LGBTQ+ youth, and youth who are immigrants or whose caregivers are. For example, Black and Latino youth were each 3 times more likely than white youth to be the subject of a CRA petition.
- **Barriers to accessing services outside the court process push families to the CRA system:** Families coming to the court are often desperate for help and are not receiving what they need from other service systems. In many cases, those same service systems are the ones recommending a family file a CRA, based on what seems to be a lack of understanding of what the CRA process entails or is able to accomplish.

There is a path forward for the state to improve the CRA system, informed by the JJPAD Board's recommendations as well as the Office of the Child Advocate's (OCA) 2024 [report](#) detailing recommendations for increasing access and improving service delivery at Family Resource Centers (FRCs).

The Legislature made significant reforms to this process (formally called the CHINS system) in 2012. This bill builds upon the 2012 reforms as well as recent reforms to our behavioral health system to ensure that as many children and families as possible are effectively supported *outside* of the juvenile court process.

Bill Feature Overview	Bill Feature Details
Expands the role and function of Family Resource Centers to support more children and families outside of the court process.	The current CRA process provides an opportunity to bring together professionals from multiple state agencies, service providers, and/or advocates to identify needed supports for a child. This is valuable, but there is no reason it has to happen in a court room, or that it needs to wait until after a petition has been filed. This bill would move this process to the FRCs and ensure that it occurs <i>prior</i> to court involvement. There are 32 FRCs across the state, and they have been found to be extremely effective at supporting families and children with their concerns and helping them to address challenges. FRCs would assign each family a case manager and – when necessary – convene a multidisciplinary CRA diversion team to identify and connect a youth and family to needed community- and state-supports.
Changes the Juvenile Court CRA filing process to ensure the court is a true “last resort”	Families are frequently referred to the CRA court process by educators, therapists, social workers, and doctors, often before a family has had the opportunity to engage with an FRC or other community services. These professionals are often unaware of the limited response options available to the Juvenile Court or even what the CRA process entails – including the fact that a family may lose custody of their child through this process. This bill would require that a probation officer determine that all community-based options have been exhausted by the petitioner <i>prior</i> to the filing of a CRA petition to ensure that the court process is reserved as a true last resort. The probation officer will help the family connect to community services, including a local FRC, prior to filing. The bill requires school districts to refer a family to an FRC at least 45 days prior to filing a CRA petition and clarifies that schools shall not initiate a CRA petition to address responsibilities that fall within the schools’ legal responsibility under federal and state law.
Raises the lower age of Juvenile Court jurisdiction for CRA filings	This bill raises the age of Juvenile Court jurisdiction from 6 to 12, which is more developmentally appropriate and would align with our delinquency system. Annually, about 5-6% of CRA filings are for youth under the age of 12.
Requires the OCA to prepare and update materials about the CRA system	The bill requires the OCA to create a video and brochure for families explaining the CRA process and alternatives to filing and requires the Juvenile Court to publish the materials on its website.