

**HOUSE . . . . . No. 01294**

The Commonwealth of Massachusetts

PRESENTED BY:

***Paul J. Donato***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act regarding families and children engaged in services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Walter F. Timilty</i>	<i>7th Norfolk</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Stephen Stat Smith</i>	<i>28th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>



# HOUSE . . . . . No. 01294

By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 1294) of Paul J. Donato and others relative to court proceedings and services provided to certain children. Children, Families and Persons with Disabilities.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act regarding families and children engaged in services.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. The General Laws as appearing in the 2006 official edition are hereby amended by  
2 adding after chapter 6A section 16G the following new section:

3           Section 16H.    Community-based services for families and children

4 1. Whereas families in the Commonwealth whose children are truant, runaway and acting in a  
5 fashion that interferes with their parent’s ability to adequately care for and protect said children  
6 are families in crisis; and

7 Whereas the issues facing said children and families are complex and the services which would  
8 best assist such families are not always available from a single agency or department of the  
9 Commonwealth and the collaboration among multiple public and private agencies and offices is  
10 required to ensure that all children and families receive the services they need to succeed; and

11 Whereas the current efforts to help said children and families lack accountability and  
12 consistency; and

13 Whereas services are not consistently available in all communities;

14 Therefore, it shall be the policy of the Commonwealth to develop a flexible, consistent, and  
15 accountable system of community-based programs to assist said children and families.

16           2. It is the intent of the General Court to create an accountable, community-based  
17 system that provides consistent services throughout the Commonwealth to address the needs of  
18 families and children in crisis by providing them with an array of resources. The goal of said  
19 system is to preserve and strengthen families while ensuring the healthy behavioral, social and  
20 educational development of the child. These services shall focus on creating a stable  
21 environment and strengthening the family as a whole while emphasizing parental responsibility.  
22 These services shall also focus on assisting children who are at risk of dropping out of school.  
23 Nothing in this act is intended to abrogate the responsibility of the education system to provide  
24 educational services as required by state and federal law.

25 Said community-based system shall provide the family and child with immediate responses for  
26 the stabilization of the family, as well as to connect the family to additional services in the  
27 community through referrals and advocacy. The services provided to the families and children  
28 involved shall be provided on a continuum of increasing intensity with the goal of keeping the  
29 child out of the juvenile justice and child protection systems. The system shall include a  
30 mechanism for the collection and analysis of information which will enable the Commonwealth  
31 to evaluate the effectiveness of services and to identify gaps in services. It is the intent of the

32 General Court to reserve judicial intervention for those children and families who require  
33 services beyond said community-based services in order to achieve stabilization and resolution.

34 3. For the purpose of this Section the following words shall have the following  
35 meanings:

36 ‘Child requiring assistance’: a child between the ages of 6 and 18 who repeatedly runs away  
37 from the home of his parents , legal guardian , or custodian or repeatedly fails to obey the lawful  
38 and reasonable commands of his parents , legal guardian , or custodian , thereby interfering with  
39 said parent’s , legal guardian’s , or custodian’s ability to adequately care for and protect said  
40 child or repeatedly fails to obey the lawful and reasonable regulations of his school or who is  
41 habitually truant;

42 “ Community-based services ”: services, including coordination of services, that are designed to  
43 assist families with children requiring assistance so that, where appropriate, such children will be  
44 able to: continue residing with their families in their home communities; continue as students in  
45 their community schools; strengthen relationships with their families.

46 “Community Service Agency” : a community-based organization providing services under  
47 contract with the Commonwealth, whose function is to facilitate access to and ensure  
48 coordination of services for families with children with serious emotional disturbance who  
49 require or are already utilizing multiple services, or are involved with multiple child-serving  
50 systems including, but not limited to, the juvenile justice system, department of mental health,  
51 and special education, as agreed upon under the settlement dated August 29, 2006 entered into  
52 by the parties of Rosie D. et al v. Romney civil action No. 01-30199-MAP filed in the United  
53 States District Court.

54 'Family with children requiring assistance': the parents, guardians, custodian, siblings, and any  
55 other relatives or caretakers responsible for a child between the ages of 6 and 18 who need  
56 assistance from state, local, or private agencies, or providers of social, educational health, mental  
57 health, or behavioral health services in order to adequately care for and protect the child ;

58 'Habitually truant': a school-aged child not otherwise excused from attendance in accordance  
59 with the lawful and reasonable regulations of his school who fails to attend school for more than  
60 8 school days in a quarter;

61 'Secretary': the secretary of the Executive Office of Health and Human Services.

62 4. ( a ) Subject to appropriation or availability of third party reimbursement, t he  
63 secretary shall:

64 ( i ) develop a model for delivery of community-based services to families with children  
65 requiring assistance which shall form a basis of a network of child and family service programs  
66 developed in this section. The purpose of the network of community-based services program  
67 shall be to assist families so that children will be able to continue residing with their families in  
68 their home communities; assist families to enable children to continue as students in their  
69 community schools; strengthen the relationships between children and families; and provide  
70 coordinated, comprehensive, community-based services for children at risk of dropping out of  
71 school , delinquency, or engaging in behaviors which impede the likelihood of their leading  
72 healthy, productive lives. The secretary may enter into contracts with the Community Service  
73 Agencies (CSAs) , local school s, other local public agenc ies, private organization s, or medical  
74 or mental health care providers who shall act as c ommunity- b ased s ervice centers, to  
75 implement the network and provide services w hich are within their capacity. The c ommunity -

76 based service centers shall be encouraged to subcontract with other local providers as needed to  
77 provide the full complement of services required under this section .

78 (ii) make grants for the coordination of community-based services which may include  
79 outreach, intake, screening, assessment and referral. In awarding the grants, the secretary shall  
80 seek to promote efficiency and access to existing services. Grants may be awarded to existing  
81 networks of community-based services. Referrals may be provided for services, including but not  
82 limited to: eligibility determination, behavioral health, medical, counseling, safety, education,  
83 learning disabilities, employment, mentoring, family and parent support, civic engagement and  
84 community service, after school and out-of-school opportunities, residential programs, non-  
85 residential programs, crisis management and case management.

86 (ii i) pilot alternative systems to address the problem of children running away from  
87 their parents , legal guardians , or custodians. Two grants shall be awarded for runaway  
88 treatment and prevention programs, one in an urban location and one in a rural location. Grants  
89 may award funding for up to five years subject to demonstration of effectiveness and the  
90 submission of annual reports to the secretary;

91 (iv) develop standards necessary to achieve and maintain on a statewide basis  
92 comprehensive and integrated community-based services for children and families;

93 (v) monitor and provide technical assistance to providers of community-based services;

94 (vi) adopt a standard intake screening and assessment tool to evaluate all families and  
95 children seeking community-based services which identifies the family's strengths, resources,  
96 and service needs such as mental health, behavioral health, or substance abuse treatment, basic

97 family shelter, clothing and food needs, child care needs, health insurance status, legal issues,  
98 education placement, and child protection;

99 (vii) create a data collection system for use by programs within the network of child and  
100 family service programs developed pursuant to this section which maintains the privacy of  
101 clients served, assists programs and the executive office of health and human services in  
102 addressing the needs of the population to be served, collects information related to, among other  
103 things, the insurance status and benefit coverage of clients served, income documentation as  
104 needed to apply a sliding fee scale for payment or waiver of payment for services, and other  
105 information that may assist the program and the secretary in providing services, identifying  
106 service needs and gaps, and evaluating the effectiveness of community-based services.

107 (viii) establish a network of child and family service programs throughout the c  
108 ommonwealth to provide community-based services to families with children requiring  
109 assistance.

110 (b) The secretary shall issue requests for proposals for the provision of community-  
111 based services. Proposals must demonstrate expertise in assisting children and families who are  
112 at risk of contact with the juvenile justice system or the child protection system and program  
113 staffing which meets the credentialing and caseload criteria as defined by the secretary.  
114 Proposals shall also require that applicants submit:

115 (i) A plan for development, implementation and coordination of services as  
116 required under this section for families from public and private providers ;.

117 (ii) (ii) A plan for the establishment of a local advisory board which, shall focus  
118 on the needs of families and children at risk of involvement in the juvenile justice system and the



119 child protection system. The advisory board shall include: representatives from school districts,  
120 police officers, juvenile probation officers, district attorneys, attorneys who represent children  
121 and parents, mental health clinicians, behavioral health providers, parents and youth. The  
122 advisory board may also include local religious organizations, representatives of local  
123 businesses, higher education, social service agencies, public health agencies and other persons  
124 with experience in assisting youth and families in crisis. Membership shall be broadly  
125 representative of the racial ethnic and economic diversity of the community. The local advisory  
126 boards may, where necessary to facilitate work in communities, create similarly constituted work  
127 groups for each municipality in the service area;

128 (iii) Periodic evaluation of the success in achieving program goals and a process for  
129 making adaptations and improvements based on evaluation information.

130 5 . (a) Community-based services shall be available to children between the ages of 6  
131 and 18 who are habitually truant or children between the ages of 6 and 18 who run away from  
132 the home of their parents , legal guardian , or custodian or refuse to obey the lawful rules of their  
133 parents , legal guardian , or custodian or repeatedly fail to obey school rules and to families  
134 whose children engage in such behaviors .

135 (b) Whenever the staff of the program offering community-based services determines that a  
136 family seeking or referred for services for a child has significant and complex medical needs  
137 which cannot be met by the program or where the child's behavior presents a significant risk of  
138 harm to the child himself, the family or the community, the child and family shall be referred to  
139 other services pursuant to subsection 4 of this section.

140 (c) Where a youth has been charged with a delinquency offense or is an adjudicated delinquent,  
141 eligibility for participation in community-based services shall be determined by the program  
142 administrator after a review of the facts surrounding the alleged offense by a team consisting of:  
143 a community-based services caseworker, probation officer, family members and the counsel  
144 representing the child in the delinquency matter.

145 (d) Where the child is in the custody of the department of children and families and residing in  
146 an out-of-home placement, eligibility for participation in community-based services shall be  
147 determined by the program administrator after a review of the facts surrounding the placement  
148 by a team consisting of the community-based services caseworker, the department of children  
149 and families caseworker, a responsible adult with whom the child has an ongoing connection,  
150 and if the custody is based on an order in any proceeding under chapter 119, any counsel  
151 representing the child in that proceeding.

152 (e) Where a child or family is denied access to community-based services for reasons other than  
153 those described in this section, the program shall provide the child and his parent, legal guardian,  
154 or custodian a written explanation of reasons for exclusion and the identification of other  
155 community-based services and resources available to them.

156 (f) When a child or family is denied services pursuant to this section, the program shall contact  
157 the child and his parent, legal guardian, or custodian in person or by telephone within two weeks  
158 after the denial decision to determine if the other appropriate services have been obtained and  
159 whether or not community-based services are now appropriate. The program shall provide to the  
160 child and his parent, legal guardian, or custodian a notice in a form acceptable to the juvenile

161 court stating that the family is not eligible for community-based services and listing the reasons  
162 for ineligibility.

163           6 . ( a ) A child or family may seek assistance from a community-based services  
164 program directly and without referral.

165 ( b ) Employees of the departments of children and families or youth services may make referrals  
166 to Community-Based Service Centers as part of a case plan.

167 ( c ) Voluntary referrals to community based services may be made by any professional who is  
168 working with the family or child( ren ).

169 ( d ) Except as provided herein, a school administrator shall refer a child to community-based  
170 services at the same time that the administrator notifies the student and his parent, legal guardian,  
171 or custodian that the student will be expelled for failure to comply with the lawful and reasonable  
172 rules of the school. After providing the process that is due the student, including an expulsion  
173 hearing if requested, the school administrator shall consider the outcome of the community based  
174 service center referral if the student provides that information to the school . . Provided that when  
175 a school administrator refers a child for habitually truant behavior, it must be shown that the  
176 school, child, and family have completed a department of education certified truancy program, if  
177 such a program is available at the school. Whenever a child or family seeks assistance for  
178 habitually truant behavior, the program staff shall assist the family in gaining access to the  
179 child's school's department of education certified truancy program.

180           7 . Community-based services shall include, but are not limited to:

181 (i) program representatives available to respond to requests for service 24 hours a day,  
182 7 days a week;

183 (ii) initial response to referral or request for services by a family or child and  
184 stabilization of any crisis presented within a reasonable time, not to exceed 24 hours, so as to  
185 assure the safety and well being of the child and family;

186 (iii) assessment and screening of each person requesting services and, if possible, all  
187 family members residing in the household using the standard intake tool as established by the  
188 secretary pursuant to paragraph 4(a)(vi);

189 (iv) assignment of a case manager to each family upon assessment;

190 (v) creation of a family service plan, which includes but is not limited to: strength-  
191 based assessment and statement of family needs presented; services and treatment to be provided  
192 by the community-based services program or to which the family and child will be referred that  
193 address the identified needs , assistance with obtaining special education evaluation and  
194 services, assistance with insurance coverage issues, and timeframes for achieving the plan  
195 objectives. The service plan shall be reviewed and agreed upon by th e family before  
196 implementation;

197 (vi) data collection in a format which protects the privacy of the individuals seeking  
198 services and permits the evaluation of the effectiveness of the program;

199 (vii) compilation and dissemination to the general public of information about family  
200 support resources and services available in the community;

201 (viii) crisis intervention residential placements for children for up to 72 hours;

- 202 (ix) voluntary respite residential placement of the child for up to 21 days; and
- 203 (x) mediation or alternative dispute resolution, including restorative justice programs.

204 8 . ( a ) Participation in community-based services shall be pursuant to a voluntary  
205 agreement of the parent , legal guardian , or custodian and the child. Families or children may  
206 terminate their involvement at any time.

207 (b) Services may be provided for 120 days. After the initial 120 day period families or children  
208 and the community-based services program case manager may agree to extend services for up to  
209 an additional 90 days.

210 (c) Covered services shall be billed to the insurance provider for the client.

211 (d) The program shall advise the parents , legal guardian , or custodian that they may be  
212 responsible for co-payments for covered services and for contributing to the cost of non-covered  
213 services for the child or family. Allowable rates for services not covered by insurance, including  
214 the portion for which parents will be held responsible, shall be set by the secretary and  
215 periodically adjusted as needed to meet actual costs.

216 (e) In the absence of the consent of a parent , legal guardian , or custodian , respite care may be  
217 provided to a child pursuant to the provisions and subject to the limitations of chapter 119  
218 section 23 paragraph 7.

219 9 . ( a ) Each family shall have a case manager and a case staffing team. The case  
220 staffing team shall include, but is not limited to, the primary providers of the services to the child  
221 and family, the case manager and a representative of the child's school district.

222 (b) (i) The case manager shall be responsible for working with the family to  
223 develop a family service plan, agreed upon by the family and the case manager, that outlines the  
224 delivery of services. The family service plan shall be reviewed if there is cause to  
225 believe the continuation of services is no longer appropriate because the child has  
226 complex medical needs which cannot be met by the program or the child's behavior presents a  
227 significant risk of harm to the child himself, the family or the community. The case manager, the  
228 family and child shall periodically review the progress towards achieving the objectives of the  
229 plan and may make adjustments to the plan if necessary.

230 (ii) The case staffing team shall work with the family to address barriers that  
231 may prevent the family and child from participating in and benefiting from services, ensure the  
232 continued progress of the family service plan and shall address any issue that may be preventing  
233 the family from continuing to participate in and benefit from services. The case staffing team  
234 shall periodically review the family service plan with the family and may make  
235 recommendations for additional services.

236 (c) The case manager, case staffing team, family and child may, upon reviewing the progress  
237 towards achieving the objectives of the plan, terminate the case as indicated by successful or  
238 substantial achievement of the objectives of the plan. The parent, legal guardian, custodian or  
239 child who is over the age of 16 or any other member of the case staffing team may make a  
240 written request that the case manager convenes a resolution meeting at any time if the member  
241 finds that doing so is in the best interest of the family or child.

242 10. (a) Not more than 110 days after the assessment and screening of a child and  
243 family referred to or requesting community-based services, or 10 days prior to any extension of

244 services granted under paragraphs c and d of this section, the case manager shall convene a  
245 resolution meeting with the case staffing team to assess whether the goals of the family service  
246 plan have been achieved or if further services are in the best interest of the family and child.

247 After the meeting the case manager shall document the resolution of the case as follows:

248 (i) that the family and or child will benefit from additional community-based services;

249 or

250 (ii) that it is unlikely the family and child will benefit from additional community-based  
251 services at this time and the case is discharged; or

252 (iii) that the family failed to cooperate with the service plan and the case is discharged;

253 or

254 (iv) that the public or private agencies designated in the plan to provide specific services  
255 did not provide those services and the case is discharged; or

256 (v) that the presenting behaviors are resolved and the case is discharged.

257 (b) Within 7 days after meeting, the case manager shall provide the parent , legal guardian , or  
258 custodian with a written report that details the reasons for the decisions made at the resolution  
259 meeting. The report shall contain a notice in a form acceptable to the juvenile court stating that  
260 community-based services have concluded and whether or not the case manager believes it is  
261 likely that the child and family would benefit from further services.

262 (c) If the family, child and case manager agree to extend services, then the services shall be  
263 extended for an additional 90 days.

264 (d) If the family was referred to community-based services by a court or a probation officer, then  
265 services may be extended for additional 90 day periods at the agreement of the court or probation  
266 officer and the family.

267 11 . ( a ) The report and any documentation of services provided to the family and child  
268 shall not be public records. Statements made by the family and child while receiving services  
269 from the program shall be treated as confidential. Such statements may not be used in school  
270 disciplinary proceedings or in any court proceeding without the written consent of the person  
271 making the statement.

272 (b) Any person offering community-based services to children under this program shall be  
273 required to report suspected physical or emotional abuse or neglect of a child pursuant to Genera  
274 l Laws Chapter 119 Section 51A.

275 (c) Notwithstanding any provision to the contrary, in the absence of specific written directive  
276 from the child and or member of the family who is receiving service, information about the case,  
277 including interactions with service providers and protected health information services, may be  
278 shared among members of the case team as needed to coordinate treatment and provide  
279 appropriate case management.

280 12 . There shall be an advisory council appointed by the secretary, which shall advise  
281 the secretary on creation, operation, and effectiveness of the community-based services program.  
282 Members shall include the commissioners or their designees of the departments of public health,  
283 mental health, developmental services, children and families, youth services, transitional  
284 assistance, elementary and secondary education , early education and care, and public safety, the  
285 child advocate, the director of the office of Medicaid or his designee, the c ommissioner of



286 probation or his designee, the chief justice of the juvenile court or his designee, a district  
287 attorney, members of the bar who represent children in juvenile court proceedings, a designee of  
288 the committee for public counsel services, an education advocate, representatives of urban,  
289 suburban, and rural municipal police departments and school districts, providers of service to  
290 children and families, parents, and at least 2 young adults who have participated in a community-  
291 based services program.

292           1 3 . The secretary shall report annually on February 1 to the joint committee on  
293 children, families and persons with disabilities and the house and senate committees on ways and  
294 means and the child advocate on the progress of the community-based services program.

295 SECTION 2: Chapter 69 of the General Laws is hereby amended by adding after section 1N the  
296 following new section:

297 Section 1O. Within three years of the effective date of this act, the department shall establish a  
298 discretionary grant program to assist schools in planning and implementing truancy preventions  
299 programs which meet the certification requirements established pursuant to section 1P of Chapter  
300 69.

301 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section 1O the  
302 following new section:

303 Section 1P . The Department of Education shall promulgate regulations establishing a truancy  
304 prevention program certification process. The regulations shall include requirements that the  
305 truancy prevention program evaluate the level of out-of-school support for students and families,  
306 and address the conditions that may make students more likely to become truant, including

307 previously unidentified special needs, bullying and harassment. School districts shall establish a  
308 truancy prevention program which meets the requirements for certification by the department.

309 SECTION 4 : Chapter 119 of the General Laws is hereby amended by repealing Sections 39E to  
310 39J, inclusive, and adding the following new sections:

311 Section 39K. Definitions

312 “Child requiring assistance”, a child below the age of eighteen who repeatedly runs away from  
313 the home of his parents or legal guardian, or repeatedly fails to obey the lawful and reasonable  
314 commands of his parents or legal guardian, thereby interfering with said parent’s or legal  
315 guardian’s ability to adequately care for and protect said child, or repeatedly fails to obey the  
316 lawful and reasonable regulations of his school, or who is a habitually truant;

317 “ Family requiring assistance ” , the parents, guardians, siblings and any other relatives or  
318 caretakers responsible for a child between the ages of 6 and 18 who need assistance from state,  
319 local, or private agencies or providers of social, educational, health, mental health, or behavioral  
320 health services in order to adequately care for and protect the child;

321 “Habitual truant”, a school-aged child, not otherwise excused from attendance in accordance  
322 with the lawful and reasonable regulations of his school, who willfully fails to attend school for  
323 more than 8 school days in a quarter;

324 “Parent”, includes a legal guardian or other person legally responsible for a child’s care.

325 Section 39L. Jurisdiction

326 The Juvenile court department has original and exclusive jurisdiction over any  
327 proceeding commenced under section 39N alleging that a family or child requires assistance . T

328 he jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to  
329 the territorial limits of Suffolk county .

330 Section 39M. Nature of the Proceedings

331 1. Proceedings pursuant to sections 39K to 39X, inclusive, shall not be deemed criminal  
332 proceedings and any record of these proceedings, including the filing of a request for assistance  
333 and creation of a docket, shall not be entered in the Criminal Offender Record Information  
334 System .

335 2. Notwithstanding any general or special law to the contrary, no record pertaining to  
336 the child involved in the proceedings shall be maintained or remain active after the request for  
337 assistance is dismissed. The identity and record of any child for which a request for assistance is  
338 filed shall not be submitted to the criminal history systems board, criminal offender record  
339 information system, court activity record index or any other criminal record information system.

340 3. Proceedings pursuant to sections 39K to 39X, inclusive, shall be confidential and not be open  
341 to the public.

342 Section 39N. Request for Assistance

343 1. A proceeding to determine whether or not a child or family requires assistance is  
344 originated by the filing of a request for assistance, stating the petitioner's information and belief:

345 (a) that the child repeatedly runs away from the home of his parents or legal guardian or  
346 repeatedly fails to obey the lawful and reasonable commands of his parents thereby resulting in  
347 said parent's inability to adequately care for and protect said child, or that the child is habitually  
348 truant or repeatedly fails to obey the lawful and reasonable regulations of his school;

349 (b) that the child was under the age of 18 at the time the specified acts took place,

350 (c) specific acts on which the request for assistance is based and the time and place they are

351 believed to have occurred;

352 (d) when the petitioner is a school district, the request for assistance shall also include:

353 (i) if the request for assistance states that a child is habitually truant, a statement

354 of the actions taken by the school district to comply with its obligations under its truancy

355 prevention program certified pursuant to chapter 69, section 1O and to improve the school

356 attendance of the child. The request for assistance shall also state whether or not the child and

357 his family have participated in the truancy prevention program.; and

358 (ii) if the request for assistance states that a child has repeatedly failed to obey the

359 lawful and reasonable regulations of the school, a statement of the specific steps taken by the

360 school to improve the child's conduct.

361 (e) when the petitioner is a parent, whether they have applied for or received services from a

362 community-based services program under Section 16H of chapter 6A ; and

363 (f) that the child and family require assistance.

364 2. The following persons may originate a proceeding under this section:

365 (a) a police officer , but only if the request states that the child repeatedly runs away from the

366 home of his parents, legal guardian, or custodian ;

367 (b) a parent;

368 (c) a school district , but only if the request states that the child is habitually truant or repeatedly  
369 fails to obey the lawful and reasonable regulations of his school ;

370 3. (a) When a request for assistance is presented to the clerk for filing by a parent or a  
371 police officer, the clerk shall determine whether or not the child and family named in the petition  
372 have received services from a community service program created under section 16H of chapter  
373 6A. If the child and family have participated in such services, the clerk shall attach to the  
374 petition the notice of conclusion of community-based services as provided for in chapter 6A,  
375 section 16H(11)(b) or notice of ineligibility as provided for in chapter 6A, section 16H (6) ( f ).  
376 If the child and family have not participated in such services the clerk shall provide to the  
377 petitioner the option of referring the child and family to the program designated by the secretary  
378 of the executive office of health and human services to provide community-based services in the  
379 juvenile court district where the child resides.

380 (b)(1) If the petitioner is a parent, the clerk shall offer to contact the community-based services  
381 provider on the parent's behalf in order to complete a referral to such services. If the parent  
382 declines to be referred to such services, the clerk shall attach to the request for assistance the  
383 parent's signed statement that the parent does not wish to be referred to such services and that  
384 the parent understands the nature of services available through the court process, the manner in  
385 which those services will be delivered, the nature of the orders which the court may issue and the  
386 possibility of changes in custody of the child. The clerk may accept the request of assistance for  
387 filing if said documents are attached.

388 (2) If the petitioner is a police officer, the clerk shall offer to contact the community-based  
389 services provider in order to complete a referral to such services. The clerk may accept a written

390 statement of the reasons for the officer's belief that the referral to community-based services  
391 prior to filing the request for assistance would present a risk of harm to the child . The clerk shall  
392 then i ) immediately contact the designated community-based services to provide notice that a  
393 request for assistance has been prepared for fil ing, ii) create a docket for the matter and iii)  
394 request that the chief probation officer , or his designee, conduct an immediate inquiry and report  
395 to the clerk, or a judge if the clerk is not available with advice on how to proceed to obtain  
396 assistance for the child. After considering such advice the clerk may accept the request for  
397 assistance for filing.

#### 398 Section 39O Notice

399 1. Except as provided in subsection 2, on the filing of a request for assistance pursuant  
400 to this section, the court shall cause a copy of the request for assistance and a summons to be  
401 issued, requiring the child and each parent to appear at the court at a time and place named to  
402 address the request for assistance

403 2. In proceedings commenced by a parent , the court shall , at the time the request is  
404 filed ,notify the parent in writing of the time and place that the request for assistance will be  
405 heard to ensure the parent has a copy of the request for assistance. The court is not required to  
406 issue a summons to either parent in such a case if the parents are living together . If the parents  
407 are not living together, the court shall cause a copy of the request for assistance and a summons  
408 to be issued, requiring the child and the parent who did not initiate the request for assistance to  
409 appear to address the request f or assistance at the court at a time and place named ..

410 3. A copy of the request for assistance served or provided under subsection 1 or 2 shall  
411 be accompanied by a notice that, in the event that the court deems it necessary to place the child

412 in the care and custody of the department of children and families, said parent may be named as  
413 a respondent in any child support proceeding brought in connection with the child's care

414 4. Unless service of the summons required by this section is waived in writing, such  
415 summons shall be served by a constable or police officer, either by delivering it personally to the  
416 person to whom addressed, or by leaving it with a person of proper age to receive the same, at  
417 the place of residence or business of such person, and said constable or police officer shall  
418 immediately make return to the court of the time and manner of service.

419 Section 39O ½ Determination of probable cause that a child and family requires assistance;  
420 expungement .

421 Whenever a request for assistance is filed, the clerk, or a judge if the clerk is not available , shall  
422 hold a hearing as soon as possible, but not later than 15 days after the creation of a docket. At  
423 that hearing the clerk, or a judge if the clerk is not available, shall receive the recommendation of  
424 the probation officer and receive evidence from the petitioner and the child. The clerk, or the  
425 judge shall determine i ) whether or not there is probable cause for a determination that a child  
426 and family are in need of assistance and ii)whether it is in the best interest of the child for the  
427 matter to proceed to a fact finding hearing. The clerk or judge shall then either i ) dismiss the  
428 request for assistance, or ii) refer the child and family to a probation officer for the preliminary  
429 inquiry under section 39R. When a request for assistance is dismissed under this section, the  
430 court shall enter an order directing the expungement of any records of the claimant maintained  
431 by the clerk, the court, the criminal history systems board, the court activity record index, and  
432 the probation department that directly pertain to the this request for assistance.

433 Section 39P Scheduling the Fact Finding Hearing

434 At the conclusion of the probable cause hearing required by section 39O1/2, the clerk shall set a  
435 date for a fact finding hearing no more than 90 days from the date the request for assistance was  
436 filed. If at any time prior to the fact finding hearing the parents, child, petitioner and probation  
437 officer agree, the fact finding hearing may be postponed for an additional 90 days after the  
438 expiration of the initial 90 day period.

#### 439 Section 39Q Appointment of Counsel

440 1. When the request for assistance is filed the child shall be informed that he has a right  
441 to counsel at all hearings . At the time the request for assistance is filed, that court shall ensure  
442 that if said child is not able to retain counsel, the court shall appoint counsel for said child. The  
443 court shall appoint counsel for the child at the time the request for assistance is filed. The clerk  
444 shall cause a copy of the request for assistance and notice of the time and place of the fact  
445 finding hearing to be delivered to counsel at the time of appointment.

446 2. When the request for assistance is filed, each parent or legal guardian of the child  
447 shall be informed that he has the right to participate as a party in any proceeding under sections  
448 39K to 39X involving his child and that he has the right to counsel at any hearing or proceeding  
449 regarding custody of his child. If said parent or legal guardian is financially unable to retain  
450 counsel, the court shall appoint counsel for said parent or legal guardian.

451 3. The court shall determine whether the parent or legal guardian of a child alleged to  
452 require assistance is indigent. If the court determines that the parent or legal guardian is not  
453 indigent, the court shall assess up to a \$ 1000 fee against the parent or legal guardian to pay for  
454 the cost of counsel appointed for the child. If the parent or legal guardian is determined to be  
455 indigent but is still able to contribute toward the payment of some of said costs, the court shall



456 order the parent or legal guardian to pay a reasonable amount toward the cost of counsel  
457 appointed for the child.

458 Section 39R Preliminary Inquiry by Probation

459 1. When requested by the court or a clerk t he chief probation officer or his designee  
460 shall conduct a preliminary inquiry to determine whether in his opinion the best interests of the  
461 child and family require that crisis intervention services be provided to the child and family.

462 The probation officer in his discretion may:

463 (a) refer the family and child to a community-based services program in the community where  
464 the child resides ; the probation officer may confer with the provider of community-based  
465 services to resolve the situation which formed the basis of the request for assistance;

466 (b) refer the child to an appropriate public or private organization or person for psychiatric,  
467 psychological, educational, occupational, medical, dental or social services;

468 (c) conduct conferences with the child, the child's family and the petitioner for the purpose of  
469 effecting adjustments or agreements which are calculated to resolve the situation which formed  
470 the basis of the request for assistance . Information obtained by the probation officer may be  
471 used in the present proceeding but it is otherwise confidential and may not be used in school  
472 disciplinary proceedings or other court proceedings ;

473 (d) if the child or his parents fail to participate in good faith with the referrals or conferences  
474 arranged by the probation officer or if the probation officer is not able to refer the child or his  
475 parents to an appropriate public or private organization which is willing and able to provide

476 appropriate services, the probation officer shall so certify in writing and present these findings to  
477 the court.

478           2. (a) The probation officer shall gather information concerning the child and family  
479 which in both substance and format is compatible with and complementary to the information  
480 gathered by programs providing community-based services pursuant to section 16H of chapter  
481 6A , including but not limited to the insurance status and coverage and other information that  
482 may assist the commissioner of probation and the court in evaluating the availability and  
483 effectiveness of services for children who are the subjects of requests for assistance pursuant to  
484 this section .

485 (b) The commissioner of probation shall establish a system to collect data regarding requests for  
486 assistance made and how they are resolved under sections 39K through 39X . Said system shall  
487 maintain the privacy of clients served, assist the court in addressing the needs of the population  
488 to be served, collect information related to, among other things the racial and ethnic identity of  
489 the child, the insurance status and coverage of clients served, the length of time a child is  
490 receiving assistance from a probation officer, the identity of any public or private organization to  
491 whom a probation officer has referred a child or family for services; and other information that  
492 may assist the commissioner and the court in evaluating the availability and effectiveness of  
493 services for children who are the subjects of requests for assistance pursuant to this section.

494 (c) The Commissioner of Probation shall report annually to the Child Advocate , the house and  
495 senate committees on ways and means, joint committee on children, families and persons with  
496 disabilities and the joint committee on the judiciary on the assistance provided by probation  
497 officers to children and families under Sections 39K to 39X. The report shall be filed on October

498 1 of each year and shall include for each juvenile court district: the number of children and  
499 families receiving assistance, their racial and ethnic identity, as identified by the child and family  
500 members, an analysis of the services provided and an identification of gaps in services available,  
501 the status or resolution of each request for assistance filed in the previous year, and the numbers  
502 of children who are the subject of a request for assistance and also charged with a delinquency  
503 matter in the previous year . The report shall exclude information that identifies or allows others  
504 to identify any child or family who is the subject of a request for assistance.

505 3. Conferences and referrals arranged under this section may extend for a period not to  
506 exceed 120 days from the date that the request for assistance was filed, unless the parent , child  
507 and petitioner voluntarily agree in writing to a continuation of such conferences or referrals for  
508 an additional period not to exceed 90 days from the expiration of the original period. Upon the  
509 expiration of the initial 90 day period, or of such additional 90 day period, the request for  
510 assistance may be dismissed and the child and his parents discharged from any further obligation  
511 to participate in such conferences and referrals, or a fact finding hearing shall be held.

#### 512 Section 39S Custody, Failure to Appear

513 If, after a hearing at which the child is represented by counsel, the court finds that a child alleged  
514 to require assistance by reason of repeatedly failing to obey the lawful and reasonable commands  
515 of his parent is likely not to appear at the fact finding hearing or at the disposition hearing, the  
516 court may order the child to be released upon such terms and conditions as it determines to be  
517 reasonable or may place the child in the temporary custody of the department of children and f  
518 amilies. Prior to the court granting temporary custody to the department of children and families,  
519 the court must make a written certification and determination that it is contrary to the welfare of

520 the child to be in his home, and that the department of children and families has made reasonable  
521 efforts to prevent removal of the child from his home or the existing circumstances indicate that  
522 there is an immediate risk of harm or neglect which precludes the provision of the preventative  
523 services as an alternative removal.

524 An order placing a child with the department under this Section shall be valid for no more than  
525 15 days without the child being brought again before the court for a hearing on whether the order  
526 should be continued for another 15 day period. If the court decides to extend the order, it shall  
527 note in writing the detailed reasons for its decision. An order under this section may be in effect  
528 for no more than 45 days total.

529 A child who is the subject of a request for assistance may not be confined in shackles or similar  
530 restraints or in a court lockup facility in connection with any proceedings pursuant to Sections  
531 39K through 39X.

#### 532 Section 39T Withdrawal of Request for Assistance

533 The petitioners may, withdraw the request for assistance at any time prior to a hearing to  
534 determine the disposition of a request for assistance . A probation officer may at any time  
535 recommend to the court that the request for assistance be dismissed upon a showing that  
536 dismissal is in the best interests of the child.

#### 537 Section 39U Fact Finding Hearing

538 1. The court shall hold a fact finding hearing in which it shall receive evidence from the  
539 petitioner, the parent, the child, a representative from the community-based services program , if  
540 involved with the family, and the probation officer. At any hearing held to determine whether a

541 child and family require assistance, the child and his attorney shall be present and the parents or  
542 legal guardian shall be given an opportunity to be heard. The petitioner who files the request for  
543 assistance shall bear the burden of presenting evidence proving that the child and family require  
544 assistance .

545           2. At the fact finding hearing the court shall review any notice of termination of  
546 community-based services. The court shall consider any available documentation of diligent  
547 attempts to provide appropriate services and determine whether such efforts or services provided  
548 were sufficient. With the consent of the parent(s) and child the court may consider any written  
549 reports from service providers which would otherwise be subject to confidentiality or privilege.  
550 The court may refer the child and the parent to participate in community-based services  
551 regardless of whether or not the child and parents have previously used community based  
552 services .

553           3. The court shall either:

554 ( i ) dismiss the request for assistance because the circumstances which led to the filing of a  
555 request for assistance have been resolved or the court finds that the child and family will not  
556 benefit from the assistance being offered ;

557 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the child would best  
558 be served by continued informal assistance, in which case the court shall, with the consent of the  
559 child and his parent, refer the child to a probation officer or refer the child and family to the  
560 designated program for additional community-based assistance; or

561 (iii) If the court finds the allegations in the request for assistance have been proved at the fact  
562 finding hearing beyond a reasonable doubt , it may find that the child and family named in such  
563 request for assistance to be a child and family requiring assistance and schedule a hearing for  
564 disposition

565 4. No statements made by a child, family member, or by any other person during the  
566 period of inquiries, conferences, or referrals may be admitted at any hearing without the consent  
567 of the child or the family member who made the statement .

#### 568 Section 39V Disposition Conference and Hearing

569 1 . Upon making a finding that a child and family require assistance after a fact finding  
570 hearing , the court shall convene a conference of the probation officer who conducted the  
571 preliminary inquiry, a representative from the community-based services program, if involved  
572 with the family, the petitioner, a representative from the child's school, the child's parent and his  
573 attorney , the child and his attorney, a representative of the department of children and families,  
574 if involved with the family, and any other person who may be helpful in determining the  
575 assistance to be offered to the child and family. The probation officer shall present written  
576 recommendations and other persons at the conference may present written recommendations to  
577 the court to advise the court on appropriate treatment and services for the child and family ,  
578 appropriate placement for the child , and appropriate conditions and limitations of such  
579 placement.

580 At the conference and subsequent hearing on disposition, the child and his attorney shall  
581 be present and the parents or legal guardian and the petitioner shall be given an opportunity to be  
582 heard. The court may receive evidence as to the best disposition from all persons who

583 participate in the conference and any other person who may be helpful in determining an  
584 appropriate disposition.

585           2. The court shall then conduct a dispositional hearing. The court, taking into  
586 consideration the evidence admitted at the hearing, the report of the probation officer , and the  
587 physical and emotional welfare of the child, may make any of the following orders of  
588 disposition:

589 (a) subject to any conditions and limitations the court may prescribe, including provision for  
590 medical, psychological, psychiatric, educational, occupational and social services, and for  
591 supervision by a court clinic or by any public or private organization providing counseling or  
592 guidance and for any other services deemed appropriate by the court , permit the child to remain  
593 with his parents;

594 (b) subject to such conditions and limitations as the court may prescribe, including, but not  
595 limited to provisions for services deemed appropriate by the court, including but not limited to  
596 services described in clause (a), place the child in the care of any of the following:

597 ( i )           a relative, or other adult individual who, after inquiry by the probation officer or  
598 other person or agency designated by the court, is found to be qualified to receive and care for  
599 the child; or

600 (ii)           a private charitable or childcare agency or other private organization, licensed or  
601 otherwise authorized by law to receive and provide care for such children;

602 (c) subject to the provisions of sections 32 and 33 and with such conditions and limitations as the  
603 court may recommend, place the child in the custody of the department of children and families.

604 If the court chooses to place the child in the custody of the department then at the same time, the  
605 court shall consider the provisions of section 29C and shall make the written certification and  
606 determinations required by said section 29C. When the court has placed a child in the custody of  
607 the department, then the department:

608 (i)                    may not refuse out-of-home placement of a child if the placement is  
609 recommended by the court provided that the court has made the written certification and  
610 determinations required by said section 29C;

611 (ii)                    may not refuse out of home placement when requested by the child if there is a  
612 substantiated history of abuse or neglect in the home by the parent or legal guardian;

613 (iii)                    subject to clauses ( i ) and (ii), shall direct the type and length of such out-of-  
614 home placement;

615 (iv)                    subject to clauses ( i ) and (ii), shall give due consideration to the  
616 recommendations of the court. Whenever the department decides not to carry out the  
617 recommendations of the court regarding placement and treatment of the child it shall present the  
618 reasons for its decision and the alternative plan for treatment and placement in writing to the  
619 court.

620 (d) The court may issue an order directing any state agency to provide particular services to the  
621 family and child including but not limited to those services described in clause (a). If the agency  
622 is not able to comply with the order directing services then the agency shall provide to the court a  
623 written statement of the reasons why it is unable to provide those services. A copy of the  
624 statement shall be sent to the house and senate committees on ways and means and the joint



625 committee on children, families and persons with disabilities and the office of the child advocate  
626 .

627 Section 39V1/2 Prohibition on placements with the department of youth services or in locked  
628 facilities

629 1. Notwithstanding the provisions of subsection 2 (d) the court may not order the child  
630 to be placed in the custody of the department of youth services .

631 2 . A child found to require assistance shall not be placed in a locked facility or any  
632 facility designated or operated for juveniles who are alleged to be delinquent or who have been  
633 adjudicated delinquent. However, such child may be placed in a facility which operates as a  
634 group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated  
635 delinquent are also provided care in such facility.

636 Section 39W Duration of Assistance

637 1. Any order of disposition under Section 39V shall continue in force for not more than  
638 120 days; provided, however, that the court which entered the order may, after a hearing, extend  
639 its duration for up to three additional periods, each such period not to exceed 90 days, if the court  
640 finds that the purposes of the order have not been accomplished and that such extension would  
641 be reasonably likely to further those purposes. The child shall have the opportunity to present  
642 evidence and rebut evidence presented at any extension hearing.

643 2. No order shall continue in effect after the eighteenth birthday of a child named in a  
644 request for assistance.

645 Section 39X. Custodial Protection

646 1. (a) A child may be taken into custodial protection for engaging in the behaviors  
647 described in section 39N, only if such child has failed to obey a summons issued pursuant to  
648 section 39 O , or if the law enforcement officer initiating limited custody has probable cause to  
649 believe that such child has run away from the home of his parents or legal guardian and will not  
650 respond to a summons .

651 (b) After an officer has taken a child into custodial protection, the officer shall immediately  
652 notify the parent or other person legally responsible for the child's care, or the person with whom  
653 he is domiciled, that he is under the custodial protection of the officer.

654 (c) After making every reasonable effort to give notice under paragraph (b), the officer shall:

655 ( i ) release the child to the custody of his or her parent or other person legally  
656 responsible for his or her care upon the written promise, without surety, of the person to whose  
657 custody the child is released that he will bring the child to the program designated to provide  
658 community-based services for the geographic region which constitutes the district of the juvenile  
659 court department within which the child was taken into custodial protection or in which the child  
660 resides, at a time and place specified in writing; or

661 (ii) forthwith and with all reasonable speed take the child directly, and without first  
662 being taken to the police station house, to the program designated to provide community-based  
663 services for the geographic region which constitutes the district of the juvenile court department  
664 within which the child was taken into custodial protection or in which the child resides,; or

665 (iii) release the child to a representative of the department of children and families, if the  
666 law enforcement officer has reason to believe that the child is or has been in the care or custody  
667 of such department; or

668 (iv) take the child directly to the juvenile court in which the act occasioning the taking  
669 into custodial protection occurred, provided that the officer affirms on the record that he or she  
670 attempted to exercise the options identified in paragraphs ( i ), (ii), and (iii) of this subdivision,  
671 was unable to exercise these options, and the reasons therefore.

672 (d) In the absence of special circumstances, the officer shall release the child to his parents or  
673 other person legally responsible for his care in accord with paragraph (c )( i ).

674 (e) A child may not be securely detained in a police station or town lockup. At no time shall a  
675 child be held in any locked facility . .

676 (f) Notwithstanding the foregoing requirements for placement, any such child who has been  
677 taken into custodial protection shall, if necessary, be taken to a medical facility for treatment or  
678 observation.

679 SECTION 5 . Notwithstanding any general law to the contrary the secretary of the executive  
680 office of health and human services and the commissioners of departments of public health,  
681 mental health, developmental services, children and families, youth services and transitional  
682 assistance shall enter into memoranda of understanding among themselves and with the  
683 department of elementary and secondary education, office of the commissioner of probation, the  
684 juvenile court, municipal police departments and school districts to provide coordination,  
685 delivery, and funding of services to children and families who, pursuant to the provisions of  
686 section 16H(7)(b) of chapter 6A of the General Laws, are not eligible for community-based  
687 services established pursuant to section 16H of chapter 6A.

688 SECTION 6. The secretary of the executive office of health and human services shall pilot a  
689 program to address the unique needs of girls who run away from their parents and legal  
690 guardians.

691 SECTION 7. The department of elementary and secondary education shall pilot a truancy  
692 prevention program using a restorative justice format in at least one urban high school in the  
693 Commonwealth. The program shall include the use of healing circles which allow family,  
694 neighborhood and school community members to be present; a reparative board, comprised of  
695 peers and led by an adult; family group counseling, and mediation or alternative dispute  
696 resolution with the child, family members and school representatives. The program shall be  
697 designed to address the underlying causes both in and out of school which led to truancy. The  
698 department shall evaluate the effectiveness of the program in preventing truancy and enhancing  
699 the child's academic performance and report the results of that evaluation to the board of  
700 elementary and secondary education , the house and senate committees on ways and means, joint  
701 committee on education and the department of elementary and secondary education .

702 SECTION 8. Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 3 of the  
703 first paragraph, the word "sixteen" and inserting in place thereof the following word:- eighteen.

704 SECTION 9. Chapter 741 of the Acts of 1965 is hereby amended by striking out, in line 4 of the  
705 second paragraph, the word "sixteen" and inserting in place thereof the following word:-  
706 eighteen

707 SECTION 10. Five years after the effective date of this act, the Child Advocate shall report to  
708 the governor, the president of the senate, the speaker of the house, the senate and the house  
709 committees on ways and means, and the chairs of the joint committee on children, families and

710 persons with disabilities on the needs of families whose children are truant, runaways, or whose  
711 conduct interferes with their parents ability to adequately care for and protect them. The report  
712 shall examine: ( i ) the community-based service system; (ii) the differences in service delivery  
713 throughout the state; (iii) the need for immediate response to stabilize a family in crisis and to  
714 connect the family to services in their own community; and (iv) the collection and analysis of  
715 information , or lack thereof, needed to evaluate and identify gaps in service to such children and  
716 families throughout the commonwealth. The report shall also review and make  
717 recommendations, as appropriate, with respect to system-wide improvements that may increase  
718 the effectiveness of the care and services provided to such children and their families and  
719 suggested legislative and regulatory changes. The report shall be made public.

720 SECTION 11. The department of mental health, in collaboration with the department of youth  
721 services and the department of public health shall conduct a comprehensive review of the mental  
722 health and substance abuse service needs of adolescents in the care of or detained in the  
723 commonwealth through the order of a juvenile court, including without limitation juveniles  
724 detained in the department of youth services or in the custody of the department of children and  
725 families or receiving services from the department of mental health, the court clinics, probation  
726 or otherwise and including without limitation any such departments, offices, agencies or  
727 instrumentalities of the commonwealth, and any private organizations or agencies operating  
728 under arrangement with departments or agencies of the commonwealth. To complete said  
729 review the department of mental health, the department of youth services, and the department of  
730 public health shall solicit input from the office of probation, the department of children and  
731 families , the department of elementary and secondary education, the juvenile court, the juvenile  
732 court clinics, the committee for public counsel services, the department of mental retardation, the

733 division of insurance,, the division of medical assistance, the Massachusetts Association of  
734 District Attorneys, at least one individual representing the interests of parents and families, at  
735 least one advocate for juvenile justice, at least one representative of the service provider  
736 community, and at least one representative of the Massachusetts Association of Health Plans.

737 Said review shall be for purposes of identifying the following:

738 (i) existing and proposed models of alternatives to detention, within and outside the  
739 commonwealth, of providing mental health and substance abuse services to juveniles in the care  
740 of the department of youth services; community resources and other dependencies which affect  
741 the appropriateness and effectiveness of models of services designed to avoid placement of  
742 children in a locked facility; and data demonstrating the relative efficacy, cost –effectiveness,  
743 and effect on public safety of alternative models;

744 (ii) unmet mental health and substance abuse needs of juveniles within the juvenile  
745 court systems of the commonwealth, including an explicit comparison of the best practices and  
746 models identified in paragraph a of this section with services and models available in the  
747 commonwealth;

748 (iii) recommendations for addressing unmet needs, including without limitation through  
749 the court clinics of the juvenile courts, and through contracting by the department of mental  
750 health for community based services through community providers, or through consortia of  
751 community providers, local government agencies and others operating in congruence with local  
752 courts involved in the juvenile justice system.

753 (b) within 60 days after the effective date of this act, the department shall post to its external  
754 website, for 30 days public comment, a proposed work plan to gather information necessary to

755 prepare the report required by this section, in consultation with clinical, philanthropic and  
756 advocacy organizations for children, and providers of mental health and substance abuse services  
757 for minors. The proposed work plan shall be directed to submit a final report to the legislature  
758 and the governor no later than 270 days after the effective date of this act.

759 (c) Within 90 days after the effective date of this act, the department shall post its final work plan  
760 on its external website.

761 (d) Within 210 days after the effective date of this act, the department shall post on its external  
762 website, for public comment, a draft report responsive to this section.

763 (e) Within 270 days after the effective date of this act, the department shall post on its external  
764 website, a final report responsive to this section, including a summary of all public comments  
765 received, and responses to such comments. The department shall also that day provide a copy to  
766 the governor, the president of the senate, the speaker of the house of representatives, the chairs of  
767 the joint committees of mental health and substance abuse, and children, families and persons  
768 with disabilities and the legislative mental health caucus.

769 SECTION 12. Section 16H( b)( i ) shall take effect 12 months after the effective date of this  
770 legislation.

771 SECTION 13. Section 16H( b)(ii) shall take effect 24 months after the effective date of this  
772 legislation.

773 SECTION 14. Section 16H( b)(iii) shall take effect 24 months after the effective date of this  
774 legislation.

775 SECTION 15. Section 16H( b)(iv) shall take effect 24 months after the effective date of this  
776 legislation.

777 SECTION 16. Section 16H( b)(v) shall take effect 24 months after the effective date of this  
778 legislation.

779 SECTION 17. Section 16H( b)(vi) shall take effect 24 months after the effective date of this  
780 legislation.

781 SECTION 18. Section 16H( b)(vii) shall take effect 24 months after the effective date of this  
782 legislation.

783 SECTION 19. Section 16H( b)(viii) shall take effect 36 months after the effective date of this  
784 legislation, to enable the Secretary to engage in the planning process required to establish the  
785 service delivery network provided therein.

786