

SENATE No. 81

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Tolman

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 relative to the rights of children in juvenile justice systems.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------|------------------------------|
| Steven A. Tolman | Second Suffolk and Middlesex |
| Kay Khan | 11th Middlesex |

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE RIGHTS OF CHILDREN IN JUVENILE JUSTICE SYSTEMS.

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. Chapter 119 of the General Laws is hereby amended by inserting after
2 section 1 the following section:- Section 1A. In recognition that substance abuse plays a
3 significant role in the commitment of juveniles to the departments of children and families and
4 youth services and that with comprehensive screening, the needs of juveniles with substance
5 abuse problems can be identified and appropriate care provided to them while concurrently
6 improving community safety and reducing the costs of juvenile commitments and future adult
7 incarcerations. To provide juveniles in the custody of said departments with such services as
8 well as physical and mental health services, the following basic and fundamental rights, to the
9 greatest extent possible and subject to appropriation and to available resources, shall be afforded:

10 (a) the right to a comprehensive assessment shall be made of each juvenile's substance
11 use, medical and mental health, education and family issues that may be linked to his
12 commitment;

- 13 (b) the right to effective, evidence-based treatment services for substance abuse
14 problems and disorders as well as medical, mental and dental issues, based on a
15 comprehensive assessment provided by trained professionals;
- 16 (c) the right to a public education, including special education if needed, that meets
17 criteria as established by the department of education;
- 18 (d) the right to services to improve family and social functioning;
- 19 (e) the right to the least restrictive means appropriate to such juvenile's needs;
- 20 (f) the right to be provided with appropriate aftercare to support successful reentry into
21 the community with a continuity of care from placement through release;
- 22 (g) the right to have all court and departmental decisions made without regard to religion,
23 race, national origin, ethnicity, gender or sexual orientation;
- 24 (h) the right to be housed in safe, dedicated juvenile facilities, to be free from any form of
25 abuse, including protection from disproportionate means and the use of force;
- 26 (i) the right to free, competent counsel at all stages of proceedings;
- 27 (j) the right to appropriate safeguards against self-incrimination, including the vesting in
28 the juvenile of a privilege for any statement by the juvenile given in furtherance of
29 treatment or assessment for treatment;
- 30 (k) the right to have the effectiveness of assessments and treatment provided tracked and
31 evaluated over time to ensure that the means employed are scientifically supported
32 and improved; and

33 (1) the right to have cases processed fairly and quickly.

34 Nothing in this section shall abridge or abrogate any other recognized rights, entitlements or

35 privileges provided by the General Laws.