

HOUSE No. 134

The Commonwealth of Massachusetts

PRESENTED BY:

Natalie M. Blais

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 adoption of the accompanying bill:

An Act regarding families and children in need of assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/19/2023</i>

HOUSE No. 134

By Representative Blais of Deerfield, a petition (accompanied by bill, House, No. 134) of Natalie M. Blais for legislation to establish a network of community-based services and family resource centers for families and children in need of assistance. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act regarding families and children in need of assistance.

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 6A of the General Laws is hereby amended by striking out section
2 16U and replacing it with the following new text:

3 (a) As used in this section, the following words shall have the following meanings:—

4 "Child requiring assistance", as defined in section 21 of chapter 119.

5 "Chronic absenteeism" missing at least ten percent of days enrolled regardless of whether
6 the absences are considered excused, unexcused and/or for disciplinary reasons.

7 "Community-based services", services, including coordination of services, designed to
8 assist families requiring assistance so that, if appropriate, children of the family may continue to
9 reside with their family and attend their community school while enjoying a strengthened
10 relationship with their family.

11 "Family requiring assistance", as defined in section 21 of chapter 119.

12 "Habitually truant", as defined in section 21 of chapter 119.

13 "Secretary", the secretary of health and human services.

14 (b) Subject to appropriation or third party reimbursement, the secretary shall:

15 (1) establish a network of child and family service programs and family resource centers
16 throughout the commonwealth to provide community-based services to families, including
17 families with children requiring assistance under subsection (c);

18 (2) develop guidelines and standards necessary to achieve and maintain, on a statewide
19 basis, a comprehensive and integrated network of community-based services and family resource
20 centers for children and families;

21 (3) promote efficiency by including in the network of community-based services and
22 family resource centers access to the following services: (i) organizations that are part of the
23 comprehensive community-based behavioral health delivery system coordinated by the secretary
24 under section 16S; (ii) organizations that provide services or have experience in coordinating
25 access to community-based services such as local schools; (iii) other local public agencies and
26 private organizations; and (iv) local medical, behavioral or mental health care providers;

27 (4) coordinate the services provided by the network and in the family resource centers
28 including, but not limited to, outreach, intake, screening, assessment and referral to services;

29 (5) encourage cooperation among local providers as needed to provide the full
30 complement of services required under this section;

31 (6) monitor and provide technical assistance to family resource centers and providers of
32 community-based services;

33 (7) require the use of standard intake screening and assessment tools to evaluate families
34 and children seeking community-based services which shall identify the family's strengths,
35 resources and service needs including, but not limited to, mental health, behavioral health or
36 substance abuse treatment, basic family shelter, clothing and food needs, child care needs, health
37 insurance status, legal issues, education placement and child protection; and

38 (8) create a data collection system for use by programs within the community-based
39 services network and family resource centers which shall: (i) maintain the privacy of clients
40 served, (ii) assist programs and the secretary in identifying and addressing the needs of the
41 population to be served, including gaps in service availability and how long clients are waiting to
42 receive services (iii) collect information including, but not limited to, insurance status and
43 benefit coverage of clients served, income documentation as needed to apply a sliding fee scale
44 for payment or waiver of payment for services, (iv) collect data regarding the services received
45 by a family, and (v) such other information deemed necessary to assist the program and the
46 secretary in providing services, identifying service needs and gaps and evaluating the
47 effectiveness of family resource centers and the community-based services network. Annually,
48 the secretary shall submit a report to the house and senate committees on ways and means, the
49 joint committee on children, families and persons with disabilities and the child advocate
50 detailing, but not limited to: (i) the number of children and families served at each center; (ii)
51 the types of programs offered; (iii) program outcomes including referrals to the juvenile court;
52 (iv) service gaps, including unavailable services and services with long wait times (v) client
53 feedback; (vi) progress on data sharing between centers, (vii) the number of children served by a

54 multidisciplinary team pursuant to subsection (c), and (viii) the number of children referred to a
55 Juvenile Court for a child requiring assistance petition following a multidisciplinary team
56 process. All data shall be disaggregated by the child's race, ethnicity, gender, and age.

57 (c) The network of community-based services and family resource centers shall: (i) assist
58 families so that, whenever possible, children may continue residing with their families in their
59 home communities; (ii) assist families to enable children to continue as students in their
60 community schools; (iii) strengthen the relationships between children and their families; and
61 (iv) provide coordinated, comprehensive, community-based services for children at risk of
62 chronic absenteeism, dropping out of school, committing delinquent acts or engaging in
63 behaviors which impede the likelihood of leading healthy, productive lives, or who have been
64 referred from the juvenile court pursuant to section 39E of chapter 119.

65 Services offered through the network shall include, but not be limited to, treatment for or
66 assistance with: eligibility determinations, assistance with applying for state services including
67 MassHealth, financial assistance programs, and services provided or funded by executive branch
68 agencies, behavioral, medical and mental health needs, special education evaluation, remedial
69 education services, assistance with insurance issues, mentoring, family and parent support, civic
70 engagement and community service, after school and out-of-school opportunities, residential
71 programs, crisis management and case management.

72 Subject to appropriation, each FRC shall assign a child and family a case manager who
73 shall convene a multidisciplinary team as needed to fulfil the functions listed in this subsection.
74 Multidisciplinary teams shall consist of but not be limited to the child, the child's
75 parents/caregivers, and family resource center staff, and when appropriate may include family

76 partners, advocates, community-based service providers, educational advocates, representatives
77 from state agencies, or school district representatives. The teams shall work to identify any needs
78 of the child or family with the goal of providing supports to the child and their family outside of
79 the juvenile court process to the extent possible.

80 A case manager shall not refer a family to the juvenile court for the purpose of filing a
81 child requiring assistance petition unless all other community-based service options have been
82 exhausted. Staff at a family resource center shall be permitted to report to a probation officer
83 upon request if a child that is the subject of an attempted child requiring assistance filing has met
84 with a case manager pursuant to this section and if all relevant community-based service options
85 have been exhausted.

86 The secretary of health and human services shall promulgate regulations to effectuate the
87 purposes of this section. The regulations shall include, but not be limited to: (i) the role of family
88 resource center staff in facilitating the work of the multidisciplinary team (ii) the circumstances
89 under which staff from health and human service state agencies are required to participate and
90 what that participation shall entail (iii) the process by which disagreements about the case plan
91 shall be resolved (iv) record sharing processes, including requirements for obtaining consumer or
92 parental consent and processes for providing information to the juvenile court about a family's
93 participation in services when the family has filed a child requiring assistance petition (v) data
94 gathering and reporting requirements; (vi) and protocols for when and how a family should be
95 referred to the juvenile court for a child requiring assistance petition.

96 (d) Any documentation of services provided to the family and child through the network
97 of community-based services or in the family resource centers shall not be public records under

98 clause Twenty-sixth of section 7 of chapter 4. Except as otherwise required by law, including
99 laws related to the reporting of suspected abuse or neglect under section 51A of chapter 119,
100 statements made by the family and child while receiving services from the network of
101 community-based services shall be treated as confidential and shall not be used in any
102 proceedings without the written consent of the person making the statement. Information about
103 the child and family requiring assistance, including interactions with service providers and
104 protected health information services, may be shared among the case team, other providers of
105 community services for families and any agency within the executive office of health and human
106 services providing such services to the child as needed to coordinate treatment and provide
107 appropriate case management, to the extent permitted under applicable federal law, unless the
108 child or family decline in writing to permit such information sharing.

109 (e) Participation in community-based services and use of the family resource centers shall
110 be under a voluntary agreement of the parent, legal guardian or custodian and the child;
111 provided, however, that provision of community-based services may be contingent upon such
112 parent, legal guardian or custodian agreeing to pay for such services or consenting to allow
113 covered services to be billed to applicable third party payers, including insurance providers.

114 (f) Except as otherwise provided, a school administrator shall refer a student to a family
115 resource center or a community-based services program, if such programs have been established
116 in the geographic region where the student resides, at the same time as the administrator notifies
117 the student and the parent, legal guardian or custodian of the student that the student is at risk of
118 expulsion for failure to comply with the lawful and reasonable rules of the school. After
119 providing the process that is due to the student, including an expulsion hearing if requested under
120 sections 37H and 37H.5 of chapter 71, the school administrator shall consider the outcome of the

121 community-based services if the student provides such outcome information to the school. After
122 an expulsion is imposed, the student may continue to provide information relative to the outcome
123 of any community-based services rendered, and the school administrator shall consider the
124 outcome of any community-based services rendered any time that is provided. Notwithstanding
125 the outcome of any community-based services, school districts shall make available to expelled
126 students educational services designed to lead to re-entry to a regular education program or to a
127 high school diploma.

128 A school shall make reasonable efforts to identify and address potential causes of chronic
129 absenteeism, including but not limited to previously unidentified or inadequately addressed
130 special educational needs, behavioral health needs, bullying, and harassment, before referring the
131 child and family to a family resource center for habitually truant behavior or filing a child
132 requiring assistance petition with the juvenile court.

133 (g) Nothing in this section shall diminish or interfere with the rights and protections
134 afforded to students with disabilities under federal and state special education laws.

135 SECTION 2: Section 10 of chapter 69 of the General Laws is hereby repealed.

136 SECTION 3: Section 21 of chapter 119 is hereby amended by striking out the definition
137 of "Child requiring assistance" and inserting in place thereof the following definition:-

138 "Child requiring assistance", a child between the ages of 12 and 18 who is not currently in
139 the custody of the Department of Children and Families or the Department of Youth Services
140 who: (a)(i) repeatedly runs away from the home of the child's parent, legal guardian or custodian;
141 (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal
142 guardian or custodian, thereby interfering with their ability to adequately care for and protect the

143 child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school;
144 (iv) is habitually truant; or (v) is a sexually exploited child, and (b) is in need of an out-of-home
145 placement, additional family supports, or additional school supports that cannot be obtained or
146 provided outside of a juvenile court process.

147 SECTION 4: Chapter 119 is hereby amended by striking out section 39E and replacing it
148 with the following new text:

149 The divisions of the juvenile court department may receive and hear requests for
150 assistance stating that there is a child requiring assistance or a family requiring assistance as
151 defined in section twenty-one, in accordance with the provisions of this section and of sections
152 thirty-nine F to thirty-nine I, inclusive. Proceedings pursuant to sections thirty-nine E to thirty-
153 nine I, inclusive, shall not be deemed criminal proceedings and any record of these proceedings,
154 including the filing of an application for assistance and creation of a docket, shall not be entered
155 in the criminal offender record information system. Notwithstanding any general or special law
156 to the contrary, no record pertaining to the child involved in the proceedings shall be maintained
157 or remain active after the application for assistance is dismissed. The identity and record of any
158 child for which an application for assistance is filed shall not be submitted to the department of
159 criminal justice information services, criminal offender record information system, court activity
160 record index or any other criminal record information system. Proceedings under sections 39E to
161 39I, inclusive, shall be confidential and not open to the public. The jurisdiction of the Boston
162 juvenile court for the subject matter of this section shall extend to the territorial limits of Suffolk
163 county.

164 A parent, legal guardian, or custodian of a child having custody of such child, may
165 initiate an application for assistance in one of said courts stating that said child (i) repeatedly
166 runs away from the home of said parent or guardian or repeatedly refuses to obey the lawful and
167 reasonable commands of said parent or guardian resulting in said parent's or guardian's inability
168 to adequately care for and protect said child, and (ii) is in need of an out-of-home placement or
169 other family supports that the family is unable to obtain outside of the juvenile court process and
170 has exhausted all relevant available community-based services, as defined in Section 16U of
171 Chapter 6A.

172 A school district may initiate an application for assistance in said court stating that said
173 child is (i) not excused from attendance in accordance with the lawful and reasonable regulations
174 of such child's school, has willfully failed to attend school for more than 8 school days in a
175 quarter or repeatedly fails to obey the lawful and reasonable regulations of the child's school, and
176 (ii) the school district is seeking specified additional supports that cannot be provided outside of
177 the juvenile court process. The application for assistance shall also state whether or not the child
178 and the child's family have been referred to an educational advocate or family resource center,
179 and whether the child and the child's family participated in the referred services to the best of the
180 applicant's knowledge. The application shall also provide a statement of the specific steps taken
181 by the school district to prevent the child's truancy; and if the application for assistance states
182 that a child has repeatedly failed to obey the lawful and reasonable regulations of the school, a
183 statement of the specific steps taken by the school to improve the child's conduct. The
184 application shall detail the specific court intervention the school district is seeking to support the
185 child in returning to school or improving the child's conduct.

186 Before an application for assistance is presented to the clerk for filing, a probation officer
187 shall determine if all community-based service options relevant to the child’s needs and
188 accessible to the petitioner have been attempted. In making the determination of whether
189 community based service options have been exhausted, a probation officer shall discuss with the
190 caregiver and/or school petitioner the alternative steps that have been taken, including but not
191 limited to participating in services offered through a family resource center or behavioral health
192 access center, meeting with educational advocates including the Mental Health Advocacy
193 Program for Kids program, and creating or updating an individualized education plan for the
194 child. The probation officer shall also consult with the family resource center that is most
195 accessible to the family. Staff at a family resource center shall be permitted to report to a
196 probation officer if a child that is the subject of an attempted child requiring assistance filing has
197 met with a case manager pursuant to Section 16U subsection (c) of Chapter 6A and if all relevant
198 community-based service options have been exhausted.

199 If the probation officer determines that community-based options have not been
200 exhausted and the supports requested in the filing can be obtained through a community-based
201 service provider, the probation officer shall directly connect the petitioner to a family resource
202 center pursuant to Section 16U of Chapter 6A. The probation officer may also refer the child to
203 an appropriate public or private organization or person for psychiatric, psychological,
204 educational, occupational, medical, dental or social services. The probation officer shall prepare,
205 publish and disseminate to each petitioner educational material relative to available family
206 resource centers, and may include materials on educational advocacy, community-based services
207 programs, the state’s complex case resolution process pursuant to Section 16R of Chapter 6A,
208 MassHealth behavioral access centers and 24/7 helpline, and other entities designated by the

209 secretary of health and human services. If the petitioner is a parent, legal guardian or custodian
210 the probation officer shall provide to the petitioner informational materials, prepared by the
211 court that explain the court process and shall include the types of orders that the court may issue
212 and the possibility of changes in the custody of the child and may include an explanation of the
213 services available through the court process, including language translation services and the
214 manner in which those services are delivered.

215 If the probation officer determines all community based service options relevant to the
216 child's needs and accessible to the petitioner have been exhausted, and the petitioner wishes to
217 proceed after receiving informational materials, an application for assistance shall be filed with
218 and initiated by the clerk, and the clerk shall set a date for a hearing as soon as possible, but not
219 later than 15 days after the request is presented to the clerk for filing, to determine whether
220 assistance is needed, and shall notify the child of such hearing.. The court shall hold a hearing in
221 which it shall receive the recommendation of the probation officer and shall either (i) decline to
222 accept the application for assistance because there is no probable cause to believe that the child
223 and family are in need of assistance; (ii) decline to accept the application for assistance because
224 it finds that the interests of the child would best be served by informal assistance, in which case
225 the court shall, with the consent of the child and the child's parents or guardian, refer the child to
226 a probation officer for assistance; or (iii) accept the application for assistance and schedule a
227 fact-finding hearing. If the child is brought in on custodial protection, the court shall accept an
228 application for assistance unless one has already been filed, and the court shall immediately
229 request the probation officer promptly to make like inquiry and thereafter report to the court the
230 probation officer's recommendation as to whether the interests of the child can best be served
231 through referral to community-based services or informal assistance without a fact-finding

232 hearing. Upon receiving such recommendation, the court may hold a hearing and shall decide
233 whether to proceed with a fact-finding hearing or to refer the child to the care of a probation
234 officer for assistance.

235 When an application for assistance is dismissed under this section, the court shall enter an
236 order directing expungement of any records of the request and related proceedings maintained by
237 the clerk, the court, the department of criminal justice information services, the court activity
238 record index and the probation department that directly pertain to the application for assistance.

239 Whenever a child is referred to a probation officer for assistance, such officer may
240 conduct conferences with the child and the child's family to effect adjustments or agreements
241 which are calculated to resolve the situation which formed the basis of the application for
242 assistance and which will eliminate the need for a fact finding hearing. During the pendency of
243 such referrals or conferences, neither the child nor the child's parents may be compelled to
244 appear at any conferences, produce any papers or visit any place. However, if the child or the
245 child's parents fail to participate in good faith in the referrals or conferences arranged by the
246 probation officer, the probation officer shall so certify in writing, and the clerk shall accept the
247 application for assistance if one has not already been accepted and shall set a date for a fact
248 finding hearing. The judge who conducted the hearing on the acceptance of the application for
249 assistance shall not preside at any subsequent hearing. Conferences and referrals arranged under
250 this section may extend for a period not to exceed 90 days from the date that the application for
251 assistance was initially filed, unless the parent and child voluntarily agree in writing to a
252 continuation of such conferences or referrals for an additional period not to exceed 90 days from
253 the expiration of the original period. Upon the expiration of the initial 90 day period, or of such
254 additional 90 day period, the application for assistance, if any, shall be dismissed and the child

255 and his parents discharged from any further obligation to participate in such conferences and
256 referrals, or an application for assistance shall, if not already accepted, be accepted and a date set
257 for a fact-finding hearing. No statements made by a child or by any other person during the
258 period of inquiries, conferences or referrals may be used against the child at any subsequent
259 hearing to determine that the child requires assistance, but such statements may be received by
260 the court after the fact finding hearing for the purpose of disposition.

261 The commissioner of probation shall establish a system to collect data on all requests for
262 assistance made and how they are resolved under sections 39E to 39I, inclusive. Said system
263 shall maintain the privacy of clients served, assist the court in identifying addressing the needs of
264 the population to be served and collect information related to: the racial and ethnic identity of the
265 child; the insurance status and coverage of clients served; whether the child had received
266 support from a family resource center pursuant to Section 16U of Chapter 6A or another
267 community-based organization prior to filing, the supports requested as detailed in the
268 application, the needs identified by the probation officer, the length of time a child is receiving
269 assistance from a probation officer, including the time prior to and subsequent to the filing of an
270 application for assistance; the identity of any public or private organization to whom a probation
271 officer has referred a child or family for services; and any other information that may assist the
272 commissioner and the court in evaluating the availability and effectiveness of services for
273 children who are the subjects of requests for assistance under this section. The probation officer
274 shall gather information concerning each child and family referred to the officer including, but
275 not limited to, (i) insurance status and coverage, (ii) the child's school district (iii) whether the
276 child or family received support from a family resource center pursuant to Section 16U of
277 Chapter 6A, (iv) the supports requested as detailed in the CRA application, (v) the needs

278 identified by the probation officer and (vi) other information that may assist the commissioner of
279 probation and the court in evaluating the availability and effectiveness of services for children
280 who are the subjects of requests for assistance under this section.

281 Upon the filing of an application for assistance under this section, the court may issue a
282 summons, to which a copy of the application for assistance shall be attached, requiring the child
283 named in such application to appear before said court at the time set forth in the summons. If
284 such child fails to obey the summons, said court may issue a warrant reciting the substance of the
285 petition and requiring the officer to whom it is directed forthwith to take and bring such child
286 before said court. Notice of the hearing shall be given to the department of children and families

287 Where the court summons such child, the court shall in addition issue a summons to both
288 parents of the child, if both parents are known to reside in the commonwealth, or to one parent if
289 only one is known to reside within the commonwealth, or, if there is no parent residing in the
290 commonwealth, then to the parent having custody or to the lawful guardian of such child. Said
291 summons shall require the person served to appear at a time and place stated therein at a hearing
292 to determine whether or not such child is in need of assistance.

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

298 SECTION 5: Section 39G of Chapter 119 is hereby amended by—:

299 In paragraph one, line five, striking out the word “may” after the words “motion to
300 dismiss” and replacing it with the word “shall,”

301 in paragraph 2, line 7, adding “family, including representatives from MassHealth, the
302 juvenile court clinic and other state entities depending on the supports requested,” after the
303 phrase “child and family”,

304 striking subsection (b) and replacing it with the following:

305 (b) subject to such conditions and limitations as the court may prescribe, including, but
306 not limited to provisions for those services described in clause (a), place the child in the care of a
307 relative or other adult individual who, after inquiry by the probation officer or other person or
308 agency designated by the court, is found to be qualified to receive and care for the child;