

An Act regarding families and children in need of assistance

S 101 / H 134 - Sen. Kennedy and Rep. Blais

Overview

This bill proposes changes to the Commonwealth's Child Requiring Assistance (CRA) system, with the goal of ensuring that youth and families who are in need of support are better able to access it without needing to go through a lengthy and potentially harmful court process. These changes were recommended in 2022 in a [report](#) published by the state's [Juvenile Justice Police and Data \(JJPAD\) Board](#).¹

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

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

Bill Features

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

Expands the role and function of Family Resource Centers (FRCs) to support more children and families <u>outside</u> of the court process	<p>A primary benefit of the current CRA process is that it provides an opportunity to bring together professionals from multiple state agencies, service providers, and/or advocates to identify needed supports for a child. This is valuable, but there is no reason it has to happen in a court room, or that it needs to wait until after a petition has been filed.</p> <p>This bill would move this process to the Family Resource Centers and ensure that it occurs <i>prior</i> to court involvement. FRCs would assign each family a case manager and – when necessary – convene a multidisciplinary CRA diversion team to identify and connect a youth and family to needed community- and state-supports.</p> <p>FRCs have been found to be extremely effective at supporting families and children with their concerns and helping them to address challenges.</p>
Changes the Juvenile Court CRA filing process to ensure the court is a true “last resort”	<p>Families are frequently referred to the CRA court process by educators, therapists, social workers, and doctors, often before a family has had the opportunity to engage with an FRC or go through other processes designed to secure access to services without court involvement. These professionals are often unaware of the limited response options available to the Juvenile Court or even what the CRA process entails – including the fact that a family may lose custody of their child through this process.</p> <p>This bill would require that a probation officer determine that all community-based options have been exhausted by the petitioner <i>prior</i> to the filing of a CRA petition to ensure that the court process is reserved as a true last resort.</p> <p>The probation officer will help the family connect to community services, including a local FRC, prior to filing. Probation officers will also ensure that school petitioners have made sufficient efforts to prevent a CRA filing. Filings would be required to list the specific court supports being requested, including if the family is seeking out of home placement through DCF.</p>
Raises the lower age of Juvenile Court jurisdiction for CRA filings	<p>Raises the age of Juvenile Court jurisdiction from 6 to 12, which is more developmentally appropriate and would align with our delinquency system. Annually, about 5-6% of CRA filings are for youth under the age of 12.</p>

¹ The Juvenile Justice Policy and Data Board (JJPAD), which was established by Chapter 69 of the Acts of 2018, is charged with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes. The JJPAD Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of organizations involved in the juvenile justice system. The Board made these recommendations after studying similar reforms enacted in other states, most notably New York and Connecticut.