HOUSE DOCKET, NO. 1635 FILED ON: 1/20/2011

HOUSE . . . . . No. 1294

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 adoption of the accompanying bill:

An Act regarding families and children engaged in services.

PETITION OF:

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

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HOUSE . . . . . No. 1294

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:

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

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

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

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

Whereas the current efforts to help said children and families lack accountability and 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,
15 and 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-
17 based system that provides consistent services throughout the Commonwealth to address the
18 needs of families and children in crisis by providing them with an array of resources. The goal
19 of said system is to preserve and strengthen families while ensuring the healthy behavioral,
20 social and 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
26 responses for the stabilization of the family, as well as to connect the family to additional
27 services in the community through referrals and advocacy. The services provided to the families
28 and children involved shall be provided on a continuum of increasing intensity with the goal of
29 keeping the child out of the juvenile justice and child protection systems. The system shall
30 include a mechanism for the collection and analysis of information which will enable the
31 Commonwealth to evaluate the effectiveness of services and to identify gaps in services. It is the
32 intent of the General Court to reserve judicial intervention for those children and families who
33 require services beyond said community-based services in order to achieve stabilization and
34 resolution.

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

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

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

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

55 'Family with children requiring assistance': the parents, guardians, custodian, siblings,
56 and any other relatives or caretakers responsible for a child between the ages of 6 and 18 who

57 need assistance from state, local, or private agencies, or providers of social, educational health,
58 mental health, or behavioral health services in order to adequately care for and protect the child ;
59 ‘ Habitually truant’: a school-aged child not otherwise excused from attendance in accordance
60 with the lawful and reasonable regulations of his school who fails to attend school for more than
61 8 school days in a quarter;

62 ‘Secretary’: the secretary of the Executive Office of Health and Human Services.

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

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

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

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

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

94 (v) monitor and provide technical assistance to providers of community-based
95 ser vices;

96 (v i) adopt a standard intake screening and assessment tool to evaluate all
97 families and children seeking community-based services which identifies the family's strengths,
98 resources, and service needs such as mental health, behavioral health, or substance abuse
99 treatment, basic family shelter, clothing and food needs, child care needs, health insurance status,
100 legal issues, education placement, and child protection;

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

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

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

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

119 (ii) (ii) A plan for the establishment of a local advisory board which, shall
120 focus on the needs of families and children at risk of involvement in the juvenile justice system
121 and the child protection system. The advisory board shall include: representatives from school
122 districts, police officers, juvenile probation officers, district attorneys, attorneys who represent

123 children and parents, mental health clinicians, behavioral health providers, parents and youth.
124 The advisory board may also include local religious organizations, representatives of local
125 businesses, higher education, social service agencies, public health agencies and other persons
126 with experience in assisting youth and families in crisis. Membership shall be broadly
127 representative of the racial ethnic and economic diversity of the community. The local advisory
128 boards may, where necessary to facilitate work in communities, create similarly constituted work
129 groups for each municipality in the service area;

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

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

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

142 (c) Where a youth has been charged with a delinquency offense or is an adjudicated
143 delinquent, eligibility for participation in community-based services shall be determined by the
144 program administrator after a review of the facts surrounding the alleged offense by a team

145 consisting of: a community-based services caseworker, probation officer, family members and
146 the counsel representing the child in the delinquency matter.

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

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

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

165 6 . (a) A child or family may seek assistance from a community-based services
166 program directly and without referral.

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

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

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

182 7 . Community-based services shall include, but are not limited to:

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

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

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

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

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

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

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

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

204 (ix) voluntary respite residential placement of the child for up to 21 days; and

205 (x) mediation or alternative dispute resolution, including restorative justice
206 programs.

207 8 . (a) Participation in community-based services shall be pursuant to a
208 voluntary agreement of the parent , legal guardian , or custodian and the child. Families or
209 children may terminate their involvement at any time.

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

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

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

219 (e) In the absence of the consent of a parent , legal guardian , or custodian , respite care
220 may be provided to a child pursuant to the provisions and subject to the limitations of chapter
221 119 section 23 paragraph 7.

222 9 . (a) Each family shall have a case manager and a case staffing team. The case
223 staffing team shall include, but is not limited to, the primary providers of the services to the child
224 and family, the case manager and a representative of the child's school district.

225 (b) (i) The case manager shall be responsible for working with the
226 family to develop a family service plan, agreed upon by the family and the case manager, that
227 outlines the delivery of services. The family service plan shall be reviewed if there is

228 cause to believe the continuation of services is no longer appropriate because the child
229 has complex medical needs which cannot be met by the program or the child's behavior presents
230 a significant risk of harm to the child himself, the family or the community. The case manager,
231 the family and child shall periodically review the progress t owards achieving the objectives of
232 the plan and may make adjustments to the plan if necessary.

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

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

245 1 0 . (a) Not more than 110 days after the assessment and screening of a child
246 and family referred to or requesting community-based services, or 10 days prior to any extension
247 of services granted under paragraphs c and d of this section, the case manager shall convene a
248 resolution meeting with the case staffing team to assess whether the goals of the family service

249 plan have been achieved or if further services are in the best interest of the family and child.
250 After the meeting the case manager shall document the resolution of the case as follows:

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

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

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

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

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

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

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

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

270 1 1 . (a) The report and any documentation of services provided to the family
271 and child shall not be public records. Statements made by the family and child while receiving
272 services from the program shall be treated as confidential. Such statements may not be used in
273 school disciplinary proceedings or in any court proceeding without the written consent of the
274 person making the statement.

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

278 (c) Not withstanding any provision to the contrary, in the absence of specific written
279 directive from the child and or member of the family who is receiving service, information about
280 the case, including interactions with service providers and protected health information services,
281 may be shared among members of the case team as needed to coordinate treatment and provide
282 appropriate case management.

283 1 2 . There shall be an advisory council appointed by the secretary, which shall
284 advise the secretary on creation, operation, and effectiveness of the community-based services
285 program. Members shall include the commissioners or their designees of the departments of
286 public health, mental health, developmental services, children and families, youth services,
287 transitional assistance, elementary and secondary education , early education and care, and
288 public safety, the child advocate, the director of the office of Medicaid or his designee, the c
289 ommissioner of probation or his designee, the chief justice of the juvenile court or his designee, a
290 district attorney, members of the bar who represent children in juvenile court proceedings, a
291 designee of the committee for public counsel services, an education advocate, representatives of

292 urban, suburban, and rural municipal police departments and school districts, providers of
293 service to children and families, parents, and at least 2 young adults who have participated in a
294 community-based services program.

295 1 3 . The secretary shall report annually on February 1 to the joint committee on
296 children, families and persons with disabilities and the house and senate committees on ways and
297 means and the child advocate on the progress of the community-based services program.

298 SECTION 2: Chapter 69 of the General Laws is hereby amended by adding after section
299 1N the following new section:

300 Section 1O. Within three years of the effective date of this act, the department shall
301 establish a discretionary grant program to assist schools in planning and implementing truancy
302 preventions programs which meet the certification requirements established pursuant to section
303 1P of Chapter 69.

304 SECTION 3: Chapter 69 of the General Laws is hereby amended by adding after section
305 1O the following new section:

306 Section 1P . The Department of Education shall promulgate regulations establishing a
307 truancy prevention program certification process. The regulations shall include requirements that
308 the truancy prevention program evaluate the level of out-of-school support for students and
309 families, and address the conditions that may make students more likely to become truant,
310 including previously unidentified special needs, bullying and harassment. School districts shall
311 establish a truancy prevention program which meets the requirements for certification by the
312 department.

313 SECTION 4 : Chapter 119 of the General Laws is hereby amended by repealing Sections
314 39E to 39J, inclusive, and adding the following new sections:

315 Section 39K. Definitions

316 "Child requiring assistance", a child below the age of eighteen who repeatedly runs away
317 from the home of his parents or legal guardian, or repeatedly fails to obey the lawful and
318 reasonable commands of his parents or legal guardian, thereby interfering with said parent's or
319 legal guardian's ability to adequately care for and protect said child, or repeatedly fails to obey
320 the lawful and reasonable regulations of his school, or who is a habitually truant;

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

325 "Habitual truant", a school-aged child, not otherwise excused from attendance in
326 accordance with the lawful and reasonable regulations of his school, who willfully fails to attend
327 school for more than 8 school days in a quarter;

328 "Parent", includes a legal guardian or other person legally responsible for a child's care.

329 Section 39L. Jurisdiction

330 The Juvenile court department has original and exclusive jurisdiction over any
331 proceeding commenced under section 39N alleging that a family or child requires assistance . T
332 he jurisdiction of the Boston juvenile court for the subject matter of this section shall extend to
333 the territorial limits of Suffolk county .

334 Section 39M. Nature of the Proceedings

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

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

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

347 Section 39N. Request for Assistance

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

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

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

356 (c) specific acts on which the request for assistance is based and the time and place they
357 are believed to have occurred;

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

359 (i) if the request for assistance states that a child is habitually truant, a
360 statement of the actions taken by the school district to comply with its obligations under its
361 truancy prevention program certified pursuant to chapter 69, section 1O and to improve the
362 school attendance of the child. The request for assistance shall also state whether or not the child
363 and his family have participated in the truancy prevention program.; and

364 (ii) if the request for assistance states that a child has repeatedly failed to
365 obey the lawful and reasonable regulations of the school, a statement of the specific steps taken
366 by the school to improve the child's conduct.

367 (e) when the petitioner is a parent, whether they have applied for or received services
368 from a community-based services program under Section 16H of chapter 6A ; and

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

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

371 (a) a police officer , but only if the request states that the child repeatedly runs away from
372 the home of his parents, legal guardian, or custodian ;

373 (b) a parent;

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

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

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

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

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

404 Section 39O Notice

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

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

416 3. A copy of the request for assistance served or provided under subsection 1 or
417 2 shall be accompanied by a notice that, in the event that the court deems it necessary to place

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

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

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

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

440 Section 39P Scheduling the Fact Finding Hearing

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

446 Section 39Q Appointment of Counsel

447 1. When the request for assistance is filed the child shall be informed that he has
448 a right to counsel at all hearings . At the time the request for assistance is filed, that court shall
449 ensure that if said child is not able to retain counsel, the court shall appoint counsel for said
450 child. The court shall appoint counsel for the child at the time the request for assistance is filed.
451 The clerk shall cause a copy of the request for assistance and notice of the time and place of the
452 fact finding hearing to be delivered to counsel at the time of appointment.

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

458 3. The court shall determine whether the parent or legal guardian of a child
459 alleged to require assistance is indigent. If the court determines that the parent or legal guardian
460 is not indigent, the court shall assess up to a $ 1000 fee against the parent or legal guardian to
461 pay for the cost of counsel appointed for the child. If the parent or legal guardian is determined

462 to be indigent but is still able to contribute toward the payment of some of said costs, the court
463 shall order the parent or legal guardian to pay a reasonable amount toward the cost of counsel
464 appointed for the child.

465 Section 39R Preliminary Inquiry by Probation

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

470 The probation officer in his discretion may:

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

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

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

481 (d) if the child or his parents fail to participate in good faith with the referrals or
482 conferences arranged by the probation officer or if the probation officer is not able to refer the

483 child or his parents to an appropriate public or private organization which is willing and able to
484 provide appropriate services, the probation officer shall so certify in writing and present these
485 findings to the court.

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

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

503 (c) The Commissioner of Probation shall report annually to the Child Advocate , the
504 house and senate committees on ways and means, joint committee on children, families and

505 persons with disabilities and the joint committee on the judiciary on the assistance provided by
506 probation officers to children and families under Sections 39K to 39X. The report shall be filed
507 on October 1 of each year and shall include for each juvenile court district: the number of
508 children and families receiving assistance, their racial and ethnic identity, as identified by the
509 child and family members, an analysis of the services provided and an identification of gaps in
510 services available, the status or resolution of each request for assistance filed in the previous
511 year, and the numbers of children who are the subject of a request for assistance and also charged
512 with a delinquency matter in the previous year . The report shall exclude information that
513 identifies or allows others to identify any child or family who is the subject of a request for
514 assistance.

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

522 Section 39S Custody, Failure to Appear

523 If, after a hearing at which the child is represented by counsel, the court finds that a child
524 alleged to require assistance by reason of repeatedly failing to obey the lawful and reasonable
525 commands of his parent is likely not to appear at the fact finding hearing or at the disposition
526 hearing, the court may order the child to be released upon such terms and conditions as it

527 determines to be reasonable or may place the child in the temporary custody of the d epartment
528 of c hildren and f amilies. Prior to the court granting temporary custody to the department of
529 children and families, the court must make a written certification and determination that it is
530 contrary to the welfare of the child to be in his home, and that the department of children and
531 families has made reasonable efforts to prevent removal of the child from his home or the
532 existing circumstances indicate that there is an immediate risk of harm or neglect which
533 precludes the provision of the preventative services as an alternative removal.

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

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

542 Section 39T Withdrawal of Request for Assistance

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

547 Section 39U Fact Finding Hearing

548 1. The court shall hold a fact finding hearing in which it shall receive evidence
549 from the petitioner, the parent, the child, a representative from the community-based services
550 program , if involved with the family, and the probation officer. At any hearing held to determine
551 whether a child and family require assistance, the child and his attorney shall be present and the
552 parents or legal guardian shall be given an opportunity to be heard. The petitioner who files the
553 request for assistance shall bear the burden of presenting evidence proving that the child and
554 family require assistance .

555 2. At the fact finding hearing the court shall review any notice of termination of
556 community-based services. The court shall consider any available documentation of diligent
557 attempts to provide appropriate services and determine whether such efforts or services provided
558 were sufficient. With the consent of the parent(s) and child the court may consider any written
559 reports from service providers which would otherwise be subject to confidentiality or privilege.

560 The court may refer the child and the parent to participate in community-based services
561 regardless of whether or not the child and parents have previously used community based
562 services .

563 3. The court shall either:

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

567 (ii) adjourn the hearing for up to 60 days because it finds that the interests of the child
568 would best be served by continued informal assistance, in which case the court shall, with the

569 consent of the child and his parent, refer the child to a probation officer or refer the child and
570 family to the designated program for additional community-based assistance; or

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

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

578 Section 39V Disposition Conference and Hearing

579 1 . Upon making a finding that a child and family require assistance after a fact
580 finding hearing , the court shall convene a conference of the probation officer who conducted the
581 preliminary inquiry, a representative from the community-based services program, if involved
582 with the family, the petitioner, a representative from the child's school, the child's parent and his
583 attorney , the child and his attorney, a representative of the department of children and families,
584 if involved with the family, and any other person who may be helpful in determining the
585 assistance to be offered to the child and family. The probation officer shall present written
586 recommendations and other persons at the conference may present written recommendations to
587 the court to advise the court on appropriate treatment and services for the child and family ,
588 appropriate placement for the child , and appropriate conditions and limitations of such
589 placement.

590 At the conference and subsequent hearing on disposition, the child and his
591 attorney shall be present and the parents or legal guardian and the petitioner shall be given an
592 opportunity to be heard. The court may receive evidence as to the best disposition from all
593 persons who participate in the conference and any other person who may be helpful in
594 determining an appropriate disposition.

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

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

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

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

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

612 (c) subject to the provisions of sections 32 and 33 and with such conditions and
613 limitations as the court may recommend, place the child in the custody of the department of
614 children and families. If the court chooses to place the child in the custody of the department
615 then at the same time, the court shall consider the provisions of section 29C and shall make the
616 written certification and determinations required by said section 29C. When the court has placed
617 a child in the custody of the department, then the department:

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

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

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

625 (iv) subject to clauses (i) and (ii), shall give due consideration to the
626 recommendations of the court. Whenever the department decides not to carry out the
627 recommendations of the court regarding placement and treatment of the child it shall present the
628 reasons for its decision and the alternative plan for treatment and placement in writing to the
629 court.

630 (d) The court may issue an order directing any state agency to provide particular services
631 to the family and child including but not limited to those services described in clause (a). If the
632 agency is not able to comply with the order directing services then the agency shall provide to
633 the court a written statement of the reasons why it is unable to provide those services. A copy of

634 the statement shall be sent to the house and senate committees on ways and means and the joint
635 committee on children, families and persons with disabilities and the office of the child advocate
636 .

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

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

641 2 . A child found to require assistance shall not be placed in a locked facility or
642 any facility designated or operated for juveniles who are alleged to be delinquent or who have
643 been adjudicated delinquent. However, such child may be placed in a facility which operates as a
644 group home to provide therapeutic care for juveniles regardless of whether juveniles adjudicated
645 delinquent are also provided care in such facility.

646 Section 39W Duration of Assistance

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

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

655 Section 39X. Custodial Protection

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

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

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

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

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

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

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

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

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

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

691 SECTION 5 . Notwithstanding any general law to the contrary the secretary of the
692 executive office of health and human services and the commissioners of departments of public
693 health, mental health, developmental services, children and families, youth services and
694 transitional assistance shall enter into memoranda of understanding among themselves and with
695 the department of elementary and secondary education, office of the commissioner of probation,
696 the juvenile court, municipal police departments and school districts to provide coordination,
697 delivery, and funding of services to children and families who, pursuant to the provisions of

698 section 16H(7)(b) of chapter 6A of the General Laws, are not eligible for community-based
699 services established pursuant to section 16H of chapter 6A.

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

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

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

717 SECTION 9. Chapter 741 of the Acts of 1965 is herby amended by striking out, in line 4
718 of the second paragraph, the word "sixteen" and inserting in place thereof the following word:-
719 eighteen

720 SECTION 10. Five years after the effective date of this act, the Child Advocate shall
721 report to the governor, the president of the senate, the speaker of the house, the senate and the
722 house committees on ways and means, and the chairs of the joint committee on children, families
723 and persons with disabilities on the needs of families whose children are truant, runaways, or
724 whose conduct interferes with their parents ability to adequately care for and protect them. The
725 report shall examine: (i) the community-based service system; (ii) the differences in service
726 delivery throughout the state; (iii) the need for immediate response to stabilize a family in crisis
727 and to connect the family to services in their own community; and (iv) the collection and
728 analysis of information , or lack thereof, needed to evaluate and identify gaps in service to such
729 children and families throughout the commonwealth. The report shall also review and make
730 recommendations, as appropriate, with respect to system-wide improvements that may increase
731 the effectiveness of the care and services provided to such children and their families and
732 suggested legislative and regulatory changes. The report shall be made public.

733 SECTION 11. The department of mental health, in collaboration with the department of
734 youth services and the department of public health shall conduct a comprehensive review of the
735 mental health and substance abuse service needs of adolescents in the care of or detained in the
736 commonwealth through the order of a juvenile court, including without limitation juveniles
737 detained in the department of youth services or in the custody of the department of children and
738 families or receiving services from the department of mental health, the court clinics, probation
739 or otherwise and including without limitation any such departments, offices, agencies or
740 instrumentalities of the commonwealth, and any private organizations or agencies operating
741 under arrangement with departments or agencies of the commonwealth. To complete said
742 review the department of mental health, the department of youth services, and the department of

743 public health shall solicit input from the office of probation, the department of children and
744 families , the department of elementary and secondary education, the juvenile court, the juvenile
745 court clinics, the committee for public counsel services, the department of mental retardation, the
746 division of insurance,, the division of medical assistance, the Massachusetts Association of
747 District Attorneys, at least one individual representing the interests of parents and families, at
748 least one advocate for juvenile justice, at least one representative of the service provider
749 community, and at least one representative of the Massachusetts Association of Health Plans.

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

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

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

761 (iii) recommendations for addressing unmet needs, including without limitation
762 through the court clinics of the juvenile courts, and through contracting by the department of
763 mental health for community based services through community providers, or through consortia

764 of community providers, local government agencies and others operating in congruence with
765 local courts involved in the juvenile justice system.

766 (b) within 60 days after the effective date of this act, the department shall post to its
767 external website, for 30 days public comment, a proposed work plan to gather information
768 necessary to prepare the report required by this section, in consultation with clinical,
769 philanthropic and advocacy organizations for children, and providers of mental health and
770 substance abuse services for minors. The proposed work plan shall be directed to submit a final
771 report to the legislature ant the governor no later than 270 days after the effective date of this act.

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

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

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

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

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

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

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

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

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

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

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

799