



Juvenile Justice Policy and Data Board

Improving Massachusetts' Child Requiring Assistance System

AN ASSESSMENT OF THE CURRENT SYSTEM AND
RECOMMENDATIONS FOR IMPROVEMENT 10 YEARS POST
“CHINS” REFORM

December 2022

The Commonwealth of Massachusetts
Juvenile Justice Policy and Data Board

<https://www.mass.gov/juvenile-justice-policy-and-data-board>

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Representative Timothy Whelan^	House of Representatives (Minority Leader)
Senator Adam Gomez	State Senate (Senate President)
Senator Patrick O'Connor^	State Senate (Minority Leader)
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<i>Awaiting New Appointment</i>	Executive Office of Education
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About the JJPAD Board

In April 2018, the Legislature passed *An Act Relative to Criminal Justice Reform*, which created the Juvenile Justice Policy and Data (JJPAD) Board under [M.G.L. Chapter 119, Section 89](#). The Legislature charged the JJPAD Board with evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and reporting annually to the Governor, the Chief Justice of the Trial Court, and the Legislature. The statute creating the JJPAD Board also placed a special emphasis on improving the quality and availability of juvenile justice system data

<https://www.mass.gov/juvenile-justice-policy-and-data-board>

JJPAD and Childhood Trauma Task Force Reports

- June 2019: Improving Access to Massachusetts Juvenile Justice System Data
- November 2019: Early Impacts of “An Act Relative to Criminal Justice Reform”
- November 2019: Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth
- December 2019: Next Step for Addressing Childhood Trauma: Becoming a Trauma-Informed and Responsive Commonwealth
- June 2020: Protecting our Children’s Well-Being During COVID-19
- November 2020: JJPAD Board FY20 Annual Report
- December 2020: Childhood Trauma Task Force F20 Annual Report
- October 2021: COVID-19 and the Massachusetts Juvenile Justice System
- December 2021: Identifying Childhood Trauma: An Interim Report on Trauma Screening and Referral Practices
- March 2022: JJPAD Board FY21 Annual Report
- November 2022: Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System

All reports can be found on the JJPAD [website](https://www.mass.gov/lists/jpadcttf-legislative-reports-and-key-documents): <https://www.mass.gov/lists/jpadcttf-legislative-reports-and-key-documents>

About the Office of the Child Advocate

The Office of the Child Advocate (OCA) is an independent state agency that serves children and families across the Commonwealth. The Office’s goal is to ensure all children receive appropriate, timely and quality services. The OCA collects and analyzes data and makes recommendations to legislators and professionals to improve these services. The Office also takes complaints and provides information to families who receive state services. The Child Advocate chairs the JJPAD Board and the OCA provides staffing for the Board’s work. <https://www.mass.gov/orgs/office-of-the-child-advocate>

Guide to Acronyms

Acronym	Definition
CAC	Children’s Advocacy Center
CAFL	Children and Family Law Division of CPCS
CBHI	Children’s Behavioral Health Initiative
CPCS	Committee for Public Counsel Services (Public Defenders)
CHINS	Child in Need of Services
CRA	Child Requiring Assistance
DCF	Department of Children and Families
DESE	Department of Elementary and Secondary Education
DMH	Department of Mental Health
DPH	Department of Public Health
DYS	Department of Youth Services
EOE	Executive Office of Education
EOHHS	Executive Office of Health & Human Services
EOPSS	Executive Office of Public Safety & Security
FACRA	Families and Children Requiring Assistance
FRC	Family Resource Center
JJPAD	Juvenile Justice Policy and Data Board
OCA	Office of the Child Advocate

Executive Summary

The Child Requiring Assistance (CRA) system was created in 2012 as a new iteration of the former Child in Need of Services (CHINS) system.¹ Under this system, parents, schools and police officers can file a petition with the court alleging that a child “requires assistance” from the state to help address behavioral concerns. This triggers a civil court process involving the child, their family, their respective attorneys, the Juvenile Court and the Probation Department.

The goal of the CRA system is to connect the child and their family with services that can address behavioral issues and any underlying causes (e.g., mental health, trauma, ineffective educational supports) that, in theory, could help prevent future delinquent court involvement.

Since its formation in 2018, the JJPAD Board has heard repeated concerns about the CRA system from multiple stakeholders, including families, advocates, practitioners in the delinquency and CRA systems, and community services providers. Although many acknowledge some of the positive benefits of the 2012 CHINS to CRA reform, there is nearly unanimous agreement that **the CRA system** – which includes both preventative measures designed to support families *before* the CRA process and the CRA court process itself – **is not serving youth and their families as effectively as it could, and there is significant room for improvement.**

Findings

Based on information gathered from over 90 stakeholder interviews, dozens of Subcommittee discussions and presentations, a case file review, four focus groups with caregivers, a review of Massachusetts’ and other states’ policies, and an analysis of available data, the Board has found:

- 1. The goals of the 2012 reforms to the CHINS system have not been fully realized.** Ten years after the establishment of the CRA system, the overarching goals of the CHINS reforms have not been fully realized, and many of the issues with the CHINS system remain today in the CRA system. While some of the anticipated benefits of the reform – including, most notably, the creation of the Family Resource Center system – have occurred, other aspects of the law have not been implemented (fully or at all), as described further in this report.

While the reform has provided some families with a clearer path to accessing services and support through the Family Resource Centers, for families that were never referred to an FRC, *the CRA court process itself does not necessarily provide a faster or easier path to accessing services.* Further, the CRA reforms have not significantly limited Juvenile Court involvement, as was hoped – and while the reforms helped reduce *some* harms previously experienced by youth and family involved with the CHINS system, opportunities for further harm reduction exist.

- 2. There is no shared understanding of what the current CRA system is for, leading to misinformation at every level.** There is no consensus – among practitioners, advocates, or families themselves – about what the purpose of the CRA system is and what a CRA petition is meant (or even able) to

¹ An Act Regarding Families and Children Engaged in Services, Ch. 240. (2012).
<https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

accomplish. Indeed, the JJPAD Board found there is widespread misunderstanding regarding what the CRA process entails, and actions the Juvenile Court is and is not able to take in response to a CRA filing.

Professionals interviewed for this report described a wide range of practices in their region regarding what situations led to a CRA filing, and often could point to circumstances where they felt more pre-filing interventions could have been attempted outside of the court process by the school, the parent/guardian and/or the professional who referred parents/caregivers to the CRA system.

This is further exacerbated by the barriers to accessing pre-filing supports as further detailed in this report. This lack of clarity is particularly harmful to youth and families who were not told of the possibility that, and are therefore surprised when, a CRA petition can result in temporary custody being given to the Department of Children and Families.

3. The system operates with significant differences in different parts of the state. Part of the reason the goals of the 2012 reforms have only been partially realized is because of the varying degrees – or total lack—of implementation of the statutory requirements and inconsistencies in practices across counties, school districts, courts, and area offices. Despite many of the following practices being written in statute, the Board found there were differences in:

- *Whether and how* court clerks are referring petitioners to FRCs before a CRA petition is filed
- Whether school districts make referrals to FRCs *before* a CRA petition is filed, and the quality and intensity of truancy prevention interventions used by schools
- The level of collaboration between schools, FRCs and the Juvenile Court
- The extent and type of involvement by DCF local area office, DMH local area office, Juvenile Court Clinicians, and/or a school district in case conferencing/collaboration, and when/how case conferencing occurs

These differences, in part, contribute to differences in the number of CRA filings across the state. For example, over a five-year period there were two times the rate of CRA filings in Berkshire County and Suffolk County compared to their overall child population rates. Barnstable, Bristol and Essex counties also have higher rates of CRA filings compared to their overall child population levels.

With so much variation in how CRA petitions are used and processed throughout the state, youth across the state have different experiences, outcomes and varying degrees of having their needs met through the CRA system.

4. There are disparities in how the CRA system is used and who is referred to it. Some groups of youth are more likely to be referred to the CRA system than others based on where they live, their race/ethnicity, or other parts of their identity. Specifically, Black and Latino youth are disproportionately represented in the CRA court process. Data reported over five fiscal years (FY18-FY21) shows both Black and Latino youth were three times more likely to have a CRA filing than white youth in Massachusetts

Stakeholders interviewed for this report also expressed significant concerns that girls, LGBTQ+ youth, youth with special education needs, youth who had been adopted through the foster care system, and youth who are immigrants (or children of immigrants) are disproportionately pushed

into the CRA system instead of having their needs met through appropriate measures outside the system.

5. **Barriers to accessing services outside the court process push families to the CRA system – despite the potential harms of court involvement and limited response options available to the Juvenile Court.** In theory, any intervention or support that results from a CRA process could also occur outside the court process—either through state agencies or directly by community-based providers. This is the case because, on paper, there are no state agencies that *require* Juvenile Court involvement for voluntary supports. Yet, for many families, the Court *ends up*, in practice, facilitating, or at least attempting to facilitate, access to supports because barriers prevent many youth and families from obtaining needed services.

Barriers to accessing community-based supports as well as state services push families who are desperate for support and in need of immediate intervention to the Juvenile Court include:

- **Barriers to accessing community-based supports:** Lack of available community-based services where a family lives; insufficient school-based supports, particularly for youth with special education needs; extensive waitlists and length of time it takes to access mental health services; and the inability to pay for certain services through a child’s family’s health insurance or out of pocket.
- **Barriers to accessing state services:** Difficult and confusing processes to obtaining state services, specifically when caregivers are seeking out-of-home-placements for their child; insufficient collaboration between child-serving entities when a child’s needs do not perfectly align with an agency’s eligibility criteria or require services from multiple agencies; health insurance structural barriers.

Families experience challenges in accessing appropriate services at the time in which they need them, and at the time at which their child would benefit the most from an intervention. Often this leads to the underlying challenges – the same concerns families sought to address early on – worsening over time. This leads families to using the CRA petition as their “last resort” option – despite the limitations and potential harm of court involvement.

However, the Juvenile Court process is not designed to provide immediate services, nor – despite a commonly heard myth—does the Juvenile Court have access to special services that are not otherwise available in the community. When youth *are* finally matched with supports, they are often not guaranteed to be the interventions youth need most to address underlying needs and prevent future delinquency.

6. **The CRA process can be a helpful “fail safe” for families, including for youth with complex needs that require multiple agency involvement.** While the CRA system might not be appropriate for most families requiring services accessible outside of the courts, there is a subset of youth and families who may benefit from the CRA process – namely those who need educational advocacy, who do not meet the eligibility criteria for state services, or who are involved with multiple state agencies concurrently and yet still are facing challenges accessing needed services. For these cases, the CRA process has helped bring stakeholders together to solve challenges.

At the time of this report, Massachusetts is at the beginning stage of implementing a new Complex Case Resolution process that may render this current benefit of the CRA system moot or, at the very least, will provide alternative methods to accessing multiple agencies' supports for a child outside the court process.

- 7. There is limited data from the CRA system that can be used to evaluate the system and understand the needs of the youth in it.** Currently, data regarding the CRA system is collected across multiple entities (e.g., schools, the Courts/Probation, DCF) with varying degrees of – and in the case of school or district-level data *no* – public reporting. This makes it extremely difficult to monitor the impact of policy changes and determine specific points in the CRA process to address with policy changes. There is also no publicly reported data regarding the life outcomes of youth in the CRA system. This is, in part, due to data being held across the judicial branch and multiple executive branch agencies. Without the sharing of data across these agencies, it is almost impossible to understand the full scope and impact of the CRA system on a child.

Recommendations

Over the last decade, our approach as a Commonwealth toward addressing the needs of children and families has evolved. A growing body of research has helped us better understand the negative impact that court involvement and out-of-home placement of *any* kind can have on youth. We have increasingly focused on building our system of school- and community-based supports for children and families. Our increased collective understanding of the impact of trauma – including the impact of racial trauma and other forms of oppression – has also helped us, as a society, view challenging behaviors in children in a new light, with more focus on the potential underlying causes. While there is always room for improvement, our approach is different now in a myriad of ways than it was a decade ago—the last time the CRA system was reformed.

In a positive step, the state has already begun to address some of the chronic challenges youth and families face in accessing services that are described in this report. At the time of this report, the state is in the process of implementing substantial reforms to, and investments in, the behavioral health and family support services system, including:

- EOHHS' behavioral health redesign initiative,² which includes the expected 2023 launch of behavioral health access centers across the state and additional funding for community-based behavioral health programs and a 24/7 Helpline.
- Increased funding for Family Resource Centers (FRCs) in the FY23 budget, which will support expansion of the FRC model to additional sites.
- A new Complex Case Resolution process, established in the 2022 Mental Health ABC Act, which is designed to support cross-agency collaboration for youth with complex/high needs and expedite decision-making regarding service eligibility and responsibility for youth who may need support from multiple agencies.
- Changes in law to better advance mental health insurance coverage parity with physical health coverage, which, it is hoped, will expand the number of providers providing mental health services.

² See: <https://www.mass.gov/service-details/roadmap-for-behavioral-health-reform>

- Increased focus on, and resources to support, student’s behavioral health in schools, including the creation of a Technical Assistance Center for School Based Behavioral Health at UMass.
- Increased funding and programs to address chronic and critical behavioral health workforce shortages and concerns.

The Board’s recommendations in this report are offered in the context of these overall system changes, **the timing of which provide a critical opportunity to re-imagine the Commonwealth’s CRA system considering what – hopefully—will be a dramatically improved community-based service system for youth and families.**

In an *ideal* system, youth and families would receive the supports they need in the community without having to go through a court process to get them. Although the Board is hopeful that the reforms and investments described above will bring Massachusetts much closer to that ideal, the state is not there yet. Members recognize that the court system currently plays a crucial role as a ‘fail safe’ for some families that have not received supports elsewhere, and the Board believes that fail safe should remain in place while the state builds up its community response. As a result, the Board’s recommendations below focus on actions the state can take that can help dramatically reduce the reliance on the CRA court process and better facilitate connections to community-based alternatives.

The Board makes the following recommendations for improvement to the state’s Child Requiring Assistance system:

- 1. Shift a significant portion of CRA cases from the court room to the community by:**
 - Expanding the number and functions of Family Resource Centers across the state
 - Substantially increasing diversion of cases from the court to FRCs by revising the CRA filing process
 - Educating families and child-serving professionals about all options available for support
 - Explicitly addressing sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth
- 2. Increase the availability of school and community-based services that specifically meet the needs of youth currently in CRA system by:**
 - Supporting community-based programs aimed at supporting youths’ behavioral and mental health needs, as well as those that promote prosocial activities
 - Executive branch agencies collaborating to identify program models that better meet the needs of youth struggling in out-of-home placements
 - Addressing truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support
- 3. Continue to study implementation of these recommendations by:**
 - Increasing data availability
 - Monitoring the implementation of policy changes and the impact of behavioral health system reforms on youth and families coming to the CRA system

It is critical that the state take steps to implement the Board's recommendations to address the myriad of challenges with our current CRA system. If implemented, the recommendations made in this report can help youth and families across the Commonwealth access the supports they need to lead healthy lives and care for their loved ones without incurring the potential harms of court involvement.

Introduction

The Juvenile Justice Policy and Data (JJPAD) Board, which was created *by An Act Relative to Criminal Justice Reform (2018)*, was charged by the Legislature with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes based on that analysis. In particular, the JJPAD Board is charged with assessing “the system of community-based services for children and juveniles who are under the supervision, care or custody of the department of youth services or the juvenile court.”³

The Child Requiring Assistance (CRA) system was created in 2012 as a new iteration of the former Child in Need of Services (CHINS) system.⁴ Under this system, parents, schools and police officers can file a petition with the court alleging that a child “requires assistance” from the state to help address behavioral concerns such as truancy, running away, or repeatedly failing to obey the “lawful and reasonable commands” of a parent, interfering with the parent’s ability to care for and protect the child. This triggers a civil court process which can lead to supervision by the court, referrals for services, and, at times, a change in custody and out-of-home placement through the Department of Children and Families (DCF).

The CRA system represents a critical early intervention point: if effective, a child can be connected with services that can address behavioral issues and any underlying causes (e.g., mental health, trauma, ineffective educational supports). This in turn can prevent escalation of behavior that can lead to later delinquency system involvement. If ineffective, however, the CRA system at best represents a missed opportunity for early intervention – and at worst can actually cause harm to the youth and their family, as further described in this report.

Since its formation in 2018, the JJPAD Board has heard repeated concerns about the CRA system from multiple stakeholders, including families, advocates, practitioners in the delinquency and CRA systems, and community services providers. While these concerns existed before the COVID-19 pandemic, many were exacerbated as a result of it. Although many acknowledge some of the positive benefits of the 2012 CHINS to CRA reform, **questions remain about the effectiveness of the implementation of that law, and whether there could be more efficient and effective mechanisms for getting children the services they need** to prevent future involvement in the delinquency system.

Over the last decade, our approach as a Commonwealth toward addressing the needs of children and families has also evolved. A growing body of research has helped us better understand the negative impact that court involvement and out-of-home placement of *any* kind can have on youth. We have increasingly focused on building our system of school- and community-based supports for children and families – through the creation of Family Resource Centers, the ongoing expansion and refinement of the Children’s Behavioral Health Initiative (CBHI), and the increase in in-school behavioral health programs and supports, to name just a few. Our increased collective understanding of the impact of

³An Act Relative to Criminal Justice Reform, CH. 69. (2018). <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>; For more information on the JJPAD Board visit: <https://www.mass.gov/juvenile-justice-policy-and-data-boardchildhood-trauma-task-force>

⁴ An Act Regarding Families and Children Engaged in Services, Ch. 240. (2012). <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

trauma – including the impact of racial trauma and other forms of oppression – has also helped us, as a society, view challenging behaviors in children in a new light, with more focus on the potential underlying causes. While there is always room for improvement, our approach is different now in a myriad of ways than it was a decade ago – and this creates opportunities to look at the Child Requiring Assistance system in a new light, as well.

In 2021, based on these concerns and considerations, the Board began its study of the Child Requiring Assistance (CRA) system with the goal of making policy, programmatic and/or funding recommendations on ways the system can be improved. The ultimate aim of the Board’s recommendations is to ensure that *all* youth, especially those who are involved in state systems, have access to the supports they need in order to thrive, preempting further involvement with state agencies and, in particular, the juvenile justice system.

What follows in this report includes:

- **A description of the current CRA process**, including existing pre-filing intervention measures and the Juvenile Court process,
- **Findings on the CRA system** based on the Board’s qualitative and quantitative research and policy analysis, and
- **Recommendations to the state for statutory, budgetary and practice changes** that the Board believes could lead to improvements for children and families in need of support to address the kinds of behavioral issues that currently can lead to involvement with the CRA court process.

The Child Requiring Assistance (CRA) System

This section reviews the current Child Requiring Assistance System⁵ and discusses:

- CRA petition types, who can file each type, and the types of behaviors that a child must exhibit for each petition type,
- Pre-filing interventions listed in statute, including statutory mandates for court clerks and schools regarding the steps that should be taken and documented before petitioners can file a CRA,
- The role of Family Resource Centers (FRCs) generally and within the CRA process, and
- The Juvenile Court CRA process, including both informal and formal case processes.

In 2012, Governor Deval Patrick signed *An Act regarding families and children engaged in services* into law, which considerably reformed the previously termed *Children in Need of Services* (CHINS) statute.⁶

⁵ The report uses the phrase “CRA system” when describing the pre-filing interventions outside the CRA court process as well as the Juvenile Court process. This report uses the phrase “CRA Court Process” when describing just the Juvenile Court involvement and processes throughout a CRA petition. A table listing system stakeholders and their CRA responsibilities is provided in Appendix B.

⁶ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240> For more information on the specific reforms made, see the next section “*Children in Need of Services (CHINS) to CRA Legislative Reforms.*”

The new legislation established the reformed system—called the “*Child Requiring Assistance (CRA) system*” – which became effective on November 5, 2012.⁷

The CRA statute describes circumstances in which the Juvenile Court can receive and hear petitions that a child “requires assistance” from the state to help address behavioral concerns. “Assistance” can range from referrals to services to a change in custody and out-of-home placement.

This is a civil legal process rather than a criminal (in Juvenile Court this is called a “delinquency”) proceeding. Youth with a CRA petition may also have ongoing delinquency case(s) and/or an open care and protection (i.e., a child welfare case alleging abuse and/or neglect) case(s) either simultaneously, prior to and/or after their CRA case.

Behaviors that can trigger a CRA application in Massachusetts are sometimes referred to as "status offenses" in other states due to the youth's status as a minor. Depending on the circumstances, petitioners can be parents/guardians, schools, or police. There are five types of petitions that can be filed:⁸

1. **Truancy petitions:** can be applied for by school administrators for a child between the age of six and sixteen who is habitually truant by willfully not attending school (unexcused absences) for more than 8 days a quarter.⁹
2. **Habitual School Offender petitions:** can be applied for by school administrators for a child between the age of six and sixteen who repeatedly fails to obey the lawful and reasonable regulations of the child's school.
3. **Stubborn petitions:** can be applied for by parents/legal guardians/custodians for a child between the age of six and eighteen who repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child.
4. **Runaway petitions:** can be applied for by parents, legal guardians or custodians for a child between the age of six and eighteen who repeatedly runs away from the home of the child's parent, legal guardian or custodian.
5. **Sexually exploited petitions:** can be applied for by police, parents, legal guardians or custodians for a child who is under the age of 18 who is believed to be sexually exploited because such person (1) is the victim of the crime of sexual servitude pursuant or is the victim of the crime of sex trafficking; (2) engages, agrees to engage or offers to engage in sexual conduct with another person in return for a fee, or in exchange for food, shelter, clothing, education or care; (3) is a

⁷ Petitions seeking determination that child is in need of services; jurisdiction; standing, Ch. 119 Section 39E-K. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>

⁸ Petitions seeking determination that child is in need of services; jurisdiction; standing, Ch. 119 Section 39E. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>

⁹ Petitions seeking determination that child is in need of services; jurisdiction; standing, Ch. 119 Section 39E. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E> rt-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings" [Standing Order](#) (4/1/21)

victim of the crime, whether or not prosecuted, of inducing a minor into prostitution; or (4) engages in “common night walking or common streetwalking.”

Pre-filing Interventions

CRA petitions are filed with the Juvenile Court. According to statute, prior to accepting any CRA application, the court Clerk Magistrate (who the petition is initially filed with) “shall inform the petitioner that they can delay filing the request and choose to have the child and family referred to a Family Resource Center (FRC) or another community-based services/program.”¹⁰ The law goes on to state that “the clerk shall prepare, publish and disseminate to each petitioner educational material relative to available FRCs and community-based programs.” Clerks are also required to inform parent petitioners about the types of orders the court may issue in CRA cases and the possibility of changes in the youth’s custody.

The CRA statute also requires school officials to take certain measures prior to filing a Habitual School Offender or Truancy petition. If a student is truant, the CRA statute requires schools to refer the child and their family to a DESE-certified truancy program *if one is available*. As specified in statute, this step should happen *before* a family is referred to the local FRC or other community-based service provider.

When filing a truancy CRA petition with the courts, the law also requires that schools affirm that the child meets the criteria for habitually truant as stated above. Further, the law requires that the application state if the child and family have engaged in a truancy prevention program *if available* and detail the specific steps taken to prevent the child’s truancy.

As discussed in the *Findings* section of this report, the degree to which these pre-filing interventions required by statute are taking place varies across the state.

The Role of Family Resource Centers (FRCs)

Recognizing that youth in the former CHINS system often had complex and high needs that were not being addressed in a court setting, *An Act regarding families and children engaged in services* sought to provide community-based alternatives to court involvement. This led to the establishment, in 2012, of Family Resource Centers (FRCs), operating under the Department of Children and Families.¹¹ At the time of this report, there are 27 FRCs operating across each of the state’s 14 counties.

¹⁰ Mass. Gen. Laws Ch. 119, § Section 39E (2012).

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>

¹¹ An Act Relative to Criminal Justice Reform, CH. 69. (2018). <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

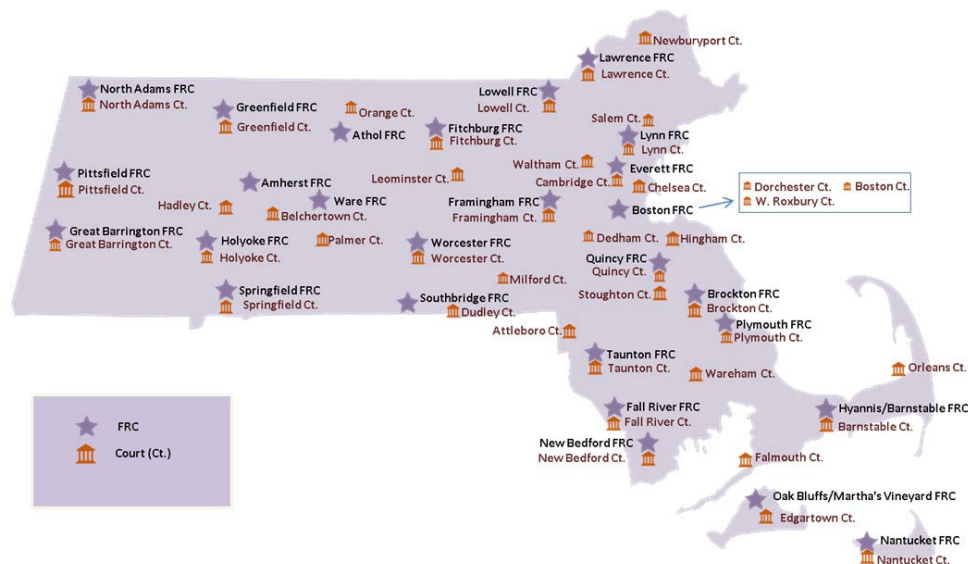


Figure 1: Statewide locations of Family Resource Centers

FRCs provide a way for a families and youth to get support in connecting to any needed services, while forgoing the negative consequences of court involvement. As described above, FRCs are critical in the pre-CRA filing stage.

FRCs are tasked with taking holistic approach to children and families’ needs and provide supports for a wide variety of challenges youth and their caregivers might experience. When a family comes to an FRC to help resolve a youth’s behavioral health issues that could either lead to a CRA petition or have already led to a CRA petition, FRC staff assess the needs of the youth at intake to gather information on their:

- Education
- Physical and mental health
- Physical and emotional safety
- Involvement with state agencies
- Civic engagement

If the child is identified as having CRA-related needs, **staff also assess the strengths and needs of the family, ranging from housing, transportation, and employment to physical and mental health issues.**

Once FRC staff and families have identified areas in which youth and their caregivers need support, they prioritize areas of need. This is to ensure that the family can experience some success early in the process, which builds motivation, engagement, and hopefulness for future planning and intervention. Services FRCs offer vary by locality, but typically include:

- Behavioral health supports
- Peer-to-peer support groups for youth and caregivers
- Youth and family activities
- Information and referral services
- Assessment and family support planning

- Network and mentoring opportunities
- Connections to services from state and community agencies
- School supports (e.g., tutoring, education advocacy, truancy prevention and intervention programming)

FRCs also help families understand and access services offered by other community providers (e.g., behavioral health treatment services) and state agencies.

Family Resource Centers have been enormously popular with the families that use their services. The Commonwealth Medicine division of UMass Chan Medical School conducts an annual evaluation of the Family Resource Centers. In 2020, the survey results indicated that show families’ satisfaction with FRC services and programming is high. Among the findings, between 70% and 91% of family members respondents reported that the FRC provided them help related to their initial need.¹²

However, a majority of the families FRCs serve are not involved in the CRA system. In 2019, only 20% of youth served by FRCs had CRA filings or had “CRA-related” issues. While FRCs were originally designed to serve families pre-CRA filing, interviews with CRA system stakeholders suggest FRCs are underutilized in the current CRA process (although still used by families in a variety of other ways).

The CRA Court Process¹³

When a CRA application is filed, the Clerk schedules a preliminary hearing for the youth subject of the petition within 15 days, and the child is informed of their right to counsel. Youth have a right to court appointed counsel if they are unable to afford a private attorney.¹⁴ At this time, the court may issue a summons requiring the child to appear before the judge. If the child fails to obey the summons, the judge may issue a warrant of custodial protection for a police officer to bring the child before the court.

A judge can also issue an order of temporary custody to the Department of Children and Families (DCF). Temporary custody to DCF can be awarded before a fact-finding hearing for Stubborn petitions or if the court finds that the child is likely not to appear at the fact finding or disposition hearing. This order can last between 15 and 45 days.¹⁵

During the 15 days before the preliminary hearing, a probation officer conducts an immediate inquiry to determine whether it is in the best interest of the child to receive assistance from the Juvenile Court. At the hearing, the probation officer provides their recommendation to the judge on whether to accept the CRA application with the assistance that could be provided or decline the application. At this point, the judge can:

¹² Henry, A. D., Pratt, C., Miller, K. F., & Tedesco, R. (2020, February). Massachusetts Family Resource Center Program Evaluation Report: Calendar Year 2019. Commonwealth Medicine, University of Massachusetts Medical School. <https://www.mass.gov/doc/2019-family-resource-center-annual-report/download>

¹³ The legal process outlined in this section can be found in Massachusetts’ statute: M.G.L.c. 119 § 39E – § 39K <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>

¹⁴ The Committee for Public Counsel Services’ (CPCS) Children and Family Law Division (CAFL) provides access to counsel for youth unable to afford an attorney. To learn more about CAFL see: <https://www.publiccounsel.net/cafl/>

¹⁵ [Massachusetts Juvenile Court](https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings). (2021). Juvenile Court Standing Order 3-21: Child requiring assistance proceedings. <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings>

1. Decline to accept the application for assistance and order the expungement of any records of the requests and related proceedings. Of the CRA cases that closed in CY2020, about 20% (n=627) were dismissed at the preliminary hearing.¹⁶
2. Decline to accept the application for assistance and, instead, offer informal assistance. If the family consents to this, the youth is referred to Probation for referrals to supports. Of the CRA cases that closed in CY2020, about 50% (n=1,567) were ordered *informal* at the preliminary hearing.¹⁷
3. Accept the application for assistance and schedule a fact-finding hearing. Of the CRA cases that closed in CY2020, about 30% (n=954) were ordered *formal* at the preliminary hearing.¹⁸

What is a custodial protection warrant?

Custodial protection warrants are different than arrest warrants. They allow a police officer to bring a youth to court, but the officer cannot force a youth to come to court through typical arrest measures like using restraints/handcuffs, holding youth at the police station, or placing a youth in lock-up. Unlike an arrest warrant, these warrants are not entered into the warrant management system, which means police likely are unaware of warrants in their average day to day work, unless the police department disseminates this information each day at the station.

¹⁶ See Appendix 7 (Attached court report) of the Families and Children Requiring Assistance Advisory Board. (2021). Coverage Areas, Caps and Recommendations for Enhancing the Network. Families and Children Requiring Assistance Advisory Board (2022). 9th Annual Report of the Families and Children Requiring Assistance Advisory Board on the Recommendations relative to the Implementation of Section 16U of Chapter 6A.

¹⁷ Ibid.

¹⁸ Ibid.

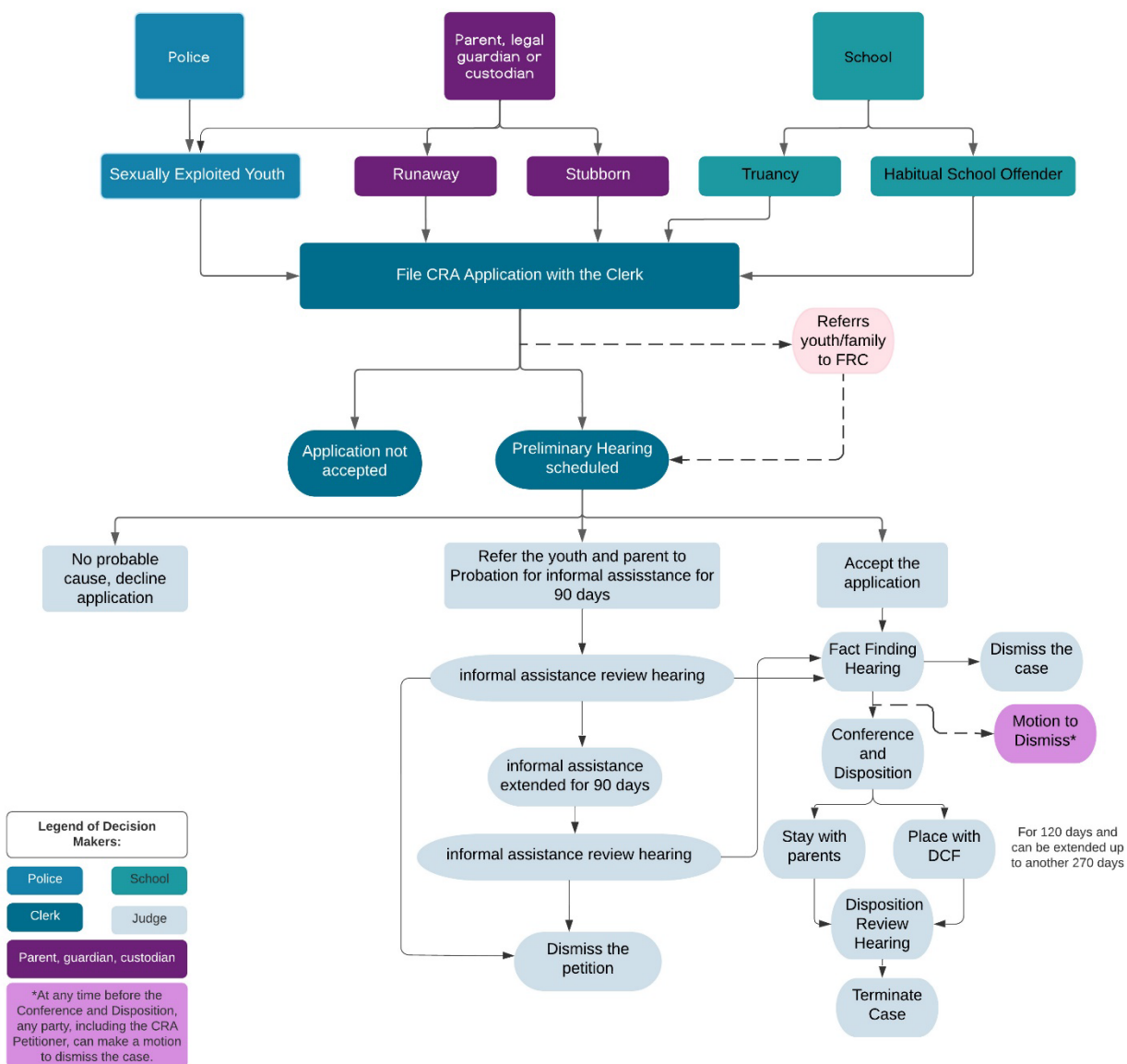


Figure 2: The current CRA System

Informal Assistance

When a child is referred for informal assistance, participation in services is voluntary. However, if the child fails to participate in the referrals or case conferences, the probation officer could certify this in writing to the court clerk and recommend moving the case to formal status. Upon receipt of the form, the clerk accepts the application and schedules a fact-finding hearing.

Informal CRA cases can last no longer than 90 days, unless the parent/guardian and the child voluntarily agree in writing to a 90-day extension for a total of 180 days, after which the case must be dismissed or accepted for a fact-finding hearing.

Formal Assistance

If the CRA application is accepted for a fact-finding hearing, the CRA case is considered “formal.” During the fact-finding hearing, the judge holds a conference with all parties involved, including the probation officer who conducted the immediate inquiry, the child’s parent/legal guardian, the petitioner, the child’s attorney, the school’s representative (for school-based filings), and any other person(s) who may be helpful in determining the most effective assistance. If the family is involved with DCF, an FRC, or a community-based program, they may also be involved in the conference. The probation officer provides written recommendations advising the court on appropriate treatment, services and, potentially, out-of-home placement. These recommendations inform the “dispositional order” of the Court.

The dispositional orders last 120 days but can be extended for up to three additional 90-day periods. The case must be dismissed after 390 days or if the child turns 18, or 16 for a school-related petition.¹⁹ Petitioners, including parents/legal guardians, have the right to dismiss CRA filings at any time before a case disposition hearing. However, as detailed below in the Board’s findings from interviews with stakeholders, in the case of a parent/legal guardian, there can be challenges in doing so, including fear or confusion regarding the process and a general resistance from court officials when parent petitioners attempt to dismiss a CRA case.

CRA Interventions and Case Management

Whether youth are receiving “informal” or “formal” assistance from the Court, case management is provided by Massachusetts Probation Service. Probation officers managing these cases can make referrals to medical, psychiatric, educational, or social services that may help the child in whatever supports were deemed necessary at the intake and/or fact-finding hearing. Additionally, the probation officer may hold conference meetings with the child, their family, and other service providers. It is important to note that probation officers do not have a mechanism to provide a youth with special access to services, nor do they have the ability to bypass waitlists or insurance/payment requirements for services in the community.

While youth cannot be compelled to participate in services, lack of participation can contribute to a judge’s decision to switch the CRA case from informal to formal and may persuade a judge to temporarily place a child in the custody of DCF. A child may not be confined in shackles or similar restraints or held in a court lockup facility in connection with any CRA proceedings. Additionally, a child cannot be placed in a facility designated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent.

In most CRA cases, the child remains with their parent or legal guardian while participating in the programs or services put in place to resolve the issues at hand. Still, sometimes a judge may deem it necessary to remove a child from their home. Judges have the option to place a child with a relative, a licensed childcare agency or licensed private agency that operates a group home to provide therapeutic care for youth. While these latter options exist in statute, practitioners interviewed for this report

¹⁹ This report uses the phrase “school-related” CRA petitions when referring to both Truancy and Habitual School Offender petitions and “community-based” CRA petitions when referring to Stubborn, Runaway and Sexually Exploited petitions.

stated that when out-of-home placement is determined as necessary, a judge will grant temporary custody of the child to the Department of Children and Families (DCF).

As interpreted by the Supreme Judicial Court in the *Care and Protection of Jeremy* and the *Care and Protection of Isaac*, DCF should *consider the recommendations* of the court when determining appropriate placement types, but the Department, ultimately, makes the final determination for the type of placement for a child.²⁰ In other words, **the Court cannot require a certain placement type or require specific DCF services be provided.**

Children in Need of Services (CHINS) to CRA Legislative Reforms (2012)

Prior to the 2012 reforms that created the CRA system, the CHINS system handled status offenses in Massachusetts. While there were no explicit, measurable goals announced alongside the new legislation, it is clear from statements made by legislators at the time that the overall intent of the Legislature in creating the new statute was to ensure children with behavioral health concerns receive the care they need without the stigma of court involvement.²¹

“For several decades, the CHINS system has not kept children out of the juvenile justice system as the Legislature intended. This will give thousands of children and families who need assistance each year a clearer path to accessing the services and support they need.”

- Senator Karen Spilka, lead Senate Sponsor of the FACES Bill, speaking in 2012

The CRA legislation aimed to do so by:

- **Limiting the number of youth coming into the Juvenile Court CRA process by increasing supports for families *before* the CRA petition filing point**, including establishing Family Resource Centers (FRCs), requiring Clerk Magistrates and schools to refer youth and their families to FRCs as a means of diverting youth away from the CRA system, and directing the Department of Elementary and Secondary Education (DESE) to issue regulations on truancy prevention programs and measures schools should take *before* filing CRA petitions.

In terms of the truancy programs themselves, DESE was directed to “adopt regulations establishing a truancy prevention program certification process consistent with the behavioral health and public schools framework developed pursuant to Section 19 of Chapter 321 of the Acts of 2008.”²² According to the statute, certified programs would assess the presence and

²⁰ *Care and Protection of Jeremy*. 419 Mass. 616. (1995). <http://masscases.com/cases/sjc/419/419mass616.html> & *Care and Protection of Isaac*. 419 Mass. 602. (1995). <http://masscases.com/cases/sjc/419/419mass602.html>

²¹ Children's League of Massachusetts. (2012). An Act Regarding Families and Children Engaged in Services.; WBUR. (2012). Mass. Bill Aims to Help Troubled Kids, Families. <https://www.wbur.org/news/2012/08/05/mass-chins-bill>

²² See *An Act Regarding Families and Children Engaged in Services* <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

quality of out-of-school support for students and families and tackle school-based factors that often increase the likelihood of truancy, such as unidentified or unaddressed special needs as well as bullying or harassment.

- **Limiting the negative impacts on youth who do become involved in the CRA process:** Research shows negative effects such as traumatization (including PTSD) and negative emotional well-being are associated with practices such as locking youth up and placing them in handcuffs/shackles.²³ Alongside the national movement to de-criminalize many status offenses, the 2012 reforms to Massachusetts’ CHINS system banned the practice of restraining youth as a result of a CRA petition or holding them in detention settings. The reforms also provided more rights to children and families throughout the CRA Court process, including providing access to counsel to parents, giving parents the ability to move to dismiss a petition,²⁴ sealing CRA records from other Juvenile Court records, and setting timelines for court hearings to get youth connected with supports faster and to prevent cases from dragging out in the court system.

Table 2 in the *Findings* section below describes the specific reforms outlined in statute and the status of implementation of those reforms as of this report.

FY22 CRA Filings Data

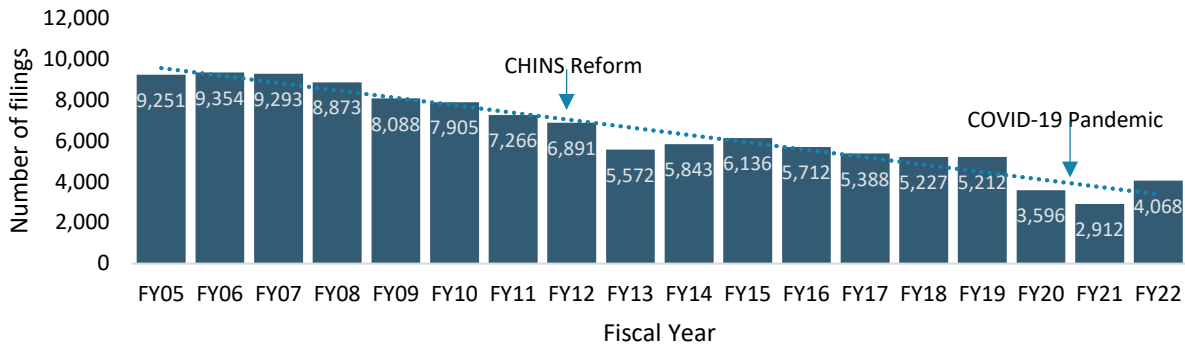
CRA filings declined each year from FY15 until FY21. In FY22, filings increased from the prior year, although still remain 22% lower than filings from FY19, the last year before the start of the pandemic. In FY20 and FY21, the COVID-19 pandemic, the governor’s subsequent emergency response, the Juvenile Court’s prioritization of emergency matters, and schools and businesses being shut down led to a substantial decrease in the number of CRA filings. An increase in filings from FY20/FY21 was anticipated as businesses and schools reopened alongside the release of COVID-19 vaccinations.²⁵ Still, FY22 CRA filing numbers are the third lowest since data became publicly available.

²³ Cummings, A., Clark, T., Conrad, G., & Johnson, A. (2022). Trauma: Community of Color Exposure to the Criminal Justice System as an Adverse Childhood Experience, 90 U. Cin. L. Rev. <https://scholarship.law.uc.edu/uclr/vol90/iss3/4>

²⁴ Mass. Gen. Laws Ch. 119, § Section 39G (2012).
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39G>

²⁵ For more information on the pandemic’s impact on youth and the juvenile justice system, download the Board’s Fall 2021 report on the topic: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>

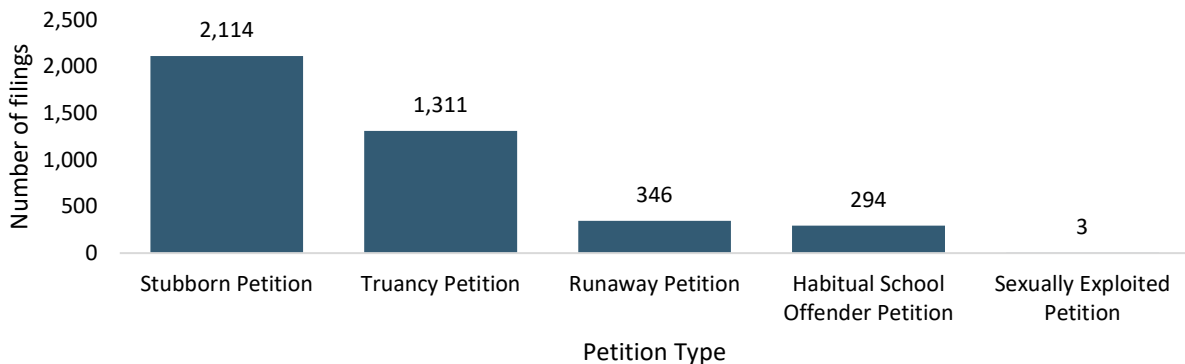
Figure 3:
CHINS/CRA Filings by FY (FY05-FY22)



Source: FY05-FY2016 data obtained from: <https://mass.gov/doc/year-end-summary-of-all-court-activity-1/download> ; FY2017-FY2022 data obtained from: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

In FY22, there were 4,068 CRA filings. Over half (52%, n=2,114) of all CRA filings with the court were for stubborn petition types and almost a third (32%, n=1,311) were for truancy petition types. The remaining 19% (n=643) were for habitual school offender, runaway and sexually exploited petition types.

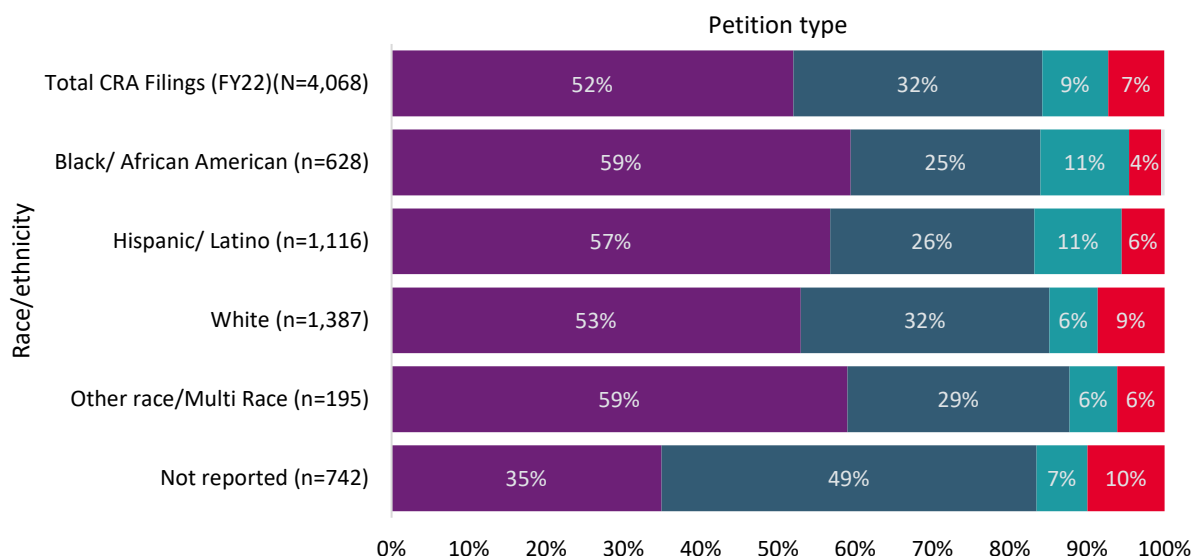
Figure 4:
CRA Filings by Petition Types (FY22)



Source: FY2022 data obtained from: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

A little over a third (34%, n=1,387) of FY22 CRA filings were for white youth. Twenty-seven percent (n=1,116) of filings were for Hispanic/Latino youth and 15% (n=628) were for Black/African American youth. Compared to their state population rates, Black and Latino youth were almost three times more likely to be subjects of a CRA filing than white youth in Massachusetts. Notably, over half of the runaway petitions were for youth of color.

Figure 5:
CRA Petition Types by Race/ethnicity (FY22)



	Not reported (n=742)	Other race/Multi Race (n=195)	White (n=1,387)	Hispanic/ Latino (n=1,116)	Black/ African American (n=628)	Total CRA Filings (FY22)(N=4,068)
Stubborn Petition (n=2,114)	259	115	734	633	373	2,114
Truancy Petition (n=1,311)	360	56	446	295	154	1,311
Runaway Petition (n=346)	49	12	87	126	72	346
Habitual School Offender Petition (n=294)	74	12	120	62	26	294
Sexually Exploited Petition (n=3)	0	0	0	0	3	3

Source: FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

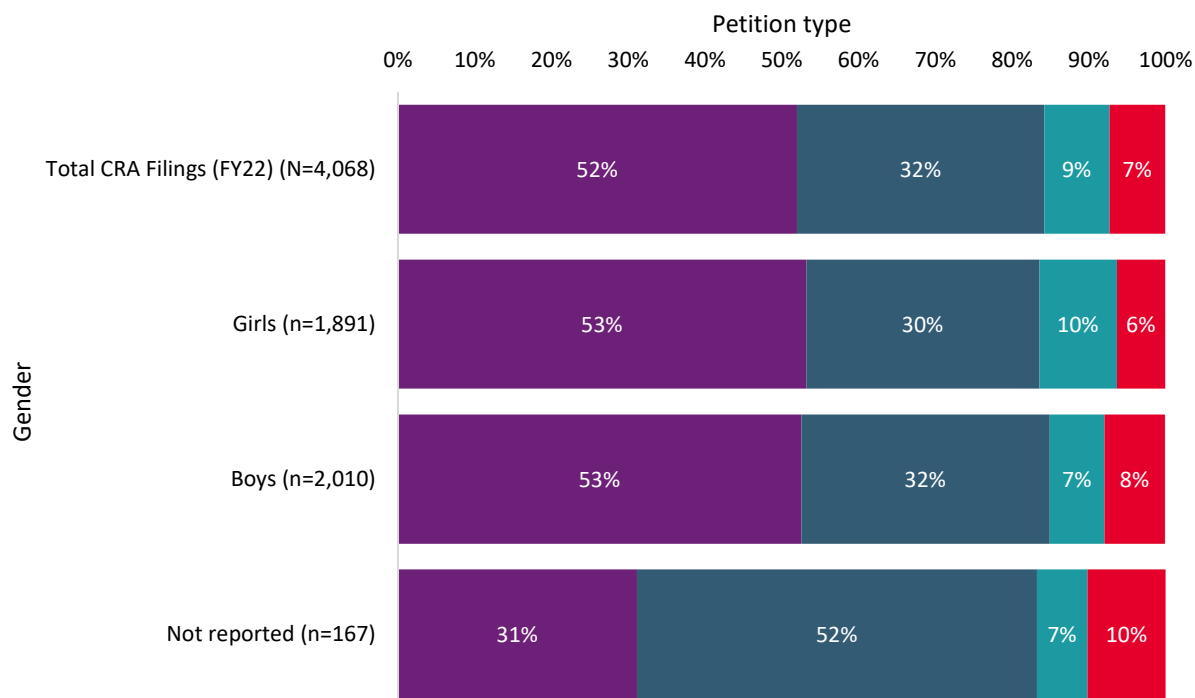
Race/ethnicity	RoD ²⁶	RRI ²⁷
Black/ African American	1.54	2.85
Hispanic/ Latino	1.48	2.74
White	0.54	1.00
Other race/ Multi Race	0.58	1.08

²⁶ Rate of Disproportionality (RoD) is an indicator of inequality calculated by dividing the percentage of youth with a CRA filing in a racial/ethnic group by the percentage of youth in that same racial/ethnic group in the Massachusetts youth census. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation.

²⁷ Relative Rate Index (RRI) compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using data on the demographics of all Massachusetts youth as identified by the U. S. Census. Thus, RRIs for white youth are always “1.00.” RRIs greater than 1.00 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.00 indicate a decreased likelihood of involvement for people of color at that point.

Boys were the subject of CRA filings slightly more frequently than girls; boys were the subject of 49% (n=2,010) of all FY22 CRA filings, while girls were the subject of 46% (n=1,891) filings.²⁸ Yet, when disaggregated by petition types, girls made up more than half of the runaway petitions.

Figure 6:
CRA Petition Types by Gender (FY22)



	Not reported (n=167)	Boys (n=2,010)	Girls (n=1,891)	Total CRA Filings (FY22) (N=4,068)
Stubborn Petition (n=2,114)	52	1,056	1,006	2,114
Truancy Petition (n=1,311)	87	650	574	1,311
Runaway Petition (n=346)	11	144	191	346
Habitual School Offender Petition (n=294)	17	158	119	294
Sexually Exploited Petition (n=3)	0	2	1	3

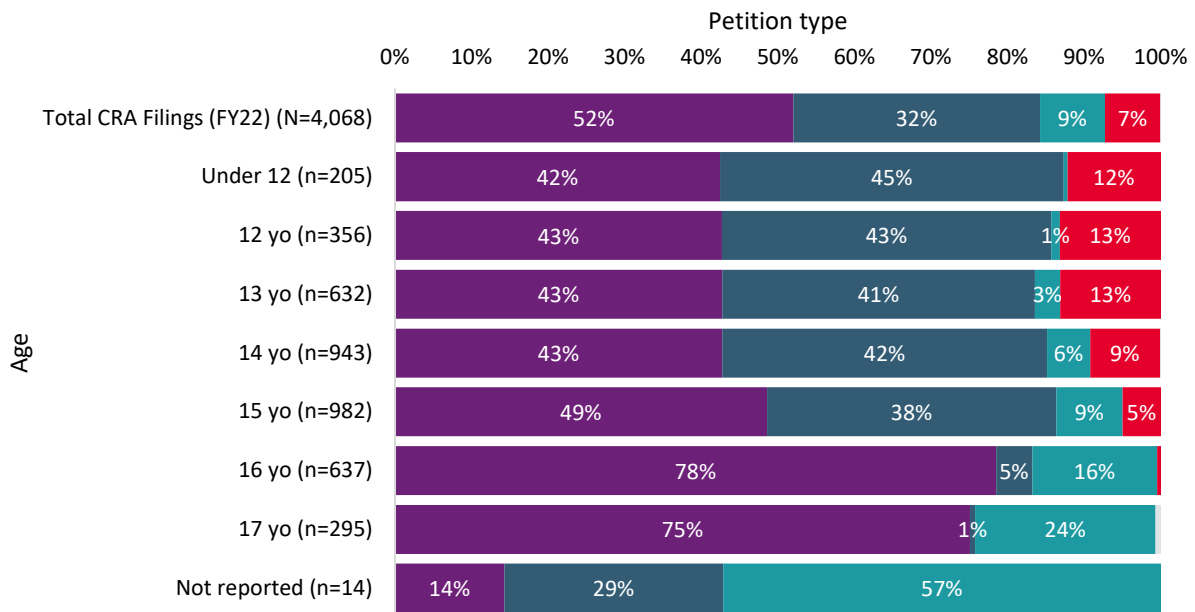
Source: FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

CRA petitions can be filed for youth between the ages of 6 and 17. Yet, 95% (n= 3,847) of filings were for youth over the age of 12. About half (47%, n=1,925) of all CRA filings in FY22 were for youth 14 or 15 years old.

²⁸ The Trial Courts report gender as two categories “male” and “female.”

Figure 7:
CRA Petition Types by Age (FY22)



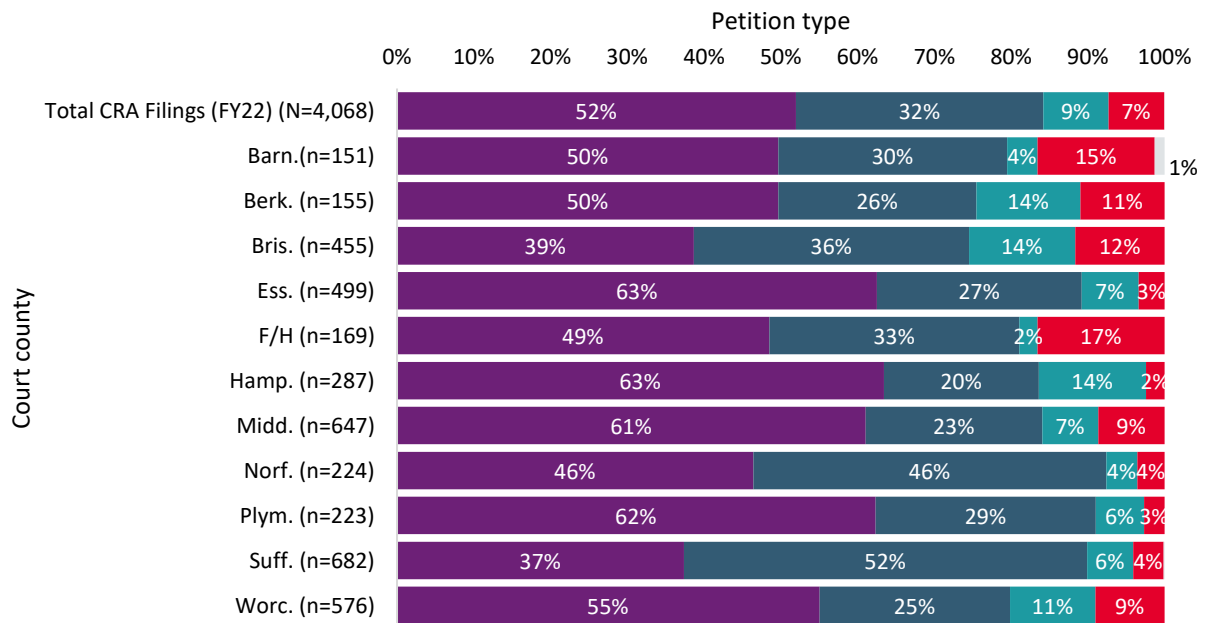
	Not reported (n=14)	17 yo (n=295)	16 yo (n=637)	15 yo (n=982)	14 yo (n=943)	13 yo (n=632)	12 yo (n=356)	Under 12 (n=205)	Total CRA Filings (FY22) (N=4,068)
Stubborn Petition (n=2,114)	2	223	500	477	403	270	152	87	2,114
Truancy Petition (n=1,311)	4	2	30	371	400	258	153	92	1,310
Runaway Petition (n=346)	8	70	104	85	53	21	4	1	346
Habitual School Offender Petition (n=294)	0	0	3	49	86	83	47	25	293
Sexually Exploited Petition (n=3)	0	2	0	0	1	0	0	0	3

Source: FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

In FY22, there were CRA filings in all eleven Juvenile Court counties. Seventeen percent (n=682) of all CRA petitions were filed in Suffolk County, 16% (n=647) were filed in Middlesex, 15% (n=576) were filed in Worcester, 12% (n=499) were filed in Essex and 11% (n=455) were filed in Bristol County. Compared to the number of youth (6-17 years old) in each county eligible for a CRA petition, youth and Berkshire and Suffolk counties were subjects of CRA filings twice the rate of their county levels. When looking specifically at petition types (and compared to their youth population county rates) Suffolk, Norfolk and Bristol counties filed truancy petition types more frequently than the rest of the state—1.6, 1.4 and 1.1 times more frequently respectively.

Figure 8:
CRA Petition Types by County (FY22)



	Worc. (n=576)	Suff. (n=682)	Plym. (n=223)	Norf. (n=224)	Midd. (n=647)	Hamp. (n=287)	F/H (n=169)	Ess. (n=499)	Bris. (n=455)	Berk. (n=155)	Barn. (n=151)	Total CRA Filings (FY22) (N=4,068)
Stubborn Petition (n=2,114)	317	255	139	104	395	182	82	312	176	77	75	2,114
Truancy Petition (n=1,311)	143	358	64	103	149	58	55	133	163	40	45	1,311
Runaway Petition (n=346)	64	41	14	9	47	40	4	37	63	21	6	346
Habitual School Offender Petition (n=294)	52	27	6	8	56	7	28	17	53	17	23	294
Sexually Exploited Petition (n=3)	0	1	0	0	0	0	0	0	0	0	2	3

Source: FY22 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

Court County Key: Barn. = Barnstable, Berk. = Berkshire, Bris. = Bristol, Ess. = Essex, F/H. = Franklin/Hampshire, Hamp. = Hampden, Midd. = Middlesex, Norf. = Norfolk, Plym. = Plymouth, Suff. = Suffolk, Worc. = Worcester

Findings

The following section details the Board's seven key findings about the Child Requiring Assistance system, as well as the research methodology that led to the development of these findings.

Based on the numerous interviews and focus groups conducted for this report, the JJPAD Board concludes that there is nearly unanimous agreement that **the CRA system – which includes both preventative measures designed to support families *before* the CRA process and the CRA court process itself – is not serving youth and their families as effectively as it could, and there is significant room for improvement.** Although some progress was made following the 2012 CHINS to CRA reform, many of the original concerns that prompted the 2012 legislation remain today.

In summary, the Board has found:

- 1) The goals of the 2012 reforms to the CHINS system have not been fully realized
- 2) There is no shared understanding of what the current CRA system is for, leading to misinformation at every level
- 3) The system operates with significant differences in different parts of the state
- 4) There are disparities in how the CRA system is used and who is referred to it
- 5) Barriers to accessing services outside the court process push families to the CRA system – despite the potential harms of court involvement and limited response options available to the Juvenile Court
- 6) The CRA process can be a helpful “fail safe” for families, including for youth with complex needs that require multiple agency involvement
- 7) There is limited data from the CRA system that can be used to evaluate the system and understand the needs of the youth in it

Methodology

The Community Based Interventions (CBI) Subcommittee of the JJPAD Board spent over 18 months studying Massachusetts' CRA system. This study included:

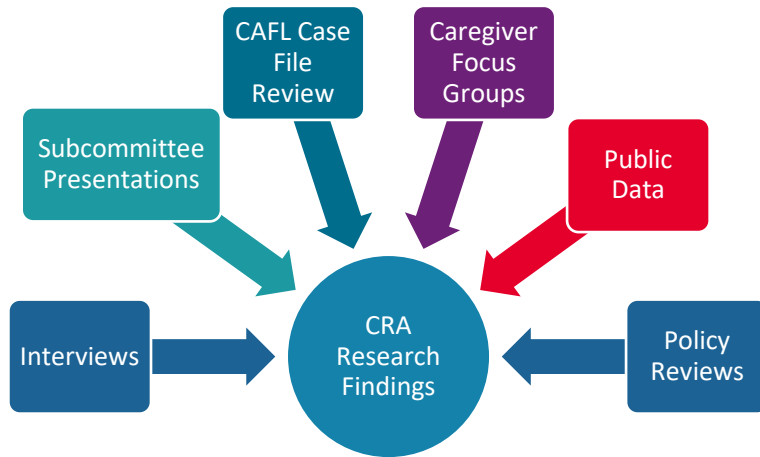


Figure 9: The different research components that informed the Board's CRA findings

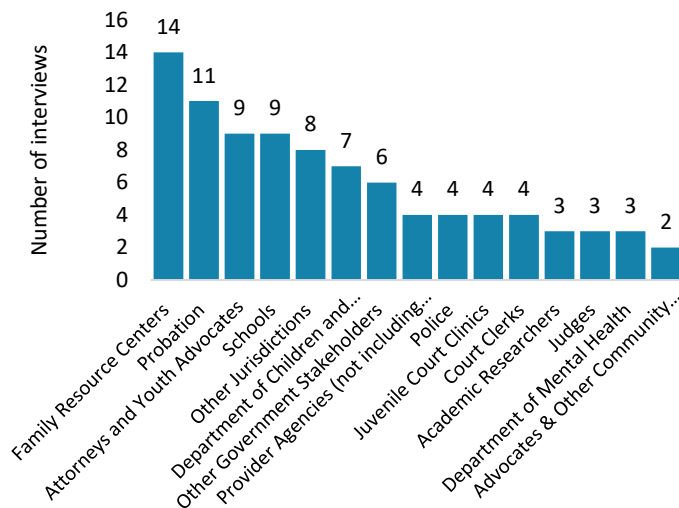
Over 90 interviews with well over 100 stakeholders: OCA staff conducted interviews with stakeholders across the CRA system and in other jurisdictions to learn about first-hand experiences and practices within the system. The goal of these interviews was to identify common gaps, challenges and areas of strength; gain insight on stakeholder ideas for further system improvement; and assess whether the CHINS to CRA reforms are working as intended. Every interview was structured to focus on each of the following from the interviewee's perspective: the CRA case process; potential strengths/positive aspects of

the system; problem diagnosis and specific pain points; potential weaknesses/negative aspects of the system; and recommendations for improvement.²⁹

Public Data: There are three major sources of aggregate CRA data in the Commonwealth:

- The OCA's interactive data dashboard³⁰ which is informed by the Trial Court's Tableau Public page³¹
- The Family and Child Requiring Assistance (FACRA) Board Annual Report, which includes data on the number of CRA cases closed that year provided by Massachusetts Probation Service³²

Figure 10:
CRA Stakeholder Interviews



²⁹ Some interviews had two or more interviewees in attendance. For a summary of the information learned in these interviews download the September 2021 meeting presentation: <https://www.mass.gov/doc/jpad-cbi-subcommittee-september-16-2021-meeting-presentation-0/download> 30 Office of the Child Advocate. Child Requiring Assistance (CRA) Filings. Retrieved (2022, August). <https://www.mass.gov/info-details/child-requiring-assistance-cra-filings>

³¹ Massachusetts Juvenile Court. Demographics of Child Requiring Assistance Findings. Retrieved (2022, January) <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>

³² Families and Children Requiring Assistance Advisory Board. (2021). Recommendations relative to the Implementation of Section 16U of Chapter 6A. <https://www.mass.gov/doc/families-and-children-requiring-assistance-2020-annual-report/download>

- FRC evaluation reports conducted by the Commonwealth Medicine Division of the University of Massachusetts Chan Medical School.³³

Subcommittee presentations: The CBI Subcommittee dedicated all or part of over a dozen monthly meetings to learn about the CRA system from stakeholders at different points of involvement. Meeting topics included CRA data availability, alternatives to the CRA process (e.g., FRCs and MHAP for Kids advocacy), probation case management, best practices in addressing truancy and chronic absenteeism³⁴, how other jurisdictions manage CRA-like cases, the DCF congregate care model, and the role of the counsel and court-appointed social workers in CRA cases.³⁵

Caregiver focus groups: The OCA also held four focus groups to better understand the experiences and perspectives of caregivers of youth who had a CRA case. A total of ten caregivers participated in these focus groups throughout Winter 2022.³⁶ The OCA also attempted to hold focus groups with youth who had participated in the CRA process; unfortunately, despite considerable efforts on the part of the OCA as well as many JJPAD Board members and related organizations, recruitment efforts were unsuccessful.

Case file review: In partnership with the Children and Family Law Division (CAFL) of the Committee for Public Counsel Services (CPCS), the OCA conducted a case file review of a sample of CRA cases that closed in 2020 or 2021. The goal of this case file review was to collect and analyze detailed data on what services youth with CRA filings come to the Court needing, what services are provided through the CRA process, and, when there is a discrepancy, what is the cause.³⁷

Policy reviews: To inform the findings in this report, OCA staff reviewed the CRA statute and reforms made in 2012, the Juvenile Court’s standing order about Child Requiring Assistance case court procedures,³⁸ the Department of Elementary and Secondary Education (DESE) Guidance for Attendance Policy issued in 2022,³⁹ and policies and practices implemented by other states.

Each of the methods above came with strengths and limitations. For example, the case file review allowed the Subcommittee to collect more in-depth information on the needs of a sample of youth who

³³ Henry, A. D., Pratt, C., Miller, K. F., & Tedesco, R. (2020). Massachusetts Family Resource Center Program Evaluation Report: Calendar Year 2019. Shrewsbury MA: Commonwealth Medicine, University of Massachusetts Medical School. <https://www.mass.gov/doc/2019-family-resource-center-annual-report/download> ; For more information on UMass Chan Medical visit: <https://www.umassmed.edu/>

³⁴ Massachusetts’ state Department of Elementary and Secondary Education defines chronic absenteeism as missing at least 10% of days enrolled (e.g., 18 days absent if enrolled for 180) regardless of whether the absences are considered excused, unexcused and/or for disciplinary reasons. For more information, see: <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx> ; Massachusetts state law ([G.L. c. 119, § 21](#)) defines as habitually truant “a school-aged child, not excused from attendance under the lawful and reasonable regulations of such child's school, who willfully fails to attend school for more than 8 school days in a quarter

³⁵ To view all subcommittee presentations, visit: <https://www.mass.gov/resource/jjpad-community-based-interventions-cbi-subcommittee>

³⁶ To review the caregiver focus group results download the September 2021 meeting presentation: <https://www.mass.gov/doc/jjpad-cbi-subcommittee-september-16-2021-meeting-presentation-0/download>

³⁷ For an overview of these findings, download the May 2022 meeting presentation: <https://www.mass.gov/doc/jjpad-cbi-subcommittee-may-19-2022-meeting-presentation/download>. For a research brief on this case file review, see *Child Requiring Assistance (CRA) Case File Review* here: <https://www.mass.gov/doc/massachusetts-child-requiring-assistance-cra-case-file-review-2022pdf/download>

³⁸ [Massachusetts Juvenile Court](#). (2021). Juvenile Court Standing Order 3-21: Child requiring assistance proceedings. <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings>

³⁹ [Department of Early and Secondary Education](#) (2022). Guidance for Attendance Policies February 2022. <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx>

had CRA cases. This was important because there is no other data or sources of information beyond interviews that would provide this context. Still, the review was only of a limited number of cases, and the OCA was not able to collect the information in such a way as to ensure equitable geographic representation of cases.⁴⁰ These are important limitations. At the same time, the CBI Subcommittee found that information gleaned from the case file review echoed what had previously been learned through stakeholder interviews and focus groups. Taken together the six research methods combined provided the group with a holistic approach to studying the CRA system and making informed recommendations.

Finding #1: The goals of the 2012 reforms to the CHINS system have not been fully realized

The JJPAD Board finds that, ten years after the establishment of the CRA system, the overarching goals of the CHINS reforms have not been fully realized:

- While some of the anticipated benefits of the reform – including, most notably, the creation of the Family Resource Center system – have occurred, other aspects of the law have not been implemented (fully or at all), as described further below.
- While the reform has provided some families with a “clearer path to accessing services and support” through the Family Resource Centers, for families that were never referred to an FRC, the CRA court process itself does not necessarily provide a faster or easier path to accessing services.
- The new law has not significantly limited Juvenile Court involvement, as was hoped.
- The law has reduced some harms previously experienced by youth and family involved with the CHINS system, but opportunities for further harm reduction exist.

The 2012 reforms have only been partially implemented

One reason that the goals of the 2012 reforms to the CHINS law have only been partially realized is due to inconsistent, or complete lack of, implementation of some of the reforms. While some aspects of the law were implemented fully, other parts have gone unaddressed or operate differently depending on what court, school district, or county a child is in (see Finding 3 for more information on geographic disparities). The table below breaks down the 2012 legislative mandates and provides an update on implementation, to the best of the Board’s knowledge.

Summary	Lead Agency	Implementation Status (as of 2022)
Establish a network of child and family service programs and family resource centers, develop operational guidelines for centers, coordinate services in the network, and create a	Secretary of Health and Human Services	EOHHS—through DCF—has established the Family Resource Center network, which currently includes 27 centers across all 14 counties in the Commonwealth.

⁴⁰ For more details on methodology and limitations of the case file review, please see Appendix A.

⁴¹ An Act Regarding Families and Children Engaged in Services, Ch. 240. (2012).
<https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

<p>data collection system to help address the needs of families. [Sec. 1(b)]</p>		
<p>FRCs, in partnership with the network of community-based services should provide coordinated services to support families, with the ultimate goal of keeping families intact and youth in their communities. [Sec. 1(c)]</p>	<p>Secretary of Health and Human Services</p>	<p>The FRC model provides coordinated services to families, but the JJPAD Board is unable to say if those services are “keeping families intact and youth in their communities.” This is, in part, due to the difficulty in measuring the absence of something (i.e., measuring the number of youth that are <i>not</i> removed from their homes, or number of youth who <i>do not</i> end up in Juvenile Court). Further, the state has limited ability to report on outcome data, which in turn limits the Board’s ability to assess the impact of FRCs in this way. (See Finding 7 on page 83 for more details on data challenges).</p>
<p>A Families and Children Requiring Assistance Advisory Board shall be created with members from all stakeholders across the system.</p> <p>The Advisory Board will oversee the design and implementation of the community-based service network and FRC pilot program, and expansion.</p> <p>The Advisory Board will monitor the probation department’s development of a data collection system to track CRA applications. [Sec. 34(a)]</p>	<p>Executive Office of Health and Human Services</p>	<p>The FACRA Board began meeting in 2013 and has since advised on the FRC network development and expansion. Probation reports data on CRA case closures annually to the Board.</p>
<p>The Advisory Board will provide a mechanism for the clerk of the juvenile court to obtain information and make referrals to a family resource center. [Sec. 34(b) & Sec. 36]</p>	<p>Families and Children Requiring Assistance Advisory Board (Executive Office of Health and Human Services)</p>	<p>The Commonwealth Medicine division of UMass Chan Medical School, which provides technical assistance to the FRCs, created an FRC brochure for FRCs to share with their court contacts.</p>

<p>Clerks should provide FRC information to families looking to file a CRA petition prior to filing. [Sec. 8]</p>	<p>Trial Court</p>	<p>Based on interviews with practitioners across the state as well as focus groups conducted with caretakers, the JJPAD Board believes that clerks are not consistently providing information on FRCs to families looking to file a CRA petition, particularly in certain regions.</p>
<p>The court may convene a collaborative meeting between probation, the local FRC, the school district involved, DCF, the child’s caregivers, the child’s attorney, and the child to determine the most effective assistance. [Sec. 16]</p>	<p>Trial Court</p>	<p>Practices vary across the state: in some courts, a collaborative meeting is held at the preliminary hearing stage, while in other courts this happens after a fact-finding hearing. The parties in attendance vary.</p>
<p>When notifying a student and family of a potential expulsion, school administrators shall also refer the student and family to the local FRC for community-based services. [Sec. 1(f).]</p>	<p>Local Educational Agency</p>	<p>Based on interviews with practitioners across the state as well, the JJPAD Board believes that many schools are not referring youth to FRCs before expulsion or filing a CRA.</p>
<p>Prior to referring a student and family to a local FRC for habitually truant behavior, school administrators first need to recommend them to a department of education truancy program, if such a program is available.</p> <p>FRCs can also assist families in gaining access to a certified truancy program [Sec. 1(f).]</p>	<p>Department of Elementary and Secondary Education/ Local Educational Agency</p>	<p>DESE has developed policies and protocols for truancy prevention programs.⁴² The Department encourages districts and schools to implement a truancy prevention program that meets the outlined criteria by adopting policies and protocols that incorporate the key elements listed and to use the Self-Reflection Tool for Schools as a structure for reflecting on current practice and goal setting.⁴³ Districts and schools can also refer to the Guidance for Attendance Policies and the Guidance on Promoting Student Engagement, Learning, Wellbeing, and Safety.⁴⁴</p>

⁴² For more information, see: <https://www.doe.mass.edu/sfs/safety/truancy.html>

⁴³ For more information, see: <http://sassma.org/>

⁴⁴ For more information, see: <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx> and <https://www.doe.mass.edu/sfs/promoting-wellbeing.docx>

		A DESE certification process for school truancy prevention programs does not exist.
<p>DESE should adopt regulations for a truancy prevention program certification process</p> <p>Any truancy prevention program established under this section by a school district shall meet the requirements for certification adopted by the department. [Sec. 2].</p>	<p>Department of Elementary and Secondary Education</p>	<p>DESE has not issued regulations regarding a truancy prevention program certification process.</p> <p>However, the Department has developed policies and protocols for truancy prevention programs,⁴⁵ and in February 2022, DESE promulgated guidance on attendance policies.⁴⁶</p> <p>DESE provides additional details and resources for schools on their website: Student Attendance and Chronic Absenteeism.⁴⁷</p>
<p>When initiating a CRA application, school districts must outline the student’s truancy and if a truancy prevention program has been implemented. Additionally, if the program has been implemented, what steps were taken under that program to address the student’s truancy. [Sec. 8]</p>	<p>Local Educational Agency</p>	<p>School administrators are required by law to write the steps taken on a CRA petition. However, based on interviews with practitioners, the JJPAD Board believes that many school officials are not recording that information, and for those who are, oftentimes details are copied across CRA filings and are not specific to the youth. Practices vary from district to district and school to school, especially in terms of when and whether they engage their local FRC and at what point they might file a CRA. For some, filing the CRA is seen as a last resort, and they take steps within the school and in partnership with community-based resources like the FRC to meet family’s needs <i>before</i> it gets to the point of filing. For others, filing the CRA is seen as a means of protecting the school from any</p>

⁴⁵ For more information, see: <https://www.doe.mass.edu/sfs/safety/truancy.html>

⁴⁶ For more information, see: <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx#:~:text=Chronic%20Absence%3A%20DESE%20reports%20chronic,enrolled%20for%20180%20school%20days>.

⁴⁷ For more information, see: <https://www.doe.mass.edu/sfs/attendance/>

		<p>allegations of wrongdoing or being flagged for failure to document and intervene when a student is truant.</p> <p>Districts and schools also have different staff who support attendance and truancy prevention efforts, and who file CRAs. Some CRAs are filed at the school level by a school-based administrator (i.e., assistant principal or guidance personnel). In other instances, all CRAs are filed at the district level by a district level administrator, such as an attendance officer or assistant superintendent overseeing attendance.</p>
<p>Subject to appropriation, the department of elementary and secondary education shall develop a pilot truancy prevention program using a restorative justice format in at least one urban high school in the commonwealth. [Sec. 38]</p>	<p>Department of Elementary and Secondary Education</p>	<p>This has not happened. It is unclear if funding for such a program was ever appropriated.</p>
<p>A child who is the subject of an application for assistance may not be confined in shackles or similar restraints or in a court lockup facility in connection with any CRA proceedings. [Sec. 19]</p>	<p>Trial Court/EOPSS</p>	<p>Youth are no longer handcuffed or placed in restraints for CRA proceedings or for warrants of custodial protection.</p>
<p>A child who is the subject of an application for assistance shall not be placed in a locked facility or any facility designated or operated for juveniles who are alleged to be delinquent or who have been adjudicated delinquent. Such child may, however, be placed in a facility which operates as a group home to provide therapeutic care for juveniles, regardless of whether juveniles</p>	<p>DYS/DCF/Trial Court</p>	<p>Youth are held in DCF group home settings. Youth are not held in DYS facilities as a result of their CRA petition</p>

adjudicated delinquent are also provided care in such facility. [Sec. 19]		
At the time of filing, each parent, legal guardian or custodian of the child shall be informed of the right to be heard in any proceeding under sections 39E to 39I, inclusive, involving the child and that a parent or legal guardian has the right to counsel at any hearing or proceeding regarding custody of such child. If said parent or legal guardian is indigent, the court shall appoint counsel for said parent or legal guardian. [Sec. 14]	Trial Court/CAFL	Parents, guardians and legal custodians are appointed counsel, if requested.
The petitioner and any party may file a motion to dismiss the request for assistance at any time prior to a hearing to determine the disposition of a request for assistance. [Sec. 16]	Trial Court	Petitioners have the right to file a motion to dismiss the request for assistance. However, the right to <i>file</i> a motion is not the same thing as the right to have the case dismissed, and interviewees report that in some cases judges have denied the motion.
An order for temporary custody to the Department of Children and Families for youth with a CRA filing cannot be extended beyond 45 days [Sec. 30]	DCF	The Board is unaware of any temporary custody placements for a youth with a CRA petition lasting longer than 45 days.
When an application for assistance is dismissed, the court shall enter an order directing expungement of any records of the request [Sec. 9]	Trial Court	CRA's that are <i>dismissed</i> are expunged by the Court.

The CRA system does not necessarily provide a faster or easier path to accessing services and supports for those families who do *not* engage with FRCs prior to filing

One of the most impactful pieces of the 2012 reforms was the creation of the Family Resource Centers.⁴⁸ In an effort to increase support for youth and families *before* filing a CRA petition, the 2012 reforms explicitly stated that court Clerks “shall inform the petitioner that they can delay filing the request and choose to have the child and family referred to a Family Resource Center (FRC)...”⁴⁹ Since

⁴⁸ For more information on Family Resource Centers, see “The Role of Family Resource Centers” section in this report.

⁴⁹ Mass. Gen. Laws Ch. 119, § Section 39E (2012).

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section39E>

their establishment, FRCs have been well received and widely considered successful. They have, in fact, increased access to pre-CRA filing interventions for many families.

Unfortunately, as is further discussed in the following section, interviews with practitioners suggest that Court Clerks are not universally providing families with information about FRCs – and even when that information is provided, many families coming to the court are so desperate for help that they do not want to delay their application. Some practitioners interviewed have also noted that while providing a family with an FRC brochure meets the *legal* requirement, a “warmer” handoff (e.g., immediately connecting the family to an FRC liaison) might increase family willingness to try working with an FRC first.

For those families who are not referred to FRCs prior to filing, the CRA court process does not necessarily provide them with a faster or easier path to accessing services and supports. While the court process does connect youth and families to various professionals – including Probation officers, CAFL attorneys and, in some cases, CAFL social workers and Juvenile Court Clinicians – that can help a family identify the services that are needed and aid in referrals, the 2012 reforms did not change the fact that **the Juvenile Court does not have any “special access” to services**. The Court cannot move a child up a waitlist, create a service that does not exist in a given community, or order an insurance company, a school, or a state agency to provide/pay for a specific service.⁵⁰

The Juvenile Court also has no power to compel youth or family participation in services: while the Court can “order” participation in a service, there is no real mechanism for enforcing the order other than placing the youth in the custody of DCF. In those cases, a youth may be placed in an out-of-home setting, but the court still has no power to compel active engagement with treatment services – and, as described further below, placing a youth in a group home setting can sometimes cause more harm than good.

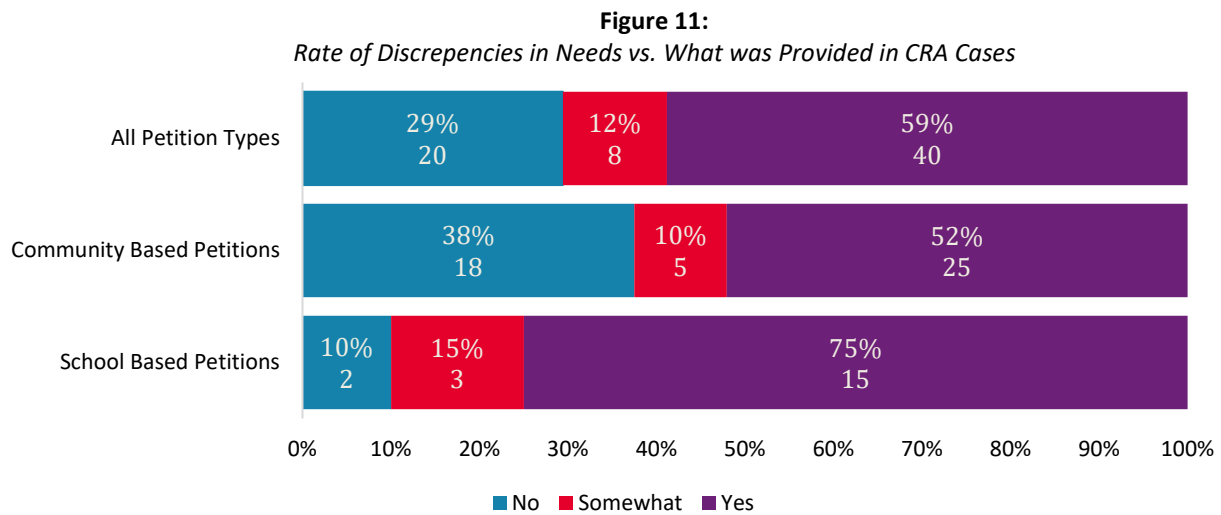
Indeed, the JJPAD Board’s research indicates that while in many cases court staff (Probation, CAFL, Court Clinicians) provide helpful case management support, many youth and families still experience:

- **Delays in accessing appropriate services due to the speed of the court process.** The court process itself can take anywhere from several weeks to many months to reach the point in a CRA case where supports are identified and accessed, particularly if the process becomes adversarial, as described further below. This is exacerbated by long waitlists to access certain services in the community which, as noted above, the Juvenile Court has no power to impact.
- **A discrepancy between the supports a youth may need and what services are actually provided through the CRA process.** In fact, in the case file review undertaken by the OCA and CAFL (as described above), there was a discrepancy or somewhat of a discrepancy between the needs of the youth (as identified by a CAFL social worker) and what was provided through the

⁵⁰ This is discussed more, below, in Finding 5.

CRA process in 71% of the cases reviewed (Figure 11).⁵¹

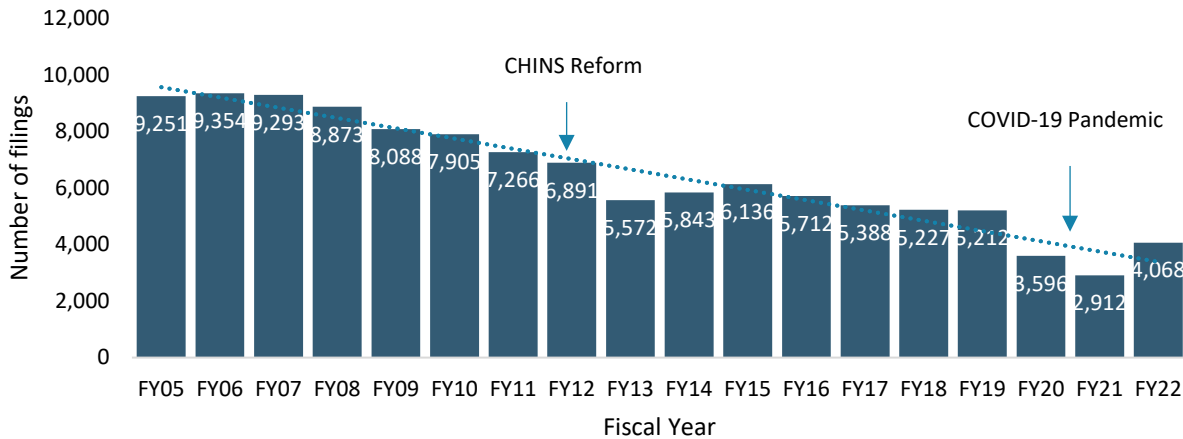
- **Insufficient coordination of case management services for those involved with multiple state agencies and/or community providers.** In particular, the CRA process can introduce more case workers in a child’s life who may at times replicate assessments and duplicate case plans without collaboration of other providers in the community or at the state agency level.



The CRA system has not significantly limited youth involvement with the Juvenile Court. One goal of the 2012 reforms was to limit the number of youth who enter the Juvenile Court process through a CRA petition. The JJPAD Board finds that, since the CRA reform was enacted, there has been a modest decrease in the total number of CRA petitions filed each year. Overall, the number of CRA filings decreased 25% from the last year of the CHINS system (FY12) through FY19. As the graph below demonstrates, most of this drop occurred during the first year of the reforms (decreasing 19% between FY12 and FY13)—but that drop was followed by a 10% increase within just two years of the reforms (FY15).

⁵¹ See Appendix A for more information, or read the CRA Case File Review brief: <https://www.mass.gov/doc/massachusetts-child-requiring-assistance-cra-case-file-review-2022pdf/download>

Figure 12:
CHINS/CRA Filings by FY (FY05-FY22)



Source: FY05-FY2016 data obtained from: <https://mass.gov/doc/year-end-summary-of-all-court-activity-1/download> ; FY2017-FY2022 data obtained from: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

Further, the drop in number of filings cannot be solely attributed to the 2012 reforms. Not only were filings on a downward trend for at least five years prior to the changes, but the number of CRA filings remained relatively stable throughout the first seven years after the reforms. And while the number of CRA cases have dropped more significantly in FY20 and FY21, this is likely the result of the COVID-19 pandemic, as school closures led to fewer school-based petitions and the Juvenile Court prioritized emergency cases only, rather than the 2012 reforms.⁵² This also can explain the 40% increase in filings between FY21 and FY22.

Additionally, while the 2012 reforms aimed to keep youth out of the Juvenile Court process, the statute actually expanded the Juvenile Court’s scope by requiring preliminary hearings in front of a judge for all youth with CRA petitions, an additional step not formerly required in all cases. While this provides youth the opportunity to be heard prior to a fact-finding hearing, the change also increased the number of times youth are entering the courtroom.

The 2012 reforms have reduced some harms experienced by youth and families, but opportunities for further harm reduction exist

As described above, the CRA legislation reduced some negative impacts of the CHINS process. Namely, the CRA reforms:

- Banned the use of handcuffs, restraints or detention for a youth as a result of CRA proceedings
- Provided more rights to children and families in the process (e.g., access to counsel for parents, providing a caregiver petitioner the ability to motion to dismiss a petition, expunging dismissed CRA records and sealing them from other juvenile records)

⁵² For more information on the COVID-19 pandemic on Massachusetts’ juvenile justice system, download the Board’s October 2021 report: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>

- Set strict timelines for court hearings

Those efforts reduced or eliminated some of the negative impacts experienced by youth with CRA filings, but they did not address other parts of the system that can negatively impact youth.

For example, many professionals interviewed by the OCA believe that the adversarial nature of court proceedings (i.e., a parent or school petitioner “versus” the child and the burden of needing to “prove” that assistance is required) is not conducive to solving a youth’s behavioral health issues and/or family conflict in a timely manner. Many professionals explained that, oftentimes, youth with CRA petitions have needs that extend to their families that may be influencing the child’s behavior that was brought to the Court’s attention at the filing stage. The court process and the courtroom itself does not necessarily facilitate the level of collaboration and problem solving necessary to address both child and family needs.

Since the CRA reform was passed in 2012, an increasingly large body of research has further documented the impact that court involvement of *any* kind can have on youth. Although, in the eyes of adults, there is a difference between a delinquency hearing and a CRA hearing, youth may not necessarily distinguish between the two. Additionally, there is a stigma attached to having to attend a court hearing that is called to address a youth’s behavioral issues, and that stigma can lead the 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.⁵³ Required attendance at court hearings can take youth out of school and/or away from prosocial activities; many practitioners interviewed noted that there is a certain irony in requiring a youth with a truancy CRA petition to attend court hearings during school hours. Finally, the experience can be traumatic for youth and families, as was described by families who participated in the OCA caregiver focus groups.

Additionally, the reforms did not address the negative consequences associated with congregate care placements. Most youth with a CRA case are not placed in a congregate care setting, but for those who *are*, the consequences can be substantial. Out-of-home placements are necessary at times, and families regularly file a CRA specifically seeking this kind of support. However, while high-quality congregate care placements with strong program models *can* effectively serve certain youth who require short-term stays in treatment facilities, research has also documented that, when programs do not meet the specific needs of youth in their care, it can in fact harm youth and lead to poorer life outcomes.⁵⁴ Importantly, national research indicates youth placed in congregate care settings:

- **May not be there voluntarily and as a result can experience group placements as prison-like, punitive, and traumatic.**^{55,56} While adults may point to the differences between juvenile justice

⁵³ Carey, J.T., & McAnany, P.D. (1984). Labeling and Conflict Approaches to Delinquency. <https://www.ojp.gov/ncjrs/virtual-library/abstracts/labeling-and-conflict-approaches-delinquency-introduction-juvenile#:~:text=Labeling%20refers%20to%20the%20action,society%2C%20thus%20fueling%20deviant%20behaviors.>

⁵⁴ Zhou, X., McClanahan, J., and Wulczyn, F. (2021). Using Congregate Care: What the Evidence Tells Us. <https://fcda.chapinhall.org/wp-content/uploads/2021/08/Congregate-Care-Report-Final-8.9.2021.pdf>

⁵⁵ Fathallah, S. and Sullivan, S. (2021). Away from Home: Youth Experiences if Institutional Placements in Foster Care. https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf

⁵⁶ Fathallah, S. and Sullivan, S. (2021). Away from Home: Youth Experiences if Institutional Placements in Foster Care. https://assets.website-files.com/60a6942819ce8053cefd0947/60f6b1eba474362514093f96_Away%20From%20Home%20-%20Report.pdf ; Hyde, J., & Kammerer, N. (2009). Adolescents’ perspectives on placement moves and congregate settings:

detention centers and child welfare group homes, the research on congregate care facilities (regardless of whether it is through the juvenile justice or child welfare system) suggests youth do not always experience them differently.

- **Are at increased risk of becoming involved with the juvenile justice system**⁵⁷ due to the fact that youth are more likely to take risks and commit delinquent offenses when they are around peers and in group settings.⁵⁸
- **Face diminished educational outcomes.**⁵⁹ In fact, a 2019 study by the Massachusetts Court Improvement Program found that students in congregate care placements here in Massachusetts experienced more school changes, had higher rates of chronic absenteeism, and received more disciplinary actions.⁶⁰

Indeed, a common theme in many of the interviews and focus groups was a concern that current out-of-home placement options offered through the Department of Children and Families do not meet the needs of many children placed there as a result of a CRA, particularly children with a histories of running away or sexual exploitation, and children with high behavioral health needs. Many expressed concern that, in some cases, this can *increase* the likelihood that youth become involved in the juvenile justice system, as youth who are frustrated, dysregulated, struggling with behavioral health issues and generally not having their needs met may act out in a variety of ways, including assaulting staff and other youth, that can lead to delinquency charges.

“I thought this would get him extra help, but it has done the opposite. It’s been disappointment after disappointment...He is very down, every day and week that passes is getting harder on him. The process has caused him to regress. This was supposed to be helping, and now they are beyond the point of helping.”
 – Caregiver Focus Group Participant

As described above, in some circumstances, the CRA system does not just fail to help youth and families – it can actually cause harm to youth and families. This theme emerged in the JJPAD Board’s research frequently, with numerous professionals providing examples in which youth had negative experiences resulting from the CRA process. Examples include:

- Youth missing school time for CRA court proceedings;
- Youth CRA cases dragging on for more than a year, just to result in a case dismissal;
- Youth being brought into court with multiple CRA filings back-to-back with no resolution;

Complex and cumulative instabilities in out-of-home care. *Children and Youth Services Review*, 31(2), 265–273.

<https://doi.org/10.1016/j.childyouth.2008.07.019>

⁵⁷ Ryan, J., Marshall, J. M., Herz, D. and Hernandez, P. (2008). Juvenile delinquency in child welfare: Investigating group home effects. *Children and Youth Services Review*, 30(9), 1088–1099. doi:10.1016/j.childyouth.2008.02.004

⁵⁸ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3075496/>

⁵⁹ Clemens, E. V., Klopfenstein, K., Lalonde, T. L., & Tis, M. (2018). The effects of placement and school stability on academic growth trajectories of students in foster care. *Children and Youth Services Review*, 87, 86–94.

<https://doi.org/10.1016/j.childyouth.2018.02.015>

⁶⁰ [Massachusetts Court Improvement Program](https://www.mass.gov/doc/stable-placement-stable-school-improving-education-outcomes-of-children-in-foster-care-in/download). (2019). Stable Placement, Stable School: Improving Education Outcomes of Children in Foster Care in Massachusetts. <https://www.mass.gov/doc/stable-placement-stable-school-improving-education-outcomes-of-children-in-foster-care-in/download>

- Youth placed in a congregate care program against their (and sometimes their parents') wishes, who then pick up delinquency charges as a result of their behavior at the congregate care program.

Finding #2: There is no shared understanding of what the current CRA system is for, leading to misinformation at every level

As described above, there is general agreement that the goals of the 2012 CHINS reform were to reduce some of the harms of the CHINS system while making it easier for families to access services for youth with behavioral concerns without needing to come to the Juvenile Court.

Less clear, however, is what the purpose of the current CRA system is: what kind of cases *should* come to the Court, what can/should the Juvenile Court do for these youth and families, and what does a “successful” CRA case look like? This lack of clarity on the purpose of the CRA system and what a CRA petition is meant to accomplish leads to confusion at the individual case level (i.e., what does “success” look like for a youth?) and systems level (i.e., what does a successful system look like?).

Professionals interviewed by the OCA for this report described a wide range of practices in their region regarding what situations led to a CRA filing, and often could point to circumstances where they felt more pre-filing interventions could have been attempted. Frequently, interviewees described numerous cases where they felt more could have been done to connect youth and families with support outside of the court process, particularly for school-based filings. For example, some practitioners reported that it appeared that some school districts are “bulk filing” CRAs at scheduled times throughout the year for any youth that meets the legal “cut-off” in terms of school days missed. If this is happening, it would mean that students in these districts likely did not receive individualized support, nor is a CRA being used as a “last resort” option as it is in other school districts. Further, many professionals interviewed were concerned that schools in under-resourced areas were more likely to file a school-based CRA petition for youth than well-resourced schools and were more likely to use the CRA as a form of discipline instead of accessing supports. This can lead to disparate treatment for similarly situated youth across the state.⁶¹

For community-based petitions, interviewees pointed to situations where they felt more could have been done to connect a family to a Family Resource Center, or where other state agencies (e.g., DCF, DMH) would have been better options for accessing support instead of a CRA petition.

Additionally, the disparities outlined in Finding 4 suggest that the “threshold” for CRA involvement is lower for certain youth, and that professionals are more likely to recommend court interventions for certain populations: Black, Latino and immigrant youth; girls; poor youth; youth with mental health needs and learning disabilities (be they diagnosed, misdiagnosed, or not diagnosed); youth with previous child welfare system experience including youth who were adopted; and LGBTQ+ youth.

The “threshold” of behaviors that warrant a CRA filing also came up in the CRA case file review, when CAFL social workers were asked, “*Based on your professional opinion, did the youth in this case need any services or interventions to prevent future juvenile court involvement?*” Respondents stated that

⁶¹ See Finding 4 for more on disparities in the system.

services/interventions were not necessary in 13% of cases, indicating confusion among professionals and petitioners alike on what the CRA system is for and/or what warrants a CRA filing.

There is also a lack of a shared understanding of what the system entails, what power the Juvenile Court does/does not have, and what potential outcomes of a CRA petition can be. This has led to confusion, misinformation and miscommunication for youth and their families as well as professionals in the field. Examples of common myths, misinformation and inappropriate use of the CRA system heard across multiple interviews include:

- parents being told to file a CRA petition – and if they do not file, being told a child abuse/neglect allegation (51A) would be filed on them,
- school administrators believing the court is able to force students to go to school, can address why students are not attending school in a way that educators are unable to address themselves, or has priority access to services,
- parents being told the Juvenile Court has priority access to services,
- parents being told by their child’s Intensive Care Coordinator, emergency room caseworker/psychiatrists, therapists, lawyers, and school administrators that the CRA process could get them additional services they could not access a different way,
- DCF case workers recommending that a family with an open Care & Protection case file a CRA petition to address their child’s behavioral challenges.

“I don’t think I should have to give up my parental rights to DCF to access care.”
-Caregiver Focus Group Participant

This lack of clarity is particularly harmful to youth and families who were not told of the possibility that, and are therefore surprised when, a CRA petition can result in temporary custody being given to the Department of Children and Families. **Despite the requirement that court Clerks tell parent petitioners about possible dispositions of CRA cases, almost all of the caregivers in the focus groups conducted reported not understanding the CRA process**

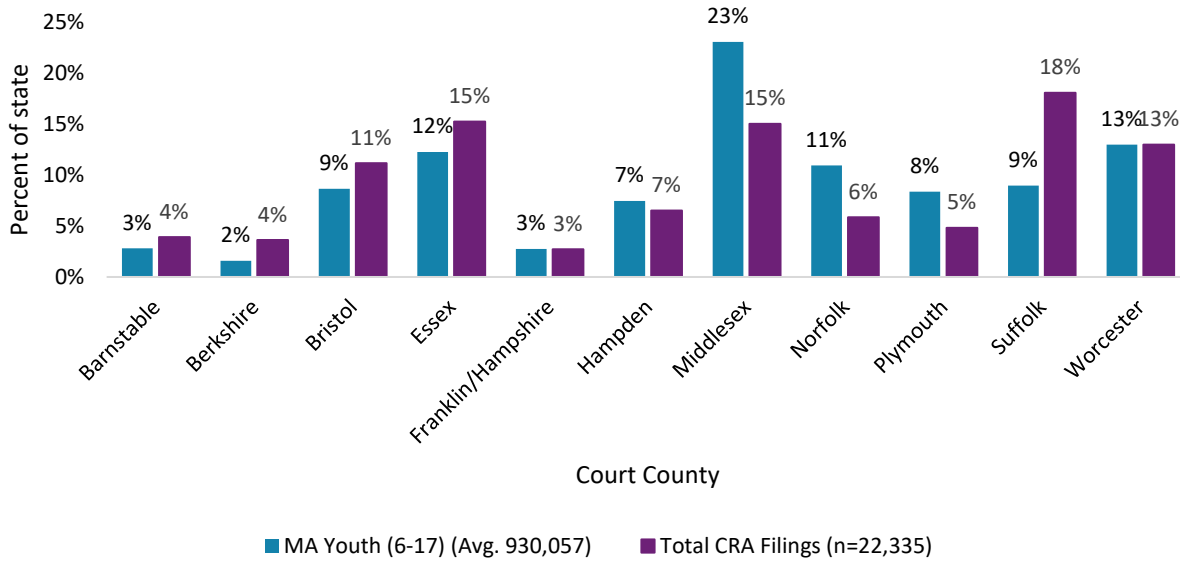
before it started. This was the case whether caregivers filed the CRA petition themselves or if the school filed the petition on their child. This matches concerns expressed by multiple interviewees regarding the extent to which families are informed in advance about the possibility of losing custody of their child through the CRA process.

Finding #3: The system operates with significant differences in different parts of the state

As discussed in Finding 1, part of the reason the goals of the 2012 reforms have only been partially realized is because of the varying degrees – or total lack—of implementation of the statutory requirements and inconsistencies in practices across counties, school districts, courts, and area offices. Data suggests county level differences in overall use of CRA filings.

As Figure 13, indicates, filings from Berkshire County and Suffolk County are overrepresented in the states’ CRA system. Both counties have twice the proportion of CRA filings as they do state population. Barnstable, Bristol and Essex counties also have higher rates of CRA filings compared to their overall child population levels.

Figure 13:
CRA Filings by County (FY17-FY21)

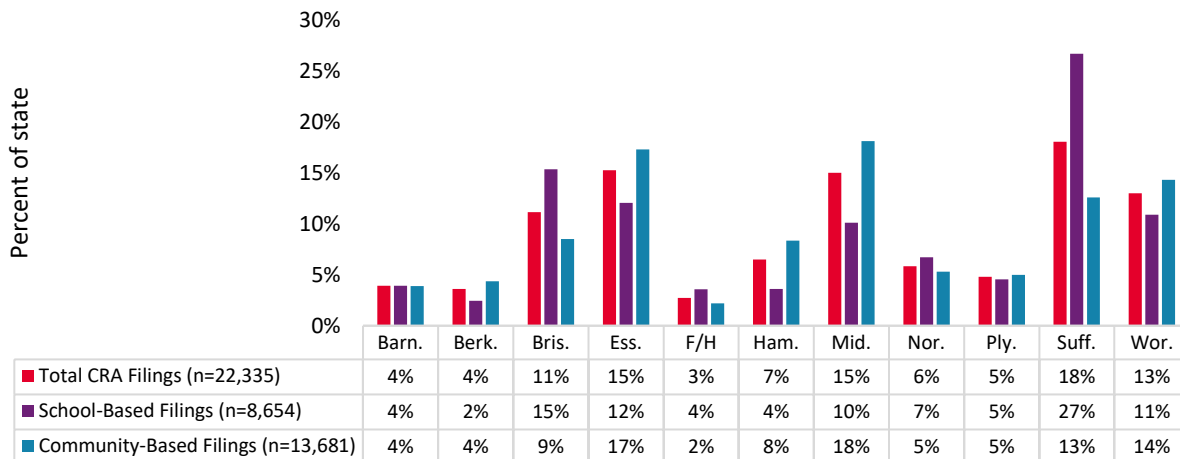


Source: FY2017- FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

Over the past five fiscal years, most (61%) CRA filings were for community-based filings – except in Suffolk and Bristol counties, where school-based filings are driving overall CRA filing numbers. Meanwhile, the overrepresentation in Berkshire and Essex petitions are driven by community-based filings.

Figure 14:
CRA Filings by Petition Type and County (FY17-FY21)



Source: FY2017- FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

Court County Key: Barn. = Barnstable, Berk. = Berkshire, Bris. = Bristol, Ess. = Essex, F/H. = Franklin/Hampshire, Hamp. = Hampden, Midd. = Middlesex, Norf. = Norfolk, Plym. = Plymouth, Suff. = Suffolk, Worc. = Worcester

There are a number of potential explanations for why some court counties use CRA filings at higher rates than others. For example, residents of Berkshire County often cite the lack of supports and programs in their county. Considering that the county’s higher rates of CRA system use stem from community-level petitions, residents may be more desperate for the Court to fill that gap in access.

On the other hand, Suffolk County’s overrepresentation stems from school-based filings. Suffolk County has far fewer FRCs than other counties, despite being the fourth most populous county in the state.⁶² It seems unlikely that all schools in Suffolk County are working with their FRCs to address truancy before making a CRA filing.

Part of the disparities seen across counties is also due to differences in practices by various DCF and Department of Mental Health (DMH) area offices; judges, clerks and probation officers; and school districts. In the OCA’s interviews, stakeholders highlighted differences in:

- Whether court clerks are universally referring petitioners to FRCs before a CRA is filed, how they are making that referral (e.g., with an enthusiastic warm hand-off or by simply handing the caregiver a brochure), and if court clerks have implemented any other pre-filing diversion mechanisms (such as requiring evidence that a school has engaged a local FRC before accepting a filing).
- Whether court clerks are providing information to parent petitioners about the possible dispositions of a CRA case, including the possibility of DCF custody, and how that information is provided.
- Whether school districts make referrals to FRCs *before* a CRA is filed.
- The quality and intensity of truancy prevention and early-intervention programs and the types of pre-filing interventions used by schools.
- The practice of schools filing seemingly auto-generated CRAs on set days throughout the year (i.e., “bulk” or “batch” filing).
- The level of detail included with the CRA petition on what pre-filing interventions were attempted prior to filing a CRA, specifically for school-based petitions.
- The level of collaboration between schools, FRCs and the Juvenile Court.
- When a youth’s actions during an informal CRA case necessitates a switch to formal case involvement.
- When counsel is appointed for a youth (e.g., the day of a hearing or ahead of time) and whether a youth has access to a CAFL Social Worker.
- The extent and type of involvement by DCF local area office, DMH local area office, Juvenile Court Clinicians, and/or a school district in case conferencing/collaboration, and when/how case conferencing occurs.
- Whether a DCF area office accepts “voluntary” cases (i.e., allows a family to sign up to receive DCF services without requiring the family to have an open Care & Protection or CRA case) and the eligibility criteria associated with voluntary cases.

⁶² Massachusetts Legislature. (2020). Massachusetts Census Data. <https://malegislature.gov/Redistricting/MassachusettsCensusData/County>

With so much variation in how CRA petitions are used and processed throughout the state, **youth across the state have different experiences, outcomes and varying degrees of having their needs met through the CRA system.**

Finding #4: There are disparities in how the CRA system is used and who is referred to it

As discussed in Finding 2 and 3, some groups of youth are more likely to be referred and use the CRA system than others based on where they live, their race/ethnicity, or other parts of their identity. The data presented below indicates that Black and Latino youth are disproportionately represented in the CRA court process. The Board also heard significant concerns from practitioners interviewed that girls, LGBTQ+ youth, youth with special education needs and immigrant youth are funneled to the CRA system unnecessarily.

Black and Latino youth are disproportionately represented in the CRA Juvenile Court Process

In Massachusetts, both Black and Latino youth are overrepresented in the CRA court process. In fact, as data indicates in Table 3 below, from FY18 to FY21, Black and Latino youth were three times more likely to have a CRA filing than white youth during the same timeframe.⁶⁵

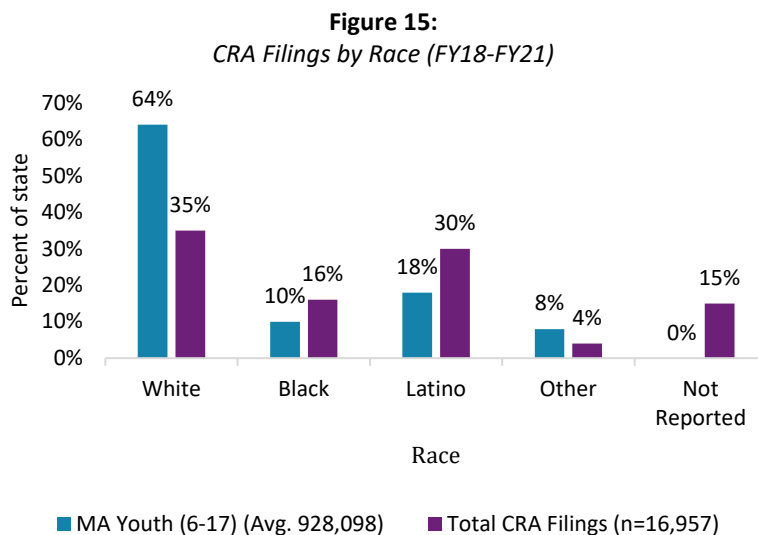


Table 3: Measures of Disparities in CRA Filings (FY18-FY21)

	RoD ⁶³	RRI ⁶⁴
White	0.55	1.00
Black	1.60	2.93
Latino	1.67	3.05
Other	0.50	0.91

Source: FY2018- FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

⁶³ Rate of Disproportionality (RoD) is an indicator of inequality calculated by dividing the percentage of youth with a CRA filing in a racial/ethnic group by the percentage of youth in that same racial/ethnic group in the Massachusetts youth census. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation.

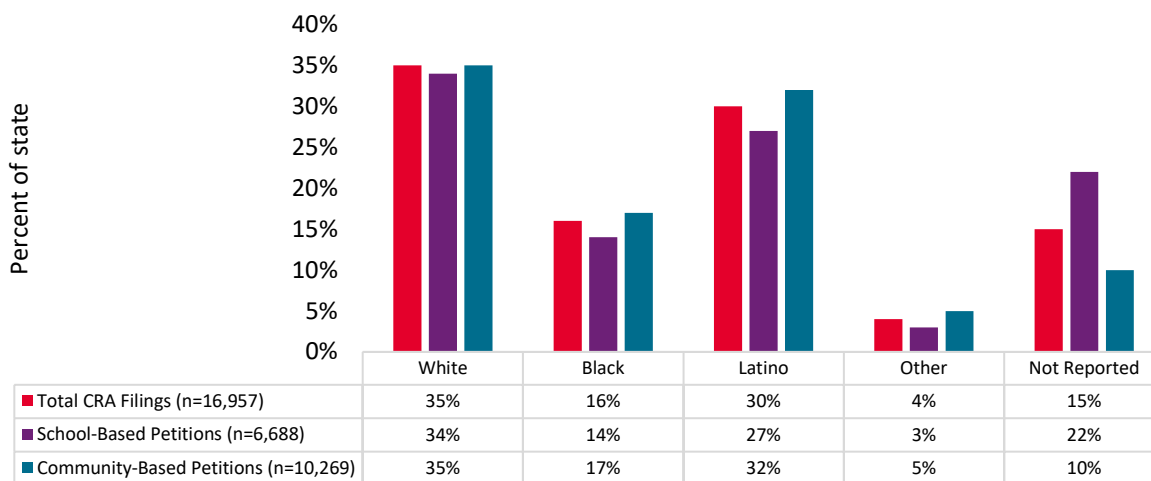
⁶⁴ Relative Rate Index (RRI) compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using data on the demographics of all Massachusetts youth as identified by the U. S. Census. Thus, RRIs for white youth are always “1.00.” RRIs greater than 1.00 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.00 indicate a decreased likelihood of involvement for people of color at that point.

⁶⁵ Data presented in this section includes FY18-FY21 data.

When the data are further broken down by petition type (Figure 16), racial and ethnic disparities are *slightly* worse for community-based petitions than school-based petitions (Table 4). Some interviewees suggested that this may be a result of Black and Latino parents being told more frequently to file a CRA petition than white parents, who are potentially more likely to be presented with alternative ways to address youth needs and behaviors. In the caregiver focus groups, caregivers also expressed concern about inequitable treatment in the CRA system due to the race of their child.

Figure 16:

CRA Filings by Race and Petition Type (FY18-FY21)



Source: FY2018- FY2022 data obtained from:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

Table 4: Measures of RED by Petition Type (FY18-FY21)				
Race	School-Based Petitions		Community-Based Petitions	
	RoD	RRI	RoD	RRI
White	0.53	1.00	0.55	1.00
Black	1.40	2.64	1.70	3.11
Latino	1.50	2.82	1.78	3.25
Other	0.38	0.71	0.63	1.14

Additionally, stakeholders expressed concern that youth who are immigrants—or whose caregivers are—are more likely to be the subject of a CRA petition for a variety of reasons. Some examples cited school-based petitions filed for youth whose family dynamic and responsibilities meant they were more likely to be absent from school. Many professionals noted that the schools that were flexible and creative with students to accommodate their families’ dynamics and values resolved the CRA case with minimal intervention and were able to support students in school, while those that did not accommodate family dynamics and values had cases that dragged on in the courts and often did not improve school attendance.

While it was not mentioned as frequently, immigration status was also cited as a reason why some youth were more likely to be funneled to the CRA system than others and were less likely to receive

necessary supports in the system once they were there. For example, some families fear deportation or other legal actions whenever they get a school or Juvenile Court notice. To some stakeholders, it may appear that a youth and their family are not engaged or supportive when, in reality, the “lack of engagement” stems from fear for their families’ well-being. Interviewers also expressed concerns that children with caregivers who are undocumented do not have access to MassHealth and may be more likely to be pushed to the CRA system to access supports that could, in theory, be provided through MassHealth coverage if allowed.

Last, professionals interviewed were concerned about the inadequate number and availability of translation services for families who spoke other languages than English throughout the CRA system, which led to an inequitable process. For example, schools that did not provide translation services to alert caregivers when students were at risk of truancy often filed a CRA petition unnecessarily, as these cases were resolved once the notice was effectively communicated to families.

Other populations of concern

In addition to Black, Latino and immigrant youth being disproportionately represented in the CRA system, many stakeholders expressed concern in interviews that certain groups of youth are disproportionately pushed into the CRA system instead of having their needs met through appropriate measures outside of the system.

- Many professionals cited **youth with learning disabilities** as being inappropriately pushed to the CRA system instead of being offered in-school supports. This was reflected in the OCA/CAFL case file review that identified that the youth needed an IEP/504 evaluation or plan in 46% of the cases reviewed generally and in 60% of the school-based petitions reviewed specifically. This aligns with the well observed trend that youth with disabilities are more likely to be disciplined.⁶⁶ Nationally, students served under the Individuals with Disabilities Act (IDEA)⁶⁷ are suspended and expelled at almost twice their enrollment rates.⁶⁸
- Professionals expressed concern that, while girls are not overrepresented in CRA filings compared to the state population numbers, **the girls that *did* end up with a CRA case had quite specific needs that were not being met in the CRA case process.** Many professionals believed girls were more likely to be sexually exploited, even if that was not reflected in the specific CRA petition type. In general, girls had CRA involvement as a result of a community-based petition more frequently than school-based petitions. Still, professionals were concerned that school-based petitions for girls, particularly Black girls, were used as a form of discipline. This aligns with national research that illustrates Black girls are routinely “pushed out” of the classroom

⁶⁶ Center for Public Integrity. (2021). When schools call police on kids. <http://publicintegrity.org/education/criminalizing-kids/police-in-schools-disparities/>

⁶⁷ See: <https://sites.ed.gov/idea/>

⁶⁸ Nationally, students served under the Individuals with Disabilities Act (IDEA) represent 13.2% of total student enrollment but make up 23.3% of all expulsions and 24.5% out of school suspensions. The Office for Civil Rights within the U.S Department of Education collects national discipline data. In 2021, they released the 2017-18 school year data, which represents the most up to date information available. To learn more about the collection and reporting of discipline data see: <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/crdc.html> ; Office for Civil Rights. (2021). An Overview of Exclusionary Discipline Practices in Public Schools for the 2017-18 School Year [PowerPoint Slides]. <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>

and disproportionately represented in school discipline data across the nation.⁶⁹

- Many individuals interviewed were concerned that **LGBTQ+ youth are inappropriately pushed to the CRA system** and suspected that many runaway and sexually exploited filings are for LGBTQ+ youth. System stakeholders were concerned that CRA petitions are used for this group instead of addressing homelessness as a result of familial rejection or other familial concerns regarding youth who identify as queer or transgender. Data on sexual orientation or gender identity is not currently reported by the Juvenile Court. Still, the challenges for LGBTQ+ youth have been well-documented nationally, specifically for homeless youth.⁷⁰
- Professionals expressed frustration that many youth with a **CRA filing already had child welfare experience**, including youth with an open (i.e., current) Care and Protection case. Interviewees in multiple counties reported instances where it was their understanding that a DCF social worker had encouraged a family with an open Care & Protection case to file a CRA petition, or where a CRA petition was filed on a youth already living in a DCF congregate care facility due to a Care & Protection case.
- Professionals also noted that a subset of youth with CRA petitions are **youth who had been adopted through the foster care system**, and petitioners were filing a CRA petition as a way to get DCF involved again. Youth in these cases may be more likely to have behavioral health needs as a result of trauma experienced, both from their birth families (e.g., abuse) and/or as a result of their involvement with the child welfare system (e.g., home removals, separation from parents and family).⁷¹ Without appropriate supports in place for these youth, adoptive parent petitioners may use the CRA process as a means to access necessary supports.

Finding #5: Barriers to accessing services outside the court process push families to the CRA system – despite the potential harms of court involvement and limited response options available to the Juvenile Court

As described in Finding 1, above, the response options available to the Juvenile Court in CRA cases are limited. Aside from placing a youth in the custody of DCF, the court does not have the ability to connect a youth with needed services faster than could happen outside the court process (e.g., moving a youth up a waitlist), nor can it create service options that do not exist. Further, as described above, court involvement can, in and of itself, be harmful to youth and families.

At least theoretically, any intervention or support that results from a CRA process could also occur outside the court process—either through state agencies or directly by community-based providers.

Yet, for many families, the Court *ends up*, in practice, facilitating, or at least attempting to facilitate, access to supports because **barriers prevent many youth and families from obtaining needed services. This problem exists across Massachusetts and often pushes families who are desperate for support**

⁶⁹ Morris, M. W., Conteh, M., & Harris-Perry, M. V. (2018). *Pushout: The criminalization of black girls in schools*. The New Press.

⁷⁰ Shelton, J., & Bond, L. (2017). "It just never worked out": How transgender and gender expansive youth understand their pathways into homelessness. *Families in Society*, 98(4), 284-291. <https://doi.org/10.1606/1044-3894.2017.98.33>

⁷¹ Salazar, A. M., Keller, T. E., Gowen, L. K., & Courtney, M. E. (2013). Trauma exposure and PTSD among older adolescents in foster care. *Social psychiatry and psychiatric epidemiology*, 48(4), 545–551. <https://doi.org/10.1007/s00127-012-0563-0>

and in need of immediate intervention to the Juvenile Court – despite the limitations and potential harm of court involvement and when, in theory, they could have and should have been served outside the court process.

What are the needs of youth with CRA filings?

The Juvenile Court does not currently report data on the *needs* of youth with CRA filings. To fill this gap, the OCA and CAFL conducted a review of 69 cases to determine what, if any, supports youth with CRA filings need, what they received as a result of the CRA process, and, if applicable, why there was a discrepancy between the two points. Results from this case file review revealed that in:

- 93% (n=63) of cases, youth needed mental health, physical health and disability-related services (e.g., in-home therapy, outpatient mental health consultation/therapy and psychiatric consultation/assessments).
- 83% (n=57) of cases, youth needed family supports and basic needs (e.g., family-based therapy, parenting classes/support groups and family activities).
- 77% (n=53) of cases, youth needed mentoring and enrichment programs (e.g., peer/support groups and clubs/student government/sports programs).
- 68% (n=47) of cases, youth needed education and employment services (e.g., IEP/504 evaluation/plan, attendance meetings/truancy prevention programs and tutoring).
- 54% (n=37) of cases, youth needed out-of-home placement (e.g., alternative/therapeutic school placements, intensive foster homes and residential programs).*

* The number of youth identified as needing out-of-home placement in this study was higher than some practitioners who work regularly with CRA cases would have predicted based on their own professional experiences. It is unclear what is driving this discrepancy: it could be a result of a relatively small number of cases reviewed (as noted on page 32), a non-random sample, or it could be that cases that receive a CAFL social worker are by their nature more serious. Importantly, of the 37 cases that were identified as needing out-of-home placement, 20 cases were identified as needing alternative/therapeutic school placements specifically.

Barriers to obtaining services push families toward the CRA system

Families with complex, often overlapping, health, educational, and basic needs face many barriers to accessing supports, which can eventually push them to seek help through the CRA court process. From caregivers to probation officers to DCF caseworkers and school officials, almost every interviewee mentioned how difficult it is for many youth and families to access the supports they need, with or without court involvement.

Many individuals seeking mental health supports specifically confront barriers to receiving effective and affordable treatment. Researchers who have studied this issue suggest this stems from low insurance

reimbursement rates, high workforce turnover, and a fragmented service system.⁷² For example, research conducted by Boston University’s School of Public Health between 2015 and 2017 assessed barriers for youth served by the Mental Health Advocacy Program (MHAP) for Kids.⁷³ Of the youth served in the pilot program, almost every single participant (98%) reported experiencing at least one barrier to accessing mental health care services.

Barriers to accessing community-based supports

Families experience challenges in accessing appropriate services at the time in which they need them, and at the time at which their child would benefit the most from an intervention. Often this leads to the underlying challenges – the same concerns families sought to address early on – worsening over time. This leads families to using the CRA petition as their “last resort” option.

The most frequent barriers to earlier intervention supports that families experience include:

1. **Lack of available services where a family lives.** Interviews with key stakeholders, focus groups, and the CRA case file review revealed there is insufficient access to services “upstream” (i.e., at the earliest intervention points once a youth begins experiencing behavioral health needs). In fact, 46% of participants in a 2015-2017 study of families served by MHAP for Kids reported *lack of available services* as a barrier to accessing mental health supports for youth.⁷⁴ Even when there may be services available in a certain area, this same survey found that incomplete information about where or how to access services was a barrier to 49% of the study participants who tried to access mental health supports outside of the court process.

A recent survey conducted by DCF also highlighted the need for more services in order to meet the need of the children and families in their area, especially for youth with specialized needs or specific identities.⁷⁵ In August 2021, DCF disseminated a survey regarding existing support and stabilization services⁷⁶ to all 29 DCF Area Offices. DCF received 41 responses from area office staff, with at least one response from each Area Office.

As shown in Figure 17, results indicated more services were needed across the board to support children and families more effectively in the Commonwealth. More than three quarters of respondents identified additional services were needed for youth:

- with intellectual disabilities and/or Autism,

⁷² Sirkin, J. T., Sheedy, K., Hunt, M., Hoffman, C., Pfefferle, S., Kogan, A., & Olsho, L. (2017). Navigating the Outpatient Mental Health System in Massachusetts: Consumer and Stakeholder Perspectives. https://www.bluecrossmafoundation.org/sites/g/files/ksphws2101/files/2020-09/Outpatient_MH_Navigating_REPORT_v05_Final.pdf

⁷³ MHAP for Kids serves youth who may or may not have a CRA petition, but the research applies to many youth in Massachusetts trying to access supports; Garcia, M. (2021). *Health Law Advocates: JJPAD CBI Meeting* [PowerPoint slides]. <https://www.mass.gov/doc/mental-health-advocacy-program-for-kids-presentation-0/download>

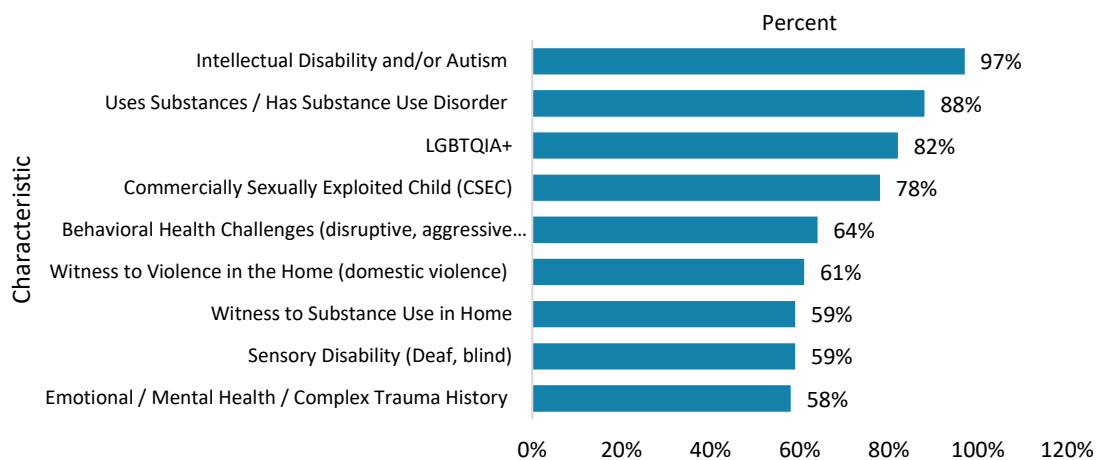
⁷⁴ *Health Law Advocates: JJPAD CBI Meeting* [PowerPoint slides]. <https://www.mass.gov/doc/mental-health-advocacy-program-for-kids-presentation-0/download>

⁷⁵ As cited in Section 1.1.2 in DCF’s Support and Stabilization RFI File Attachment 1 document 10/12/2021 accessible at: <https://www.commbuys.com/bsa/external/bidDetail.sdo?docid=BD-22-1034-0009-DSS09-67937>

⁷⁶ Family Support and Stabilization (FSS) is a family- focused therapeutic intervention that takes place in a child’s home or other natural environment to improve the capacity of the family to better meet the needs of their family and community. Services are provided within the framework of Family Networks, an integrated system of purchasing services that connects children and families being served by the Massachusetts Department of Children and Families (DCF) with vital behavioral health care.

- with substance use disorder,
- who identify as LGBTQIA+,
- and who were commercially sexually exploited.

Figure 17:
Percent of Respondents Who Indicated "More Services Needed" for Children with the Following Characteristics



Source: Section 1.1.2 in DCF's Support and Stabilization RFI File Attachment 1 document 10/12/2021 accessible at: <https://www.commbuys.com/bs0/external/bidDetail.sdo?docId=BD-22-1034-0009-DSS09-67937>

2. **Insufficient school-based supports, particularly for youth with special education needs.** Many interviewees reported that they frequently saw cases where a youth's school was not providing appropriate supports (e.g., individualized education plan (IEP)/504 plans or alternative/therapeutic school placements) for students in need. These interviewee reports were reinforced by the Board's CRA case file review, which indicated that:

- the youth needed an IEP/504 evaluation or plan in 46% of the cases reviewed generally and in 60% of the school-based petitions reviewed specifically
- 29% of all CRA filings reviewed were for youth who were identified by the CAFL social worker as needing a therapeutic school placement.

In focus groups, some caregivers expressed that they felt their child's school was trying to avoid paying for a placement at a more appropriate school, which led to a CRA filing. This theme also emerged in interviews.

Many families and professionals need help navigating the school system and the district's responsibilities in providing appropriate services like an IEP or 504 plan and accommodations. Interviewees explained that a common way for families to obtain an educational advocate to obtain this help is through the CRA process, as the youth's CAFL-assigned attorney can help with educational advocacy.

3. **Extensive waitlists and the length of time it takes to access mental health services.** Forty-eight percent of the participants in the MHAP for Kids study mentioned a waitlist or the long lengths of time it took to access care as a barrier to mental health supports.⁷⁷

Long waitlists are not new to Massachusetts. Indeed, a 2008 report by the Parent/Professional Advocacy League (PPAL) indicated over 60% of respondents to a survey experienced long waits to get an appointment for treatment and services for their child.⁷⁸ In 2017, the Blue Cross Blue Shield of Massachusetts Foundation, in partnership with Abt Associates, released a report on navigating the outpatient mental health system in Massachusetts. This research found that wait times in Massachusetts were, in general, longer than clinically appropriate for the majority of individuals seeking services. This was the case particularly for children with complex co-morbidities when seeking specialized providers.⁷⁹ More recently, long waitlists have been exacerbated due to the COVID-19 pandemic and current workforce shortage.⁸⁰

4. **The inability to pay for certain services either through a child’s family’s health insurance or out of pocket.** Indeed, about one third of participants in the MHAP for Kids study described above listed “cost” as a barrier to accessing mental health services. While insurance issues/payment concerns were not cited frequently as a barrier in the CRA case file review, this theme did present frequently in stakeholder interviews.

Further, in the 2017 Blue Cross Blue Shield and Abt Associates report previously highlighted, stakeholders and consumers overwhelmingly reported that insurance reimbursement rates for mental health services are not adequate in Massachusetts.⁸¹ The state has begun to address this concern with the recent legislation—Mental Health *ABC Act: Addressing Barriers to Care (ABC)*—signed by Governor Baker in August 2022 that seeks to bring parity between mental health and physical health insurance reimbursements. For now, however, the high cost of accessing services, particularly mental health services, remains a barrier for youth and families in accessing supports.

⁷⁷ Ibid.

⁷⁸ Parent Professional Advocacy League. (2010). Overcoming Barrier in our Community – How are we doing? <https://ppal.net/wp-content/uploads/2020/08/Overcoming-Barriers-in-our-Community.pdf>

⁷⁹ Sirkin, J. T., Sheedy, K., Hunt, M., Hoffman, C., Pfefferle, S., Kogan, A., & Olsho, L. (2017). Navigating the Outpatient Mental Health System in Massachusetts: Consumer and Stakeholder Perspectives. https://www.bluecrossmafoundation.org/sites/g/files/ksphws2101/files/2020-09/Outpatient_MH_Navigating_REPORT_v05_Final.pdf

⁸⁰ Association for Behavioral Healthcare. (2022). Outpatient Mental Health Access and Workforce Crisis Issue Brief. https://www.abhmass.org/images/resources/ABH_OutpatientMHAccessWorkforce/Outpatient_survey_issue_brief_FINAL.pdf

⁸¹ Sirkin, J. T., Sheedy, K., Hunt, M., Hoffman, C., Pfefferle, S., Kogan, A., & Olsho, L. (2017). Navigating the Outpatient Mental Health System in Massachusetts: Consumer and Stakeholder Perspectives. https://www.bluecrossmafoundation.org/sites/g/files/ksphws2101/files/2020-09/Outpatient_MH_Navigating_REPORT_v05_Final.pdf

Barriers in accessing state services

When families experience challenges accessing supports in their communities, including in their schools, they often turn to other state services. But accessing state services can be a complicated and frustrating experience for families in need. Indeed, in MHAP for Kids' research to barriers to connecting to mental health supports, 63% of respondents mentioned bureaucratic delays and "red tape" as a barrier to accessing supports outside of the court. In the OCA conducted focus groups, caregivers reported difficulties accessing services on their own and expressed frustration that they needed to go to court to get their child support that other state agencies could, in theory, provide.

"The CRA is just a way to access services that DCF won't give you."

-Caregiver Focus Group Participant

Many structural barriers exist to accessing state services:

- 1. The process for obtaining state services – and, in particular, out-of-home-placement – is confusing, and the system is difficult to navigate.** CRA professionals and caregivers alike were frustrated with what they described as confusing processes and unclear and sometimes overly narrow eligibility criteria for families seeking state services, particularly those for out-of-home placement in therapeutic settings and residential schools.

This is a double-edged sword: narrow eligibility criteria for residential placements is critical given the negative impact residential and group care settings can have on adolescents (as further described on page 42 of this report). The state *should* limit the use of placements to individuals who have the highest needs and cannot be supported at home in their communities. And, at times, families and state agency staff will disagree about when a particular service, particularly out-of-home placement, is appropriate. Yet, when a higher level of care *is* necessary to support a child, narrow eligibility criteria and/or confusing state processes can often act as a barrier to qualifying for and obtaining supports.

Individuals interviewed for this report specifically named the confusing processes and narrow or unclear eligibility criteria for out-of-home placement provided and/or funded by four different entities: DMH, DDS, DCF and Local Education Authorities (as described above). Interviewees specifically noted situations where youth with complex needs may fall through the "gaps" in availability of state services that meet their particular needs:

- **DMH out-of-home placement options are limited and have constraints:** Numerous stakeholders across the system noted that DMH service offerings and eligibility criteria are confusing, especially to parents and caregivers trying to navigate the system for the first time. There are also significant misunderstandings among practitioners about what DMH offers, and how DMH differs from MassHealth and the Children's Behavioral Health Initiative (CBHI).

Most children who receive mental health services – including residential and in-patient services – do so through their own insurance. However, DMH does operate two different types of out-of-home placement options that are available in certain

circumstances: therapeutic group homes and locked psychiatric facilities. Therapeutic group homes can be accessed through DMH’s application procedures, which require a youth to meet both DMH’s clinical criteria as well as a “needs and means” criteria. For this option, even if youth meet all the eligible clinical criteria, but DMH does not have an appropriate service available to support the youth or if the youth can access the service in another way (e.g., insurance, other state agency), DMH may decline the services application.⁸²

Access to locked psychiatric facilities is governed by a different set of legal procedures.⁸³ A youth can only be placed in one of these facilities with a referral from a psychiatrist. A judge cannot order a youth to be placed in a locked psychiatric facility, except in certain cases involving youth who are accused of a delinquent offense, following a forensic evaluation and court order.⁸⁴ While a parent can consent to a voluntary placement in a locked facility for youth under the age of 16, youth over 16 have the right to override a parent’s decision to admit the youth on a voluntary basis. In these cases, a youth would have to be civilly committed (assuming they meet the criteria) before being admitted against their will.⁸⁵

- **The Department of Developmental Services (DDS) does not provide out-of-home placements for youth that meet their criteria for involvement.**⁸⁶ While DDS serves eligible youth in the community, they do not have out-of-home placement options for individuals under the age of 22, aside from limited respite options. In practice, this means if youth who *are* eligible for DDS services (e.g., youth with a severe chronic disability that is attributed to Autism Spectrum Disorder or an intellectual disability) do not qualify for out-of-home placements through their school, DMH or DCF (notwithstanding the limited eligibility for each of those state agencies), they have no other options for out-of-home placements. This leads to gaps in support for youth whose needs cannot be met in their homes and, as discussed below, often creates issues around which agency is responsible for supporting these youth.

The DDS application process also requires a social security card which can limit access to services for youth born out of the country. Further, as mentioned above, stakeholders interviewed for this report explained that youth with both Autism Spectrum Disorder and mental health needs often face barriers (sometimes insurmountable) to accessing needed levels of care due to a lack of appropriate available services.

- **Limited ability to access “Voluntary” services through DCF, with significant differences in how/whether Voluntary services are available from region to region.** Voluntary DCF

⁸² See [Massachusetts Department of Mental Health](https://www.mass.gov/doc/reg-104cmr29pdf/download). (n.d.). Application for Services, Referrals, Service Planning and Appeals. <https://www.mass.gov/doc/reg-104cmr29pdf/download>

⁸³ [M.G.L. Ch. 123, DMH 104 CMR 27.00 regulation](#), as well as the requirements for accreditation by the [Joint Commission](#) and certification by [CMS](#) all govern access to locked psychiatric facilities.

⁸⁴ *Ibid.*

⁸⁵ See, [M.G.L. Ch. 123 §10](#) and [M.G.L. Ch. 123 §11](#)

⁸⁶ See [Massachusetts Department of Developmental Services](#). (n.d.). Eligibility for Supports Provided, Purchased or Arranged by the Department of Developmental Services. <https://www.mass.gov/doc/115-cmr-6-eligibility-individual-support-planning-and-appeals/download>

cases are cases that are opened with the Department to provide support to a family *before* an abuse or neglect allegation. The Department’s voluntary placement policy states voluntary placement agreements (VPA) should be used when “the Department determines that placement is necessary, the precipitating problem(s) does not warrant pursuit of court custody, and the parent requests or will agree to the placement. The Department encourages the use of VPAs when the concerns are primarily related to the developmental or behavioral disability for the child.”⁸⁷ Despite this policy, numerous caregivers and professionals reported families being unable to obtain supports from DCFs voluntary program. Indeed, there were just 239 voluntary intakes with DCF in FY21.⁸⁸

2. **In some cases, there is insufficient collaboration between child-serving entities when a child’s needs do not perfectly align with an agency’s eligibility criteria or require services from multiple agencies.** In most cases, youth whose needs are expansive or do not perfectly align with one agency’s services would benefit from cross-agency collaboration, but venues for supporting that are limited.⁸⁹ (See Finding 6 for more on cross-agency collaboration and the text box below including details on the Complex Case Resolution process recently enacted through the Mental Health ABC Act that may help address some of these challenges).

In interviews, agency stakeholders noted that when a child’s needs require case collaboration across agencies, there can be complications in determining how services will be paid for, who will “lead” on a case, and how case management will work with multiple agencies serving a child, particularly if agencies disagree regarding the best approach and who should be “responsible” for providing services. Some of these concerns stemmed from barriers to information sharing between agencies and branches of government originally designed to protect a child’s privacy, as well as institutional structures that limit creative case planning in these instances. Staff workload issues can also impact collaboration: effective collaboration takes time, and staff that are stressed may not have sufficient bandwidth to engaged in collaborative case planning as would be ideal. While many of these challenges existed before the pandemic, the collective stress of the past few years combined with workforce turnover and recruitment issues have only exacerbated these issues.

Eligibility gaps, as described above, and barriers to agencies collaborating on a case outside of a courtroom leads many petitioners to the Juvenile Court CRA process to seek resolution.

⁸⁷ [Massachusetts Department of Children and Families](https://www.mass.gov/doc/permanency-planning-policy-1/download). (2021). Permanency Planning Policy. <https://www.mass.gov/doc/permanency-planning-policy-1/download>

⁸⁸ While DCF reports the number of voluntary intakes annually, the Board does currently have data on the number of youth/families that apply for DCF voluntary services. However, the issue of families having their applications for DCF voluntary services denied, and/or being discouraged to apply at all, was a theme in numerous interviews. [Massachusetts Department of Children and Families](https://www.mass.gov/doc/dcf-annual-reportfy2021/download). (2021). Annual Report FY2021. <https://www.mass.gov/doc/dcf-annual-reportfy2021/download>

⁸⁹ As further described below, the Unified Planning Team (UPT) system, which is being replaced by a Complex Case Resolution process as a result of the Mental Health ABC Act, did provide a venue for managing these disputes, but only for children who were involved with *at least three* state agencies, which substantially limited the number of cases that could be referred to the UPT.

- 3. There are barriers to accessing appropriate supports through health insurance.** This barrier exists whether a family has MassHealth or private insurance. Navigating the insurance process before or during the CRA process is a challenge for many CRA petitioners. In addition, sometimes professionals will recommend a family file a CRA petition in order to access services that their insurance will not cover. For example, in interviews, stakeholders noted that DCF contracts with certain providers to offer Multisystemic Therapy (MST) services,⁹⁰ and that sometimes filing a CRA can lead to a referral to DCF which can in turn lead to a youth accessing an MST program. Although a CRA is not *required* to participate in MST, an open case with DCF – which can come as a result of a CRA – is if the service is not covered by the family’s insurance.

Taken together, the challenges above highlight the fact that **the preventative measures petitioners can take prior to filing a CRA are often out of reach, leading to unaddressed behavioral concerns getting worse for youth and petitioners coming to the court desperate for help.**

⁹⁰ Multisystemic Therapy® (MST®) is an intensive, home-based intervention for families of youth with social, emotional, and behavioral problems. MST therapists engage family members in identifying and changing individual, family, and environmental factors thought to contribute to problem behavior. Intervention may include efforts to improve communication, parenting skills, peer relations, school performance, and social networks.

Recently Enacted *Mental Health ABC Act* Creates New Complex Case Resolution Team

Among other provisions aimed at addressing mental health services access for Massachusetts’ residents, legislation passed by the Legislature and signed by Governor Baker in August 2022 created a new interagency review team to collaborate on complex cases. The team will collaborate on cases which require urgent action to address the lack of consensus or resolution between state agencies about current service needs or placement of an individual who is under the age of 22, is disabled or has complex behavioral health of special needs and qualifies for services from one or more state agencies or special education services through the youth’s school district. State agencies, the juvenile court, hospitals/ emergency service providers, school districts, attorneys, doctors, and behavioral health care providers can all refer youth to the team. Individuals can also refer themselves if they are over 16 years of age. The team must determine what services are needed to meet the current needs of the individual, which agenc(ies) need to provide the services, and which agenc(ies) is required to pay for such services.

This policy change replaces the previous [statute](#) governing interagency review teams (referred to as the “unified planning teams, UPT”) that were geographically based, supported case management decisions of youth with multiple state agency involvement, and determined responsibility for payment. If teams were unsuccessful under the UPT model, regional directors for each respective agency would meet and attempt to resolve the concerns, and if they were unsuccessful, the secretary for EOHHS would make an ultimate determination.

While UPTs, in theory, could have provided some of the support necessary for increased cross-agency collaboration identified in this report, the statutory structure made accessing UPTs difficult and limited their effectiveness

In an effort to streamline and support collaboration on complex cases for youth with high needs who may need support from multiple agencies and/or who might not completely align with any agency’s specific eligibility requirements, the new law mandates that the complex case resolution team meet within five days of receiving a referral, or within one day if the referral is for an individual boarding in an emergency room. The team must complete its review within 30 business days, except in cases of ED boarding that must be complete within 5 days. If payment responsibility cannot be resolved, the team can authorize expenditure of dedicated funds from a reserve account until an agreement is reached.

The team is co-chaired by the Executive Office of Health and Human Services (EOHHS) and the Commissioner for the Department of Elementary and Secondary Education (DESE). Representatives across child-serving executive branch agencies (DMH, DCF, DDS, DYS, EEC, EOE) as well as a child’s school district, a representative from MassHealth and a representative from the Office of the Child Advocate may convene according to the circumstances of the individual’s cases, with a representative from the OCA required to attend all team meetings.

If implemented appropriately, the complex case resolution team could be a better venue than the CRA system for youth with complex needs to access state-level services and case management.

The CRA court process does not provide quick or special access to services

When families experience barriers accessing supports for their children outside of the court process, some may turn to the Juvenile Court as a “last resort” option. By the time this happens, the underlying concerns prompting a family to reach out for support may have gotten worse, leading the families to the court to seek immediate interventions. **However, the Juvenile Court process is not designed to provide immediate services, nor does the Juvenile Court have access to special services that are not otherwise available in the community.**

Table 5: OCA/CAFL CRA Case File Review: How long did the CRA case take to close?

Answer Choices	Responses	Percent Of Total
Less than 90 days	7	10%
91-180 days	20	29%
181-270 days	12	17%
271-360 days	5	7%
360+ days	25	36%

The Juvenile Court process is a legal one, designed to ensure a youth’s rights are protected every step of the way. Given that the CRA process can lead to a youth being placed in the custody of DCF against their wishes, those protections are important. However, it also means that youth and families can experience significant delays in accessing supports -- even when everyone is in agreement on what needs to happen.

This can be seen by examining the timeline of a CRA case in Juvenile Court. To start, a preliminary hearing is scheduled two weeks after a CRA petition is filed. This means that after petitioners have potentially spent a significant amount of time trying to access supports on their own, they are told the courts may take up to two weeks from the day of filing to intervene at a preliminary hearing. If there is a disagreement between the youth and their family about the need for specific services, as there often is in these cases, the process can take significantly longer, involving attorneys and sometimes multiple court hearings scheduled over weeks and months.

Once youth are at the point of the CRA court process when professionals *can* provide interventions and supports, interviewees described families as often disappointed to learn that the court does not have “special access” to services. The services that probation officers can eventually connect youth with are the same services that community members are able to (or could) access outside of the court, which

have the same waitlists and payment challenges that exist without a CRA petition. In the focus groups conducted, caregivers described the CRA process as “dragging on” and did not think the Juvenile Court should be necessary to obtain the supports they were looking for.

Professionals and community members have, in many cases, inadvertently perpetuated a myth that Juvenile Court has “special access” to a certain group of services. Many of the interviews and presentations heard by the Board over the course of the year and a half of studying the CRA system included anecdotes of caregivers and school administrators being told the Juvenile Court would be able to connect a youth more easily with a therapist, program or specific placement type, when that is not the case. If those connections do happen, it is often a result of individual, determined professionals (e.g., probation officers or juvenile court clinicians) seeking out supports, and not a result of specific policies that provide different/better service access through the court system.

““I don’t understand why the court has to be involved to use state resources. This created a trauma that we will all live with.”

-Caregiver Focus Group Participant

Despite what appears to be a wide-spread belief by many professionals to the contrary, the Juvenile Court does not have the power to allow youth with a CRA petition to bypass a waitlist or access services they cannot pay for through their families’ insurance. For example, in the CRA case file review, waitlists were a barrier to youth with a CRA court case in almost one-fifth of the cases reviewed. Further, 36% of cases reviewed lasted more than a year, and of those cases, over half (52%) never received the identified supports necessary.

When youth are matched with supports, they are often not the interventions youth need most to address underlying needs and prevent future delinquency. For example, in 71% of the cases reviewed in the CRA case file study, there was a discrepancy between the services/interventions CAFL social workers identified the youth as needing to support them and their family to prevent future delinquency and what supports they were actually provided through the CRA process.

Part of this is due to the previously mentioned point that the court does not have special access to interventions youth may need. In many cases, well-intentioned professionals may simply be doing the best with what they have, even if it is not truly what the youth needs. However, some interviewees expressed concern that case plans were not necessarily being developed by experienced clinicians and/or social workers in collaboration with the youth and their family despite access to juvenile court clinicians when available. As a result, some practitioners interviewed believe that case plans for youth with CRA cases too often failed to address underlying causes (e.g., mental health issues, insufficient educational supports), and were not developed in such a way as to secure the buy-in of the youth and family whose participation are essential for success. Evidence for this can be seen in the CRA case file review results, which indicated that child/family refusal was a main reason for the discrepancy between youth’s identified needs and the services they received through the CRA process. The fact that youth/families are refusing services during the CRA court process implies they may not have been effectively engaged in the case planning process.

Finding #6: The CRA process can be a helpful “fail safe” for families, including for youth with complex needs that require multiple agency involvement

While the CRA system might not be appropriate for most families requiring services accessible outside of the courts, stakeholders across the board were able to identify a subset of youth who benefited from the CRA process – namely those who needed educational advocacy, who did not meet the eligibility criteria for state services, or who were involved with multiple state agencies concurrently and yet still were facing challenges accessing needed services. **For these cases, the CRA process helped bring stakeholders together to solve challenges.**

Stakeholders suggested that the CRA process functioned most successfully as a “fail safe” for petitioners when earlier attempts to access state services had failed. Stakeholders identified that the CRA system is most useful when:

1. **Youth need educational advocacy.** As noted above, throughout OCA interviews, practitioners regularly noted that the CRA system helped families of children with educational needs access counsel that could advocate on their behalf. This was apparent in the case file review results as well, which indicated that in 46% of all the cases reviewed no matter the CRA petition type (i.e., both community-based and school-based petitions), youth needed an IEP or a 504 evaluation/plan. Further, in 29% of all the cases reviewed, the CAFL social worker identified that the youth needed to be placed in a therapeutic school or in an alternative school. Both the development of IEP/504 evaluations/plans and, when appropriate, placement in a therapeutic school are mandated functions of the lead educational agency/school districts, yet the Board’s research into the CRA process suggests significant room for improvement if so many youth are presenting with educational needs once they arrive in Juvenile Court. There are several reasons why that may be the case. Interviewees suggested under-resourced school districts were more likely to file a CRA since they lacked the funding and staffing necessary to evaluate special needs of youth or place them in appropriate educational settings. Likewise, educators from well-resourced schools consistently reported in interviews that the CRA process was used as a last resort after educational testing and placement had taken place and failed as an effective intervention.
2. **Youth do not meet the eligibility criteria for available state services.** Stakeholders often noted that families sought court involvement to access services they were otherwise deemed ineligible for (as reported in Finding 5 above). For example, some interviewees explained that youth and their caregivers were not able to receive CBHI services (e.g., In-Home Therapy, Therapeutic Mentors) before their involvement in the CRA system because they did not qualify for MassHealth, and their commercial insurance provider did not reimburse these services.⁹¹ Once youth had an open CRA case and if custody was given to DCF, youth received MassHealth coverage. Similarly, some stakeholders noted that in some circumstances, a family had requested DCF Voluntary Services (for example, a voluntary out-of-home placement) and been denied. As a result, the family filed a CRA and relinquished custody of their child to DCF in order to access certain therapeutic services and/or out-of-home placement.

⁹¹This may be another indication of the difficulty of navigating state service options described earlier in this report, as in some cases DMH can provide access to CBHI-like services when a child cannot access the service through insurance.

Beyond these specific examples where court involvement opened doors to service access, interviewees described a “request” from a judge to be an effective mechanism for bringing state agencies and school districts to the table to problem-solve and find a way of connecting youth to services. For example, some practitioners noted examples of situations where pressure from a judge led a school district to agree to an alternative school placement, even though the judge has no legal authority to order that placement. In other cases, agencies that had not previously been able to agree on which agency should take the “lead” on a case came to an agreement after intervention from the judge. Even in the absence of formal, legal authority to order a state agency or school district to do something, judges can wield an informal power and *gravitas* that can achieve results.

3. **Youth are involved with multiple state agencies.**

Many stakeholders noted that youth in the CRA process achieve the best outcomes when the process leads to case conferencing for youth with complex needs who were/could be involved with multiple agencies and service providers.

The CRA case file review data indicates that a subset of youth in the CRA system have many needs (Table 6) that would benefit from collaboration across multiple agencies. In 55% (n=38) of the cases reviewed, the CAFL social worker identified 4 or 5 areas of need. As a result of the CRA process, the youth whose CRA cases were reviewed received as many as seventeen separate interventions. The categories of need span across state agencies and providers including mental health supports, educational supports, family supports, vocational training, and out-of-home placements. With that many needs and interventions, case collaboration between state agencies ensures a greater likelihood of success. In particular, **stakeholders mentioned the importance of on-the-ground case conferences between the FRC, school, representatives of state agencies (DMH, DDS, DMH, DCF, Probation), and other service providers.**

Number of Categories of Need	Number of Cases
5	22
4	16
3	17
2	7
1	3
0	4

Of note, many stakeholders reported that, pre-CHINS reform, case-conferencing often happened at the pre-filing stage, but in many courts this ended once the CRA legislation was enacted *despite the statute encouraging case conferencing*.⁹² It is unclear why practitioners in some counties interpreted the 2012 legislation as requiring that pre-filing conferencing practices end, but this was a theme in multiple conversations with stakeholders in multiple counties.

⁹² An Act Regarding Families and Children Engaged in Services, Ch. 240. (2012). <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

Finding #7: There is limited data from the CRA system that can be used to evaluate the system and understand the needs of the youth in it

Currently, data regarding the CRA system is collected across multiple entities (e.g., schools, the Courts/Probation, DCF) with varying degrees of – and in the case of schools or district-level data *no* – public reporting. This makes it extremely difficult to monitor the impact of policy changes and determine specific points in the CRA process to address. For example, without school district level data, the Board was unable to identify which schools are using the CRA process the least to help identify potential practices for schools with higher filings to adopt for their truancy prevention interventions.

Beyond the petition type (e.g., truancy, stubborn) and services provided as reported by Probation in the FACRA Board’s Annual Report, there is no public reporting of the *needs* of youth in the CRA system. The lack of data that would paint a fuller picture of what “assistance” youth in the CRA system need means the state cannot effectively build up the supports and address gaps as needed. This missing data is one reason why the OCA partnered with CAFL social workers to do a case file review of CRA cases and what interventions youth needed (See Appendix A for more information). However, this was a one-time study that required a significant investment of time from both CAFL social workers and OCA staff, and there are significant limitations to collecting data in this manner.

Additionally, the state does not collect data on the **outcomes** of youth involved in the CRA system in the short or long term. This is, in part, because the state has no process for matching data on youth who are the subject of a CRA petition (data held by the Trial Court) and data from executive branch agencies that could shed light on longer term outcomes of these youth (e.g., educational data held by DESE; data on juvenile or criminal justice system involvement held by the Department of Criminal Justice Information Services).⁹³ The Board has relied heavily on qualitative interviews/focus groups and national research when assessing any positive or negative outcomes for youth and their families. While there are three major sources of aggregate CRA data in the Commonwealth, **none currently report on the effectiveness of the system as a whole, or of the Juvenile Court CRA process in particular.**

Without this level of data, the Board is unable to answer critical questions, such as:

1. What steps were taken before a CRA petition was filed?
2. Was the petitioner (i.e., school, caregiver) satisfied with the result of the CRA process? Did it help address the issues that brought them to the court?
3. Did the youth get access to the supports they needed? What were those specific supports?
4. What impact does the CRA process have on later life outcomes, such as likelihood of involvement with a delinquency/criminal case later in life, or impact on educational outcomes?

⁹³ There are a variety of legal and other barriers to this type of data matching. This topic will be more thoroughly addressed in a forthcoming JJPAD report focused on cross-system data reporting and analysis.

Recommendations

The Findings above highlight that Massachusetts’ CRA system is not currently meeting the needs of youth and their families, and that systemic improvement is necessary.

Massachusetts is not unique in facing these challenges; many of the problems presented in this report have and continue to be faced by states across the country. Some of these states have begun to make bold changes to their CRA-equivalent systems in recent years⁹⁴, including:

- **Connecticut**, which eliminated its “Families with Service Needs (FWSN)” over the course of three years. Instead, the state shifted previous FWSN referrals from the courts to Youth Service Bureaus (YSBs), which are community-based service providers located in almost every municipality in the state. (More details in *Connecticut Families with Service Needs (FWSN) Re-design*, below.)
- **New York**, which has dramatically reduced the number of Person in Need of Supervision (PINS) court petitions by focusing on supporting youth and families through community-based programs and diverting most youth away from the court process. By restricting the PINS application process to only those cases which had “exhausted” community-based diversion options, New York reduced the number of PINS cases in the courts by 91% in just four years. (More details in *New York Persons in Need of Supervision (PINS) Reform*, below.)

We can learn and take inspiration from these examples here in Massachusetts.

In a positive step, the state has already begun to address some of the chronic challenges youth and families face in accessing services that are described in this report. At the time of this report, the state is in the process of implementing substantial reforms to, and investments in, the behavioral health and family support services system, including:

- EOHHS’ behavioral health redesign initiative,⁹⁵ which includes the expected 2023 launch of behavioral health access centers across the state and additional funding for community-based behavioral health programs and a 24/7 Helpline.
- Increased funding for Family Resource Centers (FRCs) in the FY23 budget, which will support expansion of the FRC model to additional sites.
- A new Complex Case Resolution process, established in the 2022 Mental Health ABC Act, which is designed to support cross-agency collaboration for youth with complex/high needs and expedite decision-making regarding service eligibility and responsibility for youth who may need support from multiple agencies.
- Changes in law to better advance mental health insurance coverage parity with physical health coverage, which, it is hoped, will expand the number of providers providing mental health services.
- Increased focus on, and resources to support, student’s behavioral health in schools, including the creation of a Technical Assistance Center for School Based Behavioral Health at UMass.

⁹⁴ More details on how other states have structured their “CRA-like” systems, please see Appendix C.

⁹⁵ See: <https://www.mass.gov/service-details/roadmap-for-behavioral-health-reform>

- Increased funding and programs to address chronic and critical behavioral health workforce shortages and concerns.

The Board’s recommendations in this report are offered in the context of these overall system changes, the timing of which provide a critical opportunity to re-imagine the Commonwealth’s CRA system considering what – hopefully—will be a dramatically improved community-based service system for youth and families.

The implementation of the changes highlighted above will take time, however, and success is not guaranteed. Therefore, although the CBI Subcommittee rigorously discussed recommending that Massachusetts adopt the Connecticut model and eliminate the CRA court process – completely or just for school-based petitions – the majority of CBI Subcommittee members felt that the state’s community-based systems are not currently robust enough or universally reliable enough to completely eliminate the court process at this time, even though it was generally recognized the CRA court process is not the *ideal* way to support youth and families, and even though court professionals face similar barriers to accessing the appropriate interventions for youth as individuals outside of the court process.

In an *ideal* system, youth and families would receive the supports they need in the community without having to go through a court process to get them. Although the Board is hopeful that the reforms and investments described above will bring Massachusetts much closer to that ideal, the state is not there yet. Members recognize that, as described in Finding 6, the court system currently plays a crucial role as a ‘fail safe’ for some families that have not received supports elsewhere, and the Board believes that fail safe should remain in place while the state builds up its community response. **As a result, the Board’s recommendations below focus on actions the state can take that can help dramatically reduce the reliance on the CRA court process (as New York did) and better facilitate connections to community-based alternatives.**

Given the many changes currently underway, however, the Board also recommends the continued study of the CRA system and the needs of the youth and families coming to it in light of the new initiatives mentioned above and the ones proposed in this report, as well as the ongoing implementation and impacts of the reforms in Connecticut and New York. Another ten years should not go by before we reexamine this topic.

Establishing a CRA System Purpose

As discussed in Finding 2 above, there is currently no shared understanding of what the CRA system is for and what the goal of the system should be. To avoid that same pitfall moving forward and to guide the Board’s recommendations to follow, the CBI subcommittee agreed on a common goal of a reformed CRA system in Massachusetts:

The goal of Massachusetts’ CRA system is to provide children and families with the necessary supports to be successful in their home, school and community with as little court intervention as possible.

Further, the Committee defines a successful CRA system as one in which:

1. Interventions and services for youth and families take place *outside* of the courthouse as much as possible, addressing their needs holistically and through a positive youth development lens to prevent a CRA filing.
2. The Juvenile Court CRA process is limited to a small number of cases where robust CRA diversion attempts have been unsuccessful and where judicial involvement is necessary. In a successful system, the Juvenile Court process would not be needed to access services, supports or interventions. Instead, the process would be reserved for situations where the legal process is needed to reach resolution.
3. Future juvenile justice and child welfare system involvement is less likely, and positive life outcomes (e.g., increased school attendance and graduation rates, increased job opportunity) are more likely.

Based on this shared understanding, and the findings presented in this report, which come after nearly two years of research, meetings and conversation, **the JJPAD Board makes the following recommendations for improvement:**

- 1. Shift a significant portion of CRA cases from the court room to the community by:**
 - Expanding the number and functions of Family Resource Centers across the state
 - Substantially increasing diversion of cases from court to FRCs by revising the CRA filing process
 - Educating families and child-serving professionals about all options available for support
 - Explicitly addressing sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth
- 2. Increase the availability of school and community-based services that specifically meet the needs of youth currently in the CRA system by:**
 - Supporting community-based programs aimed at supporting youths' behavioral and mental health needs, as well as those that promote prosocial activities
 - Executive branch agencies collaborating to identify program models that better meet the needs of youth struggling in out-of-home placements
 - Addressing truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support
- 3. Continue to study implementation of these recommendations by:**
 - Increasing data availability
 - Monitoring implementation of policy changes

To inform the development of these recommendations, the CBI Subcommittee studied other states' policies and national best practices, as well as promising practices here in the Commonwealth. The recommendations below vary in their level of specificity, and they include provisions that, in some cases, would require statutory changes and/or state funding to support. Importantly, some recommendations rely on the state taking other preliminary steps *before* implementing some of the recommendations

made in this report. The state should act with urgency to implement and address the recommendations in those cases. The Board notes where that is the case.

Theme #1: Shift a Significant Portion of CRA Cases from the Court Room to the Community

As described in the Findings, above, families enter the CRA system for a variety of reasons, despite the potential harms of court involvement and the limited response options available to the Juvenile Court. In particular:

- Barriers to accessing services outside the court process may lead families to file CRAs in search of help.
- Many families are either not told about the FRCs prior to filing by schools and court clerks, or not told in a way that truly conveys both the potential benefit of working with the FRC and the potential downsides of the CRA court process.
- Many families are encouraged to file a CRA rather than being connected to community-based services, and both qualitative and quantitative data suggests there are racial and other disparities in which families are pushed toward the CRA system.

To achieve the Board’s goal of serving as many youth and families *outside* the courthouse as possible, several steps should be taken to:

- Increase the capacity of FRCs to effectively serve these youth and families
- Quickly triage cases that come to the court, and more proactively and effectively divert more cases from the court to the community
- Educate both families and professionals working with families about all the options available to them
- Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system for Black and Latino families

Recommendation #1: Expand the number and functions of Family Resource Centers across the state

The Family Resource Centers were originally created to provide services and supports to families dealing with “CRA-like” issues in a faster and easier manner. Although they are currently successfully fulfilling this function for many families, as documented in the Findings above, there are opportunities to expand the capacity and reach of the FRCs to better meet this goal. Doing so would require additional funding to support the influx of additional cases, statutory clarification *and* revised requirements for FRC providers through the procurement and contracting process.

1. **All FRCs should establish a multidisciplinary CRA Diversion team, led by a FRC staff and involve the youth and their family, as well as state agency staff, school representatives, community-based providers and youth/family advocates (such as staff from MHAP 4 Kids or FRC family partners) as necessary.**⁹⁶ Many practitioners interviewed for this report pointed to multidisciplinary review teams (MRT) as a highly effective practice for quickly connecting youth

⁹⁶ As necessary, the FRC CRA Diversion Team could refer cases to the Complex Case Resolution process recently established by the *Mental Health ABC Act*.

and families with the supports and services necessary to prevent a CRA filing and support positive outcomes, particularly youth with more complex cases and/or who are involved or could be involved with multiple state agencies. Many courts currently convene an MRT at some point in the CRA process, but there is no reason this must take place in the courthouse, nor why it needs to wait until a CRA has been filed. Establishing these practices at FRCs for any family coming to the FRC seeking help with CRA-like issues (e.g., school attendance issues, behavioral issues) can help achieve the goal of faster service connections for families and reductions in the number of cases that require the involvement of the Juvenile Court.

Accomplishing this would require additional funding from the state to support an increase in the number of staff in each Center, especially if the reforms described in this report lead to an increase in the overall number of families coming to the FRC, as is the goal. In particular, the state should consider if there would be a benefit to adding additional family partners (with a particular emphasis on those who bring lived child welfare or juvenile justice system experience), additional clinical staff, additional school liaisons and educational support staff (including continuing and expanding partnerships with MHAP 4 Kids⁹⁷ and identifying other possible beneficial partnerships with educational attorneys and/or advocates), and staff that could serve as a liaison with the Juvenile Court to support communication and “warm handoffs” from the Court to the FRC. FRCs will also need to develop strong connections to the Behavioral Health Access Centers being established in 2023 through the Behavioral Health Redesign process.

2. The state should continue to fund new FRC sites across the state to reduce service gaps in certain regions.

Currently, there are 27 FRCs across the state. When FRCs were initially set up, the charge was to have at least one per county. The state has surpassed that goal, but progress can still be made expanding FRCs to more jurisdictions in need. For example, there is currently just one FRC in Boston, the state’s most populous city. Additionally, FRCs exist almost exclusively in cities in the Commonwealth right now, but there are 312 towns across the state. Transportation barriers between towns and city hubs mean there are many youth and families without an accessible FRC in their community.

As a point of comparison, Connecticut’s Youth Service Bureaus exist in almost every town in the

Workforce Shortages & Challenges

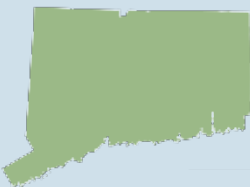
The Board’s recommendations rely heavily on high quality services being provided by child-serving professionals, whether those services take place in FRCs, in health care centers, in an out-of-home placement, schools, or courthouses. The Board understands the workforce challenges currently felt across sectors and adds their collective voice to those advocating for reforms in this area to support more youth and families across the Commonwealth, while acknowledging the measures included in the recent Mental Health ABC Act. The state should continue to explore and implement measures to recruit and retain high-quality child-serving professionals.

⁹⁷ Of note, the state’s FY23 budget included additional funding to support MHAP for Kids in increasing capacity in all FRCs.

state, for a total of 103 YSBs serving 142 communities out of 169 towns in Connecticut.⁹⁸ The number of YSBs across the state supported Connecticut in the state’s recent reforms to their FWSN system (equivalent to Massachusetts’ CRA system), as described in Appendix C, below. In New York, a “lead agency” in each of 59 counties handles CRA-like referrals outside of the court and provides referrals to community-based services and provides case management support.

- 3. FRCs should identify gaps in programming availability for CRA Diversion cases and fill where possible.** Through the CRA Diversion Team process, FRCs will be well placed to identify continuing gaps in service availability. This is valuable on-the-ground information that can inform future state policy. CRA Diversion Teams should track situations where the team identifies a service need that cannot be filled, and the reason why, and this information should be regularly compiled and reported to state leaders (e.g., EOHHS, the OCA and legislators) – who in turn should use the information to inform future funding decisions and programmatic expansions. Where possible, FRCs should also consider ways the FRC itself could fill some programming gaps, such as providing culturally responsive and varied after-school programming to foster youth’s prosocial connections and activities.

⁹⁸ Connecticut Youth Services Association. (2022). <https://www.ctyouthservices.org/> ; Bromley, E. (2022). *Juvenile Justice Policy and Data Board: Community Based Interventions Subcommittee* [PowerPoint Slides]. <https://www.mass.gov/doc/jjpad-cbi-subcommittee-april-28-2022-meeting-presentation-part-2-0/download>



Connecticut
Families with Service Needs (FWSN) Re-design

Connecticut no longer has a CRA system—previously referred to as the “FWSN” system in the state. Connecticut eliminated school-based “Families with Service Needs” (FWSN) filings effective August 2017, and, effective July 2020, the remaining FWSN petitions were also eliminated by statute. These reforms stemmed from recommendations made by Connecticut’s Juvenile Justice Policy and Oversight Committee (JJPOC), similar in structure to Massachusetts’ JJPAD Board.

Instead of filing a FWSN petition in juvenile court, Connecticut parents and schools can refer youth with concerning behaviors (including truancy) and unmet needs to a [Youth Service Bureau \(YSB\)](#). YSBs are similar to Massachusetts’ FRCs in that they are run by community-based organizations in each jurisdiction. In some cases, families may also be eligible to apply for voluntary services through their state DCF. A YSB can help a parent with that application. Voluntary services can include in-home support or temporary out-of-home placement. In either case, a court order is not needed.

Sources:

For more information see: <https://www.cga.ct.gov/2016/act/pa/pdf/2016PA-00147-R00HB-05642-PA.pdf>

For more information on the JJPOC:

https://www.cga.ct.gov/app/taskforce.asp?TF=20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee

<https://portal.ct.gov/DCF/Policy/Regulations/Voluntary-Services>

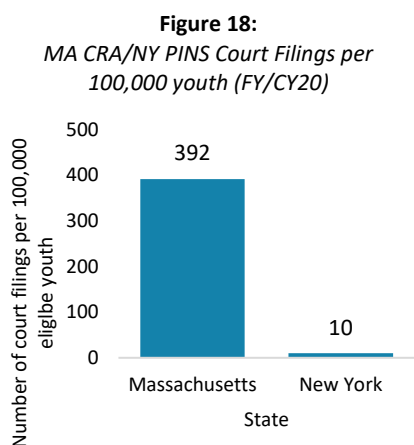
Recommendation #2: Substantially increase diversion of cases from court to FRCs by revising the CRA filing process

There are a variety of circumstances under which families and schools file CRA petitions. In some cases, they have tried a variety of other interventions, including engaging with an FRC and applying for state services or placement in an alternative school, and nothing else has worked and/or those applications have been denied. In other cases, however, the CRA petition is filed before there has been a significant attempt at other, non-court, interventions.

In 2019, New York State was facing similar challenges to Massachusetts and made substantial changes to its Persons in Need of Services (PINS) system (similar to Massachusetts’ CRA system). The reforms prioritized connecting youth and families to supports outside of the court, reserving the court process for *only* those cases in which a county agency providing PINS diversion services had certified that

diversion efforts had been attempted, and that there was “no substantial likelihood that the youth will benefit from further diversion attempts.”⁹⁹

The result has been a dramatic reduction in the number of PINS cases coming to the court: of the 5,477 PINS cases brought to the lead county agencies, the vast majority were diverted, with just 7% (n=405) of closed diversion cases resulting in a PINS court petition. Further, between 2016 and 2020, New York reported a 91% reduction in the number of PINS out-of-home placement admissions, from 464 admissions in 2016 to just 44 admissions in 2020.



This is especially noteworthy considering how many more youth reside in New York, and are thus potentially eligible for a PINS petition, than reside in Massachusetts.¹⁰⁰ For every 100,000 potentially eligible youth, Massachusetts had 392 CRA court filings and New York had 10 PINS court filings. (See Appendix C to read more about other states’ reforms to their CRA-like systems.)

Unfortunately, New York – like Massachusetts – does not track data that would allow us to better understand the extent to which these changes have helped or hindered families in receiving needed services or other longer-term outcomes. However, New York officials who presented at a JJPAD CBI Subcommittee meeting described the reforms as positive. Presenters reported no increase in referrals to New York’s juvenile justice or child welfare systems after the implementation of these reforms and described families connecting with services in a more streamlined manner without court intervention.

The JJPAD Board recommends that Massachusetts take a similar approach, with the goal of ensuring interventions take place outside the courthouse as much as possible and reserving the Juvenile Court CRA process for those cases where robust CRA diversion attempts have been unsuccessful and where judicial involvement is necessary.

In fact, Massachusetts has already taken a similar approach once before, with commercially sexually exploited (CSEC) CRA petition types. While law enforcement officers and others still have the ability to file a CSEC CRA petition with the court, Massachusetts also set up alternative mechanisms for ensuring these children have their needs addressed outside of the Juvenile Court. Child Advocacy Centers (CACs)

⁹⁹ See New York’s presentation to the CBI Subcommittee (April 2022): <https://www.mass.gov/doc/jjpac-cbi-subcommittee-april-28-2022-meeting-presentation-part-1/download>

¹⁰⁰ In New York in 2020, there were an estimated 3,988,354 youth under the age of 18 eligible for a PINS petition, yet just 5,477 diversion cases and 405 court cases. In that same year, Massachusetts had 3,596 CRA filings with the court and an estimated 916,941 youth aged 6 through 17 residing in the state. State population numbers retrieved from: Puzzanchera, C., Sladky, A. and Kang, W. (2021). Easy Access to Juvenile Populations: 1990-2020. <https://www.ojdp.gov/ojstatbb/ezapop/>; NY PINS Filings Data: Tubbs, L. & Scanu-Hansen, T. (2022). *Overview of Persons in Need of Supervision Reform Changes in New York State* [PowerPoint Slides]. <https://www.mass.gov/doc/jjpac-cbi-subcommittee-april-28-2022-meeting-presentation-part-1/download>; MA CRA Filings data: [Office of the Child Advocate](https://www.mass.gov/info-details/child-requiring-assistance-cra-filings#child-requiring-assistance-filings-data-trends-). (2021). Massachusetts Juvenile Justice System: Data and Outcomes for Youth: Child Requiring Assistance (CRA) Filings. <https://www.mass.gov/info-details/child-requiring-assistance-cra-filings#child-requiring-assistance-filings-data-trends->

across the state accept referrals for youth believed to be sexually exploited and the CACs convene multidisciplinary teams to support the youth and their families.¹⁰¹

In FY21, there were just seven CSEC CRA petitions filed in the Juvenile Court, yet 1,188 youth were served by the CACs' CSEC Service Enhancement Project, underscoring the idea that when alternative options are available to families and other referrers, they will access supports outside of the courthouse first.¹⁰²

It is important to note that this recommendation will only be successful if it is paired with the expansion of FRC capacity as described above, particularly the creation and staffing of FRC CRA Diversion Teams.

Much of the below could be accomplished through changes at the Juvenile Court level (e.g., through changes in the Juvenile Court Standing Order), and potentially this could allow for one or more courts to pilot the changes first to ensure they produce the desired results. Given the Board's findings above, however, related to the significant differences in how the CRA system operates in different parts of the state, legislative changes to the Child Requiring Assistance statute would ultimately be needed to ensure consistent statewide adoption of these practices.

The JJPAD Board envisions a process as follows¹⁰³:

1. **When petitioners contact the Court to file a CRA petition, they are directed to the Juvenile Probation Office for a pre-filing conversation.** The Probation Officer then identifies if the petitioner (be they a caregiver or school) has exhausted *all* community-based options and if the Juvenile Court process is necessary at this point.
2. **If petitioners have not exhausted their community-based options, the Probation Officer directly connects the family/school to the FRC CRA Diversion Team** and ensures the family is set up for an appointment at the FRC as quickly as possible. For most petitioners, it is likely there are potential supports outside of the courthouse that have not been accessed or attempted yet. Whenever possible, an FRC Court liaison should be physically present at the court to help facilitate a warm handoff between probation and the FRC. The Juvenile Court should make efforts to provide the liaisons with a confidential office to meet with youth and caregivers— and when space and/or FRC staff are not available, Probation Officers should attempt to set up a video or phone call to make that immediate connection before the family leaves the courthouse.. The Probation Officer could also refer the petitioner to the Complex Case Resolution process, depending on the circumstances of the case.
3. **If the Probation Officer has determined that community-based options have been exhausted and the Juvenile Court process is necessary, they notify the Clerk's office to proceed with the CRA filing** after ensuring the petitioner is fully informed about what the CRA process entails, including information on dispositional orders such as a change of custody. Probation should be

¹⁰¹ [Massachusetts Children's Alliance](https://machildrensalliance.org/cac-approach/). (n.d.) Child Advocacy Centers. <https://machildrensalliance.org/cac-approach/>

¹⁰² [Massachusetts Children's Alliance](https://annualreportma.wpengine.com/the-year-in-numbers/). (n.d.) The Year in Numbers. <https://annualreportma.wpengine.com/the-year-in-numbers/>

¹⁰³ For a flowchart outlining the CRA process as described in *Recommendation #2*, please see Appendix D

referring families to FRCs in most situations except for those that have already tried the FRC diversion process, or in situations where judicial oversight is necessary (e.g., parents are reporting their child has run away and are seeking a custodial protection warrant).

4. **For school-based petitions specifically**, the Probation Officer would discuss with the school petitioner what pre-filing interventions have been taken and confirm that the family was referred to an FRC and that engagement attempts were unsuccessful. Before the filing is made, the Probation Officer would also attempt to contact the family directly and identify if there is opportunity for pre-filing interventions, such as connecting the family to a MHAP 4 Kids Attorney or other educational advocates, or if the behavior identified on the CRA petition is for a school-based issue related to the youth’s IEP/504.¹⁰⁴Of note, the Board’s case review found that a CAFL social worker identified that a youth needed an IEP/504 evaluation or plan in 60% of school-based petitions. The referral process for an evaluation subject to IEP/Section 504 is a step that should be initiated *before* a CRA filing is accepted.

To facilitate this process, the JJPAD Board recommends that FRCs, Probation and the Juvenile Court work together to develop a process by which an FRC could “certify” that robust diversion efforts have been attempted and community-based options have been exhausted, similar to the model developed in New York. During the development of a certification process, stakeholders should address expectations around family/youth engagement; staff outreach efforts and case management expectations; and level of detail on forms and confidentiality/information sharing considerations.

The JJPAD Board also recommends that Probation and the Juvenile Court explore other criteria to help guide Probation Officers in determining when the Juvenile Court process is necessary. For example, if a family is specifically seeking a change in custody to the Department of Children and Families and out-of-home placement, a court process, including legal representation for the youth and their parents, may be necessary.

In addition to connecting more families with services faster and outside the court process, the above recommended process would give the Juvenile Court tools to triage cases more effectively. A lower volume of cases would hopefully allow those families that do go through the Court process to have their case heard and resolved more quickly. To that end, if the above reforms are implemented, the Juvenile Court should consider revisions to its CRA court process, including:

- Scheduling a preliminary hearing more quickly, particularly for those cases where a family is requesting immediate out-of-home placement for their child.
- Considering if a separate *informal* CRA process option is still necessary, or if the cases that continue to come to the Court all require the *formal* process.
- Holding CRA court sessions on separate days/times than other delinquency matters.

The Board further recommends that **the state refine the CRA petition categories to be needs-based**. The current CRA petition categories describe the concerning behaviors a youth may exhibit, which is not aligned with a strength-based or positive youth development (PYD) approach. This can contribute to

¹⁰⁴ School districts should follow the [U.S. Department of Education Office for Civil Rights \(OCR\) recently issued guidance on discipline](#) which focuses on a schools’ obligation to provide free appropriate public education (FAPE) to students with disability-based behavior as required by Section 504 of the Rehabilitation Act of 1973. CRA petitions should not be used as a form of discipline, or when schools are able to solve an issue through the student’s IEP/504 plan.

labeling youth in a harmful way (e.g., a “truant” or “stubborn” youth). Considering the harmful effect this language can have as well as the confusion/misinformation that exists regarding the dispositional options available in a CRA case, the Board recommends that CRA petitions be renamed to categorize the type of service/intervention being requested. The state should consider petition types should as:

- “Out-of-home placement”—this petition type should be reserved for parents/guardians specifically requesting an out-of-home placement option for their child
- “Additional supports school request”—all other behaviors that were unable to be addressed in the pre-filing phase by schools/FRCs should be filed using this petition type
- “Additional supports caregiver request”—all other behaviors that were unable to be addressed in the pre-filing phase by families/FRCs should be filed using this petition type¹⁰⁵

Last, in order to serve youth in the community and keep as many youth from coming into contact with the Juvenile Court as possible, the state should consider raising the age of Juvenile Court jurisdiction for CRA cases to 12 years old. In 2018, the state acknowledged the need to keep more youth out of the Juvenile Court process and, therefore, raised the age of delinquency proceedings from 7 to 12. The same reasoning and principles to keeping youth out of court apply to CRA proceedings. Children under the age of 12 made up just 5% of all CRA filings in FY22, and with the ongoing reforms to accessing the state’s behavioral health services, younger children in this age bracket would be better served outside of the courthouse setting. Further, youth under the age of 12 who come to the court’s attention for a school-based petition often have complex needs outside of their control (e.g., family matters) that are better served outside of the Juvenile Court process.¹⁰⁶

Recommendation #3: Educate families and child-serving professionals about all options available for support

As described in the Findings, many myths and misconceptions about the CRA process and what it entails exist among both families and child-serving professionals, and many families that *could* be served by community-based services are directed to the Juvenile Court instead.

Currently, there is no coordinated effort for educating families or child-serving professionals (including schools, community-based providers, or healthcare providers) about the CRA process or viable alternatives – nor, to the best of the Board’s knowledge, was their such a coordinated effort in the years following the CHINS to CRA reforms. While certain professional organizations or state agencies may issue information or conduct trainings for their sector, this is neither mandatory nor coordinated, and at times the lack of coordination of information can lead to the further perpetuation of misinformation and misunderstandings. This was a consistent theme in interviews conducted for this report.

To address this, **the Board recommends that the state initiate a coordinated, comprehensive and on-going information campaign about the CRA process (including any reforms made as a result of this report) and the various recommended alternatives, including:**

¹⁰⁵ See recommendations on data collection for how to accurately capture the needs of youth with these petition types.

¹⁰⁶ While –in theory—the 2018 *Millis* decision (which says youth are “willfully truant” only when they repeatedly fail to attend school arising from “reasons portending delinquent behavior,”) would ensure youth under the age of 12 are not coming to the court for family-related matters, *in practice* that distinction is hard for schools to ascertain, and stakeholders report reviewing truancy CRA filings for youth under 12 in recent years where the underlying truancy behavior seem more related to family dynamics than willful behavior on the part of the youth.

- Family Resource Centers
- The forthcoming Behavioral Health Access Centers and 24/7 Behavioral Health Helpline
- DMH Access Centers
- The forthcoming Complex Case Resolution process
- The OCA Complaint Line, which can help individuals who are facing difficulties with state services for children

This information should be provided to a wide variety of audiences, customized to the needs of each, including school professionals, community providers, health care providers, law enforcement, individuals at state agencies that work with children and families, child and family advocates, and of course families themselves. This campaign should include targeted outreach to historically marginalized communities, and families whose children are more likely to be referred to the CRA system (as discussed in Finding 4 above).

Recommendation #4: Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth

The JJPAD Board's research indicates that Black and Latino youth are both about three times more likely to be the subject of a CRA petition than a white youth compared to their overall rates in the general population, and that practitioners are concerned that these youth, along with LGBTQ youth, girls, youth with learning disabilities, and youth with current or prior child welfare experience are more likely to be referred to the CRA system rather than other sources of community-based support.

In addition to the more general shifts in practice described in Recommendations 1-3, targeted actions are necessary to address potential sources of disparity, including:

- Ongoing training with child-serving professionals (e.g., doctors, therapists, teachers, social workers) to identify and address implicit or explicit biases that may lead someone to be more likely to recommend a CRA to some types of families more than others.
- Additional tracking of data on school-based petitions (as further described in Recommendation 8, below) at the school district level, disaggregated by race/ethnicity and other categories. This would allow the state to identify schools that may be more likely to file CRAs on Black and Latino youth than white youth, and/or schools that have a higher concentration of youth of color (such as Boston Public Schools) that also file CRAs at higher-than-average rates, and target school- or district-level interventions as needed.
- Addressing service gaps, with a particular focus on gaps in services that are culturally and linguistically responsive and accessible and that meet the needs of particular groups of youth, including girls and LGBTQ+ youth.
- Ensuring that youth who may have a learning disability, particularly Black and Latino youth and/or youth from lower-income backgrounds, have access to the advocacy supports they need to ensure they are getting the special education services to which they are legally entitled.

- Reviewing state agency policies and practices to ensure that state agency staff are not recommending that families file a CRA without first ensuring they are receiving all community-based and state services to which they are entitled. This is particularly true for youth who currently have an open Care & Protection case.
- Examining the need for additional services to support families who have adopted a youth as a result of a Care & Protection case even after that case has formally closed. Many of these youth have experienced significant trauma that may lead to behavioral health challenges in their adolescent years; ensuring these youth and families get the support they need would lead to decreases in the number that seek that support through the CRA process.



New York
Persons in Need of Supervision (PINS) Reform

In 2019, NY reformed the PINS statute to ensure the PINS system is used as the last option once all other diversion efforts have been exhausted. The legislation outlines a new process including:

- Each county must designate a “lead agency” for the purposes of providing PINS diversion services. Lead agencies must attempt to prevent the filing of a PINS petition by providing community-based diversion services to youth and families. Services include community-based program referrals, mental and behavioral health interventions, respite and more.
- To provide evidence of these efforts, the lead agencies must provide a written notice to the potential petitioner documenting the different efforts made to prevent filing after they determine there is no substantial likelihood that the youth will benefit from further diversion attempts.
- Court Clerks cannot accept PINS petitions unless they have attached the written notice from the lead agency indicating there is no substantial likelihood that the youth will benefit from further diversion attempts and documentations of diversion efforts attempted.
- PINS petitions cannot be filed during the period the youth is receiving diversion services from the lead agency.

Sources:

NY FAM CT §735

[Office of Children and Family Services](https://ocfs.ny.gov/programs/youth/pins/) (n.d.) *Person in Need of Supervision*. Division of Youth Development and Partnerships for Success. <https://ocfs.ny.gov/programs/youth/pins/>

Theme #2: Increase Availability of School and Community-Based Services that Specifically Meet the Needs of Youth Currently in the CRA System

As described in the Findings, above, many youth come to the attention of the CRA system with needs that—in theory—could be addressed in schools and/or the community without requiring court involvement. While aggregate public data on the specific needs youth have in the system is not available, the Board’s case file review indicates that in¹⁰⁷:

- 93% (n=63) of cases, youth needed **mental health, physical health and disability-related services** (e.g., in-home therapy, outpatient mental health consultation/therapy and psychiatric consultation/assessments).
- 83% (n=57) of cases, youth needed **family supports and basic needs** (e.g., family-based therapy, parenting classes/support groups and family activities).
- 77% (n=53) of cases, youth needed **mentoring and enrichment programs** (e.g., peer/support groups and clubs/student government/sports programs).
- 68% (n=47) of cases, youth needed **education and employment services** (e.g., IEP/504 evaluation/plan, attendance meetings/truancy prevention programs and tutoring).
- 54% (n=37) of cases, youth needed **out-of-home placement** (e.g., alternative/therapeutic school placements, intensive foster homes and residential programs).

These needs were also identified across OCA interviews with stakeholders in the system as well as caregiver focus groups. To connect youth and families with supports at the earliest intervention points, steps should be taken to:

1. Support community-based programs aimed at supporting youth’s behavioral and mental health needs, as well as those that promote prosocial activities.
2. Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements
3. Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

Importantly, the following recommendations can, and should, take place as soon as possible and do not rely on other recommendations in this report being implemented first or at all.

Recommendation #5: Support community-based programs aimed at supporting youths’ behavioral and mental health needs, as well as those that promote prosocial activities

As described in the introduction to this section, Massachusetts is currently in the process of making significant changes to the community-based behavioral health system, as well as to the process for identifying and resolving cases of youth who are involved with numerous state systems but not having their needs met.

¹⁰⁷ For more information on the CRA case file review, see: <https://www.mass.gov/doc/massachusetts-child-requiring-assistance-cra-case-file-review-2022pdf/download>

Given that over 90% of the CRA cases reviewed for this report were identified as needing mental/physical health or disability related services, the JJPAD Board is hopeful that the ongoing implementation of these significant reforms and increased funding will, in turn, provide a path toward effective service access for many of the youth who might otherwise become involved with the CRA system.

This section includes recommendations to address service gaps that are particularly relevant to this population that emerged through the Board’s research that should be prioritized as part of these larger reform efforts.

1. **Continue to build on EOHHS’s behavioral health redesign** and expand community-based mental health services for youth. In particular, the following service gaps are particularly relevant for the population of youth described in this report who are more likely to be referred to the CRA process (discussed in Finding 4) including Black and Latino youth, girls, LGBTQ+ youth, youth with special needs, immigrant youth (or whose caregivers are immigrants) and youth with prior child welfare experience:
 - **Increasing availability of therapeutic models that support healthy family functioning and that are targeted specifically to the needs of adolescent youth whose behaviors may put them at increased risk for delinquency system involvement** (such as Multisystemic Therapy or Functional Family Therapy). Several interviewees cited examples of families filing a CRA petition in order to get access to these types of services through DCF. In these cases, caregivers are so desperate for these services that they give up custody of their child to DCF to access them. There are a limited number of providers in Massachusetts that currently offer some of these programs (especially MST). Further, providers often struggle recruiting and retaining high-quality staff at the current funding levels. Families can also run into barriers regarding insurance coverage when trying to access these services. State support for expansion of these models through behavioral health redesign could help address both of these challenges.
 - **Improving crisis responses systems.** The CRA case file review results confirmed a theme heard throughout the CRA stakeholder interviews: some youth needed more immediate, emergency level responses to address their needs. In the case file review, 9% of cases involved youth that needed mobile crises intervention. Further, a combined 16% of cases involved youth needing community based acute treatment (CBAT) and/or short-term assessment and rapid reintegration (STARR) placements. Professionals noted that crises response systems were not universally available and, typically, were not implemented in helpful ways. If these interventions were effectively implemented at the earliest intervention point, youth/families would not need to file a CRA petition.
 - **Expanding respite options for youth and families.** According to the stakeholders interviewed for this report, many parents come to the courts seeking a “cooling off” period for themselves, their child, and/or other children in their home. In the case file review, 10% of cases reviewed were for youth who needed respite care.

Respite programs are “planned or emergency services that provide a caregiver of a child or adult with a special need some time away from caregiver responsibilities for that child or adult, and which result in some measurable improvement in the well-being of the caregiver, care receiver, and/or family system.”¹⁰⁸ While respite care is more traditionally used in the child welfare sector to prevent maltreatment or retain foster parents, some organizations in the U.S. provide respite for youth involved in the status offense system. For example, for youth who run away from home or who are homeless, respite can provide a safe and comfortable environment they might need immediately. Generally, youth entering a respite program will receive a physical exam, an emotional/behavioral needs assessment, and any referrals necessary. In some programs, a trained mediator meets with the child and their caregiver(s) to help navigate family conflicts. A report released by VERA describes the advantages of respite care for youth, such as being cost-effective, family-centered, and less restrictive than secure placements or other group homes.¹⁰⁹ That state’s forthcoming “community crisis stabilization” beds as part of the Behavioral Health Re-design Initiative may have the effect of providing respite for families in some specific circumstances, and the state should monitor implementation to see if additional respite-programs are needed.

2. **Increase funding to expand DMH Young Adult Access Centers.**¹¹⁰ In addition to providing free and easy access to services related to mental health, trauma, and substance use issues, Access Centers offer youth the possibility of being connected to community peer support groups and activities based on their gender identity and sexual orientation, racial or ethnic background, and other self-identified experiences. The state currently funds eight such centers, which means youth in many areas do not currently have convenient access to one in their community. Mentoring programs, including peer support groups, are especially important for youth currently coming to the attention of the CRA court process. In the case file review, 68% of cases reviewed by CAFL social workers identified the youth involved in the case as needing mentoring-types of programs.

3. **Support and expand the availability of enrichment and prosocial activities:** In the CBI Subcommittee’s research, stakeholders emphasized the need for programs that promote prosocial activities in addition to those that address challenging behaviors in order to prevent future delinquency system involvement. In a CRA case file review, youth in 32% of cases reviewed were identified by a CAFL social worker as needing enrichment programs like clubs, student government, sports, community leadership groups and/or community services activities. Given the known benefits of creativity, sports, and social engagement to promote youth’s prosocial connections and activities and prevent delinquency, it is crucial for the state to invest in enrichment activities in a variety of child-serving settings.

¹⁰⁸ ARCH. (2022). ARCH National Respite Network and Resource Center. <https://archrespite.org/>

¹⁰⁹ Quraishi, F., Segal, H.,m & Trone, J. (2002). Respite Care: A Promising Response to Status Offenders at Risk of Court-Ordered Placements https://www.vera.org/downloads/publications/IIB_Respite_care.pdf

¹¹⁰ [Massachusetts Department of Mental Health](https://www.mass.gov/service-details/dmh-access-centers). (2022). DMH Access Centers. <https://www.mass.gov/service-details/dmh-access-centers>

The state should explore additional opportunities to collaborate with community-based organizations and increase funding for programs and services already serving youth involved, or at risk of becoming involved, with our juvenile justice and child welfare systems. In particular, the state should target programs and services that research shows prevent delinquency system involvement by promoting:

- Peer support specialists, mentorship, and credible messenger programs¹¹¹
- Academic success (secondary or post-secondary) and school re-engagement¹¹²
- Vocational programming, professional development, and opportunities for employment¹¹³
- Life skills and civic engagement¹¹⁴

4. **Create “flex funds” to be used as creative solutions to help youth** engage in prosocial activities. In particular, the state should ensure there is sufficient funding to support stipends for youths who are at risk of truancy, delinquency or child welfare system involvement. Funds should be accessible to educators, probation officers, FRC, DCF and DMH caseworkers and be used to support family activities (identified by CAFL social workers as a need in 16% of CRA cases reviewed) as well as overcoming barriers to access to enrichment programs (e.g., transportation, program fees, etc.).

Recommendation #6: Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements

As described in Finding 1, above, the JJPAD Board heard considerable concern in many of the interviews and focus groups that the out-of-home placement options currently offered through DCF do not meet the needs of many children placed there as a result of a CRA. Similar concerns were heard regarding the availability and suitability of programs for particular groups of youth with higher/complex needs, including youth who have both a serious mental illness and a development disability (such as Autism

¹¹¹ Grossman, J. & Bulle, M. (2006, December). Review of what youth programs do to increase the connectedness of youth with adults, *Journal of Adolescent Health* 39, no.6, 788-799. <https://doi.org/10.1016/j.jadohealth.2006.08.004>; Office of Juvenile Justice and Delinquency Prevention. (n.d.) *Mentoring*. <https://ojjdp.ojp.gov/programs/mentoring>; OJJDP. (n.d.). *Provide Opportunities for Children and Youth*. Retrieved September 22, 2021, from <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/action/sec4.htm>;

http://nationalmentoringresourcecenter.org/images/PDF/Mentoring_for_Preventing_and_Reducing_Delinquent_Behavior_Among_Youth_Research_Review.pdf ; Walters, G. (2020). Prosocial peers as risk, protective, and promotive factors for the prevention of delinquency and drug use, *Journal of Youth and Adolescence* 49, 618-630. <https://doi-org.ezproxy.library.tufts.edu/10.1007/s10964-019-01058-3>

¹¹² Maguin, E. & Loeber, R. (1996). Academic Performance and Delinquency. *Crime and Justice* 20. 145-264. <https://www.jstor.org/stable/1147645?seq=1> ; Institute of Medicine (2000). *Education and Delinquency: Summary of a Workshop*. Washington, DC: The National Academies Press. 13-20 <https://doi.org/10.17226/9972>.

¹¹³ Office of Juvenile Justice and Delinquency Prevention. (2010). Literature Review: Vocational/Job Training. https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/vocational_job_training.pdf

¹¹⁴ Chan, W., Ou, S. & Reynolds, A. (2014). Adolescent Civic Engagement and Adult Outcomes: An Examination Among Urban Racial Minorities. *Journal of Youth and Adolescence*. <https://experts.umn.edu/en/publications/adolescent-civic-engagement-and-adult-outcomes-an-examination-among-urban-racial-minorities>

Spectrum Disorder) or youth who need school supports at a level not typically provided in traditional public schools.

In 2022, DCF issued a variety of contracts for new congregate care programs, including new models designed to meet the needs of specific populations of youth (e.g., LGBTQ+ youth). Unfortunately, due to widespread challenges in recruiting, hiring and retaining staff at congregate care programs (in part due to the current reimbursement rates), many of these new programs have not yet launched as of the time of this report.

Even with these forthcoming new programs, however, some gaps will likely remain for youth with higher/more complex needs (e.g., youth with mental/behavioral health needs and autism, specialized school placements). Solving this long-standing problem is beyond the scope of this current report, yet it is a critical issue that must be highlighted. While the JJPAD Board hopes the above reforms will dramatically reduce the number of youth entering the CRA system and/or that need out-of-home placement, it is also important that we ensure the youth who remain in the system receive high quality care that meets their unique needs.

To that end, the JJPAD Board recommends that **DCF, DMH, DDS, DESE and EEC collaborate to identify the specific cohorts of youth who are not well-served with the current program models, and work with the provider community to identify alternative models that might better serve these youth.** New program models will require enhanced cross-agency collaboration, staffing configurations, more experienced and highly trained staff, and/or specialized placement settings. The state should appropriately fund the program models deemed necessary. The forthcoming Complex Case Resolution process may provide a venue for better identifying these cohorts of youth and their specific needs.

Recommendation #7: Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

Approximately one third of CRA filings in FY22 were for truancy¹¹⁵ – and, based on interviews with system practitioners, other types of CRA filings (e.g., stubborn, habitual school offender) sometimes involve issues with school attendance as well. Addressing the root causes of truancy at the school and community level, then, is another step that will help reduce the number of youth entering the CRA system.

“Best practices” evolve over time as schools and researchers innovate, track data, and identify what does and does not produce results. This is certainly true of best practices with regards to truancy prevention and intervention: while discipline-oriented practices (e.g., detention and suspension, fines and legal prosecution of families, and children being taken to court) used to be common responses to truancy, over time a growing body of research has demonstrated that practices which focus on identifying and addressing the underlying reasons a child is not attending school and that promote

¹¹⁵ We use the term “truancy” in this report because that is the term used in the CRA statute. We acknowledge that in the educational field, the term “chronic absenteeism” is more frequently used and, indeed, better describes the issue to be addressed. For more details, see <https://www.attendanceworks.org/chronic-absence/the-problem/>

student engagement and “bonding” with their school are more likely to improve attendance long term.¹¹⁶ (This research is discussed in more detail in a research brief on the topic.¹¹⁷)

The Board’s research into the CRA system has made it clear that while some schools have implemented excellent practices with regards to truancy and chronic absenteeism¹¹⁸, this is not universally true across all schools and districts, and more progress in this area is needed. Challenges discovered through the Board’s research on truancy CRA petitions include:

- **District Coordination & Collaboration:** While some districts have a clear system for integrating the work of staff that focus on attendance and staff that focus on student support, this is not a universal practice. In several interviews, the OCA heard that district personnel such as attendance or truancy officers are not always working closely with school adjustment counselors or other school-based personnel, which can lead to redundant efforts and misalignment of strategies for supporting children and families.
- **Family Engagement:** Numerous interviewees noted that, based on their experiences, they believed more CRA truancy petitions could be avoided if schools more effectively engaged caregivers and students on issues of attendance *prior* to filing a truancy-related petition. This was specifically mentioned regarding families that do not speak English and who are not receiving school-related materials in their primary language as well as regarding families with caregivers from other countries who were not as familiar with the U.S. public school system.
- **Coordination & Collaboration with FRCs:** School awareness of and partnership with their local FRCs also varies across the state. FRC school liaisons and program coordinators report being engaged early in the process with some school districts, sometimes joining their schools’ attendance committee meetings well before a truancy CRA petition is even considered. With other districts, FRC note that they are notified and involved only after the CRA has already been filed, if at all. Although school staff interviewed for this report did not note any issues with collaboration with their local FRCs, it may be that school staff that volunteered to speak with the OCA about their truancy practices were more likely to already be actively engaged with their FRC.
- **Identification of Special Education Needs and/or Behavioral Health Supports:** Many professionals working in the CRA court process – including Probation Officers, Judges, Court Clerks, and CAFL Attorneys and Social Workers – interviewed for this report noted that youth coming to the CRA process on a truancy filing frequently have unmet special education and/or behavioral health needs. In a case file review, 60% of the truancy CRA cases reviewed for this report were identified as needing an IEP/504 evaluation plan. This indicates that in at least some situations, there is more schools could do to identify the underlying issues that may be driving absenteeism before filing a CRA.

¹¹⁶ Keppens, G. & Spruyt, B. (2020) The impact of interventions to prevent truancy: A review of the research literature. *Studies in Educational Evaluation* (65).

¹¹⁷ For more information, see: <https://www.mass.gov/doc/truancy-prevention-research-and-best-practices/download>

¹¹⁸For more information on “bright spots” across Massachusetts’ school districts regarding truancy prevention, see: <https://www.mass.gov/doc/truancy-prevention-research-and-best-practices/download>

We also recognize that this topic is complicated, and a full set of findings and recommendations on this topic could easily be its own report. As part of the research for this report on the CRA system, OCA staff conducted and presented research on truancy prevention and best practices, and interviewed staff at 10 school districts as well as numerous practitioners that regularly interact with schools on topics related to truancy, behavioral health, and special education. We recognize, however, that this is a relatively small percentage of the nearly 400 school districts in our state, and that the schools that agreed to participate in an interview proactively volunteered to do so.¹¹⁹ We also note that the statute that created the JJPAD Board does not include a representative from the Department of Elementary and Secondary Education, nor are there any representatives from school districts themselves or advocacy organizations that specialize in education-related issues.

As a result, our recommendations on this topic are offered with the goal of identifying potential steps that school districts and/or the state can take to make progress in this area, which may include calls for further research and stakeholder engagement on specific topics, while recognizing that additional work, involving a wider array of school voices, is necessary to more fully develop these and other ideas for addressing truancy. This task is all the more important given the incredible impact the COVID-19 pandemic has had on rates of absenteeism in recent years.¹²⁰

1) Improve identification and support of schools that need help addressing persistently high rates of absenteeism.

Promoting attendance at school and effectively addressing chronic absenteeism may be the single most important thing schools can do to support student performance and long-term positive life outcomes, and Massachusetts owes it to our young people to ensure every school is implementing highly effective practices in this area.

As noted above, the Board’s qualitative research suggests significant variation in school approaches to truancy and absenteeism. Quantitative data from DESE suggests wide variation in outcomes as well: even before the pandemic, which is widely acknowledge to have driven up rates of absenteeism in schools, some districts regularly had 40% or more of their students who were chronically absent (defined by DESE as missing at least 10% of days enrolled regardless of whether the absences are considered excused, unexcused and/or for disciplinary reasons), while many other districts had rates half that, or lower.¹²¹

When data is disaggregated, results can be even more stark, with Black and Latino students, English learners and students with disabilities demonstrating consistently higher rates of absenteeism.¹²²

Disaggregated data on attendance can help both school districts and DESE identify those schools that need additional help addressing persistently high rates of absenteeism, be that for the entire school or specific subpopulations.

¹¹⁹ The OCA invited school leaders and staff to participate in an interview for this process through a newsletter published by DESE. The OCA was also connected to some school staff through other individuals interviewed for this report.

¹²⁰ As reported by the Boston Globe on July 24, 2022: <https://www.bostonglobe.com/2022/07/24/metro/nearly-one-third-massachusetts-students-were-chronically-absent-last-year/>

¹²¹ To view DESE attendance data, see: <https://profiles.doe.mass.edu/statereport/attendance.aspx>

¹²² As reported by the Boston Globe on July 24, 2022: <https://www.bostonglobe.com/2022/07/24/metro/nearly-one-third-massachusetts-students-were-chronically-absent-last-year/>

In addition to continued analysis of attendance data, the Board recommends that both schools and DESE look at CRA Truancy filings:

- **Schools/districts** should examine their own internal CRA filing practices and collect and analyze data on the use of CRA filings to look for trends, particularly trends by demographic groups and/or students with special education needs.
- **DESE should start to collect CRA filings data from school districts:** As further discussed in Recommendation #9, below, DESE currently requires school districts to report data on school-based arrests and court referrals for delinquency matters. In that same vein, DESE could require school districts to report on their use of court referrals for CRA matters (truancy and habitual school offenders petitions). This would give a much better picture of how school districts are using CRA petitions across the state, and which may be outliers that could benefit from additional support. The Legislature could also prompt this through change in statute.

2) Improve school district adoption of research-based truancy prevention and intervention best practices.

The original CHINS to CRA legislation envisioned that DESE and school districts would take the following steps to address truancy:

- DESE would develop standards for school-based truancy prevention programs
- School districts would create truancy prevention programs following these standards
- DESE would certify school-level truancy prevention programs as meeting those minimum standards
- When a school district submitted a CRA truancy application, they would be required to include information on the steps taken to prevent truancy, including if a certified program was implemented.
- Subject to appropriation, DESE would develop a pilot truancy prevention program using a restorative justice format in at least one urban high school in the Commonwealth.

This vision was partially, but not entirely, implemented: DESE did develop standards and a significant amount of guidance/resources regarding truancy prevention programs and chronic absenteeism¹²³, but there is not a certification process, nor was a pilot program ever developed. (It is unclear to the JJPAD Board if funding to support a certification process, which would require sufficient staff at DESE to review each truancy prevention program from hundreds of districts, or a pilot program, was ever appropriated.)

A decade later, it is worth considering if the above approach is the best one, or if there may be other, more effective, mechanisms for ensuring all schools have high quality truancy prevention mechanisms in place.

A wealth of resources and information on truancy prevention programs already exists:

¹²³ See DESE’s guidance on [truancy prevention programs](#) and its [website on chronic absenteeism](#). Districts and schools can also refer to the [Guidance for Attendance Policies](#) and the [Guidance on Promoting Student Engagement, Learning, Wellbeing, and Safety](#) to help develop effective practices to support school engagement and attendance.

- **The Board’s research on truancy highlighted a variety of emerging, evidence-based practices designed to address truancy/chronic absenteeism.**¹²⁴ In particular, the Multi-Tiered Systems of Support Framework, which is used in many school districts throughout Massachusetts, includes research-tested core practices to prevent chronic absenteeism, including a focus on establishing positive supportive relationships with students and families as well as creating Attendance Teams that maintain a laser like focus on attendance at the *individual* student level.¹²⁵ This enables school teams to identify and respond to potential concerns *before* they become a chronic problem. Attendance Teams seem like a particularly promising approach given the challenges with in-district communication and collaboration noted by some schools that were interviewed, and given the positive experiences highlighted by other schools in Massachusetts that have already implemented Attendance Teams in their district.
- **DESE also highlights additional important practices and resources** in its protocols for truancy prevention programs¹²⁶ and its website on chronic absenteeism.¹²⁷ Districts and schools can also refer to the Guidance for Attendance Policies¹²⁸ and the Guidance on Promoting Student Engagement, Learning, Wellbeing, and Safety¹²⁹ to help develop effective practices to support school engagement and attendance.
- **Additionally, DESE provides grant funding** through the MassGrad initiative to districts and schools with higher-than-average dropout rates, and convenes a Dropout Prevention and Re-engagement (DPR) network¹³⁰ four times a year to provide opportunities for professional development and technical assistance for school staff in working with students who are chronically absent and truant.

Despite these resources, many schools still struggle with implementation of effective practices regarding truancy and absenteeism. The question to be answered is: why?

If the barriers are technical or capacity based – insufficient staffing, lack of knowledge of best practice, implementation challenges that can be overcome with technical know-how – these could be addressed with increased or redesigned technical assistance and coaching offerings or additional targeted funding to support program implementation.

On the other hand, barriers based in resistance to change, lack of leadership support, or other, less technical, challenges, may be more difficult to address with technical assistance, and policy mandates in this area may be challenging given our state’s long history of local control of schools. Addressing these barriers may require reconsideration of the weight given to attendance-related metrics through the

¹²⁴ For further details on the JJPAD Board’s research on truancy, which includes descriptions of promising practices currently being implemented in a handful of school districts across the Commonwealth, see: <https://www.mass.gov/doc/truancy-prevention-research-and-best-practices/download>

¹²⁵ Attendance Works. (2020). Three tiers framework to improve attendance. <https://www.attendanceworks.org/three-tiers-to-improve-attendance/>

¹²⁶ For more information, see: <https://www.doe.mass.edu/sfs/safety/truancy.html>

¹²⁷ See: <https://www.doe.mass.edu/sfs/attendance/>

¹²⁸ See: <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx>

¹²⁹ See: <https://www.doe.mass.edu/sfs/promoting-wellbeing.docx>

¹³⁰ See: <https://www.doe.mass.edu/ccte/ccr/massgrad/default.html>

state’s school accountability process,¹³¹ or additional statutory requirements. For example, as described in the text box below, under Connecticut state law, schools that have a “disproportionately high rate of truancy,” as defined by the Connecticut Commissioner of Education, are *required* to implement a truancy intervention model identified by their Department of Education.¹³²

The JJPAD Board does not have sufficient information to say which of the above is the “best” explanation and therefore what additional actions would be most impactful. Instead, we recommend that DESE further study this issue with a focus on identifying barriers to implementation of more effective practices and developing improved mechanisms for increasing school district adoption of these research-based practices.

3) Expand collaboration with Family Resource Centers

As described above, staff at FRCs interviewed for this report described varying levels of engagement with their local school districts. Some are very positive and productive: in Lowell, for example, the Lowell Public School District and the Lowell FRC developed a collaborative program focused on eliminating unnecessary chronic absence that successfully reduced the percentage of students absent for 10 or more days from 38.0% to 19.5% over the course of a school year.¹³³ FRCs in Cape Cod and Worcester also described ongoing partnerships with local schools focused on addressing root causes of truancy. On the other hand, staff at FRCs also described relationships with schools that were difficult or, despite

Connecticut’s Response to Truancy

Connecticut addressed concerns regarding absenteeism and truancy when the state reformed their version of a CRA system in 2017. School can no longer file a truancy petition with the Juvenile Court and instead are directed to make referrals to their local Youth Service Boards (equivalent to FRCs in MA) for truancy support. By law, schools are required to adopt policies that include:

- A required meeting with a parent/guardian of a student no later than 10 days after the student’s 4th absence in a month or 10th in a year
- Coordinating referral and services with community agencies (such as YSBs) providing the student and family with services to support improved attendance and/or conduct
- Keeping documentation of the meetings with parents and efforts made to contact and include families and provide early interventions.

Schools that have a “disproportionately high rate of truancy,” as defined by the Connecticut Commissioner of Education, are required to implement a truancy intervention model identified by their Department of Education.

For schools that have a district chronic absenteeism rate of 10% or higher, Connecticut state law also requires schools to establish an Attendance Review team.

For more information on Connecticut’s truancy statute see: https://www.cga.ct.gov/current/pub/chap_168.htm#sec_10-198a

¹³¹ For more information, see: <https://www.doe.mass.edu/accountability/>; For more information on DESEs assessment, see: <https://www.doe.mass.edu/accountability/lists-tools/school-leaders-guide.docx>

¹³² For more information, see: https://www.cga.ct.gov/current/pub/chap_168.htm#sec_10-198a

¹³³ For further details on the JJPAD Board’s research on truancy, which includes descriptions of promising practices currently being implemented in a handful of school districts across the Commonwealth, see: <https://www.mass.gov/doc/truancy-prevention-research-and-best-practices/download>

numerous outreach attempts from the FRC staff, non-existent. The OCA did not speak with any school staff that reported difficulties with their local FRCs, but it is possible that these issues would have arisen if the OCA has been able to interview staff at a larger swath of school districts.

It is worth additional exploration to determine why some schools are not engaging with their local FRCs as a partner in addressing truancy. In some cases, it may be a matter of geography: an FRC is not physically close enough to the school for the partnership to make sense. In other cases, it could be a matter of insufficient communication from an FRC, FRC services that the school feels are ineffective, or simple lack of awareness.

As with the prior recommendation, the JJPAD Board does not have sufficient information on the barriers to effective engagement to make a concrete recommendation for policy or practice change. Instead, we recommend that DESE and DCF (which operate the FRCs) partner to identify ways to promote greater collaboration between schools and FRCs, which would likely include conducting further research with schools to better understand their perspective.

4) Improve identification of students with special education and/or behavioral health needs and expand access to supports as needed

There are many potential drivers of truancy, but one that came up consistently in the Board’s research were unmet special education and/or behavioral health needs. Stakeholders regularly identified that students with a CRA filing needed, but did not yet have, an IEP evaluation or a 504 plan; that they had a plan but it was not being followed; or that they had unaddressed behavioral health needs (such as anxiety) that were contributing to their disengagement from school.

To improve identification¹³⁴ of, and support for, these students, the Board recommends:

- **Increasing availability of educational advocates**, who can support families in advocating for necessary special education and/or behavioral health supports. As described in Recommendation #1, above, one way to do this would be to expand the availability of educational support and advocacy services at FRCs, which could include continuing and expanding partnerships with MHAP 4 Kids¹³⁵ and identifying other possible beneficial partnerships with educational attorneys and/or advocates.
- School districts and the Legislature to continue to dedicate funding to **increasing the availability of services that promote student mental health**. Research shows that students are more likely to seek counseling when services are available in schools, and in some cases, such as rural areas, school may provide the only easily accessible mental health services in the community.¹³⁶ Schools, then, provide an important avenue for connecting students with needed mental and behavioral health services. In recent years, and especially since the COVID-19 pandemic, there

¹³⁴ In addition to the recommendations contained here, in November 2022 the Childhood Trauma Task Force will release a report with recommendations on improving behavioral health and trauma screening practices in schools, which can also help increase identification of students with unmet needs.

¹³⁵ Of note, the state’s FY23 budget included additional funding to support MHAP for Kids in increasing capacity in all FRCs.

¹³⁶ National Association of School Psychologists (NASP). (n.d.). *Comprehensive school-based mental and Behavioral Health Services and school psychologists*. <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/school-psychology-and-mental-health/comprehensive-school-based-mental-and-behavioral-health-services-and-school-psychologists>

has been an increased focus on the importance of increasing school-based behavioral health services, including connections to community partners. It is imperative this continue in the years to come.

- **Expanding technical assistance support to schools seeking to improve their behavioral health offerings.** The BIRCh Project¹³⁷ – a resource center at UMass Boston – aims to enhance the capacity of public schools and districts to efficiently integrate behavioral health supports. The BIRCh Project provides trainings for paraprofessionals and mentors and makes recommendations for state-level improvements. Recently, the BIRCh Project and MAMH received \$1 million in state funding to launch the Massachusetts Technical Assistance Center for School Based Behavioral Health. The JJPAD Board recommends the state continue to expand funding for the Technical Assistance Center to help support as many schools as possible.
- **Continuing efforts by DESE and MassHealth to help schools take advantage of federal resources to pay for behavioral health services in school.** One way schools can help pay for behavioral health interventions covered by Medicaid is to seek reimbursement through the school-based Medicaid program,¹³⁸ which provides reimbursements for covered-services and associated administrative expenses. Medicaid can be a complicated program, however, and figuring out the paperwork and navigating eligibility criteria can be difficult for schools. MassHealth has expanded the supports it provides for schools seeking to participate in this program in recent years, including the creation of a Resource Center¹³⁹ and a Help Desk.¹⁴⁰ The JJPAD Board applauds these efforts, and encourages the continued collaboration.

Theme #3: Continue to Study Implementation of these Recommendations

The state should not wait another ten years before evaluating any changes made to the CRA system. Data should be collected on an ongoing basis and regularly reported to the relevant stakeholders and the public. Additionally, the state should monitor the implementation of the new behavioral health initiatives outlined in this report.

Recommendation #8: Increase data availability

Missing data and the lack of cross-branch data sharing make it almost impossible to evaluate the CRA system completely. State entities should increase data collection and reporting in the short term and build out systems to track outcome data in the long term.

1. **The state should require school districts to collect and report data to DESE on CRA filings.** As indicated above, schools are not currently required to report the number of CRA petitions filed each year. Therefore, the most detailed quantitative data the state has on school-based CRA petitions comes from the Juvenile Court, which reports data by court county, not school district. In order to better identify schools that need additional support in addressing truancy and

¹³⁷ For more information, see: <https://www.umb.edu/birch>

¹³⁸ For more information, see: <https://www.mass.gov/school-based-medicaid-program-sbmp>

¹³⁹ For more information, see: <https://www.mass.gov/info-details/school-based-medicaid-program-sbmp-resource-center>

¹⁴⁰ For more information, see: <https://www.mass.gov/service-details/need-help-with-the-school-based-medicaid-program-sbmp>

school-related concerns, the Legislature should require that schools annually report to DESE the number of CRA petitions filed, similar to how the Legislature has in recent years required reporting of data on court referrals for delinquency matters on school-based arrests.¹⁴¹ DESE should report this data in a similar manner to their current reporting of school discipline and court referrals/school-based arrests data,¹⁴² and disaggregate the data by demographic categories (e.g., race/ethnicity, age, gender identity), special education status, and school. By reporting this data, the state can provide more targeted resources to schools with particularly high rates of CRA filings compared to the rest of the state and to those schools with racial and ethnic disproportionality in their CRA filings.

2. **The state should require FRCs to collect and report data on youth who participate in CRA Diversion Team interventions.** If more youth and families are referred to an FRC before a CRA filing than currently, it will be important for FRCs to track the needs youth have, the interventions provided as a result of the CRA Diversion Team as well as the success/failure of those interventions. Data should be reported on how often and when FRCs “certify” that diversion attempts have been exhausted, broken down by key demographic types (e.g., race/ethnicity, age, gender identity). The state should review this data regularly and determine what (if any) gaps in services exist that can be implemented at the FRC or through other state service systems.
3. **Improve cross-branch data collection and analysis:** As noted above, the state is currently extremely limited in its ability to report data on outcomes of youth involved with the CRA system. The JJPAD Board, through the work of the Data Subcommittee, is currently studying the feasibility of creating an Administrative Data Center that would serve as a central database for some child-serving entity data solely for policy and research purposes. A central, de-identified dataset that can match youth across state entities would help policymakers better understand the entirety of the states’ involvement with youth and families and what interventions are effective with youth in the short and long-term. This forthcoming JJPAD report will include additional details on steps the state could take to improve cross-agency and cross-branch data analysis.
4. **Collect and report data regarding other youth-focused initiatives.** This report highlights key reforms made in the state’s behavioral health, child welfare and educational systems. Since those reforms are likely to impact the use of the CRA system the Board recommends, to the extent feasible, the state collects data and reports regularly (at least annually) on the progress of those initiatives and the impact they are having.

Recommendation #9: Monitor implementation of policy changes

The state should monitor the implementation of the recommendations outlined in this report, provide appropriate funding when necessary, and adjust requirements and regulations as promising practices emerge and lessons are learned. In addition to the recommendations relevant to the CRA system, the state should monitor the implementation of newly created behavioral health initiatives that will also,

¹⁴¹ Mass. Gen. Laws Ch. 71, § Section 37P <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXII/Chapter71/Section37P>

¹⁴² [Massachusetts Department of Elementary and Secondary Education](https://profiles.doe.mass.edu/statereport/ssdr.aspx). (2021). 2020-21 Student Discipline Data Report. <https://profiles.doe.mass.edu/statereport/ssdr.aspx>

likely, influence the number of youth coming to the CRA system. This includes continuous monitoring, improvement and reporting on:

- MassHealth’s behavioral health redesign initiative,¹⁴³ including implementation of behavioral health access centers across the state
- The expansion of Family Resource Centers (FRCs)
- The new Complex Case Resolution process
- Changes to the requirements regarding mental health insurances coverage
- Efforts to support student’s behavioral health in schools, including the Technical Assistance Center for School Based Behavioral Health
- The efforts to address the behavioral health workforce shortages and concerns

Table 7: Recommendations to improve the CRA system in Massachusetts	
Recommendation	Action needed
Recommendation #1: Expand the number and functions of Family Resource Centers across the state	
All FRCs should establish a multidisciplinary CRA Diversion team, led by a FRC staff and involve the youth and their family, as well as state agency staff, school representatives, community-based providers and youth/family advocates (such as staff from MHAP 4 Kids or FRC family partners) as necessary	While FRCs could begin to build these teams, a contractual change would need to be made to ensure all FRCs are providing this opportunity. A Legislative change in statute with the necessary funding would help achieve this reform.
The state should continue to fund new FRC sites across the state to reduce service gaps in certain regions	Additional funding is necessary from the Legislature.
FRCs should identify gaps in programming availability for CRA Diversion cases and fill where possible	A contractual change would need to be made to ensure all FRCs are performing this responsibility. A Legislative change in statute with the necessary funding would help achieve this reform.
Recommendation #2: Substantially increase diversion of cases from court to FRCs by revising the CRA filing process	
When petitioners contact the Court to file a CRA petition, they are directed to the Juvenile Probation Office for a pre-filing conversation	A change in the Juvenile Court’s standing order and/or a change in statute would be necessary to achieve this reform.
If petitioners have not exhausted their community-based options, the Probation Officer directly connects the family/school to the FRC CRA Diversion Team and ensures the family is set up for an appointment at the FRC as quickly as possible	A change in the Juvenile Court’s standing order and/or a change in statute would be necessary to achieve this reform.
If the Probation Officer has determined that community-based options have been exhausted and the Juvenile Court process is necessary, they	A change in the Juvenile Court’s standing order and/or a change in statute would be necessary to achieve this reform.

¹⁴³ See: <https://www.mass.gov/service-details/roadmap-for-behavioral-health-reform>

notify the Clerk’s office to proceed with the CRA filing	
For school-based petitions specifically, the Probation Officer would discuss with the school petitioner what pre-filing interventions have been taken and confirm that the family was referred to an FRC and that engagement attempts were unsuccessful	A change in the Juvenile Court’s standing order and/or a change in statute would be necessary to achieve this reform.
The state should refine the CRA petition categories to be needs-based, such as: <ul style="list-style-type: none"> • “Out-of-home placement”—this petition type should be reserved for parents/guardians specifically requesting an out-of-home placement option for their child • “Additional supports school request”—all other behaviors that were unable to be addressed in the pre-filing phase by schools/FRCs should be filed using this petition type • “Additional supports caregiver request”—all other behaviors that were unable to be addressed in the pre-filing phase by families/FRCs should be filed using this petition type 	A change in the Juvenile Court’s standing order and/or a change in statute would be necessary to achieve this reform.
Raise the age of Juvenile Court jurisdiction for CRAs	A change in statute would be necessary to achieve this reform.
Recommendation #3: Educate families and child-serving professionals about all options available for support	
The state should initiate a coordinated, comprehensive and on-going information campaign about the CRA process	No change in statute/policy is necessary to achieve this recommendation, but would help implement this recommendation as soon as possible. The state should identify a “lead” agency to head the campaign.
Recommendation #4: Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth	
Ongoing training with child-serving professionals (e.g., doctors, therapists, teachers, social workers) to identify and address implicit or explicit biases that may lead someone to be more likely to recommend a CRA to some types of families more than others	A change in statute/policy is not necessary to achieve this recommendation. The state should consider additional funding needed to support more high-quality trainings.
Additional tracking of data on school-based petitions (as further described in Recommendation 8, below) at the school district	This recommendation would require a directive from DESE.

level, disaggregated by race/ethnicity and other categories	A change in statute/policy is not necessary to achieve this recommendation, but would help implement this recommendation as soon as possible.
Addressing service gaps, with a particular focus on gaps in services that are culturally and linguistically responsive and accessible and that meet the needs of particular groups of youth, including girls and LGBTQ+ youth	No change in statute/policy is necessary to achieve this recommendation. The state should identify a “lead” agency to identify gaps in collaboration with FRCs and community providers. Funding may be required to address service gaps in some circumstances.
Ensuring that youth who may have a learning disability, particularly Black and Latino youth and/or youth from lower-income backgrounds, have access to the advocacy supports they need to ensure they are getting the special education services to which they are legally entitled	No change in statute/policy is necessary to achieve this recommendation, though funding may be required to increase advocacy support availability.
Reviewing state agency policies and practices to ensure that state agency staff are not recommending that families file a CRA without first ensuring they are receiving all community-based and state services to which they are entitled	No change in statute/policy is necessary to achieve this recommendation. All child-serving agencies should review their practices as they relate to CRA referrals.
Examining the need for additional services to support families who have adopted a youth as a result of a Care & Protection case even after that case has formally closed	No change in statute/policy is necessary to achieve this recommendation, but assigning this task to a specific entity would help implement this recommendation as soon as possible.
Recommendation #5: Support community-based programs aimed at supporting youths’ behavioral and mental health needs, as well as those that promote prosocial activities	
Continue to build on EOHSS behavioral health redesign and, in partnership with other state agencies and communities, expand community-based mental health services for youth	A change in statute/policy is not necessary to achieve this recommendation. The state may consider increased funding as the changes listed in this report are further implemented.
Increasing availability of therapeutic models that support healthy family functioning and that are targeted specifically to the needs of adolescent youth whose behaviors may put them at increased risk for delinquency system involvement	The Legislature should consider additional funding for these programs.
Improving crisis responses systems	A change in statute/policy is not necessary to achieve this recommendation. EOHHS should monitor impact of reforms and make further changes if necessary.
Expanding respite options for youth and families	A change in statute/policy is not necessary to achieve this recommendation.

	The state may consider increased funding for expansion of these programs.
Increase funding to expand DMH Young Adult Access Centers	The Legislature should increase funding aimed at expanding the number of DMH Young Adult Centers across the state.
Support and expand the availability of enrichment and prosocial activities	A change in statute/policy is not necessary to achieve this recommendation. The state may consider increased funding for expansion of these programs.
Create “flex funds” to be used as creative solutions to help youth engage in prosocial activities	A change in statute/policy is not necessary to achieve this recommendation. The state may consider increased funding for expansion of these programs.
Recommendation #6: Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements	
DCF, DMH, DDS, DESE and EEC collaborate to identify the specific cohorts of youth who are not well-served with the current program models, and work with the provider community to identify alternative models that might better serve these youth	A change in statute/policy is not necessary to achieve this recommendation, but would help implement this recommendation as soon as possible.
Recommendation #7: Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support	
DESE should require school districts to report data on court referrals for CRAs	This recommendation would require a directive from DESE. A change in statute/policy is not necessary to achieve this recommendation, but would help implement this recommendation as soon as possible.
DESE should further study barriers to school district adoption of truancy prevention and intervention best practices	A change in statute/policy is not necessary to achieve this recommendation, but would help implement this recommendation as soon as possible.
DESE and DCF should partner to identify ways to promote greater collaboration between schools and FRCs	A change in statute/policy is not necessary to achieve this recommendation, but would help implement this recommendation as soon as possible.
Increasing availability of educational advocates	Additional funding is necessary from the Legislature.
Increasing the availability of services that promote student mental health	Additional funding is necessary from the Legislature.
Continue and expand funding for the School Based Behavioral Health Technical Assistance Center	Additional funding is necessary from the Legislature.

Continuing efforts by DESE and MassHealth to help schools take advantage of federal resources to pay for behavioral health services in school.	A change in statute/policy is not necessary to achieve this recommendation.
Recommendation #8: Increase data availability	
The state should require school districts to collect and report data to DESE on CRA filings	This recommendation would require a directive from DESE. A change in statute/policy is not <i>necessary</i> to achieve this recommendation, but would help implement this recommendation as soon as possible.
The state should require FRCs to collect and report data on youth who participate in CRA Diversion Team interventions	A contractual change would need to be made to ensure all FRCs are performing this responsibility. A Legislative change in statute with the necessary funding would help achieve this reform.
Improve cross-branch data collection and analysis	A statutory change is necessary to achieve this goal.
Collect and report data regarding other youth-focused initiatives	No change in statute/policy is necessary to achieve this recommendation.
Recommendation #9: Monitor implementation of policy changes	
Monitor implementation of policy changes made to the CRA system and other youth-focused initiatives	The JJPAD Board should continue to monitor the implementation of the Board’s recommendations in this report and report challenges to the Legislature accordingly.

Conclusion

It has been ten years since the CRA system replaced the CHINS system. Although some of the reforms positively impacted the youth and families the system aims to serve, the state can do more to provide children and families with the necessary supports to be successful in their home, school and community with as little court intervention as possible.

The recommendations in this report aim to move Massachusetts toward this goal, while ensuring we have the data, monitoring, and accountability structures necessary to identify when and where we are missing the mark and support future system improvement efforts.

It is critical that the state take steps to implement the Board’s recommendations to address the myriad of challenges with our current CRA system. If implemented, the recommendations made in this report can support youth and families across the Commonwealth in ways that keep families intact and prevent future delinquency system involvement and further traumatization.

Appendix A: Links to key research documents

The following documents are references in this report and informed the Board’s findings and recommendations detailed throughout the document:

1. [CRA Case File Review](#): conducted in partnership between the Office of the Child Advocate and the Children and Family Law Division of the Committee for Public Counsel Services.
2. [Truancy Prevention Research and Best Practices Brief](#): documenting the national literature regarding truancy prevention and “bright spots” across Massachusetts’ school districts regarding addressing chronic absenteeism and truancy prevention.
3. [Caregiver Focus Groups](#): documenting the responses and findings from four focus groups of caregivers to youth with a CRA petition.

Appendix B: CRA system stakeholders’ responsibilities as outlined in statute and standing court order

Table 8: CRA System Stakeholders’ Responsibility as Outline in Statue ¹⁴⁴ , Standing Court Order ^{*145} and Probation Standards ^{□146}	
Pre-filing	
Stakeholder	Responsibilities
Family Resource Center (FRC)	<ul style="list-style-type: none"> Whenever a child or family seeks assistance from a family resource center or community-based service network program for habitually truant behavior, the program staff shall assist the family in gaining access to a certified truancy program[^] [Sec. 1(f)]
Filing of the application for assistance	
Clerk-Magistrate	<ul style="list-style-type: none"> Prior to accepting the application for assistance, inform the petitioner they may delay filing and instead be referred to an FRC[^] [Sec.8] If filing is continued, schedule the preliminary hearing within 15 days[^] [Sec.9] Send a notice of the preliminary hearing and a copy of the application to the child[*] If the child is not present at filing, the clerk shall notify counsel of appointment, including the child’s name and date of the preliminary hearing^{^*} [Sec.14] If the child is present at filing, the clerk shall notify probation that an inquiry is necessary^{^*} [Sec.9]
Child’s Counsel	<ul style="list-style-type: none"> Contact the child prior to the preliminary hearing[*] If counsel is available and the child is present at time of filing, the child’s counsel should be present at probation’s inquiry[*]
Probation	<ul style="list-style-type: none"> The clerk shall request that the chief probation officer or a designee conduct

¹⁴⁴ An Act Regarding Families and Children Engaged in Services, Ch. 240. (2012).

<https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter240>

¹⁴⁵ Massachusetts Juvenile Court. (2021). Juvenile Court Standing Order 3-21: Child requiring assistance proceedings.

<https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings>

¹⁴⁶ [Massachusetts Probation Service](#). (2022). Summary of MPS CRA Standards.

	<p>an immediate inquiry to determine whether in the officer's opinion the best interest of the child require that assistance be given[□] [Sec.9]. This can happen at filing or can be scheduled a few days before the preliminary hearing*</p> <ul style="list-style-type: none"> • Though the clerk has already referred the filer to Family Resource Center, the probation officer will reiterate that option □
Preliminary hearing	
Judge	<ul style="list-style-type: none"> • Conduct the hearing^{^*} • Accept the application and schedule a fact-finding hearing; or • Determine if the best interests of the child would be better served via informal assistance^{^*} [Sec.9]
Petitioner	<ul style="list-style-type: none"> • Present and may be represented by counsel^{^*}[Sec.14]
Child's Counsel	<ul style="list-style-type: none"> • Present at the hearing^{^*}[Sec.13]
Probation	<ul style="list-style-type: none"> • Present recommendations to the court^{^*}□ [Sec.9] • If applicable, meet with the child and their family to schedule an informal assistance meeting^{^*}□ [Sec.9]
Informal assistance	
Probation	<ul style="list-style-type: none"> • Refer the child and family to appropriate public or private resources for psychiatric, psychological, educational, occupational, medical, dental or social services^{^*}□ [Sec.10]
Child's Counsel	<ul style="list-style-type: none"> • Represent child throughout process^{^*}[Sec.13]
Fact-finding hearing	
Judge	<ul style="list-style-type: none"> • Conduct hearing (Note: The judge who conducted the preliminary hearing should not conduct the fact-finding hearing, however, this can be waived by the child and counsel) *
Petitioner	<ul style="list-style-type: none"> • Present evidence relevant to the issue of the allegations, including any relevant witnesses^{^*} [Sec.16]
Child's Counsel	<ul style="list-style-type: none"> • Present evidence relevant to the issue of the allegations, including any relevant witnesses^{^*} [Sec.16]
Probation	<ul style="list-style-type: none"> • Should not present evidence at the fact-finding hearing regarding any statements

	<p>made by the child or any other persons during the inquiry conducted prior to the preliminary hearing, or during the informal assistance period *□</p>
Conference and disposition hearing	
<p>Probation</p>	<ul style="list-style-type: none"> • Provide the clerk’s office with a list of persons who should receive notice of the conference*□ • Present a written recommendation to the court on a form approved by the Commissioner of Probation. The recommendation shall advise the judge on the appropriate treatment and services for the child and family, the appropriate placement for the child and the appropriate conditions and limitations of such placement^*□ [Sec.16]
<p>Clerk-Magistrate</p>	<ul style="list-style-type: none"> • Send notice to the list of persons to be notified as provided by Probation *
Supervision	
<p>Probation</p>	<ul style="list-style-type: none"> • When a case is ordered to either Informal Assistance or found to be a child requiring assistance after Factfinding and Disposition, a probation officer is assigned to meet with the child and the child’s parent/guardian to develop an appropriate supervision plan. The supervision plan will address any agreements or orders made between the court, child, parent(s), or guardian(s). The plan will also include the steps to be taken by the child, parent(s), guardian(s), agencies, and the probation officer to resolve the issues which resulted in the court action. A supervisor reviews all supervision plans at periodic intervals, and supervision plans may be modified upon a material change in circumstances. If at any time, the probation officer believes that the child, parent(s)/guardian(s), or agency failed to comply with the terms of agreement or other conditions ordered by the court, the probation officer will notify their

	supervisor and bring the case before the court, with notice to the parties* <input type="checkbox"/>
Temporary custody hearing and order	
Judge	<ul style="list-style-type: none"> • Conduct hearing* • Prior to granting temporary custody to the Department of Children and Families (DCF), the judge shall make a written certification and determination that it is contrary to the child’s best interests to remain in the child’s home and that the department has made reasonable efforts to prevent removal of the child from the child’s home or the existing circumstances indicate that there is an immediate risk of harm or neglect which precludes the provision of preventative services as an alternative to removal^* [Sec.30]
Probation	<ul style="list-style-type: none"> • If at any time the court grants temporary custody to DCF, the probation officer will terminate supervision contact, unless otherwise ordered by the court. The probation officer will keep apprised of the case through regular communication with DCF and remain ready to report on it*<input type="checkbox"/>
Child’s Counsel	<ul style="list-style-type: none"> • Present at the hearing^* [Sec.30]
Petitioner (Parent)	<ul style="list-style-type: none"> • Present and represented by counsel unless the parent has waived their right to counsel. At the hearing the parent may present evidence to the court regarding the allegations surrounding the application for assistance and the need for a temporary custody order^* [Sec.30]

Appendix C: Children Requiring Assistance System Practices in Other States

This appendix provides a brief overview of systems adopted by four other states or counties to address status offenses (CRA-like behaviors). The overview is not intended to provide an in-depth description of the systems adopted by each jurisdiction, but to **highlight the different practices compared to Massachusetts’ system**. The four systems discussed were selected following an evaluation and analysis of the systems adopted by twenty-three different states and counties.

Key themes across these examples include:

- Requiring evidence that a family has engaged with a community service provider prior to being legally permitted to file a petition (and actively facilitating/supporting that engagement as needed, such as through a pre-filing conference) or eliminating Juvenile Court jurisdiction over these matters altogether
- Requiring schools to demonstrate evidence of engagement with families, including referral to a community service provider, prior to filing a petition or eliminating the ability of a school to file a CRA-like petition altogether
- Creating greater “up front” clarity about situations that may result in out-of-home placement, such as creating a special petition type

Connecticut- Families with Service Needs (FWSN)

Connecticut no longer has a CRA equivalent system. **Connecticut eliminated school-based FWSN filings effective August 2017, and, effective July 2020, the remaining FWSN petitions were also eliminated by statute.**^{147,148} These reforms stemmed from recommendations made by Connecticut’s Juvenile Justice Policy and Oversight Committee (JJPOC), similar in structure to Massachusetts’ JJPAD Board.¹⁴⁹

Truancy/School Petitions: Instead of filing a FWSN petition in juvenile court, Connecticut schools can refer youth with concerning behaviors (including truancy) and unmet needs to a [Youth Service Bureau \(YSB\)](#). YSBs are similar to Massachusetts’ FRCs in that they are run by community-based organizations in each jurisdiction. Connecticut’s website provides the following information on YRBs’ functions:¹⁵⁰

“Mandated by Connecticut General Statute section 10-19m, a Youth Service Bureau (YSB) is an agency operated directly by one or more municipalities that is designed for planning, evaluation, coordination, and implementation of a network of resources and opportunities for children, youth, and their families.

¹⁴⁷ For more information see: <https://www.cga.ct.gov/2016/act/pa/pdf/2016PA-00147-R00HB-05642-PA.pdf>

¹⁴⁸ https://www.ctyouthservices.org/Customer-Content/WWW/CMS/files/JJPOC_Cover_Memo_-FWSN- June_2020.pdf

¹⁴⁹ For more information on the JJPOC:

https://www.cga.ct.gov/app/taskforce.asp?TF=20141215_Juvenile%20Justice%20Policy%20and%20Oversight%20Committee;

JJPOC recommendation to remove truancy and defiance of school rules:

<https://www.newhaven.edu/resources/documents/lee-college/institutes/tow-youth-justice-institute/juvenile-justice-policy-oversight-committee/recommendations/JJPOC-Recommendations-Report-2016.pdf> ; JJPOC recommendation to eliminate all

remaining FWSN offenses: <https://www.newhaven.edu/resources/documents/lee-college/institutes/tow-youth-justice-institute/juvenile-justice-policy-oversight-committee/recommendations/2017-JJPOC-Recommendations.pdf>

¹⁵⁰ For more information: https://www.ctyouthservices.org/Our_Members/YSB-Functions/

In addition, YSBs are responsible for the provision of services and programs for all youth to develop positively and to function as responsible members of their communities.

YSBs have a broader scope of service than most other youth serving agencies. In addition to providing direct services like other agencies, YSBs have a responsibility to assess the needs of youth, identify gaps in service and coordinate services for youth to fill the gaps and avoid duplication of services. A town may operate its YSB directly or combine with one or more towns to jointly operate a YSB, or a town may designate a private agency to act as its agent for the purpose of providing these services.”

Parent-Originated Petitions (e.g., Stubborn/Runaway): Parents have several options in Connecticut. They may also work with their local YSB to connect with services for their child/family. This is the preferred/first option. In some cases, they may also be eligible to apply for voluntary services through their state Department of Children and Families (DCF).¹⁵¹ A YSB can help a parent with that application. Voluntary services can include in-home support or temporary out-of-home placement. In either case, a court order is not needed.

After Connecticut eliminated the FWSN system, the YSBs provided the services and interventions to youth who may have been seen in the FWSN system. Some interventions include:

- Making referrals for community services for children who are truant or present with school defiance.
- Facilitating systems of support and services that are individualized and developmentally appropriate for the youth and their family, such as academic support, referrals, educational advocacy, mentoring, mediation, parenting classes, positive social activities, and assistance with basic needs.
- Functioning as a coordinator-partner outside the school system, which can be particularly helpful when the relationship between the school and the family is strained.

Additionally, schools must complete the following requirements as truancy prevention mechanisms:¹⁵²

- Hold a meeting with a parent/guardian of a student no later than 10 days after the student’s 4th absence in a month or 10th in a year
- Coordinate referral and services with community agencies providing the student and family with services to support improved attendance and/or conduct
- Keep documentation of the meetings with parents and efforts made to contact and include families and provide early interventions.

¹⁵¹ Connecticut State Department of Children and Families. (n.d.) Voluntary Services. <https://portal.ct.gov/DCF/Policy/Regulations/Voluntary-Services>

¹⁵² For more information on Connecticut’s truancy statute see: https://www.cga.ct.gov/current/pub/chap_168.htm#sec_10-198a

New York State - Persons in Need of Supervision (PINS)

PINS¹⁵³ cases are meant to be used as the last option once all other diversion efforts have been exhausted. In 2019, NY reformed the PINS statute to coincide with the federal Family First Prevention Services Act as well as national juvenile justice reforms to decriminalize status offenses.¹⁵⁴ Legislation took effect on January 1, 2020. To ensure it is used in this manner, the New York State Legislature (NY FAM CT §735) delineates that:

- Each county and any city with a population of 1 million or more must designate a “lead agency” for the purposes of providing PINS diversion services.¹⁵⁵ **Lead agencies (either Probation or, more frequently, a local branch of New York State’s [Department of Social Services \(LDSS\)](#) must diligently attempt to prevent the filing of a PINS petition by providing community-based diversion services to youth and families. Services include community-based program referrals, mental and behavioral health interventions, respite and more.** To provide evidence of these efforts, the lead agencies must provide a written notice to the potential petitioner documenting the different efforts made to prevent filing after they determine there is no substantial likelihood that the youth will benefit from further diversion attempts.¹⁵⁶
- Court Clerks cannot accept PINS petitions unless they have attached the written notice from the lead agency indicating there is no substantial likelihood that the youth will benefit from further diversion attempts and documentations of diversion efforts attempted. This includes steps taken by schools when filing school-based petitions. If these are not attached to the petition, then the Court Clerk shall refer the family to the lead agency, which shall hold at least one conference between the youth and their parent/ legal guardian to determine the most appropriate services to support the youth and their family.
- PINS petitions cannot be filed during the period the youth is receiving diversion services from the lead agency.

After a PINS application is accepted, the petition transitions to the court. If the youth and their parents/legal guardians are in agreement, the court may place the youth briefly into foster care or keep the youth at home and continue to work to resolve the issues. Youth with school-based filings cannot be placed out-of-home as part of their disposition. If the youth and their parents/legal guardian(s) are not in agreement about the most appropriate solution, then the PINS petition proceeds to a fact-finding hearing to determine the best way to proceed.

¹⁵³ New York State Unified Court System (n.d.) *Person in Need of Supervision*. New York City Family Court. http://ww2.nycourts.gov/COURTS/nyc/family/faqs_pins.shtml#pi1; FindLaw (2021, January 1) *New York Family Court Act*. FindLaw <https://codes.findlaw.com/ny/family-court-act/#!tid=N1022C885E06A48C698D840F1B061CDF9>

¹⁵⁴ For more information: <https://ocfs.ny.gov/programs/youth/pins/>

¹⁵⁵ FindLaw. (2021). *New York Family Court Act FCT § 727. Rules of court authorizing release before filing of petition* FindLaw <https://codes.findlaw.com/ny/family-court-act/#!tid=N1022C885E06A48C698D840F1B061CDF9>

¹⁵⁶ Office of Children and Family Services (n.d.) *Person in Need of Supervision*. Division of Youth Development and Partnerships for Success. <https://ocfs.ny.gov/programs/youth/pins/>

In order to further incentivize against out-of-home placements, 2020 PINS [reform](#) legislation determined there would be no state funding reimbursement for any PINS placement.¹⁵⁷ The purpose of this reform was to:

- Limit reasons for placement and length of stay in any foster or congregate care setting
- Encourage timely case work and the effective use of services for youth prior to court involvement
- Promote a least restrictive environment with a clear path towards permanency

Washington - Truancy (TRU), At-Risk Youth (ARY), and Children in Need of Services (CHINS)

Following the enactment of the [Becca Law](#) (RCW 13.32A) in 1995, Washington has a system that has both “preventative” petitions (TRU and ARY) and a “reactive” petition (CHINS):

- The main difference between a Truancy ([TRU](#)) petitions in Washington and a truancy CRA in Massachusetts is the amount of time between filing and the preliminary hearing. In a TRU petition in Washington, the preliminary hearing is scheduled a year after the date of initial filing, in comparison to 15 days in Massachusetts. **During that year, other interventions will take place (e.g., attendance workshops, community truancy boards, etc.) with the goal of re-engagement rather than court appearance.** If such interventions are not successful during the school year, schools may ask for an earlier preliminary hearing before the year mark.
- The [ARY](#) and [CHINS](#) petitions differ from the types of petitions in Massachusetts’ CRA system because **they are distinguished by the severity of the behavior and the expected outcome of the petition, as opposed to the type of behavior.** When a petitioner files a CHINS petition, it’s because the conflict between the youth and their family is so severe that the family cannot resolve it while keeping the youth at home and so are seeking a temporary out-of-home placement for the youth. Unlike Massachusetts, the youth can initiate a CHINS petition, as can a parent/legal guardian or the Washington Department of Children, Youth and Families (DCYF). On the other hand, an ARY petition emphasizes obtaining assistance and support with the purpose of avoiding out-of-home placement. By creating distinct petitions that depend on the severity of the behavior, cases are triaged at the time of filing, and by the time they are at a dispositional conference, all stakeholders have a clear understanding of the possible outcomes.

Similar to Massachusetts, Washington requires that the petitioner attempt to improve the youth’s behaviors by going to [Family Reconciliation Services](#) (FRS; community-based agencies that are similar in services and purpose to FRCs in Massachusetts¹⁵⁸). FRS may offer up to 12 sessions (12 hours) of free in-home counseling or drug/alcohol treatment. Unlike Massachusetts, Washington law requires that prior to filing an ARY or CHINS petition, petitioners contact the FRS for a family assessment and attach this to

¹⁵⁷ It is important to note that New York is a county-based system, which is different than Massachusetts’ state-based system.

¹⁵⁸ Washington State Legislature (n.d.) *RCW 13.32A.040*. Washington State Legislature <https://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.040>

the petition. Otherwise, the Clerk will not file the petition and will instead refer the family to the FRS for services.

Midland County, Michigan - Incurrigibility and Truancy Petitions

Midland County, Michigan has two separate petitions, *Truancy* and *Incurrigibility*. The latter includes behaviors covered by Massachusetts' CRA system, such as "Stubborn" and "Runaway."¹⁵⁹

In an effort to ensure that the youth and their families have exhausted all other community-based efforts to resolve the concerns prior to bringing the case to court, **Midland County, MI requires that parents document allegations about child's behaviors dating back 3 months and present a statement from a counseling agency that details the use of community resources to resolve the child's behavior.**¹⁶⁰ Midland County also requires that the family participate in a MAYSI-2 screen¹⁶¹ and/or other assessment prior to being able to file.

A conference is scheduled before the petition is filed, with all the parties, to try and resolve the situation. During the conference, the Court Intake Worker, the Family Court Services coordinator and the Youth intervention specialist will encourage the family to make efforts to solve the problem by:

- Attending family or individual counseling for a period of 4 months
- Working with the schools to improve conduct and attendance
- Exploring arrangements for the child to live with a relative if necessary
- Attempting other recommendations identified by the Court Intake Worker to avoid Court involvement
- Discussing the consequences of becoming court involved with the parents and child

Once the family has demonstrated through the aforementioned interventions that efforts have been made to resolve the problems and they have not improved, the parent may file a petition. After the petition has been filed, the court proceedings that follow does not differ drastically from the CRA system in Massachusetts.¹⁶²

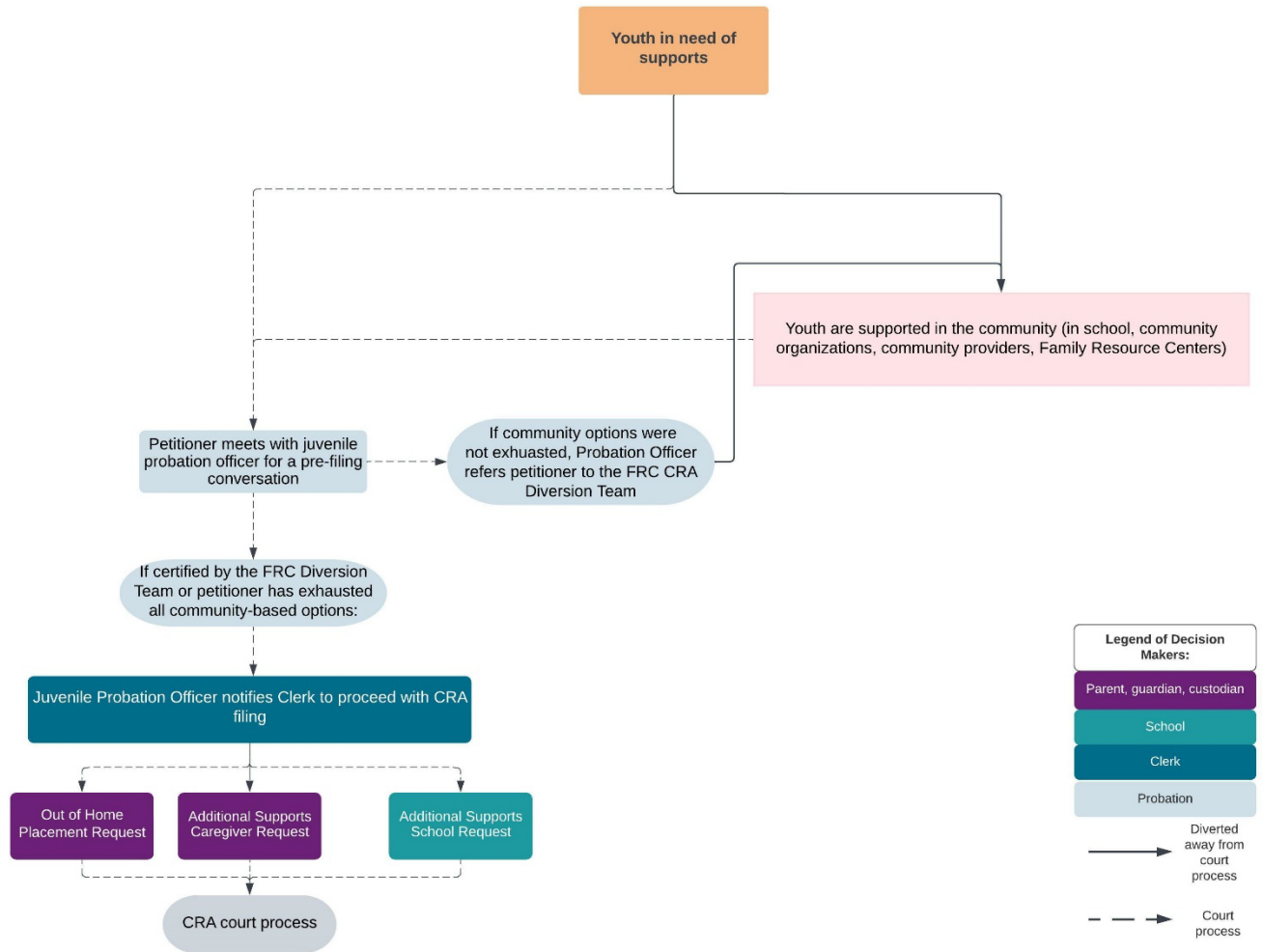
¹⁵⁹The County of Midland. (n.d.). Midland County School and Truancy Program. <https://co.midland.mi.us/Portals/0/Midland%20County/Documents/Probate%20Court/Combined%20File%20Truancy%20Protocol.pdf>

¹⁶⁰ The County of Midland. (n.d.). Finding Help for an Out-of-Control Teen. <https://co.midland.mi.us/Courts/ProbateandJuvenileCourt/JuvenileCourt/JuvenileDelinquency/FindingHelpforaOutOfControlTeen.aspx>

¹⁶¹ The Massachusetts Youth Screening Instrument – Second Version or (MAYSI-2) is a brief behavioral health screening tool designed especially for juvenile justice programs and facilities. To learn more see: <http://www.nysap.us/maysi2/index.html>

¹⁶² County of Midland. (n.d.). Juvenile Delinquency. <https://co.midland.mi.us/Courts/ProbateandJuvenileCourt/JuvenileCourt/JuvenileDelinquency.aspx>

Appendix D: CRA System as described in *Recommendation #2*



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