HOUSE DOCKET, NO. 2453 FILED ON: 1/16/2025

HOUSE . . . . . No. 265

The Commonwealth of Massachusetts

PRESENTED BY:

Rita A. Mendes

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regarding families and children in need of assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Rita A. Mendes	*11th Plymouth*	*1/16/2025*
Natalie M. Blais	*1st Franklin*	*5/7/2025*
Samantha Montaño	*15th Suffolk*	*5/7/2025*
Natalie M. Higgins	*4th Worcester*	*5/7/2025*
Michelle M. DuBois	*10th Plymouth*	*5/25/2025*
Danillo A. Sena	*37th Middlesex*	*6/3/2025*
Russell E. Holmes	*6th Suffolk*	*7/7/2025*

HOUSE DOCKET, NO. 2453 FILED ON: 1/16/2025

HOUSE . . . . . No. 265

By Representative Mendes of Brockton, a petition (accompanied by bill, House, No. 265) of Rita A. Mendes for legislation to establish a network of community-based services and family resource centers for families and children in need of assistance. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act regarding families and children in need of assistance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 6A of the General Laws is hereby amended by striking out section 16U and replacing it with the following new text:

Section 16U. (a) As used in this section, the following words shall have the following meanings:—

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

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

"Community-based services", services, including coordination of services, designed to assist families requiring assistance so that, if appropriate, families may avoid entry or re-entry to the child protective service and child requiring assistance legal systems and children of the

11 family may continue to reside with their family and attend their community school while
12 enjoying a strengthened relationship with their family.

13 "Family requiring assistance", a parent, guardian, custodian, sibling and any relative or
14 caretaker meeting one or more of the following criteria: (1) at elevated risk of being the subject
15 of a petition under Chapter 119 Section 24; (2) responsible for a child at risk of being the subject
16 of a petition under Chapter 119 Section 39E.

17 "Habitually absent without permission", as defined in section 21 of chapter 119.

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

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

20 (1) establish a network of child and family service programs and family resource centers
21 throughout the commonwealth to provide community-based services to families requiring
22 assistance under subsection (c);

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

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

32 funded services the child or family may be eligible for, including services provided by agencies
33 under the purview of the executive office of health and human services, the executive office of
34 education, and the executive office of housing and livable communities.

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

37 (5) encourage cooperation among local providers and state agencies as needed to provide
38 the full complement of services required under this section;

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

41 (7) require the use of standard intake screening and assessment tools to evaluate families
42 and children seeking community-based services which shall identify the family's strengths,
43 resources and service needs including, but not limited to, mental health, behavioral health or
44 substance abuse treatment, reasonable accommodations for individuals with disabilities, basic
45 family shelter, clothing and food needs, child care needs, health insurance status, legal issues,
46 education placement and child protection; and

47 (8) create a data collection system for use by programs within the community-based
48 services network and family resource centers which shall: (i) maintain the privacy of clients
49 served, (ii) assist programs and the secretary in identifying and addressing the needs of the
50 population to be served, including gaps in service availability and how long clients are waiting to
51 receive services (iii) collect information including, but not limited to, insurance status and
52 benefit coverage of clients served, income documentation as needed to apply a sliding fee scale
53 for payment or waiver of payment for services, (iv) collect data regarding the needs identified

54 and services received by a family, and (v) such other information deemed necessary to assist the
55 program and the secretary in providing services, identifying service needs and gaps and
56 evaluating the effectiveness of family resource centers and the community-based services
57 network.

58 Annually, the secretary shall submit a report to the house and senate committees on ways
59 and means, the joint committee on children, families and persons with disabilities and the child
60 advocate detailing, but not limited to: (i) the number of children and families served at each
61 center; (ii) identified service needs (iii) the types of services offered in-house and those offered
62 by referral; (iv) service outcomes (v) service gaps, including unavailable services and services
63 with long wait times (vi) client feedback; (vii) the number of families served by a
64 multidisciplinary team pursuant to subsection (c), and (viii) the number of children referred to a
65 Juvenile Court for a child requiring assistance petition following a multidisciplinary team
66 process. All data shall be disaggregated by the child's race, ethnicity, gender, sexual orientation,
67 transgender status, disability, primary language, and age.

68 (c) The network of community-based services and family resource centers shall: (i) assist
69 families so that, whenever possible, families may avoid entry or re-entry to the child protective
70 service system and children may continue residing with their families in their home
71 communities; (ii) assist families to enable children to continue as students in their community
72 schools; (iii) strengthen the relationships between children and their families; (iv) assist families
73 in connecting with local, state, and federal services to help meet basic family shelter, clothing,
74 food and health needs (v) provide coordinated, comprehensive, community-based services for
75 children at risk of chronic absenteeism, dropping out of school, committing delinquent acts or

76 engaging in behaviors which impede the likelihood of leading healthy, productive lives, or who
77 have been referred from the juvenile court pursuant to section 39E of chapter 119

78 Services offered through the network shall include, but not be limited to, treatment for or
79 assistance with: eligibility determinations, assistance with applying for state services including
80 MassHealth, financial assistance programs including Supplemental Security Income, and
81 services provided or funded by executive branch agencies, behavioral, medical and mental
82 health needs, substance use treatment, special education evaluation, remedial education services,
83 assistance with insurance issues, mentoring, family and parent support, civic engagement and
84 community service, after school and out-of-school opportunities, residential programs, crisis
85 management and case management.

86 Subject to appropriation, each FRC shall assign a child and family a case manager who
87 shall assist the family in identifying and navigating appropriate services in the network. If a case
88 meets the eligibility criteria for an interagency review of complex cases under section 16R of
89 Chapter 6A, the FRC shall refer the child to the interagency review team. For cases that do not
90 meet the eligibility requirements under section 16R of Chapter 6A, the FRC may convene a
91 multidisciplinary team to fulfil the functions listed in this subsection. Multidisciplinary teams
92 shall consist of but not be limited to the child, the child's parents/caregivers, and family resource
93 center staff, and when appropriate may include family partners, advocates, community-based
94 service providers, educational advocates, representatives from state agencies, or school district
95 representatives. The teams shall work to identify any needs of the child or family with the goal of
96 providing supports to the child and their family outside of the juvenile court process to the extent
97 possible.

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

104 The secretary of health and human services shall issue guidance to effectuate the
105 purposes of this section. The guidance shall include, but not be limited to: (i) a description of
106 situations in which convening a multidisciplinary team may appropriate, (ii) the role of family
107 resource center staff in facilitating the work of the multidisciplinary team, (iii) the circumstances
108 under which staff from health and human service state agencies are required to participate and
109 what that participation shall entail, (iv) the process by which disagreements about the case plan
110 shall be resolved, (v) requirements for obtaining consumer or parental consent (vi) processes for
111 providing information to the juvenile court about a family's participation in services when the
112 family has filed a child requiring assistance petition (vii) data gathering and reporting
113 requirements; (viii) and protocols for when and how a family should be referred to the juvenile
114 court for a child requiring assistance petition.

115 (d) Any documentation of services provided to the family and child through the network
116 of community-based services or in the family resource centers shall not be public records under
117 clause Twenty-sixth of section 7 of chapter 4. Except as otherwise required by law, including
118 laws related to the reporting of suspected abuse or neglect under section 51A of chapter 119,
119 statements made by the family and child while receiving services from the network of
120 community-based services shall be treated as confidential and shall not be used in any

121 proceedings without the written consent of the person making the statement. Information about
122 the child and family requiring assistance, including interactions with service providers and
123 protected health information services, may be shared among the case team, other providers of
124 community services for families and any agency within the executive office of health and human
125 services providing such services to the child as needed to coordinate treatment and provide
126 appropriate case management, to the extent permitted under applicable federal law, unless the
127 child or family decline in writing to permit such information sharing.

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

133 (f) Except as otherwise provided, a school administrator shall refer a student to a family
134 resource center at least 45 days prior to filing a child requiring assistance petition under Chapter
135 119 Section 39E. An administration shall also refer a student to a family resource center, , at the
136 same time as the administrator notifies the student and the parent, legal guardian or custodian of
137 the student that the student is at risk of expulsion for failure to comply with the lawful and
138 reasonable rules of the school. After providing the process that is due to the student, including an
139 expulsion hearing if requested under sections 37H and 37H.5 of chapter 71, the school
140 administrator shall consider the outcome of the community-based services if the student provides
141 such outcome information to the school. After an expulsion is imposed, the student may continue
142 to provide information relative to the outcome of any community-based services rendered, and
143 the school administrator shall consider the outcome of any community-based services rendered

144 any time that is provided. Notwithstanding the outcome of any community-based services,
145 school districts shall make available to expelled students educational services designed to lead to
146 re-entry to a regular education program or to a high school diploma.

147 A school shall make and document efforts to identify and address potential causes of
148 chronic absenteeism, including but not limited to previously unidentified or inadequately
149 addressed special educational needs, behavioral health needs, bullying, and harassment, before
150 referring the child and family to a family resource center for chronic absenteeism or filing a child
151 requiring assistance petition with the juvenile court.

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

154 SECTION 2: Chapter 18C of the General Laws is hereby amended by adding the
155 following section:

156 Child Requiring Assistance Information for Families

157 Section 15. The office shall prepare and update from time to time the following online
158 resources, which the juvenile court shall publish on its official website: (1) a video that explains
159 in clear terms what a child requiring assistance petition is, how an application for assistance is
160 filed, the potential consequences, and a brief overview of community based resources that may
161 be utilized before filing an application, including but not limited to family resource centers and
162 the behavioral health helpline; and (2) a corresponding written overview that contains
163 information about community based resources.

164 SECTION 3: Section 10 of chapter 69 of the General Laws is hereby repealed.

165 SECTION 4: Section 21 of chapter 119 is hereby amended by striking out the definition
166 of “Child requiring assistance” and inserting in place thereof the following definition:-

167 "Child requiring assistance", a child between the ages of 12 and 18 who is not currently in
168 the custody of the Department of Children and Families or the Department of Youth Services
169 who: (a)(i) repeatedly runs away from the home of the child's parent, legal guardian or custodian;
170 (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal
171 guardian or custodian, thereby interfering with their ability to adequately care for and protect the
172 child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school;
173 (iv) is habitually absent without permission; or (v) is a sexually exploited child, and (b) is in need
174 of an out-of-home placement, additional family supports, or additional school supports that
175 cannot be obtained or provided outside of a juvenile court process.

176 SECTION 5: Section 21 of chapter 119 is hereby amended by striking out the definition
177 of “habitually truant” and inserting in place thereof the following definition:-

178 “Habitually absent without permission”, a school-aged child, not excused from
179 attendance under the lawful and reasonable regulations of such child's school, who willfully fails
180 to attend school for more than 8 school days in a quarter.

181 SECTION 6: Chapter 119 is hereby amended by striking out section 39E and replacing it
182 with the following new text:

183 Section 39E. The divisions of the juvenile court department may receive and hear
184 requests for assistance stating that there is a child requiring assistance or a family requiring
185 assistance as defined in section twenty-one, in accordance with the provisions of this section and
186 of sections thirty-nine F to thirty-nine I, inclusive. Proceedings pursuant to sections thirty-nine E

187 to thirty-nine I, inclusive, shall not be deemed criminal proceedings and any record of these
188 proceedings, including the filing of an application for assistance and creation of a docket, shall
189 not be entered in the criminal offender record information system. Notwithstanding any general
190 or special law to the contrary, no record pertaining to the child involved in the proceedings shall
191 be maintained or remain active after the application for assistance is dismissed. The identity and
192 record of any child for which an application for assistance is filed shall not be submitted to the
193 department of criminal justice information services, criminal offender record information system,
194 court activity record index or any other criminal record information system. Proceedings under
195 sections 39E to 39I, inclusive, shall be confidential and not open to the public. The jurisdiction
196 of the Boston juvenile court for the subject matter of this section shall extend to the territorial
197 limits of Suffolk county.

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

206 A school district may initiate an application for assistance in said court stating that said
207 child is (i) not excused from attendance in accordance with the lawful and reasonable regulations
208 of such child's school, has willfully failed to attend school for more than 8 school days in a
209 quarter or repeatedly fails to obey the lawful and reasonable regulations of the child's school, and

210 (ii) the school district is seeking specified additional supports that cannot be provided outside of
211 the juvenile court process. The application for assistance shall also state whether or not the child
212 and the child's family have been referred to an educational advocate or family resource center,
213 and whether the child and the child's family participated in the referred services to the best of the
214 applicant's knowledge. The application shall also provide a statement of the specific steps taken
215 by the school district to prevent the child's absenteeism; and if the application for assistance
216 states that a child has repeatedly failed to obey the lawful and reasonable regulations of the
217 school, a statement of the specific steps taken by the school to improve the child's conduct. The
218 application shall detail the specific court intervention the school district is seeking to support the
219 child in returning to school or improving the child's conduct. The school district shall not initiate
220 an application for assistance to address matters that fall within the schools' legal responsibility
221 under federal and state law. This prohibition shall include, but not be limited to, the creation or
222 amendment of an Individualized Educational Program, decisions regarding the educational
223 placement of a student pursuant to an Individualized Education Program or the creation or
224 amendment of a Section 504 plan.

225 The application for assistance shall also include an electronic signature from the director
226 of the family resource center, or their designee, confirming that a referral was made by the
227 school to the family resource center for assistance no fewer than 45 business days prior to the
228 filing of the application.

229 Anyone initiating an application for assistance shall also certify that they have received
230 and viewed a copy of the materials developed by the office of the child advocate in accordance
231 with Section 15 of Chapter 18C. If the petitioner is a parent, legal guardian or custodian the
232 probation officer shall provide to the petitioner informational materials, prepared by the court

233 that explain the court process and shall include the types of orders that the court may issue and
234 the possibility of changes in the custody of the child and may include an explanation of the
235 services available through the court process, including language translation services and
236 reasonable accommodations, and the manner in which those services are delivered.

237 Before an application for assistance is presented to the clerk for filing, a probation officer
238 shall determine if all community-based service options relevant to the child's needs and
239 accessible to the petitioner have been attempted. In making the determination of whether
240 community based service options have been exhausted, a probation officer shall discuss with the
241 caregiver and/or school petitioner the alternative steps that have been taken, including but not
242 limited to participating in services offered through a family resource center or behavioral health
243 access center, meeting with educational advocates including the Mental Health Advocacy
244 Program for Kids program, and creating or updating an individualized education plan or Section
245 504 plan for the child. The probation officer shall also consult with the family resource center
246 that is most accessible to the family. Staff at a family resource center shall be permitted to report
247 to a probation officer if a child that is the subject of an attempted child requiring assistance filing
248 has met with a case manager pursuant to Section 16U subsection (c) of Chapter 6A and if all
249 relevant community-based service options have been exhausted.

250 If the probation officer determines that community-based options have not been
251 exhausted and the supports requested in the filing can be obtained through a community-based
252 service provider or state agency, the probation officer shall reject the petition and directly
253 connect the petitioner to a family resource center pursuant to Section 16U of Chapter 6A or the
254 relevant state agency. The probation officer may also refer the child to an appropriate public or
255 private organization or person for psychiatric, psychological, educational, occupational, medical,

256 dental social or substance use treatment services. The probation officer shall ensure the filer has
257 received the informational materials developed by the child advocate under Chapter 18C Section
258 15 and may also prepare, publish and disseminate to each petitioner additional educational
259 material relative to local services as appropriate.

260 If the probation officer determines all community based and state service options relevant
261 to the child's needs and accessible to the petitioner have been exhausted, and the petitioner
262 wishes to proceed after receiving informational materials, an application for assistance shall be
263 filed with and initiated by the clerk, and the clerk shall set a date for a hearing as soon as
264 possible, but not later than 15 days after the request is presented to the clerk for filing, to
265 determine whether assistance is needed, and shall notify the child of such hearing

266 The court shall hold a hearing in which it shall receive the recommendation of the
267 probation officer and shall either (i) decline to accept the application for assistance because there
268 is no probable cause to believe that the child and family are in need of assistance; (ii) decline to
269 accept the application for assistance because it finds that the interests of the child would best be
270 served by informal assistance, in which case the court shall, with the consent of the child and the
271 child's parents or guardian, refer the child to a probation officer for assistance; or (iii) accept the
272 application for assistance and schedule a fact-finding hearing. If the child is brought in on
273 custodial protection, the court shall accept an application for assistance unless one has already
274 been filed, and the court shall immediately request the probation officer promptly to make like
275 inquiry and thereafter report to the court the probation officer's recommendation as to whether
276 the interests of the child can best be served through referral to community-based services or
277 informal assistance without a fact-finding hearing. Upon receiving such recommendation, the

278 court may hold a hearing and shall decide whether to proceed with a fact-finding hearing or to
279 refer the child to the care of a probation officer for assistance.

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

284 Whenever a child is referred to a probation officer for assistance, such officer may
285 conduct conferences with the child and the child's family to effect adjustments or agreements
286 which are calculated to resolve the situation which formed the basis of the application for
287 assistance and which will eliminate the need for a fact finding hearing. During the pendency of
288 such referrals or conferences, neither the child nor the child's parents may be compelled to
289 appear at any conferences, produce any papers or visit any place. However, if the child or the
290 child's parents fail to participate in good faith in the referrals or conferences arranged by the
291 probation officer, the probation officer shall so certify in writing, and the clerk shall accept the
292 application for assistance if one has not already been accepted and shall set a date for a fact
293 finding hearing. The judge who conducted the hearing on the acceptance of the application for
294 assistance shall not preside at any subsequent hearing. Conferences and referrals arranged under
295 this section may extend for a period not to exceed 90 days from the date that the application for
296 assistance was initially filed, unless the parent and child voluntarily agree in writing to a
297 continuation of such conferences or referrals for an additional period not to exceed 90 days from
298 the expiration of the original period. Upon the expiration of the initial 90 day period, or of such
299 additional 90 day period, the application for assistance, if any, shall be dismissed and the child
300 and his parents discharged from any further obligation to participate in such conferences and

301 referrals, or an application for assistance shall, if not already accepted, be accepted and a date set
302 for a fact-finding hearing. No statements made by a child or by any other person during the
303 period of inquiries, conferences or referrals may be used against the child at any subsequent
304 hearing to determine that the child requires assistance, but such statements may be received by
305 the court after the fact finding hearing for the purpose of disposition.

306 The commissioner of probation shall establish a system to collect data on all requests for
307 assistance made and how they are resolved under sections 39E to 39I, inclusive. Said system
308 shall maintain the privacy of clients served, assist the court in identifying and addressing the
309 needs of the population to be served and collect information related to: demographics of the
310 child, including but not limited to the racial and ethnic identify of the child, age, primary
311 language, disability status and gender; the insurance status and coverage of clients served;
312 whether the child had received support from a family resource center pursuant to Section 16U of
313 Chapter 6A or another community-based organization prior to filing, the supports requested as
314 detailed in the application, the needs identified by the probation officer, the length of time a child
315 is receiving assistance from a probation officer, including the time prior to and subsequent to the
316 filing of an application for assistance; whether a school initiated filing involves a need for
317 services or placement decisions that fall within the legal responsibility of the school district
318 under federal and state law; the identity of any public or private organization to whom a
319 probation officer has referred a child or family for services; and any other information that may
320 assist the commissioner and the court in evaluating the availability and effectiveness of services
321 for children who are the subjects of requests for assistance under this section. The probation
322 officer shall gather information concerning each child and family referred to the officer
323 including, but not limited to, (i) insurance status and coverage, (ii) the child's school district (iii)

324 whether the child or family received support from a family resource center pursuant to Section
325 16U of Chapter 6A, (iv) the supports requested as detailed in the CRA application, (v) the needs
326 identified by the probation officer and (vi) other information that may assist the commissioner of
327 probation and the court in evaluating the availability and effectiveness of services for children
328 who are the subjects of requests for assistance under this section.

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

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

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

346 SECTION 7: Chapter 119 is hereby amended by striking out section 39G and replacing it
347 with the following new text:

348 Section 39G. At any hearing to determine whether a child and family require assistance,
349 said child and the child's attorney shall be present and the parent, legal guardian or custodian
350 shall be given an opportunity to be heard. The petitioner and any party may file a motion to
351 dismiss the request for assistance at any time prior to a hearing to determine the disposition of a
352 request for assistance. The judge, upon a filing of a motion to dismiss, shall order that the
353 request for assistance be dismissed upon a showing that the dismissal is in the best interests of
354 the child or if all parties agree to the dismissal. A probation officer may at any time recommend
355 to the court that the request for assistance be dismissed upon a showing that dismissal is in the
356 best interests of the child.

357 Upon making a finding that a child requires assistance after a fact finding hearing, the
358 court shall convene and may participate in a conference of the probation officer who conducted
359 the preliminary inquiry, a representative from a family resource center or other community-based
360 services program, if involved with the family, the petitioner, a representative from the child's
361 school, the child's parent, legal guardian or custodian, the child and the child's attorney, a
362 representative of the department of children and families, if involved with the family, and any
363 other person who may be helpful in determining the most effective assistance available to be
364 offered to the child and family including representatives from MassHealth, the juvenile court
365 clinic and other state entities depending on the supports requested. The probation officer shall
366 present written recommendations and other persons at the conference may present written
367 recommendations to the court to advise the court on appropriate treatment and services for the

368 child and family, appropriate placement for the child, and appropriate conditions and limitations
369 of such placement.

370 At the conference and subsequent hearing on disposition, the child and the child's
371 attorney shall be present and the parents, legal guardian or custodian, and the child and petitioner
372 shall be given an opportunity to be heard. The court may receive evidence as to the best
373 disposition from all persons who participate in the conference and any other person who may be
374 helpful in determining an appropriate disposition.

375 If the court finds the statements in the application for assistance have been proved at the
376 hearing beyond a reasonable doubt, it may determine the child to be in need of assistance. Upon
377 making such determination, the court, taking into consideration the physical and emotional
378 welfare of the child, may make any of the following orders of disposition:

379 (a) subject to any conditions and limitations the court may prescribe, including provision
380 for medical, psychological, psychiatric, educational, occupational and social services, and for
381 supervision by a court clinic or by any public or private organization providing counseling or
382 guidance services, permit the child to remain with his parents, legal guardian or custodian;

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

387 (c) subject to the provisions of sections 32 and 33 and with such conditions and
388 limitations as the court may recommend, place the child in the custody of the department of
389 children and families. At the same time, the court shall consider the provisions of section 29C

390 and shall make the written certification and determinations required by said section 29C. The
391 department shall give due consideration to the recommendations of the court. The department
392 may not refuse out-of-home placement of a child if the placement is recommended by the court
393 provided that the court has made the written certification and determinations required by said
394 section 29C. The department shall direct the type and length of such out-of-home placement. The
395 department shall give due consideration to the requests of the child that the child be placed
396 outside the home of a parent or guardian where there is a history of abuse and neglect in the
397 home by the parent or guardian.

398 If the family or child are directed by the court to participate in treatment or services
399 which are eligible for coverage by an insurance plan or other third-party payer, payment for such
400 services shall not be denied if the treatment or services otherwise meet the criteria for coverage.

401 A child who is the subject of an application for assistance may not be confined in
402 shackles or similar restraints or in a court lockup facility in connection with any proceedings
403 under sections 39E to 39I, inclusive. A child who is the subject of an application for assistance
404 shall not be placed in a locked facility or any facility designated or operated for juveniles who
405 are alleged to be delinquent or who have been adjudicated delinquent. Such child may, however,
406 be placed in a facility which operates as a group home to provide therapeutic care for juveniles,
407 regardless of whether juveniles adjudicated delinquent are also provided care in such facility.

408 Any order of disposition pursuant to this section shall continue in force for not more than
409 120 days; provided, however, that the court which entered the order may, after a hearing, extend
410 its duration for up to 3 additional periods, each such period not to exceed 90 days if the court

411 finds that the purposes of the order have not been accomplished and that such extension would
412 be reasonably likely to further those purposes.

413 No order shall continue in effect after the eighteenth birthday of a child named in an
414 application for assistance authorized to be filed by a parent, a legal guardian or custodian or a
415 police officer or after the sixteenth birthday of a child named in a petition authorized to be filed
416 by a school district.