SENATE DOCKET, NO. 1693 FILED ON: 1/16/2025

# SENATE . . . . . No. 141

## The Commonwealth of Massachusetts

PRESENTED BY:

***Robyn K. Kennedy***

*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: |
|---|---|
| *Robyn K. Kennedy* | *First Worcester* |

SENATE DOCKET, NO. 1693 FILED ON: 1/16/2025

# SENATE . . . . . No. 141

By Ms. Kennedy, a petition (accompanied by bill, Senate, No. 141) of Robyn K. Kennedy for legislation relative to families and children in need of assistance. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *101* OF 2023-2024.]

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

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

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

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

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

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

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

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

private organizations; (iv) local medical, behavioral or mental health care providers; (v) state-funded services the child or family may be eligible for, including services provided by agencies under the purview of the executive office of health and human services, the executive office of education, and the executive office of housing and livable communities.

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

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

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

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

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

for payment or waiver of payment for services, (iv) collect data regarding the needs identified and services received by a family, and (v) such other information deemed necessary to assist the program and the secretary in providing services, identifying service needs and gaps and evaluating the effectiveness of family resource centers and the community-based services network.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Child Requiring Assistance Information for Families

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

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

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

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

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

“Habitually absent without permission”, 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 proceedings under sections 39E to 39I, inclusive. 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 adjudicated delinquent are also provided care in such facility.

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

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

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