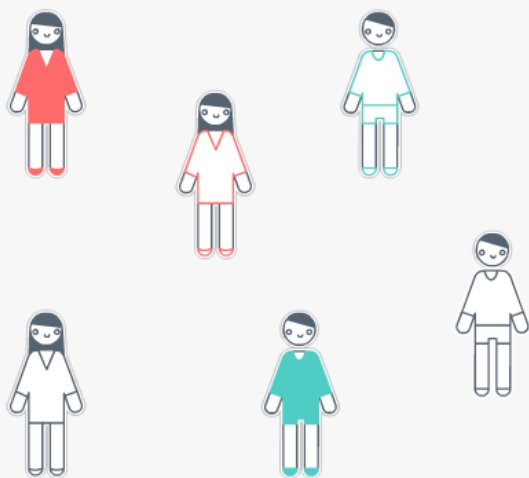


# A Child Requiring Assistance (CRA) Case

Jessica Berry  
Children's Law Center of MA (CLCM)



**CHILDREN'S LAW CENTER  
OF MASSACHUSETTS**

# An Act Regarding Families and Children Engaged in Services (FACES)



- Procedural changes took effect November 5, 2012
- Eliminated Children in Need of Services (CHINS) and replaced with Child Requiring Assistance (CRA)
- Service delivery change, effective 2015
- Goals:
  - Better inform parents about process
  - Decriminalize status offender youth
  - More services, less court



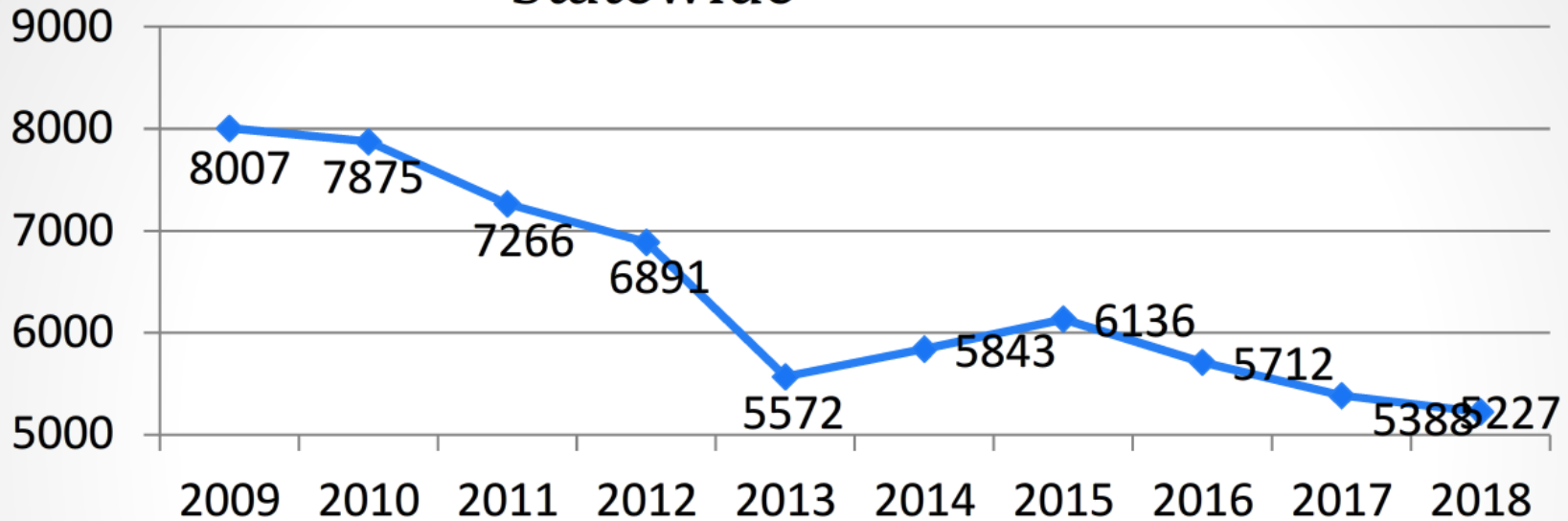
# Five Types of CRA Cases

- Runaway (ages 6-18) 
- Stubborn Child (ages 6-18)
- Habitual School Offender (ages 6-16)
- Habitual Truant (ages 6-16) 
- Sexually Exploited Child (ages 6-18)

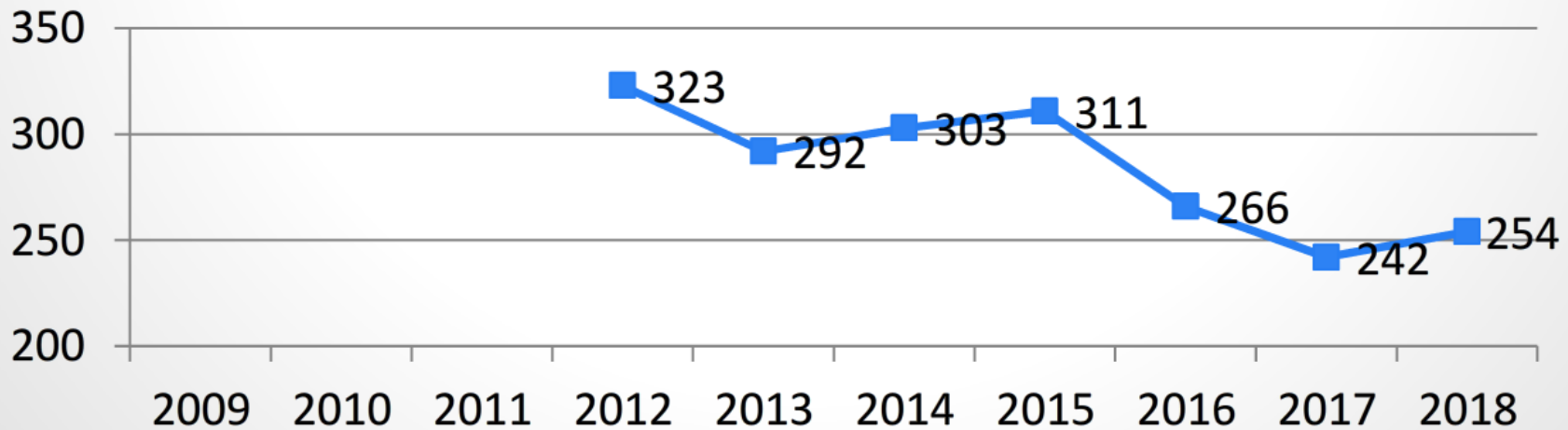


# CRA/CHINS Cases, Historically

## Statewide

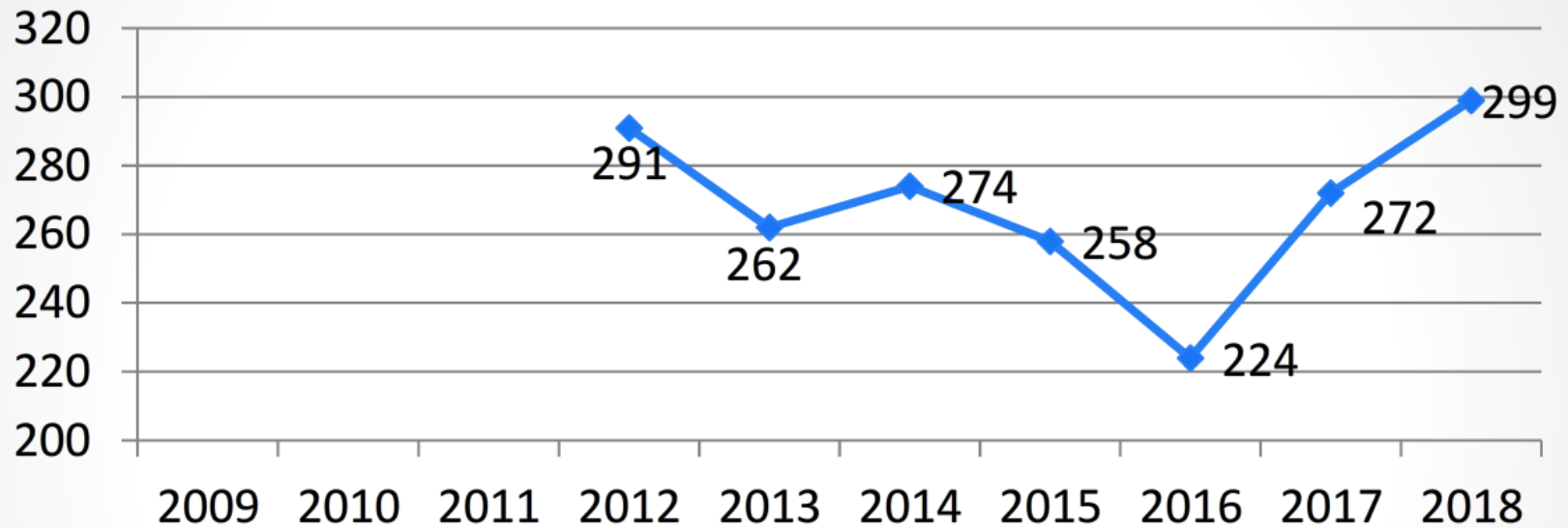


## Plymouth County

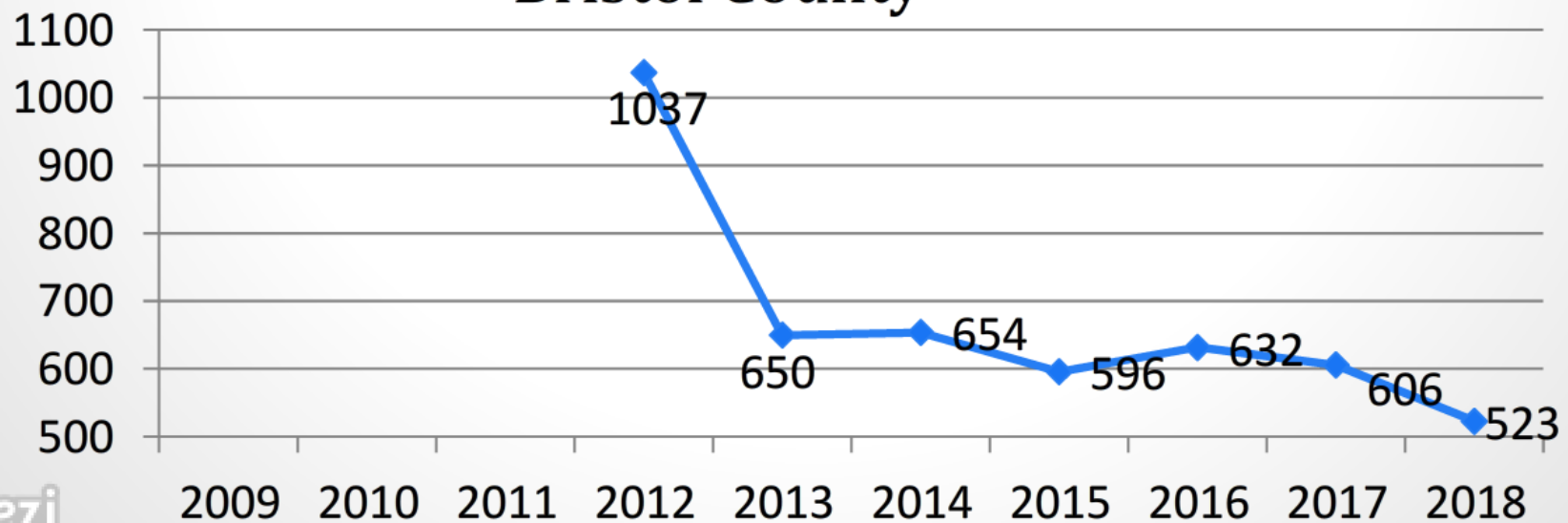


# CRA/CHINS Cases, Historically

## Norfolk County

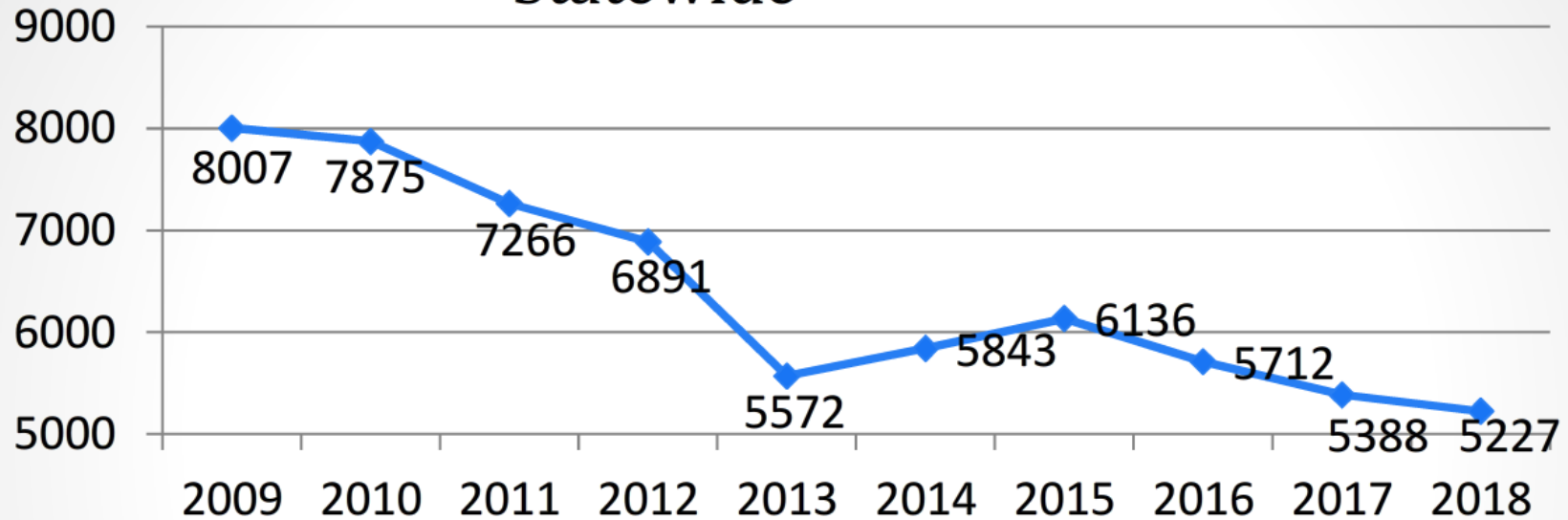


## Bristol County

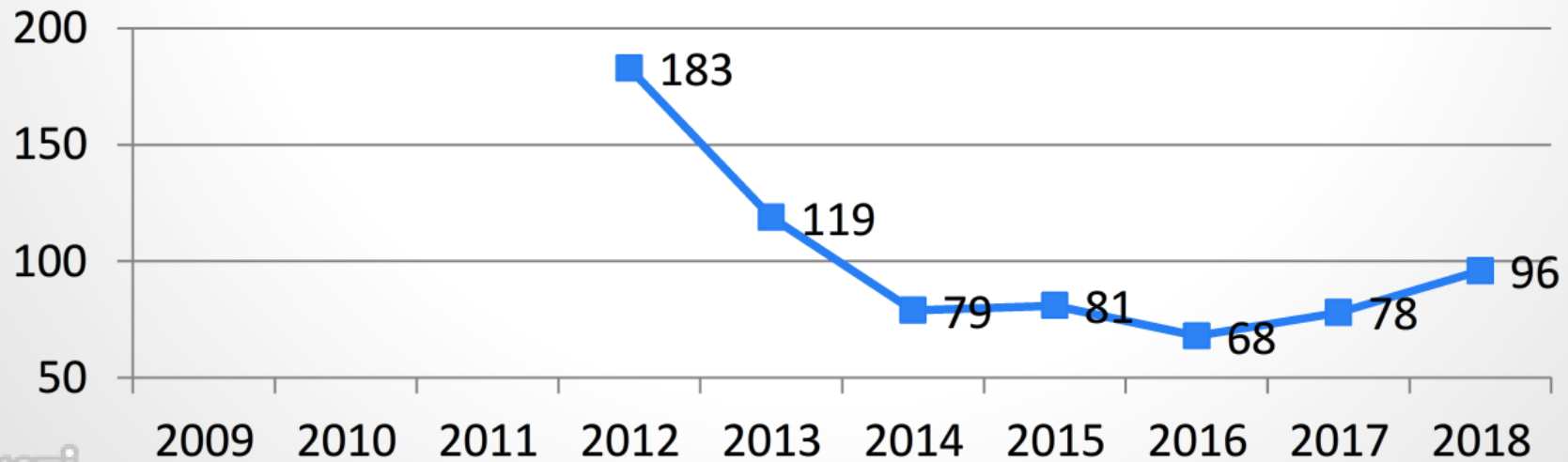


# CRA/CHINS Case Filings, Historically

## Statewide

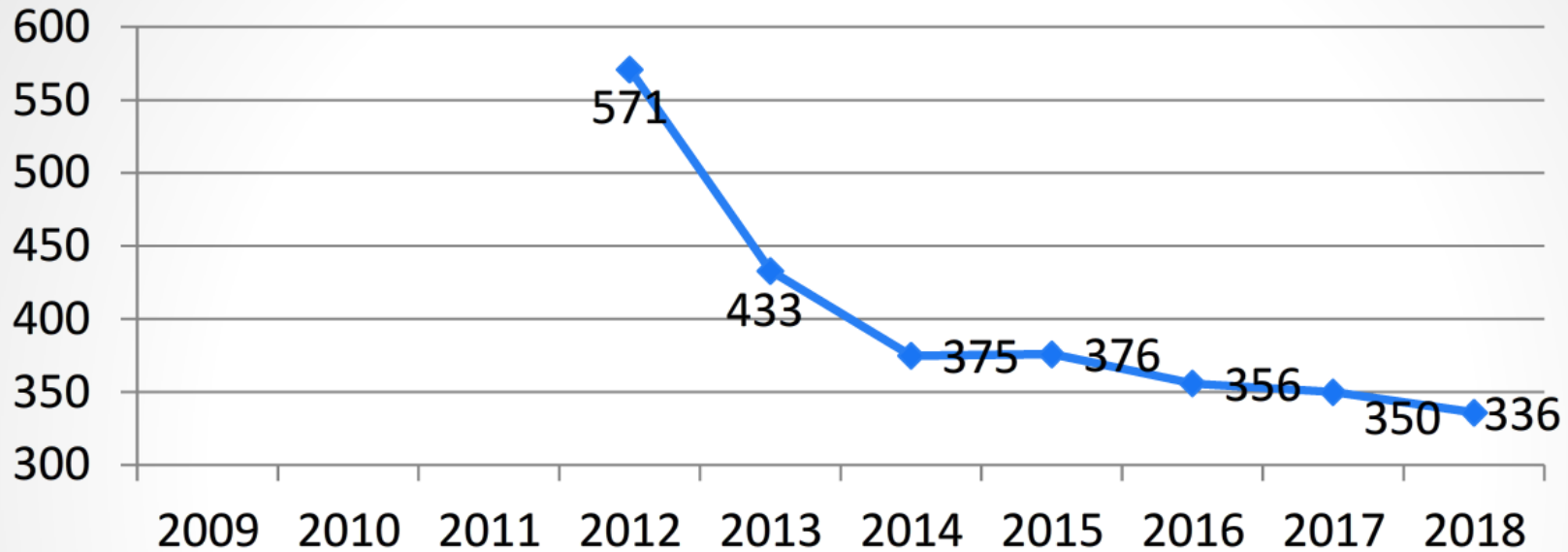


## Franklin/Hampshire County

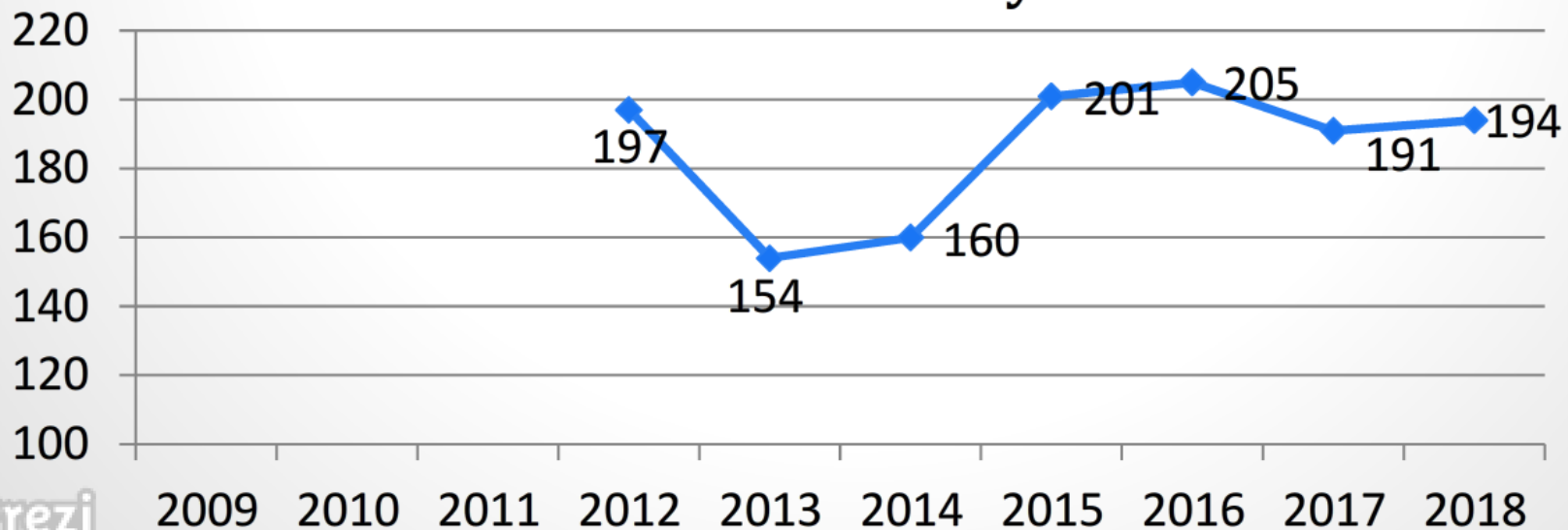


# CRA/CHINS Case Filings, Historically

## Hampden County

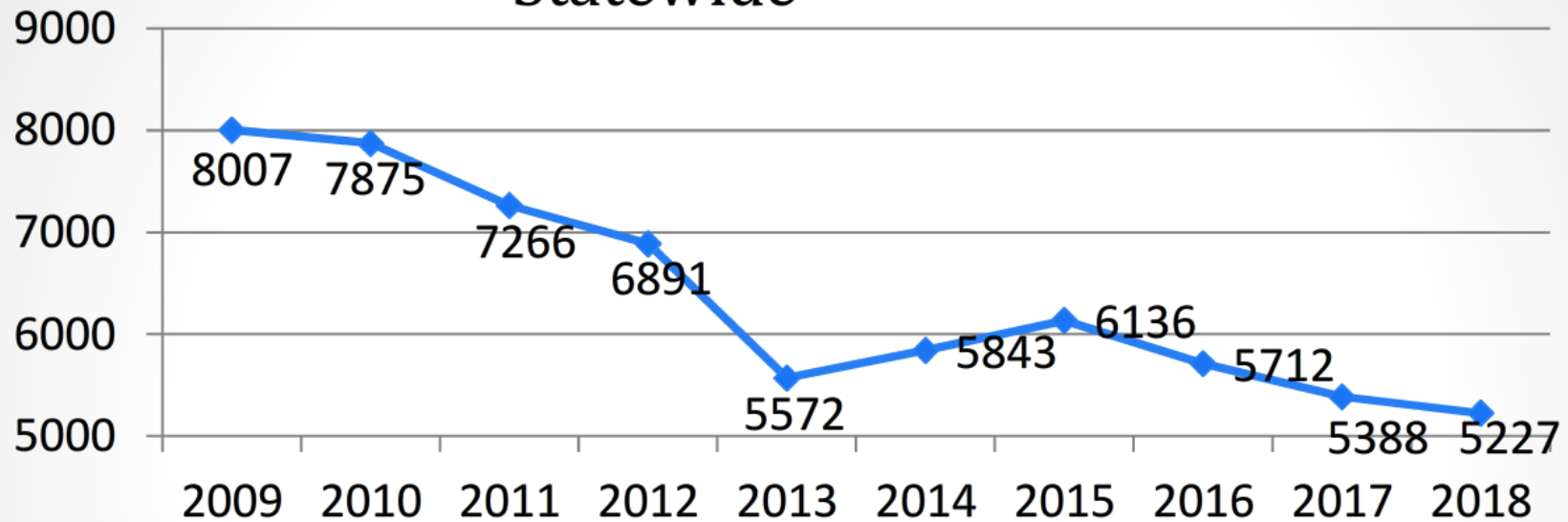


## Berkshire County

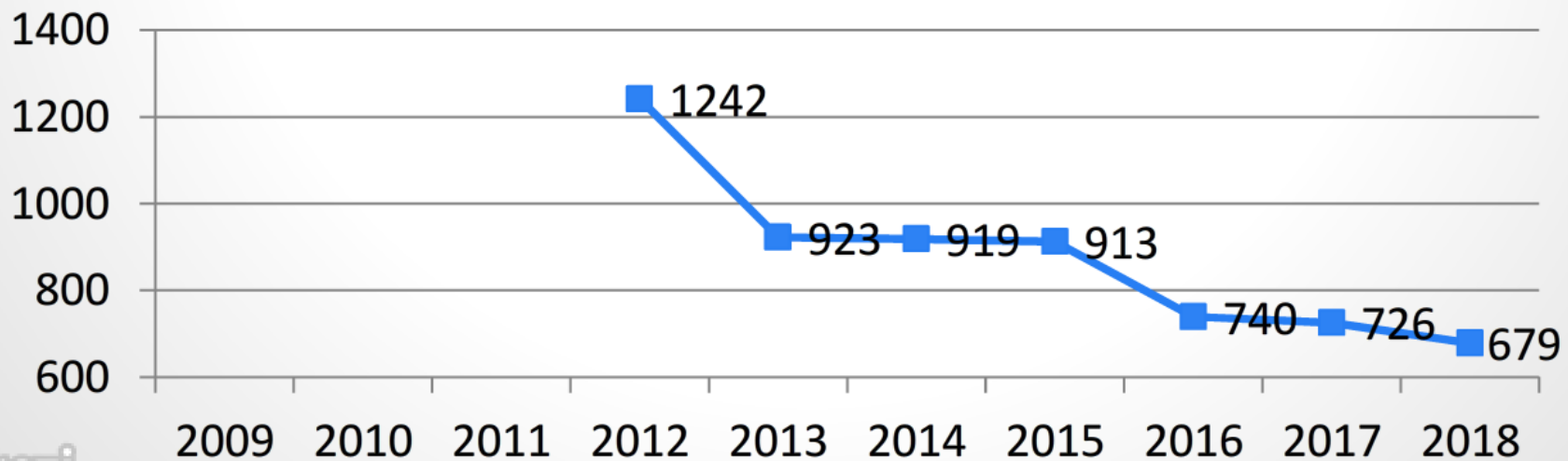


# CRA/CHINS Case Filings, Historically

## Statewide



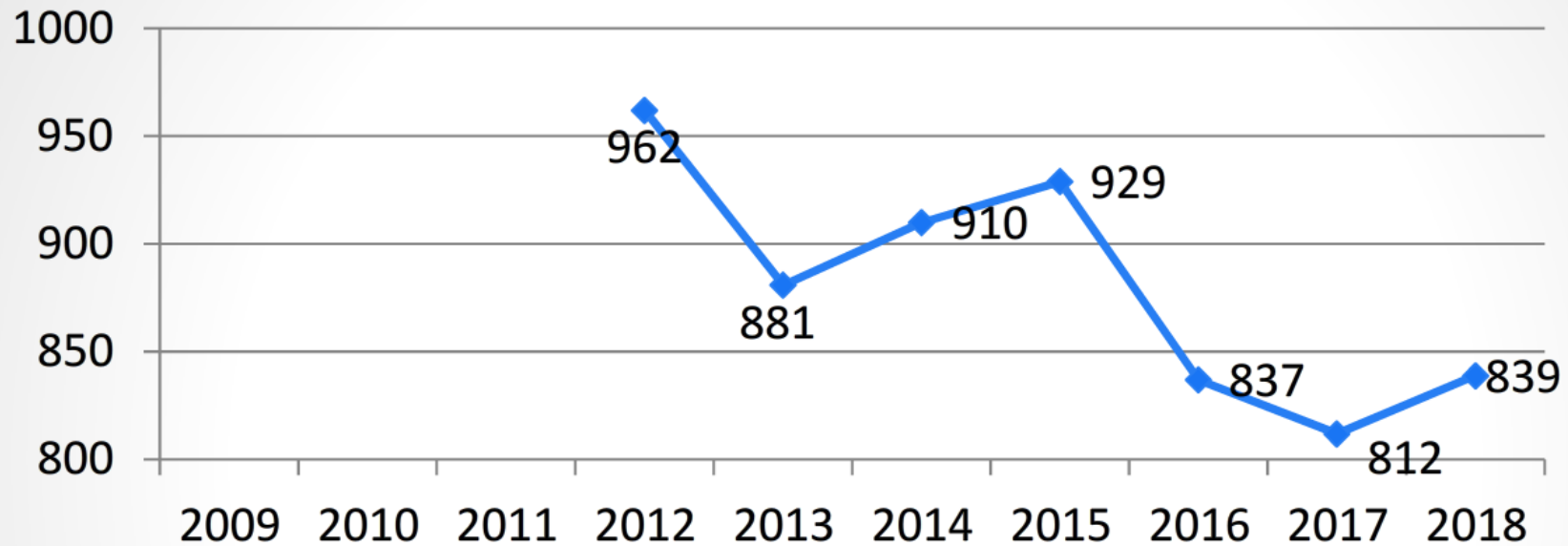
## Worcester County



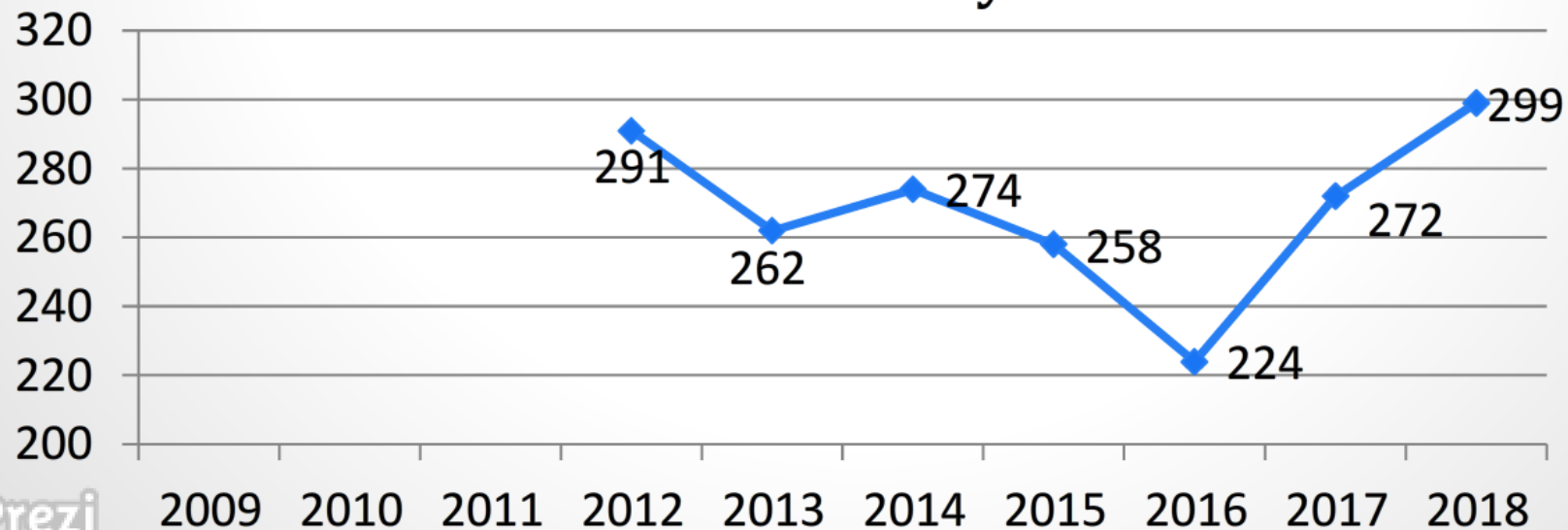


# CRA/CHINS Case Filings, Historically

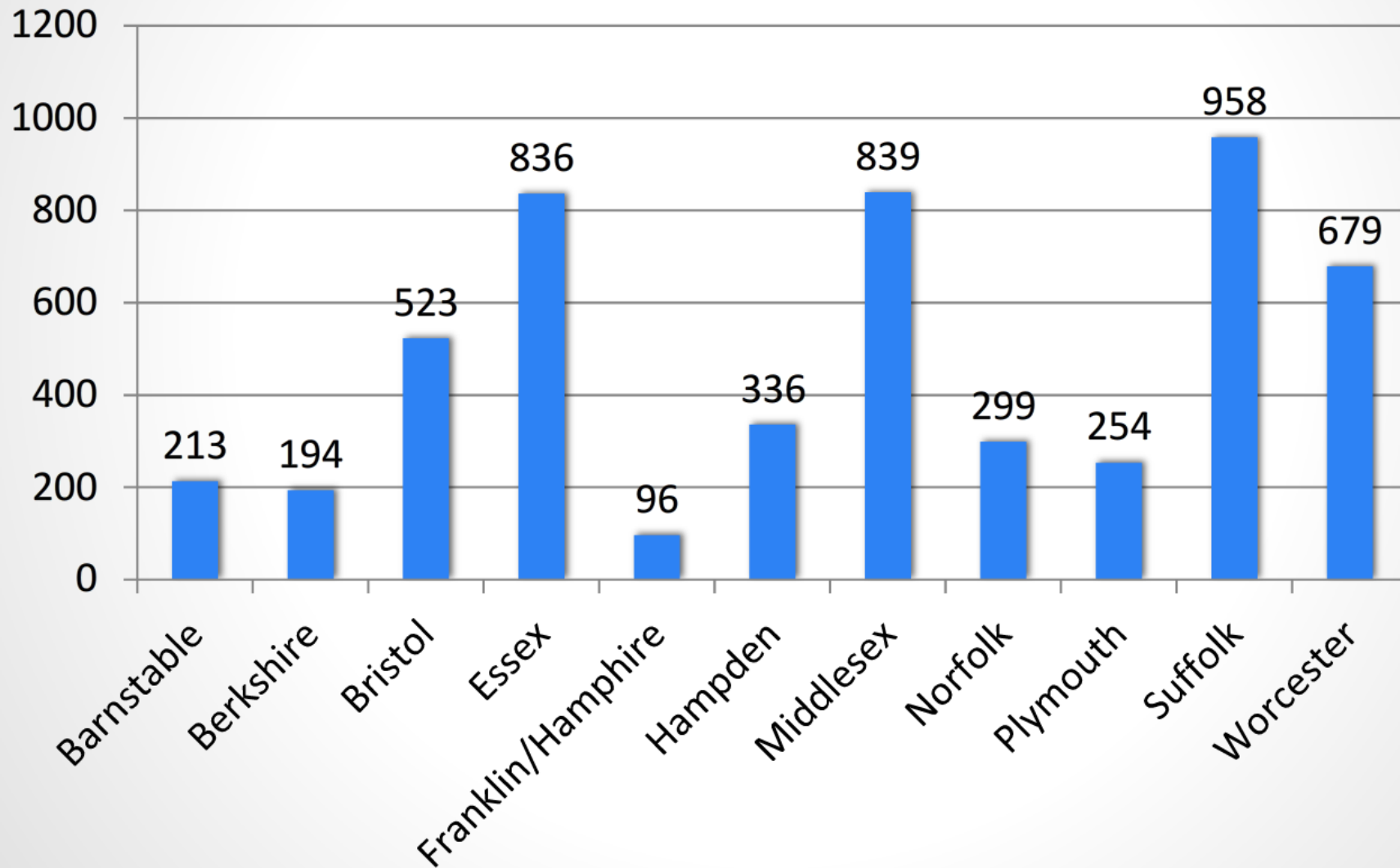
## Middlesex County



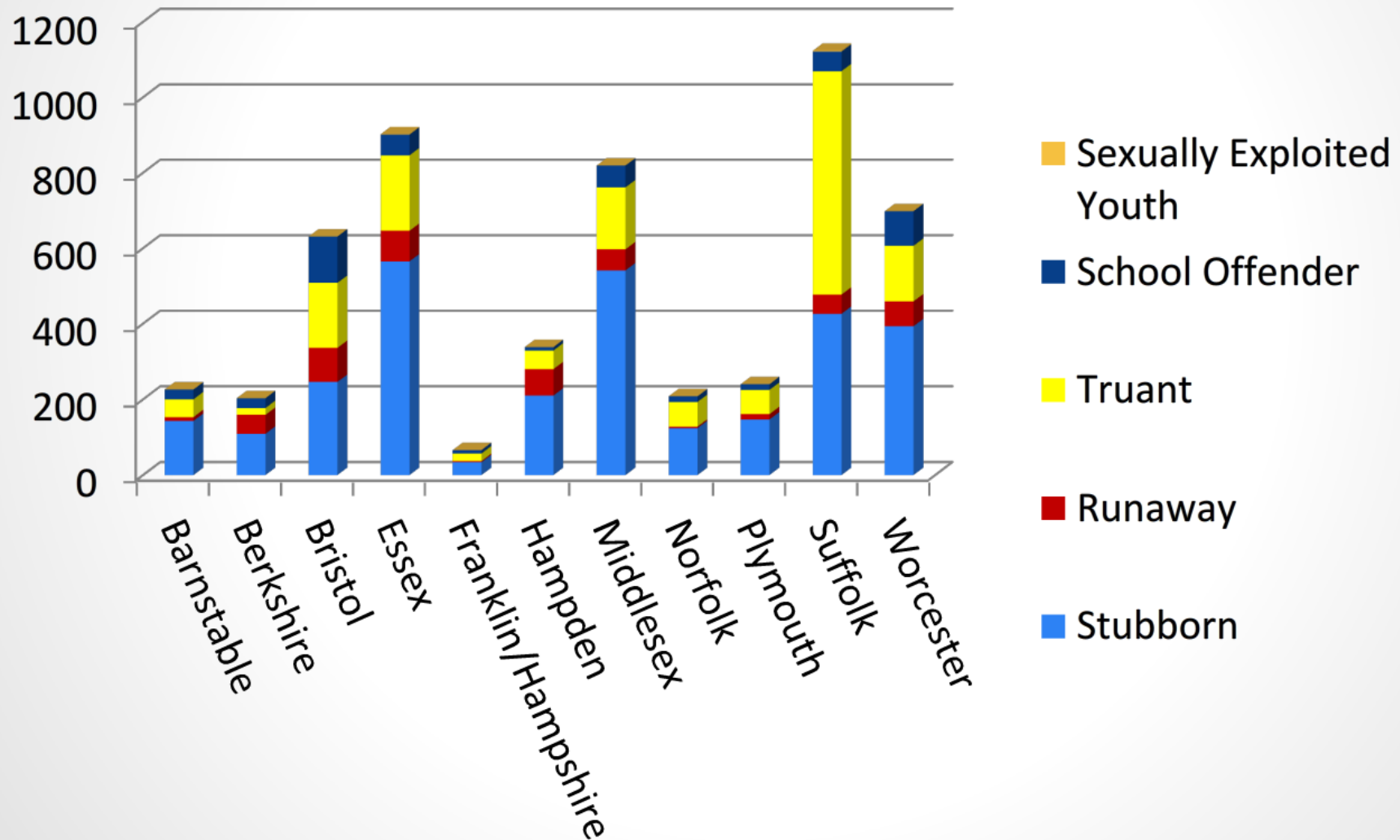
## Norfolk County



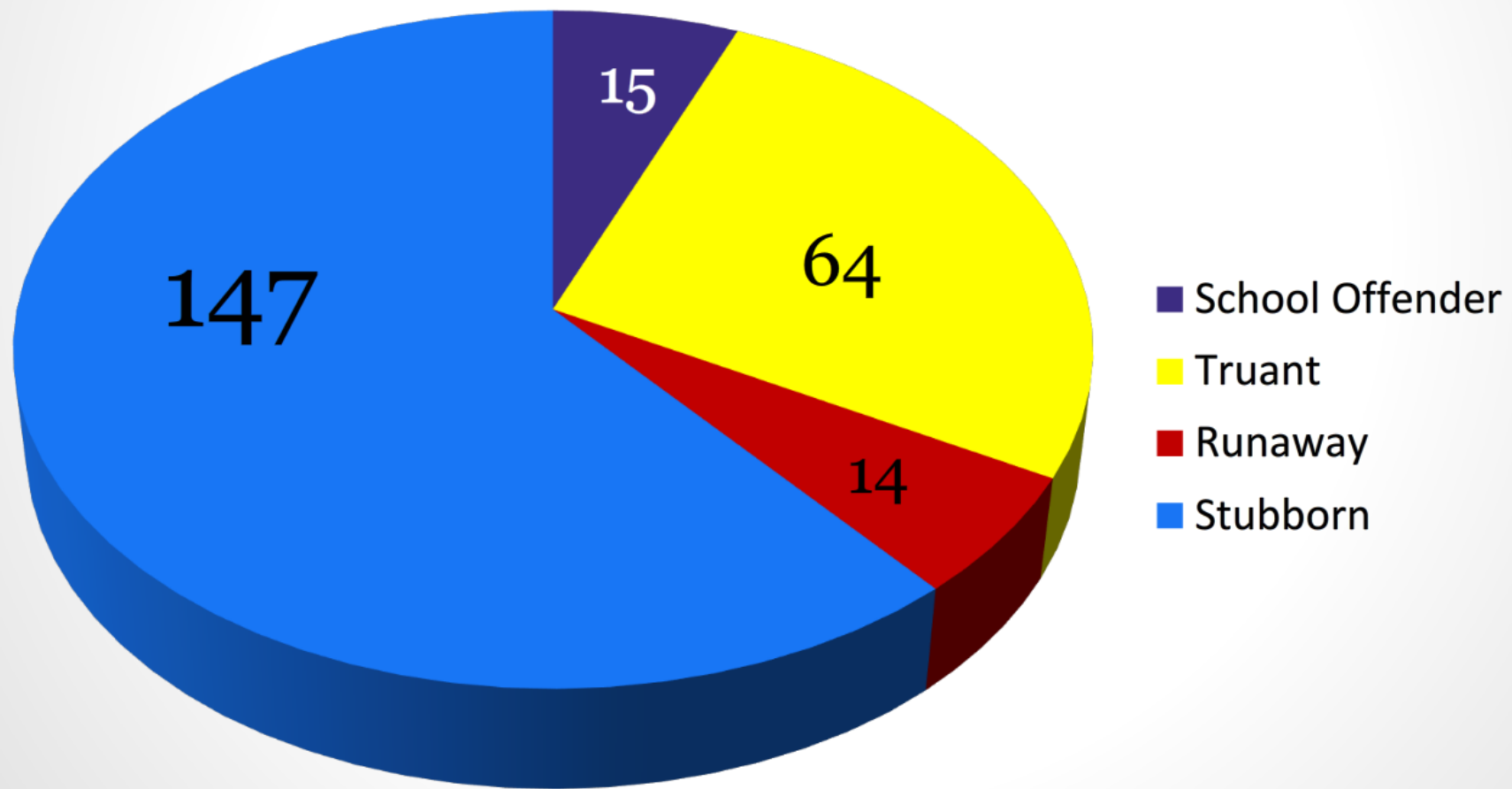
# CRA Case Filings by County (2018)



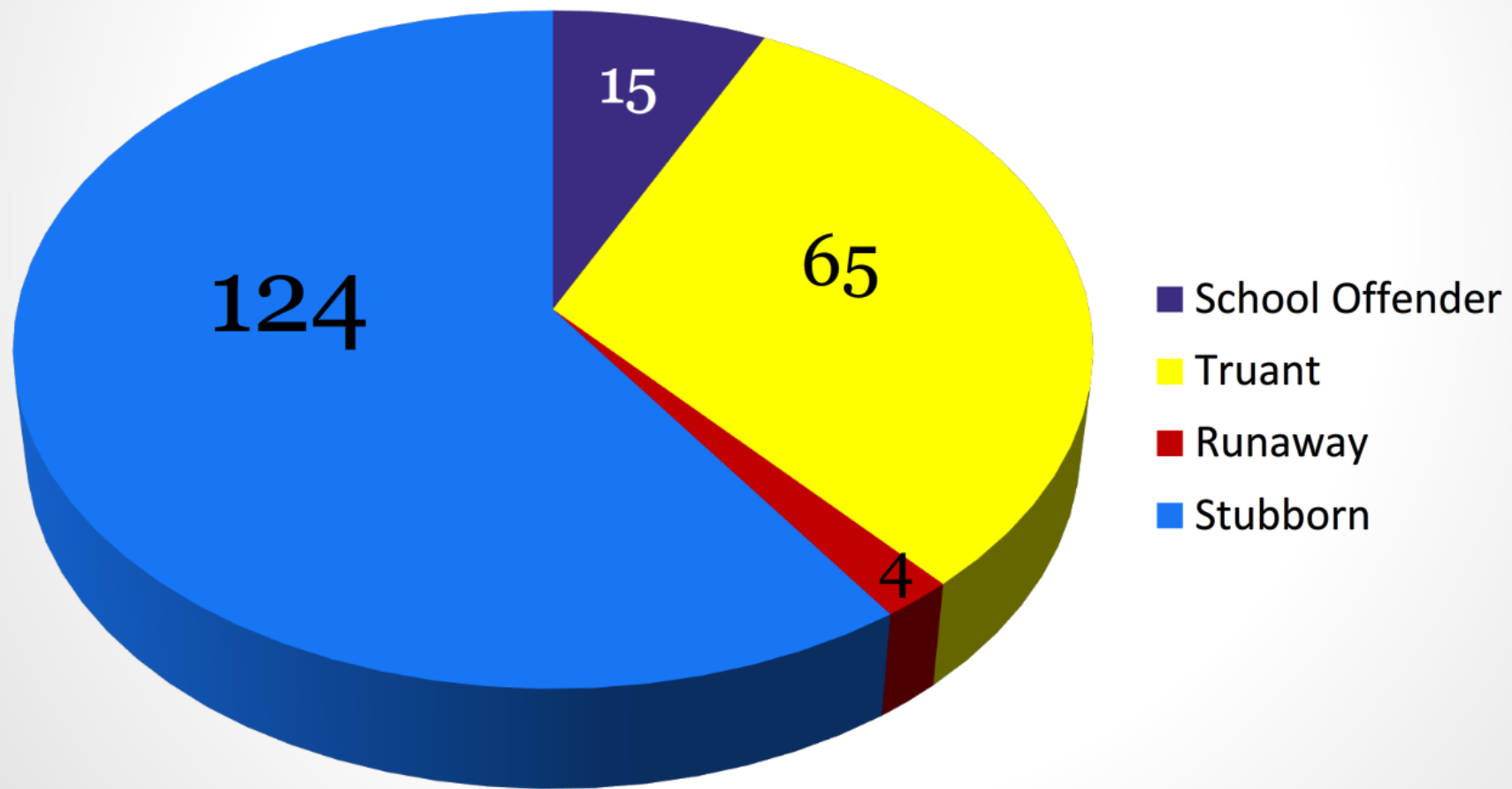
# CRA Case Filings by County (CY 2016)



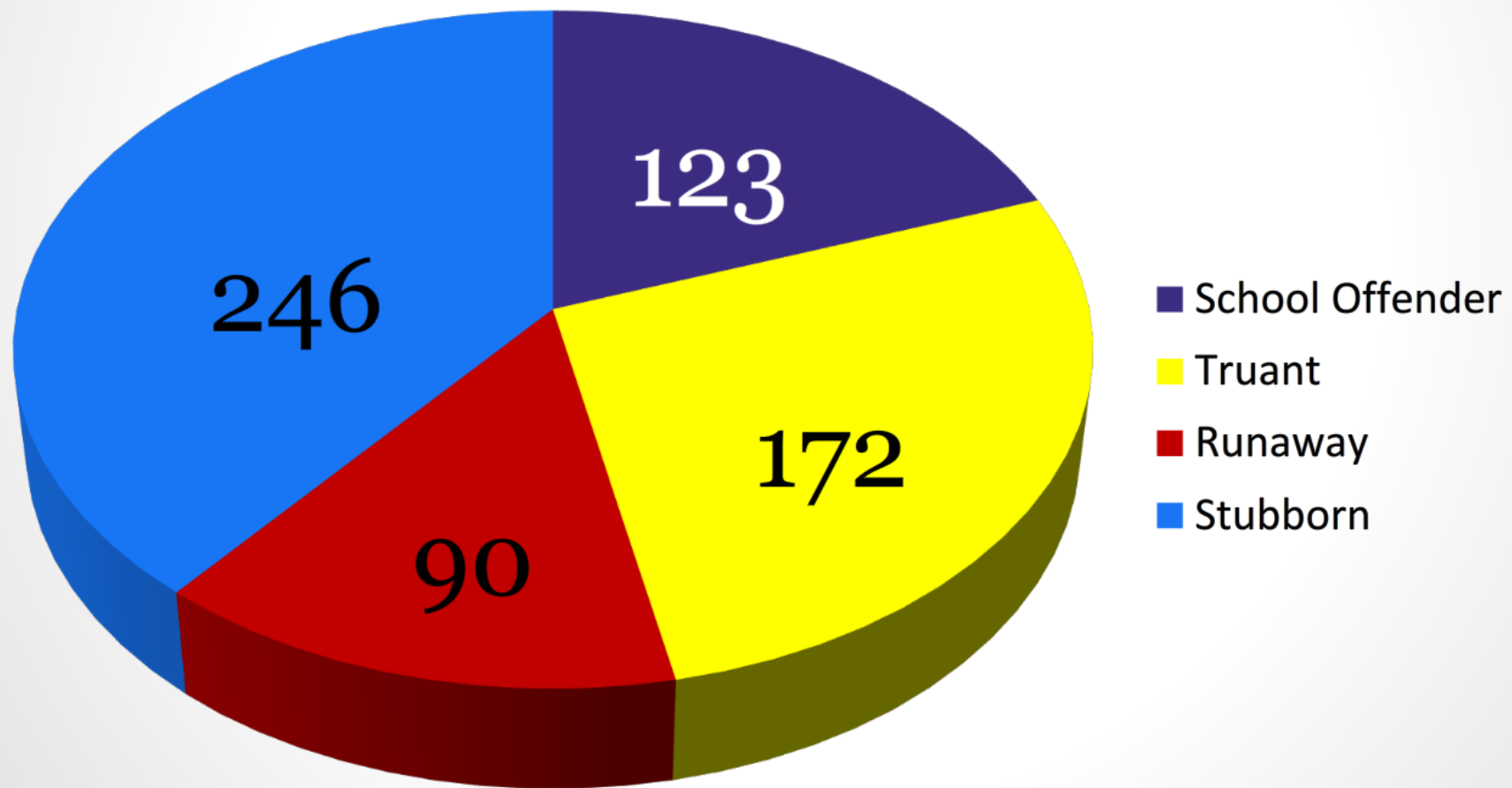
# Type of CRA Cases in Plymouth County (CY2016)



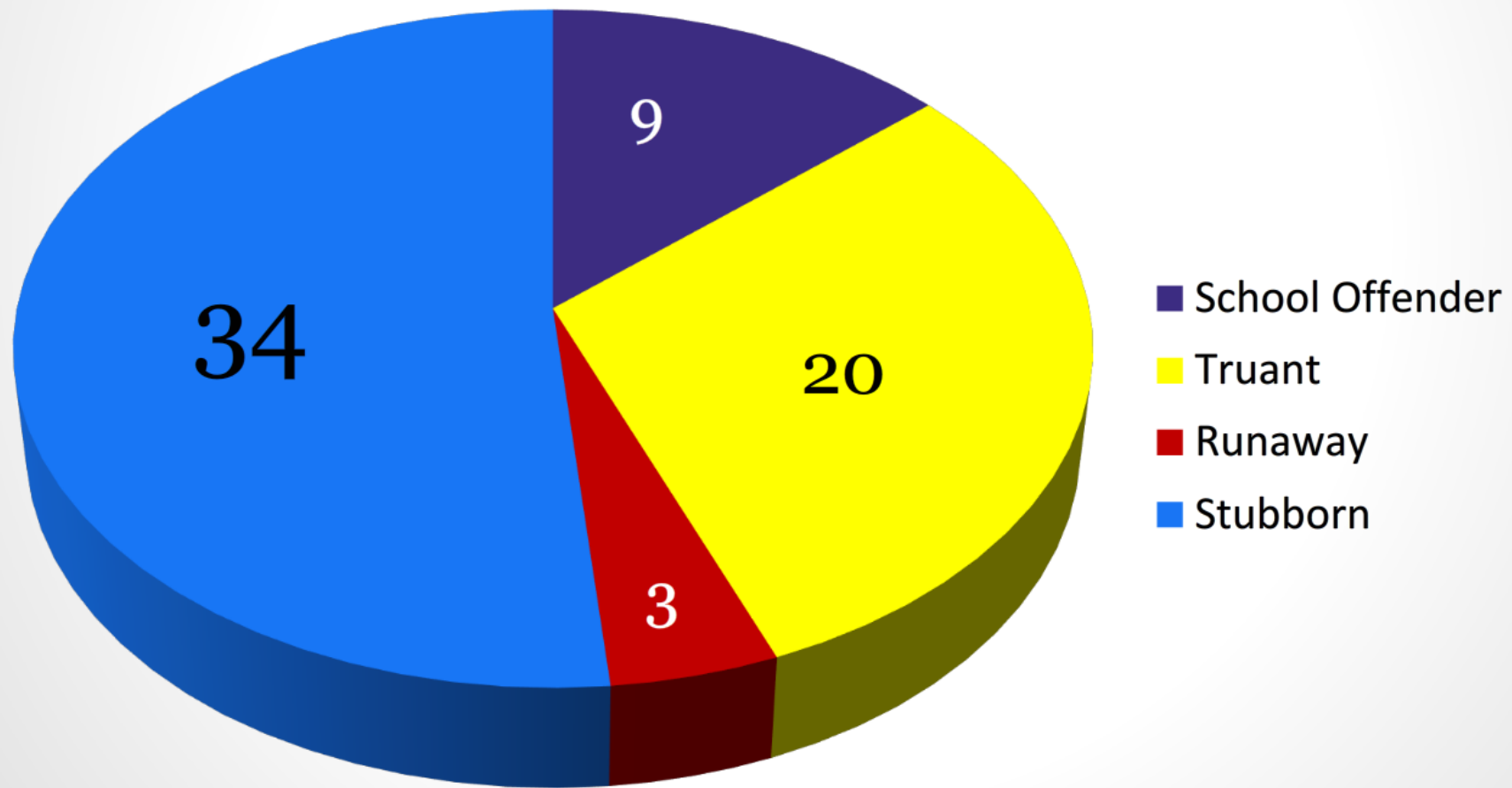
# Type of CRA Cases in Norfolk County (CY2016)



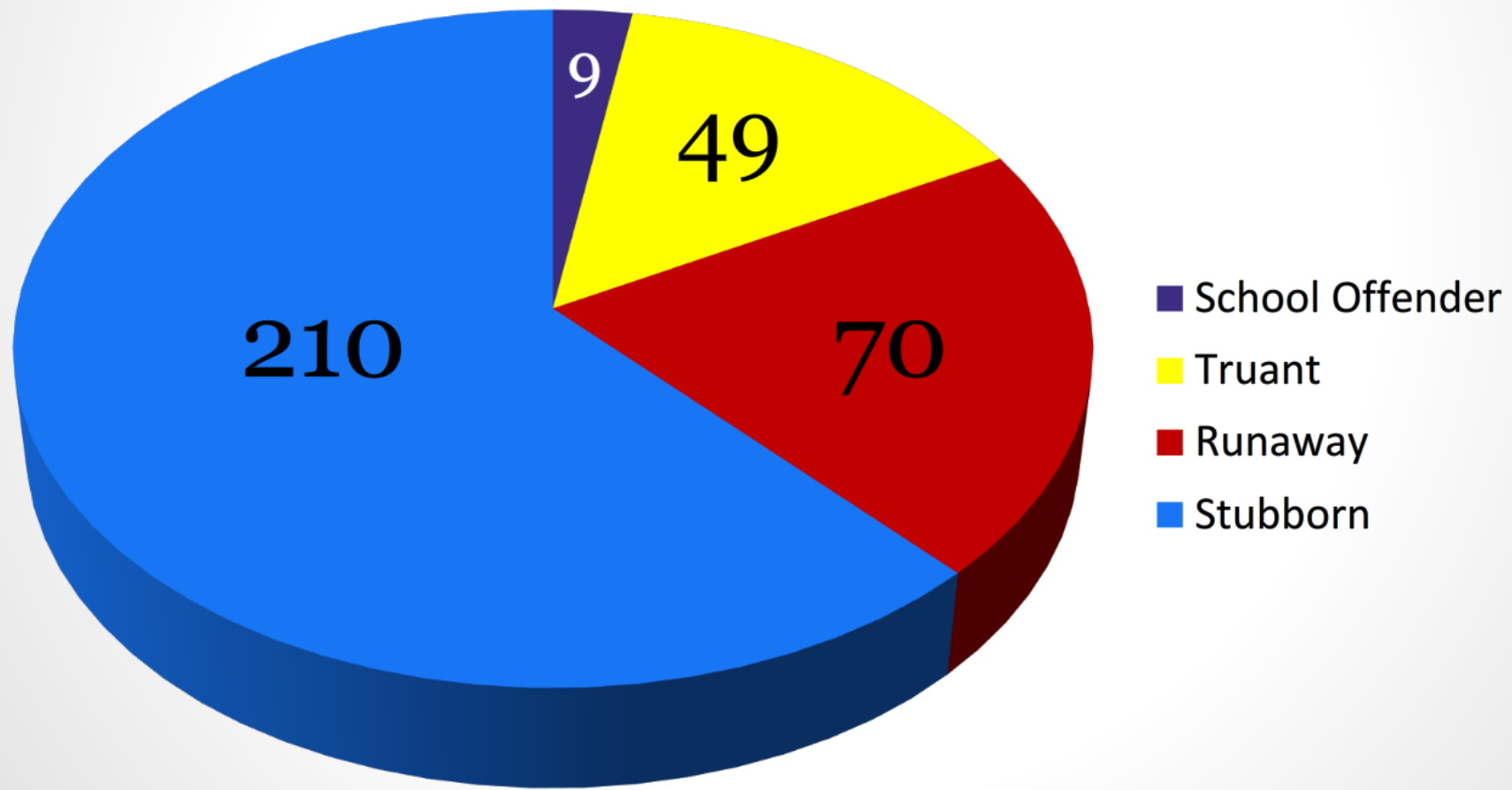
# Type of CRA Cases in Bristol County (CY2016)



# Type of CRA Case Filings in Franklin/Hampshire County (CY2016)

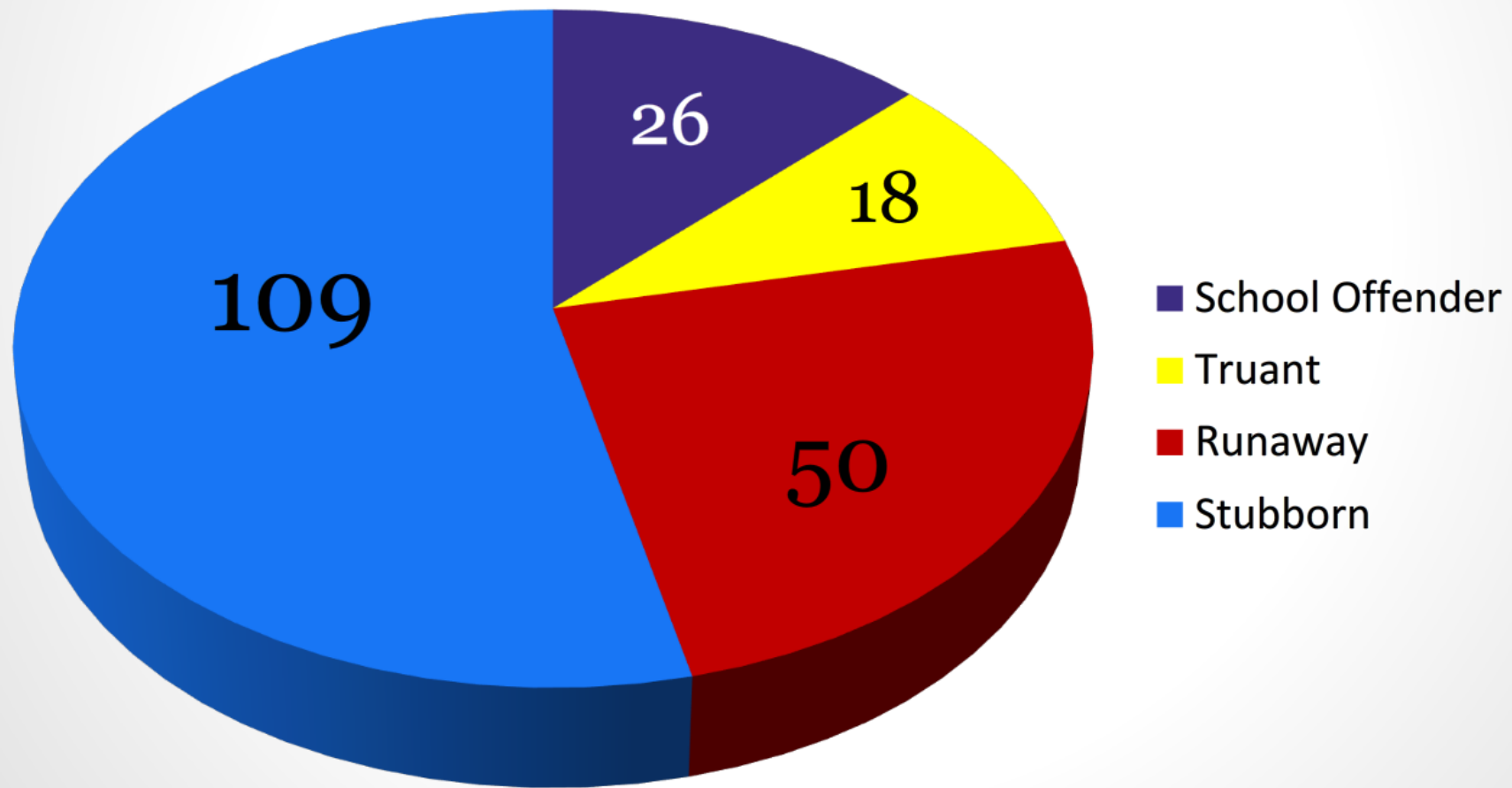


# Type of CRA Case Filings in Hampden County (CY2016)

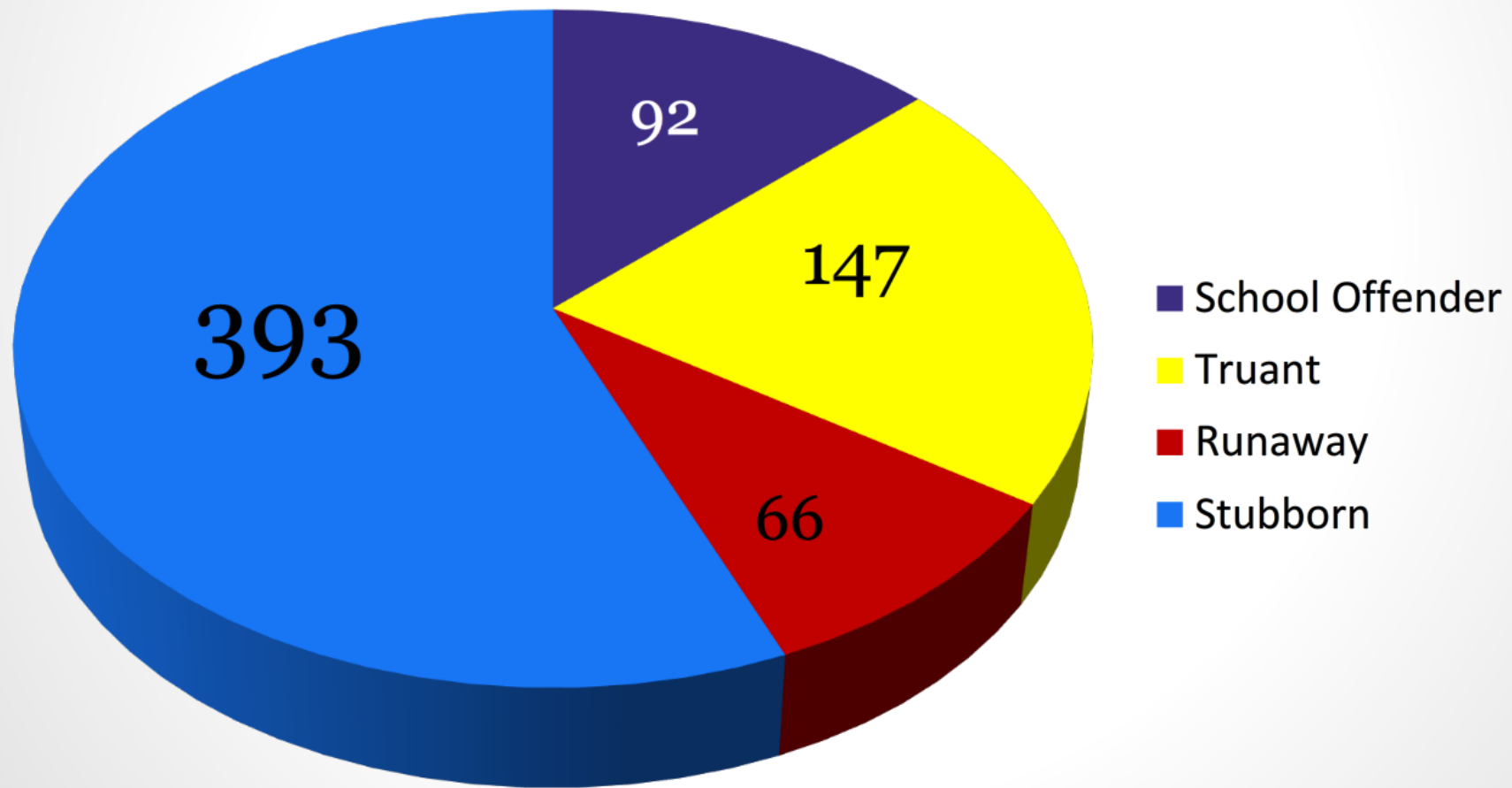




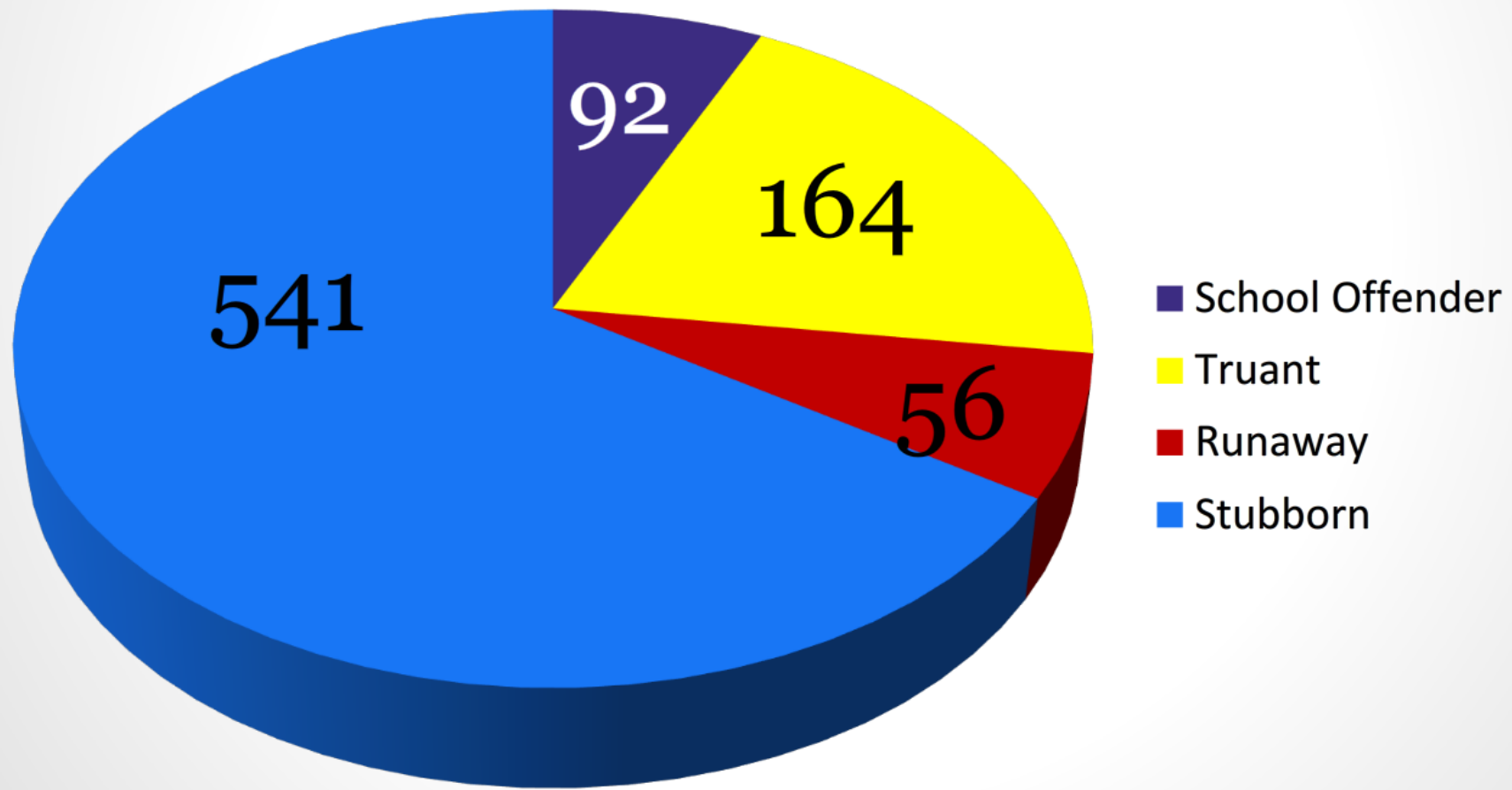
# Type of CRA Case Filings in Berkshire County (CY2016)



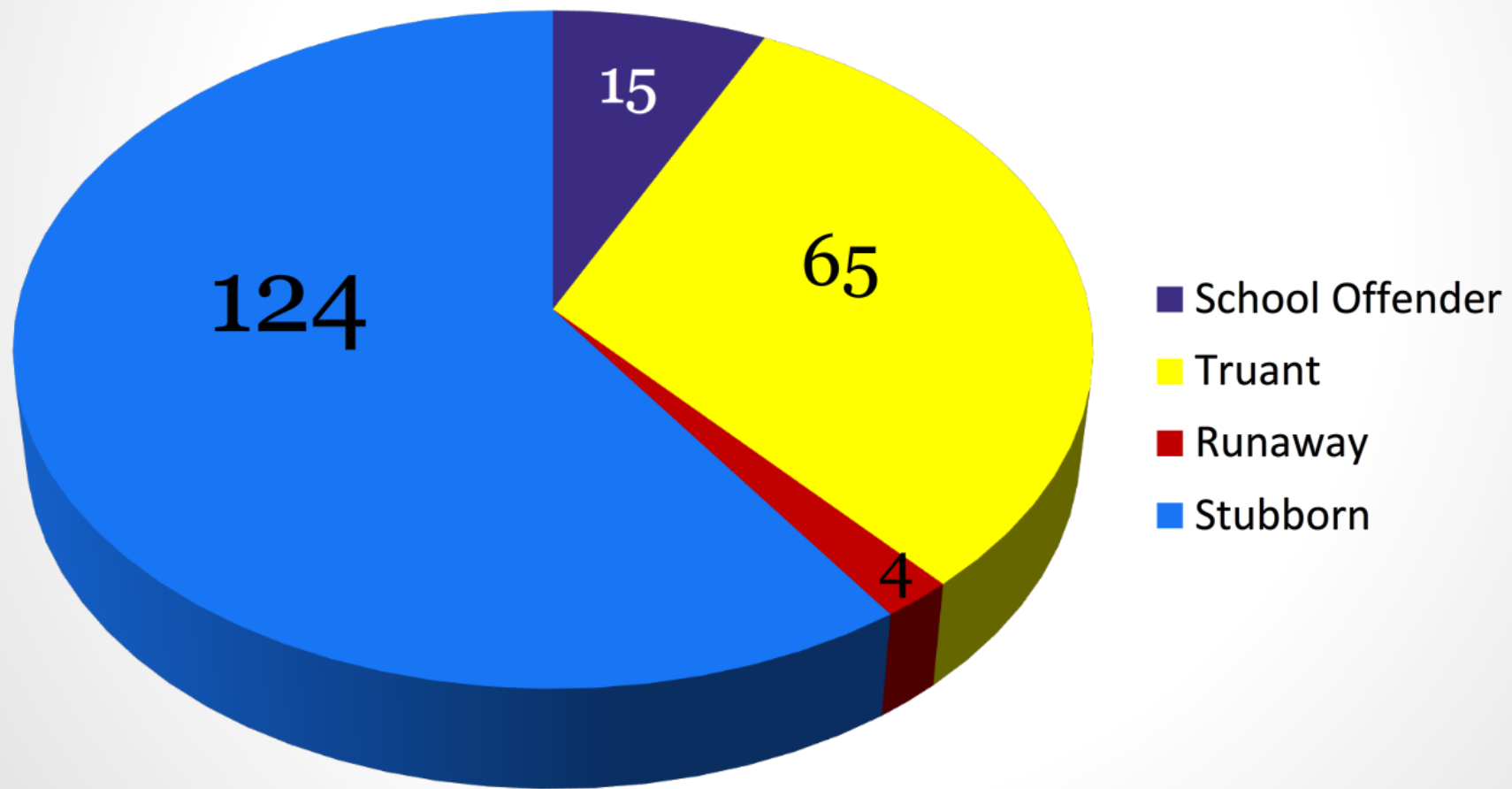
# Type of CRA Case Filings in Worcester County (CY2016)



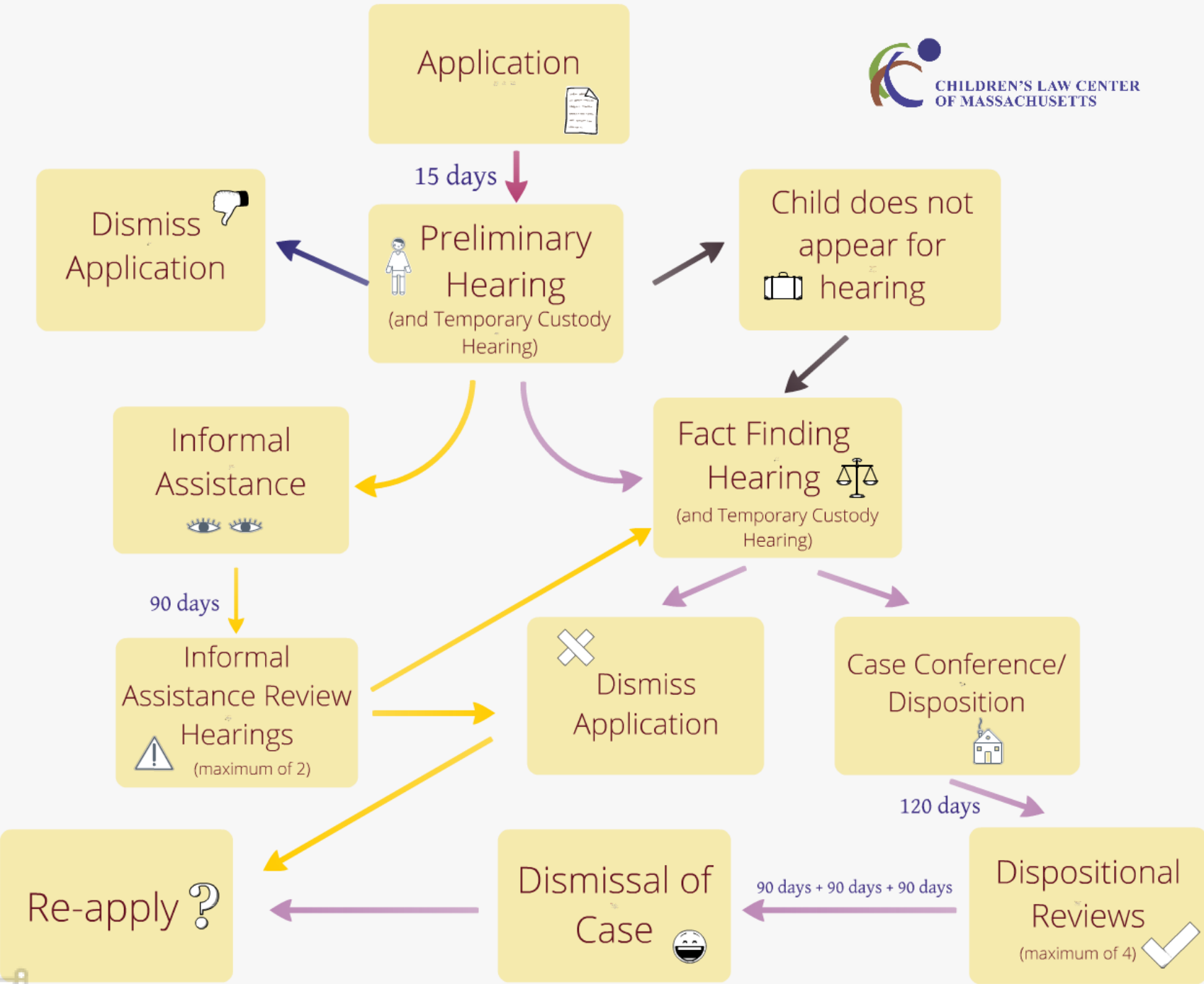
# Type of CRA Case Filings in Middlesex County (CY2016)



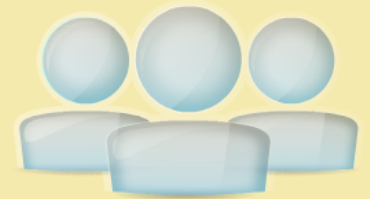
# Type of CRA Cases in Norfolk County (CY2016)



# Child Requiring Assistance Case



# The Applicants



- Police officer
- Parent/guardian/custodian with custody
- School district
  - Additional information in application
  - Truancy officer/supervisor of attendance



# Prior to Filing

- File application in the clerk's office
- Clerk's role
  - Inform on court process
  - Distribute information on services
  - Refer to family resource center/ community-based services.

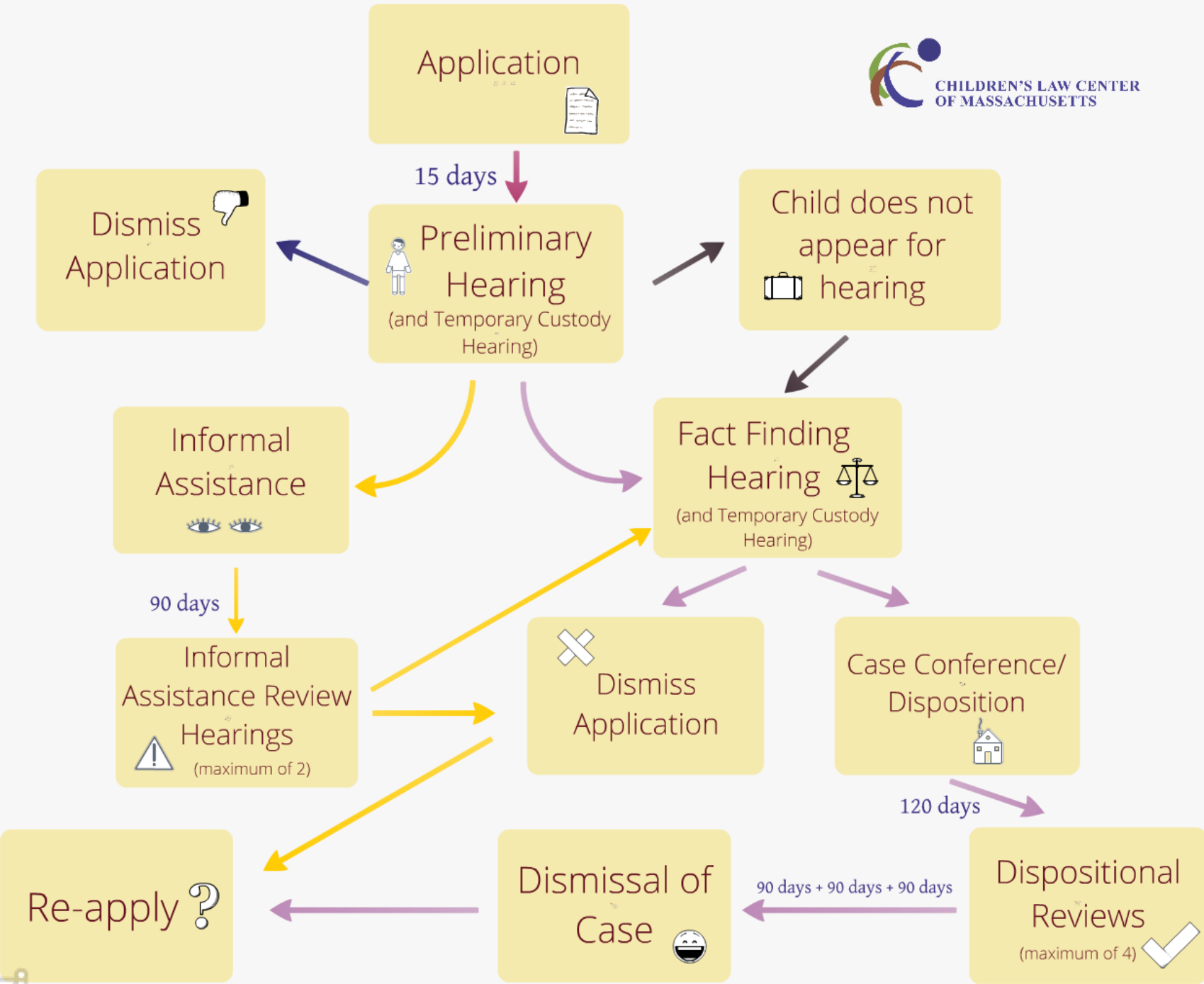
# Upon Filing of Application

- Probation becomes involved
- Counsel for child
- Clerk must schedule preliminary hearing within 15 days of application.





# Child Requiring Assistance Case



Application



15 days



Preliminary Hearing

(and Temporary Custody Hearing)

Child does not appear for hearing



Dismiss Application



Informal Assistance



Fact Finding Hearing



(and Temporary Custody Hearing)

90 days



Informal Assistance Review



Dismiss

Case Conference Disposition



Hearing  
(and Temporary Custody  
Hearing)

Informal  
Assistance



Fact Finding  
Hearing 

(and Temporary Custody  
Hearing)

90 days

Informal  
Assistance Review  
Hearings



(maximum of 2)



Dismiss  
Application

Case  
D

Dismissal of

90 days + 90 days + 90

Application



15 days



Preliminary Hearing

(and Temporary Custody Hearing)

Child does not appear for hearing



Dismiss Application



Informal Assistance



Fact Finding Hearing



(and Temporary Custody Hearing)

90 days



Informal Assistance Review



Dismiss

Case Conference Disposition





# Warrants

- If a child does not respond to a summons, the Judge may issue a warrant directing police to bring the child directly to court.



- Warrants do not go into the warrant management system.

- CRA youth may not be handcuffed or brought to police station.



- Warrants called warrants of protective custody by the courts (and others).

# ? Custodial Protection

- Law enforcement may take child into custodial protection if police have probable cause to believe that child is a runaway and will not respond to a summons.
- Police must, in the following order, take the child to: 1) parent/guardian/person known to child/DCF; 2) a temporary shelter; 3) court.
- Police must immediately notify parent figure that child is in custodial protection.

# Runaway Tips

- Missing Child Report
  - No waiting period
  - Entry goes into national database
- Runaway Assistance Program (RAP)
  - Protocol for police officers
  - Dial 2-1-1
  - 4-way call with police, ESP/MCI, non-secure ALP, 211 RAP Specialist
  - Police with child and ALP will meet at ESP/MCI
  - ALP arranges for placement and transportation to court

Application



15 days



Preliminary Hearing

(and Temporary Custody Hearing)

Child does not appear for hearing



Dismiss Application



Informal Assistance



Fact Finding Hearing



(and Temporary Custody Hearing)

90 days



Informal Assistance Review



Dismiss

Case Conference  
Disposition





Fact Finding  
Hearing   
(and Temporary Custody  
Hearing)



Dismiss  
Application

Case Conference/  
Disposition



120 days



# Case Conference and Disposition

- Case Conference



- Disposition: order of the court
- Generally, three custody options at disposition:
  - 1) Parent (with conditions of custody)
  - 2) Third-party
  - 3) DCF
    - a) no out of home order
    - b) out of home order
- Parent is entitled to counsel if custody is at issue.

Fact Finding  
Hearing   
(and Temporary Custody  
Hearing)



Dismiss  
Application

Case Conference/  
Disposition 

120 days

Dismissal of  
Case 


90 days + 90 days + 90 days

Dispositional  
Reviews 

(maximum of 4)



# Dismissal of Case

- A case should be dismissed:
  - When goals of CRA have been accomplished;
  - 390 days from disposition;
  - When child turns 16 (if school CRA);
  - When child turns 18 (if any other CRA); or
  - If the child moves out of court's jurisdiction.
- Note: If a child signs into DCF custody at age 18, that child continues to have a lawyer and to go to court for permanency planning hearings. 

# So...When Does a CRA Case Assist a Youth?

- Child motivated to avoid court
- Educational advocacy for child
- Additional support in the community
- Problem solving with all collaterals
- Out of home/ therapeutic placement

\*Do we need a CRA case to accomplish these?

# Contact Information

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**CHILDREN'S LAW CENTER  
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