

### [An Act to Lift the Cap on Kids \(S. 34 and H. 85\)](#)—

The Massachusetts Transitional Aid to Families with Dependent Children (TAFDC) program provides basic cash grants to poor families in order to reduce the harmful effects of poverty on children. Currently, Massachusetts has a “family cap” law, which denies cash assistance to children conceived while—or soon after—the family received assistance. The Lift the Cap on Kids bill, SD 1762 and HD 1262, is sponsored by Representative Decker and Senator DiDomenico and would remove this so-called “family cap” law. Massachusetts currently denies benefits to about 9,400 children in impoverished families because of this Cap on Kids, causing extreme hardship to the affected families, including their parents and siblings. Lifting the Cap on Kids would mean about an additional \$100 per month for each of these children – an increment that, while small, can determine whether or not a mother can afford enough diapers for her baby or other necessities. Massachusetts is one of only 17 states that still have a Cap on Kids or similar policy.

### [An Act Relative to Strengthening Protection of Children in the Commonwealth \(S. 45 and H.3042\)](#)

#### **Online Mandated Reporter Training**

This bill will require all state mandated reporters will complete an annual online training on recognizing and reporting suspected child abuse and neglect; the training will be consistent across all state organizations, systems, and for individuals who are mandated reporters. Mandated reporters who apply for or renew their license will provide successful completion of this training.

#### **Child Abuse and Neglect Expert Review Panel**

This bill will create a child abuse and neglect expert review panel will be created to review the repeated entry of any child or family over a 12 month period in the Department of Children and Families. The panel will determine if any further actions may be taken to best serve and protect the child and family. Additionally, the panel will discuss and report any observed trends affecting families involved with the Department of Children and Families and gaps in service provision in order to make policy recommendations that benefit children and families.

### [An Act to Improve Permanency and Placement Stability \(H. 783\)](#)—

This bill will allow any child in care, age 7 or older, to have the opportunity to participate in their case plan, identify any kin or adults that they have a strong relationship with, and state who they prefer to be placed with. The parent will also be involved in the development of the case planning process, including stating who they prefer the child to be placed with. The department will conduct an investigation and consider these requests in placing the child. Within this permanency plan, the court will determine no less frequently than every 12 months whether the agency has conducted reasonable efforts to reunite the child with their parents. If reunification is not possible, the court will evaluate the reasonable efforts set forth to find a permanent placement for the child. Additionally, if a child experiences more than 2

placements in a single foster care episode then a clinical team will review the child's case and causes for placements to prevent additional placements and mitigate the effects on the child.

#### **[An Act Promoting Local Control and Effective Training of School Resource Officers \(S. 274 and H.2021\)](#)**

All school districts, subject to appropriations, are mandated to have a School Resource Officer (SROs). The legislative mandate currently has very little guidance around training of SROs and how schools should collect data regarding SROs interactions with students. This bill would create minimum guidelines in the Memorandum of Understanding between a school system and its police department. The guidelines would include some of the follow: In assigning a School Resource Officer (SRO) the chief of police will assign an officer that would foster an optimal learning environment, have knowledge or participate in professional training related to child and adolescent development, de-escalation and conflict resolution techniques with children and adolescents, behavioral and mental health disorders in children and adolescents, alternatives to arrest and other juvenile justice diversion strategies, and behavioral health assessment strategies. A separate fund will be established to train SROs on these practices and models. The superintendent and chief of police shall enter a memorandum of understanding and model for the SRO program based on the following: standard operating procedures and protocols for SROs, utilization of other intervention and community-based resources prior to arrest, and outlined responsibilities and roles of SROs.

#### **[An Act Decriminalizing Non-Violent and Verbal Student Misconduct \(S. 876 and H. 328\)](#)**—

Students, mostly males of color in lower income cities, are being arrested in school for non-violent and verbal misconduct which often leads them through the 'School-to-Prison-Pipeline'. This bill would decriminalize non-violent and verbal student misconduct, if an elementary or secondary school student interrupts or disturbs an assembly of people within school buildings or grounds in the course of school-related events, they will not be charged or convicted of the violation. Additionally, school students will not be charged or convicted for disturbing the peace at school-related events within schools building or grounds. The bill will also require School Resource Officers and School Superintendents' to participate in a Memorandum of Understanding (MOU) on the requirements, roles, and strategies used by School Resource Officers when working with children.

#### **[Promoting Transparency, Best Practices, and Better Outcomes for Children and Communities \(Juvenile Justice Omnibus Bill\) \(S.947 and H.3079\)](#)**—

The omnibus bill includes issues related to diversion of youth with low level offenses to improve public safety and outcomes for youth who enter the system. This would prevent youth from facing criminal charges or arraignment and mitigate the effects of involvement in the juvenile justice system for low level offenses:

- Raises the lower age of juvenile jurisdiction to exclude children under age 12;
- Creates a "civil infractions" category of offenses for juveniles;
- Codifies juvenile court policy banning indiscriminate shackling and codifies Department of Youth Services model policy on solitary confinement;

- Improves sealing of juvenile records and allows for expungement of certain court records
- Creates a parent-child testimonial privilege;
- Allows courts to consider age as a mitigating factor in cases involving young adults;
- Creates a data task force to make recommendations on coordinating and modernizing the juvenile justice data systems and reports by state agencies and the courts;
- Brings Massachusetts into compliance with federal law by requiring juvenile justice to collect data on youth who enter the juvenile justice system and to document what happens to them after they enter it; *(House bill only)*
- Raises the upper age of juvenile jurisdiction to under age 21; *(Senate bill only)*
- Sets requirements on Memoranda of Understanding between school districts and police departments; *(Senate bill only)*
- Decriminalizes student misbehavior in schools; *(Senate bill only)*
- Decriminalizes consensual sexual activity between adolescents who are close in age; *(Senate bill only)*

**[An Act to Promote Better Outcomes for Young People in the Commonwealth \(Emerging Adult Justice Omnibus Bill\) \(H.3037\)](#)**—

“Emerging adults”, ages 18-20, are at a key development period in their life and moving them into a developmentally appropriate justice system would reduce recidivism rates and prevent deeper criminal involvement. This bill would include young adults within the juvenile justice system by preventing long-term criminal justice system involvement, yet still holding them accountable in a more developmentally appropriate manner. This population may be eligible for education, vocational training, and treatment that are more effective for this age group and offer opportunities for growth and rehabilitation.

**[An Act to Promote Child Well-Being, Community Supervision, and Efficient Use of State Resources \(S.29 and H. 755\)](#)**—

In order to promote child well-being, community supervision, and efficient use of state resources this bill would prevent unnecessary prosecution and incarceration for youth by allowing Massachusetts’ courts to screen and divert juvenile justice cases prior to arraignment and instead offer targeted services and resources. This would promote better results for youth and public safety, at a much lower cost, by diverting from involvement in the juvenile justice system and focusing on serving the needs of the child.

**[An Act Improving Juvenile Justice Data Collection \(S. 1290 and H.2489\)](#)**—

Currently, the Massachusetts juvenile justice system does not collect or share basic statistical data that is necessary to understand how the system is operating. This poses a threat to federal grant funding, as well as the effectiveness and evaluation of juvenile justice policies. This bill would create a Juvenile Justice Policy and Data Commission to evaluate policies related to the juvenile justice system, oversee the collection and dissemination of aggregate data regarding the system, and study the implementation of any major statutory changes to the juvenile justice system.

**[An Act Relative to Sealing Juvenile Records and Expungement of Court Records \(S. 944 and H.2309\)](#)**

Currently in Massachusetts, if a young person is arrested and not placed on probation or committed to the Department of Youth Services (DYS) their juvenile arrest record is not eligible for expungement for many years and may serve as a barrier to education and employment. This bill would reduce the period of sealing juvenile records to one year and allow for immediate sealing of records for cases that are dismissed or not persecuted, allow for the expungement of cases that have been sealed for at least three years, and prevent the accessibility of juvenile court records through the Department of Motor Vehicles.

**[An Act to Promote the Appropriate Treatment of Young Children \(S. 48\)](#)**—

This bill would raise the lower age of juvenile jurisdiction from age 7 to 12, therefore preventing involvement of young children in the juvenile justice system. Elementary age children are developmentally impulsive and highly vulnerable, and many of the arrests and arraignments for young children are more low level offenses. This bill would prevent juvenile justice involvement for this population and promote enrollment in community-based services and interventions, which will hold the child accountable and address their needs in a more developmentally appropriate manner.

**[An Act Relative to Testimony in Criminal Proceedings \(S. 817\) and An Act Relative to Parent-Child Privilege \(H. 754\)](#)**—

Currently in Massachusetts, parents may be legally compelled to testify against their children in court. This bill would expand parent-child privilege and prevent parents from having to testify against their child in court, except for when a family member who resides in the home is a victim of the crime. Parent-child privilege would allow parents to offer their children guidance and support throughout this process without fear that it will be used against them in testimony.

**[An Act Codifying Juvenile Court Best Practices \(S. 790\) and An Act Relative to Best Practices in the Juvenile Court \(H. 875\)](#)**—

This bill codifies existing Juvenile Court practices to ensure that children are not indiscriminately shackled during court proceedings. However, a judge may still use shackles when immediate safety or flight risk is a concern.

**[An Act Expanding Juvenile Court Jurisdiction and District Court Diversion \(S. 816\) and An Act to Promote Better Public Safety and Better Outcomes for Young Adults \(H.3078\)](#)**—

These bills would raise the upper age of juvenile delinquency and youthful offender cases to 21 and ensure that there is an adequate opportunity to rehabilitate older youth entering the system, including extending participation with the Department of Youth Services (DYS) in youthful offender cases to age 23. The House bill would raise the age gradually over three years and would also raise

the lower age of delinquency court jurisdiction from 7 to 12. Young adults with serious offenses would still be eligible for adult sentencing as it is currently stated in the law.

**[An Act Improving Outcomes for Transition Age Youth \(S. 25 and H.1957\)](#)**—

In order to best serve youth who are on the verge of aging out of state systems of care, the department will report on the number of youth, under age 17, who have an alternative planned permanency arraignment when they leave care. An alternative planned permanency arraignment is established when the youth has not be reunited with their biological family, placed with a relative, adopted, or provided a legal guardian. These plans may include long-term foster care or alternative living arrangements (i.e., residential or group homes). Additionally, the department will reduce its reliance on another planned permanency arrangement as a service goal for children under age 17 by emphasizing case planning and management to find permanent placement solutions and families for all children.

**Transitional Age Youth Coalition –**

Transitional Age Youth, those who are transitioning out of state systems of care, are one of our most vulnerable populations of children. Once these youth age out of foster care, they no longer qualify to receive state services, and often times they leave state care without a permanent relationship with a biological or adoptive guardian, forcing them to navigate the challenges and stressors of adulthood without an adult mentor and critical support systems. For those who are at-risk of aging out of foster care without a permanent solution and forever family, they are at greater risk for homelessness, unemployment, incarceration, early pregnancy, substance abuse, and struggles with physical, mental, and behavioral health.

Often times, these youth are dually enrolled in multiple state systems of care including, child welfare, juvenile justice, and behavioral and mental health services. This sequential, often simultaneous, involvement in multiple systems of care place these youth at a crossroads; they lack positive, unconditional supports and mentoring that is offered through adult relationships as well as concrete resources and tools required to thrive independently including, housing, employment, health insurance, education, and basic life skills. Transitional age youth are often removed from conversations pertaining to child welfare and are underserved in the innovation of strategies to best support and strengthen children within these systems.

At the Home, we believe that these youth deserve every opportunity to thrive and succeed to their full potential as they prepare to enter adulthood. Lesli Suggs, our Vice President for Program Operations, serves as the co-chair for the Children’s League’s Transitional Age Youth Coalition. The

Transitional Age Youth Coalition focuses more broadly on the issues facing transitional age youth and the Commonwealth's responses to those issues. By thinking about transitional age youth across the spectrum, some of the issues addressed by the Transitional Age Youth Coalition include, alternative permanency plan arrangements, establishing permanency initiatives to prevent mobility of youth in foster care, and extending the age for eligibility for services provided by the Department of Children and Families. By partnering with other organizations and systems that are invested in serving this population, the Transitional Age Youth Coalition operates to influence legislation, advocate for change, and improve state systems and services.