

By Mr. Kollios of Millbury, petition of Paul Kollios, Bill Owens and Barbara Hildt relative to the detention of juveniles. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO JUVENILE DETENTION.

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

1 Section 39H of chapter 119 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by inserting after
3 the first paragraph the following two paragraphs: —

4 Whenever such child is arrested and the court with jurisdiction
5 over the case is not in session, the law enforcement officer in
6 charge of the police station or town lockup to which the child has
7 been taken, or his designee, shall immediately notify (1) the
8 probation officer of the district court, or of the juvenile court
9 within whose district such child was arrested or resides, or such
10 other probation officer who may have knowledge of the child and
11 (2) a representative of the department of social services, if the law
12 enforcement officer has reason to believe that the child is or has
13 been in the care or custody of such department, and shall inquire
14 into the case.

15 The law enforcement officer, in consultation with the probation
16 officer, shall then immediately make all reasonable diversion
17 efforts so that such child is delivered to the following types of
18 placements, in the descending order of preference:

19 (i) to one of the child's parents, or to the child's guardian or
20 other responsible person known to the child, or to the child's legal
21 custodian (including the department of social services or the
22 child's foster home);

23 (ii) to a temporary shelter facility licensed or approved by the
24 Office for Children, a shelter home approved by a temporary
25 shelter facility licensed or approved by the Office for Children,

26 or a family foster care home approved by a placement agency
27 licensed or approved by the Office for Children, provided that
28 such a placement is available and, in the view of the probation
29 officer, appropriate for the child; provided further that such a
30 placement furnish said law enforcement officer with a written
31 statement that it will make reasonable efforts to secure the child's
32 appearance at the next available court session and that such
33 placement will furnish the necessary transportation to such
34 placement and to the court, unless the law enforcement officer
35 chooses to furnish said transportation; provided further that such
36 child may not be securely detained in a police station or town lock-
37 up; provided further that the child shall be taken to a medical
38 facility for treatment or observation if necessary and if all other
39 legal requirements governing the provision of medical care to a
40 minor are observed.

1 SECTION 2. Section 67 of said chapter 119, as so appearing,
2 is hereby amended by inserting at the beginning of the first
3 sentence the following words: —

4 Except for children in need of services arrested pursuant to
5 section 39H,

1 SECTION 3. This act shall take effect upon its passage.