

## **THE BOSTON FOUNDATION COMMUNITY SAFETY INITIATIVE**

In 2002, the Boston Foundation launched an Initiative to promote safety in Boston neighborhoods. The Community Safety Initiative seeks to reduce violent crime in Boston neighborhoods by maintaining collaborations and relationships among the key actors in the field (e.g., police, corrections agencies, neighborhood-based organizations, faith-based groups, etc.). It also addresses crime-related activities of high risk individuals, especially youth, and promotes reduction of the cultural tolerance of violence. The Community Safety Initiative accomplishes its goals through three types of activities: grantmaking; research and policy advocacy; and community convenings/discussions.

One component of this work is a series of Community Forums hosted by the Boston Foundation during 2003 and 2004. The discussions explore the nature of timely public safety issues, their impact on community life and public policy, and the potential for concerted action. Representatives of community groups, law enforcement organizations and a variety of public agencies join other interested citizens to learn about the issues. These forums are co-sponsored by the Gardiner Howland Shaw Foundation and coordinating partners MassINC and the Crime and Justice Institute.

<b>CHINS: Overview and Forum</b>
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In 1973, the Commonwealth of Massachusetts decriminalized four distinct juvenile behaviors (runaway, truancy, stubborn child, and school discipline problem) and established a non-delinquent system to address these troubled behaviors. This system, called CHINS (Child in Need of Services) was based on the belief that these behaviors were not offenses against society deserving of punishment, but rather behaviors against a child's own self interest deserving of treatment. Thus, the CHINS system was developed to help prevent these youth from delving further into the justice system by delivering services and treatment. Unfortunately, this system is not living up to its promise. A study by the Massachusetts Commissioner of Probation found that half of all CHINS youth were arraigned for adult criminal or juvenile delinquent offenses within three years of their first CHINS petition (Citizens for Juvenile Justice, 2000). The problems with the CHINS system, suggestions for system reform, and the role of the CHINS law in preventing juvenile crime were the focus of the third community safety forum held at the Boston Foundation and coordinated by MassINC on October 7, 2003.

The forum "Preventing Juvenile Crime: The Role of the CHINS Law" began with opening remarks by Lieutenant Governor Kerry Healey and a keynote address by Molly Armstrong of the Vera Institute of Justice. A panel discussion moderated by Dana Ansel of MassINC followed these remarks. The panel members included: Aubrey Esters, Massachusetts Families for Kids Speak Out Team; Martha P. Grace, Chief Justice, Juvenile Court; Neva Grice, Police Officer with the Violence Strike Force, Boston Police Department; Harry Spence, Commissioner, Massachusetts Department of Social Services; and Patricia Wynn, Deputy Chief Counsel, Committee for Public Counsel Services. A brief question and answer session with the audience followed the panel

discussion; and the forum ended with closing remarks from Tom Coury, Executive Director of the Gardiner Howland Shaw Foundation.

### **CHINS: Definition**

“What’s the definition of a crisis for a kid? The definition of a crisis is when the adults can’t cope anymore. It’s not that the kid crosses a boundary, the adults cross a boundary. It’s a crisis when the adults can’t handle it anymore.” Forum Panelist

CHINS, or Child in Need of Services, is an umbrella term for many different types of behaviors considered “status offenses”. Status offenses are crimes which if committed by an adult would not be considered an offense. There are four primary reasons for filing a CHINS petition, two are related to a child’s relationship with his/her parents, and two are related to a child’s relationship with his/her school. Parental reasons for the filing of a CHINS petition are runaways and stubborn children; and the school reasons are truancy and school offender. Runaways are children who run away from home, usually chronically; and stubborn children are children who fail to obey the lawful and reasonable commands of their parent/guardian which results in the inability of the parent/guardian to adequately care and provide for that child. Truancy refers to children who chronically do not attend school; and school offenders refer to children who regularly break school rules and regulations. Services for children who enter the CHINS system because of an allegation involving their home are capped at age 17, while services for children who come into the system through a school-related issue are capped at age 16.

Molly Armstrong in her keynote address stated that of the children in the CHINS system that had previous involvement with the juvenile delinquency system, most were in the school offender category. She also stated that during 1994-1997 (the most recent years for which statistics were available) only 5% of Massachusetts CHINS children entered the system as school offenders. The majority of Massachusetts children came into the system as stubborn children; they were 40% of the population. The next most common reasons for CHINS petitions were truancy (28.5%) and runaways (28%). Additionally, she stated that 14,000 CHINS petitions are filed each year in Massachusetts.

Many different type of children are involved with the CHINS system, it is not a one-size-fits all population. Some CHINS cases are hybrid care and protection cases, while others are juvenile delinquency cases. Additionally, CHINS is not really a system of services, instead it is a loose collection of agencies (i.e., probation, mental health providers, courts, and social service agencies) that provide services to children in need. Petitions for CHINS services can be filed by parents, schools, or police, but are primarily filed by parents who believe that they have exhausted all their resources and feel they have no place else to go for help. Once a CHINS petition is filed, the courts become involved in the child’s life and the child becomes eligible to receive various services, the most common being assignment to a probation officer.

Almost every state in the country has a version of the CHINS law, and most struggle with similar issues. The CHINS system was initially developed to prevent children from

continuing down a path towards juvenile and criminal justice system involvement; however, many of these children end up in these systems. In Massachusetts 54% of children with CHINS petitions are arraigned in juvenile or adult court within three years of first appearing in court for the CHINS (Citizens for Juvenile Justice, 2000). It is important to note however, as explained by Molly Armstrong, that that in Massachusetts a quarter of all CHINS children were involved with the juvenile justice system before the CHINS was filed. Thus, for many children in Massachusetts the CHINS system is not serving as a prevention mechanism to the juvenile or criminal justice system; it is not reaching children early enough or providing the most appropriate response to these children's needs.

### **CHINS: Problems with the System**

“We as adults, when we brought our child [to a hospital] for a broken leg or ruptured appendix, [would not accept the response] ‘Gee I’m sorry we can’t [treat your child] for six months or three months’. But we routinely tell families that there is a three or six month waiting period for mental health services. The last time I looked the head was part of the body. Let’s treat it that way.”  
Forum Panelist

Molly Armstrong stated, that Massachusetts has studied the problems with the CHINS system more than almost any other state in the country. Since 1987 there have been four different commissions to examine the topic of CHINS, how the system can better deal with these children, and examine what is actually going on with the CHINS process. The major challenge identified by these commissions is how to best provide services to this population to prevent future criminal behavior because the current system is not working.

The forum panelists had very different ideas about the problems with CHINS system and what should be done to improve them. Some felt the system itself was fundamentally flawed and should be completely revamped, including changing the law; while others believed that incremental changes of the system are needed, not a total revamping of the system or a changing of the law.

Additional problems with the CHINS system identified in the forum include:

- *Lack of understanding of CHINS and the process.* Many children and families involved with the CHINS system do not have a clear understanding of what CHINS means or involves. This may be partially due to the fact that the law underlying the CHINS system is unclear, and partially because the CHINS structure and expectations are confusing. The CHINS system of service providers and clients is random and each has distinct views and values about the system. There is no shared set of expectations or core values about how the system works or should work. Additionally, there is a lack of consistency in CHINS processes across the state. In some counties the Department of Social Services (DSS) is the first contact in filing a CHINS petition, while in others it is the courts or the police.
- *Low consumer satisfaction.* Both families and service providers are unhappy with the CHINS system. Families often complain that services are held at

- inconvenient times and at inconvenient locations; and service providers often do not agree on their roles within the system. Additionally, services are often child-focused and not family-focused. This focus entirely on the child often results in many children being removed from their homes instead of receiving more comprehensive services targeting the entire family
- *Delay in receipt of services.* The CHINS process is very slow and often children and families do not begin receiving services for many months. This is very problematic as a CHINS is often filed when a family is in crisis and needs assistance immediately.
  - *Poor data on CHINS population.* There is very little data that describes the children and families involved with the CHINS system or their service needs. Research done in this area has tended to focus on systemic issues rather than a general description of the population.
  - *Lack of support when children leave the system.* Many children leave the CHINS system without a set of adult relationships to support them once they turn 18. Thus, many children are left entirely on their own when they leave the system.
  - *Lack of agreement on the role of the courts.* The courts serve an important function in the CHINS process. CHINS is a legal status and the court determines if a child is eligible for CHINS services. However, there is a lack of agreement on the exact role of the courts. Parents often want the court to take over responsibility for their child. They often believe that filing a CHINS gives the legal system the right to discipline and raise their child. Conversely, the courts often believe that their job is to help increase parental accountability for their children and assist them in disciplining their child. Courts do not believe their role is to take over raising the child. These conflicting viewpoints contribute to the confusion and dissatisfaction many people have with the CHINS system

Service providers and professionals also disagree on the role of the courts in CHINS cases. Some believe that the most important goal is to find a way to quickly involve services in these children's lives before they reach the court system, while others feel that it is more important to have the courts involved but in a way that supports the family and does not create more animosity between the child and parents. Some believe that court involvement creates more problems inherently for families. For example, in an effort to help parents become more accountable and involved in their children's lives some courts have issued fines to parents if they are unable to get their child to attend school. This appears to be a good solution if the only problem is a lack of accountability of the parents, but often in CHINS cases there are many other problems in the family and imposing a fine only creates more tension between the parent and child and further contributes to the family problems.

The court system can provide important services, however. It can help ensure that parents remain involved in the child's life and actively seek to resolve the problems that led to the CHINS petition by mandating family treatment with community-based service providers. They can also help parents exercise their authority as parents and empower them to do their job in disciplining their child

by mandating curfews or treatment services. The courts can also help bring the adults involved with the child (parents, DSS, social service providers, mental health professionals) together to fulfill their responsibilities in a coordinated fashion and ensure that the family receives services in a timely manner.

### **CHINS: Characteristics of Successful Jurisdictions**

“Jurisdictions that have addressed CHINS issues most successfully have come up with programs that pay attention to the distinctions between the different types of CHINS children. Where truancy is the prominent issue, they address the issue of truancy; where the breakdown in the family is the predominant issue, they focus on that issue.” Molly Armstrong, Vera Institute

These problems with the CHINS system are common all over the country; however some counties have had more success than others in dealing with this population. Jurisdictions that have successfully addressed CHINS issues use programs that address the distinctions between the different types of children and families involved. Successful jurisdictions provide:

- *Quick comprehensive services.* Children and families are provided with immediate crisis counseling and services that are accessible 24 hours a day, 7 days a week. They also receive intensive mediation services and family counseling in addition to child-focused services.
- *Strategic use of resources.* It costs ten times more to place a child in a residential setting as it does to provide preventative services. Thus, successful jurisdictions have gathered data on their resource allocation and the services children receive (i.e., residential versus non-residential) to see if there are better options for service delivery. It is more cost effective, and in many cases more beneficial for the child and family, to combine shorter residential stays and a reduced reliance on residential services with community-based treatment services.
- *Multi-agency collaboration.* Everyone benefits through collaboration. Many agencies (social services, schools, juvenile justice) are serving this population of children, and all benefit when they work together to provide more comprehensive and coordinated services.
- *Provide parents with authority to control their children.* Parents most often do not want their authority taken away; instead they are looking for assistance in disciplining their child and want help in bolstering their authority. Providing supportive parental services and teaching parents the skills necessary to create structure in their homes helps them gain authority over their child, and develop a more positive parent-child relationship.

### **CHINS: Opportunities for Action**

“If there were a clear process with clear expectations, I think you’d get a much higher level of compliance. A clear process with clear expectations helps a great deal in shaping behavior.”  
Forum Panelist

Much improvement is needed for the CHINS system to fulfill its function of preventing future criminal behavior. The following suggestions for improving Massachusetts CHINS system arose from the forum.

- *Early Intervention.* Services need to be available immediately for children and families who are in crisis. Systemic changes are needed to ensure that children and families do not have to wait six months for mental health services when they are in an immediate crisis. Intervening early during a crisis engages the family into the service system when they need it most and teaches them skills to prevent future crises. Additionally, providing services early reduces the number of children that need to be removed from their homes due to escalating crises. Early intervention, however, is more than just intervening during a crisis; it also implies intervening before crises happen in order to prevent them. There was not agreement in the forum on the exact type of intervention or the time period in which it should occur, though everyone agreed that the current CHINS system was not intervening early enough in these children's lives.
- *Comprehensive Community-Based Services.* Linking families and children to service providers in their communities not only reduces the need for residential services but also provides support to the child when he/she ages out of the system. A major failure of the current CHINS system is the high number of children who do not have a set of adult relationships to support them once they turn 18 and move forward in their lives. Limiting a child's removal from the home to the most severe cases, and providing intensive community-based family services will help children develop connections to their communities that provide support once they become adults.
- *More Training for Probation Officers.* For many CHINS children, a probation officer's attention is the only consistent service they receive. Their lawyers often leave when the CHINS petition process is completed and DSS does not provide services for all CHINS cases, thus many CHINS children spend a great deal of time working solely with their probation officer. These probation officers need training in CHINS issues and working with at-risk youth to better help these children.
- *Clarify the Law.* Currently there is a lack of agreement on whether a change in the law is needed, but most agree that it needs to be clarified so that everyone involved with the CHINS system has a clear understanding of the law. This could be accomplished by bringing all the agencies involved with CHINS together to examine the law collaboratively and build consensus on how the system should work. Ideally, the CHINS law should codify the best practices for working with this population and build on the lessons learned from successful pilot programs.
- *Improve the Implementation of Services.* Neither service providers nor consumers are satisfied with CHINS services; therefore the system of service implementation needs to be improved. One suggestion for improvement from the forum was a graduated continuum model of services that begins with informal processes of working with a family and develops into a more formal process (i.e., court system) if the informal ones fail. This process would create expectations at the front end for the child, family, and state social services (a characteristic of good

diversion programs in Massachusetts), and focus on early intervention and prevention.

- *Collect Data.* There is a great need for data on the CHINS population. Who are these children? Where are they from? What are their backgrounds? Additionally, data on the current allocation of resources for this population is needed. What kind of services are CHINS children receiving? How often? How many are being removed from home and placed in residential services?
- *Reallocation of Resources.* Additional funding is not needed to make a change in the system. Resource reallocation would provide more resources to invest at the front end before a child is removed from the home, resources that focus on family interventions utilizing community resources. Currently a major issue is the misapplication of resources, not a lack of funding.
- *Multi-Agency Collaboration.* The CHINS population is a very demanding population often involved with many different types of agencies. Successful intervention with these children and families requires that different agencies work together collaboratively.
- *Strategic Use of Information Sharing.* The sharing of information across multiple agencies has many benefits, (it is a major component of successful collaborations and can prevent the duplication of services); however it also can create problems if the information is misused. Good collaborations establish guidelines for information sharing that enhance services and protect consumers. Thus, it is essential that information sharing be well planned to ensure that misuse does not occur.

### **CHINS: Conclusion**

“Nothing really changes until you have someone stand up, someone of substance whether it is an organization, group of organizations or individuals, and become a champion for the cause and move reform.” Tom Coury, Executive Director, Gardiner Howland Shaw Foundation

There are no easy solutions to the issues surrounding the CHINS process and system. Disagreements exist over whether progress in addressing these issues is prevented by the CHINS implementation system or by the law itself; and there are disagreements on how to fix these problems. However, there is agreement that the current system is not working well and that a greater emphasis on early intervention is needed, (as the original intention of the law was to prevent future criminal behavior). What would a system of early intervention look like? When would intervention occur? What changes are needed in the current system to begin implementing earlier interventions? These are just some of the questions that will need answers. Gathering data on the CHINS population and resource allocations will help answer some of these questions. Bringing people together to examine the system, agree on a set of values, and codify the changes that need to be made will answer others. However, in order for any progress to be made an individual or group of individuals are needed to “champion the cause”. A champion of CHINS reform can begin to build the partnerships needed for systemic change and help resolve turf battles common with collaborations. Issues of where one’s responsibility begins and ends must be resolved before any improvements in the CHINS system can be made. A

well-functioning CHINS system can provide an effective use of resources, reduce the number of children entering the juvenile justice system, and help families.

### **References**

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