

How long does the disposition last?

Once the court places the child in DCF custody, DCF decides where to place the child. The disposition is first reviewed by the court after 120 days. At that review (or between reviews), the case can be dismissed, the court can change the custody order or conditions, or the case can continue with the same orders in place. There are three more reviews that happen after the first every 90 days.

What are the rights of the child in a CRA case?

The right to attend all hearings.

The right to be represented by an attorney at all hearings.

The right to have another court review the decisions a Juvenile Court judge makes on the case.

What are the rights of the parent, legal guardian or legal custodian in a CRA case?

The right to attend all court hearings.

The right to be represented by an attorney at any hearing in which the judge considers ordering custody to someone other than the parent/guardian. If an attorney cannot be afforded, the court will appoint one.

The right to a language interpreter or a sign language interpreter if English is not spoken or understood.

The right to have another court review the decisions a Juvenile Court judge makes on the case.

When must a CRA case be dismissed?

When the goals of the CRA have been met;

390 days from the date of disposition;

When a child turns 16 (if truant or school offender CRA);

When a child turns 18 (if any other CRA)*; or

If the child moves out of the court's jurisdiction.

*If a child is in DCF custody through a CRA at age 18 and signs into DCF, that child continues to have a lawyer and to go to court for permanency planning hearings.

For more information contact:

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CHILDREN REQUIRING ASSISTANCE (CRA)

(Formerly Child in Need of
Services (CHINS))



CHILDREN'S LAW CENTER
OF MASSACHUSETTS

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What is a CRA?

A Child Requiring Assistance (CRA) matter is a court case in which the Juvenile Court is asked to help parents and school officials supervise youth. There are five kinds of Child Requiring Assistance is a child at least 6 years old who:

repeatedly **runs away** from home of the parent, legal guardian or custodian (“runaway”);

repeatedly **fails to obey the lawful and reasonable rules of a parent**, which interferes with the parent/guardian/custodian’s ability to adequately care for and protect the child (“stubborn child”)

repeatedly **fails to obey lawful and reasonable school regulations** (“school offender”);

willfully **fails to attend school** for more than 8 school days in a quarter (“truant”); and

has been subjected to sexual exploitation (“sexually exploited child”).

Who may file a CRA?

A **parent, legal guardian or custodian** may file a CRA petition on their child who is at least 6 but not yet 18 is a runaway or truant.

The **parent or police** may file a CRA petition on a child who is at least 6 but not yet 18 who is a sexually exploited child.

A **school district** may file a CRA petition on a child who is at least 6 but not yet 16 who is a school offender or truant.

What happens on the first court date?

The child and parents/guardians should come to court for a **preliminary hearing**. There will be an attorney for the child, and the child, parents/guardians, and attorney will meet with a probation officer.

At this hearing the court will either dismiss the petition, order informal assistance, or schedule a “fact finding” hearing.

At this hearing, the court may grant **temporary**

custody of the child to the Department of Children and Families (DCF). If the judge does give temporary custody to DCF, DCF makes the decision about where the child will live.

What happens if a child does not go to the hearing or runs away?

If a child fails to come to court or runs away, the court may issue a warrant of protective custody. The warrant does *not* go into the police computer system. Police should bring the child to court if the child is found. If the police find the child outside of court business hours, the police should take the child home or to a shelter (if one exists).

A child may not be handcuffed, taken to the police station, placed in a court lockup facility, or placed in DYS if the police pick him/her up on a warrant of protective custody.

What is Informal Assistance?

Informal assistance is used to try to resolve the problems that led to the filing of the CRA without a formal court procedure. The probation officer meets with the family, the child, and the child’s attorney to discuss ways to solve the problem. The child, probation officer, and child’s parents/guardians sign a contract regarding the child’s behavior

A child cannot be forced to participate in any activities that probation suggests. However, if the child does not cooperate with the services or follow the contract, the probation officer can ask the court to issue the CRA petition and set a date for a fact finding hearing.

How long will Informal Assistance last?

The first period of informal assistance lasts 90 days. At an informal review, the probation officer, child, and parents/guardians can agree in writing to an additional 90 days. After 180 days the case must be dismissed or there must be a fact finding hearing. *If the case is dismissed before the fact finding hearing, the CRA court file will be expunged which means destroyed.*

When does a Fact-Finding Hearing occur?

A fact finding hearing will occur in one of three situations:

the court believes at the preliminary hearing that the child’s best interests would be served by a fact finding hearing (rather than informal assistance) usually because the child is engaging in unsafe behavior at home, in school, or in the community;

the child is involved with informal assistance but is not engaging with services and/or engaging in risky behavior; or

the child does not appear for the preliminary hearing.

What happens at a fact finding hearing?

At the Fact-Finding Hearing the guardian and child have a right to be heard and can have a trial in front of a different judge who conducted the preliminary hearing. The applicant who filed the application must present evidence for the judge to find beyond a reasonable doubt that the child requires assistance.

If the judge finds that the child requires assistance, the court will schedule a case conference and disposition Hearing. Sometimes the case conference and disposition occur on the same day.

What happens at a case conference?

The case conference provides an opportunity for the guardian(s), child, probation officer, representative from child’s school, clinicians, DCF if involved with the family, and any other identified persons by the court to come up with a plan for the child.

What happens at disposition?

At disposition the judge will order the child:

to remain at home (and may impose conditions for the child to stay at home);

into the custody of a relative or other appropriate adult; or

into the custody of DCF (and may also order that DCF place the child out of the home).