SENATE DOCKET, NO. 1450 FILED ON: 1/18/2013

SENATE . . . . . No. 60

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act coordinating services for at-risk youth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*
Chief Steven Wojnar	
Peter J. Durant	*6th Worcester*

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SENATE . . . . . No. 60

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 60) of Richard T. Moore, Chief Steven Wojnar and Peter J. Durant for legislation relative to services for at risk youth. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

An Act coordinating services for at-risk youth.

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

SECTION 1. Chapter 12 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by adding the following section:

Section 33. (a) Notwithstanding any general or special law to the contrary, the district attorney in each district may establish, subject to appropriation, a community-based juvenile/youthful justice program for the purposes of ensuring the safety and security of the public and private schools of that district; addressing the problems of juvenile and youthful violence; improving the services available to school-age youth; ensuring the effective use of resources by state and local law enforcement and various state agencies; and promoting collaboration among schools, local and state law enforcement agencies, municipalities, the probation department, and the departments of children and families, youth services, mental health and public health. The program shall assist in the development of school and community-based programs that are designed to prevent violence and delinquency, develop techniques for the early identification of at-risk youth, divert non-violent youthful offenders from the juvenile or criminal justice system, and ensure the availability of and access to community-based rehabilitative services including, but not limited to, substance abuse services for youthful offenders when appropriate.

(b) Notwithstanding any general or special law to the contrary, for the purpose of establishing, implementing, or carrying out the program, employees and representatives of the following agencies and departments may, to the extent not prohibited by federal law, discuss and exchange information concerning court records, investigations, court proceedings, and care, custody, educational records and treatment plans of juveniles and school-age persons under the age of 22 who attend public and private elementary, junior high, or high schools in the commonwealth: designated school officials, including but not limited to registered nurses employed by the schools, or school based health centers, the probation department, the office of

25 the district attorney, state and local police departments, the office of the sheriff, the department
26 of youth services, the department of children and families, the department of mental health, the
27 department of public health, and other social service providers. In no instance shall any aspect of
28 an individual's confidential communications with a sexual assault counselor, as defined in
29 section 20J of chapter 233, be shared among the aforementioned parties. Employees and
30 representatives of the department of children and families, the department of mental health, and
31 the department of public health shall share privileged information only when authorized by order
32 of the juvenile court for requests involving a child under the age of 17 and of the district court
33 for requests concerning adults, but these employees and representatives may share information
34 regarding the existence of services, treatment plans, and the identity of providers without a court
35 order. Any privileged communication made to a psychotherapist, as defined in section 20B of
36 chapter 233, or the results of a court-ordered psychiatric examination shall be shared only when
37 authorized by order of the juvenile court for requests involving a child under the age of 17 and of
38 the district court for requests concerning adults. The appropriate court shall notify the parent or
39 guardian of a person whose privileged information is requested of his right to appear at the
40 hearing regarding the request for access to the privileged information.

41 (c) Any agency or employee or representative of an agency who, without authority,
42 discloses or disseminates this information or uses this information for purposes not described in
43 this section shall be punished by a fine of not more than $5,000. The district attorneys shall
44 submit an annual report on the activities, procedures, performance, operation, implementation
45 and cost of each community-based juvenile/youthful justice program established under this
46 section to the clerks of the house and senate, the house and senate committees on ways and
47 means and the joint committee on the judiciary on or before February 1 of each year. The district
48 attorneys, in preparing the reports, shall consult with the office of the chief justice of the juvenile
49 court, the office of the commissioner of probation and the department of children and families.