

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Cynthia Stone. Creem**

*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 bill:

An Act to enhance inter-agency cooperation within the juvenile criminal justice system.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00906 OF 2007-2008.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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AN ACT TO ENHANCE INTER-AGENCY COOPERATION WITHIN THE JUVENILE CRIMINAL JUSTICE SYSTEM.

*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 1. Chapter 12 of the General Laws, as appearing in the 2006 General Edition, is  
2 hereby amended by adding the following sections at the end thereof:

3           Section 32 (f): Any such community based juvenile justice program task force, operated by a  
4 district attorney, which seeks to obtain or to share information with any other office, agency, or  
5 individual, including but not limited to schools and local law enforcement representatives, probation  
6 and court representatives, the department of social services, department of youth services and  
7 department of mental health, shall

8 (i) be limited to court-involved juveniles or youth who are charged or adjudicated delinquent under  
9 the provisions of chapter 119 or as a youthful offender;

10 (ii) be undertaken only with the stated goal of diverting the juvenile or accused youth from further  
11 court adjudicatory proceedings and/or from any custodial sentencing proceedings;

12 (iii) be undertaken only after the compilation of district-wide services directories, which shall be  
13 public records, to assure public access to information concerning the availability of and access to  
14 community-based rehabilitative services, including but not limited to after-school programs,  
15 residential treatment and other programs, mental health and substance abuse services, and  
16 specifically any and all community-based programs and services administered or operated by the  
17 office of the district attorney, whether by state or federal or other appropriation or granting  
18 mechanism.

19 (iv) be undertaken in order to prepare and implement an individualized service plan for the child or  
20 youth. Such service plan shall be in writing, and a copy shall be provided to the child or youth  
21 and/or his or her parent(s) or guardian(s) and to any attorney or representative duly authorized by  
22 the young person or parent or guardian. Such plan shall include specific information and direction  
23 concerning its implementation by the persons or offices responsible for providing services. Any  
24 such plan shall be reviewed and its implementation evaluated at sixty-day intervals by the office of  
25 the district attorney, the service-provider(s), and the child and family and their attorney or other  
26 representative.

27 Section 32(g): No information, documents, statements or materials, in whatever form, which  
28 are acquired by or generated by any such community-based juvenile justice program task force shall  
29 be used or in any way utilized by the office of the district attorney to initiate the prosecution of a  
30 child or youth. In any delinquency, youthful offender, or other criminal proceeding in which  
31 defense counsel moves for discovery, the commonwealth shall make available to the defense all

32 requested information concerning the conduct of any community-based juvenile justice program  
33 task force to allow the full presentation of evidence at a hearing on any motions to dismiss the  
34 charges or suppress evidence as the result of any alleged violation of this section.