

Table of Contents

CHAPTER 1. DELINQUENCY JURISDICTION AND RELATED TOPICS

- § 1.02 Criminal justice reform of 2018 *[New]*
- § 1.05 Tools for judges *[New]*
- § 1.07 An Act to Prevent Abuse and Exploitation (aka “sexting”) *[New]*
- § 1.1 Subject matter jurisdiction and territorial jurisdiction (venue)
- § 1.2 Statutory history
- § 1.3 Philosophy of delinquency proceedings and judicial goals and options
- § 1.4 Applicability of constitutional guarantees—Generally
- § 1.5 Applicability of constitutional guarantees—Right to counsel
- § 1.10 Applicability of constitutional guarantees—Right of confrontation
- § 1.11 Applicability of constitutional guarantees—Search and seizure
- § 1.14 Applicability of constitutional guarantees—Privilege against self-incrimination; admissibility of statements; “interested adult” protections; voluntariness; order on motion to suppress (form); other testimony and privileges
- § 1.16 Age of child as a jurisdictional factor and as a factor bearing on substantive aspects of an alleged offense; “infancy defense”
- § 1.17 Mental capacity—Mental illness; competency; availability of insanity defense; antipsychotic medication
- § 1.18 Petition for commitment M.G.L.A. c. 123, § 35
- § 1.19 Alcohol/substance abuse summons
- § 1.20 Alcohol/substance abuse commitment mittimus
- § 1.22 Arrest and pre-trial detention; forms *[Retitled]*
- § 1.23 DYS classification grid
- § 1.24 Bail determination, findings of fact—Form
- § 1.32 Scheduling and disposition of delinquency matters; time standards
- § 1.36 Tender of plea or admission—Waiver of rights
- § 1.38 Process—Summonses and warrants
- § 1.45 Burden of proof
- § 1.46 Right to trial by jury
- § 1.47 Waiver of trial by a jury
- § 1.49 Tender of plea or admission waiver of rights
- § 1.50 Pretrial motions; discovery, stenographers, sound recordings *[Retitled]*
- § 1.52 Appeal from adjudication of delinquent
- § 1.53 Appeal from adjudication of delinquency by reason of first degree murder
- § 1.54 Procedures in jury trials
- § 1.62 Disposition—Generally
- § 1.73 Continuance without a finding

- § 1.76 Pre–adjudicatory probation
- § 1.77 Post–adjudication probation
- § 1.78 Restitution; parental liability for damage caused by delinquent child
- § 1.80 Violation of probation
- § 1.83 Commitment to the Department of Youth Services and disposition in murder cases
- § 1.84 Extension of commitment to Department of Youth Services—Transfers to Department of Correction
- § 1.86 Admissibility in subsequent proceedings of delinquency adjudications and evidence adduced in juvenile court proceedings
- § 1.87 Limitation on access to records of delinquency cases/limitation on access to court proceedings
- § 1.88 Sealing of court and probation records and expungement of police records
- § 1.89 Contempt
- § 1.90 Nonsupport

**CHAPTER 2. TRANSFER OF JUVENILES
FOR TRIAL AS ADULTS IN CRIMINAL
SESSIONS OF DISTRICT COURT OR
SUPERIOR COURT; YOUTHFUL
OFFENDER STATUS**

- § 2.05 Tools for judges [*New*]
- § 2.1 Overview—Jurisdictional scope of M.G.L.A. c. 119, §§ 58 and 72A
- § 2.2 Youthful offender status
- § 2.3 Cases involving firearms offenses designated in M.G.L.A. c. 119, § 54
- § 2.4 Initial determinations for invoking M.G.L.A. c. 119, § 54—Statutory age specifications, offense categories and “threat or infliction of serious bodily harm”
- § 2.5 Adjudication of youthful offenders—Constitutional considerations
- § 2.7 Procedures in jury trials

Table of Laws and Rules

Table of Cases

Table of Contents

CHAPTER 3. CARE AND PROTECTION JURISDICTION

- § 3.05 Tools for judges *[New]*
- § 3.1 Definition and overview
- § 3.3 Jurisdiction and venue
- § 3.4 Philosophy, judicial objectives and statutory policy
- § 3.5 Constitutional considerations
- § 3.5.50 Handbook for parents in care and protection cases *[New]*
- § 3.6 Distinctions between care and protection cases and other types of proceedings involving children and parental rights
- § 3.7 Parties; filing of petition; forms
- § 3.10 Care and protection petition
- § 3.13 Burden of proof—Parental unfitness; best interests of child; clear and convincing evidence
- § 3.14 Reporting of abuse or neglect to the Department of Social Services—M.G.L.A. c. 119, § 51A
- § 3.15 Emergency removal; temporary restraining orders
- § 3.16 Medical emergency cases
- § 3.17 Arraignment; preliminary hearing; temporary custody hearing; forms
- § 3.18 Appointment of counsel
- § 3.20 Pre-trial matters; discovery; forms
- § 3.21 Rights of foster parents
- § 3.22 Rights of grandparents
- § 3.23 Right of siblings
- § 3.24 Trial—Evidentiary considerations
- § 3.25 Adjudication; forms
- § 3.26 Sufficiency of the evidence and sufficiency of the judge’s findings—Legislative and decisional background
- § 3.28 Sufficiency of the evidence and sufficiency of the judge’s findings—Findings of fact and conclusions of law; forms
- § 3.29 Sufficiency of the evidence and sufficiency of the judge’s findings—Examples
- § 3.30 Disposition; post-adjudication visitation; forms
- § 3.31 Review and redetermination
- § 3.32 Foster care review
- § 3.33 Guardian ad litem
- § 3.34 Appointment of guardian ad litem
- § 3.34.50 Guidelines for guardians ad litem *[New]*
- § 3.36 Appellate review
- § 3.39 Child support and paternity adjudications
- § 3.41 Mental health considerations
- § 3.42 Scheduling; time standards
- § 3.43 Interdepartmental assignments

- § 3.44 Termination of parental rights
- § 3.46 Adoption
- § 3.49 Permanency hearings
- § 3.50 Post-adoption contact
- § 3.51 Guardianship of a minor
- § 3.52 Petition for appointment of guardian(s) of minor child(ren)
- § 3.53 Bond of guardian
- § 3.57 Juvenile court rules applicable to care and protection, guardianship of minor and adoption consent proceedings
- § 3.58 The reforms of St. 2008, c. 176, §§ 1 to 139 *[New]*

**CHAPTER 4. “FAMILIES AND CHILDREN
REQUIRING ASSISTANCE” (CRA)
JURISDICTION (FORMERLY
“CHILDREN IN NEED OF SERVICES”
(CHINS))**

- § 4.05 Tools for judges *[New]*
- § 4.1 Introduction
- § 4.2 Statutory background
- § 4.3 Types of behavior which may be a basis for CRA (formerly CHINS) jurisdiction *[Retitled]*
- § 4.4 Scope of jurisdiction and venue
- § 4.5 Judicial goals and options
- § 4.6 Burden of proof
- § 4.7 Commencement of proceedings and pre-petition procedures; forms
- § 4.8 Notice of CRA (formerly CHINS) application—Form *[Retitled]*
- § 4.9 CRA (formerly CHINS) summons parent/guardian—Form *[Retitled]*
- § 4.10 CRA (formerly CHINS) information sheet—Form *[Retitled]*
- § 4.11 Pre-hearing detention; bail
- § 4.12 DSS involvement in CRA (formerly CHINS) cases prior to adjudication *[Retitled]*
- § 4.13 Notice to DSS—CRA (formerly CHINS) application for petition—Form *[Retitled]*
- § 4.14 Statutory rights of the subject child
- § 4.15 Right to counsel
- § 4.16 Right to trial by jury
- § 4.17 Trial on the merits and de novo appeal
- § 4.18 Disposition
- § 4.19 CRA (formerly CHINS) disposition mittimus—Form *[Retitled]*
- § 4.20 CRA (formerly CHINS) temporary mittimus—DSS—Form *[Retitled]*
- § 4.21 Custody order—Form
- § 4.22 Mental health issues
- § 4.23 Constitutional considerations—Vagueness, cruel and unusual punishment, due process and equal protection
- § 4.24 Alternative approaches

TABLE OF CONTENTS

- § 4.25 Propriety of contempt sanctions to enforce CRA (formerly CHINS) dispositional orders *[Retitled]*

CHAPTER 5. JURISDICTION OVER ADULTS

- § 5.05 Tools for judges *[New]*
- § 5.3 Violation of compulsory school attendance laws (“failure to cause”)
- § 5.4 Non-support correlative to care and protection matters; paternity adjudication
- § 5.5 Voluntary acknowledgment of parentage stipulation

CHAPTER 6. STATE AGENCIES

- § 6.2 Department of Youth Services (DYS)—Establishment, functions and internal structure
- § 6.3 Department of Youth Services (DYS)—Referral of children to the Department
- § 6.5 Department of Youth Services (DYS)—Types of services provided for permanently-committed children
- § 6.6 Department of Youth Services (DYS)—Discharge of permanently-committed children from the Department’s custody
- § 6.12 Department of Youth Services (DYS)—Liability of the Department and its personnel
- § 6.13 Department of Social Services (DSS)—Functions and organization
- § 6.14 Department of Social Services (DSS)—Internal processing of reports of child abuse or neglect; notice to parents
- § 6.16 Department of Social Services (DSS)—Processing of reports of abuse or neglect in an institutional setting
- § 6.18 Department of Social Services (DSS)—Service plans; forms
- § 6.19 Department of Social Services (DSS)—Substitute care placement determinations; forms
- § 6.21 Department of Social Services (DSS)—Foster care review conducted within the Department
- § 6.22 Department of Social Services (DSS)—DSS-sponsored guardianships
- § 6.23 Department of Social Services (DSS)—Review of action taken by DSS or of DSS inaction
- § 6.24 Department of Social Services (DSS)—Liability of DSS and DSS employees for injuries sustained by a child as a result of DSS’ negligence
- § 6.29 Department of Education
- § 6.31 Office of the child advocate *[New]*

APPENDIX A Tools for Judges

- APPENDIX A1. Dispositional and Sentencing Best Practices for Delinquent and Youthful Offender Matters
- APPENDIX A2. Implicit Bias Bench Card
- APPENDIX A3. Bench Card for the Trauma-Informed Judge
- APPENDIX A4. Juvenile Court Department Guidelines for Court Investigations and Reports *[New]*

- APPENDIX A5. Essential Questions to Ask at Each Hearing to Promote Permanency *[New]*
- APPENDIX A6. Procedure Regarding the Appointment of Court Investigators and Guardians Ad Litem *[New]*
- APPENDIX A7. Access to Records and the Role of the Judge in Family Treatment Court (Rescinded July 1, 2025) *[New]*
- APPENDIX A8. Return of Custody Orders in Care and Protection Proceedings *[New]*
- APPENDIX A9. Juvenile Court Operations *[New]*

Table of Laws and Rules

Table of Cases

Index