

Questions to Ask Before You File or Encourage Others to File a CRA

Are the student's mental health issues impacting their attendance?

If so, I could advise the family of home/hospital tutoring, refer the student for an IEP evaluation, or discuss creating a 504 plan. I could also refer the family to CBHI or the Massachusetts Behavioral Health Helpline for mental health services.

Does the student have an unidentified or under-served disability?

If so, I could request an initial or updated special education evaluation.

Does the student need different or additional special education services?

If so, I could work with the school's special education program to convene an IEP team meeting or request additional evaluations.

Does the student face language barriers?

If so, I could consult with the counselor and/or social worker to discuss different or new ELL services.

Am I filing because the student lacks reliable or safe transportation to get to school?

If so, I could work with the school counselor and/or social worker.

Is the student experiencing financial, housing, or food insecurity?

If so, I could contact Family Resource Center to help obtain food, clothing, and other resources. FRCs were designed to divert students at risk of CRAs away from court.

Am I filing because the student is experiencing bullying or other peer issues at school?

If so, I could conduct a bullying or Title IX investigation, consider mediation and restorative justice practices between students, or address bullying in the student's IEP.

Is the student experiencing the effects of trauma? Remember, many symptoms of trauma may cause low or reduced learning engagement and may look like ADHD or other disabilities.

If so, I could learn about trauma-informed practices, reconvene the IEP team or request an initial evaluation, or refer the student to a community mental health provider.

Does the student have other attendance issues?

If so, I could talk to the child and family about any barriers they are facing or use the School Truancy Prevention Program.

Have I checked to see if I have a bias that is influencing my thinking about filing?

I should stop, consider any unconscious biases that could be influencing my thinking and speak to a trusted colleague or my supervisor about my concerns.

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Did You Know?

- In FY21, youth of color accounted for about 50% of CRA filings, but only 43% of the total student population. During the CRA process, a judge can order DCF to remove the child from the home. Removal is traumatic. **The CRA Process does not provide services and a judge cannot order services such as counseling or behavioral health treatment.**
- It is often a hardship for families to travel to court, take time off from work, find childcare for siblings, or wait to be heard all day with no offer of services to help resolve the underlying issues.
- 19.2% of CRA cases are dismissed at the first hearing with another 25% dismissed before a second hearing. The person who filed the CRA can retract it prior to a hearing called the "fact finding" hearing.

Resources/Alternatives to CRA Filing

(Children's Behavioral Health Initiative): Behavioral health service providers for kids on MassHealth.

FRC (Family Resource Center): Created to divert families from juvenile court. FRCs provide referrals to services.

Massachusetts Behavioral Health Help Line: Connects families to clinical assessment and referrals for treatment. Call or text 833-773-2445 or use online chat.

PPAL (Parent/Professional Advocacy League): Statewide family organizing supporting the well-being and mental health of children and families through education, advocacy and partnership.

211: Call 211 or visit <https://mass211.org/>. Connects families to health and human services in their community.

Handhold: Web-based support for parents with their child's mental health needs.

**All the above resources and resources in "Further Reading" are hyperlinked. Links are also on the next page.*

CRA for Students with Disabilities

Truancy: A student being absent alone is not enough to meet the definition for being "truant." Schools must show that the student "willfully" did not attend school for "reasons portending delinquent behavior."

Habitual School Offender: Many kids are actually presenting with disability related behavior that instead indicates the need for further special education evaluation and additional services, support, or changes to their IEPs or 504 plans instead of court involvement.

Definitions

Child Requiring Assistance (CRA): A non-criminal juvenile court case that parents, guardians, or school officials can file against a child aged 6 up to 18 years old. (School-filed CRA petitions must be dismissed when the child turns 16 per M.G.L. c. 119, § 39G.) The juvenile court cannot order services and does not provide its own services. CRAs are often viewed as a last resort when a child is not attending school or following the home rules.

FIVE TYPES OF CRA CASES, per M.G.L. c. 119, § 21,39E:

1. **"Runaway":** A child who repeatedly runs away from the home. A parent/guardian/custodian may file.
2. **"Stubborn Child":** A child who repeatedly fails to obey reasonable home rules, interfering with the parent's ability to care for the child. A parent/guardian/custodian may file.
3. **"Habitual School Offender":** A child who repeatedly fails to obey school rules. The district can file and must state the steps they've previously taken to improve the child's conduct. Note: the student may be presenting with disability related behavior that indicates the need for changes to the child's IEP.
4. **"Habitual Truant":** A child, who, without excuse, willfully fails to attend school for more than 8 days in a quarter. The school district's application must state whether the child and the child's family have participated in the school's truancy prevention program. To "willfully" fail to attend school, the absences cannot be due to the student's disabilities but rather must be due to "reasons portending delinquent behavior." *Millis Public Schools v. M.P.*, 478 Mass. 767 (2017).
5. **"Sexually Exploited Child":** Any child who has been subjected to sexual exploitation. M.G.L. c. 119, § 21. A parent or a police officer may file an application. M.G.L. c. 119, § 39L.

Further Reading

- [DESE Promoting Student Engagement, Learning, Wellbeing and Safety Guide](#)
- [Safe & Supportive Schools Act Framework: Trauma in schools resource](#)
- [Safe Schools Program for LGBTQ students](#)
- [DESE Bullying Intervention and Prevention Resources](#)
- [Juvenile Court: Standing Order 3-21: CRA proceedings DESE Attendance Guidance Feb. 2022](#)
- [CRA Quick Reference Guide](#)
- [Mass Legal Services Guide on CRA Process](#)
- [CPCS CRA Resource](#)
- [BSEA Case Failure to address absenteeism is denial of FAPE/Duty to address through special education means](#)
- [Millis Public Schools v M.P., et al. \(2018\)](#)

Full Additional Resources

Resources/Alternatives to CRA Filing

- **CBHI (Children's Behavioral Health Initiative):** Behavioral health service providers for kids on MassHealth. Website is: <https://www.mabhaccess.com/Home.aspx>
- **FRC (Family Resource Center):** Created to divert families from juvenile court. FRCs provide referrals to services. Website is: <https://www.frcma.org/>
- **Massachusetts Behavioral Health Help Line:** Connects families to clinical assessment and referrals for treatment. Call or text 833-773-2445 or use online chat. Website is: https://www.masshelpline.com/?utm_source=google&utm_campaign=mbhp&utm_medium=paidsearch&utm_term=rsa&utm_content=mentalbehavioral_eng
- **PPAL (Parent/Professional Advocacy League):** Statewide family organizing supporting the well-being and mental health of children and families through education, advocacy and partnership. Website is: <https://ppal.net/>
- **211:** Call 211 or visit <https://mass211.org/>. Connects families to health and human services in their community. Website is: <https://mass211.org/>.
- **Handhold:** Web-based support for parents with their child's mental health needs. Website is: <https://handholdma.org/>

Further Reading

- **DESE Promoting Student Engagement, Learning, Wellbeing and Safety Guide** is available at: <https://www.doe.mass.edu/covid19/mental-health.html>
- **Safe & Supportive Schools Act Framework** is available at: <https://traumasensitiveschools.org/get-involved/safe-and-supportive-schools/>
- **Safe Schools Program for LGBTQ students** is available at: <https://www.mass.gov/info-details/safe-schools-program-for-lgbtq-students>
- **DESE Bullying Intervention and Prevention Resources** is available at: <https://www.doe.mass.edu/sfs/bullying>
- **Juvenile Court: Standing Order 3-21: CRA proceedings** is available at: <https://www.mass.gov/juvenile-court-rules/juvenile-court-standing-order-3-21-child-requiring-assistance-proceedings>
- **DESE Attendance Guidance Feb.2022** is available at: <https://www.doe.mass.edu/sfs/attendance/attendance-guidance.docx>
- **CRA Quick Reference Guide** is available at: <https://www.youthadvocacyfoundation.org/quick-reference-guides1>
- **Mass Legal Services Guide on CRA Process CPCS CRA Resource** is available at: <https://www.masslegalservices.org/content/child-requiring-assistance-cra-resources>
- **BSEA Case Failure to address absenteeism is denial of FAPE/Duty to address through special education means** is available at: <https://www.specialedlaw.com/database/quetzal-v-springfield-public-schools-bsea-08-3309/>
- **Millis Public Schools v M.P., et al. (2018)** is available at: <https://law.justia.com/cases/massachusetts/supreme-court/2018/sjc-12384.html>