

Massachusetts Juvenile Law & Procedure

2026 EDITION



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About the Author



Attorney A. Kevin Kennedy

Attorney Kennedy is married to his wonderful wife Joanne and is the proud father of their four children: Samantha, Kyle, Torrie, and Andrew.

Attorney Kennedy retired after a distinguished career of more than thirty-three years in law enforcement, dedicating thirty-one of those years to the Lincoln, MA Police Department. Throughout his tenure, Attorney Kennedy held various positions, including Patrol Officer, Juvenile Officer, Inspector/Prosecutor, Lieutenant, and most notably, Chief of Police for more than nine years. His career involved direct participation in hundreds of investigations, addressing both violent and non-violent crimes committed by adults and juveniles. His background and extensive experiences have provided Attorney Kennedy with a deep and comprehensive understanding of all aspects of law enforcement.

Attorney Kennedy holds a B.S. in Criminal Justice from Western New England College, a Juris Doctor from the Massachusetts School of Law, and a Certificate in Public Safety Leadership and Management from Suffolk University. Admitted to the Massachusetts Bar in 2005, Attorney Kennedy now imparts his vast knowledge by instructing recruit and veteran police officers across the Commonwealth of Massachusetts on various legal topics.

Glossary

Many of these terms can be found at <https://www.mass.gov/handbook/glossary-of-court-terms>, others are from statutes and 110 CMR 2.00.

Abandonment

In care and protection and termination of parental rights cases, leaving a child without any provision for support and without any person responsible for the care, custody, and control of the child.

Abuse

Means the non-accidental commission of any act by a caretaker upon a child under age 18 which causes or creates a substantial risk of physical or emotional injury or constitutes a sexual offense under the laws of the Commonwealth or any sexual contact between a caretaker and a child under the care of that individual. Abuse is not dependent upon location (i.e., abuse can occur while the child is in an out-of-home or in-home setting.)¹

Adjudication

In criminal cases: The formal and final judicial finding of "guilty" or "not guilty" (or "delinquent" or "not delinquent" in a juvenile case) by the court.

In care and protection cases: The determination by the court whether a child is in need of care and protection.

¹ 110 CMR 2.00.

Adoption	The act by which a person takes the child of another into their family and makes the child, for all legal purposes, their own child.
Adoption Agency	A private agency licensed by the Commonwealth to place children in pre-adoptive homes and sponsor adoptions.
Adoption Surrender	A written unconditional consent to the adoption of a child by a person (usually a parent) whose agreement to the adoption is required by law. The person consenting gives up all legal rights to the child, including the right to notice of any legal proceeding involving the child. The surrender must meet the requirements of G.L. c. 210, § 2. An adoption surrender is not required if parental rights have been terminated by the court.
Adoption and Safe Families Act (ASFA)	A federal statute adopted in Massachusetts, which makes the Department of Children and Families and the court responsible for making sure that children are safe and that children in foster care are moved to permanent placements as soon as possible. The act requires the court to determine whether the Department of Children and Families made reasonable efforts to avoid removing a child from his or her home, to make a plan for a permanent home for foster children within twelve months of placement in foster care, and to oversee the Department's efforts to carry out the permanent plan for the child. Often referred to as "ASFA."
Affidavit Disclosing Care and Custody Proceedings	A Trial Court form completed by the plaintiff in any case that may affect the custody of a minor (such as a custody proceeding, a care and protection proceeding, or a 209A proceeding.) The purpose of the affidavit is to let the court know about any other case in any court that involves the same minor. Often referred to as a "care and custody affidavit" or an "affidavit of disclosure."
Age of Majority	The age at which a person is considered an adult. The age of majority is generally age eighteen but not always. For example, a person must be twenty-one to purchase alcoholic beverages. The age of Criminal Responsibility is 12 years of

Chapter 1

POST Guidance

Peace Officer Standards and Training Commission Guidance on Developmentally Appropriate De-escalation and Disengagement Tactics, Techniques and Procedures and Other Alternatives to the Use of Force for Minor Children.

Introduction

In section 119 of the Chapter 253 of the Acts of 2020, the Legislature instructed the Massachusetts Peace Officer Standards and Training Commission ("Commission") to: "issue guidance as to developmentally appropriate de-escalation and disengagement tactics, techniques, and procedures and other alternatives to the use of force for minor children that may take into account contextual factors including, but not limited to, the person's age, disability status, developmental status, mental health, linguistic limitations or other mental or other mental or physical condition."

The purpose of this guidance is to provide Massachusetts Law Enforcement Officers and Law Enforcement Agencies with guidelines for the use of developmentally appropriate de-escalation and disengagement tactics, techniques and procedures and other alternatives to use of force with minor children (i.e., children under the age of 18). This guidance does not have the force of a statute or regulation and does not express requirements with which Law Enforcement Officers or Agencies must comply.

The Commission recognizes that in issuing such guidance, it must balance the goals of improving the safety of children, the needs of the community, and the

Chapter 2

Guidance on Interactions with Juveniles

The International Association of Chiefs of Police (IACP) has provided the following 10 Strategies to Improve Law Enforcement Interactions with Youth:²⁷

- 1) **Approach youth with a calm demeanor, conveying that you are there to help them.** Aggression may cause the youth to shut down and make the situation worse. Refrain from pushing back (arguing). If necessary, de-escalate using a calm, focused, and non-confrontational verbal approach. Use a nonjudgmental tone. Youth are particularly attune to both verbal and non-verbal judgment from adults.

²⁷ Information provided by the IACP from a project that was supported by Cooperative Agreement Number 2010-MU-FX-K591 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.