HOUSE DOCKET, NO. 3052 FILED ON: 1/21/2011

HOUSE . . . . . No. 2679

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 relative to court oversight of the Department of Children and Families' custodial decisions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Chris Walsh	*6th Middlesex*
George T. Ross	*2nd Bristol*

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HOUSE . . . . . No. 2679

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2679) of Kay Khan, Chris Walsh and George T. Ross relative to custodial decisions of the Department of Children and Families'. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

An Act relative to court oversight of the Department of Children and Families' custodial decisions.

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. Section 21 of chapter 119 of the General Laws, as so appearing in the Official Edition of 2008, is hereby amended by striking out the seventh paragraph and inserting in its place the following:-

"Custody", the power to: (1) determine a child's place of abode, medical care and education; (2) control visits to a child; and (3) consent to enlistments, marriages and other contracts otherwise requiring parental consent. If a child, parent or guardian objects to the carrying out of any power conferred by this paragraph, that child, parent or guardian may take application to the committing court and the court shall take evidence and make a de novo determination and order on the matter. If the court determines it to be in the child's best interests, the court may order the department to change a child's placement or order the guardian or custodian of a child, including the department, to provide visits and other contact between the child and the child's sibling,

half-sibling, parent, guardian, custodian or other person.