HOUSE DOCKET, NO. 3249 FILED ON: 1/21/2011

HOUSE . . . . . No. 2680

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 notice to a child's and parent's counsel.

PETITION OF:

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

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HOUSE . . . . . No. 2680

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2680) of Kay Khan and George T. Ross relative to providing notice of the change in placement or hospitalization to the child's and parents' attorneys. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

An Act relative to notice to a child's and parent's counsel.

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 29 of chapter 119 of the General Laws, as so appearing in the Official Edition of 2008, is hereby amended by inserting after the second paragraph the following paragraphs:

No later than five business days before any non-emergency change in a child's placement or any non-emergency hospitalization, and no later than one business day after any emergency change in a child's placement or any emergency hospitalization, the department shall provide notice of the change in placement or hospitalization to the child's and parents' attorneys. No later than the first business day thereafter, the department shall provide notice to a child's attorney whenever it becomes aware of: 1) the child being arrested; 2) the child's potential involvement in any proceeding under this chapter or any criminal investigation or proceeding; (3) the child being suspended from school; or (4) the child being the subject of any proceeding that could result in his or her expulsion from school. No later than the first business day thereafter, the department shall also provide notice to the child's attorney if it receives a report under section 51A and either the child is the subject of the report or the report raises substantial questions regarding the suitability of the child's current placement or any of the child's service providers.

No later than five business days before any non-emergency change in a young adult's placement or any non-emergency hospitalization, and no later than one business day after any emergency change in a young adult's placement or any emergency hospitalization, the department shall provide notice of the change in placement or hospitalization to the young adult's attorney.

SECTION 2. The department of children and families shall promulgate regulations to implement section 1 of this act no later than six months from the effective date of this act.