SENATE DOCKET, NO. 764 FILED ON: 1/20/2011

SENATE . . . . . No. 636

The Commonwealth of Massachusetts

PRESENTED BY:

***Steven A. Baddour*, (BY REQUEST)**

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 mandating a child to accompany a parent..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian Coppola	*400 Merrimack Street* *Methuen, MA 01844*

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SENATE . . . . . No. 636

By Mr. Baddour (by request), a petition (accompanied by bill, Senate, No. 636) of [PETITIONERS LIST] for legislation to mandate a child to accompany a parent. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *1552* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act mandating a child to accompany a parent..

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. Definitions

Be it enacted that for the purposes of this act that the following be defined.

Responsible Adult shall be defined as an adult who is eighteen years of age or older and who has the duty as directed by permission of the minor child's parent(s), or grandparent(s) having custody of or legal guardianship of, or adoptive care of or the custodial parent or the legal guardianship of a minor child under the age of seventeen years of age, to baby sit, supervision or be engaged in the child care of a minor child.

Parent shall be defined as a biological mother or father or custodial parent or grandparent who either has custody of or is raising a minor child under the age of eighteen or foster parent, who is the temporary parent of a minor child under the age of eighteen or the custodial parent having custody of a minor child under the age of eighteen, as a result of a divorce decree or custody court order or adoptive parent(s) who had adopted minor children under the age of eighteen. This can also include grandparents, aunts, uncle, brothers or sisters, when a minor child is placed with them by the Commonwealth of Massachusetts, or from a private adoption agency so licensed to do so in the Commonwealth of Massachusetts or of kinship adoptive parents, who are the non-biological parent of a minor child under the age of eighteen, which can also include interfamilial or legal guardian, which is someone appointed by a court to be the minor child's guardian by court decree.

Behavioral problems or misconduct or the unruliness of a minor child shall be defined as mischievous conduct which results in the destruction of property of the home which the child lives in, or destruction of property of that of the responsible adult so in charge of providing for the supervision or the care of a minor child, or destruction of property of any other household member, whether another minor child or an adult living in the same household, where the minor child lives or is being baby sat or supervised and or cared for or the destruction of property of others outside of the household where the child lives. Behavioral problems or mischievous conduct and or unruly conduct of a minor child shall also include but not be limited to causing physical or emotional harm to a baby sitter, child care worker or other child supervisor age eighteen years of age or older and or to any other member of said mentioned household where minor child is being cared for or is living or to that of any other member outside of the household, or harm to the child's self. Any acts of pilferage, stealing or causing to have pilfered or stolen for the purposes of this act shall also be deemed unruly misconduct on the part of a minor child, while left with another responsible adult caring for or supervising for a minor child under the age of seventeen years of age, while parents, grandparents or custodial parent or adoptive parent or foster parent or legal guardian are not present. Misconduct or unruly behavior of a minor child under the age of seventeen shall also include the violation of any policies set forth by that of the child's school district or any educational institution to which the minor child attends that either results in parent teacher or parent principal conference or suspension or expulsion of said minor child from said school district or educational institution to which he/she attends. This also shall include but not be limited to the violations of any extra -curricular activities or children's programming policies, to which the minor child is enrolled in or is registered for. The same shall hold true for adoptive parents or grandparents having a minor child in their care and custody.

The term "Another No;" shall be defined as more than one requests of a baby sitter, child care worker or a responsible adult in charge of supervising minor children under the age of seventeen years of age while in the absence of their parents, custodial parents, grandparents, adoptive parents or foster parent(s) or legal guardian, to refrain from such behavior and that more than one report of such mischievous or unruly behavior of the minor child's behavior occurring while in the absence of said defined parents of such behaviors' continuation, even after such request to refrain from and had been disciplined for has been made.

Children's Programming shall be defined as educational activities such as that which occurs in a minor child's school or extra -curricular activities, such as after school support, band practice or glee clubs or school choir, music lessons or sports or anything of the like, such as scouting programs, such as boy or girl or cub scouts or religious training or any after school program that does not occur in either the minor child's home or that of his/her friends.

Extra -curricular activities or children's programming shall not include visiting with friends in the home or that of the minor child's friends' home or overnight sleep over parties or any other place where a minor child may hang out with their friends and or the parents or people

58 responsible under applicable laws for the care, custody or supervision of the friend(s) of a minor
59 child.

60 Section 2 A. Baby Sitters, Child Care Worker, Child Supervisor: Right To Petition the
61 Juvenile Court which A Minor Child Under the Age of Seventeen Years of age lives and Attends
62 School, to Have A Minor Child Accompany Their Parents, Custodial Parent, Grand Parent,
63 Adoptive Parent, foster parent(s) or Legal Guardian at All Times After School Hours or after
64 Extra Curricular activities or Children's Programming, which occurs In or Outside of the School
65 setting and not at another minor child's home or the dwelling of a minor child.

66 A baby sitter or child care worker or person eighteen years of age or older shall have a
67 right to file a petition with the juvenile division of the courts which the minor child is domiciled
68 and attends school to accompany their parents, or custodial parent, or grandparent, or adoptive
69 parent or foster parent or legal guardian, during evening hours and after the child's
70 programming, in or outside of the school setting, has concluded for the day when:

71 A minor child engages in misconduct, as defined in section 1 C of this act and after a
72 third request has been issued by said baby sitter, or child care worker or persons in charge of
73 supervising minor children under the age of seventeen to refrain from said defined misconduct as
74 defined in section 1 C and said third report of such incidents of misconduct of a minor child to
75 the above mentioned parents as defined in section 1 B has been made and said minor child is still
76 left with said responsible adult after a third report to the parent of the minor child's behavior has
77 been made.

78 Or when a minor child under the age of seventeen has caused or initiates a baby sitter,
79 child care worker or child supervisor to engage in any criminal or illegal activity that may either
80 benefit the minor child or that of their parents, custodial parents, or grandparents, or adoptive
81 parents or foster parents or legal guardian, or such behavior as defined in section 1 has occurred
82 out of anger towards

83 The parent(s)

84 The grandparent(s)

85 The foster or adoptive parent(s)

86 The custodial parent

87 The legal guardian of said minor child

88 Self or others, including but not limited to other family members.

89 Section 2 B. Petition To Juvenile Court To Have Minor Accompany Their Parent Ex
90 Parte.

In the case where the baby sitter, or child care worker or child supervisor who has been aggrieved by the persistent Misconduct or unruly behavior of the minor child, who he/she is in charge of baby sitting or providing child care services to or is supervising that of a minor child so acting unruly and in the case where the baby sitter or child care worker or child supervisor is either:

A relative eighteen years of age or older of said minor child and their parent or

Is related to the parent of the minor child and or the minor child through marriage or adoption and is not the parent of said minor child thereof.

Is in immediate fear or danger of that of the unruly behavior of the minor child he/she is so in charge of either baby sitting or providing child care services to or is the supervisor of that child in the absence of the parent.

Another family member or household member is in immediate fear of immediate harm from or as a result of the unruly behavior of a minor child or who had had property damaged or stolen or pilfered, while the child was in the absence of their parent(s): Said petitioner may file a petition for CHMAP (Child Must Accompany Parent) Ex Parte in the juvenile court where the minor child is domiciled and attends school.

Section 2 C. Notice Thereof of Filing of a Child Must Accompany Parent Petition

Upon the filing of a Child Must Accompany Petition in Juvenile Court and the temporary entering of such CHMAP order, pending hearing, notice of such proceedings shall be sent to the parent of the minor child as defined in Section 1 B and the minor child him/herself, to whom the CHMAP is sought. Such Notice shall include:

The names and the addresses of the parties involved in said legal proceedings.

The court where said Petition for Child Must Accompany Parent is to be heard.

The right to council to be present at the hearing.

The date that both the parent and the minor child to whom the petition has been taken against, has to appear in Juvenile Court.

Section 2 D. Petitioner Need Not Give parent or Minor Child Warnings or Report of Unruly Behavior When Said Section 2 A. Petitioner is In Immediate Danger of Harm to his/her Person Or When Minor Child While In the Absence of Their Parent Causes to Have petitioner Commit A Crime Or Illegal Act for the Benefit of Either the Minor Child Or the Parent or the Family or All of the Above Mentioned.

A petitioner shall be exempt from the requirements of section 1 D and not have to produce “Another No,” report when:

124 Said petitioner is in immediate fear or fear of life or physical abuse as a result of the
125 unruly behavior of the minor child that had occurred while in the supervision of said petitioner
126 and in the absence of said parent(s).

127 Said minor child while in the absence of said parent(s) causes to have said petitioner
128 commit a crime or other illegal or unlawful acts as so proscribed under applicable state and
129 federal laws and that said minor child and parent(s) had been informed by said petitioner that
130 said minor child had as a result of his/her unruly behavior, while in the absence of his/her
131 parent(s), caused to have said petitioner engage in criminal or other illegal or unlawful activities
132 as proscribed under state and federal laws, for the sake of that of the minor child or his/her parent
133 or that of his/her family.

134 An unruly minor child engages in the acts of rape, sexual abuse or other forms of
135 sexually abusive conduct onto another minor child whom is 1 or more years younger than the
136 juvenile offender, while in the absence of their parent and in the supervision of said baby sitter.

137 In the case of an emergency petition to have minor child accompany the said parents as
138 defined in Section 1 B., A police report or a visit to an emergency room or other forms of
139 medical treatments or the information of said actions as outlined in section 2 C., shall constitute
140 evidence of such misconduct and shall at that time satisfy the mandated reporting requirements
141 of abuse or neglect of a minor child by a mandated reporter.

142 Section 2 E: Victims of Rape or Sexual Abuse Committed By Minor Children 1 Year or
143 Older: Same Right As Other Responsible Adult To File Petition To Have Juvenile Court Order
144 That Unruly Minor Child Accompany Their Parent.

145 A victim of rape and his or her parent(s) shall have the same rights as a baby sitter or
146 other said defined responsible adults to file a petition, whether with the other names of the
147 parties included on the petition or ex Parte, in juvenile court against the minor child who is 1
148 year or older than the victim to which he/she has perpetrated acts of rape or other sexual abuse.
149 Said perpetrator need only be 10 years or older and one year older than the aforementioned
150 victim of said sexual offenses.

151 Section 3. Temporary Orders and Hearings On Child Must Accompany Parent Petition.

152 Upon the filing of a “Child Must Accompany Their Parent, (CHMAP) in said juvenile
153 court as outlined in section 2 thereof, a judge shall enter a temporary order that the unruly or
154 misbehaved child must accompany their parents at all times at the conclusion of all children’s
155 programming as outlined in section 1 E, thereof. When such order is issued by said juvenile
156 court, a parent or grandparent or adoptive parent or custodial parent or legal guardian of a minor
157 child shall not leave said minor child who the order of CHMAP has been issued against, with any
158 other responsible adult except the afore mentioned parents, or grandparents, or adoptive parents
159 or custodial parent, or the said minor child’s legal guardian.

The aforementioned juvenile court as mentioned above in section 2 shall schedule a hearing on the Child Must Accompany Parent, (CHMAP) within thirty days of its original filing by afore mentioned petitioner as mentioned in section 2.

Section 4. Benefits of the Parents or Home Excuse for Misconduct of a Minor Child

Any parent who causes to allow for the misconduct or unruly behavior of a minor child for the purposes of some form of gain for either the parent, or the home, or the family or all of the and that such misconduct or unruly behavior and the subsequent leaving their minor child with a baby sitter, child care worker, or child supervisor, although the parents, grandparent(s) adoptive or foster parent(s) or custodial parent or legal guardian of a minor has been warned and apprised of said misconduct or unruly behavior of their minor child and continuation of leaving such minor child with either the baby sitter or the child care worker or the child supervisor shall cause to issue a Child Must Accompany Parent order until either the goal has been achieved by such persons to gain from said activity plus one full year, to cover the entire academic year, September through June or until the minor child reaches his eighteenth birthday, whichever comes first.

Section 5. Duration of Child Must Accompany Parent Orders and other additional orders that may be made as a result of a section 2 petition when deemed appropriate by a judge or is petitioned for

A Child Must Accompany Parent Court Order, after a judge has found that the child has misbehaved or has been unruly shall remain in effect for a period of no more than one full year, including a full academic year, September through June, unless at the time of issuance of said order, the minor child has reached his eighteenth birthday.

A judge may also make additional orders as part of this petition. Such orders may be related to counseling for both the minor child and the parent to who the child must accompany, other children's programming, including but not limited to extracurricular activities for the minor child who is the subject of said petition, to be involved in during after school hours when the parent who the child must accompany has to work or attend school themselves, or to provide, in the case of elderly parents as parents of disabled parents respite to allow for extra time to prepare for the pick-up of their child or that of work activities for that of the minor child, when the minor child comes of age to hold down a job that lasts no more than twenty hours a week. A judge may also make additional orders as it relates to anger management classes, or sensitivity training or all of the above that either the minor child or the parent to whom the minor child must accompany or both, must attend. A judge may also impose a curfew as to when the child and parent to whom the child must accompany as to when the minor child and the parent responsible for them must be in their domicile for the night.

A judge in Juvenile court may also make orders as to the supportive services as it relates to the parent whom the child must accompany to see that said parental supervision, so ordered is

197 complied with under this statute. These supportive services for the parent may include but not
198 limited to periodic reviews by the Department of Social Services or other state agencies that deal
199 with minor children under the age of 18.

200 In the case where a parent or home or that of the minor child's family stands to gain from
201 such misconduct or unruly behavior of a minor child and that said benefits or gains as mentioned
202 in section 4 and that such value of said gain or benefit, whether or not the parent or family knows
203 they are or are not to receive such gain or benefit totals five thousand dollars or more or where
204 such benefits whether known or unknown that results in the renovation of the homestead of such
205 unruly minor child, or anything gainful in that nature, said Child Must Accompany Parent Order,
206 (CHMAP) shall remain in effect until the goal is achieved when the court becomes aware of such
207 goal or benefit about to be received by the parent or home or family member where the minor
208 child is domiciled plus one full year, including a full academic year, September through June.
209 Said Child Must Accompany Parent Orders, (CHMAP) shall cause to seas when the child
210 reaches his eighteenth birthday.

211 Said CHMAP order or Child Must Accompany Parent Orders in the case where a minor
212 child has committed acts of rape or sexual abuse onto another individual who is 1 year in age or
213 younger than the offender, shall remain in effect until said minor child, who has engaged in
214 either the rape or sexual abuse towards said younger minor child until the minor who committed
215 such acts of rape or sexual abuse reaches their 18'th birthday.

216 Such juvenile court shall at the time they are convinced that a minor has committed acts
217 of rape or sexual abuse to a minor 1 year or younger than the offender shall inform the parent in
218 its order that said offender shall be automatically barred from being enrolled into any elementary
219 or secondary boarding school in the Commonwealth of Massachusetts, except into a juvenile
220 detention setting, as ordered by said juvenile court in juvenile delinquency proceedings.

221 The petitioner bringing about such action in Juvenile court to have a child accompany
222 their parent, or grand parent or custodial parent or adoptive or foster parent or legal guardian and
223 or his council, in cases where the unruly behavior of a minor child is directly or indirectly related
224 to the gain of some benefit in value of five thousand dollars or more may, when the petitioner or
225 his council of representation or both may be in contact with such parties providing said benefits,
226 that either the respondents to such petition knows or does not know that they are going to be
227 receiving to supply some form of answer as to whether the benefit will or will not be taking place
228 prior to said hearing on a CHMAP petition. The entities making such offer of benefits may also
229 be summons by subpoena into a juvenile court where such CHMAP petition is being heard, to
230 supply a response where the unruly behavior incident at bar is in connection with such
231 desperateness either on the part of the child or that of their parent. A petitioner or his council or
232 both may require said response from the party providing said gainful benefits to the parent or
233 family of the unruly child to who the petition of CHMAP is being sought when:

The petitioner him/herself is the actual applicant on behalf of the unruly minor child's parent or family to who is to potentially gain from said benefit in value of five thousand dollars or more or that of which effects the homestead of said unruly minor child.

The petitioner knows directly or indirectly that the unruly minor child or that of his parents has made application for or is about to purchase said benefit totaling five thousand dollars or more or that which affects the homestead of the unruly minor child being cared for. And:

The petitioner or his/her council or both become aware of or suspect by either the behavior of the minor child who is acting unruly or that of the behavior of the child's parent(s) as defined in section 1 B is responsible for the caring of that of the unruly minor child's behavior is acting in a way conducive to physical or emotional abuse and that act is also conducive to the goal being sought by the parent(s) as defined in section 1 B and although said defined parents know of the unruly behavior, still continues to leave said unruly minor child with another responsible adult as defined in section 1 A., and such behavior is persistent in the presence of the responsible adult as defined in section 1 A., and that the above mentioned responsible adult is not given immediate authority to have said unruly misbehaved minor child disciplined or to have the minor child refrained from said unruly behavior while being cared for in the absence of said parent as defined in section 1 B.

Any victim of rape or sexual abuse by a minor child, who is ten year of age or older and 1 year or older than the victim.

Physical or emotional abuse of said minor child by the parent, grandparent, custodial parent, adoptive parent or foster parent for the sole benefit or desperateness of said goal to be achieved shall for the purposes of this section be deemed as enabling of unruly behavior of a minor child, when in the case of a petition to have a court order a CHMAP.

Upon the juvenile court's issuance of a Child must accompany parent order, the parents, or grandparent(s) or adoptive or foster parent(s) or custodial parent or the legal guardian of a minor child under age seventeen shall be home to greet the child under court order to accompany the parents, or grandparent(s) or adoptive or foster parent(s) or custodial parent or legal guardian, when the said minor child under CHMAP order has arrived home from school or his/her extracurricular activities. In the case of said petition of CHMAP being issued and that child has to be picked up from either the school in which he/she attends or his or her extracurricular activities that he/she has been involved in, the parent who the child must accompany must be present at said school or extracurricular activity to which the child under court order is to be greeted, unless an emergency of the parent to who the child must accompany has occurred.

For the purposes of section 5, an emergency shall be defined as a medical emergency with the parent or a natural disaster such as a fire or flood to the child or parent's domicile, an evacuation order or a medical emergency of another family member, or a traffic tie up due to an

accident or other natural disaster when enroute to picking up minor child under CHMAP order. Unless emergency circumstances, as defined above occurs while enroute to picking up the minor child under CHMAP order, the parent to whom the minor child must accompany must be present to pick up his/her minor child from his/her school or children's programming or extracurricular activities as defined in section 1 E. or both no more than fifteen minutes after said programming has concluded.

Said parent of the minor child under CHMAP order must have on his/her presence some form of communication to be in contact with the minor child's school or programming as defined in section 1 E., to advise the authorities so responsible for providing the child's education or above mentioned programming that he/she will be along to pick up their child under CHMAP. In the event of a delay due to the above mentioned emergency situations as defined in section 5, the parent to whom the child must accompany must have either a member of the police department, fire department or emergency room of a hospital or the doctor of either the parent or that of the family member under medical crisis verify first by phone and than in writing, to the authorities responsible for the child's educational programming or other children's programming as defined under section 1 E, the circumstances of the delay in getting to the minor child.

A copy of the CHMAP order must remain on the parent to whom the child must accompany at all times to furnish to emergency officials. Parents who must accompany their children under CHMAP shall have duplicate copies made of this court order at no charge at all.

Upon the minor child, under CHMAP, going on play dates or overnight sleep over parties with friends or any other activities that have no affiliation with any children's educational programming or sports or religious training or music or other kind of specialty children's programming with the appropriate qualified responsible authorities as defined in section 1 E., the parent(s) or grandparent(s) or adoptive or foster parent(s) or custodial parent or legal guardian must remain with the child to whom they are responsible for parenting and rearing during the period of time which the minor child is under CHMAP order. This shall include but not be limited to visits with other relatives or other adult family members.

Section 6. Disclosure of Child Must Accompany Parent Order To Parents Or Other Responsible Adults of A Minor Child's Friends or Other Relatives

Upon issuance of a Child Must Accompany Parent Order or CHMAP, the parents or persons responsible for rearing and taking care of the misbehaved or unruly child to whom the order was made against, absence any other responsible adult eighteen years or older must disclose to the parents or persons primarily responsible for caring for the friend or relative of said minor child to whom the child is visiting or is staying over for a period of twelve hours or more that the juvenile court in the town which the minor child under said order lives and attends school that said Child Must Accompany Parent order has been issued and the circumstances surrounding said order of the juvenile court and that said parent as defined in section 1 B., whom

308 the child must accompany will be present with said minor child for the duration of the activity, or
309 visit which the child is involved.

310 The parents or grandparent(s) or adoptive or foster parent(s) or custodial parent or legal
311 guardian must remain with their child whom is under said court order to accompany them, even
312 if they have to bring any other of their children with them.

313 In the case of elderly grandparents or aging parent(s) or disabled parent(s) raising their
314 children or grand children, of whom a Child Must Accompany Parent order has been issued by
315 said juvenile court, the same supervisory rules and responsibilities shall apply, even if said
316 elderly grandparents, or aging parent(s) or disabled parent(s) must have some adaptations made
317 to have their minor child whom a court order to accompany them has been issued. These
318 adaptations may include but not limited to having another adult or staff hired to assist in the
319 supervision, so long as the elderly parent or grandparent or disabled parent in need of this type of
320 assistance is present to perform the primary acts of the supervision.

321 In the case of the elderly grand parent or aging parent(s) or disabled parent(s) raising the
322 child to whom the court order to accompany them has been issued, the person or people
323 responsible for their support and whom declares them as dependents on their yearly income tax
324 returns shall have the legal obligation of providing any reasonable monetary payments to provide
325 for the adaptations that the elder grandparent(s) or aging parents or disabled parent(s) so raising
326 their grand child or child to whom a Child Must Accompany Parent order has been issued
327 against, even if the person responsible for such support resides outside of the Commonwealth of
328 Massachusetts, when supporting or declaring said entities and or the minor children they are
329 raising or both, resides in the Commonwealth of Massachusetts.

330 Section 7. Age or Inability to Supervise Child: Not a Defense in Actions Brought by
331 other responsible adults who are caring for the child in the absence of the parents of, to Have
332 Misbehaved or Unruly Child Accompanying Parent

333 Age, or inability, or both, to supervise minor children who is in need of being with their
334 parent(s) as defined in section 1 B., due to the misconduct or unruly behavior, which caused to
335 have a petition filed for court order to compel that Child Must Accompany Parent shall be
336 precluded as a defense in cases arising out of petitions for Child Must Accompany Parent,
337 (CHMAP) petitions brought by said baby sitters, or child care workers or child supervisors or
338 any other entity who may have a right under this statute whether in charge of such supervision
339 and care or babysitting of said misbehaved minor child, in the absence of their parents or
340 grandparent(s) or adoptive or foster parent(s) or custodial parent or legal guardian or not or both.

341 Section 8. Violation of Child Must Accompany Parent Order, By Minor Child or By
342 Parent Charged With the Responsibility of Having Their Child Accompany Them or both,
343 During After School Hours, or After School Programming or Both or During Evening Hours.

344 A minor child is said to be in violation of a section 5 Child Must Accompany Parent
345 Order, (CHMAP) When the following Occurs:

346 The minor child willingly refuses to accompany his or her parent as defined in section 1
347 B, to whom the juvenile court has made order that the child must accompany his/her parent.

348 The minor child under CHMAP order willingly and knowingly refuses to comply with
349 the terms of such court orders being made by said juvenile court as stated in Section 5. This shall
350 also include but not be limited to other conditions that a juvenile court may impose under section
351 5.

352 A parent is said to be in violation of a section 5 CHMAP order when the following events
353 occur:

354 The parent who the child must accompany continues to leave said minor child to whom
355 said section 5 orders had been made against with the original petitioner who filed petition and
356 has been granted said section 5 petition by a juvenile court or with any other responsible adult
357 outside the child's school or extracurricular activities or other lessons, training or work activities
358 in the case where a minor is old enough to work or the staff of other children's programming the
359 child may be involved in.

360 The parent whom the child must accompany leaves the minor child under section 5 orders
361 with another responsible adult whom is not responsible for or does not have the required
362 authority under applicable state and federal laws to implement the child's educational program or
363 his/her extracurricular activities as defined in section 1E, which shall include but not be limited
364 to a babysitter, a child care worker or another adult, who is not in authority or is licensed under
365 applicable state and federal laws to implement a child's educational programming or his/her
366 extracurricular activities or children's programming as defined in section 1 E., such as a person
367 designated to supervise the minor child under section 5 order, by the minor child's parent, whom
368 the minor child must accompany under section 5.

369 The parent to whom the minor child must accompany under a section 5 order fails to
370 disclose to other responsible adults, including the parents of the child's friend(s) or other
371 relatives whom the child visits on a regular basis or the people in charge of the child's
372 educational programming and or extracurricular activities and or other children's programming,
373 as defined in section 1E, to which the minor child under CHMAP is involved in.

374 The parent as defined in section 1B, whom the child under section 5 CHMAP willingly
375 and knowingly refuses to comply with his/her part of the obligations as set forth in sections 5 and
376 6.

377 Section 8 A. Remedies and Penalties for Violation of Section 5 CHMAP Orders.

The original petitioner whom the order of CHMAP was granted in favor of upon the violation of said CHMAP shall have the right to cause to have petition in the juvenile court where said section 5 CHMAP orders were entered may file for Child In Need of Services, (CHINS), as proscribed in applicable state laws. In the case where the parent whom the child must accompany under section 5, said original petitioner may also file a petition for Parent In Need of Supervision, (PINS), as proscribed under applicable state laws. A minor child who violates section 5 orders may also face juvenile delinquency proceedings as proscribed under applicable state laws. A parent whom the child must accompany under section 5 may also be charged under applicable state laws with contributing to the delinquency of a minor child, to whom the section 5 order pertains to. In the case where the action for CHMAP is brought in connection with a rape, committed by the above-mentioned unruly minor child, or any other torts committed by an unruly minor child, said victim or original petitioner of said CHMAP may also hold both the child and parent liable under tort, and said liability, in the case where the parent who the child must accompany is being supported by another member of their family or any other charitable organization, shall be extended to said persons supporting parents who unruly children must accompany.

Section 9: Legal Council; Affordability.

A petitioner for a section 5 CHMAP order and the respondent in section 2 cases shall be afforded legal counsel without regards to income status at hearing in CHMAP cases, brought under section 2.

Section 10: Child to Accompany Parent When Suspended or Expelled from His/her School District and or Section 1 E Activity and or Children's Programming

Upon a parent/school conference, in the district where the minor child attends school or that of the private or boarding school, to which the minor child attends, which results in either a suspension or expulsion from said minor child's school district or private school or boarding school, which the minor child attends, said suspended or expelled minor child shall be in the company of his/her parent as defined in section 1 B and that said minor child shall remain in the company of his/her parent as defined in section 1 B for the duration of said suspension from the minor child's school district or the private or boarding school to which the minor child suspended attends. In the case of expulsion, the minor child shall remain in the company of his/her parent as defined in said section 1 B until such time as the minor child expelled has been re-situated into another school district or private school or boarding school.

The same shall hold for a minor child whom has been suspended or expelled from section 1 E or section 1 F programming.

Section 11: Parent's Place of Employment and or College, or University or School which parent defined under section 1 B., No Policies preventing A section 1 B parent From Having their Minor Child With Them At All Times During Section 5 CHMAP Orders or Suspensions or

Expulsions From A Minor Child's School District or Private or Boarding School The Minor Child Attends

Upon notification by a section 1 B parent who's minor child has been placed on section 5 CHMAP orders by a juvenile court or that said minor child has been suspended or expelled from his/her school district due to behavioral issues, said section 1 B parent's place of employment, or college, or university or school, to which the parent attends or all of the afore mentioned, said section 1 B parent's place of employment, or college or university or school or all of the afore mentioned shall have no policies in effect that prevents a section 1 B parent from having said minor child under section 5 CHMAP order of a juvenile court, or who's minor child has been suspended or expelled from his/her school district or private or boarding school or all of the afore mentioned, accompany them at the afore mentioned places where the parent attends or is employed or all of the afore mentioned.

In the case where a minor child has been suspended or expelled from section 1 E or section 1 F programming, the same requirements above shall have the same effect and shall mean the same.

It shall be the responsibility of a section 1 B parent who's minor child must accompany under either section 5 or section 10 or both, to provide to the afore mentioned place of employment, college or university or school or all of the afore mentioned, proper written notice either from the child's school district, private or boarding school or section 1 E programming, which the minor child is involved in. In the case of a section 5 CHMAP, a section 1 B parent effected by section 5 shall produce a copy of said section 5 court order to their employer, or dean of the college or university the parent attends or the principal of the school which the parent attends or all of the afore mentioned.

In the case of suspension or expulsion of said minor child, a section 1 B parent shall produce letter of suspension or expulsion from the minor child's school district, private school or boarding school or section 1 E programming or all of the afore mentioned, to their employer, dean of the college or university or principal of the school to which the section 1 B parent attends.

Any section 1 B parent whom is effected by either a section 5 CHMAP or that their minor child has to accompany them due to a suspension or expulsion from the minor child's educational programming or section 1 E or section 1 F programming or all of the afore mentioned, whom fails to provide said notices that their minor child must accompany them to their employer, or dean of the college or university or principal of the school to which the parent attends, shall be subject to the penalties as outlined in section 8 A.

Any employer, college or university or school or facility, which a section 1 B parent attends, and must have their child accompany them to who knowingly makes any kind of policies or engages in any kind of practices which prevents the section 1 B parent from having his/her

452 minor child under either a section 5 CHMAP order or a section 10 suspension or expulsion from
453 either a minor child's afore mentioned educational programming or section 1 E activities or
454 section 1 F programming or all of the aforementioned, may be fined no more than $250 per day
455 that the policy or practice remains in effect or may be charged with contributing to the violation
456 of a section 5 CHMAP order or both.

457 Section 12: Minors Left With Other Responsible Adults While Parent Must Be Away
458 From Town, Familiarity with Child's School or Extra Curricular Programs Policies and
459 Procedures, Expiration of First Original Parental Permission and Sickness Requirements of

460 Upon notice by a section 1 B. parent that he/she is going to be out of town overnight and
461 his/her intent to leave his/her minor child with a babysitter, as defined in Section 1 A. to the
462 minor child's school, said responsible adult to whom the parent intends to leave said minor child
463 with must accompany the minor child's parent to the minor child's school within one school day
464 prior to leaving town. Said section 1 B parent shall than hand into the child's principal their
465 permission to leave said minor child with said section 1 A responsible adult and must also sign
466 or create a medical and education record release form to said section 1 A responsible adult to
467 have access to his/her educational records and to authorize medical treatment for said minor
468 child while said parent is out of town. Said section 1 A responsible adult whom the child is going
469 to be left with shall be given and also must affix their signature to the minor child's school's
470 handbook and any updated policies and procedures of the minor child's school in the presence of
471 the minor child's principal or the principals' secretary. Said section 1 A responsible adult who
472 does not affix his/her signature to the handbook and any updated policies and procedures of the
473 minor child's school shall be presumed not to be a responsible enough to allow said minor child
474 to be left with.

475 In situations where a section 1 A responsible adult so designated by said section 1 B
476 parent, refuses to acknowledge receipt of the minor child's schools' handbook and updated
477 policies and procedures of said minor child's school, the child shall accompany his/her parent
478 out of town and said school district, private school or boarding school where said minor child
479 attends shall make provisions to have the minor child's class work and other homework
480 assignment follow said child while said section 1 B parent is out of town.

481 The permission and releases of information of information to said section 1 A responsible
482 adult whom said section 1 B parent intends to leave his/her minor child with while out of town
483 shall be said to expire in no more than fifteen school days after said minor child's parent has left
484 town. Within two school days of said expiration of permission to and release of medical and
485 educational records and or releases to give a section 1 A responsible adult, said school where the
486 minor child attends must notify the child's parent and the responsible adult whom the child is left
487 with that said permission and pertinent release of information and authorization of medical
488 treatment will expires in two more days, following the thirteenth day. The parent shall either
489 renew the permission and pertinent release of information and authorization or must, after the

fifteenth school day, when said proscribed articles of permission and releases of information and authorization for medical treatment expires, he/she must contact the child's school by phone and give oral permission, authorization of release of information and authorization of medical treatment for the child, to the child's principal that said section 1 A responsible adult shall have extended permission to care for the child and have the authority to obtain the educational and medical records of said minor child and authorization of medical treatment for the minor child. The same aforementioned information shall than reduced to writing and faxed to the principal or the principal's secretary within twenty-four hours of oral permission. Failure to no intention to renew said aforementioned information shall cause to have the parent be responsible for making arrangements to have his/her child accompany them, as well as the child's class and homework assignments.

Section 13: Minor Child being absent from his or her school due to illness or is sick, while parent is out of town and child is left with another responsible adult in the absence of the minor child's parent(s): Requirement of a Pediatrician's note explaining illness or sickness as the sole reason why minor child has been out of school for three days or more: Consequences for failure of fulfilling requirements of pediatrician's note thereof

Upon a child being left with another responsible adult eighteen years or older and in the absence of the minor child's parent, while parent is out of town, said responsible adult whom has been designated as the baby sitter or child care worker of the person so providing supervision of said minor child, while parent is absent from town, it shall be the full and complete responsibility of the aforementioned responsible adult to have said minor child taken to his/her pediatrician on the 3rd day of the child's absence from school, and have said pediatrician examine said minor child to determine whether or not said minor child is still sick or ill.

Upon pediatrician's finding of illness or sickness as the reason for the minor child's absence of the minor child from school for more than 3 consecutive school days shall supply a medical note documenting such illness or reasons for the child being absent from school for more than three days. Such note must be written to both the minor child's teacher and the principal of the minor child's school, where he/she attends.

Said responsible adult upon the 3rd morning of the minor child whom is being cared for in the absence of the minor child's parent(s) shall be in touch with the minor child's principal and must spell out their intentions of having said minor child being cared for in the absence of his/her parent(s) that said minor child will be seen by his/her pediatrician.

Failure of said responsible to be in contact with the minor child's principal of the school, which he/she attends by 9:00 AM on the 3rd day of the child's absence to inform said principal of the intentions to have said minor child seen by his/her pediatrician shall cause said principal to send a truant officer to the minor child's place of domicile. Said truant officer may charge the responsible adult caring for said minor child while in the absence of his/her parent with

527 contributing to the truancy of a minor child and or contributing to the delinquency of said minor
528 child.

529 Said truant officer at time of visit shall also inform said responsible adult caring for said
530 minor child in the absence of his/her parent(s) that said minor child must accompany their
531 parent(s) during future absences of said parent(s) and that said minor child's school assignments
532 and homework assignments shall accompany both the minor child and their parents during future
533 absenteeism.

534 Said truant officer shall leave written notice to the parent of said minor child of the
535 above-mentioned actions taken and must also inform said parents in the same notice that if the
536 parent(s) must be absent from town for more than 24 hours, that he/she cannot leave said minor
537 child with the responsible adult who failed to contact said minor child's school explanation of
538 intentions of having minor child see his/her pediatrician and that said parent of said minor child
539 being cared for cannot leave said their minor child with another responsible adult and that said
540 minor child's school assignments and homework must accompany said minor child and parent
541 upon absenteeism from town.

542 Upon the procurement of a pediatricians' note explaining the nature of the child's
543 medical reasons for being out of school 3 days or more, said responsible adult must accompany
544 said minor child to his/her school district and hand deliver said note from pediatrician explaining
545 the medical reasons for the child being absent for 3 days or more. Failure of the responsible adult
546 to do so shall result in the same aforementioned consequences as if a visit to the pediatrician has
547 not occurred on the 3rd date as required by law.

548 Section 14 A: Overnight Parties or sleep-over parties at host child's domicile or home of
549 another relative allowing for home to be used for sleep-over parties of host minor child: Host
550 parent of host child to be present until last guest child is picked up by child's parent at the
551 conclusion of said sleep-over party or any event lasting 12 hours or more and until the premises
552 when being offered to a minor child to hold such event is returned back to its original condition
553 prior to set up for the event lasting 12 hours or more

554 It shall be the responsibility of a host minor child's parent(s) of who said host minor child
555 is holding a sleep-over with other minor children who are either the friends of said minor child or
556 the relatives of said minor child or both to be present at all times during such events which lasts
557 for a period of 12 hours or more. Said parent must remain with said host minor child until the
558 conclusion of said event lasting 12 hours or more and until the last of the minor child's guest has
559 been picked up by their parent or guardian, whether the event happens to occurs in the domicile
560 of both the minor child and the parent or at the domicile of said host minor child's relative or
561 friend. It shall also be the sole responsibility of the host child and their parent to restore the
562 premises where event or sleep-over had been held, in the case of a relative or friend's home
563 being used for said event back to the original condition premises was found in prior to set up for

564 said event. Failure of both the host minor child and their parent to restore the premises of another
565 person offering the use of their home or facilities back to the original condition it was found
566 prior to set up for said event lasting in duration of 12 hours or more shall bear the responsibility
567 of the costs associated with the hiring of professional cleaning services to the person so offering
568 their home for use to run said event, to restore the premises so used by host child and their guest,
569 to the original condition said premises being used was found prior to set up for said event being
570 hosted by a minor child.

571 Section 14 B: Liability thereof: Failure of Parents' Supervision of an event lasting 12
572 hours or more: Age or Inability Barred as Defense in Civil Actions Brought Under Section 14 A,
573 B and D. Medical or Natural Emergency; Exception

574 The parent responsible for supervision of a host minor child's sleep-over party or any
575 event lasting in duration of 12 hours or more who fails to do so shall be liable for failure to
576 provide proper supervision under applicable state laws may be held criminally or civilly liable or
577 both under applicable state laws for improper supervision of said event under applicable state
578 and federal criminal laws and also under tort liability for any misconduct of said host minor child
579 or that of their guest in attendance at said event lasting 12 hours or more.

580 The same tort liabilities shall apply to said parent whom is present at their host minor
581 child's event lasting in duration of 12 hours or more in the case where said minor host minor
582 child or their guest causes injury to self or other persons including the person whom has offered
583 their house so being used for such gathering. The same liabilities shall apply to destruction of
584 property to the premises of said facility where said event is being held, or to that of any persons
585 attending said event or to that of anyone abutting such home where said event is being held,
586 whether it be the home of said parent of the host minor child or that of the person so offering the
587 use of their home for said host minor child to hold said event lasting in duration of 12 hours or
588 more. Said parent of minor child shall be held civilly liable to the extent allowed by law for the
589 actions in tort committed by a minor child.

590 The parent of the host minor child shall be held criminally liable under applicable state
591 laws for any crimes whether a felony or a misdemeanor, which the host minor child or his/her
592 guest knowingly commits or causes to have committed either by another adult or that of the
593 minor child him/herself.

594 Section 14 C: Disclosure of Known Behavioral and Medical Issues By parent of Host
595 Child and Parents of Guest Invited to sleepover Parties or Events Lasting in Duration of 12
596 Hours or More

597 Upon invitation of said host minor child to his/her guest to attend said sleep-over parties
598 or any event lasting in duration of 12 hours or more, it shall be the responsibility of both the
599 parent of said host minor child so holding said event and the parent of said guest 18 years of age
600 or younger, to disclose any and all behavioral issues that involve child misconduct or unruly

601 behavior as defined in section 1 C or any pending court proceedings to have child accompanying
602 their parent or court orders so issued under section 5. It shall also be the responsibility of both
603 the parent of the host minor child and the parent of his/her guest to disclose any known medical
604 issues pertaining to said minor child so attending said sleepover parties or any event lasting
605 duration of 12 hours or more.

606 Failure of both the inviting parent of the inviting minor child or that of their guest or both
607 shall result in either or both parents being held civilly and or criminally liable for the actions or
608 unruly behavior of the minor child or children so involved in said misconduct or unruly behavior.

609 Section 14 D: Overnight Parties With Minor Children, Where Children of the Opposite
610 Sex Are Guest or The Minor Children Guest are 1 or More Years Older Than the Host Child or
611 Other Guest At the Party: Parent of Host Child Must Be Present During Overnight Party

612 A host child who is having an overnight get together with other minor children, and such
613 minor children so attending said get together, whether in his or her domicile or at that of another
614 persons' home, including but not limited to that of their relatives must as the host child have their
615 parent or other entities so defined as parents or guardians as defined in section 1. Any section 1
616 parent who fails to remain present for the duration of said overnight gatherings with minor
617 children, when the guest include children of the opposite sex or the guest are 1 year or older than
618 any other guest so attending said overnight get together shall be held both criminally and civilly
619 liable for any acts that said host child so hosting said get together or that of their guest. In the
620 case where a rape or act of sexual abuse has been committed by a guest of the opposite sex or
621 that of the same sex to another child or that of the host child, when said rape or sexual abuse
622 victim is 1 or more years younger than that of the offender, failure of the host child's parent
623 being present during said overnight get together shall be presumed responsible for the actions of
624 their minor child or that of their guest who has committed said rape or sexual abuse onto another
625 child 1 year or younger than the perpetrator of said acts and shall be charged with accessory after
626 the fact to rape or sexual abuse of another minor child who is 1 year or younger than that of the
627 offender.

628 Age or inability not to be present to provide adequate supervision where guest at said
629 overnight get together are of the opposite sex or are 10 years or older and 1 year or older than
630 either the host child or their guest or both shall be barred as a defense in cases of rape or sexual
631 abuse of a minor child or any other criminal activity or actions, which a parent is liable for the
632 torts of their minor child as defined under applicable state, federal laws or that of the laws
633 regarding torts committed by minor children under the age of 18.

634 A medical emergency or other emergencies as defined by applicable state and federal
635 laws shall be a defense to a parent of a host child not being present to provide said supervision
636 for the duration of an overnight get together with other minor children when there is present
637 either guest of the opposite sex or guest who are 1 year or older than the host child or other

638 minor child guest or all of the above. A life-threatening illness shall also be deemed a defense to
639 said actions taken above, where parent of host child cannot be present.

640 Inability to drive a motor vehicle during evening hours shall also be barred as a defense
641 to the failure of the parent of the host child to be present during the overnight get together to
642 provide supervision, where there are present at said gathering, minor children who are of the
643 opposite sex or that of other guest, who are of the opposite sex, or other guest who are 1 year or
644 older than either the host child or that of other minor children guests.

645 Section 14 E: Liability Under Sections 14 A, Section 14 B and Section 14 D: Shall Be the
646 Same for Elderly or Disabled Persons Raising Children, Whom Have Gatherings Lasting In
647 Duration of 12 Hours or More: Documented Medical or Natural Emergency Including Life-
648 Threatening Illnesses; Exception in Section 14 A, 14 B and 14 D Cases

649 Age or inability of an elderly or disabled parent or both, to be present to provide proper
650 supervision of their host minor child and their guest during the progress of an event lasting in
651 duration of 12 hours or more and immediately at the conclusion of said event, shall be barred as
652 a defense in actions brought under Sections 14 A, 14 B and 14 D. Such elderly parent or disabled
653 parent or both must be present during said gatherings lasting 12 hours or more that involves the
654 host minor child and that of their guest, even if said elderly parent or disabled parent or both,
655 must secure proper adaptations to carry out the duties of proper supervision of said event lasting
656 12 hours or more that involve minor host children and their guest. These adaptations may be
657 include but not be limited to having another adult, who may be in their immediate family or are
658 relatives of said host minor child, assist with the supervision of said event lasting in duration of
659 12 hours or more or the use of specially trained persons to help out with the supervision, so long
660 as said host minor child's parent(s) are present at said gathering lasting 12 hours or more at all
661 times until the last guest minor child has been picked up by their parent(s).

662 A documented medical emergency or other documented emergencies as deemed
663 applicable under state and federal laws shall be a valid defense to actions brought under section
664 14 A, 14 B and 14 B of this act. A life-threatening may also be raised as a valid defense in
665 actions brought under Section 14 A, 14 B and 14 D, thereof.

666 Section 15: Healthcare Providers Treating the Elderly or Disabled or both Signing off On
667 Medical Clearance for An Elderly Or Disabled Person to Be A Legal Parent of Minor Children:
668 Must Furnish To Their Patients This Child Must Accompany parent Act In Its Entirety: Failure
669 To Do So, Loss Of License To Practice Medicine or Psychology In The Commonwealth of
670 Massachusetts For No More Than One Year and Fines of Up To Ten-Thousand Dollars.

671 Any healthcare provider, including but not limited to physicians or psychiatrist or
672 psychiatrist or nurses or nurse Practitioner who on a regular basis treats the elderly and disabled
673 shall upon medical clearance of said elderly or disabled persons taking in minor children for the
674 purposes of their care, because, they are either capable of rendering such care to said minor

children under the age of 18 or in their medical or psychological opinion, they feel as though that taking on such responsibility would be in the best interest of either the elderly patient or the disabled patient or both, shall furnish upon said visit of said elderly or disabled or both patients and upon rendering medical clearance to said elderly or disabled persons or both, that it is beneficial to become parents of minor children under the age of 18 years-old, a copy of this Child Must Accompany Parent Act in its entirety. Failure of any healthcare provider including but not limited to the afore mentioned shall result in suspension of their professional license to practice medicine or psychology or any other healthcare fields as deemed appropriate under applicable state or federal licensing laws for a period not to exceed 1 year or a fine of up to $10,000.00 or both.

Section 16: Responsibility of Parent to Remove From Their Children, Video Games Or Software or Television Movies or Shows That Have Violent Content In Their Games or Software or Television Programs: The Video Game Or Software Or Motion Picture Or Television Production Industries To Be Indemnified from Liability From Actions Arriving Out of the Criminal Actions of A Minor Child

It shall be the responsibility of a minor child's parent to check over and remove from their minor children any video games, or software or to limit the television viewing of their minor children when said video game, or computer software or television programming contain in its contents violent behavior that can cause a minor child to become addicted to said game, computer software or television programming that incites to a minor child the concept of violence and unrealistic activities that can result from said games. The video game industry or the computer software development industry or that of the television industry shall post labels on their products warning parents that their products contain violence within their games, software or television programming.

The video game, or software or television production or motion picture industries shall be indemnified of civil and criminal liability from any action arising out of the criminally violent conduct of a minor child. The violent content of a video game or computer software or television programming causing a child to become so addicted to their children, thus, causing a minor child to commit a violent offense against another human being shall be barred as a defense in a petition brought before the Juvenile Court to have a minor child accompany their parent at the conclusion of all of their educational programming and including but not limited to their extra - curricular activities as defined in section 1 F and E or that of their children's programming as defined in section 1 F and E above, for that particular day.

The above mentioned violent content of a video game or computer software or television programming shall also be barred as a defense in a criminal or tort action arising out of the juvenile's violent behavior against another person in question during a criminal or civil proceeding or both said criminal and civil proceedings against a minor child and their parent arising out of the minor child's violent misconduct against another person.