SENATE DOCKET, NO. 368 FILED ON: 1/19/2011

SENATE . . . . . No. 687

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 special juveniles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
Gloria L. Fox	*7th Suffolk*
James B. Eldridge	☐ *[District]* ☐
Carl M. Sciortino, Jr.	*34th Middlesex*
Jeffrey Sánchez	*15th Suffolk*

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 687) of Cynthia S. Creem, Gloria L. Fox, James B. Eldridge, Carl M. Sciortino, Jr. and others for legislation relative to special juveniles. The Judiciary.

The Commonwealth of Massachusetts

An Act relative to special juveniles.

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. Said chapter 119 of the General Laws, as so appearing, is hereby further amended by adding the following new section:--Section 39DD. (a) For the purposes of this section, the term "dependent on the court" shall mean subject to the jurisdiction of the court for the findings, orders, and referrals enumerated in this section but shall not constitute a finding of legal incompetence.

(b) The divisions of the probate and family court department shall hear petitions of persons, who have attained the age of 18 but remain under the age of 21, seeking a determination that, as a result of abuse, neglect, or abandonment that the petitioner suffered as a child, it is in the best interest of the petitioner not to return to the petitioner's or the petitioner's parent's previous country of nationality or country of last habitual residence.

(c) Upon reviewing the petition and any supporting affidavits, the court shall issue findings of fact which (1) declare the petitioner dependent upon the court as defined in this section; (2) determine whether the petitioner suffered as a child from abuse, neglect or abandonment as those terms are defined in 110 CMR 2.00, chapter 119 or in section 3 of chapter 210 of the General Laws; (3) determine whether reunification with one or both parents is not viable due to the abuse, neglect, or abandonment; and (4) determine whether as a result of the abuse, neglect or abandonment, it is not in the petitioner's best interest to be returned to the petitioner's or the petitioner's parent's previous country of nationality or country of last habitual residence.

The health and safety of the petitioner shall be of paramount, but not exclusive, concern in the above determinations. When considering the health and safety of the petitioner, the court shall consider whether the petitioner's present or past living conditions will adversely affect his physical, mental, moral or emotional health.

24 (d) The petitioner under this section may also request orders necessary to
25 protect against further abuse, including, but not limited to, filing a complaint for an abuse
26 prevention order as set out in chapter 209A of the General Laws.

27 (e) The court may refer the petitioner to a probation officer for assistance and
28 such officer shall have the authority to make referrals to an appropriate public or private
29 organization or person for psychiatric, psychological, educational, occupational, medical, dental
30 or social services. The petitioner may not be compelled to participate in the referrals.

31 (f) The court shall hear the petition and issue the findings of fact under this
32 section before the petitioner attains the age of 21.

33 (g) Nothing in this section shall be construed to prevent the divisions of the
34 probate and family court department or the juvenile court department from issuing similar
35 findings of fact to those in subsection (c) in any proceedings related to a child.