

**HOUSE . . . . . No. 1464**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Louis L. Kafka**

*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 bill:

**An Act Relative to Special Juveniles.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Louis L. Kafka	8th Norfolk
Kathi-Anne Reinstein	16th Suffolk
Paul J. Donato	35th Middlesex
Antonio F.D. Cabral	13th Bristol
Tom Sannicandro	7th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
Elizabeth A. Malia	11th Suffolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Jay R. Kaufman	15th Middlesex
Ellen Story	3rd Hampshire

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## 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:*

1           SECTION 1. Section 21 of chapter 119 of the General Laws, as appearing in the 2006  
2 Official Edition, is hereby amended by inserting at the end thereof the following definition:--

3           “Special juvenile”, a person under the age of 21.

4           SECTION 2. Said chapter 119 of the General Laws, as so appearing, is hereby further amended  
5 by adding the following new section:--

6           Section 39DD. A person may petition the juvenile or probate court on behalf of a special  
7 juvenile within its jurisdiction alleging under oath that the special juvenile suffers or suffered  
8 from: (a) abuse; (b) abandonment; (c) neglect; or (d) any other similar basis recognized under the  
9 laws and practices of the commonwealth.

10           The court shall issue a notice to the parents of a special juvenile over the age 18 and to  
11 the parent or legal guardian of a special juvenile under the age of 18 to show cause why an order  
12 under this section should not be made. If the identity or whereabouts of a parent is unknown or if  
13 the parent or parents reside outside of the United States, the courts shall allow any alternative  
14 service deemed appropriate by the court.

15           Hearings on petitions under this section shall take no longer than 14 days. If the court  
16 finds the allegations in the petition proved within the meaning of this chapter, it may adjudge the  
17 special juvenile dependent on the court due to abuse, abandonment, neglect, or any other similar  
18 basis and shall make written findings including, but not limited to, the following: (1)  
19 reunification with the special juvenile’s parent or parents is not viable due to the abuse,  
20 abandonment, or neglect; (2) it is not in the special juvenile’s best interest to be returned to the  
21 special juvenile's or his parent's previous country of nationality or country of last habitual  
22 residence; and (3) it is in the best interest of the special juvenile to remain in the United States. In  
23 making such adjudication, the health and safety of the special juvenile including the long-term

24 well-being of the special juvenile shall be of paramount concern and the court may make any  
25 other appropriate orders consistent with this policy.

26 Any declaration of dependency under this section shall not constitute a finding of legal  
27 incompetence. Such special juveniles shall retain all legal and civil rights except those  
28 specifically suspended by the court order.