

HOUSE No. 542

The Commonwealth of Massachusetts

PRESENTED BY:

Elizabeth Poirier

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 establishing multi disciplinary teams with district attorneys to investigate elder abuse.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Elizabeth Poirier	14th Bristol
Christine E. Canavan	10th Plymouth
Richard J. Ross	9th Norfolk
Bruce E. Tarr	First Essex and Middlesex
Willie Mae Allen	6th Suffolk
Paul K. Frost	7th Worcester

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 622 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO ESTABLISHING MULTI DISCIPLINARY TEAMS WITH DISTRICT ATTORNEYS TO INVESTIGATE ELDER ABUSE.

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 15 of Chapter 19A of the General Laws, as appearing in the 2004 Official
2 Edition, is hereby amended by adding the following subsection:—
3 (g) The area director shall promptly advise the department and protective service agency along with the
4 opinion of the director, evidences a pattern of abuse or neglect or an ongoing problem in need of
5 attention. Subsequently, the director of the appropriate council on aging shall, in cooperation with the
6 department and the appropriate district attorney, establish one or more multi-disciplinary service teams to
7 review the provisions of services to the persons, their families or responsible parties who are the subject
8 of such reports. Such teams shall consist of 1 representative of the agency who shall be the case worker
9 for the particular case, 1 representative of the appropriate district attorney, 1 representative of the
10 appropriate council on aging and at least 1 other member who is not an employee of any such office, who
11 shall be appointed by the department. The additional member shall have training and experience in the
12 fields of elder abuse, the provision of care to the elderly or criminal justice and, as far as practicable, be
13 involved with the provision of services to such families. No members of such team shall receive any
14 compensation, or in the case of a state employee, any additional compensation, for service on such team.
15 Such team shall review, evaluate and monitor the services provided to the person named in the report in
16 regard to their effectiveness in protecting the person and their family from further abuse or neglect. Such
17 team shall make recommendations regarding changes or additions to the services provided, the
18 advisability of prosecuting members of the family or responsible party or parties and the possibility of
19 utilizing diversionary alternatives. Such multi-disciplinary service team shall have full access to any data
20 know to the protective service agency which is directly related to the provision of services to the persons
21 named in the report, notwithstanding any other general or special to the contrary. The members of such
22 team shall be considered employees of the protective service agency for the purposes of protecting the
23 confidentiality of such data and such data shall be utilized solely to carry out the purposes of this section,

24 provided, however, that such team may report to such district attorney the information that the family or
25 responsible party or parties have failed to participate in the provision of such services. Each team shall
26 file a monthly report with the secretary of elder affairs regarding the activities which have occurred in the
27 previous month pursuant to this section. Such report shall be written on a form prescribed by said
28 secretary. Said secretary after deleting all personal identifying information, shall combine these reports
29 into on monthly report which shall be filed with the secretary of health and human services, each district
30 attorney, the joint committee on human services and elderly affairs, and the house and senate committees
31 on ways and means.