SENATE DOCKET, NO. 1074 FILED ON: 1/13/2009

SENATE . . . . . No. 1645

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to further the interest of children in need of services..

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 39E of chapter 119 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the ninth paragraph and inserting in place thereof the following paragraph:- The hearing of a petition filed under section thirty-nine E in a division of the district court department or of the juvenile court department shall be heard without a jury. The child shall be represented by counsel.

SECTION 2. Section 39G of chapter 119 of the General Laws, as appearing in the 2004 Official

Edition, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- If the court finds the allegations in the petition have been proved at the hearings by a preponderance of the evidence, it may adjudge the child named in such petition to be in need of services.

SECTION 3. Chapter 119 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out section 39I and inserting in place thereof the following section:-

Section 39I. An appeal shall not stay the order, judgment or decree appealed from, but the district court or juvenile court may otherwise order, on application and hearing consistent with this chapter, if suitable provision is made for the care and custody of the child.

Appeal may be had in the appeals court in the same manner as is provided for trials of civil cases held in the superior court department.