

HOUSE No. 1442

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 adoption of the accompanying bill:

An Act regarding the appointment of court investigators and the admissibility of certain reports in care and protection cases.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------|-----------------------|------------------|
| <i>Kay Khan</i> | <i>11th Middlesex</i> | |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> | <i>1/28/2013</i> |

HOUSE No. 1442

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1442) of Kay Khan and Marcos A. Devers relative to the appointment of court investigators and the admissibility of certain reports in care and protection cases. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act regarding the appointment of court investigators and the admissibility of certain reports in care and protection cases.

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 21A of chapter 119 of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out said section and inserting in place thereof the
3 following:-

4 Section 21A. Evidence in proceedings under sections 21 to 51H, inclusive, shall be
5 admissible according to the rules of the common law and the General Laws. The court may
6 appoint a neutral investigator to investigate facts relating to the welfare of the child. The
7 investigator may, at the court’s direction, file with the court a full report, under oath, of all facts
8 obtained as a result of the investigation. The report shall be admissible in evidence if offered by
9 a party or, upon 30 days’ notice to all parties, by the court. The investigator may be called as a
10 witness by any party for examination as to the statements made in the report. The examination
11 shall be conducted as though it were on cross-examination. Evidence may include testimony of
12 foster parents or pre-adoptive parents concerning the welfare of a child if such child has been in
13 the care of the foster or pre-adoptive parents for 6 months or more, and may include the
14 testimony of the child if the court determines that the child is competent and willing, after
15 consultation with counsel, to testify.

16 SECTION 2. Section 24 of said chapter 119, as so appearing, is hereby amended by
17 striking out paragraph 5.

18 SECTION 3. Paragraph (a) of section 26 of said chapter 119, as so appearing, is hereby
19 amended by inserting after the words, “section 21A”, the following :-

20 if any,

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