HOUSE DOCKET, NO. 386 FILED ON: 1/12/2017

HOUSE . . . . . No. 973

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 to establish a child abuse and neglect registry.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
John C. Velis	*4th Hampden*	*1/12/2017*

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HOUSE . . . . . No. 973

By Mr. Velis of Westfield, a petition (accompanied by bill, House, No. 973) of John C. Velis for legislation to establish a child neglect registry. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1643* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

An Act to establish a child abuse and neglect registry.

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. Chapter 119 of the Massachusetts General Laws is hereby amended by inserting after section 51H the following section:-

Section 51I. (a) Persons found to have abused or neglected a minor under the age of 18 by the family court, a criminal court, as a result of an administrative appeals process, or as a result of an investigation into abuse outside of the child's home setting, shall be recorded on the Massachusetts Central Registry of Child Abuse and Neglect, as established under M.G.L. Chapter 119 section 51F. The Registry shall also maintain information sufficient to identify the persons convicted of child neglect under Chapter 119 sections 51A to 51B.

(b) During the sentencing of a person convicted of child abuse or neglect, the judge shall designate the offender one of the following:

i. Level 1: the Department of Social Services in conjunction with the Massachusetts Courts determined that the risk of re-offense by an offender is low and there is a limited degree of danger posed to the public. This shall include persons found by the court to have unlawfully withheld child support payments up to the amount of $5,000.

ii. Level 2: the Department of Social Services in conjunction with the Massachusetts Courts determined that the risk of re-offense by an offender is moderate or high, and that in such persons is a repeat offender, the risk to the community is moderate. This shall include persons found by the court to have unlawfully withheld child support payments in an amount more than $5,000 but less than $10,000.

iii. Level 3: Persons found to have committed particularly violent and heinous acts that offend the mental, emotional, or physical well being of a child under the age of 18, as determined by the Department of Social Services in conjunction with the Massachusetts Courts. This shall include persons found by the court to have unlawfully withheld child support payments in the amount of $10,000 or more.

(c). The public shall have access to the information relating to a level 3 offender through the Central Registry.

SECTION 2. Section 26A of Chapter 119 of the Massachusetts General Laws is hereby amended by inserting after subsection (h) the following subsection:-

(i) As part of the department's licensing and background record check process, the department shall check the Massachusetts Central Registry of Child Abuse and Neglect, as established under M.G.L. Chapter 119 section 51F and amended under 51I, for the identity of

any prospective foster or adoptive parent, as well as any other person living in the home, or who has resided within the home in the preceding five years.

i. If the identity of any prospective foster or adoptive parent, as well as any other person living in the home, or who has resided within the home in the preceding five years is found to be a Level 1 offender, as defined under Chapter 119, Section 51I, the department shall consult the Massachusetts Probate and Family Court to determine the suitability of the applicant.

ii. If the identity of any prospective foster or adoptive parent, as well as any other person living in the home, or who has resided within the home in the preceding five years is found to be a Level 2 or Level 3 offender, as defined under Chapter 119, Section 51I, the department shall reject the request for foster care placement, adoption or kinship care.