

HOUSE No. 257

The Commonwealth of Massachusetts

PRESENTED BY:

Joan Meschino

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 providing timely court oversight of DCF’s custody decisions and protecting children from unnecessary removals and trauma.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/17/2021</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>6/21/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>9/2/2021</i>

HOUSE No. 257

By Ms. Meschino of Hull, a petition (accompanied by bill, House, No. 257) of Joan Meschino relative to providing timely court oversight of custody decisions of the Department of Children and Families and protecting children from unnecessary removals and trauma. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act providing timely court oversight of DCF’s custody decisions and protecting children from unnecessary removals and trauma.

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. Chapter 119 of the General Laws is hereby amended by inserting after
2 section 24 the following section:-

3 Section 24A. When the juvenile court is closed for business, any justice acting under
4 section 9(vi) of chapter 211B may grant relief authorized under section 24 on an interim basis if
5 the department demonstrates by a preponderance of the evidence that (i) a child is suffering from
6 serious abuse or neglect or is in immediate danger of serious abuse or neglect; and (ii) that
7 immediate removal of the child is necessary to protect the child from serious abuse or neglect.

8 Such relief may be granted and communicated by telephone to an agent of the department, who
9 shall record such order on a form of order promulgated for such use by the chief justice of the
10 trial court and shall deliver a copy of such order on the next court day to the clerk-magistrate of
11 the juvenile court having venue and jurisdiction over the matter. If relief has been granted

12 without the filing of a petition under section 24, the department shall appear in court when the
13 court is next open for business to file a petition under section 24. The matter shall then proceed
14 under section 24, and the interim order shall expire that day.

15 Any order issued under this section and any documentation in support thereof shall be
16 certified at the latest on the next business day by the clerk-magistrate or register of the court
17 issuing such order to the court having venue and jurisdiction over the matter.

18 SECTION 2. Section 51B of Chapter 119 of the General Laws is hereby amended by
19 striking out the first sentence of subsection (c) and inserting in place thereof the following
20 sentence:-

21 If the department has probable cause to believe that (i) a child is suffering from serious
22 abuse or neglect or is in immediate danger of serious abuse or neglect; (ii) that immediate
23 removal without first obtaining a court order under section 24 is necessary to protect the child
24 from serious and imminent injury, it shall take the child into immediate temporary custody.

25 SECTION 3. Section 51B of Chapter 119 of the General Laws is hereby amended by
26 striking out subsection (e).