

**HOUSE . . . . . No. 1888**

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**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 regarding the quantum of proof in care and protection and termination of parental rights cases.

PETITION OF:

NAME:

*Joan Meschino*

DISTRICT/ADDRESS:

*3rd Plymouth*

DATE ADDED:

*1/8/2025*

**HOUSE . . . . . No. 1888**

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By Representative Meschino of Hull, a petition (accompanied by bill, House, No. 1888) of Joan Meschino relative to quantum of proof in care and protection and termination of parental rights cases. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

An Act regarding the quantum of proof in care and protection and termination of parental rights 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 24 of Chapter 119 of the General Laws is hereby amended by striking out the  
2 third paragraph and inserting in place thereof the following paragraph:

3           If the court is satisfied after the petitioner testifies under oath that there is reasonable  
4 cause to believe that: (i) the child is suffering from serious abuse or neglect or is in immediate  
5 danger of serious abuse or neglect; (ii) immediate removal of the child is necessary to protect the  
6 child from serious abuse or neglect; and (iii) continuation of the child in their home is contrary to  
7 their best interests, the court may issue an emergency order transferring custody of the child for  
8 up to 72 hours to the department or to a licensed child care agency or individual described in  
9 subclause (i) of clause (2) of subsection (b) of section 26.

10           The court also may make any other appropriate order, including conditions and  
11 limitations, about the care and custody of the child as may be in the child's best interest,

12 including, but not limited to, those set forth in subclauses (1) to (3) of subsection (b) of section  
13 26. In assessing whether continuation of a child in their home is contrary to their best interests  
14 under this section and section 29C, the court shall consider the potential short and long term  
15 harms of transferring custody to the department or to another person or entity, including trauma  
16 caused by removal of the child from their home.