

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO.	H1885
TITLE:	An Act improving legal and administrative proceedings for court-involved children and families.
SPONSOR:	Rep. Joan Meschino
COSPONSOR(S):	None
HEARING DATE:	April 22, 2025
PRIOR HISTORY:	H1679 (2023 – 2024)
SENATE BILL:	None
CURRENT LAW:	<p>General Law c. 119 sets out the removal powers of the Department of Children and Families and makes their guiding principle the welfare of the child.</p> <p>Section 21 defines the relevant terms of for the chapter including “custody” which is the power to determine a child’s location, visitation and contracts requiring parental consent. It permits a parent or guardian to object to the court order and a court review upon an objection application.</p> <p>Section 21A allows for qualified experts to investigate, create reports and testify before the court on facts relating to the welfare of the child.</p> <p>Section 23 dictates when and how the department of children and families may seek, or a court may order the removal and placement of a child into the care of the department.</p> <p>Section 24 permits the court to use an investigator to determine the condition of the child and home before placing them in foster care.</p> <p>Section 3 of Chapter 210 outlines situations where consent is not required during an adoption petition.</p>
BILL SUMMARY:	<p>Section 1 - adds language to the definition of “custody” in Section 21 of Chapter 119 to permit a child to object to the court’s determination and require a de novo determination and order if there is an objection application. It further permits the court to move or place a child in a specific foster home or program or other</p>

placement and to order visitation and contact with the child's siblings, half-siblings, custodian and other person.

Section 2 - empowers the court in Section 21A to appoint a neutral investigator who may file a report and called as a witness. It further makes any report written by a party or their expert inadmissible in proceedings

Sections 3 – permits the child, parent or guardian in Section 23 to object to the placement of a child in DCF custody and apply to the committing court to make a de novo determination and order on the matter. It further permits the court to move or place a child in a specific foster home or program or other placement and to order visitation and contact with the child's siblings, half-siblings, custodian and other person.

Sections 4 & 5 – corrects what appears to be a mistake in a reference in Section 24 and removes the court's power to appoint an investigator which is now within Section 21A.

Section 6 – adds a new section to Chapter 119 giving the court the power to review and revise a temporary custody order. It further permits affected children and parents to go to court within 60 days after the care and protection file alleging material changes and requesting modification. The court may also review an order where a parent or child who has waived a temporary custody hearing and now requests review even without a change in material circumstances.

Sections 7, 8 and 9 – add language to section 26 permitting the court to award temporary or permanent custody to one parent without ruling on unfitness of the other or adjudicating the child in need of care and protection and removing the requirement of an agency study and finding of qualification before a court may transfer custody to any person.

Sections 10 and 11 – permit the court under Section 3 of Chapter 210 to reestablish parental rights for children whose parents lost their parental rights but now have after a two-year period met the following conditions: the child is at least 12, either has not been adopted or the adopted parents' rights have been terminated, and that it is now in the best interest of the child to not be adopted. This

permission applies regardless of whether the 2-year requirement is met before, on or after the effective date of the Act.