

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1888

TITLE: An Act regarding the quantum of proof in care and protection and termination of parental rights cases.

SPONSOR: Rep. Joan Meschino

COSPONSOR(S): None

HEARING DATE: April 22, 2025

PRIOR HISTORY: None

SENATE BILL: None

CURRENT LAW: Section 24 of Chapter 119 of the General Laws sets out the procedure and reasons that a child could be removed from a home in an emergency circumstance. To order an emergency removal the court must find that: (i) the child is suffering from or is in immediate danger of serious abuse or neglect; and (ii) that immediate removal of the child is necessary to protect the child from serious abuse or neglect. The court may issue an emergency order transferring custody of the child for up to 72 hours to the department of children and families or to a licensed childcare agency or any agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

BILL SUMMARY: This legislation adds to Section 24 of Chapter 119 a third requirement for a court order of emergency removal: the continuation of the child in their home is contrary to their best interests. In making this determination the court must consider the potential harms of transferring custody. The transfer of custody may be to any person, including the child's parent, who, after study by a probation officer or other person or agency designated by the court, is found by the court to be qualified to give care to the child. It further adds language permitting the court to make any other appropriate order about the care of custody of the child as may be in the child's best interest.