

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H4065

TITLE: An Act relative to supporting survivors of domestic violence and enhancing child welfare

SPONSOR: Rep. David Henry A. LeBoeuf

COSPONSOR(S): Rep. Patrick J. Kearney

HEARING DATE: June 17, 2025

PRIOR HISTORY: None

SENATE BILL: None

CURRENT LAW: Section 24 of Chapter 119 of the General Laws permits a person on behalf of a child to petition juvenile court to remove the child from their home by alleging the child is: (i) without necessary and proper care and discipline; (ii) growing up in circumstances damaging to their sound character development; (iii) lacks proper attention of the parent or guardian charged with their care; or (iv) has a parent or guardian unwilling, incompetent or unavailable to provide any such care, discipline or attention. It then 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.

Section 29C of Chapter 119 requires DCF to make reasonable efforts to make it possible for a child live safely with their parent or guardian in the home prior to removal and reasonable efforts to return the child to the home safely after removal. These reasonable efforts are not required in several circumstances including when the parent has subjected the child to severe or repetitive conduct of a physically or emotionally abusive nature.

BILL SUMMARY:

Sections 1 & 2 – Add 2 new sections to Chapter 119. The new Section 29E to Chapter 119 applies to all court proceedings involving removing the child from their home for neglect. The new Section 37A applies to all DCF proceedings. Both sections add a rebuttable presumption that neglect does not include a failure of a victim of domestic violence to: (i) prevent a child from witnessing the domestic violence; (ii) leave the home in which the alleged perpetrator resides; (iii) end a relationship with the alleged perpetrator; (iv) report the domestic violence to law enforcement or DCF; or (v) seek an order a protection against the alleged perpetrator.