

SENATE NO. 61

AN ACT RELATIVE TO DISABILITIES ALONE NOT BEING DEEMED AS ABUSE OR NEGLECT OF A CHILD UNDER THE AGE OF EIGHTEEN (18) YEARS OF AGE

*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. Be it enacted that notwithstanding and contrary to any law that no court nor the
2 Department of Social Services (DSS) shall not rule that a disability, whether physical or mental
3 alone constitutes abuse, abandonment and or neglect of a minor child under the age of eighteen
4 (18) years of age. Be it further enacted that this shall extend to parents, foster parents, adoptive
5 parents, next of kin, including but not limited to grandparents, uncles, aunts, siblings, in-laws
6 and any person who is of next of kin, who has a physical or mental disability, to any minor child
7 under the age of eighteen (18) years of age. Be it further enacted that the same above
8 protections shall also apply to any person having said physical or mental disability who is acting
9 in the capacity of supervising or babysitting of any minor children under the age of eighteen
10 (18) years of age.

11 Be it further enacted that any person who needs to use the practice of corralling, making any
12 children whom is in their care or supervision, where special devices such as alerting system
13 pagers as a means to adapt to their disability in order to safely supervise or care for any minor

14 child(ren) under the age of eighteen (18) years of age. Such corralling, the wearing of bells on
15 shoes, the wearing of alerting pagers or any other adaptive means to safely care for, supervise,
16 and or monitor a minor child(ren) under the age of eighteen (18) years of age shall not constitute
17 abuse or neglect any such child(ren).

18 Be it further enacted that the following shall be defined.

19 (1) Disability: any physical or mental impairment that effects one or more major life functions
20 such as seeing, hearing, breathing, walking, talking, standing, moving, disco figuration, holding
21 and or any mental function such as learning, concentration, emotional impairment, cognitive
22 impairments, such as retardation. Be it further enacted that drug or alcohol abuse shall not be
23 defined as a disability that hinders one or more major life functions.

24 (2) Adaptations: Adaptations shall be defined as any form of modification an otherwise
25 qualified disabled adult eighteen (18) years of age or older may need in order to carry out the
26 major functions of caring for and or supervision of any minor child(ren), either as natural
27 parents, foster parents, adoptive parents, babysitter or a person who has a duty to supervise any
28 minor child(ren). Such adaptation may include but not be limited to corralling children in a
29 fenced area, the use of a playpen, the placement of locks or padlocks on dangerous areas, such
30 as in the kitchen, the bathroom or any other area of danger that exists within the household
31 where minor children are cared for, are being supervised, are raised or are placed by the
32 Commonwealth of Massachusetts. Such adaptations may also include such assistive technology
33 as video monitors, audible thermometers, talking devices that can read medication information
34 from a prescription label, vibrating or strobe alerting devices, alerting pagers, bells on shoes,
35 leashes, accessible housing, and or whatever assistive technology or modifications that a
36 disabled person may require in order to perform the major tasks of raising, caring for or

37 supervision of any minor children under eighteen (18) years of age, whether the children are the
38 natural sons or daughters of disabled parents or are placed in foster care with disabled persons
39 or are being babysat or supervised by disabled.