

SENATE NO. 88

AN ACT RELATIVE TO THE PRESERVATION OF FAMILIES

*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. Chapter 10 of the General Laws is hereby amended by inserting after Section 35N the
2 following section:—

3 Section 35O. There shall be set up on the books of the Commonwealth a separate fund to be known as
4 the Family Preservation Trust Fund, to be administered by the Executive Office of Health and Human
5 Services, for the purposes of keeping children who cannot live with their parents, together with their
6 relatives and to prevent alternative foster care placements. Said fund shall consist of all monies
7 appropriated therefor in each fiscal year and any additional sums which they may receive from other
8 state, federal or private sources.

9 The Secretary of Health and Human Services shall direct the Commissioner of the Department of
10 Transitional Assistance to develop a plan to obtain funds for said fund and shall consult with the
11 Department of Revenue in regard to any available funds collected by said Department including a
12 portion of child support retained revenue, which shall be collected from the parents of children being
13 raised by their relatives and how they may be directed to such funds.

14 SECTION 2. Chapter 118 of the General Laws is amended by inserting after section 9 the following
15 sections:—

16 Section 9A. In determining eligibility for any benefit program administered by the Commonwealth or
17 any agency, subdivision thereof, which has eligibility requirements, the Commonwealth and any
18 agency or subdivision thereof shall not consider any benefits received under this chapter or pursuant to
19 Section 9B by a receipt for a child in his care or custody who is a relative but not a son or daughter.

20 Section 9B. Grantees, relatives as described in Section 9A, shall be eligible to receive financial
21 assistance to assist them in preserving their families from the Family Preservation Trust Fund,
22 established in Section 35O of Chapter 10; provided, however that such assistance in total shall not
23 exceed the cost of a foster care placement for child. The Commissioner of the Department of
24 Transitional Assistance shall promulgate standards, rules and regulations to implement the provisions
25 of this section. Such rules and regulations shall include income eligible guidelines whereby families
26 with incomes below 185% of the federal poverty level will be eligible.

27 Section 9C. Any money set aside pursuant to the Uniform Gifts to Minors Act for educational
28 purposes shall not count as income or assets in determining aid pursuant to this chapter.