

# SENATE NO. 110

## **AN ACT** RELATIVE TO THE CARE OF CHILDREN AND FAMILIES IN THE FOSTER CARE SYSTEM

*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. Section 1 of Chapter 119 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by inserting after the word “services” in line 19 the following  
3 words:— and the children who are subjects of section 51A to 51F, inclusive.

4 SECTION 2. Subsection 4 of section 51B of said chapter 119, as so appearing, is hereby  
5 amended by striking lines 37-40 and inserting in place thereof the following:- (4) notify in  
6 writing the district attorney for the county, and the local police in the city or town, where the  
7 child resides and where the offense occurred by transmitting to such district attorney and local  
8 police a copy of the report required under section 51A and this section if, after an investigation  
9 and evaluation

10 SECTION 3. Subsection 4 of section 51B of said chapter 119, as so appearing, is hereby  
11 amended by striking out lines 43-45 and inserting in place thereof the following:- neglect;  
12 provided, however, that the department shall immediately report to the appropriate district  
13 attorney any cases falling into one of the following conditions when early evidence suggests  
14 that there is reasonable cause to believe the condition is a result of abuse or neglect

15 SECTION 4. The first paragraph of said section 51B of said chapter 119, as so appearing, is  
16 hereby amended by adding the following 3 subsections:—

17 (11) In all matters and proceedings pursuant to this section and section 51F, the  
18 department shall apply the relevant terms and conditions that determine the best interests of the  
19 child. This review may include but not limited to the cause of the report pursuant to section  
20 51A, the department's response to the report, the factors and conditions contributing to the  
21 report and the department's response, determinations of the family and extended family, or  
22 other person involved in the report, investigation and evaluation procedures that the department  
23 and contracted agency conducted, available services to the child and family by the department,  
24 the contracted agency or other agency; conditions and factors contributing to the removal of the  
25 child or children from the home; reasonable efforts to preserve or reunify the family, and  
26 periodic reviews of the effectiveness of the service plan.

27 (12) The department, together with the contracted private agencies, shall conduct  
28 periodic and regular training and education to the caseworkers, screeners of 51A reports, and  
29 administrators of the department and the agencies regarding their duties and obligations under  
30 section 51A and 51B. The training and education may include, but not be limited to,  
31 investigation and evaluation procedures pursuant to a report under section 51A, signs and  
32 symptoms of abuse and neglect, including self-inflicted injuries by the child, and factors and  
33 conditions contributing to the best interests of the child.

34 (13) Pursuant to a report under section 51A, if a child has severe injuries and medical  
35 conditions that result in deliberation and decision by attending physicians to terminate the life of  
36 the child, and if the department has custody of the child, the department shall obtain an  
37 objective second opinion by qualified medical professionals, prior to obtaining a court order to

38 terminate the life of the child. The department shall provide, to the court, every opinion and  
39 medical reports by qualified medical professionals and all medical information pertaining to the  
40 child.

41 SECTION 5. Section 32 of said chapter 119 is hereby amended by adding the following  
42 paragraphs: - The department shall insure that every foster child shall be medically screened and  
43 evaluated within a reasonable period of time after entering the foster care system. Such  
44 screening and evaluation shall adhere to the early and periodic screening, diagnostic and  
45 treatment standards.

46         The department shall establish an advisory board to help facilitate the medical  
47 evaluation process and to recruit physicians, dentists and mental health professionals to  
48 medically screen and evaluate children newly admitted to foster care. The board shall consist at  
49 a minimum of (1) the Commissioner of the Department of Social Services or his designee (2) a  
50 pediatrician, family practice physician or a nurse practitioner (3) a dentist (4) a psychiatrist,  
51 psychologist or LICSW therapist (5) a court representative (6) a representative of the  
52 Massachusetts medical assistance program (7) a foster parent (8) a former consumer (9) six  
53 members of the Department area boards, one from each region and (10) two Department  
54 representatives.