

HOUSE No. 2970

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 16, 1957.

The committee on Public Welfare, to whom was referred the petition (accompanied by bill, House, No. 2168) of Mary A. Dean and others for legislation relative to the care and protection of children in proceedings brought against them, report the accompanying bill (House, No. 2970).

For the committee,

SUMNER Z. KAPLAN.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Seven.

AN ACT RELATIVE TO THE CARE AND PROTECTION OF CHILDREN.

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 119 of the General Laws is hereby
2 amended by striking out section 24, as appearing in section 1
3 of chapter 646 of the acts of 1954, and inserting in place
4 thereof the following section: —

5 *Section 24.* The Boston juvenile court or the juvenile ses-
6 sions of any district court of the commonwealth, except the
7 municipal court of the city of Boston, upon the petition of
8 any person alleging on behalf of a child under the age of
9 sixteen years within the jurisdiction of said court that said
10 child is without necessary and proper physical, educational
11 or moral care and discipline, or is growing up under condi-
12 tions or circumstances damaging to a child's sound character
13 development, or who lacks proper attention of parent, guard-
14 ian with care and custody, or custodian, and whose parents
15 or guardian are unwilling, incompetent or unavailable to pro-
16 vide such care, may issue a summons or precept to bring such
17 child before said court, shall issue a notice to the department,
18 and shall issue summons to both parents of the child to show
19 cause why the child should not be committed to the custody
20 of the department of public welfare or other appropriate
21 order made. If after reasonable search no such parent can
22 be found, summons shall be issued to the child's lawful
23 guardian, if any, known to reside within the commonwealth,
24 and if not, to the person with whom such child last resided,
25 if known. Upon the issuance of the summons or precept and
26 order of notice the court shall appoint a person qualified under
27 section three, to make a report to the court under oath of an
28 investigation into conditions affecting the child. Said report

29 shall then be attached to the petition and be a part of the
30 record.

1 SECTION 2. Said chapter 119 is hereby further amended by
2 striking out section 25, as so appearing, and inserting in
3 place thereof the following section: —

4 *Section 25.* When such child is taken into custody upon
5 said summons or precept and brought before said court, the
6 court may then hear said petition, or said petition may be
7 continued to a time fixed for hearing, and the court may
8 allow the child to be placed in the care of some suitable per-
9 son, including the parent or parents of said child, subject to
10 the supervision of a licensed charitable agency or an agency
11 appointed by the said court. In the event said supervisory
12 agency reports to the said court that the commitment to the
13 parents is inconsistent with the child's best interest, the court
14 may commit the child to the custody of a charitable corpora-
15 tion or duly licensed agency.

1 SECTION 3. Said chapter 119 is hereby further amended
2 by striking out section 26, as so appearing, and inserting in
3 place thereof the following section: —

4 *Section 26.* If the child is identified by the court and it
5 appears that the precept and summonses have been duly and
6 legally served, that said notice has been issued to the depart-
7 ment and said report is received, the court may excuse the
8 child from the hearing and shall proceed to hear the evidence.
9 If the court finds the allegations in the petition proved within
10 the meaning of this chapter, it may adjudge that said child
11 is in need of care and protection, and may further continue
12 said petition to a time fixed for hearing. The court may
13 allow the child to be placed in the care of some suitable per-
14 son, including the parent or parents of said child, subject to
15 the supervision of a licensed charitable agency or an agency
16 appointed by said court. In the event said supervisory agency
17 reports to the said court that the commitment to the parents
18 is inconsistent with the child's best interest, the court may
19 commit the child to the custody of a charitable corporation
20 or duly licensed agency, or to the department until he be-

21 comes twenty-one years of age or for less time or until in the
22 opinion of the department the object of his commitment has
23 been accomplished, whichever occurs first; or said court may
24 make any other appropriate order with reference to the care
25 and custody of the child as may conduce to his best interests;
26 and in appropriate cases shall order the parents or parent of
27 said child to reimburse the commonwealth or other agency for
28 care.

1 SECTION 4. Section 28 of said chapter 119, as so appear-
2 ing, is hereby amended by adding at the end the following
3 sentence: — Where the parent, guardian or other person fails
4 to carry out the order of payment the court, on petition by
5 the person or agency aggrieved, after notice, may cite such
6 parent, guardian or other person for contempt of the court's
7 order, and after a hearing of the contempt citation may sen-
8 tence the parent, guardian or other person to imprisonment
9 until the order is complied with but for not more than one
10 year.

1 SECTION 5. Section 63 of said chapter 119, as amended by
2 section 1 of chapter 95 of the acts of 1932, is hereby further
3 amended by striking out, in lines 6 and 7, the words "fifty
4 dollars or by imprisonment for not more than six months",
5 and inserting in place thereof the following words: — five hun-
6 dred dollars or by imprisonment for not more than one year
7 or both.

1 SECTION 6. Chapter 273 of the General Laws is hereby
2 amended by striking out section 2, as most recently amended
3 by section 31 of chapter 319 of the acts of 1953, and inserting
4 in place thereof the following section: —

5 *Section 2.* Proceedings under section one shall be begun,
6 if in the superior court, in the county in which is situated the
7 place where the husband and wife last lived together or where
8 the husband or wife or parent of the child is living, and, if
9 begun in a district court, in the court having such place
10 within its judicial district; provided, that such a proceeding
11 for an offence committed within the territorial limits prescribed

12 for the criminal jurisdiction of the municipal court of the city
13 of Boston, if founded upon the same allegations as a proceed-
14 ing under sections twenty-four to twenty-seven, inclusive, of
15 chapter one hundred and nineteen, may be brought, heard
16 and disposed of in the Boston juvenile court. Such a pro-
17 ceeding for an offence committed within the territorial limits
18 prescribed for the criminal jurisdiction of any court other than
19 the municipal court of the city of Boston, if founded upon the
20 same allegations as a proceeding under said sections forty-
21 two to forty-seven, inclusive, of said chapter one hundred and
22 nineteen, may be heard and disposed of in the juvenile session
23 of the court. Any parent placed on probation in such a pro-
24 ceeding in the Boston juvenile court shall at the request of
25 the justice thereof be supervised by the probation officers of
26 the municipal court of the city of Boston.

