

By Mr. Frank of Boston, petition of Barney Frank, David J. Mofenson, Sandra Graham and Philip W. Johnston that provision be made for assistance for parents in maintaining their homes during the temporary absence of a child or children. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Nine.

AN ACT PROVIDING ASSISTANCE FOR PARENTS IN MAINTAINING THEIR HOMES DURING THE TEMPORARY ABSENCE OF A CHILD OR 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. Section twenty-six of chapter one hundred nine-
2 teen of the General Laws as most recently amended by chapter one
3 thousand seventy-six section three of the Acts of 1973 is hereby
4 further amended by striking out subsection (2) and inserting in
5 place thereof the following:—

6 (2) It may, subject to such conditions and limitations as it may
7 prescribe, transfer temporary legal custody to any of the
8 following:—

9 (i) any individual who, after study by a probation officer or
10 other person or agency designated by the court, is found by the
11 court to be qualified to give care to the child;

12 (ii) any agency or other private organization licensed or other-
13 wise authorized by law to receive and provide care for the child;
14 and

15 (iii) the department of public welfare.

16 Conditions and limitations to be prescribed by the court shall
17 include all services necessary to ensure that the child or children
18 may eventually be returned to their home, including the provision
19 of maintenance payments by the department of public welfare to a

20 parent or parents who are recipients of Aid to Families of Depend-
21 ent Children under chapter one hundred and eighteen, and whose
22 payments might be terminated or reduced if the child or children
23 are temporarily removed.

24 The purpose of such maintenance payments shall be to enable
25 the parent or parents to preserve the family's present or compara-
26 ble shelter arrangements in readiness for the return of the child or
27 children, and to avoid unnecessary disruption of family life as a
28 result of the removal which might contribute to further disintegra-
29 tion of the family unit.

30 The amount of such payments shall not exceed the AFDC
31 Standard of Need set by the Department for a family unit which
32 also includes the child or children temporarily removed. Available
33 income not excluded or disregarded under AFDC shall be counted
34 in determining the amount of such payments.

35 The court may, in addition, order the department to provide
36 transportation and to pay for the incidental expenses necessary for
37 the family to visit the child or children outside of the home and to
38 keep appointments with the providers of appropriate social
39 services.

40 The court shall set a time limit for such payments consistent with
41 the time necessary to adequately prepare the parent or parents for
42 reunion with the child or children, with a minimum time limit of six
43 months, subject to review at the end of the designated period.

1 SECTION 2. Chapter one hundred eighteen of the General
2 Laws is hereby amended by inserting, after section two B, a new
3 section, two C, to read as follows: —

4 When one or more children who are recipients of Aid to Families
5 of Dependent Children under this chapter are temporarily
6 removed from the home under the provisions of chapter one
7 hundred nineteen, and their removal occasions a termination or
8 reduction in AFDC benefits to their parent or parents, the depart-
9 ment shall provide a bi-monthly payment to the parent or parents
10 not in excess of the AFDC Standard of Need for a family unit
11 which includes the child or children temporarily removed. Availa-

12 ble income not excluded or disregarded under AFDC shall be
13 counted in determining the amount of such payments.

14 The purpose of these payments shall be to enable the family to
15 maintain its present or a comparable shelter arrangement in readi-
16 ness for the return of the child or children, and to avoid unneces-
17 sary disruption of family life as a result of the removal which might
18 lead to further harm to the family unit.

19 The department shall also provide transportation and the cost of
20 incidental expenses necessary for visitation to the child or children
21 removed from the home, and for keeping appointments with the
22 providers of appropriate social services.

23 Such payments shall be made for a period of time specified by a
24 court having jurisdiction under chapter one hundred nineteen,
25 section twenty-six (two) or, for a voluntary placement under chap-
26 ter one hundred nineteen, section twenty-three (A), for a six-month
27 period from the time of placement, reviewable at six-month
28 intervals.

