

HOUSE No. 6116

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 3, 1979.

The committee on Human Services and Elderly Affairs, to whom were referred the petition (accompanied by bill, Senate, No. 1738) of Bill Owens and Dana Murphy for legislation to require investigation of foster parents upon application, and the petition (accompanied by bill, House, No. 1543) 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, reports recommending that the accompanying bill (House, No. 6116) ought to pass.

For the committee,

DAVID J. MOFENSON

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 twenty-six of chapter one hundred nineteen of the Gen-
2 eral Laws as most recently amended by section 3 of chapter 1073 of
3 the acts of 1973 is hereby further amended by striking out subsec-
4 tion (2) and inserting in place thereof the following: —

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

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

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

14 (iii) the department of social services.

15 Conditions and limitations to be prescribed by the court shall
16 include all services necessary to ensure that the child or children
17 may eventually be returned to their home, including the provision
18 of maintenance payments by the department of public welfare to a
19 parent or parents who are recipients of Aid to Families of Depend-
20 ent Children under chapter one hundred and eighteen, and whose
21 payments might be terminated or reduced if the child or children
22 are temporarily removed. Said maintenance payments shall be
23 provided in a manner permissible pursuant to any relevant federal
24 regulations.

25 The purpose of such maintenance payments shall be to enable
26 the parent or parents to preserve the family's present or compara-

27 ble shelter arrangements in readiness for the return of the child or
28 children, and to avoid unnecessary disruption of family life as a
29 result of the removal which might contribute to further disintegra-
30 tion of the family unit.

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

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

41 The court shall set a time limit for such payments consistent with
42 the time necessary to adequately prepare the parent or parents for
43 reunion with the child or children. Such payments shall be pro-
44 vided for at least ninety days but not more than six months.

