
By Mr. Atkins (by request), a petition of Arlene Woolf for legislation to revise the procedures for appealing orders in care and protection proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT REVISING THE PROCEDURES FOR APPEALING ORDERS IN CARE
AND PROTECTION PROCEEDINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:

1 Chapter 119 of the General Laws is hereby amended by
2 striking out section 27 thereof, as most recently amended by
3 chapter 1005 of the Acts of 1973, and inserting in place thereof
4 the following: —

5 *Section 27.* Any person aggrieved by an adjudication that a
6 child is in need of care and protection or by an order of
7 disposition of a care and protection case, or by both, may file
8 an appeal, within fourteen days after the entry thereof, to the
9 Superior Court sitting for civil business for the county in
10 which the court making such adjudication or disposition order
11 is located, and in such case the entire case shall be before said
12 court as it originally commenced therein; and pending de-
13 termination of such appeal any order transferring custody
14 shall be stayed unless the court finds that to stay the transfer
15 subjects the child to a substantial risk of serious abuse or
16 neglect. Such appeal shall be entered in the superior court by
17 the court from which the appeal is taken, without payment of
18 any entry fee, and the superior court may advance such com-
19 plaint for speedy trial. The court shall notify the child, parent,
20 guardian or person appearing in behalf of such child of the
21 right of appeal at the time of adjudication and also at the time
22 of disposition. Such an appeal from the juvenile sessions of
23 any district court of Suffolk county, except the municipal
24 court of the city of Boston, may be made to the Boston
25 juvenile court or to the superior court at the election of the

26 party appealing.

27 Any person aggrieved by a preliminary or temporary cus-
28 tody order or by a court order on the visitation rights of a
29 natural parent may petition the superior court sitting for civil
30 business for the county in which the court making such order
31 is located for a review of such order, and the justice making
32 such order shall thereupon immediately notify such person of
33 his right to file such review. When such petition is filed in the
34 court making such order, the clerk of such court shall im-
35 mediately notify the clerk for civil business of the superior
36 court and shall transmit to such superior court or if it is
37 not in session to the superior court of the nearest county in
38 which a justice is then sitting, within five days copies of the
39 care and protection petition and the court's order, with rea-
40 sons therefor. Upon receiving such papers, the superior court
41 shall promptly, and in any event within fourteen days, sched-
42 ule a hearing. Such review shall be de novo, and shall be
43 conducted in a hearing upon statements of counsel and of the
44 parties or their representatives unless a party determines that
45 it wishes to offer evidence. The court shall enter its decision
46 within fourteen days after conclusion of the hearing, and shall
47 give its reasons therefor in writing.