

By Mr. Flaherty of Boston, petition of Michael F. Flaherty relative to establishing guidelines for court ordered investigations in care and protection proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT ESTABLISHING GUIDELINES FOR COURT ORDERED INVESTIGATIONS 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 SECTION 1. Section 24 of Chapter 110 of the General Laws, as
2 most recently amended by Chapter 181 of the acts of 1980, is
3 hereby further amended by renumbering it 24A and by striking out
4 the seventh sentence and inserting in place thereof the following
5 sentence: —

6 Upon the issuance of the precept and order of notice the court
7 shall appoint an investigator qualified under section 24B, to make
8 a report to the court under oath to an investigation into conditions
9 affecting the child.

1 SECTION 2. Chapter 119 of the General Laws is hereby
2 amended by inserting after section 24A, the following section,
3 24B: —

4 *Section 24B.* The investigator appointed pursuant to section
5 24A, shall be a person who:

6 (1) qualifies as an expert according to the rules of common law
7 or by statute.

8 (2) is licensed under sections 130-137 of Chapter 112 of the
9 General Laws as created by Chapter 818 of the acts of 1977, as a
10 licensed independent clinical social worker or as a licensed certified
11 social worker; or

12 (3) is an agent of the Department of Social Services or of an
13 approved charitable corporation or agency substantially engaged

14 in the foster care or protection of children and who is directly
 15 supervised by a licensed independent clinical social worker or a
 16 licensed certified social worker as defined in section 130 of Chapter
 17 112 of the General Laws as created by Chapter 818 of the acts of
 18 1977.

19 The court may not appoint an investigator who is an agent of the
 20 petitioning agency.