

By Mr. Doris, a petition (accompanied by bill, Senate, No. 760) of Francis D. Doris for legislation relative to the custody of minor children. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT RELATIVE TO DISPOSITIONAL HEARINGS.

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

1 Chpater 119 of the Massachusetts General Laws is hereby
2 amended by striking out Section 29B and inserting in place thereof
3 the following section: —

4 Chapter 29B. Within eighteen months of the original
5 commitment, grant of custody or transfer of responsibility of a
6 child to the department by a court of competent jurisdiction and
7 periodically thereafter while the child remains in the care of the
8 department, the committing court shall reconvene, in accordance
9 with rules established by the chief administrative judge of the trial
10 court, to determine the future status of the child, including but
11 not limited to whether or not it is in the child's best interests to
12 be returned to the parents; to be continued in substitute care for
13 a specified period, after which the child is to be returned to the
14 parents or guardian; to be placed in another permanent
15 placement; to be placed for adoption; to have a guardian, other
16 than the department, or its agent appointed; or, because of the
17 child's special needs or circumstances, to be continued in
18 substitute care on a permanent or long term basis in a specific
19 placement.

20 Upon making its determination, the court may make any
21 appropriate order as may conduce to the child's best interests
22 including, but not limited to, orders with respect to the child's care
23 or custody. All such orders shall indicate (a) whether reasonable

24 efforts were made, prior to the placement of a child in foster care
25 to prevent or eliminate the need for removal of the child from
26 his/her home; and (b) whether reasonable efforts were made, after
27 the placement of a child in foster care, to make it possible for the
28 child to return to his/her home.

29 A child, parent or guardian or the department may appeal to
30 the appeals court from the determination or order of the trial
31 court. The claim of appeal shall be filed in the office of the clerk
32 or register of the trial court within ten days following the courts
33 determination or order. Thereafter, said appeal shall be governed
34 by the Massachusetts rules of appellate procedure. The scope of
35 appellate review shall be limited to abuse of judicial discretion.