
By Mr. Backman, a petition (accompanied by bill, Senate, No. 971) of Jack H. Backman, George Bachrach, Royal L. Bolling, Sr., and Michael LoPresti, Jr., for legislation to utilize the resources of the extended family in the placement of children outside the home. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT TO UTILIZE THE RESOURCES OF THE EXTENDED FAMILY.

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 23 of chapter 119 of the General Laws as most recent-
2 ly amended by chapter 478 of the Acts of 1980 is hereby amend-
3 ed by inserting before the final sentences the following
4 subsection: —

5 (i) Whenever the Department of Social Services or a licens-
6 ed child placement agency obtains temporary custody of a
7 child through a court order or a voluntary placement, except
8 a surrender pursuant to section two of chapter two hundred
9 and ten, the department or agency, prior to making a place-
10 ment arrangement for the child, shall inform the parent of his
11 right to nominate a relative of the child or other person to be
12 the guardian or the foster parent of the child and shall ask the
13 parent whether he wishes to make such a nomination.
14 Whenever the parent of a child in the custody of the Depart-
15 ment of Social Services or a licensed child placement agency
16 nominates a relative or other individual to become the child's
17 guardian, the department or agency shall, within fifteen days,
18 investigate and pursue placement of the child with the propos-
19 ed guardian provided that he is fit and willing to promote the
20 child's best interests and to become the child's guardian. If
21 the parent requests that the child be placed, as a foster place-
22 ment, with a relative or other adult known to the child, the
23 department shall, within fifteen days, investigate the propos-
24 ed parent provided he is able and willing to promote the best
25 interests of the child and the family. At the time the depart-
26 ment or agency obtains temporary custody of a child, if the

27 parent does not nominate a guardian or request foster place-
28 ment with a relative or friend, the department or agency shall
29 place the child in the following order of preference in the
30 absence of good cause to the contrary:

31 1) with a relative of the child;

32 2) with a family of the same racial or ethnic heritage as the
33 child;

34 3) with a family of different racial or ethnic heritage from
35 the child which is knowledgeable and appreciative of the
36 child's racial or ethnic heritage and has on-going contact with
37 others of the child's racial or ethnic background. If the child
38 is not so placed, the department or agency shall indicate in
39 writing in the case records of the child the reasons therefor.
40 In any case where a child has been placed with someone other
41 than a relative who has requested custody or a family of the
42 same racial or ethnic heritage, the necessity and propriety of
43 such placement shall be specifically reviewed at regular in-
44 tervals thereafter and in any event at each case review
45 thereafter.