

By Mrs. Murray of Cohasset, petition of Mary Jeanette Murray and Gloria L. Fox for legislation to provide for an order of preference in the placement of certain children in temporary custody homes. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR AN ORDER OF PREFERENCE IN THE PLACEMENT OF CERTAIN CHILDREN IN TEMPORARY CUSTODY HOMES.

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 recently
2 amended by chapter 478 of the Acts of 1980 is hereby amended by
3 inserting before the final sentences the following subsection: —
4 i. Whenever the Department of Social Services or a licensed
5 child placement agency obtains temporary custody of a child
6 through a court order or a voluntary placement, except a sur-
7 render pursuant to section two of chapter two hundred and ten, the
8 department or agency, prior to making a placement arrangement
9 for the child, shall inform the parent of his right to nominate a
10 relative of the child or other person to be the guardian or the foster
11 parent of the child and shall ask the parent whether he wishes to
12 make such nomination. Whenever the parent of a child in the
13 custody of the Department of Social Services or a licensed child
14 placement agency nominates a relative or other individual to
15 become the child's guardian, the department or agency shall,
16 within fifteen days, investigate and pursue placement of the child
17 with the proposed guardian provided that he is fit and willing to
18 promote the child's best interests and to become the child's guard-
19 ian. If the parent requests that the child be placed, as a foster
20 placement, with a relative or other adult known to the child, the
21 department shall, within fifteen days, investigate the proposed

22 parent provided he is able and willing to promote the best interests
23 of the child and the family. At the time the department or agency
24 obtains temporary custody of a child, if the parent does not
25 nominate a guardian or request a foster placement with a relative
26 or friend, the department or agency shall place the child in the
27 following order of preference in the absence of good cause to the
28 contrary:

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