

By Miss O'Brien of Easthampton, petition of Shannon P. O'Brien for legislation to expedite resolution of legal proceedings involving children in need of care and protection. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT EXPEDITING RESOLUTION OF LEGAL PROCEEDINGS INVOLVING CHILDREN IN NEED OF CARE AND PROTECTION.

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 one of chapter one hundred and nineteen
2 of the General Laws, as most recently amended by section five
3 of chapter seventeen hundred and eighty-five of the acts of 1972,
4 is hereby further amended by adding after the second paragraph
5 the following paragraph: —

6 It is the policy of the Commonwealth expeditiously to free a
7 child for adoption if the child's parents are unable or unwilling
8 to provide a safe, permanent and stable home for that child.
9 Proceedings must be concluded as swiftly as justice will allow so
10 that any child who is the focus of a case will not spend large
11 portions of his/her childhood without the safe, permanent and
12 stable home to which he/she is entitled.

1 SECTION 2. Section 3(b) of chapter two hundred and ten of
2 the General Laws, as most recently amended by chapter 145 of
3 the Acts of 1989, is hereby further amended by striking out the
4 second paragraph thereof and inserting in place thereof the
5 following paragraph:

6 If a child is the subject of a care and protection proceeding
7 brought pursuant to chapter one hundred and nineteen of the
8 General Laws and has been adjudicated a child in need of care
9 and protection pursuant to section 26 thereof, the district or

10 juvenile court before which the care and protection proceeding
11 is pending shall enter a decree dispensing with the need for consent
12 of any person named in section two of this chapter to the adoption
13 of such child if it finds that the best interests of the child as defined
14 in paragraph (c) of this section will be served by said decree.

1 SECTION 3. Section 3(c) of chapter two hundred and ten of
2 the General Laws, as most recently amended by Chapter 244 of
3 the Acts of 1985, is hereby further amended by inserting before
4 the word "presumption" in paragraph 3 thereof the word:
5 "rebuttable" and by adding the following paragraph 4: —

6 It is the policy of the Commonwealth expeditiously to free a
7 child for adoption if the child's parents are unable or unwilling
8 to provide a safe, permanent and stable home for that child.
9 Proceedings must be concluded as swiftly as justice will allow so
10 that any child who is the focus of a case will not spend large
11 portions of his/her childhood without the safe, permanent and
12 stable home to which he/she is entitled.

1 SECTION 4. Section 26 of chapter one hundred and nineteen
2 of the General Laws, as most recently amended by chapter 117
3 of the acts of 1983, is hereby further amended by adding after
4 subsection (3) thereof the following subsection: —

5 (4) It may enter an order dispensing with parental consent to
6 the adoption of the child, and dispensing with notice of any
7 petition for adoption for the child, as defined in paragraph (c)
8 of section 3 of chapter two hundred and ten of the General Laws,
9 will be served by said decree.

1 SECTION 5. Section 26 of chapter one hundred and nineteen
2 of the General Laws, as most recently amended by chapter 117
3 of the acts of 1983, is hereby further amended by adding after the
4 final paragraph thereof the following: —

5 The right of petition granted in the immediately preceding
6 paragraph of this section shall not be vested in any person against
7 whom a decree dispensing with consent to adoption has been
8 entered pursuant to paragraph (4) hereof. The court shall enter
9 a final order of adjudication and permanent disposition, together

10 with its findings in support thereof, no later than fifteen months
11 after the date the case was first filed in court; provided, however,
12 that the date by which a final order of adjudication and permanent
13 disposition must be entered may be extended only once for a
14 period not to exceed three (3) months, provided that the extension
15 shall only be granted if the court makes a written finding that the
16 parent has made consistent and goal-oriented progress likely to
17 lead to the child's return to the parent's care and custody.

