

By Mr. Ward, a petition of Joseph D. Ward for legislation to provide a right of appeal to the Department of Public Welfare from decisions of boards of public welfare under the laws providing support for poor and indigent persons. Public Welfare.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Five.

AN ACT PROVIDING A RIGHT OF APPEAL TO THE DEPARTMENT OF PUBLIC WELFARE FROM DECISIONS OF BOARDS OF PUBLIC WELFARE UNDER THE LAWS PROVIDING SUPPORT FOR POOR AND INDIGENT PERSONS.

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 46 of chapter 117 of the General Laws,
 2 inserted by chapter 476 of the acts of 1938, is hereby amended
 3 by striking out the first sentence and inserting in place there-
 4 of the following sentence: — The department of public welfare
 5 shall supervise the work done in such public welfare districts
 6 and boards of public welfare, and for said purpose may make
 7 such rules relative thereto as it deems necessary, including
 8 rules for the efficient use of the persons employed by said
 9 districts in the several categories of public welfare.

1 SECTION 2. Said chapter 117 is hereby further amended by
 2 inserting after section 46 the following section: —

3 *Section 47.* Any person aggrieved by the failure of any town
 4 or public welfare district to render adequate aid under this
 5 chapter, or by the failure of the board of public welfare of a
 6 town or public welfare district to approve or reject an applica-
 7 tion for aid hereunder within thirty days after receiving such
 8 application shall have a right to a fair hearing, after due no-
 9 tice upon appeal to the department of public welfare, herein-
 10 after referred to as the department. Such hearing shall be con-

11 ducted by a referee designated by the commissioner of public
12 welfare, hereinafter referred to as the commissioner. Any per-
13 son so designated is hereby empowered to subpoena witnesses,
14 administer oaths, take testimony and secure the production of
15 such books, papers, records and documents as may be relevant
16 to such hearing. The decision of the referee, when approved
17 by the commissioner, shall be the decision of the department
18 and shall be final and binding upon the local board of public
19 welfare involved and shall be complied with by such local
20 board. Fair hearings shall be granted upon any appeal in re-
21 lation to the following matters: —

22 1. The matter of denial of aid by the local board of public
23 welfare;

24 2. The matter of a change in the amount of aid given;

25 3. The matter of withdrawal of aid.

26 The department upon its own motion may review any de-
27 cision of a local board of public welfare and may consider any
28 application upon which a decision has not been made by such
29 board within a reasonable time.