# HOUSE . . . . . No. 1873

By Mr. Atkins of Acton, petition of Chester G. Atkins relative to the care and supervision of certain school children and transferring county training schools to the custody and control of the Commonwealth. Education.

## The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE CARE AND SUPERVISION OF CERTAIN SCHOOL-AGED CHILDREN, AND THE TRANSFERENCE OF THE COUNTY TRAINING SCHOOLS TO THE CUSTODY AND CONTROL OF THE COMMONWEALTH.

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

SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 46M the following section: –

*Section 46N.* The school committee of every town and regional school district in conjunction with the bureau of clinical services of the department of youth services shall ascertain, under regulations prescribed jointly by them in consultation with the department of education, the department of mental health and the department of public welfare, the number of children of school age resident therein between the ages of nine and sixteen who persistently and wilfully fail to attend school or persistently misbehave so as to render them fit for exclusion from school.

In any town or regional school district where there are such children, the school committee and the bureau of clinical services of the department of youth services, in consultation with the departments of education, mental health, public welfare, and any other agency deemed necessary for the task, shall cause to be conducted an evaluation of each child who falls

20 within the classification of this section; shall recommend an
21 appropriate program or plan for the individualized treatment or
22 care of each child; and may, in addition, take any of the
23 following actions which are best suited to the protection and
24 physical and emotional welfare of the child:
25 *(a)* refer the child and/or his parents to a suitable counsel-
26 ling program operated by any public or private agency willing
27 and qualified to provide such services.
28 *(b)* provide special tutorial instruction.
29 *(c)* recommend individual supervision and counselling by
30 school guidance counsellors, school adjustment counsellors, or
31 other school-affiliated or nonschool-affiliated parties who are
32 willing and qualified to provide such services.
33 *(d)* recommend transfer of the child where appropriate to
34 another school within the commonwealth, or to a special pro-
35 gram operated by the department of education within the
36 commonwealth.
37 *(e)* recommend enrollment or participation in any other pro-
38 gram, activity, or school which, in the judgment of the school
39 committee and the bureau of clinical services, would best serve
40 the interests of the child, his family and the community.
41 *(f)* petition the district court having jurisdiction over the
42 child's legal place of residence to order transference of legal
43 custody of the child to a willing individual, agency, or organi-
44 zation which is qualified, licensed or otherwise authorized by
45 law to assume the custody of the child.
46 Nothing in this section shall be construed to prohibit the
47 child, his parent or guardian from filing a petition for judicial
48 review, by the district court having jurisdiction, of any admini-
49 strative disposition made under the authorization of this
50 section.

1 SECTION 2. Sections 1 to 11 inclusive of chapter 77 of the
2 General Laws are hereby repealed.

1 SECTION 3. Chapter 77 of the General Laws is hereby
2 amended by striking out section 13 in its present form, as most
3 recently amended by chapter 313 of the acts of 1960, and
4 inserting in place thereof the following section:

*Section 13.* Supervisors of attendance shall inquire into all cases arising under section eight of chpater seventy-two, sections one, two, four to eleven, inclusive, and fifteen of chapter seventy-six, and sections ninety, ninety-two, ninety-three and ninety-five of chapter one hundred and forty-nine. They shall, if the court so orders, have oversight of minors licensed by the school committee under section nineteen of chapter one hundred and one; and of children admitted to or attending shows or entertainments contrary to section one hundred and ninety-seven of chapter one hundred and forty.

SECTION 4. The county commissioners of Essex, Hampden, and Middlesex counties are hereby authorized, empowered, and directed to transfer and convey to the commonwealth and the control of the office of human services, for a consideration of one dollar, by a deed approved as to form by the attorney general, all the right, title, and interest in and to the county training schools in their respective counties, including the land and buildings occupied thereby, together with all fixtures, furnishings, supplies and other property used by or in connection with said institutions, and all land and real property adjoining or appurtenant thereto used in connection with said institutions including but not limited to recreational areas, farms and parking facilities. On the effective date of this act, and thereafter, the commonwealth shall assume and pay all operating costs of said institutions, and shall assume and pay the principal and interest on existing loans for the buildings, additions to or remodeling of any buildings used by said institutions which fall due after said date.

The following parcels shall be conveyed to the commonwealth and the control of the office of human services.

#1. The parcel in the town of Lawrence which is known as the Essex County Training School, to be conveyed by the county commissioners of Essex County.

#2. The parcel in the town of Feeding Hills which is known as the Hampden County Training School, to be conveyed by the county commissioners of Franklin, Hampshire, Berkshire and Hampden counties.

20 within the classification of this section; shall recommend an
21 appropriate program or plan for the individualized treatment or
22 care of each child; and may, in addition, take any of the
23 following actions which are best suited to the protection and
24 physical and emotional welfare of the child:
25 *(a)* refer the child and/or his parents to a suitable counsel-
26 ling program operated by any public or private agency willing
27 and qualified to provide such services.
28 *(b)* provide special tutorial instruction.
29 *(c)* recommend individual supervision and counselling by
30 school guidance counsellors, school adjustment counsellors, or
31 other school-affiliated or nonschool-affiliated parties who are
32 willing and qualified to provide such services.
33 *(d)* recommend transfer of the child where appropriate to
34 another school within the commonwealth, or to a special pro-
35 gram operated by the department of education within the
36 commonwealth.
37 *(e)* recommend enrollment or participation in any other pro-
38 gram, activity, or school which, in the judgment of the school
39 committee and the bureau of clinical services, would best serve
40 the interests of the child, his family and the community.
41 *(f)* petition the district court having jurisdiction over the
42 child's legal place of residence to order transference of legal
43 custody of the child to a willing individual, agency, or organi-
44 zation which is qualified, licensed or otherwise authorized by
45 law to assume the custody of the child.
46 Nothing in this section shall be construed to prohibit the
47 child, his parent or guardian from filing a petition for judicial
48 review, by the district court having jurisdiction, of any admini-
49 strative disposition made under the authorization of this
50 section.

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2 General Laws are hereby repealed.

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2 amended by striking out section 13 in its present form, as most
3 recently amended by chapter 313 of the acts of 1960, and
4 inserting in place thereof the following section:

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SECTION 4. The county commissioners of Essex, Hampden, and Middlesex counties are hereby authorized, empowered, and directed to transfer and convey to the commonwealth and the control of the office of human services, for a consideration of one dollar, by a deed approved as to form by the attorney general, all the right, title, and interest in and to the county training schools in their respective counties, including the land and buildings occupied thereby, together with all fixtures, furnishings, supplies and other property used by or in connection with said institutions, and all land and real property adjoining or appurtenant thereto used in connection with said institutions including but not limited to recreational areas, farms and parking facilities. On the effective date of this act, and thereafter, the commonwealth shall assume and pay all operating costs of said institutions, and shall assume and pay the principal and interest on existing loans for the buildings, additions to or remodeling of any buildings used by said institutions which fall due after said date.

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#2. The parcel in the town of Feeding Hills which is known as the Hampden County Training School, to be conveyed by the county commissioners of Franklin, Hampshire, Berkshire and Hampden counties.

28 #3. The parcel in the town of North Chelmsford which is
29 known as the Middlesex County Training School, to be con-
30 veyed by the county commissioners of Middlesex, Suffolk,
31 Plymouth, Norfolk, Dukes, Barnstable and Bristol counties.

1 SECTION 5. Upon the effective date of this act, all employ-
2 ees and management staff of said county training schools shall
3 become temporary employees of the commonwealth under the
4 control of the office of human services, and shall be subject to
5 said office's discretion in the continued management and opera-
6 tion of said institutions. The office of human services may,
7 where appropriate, authorize and effect transfer, retirement, or
8 dismissal of any temporary employee made subject to said
9 office's jurisdiction and control by this act.

1 SECTION 6. Upon the effective date of this act it shall
2 become the responsibility and duty of the office of human
3 services to provide, within twelve months of said date, for the
4 placement, transfer, or release of each child resident in a
5 county training school. Provided, however, that no child shall
6 be committed to the department of youth services without a
7 hearing before the juvenile session of the district court or the
8 juvenile court having jurisdiction over the city or town wherein
9 the child or his parents or guardian legally reside. Provided
10 further that, notwithstanding any other provision of this
11 section, no child shall be committed to the department of
12 youth services for being an habitual truant, absentee, or school
13 offender, or for other non-criminal school-related offenses.
14 The office of human services, through the resources of the
15 departments of public welfare, education and mental health,
16 the department of youth services, and any other agency
17 deemed necessary for the task, may, in its discretion, make any
18 of the following dispositions which, in its judgment, are best
19 suited to the protection and physical and emotional welfare of
20 the child:
21 *(a)* permit the child to return to the custody and care of his
22 parents, a willing relative, or legal guardian.
23 *(b)* refer but commit the child to the division of child
24 guardianship of the department of public welfare or an agency

or other private organization licensed or otherwise authorized by law to receive and provide care for such children.

*(c)* refer but not commit the child to the bureau of clinical services of the department of youth services.

*(d)* petition the district court having jurisdiction over the child's legal place of residence to order any of the following:

(1) supervision under appropriate conditions by the department of probation; or

(2) commitment to the department of youth services, subject to the limitations of this section; or

(3) transference of legal custody to a willing individual, agency, or organization which is qualified, licensed or otherwise authorized by law to assume the custody of the child.

In all cases subject to disposition under the provisions of this section the child, his counsel, his parent or guardian, and any other concerned parties shall have the opportunity to be heard by the office of human services before disposition of said child's case and to contest any recommendation or petition made by said office with regard thereto.

SECTION 7. Any person having a record of court appearances and dispositions in the commonwealth on file with the office of the commissioner of probation involving the offenses repealed by this act and previously defined by sections 3, 4, and 5 of chapter 77 of the General Laws, or any commitment or recommitment to a county training school, shall have such record or the relevant portions thereof expunged by the commissioner of probation on the effective date of this act.

When records of such appearances or dispositions are expunged in the commissioner's files, the commissioner shall notify forthwith the clerk and the probation officer of the courts in which the appearances or dispositions occurred, or other entries were made, of such expungement, and said clerks and probation officers likewise shall expunge records of the same proceedings in their files.

SECTION 8. No commitments or transfers to any county

training school shall be made nor shall any petitions or complaints of school-related offenses repealed by this act be entertained or heard by any district or municipal court after ninety days from the effective date of this act.

SECTION 9. This act shall take effect on July first, nineteen hundred and seventy-two.