

By Mrs. Murray of Cohasset, petition of A. Joseph DeNucci and other members of the House relative to drug treatment for certain children in need. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

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

AN ACT REGARDING DRUG TREATMENT FOR CERTAIN CHILDREN IN NEED.

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

1 Chapter 111E of the General Laws is hereby amended by adding  
2 the following section: —

3 *Section 13A.* Pursuant to the provisions of section thirty-nine  
4 G of chapter one hundred and nineteen, the division shall accept  
5 for referral children in need of services referred to the division by  
6 the department of social services hereinafter referred to as the  
7 department, and/or the juvenile court. Such referral shall be made  
8 to the director of the division.

9 Upon receipt by the director of a request for referral he shall,  
10 unless the child has been examined pursuant to section ten, desig-  
11 nate a qualified physician, as defined in chapter one hundred and  
12 twelve, to make an examination of the child to determine whether  
13 or not he is a drug dependent child who would benefit from  
14 treatment.

15 The physician designated shall report his findings in writing to  
16 the director stating the facts upon which the findings are based and  
17 the reasons therefor.

18 If the director finds that the child is a drug dependent person  
19 who would benefit from treatment and that adequate treatment is  
20 available at an appropriate drug treatment facility, he shall  
21 recommend to the department or the court that the child be  
22 admitted to the facility on an inpatient or an outpatient basis.

23 The director shall also recommend to the department or the  
24 juvenile court the period of time necessary to accomplish adequate

25 and appropriate treatment, not to exceed one year; the nature of  
26 the treatment to be afforded and the facility to which the child could  
27 be admitted. If the department or court determines that admission  
28 to the facility, the nature of the treatment to be afforded, and the  
29 period deemed necessary to accomplish treatment are appropriate  
30 and the family and child agree to the treatment, the child may not  
31 be denied admission to the facility. Said determination shall be  
32 provided in writing.

33 If the director decides that referral to the division is inappro-  
34 priate because the child is not a drug dependent person who would  
35 benefit by treatment or because adequate treatment is not avail-  
36 able at an appropriate facility, he shall make known in writing to  
37 said department or said court the basis for this decision.

38 The referral to the division shall terminate at the conclusion of  
39 the period of treatment to which the department or the court  
40 consents, or upon a determination by the director that the child  
41 will no longer benefit by treatment, whichever first occurs. If the  
42 director determines before the conclusion of such period of treat-  
43 ment that the child will no longer benefit by treatment, he shall  
44 make known in writing to the department or the court the basis for  
45 his decision.

46 Children in need of services referred to the division pursuant to  
47 this section shall remain subject to the jurisdiction and control of  
48 the department or the court for all purposes, including, but not  
49 limited to, discharge and release; provided, however, that the  
50 treatment to be afforded the child in need of services referred to the  
51 division shall be within the jurisdiction and control of the division.  
52 In no event, however, shall a child in need of services be referred  
53 for a period longer than the period during which he is subject to the  
54 jurisdiction and control of the department or the court.