

By Mrs. Parente of Milford, petition of Marie J. Parente and other members of the General Court relative to the removal of children from foster care, pre-adoptive or adoptive placements. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE REMOVAL OF CHILDREN FROM ADOPTIVE AND FOSTER CARE.

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 32 of Chapter 119 of the Mass. General
2 Laws, as appearing in the 1992 Official Edition, is hereby
3 amended by adding, after the first paragraph, a new section: —
4 Section 32A. Prior to the removal or transfer of a child or
5 children from a foster home, pre-adoptive or adoptive placement,
6 either to another placement or facility or with the intent of return-
7 ing the child or children to the home of their birth parents, or to
8 the home of relatives, the Department of Social Services shall:
9 a. provide verbal and written notification to the foster or adop-
10 tive parents immediately upon determination of the decision to
11 remove or transfer the child;
12 b. provide written notification to the foster parents or adoptive
13 parents of their rights to appeal the decision to remove the child
14 from the placement, through the fair hearing or grievance proce-
15 dure established within the department; such written notification
16 shall include a description of the appeals or grievance procedures
17 of the department;
18 c. include in the written notification of the decision to remove
19 or transfer the child or children from the placement, at least the
20 following information:

21 i. the intention of the department to remove the child or chil-
22 dren from the placement and the date of the intended removal or
23 transfer;

24 ii. the reasons and conditions for the intended removal and
25 transfer;

26 iii. the rights of the foster or adoptive parents to apply for
27 prospective guardianship or to become adoptive parents, and a
28 description of the procedures for so doing, if such options are
29 available;

30 iv. a description of the type of placement to which the child is
31 being transferred.

32 A copy of the written notification shall be placed in the foster
33 or adoptive parents' file, together with the foster or adoptive
34 parents' written response, if any.

1 SECTION 2. If the foster or adoptive parents file a fair hearing
2 or grievance claim of appeal of the removal decision within ten
3 days following the notification process described above, the child
4 or children shall not be removed until ten days following the
5 issuance of the decision of the hearing officer adverse to the foster
6 parents' claim, or until an alternative agreement is reached
7 between the department and the foster parents, or until the child is
8 removed due to determinations by the department that the foster
9 or adoptive child's physical, mental, or emotional well-being
10 would be endangered by leaving the child or children in the foster
11 or adoptive home.

1 SECTION 3. If the foster or adoptive parents agree to, or do not
2 decide to appeal, the decision to remove the child or children, the
3 foster or adoptive parents shall be included, whenever feasible and
4 practical, in the transitional plans for the child, to ensure continu-
5 ity of care and well-being for the child, and to ensure the best
6 interests of the child are being met.

1 SECTION 4. If the child is removed from the foster or adoptive
2 home, the department shall notify, as deemed appropriate, the
3 child's parents, grandparents and other relatives of the child or
4 children, school officials, juvenile probation officers, and/or other

5 individuals interested in the child or children's placement plans,
6 of the change in the child or children's placement.

1 SECTION 5. Except in emergency situations, such as determi-
2 nations of abuse or abusive conditions by the department in the
3 foster or adoptive home, no child or children shall be removed or
4 transferred from the placement until all requirements and condi-
5 tions of this section are fulfilled.

