

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr., and Gloria L. Fox for legislation to reorganize the Department of Social Services into a division of child protective services and a division of family resources. Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

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

AN ACT TO REORGANIZE THE DEPARTMENT OF SOCIAL SERVICES TO BETTER MEET THE NEEDS OF CHILDREN AND FAMILIES.

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 1 of chapter 18B of the General Laws is
2 hereby amended by inserting after the first sentence the
3 following: — The department shall have two distinct divisions
4 which shall operate independently of each other except as set forth
5 in this chapter and in chapter 119 of the General Laws. The two
6 said divisions shall be the division of child protective services and
7 the division of family resources.

1 SECTION 2. Section 2 of chapter 18B of the General Laws,
2 as most recently amended by section 3 of chapter 450 of the Acts
3 of 1983, is hereby amended by deleting the present section and
4 replacing it with the following: —

5 Section 2. Services enumerated.

6 (A) The division of family resources shall provide and
7 administer a comprehensive social service program, including the
8 following services:

- 9 (1) case management services including social services to
10 families or individuals who are not subject to the supervision of
11 a court pursuant to chapter 119 of the General Laws;
- 12 (2) counseling services;
- 13 (3) legal services for families, children or individuals as they
14 relate to social problems;

15 (4) assessment of need for financial, housing, and health,
16 including mental health, services administered or operating under
17 the direction of any agency of the commonwealth or any agency
18 of the United States and assistance with applying for said services;

19 (5) homemaker services;

20 (6) day care facilities and services for children, the aging, the
21 disabled and the handicapped;

22 (7) residential care for children with special needs or aging
23 persons not suited to foster family care, or specialized foster family
24 care;

25 (8) informal education and group activities as needed for
26 families and children;

27 (9) training in parenthood and home management for parents,
28 foster parents, and prospective parents;

29 (10) social services for newcomers to an area or community
30 to assist in adjustment to a new environment and new resources;

31 (11) camping services;

32 (12) family services intended to prevent the need for foster
33 care and services to children in foster care as provided for in this
34 chapter;

35 (13) temporary residential programs providing counseling
36 and supportive assistance for women in transition and their
37 children who because of domestic violence, homelessness, or other
38 situation require temporary shelter and assistance;

39 (14) information and referral services;

40 (15) social services for families and individuals in emergency
41 and transitional housing.

42 (B) The division of child protective services shall provide and
43 administer a comprehensive child protective service program,
44 including the following services:

45 (1) case management for families subject to court supervision
46 under chapter 119 of the General Laws;

47 (2) protective services for children, including but not limited
48 to investigations of all reports of abuse or neglect made under
49 chapter 119 of the General Laws;

50 (3) services to gather information and prepare reports and
51 recommendations to assist the courts in determining whether
52 initial or continued court intervention is necessary and
53 appropriate under chapter 119 of the General Laws, including

54 care and protection proceedings and children in need of services
55 proceedings;

56 (4) foster family care and specialized foster family care for
57 children;

58 (5) permanency planning services, including adoption,
59 guardianship or independent living services;

60 (6) services for children in foster care which may be accessed
61 through the division of family resource services;

62 (7) family reunification services for families whose children
63 are in foster care, specialized foster care, or court ordered
64 residential placement which may be accessed through the division
65 of family resource services.

1 SECTION 3. Section 3 of chapter 18B of the General Laws is
2 hereby amended by deleting the first ten words of the first
3 paragraph and replacing them with the following: —

4 Each division of the department shall establish a comprehensive
5 program of social services as set forth in the preceding section of
6 this chapter.

1 SECTION 4. Section 3 of chapter 18B of the General Laws is
2 hereby further amended by deleting the first three words of
3 paragraph (B) and replacing them with the following: — The
4 department shall oversee and supervise the two divisions which
5 shall:

1 SECTION 5. Section 3 of chapter 18B of the General Laws is
2 hereby further amended by inserting after section (B) the
3 following section: —

4 (C) In order to ensure that social services are made available
5 and utilized to the maximum extent to promote family integrity
6 and to encourage troubled families to voluntarily seek social
7 services, the two divisions of the department shall not exchange
8 information concerning families receiving services, except as
9 provided for in section 51H of chapter 119 of the General Laws
10 or as is necessary for the division of child protective services to
11 access services from the division of family resource services
12 pursuant to subsection (B) (6) or (B) (7) of section 2 of this
13 chapter.

1 SECTION 6. Section 4 of chapter 18B of the General Laws is
2 hereby amended by deleting the first 17 words of the second
3 paragraph and replacing them with the following: —

4 The Department shall oversee and supervise the two divisions
5 which shall develop regulations defining standards of need and
6 priorities for the allocation of social services consistent with the
7 mandate of each division as set forth in section 2 of this chapter;.

1 SECTION 7. Section 8 of chapter 18B of the General Laws,
2 as most recently amended by section 33 of chapter 699 of the acts
3 of 1981, is hereby amended by deleting the first sentence and
4 replacing it with the following: —

5 The commissioner shall appoint and may remove two deputy
6 commissioner who shall be the deputy commissioner for the
7 division of child protective services and the deputy commissioner
8 for the division of family resource services. The deputy
9 commissioners shall perform such duties as the commissioner may
10 determine consistent with the responsibilities of each division as
11 set forth in this chapter.

1 SECTION 8. Section 21 of chapter 119 of the General Laws,
2 as most recently amended by section 28 of chapter 552 of the Acts
3 of 1978, is hereby amended by deleting the words: — “Depart-
4 ment”, “the department of social services” and replacing them with
5 the following: —

6 “Department”, the division of child protective services of the
7 department of social services.

1 SECTION 9. Chapter 119 of the General Laws is hereby
2 amended by inserting after section 51G the following section: —

3 Section 51H. Any person or agency providing services to a
4 family with an open case with the division of family resource
5 services who has reasonable cause to believe that the services
6 currently offered to the family are not sufficient to protect a child
7 from serious abuse or neglect and that the child is in need of care
8 and protection may file a report under this section to the division
9 of child protective services. The report shall contain the names
10 and addresses of the child and his or her parent or parental
11 substitute; the child’s age; the child’s sex; a factual statement about

12 why services currently offered are not sufficient to protect a child
13 from serious abuse or neglect and that the child may be in need
14 of care and protection.

15 Within the time established by regulation or other statutory
16 authority, the division of child protective services shall conduct
17 an investigation to determine if the circumstances warrant the
18 filing of a court action under section 24 of this chapter. If the court
19 action is not pursued, the case shall be returned to the division
20 of family resources where a determination shall be made whether
21 it is appropriate to transfer the case to a new social worker and
22 also an updated assessment shall be conducted to determine if
23 additional services are needed by the family.

24 Any privilege established by section 135A or 135B of
25 chapter 112 or by section 20B of chapter 233 of the General Laws
26 relating to confidential communications shall not prohibit the
27 filing of a report pursuant to the provisions of this section.

