

# SENATE . . . . No. 435

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## The Commonwealth of Massachusetts.

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SENATE, May 12, 1921.

The committee on Bills in the Third Reading, to which was referred the bill to provide assistance and relief to neglected, dangerous or uncontrolled feeble-minded persons (Senate, No. 413), reports recommending that the same be amended by substituting therefor a new draft with the same title, and that, when so amended, the same will be correctly drawn.

For the committee,

C. W. GOULD.

## The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Twenty-One.

### AN ACT

To provide Assistance and Relief to Neglected, Dangerous or Uncontrolled Feeble-minded 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. Chapter one hundred and twenty-  
2 three of the General Laws is hereby amended by  
3 inserting after section sixty-six the following new  
4 section:— *Section 66A.* If an alleged feeble-  
5 minded person is found, upon examination by a  
6 physician qualified as provided by section fifty-  
7 three, to be a proper subject for commitment, the  
8 judge of probate for the county in which such  
9 person resides or is found may, upon application,  
10 commit him to a state school for the feeble-minded  
11 under the preceding section, to a department for  
12 defective delinquents under section one hundred  
13 and thirteen, or to the custody or supervision of  
14 the department of mental diseases. If he is com-  
15 mitted to the care and custody of the depart-  
16 ment of mental diseases, the commissioner shall  
17 thereafter have power, whenever advisable, to  
18 place him in a state school for the feeble-minded

19 or may cause an application to be made to a judge  
20 of probate for his commitment to a department  
21 for defective delinquents, as provided in section  
22 one hundred and thirteen.

1 SECTION 2. Said chapter one hundred and  
2 twenty-three is hereby further amended by in-  
3 serting after section eighty-nine the following ad-  
4 ditional sections: — *Section 89A.* If at any time,  
5 after study and observation, the superintendent  
6 of a state school, having custody of a person  
7 placed therein under section sixty-six A, is of  
8 opinion that such person is not defective, or that  
9 his further detention is not required for his own  
10 or the public welfare, he shall so report to the  
11 commissioner, who may thereupon discharge such  
12 person from further care and custody; and under  
13 like circumstances the superintendent or manager  
14 of a department for defective delinquents shall  
15 so certify to the commissioner, who may there-  
16 upon recommend to the commissioner of correc-  
17 tion that such person be discharged from further  
18 care and custody: *provided*, that any parent,  
19 guardian, relative or friend of a person committed  
20 to the care and custody of the department of  
21 mental diseases or to a department for defective  
22 delinquents may at any time file a petition for a  
23 hearing in the probate court of the county in  
24 which such person resided or was found when first  
25 committed to such care and custody, to establish  
26 that further custody is not required for the wel-  
27 fare of such person or the public; and upon pay-

28 ment of the necessary travelling expenses by said  
29 petitioner, from the institution or the department  
30 to which said person is committed to the place of  
31 hearing, and giving security for the payment of  
32 necessary expenses for a return to such institution  
33 or department, if a return shall be ordered, the  
34 probate court may, by order, require the attend-  
35 ance of such person upon said hearing. Upon  
36 filing with the department of mental diseases or  
37 with the commissioner of correction, as the case  
38 may be, a certified copy of said order, the com-  
39 missioner of mental diseases or the commissioner  
40 of correction shall authorize and direct the at-  
41 tendance of such person at such hearing in com-  
42 pliance with the terms of said order. Notice of  
43 such hearing and proceedings thereupon shall be  
44 such as are prescribed by the court.

45 *Section 89B.* If, upon said hearing, the con-  
46 tention of the petitioner is sustained, the probate  
47 court may order the immediate discharge of such  
48 person and file a copy of such order with the  
49 commissioner of mental diseases or the commis-  
50 sioner of correction, as the case may be, and such  
51 person shall thereupon be discharged accordingly.  
52 If such contention is not sustained, such person  
53 shall be remanded to the care and custody of the  
54 department of mental diseases or to the depart-  
55 ment for defective delinquents: *provided*, that the  
56 probate court may, in lieu of such immediate dis-  
57 charge or remand, permit such person to remain

58 in the custody of a relative or friend who shall  
59 give security, to be approved by the court, for his  
60 safe care and custody and for his appearance in  
61 court whenever required, until discharged or re-  
62 manded as herein provided.





