

By Mr. Johnston of Marshfield, petition of Philip W. Johnston and other members of the House for legislation to authorize the placement of children requiring foster care within home communities and prohibiting the separation of siblings requiring foster care services. Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT AUTHORIZING THE PLACEMENT OF CHILDREN REQUIRING FOSTER CARE WITHIN THEIR HOME COMMUNITIES AND PROHIBITING THE SEPARATION OF SIBLINGS REQUIRING 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 23 of chapter 119 of the General Laws, as most recently  
2 amended by section 2 of chapter 276 of the acts of 1975, is hereby  
3 further amended by inserting after subsection F, the following: —

4 H. Whenever the department accepts a child for foster care, group  
5 care or temporary shelter care, it shall place all such children within  
6 the jurisdiction of the city or town in which they were residing prior  
7 to the department's acceptance for care. When practicable, the  
8 department shall place all such children who are attending a municipi-  
9 pal or regional school system with the school district in which they  
10 were residing prior to the department's acceptance for care.

11 I. Whenever the department accepts two or more children for  
12 foster care, group care or temporary shelter care, under the condi-  
13 tions set forth in this section, who are residing in the same home and  
14 are related by blood or adoption or have the same guardian, said  
15 children shall be placed together in the foster home. If the social  
16 worker of said children, in his or her professional capacity, believes  
17 it is in the best interests of said children that one or more members be  
18 separated, the social worker shall request approval for such separa-  
19 tion from the commissioner of the department in writing. The  
20 commissioner shall accept, modify, or reject such request and shall

21 respond in writing within two weeks of the receipt of the request.  
22 Said social worker, upon receipt of the findings of the commis-  
23 sioner, shall implement any separation which may be approved by  
24 the commissioner within three days.

25 If the social worker deems the need for separation to be an  
26 emergency, the child may be separated for not more than seventy-  
27 two hours, provided, however, that the commissioner is notified by  
28 the supervisor of the social worker on the same day the action takes  
29 place and provided, further, that said supervisor shall approve the  
30 separation in writing. In the case of such an emergency, the commis-  
31 sioner shall make a final decision, at least orally within seventy-two  
32 hours, providing, however, that written confirmation is sent within  
33 the stated two week period.

34 It shall be the goal of the department to reunite any children, so  
35 separated. In order to facilitate reunification, the department shall  
36 conduct a review of the case of said children every ninety days. The  
37 decision shall be in writing and shall be sent to the commissioner.