HOUSE DOCKET, NO. 1546 FILED ON: 1/17/2013

HOUSE . . . . . No. 1445

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to provide for timely completion of child welfare trials.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Denise Andrews	*2nd Franklin*
Marcos A. Devers	*16th Essex*
Colleen M. Garry	*36th Middlesex*

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HOUSE . . . . . No. 1445

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1445) of Kay Khan and others for legislation to provide for the timely completion of child welfare trials. The Judiciary.

The Commonwealth of Massachusetts

An Act to provide for timely completion of child welfare trials.

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

SECTION 1. Chapter 119 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out section 25 and inserting in place thereof the following new section:-

Section 25. (a) The petition under section 24 shall be continued to a time fixed for hearing. If all parties opposing the petition file written demands for trial and serve copies of those demands on all other parties, the court shall ensure that the trial be completed no later than 90 days from the date on which the last such demand was filed and served. Any continuance agreed to by a party demanding trial shall be of reasonable length and shall toll the time period for completing the trial. If a party files and serves on all other parties a notice to withdraw the trial demand, the deadline for the completion of the trial shall no longer apply. If the trial is not completed before a deadline set under this subsection, the court shall dismiss the petition without prejudice.

(b) Pending the hearing on the merits, the court may allow the child to be placed in the care of some suitable person or licensed agency providing foster care for children or may commit the child to the custody of the department. If the court commits a child to the custody of the department, the court shall consider the provisions of section 29C and shall make the written certification and determinations required by said section 29C.