SENATE DOCKET, NO. 644 FILED ON: 1/17/2013

SENATE . . . . . No. 39

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 keep siblings together.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	*Second Middlesex and Norfolk*

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SENATE . . . . . No. 39

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 39) of Karen E. Spilka for legislation relative to the placement of foster children with their siblings. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

An Act to keep siblings together.

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. Subsection (c) of section 23 of chapter 119 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following two paragraphs:-

The department shall also seek to identify any minor sibling or half-sibling of the child. The department and the court shall ensure that children placed in or under the department's care, custody or responsibility are placed in the same home with all siblings and half-siblings unless the department shows by clear and convincing evidence that the best interests of one or more siblings require a separate placement. The court shall make specific findings to support any such best interests finding. Notwithstanding the foregoing, the department may separate a child from one or more siblings or half-siblings to avoid immediate risk of harm to any child. However, if the department does so without prior court approval, it shall file a petition for court approval of its placement decision within one business day thereafter and provide notice to all counsel in any proceeding under this chapter. The court shall hold a hearing regarding such placement change within seven days. The department shall bear the burden of showing by clear and convincing evidence that the best interests of one or more siblings require a separate placement. Any child who is placed apart from any sibling or half-sibling, even if placed with other siblings or half-siblings, may petition the court for a review and redetermination of its decision authorizing a separate placement. The department shall bear the burden of showing by clear and convincing evidence that the best interests of one or more siblings continues to require a separate placement.

If the court authorizes the department to place siblings or half-siblings in separate placements, the department shall make ongoing efforts to remedy any problems that led to the separate placements. The department shall document its efforts in the case plan. Notwithstanding the provisions of section 21 of this chapter, the court may make any order to ensure the joint placement of siblings or half-siblings as may be in the children's best interests.