HOUSE DOCKET, NO. FILED ON: 1/14/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Louis L. Kafka**

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*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 bill:

An Act Relative to Special Juveniles.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Louis L. Kafka | 8th Norfolk |

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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An Act Relative to Special Juveniles.

 *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**.** Section 21 of chapter 119 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting at the end thereof the following definition:--

“Special juvenile”, a person under the age of 21.

SECTION 2. Said chapter 119 of the General Laws, as so appearing, is hereby further amended by adding the following new section:--

Section 39DD. A person may petition the juvenile or probate court on behalf of a special juvenile within its jurisdiction alleging under oath that the special juvenile suffers or suffered from: (a) abuse; (b) abandonment; (c) neglect; or (d) any other similar basis recognized under the laws and practices of the commonwealth.

The court shall issue a notice to the parents of a special juvenile over the age 18 and to the parent or legal guardian of a special juvenile under the age of 18 to show cause why an order under this section should not be made. If the identity or whereabouts of a parent is unknown or if the parent or parents reside outside of the United States, the courts shall allow any alternative service deemed appropriate by the court.

 Hearings on petitions under this section shall take no longer than 14 days. If the court finds the allegations in the petition proved within the meaning of this chapter, it may adjudge the special juvenile dependent on the court due to abuse, abandonment, neglect, or any other similar basis and shall make written findings including, but not limited to, the following: (1) reunification with the special juvenile’s parent or parents is not viable due to the abuse, abandonment, or neglect; (2) it is not in the special juvenile’s best interest to be returned to the special juvenile's or his parent's previous country of nationality or country of last habitual residence; and (3) it is in the best interest of the special juvenile to remain in the United States. In making such adjudication, the health and safety of the special juvenile including the long-term well-being of the special juvenile shall be of paramount concern and the court may make any other appropriate orders consistent with this policy.

Any declaration of dependency under this section shall not constitute a finding of legal incompetence. Such special juveniles shall retain all legal and civil rights except those specifically suspended by the court order.