

HOUSE No. 1469

The Commonwealth of Massachusetts

PRESENTED BY:

Marc T. Lombardo

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 adoption of the accompanying bill:

An Act titled Justina's law.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>

HOUSE No. 1469

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 1469) of Marc T. Lombardo and others relative to neglect or abuse of child by a parent or legal guardian who has sought medical care for the child from a licensed medical or mental health provider. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act titled Justina's law.

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:

2 Massachusetts General Laws Chapter 119 be amended to add the following new section
3 51I:

4 51I: (a) A parent or legal guardian shall not be charged with abusing or neglecting a
5 child's need for medical care if:

6 (i) the parent or legal guardian has sought medical care for the child from a licensed
7 medical or mental health provider;

8 (ii) the licensed medical or mental health provider has made a diagnosis;

9 (iii) the licensed medical or mental health provider has prescribed a lawful course of
10 treatment; and

11 (iv) the parent or legal guardian is following or willing to follow the recommended
12 course of treatment.

13 (b) No mandatory reporter, as defined in Section 21 of this Chapter, shall file a report of
14 abuse or neglect under Section 51 of this Chapter based solely on a parent's or legal guardian's
15 decision to follow the recommended treatment of a licensed medical or mental health provider. A
16 parent or legal guardian has the right to follow the advice and treatment plan of a licensed
17 medical or mental health provider over a contrary opinion or recommended treatment plan of
18 another licensed medical or mental health provider when the decision does not involve
19 immediate life-threatening conditions. Even in the case of life-threatening conditions, the
20 decision of the parent or legal guardian to follow the advice or treatment plan of a licensed
21 medical or mental health provider shall not be overridden unless there is clear and convincing
22 evidence to the contrary.