

HOUSE No. 256

The Commonwealth of Massachusetts

PRESENTED BY:

Joan Meschino

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 promoting the placement of foster children with family members and preventing discrimination against potential foster parents based on irrelevant convictions.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------|---------------------|------------------|
| <i>Joan Meschino</i> | <i>3rd Plymouth</i> | <i>2/17/2021</i> |

HOUSE No. 256

By Ms. Meschino of Hull, a petition (accompanied by bill, House, No. 256) of Joan Meschino relative to the placement of foster children with family members and preventing discrimination against potential foster parents based on irrelevant convictions. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act promoting the placement of foster children with family members and preventing discrimination against potential foster parents based on irrelevant convictions.

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. Section 26A of Chapter 119 of the General Laws is hereby amended by
2 inserting the following two sentences at the end of subsection (h):-

3 If the crime was committed more than five years before the date on which it is reviewed
4 under this subsection, the mental health or criminal justice professional shall presume that it is
5 irrelevant to the question of whether the individual poses a risk of harm to the child, and the
6 department shall presume that the offense is irrelevant to the person’s application. The mental
7 health or criminal justice professional may not presume that any crime or group of crimes, other
8 than ones referred to in subsection (f) or (g), create a presumption that the person poses a risk of
9 harm to the child. The department may not establish any presumption that any such crime or
10 group of crimes warrants rejection of the person’s application.

11 SECTION 2. Section 26A of Chapter 119 of the General Laws is hereby amended by
12 adding the following new subsection:-

13 (i) The department may not reject a person's application to become a foster parent on the
14 basis of criminal history information other than under subsections (f), (g), and (h).