

**SENATE . . . . . No. 793**

The Commonwealth of Massachusetts

PRESENTED BY:

*Viriato M. deMacedo*

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 relative to clarifying procedures for the custodial protection of a child requiring assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>Leonard Mirra</i>	<i>2nd Essex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>
<i>Leah Cole</i>	<i>12th Essex</i>

*Kevin J. Kuros*  
*James Arciero*

*8th Worcester*  
*2nd Middlesex*

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By Mr. deMacedo, a petition (accompanied by bill, Senate, No. 793) of Viriato M. deMacedo, Timothy R. Whelan, Susan Williams Gifford, Bradley H. Jones, Jr. and other members of the General Court for legislation to clarify procedures for the custodial protection by law enforcement and court officials of a child requiring assistance. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1287 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to clarifying procedures for the custodial protection of a child requiring assistance.

*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 39H of Chapter 119 of the General Laws, as most recently  
2 amended by chapter 240 of the acts of 2012, is hereby amended by inserting in the first line of  
3 clause (ii) after the word “and” the word:- preferably.

4 SECTION 2. Section 39H of Chapter 119 of the General Laws, as so appearing in the  
5 2010 Official Edition, is hereby further amended by striking the sentence “A child in custodial  
6 protection may not be confined in shackles or similar restraints or in a court lockup facility in  
7 connection with any proceedings under sections 39E to 39I inclusive.” and inserting in place  
8 thereof :- The preferred response by law enforcement and court officials when a child is in

- 9 custodial protection in connection with any proceedings under sections 39E to 39I inclusive is to
- 10 avoid the use of shackles and court lockup facilities when practicable.