

HOUSE No. 1396

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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 to promote the well-being of minor children living with guardians.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/9/2019</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>1/22/2019</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>1/25/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/25/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/1/2019</i>

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By Mr. Donato of Medford, a petition (accompanied by bill, House, No. 1396) of Paul J. Donato and others relative to proceedings to petitions to remove guardians of minor children. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to promote the well-being of minor children living with guardians.

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 5-106 of chapter 190B of the General Laws, as appearing in the
2 2016 Official Edition, is hereby amended by inserting the following new subsection:-

3 (e) For proceedings pursuant to a petition to remove a guardian of a minor child, the
4 guardian shall have and be informed of the right to counsel, and the court shall appoint counsel if
5 the guardian is financially unable to retain counsel, when the guardian makes an initial showing
6 that he or she has been the primary caretaker for the child for at least two years or otherwise for a
7 significant part of the child’s lifetime. This time period may include care taking provided during
8 the guardianship or before the guardian was appointed.