

December 18, 2006

Speaker of the House Salvatore DiMasi
State House, Room 256
Boston, MA 02133

RE: Technical Correction to M.G.L. Chapter 28A Needed Before End of Session

Dear Mr. Speaker:

I remain deeply grateful for the trust you have placed in me as the House Chair for the Committee on Children and Families. As you know, I am extremely proud of the Committee's work, and will very much miss this responsibility when my term concludes on January 2, 2007.

But before my term ends, I think it is imperative that we correct a change that was recently enacted into law, and that has unintended adverse consequences for children and families in the adoption arena.

Earlier this year, the legal definition of "placement agencies" (Chapter 28A, Section 9) was amended to allow a well respected Massachusetts "for-profit" foster care agency to provide foster care placement services without the need to partner with a "non-profit" placement agency.

However, in the process of allowing "for-profit" *foster* care agencies to engage in foster placement services, the Commonwealth also unintentionally allowed for "for-profit" *adoption placements* in Massachusetts, a task that up until now had been the exclusive responsibility of the "non-profit" community. The introduction of for-profit adoption agencies will, as it has in other states, drive up the cost of adoption dramatically, force existing non-profit adoption agencies out of business, and cause untold harm to children, birth parents and families wishing to adopt.

The Commonwealth of Massachusetts has always been a leader in setting high ethical standards for adoption practice. Unfortunately, the consequences of this change only came to light after the law went into effect. No bill has ever been before my committee nor has any member of the legislature urged passage of this change. It is also my understanding that the proponents of the original change to allow for-profit foster care placements are in full support of the present effort to pass language stipulating that for the purposes of adoption, only non-profit agencies serve as placement agencies.

The door to "for-profit" adoption will remain open until this change in the definition of "placement agency" (as it relates to adoption) is amended. As such, and because it was not our intent to open this door in the first place, I believe that it is imperative that the enclosed

“technical correction” language be enacted as soon as possible. I respectfully ask that some variation of the enclosed language be added to any legislative vehicle that becomes available before the end of this legislative session.

Sincerely,

Representative Shirley Owens-Hick,
Chair, Committee on Children and Families

Proposed language:

Section 9 of Chapter 28A of the General Laws of the Commonwealth are hereby amended by striking out the definition of “Placement Agency” and inserting in place thereof the following:

SECTION __:

“Placement agency”, a department, agency or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the commonwealth, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under eighteen years of age, for placement in family foster care or a group care facility; and, for the purposes of adoption placement, a placement agency shall be a department, agency or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under chapter one hundred and eighty, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under the age of eighteen years of age, for placement in adoption.

SECTION __:

Section 10 of said Chapter 28A is hereby amended by striking out lines __ through __, and inserting in place thereof the following sentences: “The office shall issue and may renew a license to any foster care or group home facility organization incorporated under the laws of the commonwealth which meets applicable standards and requirements to establish and maintain a

placement agency for the sole purposes of foster care or group home facility placement. The office shall issue and may renew a license to any adoption organization incorporated under chapter one hundred and eighty which meets the applicable standards and requirements to establish and maintain a placement agency for the purpose of adoption placement.”