

Upon making support decision, DCF must “offer appropriate services to the family of [the] child . . . to prevent further injury to the child, to safeguard his welfare, **and** to preserve and stabilize family life whenever possible.” G.L. c. 119, § 51B(g) (emphasis supplied).

- Once DCF files a custody petition, parties have the “right to a service plan [] for the child and the child’s family [] **which complies with applicable state and federal laws and regulations for these plans.**” G.L. c. 119, § 29 (emphasis supplied).

- DCF must provide parents and counsel for all parties a copy of the service plan within 45 days of filing the petition. G.L. c. 119, § 29.

- “The department shall provide and administer a comprehensive child welfare program for children and families, including the following services . . .” G.L. c. 18B, § 2

DCF “**shall provide** comprehensive” programs to “strengthen and encourage family life [] assist and encourage the use by any family of all available resources” to that end, and provide substitute care “only when preventative services have failed and the family – even with “the resources **needed and provided** to” it - cannot care for and protect the child. G.L. c. 18B, § 3 (emphasis supplied).

- DCF must “provide” these services
 - “on a fair, just, and equitable basis,” *110 C.M.R.*, § 1.05;
 - to “all people in need of such services” G.L. c. 18B, § 3(c)(4); and
 - DCF must **assist** parents to
 - seek and to use these services, and
 - to work with DCF in “developing and implementing a service plan.” *110 C.M.R.*, § 1.02.

- “A service plan shall be, to the maximum extent possible, jointly developed by the Department and the family receiving services from the Department.” 110 C.M.R., § 6.07(1)
- DCF’s new assessment and case planning policy (due Oct 2015) will emphasize jointly-developed “action plans.”

- DCF “shall” collaborate with other state agencies and private groups to “assure efficient and high-quality social and educational services for persons who are unable, due to social or economic reasons, to provide such services for themselves.” G.L. c. 18B, § 3(c)(5)

- As part of its comprehensive child welfare program, DCF must provide, among other things -

casework or counseling services, training in parenting, training in home management for parents, and “family services to prevent the need for foster care.” G.L. c. 18B, § 2.

- Section 475 of the Soc Sec Act [42 USC 675] requires that a service plan include “a plan for assuring that . . . **services** are provided to the parents [and] child[] in order to improve the conditions in the parents’ home [and] facilitate the return of the child to his own safe home”

- “Except in an emergency, every family shall have a service plan prior to placing (sic) the child in care.” 110 C.M.R., § 6.06 (2)

- *See* 110 C.M.R., § 6.07 (3) (“If the parties are in agreement about some but not all of the service plan, the family member has the option of . . . adding services he/she would like the Department to offer, and signing the service plan with reservations”).

- *See* 110 C.M.R., § 6.07 (“A service plan shall at a minimum be reviewed during each case review or every six months”).

- “When the only reason for the Department’s failure to grant a request for services or increased services, or for the Department’s reduction or termination of services, is the unavailability of funds, or the unavailability of a particular service, there is no right to a Fair Hearing if: (a) services are authorized on a first come-first serve[d] basis; or (b) the reduction or termination is applied uniformly to all recipients of the particular service in that area office”. 110 C.M.R. 10.07 (1)

- “[A]ny party may have the original or changed [service] plan introduced as evidence[.]” G.L. c. 119, § 29.

- *Adoption of Lenore*, 55 Mass. App. Ct. 275, 279 n.3 (2002)(Trial court must “be vigilant to ensure” that DCF matches proffered services to the needs of the parent or other family member).

- The “motion/status conference [held] within ninety days of” the filing of the petition shall result in a status order addressing “any special issues regarding services being offered or delivered to the family pending trial requiring pretrial hearing and the scheduling thereof[.]”
Juvenile Court Rule 10A

- Rule 10B: “Nothing in this rule shall preclude the court from hearing the motions at other times in the interests of justice.”

