

■ Massachusetts GAL Volunteer Handbook

Guardian Ad Litem Resource Guide

G.L. c. 119 · Care and Protection Proceedings

2026 Edition

Massachusetts Department of Children and Families

CASA of Massachusetts · Juvenile Court Department

1. Program Overview

Massachusetts operates its Guardian Ad Litem system through a network of CASA programs coordinated under **CASA of Massachusetts**, the statewide umbrella organization. The primary state child welfare agency is the **Massachusetts Department of Children and Families (DCF)**, which handles care and protection investigations, foster care placement, and permanency planning under G.L. c. 119.

Care and protection proceedings in Massachusetts are heard in the **Juvenile Court Department**, a specialized statewide court with 11 divisions and judges who specialize in child welfare law. Massachusetts enacted comprehensive child welfare reforms in 2008 and has continued to strengthen GAL appointment requirements and children's rights protections.

State Child Welfare Agency	Massachusetts DCF
GAL Umbrella Organization	CASA of Massachusetts
Primary Governing Statute	G.L. c. 119 (Care & Protection)
Court of Jurisdiction	Juvenile Court Department
GAL Appointment Statute	G.L. c. 119, § 29
CASA Programs in MA	10+ regional CASA programs

2. Legal Foundation

Massachusetts child welfare law is primarily governed by G.L. c. 119 (Care and Protection of Children) and G.L. c. 210 (Adoption). Together these chapters define the grounds for state intervention, removal standards, placement procedures, and the termination of parental rights process.

G.L. c. 119, § 29

Guardian Ad Litem — Appointment in Care and Protection Cases

Authorizes the Juvenile Court to appoint a GAL or CASA volunteer in any care and protection proceeding. The GAL investigates the child's circumstances, advocates for the child's best interests, and reports findings to the court.

G.L. c. 119, § 24

Care and Protection Petition — Grounds for Filing

Authorizes DCF to file a care and protection petition when a child is without necessary physical or educational care, or is growing up under conditions damaging to sound character development, or lacks proper attention to health, morals, or welfare.

G.L. c. 119, § 26

Emergency Removal — DCF Authority

Authorizes DCF to remove a child on an emergency basis without prior court authorization when the child faces immediate risk of serious harm. DCF must seek a temporary custody order within 72 hours of an emergency removal.

G.L. c. 210, § 3

Termination of Parental Rights

Establishes the grounds and procedures for termination of parental rights (dispense with consent to adoption). The court must find parental unfitness and that termination is in the child's best interests. The GAL plays a central role in presenting evidence on both findings.

G.L. c. 119, § 29B

Reasonable Efforts — Required Findings

Requires the court to determine at each hearing whether DCF has made reasonable efforts to prevent removal or to reunify the family. GALs are expected to independently investigate and report on the adequacy of DCF's efforts.

G.L. c. 119, §§ 51A–51F

Mandated Reporting & Investigation

Establishes the mandated reporting framework for suspected child abuse and neglect, DCF's investigation obligations, and the 51A/51B report process. GALs should review prior 51A/51B reports as part of their case investigation.

3. Your Role as GAL

A Massachusetts GAL serves as an independent voice for the child's best interests in Juvenile Court care and protection proceedings. Unlike the child's attorney (who advocates for expressed wishes), the GAL independently investigates and advocates for what the GAL determines to be in the child's best interests.

■ Investigate	Review DCF records, 51A/51B reports, school records, medical files, and court history. Interview the child, foster parents, biological parents, teachers, and therapists. Visit the current placement and gather collateral information.
■ Advocate	Present the child's best interests in court through written reports and oral statements. Request services the child needs. Challenge DCF when reunification efforts are inadequate or when the proposed plan does not serve the child.
■ Connect	Identify and connect the child to services: tutoring, therapy, mentoring, and community supports. Coordinate with DCF, foster family, and school staff to ensure no gap in care. Identify sibling and kinship connection opportunities.
■ Report	Prepare written court reports before each hearing summarizing findings and best-interest recommendations. File with the court and serve all parties. Attend every hearing and be prepared to state your position orally.

Massachusetts Note: Despite the title, a Massachusetts GAL in a care and protection case is not the child's legal guardian and does not have legal custody. The GAL's role is to investigate, advocate for best interests, and report to the court. Clarify scope of authority with your CASA supervisor at the outset of each case.

4. The Care and Protection Process

1	Emergency Removal & 72-Hour Custody DCF removes the child based on an emergency finding of immediate risk under G.L. c. 119, § 26. DCF must obtain a temporary custody order within 72 hours or return the child.
2	Care and Protection Petition & Temporary Custody Hearing DCF files a Care and Protection Petition. A temporary custody hearing is held within 72 hours. The court determines whether continued DCF custody is necessary for the child's safety.
3	GAL Appointment The court appoints a GAL under G.L. c. 119, § 29. Make initial contact with the child and DCF social worker promptly. Review the petition and available case records through your supervisor.
4	Adjudicatory Hearing (Trial) The court conducts a trial to determine whether the child is in need of care and protection. DCF bears the burden of proof. GALs present evidence and may call witnesses.
5	Dispositional Hearing The court enters a Dispositional Order establishing DCF custody, placement, and the service plan. The GAL advocates for services addressing the child's specific needs.

6

Review Hearings (Every 6 Months)

The court reviews the service plan, placement, and case progress every 6 months. The GAL files a written report before each review assessing DCF's efforts and the child's well-being.

7

Permanency Hearing (Within 12 Months)

Within 12 months, the court holds a permanency hearing to determine the child's permanent plan: reunification, adoption, guardianship, or APPLA.

8

Termination of Parental Rights & Post-Permanency

If reunification is not achievable, DCF may petition under G.L. c. 210, § 3 to dispense with parental consent to adoption. The GAL continues to advocate through TPR and adoption finalization.

5. ICWA & Tribal Inquiry in Massachusetts

The **Indian Child Welfare Act (25 U.S.C. §§ 1901–1963)** applies in any custody proceeding involving a child who is an Indian child. Massachusetts has two federally recognized tribes: the **Mashpee Wampanoag Tribe** (Cape Cod) and the **Wampanoag Tribe of Gay Head (Aquinnah)** (Martha's Vineyard). ICWA inquiry is mandatory in every dependency case without exception.

Mandatory ICWA Inquiry Checklist:

- Ask both biological parents and any known extended family members whether the child may have any Native American or Alaska Native ancestry at the outset of every case
- Document the inquiry in your case notes — the inquiry must appear on the court record at the first hearing
- If any tribal affiliation is indicated, notify the DCF social worker immediately so the tribe can be formally notified
- The tribe — not the family, DCF, or the GAL — determines ICWA eligibility and tribal membership
- If ICWA applies, placement preferences shift to Indian family, extended family, tribal member homes, or tribal foster homes (25 U.S.C. § 1915)
- The evidentiary standard for removal changes to "active efforts" — not merely "reasonable efforts" — to prevent the breakup of the Indian family

Key Massachusetts Tribes:

Mashpee Wampanoag Tribe	Mashpee, MA — (508) 477-0208 mashpeewampanoagtribe-nsn.gov
Wampanoag Tribe of Gay Head (Aquinnah)	Aquinnah, MA — (508) 645-9265 wampanoagtribe.com
Narragansett Indian Tribe	Charlestown, RI — (401) 364-1100 (southeastern MA)
Penobscot Indian Nation	Old Town, ME — (207) 817-7300 (central/western MA)

6. Education Rights of Foster Youth

Education stability is one of the most critical advocacy areas for Massachusetts GALs. Foster children change schools far more frequently than other students, losing instructional time, credits, and support networks at each transition. Massachusetts has strong education stability laws aligned with federal ESSA requirements and McKinney-Vento.

G.L. c. 71, § 37H¾ / ESSA

School Stability — School of Origin

Massachusetts requires DCF and local school districts to collaborate to keep foster children in their school of origin when in their best interests. Transportation must be arranged without delay.

- Obtain school records and most recent report card at every case review

- Ask whether the child has an active IEP or 504 Plan — IDEA rights follow the child through placement changes
- Every Massachusetts school district must designate a Foster Care Liaison — contact this person for school of origin issues
- Massachusetts law requires enrollment within 5 school days of any placement change
- Confirm educational rights authority in the court order — GALs may have authority to consent to educational decisions in some cases
- Report chronic absenteeism (10+ days) in your court report — it is frequently the first sign of placement instability

Extended Foster Care: Massachusetts EFC program for ages 18–22 under G.L. c. 119, § 23. Youth may remain in or re-enter DCF care while completing high school, GED, post-secondary education, vocational training, or employment programs. Advocate for EFC enrollment well before a youth's 18th birthday.

7. Courtroom Practice

Before the Hearing	• File written report and serve all parties at least 5 business days before (confirm local rules) • Review prior order for compliance issues • Contact DCF caseworker to align on factual updates • Talk with the child about what will happen
During the Hearing	• Address the judge as "Your Honor" • Present report clearly and concisely • Be prepared to testify under oath • State any objections or concerns clearly on the record
After the Hearing	• Obtain a copy of the signed order from the clerk • Review order for specific compliance tasks • Communicate outcome to child in age-appropriate terms • Update case notes immediately
If You Disagree	• Contact CASA supervisor immediately — appeals have strict time limits • Document reasoning in writing in full detail • GALs have standing to raise concerns through the CASA program's legal advisor • Emergency motions may be available for urgent safety concerns

8. Local Resources — Boston Metro (Suffolk County)

CASA of Suffolk County	(617) 742-5820 casama.org
MA DCF — Suffolk County Area Office	(617) 979-8800 mass.gov/dcf
Children's Law Center of Massachusetts	(781) 581-1977 clcm.org
Massachusetts Legal Aid (MLAC)	masslegalaid.org (617) 603-1700
Boston Children's Hospital — Child Protection	(617) 355-6000 childrenshospital.org
The Home for Little Wanderers	(617) 267-3700 thehome.org
Project Place (transitional housing)	(617) 542-3740 projectplace.org
Tufts Medical Center — Child Protection Team	(617) 636-5000 tuftsmedicalcenter.org

9. Mental Health Resources

Massachusetts Behavioral Health Partnership (MBHP)	(800) 495-0086 masspartnership.com
Children's Behavioral Health Initiative (CBHI)	Through MassHealth / DCF referral
Boston Children's Hospital — Psychiatry	(617) 355-6000 childrenshospital.org
TF-CBT Provider Network (MBHP)	Request specifically from local CMH or MBHP
Massachusetts Mobile Crisis Services (24/7)	(800) 495-0086 — CBHI Mobile Crisis
988 Suicide & Crisis Lifeline	Dial or text 988 988lifeline.org

10. Housing & Basic Needs

MA Extended Foster Care Housing Support	DCF EFC Program — Ages 18–22
Covenant House Massachusetts	(617) 779-2660 covenanthouse.org/boston
MA Rental Assistance Program (RAFT)	mass.gov/raft
Youth on Fire (Cambridge)	(617) 497-7200 youthonfire.org
SNAP — MA Department of Transitional Assistance	dtaconnect.eohhs.mass.gov
WIC — Massachusetts DPH	mass.gov/wic

11. Statewide & Federal Resources

CASA of Massachusetts	casama.org (617) 742-5820
Massachusetts DCF — Statewide	(800) 792-5200 (hotline) mass.gov/dcf
Children's Law Center of MA	(781) 581-1977 clcm.org
MA Adoption Resource Exchange	(617) 964-6273 mareinc.org
Foster Care Alumni of America — MA	fostercarealumni.org
MA Court Improvement Program	Trial Court of Massachusetts CIP
Child Welfare Information Gateway	childwelfare.gov
National CASA/GAL Association	casaforchildren.org
NCTSN	nctsn.org
SAMHSA National Helpline	1-800-662-4357 (24/7)
HHS Children's Bureau Region I	Boston, MA acf.hhs.gov/cb/region/region-01

12. Court Report Writing Guide

The court report is your primary tool as a Massachusetts GAL. A well-written report educates the Juvenile Court judge on facts the court record may not otherwise reflect and translates your best-interest recommendation into a clear, credible advocacy position the court can act on.

1	Case Identification Child's initials (per court protocol), docket number, court division, hearing date, GAL name and contact. Include date of most recent in-person contact with the child.
2	Sources Reviewed List documents reviewed (DCF service plan, 51A/51B reports, school records, medical records, therapy notes, prior orders) and people interviewed. Demonstrates thoroughness to the court.
3	Current Placement & Well-Being Describe current placement, child's adjustment, and changes since the last hearing. Note physical health, emotional state, school performance, peer relationships, and sibling contact.
4	Services Status Identify each service in the service plan and whether it has been accessed. Note barriers. Flag services ordered but not provided — critical for 'reasonable efforts' advocacy.
5	Parental Progress Objectively describe parent compliance with the service plan without editorializing. Note visitation frequency and quality. The court needs documented facts to make fitness findings.
6	Child's Views Report what the child communicated about placement, school, relationships, and wishes — using the child's own words where possible. Distinguish statements from your interpretation.
7	Best-Interest Recommendation State your recommendation clearly. Be specific: 'continue current placement and order trauma-focused therapy within 30 days' is more actionable than 'ensure the child's needs are met.'
8	Requested Court Orders List the specific orders you are requesting. Proposed order language — cleared through your CASA supervisor — maximizes adoption of your recommendations verbatim in the final order.

This handbook is a reference resource only. It does not constitute legal advice. Laws, program structures, agency contacts, and resource availability change frequently. Always verify current information with your supervising GAL staff, attorney advocate, or the relevant agency before relying on it in any legal proceeding.