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### 18.01: Purpose

The purpose of 110 CMR 18.00 *et seq*. is to establish standardized procedures for the Department and its Vendor Programs regarding the review of Department history, criminal records and Sex Offender Registry Information of candidates for employment or regular volunteer or training positions, as well as for foster and pre-adoptive parents, their household members or frequent visitors to their homes. The Department of Criminal Justice Information Services (CJIS) has authorized Executive Office of Health and Human Services (EOHHS), its agencies and vendors to receive criminal record information regarding current or prospective employees and volunteers in any program funded or operated by such agencies. Pursuant to M.G.L. c. 6, § 172B CJIS also authorized DCF to receive criminal record information regarding current or prospective foster and adoptive parents and their household members. The Commonwealth has received authorization under 42 USC, § 16962 for DCF to receive fingerprint information from the Federal Bureau of Investigation (FBI) on Foster and Pre-Adoptive parents and authorized under Public Law 92-544 to receive fingerprint information on Foster/Pre-Adoptive parents household members age 15 and older.

### 18.02: Policy

It is the policy of EOHHS and DCF that individuals convicted of certain crimes pose an unacceptable risk to the vulnerable populations served by the Department and its Vendor Programs. To ensure that employees, persons regularly providing client or support services, and persons in regular unsupervised contact with client(s) including foster/pre-adoptive parents, their household members and frequent visitors are appropriate for serving Department clients, a background record check, as provided in 110 CMR 18.00, shall be performed on such individuals for positions in such programs or facilities, and on Foster/Pre-adoptive parents and their household members and frequent visitors.

### 18.03: Scope

1. The Department adopts the EOHHS CORI regulations, 101 CMR 15.00, to apply to

1. Candidates for positions, in the Department and/or Department Vendor Programs that provide people with Department services, including employment, trainee, volunteer or intern, which entail potential unsupervised client contact.
2. candidates for positions in the Department, including employment, trainee, volunteer or intern, which do not entail the potential for unsupervised client contact
3. At the discretion of the Department Vendor Programs, the scope of 110 CMR 18.00 may be expanded to include volunteers, interns, students or other persons regularly offering support to any program or facility in either a paid or unpaid capacity whose services do not entail the potential for unsupervised client contact.
4. Department Candidates for positions. 110 CMR 18.01 to 18.04, 18.07(1), 18.08(1) and 18.09(A) applies to candidates for positions in the Department, including employment, trainee, volunteer or intern.
5. Department and Vendor Program Foster/Pre-Adoptive Parents. 110 CMR 18.01 to 110 CMR 18.15 applies to persons seeking to apply to become Foster/Pre-adoptive parents, Foster/Pre-adoptive parent applicants and Foster/Pre-adoptive parents for the Department and Foster/Pre-Adoptive homes in any Vendor Program providing foster or adoptive services for the Department where a child in the Department care or custody will be placed.
6. Department Vendor Programs not Licensed by the Department of Early Education and Care (EEC). 101 CMR 15.00, *et. seq.* applies to all hiring, including employment, volunteers, trainees, interns or any other person who would be in a position to have potential unsupervised client contact by Vendor Programs not licensed by EEC.
7. Department Vendor Programs Licensed by the Department of Early Education and Care. 606 CMR 14.00, *et.seq.* governs background record checks for all hiring, including for employment, volunteers, trainees, interns or any other person who would be in a position to have potential unsupervised client contact by Vendor Programs licensed by EEC

### 18.04: Definitions

Background Record Check (BRC): The process of requesting, receiving and evaluating information provided by the CJIS, the Sex Offender Registry Board (SORB), state and national criminal history databases and information available on prior or current involvement with the Department. This check will include a Criminal Offender Record Information (CORI) check, a Sex Offender Registry Information (SORI) check, and a Department History Check. In addition, for Foster/Pre-adoptive parent applicants and their household members age 15 and older and licensed Foster/Pre-adoptive parents will include a fingerprint based check of the national crime database.

Background Record Check Unit (BRCU): The unit within the Department which processes all requests for Background Record Checks on behalf of the Department and the Vendor Programs that provides services to Department clients.

Any person seeking employment or a position as a volunteer, trainee or intern, whether with the Department or its Vendor Programs and where such employment or position involves the potential for unsupervised contact with program clients. Employment includes but is not limited to placement in: state positions; federal positions; positions funded by grants, bonds or other capital outlay; and

Vendor Positions.

CORI Liaison: The person designated by a Department regional office, area office or other Department unit with authority to receive hard copy responses from the Department Background Record Check Unit of CORI, including results from a fingerprint based check and SORI results.

Criminal Justice Official: Either the candidate’s or disqualifying person’s probation officer, parole officer or correctional facility superintendent (or designee), depending upon the person having the most recent responsibility for supervision of the candidate. In cases where the candidate or disqualifying person was last supervised in a correctional facility, the candidate or disqualifying person may advise the hiring authority of any employee of the correctional facility who may have specific information about the candidate or disqualifying person that would assist the superintendent or designee in his/her assessment process.

Criminal Offender Record Information (CORI): Information regulated by the CJIS regarding the criminal histories of persons within the Massachusetts Court system.

Department of Criminal Justice Information Services (CJIS): means the department of the Executive Office of Public Safety and Security (EOPSS) that maintains and provides information from the Commonwealth’s criminal systems.

Discretionary Disqualification: A category of offenses compiled as 110 CMR 18.15, Table B or C with the dispositions listed below in this definition, which renders a Foster/Pre-adoptive parent ineligible for such a role at the Department or a Vendor Program if they or a household member

1. has been convicted of any crime, or has pending any charge for any crime in *Table B* or *C*; or
2. has been convicted of a crime/civil infraction not in Tables A, B or C, the nature of which in the Department’s sole discretion poses a potential risk to its clients or the person’s ability to assume Foster/Pre-adoptive parent responsibilities; or
3. has been identified as the defendant in a MGL c. 209A protective order; or
4. has been charged with a Table A, B or C offense which was dismissed after receiving the disposition of court costs or other fines, restitution or community services; or
5. has been charged with an offense listed in Table A, B or C with a disposition of continued without a finding, not processed, filed, vacated, not guilty or dismissed;

unless the Department or Vendor Program has complied with the provisions of section 110 CMR 18.11 and the applicable parts of the Department’s Background Records Check policy:

Disqualifying Person: The person in the Foster/Pre-adoptive home who has a BRC which would result in the home being disqualified from being used as a Foster/Pre-adoptive home.

Fingerprint-Based Check: A taking of fingerprints submitted to the Federal Bureau of Investigation (FBI) for matching against state and national criminal history databases. The results of a fingerprint scan are then returned to the Massachusetts and made available to the Department for review and use in conducting a BRC on Foster/Pre-adoptive parents and their household members age 15 and older.

Five-Year Disqualification: A category of offenses for which conviction of any such offense on a Foster/Pre-adoptive parent or Foster/Pre-adoptive household member age 15 and older results in a disqualification as a Foster or Pre-adoptive home for the Department or Department Vendor Program for five years from the date of the arrest or arraignment.

Foster/Pre-Adoptive Parent: For the purpose of 110 CMR 18.00 *et seq*. Foster/Pre-adoptive parent means persons seeking to apply to become Foster/Pre-adoptive parents, Foster/Pre-adoptive parent applicants and current Foster/Pre-adoptive parents.

Frequent Visitor: Any individual who does not live in but spends substantial time at a Foster/Pre-adoptive parent home regardless of the reason or purpose of their visitation. Such visitors include, but are not limited to, non-custodial parents, relatives, paramours, baby-sitters, caregivers, and other individuals who perform a caregiving role to children in the home.

Hiring Authority: The person legally authorized or designated to make hiring decisions within the affected agency, department, office, program, or facility.

Household Member: Any individual, regardless of age, who resides in the Foster/Pre-adoptive home, excluding foster children or young adults in Department care or custody that have been placed in the home.

Kinship Placement: The placement of a child, who is in Department care or custody, with a person(s) related either by blood, marriage or adoption (i.e. adult sibling, grandparent, aunt, uncle, first cousin) or a significant other adult to whom a child and the child’s parent(s) ascribe the role of family based on cultural and affectional ties or individual family values.

Lifetime Disqualification: A category of offenses, compiled as 110 CMR 18.15 *Lifetime Disqualifying Crimes*, for which a felony conviction by a Foster/Pre-adoptive parent or household member age 15 and older renders the home permanently disqualified as a Foster/Pre-adoptive home for the Department or Vendor Program.

Mental Health Professional: For the purpose of meeting the requirement of 110 CMR 18.11(4), the Department may utilize a member of its staff who is qualified to render an opinion as to whether the disqualifying person poses a risk of harm to Department consumers that will be placed in the Foster/Pre-adoptive home.

Presumptive Disqualification: A category of offenses, compiled as 110 CMR 18.15: *Table A*, for which the felony conviction or pending charges, or if the Foster/Pre-Adoptive parent or a household member is listed on the SORI, results in a presumption of disqualification unless the Department or Vendor Program has complied with the provisions of section 110 CMR 18.10 and the applicable parts of the Department’s Background Record Check Policy.

No Record: The conclusion by the BRCU that a BRC produced no information or documents relevant to the individual’s ability to be a candidate for employment or a Foster/Pre-adoptive parent, household member or frequent visitor.

Pending: A criminal offense shall be considered pending if the CORI report indicates that the offense remains open and without final resolution, including that the case has been continued without a finding.

Potential Unsupervised Contact: Situations where an individual could have contact with a Department consumer when no other BRC-cleared employee is present. It does not include incidental unsupervised contact with consumers in commonly used areas such as elevators, hallways and waiting rooms but would include incidental contact in bathrooms and other isolated areas (not commonly utilized or separated by sight and sound from other staff) that are accessible to clients.

Qualified Mental Health Professional: A psychiatrist, licensed to practice medicine under M.G.L. c. 112, § 2, a psychologist, licensed under M.G.L. c. 112, §§ 118 through 121, or a licensed independent clinical social worker (LICSW) licensed under M.G.L. c. 112, §§ 130 through 132; provided that the psychiatrist, psychologist, LICSW has at least 1,000 hours of experience over a minimum of two years involving the assessment, treatment, and consultation concerning individuals with behavior that presents a risk of harm to others ; provided further that the psychiatrist, psychologist, or licensed independent clinical social worker has not provided treatment to the candidate.

Trainee: Any person enrolled in an academic program or participating in a pre or post-doctoral training program that is affiliated with an accredited educational institution or hospital, who receives a placement within Department or a Vendor Program.

Vendor Program: A program, administered by an individual, corporation, partnership, organization, trust, association, or other entity, that provides services to Department consumers under a contract issued by the Department or EOHHS on behalf of the Department in accordance with 808 CMR 1.00 or other applicable regulations.

Volunteer: Any person who works in an unpaid capacity on a regular basis for Department or a vendor agency program. For the purposes of 110 CMR 18.04, a current client of services at a facility or program who provides unpaid services at that facility or program shall not be considered a volunteer at that facility or program.

### 18.05: Foster/Pre-Adoptive Parents Disclosure of Criminal Record Information

All Foster/Pre-adoptive parents shall complete an application form that contains a section requiring the Foster/Pre-adoptive parent and their household members to disclose whether any person has

1. a criminal record, either Juvenile or Adult, including the crimes and the dispositions;
2. ever been listed on the Massachusetts SORI or any other state SORI or its equivalent; and
3. any history with the Department or a child protection agency of another state.

All Foster/Pre-adoptive parents who are licensed by the Department or a Vendor Program are required to notify the Department or Vendor Program if they, a household member or frequent visitor are arrested, whether Juvenile or Adult, or become listed on the sex offender registry.

### 18.07: Department and Vendor Program Responsibilities

(1) The Department/Vendor Program shall ensure that each candidate provides consent to a BRC as part of his/her application and to the periodic BRC during the course of employment. The hiring authority shall inform the candidate that the BRC results may be utilized by the criminal justice official or qualified mental health professional conducting themselves in conformance with 101 CMR 15.09(3) and Department personnel responsible for carrying out the provisions of 101 CMR 15.09, 110 CMR 18.08 and 18.09. Such consent and notification shall be included in the hiring authority’s employment application form. The hiring authority shall confirm an offer of a position only after the hiring authority receives written confirmation that the BRC has resulted in a finding of “no record” or until the hiring authority has complied with the requirements of 101 CMR 15.09 and 110 CMR 18.09(1).

(3) The Department/Vendor Program

shall not approve the licensing or renewal of a Foster/Pre-adoptive home until the satisfactory completion of a BRC. The Department will pay the fees associated with

the fingerprint based checks. The Department/Vendor Program shall also require a BRC on any new household member age 15 and older no later than 60 days after moving into the Foster/Pre-adoptive home.

(3) The Department/Vendor Program shall not place a Department consumer in a Foster/Pre-adoptive home with positive BRC findings until after the Foster/Pre-adoptive parents and household members 15 years of age and older are approved by the Department in accordance with 110 CMR 18.00 and the Department’s Background Record Check Policy, except as provided in 110 CMR 18.10(1)(b).

Department/Vendor Program may conduct a BRC on any household member under age 15 years of age where the Department/Vendor Program believe the youth may pose a risk to a client placed in the home. Under no circumstances may the Department/Vendor Program conduct fingerprint based checks on anyone other than the Foster/Pre-adoptive parents and household members age 15 and older unless authorized by Federal Law.

The Department/Vendor Program shall conduct a non-fingerprint based BRC on any frequent visitor to a Foster/Pre-adoptive home under the requirements established by the Department’s Background Record Check policy. Until the satisfactory completion or approval of a BRC, the frequent visitor shall not have unsupervised contact with a DCF consumer child/young adult placed in the Foster/Pre-adoptive home.

### 18.08: BACKGROUND RECORD CHECKS

1. Employees, Volunteers, Interns, Trainees

(a) All candidates who may potentially have unsupervised contact with a Department client shall complete the appropriate Employment Background Record request form.

(b) Upon a conditional offer of a position to an individual, subject to consideration of any criminal record, the completed Employment Background Record request form or electronic equivalent shall be forwarded to the BRC Unit, in accordance with Department policy.

(c) BRCs that result in a finding of “no record” shall be transmitted back to the hiring authority and shall provide sufficient evidence of suitability for hire by the Department for 60 business days.

(d) BRCs that show findings of criminal convictions in accordance with 101 CMR 15.00, SORI record or Department History shall be sent to the hiring authority for review consistent with 110 CMR 18.00.

(e) The final approval for hiring shall be with the Commissioner, the Deputy Commissioner, General Counsel or the Chief Financial Officer, depending on the position within the Department’s Organization.

1. Foster/Pre-Adoptive Parents

(a)Whenever an individual contacts the Department for the purpose of applying to be a foster or pre-adoptive parent, the individual shall complete an application that shall include an authorizations for the Department to conduct a BRC on the individual(s) applying and all household members age 15 years and older.

(b)The Department shall conduct BRCs on all Foster/Pre-adoptive parents and their household members age 15 years and older, including a fingerprint-based check.

(c) The Department/Vendor Program shall conduct a BRC on all Foster/Pre-adoptive parent(s) and their household member age 15 or older during each reassessment or license renewal of the Foster/Pre-adoptive home. Fingerprint-based checks of all Foster/Pre-adoptive parents will be conducted during the license renewal process every two years

(d) The Department/Vendor Program shall conduct BRCs of any person aged 15 years or older, other than Department consumers who become a resident of the Foster/Pre-adoptive home after licensure, including a fingerprint-based check after obtaining the consent of the new household member.

(e)The Department BRC Unit shall conduct the BRC for the Department/Vendor program in accordance with policies and procedures established by the Department.

(f) The results of the BRC shall be recorded in the Department’s Family Resource Record and transmitted to the Department employee requesting the BRC. If the BRC shows findings of a Department history, criminal record or SORI record, the Department/Vendor Program shall proceed consistent with 110 CMR 18.00, M.G.L. c. 119, § 26A, M.G.L. c. 210 § 3B and Department policy and procedures for background record checks in determining whether to approve the Foster/Pre-adoptive home.

### 18.09: BRC Approval Process

(1) Department Employees, Volunteers, Interns, Trainees.

(a) The results of the BRC shall be documented in the applicable section of the Department’s electronic employment record.

(b) A finding of “no record” for all background checks permits the Department to proceed to hire a candidate who is otherwise qualified.

(c) A finding of a criminal record is evaluated in accordance with 101 CMR 15.08 or 15.09.

(d) A finding of a SORI record is evaluated consistent with the standards and process established by 101 CMR 15.09.

(e) A finding of a Department history which reveals that the prospective employee, volunteer, intern or trainee was responsible for the abuse or neglect of a child shall be referred to the hiring authority for a review. The Department will apply the standards set out in the EEC regulations for consideration of Department history in conducting its review. The final approval for hiring shall be with the Commissioner, Deputy Commissioner, General Counsel, or the Chief Financial Officer depending on the position within the Department’s organizational structure.

(2) Foster/Pre-Adoptive Parents

(a) The results of all BRCs for the household that result in “no record” shall be recorded in the Department’s Family Resource Record.

(b) Where a BRC returns a record on a Foster/Pre-adoptive parent or household member of a conviction for an offense listed in 110 CMR 18.15: *Table of Lifetime Disqualifying* Crime, the Foster/Pre-adoptive parent shall be informed by the Department/Vendor Program that they are ineligible to be a Foster/Pre-adoptive home.

(c) a BRC returns a record on a Foster/Pre-adoptive parent or a household member of a felony conviction for physical assault, battery, or a drug-related offense committed in the 5 years prior to the BRC, the Foster/Pre-adoptive parent shall be informed by the Department or Vendor Program that they are ineligible to be a Foster/Pre-adoptive home until 5 years has passed since the crime was committed. (See, 110 CMR 18.15: *Table Of Offenses*).

(3) Where a BRC returns a “presumptive disqualification” as specified in 110 CMR 18.10(1), the Department or Vendor Program shall inform the Foster/Pre-adoptive parent that he or she is ineligible to be a Foster/Pre-adoptive parent unless there is compliance with the provisions of 110 CMR 18.10 and 18.11.

4) Where a BRC returns a “discretionary disqualification” as specified in 110 CMR 18.04, the Department or Vendor Program shall inform the Foster/Pre-adoptive parent(s) that he or she is ineligible to be a Foster/Pre-adoptive parent unless there is compliance with the provisions of 110 CMR 18.10 and 18.11.

(5) Where a BRC reveals that the Foster/Pre-adoptive parent(s) or household member has an outstanding warrant for any offense, the Department or Vendor Program shall inform the Foster/Pre-adoptive parent(s) that he or she is ineligible to be a Foster/Pre-adoptive parent until the warrant is removed.

### 18.10: Presumptive Disqualification

(1) Presumptive Disqualification. A Foster/Pre-adoptive parent(s) is ineligible to be a Foster/Pre-adoptive parent if the BRC for an applicant or household member returns a record that qualifies for presumptive disqualification unless:

(a) the disqualifying person obtains a conclusion from his/her criminal justice official in writing that the disqualifying person does not pose an unacceptable risk of harm to foster children; or

(b) a qualified mental health professional conducts an assessment (the cost of which shall be borne by the Department/Vendor Program) of the disqualifying person’s risk of harm and concludes in writing that the disqualifying person does not pose an unacceptable risk of harm to foster children.

(2) The Department or Vendor Program must comply with the provision of section 110 CMR 18.11.

(3) The Department shall not be precluded from placing the child(ren) in a kinship Foster/Pre-adoptive home prior to obtaining the evaluation required under 110 CMR 18.10(1) where the Commissioner, Deputy Commissioner for Field Operations and General Counsel have conducted a review pursuant to 110 CMR 18.11(2) and determined the placement is in the best interest of the child and the disqualifying person agrees to undergo the evaluation required by 110 CMR 18.10(1)..

### 18.11: Review and Approval of a Discretionary Disqualification

(1) Foster/Pre-adoptive homes for whom the BRC reveals a “presumptive disqualification”, who has otherwise met the requirements for further consideration set forth in 110 CMR 18.10, or a “discretionary disqualification” may receive additional review by the Department or Vendor Program to determine if the disqualifying person poses an unacceptable risk of harm to foster children who may be placed in the Foster/Pre-adoptive home. In reviewing the Foster/Pre-adoptive home’s appropriateness given the concern for client safety the Department or Vendor Program shall consider the following factors:

(a) Time since the conviction;

(b) Age of the disqualifying person at the time of the offense;

(c) Seriousness and specific circumstances of the offense;

(d) The type of crime;

(e) The number of offenses;

(f) Any relevant evidence of rehabilitation or lack thereof;

(g) Relationship of the crime and the capacity to care for children;

(h) Current and future needs of the child to be placed and the probable affect that the conviction would have on the Foster/Pre-Adoptive parent’(s) ability to fulfill those needs;

(i) The relationship, if any, between the Foster/Pre-Adoptive parent(s) and the child to be placed in the home;

(j) The opinion of community members; and

(k) Any other relevant information, including information submitted by the disqualifying person or the Foster/Pre-Adoptive parent(s).

Information considered pursuant to 110 CMR 18.11(j) may include documentation from the disqualifying person, the disqualifying person’s criminal justice official, if not already supplied pursuant to 110 CMR 18.10(1), or treating professional or other knowledgeable source, such as, the police, courts, or prosecuting attorneys. .

(2) In reviewing a request for an individual to serve as a kinship foster/pre-adoptive parent pursuant to 110 CMR 18.10(3) the Commissioner, Deputy Commissioner for Field Operations and General Counsel must find :

(a) That the prospective foster/pre-adoptive parent, or any household member, does not present a risk of harm to the child based on the existence of a criminal conviction;

(b) That the conviction did not involve a crime against or involving a child;

(c) That the foster/pre-adoptive parent has a pre-existing relationship and bond with the child;

(d) That the foster/pre-adoptive parent agrees to submit to an assessment by a qualified mental health professional within 30 days of placement; and

(e) That the Department has reviewed the enumerated factors set forth in 110 CMR 18.11(1) in determining that it is in the best interests of the child to be placed with the kinship foster/pre-adoptive parent notwithstanding the existence of a criminal conviction that would otherwise disqualify them.

(3) In reviewing a misdemeanor crime for any Foster/Pre-adoptive parent the Department or Vendor Program shall consider at a minimum the following:

1. the time that has elapsed between the date of the offense and the date of the screening, assessment or reassessment;
2. The seriousness and specific circumstances of the offense;
3. The number and nature of other offenses;
4. The age of the offender at the time at the time of the offense;
5. The findings and recommendations of the family resource worker assigned by the Department to discuss the facts surrounding the misdemeanor with the foster/pre-adoptive parent;
6. The recommendations given to the family resource worker by personal or employment references chosen by the foster/pre-adoptive parent or received otherwise;
7. The current and future needs of the child to be placed and the probable effect that the misdemeanor would have on the foster/pre-adoptive parent’s ability to fulfill those needs;
8. Any reports or recommendations received by the Department from the foster/pre-adoptive parent’s parole or probation officer should one have been assigned;
9. A copy of the police report pertaining to the offense in question if obtainable within a reasonable period of time or discussions with a police officer familiar with the facts surrounding the offense; and
10. Unless age or circumstances prevent a discussion, discussions with the child to be placed regarding his/her current and past relationship with the foster/pre-adoptive parent.

(4) Following the review, the Department or Vendor Program shall determine whether to approve or not approve the Foster/Pre-adoptive home. If the CORI or fingerprint-based check revel a conviction for any of the crimes, the approval process will require a written opinion by a mental health or criminal justice professional that the disqualifying person does not pose a risk of harm to children. The decision shall be documented through a mechanism established by the Department.

Nothing in 110 CMR 18.10 or 18.11 shall be construed as preventing the Department or a Vendor Program from deciding not to approve or license a Foster/Pre-adoptive home for any other reason.

### 18.12: Dissemination

BRC records may be disseminated only to individuals certified by the CJIS to receive such information, such as employees of the Department and its Vendor Programs after receiving specific training, and in conformity with the Department’ process to maintain the confidentiality and protection of CORI and SORI records. Willful dissemination of Criminal Offender Record Information to unauthorized individuals is punishable by a jail sentence of up to one year and/or a fine of $5,000 in addition to civil penalties, pursuant to M.G.L. c. 6 §178.

### 18.13: Severability

If any provisions of 110 CMR 18.01 through 18.15, inclusive, or the applications of such provisions to any person or circumstance are held invalid, the other provisions of said 110 CMR 18.01 through 18.15, inclusive, or the application of such provisions to any person or circumstance other than that as to which it is held invalid, shall not be affected thereby.

### 18.14: Application

To the extent 110 CMR 18.00 conflict with existing Department regulation or policy, 110 CMR 18.00 shall control.

### 18.15: Tables of Offenses

The offenses included in 110 CMR 18.15: *Tables A,B* and *C*, and *Lifetime Disqualifying* Crimes are to be construed as including all violations of Massachusetts law or similar violation of the law of another state, the United States, or a military, territorial or Native American tribal authority. The BRC Unit shall contact the Assistant Commissioner overseeing foster care and adoption, policy and practice and the General Counsel whenever a CORI investigation reveals an offense that is not included in 110 CMR 18.15: *Tables A,B*, and *C* or *Lifetime Disqualifying Crimes* and it appears similar in seriousness to included offenses. The Assistant Commissioner overseeing foster care and adoption and policy and practice and the General Counsel, in consultation with the BRC Unit, shall determine, taking into account the purposes of 110 CMR 18.00, if the offense is similar to one of the included offenses. If it is determined to be similar, then it shall be considered to be included in the same table as the included offenses. If it is determined to be not similar, then it shall be considered for inclusion into the appropriate table through the regulatory process. Nothing herein shall preclude the hiring authority from considering any criminal conviction not included in 110 CMR 18.15: *Tables A,B* and *C*.

If the BRCU is unable to determine the final disposition of a charge from the information received from the CJIS, the charge will be treated as open until such time as the disqualifying person is able to provide documentation of the final disposition of the charge, at which time the BRCU will adjust the categorization of the crime.

Charges that show a disposition of guilty, plead guilty, guilty finding, house of correction, concurrent, consecutive, split sentence, probation longer than 6 months other than pre-trial probation, suspended sentence or committed will be treated as a conviction.

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| LIFTIME DISQUALIFYING CRIMES | MGL |
| Assault and battery upon a child | c. 265 § 13J |
| Assault with Intent to Rape | c. 265, § 24 |
| Assault with Intent to Rape a Child | c. 265, §§ 23, 24B |
| Child Pornography related offenses | c. 272, §§29A, 29B, 29C |
| Enticement of a Child under 18 to engage in prostitution, human trafficking, or commercial sexual activity | c. 265, § 26D |
| Human Trafficking | c. 265, §§ 50-53 |
| Incest | c. 272, § 17 |
| Indecent Assault and Battery | c. 265, §§ 13B, 13F, 13H |
| Indecent Assault and Battery on Child under 14, Aggravated | c. 265, § 13B ½ |
| Indecent Assault and Battery on Child under 14, Aggravated, Subsequent Offense | c. 265, § 13B 3/4 |
| Inducing a Minor into Prostitution | c. 272, § 4A |
| Murder | c. 265, |
| Posing or Exhibiting a child | c. 272, § 29A |
| Prostitution, Derived Support from Child | c. 272, § 4B |
| Prostitution/Solicitation with person under 14 | c. 272, § 23A |
| Rape | c. 265, § 22 |
| Rape of Child with Force | c. 265, § 22A |
| Rape of Child with Force, Aggravated | c. 265, § 22B |
| Rape of Child with Force, Aggravated, Subsequent Offense | c. 265, § 22C |
| Rape and Abuse of Child Aggravated by age | c. 265, § 23A |
| Rape and Abuse of Child by Previous Offender | c. 265, § 23B |
| Sexual Conduct with Child under 14, pay for or for fee | c. 272, § 53A(b) |
| Unnatural acts with a Child under 16 | c. 272, § 35A |

The felony convictions that will disqualify a person from being a Foster or Pre-adoptive parent or living in a Foster or Pre-Adoptive parent household as specified in 110 CMR 18.09(2)© are identified in Table A, B or C with an “\*”.

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| TABLE A | MGL |
| A&B, DANGEROUS WEAPON, VICT 60+\* | c.265 § 15A(a) |
| A&B ON ELDER OR PERSON WITH DISABILITY\* | c. 265, § 13K |
| A&B INTIMIDATION, RACE/COLOR/RELIGION\* | c. 265, 39(a), 39(b) |
| A&B ON RETARDED PERSON | c.265 §13F |
| ABUSE OF PATIENT IN LONG TERM CARE FACILITY\* | c. 265, § 38 |
| ADMINISTERING DRUGS/SEX | c.272 § 3 |
| AGGREVATED ASSULT\* | c. 265, § 13A(6) |
| ARMED ASSAULT W/INTENT TO MURDER OR ROB\* | c.265 § 18(b) |
| ARMED ASSAULT W/INTENT TO MURDER OR ROB, VICT 60\* | c.265 § 18(a) |
| ARMED ASSAULT, DWELLING, W/FELONY INTENT\* | c.265 § 18A |
| ARMED CARJACKING | c.265 §21A |
| ARMED CAREER CRIMINAL | c. 269, § 10G |
| ARMED ROBBERY | c.265 § 17 |
| ASSAULT BY DANGEROUS WEAPON, VICTIM 60 OR OLDER\* | c. |
| ASSAULT W/INTENT TO MURDER OR MAIM\* | c.265 § 15 |
| ATTEMPT ESCAPE OR ESCAPE BY PRISONER OR SEX/DANG | c.268 § 16 |
| ATTEMPT TO MURDER | c.265 § 16 |
| BURNING DWELLING HOUSE | c.266 § 1 |
| CHILD ENTICEMENT\* | c. 265, § 26c |
| CIVIL RIGHTS VIOLATION, BODILY INJURY\* | c. 265, § 37 |
| DISTRIBUTE CONTROLLED SUBSTAN, MINOR | c.94C § 32F |
| ELDER/DISABLED PERMIT ABUSE ON | c. 265, §13K(A ½) |
| EXTORTION | c.265 § 25 |
| FAILURE TO REGISTER AS A SEX OFFENDER | c. 6, § 178H |
| FIREARM, ARMED CAREER CRIMINAL | c. 269, § 10G |
| HOME INVASION | c.265 §18C |
| IDENTITY FRAUD | c. 266, § 37e |
| INDECENT A&B ON DISABLED PERSON OVER 60\* | c. 265, § 13K |
| INDUCE MINOR TO DISTRIBUTE DRUGS\* | c. 94c, § 32K |
| INTIMIDATION OF WITNESS | c.268 § 13B |
| KIDNAPPING | c.265 § 26 |
| LEWD CONDUCT WITH MIONOR | c. 272, § 35A |
| MALICIOUS EXPLOSION | c.266 §101 |
| MANSLAUGHTER, NEGLIGENCE (MINOR/CHILD) | c.265 § 13 |
| MANSLAUGHTER | c.265 § 13 |
| MAYHEM | c.265 §14 |
| OBSCENE PICTURES DISTRIBUTING | C. 272, §§ 28-29 |
| PERJURY | c.268 § 1 |
| PHOTOGRAPH UNSUSPECTING NUDE PERSON | c.272, § 104(b) |
| PHOTOGRAPH UNSUSPECTING NUDE PERSON, DISEMINATE | c. 272, § 104(c) |
| PROSTITUTION, DERIVED SUPPORT FROM | c. 272, § 7 |
| PROSTITUTION, MAINTAIN HOUSE HOF | c. 272, § 6 |
| RECKLESS ENDANGERMENT TO CHILDREN | c. 265, § 13L |
| SEXUAL INTERCOURSE INDUCE MINOR | c. 272, § 4 |
| SEXUAL RELATIONS WITH INMATE BY EMPLOYEE CORREACTIONAL INSTITUTE | c. 268, § 21A |
| TRAFFICKING IN COCAINE\* | c.94C § 32E(b)(4) |
| TRAFFICKING IN HEROIN\* | c.94C § 32E(c)(4) |
| TRAFFICKING IN MARIJUANA\* | c.94C § 32E(a)(4) |
| WEAPON OF MASS DESTRUCTION | c. 266, § 102C |
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| CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES |  |
| ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY |  |
| ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY |  |
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| TABLE B | MGL |
| A& B DANGEROUS WEAPON\* | c.265 § 15A |
| ACCESSORY AFTER FACT(VARIABLE) | c.274 § 4 |
| AID ESCAPE FROM CUSTODY | c.268 § 17 |
| ASSAULT BY DANGEROUS WEAPON \* | c.265 § 15B(b) |
| ATTEMPT TO BURN DWELLING HOUSE | c.266 § 5A |
| ATTEMPTED EXTORTION | c.265 §25 |
| BOMB SCARE | c.269 § 14 |
| B&E DAY, INTENT COMM FELONY | c.266 § 18 |
| B&E DAY, INTEND COMM FELONY, FEAR | c.266 § 17 |
| B&E NIGHT, BLDG/SHIP/M/V, INTEND COMM FELONY | c.266 § 16 |
| B&E TRUCK, INTEND COMM FELONY | c.266 § 20A |
| BODY ARMOR US, IN COMMISSIONER OF FELONY | c. 269, § 10D |
| BRIBERY OF A POLICE OFFICER | c.268 § 2 |
| BURGLARY, ARMED | c.266 §14 |
| BURGLARY, UNARMED | c.266 § 15 |
| BURNING BUILDING | c.266 § 2 |
| BURNING M/V OR PERSONAL PROPERTY | c.266 § 5 |
| BURNING TO DEFRAUD INSURANCE CO. | c.266 § 10 |
| CARJACKING | c. 265, § 21A |
| CARRYING DANGEROUS WEAPON | c. 269§ 10 |
| CARRYING DANGEROUS WEAPON, COMMITTING FELONY | c.269 § 10(b) |
| CARRYING DANGEROUS WEAPON, SUB OFFENSE | c.269 § 10(d) |
| CARRYING LOADED RIFLE/SHOTGUN, PUBLIC WAY | c.269 § 12D |
| COMPOUNDING FELONY | c.268 § 36 |
| CONTRIBUTE DELINQUENCY CHILD | c.119 § 63 |
| COUNTERFEITING RELATED CRIMES | c. 267, § 10, 12, 13, 17 |
| CRIMINAL HARASSMENT | c. 265, § 43A |
| DELIVER ARTICLES TO INMATE | c.268 § 31 |
| DELIVER DRUGS TO PRISONER | c.268 § 28 |
| DRUG PARAPHENELIA \* | c.94C § 32I(a) |
| ENTER W/O BRK, BLDG/SHP/M/V, INT FEL , FEAR | c.266 § 17 |
| ENTER W/O BRK, NIGHT, DWELL, INTEND COMM FELONY | c.266 § 18 |
| ENTICE FEMALE, SEX, INTERCOURSE | c.272 § 2 |
| ESCAPE, FURLOUGH | c.268 § 16 |
| ESCAPE BY PRISONER | c.268 §16 |
| FALSE INFORMATION FOR GUN PERMIT | c.140 § 129 |
| FORGERY, ALTER PRESCRIPTION | c.94C § 33(b) |
| FUGITIVE FROM JUSTICE | c.276 § 20A |
| INVOLUNTARY MANSLAUGHTER | c.265 §13 |
| KIDNAPPING MINOR BY RELATIVE | c.265 § 26A |
| KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY | c.265 § 26A |
| LARCENY, BANK EMPLOYEE OR OFFICER | c.266 § 52 |
| LARCENY, CONTROLLED SUBSTANCE, FROM AUTHORIZED PERSON | c.94C § 37 |
| LARCENY FIREARM | c.266 § 30 |
| LARCENY, PERSON | c.266 § 25 |
| LARCENY, PERSON 65+ | c.266 § 25 |
| MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE\* | c.94C § 32 |
| MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE\* | c.94C § 32A |
| MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE\* | c.94C § 32B |
| MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE | c.94C § 32C |
| MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE\* | c.94C § 32A |
| MFG/DIST/DISPENSE CL A W/IN 1000FT SCHOOL\* | c.94C § 32J |
| MFG/DIST/DISPENSE CL B W/IN 1000FT SCHOOL\* | c.94C § 32J |
| M/V HOMICIDE, NEGLIGENT OPERATION | c.90 § 24G(b) |
| M/V HOMICIDE, RECKLESS OPERATION | c.90 § 24G(b) |
| M/V HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENT OR RECKLESS\* | c.90 § 24G(a) |
| M/V HOMICIDE, UNDER INFLUENCE LIQUOR\* | c.90 § 24G(b) |
| M/V HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENT OR RECKLESS\* | c. 90 §24G(b) |
| OPERATE M/V UNDER INFLUENCE, SERIOUS INJURY | c.90 §24(1)(a)(1) |
| OPERATE M/V UNDER INFLUENCE, DRUGS, 3RD OFFENSE | c.90 §24(1)(a)(1) |
| OPERATE M/V UNDER INFLUENCE, LIQUOR, 3RD OFFENSE | c.90 § 24 |
| OPERATE M//V UNDER INFLUENCE, (2 or more convictions) | c.90 § 24 |
| POSSESS BURGLARIOUS TOOLS | c.266 § 49 |
| POSS CL A SUB W/INT TO DIST W/INT 1000FT SCHOOL\* | c.94C § 32J |
| POSS CL B SUB W/INT TO DIST W/INT 1000FT SCHOOL\* | c.94C § 32J |
| POSS CL B SUB W/INT TO DIST/MFG/CULT W/INT 1000FT SCHOOL\* | c.94C § 32J |
| POSSESS CLASS A SUBSTANCE | c.94C §34 |
| POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE\* | c.94C § 32(a) |
| POSSESS CLASS B SUBSTANCE | c.94C §34 |
| POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE\* | c.94C § 32A(a) |
| POSSESS CLASS B SUBSTANCE, W/INTENT DIST/MFG\* | c.94C § 32A |
| POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE\* | c.94C § 32B(a) |
| POSSESS CLASS C SUBSTANCE, SUB OFFENSE | c.94C §34 |
| POSSESS CLASS D SUBSTANCE, SUB OFFENSE | c.94C §34 |
| POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE \* | c.94C § 32C(a) |
| POSS CLASS D SUB W/INT TO DIST W/INT 1000FT SCHOOL\* | c.94C §32J |
| POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE | c.94C § 32D |
| POSSESS CONTROLLED SUB W/INTENT DISTRIB, SUB OFF\* | c.94C § 32(b) |
| POSSESS FIREARM W/O LICENSE | c.269 §10(h) |
| POSSESS FIREARM, SERIAL/ID NUM OBLIT | c.269 § 11C |
| POSSESS FIREARM, SERIAL/ID NUM OBLIT, COMM FELONY | c.269 § 11B |
| POSSESS INFERNAL MACHINE | c.266 § 102A |
| POSSESS MACHINE GUN W/O LICENSE |  |
| POSSESS MACHINE GUN OR SAWED OFF SHOT GUN, SUB OFFENSE | c.269 § 10D |
| POSSESS M/V MASTER KEY | c.266 § 49 |
| POSSESS MATTER HARMFUL MINOR | c.272 § 28 |
| POSSESS SHOTGUN, BARREL UND 18 “SAWED OFF” | c.269 § 10C |
| POSSESS SHOTGUN, BARREL UND 18 “SAWED OFF, SUB OFF | c.269 § 10D |
| RECEIVE/BUY STOLEN M/V | c.266 § 28(a) |
| ROBBERY, BANK | c. 265, § 17 |
| SELL AMMUNITON W/O LICENSE | c.140 § 122B |
| SELL OBSCENE LITERATURE, UNDER 18 | c.272 § 28 |
| SELL FIREARM W/O LICENSE | c.140 § 128 |
| THROW EXPLOSIVES | c.266 § 102 |
| TRAFFICKING IN COCAINE W/ IN 1000FT SCHOOL\* | c.94C § 32J |
| TRAFFICKING IN HEROIN W/ IN 1000FT SCHOOL\* | c.94C § 32J |
| TRAFFICKING IN MARIJ W/ IN 1000FT SCHOOL\* | c.94C § 32J |
| UNARMED ASSAULT, INTENT TO ROB \* | c.265 § 20 |
| UNARMED ROBBERY | c.265 § 19(b) |
| UNARMED ROBBERY, VICTIM 60 | c.265 § 19(a) |
| UNLAWFULLY OBTAINED CONTROLLED SUBSTANCE | c. 94C, § 33 |
| UNLAWFUL POSSESSION, BOMB | c.148 § 35 |
| UNLAWFUL POSSESSION, FIREARM, COMMISSION FELONY | c.265 § 18B |
| UNLAWFULLY PLACE EXPLOSIVES | c.266 § 102 |
| UNNATURAL ACTS | c.272 § 35 |
| UTTER FALSE PRESCRIPTION | c.94C § 33 |
| VANDALIZE CHURCH/SYNAGOGUE/CEMETERY | c.266 § 127A |
| VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG | c.266 § 98 |
| VIOLATE DOMESTIC PROTECTIVE ORDER | c.208 § 34C |
| VIOLATE STALKING LAW | c.265 § 43(a) |
| VIOLATION OF PROTECTIVE ORDER (209A) | c.209A § 7 |
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| CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES |  |
| ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY |  |
| ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY |  |
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| TABLE C | MGL |
| A&B | c.265 § 13A |
| A&B ON PUBLIC SERVANT | c.265 § 13D |
| A&B ON POLICE OFFICER | c.265 § 13D |
| A&B OR ASSAULT ON CORRECTIONAL OFFICER | c.127 § 38B |
| ABANDON W/O SUPPORT OF SPOUSE, OR MINOR CHILD | c.273 § 1(1) |
| ABANDON M/V | c.90 § 22B |
| ACCOSTING | c.272 § 53 |
| ADULTERATION ALCOHOLIC BEVERAGE | c.138 § 16 |
| AFFRAY | c.272 § 53 |
| ALIEN IN POSSESS OF FIREARM | c.140 § 13H |
| ANNOYING PHONE CALLS | c.269 § 14A |
| ASSAULT | c.265 § 13A |
| ATTEMPT TO INJURE DEPOSITORY OF VALUABLES | c.266 § 16 |
| B&E, INTEND TO COMM MISDEMEANOR | c.266 § 16A |
| B&E RAILROAD CAR | c.266 § 19 |
| B&E RECOGNIZANCE VIOLATION | c.276 § 82A |
| BEING PRESENT WHERE HEROIN KEPT | c.94C § 35 |
| CIVIL RIGHTS VIOLATION, NO BODILY INJURY | c.265 § 37 |
| CREDIT CARD, LARCENY OF | c.266 § 37B |
| CRUELTY TO ANIMALS | c.272 § 77 |
| DISCHARGING FIREARM, 500FT | c.269 § 12E |
| DISCHARGING WEAPON NEAR HIGHWAY/DWELL, HUN | c.131 § 58 |
| DISPENSE CONTROLLED SUBSTANCE, NOT REGISTERED | c.94C § 25 |
| DISTRIBUTE CONTROLLED, SUBSTAN W/O PRESCRIPTION | c.94C § 25(1) |
| ENGAGING IN SEX, PROSTITUTION, “JOHN” | c.272 § 53A |
| ENTER W/O BRK, TRUCK, INTEND COMM FELONY | c.266 § 20A |
| FAIL TO KEEP RECORDS ON CONTROLLED SUBSTANCE | c.94C § 15 |
| GAMING, IMPLEMENTS FOUND PRESENT, MANAGER | c.271 § 17 |
| GAMING, IMPLEMENTS FOUND PRESENT, OWNER | c.271 § 17 |
| HOUSE OF ILL FAME | c.272 § 24 |
| ILLEGAL POSSESS CLASS C SUBSTANCE | c.94C § 34 |
| ILLEGAL POSSESS CLASS D SUBSTANCE | c.94C § 34 |
| ILLEGAL POSSESS CLASS E SUBSTANCE | c.94C § 34 |
| INDECENT EXPOSURE | c.272 § 53 |
| LARCENY BY CHECK | c.266 § 37 |
| LARCENY MORE | c.266 §30 |
| LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR | c.266 § 20 |
| LARCENY IN TRUCK/TRAILER | c.266 § 20B |
| LARCENY, M/V OR TRAILER | c.266 § 28 |
| LEAVE COMM W/O SUPPORT MINOR CHILD OUT OF WDLOCK | c.273 § 15 |
| LEAVE COMM W/O SUPPORT OF SPOUSE & MINOR CHILD | c.273 § 1 |
| LEAVE SCENE AFTER PERSONAL INJURY, M/V | c.90 § 24(2)(a1/2)(1) |
| LEWD & LASCIVIOUS SPEECH & BEHAVIOR | c.272 § 53 |
| LEWD & LASCIVIOUS COHABITATION | c. 272, § 16 |
| MALICIOUS DESTRUC, PERS/REAL PROP, OVER $250 | c.266 § 127 |
| MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE | c.94C § 32D(a) |
| MISUSE SEX OFFENDER REGISTRY | c. 6, § 178 |
| NON-SUPPORT OF MINOR CHILD OUT OF WEDLOCK | c.273 § 15 |
| NON-SUPPORT OF MINOR CHILD(REN) | c.273 §1 |
| OBSCENE TELEPHONE CALLS | c.269 § 14A |
| OBSTRUCT JUSTICE | c.268 § 34 |
| OPEN & GROSS LEWDNESS | c.272 § 16 |
| OPERATE M/V AFTER LICENSE REVOKED FOR DRUNK DRIVING | c.90 § 23 |
| OPERATE M/V UNDER INFLUENCE, DRUGS | c.90 § 24(1)(a)(1) |
| OPERATE M/V UNDER INFLUENCE, LIQUOR | c.90 § 24 |
| POSSESS ALTERED FID CARD | c.140 § 1311 |
| POSSESS COUNTERFEIT SUBS W/INTENT DISTRIBUTE | c.94C § 32G |
| POSSESS DANGEROUS WEAPON UNLAWFULLY | c.269 § 10(b) |
| POSSESS HYPODERMIC SYRINGE OR NEEDLE | c.94C § 27 |
| POSSESS OBSCENE “PORNOGRAPHIC” MATERIAL | c.272 § 29 |
| PROCURE LIQUOR FOR MINOR | c.138 § 34 |
| PROSTITUTION | c.272 § 53A |
| RECEIVE STOLEN PROPERTY, OVER 250 | c.266 § 60 |
| REFUSE TO PROVIDE A DNA SAMPLE | c. 23E, § 11C |
| RIOT | c.269 § 1 |
| SELL/DELIVER ALCOHOLIC BEVERAGES PERSON UNDER 21 | c.138 § 34 |
| SOLICITING PROSTITUTE | c.272 § 8 |
| SHOPLIFTING, 3RD OR SUB OFFENSE | c.266 § 30A |
| SODOMY | c.272 § 34 |
| TAKING M/V W/O AUTHORITY, STEAL PARTS | c.266 § 28 |
| TELECOMMUNICATIONS FRAUD | c.166 § 42A |
| UNAUTHORIZED USE, CREDIT CARD, OVER $250 | c.266 § 37C |
| UNLAWFUL POSSESSION, SHOTGUN | c.140 § 129C |
| USE M/V, COMMISSION OF FELONY | c.90 § 24(2)(a) |
| UTTER FORGED INSTRUMENT | c.267 § 5 |
| VIOLATE SUPPORT ORDER | c.273 §1 |
| VIOLATE SUPPORT ORDER, MINOR CHILD OUT OF WDLOCK | c.273 § 15 |
| WANTON DESTRUCTION, PERS/REAL PROPERTY | c.272 § 73 |
| WILLFULLY & MALICIOUSLY BURN M/V | c.266 § 127 |
| WILLFULLY & MALICIOUSLY KILL BEAST | c.266 §127 |
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| CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES |  |
| ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY |  |
| ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY |  |
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REGULATORY AUTHORITY

110 CMR 18.00: M.G.L. c. 18B, § 7(i), M.G.L. c. 30A, M.G.L. c. 119, § 26A,.