# HOUSE . . . . . . . No. 1566

By Mr. Mofenson of Newton, petition of David J. Mofenson for legislation to establish a children's legal advocacy committee. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Eight.

AN ACT ESTABLISHING A CHILDREN'S LEGAL ADVOCACY COMMITTEE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 221 of the General Laws is hereby amended by inserting
2 after section 34E the following new section: —
3 *Section 34F.* There shall be a children's legal advocacy
4 committee consisting of fifteen persons, fourteen of whom shall be
5 appointed by the justices of the supreme judicial court and one of
6 whom shall be the director of the office for children. Committee
7 members appointed by said justices shall serve for a term of three
8 years; provided, that of the first fourteen appointees, seven shall be
9 appointed for a term of one year and seven shall be appointed for a
10 term of two years. A committee member appointed by said justices
11 may be reappointed. The committee members appointed by said
12 justices may be removed and vacancies of such members shall be
13 filled in such manner as said justices may determine. A committee
14 member shall serve without compensation but shall be reimbursed
15 for necessary expenses incurred in the performance of his duties.
16 The committee shall appoint and may remove an executive
17 director to carry out such duties as the committee may determine.
18 The committee shall also appoint such other personnel as it
19 determines necessary. The executive director shall receive such
20 salary as the committee, with the approval of the governor, shall
21 determine.
22 Any practicing member of the bar of the commonwealth who
23 wishes to serve as a legal advisor for children may submit his name,
24 office address and telephone number to the committee which shall
25 compile a list of such names submitted, dividing the names into
26 groups of lawyers practicing within each of the regions as used by

27  the office for children. The committee shall circulate such lists to
28  the juvenile courts, the district courts and the probate courts of the
29  commonwealth and to the office for children. The list shall be kept
30  current.

31      A juvenile court, a juvenile session of a district court, or a
32  probate court shall appoint from a list, a lawyer, who practices in
33  the same or adjoining region as that in which the court is situated,
34  to represent any child who is the subject of a petition under sections
35  twenty-three, twenty-four, or thirty-nine E of chapter one hundred
36  and nineteen. A legal advisor for children so appointed shall
37  represent such child at all stages of the proceedings including
38  appeals and out of court conferences.

39      The committee shall annually establish and approve a fee
40  schedule to compensate the lawyer for services rendered. The court
41  shall compensate the legal advocate for a child upon certification
42  by the appointed judge that services were rendered.

43      The committee shall conduct a continuing program to inform
44  members of the bar of the commonwealth about the legal rights of
45  children and methods of representing children in court.

46      The committee shall adopt and may amend such rules and
47  regulations as may be necessary for the conduct of its affairs.

48      The committee shall prepare and submit a report to the justices
49  of the supreme judicial court, the governor and the general court
50  on the first wednesday of September. Such report shall include a
51  review of the committee's work for the year and may include
52  recommendations for legislation related to the rights of children.

53      The committee shall be eligible for federal funds and may accept
54  gifts, grants, or contributions from any source and may expend
55  such funds to carry out the purposes of this section.

56      The committee may enter into contracts with public or private
57  agencies to carry out the purposes of this section.