

By Mr. Creedon of Brockton, petition of Robert S. Creedon, Jr., for legislation to provide for the establishment of a juvenile court in the city of Brockton. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A JUVENILE COURT IN THE CITY OF BROCKTON.

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

1 SECTION 1. A juvenile court is hereby established in the
2 city of Brockton to be known as the Brockton juvenile court.

1 SECTION 2. Suitable rooms for the sittings of the Brockton
2 juvenile court and for the officers thereof shall be provided in
3 the courthouse of the Brockton district court, or at such other
4 place in the city of Brockton as the county commissioners of
5 the county of Plymouth may determine.

1 SECTION 3. Section 49 of chapter 35 of the General Laws,
2 as most recently amended by section 3 of chapter 859 of the
3 acts of 1969, is hereby further amended by striking out the
4 first sentence and inserting in place thereof the following sen-
5 tence: —

6 Every office and position whereof the salary is wholly pay-
7 able from the treasury of one or more counties, or from funds
8 administered by and through county officials, excluding the
9 offices of county commissioners, the clerk and the assistant
10 clerks of the superior court for civil business in the county of
11 Suffolk, the clerk and assistant clerks of the superior court for
12 criminal business in the county of Suffolk, clerks and assistant
13 clerks of the courts, the assistant clerk and second assistant
14 clerk of the supreme judicial court for the county of Suffolk,
15 the register of deeds and the assistant registers of deeds for the
16 county of Suffolk, the sheriff of the county of Suffolk, the

17 assistant registers of deeds for the southern district of Middle-
18 sex, official stenographers, additional stenographers and tempo-
19 rary stenographers of the superior court in the county of
20 Suffolk, justices and special justices of the district courts, the
21 messenger of the superior court in the county of Suffolk, the
22 secretary and assistant secretary of the municipal court of the
23 city of Boston, clerks and assistant clerks of the district courts,
24 and the Boston, Brockton, Worcester and Springfield juvenile
25 courts, and excluding other offices and positions filled by
26 appointment of the governor with the advice and consent of
27 the council, court officers appointed in Suffolk county under
28 section seventy of chapter two hundred and twenty-one, court
29 officers in attendance upon the municipal court of the city of
30 Boston, court officers in attendance upon the probate court in
31 the county of Essex, and probation officers, but including the
32 officer described in the first sentence of section seventy-six of
33 said chapter two hundred and twenty-one, shall be classified by
34 the board in the manner provided by sections forty-eight to
35 fifty-six, inclusive, and every such office and position, now
36 existing or hereafter established, shall be allocated by the board
37 to its proper place in such classification.

1 SECTION 4. The first paragraph of section 65A of chapter
2 32 of the General Laws, as most recently amended by section
3 4 of chapter 859 of the acts of 1969, is hereby further
4 amended by striking out the first sentence and inserting in
5 place thereof the following sentence: —

6 A chief justice or any associate justice of the supreme
7 judicial court, the superior court or the municipal court of the
8 city of Boston, any judge or associate judge of the land court,
9 any judge of probate and insolvency, a justice of any district
10 court other than the municipal court of the city of Boston, or
11 a justice of the Boston juvenile court, the Worcester, Brockton
12 or the Springfield juvenile court, who shall be retired under
13 Article LVIII of the Amendments to the Constitution shall
14 thereupon be entitled to receive a pension for life at an annual
15 rate equal to three fourths of the annual rate of salary payable
16 to him at the time of such retirement, to be paid from the
17 same source and in the same manner as the salaries of like
18 judicial officers of his court are paid.

1 SECTION 5. Section 2 of chapter 76 of the General Laws,
2 as most recently amended by section 5 of chapter 859 of the
3 acts of 1969, is hereby further amended by inserting after the
4 fifth sentence the following sentence: —

5 The Brockton juvenile court shall have jurisdiction, concur-
6 rent with the district court of Brockton, of complaints here-
7 under.

1 SECTION 6. Section 11 of chapter 77 of the General Laws,
2 as most recently amended by section 6 of chapter 859 of the
3 acts of 1969, is hereby further amended by striking out the
4 first sentence and inserting in place thereof the following sen-
5 tence: —

6 The Boston juvenile court, the Brockton juvenile court, the
7 Worcester juvenile court and the Springfield juvenile court and
8 the district courts, except the municipal and district courts
9 located within the territorial limits of said juvenile courts, shall
10 have jurisdiction of offenses arising under section one of
11 chapter seventy-six and under this chapter.

1 SECTION 7. Section 23 of chapter 119 of the General Laws
2 is hereby amended by striking out subsection D, as appearing
3 in section 7 of chapter 859 of the acts of 1969 and inserting in
4 place thereof the following subsection: —

5 *D.* The department shall accept on commitment from the
6 Boston juvenile court, the Brockton juvenile court, the Worces-
7 ter juvenile court and the Springfield juvenile court and from
8 any juvenile session of a district court of the commonwealth or
9 from any superior civil court of the commonwealth any child
10 under sixteen years of age declared in need of foster care under
11 section twenty-six.

1 SECTION 8. Section 24 of said chapter 119, as appearing in
2 section 8 of said chapter 859, is hereby amended by striking
3 out the first sentence and inserting in place thereof the follow-
4 ing sentence: —

5 The Boston juvenile court, the Brockton juvenile court, the
6 Worcester juvenile court and the Springfield juvenile court or
7 the juvenile sessions of any district court of the common-

8 wealth, except the municipal and district courts located within
9 the territorial limits of said juvenile courts, upon the petition
10 of any person alleging on behalf of a child under the age of
11 sixteen years within the jurisdiction of said court that said
12 child is without necessary and proper physical, educational or
13 moral care and discipline, or is growing up under conditions or
14 circumstances damaging to a child's sound character develop-
15 ment, or who lacks proper attention of parent, guardian with
16 care and custody, or custodian, and whose parents or guardian
17 are unwilling, incompetent or unavailable to provide such care,
18 may issue a precept to bring such child before said court, shall
19 issue a notice to the department, and shall issue summons to
20 both parents of the child to show cause why the child should
21 not be committed to the custody of the department of public
22 welfare or other appropriate order made.

1 SECTION 9. Section 52 of said chapter 119 is hereby
2 amended by striking out the definition of "Court", as amended
3 by section 9 of said chapter 859, and inserting in place thereof
4 the following definition: —

5 "Court", the Boston juvenile court, the Brockton juvenile
6 court, the Worcester juvenile court, the Springfield juvenile
7 court or a district court, except the municipal court of the city
8 of Boston, the municipal court of the Roxbury district, the
9 central district court of Worcester and the district court of
10 Springfield.

1 SECTION 10. Section 58 of said chapter 119 is hereby
2 amended by striking out the fourth paragraph, as appearing in
3 section 10 of said chapter 859, and inserting in place thereof
4 the following paragraph: —

5 If a child adjudged a wayward child or delinquent child is
6 placed on probation by the superior court, he may be placed in
7 the care of a probation officer of the district court, including
8 in that term the Boston, the Brockton juvenile court, the
9 Worcester and the Springfield juvenile courts, within the judi-
10 cial district in which such child resides.

1 SECTION 11. Section 63 of said chapter 119 as most re-
2 cently amended by section 11 of chapter 859, is hereby further
3 amended by adding the following sentence: —

4 The Brockton juvenile court shall have jurisdiction, concur-
5 rent with the district court of Brockton, of complaints here-
6 under.

1 SECTION 12. Section 68 of said chapter 119 is hereby
2 amended by striking out the third paragraph, as appearing in
3 section 12 of said chapter 859, and inserting in place thereof
4 the following paragraph: —

5 A child between seven and seventeen years of age so com-
6 mitted by the court to jail or to the youth service board to
7 await further examination or trial by the Boston juvenile court,
8 the Brockton juvenile court, the Worcester juvenile court, the
9 Springfield juvenile court, a district court of the superior court
10 shall be returned thereto within fifteen days after the date of
11 the order of such commitment, and final disposition of the
12 case shall thereupon be made by adjudication or otherwise,
13 unless, in the opinion of the court, the interest of the child
14 and the public otherwise require.

1 SECTION 13. Section 1 of chapter 218 of the General Laws
2 is hereby amended by striking out the fourth paragraph under
3 the caption "Plymouth", as appearing in the Tercentenary
4 Edition, and inserting in place thereof the following para-
5 graph: —

6 The district court of Brockton, held at Brockton; Brockton,
7 Bridgewater, East Bridgewater, Halifax and West Bridgewater;
8 excepting cases of juvenile offenders under seventeen and cases
9 of neglected, wayward, or delinquent children.

1 SECTION 14. The caption preceding section 57 of said
2 chapter 218 is hereby stricken out and the following caption
3 inserted in place thereof: — SPECIAL PROVISIONS RELA-
4 TIVE TO THE BOSTON JUVENILE COURT, THE BROCK-
5 TON JUVENILE COURT, THE WORCESTER JUVENILE
6 COURT AND THE SPRINGFIELD JUVENILE COURT.

1 SECTION 15. Section 57 of said chapter 219, as most
2 recently amended by section 15 of said chapter 859, is hereby
3 further amended by adding the following sentence: — The
4 Brockton juvenile court shall exercise jurisdiction within the

5 same territorial limits as are prescribed for the criminal juris-
6 diction of the district court of Brockton.

1 SECTION 16. Said chapter 218 is hereby further amended
2 by striking out section 58, as most recently amended by
3 section 16 of said chapter 859, and inserting in place thereof
4 the following section: —

5 *Section 58.* The Boston juvenile court, the Brockton juvenile
6 court, the Worcester juvenile court and the Springfield juvenile
7 court shall each consist of one justice who shall be a member
8 of the bar and shall devote his entire time during ordinary
9 business hours to his duties and shall not, directly or indirectly,
10 engage in the practice of law. Each court shall have a clerk,
11 who shall be appointed by the governor, with the advice and
12 consent of the council and shall hold office during good behav-
13 iour, but subject, however, to retirement under the provisions
14 of any applicable general or special law relative to retirement
15 systems. Each court shall have an assistant clerk, who shall be
16 appointed by the clerk, subject to the approval of the justice.
17 The chief justice of the district courts may upon request of
18 the justice of the Boston, the Brockton, the Worcester or the
19 Springfield juvenile court, or in his absence, of the clerk of said
20 court, assign a justice of any district court, other than the
21 municipal or district courts located within the territorial juris-
22 diction of said juvenile courts, to sit in said juvenile court.

1 SECTION 17. Section 70 of said chapter 218 of the General
2 Laws as most recently amended by section 18 of said chapter
3 859, is hereby further amended by adding the following sen-
4 tence: —

5 The clerk of Brockton juvenile court shall be allowed annu-
6 ally for clerical assistance such amount as the county commis-
7 sioners may approve.

1 SECTION 18. Said chapter 218 is hereby further amended
2 by striking out section 76A, as inserted by section 19 of said
3 chapter 859, and inserting in place thereof the following sec-
4 tion: —

5 *Section 76A.* The salary of the justices of the Worcester
6 juvenile court, the Brockton juvenile court and the Springfield
7 juvenile court shall be twenty-two thousand dollars.

1 SECTION 19. Section 79 of said chapter 218 is hereby
2 amended by striking out the definition of "Court Class", as
3 most recently amended by section 20 of said chapter 859, and
4 inserting in place thereof: –

5 "Court Class" the classification of district courts and the
6 Boston, Brockton, Worcester and Springfield juvenile courts for
7 the purpose of establishing salaries of the clerks.

1 SECTION 20. Said section 79 of said chapter 218 is hereby
2 further amended in class V by inserting after the first line the
3 following line: – Brockton juvenile court.

1 SECTION 21. Chapter 273 of the General Laws is hereby
2 amended by striking out section 2, as most recently amended
3 by section 24 of said chapter 859, and inserting in place
4 thereof the following section: –

5 *Section 2.* Proceedings under section one shall be begun if in
6 the superior court, in the county in which is situated the place
7 where the husband and wife last lived together or where the
8 husband or wife or parent of the child is living, and, if begun
9 in a district court, in the court having such place within its
10 judicial district; provided, that such a proceeding for an offense
11 committed within the territorial limits of the Boston, the
12 Brockton, the Worcester or the Springfield juvenile court, as
13 designated by section fifty-seven of chapter two hundred and
14 eighteen, if founded upon the same allegations as a proceeding
15 under sections twenty-four to twenty-seven, inclusive, of chapter
16 one hundred and nineteen, may be brought, heard and disposed
17 of in said juvenile courts. Such a proceeding for an offense
18 committed within the territorial limits prescribed for the crim-
19 inal jurisdiction of any court other than the courts within the
20 territorial limits of the Boston, the Brockton, the Worcester
21 and the Springfield juvenile courts, if founded upon the same
22 allegations as a proceeding under said sections twenty-four to
23 twenty-seven, inclusive, of chapter one hundred and nineteen,

24 may be heard and disposed of in the juvenile session of the
25 court. Any parent placed on probation in such a proceeding in
26 any of said juvenile courts shall at the request of the justice
27 thereof be supervised by the probation officers of the municipi-
28 pal or district courts located within the territorial limits of that
29 juvenile court.

1 SECTION 22. The first paragraph of section 83 of the
2 General Laws is hereby amended by striking out the first
3 sentence, as most recently amended by section 1 of chapter
4 875 of the acts of 1970, and inserting in place thereof the
5 following sentence: —

6 The superior court, the justices of the probate court for each
7 county, other than for Barnstable, Nantucket, Hampshire and
8 Franklin counties and the county of Dukes County, the chief
9 justice of the municipal court of the city of Boston, subject to
10 the approval of the associate justices thereof, and the justice of
11 each other district court and of the Boston juvenile court, the
12 Brockton juvenile court, the Worcester juvenile court and the
13 Springfield juvenile court may appoint such male and female
14 probation officers as they may respectively from time to time
15 deem necessary for their respective courts; provided, that the
16 justice of the probate court for Barnstable county shall appoint
17 only one probation officer to serve the probate court of the
18 counties of Barnstable and Nantucket and the county of Dukes
19 County, and the justice of the probate court for Hampshire
20 county shall appoint only one probation officer to serve the
21 probate court of the counties of Hampshire and Franklin;
22 provided, further, that no person shall be appointed until his or
23 her qualifications have been examined by the commissioner of
24 probation and approved by him as meeting the standards estab-
25 lished by the committee on probation, as provided in section
26 ninety-nine A; except, that no applicant for appointment shall
27 be disqualified automatically because of nonpossession of a
28 bachelor's degree from an accredited college if the committee
29 on probation considers he has the practical equivalent thereof.

1 SECTION 23. The second paragraph of said section 83 of
2 said chapter 276, as most recently amended by section 3 of

3 said chapter 875, is hereby further amended by striking out the
4 third and fourth sentences and inserting in place thereof the
5 following sentences: —

6 The compensation of probation officers in district courts, in
7 the municipal court of the city of Boston and in the Boston
8 juvenile court, the Brockton juvenile court, the Worcester juve-
9 nile court and the Springfield juvenile court shall be paid by
10 the county on vouchers approved respectively by the justice of
11 such district court, by the chief justice of the municipal court
12 of the city of Boston or by the respective justices of said
13 juvenile courts.

14 The justices of the Worcester, the Brockton and the Spring-
15 field juvenile courts and the justices of the district courts,
16 other than the district courts in Suffolk county, the municipal
17 court of the city of Boston and the Boston juvenile court,
18 shall, annually, not later than the first Wednesday of De-
19 cember, submit to the county commissioners of their respective
20 counties estimates of the amounts necessary to pay the com-
21 pensation for the ensuing year of the probation officers ap-
22 pointed under this section, and said county commissioners shall
23 include such estimates in the estimates required by section
24 twenty-eight of chapter thirty-five.

1 SECTION 24. Said chapter 276 is hereby further amended
2 by striking out section 87, as most recently amended by
3 chapter 98 of the acts of 1970, and inserting in place thereof
4 the following section: —

5 *Section 87.* The superior court may place upon probation
6 under any of its probation officers any person before it
7 charged with crime and any court may place any person con-
8 victed before it in the care of its probation officer for such
9 time and upon such conditions as it deems proper; provided,
10 that in the case of any child under the age of seventeen placed
11 upon probation by the superior court, he may be placed in the
12 care of a probation officer of the district court, including in
13 such term the Boston juvenile court, the Brockton juvenile
14 court, the Worcester juvenile court and the Springfield juvenile
15 court, within the judicial district of which such child resides;
16 and provided, further, that no person convicted under section

17 twenty-two A or twenty-four A of chapter two hundred and
18 sixty-five, or section thirty-five A of chapter two hundred and
19 seventy-two shall, if it appears that he has previously been
20 convicted under said sections and was over twenty-one years of
21 age at the time of committing the offense for which he was so
22 convicted, be released on parole or probation prior to the
23 completion of five years of his sentence.

1 SECTION 25. The second paragraph of section 88 of said
2 chapter 276, as amended by section 28 of chapter 859 of the
3 acts of 1969, is hereby further amended by striking out the
4 first sentence and inserting in place thereof the following sen-
5 tence: —

6 The administrative committee of the district courts, in con-
7 sultation with the commissioner of probation, may designate
8 and redesignate such district courts, including in such term the
9 Worcester juvenile court, the Brockton juvenile court and the
10 Springfield juvenile court, within each of the counties of the
11 commonwealth as in the opinion of said committee should join
12 in the establishment of a probation district office for the
13 clerical service of the probation officers of the district courts
14 so designated or redesignated, and the district courts so desig-
15 nated or redesignated shall thereupon consult with the commis-
16 sioner of probation as to the establishment of such a probation
17 district office, and shall join in the employment of such clerical
18 assistance as is necessary to keep, index and consolidate the
19 records in such form as may be required by the commissioner
20 of probation in connection with the probation service of the
21 said courts.

1 SECTION 26. Section 89 of said chapter 276 is hereby
2 amended by striking out the first sentence, as most recently
3 amended by section 29 of said chapter 859, and inserting
4 place thereof the following sentence: —

5 The superior court or the justice of a district court, in-
6 cluding in such term the Worcester juvenile court, the Brockton
7 juvenile court, and the Springfield juvenile court, may, in the
8 case of a vacancy in the position of probation officer or in the
9 absence of a probation officer, appoint a temporary probation

10 officer, who shall have the powers and perform the duties of
11 such probation officer and shall receive as compensation for
12 each day's service an amount equal to the rate by the day of
13 the minimum compensation of a regular probation officer ac-
14 cording to the salary schedule established by the committee on
15 probation. Compensation so paid to a temporary probation
16 officer for service rendered in the absence of a probation
17 officer, in excess of thirty days in any one year, shall be
18 deducted from the compensation of the probation officer in
19 whose place such service is rendered; provided, however, that if
20 a probation officer is absent, due to his illness or physical
21 disability, for a period not exceeding thirty days in any year,
22 in addition to said thirty days, he shall be deemed to be on
23 sick leave and no such deduction shall be made.

1 SECTION 27. Section 94 of said chapter 276 is hereby
2 amended by striking out the fifth sentence, as most recently
3 amended by section 30 of said chapter 859, and inserting in
4 place thereof the following sentence: —

5 Subject to section eighty-one of chapter two hundred and
6 eighteen, probation officers of district courts and of the Bos-
7 ton, Brockton, Worcester and Springfield juvenile courts shall
8 be reimbursed by the county for their actual disbursements for
9 necessary expenses incurred while in the performance of their
10 duties, including their reasonable traveling expenses in attend-
11 ing conferences authorized by section ninety-nine, not exceed-
12 ing four hundred dollars to each in any one year, upon vouch-
13 ers approved by the court by which they are appointed.

1 SECTION 28. Section 95 of said chapter 276, as amended
2 by section 31 of said chapter 859, is hereby amended by
3 striking out the first sentence and inserting in place thereof the
4 following sentence: —

5 The superior courts or the Boston, Brockton, Springfield and
6 Worcester juvenile courts or a district court, except the municip-
7 al court of the city of Boston may authorize a probation
8 officer to expend such amount as the court considers expedient
9 for the temporary support or transportation, or both, of a
10 person placed on probation.

1 SECTION 29. Upon the establishment of the Brockton juve-
2 nile court as provided in section 1 of this act, the justice of the
3 Brockton juvenile court shall appoint six probation officers to
4 serve in that court.

1 SECTION 30. This act shall take effect upon its passage, so
2 far as the appointing, commissioning and qualifying of the
3 justices and the clerks of the courts hereby established, and
4 probation officers are concerned; and it shall be in full fo
5 and effect, and the authority and jurisdiction of the courts
6 hereby established and of the probation officers thereof shall
7 begin on the first day of September in the year nineteen
8 hundred and seventy-one except that the district court of
9 Brockton shall retain jurisdiction of all cases of juvenile of-
10 fenders under seventeen and cases of neglected, wayward or
11 delinquent children which are pending therein on said first day
12 of September or upon the qualification of the justice of each
13 court, whichever is later, until final disposition thereof.