

HOUSE No. 4088

The Commonwealth of Massachusetts

PRESENTED BY:

Carol A. Doherty and Patricia A. Haddad

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying resolve:

Resolve establishing the Harmony Commission to study and make recommendations related to the welfare and best interests of children in care and protection cases.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------|--------------------|------------------|
| <i>Carol A. Doherty</i> | <i>3rd Bristol</i> | <i>7/25/2023</i> |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | <i>7/27/2023</i> |

HOUSE No. 4088

By Representatives Doherty of Taunton and Haddad of Somerset, a petition (subject to Joint Rule 12) of Carol A. Doherty and Patricia A. Haddad for an investigation by a special commission (including members of the General Court) of the welfare and best interest considerations of children in care and protection cases. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

Resolve establishing the Harmony Commission to study and make recommendations related to the welfare and best interests of children in care and protection cases.

1 **Resolved**, there shall be a Harmony Commission, to study, examine and make
2 recommendations regarding the welfare and best interest considerations of children in care and
3 protection cases and petitions to dispense with consent cases conducted pursuant to section 29C
4 of chapter 119 of the General Laws and section 3 of chapter 210 of the General Laws.

5 The commission shall consist of: the chairs of the joint committee on children, families
6 and persons with disabilities, who shall serve as co-chairs; the chairs of the joint committee on
7 the judiciary; the chair and vice-chair of the Massachusetts Black and Latino Legislative Caucus
8 or their designees; 5 members to be appointed by the governor, 2 of whom shall have been in
9 foster care as children and 2 of whom shall be foster parents; the attorney general or a designee;
10 the child advocate or a designee; the commissioner of children and families or a designee; the
11 chief counsel of the committee for public counsel services or a designee; 1 member to be
12 appointed by the committee for public counsel services who shall be an attorney certified by the

13 children and family law division of the committee for public counsel services who shall have a
14 minimum of 7 years of experience in care and protection cases, represents both children and
15 parents and has completed not less than 5 permanent custody or petition-to-dispense trials; 3
16 members appointed by the Massachusetts Bar Association, who shall be former judges who have
17 preferably retired not more than 5 years prior to their appointment, who have not less than 7
18 years of service on the juvenile court and are from geographically-diverse juvenile court districts
19 and 1 of whom shall be a former first justice; the commissioner of probation or a designee; 1
20 member appointed by the Massachusetts Court Appointed Special Advocates, Inc. who shall
21 have a minimum of 5 years of experience with the advocates, including supervisory experience;
22 1 member appointed by the Massachusetts Alliance of Juvenile Court Clinics who shall be a
23 clinician representative from the court clinic of the juvenile court department; the deputy court
24 administrator for the juvenile court or a designee; 1 member to be appointed by the
25 Massachusetts Commission on LGBTQ Youth; 1 member to be appointed by Jane Doe, Inc.: The
26 Massachusetts Coalition Against Sexual Assault and Domestic Violence; 1 member to be
27 appointed by the Disability Law Center, Inc.; 1 member to be appointed by the Massachusetts
28 Association of Guardians ad Litem; 1 member to be appointed by the Massachusetts Child
29 Welfare Coalition who shall be an attorney; and 1 member to be appointed by the National
30 Association of Counsel for Children. All appointments shall be made not later than 30 days after
31 the effective date of this resolve. Members of the commission shall serve without compensation.

32 The commission shall study how a child’s rights, welfare and best interest considerations
33 are currently handled in care and protection cases and petition to dispense with consent cases and
34 make recommendations for how to better protect and serve children in such cases. The study
35 shall include, but not be limited to: (i) a review of constitutional provisions, statutes, interstate

36 compacts, case law, executive orders, rules of court and standing orders, state agency and
37 judicial rules and regulations, intergovernmental or multi-state memoranda of understanding and
38 state agency and judicial policies, procedures, practices and trainings; (ii) an examination of how
39 care and protection cases and petition to dispense with consent cases disproportionately impact
40 children of color, immigrant children, children with disabilities, lesbian, gay, bisexual,
41 transgender and queer children, children who have experienced trauma and children living in
42 poverty; (iii) an analysis of ways to ensure the constitutional rights of parents and children while
43 prioritizing the well being and safety of children, including the children's best interest, safety and
44 well being while in the care or custody of the department of children and families; and (iv) a
45 study of sibling visitation rights.

46 The commission shall hold public hearings and solicit public comment not less than 3
47 times prior to the filing of its report. The hearings shall be held in geographically-diverse areas
48 and at least 1 public hearing shall be held after the issuance of a draft report, which shall include
49 any recommendations and draft legislation to implement the recommendations. Interested parties
50 shall have the opportunity to be heard at the public hearings and submit written testimony or
51 comments. The commission shall be subject to the open meeting law under sections 18 to 25,
52 inclusive, of chapter 30A of the General Laws. The commission shall hold its first meeting not
53 later than 60 days after the effective date of this resolve. The commission shall meet not less than
54 monthly.

55 Not later than January 1, 2024, the commission shall file a report of its findings and
56 recommendations, including racial impact statements regarding any of its recommendations, with
57 the clerks of the senate and the house of representatives, the governor and the chief justice of the

58 juvenile court department. The report shall be publicly posted on the website of the department
59 of children and families.