

SENATE No. 103

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 bill:

An Act relative to the office of the child advocate.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Karen E. Spilka</i>	<i>Second Middlesex and Norfolk</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Eileen M. Donoghue</i>	<i>First Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and</i>

	<i>Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>

SENATE No. 103

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 103) of Karen E. Spilka, David M. Nangle, Michelle M. DuBois, Paul R. Heroux and other members of the General Court for legislation relative to the office of the child advocate. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to the office of the child advocate.

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. Section 1 of chapter 18C of the General Laws, as appearing in the 2012
2 Official Edition, is hereby amended by striking the definitions for “Advisory board” and “Child
3 advocate” and inserting in place thereof the following new definitions:-

4 “Advisory council”, the child advocate advisory council established by section 4.

5 “Child advocate”, the child advocate appointed under section 3.

6 SECTION 2. Section 2 of said chapter 18C is hereby amended by adding after the first
7 sentence the following:-

8 The office shall act to investigate and ensure that the highest quality of services and
9 supports are provided to safeguard the health, safety and well-being of all the children residing in
10 the Commonwealth, including oversight to examine the systemic issues of the child welfare

11 system and provide recommendations to improve the quality of those services in order to give
12 each child the opportunity to live a full and productive life.

13 SECTION 3. Said chapter 18C is hereby further amended by striking out, in its entirety,
14 sections 3 and 4 and inserting in place thereof the following new sections:-

15 Section 3. There is hereby established an office of the child advocate, hereinafter called
16 the office, which shall be under the direction of the child advocate. There shall be in said office a
17 child advocate, who shall be the administrative head of said office and who shall devote full time
18 to the duties of this office. Said child advocate shall be appointed by a majority vote of the
19 attorney general, the state auditor, and the governor for a term of five years. The person so
20 appointed shall be selected without regard to political affiliation and solely on the basis of
21 integrity and demonstrated ability in child welfare, juvenile justice, auditing, law, management
22 analysis, public administration, and investigation or criminal justice administration. The child
23 advocate may, subject to appropriation, appoint such other personnel as he deems necessary for
24 the efficient management of the office.

25 In case of a vacancy in the position of child advocate his successor shall be appointed in
26 the same manner for the unexpired term. No person shall be appointed for more than two five-
27 year terms.

28 The person so appointed may be removed from office, for cause, by a majority vote of the
29 attorney general, the state auditor, and the governor. Such cause may include substantial neglect
30 of duty, gross misconduct or conviction of a crime. The reasons for removal of the child
31 advocate shall be stated in writing and shall include the basis for such removal. Such writing

32 shall be sent to the clerk of the senate, the clerk of the house of representatives and to the
33 governor at the time of the removal and shall be deemed to be a public document.

34 Section 4. There shall be a 25-member child advocate advisory council, herein after
35 called the advisory council, which shall consist of the child advocate, who shall serve as chair;
36 the secretary of health and human services; the secretary of public safety and security; the
37 secretary of education; the commissioner of the department of criminal justice information
38 services; the undersecretary of criminal justice from the executive office of public safety and
39 security; the commissioner of early education and care; the commissioner of elementary and
40 secondary education; the commissioner of mental health; the commissioner of developmental
41 services; the commissioner of public health; the commissioner of children and families; the
42 commissioner of transitional assistance; the commissioner of youth services; the deputy
43 commissioner of the child support enforcement division within the department of revenue; the
44 president of the Massachusetts District Attorneys' Association; the commissioner of probation;
45 the chief counsel of the committee for public counsel services; the chief justice of the superior
46 court department; the chief justice of the juvenile court department; the chief justice of the
47 probate and family court department; the executive director of the child abuse prevention board;
48 and 3 persons appointed by the governor, 1 of whom shall be a representative of organized labor
49 from the collective bargaining unit that represents social workers, 1 of whom shall be a
50 representative of an organization which advocates on behalf of children at risk of being abused
51 or neglected, and 1 of whom shall be a pediatrician experienced in treating child abuse.

52 The child advocate shall meet with the advisory council at least quarterly and may
53 consult or request the assistance of members of the advisory council with respect to the duties
54 and responsibilities of the office.

55 The advisory council shall annually set the salary of the child advocate which salary shall
56 not exceed ninety per cent of the salary of the chief justice of the supreme judicial court.

57 SECTION 4. Section 11 of said Chapter 18C, as so appearing, is hereby amended in line
58 2 by striking the word “board” and inserting in place thereof the following word:- council.