

# SENATE . . . . . No. 164

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## The Commonwealth of Massachusetts

PRESENTED BY:

***Michael O. Moore***

*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:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>1/30/2025</i>

# SENATE . . . . . No. 164

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By Mr. Moore, a petition (accompanied by resolve, Senate, No. 164) of Michael O. Moore and Mark C. Montigny that provisions be made for an investigation and study by a special commission (including members of the General Court) to establish the Harmony commission to study and make recommendations related to the welfare and best interests of children in care and protection cases. Children, Families and Persons with Disabilities.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 118 OF 2023-2024.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

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. The  
5        commission shall build upon the work of the Trial Court's Care and Protection Working Group.

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

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

33           The commission shall study how a child's rights, welfare and best interest considerations  
34 are currently handled in care and protection cases and petition to dispense with consent cases and  
35 make recommendations for how to better protect and serve children in such cases. The study  
36 shall include, but not be limited to: (i) a review of constitutional provisions, statutes, interstate  
37 compacts, case law, executive orders, rules of court and standing orders, state agency and  
38 judicial rules and regulations, intergovernmental or multi-state memoranda of understanding and  
39 state agency and judicial policies, procedures, practices and trainings; (ii) an examination of how  
40 care and protection cases and petition to dispense with consent cases disproportionately impact  
41 children of color, immigrant children, children with disabilities, lesbian, gay, bisexual,  
42 transgender and queer children, children who have experienced trauma and children living in  
43 poverty; (iii) an analysis of ways to ensure the constitutional rights of parents and children while  
44 prioritizing the well being and safety of children, including the children's best interest, safety and  
45 well being while in the care or custody of the department of children and families; and (iv) a  
46 study of sibling visitation rights.

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

56           Not later than January 1, 2026, the commission shall file a report of its findings and  
57   recommendations, including racial impact statements regarding any of its recommendations, with  
58   the clerks of the senate and the house of representatives, the governor and the chief justice of the  
59   juvenile court department. The report shall be publicly posted on the website of the department  
60   of children and families.