

From: Mike Dsida [mdsida@publiccounsel.net]

Sent: Tuesday, October 23, 2007 1:11 PM

To: Padien, Mary (SEN)

Subject: Follow up to meeting

The case that was mentioned this morning in connection with c. 119, § 23G was *Custody of Lori*, 444 Mass. 316 (2005), but I don't think it's relevant. That case requires that, in general, a hearing be held within 72 hours after the Probate and Family Court removes a child from his or her home. Nothing in the opinion suggests that §23G is unconstitutional. In any event, I don't think you need to replicate the §23G language in the bill. The existing provision applies to all children, regardless of whether they are involved in Juvenile Court and, if they are, regardless of the type of proceeding.

A recent pair of stories in the Patriot-Ledger indicated that the AG is very interested in CHINS reform. Have you had any contact with the AG's office?

I can't make any promises regarding my availability, but I'd like to help flesh out the details on the truancy prevention program requirements.

Finally, on my way back to the office, I realized that CHINS issues are everywhere. The construction company working on Park St. Church is "Truancy Construction."

Mike