



THE COMMONWEALTH OF MASSACHUSETTS
ADMINISTRATIVE OFFICE OF THE JUVENILE COURT

Three Center Plaza
7th Floor
Boston, Massachusetts 02108

Tel: 617-788-6550
Fax: 617-788-8965

MICHAEL F. EDGERTON
Chief Justice

JANE STRICKLAND
Court Administrator

July 26, 2011

The Honorable Paul J. Donato
House of Representatives
State House
Room 163
Boston, MA 02133

RE: SB 1963 An Act Regarding Families and Children Engaged in Services

Dear Representative Donato:

Thank you for meeting with me and James Morton from the Administrative Office of the Juvenile Court and Chief Probation Officers Passacantilli, Siciliano and Mitchell on July 20, 2011 and providing us with the opportunity to discuss with you SB1963 An Act Regarding Families and Children Engaged in Services. Enclosed please find suggested amendments to the current bill that address some of the issues discussed during our meeting. The language appearing in *italics* explains the reasons for our suggested changes. We believe that these changes will help to ease the implementation of this legislation in the Juvenile Court.

If you have any questions, please do not hesitate to call me at (617) 788-6550. Again, thank you for the opportunity to discuss this important legislation with you and to propose these amendments.

Sincerely,

A handwritten signature in cursive script that reads "Anne Marie Ritchie".

Anne Marie Ritchie
Administrative Attorney

cc: Honorable Michael F. Edgerton, Chief Justice, Juvenile Court
Daniel Passacantilli, Chief Probation Officer, Essex County Juvenile Court
Steven Siciliano, Chief Probation Officer, Suffolk County Juvenile Court
Thomas Mitchell, Chief Probation Officer, Norfolk County Juvenile Court
Mary Anne Padien, Chief Legal Counsel, Senator Karen Spilka's Office

Recommended Amendments to SB1963 An Act Regarding Families and Children Engaged in Services

In Section 5, in proposed section 39M(c)(2)(ii) first paragraph, striking out the words “create a docket for the matter” and inserting in place thereof the following words:-
accept the request for assistance for filing

In Section 5, in proposed section 39M(c)(2)(ii) first paragraph, striking out the last sentence.

In Section 5, in proposed section 39M(c)(2)(ii) second paragraph, striking out the words “create a docket for the matter” and inserting in place thereof the following words:-
accept the request for assistance for filing

In Section 5, in proposed section 39M(c)(2)(ii) second paragraph, striking out the last sentence.

In Section 5, in proposed section 39O, in the first sentence, striking out the words “after the creation of a docket” and inserting in place thereof the following words:- after the acceptance of the request for assistance.

In Section 5, in proposed section 39O, in the fourth sentence, striking out the words “create a docket for the matter, unless a docket has already been created under subsection (b) of section 39M, and”

Using the phrase “accept the request for assistance for filing” is clearer and more commonly understood phrasing for our clerk’s offices. The concerns expressed regarding not having a case for the child in the system if, after the probable cause hearing, the clerk or judge determines that the request should be dismissed, is addressed by the language currently in the bill that requires the court to expunge all records of the request including those kept by the clerk. This language makes clear what the clerk’s office is required to do with both electronic and paper files of the case. Our clerk’s office is familiar with this process as they currently do this for magistrate’s hearings in delinquency cases where no probable cause is found.

In Section 5, striking out proposed section 39T and replacing with the following section:-

Section 39T. The petitioner and any party may file a motion to dismiss the request for assistance at any time prior to a hearing to determine the disposition of a request for assistance. The judge, upon a filing of a motion to dismiss, may order that the request for assistance be dismissed upon a showing that the dismissal is in the best interests of the child or if all parties agree to the dismissal. A probation officer may at any time recommend to the court that the request for assistance be dismissed upon a showing that dismissal is in the best interests of the child.

This language addresses the concerns expressed that parents do not have a way to withdraw a request once one has been filed with the court but also addresses the concerns that the original language only allows for one party (the petitioner) to request a dismissal and does not take into consideration whether the dismissal would be in the child's best interests or the positions of other parties, including the child, involved in the matter.

In Section 5, proposed section 39V, inserting in the first sentence after the words "preliminary inquiry" the following words:- or another probation officer, if the probation officer who conducted the preliminary inquiry is unavailable

This section address the concern that the probation officer who conducted the preliminary inquiry may not be available because he/she may have been transferred to another location, or may not be with the court any longer.