SENATE DOCKET, NO. 1892 FILED ON: 1/14/2009

# SENATE . . . . . No. 1667

## The Commonwealth of Massachusetts

**In the Year Two Thousand Nine**

An Act relative to the appointment of probation officers in the probate and family courts..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 276 of the General Laws is hereby amended by striking out section 83, as appearing in the 2004 Official Edition, and inserting in place thereof the following section:-

Section 83. Subject to appropriation, the commissioner of probation may appoint, dismiss and assign such probation officers to the several sessions of the trial court, excluding the Probate and Family Courts, as he deems necessary. In any court, excluding the Probate and Family Courts, having two or more probation officers, said commissioner may designate one probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as he deems necessary for the effective administration of justice; provided, however, that said commissioner may suspend or discipline any such probation officer.

Subject to appropriation, the chief justice for administration and management may appoint, dismiss and assign such probation officers to the Probate and Family Courts as she deems necessary. In any Probate and Family Court having two or more probation officers, the

first justice of said Probate and Family Court, subject to the approval of the chief justice for administration and management, may designate one probation officer to serve as chief probation officer and may designate other probation officers to serve as assistant chief probation officers, as he deems necessary for the effective administration of justice; provided, however, that a first justice may suspend or discipline any such probation officer who may appeal such suspension or discipline to the chief justice for administration and management; or said first justice may recommend the discharge of any said probation officer to the chief justice for administration and management who may discharge said probation officer after a hearing.

The compensation of probation officers in the trial court shall be paid by the commonwealth according to schedules established in section 99B or in a provision of an applicable collective bargaining agreement.

SECTION 2. Chapter 177 of the Acts of 2001 is hereby amended by striking section 53.

SECTION 3. There shall be a special commission to investigate and study the appointment and supervision of probation officers in the Probate and Family Court sessions of the trial court. The investigation and study shall include, but not be limited to, reviewing the specific needs of the Probate and Family courts as they relate to probation matters, reviewing the unique interaction between the justices of the Probate and Family Courts and probation officers, and reviewing the current and alternative methods of appointing and supervising probation officers in the Probate and Family Courts. Said Commission shall consist of the chief justice for administration and management, or her designee who shall serve as chair, the chief justice of the Probate and Family Courts or his designee, the Commissioner of Probation or his designee, the Senate and House chairs of the Joint Committee on the Judiciary, the Commissioner of the

Department of Social Services or his designee, the Commissioner of Mental Health or his designee, a representative of the Massachusetts Law Reform Institute, a representative of the Massachusetts Bar Association, a representative of the Women's Bar Association, and a representative of the Boston Bar Association. The Commission shall report to the general court the results of its study, together with its recommendations, by filing the same with the clerks of the House of Representatives and Senate.