

SENATE No. 741

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 appointment of probation officers in the probate and family courts.

PETITION OF:

NAME:

Cynthia S. Creem

DISTRICT/ADDRESS:

SENATE No. 741

By Ms. Creem, a petition (accompanied by bill, Senate, No. 741) of Cynthia S. Creem for legislation to appoint probation officers in the probate and family courts. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1667 OF 2009-2010.]

The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven
—————

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:

1 SECTION 1. Chapter 276 of the General Laws is hereby amended by striking out section
2 83, as appearing in the 2004 Official Edition, and inserting in place thereof the following
3 section:-

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

12 Subject to appropriation, the chief justice for administration and management may
13 appoint, dismiss and assign such probation officers to the Probate and Family Courts as she
14 deems necessary. In any Probate and Family Court having two or more probation officers, the
15 first justice of said Probate and Family Court, subject to the approval of the chief justice for
16 administration and management, may designate one probation officer to serve as chief probation
17 officer and may designate other probation officers to serve as assistant chief probation officers,
18 as he deems necessary for the effective administration of justice; provided, however, that a first
19 justice may suspend or discipline any such probation officer who may appeal such suspension or
20 discipline to the chief justice for administration and management; or said first justice may
21 recommend the discharge of any said probation officer to the chief justice for administration and
22 management who may discharge said probation officer after a hearing.

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

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

27 SECTION 3. There shall be a special commission to investigate and study the
28 appointment and supervision of probation officers in the Probate and Family Court sessions of
29 the trial court. The investigation and study shall include, but not be limited to, reviewing the
30 specific needs of the Probate and Family courts as they relate to probation matters, reviewing the
31 unique interaction between the justices of the Probate and Family Courts and probation officers,
32 and reviewing the current and alternative methods of appointing and supervising probation
33 officers in the Probate and Family Courts. Said Commission shall consist of the chief justice for

34 administration and management, or her designee who shall serve as chair, the chief justice of the
35 Probate and Family Courts or his designee, the Commissioner of Probation or his designee, the
36 Senate and House chairs of the Joint Committee on the Judiciary, the Commissioner of the
37 Department of Social Services or his designee, the Commissioner of Mental Health or his
38 designee, a representative of the Massachusetts Law Reform Institute, a representative of the
39 Massachusetts Bar Association, a representative of the Women's Bar Association, and a
40 representative of the Boston Bar Association. The Commission shall report to the general court
41 the results of its study, together with its recommendations, by filing the same with the clerks of
42 the House of Representatives and Senate.