

HOUSE No. 1239

The Commonwealth of Massachusetts

PRESENTED BY:

Leah Cole

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 best interest representation of children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Leah Cole</i>	<i>12th Essex</i>	<i>1/16/2015</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>9/13/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>9/13/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>9/13/2019</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/3/2015</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>2/4/2015</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>	<i>2/4/2015</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/2/2015</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>2/4/2015</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/4/2015</i>

HOUSE No. 1239

By Ms. Cole of Peabody, a petition (accompanied by bill, House, No. 1239) of Leah Cole and others relative to children's interests in cases of abuse or neglect resulting in judicial proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to best interest representation of children.

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 119, as appearing in the 2012 Official Edition, is hereby amended
2 by inserting after Section 39F the following section:-

3 Section 39F ½. A court shall appoint a volunteer guardian ad litem (GAL) known as a
4 Court Appointed Special Advocate (CASA) to represent the child's best interests in every case of
5 abuse or neglect that results in a judicial proceeding. The CASA shall have the same duties and
6 responsibilities as a GAL and shall be trained by and function under the auspices of a
7 CASA/GAL program, formed and operating under the guidelines established by the National
8 Court Appointed Special Advocate Association. The purpose of CASA is to advocate for timely
9 placement of children in permanent, safe, and stable homes.

10 Under the supervision of the CASA program, it shall be the duty of a CASA advocate to:

11 (a) provide independent, factual information to the court regarding the children and cases
12 to which they are assigned;

(b) advocate on behalf of the children involved in the cases to which they are assigned what they perceive to be in the best interests of the children; and

(c) Monitor proceedings in cases to which they have been assigned and advise and assist the court in its determination of the best interests of the children involved.

The CASA advocate:

(1) shall be notified by the court of all court proceedings and hearings of any kind pertaining to a child for whom he is assigned;

(2) shall be notified by the department of all administrative review hearings concerning the case to which he has been assigned;

(3) shall be entitled to attend all court proceedings and hearings of any kind pertaining to a child for whom he is assigned;

(4) may be called as a witness in the proceedings by any party or by the court and may request of the court the opportunity to appear as a witness; and

(5) Shall be given access to all portions of the court record relating to proceedings pertaining to a child for whom he is assigned and to the child's family.

CASA advocates shall be appointed by the presiding judge to represent the best interests of the child, subject to judicial discretion, and only after confirmation from the director of the local CASA program that the CASA advocate has been properly screened and trained.