

HOUSE No. 5119

Section 101 contained in the engrossed Bill making appropriations for the fiscal year 2023 (see House, No. 5050), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment N of House, No. 5132). July 28, 2022.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing a Children and Family Legal Representation Trust Fund.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish a Children and Family Legal Representation Trust Fund, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Said chapter 211D is hereby further amended by adding the following
2 section:-

3 Section 17. (a) There shall be a Children and Family Legal Representation Trust Fund to
4 be administered by the chief counsel of the committee for public counsel services. There shall be
5 credited to the fund: (i) revenue from appropriations or other money authorized by the general
6 court and specifically designated to be credited to the fund; (ii) reimbursement funds from
7 federal sources for the legal representations of children and families by the committee for public
8 counsel services including, but not limited to, reimbursements under Title IV-E of the federal
9 Social Security Act; and (iii) interest earned on such revenues and reimbursements in the fund.

Amounts credited to the fund that are unexpended at the end of a fiscal year shall not revert to the General Fund.

(b) Money in the fund may be expended by the chief counsel, without further appropriation, for the purposes of: (i) providing pre-petition representation and diversion advocacy; (ii) increasing the availability and quality of representation statewide, especially in underrepresented communities; (iii) ensuring availability of education advocacy throughout the commonwealth; (iv) improving the quality of advocacy through increased training capacity and performance evaluations; (v) increasing multidisciplinary representation and the use of experts, parent partner programs and specialized advocacy and support units; and (vi) improving and modernizing agency data collection, data reporting and billing systems. The chief counsel may designate an administrator of the fund to implement approved activities consistent with this section.

(c) Annually, not later than November 1, the chief counsel shall file a report on the fund's activities with the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on the judiciary. The report shall include, but not be limited to: (i) the source and amount of funds received; (ii) the amounts distributed and the purpose of expenditures from the fund, including any grants provided to early education and care programs, philanthropic organizations or other stakeholder organizations; and (iii) anticipated revenue and expenditure projections for the next calendar year.

SECTION 2. This act shall take effect on July 1, 2022.