

HOUSE No. 1558

The Commonwealth of Massachusetts

PRESENTED BY:

Carolyn C. Dykema

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 clarifying the child advocate’s authority to access juvenile records.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/5/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>2/24/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>

HOUSE No. 1558

By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 1558) of Carolyn C. Dykema and others relative to clarifying the child advocate’s authority to access juvenile records. The Judiciary.

The Commonwealth of Massachusetts

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

An Act clarifying the child advocate’s authority to access juvenile records.

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. Section 172 of chapter 6 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting in line 175 after the word “safety” the
3 following:-

4 (34) The child advocate may obtain data on adult and juvenile arrests as well as data on
5 court proceedings such as arraignments, adjudications and dispositions, as necessary for the
6 performance of the duties of the office.

7 SECTION 2. Chapter 18C of the General Laws, as appearing in the 2018 Official
8 Edition, is hereby amended by striking out section 6 and inserting in place thereof the following:-

9 Section 6. The child advocate or his designee shall have access at any and all reasonable
10 times to any facility, residence, program, or portion thereof, that is operated, licensed or funded
11 by an executive agency, and shall have unrestricted access to all electronic information systems
12 records, reports, materials and employees in order to better understand the needs of children in

13 the custody of the commonwealth or who are receiving services from an executive agency. The
14 child advocate shall have access to all court records that the child advocate deems relevant,
15 including records held by the clerk of the juvenile court and the clerk of the probate and family
16 court, records held by the Massachusetts Probation Service, and records on adults and juveniles
17 contained in the electronic information systems maintained by the department of criminal justice
18 information services, including personally identifiable information if requested by the child
19 advocate and the right to inspect and copy, without cost. The child advocate shall be bound by
20 any limitations on the use or release of information imposed by law upon the party furnishing
21 such information, except as provided in subsection (e) of section 12.

22 SECTION 3. Said chapter 18C, as so appearing, is hereby amended by striking out
23 section 11 and inserting in place thereof the following:-

24 Section 11. Examination of systemwide service

25 The child advocate may examine systemwide service provision to children in the
26 Commonwealth. Such examination may address, but is not limited to, responses to child abuse
27 and neglect including prevention efforts and efforts to stop reoccurrence, related mental health,
28 substance use and domestic violence issues, childhood trauma pursuant to section 14, the
29 adequate provision of education, the coordination of services among executive state agencies, the
30 availability of reliable data regarding service provision and effectiveness of services provided to
31 children in the Commonwealth, juvenile contact with criminal justice agencies and systems in
32 relation to section 89 of chapter 119, the provision of services through contracts made with
33 provider entities, and shall report on any such examination in the annual report pursuant to
34 section 10. The child advocate may also file any additional report on examinations pursuant to

35 this section with the governor, the clerks of the senate and house of representatives, the senate
36 and house committees on ways and means and the joint committee on children, families and
37 persons with disabilities. The child advocate's examination may include, without limitation,
38 racial disproportionality and disparity, truancy and runaways, mandated reporting, screening of
39 child abuse and neglect reports, social worker qualifications and caseloads, law enforcement
40 involvement, health service needs, including behavioral health needs, of children at risk, criminal
41 offender record information reviews, juvenile court records, federal criminal records,
42 administrative and cost requirements, federal funding for child welfare purposes and the
43 effectiveness of child abuse laws. The child advocate may seek advice broadly from individuals
44 with expertise in child welfare in preparing a report under this section.

45 SECTION 4. Section 12 of said chapter 18C, as so appearing, is hereby amended by
46 inserting in line 3 after the word "Notwithstanding" the following words:-

47 sections 167 and 172 of chapter 6,.