HOUSE DOCKET, NO. 1542 FILED ON: 1/18/2023

HOUSE . . . . . No. 3787

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 guardian ad litems.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patricia A. Haddad	*5th Bristol*	*1/18/2023*

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HOUSE . . . . . No. 3787

By Representative Haddad of Somerset, a petition (accompanied by bill, House, No. 3787) of Patricia A. Haddad that the Probate and Family Court Department be authorized to conduct a study of guardians ad litem. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to guardian ad litems.

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. Notwithstanding any special or general law to the contrary, the probate and family court department shall conduct a study of guardians ad litem (GAL) and their compensation structure. The study shall examine the time required for GAL cases and adjustments to compensation for GAL attorneys including, but not be limited to:

(i) analysis of the compensation structures for attorneys who serve as GALs. The analysis shall include (1) the compensation rate for attorneys in the last 5 fiscal years; (2) a comparison of GAL attorney compensation to CPCS rate structure; and (3) a survey of GAL attorney's student loan and debt burden;

(ii) analysis of the amount of time dedicated by attorneys and each probate and family court to GAL cases. The analysis shall include a survey of each currently participating GAL attorney and each probate and family court;

(iii) the impact of the recent raise in compensation, to the rate of $50.00 per hour including expenses, for GALs appointed by the probate and family court department and if that rate is (1) insufficient for GAL attorneys and (2) leads to fewer attorneys willing to become GALs;

(iv) the long term effect of fewer attorneys willing to work on GAL cases, which shall include gathering data on the following: (1) the number of attorneys working on GAL cases; (2) the tenure of participation of attorney GALs; (3) the number of attorneys entering and leaving GAL participation over the last 5 state fiscal years; and (4) a projection of the number of expected GAL cases over the next 5 state fiscal years and any anticipated attrition rate of GAL attorneys.

(v) analysis of travel time required for GAL cases including, but not limited to: (1) the average total distance a GAL attorney would travel for cases in a given year; (2) the amount of trips a GAL attorney would need to make to complete their assignments in a given year; and (3) the compensation needed for such travel; and

(vi) a rationale for not compensating GAL attorneys for wait time spent at court for GAL matters.

SECTION 2. The probate and family court department shall file a report of the study and any recommended legislation with the clerks of the house of representatives and the senate and the chairs of the joint committee on the judiciary no later than January 1, 2025.