

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Steven S. Howitt*

*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 establishing an independent child protection and advocacy agency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>11/24/2025</i>

# HOUSE . . . . . No.

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[Pin Slip]

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
\_\_\_\_\_

An Act establishing an independent child protection and advocacy agency.

*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.

2           (a) Whereas:

3           1. Children and adolescents who are incapacitated, disabled, medically fragile, or  
4 otherwise vulnerable are at increased risk of harm, neglect, exploitation, and deprivation of their  
5 basic human rights.

6           2. Many of these children experience systemic failures that deny them access to  
7 appropriate education, therapeutic care, and a quality of life consistent with the standards of the  
8 Commonwealth.

9           3. An independent, nonpartisan, and oversight-oriented agency is required to ensure  
10 accountability and protection for all incapacitated and at-risk minors.

11           (b) The purpose of this act is to establish an Independent Child Protection and Advocacy  
12 Agency (ICPAA), whose mission shall be:

To serve as an oversight and advocacy body protecting incapacitated children and adolescents from individuals or systems that harm, exploit, or endanger their well-being through negligence or abuse;

To safeguard the human rights of all children to appropriate education, safety, and quality of life;

To investigate, intervene, and advocate when those rights are violated.

## SECTION 2.

Section 16 of Chapter 6A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following:

The executive office of health and human services shall include: (1) the department of aging and independence under the direction of a secretary of aging and independence, who shall be appointed by the governor; (2) the office of health services, which shall include the department of public health and the division of medical assistance; (3) the office of children, youth and family services, which shall include the department of children and families, the department of transitional assistance, the department of youth services, the child abuse prevention board and the office for refugees and immigrants; (4) the office of disabilities and community services, which shall include the department of developmental services, MassAbility, the Massachusetts commission for the blind and the Massachusetts commission for the deaf and hard of hearing; (5) the managed care oversight board; (6) the health facilities appeals board; (7) the Independent Child Protection and Advocacy Agency, and (8) the office of health equity.

SECTION 3.

Chapter 119 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after section 89 the following two sections:-

Section 90. Independent Child Protection and Advocacy Agency.

For the purposes of this section:-

a. “Incapacitated child” means a minor under the age of 18 who, due to physical, developmental, cognitive, or emotional conditions, is substantially limited in self-care, decision-making, or protection.

b. “Neglect” means the failure, by act or omission, to provide a child with necessary care, supervision, education, medical attention, or safety.

c. “Advocacy” means the act of representing and defending a child’s legal, educational, and human rights in any proceeding, system, or institution.

d. “Agency” means the Independent Child Protection and Advocacy Agency.

There is hereby established within the Commonwealth an autonomous public agency known as the Independent Child Protection and Advocacy Agency (ICPAA). The Agency shall not be subject to the supervision, control, or direction of any other department or office of the Commonwealth, except as specifically provided by law. The Agency shall be funded through annual appropriations by the General Court. The Agency may also receive public or private grants, federal funds, or charitable donations consistent with its mission and in compliance with state finance laws.

The Independent Child Protection and Advocacy Agency shall have the power to:

(a) Investigate reports, complaints, or patterns of abuse, neglect, exploitation, or rights violations involving incapacitated or vulnerable children.

(b) Monitor and review the performance and compliance of state, municipal, and private entities providing care, education, or residential services to children.

(c) Act as an independent advocate for a child's best interests in administrative, civil, or educational proceedings when conflicts of interest or lack of adequate representation exist.

(d) Access information from any state agency, department, or private facility necessary to conduct investigations, subject to confidentiality laws.

(e) Refer matters to law enforcement or regulatory bodies when evidence of criminal or administrative violations is found.

(f) Develop recommendations for policy, training, and systemic reform to strengthen child protection and advocacy systems across the Commonwealth.

(g) Provide education and outreach to families, guardians, and community members regarding the rights and protections of children with disabilities.

All records, investigative materials, and communications of the Agency shall be confidential and exempt from public disclosure under Chapter 66, Section 10 of the General Laws, except where release is necessary to protect a child's welfare or as otherwise required by court order.

The Agency shall coordinate, as necessary, with the Department of Children and Families, the Department of Developmental Services, the Department of Elementary and Secondary Education, and the Office of the Child Advocate. This coordination shall not diminish the statutory responsibilities of those entities but shall enhance transparency, accountability, and oversight.

#### Section 91.

Any state or private agency that fails to comply with an ICPAA investigation or refuses to provide required documentation shall be subject to a civil penalty not to exceed \$5,000 per day of noncompliance.

#### SECTION 4.

Section 13K of Chapter 265 of the General Laws is hereby amended by striking out subsection d to d½ and inserting in place thereof the following subsections:-

(d) Whoever, being a caretaker of an elder or person with a disability, wantonly or recklessly permits bodily injury to such elder or person with a disability, or wantonly or recklessly permits another to commit an assault and battery upon such elder or person with a disability which assault and battery causes bodily injury, shall be punished by revocation or suspension of any license, certification, or contract for child or elder services and by imprisonment in the state prison for not more than five years or in the house of correction for not more than two and one-half years or by a fine of not more than \$10,000 or by such fine, imprisonment, and revocation.

(d1/2) Whoever, being a caretaker of an elder or person with a disability, wantonly or recklessly commits or permits another to commit abuse, neglect or mistreatment upon such elder or person with a disability, shall be punished by revocation or suspension of any license, certification, or contract for child or elder services and by imprisonment in the state prison for not more than five years or in the house of correction for not more than two and one-half years or by a fine of not more than \$10,000 or by such fine, imprisonment, and revocation.

SECTION 5.

If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

SECTION 6.

This Act shall take effect ninety (90) days after passage.