

SENATE No. 1035

The Commonwealth of Massachusetts

PRESENTED BY:

William N. Brownsberger

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 increasing transparency in juvenile court proceedings.

PETITION OF:

NAME:

William N. Brownsberger

DISTRICT/ADDRESS:

Suffolk and Middlesex

SENATE No. 1035

By Mr. Brownsberger, a petition (accompanied by bill, Senate, No. 1035) of William N. Brownsberger for legislation relative to increase transparency in juvenile court proceedings. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to increasing transparency in juvenile court proceedings.

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 38 of chapter 119, as appearing in the 2022 Official Edition, is
2 hereby amended by inserting before the terms “ All hearings” the following:- (a);

3 And further by striking the following: “ 38A, inclusive, except those related to court
4 orders not to resuscitate or withdrawal life-sustaining medical treatment for children in the
5 custody of the department under a care and protection order, shall be closed to the general public.
6 It shall be unlawful to publish the names of person before the court in any closed hearing.”

7 and inserting in place thereof the following:- 72, inclusive, shall be open to the general
8 public. Members of the public, including the news media, shall have access to all courtrooms,
9 lobbies, public waiting areas, and other common areas of the juvenile court otherwise open to
10 individuals having business before the court.

11 (b) The general public or any person may be excluded from a courtroom only if the judge
12 presiding in the courtroom determines there is a compelling reason based on a factual

13 determination using supporting evidence, that such exclusion is warranted. In exercising this
14 discretion, the judge may consider, among other factors, whether:

15 (1) the person is causing or is likely to cause a disruption in the proceedings;

16 (2) the presence of the person is objected to by one of the parties, including the attorney
17 for the child, for a compelling reason;

18 (3) the orderly and sound administration of justice, including the nature of the
19 proceeding, the privacy interests of individuals and parties before the court, and the need for
20 protection of the litigants, in particular, children, from harm, requires that some or all observers
21 be excluded from the courtroom;(4) less restrictive alternatives to exclusion are unavailable or
22 inappropriate to the circumstances of the particular case.

23 Whenever the judge exercises discretion to exclude any person or the general public from
24 a proceeding or part of a proceeding in juvenile court, the judge shall make written or oral
25 findings by clear and convincing evidence on the record prior to ordering exclusion.

26 (c) The presiding judge may also restrict access to clinical and investigative reports as
27 deemed appropriate.

28 (d) Audio-visual coverage of juvenile court proceedings shall be governed by rules
29 promulgated by the rules of the supreme judicial court and the chief justice of the juvenile court.

30 (e) When necessary to preserve the decorum of the proceedings, the judge shall instruct
31 representatives of the news media and others regarding the permissible use of the courtroom and
32 other facilities of the court, the assignment of seats to representatives of the news media on an

33 equitable basis, and any other matters that may affect the conduct of the proceedings and the
34 well-being and safety of the litigants therein.

35 (f) Inspection of records in youthful offender and delinquency cases shall be governed by
36 Section 60A of this chapter. No name of any child or youth who is the subject of a care and
37 protection proceeding or who has been accused of a delinquency or youthful offender offense
38 may be made public.

39 (g) Nothing in this section shall limit the responsibility and authority of the chief justice
40 of the juvenile court, or the associate judges with the approval of the chief justice of the juvenile
41 court, to formulate and effectuate such reasonable rules and procedures consistent with this
42 section as may be necessary and proper to ensure that the access by the public, including the
43 press, to proceedings in the juvenile court shall comport with the security needs of the
44 courthouse, the safety of persons having business before the court and the proper conduct of
45 court business.

46 (h) It shall be unlawful to publish the names of parties or persons appearing in any
47 juvenile court hearing.

48 SECTION 2. Section 65 of said chapter 119, as so appearing, is further amended by
49 striking the following: “The court shall exclude the general public from juvenile sessions
50 admitting only such persons as may have a direct interest in the case, except in cases where the
51 commonwealth has proceeded by indictment.”