ATTACHMENT N

July 28, 2022

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Section 101 of House Bill No. 5050, “An Act Making Appropriations for the Fiscal Year 2023 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 101 establishes the Children and Family Legal Representation Trust Fund, to be administered by the Chief Counsel of the Committee for Public Counsel Services (CPCS) and credited with reimbursement funds from federal sources for the legal representation of children and families by CPCS including, but not limited to, reimbursements under Title IV-E of the federal Social Security Act. Money in the fund may be expended on the following broad range of purposes: (i) providing pre-petition representation and diversion advocacy; (ii) increasing the availability and quality of representation statewide; (iii) ensuring availability of education advocacy statewide; (iv) improving the quality of advocacy; (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.

I support the establishment of this trust fund to receive federal reimbursements for the legal representation of children and families. However, these funds should be spent exclusively for the purpose of expanding guardian ad litem (GAL) appointments in proceedings in which it is alleged that a child has been subject to abuse or neglect. When appointed by the Court, it is the role of the GAL to provide children in the custody of the Department of Children and Families (DCF) with an independent advocate responsible for considering only the child’s best interest. It is my firm belief that this advocacy is critical to the well-being of children in DCF proceedings and should be made mandatory in every case involving a custody determination, as I have proposed in separate legislation. Therefore, I am recommending that the allowable expenditures from the fund be modified to support expanded GAL appointments and that the fund be administered by the Court Administrator, who is best positioned to facilitate the expenditure of funds for this purpose.

For these reasons, I recommend that Section 101 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 101. Said chapter 211D is hereby further amended by adding the following section:-

Section 17. (a) There shall be a Children and Family Legal Representation Trust Fund to be administered by the court administrator. There shall be credited to the fund: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) reimbursement funds from federal sources for the legal representations of children and families by the committee for public counsel services including, but not limited to, reimbursements under Title IV-E of the federal 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 court administrator, without further appropriation, for the purpose of supporting the expanded appointments of guardians ad litem in proceedings filed pursuant to clause (3) of subsection (a) of section 23 or section 24 of chapter 119, section 3 of chapter 210 or any other proceeding determining custody of a child receiving services from the department of children and families in which it is alleged that the child has been subject to abuse or neglect. The court administrator may designate an administrator of the fund to implement approved activities consistent with this section.

(c) Annually, not later than November 1, the court administrator 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 (iii) anticipated revenue and expenditure projections for the next calendar year.

Respectfully submitted,

Charles D. Baker

Governor