

HOUSE No. 4486

Section 24 contained in the engrossed Bill making appropriations for the fiscal year 2017 (see House, No. 4450), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see Attachment E of House, No. 4505). July 11, 2016.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to the office of the child advocate.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for the office of the child advocate, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Chapter 18C of the General Laws is hereby further amended by striking out
2 section 3, as so appearing, and inserting in place thereof the following section:-

3 Section 3. The office of the child advocate shall be under the direction of the child
4 advocate. The child advocate shall be the administrative head of the office and shall devote full
5 time to the duties of the office. The child advocate shall be appointed by a majority vote of the
6 attorney general, the state auditor and the governor from a list of 3 nominees submitted by a
7 nominating committee to recommend a child advocate. The nominating committee shall consist
8 of: the secretary of health and human services; the commissioner of children and families; the
9 commissioner of youth services; the commissioner of mental health; the executive director of the

10 child abuse prevention board; a pediatrician experienced in treating victims of child abuse who
11 shall be designated by the Massachusetts chapter of the American Academy of Pediatrics; a child
12 psychiatrist who shall be designated by the Massachusetts Psychiatric Society; a child
13 psychologist who shall be designated by the Massachusetts Psychological Association; a
14 representative from the Massachusetts Association for Mental Health; a representative of an
15 organization that advocates on behalf of children at risk of abuse who shall be designated by the
16 Children's League of Massachusetts; an attorney experienced in care and protection cases who
17 shall be designated by the Massachusetts Bar Association; a social worker who shall be
18 designated by the Massachusetts Chapter of the National Association of Social Workers; a
19 person with experience in the juvenile justice system who shall be designated by the chief justice
20 of the juvenile court department; and a representative of organized labor who shall be designated
21 by the president of a collective bargaining unit that represents social workers. The work of the
22 nominating committee shall be coordinated by the executive office of health and human services.

23 Any person appointed to the position of child advocate shall be selected without regard to
24 political affiliation and on the basis of integrity and demonstrated ability in child welfare,
25 juvenile justice, auditing, law, management analysis, public administration and investigation or
26 criminal justice administration. The child advocate may, subject to appropriation, appoint such
27 other personnel as the child advocate deems necessary for the efficient management of the office.

28 The child advocate shall serve for a term of 5 years. In case of a vacancy in the position
29 of the child advocate, a successor shall be appointed in the same manner for the remainder of the
30 unexpired term. No person shall be appointed for more than 2 full terms.

31 The person so appointed may be removed from office for cause by a majority vote of the
32 attorney general, the state auditor and the governor. Such cause may include substantial neglect
33 of duty, gross misconduct or conviction of a crime. The cause for removal of the child advocate
34 shall be stated in writing and shall be sent to the clerks of the senate and house of representatives
35 and to the governor at the time of removal and shall be a public document.

36 SECTION 2. This act shall take effect as of July 1, 2016.