

COMMITTEE FOR PUBLIC COUNSEL SERVICES

**ASSIGNED COUNSEL MANUAL**

POLICIES AND PROCEDURES

September, 1999  
Revised (most  
recently) May, 2009

This manual informs attorneys representing indigent clients through the Committee for Public Counsel Services pursuant to G.L. c.211D of the qualification, training and performance requirements, the billing process, audit and evaluation procedures, and other policies and procedures related to assignment and compensation.

**Attorneys who accept assignments of cases pursuant to G.L. c.211D are required to follow the policies and procedures in this manual and any other CPCS publications, and any amendments, revisions, or additions to CPCS policies and procedures. Indigent Court Cost vendors are subject to the CPCS General Billing Policies and Procedures.**

The Commonwealth of Massachusetts

COMMITTEE FOR PUBLIC COUNSEL SERVICES

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**ASSIGNED COUNSEL MANUAL**

POLICIES AND PROCEDURES

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**I. SCOPE OF SERVICES OF  
COMMITTEE FOR PUBLIC COUNSEL SERVICES  
FOR PERSONS DETERMINED TO BE INDIGENT BY THE COURT**

The Committee compensates:

**SUPREME JUDICIAL COURT**

- Counsel for persons requesting direct appellate review of convictions or adverse decrees.
- Counsel for persons requesting further appellate review of convictions or adverse decrees.
- Single justice petitions.

**APPEALS COURT**

- Counsel for persons on appeal from convictions or adverse decrees.
- Single justice petitions.

**JUVENILE COURT DEPARTMENT**

- Counsel for defendants in delinquency matters.
- Counsel for Youthful Offender defendants.
- Counsel for children subject to CHINS proceedings. G.L. c.119 339F.
- Counsel for parents and children in Care and Protection cases.
- Counsel for parents and children in Substitute Care Reviews
- G.L. c.119 3324 & 29: Counsel for parents and children in care and protection cases
- G.L. c.119 3329B & 29C: Counsel for parents and children in substitute care hearings

**HOUSING COURT DEPARTMENT**

- Counsel for defendants in criminal contempt matters.

PROBATE AND FAMILY COURT DEPARTMENT

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	<u>Counsel for Defendants in Criminal Contempt Matters</u>
G.L. c.19A 320(a)	<u>Elderly Abuse</u> Counsel for proposed ward under Elderly Abuse Statute
G.L. c.201 336 & 6A; 14	<u>Guardianship</u>  - Substituted Judgment for Extraordinary Treatment (for example, anti-psychotic medication, or <u>ARogers</u> cases)  - With authority to admit/commit to a mental health or mental retardation facility.
	<u>State Intervention Proceeding</u>  Counsel for parents and children in:
G.L. c.210 33	Petitions to terminate parental consent to adoption by Commonwealth or licensed social service agency standing in its stead.
G.L. c.209C	Paternity actions where DSS is a party or the trial court is contemplating giving custody of the child to Department of Social Services or pursuant to <u>Balboni v. Balboni</u> .
G.L. c.208	Divorce actions where Department of Social Services is a party or the trial court is contemplating giving custody of minor children to Department of Social Services pursuant to <u>Balboni v. Balboni</u> .
G.L. c.119 3323C & 29	<u>ACare and Protection</u> cases

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G.L. c.201 335 & 14	Guardianships of minors where Commonwealth or agency is petitioning
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G.L. c.119 3329B & 29C	Substitute Care Review Hearings
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G.L. c.119 329	Any other proceeding regarding child custody when the Department of Social Services or a licensed placement agency is a party.
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SUPERIOR COURT DEPARTMENT

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Counsel for Defendants in Criminal Matters  
Where Incarceration Possible

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G.L. c.123 316	Counsel for defendants in petitions to commit as mentally ill
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G.L. c.123A 39	<u>Petitions for Release</u> Counsel for persons declared sexually dangerous petitioning for release
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G.L. c.123 39(b)	Counsel for persons appealing from commitment orders and authorizations to treat
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G.L. c.112 312S	<u>Abortions</u> Counsel for minors seeking abortions or for their representatives
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G.L. c.19C 37	<u>Disabled Persons</u> <u>Petition for Protective Services</u>
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DISTRICT COURT AND BOSTON MUNICIPAL COURT DEPARTMENTS

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Counsel for Defendants in Criminal Matters  
Where Incarceration Possible

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G. L. c.123 35

Commitments

Counsel for respondents in petitions to commit as mentally ill (under 338, 15, 16, 18); for petitions to commit for alcohol or substance abuse.

G. L. c.123 335

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G. L. c.123 312(e)

Warrants of Apprehension

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G. L. c.123 38B

Counsel for petitions for authorization to treat for mental illness.

G. L. c.123 39(a)

Counsel for Petitioners in Appeals of civil commitments (Appellate Division appeals)

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G. L. c.119 3324 & 29

Counsel for parents and children in care and protection cases

G. L. c.119 3329B & 29C

Counsel for parents and children in substitute care hearings.