

HOUSE No. 4787

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Finn

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 enhancing child welfare protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael J. Finn</i>	<i>6th Hampden</i>	<i>3/24/2022</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/6/2022</i>

HOUSE No. 4787

By Mr. Finn of West Springfield, a petition (subject to Joint Rule 12) of Michael J. Finn relative to child welfare protections. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act enhancing child welfare protections.

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. Clause (22) of subsection (a) of section 172 of chapter 6 of the General
2 Laws, as appearing in the 2020 Official Edition, is hereby repealed.

3 SECTION 2. Section 6A of chapter 18B of the General Laws, as appearing, in the 2020
4 Official Edition, is hereby amended by striking out the fifth paragraph.

5 SECTION 3. Section 7 of said chapter 18B, as so appearing, is hereby amended by
6 striking out subsection (e).

7 SECTION 4. Chapter 18B of the General Laws, as appearing in the 2020 Official
8 Edition, is hereby amended by inserting after section 9 the following 2 sections:-

9 Section 9A. The commissioner shall appoint an education manager to support the
10 department’s goal of educational stability and success for all elementary and secondary school
11 students under the care and custody of the department.

12 The education manager’s duties shall include, but shall not be limited to: (i) developing,
13 implementing and overseeing the department’s policies on education for children under the care
14 and custody of the department, including policy development and practice guidance; (ii)
15 monitoring state and federal laws, programs and resources that may impact the education of
16 children under the care and custody of the department; (iii) advising the commissioner and all
17 education coordinators on all matters relating to education, strategic education initiatives, policy,
18 and practice management matters; (iv) coordinating efforts with area office based education
19 coordinators to identify systemic barriers to accessing educational services for children under the
20 care and custody of the department; (v) coordinating with department area and regional offices
21 on education related issues; and (vi) facilitating best practice training for area office-based
22 education coordinators.

23 The education manager shall perform such duties as are described in this chapter and
24 such other duties as may be assigned by the commissioner.

25 Section 9B. The commissioner, with the advice of the education manager and the area
26 director, shall appoint at least 1 full-time education coordinator at each area office. Said
27 education coordinator shall be an employee of the area office and devote full time to the duties of
28 the office.

29 Each education coordinator’s duties shall include, but shall not be limited to: (i)
30 implementing and overseeing the area office’s work on education for children receiving services
31 from the department, consistent with the policies created by the department’s education manager;
32 (ii) monitoring student academic progress of children under the care and custody of the area
33 office not less than once per academic quarter; (iii) providing support and assistance to

34 department caseworkers regarding educational needs of children; (iv) providing detailed training
35 to department caseworkers on the best practices to monitor a child’s education experiences,
36 recognizing any unavailability of resources preventing a child from participating in school
37 courses, and developing individual education plans or 504 plan; (v) ensuring the timeliness and
38 accuracy of the transfer of education records detailing a child’s educational background and
39 needs; and (vi) maintaining contact with appropriate local school districts and education
40 organizations to facilitate enrollment and placement of children into school districts served by
41 the area office.

42 SECTION 5. Section 20 of said chapter 18B, as so appearing, is hereby amended by
43 striking out the second sentence.

44 SECTION 6. Section 23 of said chapter 18B, inserted by section 45 of chapter 176 of the
45 acts of 2008, is hereby repealed.

46 SECTION 7. Section 23 of said chapter 18B, inserted by section 8 of chapter 321 of the
47 acts of 2008, is hereby amended by striking out the sixth sentence.

48 SECTION 8. Sections 24 and 25 of said chapter 18B are hereby repealed.

49 SECTION 9. Said chapter 18B is hereby further amended by adding the following 3
50 sections:-

51 Section 26. (a) For the purposes of this section, the term “legislatively mandated report”
52 shall mean a report required by law of the department of children and families.

53 (b)(1) Annually, not later than October 31, the department shall issue a report that
54 provides an overview of the department’s performance during the previous fiscal year. The

55 commissioner or a designee shall file the report with the governor, the child advocate, the clerks
56 of the senate and house of representatives, the house and senate committees on ways and means
57 and the joint committee on children, families and persons with disabilities. The commissioner
58 shall provide the recipients of the report with an opportunity to discuss its contents with the
59 commissioner or the designee. The report shall be made publicly available on the department's
60 website in accordance with section 19 of chapter 66.

61 (2) The report shall include, but not be limited to, narratives, information, data and
62 analysis on: (i) counts, including but not limited to: (A) case counts; (B) consumer counts; (C)
63 consumer demographic information, including age, race, ethnicity, primary language, gender
64 identity, sexual orientation and disability; (D) intersectional data; (E) rates of racial
65 disproportionality and disparity at various decision points throughout the life of a case and the
66 department's efforts including the use of culturally competent staffing, resources and practices,
67 to reduce overrepresentation of children and youth of minority populations in the child welfare
68 system; (F) the number of requests for reasonable accommodations; (G) the number of disability
69 related complaints filed against the department; (H) reports filed pursuant to section 51A of
70 chapter 119; (I) placement metrics; (J) infants brought into the department's care pursuant to
71 section 39½ of chapter 119; (K) siblings in placement; (ii) processes and outcomes including, but
72 not limited to: (A) safety outcomes; (B) the number of fatalities including the manner of death
73 and fatalities by family history with the department; (C) permanency processes and outcomes;
74 (D) well-being outcomes, including the rates and timeliness of the delivery of medical and
75 behavioral health services; (E) educational well-being outcomes, including but not limited to: (1)
76 school placement information; (2) the number of Individualized Education Plans; (3) attendance
77 rates; (4) high school graduation rates and (5) school disciplinary actions; and (iii) operations,

78 including but not limited to: (A) staffing trends; (B) caseloads; (C) the department's budget,
79 including funding levels; (D) service costs; (E) medical services and advancements in providing
80 medical services to children and young adults in the department's care; (F) amounts expended
81 for foster care, adoptive and guardianship families to provide assistance, including financial
82 assistance, to provide for the care of children; (G) the foster care review system and any
83 recommendations for its improvement; (H) services and accommodations available to caregivers
84 and children who are individuals with disabilities; (I) the department's ombudsman including,
85 but not limited to, a summary of the complaints filed by type, and complaints by area office that
86 is primarily involved with the complaint and involved in the case; and (J) any new or ongoing
87 initiatives to improve practices, procedures and policy of the department. The report shall also
88 include comparative departmental information from prior fiscal years

89 (c)(1) Quarterly, not more than 45 days after the end of each fiscal quarter, the
90 department shall issue a quarterly profile on its website in accordance with section 19 of chapter
91 66 that shall include, but not be limited to, departmental, regional office and area office data on:
92 (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119,
93 including counts of reports received, screened-in and screened-out in the quarter; (iii) department
94 case counts, including counts of clinical and adoption cases in the quarter; (iv) consumer
95 demographic information, including age, race, ethnicity, primary language, gender identity and
96 sexual orientation and disability; (v) counts of children and youth in placement by type of
97 placement; and (vi) counts of children and youth not in placement.

98 (2) The commissioner or designee shall notify the house and senate committees on ways
99 and means and the joint committee on children, families and persons with disabilities when data

100 from a profile issued pursuant to paragraph (1) significantly departs from trends reported in
101 previous profiles.

102 (d) The commissioner or designee shall notify the joint committee on children, families
103 and persons with disabilities when draft regulations are made available by the department for
104 public comment. Not more than 30 days after the promulgation of regulations or the effective
105 date of adopted or revised departmental policies relative to services provided to children and
106 families, the department shall provide copies of the regulations or departmental policies to the
107 joint committee on children, families and persons with disabilities.

108 (e) If the department is unable to submit the report under subsection (b), issue the profile
109 under subsection (c) or any other legislatively mandated reports by the respective deadlines, the
110 commissioner or the commissioner's legal counsel shall notify the governor, the child advocate,
111 the clerks of the senate and house of representatives, the house and senate committees on ways
112 and means and the joint committee on children, families and persons with disabilities in writing
113 and provide an explanation for the delay.

114 (f) The department, in consultation with the general court, other governmental and
115 nongovernmental partners, shall establish a 5-year plan that shall include numerical targets for
116 the department's performance in each year and in each of its regions in the areas of safety,
117 permanence and well-being. The plan shall include a description of how the department will
118 measure its progress toward meeting the numerical targets and may include different targets for
119 different regions. The department shall update the plan annually.

120 Annually, the department shall measure its performance in meeting the targets established
121 in the 5-year plan for the commonwealth as a whole and for each of its regions consistent with

122 the methodology described in the plan. The department shall publish and maintain on its website
123 the current plan, the targets for previous years and the department's performance in meeting
124 those targets.

125 If in a fiscal year the department is unable to develop or update the 5-year plan or
126 measure its performance, the department shall notify the clerks of the house or representatives
127 and senate, the house and senate committees on ways and means, the joint committee on
128 children, families and persons with disabilities and the child advocate.

129 Section 27. Annually, not later than October 31, the department shall submit a special
130 report on services provided to young adults over the age of 18 to the child advocate, the clerks of
131 the senate and house of representatives, the house and senate committees on ways and means and
132 the joint committee on children, families and persons with disabilities. The report shall
133 summarize the process by which a young adult may continue to receive services from the
134 department upon reaching the legal adult age of 18. The report shall also include consumer
135 demographic information including age, race, ethnicity, primary language, gender identity and
136 sexual orientation and disability, but not be limited to: (i) the number of young adults who have
137 elected to sustain a connection with the department in the previous fiscal year; and (ii) the
138 number of young adults who have elected not to remain with the department and have
139 transitioned out of the child welfare system in the previous fiscal year, including young adults
140 who had previously elected to sustain a connection with the department, if such numbers are
141 available. The department may satisfy the reporting requirements of this section by providing the
142 requested information in an annual report filed under section 26.

143 Section 28. Annually, not later than October 31, the department shall file a special report
144 on its fair hearing processes and cases with the child advocate, the clerks of the senate and house
145 of representatives, the house and senate committees on ways and means and the joint committee
146 on children, families and persons with disabilities. The department may satisfy the reporting
147 requirement of this section by providing the requested information in an annual report filed under
148 section 26. The report shall be made available to the public electronically in accordance with
149 section 19 of chapter 66. The report shall include, but not be limited to, information in a form
150 that shall not include personally identifiable information on the fair hearing requests open at any
151 time during the previous fiscal year and, for each hearing request, shall provide: (i) the subject
152 matter of the appeal; (ii) the outcomes of cases resolved prior to a fair hearing decision; (iii) the
153 number of days between the hearing request and the first day of the hearing; (iv) the number of
154 days between the close of the evidence and the hearing officer's decision; (v) the number of days
155 of continuance granted at the appellant's request; (vi) the number of days of continuance granted
156 at the request of the department or the hearing officer, specifying which party made the request;
157 and (vii) whether the department's decision that was the subject of the appeal was affirmed or
158 reversed.

159 The department shall maintain and make available to the public during regular business
160 hours, a record of its fair hearings in a form that shall not include personally identifiable
161 information and that shall include, for each hearing request: (i) the date of the request; (ii) the
162 date of the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final
163 decision rendered upon the commissioner's review. For fair hearing requests that are pending for
164 more than 180 days at any time during the fiscal year, except for those requests which have been
165 stayed at the request of the district attorney, the report shall provide the number of such cases,

166 how many of those cases have been heard but not decided and how many have been decided by
167 the hearing officer but not yet issued a final agency decision.

168 If there are more than 225 fair hearing requests open for more than 180 days at the close
169 of any month during the first 6 months of a fiscal year, then an additional report of such requests
170 shall be provided not later than April 30. The department shall make redacted copies of fair
171 hearing decisions available not later than 30 days after a written request.

172 SECTION 10. Section 1 of chapter 18C of the General Laws, as so appearing, is hereby
173 amended by striking out the definition of “Advisory council”.

174 SECTION 11. Section 2 of said chapter 18C, as so appearing, is hereby amended by
175 striking out, in lines 2 and 3, the words “shall be independent of any supervision or control by
176 any executive agency” and inserting in place thereof the following words:- shall be an
177 independent public entity not subject to the supervision and control of any other executive office,
178 department, commission, board, bureau, agency or political subdivision of the commonwealth.

179 SECTION 12. Said section 2 of said chapter 18C, as so appearing, is hereby further
180 amended by striking out, in line 17, the second time it appears, the word “and”.

181 SECTION 13. Said section 2 of said chapter 18C is hereby further amended by striking
182 out, in line 20, the word “services.” and inserting in place thereof the following words:- services;
183 and.

184 SECTION 14. Said section 2 of said chapter 18C, as so appearing, is hereby further
185 amended by adding the following subsection:-

186 (f) examine disproportionality related to topics including, but not limited to, race,
187 ethnicity, disability status, transgender status, sexual orientation or gender identity within child
188 welfare systems, services and agencies.

189 SECTION 15. Said section 2 of said chapter 18C, as so appearing, is hereby further
190 amended by adding the following 3 paragraphs:-

191 The office shall create and maintain a website that makes available mandated reporter
192 trainings, guidance, statutory reference and best practices materials in 1 online location to all
193 mandated reporters in the commonwealth. The office shall consult with, or partner with, any
194 public or private entity that the child advocate deems relevant to create and maintain this
195 website. The office shall be responsible for ensuring that information on the website remains
196 current.

197 The office shall create and make available to the public, on the website created in this
198 section, evidence-based mandated reporter training for all mandated reporters in the
199 commonwealth. The training shall include, but is not limited to, training in child abuse and
200 neglect reporting, implicit bias training, technical instruction on how to file a 51A report and
201 details on the department's process regarding the filing and treatment of 51A reports. Training
202 shall also include over-reporting prevention, including, but not limited to, how to address
203 concerns with families and children when those concerns do not rise to the level of requiring a
204 maltreatment report and how to understand the difference between poverty and neglect.

205 The office may, as appropriate, expand, update or amend mandated reporter training as
206 appropriate. The office may create additional evidence-based mandated reporter trainings for
207 specific groups of individuals such as educators, childcare workers, social workers and foster

208 parents. The office of the child advocate may consult, or partner with, any public or private
209 entity that the child advocate deems relevant to create, update, expand, implement or amend any
210 mandated reporter trainings the office creates.

211 SECTION 16. Said chapter 18C is hereby further amended by inserting after section 2 the
212 following section:-

213 Section 2A. In addition to the powers set forth in section 2, the child advocate, or the
214 child advocate's designee, may intervene in proceedings before the juvenile court described in
215 section 24 of chapter 119 in which matters related to this chapter are in issue.

216 SECTION 17. Section 3 of said chapter 18C, as appearing in the 2020 Official Edition, is
217 hereby amended by inserting after the word "health", in line 10, the following words:- ; the
218 speaker of the house of representatives, or designee; the senate president, or designee; the house
219 minority leader, or designee; the senate minority leader, or designee.

220 SECTION 18. The fourth paragraph of said section 3 of said chapter 18C, as so
221 appearing, is hereby further amended by adding the following sentence:- The child advocate's
222 annual salary shall be 80 per cent of the salary of the chief justice of the supreme judicial court.

223 SECTION 19. Said chapter 18C is hereby further amended by striking out section 4 and
224 inserting in place thereof the following section:-

225 Section 4. The child advocate shall meet with the governor, the speaker of the house of
226 representatives, the senate president, the attorney general, the state auditor and the chief justice
227 of the juvenile court at least annually and shall present the annual goals of the office and its plans
228 for monitoring the work, including the continuous quality improvement, of the child service

229 agencies and the identification of any critical gaps and issues relating to interagency
230 collaboration.

231 SECTION 20. Section 5 of said chapter 18C, as so appearing, is hereby amended by
232 adding the following subsection:-

233 (i) The child advocate shall notify the governor, the attorney general, the auditor, the
234 speaker of the house of representatives and the senate president when investigating a critical
235 incident pursuant to this section that results in the death of a child due to a reasonable belief that
236 an executive agency or constituent agency failed in its duty to protect a child. In order to ensure
237 the integrity and independence of the office, the governor, the attorney general, the auditor, the
238 speaker of the house of representatives and the senate president shall receive the results of such
239 an investigation before any executive office, agency or program that is the subject of said
240 investigation.

241 SECTION 21. Section 6 of said chapter 18C, as so appearing, is hereby amended by
242 adding the following sentence:- The child advocate may also request from the clerks of the
243 juvenile court or probate and family court information related to active court cases to which the
244 department is a party, including case numbers and hearing dates.

245 SECTION 22. The first paragraph of section 7 of said chapter 18C, as so appearing, is
246 hereby amended by inserting after the first sentence the following sentence:- The child advocate
247 may also request non-privileged information related to court cases, including case numbers and
248 hearing dates.

249 SECTION 23. Section 11 of said chapter 18C, as so appearing, is hereby amended by
250 striking out, in lines 1 and 2, the words “, in consultation with the advisory council,”.

251 SECTION 24. Section 12 of said chapter 18C, as so appearing, is hereby amended by
252 inserting, in line 36, after the word “personnel,” the following words:- the speaker of the house
253 of representatives, the senate president.

254 SECTION 25. Said chapter 18C, as so appearing, is hereby further amended by adding
255 the following 2 sections:-

256 Section 15. The office shall, annually, oversee the review of child welfare data reporting
257 and make recommendations for improvements to the report and profile required under
258 subsections (b) and (c) of section 26 of chapter 18B and any other legislatively mandated reports,
259 or the data measures, progress measures, and outcome measures pursuant to section 128 of
260 chapter 47 of the acts of 2017. Following the release of the department’s annual report, the office
261 shall seek input from the public, advocates and diverse stakeholders from across the
262 commonwealth. The office shall consult with other individuals with relevant expertise, including
263 academics, researchers and service providers. Annually, not later than January 2, the office shall
264 file a report on its recommendations, together with drafts of any legislation necessary to carry its
265 recommendations into effect, with the clerks of the senate and house of representatives, the
266 senate and house committees on ways and means and the joint committee on children, families
267 and persons with disabilities.

268 Section 16. (a) As used in this section the following words shall, unless the context
269 clearly requires otherwise, have the following meanings:

270 “Child”, a person under the age of 18.

271 “Fatality”, a death of a child.

272 “Local team”, a local child fatality review team established in subsection (c).

273 “Near fatality”, an act that, as certified by a physician, places a child in serious or critical
274 condition.

275 “State team”, the state child fatality review team established in subsection (b).

276 “Team”, the state or a local team.

277 (b) There shall be a state child fatality review team within the office. Notwithstanding
278 section 172 of chapter 6, members of the state team shall be subject to criminal offender record
279 checks to be conducted by the colonel of state police on behalf of the child advocate. All
280 members shall serve without compensation for their duties associated with membership on the
281 state team.

282 The state team shall consist of not less than: (i) the child advocate, or designee, who shall
283 serve as co-chair; (ii) the commissioner of public health, or designee, who shall serve as co-
284 chair; (iii) the chief medical examiner, or designee; (iv) the attorney general, or designee; (v) the
285 commissioner of children and families, or designee; (vi) the commissioner of elementary and
286 secondary education, or designee; (vii) a representative selected by the Massachusetts District
287 Attorneys Association; (viii) the colonel of state police, or designee; (ix) the commissioner of
288 mental health, or designee; (x) the commissioner of developmental services, or designee; (xi) the
289 director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical
290 Center, or designee; (xii) the commissioner of youth services, or designee; (xiii) the
291 commissioner of early education and care, or designee; (xiv) a representative selected by the
292 Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing
293 or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health

294 and Hospital Association, Inc.; (xvi) the chief justice of the juvenile court department of the trial
295 court of the commonwealth, or designee; (xvii) the president of the Massachusetts Chiefs of
296 Police Association Incorporated, or designee; and (xviii) any other person, selected by the co-
297 chairs or by majority vote of the members of the state team, with expertise or information
298 relevant to an individual case. The purpose of the state team shall be to decrease the incidence of
299 preventable child fatalities and near fatalities by: (1) developing an understanding of the causes
300 and incidence of child fatalities and near fatalities; and (2) advising the governor, the general
301 court and the public by recommending changes in law, policy and practice to prevent child
302 fatalities and near fatalities.

303 To achieve its purpose, the state team shall: (i) develop model investigative and data
304 collection protocols for local teams; (ii) provide information to local teams and law enforcement
305 agencies for the purpose of protecting children; (iii) provide training and written materials to
306 local teams to assist them in carrying out their duties; (iv) review reports from local teams; (v)
307 study the incidence and causes of child fatalities and near fatalities in the commonwealth; (vi)
308 analyze community, public and private agency involvement with the children and their families
309 prior to and subsequent to fatalities or near fatalities; (vii) develop a protocol for the collection of
310 data regarding fatalities and near fatalities and provide training to local teams on the protocol;
311 (viii) develop and implement rules and procedures necessary for its own operation; and (ix)
312 provide the governor, the general court and the public with annual written reports, subject to
313 confidentiality restrictions, that shall include, but not be limited to, the state team's findings and
314 recommendations.

315 (c) There shall be a local child fatality review team in each district established under
316 section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team

317 shall be subject to criminal offender record checks to be conducted by the district attorney. All
318 members shall serve without compensation for their duties associated with membership on a
319 local team.

320 Each local team shall include, but not be limited to: (i) the district attorney of the county,
321 who shall serve as chair; (ii) the chief medical examiner or, designee; (iii) the commissioner of
322 children and families or, designee; (iv) a pediatrician with experience in diagnosing or treating
323 child abuse and neglect, appointed by the state team; (v) a local police officer from a
324 municipality where a child fatality or near fatality occurred, appointed by the chief of police of
325 the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police;
326 (vii) the chief justice of the juvenile court department of the trial court of the commonwealth, or
327 designee; (viii) the director of the Massachusetts Center for Unexpected Infant and Child Death
328 located at Boston Medical Center or a designee; (ix) at least 1 representative from the department
329 of public health or the office of the child advocate; and (x) any other person with expertise or
330 information relevant to an individual case who may attend meetings, on an ad hoc basis, by
331 agreement of the permanent members of each local team; provided that such person may include,
332 but shall not be limited to, a local or state law enforcement officer, a hospital representative, a
333 medical specialist or subspecialist, or a designee of the commissioners of developmental
334 services, mental health, youth services, education and early education and care.

335 The purpose of each local team shall be to decrease the incidence of preventable child
336 fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and
337 near fatalities; (ii) promoting cooperation and coordination between agencies responding to
338 fatalities and near fatalities and in providing services to family members; (iii) developing an
339 understanding of the causes and incidence of child fatalities and near fatalities in the county; and

340 (iv) advising the state team on changes in law, policy or practice that may affect child fatalities
341 and near fatalities.

342 To achieve its purpose, each local team shall: (i) review, establish and implement model
343 protocols from the state team; (ii) review, subject to the approval of the local district attorney, all
344 individual fatalities and near fatalities in accordance with the established protocols; (iii) meet
345 periodically, not less than 4 times per calendar year, to review the status of fatality and near
346 fatality cases and recommend methods of improving coordination of services between member
347 agencies; (iv) collect, maintain and provide confidential data as required by the state team; and
348 (v) provide law enforcement or other agencies with information to protect children.

349 At the request of the local district attorney, the local team shall be immediately provided
350 with: (i) information and records relevant to the cause of the fatality or near fatality maintained
351 by providers of medical or other care, treatment or services, including dental and mental health
352 care; (ii) information and records relevant to the cause of the fatality or near fatality maintained
353 by any state, county or local government agency including, but not limited to, birth certificates,
354 medical examiner investigative data, parole and probation information records and law
355 enforcement data post-disposition, except that certain law enforcement records may be exempted
356 by the local district attorney; (iii) information and records of any provider of social services,
357 including the department of children and families, relevant to the child or the child's family, that
358 the local team deems relevant to the review; and (iv) demographic information relevant to the
359 child and the child's immediate family, including, but not limited to, address, age, race, gender
360 and economic status. The district attorney may enforce this paragraph by seeking an order of the
361 superior court.

362 (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
363 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter
364 123, section 20B, section 20J or section 20K of chapter 233 or any other law relating to
365 confidential communications shall not prohibit the disclosure of this information to the chair of
366 the state team or a local team. Any information considered to be confidential pursuant to the
367 aforementioned statutes may be submitted for a team's review upon the determination of that
368 team's chair that the review of this information is necessary. The chair shall ensure that no
369 information submitted for a team's review is disseminated to parties outside the team. No
370 member of a team shall violate the confidentiality provisions set forth in the aforementioned
371 statutes.

372 Except as necessary to carry out a team's purpose and duties, members of a team and
373 persons attending a team meeting shall not disclose any information relating to the team's
374 business.

375 Team meetings shall be closed to the public. Information and records acquired by the
376 state team or by a local team pursuant to this chapter shall be confidential, exempt from
377 disclosure under chapter 66 and may only be disclosed as necessary to carry out a team's duties
378 and purposes.

379 Statistical compilations of data that do not contain any information that would permit the
380 identification of any person may be disclosed to the public.

381 (e) Members of a team, persons attending a team meeting and persons who present
382 information to a team shall not be questioned in any civil or criminal proceeding regarding
383 information presented in or opinions formed as a result of a team meeting.

384 (f) Information, documents and records of the state team or of a local team shall not be
385 subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding;
386 provided, however, that information, documents and records otherwise available from any other
387 source shall not be immune from subpoena, discovery or introduction into evidence through
388 these sources solely because they were presented during proceedings of a team or are maintained
389 by a team.

390 (g) Nothing in this section shall limit the powers and duties of the child advocate or
391 district attorneys.

392 SECTION 26. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby
393 repealed.

394 SECTION 27. Section 3 of said chapter 38, as so appearing, is hereby amended by adding
395 the following paragraph:-

396 The office shall immediately send any notification or report of a death under the
397 circumstances enumerated in clause (15) to the state child fatality review team established by
398 section 15 of chapter 18C, including, but not limited to, the known facts concerning the time,
399 place, manner, circumstances and cause of such death. The chief medical examiner shall provide
400 any additional information related to such notification or report to the state child fatality review
401 team upon request.

402 SECTION 28. Subsection (f) of section 23 of chapter 119 of the General Laws, as
403 appearing in the 2020 Official Edition, is hereby amended by striking out the sixth sentence.

404 SECTION 29. Subsection (h) of said section 23 of said chapter 119, as so appearing, is
405 hereby further amended by striking out the second paragraph.

406 SECTION 30. Chapter 119 of the General Laws, as so appearing, is hereby amended by
407 inserting after section 23B the following section:-

408 Section 23C. (a) The department shall promulgate a policy governing its relationship
409 with, and responsibilities to, foster parents. This policy shall be collectively known as the foster
410 parents' bill of rights and shall be provided by the department and private agencies contracted by
411 the department to provide foster care to all prospective foster and pre-adoptive parents during the
412 application process and to kinship foster parents during the placement process. All current foster,
413 pre-adoptive and kinship parents shall be provided with a copy of the foster parents' bill of
414 rights.

415 (b) The foster parents' bill of rights shall include, but shall not be limited to, the
416 following:

417 (1) The department shall not discriminate against a foster parent on the basis of religion,
418 race, ethnicity, color, creed, sex, sexual orientation, gender identity, gender expression, national
419 origin, age or physical ability.

420 (2) The department shall keep information regarding the foster parent and household
421 members confidential, except as required by law.

422 (3) The department shall develop and provide a standardized pre-service training for
423 foster parents, including, but not limited to (i) communication; (ii) positive discipline; (iii) child
424 guidance; and (iv) building the child's self-esteem. The department shall update foster parents of

425 any relevant changes in policies and procedures of the department and any changes in applicable
426 law not less than 30 days before the changes take place. If the department cannot provide the
427 update not less than 30 days before the change takes place, the department shall update foster
428 parents as soon as practicable.

429 (4) To the greatest extent possible, as allowable under state and federal law, the
430 department shall, prior to placement, provide a foster parent with information about the child,
431 including, but not limited to: (i) the physical and behavioral health history of the child; (ii) the
432 education needs of the child; and (iii) information about the daily routine of the child. The
433 department shall communicate additional information that becomes known during the time of
434 placement in a timely fashion.

435 (5) The department shall provide a foster parent with a copy of the department action
436 plan regarding the child in the foster parent's home, other than those parts of the plan containing
437 information that is confidential to a parent under federal or state law, and shall afford a foster
438 parent an opportunity to discuss the plan with the social worker. The department shall provide
439 reasonable notification of any changes to that plan.

440 (6) A foster parent may decline placement of a child in their home. A foster parent may
441 request the removal of a child from their home.

442 (7) The department shall inform a foster parent of the range and frequency of payments
443 the foster parent may be eligible to receive, including, but not limited to, daily stipends, quarterly
444 clothing allowances and birthday and holiday payments. The department shall notify a foster
445 parent in writing of any delays in payments as soon as the delay becomes known to the
446 department.

447 (8) The department shall inform a foster parent of other available financial supports and
448 services including, but not limited to, parents and children together rates, reimbursements for
449 one-time costs, child care and respite. The department shall also provide the criteria for accessing
450 financial supports and services.

451 (9) The department shall consult with the foster parent in the planning of supervised or
452 unsupervised visitation.

453 (10) The department shall provide a foster parent no less than 10 days of paid respite care
454 per year.

455 (11) The department shall maintain a staffed 24-hour emergency hotline in case of
456 emergency when the department offices are closed. The department shall provide the hotline
457 number to foster parents.

458 (12) The department shall provide adequate notice to a foster parent of foster care
459 reviews and appropriate meetings regarding the child in the foster parent's home, and shall invite
460 foster parents to participate in these meetings, except as to those parts of foster care reviews or
461 meetings that involve information that is confidential as to a parent under federal or state law.

462 (13) The department shall, to the extent reasonably possible, provide adequate notice to a
463 foster parent when a child is to be removed from their home.

464 (14) The department shall provide adequate notice to a foster parent of all court hearings,
465 consistent with federal and state law, regarding the child in their home. A foster parent who is
466 unable to attend a court hearing may provide a written statement to the department prior to the
467 hearing.

468 (15) The department shall provide foster parents with information about: (i) the process
469 and timelines for investigation and resolution of a report made against the foster parent pursuant
470 to section 51A; (ii) the rights of the foster parent to receive and provide information during a
471 review or investigation; and (iii) the potential consequences of a supported complaint, review or
472 investigation.

473 (16) The department may advocate for a non-kin foster parent to be considered as the first
474 choice as an adoptive parent or legal guardian for a child whose goal has been changed to
475 adoption or guardianship if no kin is available.

476 (17) Prior to a child leaving a foster home, the department may provide the opportunity
477 for the foster parent to provide notes that may assist future foster parents in the care or daily
478 routine of the child. The department may include this information in the case file of the child and
479 may make it accessible, upon request, to future foster or adoptive parents, consistent with
480 applicable state and federal privacy laws.

481 (18) Upon request of a foster parent, the department shall review department decisions
482 relating to the child while in the care of the foster parent, including, but not limited to, grievance
483 or fair hearing requests filed by the foster parent in compliance with the department's
484 regulations. The department shall provide information on these procedures and timelines to
485 foster parents upon approval as a foster parent.

486 (19) The department shall not retaliate against foster parents for issuing or filing a
487 complaint with the commissioner, the department's office of the ombudsman or the office of the
488 child advocate or for retaining counsel.

489 SECTION 31. Subsection (c) of section 26 of said chapter 119, as so appearing, is hereby
490 amended by inserting after the word “custody”, in line 90, the following words:- , the child
491 advocate.

492 SECTION 32. Section 27 of said chapter 119, as so appearing, is hereby amended by
493 inserting after the word “child”, in line 2, the following words:- , the child advocate.

494 SECTION 33. Subsection (e) of section 29B of said chapter 119, as so appearing, is
495 hereby amended by inserting after the word “adult”, in line 84, the following words:- , the child
496 advocate.

497 SECTION 34. Section 39½ of said chapter 119, as so appearing, is hereby amended by
498 striking out the eighth paragraph.

499 SECTION 35. Section 51D of said chapter 119, as so appearing, is hereby amended by
500 striking out the eighth paragraph.

501 SECTION 36. Section 51E of said chapter 119, as so appearing, is hereby amended by
502 striking out, in line 2, the figure “51D” and inserting place thereof the following figure:- 51C.

503 SECTION 37. Section 5E of chapter 210 of the General Laws, as appearing in the 2020
504 Official Edition is hereby repealed.

505 SECTION 38. Item 4800-0015 of section 2 of chapter 24 of the acts of 2021 is hereby
506 amended by striking out the words “provided further, that on December 1, 2021, and March 1,
507 2022, the department shall report to the house and senate committees on ways and means and the
508 joint committee on children, families and persons with disabilities on: (i) the fair hearing
509 requests filed in fiscal year 2022, using nonidentifying information which shall state, for each

510 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing
511 request and the first day of the hearing; (c) the number of days between the first day of the
512 hearing and the hearing officer's decision; (d) the number of days between the hearing officer's
513 decision and the agency's final decision; (e) the number of days of continuance granted at the
514 appellant's request; (f) the number of days of continuance granted at the request of the
515 department of children and families or the hearing officer's request, specifying which party made
516 the request; and (g) whether the department's decision that was the subject of the appeal was
517 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2022, which have
518 been pending for more than 180 days, stating the number of those cases, how many of those
519 cases have been heard but not decided and how many have been decided by the hearing officer
520 but not yet issued as a final agency decision; provided further, that the department shall maintain
521 and make available to the public, during regular business hours, a record of its fair hearings, with
522 identifying information removed, including for each hearing request: the date of the request, the
523 date of the hearing decision, the decision rendered by the hearing officer and the final decision
524 rendered upon the commissioner's review; provided further, that the department shall make
525 redacted copies of fair hearing decisions available within 30 days of a written request; provided
526 further, that the department shall not make available any information in violation of federal
527 privacy regulations; provided further, that not later than March 1, 2022, the department shall
528 submit a report to the house and senate committees on ways and means and joint committee on
529 children, families and persons with disabilities that shall include, but not be limited to, the: (1)
530 number of medical and psychiatric personnel and their level of training currently employed by or
531 under contract with the department; (2) number of foster care reviews conducted by the
532 department and the average length of time in which each review is completed; (3) the number of

533 social workers and supervisors who have earned a bachelor's or master's degree in social work;
534 (4) the total number of social workers and the total number of social workers holding licensure,
535 by level; (5) number of the department's contracts reviewed by the state auditor and the number
536 of corrective action plans issued; and (6) number of corrective action plans entered into by the
537 department; provided further, that on the first business day of each quarter, the department shall
538 file a report with the house and senate committees on ways and means and the joint committee
539 on children, families and persons with disabilities on the caseload of the department; provided
540 further, that the report shall include, but not be limited to: (A) the caseloads of residential
541 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A
542 reports, substantiated 51A reports, the number of children who die in the care and custody of the
543 department, the number of children currently eligible for supportive child care, the number of
544 children presently receiving supportive child care and the number of medical and psychiatric
545 consultation requests made by the department's social workers; (B) the number of approved
546 foster care placements; (C) the number of children in psychiatric hospitals and community-based
547 acute treatment programs who remain hospitalized beyond their medically-necessary stay while
548 awaiting placement and the number of days each case remains in placement beyond that which is
549 medically necessary; (D) the number of children under the department of children and families'
550 care and custody who are being served in medical or psychiatric care provided through other
551 publicly-funded sources; (E) the number of children served by supervised visitation centers and
552 the number of those children who are reunified with their families; (F) the total number of
553 children served, their ages, the number of children served in each service plan, the number of
554 children in out-of-home placements and the number of placements each child has had before
555 receiving an out-of-home placement; (G) for each area office, the number of kinship

556 guardianship subsidies provided in the quarters covered by the report and the number of kinship
557 guardianship subsidies provided in that quarter for which federal reimbursement was received;
558 (H) for each area office, the total spending on services other than case management services
559 provided to families to keep a child with the child's parents or reunifying the child with the
560 child's parents, spending by the type of service including, but not limited to, the number of
561 children and a breakdown of spending for respite care, intensive in-home services, client
562 financial assistance and flexible funding, community-based after-school social and recreation
563 program services, family navigation services and parent aide services and the unduplicated
564 number of families that receive the services; (I) for each area office, the total number of families
565 residing in shelters paid for by the department, a list of where the families are sheltered, the total
566 cost and average cost per family at those shelters and a description of how the department
567 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of
568 requests for voluntary services, broken down by type of service requested, whether the request
569 was approved or denied, the number of families that were denied voluntary services and received
570 a 51A report, the reasons for denying the service and what, if any, referrals were made for
571 services by other agencies or entities; (K) the number of families receiving multiple 51A reports
572 within a 10-month period, the number of cases reopened within 6 months of being closed and the
573 number of children who return home and then reenter an out-of-home placement within 6
574 months; (L) the number of children and families served by the family resource centers by area;
575 and (M) the number of children within the care and custody of the department whose
576 whereabouts are unknown; provided further, that not later than January 31, 2022, the department
577 shall submit a report to the house and senate committees on ways and means and the joint
578 committee on children, families and persons with disabilities that details any changes to said

579 rules, regulations or guidelines established by the department in the previous fiscal year to carry
580 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria
581 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a
582 child from the home; and (III) standards to determine what reasonable efforts are being made to
583 keep a child in the home; provided further, that on a monthly basis, the department shall provide
584 the caseload forecasting office with data on children receiving services and other pertinent data
585 related to items 4800-0038 and 4800-0041 that is requested by the office; provided further, that
586 the report shall also contain the number of children and families served by the family resource
587 centers, by area, and an evaluation of the services provided and their effectiveness.”

588 SECTION 39. Notwithstanding any general or special law to the contrary, the department
589 of children and families shall file a report every 6 months detailing its compliance with its
590 agreement with the United States Department of Justice and the United States Department of
591 Health and Human Services to resolve their findings that the department of children and families
592 discriminated by reason of disability in violation of Title II of the Americans with Disabilities
593 Act, 42 U.S.C. §§ 12131-12134, and its implementing regulation, 28 C.F.R. Part 35, and Section
594 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing
595 regulation, 45 C.F.R. Part 84 until the termination of the agreement, with the clerks of the house
596 of representatives and the senate; the joint committee on the judiciary and the joint committee on
597 children, families and persons with disabilities. The department shall file its initial report 90 days
598 after the passage of this act.

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