

SENATE No. 2598

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to protect children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>4/13/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>4/13/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/13/2021</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>4/14/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>4/14/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>4/14/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>4/14/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>4/14/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>4/14/2021</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>4/14/2021</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>4/14/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>4/15/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>4/15/2021</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>4/16/2021</i>

<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>4/16/2021</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>4/28/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>5/3/2021</i>

SENATE No. 2598

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Ryan C. Fattman, Patrick M. O'Connor, Bradley H. Jones, Jr. and other members of the General Court for legislation to protect children. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

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

An Act to protect children.

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 71 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting at the end there of the following section: -

3 Section 98: (a) As used in this section, the following terms shall, unless the context
4 requires otherwise, have the following meanings: -

5 "Department", shall mean the department of children and families.

6 "Free youth", mean a child under the care or custody of the department of children and
7 families or a young adult who has signed a voluntary placement agreement with the department
8 of children and families.

9 "Electronic backpack", shall mean an electronic repository of a foster youth's educational
10 records.

11 (b) Notwithstanding any general or special law to the contrary, the commissioner of the
12 department, in consultation with the office of the child advocate and the secretary of education,
13 shall develop and implement an electronic backpack program for the educational stability of
14 foster youth.

15 (c) The department shall create an electronic backpack for each foster youth. The
16 department, in conjunction with the department of education, shall determine the format of the
17 electronic backpack. Each electronic backpack must contain the educational records of the foster
18 youth, including the names and addresses of educational providers, the foster youth's grade-level
19 performance, and any other educational information that the department requires. The
20 department shall maintain the electronic backpack as part of the department's records for the
21 foster youth as long as the foster youth remains in foster care.

22 (d) The department shall make the electronic backpack available to:

23 (i) Any person authorized by law to make educational decisions for the foster youth;

24 (ii) Any person authorized to consent to medical care for the foster youth; and

25 (iii) Any provider of medical care to the foster youth if access to the foster youth's
26 educational information is necessary for the provision of medical care and is not prohibited by
27 law.

28 (e) The department shall collaborate with the department of education to develop policies
29 and procedures to ensure that the needs of foster youths are met in every school district.

30 SECTION 2. Notwithstanding any general or special laws to the contrary within 9
31 months of the implementation of this act, the Massachusetts department of children and families

32 shall conduct a comprehensive review of the department's practices related to individuals with
33 disabilities and develop a policy that promotes the following:

34 (1) workforce development and training;

35 (2) evidenced-based best practices for effective case management and safety and risk
36 assessment and planning; and

37 (3) requirements for case documentation about an individual's disability.

38 SECTION 3. Notwithstanding any general or special laws to the contrary within 6
39 months of the implementation of this act, the Massachusetts department of children and families
40 shall develop a reunification policy that includes, at a minimum:

41 (1) an assessment of safety and risk using a research or analytical based or actuarial tool
42 that is used prior to a child's return and as a support in DCF's reunification decision-making.

43 (2) area office management administrative case record review prior to any internal case
44 review meeting;

45 (3) area office management consultations with the department case management team,
46 educational provider, probation officer, relevant service providers and subject matter experts
47 prior to any internal case review meeting;

48 (4) area office management discussions with the caregiver(s) to elicit their input and
49 participation in formulating a reunification transition plan that takes into considerations their
50 strengths and needs; and

51 (5) a documented family-centered transition plan that takes into consideration the
52 individual needs of the child and caregiver, outlines the pre- and post-reunification caregiver
53 expectations, and the department oversight and monitoring of the family to ensure child safety.

54 SECTION 4. Notwithstanding any general or special laws to the contrary within 6
55 months of the implementation of this act, the Massachusetts department of children and families
56 shall review its current processes for safety assessment and develop an evidenced-based process
57 for assessing safety that includes at a minimum the following:

58 (1) a structured framework for examining the potential safety of a child within a family
59 unit;

60 (2) the actions that should be taken because of the safety assessment;

61 (3) how the findings will be communicated to the family; and

62 (4) how and when safety assessment should be used as a tool for monitoring.

63 SECTION 5. Notwithstanding any general or special laws to the contrary within 9
64 months of the implementation of this act, the Massachusetts department of children and families
65 shall develop guidance and training for the department's workforce that sets written standards
66 and policies of the following:

67 (1) which families are appropriate for virtual home visits;

68 (2) when a family previously approved for virtual home visits must be transferred to in-
69 person visitation only;

70 (3) how to recognize warning signs and assess safety and well-being of a child during
71 virtual home visits; and

72 (4) indicators of child abuse and neglect during virtual home visits.

73 SECTION 6. Notwithstanding any general or special law to the contrary in implementing
74 this act, the Massachusetts department of children and families shall provide their findings in
75 writing and make them accessible to the general public. In addition, the Massachusetts
76 department of children and families shall hold at least 1 hearing open to the public with respect
77 to the sections of this act, as well as engage with the following specialists including but not
78 limited to: Members of the Department of Early and Secondary Education; The Attorney
79 General's office; Members of the Department of Early Education; The office of the child
80 advocate; The office of child services; psychologists with specializations in youth psychology
81 and safety; and educators.

82 SECTION 7. Section 1 of this act shall be implemented within one year of the passage of
83 the act.