

**SENATE . . . . . No. 2719**

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**The Commonwealth of Massachusetts**

—  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
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SENATE, May 26, 2020.

The committee on Children, Families and Persons with Disabilities to whom was referred the petition (accompanied by bill, Senate, No. 29) of Joanne M. Comerford, Mindy Domb and Sal N. DiDomenico for legislation to establish the Massachusetts foster care review office, reports recommending that the accompanying bill (Senate, No. 2719) ought to pass.

For the committee,  
Sonia Chang-Diaz

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-First General Court  
(2019-2020)**

An Act relative to the Massachusetts foster care review unit.

*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 18B, of the General Laws is hereby amended by striking section  
2 6A, as appearing in the 2018 Edition, and inserting in place thereof the following section:-

3           Section 6A. (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meaning:

5           “The Department”, the department of children and families.

6           “FCRU”, as the Foster Care Review Unit.

7           “The Commissioner” the commissioner of the department of children and families.

8           “The secretary”, the secretary of the executive office of health and human services.

9           “The OCA”, the office of the child advocate as defined by chapter 18C.(b) The  
10 commissioner shall appoint a foster care review director who shall establish an independent  
11 foster care review unit within the department. The director shall appoint, subject to the approval  
12 of the commissioner, the members of the unit who shall be employees of the department. Foster

13 care review unit employees shall devote their full time exclusively to case reviews and shall  
14 convene and conduct administrative case reviews of the status of each child in the care of the  
15 department and young adults who remain under the responsibility of the department pursuant to  
16 subsection (f) of section 23 of chapter 119, once every 6 months in order to make determinations  
17 and recommendations regarding the placement and progress towards permanency.

18 The director shall oversee the staff of the unit and their duties shall include scheduling  
19 and conducting case reviews, providing advanced notice to parties to the case, the development  
20 of individual case review reports including findings and recommendations, the dissemination of  
21 individual case review reports to the parties, and follow-up of individual cases in accordance  
22 with FCRU policies and procedures.

23 The director, in partnership with the OCA, shall create guidelines regarding citizen  
24 reviewer qualifications, recruitment and training. Training shall include an initial training  
25 program and periodic in-service training programs.

26 (c)(1)The reviews shall be performed by a 3 person panel consisting of 1 member of the  
27 unit who shall convene the review meeting; a second party reviewer who is a manager or  
28 supervisor from the area office but not the manager or supervisor assigned to the case under  
29 review; and a volunteer citizen reviewer who shall not be an employee of the department and has  
30 been recruited, trained and represents, to the maximum extent feasible, the various  
31 socioeconomic, racial and ethnic groups served by the panel. No panel member shall be the  
32 social worker with direct case responsibility for the child or young adult whose case is being  
33 reviewed or the immediate supervisor of the social worker. Such reviews shall be held at  
34 convenient locations throughout the commonwealth and shall be chaired by the member of the

35 panel from the foster care review unit. Panel members shall have sufficient experience or  
36 training to enable them to make recommendations.

37 (2) There shall be volunteer citizen reviewers who will be assigned to participate in case  
38 review. The volunteer citizen reviewer shall: (i) attend the case review they are scheduled for;  
39 (ii) prepare for the case review by reading the prior case review report, when applicable, and  
40 review the relevant actions plan(s) and other materials provided to them by the FCRU prior to  
41 the case review; (iii) participate in the case review in an objective and unbiased manner; (iv)  
42 maintain the confidentiality of all client-related information; (v) participate in decision-making  
43 as an equal authority during the case review in part by having written recommendations if it is a  
44 minority opinion; and, (vi) notify the FCRU in advance if they have personal knowledge of a  
45 client or family whose case they are scheduled to review.

46 (3) The following parties, when applicable, shall be provided with sufficient notice of the  
47 case review date: (i) parent(s)/guardian(s), including an unwed father, except any parents whose  
48 parental rights have been terminated or whose child has reached 18 years of age, unless their  
49 attendance is requested by the young adult; (ii) the client child(ren), youth at least 14 years of  
50 age and young adults whose case is being reviewed; (iii) placement resource(s); (iv) the attorneys  
51 of the parties listed in item (ii); (v) a parent's attorney(s), unless parental rights have been  
52 terminated; (vi) the social worker(s) and supervisor(s) assigned to the family; (vii) the  
53 department attorney; and, (viii) family resource, adoption and adolescent outreach social  
54 worker(s), as assigned.

55 (d) The purpose of the case review shall be to determine: (1) the current safety and  
56 wellbeing of the child, youth or young adult in their current placement; (2) the necessity and

57 appropriateness of the continued placement; (3) the extent of the parties' compliance with a  
58 written plan which has been developed between the department or its agent, the child's parents, if  
59 applicable, and the child, youth and young adult where appropriate, and which states actions  
60 which must be undertaken within specified time limits by all parties to achieve identified service  
61 goals; (4) the extent of progress which has been made toward alleviating or mitigating the causes  
62 necessitating the child's placement; (5) the extent to which services in the plan are being  
63 provided and the identification of any barriers to receiving the needed services; (6) progress  
64 made toward the permanency goal, whether the permanency goal should be amended and a  
65 projected date by which the child or youth may likely be returned to his parents or guardian, or  
66 placed for adoption, or, by which the child, youth or young adult will have a guardian appointed  
67 other than the department or its agent, or live permanently with kin or another permanent  
68 planned living arrangement; and, (7) goals for the next six months and additional findings and  
69 recommendations in accordance with the child, youth or young adult's best interest.

70 (e) Administrative case reviews shall not be subject to chapter 30A; provided, however,  
71 that nothing in this section shall prevent the exercise of any right of review a party may have  
72 pursuant to any other provisions of law.

73 (f) (i) There shall be an advisory board to review and oversee the foster care review unit.  
74 The advisory board shall (A) address any issues that have been elevated by the director of the  
75 unit and the OCA; and, (B) address systemic issues affecting progress towards permanency and  
76 services focused on the best interest of children, youth and young adults in foster care placement  
77 brought to the board's attention by the FCRU director. The board shall meet quarterly.

78 (ii) When the advisory board is established it shall initially: (A) consider the age in which  
79 a young person is allowed to participate and give input in case reviews and whether that age  
80 should be lowered; (B) review the results of the OCA's foster care review survey, as established  
81 in section 15 of chapter 18C; (C) assess the scheduling system and determining if any further  
82 improvements need to be made; (D) discuss ways to increase participation of all parties attending  
83 case reviews; and (E) assess and promote the independence of the volunteer citizen reviewers.

84 (iii) There shall be an eleven members on the advisory board, geographically diverse and,  
85 to the extent possible, representing various socioeconomic, racial and ethnic groups. The child  
86 advocate or designee, the director of the FRCU unit, shall serve as chairs of the board and shall  
87 appoint its membership. Membership shall include two members representing independent child  
88 welfare advocacy non-profits to be named by the chairs, the director of education at the  
89 department or designee; a legal representative of the child and family division of the committee  
90 for public counsel services; the medical director at the department or designee; a representative  
91 of organized labor to be designated by the president of the collective bargaining unit that  
92 represents the social workers of the department; a foster parent; a current department staff  
93 reviewer, and a current citizen volunteer reviewers with a minimum of one year experience.  
94 Other state agencies, commissions, service providers and non-profit groups may be invited to  
95 discuss trends in service gaps and other issues of interest to the advisory board.

96 (g) In the department's annual report, the director of the unit, in consultation with the  
97 advisory board, shall report annually on aggregate data related to the foster care review unit. This  
98 shall include but not be limited to, statistics and analysis of aggregate data from the case reviews  
99 during that fiscal year, the number and role of those who attended the case review during that  
100 fiscal year, and the number of cases who had a service plan recommended. The advisory board

101 shall make recommendations to address the issues, concerns and problems identified in the  
102 annual report.

103 (h) The department shall promulgate regulations for the conduct of case reviews. The  
104 regulations shall include, but not be limited to, standards for the conduct of the reviews; for the  
105 initial and ongoing training of the members of the unit and of the panels; for the participation by  
106 the social worker with direct case responsibility for the child, the child's parents, the child, where  
107 appropriate, and such other persons whose participation may be helpful; for sufficient notice to  
108 all participants of the time and place of the review; for a written report of the panel's  
109 determinations, recommendations and minority opinions; for an appeal by a fair hearing or the  
110 grievance process to the commissioner of children and families, or their designee, by the social  
111 worker, the parents, or the child aggrieved by the panel's determinations and recommendations.  
112 The decision by said commissioner or their designee shall be final.

113 SECTION 2. Chapter 18C of the General Laws is hereby amended by inserting after  
114 section 14 the following section:-

115 Section 15. (a) As used in this section the following words shall, unless the context  
116 clearly requires otherwise, have the following meaning:

117 "Foster Care Review Unit", may also be referred to as "FCRU", as established in section  
118 6A of chapter 18B.

119 "The advisory board", as established in section 6A of chapter 18B.

120 (b) The office shall oversee and monitor the quality of the practices of the FCRU and  
121 shall serve as the co-chair of the advisory board. This shall include, but may not be limited to:

122 (1) make recommendations, including legislative recommendations, for areas of  
123 improvement and identify areas of strength to the advisory board and the legislature regarding  
124 foster care review policy; and ensure oversight, accountability and transparency regarding the  
125 foster care review unit;

126 (2) create recruitment and training tools in partnership with the director of the FCRU,  
127 trainings shall include an initial training program and periodic in-service training programs;

128 (3) review periodic and annual aggregate data provided by the FCRU and the department;

129 (4) review and address issues and concerns regarding services for children, youth and  
130 families from information collected in FCRU's case reviews;

131 (5) review, in addition to the department, individual case alert notices and foster care  
132 review memos that are generated from FCRU case reviews; and

133 (6) administer a biannual survey to all participants of foster care case reviews beginning  
134 in 2020 with its results included in the annual report of the department, which shall include but  
135 not be limited to, the child, youth or young adult who have participated in FCRU case reviews,  
136 biological parents, foster parents, all attorneys representing clients, volunteer citizen reviewers,  
137 and the FCRU staff.

138 SECTION 3. Section 1 and 2 shall go into effect one year from the acts passage.