

HOUSE No. 85

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

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 relative to children in the care, protection, and custody of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>1/17/2013</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	
<i>Anne M. Gobi</i>	<i>5th Worcester</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	
<i>Benjamin Swan</i>	<i>11th Hampden</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	
<i>Cory Atkins</i>	<i>14th Middlesex</i>	

HOUSE No. 85

By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 85) of Nick Collins and others for legislation to enhance opportunities for children in the custody of the Commonwealth. Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to children in the care, protection, and custody of the Commonwealth.

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 6 of the General Laws, as appearing in the 2010 Official Edition, is
2 hereby amended by striking out, in its entirety section 215 and inserting in place thereof the
3 following new section: -

4 “There shall be an interagency child welfare task force, hereinafter called the task force.
5 The secretary of health and human services and the child advocate shall serve as its co-chairs.
6 The task force shall consist of 27 members including: the department of children and families;
7 the department of youth services; the department of transitional assistance; the department of
8 mental health; the department of developmental services; the department of public health; the
9 department of elementary and secondary education; the department of early education and care;
10 the office of medicaid; the department of insurance; the department of public education; the
11 department of economic development; the executive office of labor and workforce development;
12 the department of public safety; the department of housing and community development; the
13 chief justice of the juvenile court; the department of probation; and 6 members appointed by the
14 governor including: 2 parents of youth who were formerly in the care of the commonwealth, 2
15 youth who were formerly in the care of the commonwealth, 2 direct line social workers selected
16 from a list of 12 applicants selected by the Statewide advisory council, 2 provider agencies who
17 offer services to children in the custody of the department of youth services and 2 provider
18 agencies who offer direct services to children in the care of the department of children and
19 families to include one agency that solely provides foster care.

20 The task force shall hold monthly meetings and shall work together to establish annual
21 interagency goals to coordinate and streamline services to children and families and shall

22 examine and develop a comprehensive plan to address the following but not limited to:
23 interagency collaboration to increase medical and mental health consultation; the availability of
24 health and behavioral health services to children and families; examine options to strengthen the
25 independence of the office of the child advocate and recommend any legislative changes at the
26 conclusion of the first year; collaboration with law enforcement as it relates to children and
27 families involved with the criminal justice system; the availability of supportive child care for
28 children in the care of the department of children and families; domestic violence awareness
29 programs; children awaiting discharge from psychiatric inpatient units; interagency training
30 initiatives for staff, communities and providers; analyzing and determining a reasonable
31 timeframe, not to exceed 3 years of implementation of this act, to implement a common
32 identifier for all children and families that enter the child welfare system in order to track the
33 recidivism of child abuse and neglect within a family structure while ensuring that
34 confidentiality is upheld; searching out new funding sources from within the commonwealth, the
35 federal government and grant opportunities to provide the following services to children in the
36 foster care system: at least 2 weeks of summer camp, after-school care, participation in school
37 based sports, at least 1 week of school vacation camp, participation in art or musical school
38 based activities and at least 1 week of paid respite care for foster families; evaluate the
39 transportation issues between the education department and the executive office of health and
40 human services that arise with foster children and create a detailed plan to address and cease
41 these issues within 3 years of implementation of this act; and create and implement a detailed
42 plan to provide workforce opportunities in communities and small businesses for children in the
43 care and custody of the commonwealth who are of age to be employed at least part-time through
44 tax incentives, apprenticeships and mentoring opportunities; evaluate the cost of current
45 programs and services offered through multiple agencies that impact the lives of children that are
46 redundant.

47 The task force shall report quarterly to the governor's cabinet on its progress of
48 implementing said interagency goals and plans and shall report annually to the governor, the
49 clerk of the senate, the clerk of the house, and the senate and house committees on ways and
50 means on the activities and progress of the task force including detailed plans to implement said
51 goals and objectives of the task force and any recommendations for funding new funding, the
52 amount of funding needed to implement said goals and plans.”.

53 SECTION 2. Section 2 of Chapter 18B of the General Laws, as so appearing, is hereby
54 amended, in line 15, by inserting after the word “activities” the following words:- “, including
55 but not limited to the opportunity for foster children to participate in: school based sports, arts,
56 music or theatre groups or any other extra-curricular school based activity, girl scouts or boy
57 scouts, and socialization activities offered through community-based programs”.

58 SECTION 3. Said Section 2 of said Chapter 18B is hereby further amended, in line 24,
59 by inserting after the word “services” the following words:- “, including the opportunity for each

child in the foster care system to attend at least 2 weeks of summer camp and at least 1 week of school vacation camp”.

SECTION 4. Said Section 2 of said Chapter 18B is hereby further amended, in line 31, by striking the word “; and”.

SECTION 5. Said Section 2 of said Chapter 18B is hereby further amended, in line 33, by striking word:- “.” and inserting in place thereof the following:- “; and (18) culturally competent supportive services for pre-adoptive and adoptive families to ensure success of permanency including allowing the continuation of services provided from multiple agencies to occur simultaneously.”.

SECTION 6. Section 7 of said Chapter 18B, as so appearing is hereby further amended by adding the following 3 subsections:-

“(o) The commissioner in consultation with the child advocate and other agencies he deems relevant including but not limited to the Massachusetts District Attorneys Association, the national association of social workers-Massachusetts chapter, the American medical association-Massachusetts chapter, the Massachusetts teachers’ association and private child service providers shall create, implement, maintain and update as needed a free, standardized online training program to be completed by all mandated reporters as defined in section 21 of chapter 119, and as referenced in section 51A(k) of chapter 119.”

(p) The commissioner, in consultation with office of the child advocate and the secretary of education, shall develop a statewide plan for the educational stability of children placed in the care or custody of the department of children and families and young adults who have signed voluntary placement agreements with the department of children and families. The plan shall include: (i) a procedure to allow foster children to continue their education for the duration of the academic year in the school they were enrolled in before entering foster care if such placement is determined to be in their best interest; (ii) a process to minimize the loss of learning time due to changing schools during the academic year; (iii) procedures for transferring academic and other records expediently when a foster child is placed in a new schools; (iv) a process for designating foster care education liaisons to facilitate placement, records transfer, calculation of credits earned, and other transition issues for foster children; (v) a process for determining federal, state and local funding sources for transportation of students to their school of origin; (vi) an assurance that children in care attend school on a regular basis as required by law; (vii) recommendations for administration and legislative actions, including but not limited to legislation that requires local school districts to adhere to different residency requirements for relocated foster children; (viii) an assurance that the department of children and families will coordinate with the appropriate local educational authority to identify how children could remain in the educational settings in which the child were enrolled at the time of placement or, if it is determined that it is not in the child's best interest to remain in that setting, the local educational

97 authority shall immediately and appropriately enroll the child in another educational setting
98 during the child's placement and ensure that the child's educational records are transferred to the
99 new educational setting.

100 Not later than 12 months after the effective date of this act, the plan shall be filed with the
101 clerks of the Senate and House of Representatives, the Joint Committee on Children, Families
102 and Persons with Disabilities, the Joint Committee on Education, and the House and Senate
103 Committees on Ways and Means.

104 (q) The commissioner shall work with any state executive office or department as he
105 deems appropriate to establish and implement a series of initiatives, to be completed no later than
106 12 months after the effective date of this act, to achieve section 3(b)(7) of this chapter including,
107 but not limited to, the following areas: (i) creating a standardized form of identification for all
108 foster parents employed by the commonwealth or private agencies; (ii) free admission for foster
109 parents into any department of conservation and recreation park, skating rink, pool, campground
110 or facility; (iii) reimbursement for any trainings required by the commonwealth to execute their
111 duties as foster parents; and (iv) evaluating a scale of state employee benefits to be extend to
112 foster parents.”.

113
114 SECTION 7. Chapter 18C of the General Laws, as so appearing, is hereby amended by
115 inserting after section 4 the following section:-

116 “Section 4 ½. There shall be a child abuse and neglect expert review panel, hereinafter
117 called the panel, under the purview of the child advocate who shall serve as chair. The members
118 of the panel shall include the commissioner of the department of children and families, the
119 executive director of the Children’s Trust Fund and 2 members selected by the child advocate to
120 include: a medical expert in the field of pediatrics and a social worker with a minimum of 10
121 years direct case work experience. The panel shall be convened as determined by the child
122 advocate to review the repeated entry of children into the care of the department of children and
123 families. Said repeated entry shall include any open or closed cases within a 12 month period for
124 the same child or the same family unit. The panel shall determine is any actions may be taken to
125 protect the child from further harm or if any agency regulations may be modified. The panel’s
126 review and determinations shall be kept confidential. The panel shall report on any trends that
127 are cycling through families, agency service gaps, recommendations for policy changes to rectify
128 the repeated abuse and neglect of children as part of the annual report as established in section 10
129 of this chapter.

130 The child advocate may convene a public meeting or oversight hearing to discuss any
131 trends in child welfare, gather the public’s input or determine further actions that shall be taken
132 to improve the lives of the children in the care and custody of the commonwealth. Any findings
133 shall be included in the annual report as established in section 10 of this chapter.”.

SECTION 8. Section 5 of said Chapter 18C, as so appearing, is hereby amended in line 2 by striking the word “may” and inserting in place thereof the word:- “shall”.

SECTION 9. Said Section 5 of said Chapter 18C, as so appearing, is hereby further amended in line 3 by striking the word “may” and inserting in place thereof the word:- “shall”.

SECTION 10. Said Section 5 of said Chapter 18C, as so appearing, is hereby further amended in line 9 by striking the word “and”.

SECTION 11. Said Section 5 of said Chapter 18C, as so appearing, is hereby further amended by striking in line 10:- “.” and inserting in place thereof the following:- “; and (4) the findings from the investigation shall be public and reported to the clerk of the senate and the clerk of the house. Furthermore, the child advocate shall work in coordination with the state child fatality review team to conduct his own investigation in the death of any child whose was in the care or custody of the commonwealth using the guidelines outlined in this section.”.

SECTION 12. Section 2DDDD of Chapter 29 of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following clause:- “; and (11) summer enrichment programs for youth in the care and custody of the commonwealth to prevent school dropout and encourage new creative thinking and engagement in fields vital to the commonwealth’s economic growth.”.

SECTION 13. Section 2 of Chapter 71B of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following paragraph:-

“The department of children and families and the department of elementary and secondary education shall establish procedures (i) to allow foster children to continue their education for the duration of the academic year in the school they were enrolled in before entering foster care if such placement is determined to be in their best interest; (ii) to minimize the loss of learning time due to changing schools during the academic year; (iii) for transferring academic and other records expediently when a foster child is placed in a new school. Academic and other records shall include an individualized education plan and shall be transferable immediately to any other licensed school and school district within the commonwealth. Unless a child’s Individualized Education Plan is subject to reevaluation in pursuant to this section.”.

SECTION 14. Section 7 of Chapter 76 of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following paragraph:-

“Any school age child placed in foster care or group care outside of their home town shall have their school records transferred within 2 business days to ensure the continuation of said child’s learning. Any absences said child endures due to a school transfer, court appearance or

any meeting regarding their foster care status shall not be counted against said child in any matter of graduation or in any child requiring assistance application.”.

SECTION 15. Section 2 of Chapter 111G of the General Laws, as so appearing, is hereby amended at the end thereof by adding the following paragraph:-

“The department, in consultation with the commissioner of children and families and the division, shall review and revise the early intervention operational standards to ensure that children under the age of three who have an open protective case with the department of children and families be deemed categorically eligible for early intervention services.”.

SECTION 16. Section 23(b) of Chapter 119 of the General Laws, as so appearing, is hereby amended, in line 83, by inserting after the word “develop” the following words:- “statewide, universal practices,”.

SECTION 17. Said Section 23(b) of Chapter 119, as so appearing, is hereby further amended, in line 84, by inserting after the word “The” the following words:- “statewide, universal practices,”.

SECTION 18. Section 23(7) of said Chapter 119, as so appearing, is hereby amended by inserting after subsection (i) the following 4 subsections:-

“(j) The department, in consultation with the area boards created in section 13 of chapter 18B and the statewide advisory council created in section 16 of chapter 18B, shall create an age appropriate, culturally appropriate, life-skills curriculum for children in the foster care system. Said curriculum shall begin for children age 11 and continue through age 18 and shall include, but is not limited to, the following areas: interpersonal skill; completing household duties; running a home; grocery shopping; opening a bank account; interviewing for jobs and or college; filling out job application; and managing bills. Said curriculum shall be approved by the secretary of health and human services and the child advocate and shall include a timeframe for implementation and cost analysis of implementation within 3 years of approval of this act.

(k) Each child who is age 7 or older shall be given a meaningful opportunity to participate in the development of the case plan and to state his or her preference(s) for initial and any subsequent placement or custody. The department shall ask any child who is age 7 or older to provide the names of any kin or other adults with whom the child has a relationship. Further, the department shall ask any child who is 7 or older, in private, to state his or her preference(s) for initial and any subsequent placement or custody.

Each parent shall also be asked to provide the name of kin or other adult with whom the child or the family has a relationship who could serve as a potential placement for the child. Each parent shall also be given a meaningful opportunity to participate in the development of the case plan and to state his or her preference(s) for initial and any subsequent placement or custody of his or her child.

If the department has or is seeking custody of a child, the department shall first investigate the possibility of placing the child in accordance with the placement preferences of the child and/or parent(s). The department shall complete that investigation before placing the child and make placement changes as appropriate based on the outcome of that investigation. Specific reasons for placement decisions must be documented in writing in the case file, including the reasons for rejecting placements identified by the child and/or parent(s).

(l) Each child shall have one of their social workers present at any placement planning meeting, interview, attorney meeting or any other meeting pertaining to the future living standards or placement of said child. Each child shall also have the right to be actively involved in the development of their permanency plan and shall be given every opportunity to ask questions and offer input as to the outcome of their permanency plan and shall fully understand the decisions being made and the options offered to them during the permanency planning process.

(m) Each child shall have obtained for them by the department, a free credit report, pursuant to the fair credit reporting act, from each of the 3 major credit bureaus at the time of entry or re-entry into care and annually thereafter, for the time that said child remains in custody of the Commonwealth, to determine whether identity theft has occurred and to correct all erroneous entries on said child's credit record. If the credit report displays other negative or erroneous items, the Commonwealth shall provide the necessary services to correct said child's credit record, including, but not limited to, legal and other advocacy fees.

The department shall: (i) provide the child's attorney with a copy of each credit report within 30 days of obtaining the credit report results; (ii) work with the child's attorney to notify the district attorney, for the district in which the child resides, no later than 30 days after receipt of the credit report in order to correct any erroneous items; and (iii) make each annual credit report request not later than 60 days after the child's birthday, or 60 days after the child's entry or re-entry into custody."

SECTION 19. Section 24 of said Chapter 119, as so appearing is amended at the end thereof by inserting the following paragraph:-

"No child entering the foster care system through a substantiated report of section 51A of this chapter shall receive a probation officer to investigate them, their foster home setting or the claims in the 51A report. The identity and record of any child that enters the foster care system through a substantiated 51A report, shall not be submitted to the criminal history system board,

criminal offender record information system, court activity record index or any other criminal record information system and any child whose name has been entered into these court systems shall have their records expunged.”.

SECTION 20. Said Chapter 119 is hereby further amended by striking out Section 51A(k), as so appearing, and inserting in place thereof the following section:-

“(k) A mandated reporter shall successfully complete by July 1, 2015, and every three years thereafter, the training referenced in section 2(e) of chapter 18C, to recognize and report suspected child abuse and neglect. Beginning on July 1, 2015, any mandated reporter who applies for or renews a professional license shall provide evidence of successful completion of said training.”.

SECTION 21. Section 51B(c) of said Chapter 119, as so appearing, is hereby further amended, at the end of line 32, by inserting the following words:-

“No child placed in immediate temporary custody shall receive a probation officer to investigate the child, their foster home setting or the claims of a 51A report. The identity and record of any child shall not be submitted to the criminal history system board, criminal offender record information system, court activity record index or any other criminal record information system and any child whose name has been entered into these court systems shall have their records expunged.”.

SECTION 22. Said Chapter 119 is hereby further amended by striking out Section 51B(g), as so appearing, and inserting in place thereof the following subsection:-

“(g) The department shall offer appropriate services to the family of any child which it has reasonable cause to believe is suffering from any of the conditions described in the report to prevent further injury to the child, to safeguard his welfare, and to preserve and stabilize family life whenever possible. If the family declines or is unable to accept or to participate in the offered services, the department or any person may file a care and protection petition under section 24.

Each family assessment and service plan must document the involvement of the parents or guardians and children age 7 or older, including children in the custody of the department and their siblings or half-siblings and children placed by a court in the custody or under the guardianship of a relative or other suitable person, in the development of the plan. Such efforts must include, but are not limited to: (a) Encouraging the parents or guardian and the children to participate in the development and review of the plan and attempting to obtain the parents’ or guardian’s signatures documenting their review of the plan (b) obtaining information through separate and private conversations from the child and the parents about potential kin or other adults with whom the child or the family has a relationship who could serve as a placement for the child and (c) If either the parents or child is not involved in the development of the plan, the reasons must be documented.”.

SECTION 23. Section 3 of Chapter 210, as so appearing is hereby amended by inserting the following subsection after the last paragraph:-

“(e) A child who has not been adopted within two years after an order is entered terminating parental rights under this chapter or chapter 119, for whom the court has determined after a hearing under section 29B of chapter 119 that adoption is no longer the permanency plan, and who is at least 12 years of age may petition the court to reinstate in full the parental rights of one or both of the child’s former parents. The child shall sign the petition in the absence of a showing of good cause as to why the child could not do so. The court shall order that an evidentiary hearing be held and give notice of the hearing to the child’s former parent or parents as prescribed in section 24 of chapter 119. The court shall grant the petition if it determines by a preponderance of evidence that reinstatement of parental rights is in the child’s best interests. The court shall specify in writing the factual basis for its determination. If the court grants the petition, any prior order dispensing with the need for the parent to receive notice of or to consent to the adoption, guardianship, or custody of, or other disposition regarding, that child shall be deemed vacated.”.

SECTION 24. The department of children and families shall create and pilot a mentoring/life-coach program for children in the custody of the department to encourage and create life-long connections for every child aging out of the department’s care. The department shall work with private and non-profit organizations that have shown a proven track record of creating such a bond for children.

SECTION 25. The secretary of health and human services shall work with the secretary of labor and workforce development to create individual savings accounts for each youth, age 15 and above, who are in the custody of the commonwealth and develop a percentage scale of annual deposit requirements based the child’s supplemental security income and age of the child with a larger percentage being deposited as the child ages. Said plan shall include a provision to allow each child to retain the balance of their personal account upon release or aging out of the care and custody of the commonwealth.

SECTION 26. Section 23 of this act applies regardless of the whether the two year requirement is met before, on, or after the effective date of this act.