

HOUSE No. 4485

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 5, 2020.

The committee on Children, Families and Persons with Disabilities, to whom was referred the petition (accompanied by bill, House, No. 112) of Tricia Farley-Bouvier, Aaron Vega and others relative to establishing the Massachusetts foster care review office, reports recommending that the accompanying bill (House, No. 4485) ought to pass.

For the committee,

KAY KHAN.

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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.