

HOUSE No. 4487

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. 118) of Sean Garballey relative to children in the care, protection, and custody of the Commonwealth, reports recommending that the accompanying bill (House, No. 4487) ought to pass.

For the committee,

KAY KHAN.

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The Commonwealth of Massachusetts

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

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 18B of the General Laws, as appearing in the 2018 Official
2 Edition, is hereby amended by striking out Section 2 and inserting in place thereof the
3 following:-

4 Section 2: Services enumerated

5 Section 2. The department shall provide and administer a comprehensive child welfare
6 program for children and families, including the following services:-

7 (1) casework or counseling, including services to families, foster families or individuals;

8 (2) protective services for children;

9 (3) legal services for families, children or individuals who are clients of the department;

10 (4) adoption services;

11 (5) information and referral services;

- 12 (6) foster family care for children and specialized foster family care for children with
13 special needs;
- 14 (7) residential care for children with special needs who are not suited for foster family
15 care or specialized foster family care;
- 16 (8) informal education and group activities including, but not limited to, the opportunity
17 for foster children to participate in school based sports, arts, music or theater groups or any other
18 extracurricular school based activity, girl scouts or boy scouts, and socialization activities offered
19 through community-based programs;
- 20 (9) training in parenthood and home management for parents, foster parents and
21 prospective parents;
- 22 (10) family services intended to prevent the need for foster care and services to children
23 in foster care;
- 24 (11) temporary residential programs providing counseling and supportive assistance for
25 families in transition and their children who, because of domestic violence, homelessness, or
26 other situations, require temporary shelter and assistance;
- 27 (12) camping services including the opportunity for each child in the foster care system to
28 attend summer camp and school vacation camp or school vacation activities;
- 29 (13) information and referral services;
- 30 (14) services for families and individuals in emergency and transitional housing;

(15) comprehensive youth development services and, in consultation with the area boards created in section 13 and the statewide advisory council created in section 16 of said chapter, an age and culturally appropriate life-skill curriculum for children ages 11-18 years in the foster care system. It shall include, but not be limited to, interpersonal skills; completing household duties; running a home; grocery shopping; interviewing for jobs and/or higher education; filling out job applications; opening a bank account; managing bills, and financial literacy education;

(16) access to and coordination of medical, dental and mental health services for children in foster care whose families are receiving services from other state agencies;

(17) child care placements for children whose families have an open case with the department;

(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;

(19) for youth in the care and custody of the commonwealth starting at the age of 16, coaching on how to secure and request a free credit report pursuant to the fair credit reporting act, from each of the 3 major credit bureaus to determine whether identity theft has occurred and to correct all erroneous entries on said child's credit record. If a caseworker of the department has reason to suspect a client has been a victim of identity theft before the age of 16, they shall secure said credit reports and facilitate corrective action on behalf of the client. If the credit report displays 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;

53 (20) a mentoring program for children in the custody of the department to encourage and
54 create life-long connections for every child aging out of the department's care and custody. The
55 department must pair each child with a mentor prior to their 14th birthday, or subsequently after
56 coming into the custody and care of the department for children and youth over the age of 14,
57 however nothing in this section shall preclude the department from connecting children in their
58 care to mentors before the age of 14. The department shall work with private and non-profit
59 organizations that have a proven track record of creating such a bond for children;

60 (21) individual savings accounts for each child, age 15 and older, who is in the custody of
61 the department. Each child for whom an individual savings account is created shall be allowed to
62 retain the balance of the child's personal account upon release or upon aging out of the custody
63 of the commonwealth; and,

64 (22) the provision of referrals, services, and coordination related to positive educational
65 and life outcomes. The department shall review internal regulations on early intervention
66 services to mandate that all children under the age of 3, who have an open protective case with
67 the department are referred to the department of public health for early intervention screening.

68 The department shall ensure that the placement of a child in foster care takes into account
69 the appropriateness of the current educational setting and the proximity to the school in which
70 the child is enrolled at the time of each placement; coordinate with the appropriate local
71 educational agencies to ensure that the child remains in the school which the child is enrolled in
72 at the time of each placement; or, if remaining in such school is not in the best interests of the
73 child, ensure that the child is immediately and appropriately enrolled in a new school.

SECTION 2. Section 7 of said chapter 18B, as so appearing is hereby further amended by adding at the end thereof the following 2 subsections:-

(0) As used in this section, the following terms shall, unless the context requires otherwise, have the following meanings:-

“Foster youth”, shall mean a child under the care or custody of the department of children and families or a young adult who has signed a voluntary placement agreement with the department of children and families.

“Electronic backpack”, shall mean an electronic repository of a foster youth’s educational records.

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

The department shall create an electronic backpack for each foster youth. The department, in conjunction with the department of education, shall determine the format of the electronic backpack. Each electronic backpack must contain the educational records of the foster youth, including the names and addresses of educational providers, the foster youth’s grade-level performance and transcript, the foster youth’s school attendance records, an individual education plan if applicable, and any other educational information that the department requires. The department shall maintain the electronic backpack as part of the department’s records for the foster youth as long as the foster youth remains in foster care.

95 The department shall make the electronic backpack available to:

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

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

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

101 The department shall collaborate with the department of education to develop policies
102 and procedures to ensure that the needs of foster youths are met in every school district.

103 (p) The commissioner shall work with any state executive office or department the
104 commissioner deems appropriate to establish and implement a series of initiatives, to be
105 completed no later than 12 months after the effective date of this act, to achieve paragraph (7) of
106 subsection (c) of section 3 of chapter 18B including, but not limited to, the following areas: (i)
107 creating a standardized form of identification for all foster parents; (ii) free admission for foster
108 parents into any department of conservation and recreation park, skating rink, pool, campground
109 or facility; and, (iii) reimbursement for any trainings required by the commonwealth to execute
110 their duties as foster parents.

111 SECTION 3. The department shall implement SECTIONS 1-2 within one year of the
112 passage of this act.