

HOUSE No. 4841

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 7, 2020.

The committee on Ways and Means to whom was referred the Bill relative to DCF legislative reporting reform (House, No. 4163), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4841).

For the committee,

AARON MICHLEWITZ.

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

An Act relative to accountability for vulnerable children and families.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith protect vulnerable children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. The twenty-second paragraph of subdivision (a) of section 172 of chapter 6 of the
2 General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out
3 clause (22) and inserting in place thereof the following clause:- (22) The district attorney may
4 obtain from the department data permitted under section 15 of chapter 18C.

5 SECTION 2. The second paragraph of section 16P of chapter 6A of the General Laws, as
6 so appearing, is hereby amended by striking out clause (iii) and inserting in place thereof the
7 following clause:- (iii) the data reported by the department of children and families under
8 subsection (b) of section 3A of chapter 18B and the department of mental health under section 24
9 of chapter 19.

10 SECTION 3. Chapter 18B of the General Laws, as so appearing, is hereby amended by
11 inserting after section 3 the following section:-

Section 3A. (a)(1) Annually, not later than October 31, the department shall issue a report that provides an overview of the department's performance during the previous fiscal year. The commissioner or a designee shall file the report with the governor, the child advocate, the clerks of the house of representatives and the senate, the chairs of the house and senate committees on ways and means and the chairs of the joint committee on children, families and persons with disabilities. The commissioner shall provide the recipients of the report with an opportunity to discuss its contents with the commissioner or a designee. The report shall be made publicly available on the department's website in accordance with section 19 of chapter 66.

(2) The report shall include, but not be limited to, narratives, information, data and analysis on: (i) counts, including, but not limited to: (A) case counts; (B) consumer counts; (C) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (D) reports filed pursuant to section 51A of chapter 119; (E) placement metrics, including breakdown by placement type; (F) infants brought into the department's care pursuant to section 39½ of chapter 119; and (G) siblings in placement; (ii) processes and outcomes, including but not limited to: (A) safety outcomes; (B) permanency processes and outcomes; (C) the rates of adoptions by race, ethnicity, and, if available, gender identity and sexual orientation of the child; and (D) well-being outcomes, including the rates and timeliness of the delivery of medical services and high school graduation rates; and (iii) operations, including, but not limited to: (A) staffing trends, including the total number of social workers, the total number of social workers holding licensure by level of licensure and the number of social workers and supervisors who have earned a bachelor's or master's degree in social work; (B) caseloads, including weighted caseload by social workers' years of employment with the department and area offices that experienced higher or lower caseloads than the

negotiated caseload standard over the course of the fiscal year; (C) the department's budget, including funding levels; (D) service costs, including, but not limited to, a breakdown by type of service provided, the unduplicated number of children receiving each type of service and the unduplicated number of families receiving each type of service; (E) medical services and advancements in providing medical services to children and young adults in the department's care; (F) amounts expended to foster care and to adoptive and guardianship families to provide assistance, including financial assistance, to provide for the care of children; (G) the use of culturally competent staffing, resources and practices; and (H) the foster care review system, including the number of foster care reviews conducted by the department, attendance of mandatory invitees to foster care review meetings, reasons why mandatory invitees do not attend foster care review meetings and any recommendations for its improvement. The report shall also include comparative departmental information from prior fiscal years.

(3) The report shall include specific data points, including: (i) the number of medical and psychiatric personnel and their level of training currently employed by or under contract with the department; (ii) the number of children who die in the care and custody of the department; (iii) the number of children served in medical or psychiatric care provided through other publicly-funded sources; (iv) the number of the department's contracts reviewed by the state auditor; (v) the number of corrective action plans entered into by the department; (vi) the number of children currently eligible for supportive child care; (vii) the number of children receiving supportive child care; (viii) the number of children and families served by the family resource centers by area office and an evaluation of the services provided and their effectiveness; (ix) for residential placements, the length of each placement and the disposition of the child's case at the end of the residential placement, including whether the child was returned to the child's family or placed in

other care within the community; (x) placement stability, including the number of times any child in the care and custody of the department has changed placements throughout the fiscal year and throughout their time in the care and custody of the department; (xi) the number of children whose cases were transferred to another area office; and (xii) the number of children who were reassigned social workers, including the reasons why.

(b)(1) Quarterly, not later than 45 days after the end of each fiscal quarter, the department shall issue a profile on its website in accordance with section 19 of chapter 66 that shall include, but not be limited to, departmental, regional office and area office data for the last quarter on: (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119, including counts of reports received, screened-in, screened-out, referred to the district attorney, responses completed on time in the quarter and the number of reports filed by each category of mandated reporter, as defined in section 21 of chapter 119; (iii) department case counts, including counts of clinical and adoption cases in the quarter; (iv) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (v) counts of children and youth in-placement, including method of intake; and (vi) counts of children and youth not in-placement.

(2) The profile shall include specific data points for the department and each regional and area office, including: (i) the number of approved foster care placements and utilization rate; (ii) the number of children who die in the care and custody of the department; (iii) the number of children within the care and custody of the department in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically-necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically necessary; (iv) the number of medical and psychiatric consultation requests

made by the department's social workers; (v) the number of children served by supervised visitation centers; (vi) the total number of families served by the department and residing in shelters; (vii) the number of children receiving multiple 51A reports; (viii) the number of children within the care and custody of the department whose whereabouts are unknown; and (ix) the number of times children transfer schools as a result of a best interest determination.

(3) The commissioner or the commissioner's designee shall notify the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities when data from a profile issued pursuant to paragraph (1) significantly departs from trends reported in previous profiles. The commissioner shall send the notification prior to publicly issuing the profile.

(c) Annually, not later than October 31, the department shall submit a report on transition planning for children in foster care and young adults over the age of 18 receiving services from the department to the child advocate, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities. The report shall summarize the process by which the department develops transition plans for youth and how a young adult may continue to receive services from the department upon reaching the legal adult age of 18. The report shall also include, but not be limited to: (i) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (ii) the number of young adults who have elected to sustain a connection with the department in the previous fiscal year; (iii) the number of young adults who have elected not to remain with the department and have transitioned out of the child welfare system in the previous fiscal year, including, but not limited to, at the time of transition: (A) the number of young adults with and without employment, (B)

the number of young adults with plans to attend post-secondary education, (C) the number of young adults without secure housing and (D) the number of young adults who had previously elected to sustain a connection with the department; (iv) the number of young adults who elected to return to the child welfare system after initially electing to transfer out; (v) reasons for youth and young adults exiting care from age 18 to their 23rd birthday; (vi) the total payments made from commonwealth funds to young adults in the previous fiscal year; and (vii) a description of services provided to young adults by the department in the previous fiscal year, including those funded wholly or in part by federal funds. The department may satisfy the reporting requirements of this subsection by providing the requested information in an annual report filed under subsection (a).

(d) Annually, not later than October 31, the department shall file a report on its fair hearing process and cases with the child advocate, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities. The report shall be made available to the public electronically in accordance with section 19 of chapter 66 of the General Laws. The report shall include, but not be limited to, information in a form that shall not include personally-identifiable information on the fair hearing requests open at any time during the previous fiscal year and, for each hearing request, shall provide: (i) the subject matter of the appeal; (ii) the outcomes of cases resolved prior to a fair hearing decision; (iii) the number of days between the hearing request and the first day of the hearing; (iv) the number of days between the close of the evidence and the hearing officer's decision; (v) the number of days of continuance granted at the appellant's request; (vi) the number of days of continuance granted at the request of the department of children and families or the hearing officer's request, specifying which party made the request;

and (vii) whether the department's decision that was the subject of the appeal was affirmed or reversed.

The department shall maintain and make available to the public, during regular business hours, a record of its fair hearings in a form that shall not include personally identifiable information and shall include, for each hearing request: (i) the date of the request; (ii) the date of the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final decision rendered upon the commissioner's review. The report shall provide for the fair hearing requests that are pending for more than 180 days at any time during the fiscal year, except for those requests stayed at the request of the district attorney, the number of those cases, how many of those cases have been heard but not decided and how many have been decided by the hearing officer but not yet issued a final agency decision. If there are more than 225 fair hearing requests open for more than 180 days at the close of any month of the first 6 months of a fiscal year, then an additional report of these requests shall be provided not later than February 28. The department shall make redacted copies of fair hearing decisions available within 30 days after a written request.

(e) Annually, not later than October 31, the office of the ombudsman shall file a report on the questions and concerns it received during the previous fiscal year with the child advocate, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities. The report shall be made available to the public electronically in accordance with section 19 of chapter 66 of the General Laws. The report shall include, but not be limited to: (i) the number of calls the office of the ombudsman received; (ii) the number of people contacting the office of the ombudsman; (iii) the category of people contacting the office, including consumers, foster

parents, adoptive parents, advocates, legislators, and general members of the public; (iv) the number and types of each category of contact, including, but not limited to, general questions or complaints about a specific case, referral to department services, or referral to services outside of the scope of the department; (v) the number of questions and concerns resolved by the office of the ombudsman; (vi) the number of questions and concerns referred to department services (vii) the number of questions and concerns referred to another state agency; (viii) the number of questions and concerns referred to a service or organization outside of state government; and (ix) other actions taken by the office of the ombudsman to serve children and families.

(f) Annually, not later than November 30, the department shall file a report on contracted services with the child advocate, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities. The report shall be made available to the public electronically in accordance with section 19 of chapter 66 of the General Laws. The report shall summarize the services provided by the department through contracted agencies in the previous fiscal year. The report shall also include, but not be limited to: (i) the number of new contracts entered into or renewed by the department; (ii) the number of contracts that ended; (iii) the total number of active contracts; (iv) the names of each agency and provider contracted with and receiving funding from the department; (v) the services provided by each agency and provider contracted with and receiving funding from the department; (vi) the number of clients served by each agency and provider contracted with and receiving funds from the department; (vii) the amount paid to each agency and provider contracted with and receiving funding from the department, including a breakdown by services provided and the source of funding, including, but not limited to, state appropriations, state trusts, federal reimbursements and private donations; and (viii) the

173 geographic areas served by each agency and provider contracted with and receiving funding
174 from the department.

175 (g) The commissioner or the commissioner's designees shall notify the joint committee
176 on children, families and persons with disabilities when draft regulations or departmental
177 policies are made available by the department for public comment. Not more than 30 days after
178 the promulgation of regulations or the effective date of adopted or revised departmental policies
179 relative to services provided to children and families, the department shall provide the joint
180 committee on children, families and persons with disabilities with copies of the regulations or
181 departmental policies.

182 (h) If the department is unable to submit the report under subsection (a), issue the profile
183 under subsection (c), or any other legislatively mandated reports by the respective deadlines, the
184 commissioner or the commissioner's legal counsel shall notify the governor, the child advocate,
185 the clerks of the house of representatives and the senate, the house and senate committees on
186 ways and means and the joint committee on children, families and persons with disabilities in
187 writing and provide an explanation for the delay. The department shall, at the written request of
188 the chairs of the joint committee on children, families and persons with disabilities, provide the
189 committee with partial data if the report under subsection (a), the profile under subsection (b), or
190 any other legislatively mandated report is late due to maturation or confirmation of certain data
191 points while other information may be ready for public submission. For the purposes of this
192 section, the term "legislatively mandated report" shall mean a report required by law of the
193 department of children and families.

194 SECTION 4. Section 6A of said chapter 18B, as so appearing, is hereby amended by
195 striking out the fifth paragraph.

196 SECTION 5. Section 7 of said chapter 18B, as so appearing, is hereby amended by
197 striking out subsection (e).

198 SECTION 6. Section 20 of said chapter 18B, as so appearing, is hereby amended by
199 striking out the second sentence.

200 SECTION 7. Section 23 of said chapter 18B, inserted by section 45 of chapter 176 of the
201 acts of 2008, is hereby repealed.

202 SECTION 8. Section 23 of said chapter 18B, inserted by section 8 of chapter 321 of the
203 acts of 2008, is hereby amended by striking out the sixth sentence.

204 SECTION 9. Section 24 of said chapter 18B, as appearing in the 2018 Official Edition, is
205 hereby repealed.

206 SECTION 10. Section 25 of said chapter 18B, as so appearing, is hereby repealed.

207 SECTION 11. Said chapter 18B, as so appearing, is hereby further amended by adding
208 the following section:-

209 Section 26. Notwithstanding any general or special law to the contrary, any social service
210 program, as defined by section 22N of chapter 7, or any program or service which is
211 reimbursable under Title XIX of the Social Security Act that is providing services to a child who
212 is in the custody of or receiving services from the department or is providing services to a young
213 adult or adult receiving services from the department, shall provide the department with
214 requested information within 5 business days of receiving a request from a department social

worker requesting said information for the purposes of conducting a collateral check; provided, that programs or services shall comply with all applicable state and federal privacy requirements, including those imposed by the Health Insurance Portability and Accountability Act of 1996, P.L. 104–191, the American Recovery and Reinvestment Act of 2009, P.L. 111–5, 42 C.F.R. § 2.11 et seq. and 45 C.F.R. §§ 160, 162 and 164.

SECTION 12. Section 5 of chapter 18C of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

(i) Following an investigation by the child advocate of a critical incident pursuant to this section that results in the death of a child, due to a reasonable belief that an executive agency or constituent agency failed in its duty to protect a child, at least 48 hours before releasing the results of the investigation the child advocate shall report jointly and simultaneously to a convening of the governor, the attorney general, the speaker of the house of representatives and the senate president. In order to ensure the integrity and independence of the office of the child advocate, no executive office, agency or program that is the subject of such an investigation shall receive the results of said investigation prior to the joint convening of the governor, the attorney general, the speaker of the house of representatives and the senate president.

SECTION 13. Section 12 of said chapter 18C, as so appearing, is hereby further amended by inserting, in line 36, after the word “personnel,” the following words:- the speaker of the house of representatives, the senate president.

SECTION 14. Said chapter 18C, as so appearing, is hereby further amended by adding the following section:-

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

“Child”, a person under the age of 18.

“Fatality”, any death of a child.

“Local team”, a local child fatality review team established in subsection (c).

“Near fatality”, an act that, as certified by a physician, places a child in serious or critical condition.

“State team”, the state child fatality review team established in subsection (b).

“Team”, the state or a local team.

(b) There shall be a state child fatality review team within the office of the child advocate. Notwithstanding section 172 of chapter 6, members of the state team shall be subject to criminal offender record checks to be conducted by the colonel of the state police, on behalf of the child advocate. All members shall serve without compensation for their duties associated with membership on the state team.

The state team shall consist of at least the following members: the child advocate appointed pursuant to section 3 of chapter 18C or a designee, who shall co-chair the state team; the commissioner of public health or a designee, who shall co-chair the state team; the chief medical examiner or a designee; the attorney general or a designee; the commissioner of children and families or a designee; the commissioner of elementary and secondary education or a designee; a representative selected by the Massachusetts District Attorneys Association; the colonel of the state police or a designee; the commissioner of mental health or a designee; the

commissioner of developmental services or a designee; the director of the Massachusetts center for unexpected infant and child death, located at the Boston Medical Center, or a designee; the commissioner of youth services or a designee; the commissioner of early education and care or a designee; a representative selected by the Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing or treating child abuse and neglect; a representative selected by the Massachusetts Health and Hospital Association, Inc.; the chief justice of the juvenile division of the trial court or a designee; the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; and any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case. The purpose of the state team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) developing an understanding of the causes and incidence of child fatalities and near fatalities; and (ii) advising the governor, the general court and the public by recommending changes in law, policy and practice that will prevent child fatalities and near fatalities.

To achieve its purpose, the state team shall: (i) develop model investigative and data collection protocols for local teams; (ii) provide information to local teams and law enforcement agencies for the purpose of the protection of children; (iii) provide training and written materials to local teams to assist them in carrying out their duties; (iv) review reports from local teams; (v) study the incidence and causes of child fatalities and near fatalities in the commonwealth; (vi) analyze community, public and private agency involvement with the children and their families prior to and subsequent to fatalities or near fatalities; (vii) develop a protocol for the collection of data regarding fatalities and near fatalities and provide training to local teams on the protocol; (viii) develop and implement rules and procedures necessary for its own operation; and (ix)

provide the governor, the general court and the public with annual written reports, subject to confidentiality restrictions, which shall include, but not be limited to, the state team's findings and recommendations.

(c) There shall be a local child fatality review team in each of the 11 districts headed by a district attorney. Notwithstanding section 172 of chapter 6, members of a local team shall be subject to criminal offender record checks to be conducted by the district attorney. All members shall serve without compensation for their duties associated with membership on a local team.

Each local team shall be comprised of at least the following members: the district attorney of the county, who shall chair the local team; the chief medical examiner or a designee; the commissioner of children and families or a designee; a pediatrician with experience in diagnosing or treating child abuse and neglect, appointed by the state team; a local police officer from the municipality where a child fatality or near fatality occurred, appointed by the chief of police of that municipality; a state law enforcement officer, appointed by the colonel of state police; the chief justice of the juvenile division of the trial court or a designee; the director of the Massachusetts center for unexpected infant and child death, located at the Boston Medical Center, or a designee; a representative or representatives from the department of public health or the office of the child advocate; and any other person with expertise or information relevant to an individual case who may attend meetings, on an ad hoc basis, by agreement of the permanent members of each local team. Those other persons may include, but shall not be limited to, local or state law enforcement officers, hospital representatives, medical specialists or subspecialists, or designees of the commissioners of developmental services, mental health, youth services, education and early education and care.

The purpose of each local team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and near fatalities; (ii) promoting cooperation and coordination between agencies responding to fatalities and near fatalities and in providing services to family members; (iii) developing an understanding of the causes and incidence of child fatalities and near fatalities in the county; and (iv) advising the state team on changes in law, policy or practice which may affect child fatalities and near fatalities.

To achieve its purpose, each local team shall: (i) review, establish and implement model protocols from the state team; (ii) review, subject to the approval of the local district attorney, all individual fatalities and near fatalities in accordance with the established protocol; (iii) meet periodically, but at least 4 times per calendar year, to review the status of fatality and near fatality cases and recommend methods of improving coordination of services between member agencies; (iv) collect, maintain and provide confidential data as required by the state team; and (v) provide law enforcement or other agencies with information for the purposes of the protection of children.

At the request of the local district attorney, the local team shall be immediately provided with: (i) information and records relevant to the cause of the fatality or near fatality maintained by providers of medical or other care, treatment or services, including dental and mental health care; (ii) information and records relevant to the cause of the fatality or near fatality maintained by any state, county or local government agency including, but not limited to, birth certificates, medical examiner investigative data, parole and probation information records and law enforcement data post-disposition, except that certain law enforcement records may be exempted by the local district attorney; (iii) information and records of any provider of social services,

including the state department of children and families, relevant to the child or the child's family, that the local team deems relevant to the review; and (iv) demographic information relevant to the child and the child's immediate family, including, but not limited to, address, age, race, gender and economic status. The district attorney may enforce this paragraph by seeking an order of the superior court.

(d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapters 112, 123, or sections 20B, 20J or 20K of chapter 233 or any other law relating to confidential communications shall not prohibit the disclosure of this information to the chair of the state team or a local team. Any information considered to be confidential pursuant to the aforementioned statutes may be submitted for a team's review upon the determination of that team's chair that the review of this information is necessary. The chair shall ensure that no information submitted for a team's review is disseminated to parties outside the team. Under no circumstances shall any member of a team violate the confidentiality provisions set forth in the aforementioned statutes.

Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting may not disclose any information relating to the team's business.

Team meetings shall be closed to the public. Information and records acquired by the state team or by a local team pursuant to this chapter shall be confidential, exempt from disclosure under chapter 66, and may only be disclosed as necessary to carry out a team's duties and purposes.

Statistical compilations of data which do not contain any information that would permit the identification of any person may be disclosed to the public.

(e) Members of a team, persons attending a team meeting and persons who present information to a team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a team meeting.

(f) Information, documents and records of the state team or of a local team shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding; provided, however, that information, documents and records otherwise available from any other source shall not be immune from subpoena, discovery or introduction into evidence through these sources solely because they were presented during proceedings of a team or are maintained by a team.

(g) Nothing in this section shall limit the powers and duties of the child advocate or district attorneys.

SECTION 15. Section 2A of chapter 38 of the General Laws, as appearing in the 2018 Official Edition, is hereby repealed.

SECTION 16. Section 15A of chapter 75 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the third paragraph and inserting in place thereof the following paragraph:-

The center shall maintain the confidentiality of any individual whose personal information is made available to the center pursuant to section 7 of chapter 15D, but compliance

with individual confidentiality shall not prevent the publication of aggregated research information or case studies wherein personal identifiers have been removed.

SECTION 17. Subsection (f) of section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out the sixth sentence.

SECTION 18. Subsection (h) of said section 23 of said chapter 119, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 19. Said section 23 of said chapter 119, as so appearing, is hereby amended by adding the following subsection:-

(j) The commissioner shall establish and periodically update an internal review policy to require a review prior to a determination to reunify a child. Members of the review shall include, but not be limited to: (i) the social worker with direct case responsibility for the child or young adult whose case is being reviewed; (ii) the immediate supervisor of the social worker; (iii) counsel from the area office; and (iv) the area director. The review shall include, but not be limited to, the child's foster care review cases and collateral checks consistent with the ongoing casework and documentation policy. The outcome of the review and all accompanying notes and files shall be included in the case records of the child.

SECTION 20. Said chapter 119, as so appearing, is hereby further amended by inserting after section 23B the following section:-

Section 23C. (a) The department shall promulgate a policy governing its relationship with, and responsibilities to, foster parents. This policy shall be collectively known as the foster parents' bill of rights and shall be provided by the department and private agencies contracted by

the department to provide foster care to all prospective foster and pre-adoptive parents during the application process and to kinship foster parents during the placement process. All current foster, pre-adoptive and kinship parents shall be provided with a copy of the foster parents' bill of rights.

(b) The foster parents' bill of rights shall include, but shall not be limited to, the following:

(1) The department shall not discriminate against a foster parent on the basis of religion, race, ethnicity, color, creed, sex, sexual orientation, gender identity, gender expression, national origin, age or physical ability.

(2) The department shall keep information regarding the foster parent and household members confidential, except as required by law.

(3) The department shall develop and provide a standardized pre-service training for foster parents, including, but not limited to (i) communication; (ii) positive discipline; (iii) child guidance; (iv) building self-esteem; and (v) the reasonable and prudent parent standard. The department shall update foster parents of any relevant changes in policies and procedures of the department and any changes in applicable law.

(4) To the greatest extent possible, as allowable under state and federal law, the department shall, prior to placement, provide a foster parent with information about the child, including, but not limited to: (i) the physical and behavioral health history of the child; (ii) the education needs of the child; and (iii) information about the daily routine of the child. The department shall communicate all such additional information that becomes known during the time of placement in a timely fashion.

(5) The department shall provide a foster parent with a copy of the department action plan regarding the child in the foster parent's home, other than those parts of the plan containing information that is confidential to a parent under federal or state law, and shall afford a foster parent an opportunity to discuss the plan with the social worker. The department shall provide reasonable notification of any changes to that plan.

(6) A foster parent may decline placement of a child in their home. A foster parent may request the removal of a child from their home.

(7) The department shall inform a foster parent of the range and frequency of payments the foster parent may be eligible to receive, including, but not limited to, daily stipends and quarterly clothing allowances, birthday and holiday payments. The department shall notify a foster parent in writing of any delays in payments as soon as the delay becomes known to the department.

(8) The department shall inform a foster parent of other available financial supports and services including, but not limited to, parents and children together rates, reimbursements for one-time costs, child care and respite. The department shall also provide the criteria for accessing financial supports and services.

(9) The department shall consult with the foster parent in the planning of supervised or unsupervised visitation.

(10) The department shall provide a foster parent no less than 10 days of paid respite care per year.

429 (11) The department shall maintain a 24-hour emergency hotline in case of emergency
430 when the department offices are closed.

431 (12) The department shall provide adequate notice to a foster parent of foster care
432 reviews and appropriate meetings regarding the child in the foster parent's home, and may
433 provide an opportunity for foster parents to actively participate in these meetings, except as to
434 those parts of foster care reviews or meetings that involve information that is confidential as to a
435 parent under federal or state law.

436 (13) The department shall, to the extent reasonably possible, provide adequate notice to a
437 foster parent when a child is to be removed from their home.

438 (14) The department shall provide adequate notice to a foster parent of all court hearings,
439 consistent with federal and state statute, regarding the child in their home. A foster parent who is
440 unable to attend a court hearing may provide a written statement to the department prior to the
441 hearing.

442 (15) The department shall provide foster parents with information about the process and
443 time lines for investigation and resolution of a report made against the foster parent pursuant to
444 section 51A of chapter 119 and the rights of the foster parent to receive and provide information
445 during the review or investigation and the potential consequences of a supported complaint,
446 review or an investigation.

447 (16) The department may advocate for a non-kin foster parent to be considered as the first
448 choice as an adoptive parent or legal guardian for a child whose goal has been changed to
449 adoption or guardianship if no kin is available.

450 (17) Prior to a child leaving a foster home, the department may provide the opportunity
451 for the foster parent to provide notes that may assist future foster parents in the care or daily
452 routine of the child. The department may include this information in the case file of the child and
453 may make it accessible, upon request, to future foster parents, consistent with applicable state
454 and federal privacy laws.

455 (18) Upon request of a foster parent, the department shall review department decisions
456 relating to the foster child while in the care of the foster parent, including, but not limited to,
457 grievance or fair hearing requests filed by the foster parent in compliance with the department's
458 regulations. The department shall provide information on these procedures and timelines to
459 foster parents upon approval as a foster parent.

460 (19) The department shall not retaliate against foster parents for issuing or filing a
461 complaint with the commissioner, the department's office of the ombudsman or the office of the
462 child advocate.

463 SECTION 21. Section 29 of said chapter 119, as so appearing, is hereby amended by
464 inserting after the second paragraph the following 2 paragraphs:-

465 No later than 5 business days before any non-emergency change in a child's or a young
466 adult's placement or any non-emergency hospitalization, and no later than 1 business day after
467 any emergency change in a child's or a young adult's placement or any emergency
468 hospitalization, the department shall provide notice of the change in placement or hospitalization
469 to the child's or the young adult's attorney.

470 If the department receives a report pursuant to section 51A, the department shall notify
471 the attorney of the child involved in the reported incident, or the attorney of the young adult

involved in the reported incident, not later than 1 business day following the department's receipt of the report.

SECTION 22. Section 39½ of said chapter 119, as so appearing, is hereby amended by striking out the eighth paragraph.

SECTION 23. Section 51D of said chapter 119, as so appearing, is hereby amended by striking out the eighth paragraph.

SECTION 24. Section 51E of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words "sections 51A to 51D" and inserting place thereof the following words:- sections 51A to 51C.

SECTION 25. Section 5E of chapter 210 of the General Laws, as so appearing, is hereby repealed.

SECTION 26. Chapter 47 of the acts of 2017 is hereby amended by striking out section 128 and inserting in place thereof the following section:-

Section 128. There shall be a task force on child welfare data reporting. The task force shall develop basic data measures, progress measures and key outcome measures to inform the general court and the public on the status and demographics of the caseload of the department of children and families and the department's progress in achieving child welfare goals, including safety, permanency and well-being.

The task force shall develop criteria for measuring outcomes for children and families in the key child welfare domains of safety, permanency and well-being including, but not limited to, outcomes relative to: (i) protecting children from abuse and neglect; (ii) safely maintaining

children in their own homes whenever possible and appropriate; (iii) achieving stability and permanency for children in their living situations; (iv) preserving the continuity of family relationships; (v) enhancing the capacity of families to provide for the needs of children; (vi) ensuring that children receive appropriate services to meet their educational needs; (vii) ensuring that children receive the services necessary to meet their physical and mental health needs; and (viii) achieving permanency and opportunity for young adults.

The task force shall make recommendations to: (i) ensure that the department of children and families' reports and profiles under section 3A of chapter 18B of the General Laws include data measures that are clearly defined and provided with adequate context to convey the meaning of reported data and the department's understanding of the meaning of trends that may appear in that data; (ii) eliminate reports that are no longer necessary; (iii) revise existing reports; and (iv) ensure that reports are timely submitted and made available electronically in accordance with the public records law.

The task force shall also make recommendations relative to: (i) the continued development of the reports and profiles under said section 3A of said chapter 18B; (ii) the resources required of the department to develop and produce those reports and profiles; (iii) priorities for the department's public reporting requirements as they relate to addressing: (A) questions underlying legislative reporting requirements relative to foster care review, residential care, services for young adults over the age of 18, educational and placement stability, kinship guardianship subsidies and any other reporting requirements not included in the reports and profiles under said section 3A of said chapter 18B; (B) questions that the department is currently unable to address with existing departmental data including, but not limited to, families with multiple siblings in the department's care; (C) questions concerning the department's delivery of

516 services including, but not limited to, support and stabilization and the effectiveness of such
517 services; (D) questions concerning the department's outcomes and the development of accurate
518 benchmarks to measure those outcomes; and (E) racial disproportionality at decision points in
519 the departmental process by area office.

520 The task force shall be comprised of the following persons or their designees: the child
521 advocate, who shall serve as co-chair; the commissioner of children and families, who shall serve
522 as co-chair; the chairs of the joint committee on children, families and persons with disabilities;
523 the chief counsel of the committee for public counsel services of the public defender agency of
524 Massachusetts; the executive director of the Children's League of Massachusetts, Inc.; the
525 executive director of a legal services program to be appointed by the governor; 1 person with
526 expertise in child welfare data and outcome measures to be appointed by the child advocate; and
527 1 person with expertise in the department of children and families' information technology, data
528 collection and reporting systems to be appointed by the commissioner of children and families.
529 The task force shall consult with other individuals with relevant expertise, including academics,
530 researchers and service providers, as needed. The task force shall consult with the heads of
531 agencies that address issues that directly affect the child welfare caseload or outcomes including,
532 but not limited to, substance use disorders, domestic violence, mental health and homelessness to
533 determine how best to review and report on agency data relevant to child welfare outcomes.

534 The work of the task force in developing future reports shall not absolve the department
535 of children and families from any statutorily required report or request.

536 The task force shall meet at least quarterly. Annually, not later than January 31, the task
537 force shall submit its recommendations to the clerks of the house of representatives and the

538 senate, the house and senate committees on ways and means and the joint committee on children,
539 families and persons with disabilities.

540 SECTION 27. Item 4800-0015 of section 2 of chapter 41 of the acts of 2019 is hereby
541 amended by striking out the following words:- provided further, that on December 27, 2019, and
542 March 27, 2020, the department shall report to the house and senate committees on ways and
543 means and the joint committee on children, families and persons with disabilities on: (i) the fair
544 hearing requests filed in fiscal year 2020, using non-identifying information: to state, for each
545 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing
546 request and the first day of the hearing; (c) the number of days between the first day of the
547 hearing and the hearing officer's decision; (d) the number of days between the hearing officer's
548 decision and the agency's final decision; (e) the number of days of continuance granted at the
549 appellant's request; (f) the number of days of continuance granted at the request of the
550 department of children and families or the hearing officer's request, specifying which party made
551 the request; and (g) whether the department's decision that was the subject of the appeal was
552 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2020, which are
553 pending for more than 180 days, stating the number of those cases, how many of those cases
554 have been heard but not decided and how many have been decided by the hearing officer but not
555 yet issued as a final agency decision; provided further, that the department shall maintain and
556 make available to the public, during regular business hours, a record of its fair hearings, with
557 identifying information removed, including for each hearing request: the date of the request, the
558 date of the hearing decision, the decision rendered by the hearing officer and the final decision
559 rendered upon the commissioner's review; provided further, that the department shall make
560 redacted copies of fair hearing decisions available within 30 days of a written request; provided

561 further, that the department shall not make available any information in violation of federal
562 privacy regulations; provided further, that not later than February 28, 2020, the department shall
563 submit a report to the house and senate committees on ways and means and joint committee on
564 children, families and persons with disabilities that shall include, but not be limited to, the: (1)
565 number of medical and psychiatric personnel and their level of training currently employed by or
566 under contract with the department; (2) number of foster care reviews conducted by the
567 department and the average length of time in which each review is completed; (3) the number of
568 social workers and supervisors who have earned a bachelor's or master's degree in social work;
569 (4) the total number of social workers and the total number of social workers holding licensure,
570 by level; (5) number of the department's contracts reviewed by the state auditor and the number
571 of corrective action plans issued; and (6) number of corrective action plans entered into by the
572 department; provided further, that on the first business day of each quarter, the department shall
573 file a report with the house and senate committees on ways and means and the joint committee
574 on children, families and persons with disabilities on the caseload of the department; provided
575 further, that the report shall include, but not be limited to: (A) the caseloads of residential
576 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A
577 reports, substantiated 51A reports, the number of children who die in the care and custody of the
578 department, the number of children currently eligible for supportive child care, the number of
579 children presently receiving supportive child care and the number of medical and psychiatric
580 consultation requests made by the department's social workers; (B) the number of approved
581 foster care placements; (C) the number of children in psychiatric hospitals and community-based
582 acute treatment programs who remain hospitalized beyond their medically-necessary stay while
583 awaiting placement and the number of days each case remains in placement beyond that which is

584 medically necessary; (D) the number of children under the department of children and families’
585 care and custody who are being served in medical or psychiatric care provided through other
586 publicly-funded sources; (E) the number of children served by supervised visitation centers and
587 the number of those children who are reunified with their families; (F) the total number of
588 children served, their ages, the number of children served in each service plan, the number of
589 children in out-of-home placements and the number of placements each child has had before
590 receiving an out-of-home placement; (G) for each area office, the number of kinship
591 guardianship subsidies provided in the quarters covered by the report and the number of kinship
592 guardianship subsidies provided in that quarter for which federal reimbursement was received;
593 (H) for each area office, the total spending on services other than case management services
594 provided to families to keep a child with the child’s parents or reunifying the child with the
595 child’s parents, spending by the type of service including, but not limited to, the number of
596 children and a breakdown of spending for respite care, intensive in-home services, client
597 financial assistance and flexible funding, community-based after-school social and recreation
598 program services, family navigation services and parent aide services and the unduplicated
599 number of families that receive the services; (I) for each area office, the total number of families
600 residing in shelters paid for by the department, a list of where the families are sheltered, the total
601 cost and average cost per family of those shelters and a description of how the department
602 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of
603 requests for voluntary services broken down by type of service requested, whether the request
604 was approved or denied, the number of families that were denied voluntary services and received
605 a 51A report, the reasons for denying the service and what, if any, referrals were made for
606 services by other agencies or entities; (K) the number of families receiving multiple 51A reports

607 within a 10-month period, the number of cases reopened within 6 months of being closed and the
608 number of children who return home and then reenter an out-of-home placement within 6
609 months; (L) the number of children and families served by the family resource centers by area;
610 and (M) the number of children within the care and custody of the department whose
611 whereabouts are unknown; provided further, that not later than November 1, 2019, the
612 department shall submit a report to the house and senate committees on ways and means and the
613 joint committee on children, families and persons with disabilities that details any changes to
614 rules, regulations or guidelines established by the department in the previous fiscal year to carry
615 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria
616 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a
617 child from the home; and (III) standards to determine what reasonable efforts are being made to
618 keep a child in the home; provided further, that on a monthly basis, the department of children
619 and families shall provide the caseload forecasting office with data on children receiving services
620 and other pertinent data related to items 4800-0038 and 4800-0041 that is requested by the
621 office; provided further, that the report shall also contain the number of children and families
622 served by the family resource centers by area and an evaluation of the services provided and their
623 effectiveness.

624 SECTION 28. The department of children and families shall submit a special report
625 analyzing the effect of virtual and video technology on services during the outbreak of the 2019
626 novel coronavirus, also known as COVID-19. The report shall include, but not be limited to: (i)
627 the types of services offered via virtual and video technology; (ii) the number of people using
628 virtual and video technology for each type of service; (iii) the number of people using virtual and
629 video technology for each category of person, including, but not limited to, department staff,

children, parents, foster parents and kinship care guardians; (iv) the number of people opting not to use virtual and video technology for each type of service, and, if known, the reasons why; (v) the number of people opting not to use virtual and video technology for each category of person, including, but not limited to, department staff, children, parents, foster parents and kinship care guardians; and (vi) best practices for using virtual and video technology in future agency operations. The report shall be for services offered for the duration of the state of emergency established by executive order 591.

The department shall file its report, including any recommendations, with the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities not later than 12 months after the end of the state of emergency established by executive order 591.

SECTION 29. School districts shall report to the department of elementary and secondary education on the number of students who did not participate in any form of remote learning that went into effect due to the outbreak of the 2019 novel coronavirus, also known as COVID-19, from March 16, 2020 through the remainder of the 2020 school year, and the number of families the district did not have any contact with to address such participation; provided further, reports shall include, but not be limited to, children with active cases at the department of children and families; provided further, reports shall include methods used to communicate with families and engage students, including attempts to communicate with families with active cases at the department of children and families and efforts that were made by the school district to ensure ongoing engagement and involvement with the department of children in families. The report shall not include the identities of students or families, but shall include student subgroups and categories.

Not later than August 21, 2020, the department shall share any findings and analysis of district reporting on remote learning efforts with the clerks of the house of representatives and the senate and the joint committee on education and shall have developed a statewide plan to ensure effective and ongoing engagement relative to remote learning, including best practices for engaging the most vulnerable and at-risk students and their families, including, but not limited to: (i) children with active cases at the department of children and families; (ii) students and families with limited English proficiency; (iii) students with limited access to remote learning; (iv) students receiving special education services; and (v) students residing in school districts in communities that were disproportionately impacted by the outbreak of COVID-19.

SECTION 30. The department of children and families shall report on its efforts to support and reform the foster care system in the commonwealth during the outbreak of the 2019 novel coronavirus, also known as COVID-19, including, but not limited to, protocols and practices to provide: (i) timely information sharing with foster families, including, but not limited to, relevant medical history; (ii) tracking and surveying of foster care families, including those foster care families who leave the program; (iii) foster care families' access to supports, including, but not limited to, mental health supports; (iv) consistent and cohesive policies across the commonwealth's department of children and families offices, including, but not limited to, how information is communicated with staff and foster care families; (v) increased access to care in underserved regions; and (vi) access to timely information relative to the health and well-being of children in the department's custody, including any children who have died from abuse or neglect.

674 The department shall file its report, including any recommendations, with the house and
675 senate committees on ways and means, and the joint committee on children, families and persons
676 with disabilities not later than August 31, 2020.

677 SECTION 31. The department of children and families shall report monthly, during the
678 outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March
679 10, 2020 declaration of a state of emergency and until 60 days after the termination of the state
680 of emergency, to the house and senate committees on ways and means and the joint committee
681 on children, families and persons with disabilities on changes in child abuse and neglect reports
682 made to the department pursuant to section 51A of chapter 119 of the General Laws. The report
683 shall include, but not be limited to, the following information: (i) the number of reports and
684 substantiated reports made that month to the department pursuant to said section 51A of said
685 chapter 119 and comparative data on the number of reports made to the department for the same
686 time period in 2019; (ii) the number of reports and substantiated reports that were filed by
687 mandated reporters, including the number of reports filed by each category of mandated reporter,
688 and the number of reports and substantiated reports that were filed by non-mandated reporters;
689 (iii) methods used by the department to enhance screening for child abuse and neglect cases
690 during the outbreak of COVID-19, including outreach to mandated reporters; (iv) strategies
691 taken by the department to address cases of reported abuse and neglect during the outbreak of
692 COVID-19, and outcomes related to said strategies; and (v) any changes in department policies
693 related to the investigation and processing of reports made to the department pursuant to said
694 section 51A of said chapter 119 during the outbreak of COVID-19.

695 SECTION 32. The department of children and families shall develop and implement a
696 public information campaign to increase awareness of child abuse and neglect during the

outbreak of the 2019 novel coronavirus, also known as COVID-19. The campaign shall include, but not be limited to: (i) educating mandated reporters on identifying child abuse and neglect, for different ages, including infants, toddlers, elementary-age and teenagers, in instances where remote communication is being utilized; (ii) performing targeted outreach to appropriate populations who may lack information on how to report child abuse and neglect; and (iii) promoting the use of the department's child-at-risk hotline, including establishing a website, translated into multiple languages, clearly identifying how to report child abuse and neglect.

SECTION 33. The commissioner of children and families shall review the department of children and families' policies, procedures and rules to identify additional and specific protocols that can be modified or established for case transfers involving multiple social workers or area offices to ensure the efficient and accurate transfer of information and care for the child. The commissioner shall consult with the child advocate during this review. Not later than November 15, 2020, the commissioner shall submit a report to the house of representatives and senate clerks, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities that shall include, but not be limited to: (i) the commissioner's findings of the review, including an evaluation of how policies are implemented in each area office and barriers to transferring information and cases between social workers or area offices; (ii) the number of cases transferred between area offices in fiscal year 2020; (iii) the number of cases transferred between social workers in fiscal year 2020; (iv) any actions the department has taken, or plans to take, to address barriers to transferring information and cases between social workers and area offices, including changes to policies and regulations; and (v) proposed legislation that may improve stability for children whose cases involve multiple social workers or area offices, if applicable.

720 SECTION 34. Section 3 shall take effect as of July 1, 2019.

721 SECTION 35. Section 27 shall take effect as of July 1, 2019.