

SENATE No. 2228

Text of amendment (Senator Chang-Diaz) to the Senate Bill making appropriations for the fiscal year 2020 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (Senate, No. 3).

The Commonwealth of Massachusetts

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

1 by striking out, in lines 39 to 69, inclusive, the words:- “; provided further, that on
2 December 27, 2019 and March 31, 2020, the department shall report to the house and senate
3 committees on ways and means and the joint committee on children, families and persons with
4 disabilities on: (i) the fair hearing requests filed in fiscal year 2020, stating with nonidentifying
5 information for each hearing request: (a) the subject matter of the appeal; (b) the number of days
6 between the hearing request and the first day of the hearing; (c) the number of days between the
7 first day of the hearing and the hearing officer’s decision; (d) the number of days between the
8 hearing officer’s decision and the agency’s final decision; (e) the number of days of continuance
9 granted at the appellant’s request; (f) the number of days of continuance granted at the request of
10 the department of children and families or the hearing officer’s request, specifying which party
11 made the request; and (g) whether the department’s decision that was the subject of the appeal
12 was affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2020, which
13 have been pending for more than 180 days, stating: (1) the number of those cases; (2) how many
14 of those cases have been heard but not yet decided; and (3) how many of those cases have been
15 decided but not yet issued as a final agency decision; provided further, that the department shall

16 maintain and make available to the public, during regular business hours, a record of its hearings,
17 with identifying information removed, including for each hearing request the date of the request,
18 the date of the hearing decision, the decision rendered by the hearing officer and the final
19 decision rendered upon the commissioner’s review; provided further, that the department shall
20 make redacted copies of its hearing decisions available within 30 days of a written request;
21 provided further, that the department shall not make available any information in violation of
22 federal privacy regulations”; and

23 in said section 2, in said item 4800-0015, by striking out, in lines 136 to 146, inclusive,
24 the words “; provided further, that not later than November 1, 2019, the department shall submit
25 a report to the house and senate committees on ways and means and the joint committee on
26 children, families and persons with disabilities that details any changes to rules, regulations or
27 guidelines established by the department in the previous fiscal year to carry out its duties under
28 chapter 119 of the General Laws including, but not limited to: (aa) criteria used to determine
29 whether a child has been abused or neglected; (bb) guidelines for removal of a child from the
30 home; and (cc) standards to determine what reasonable efforts are being made to keep a child in
31 the home”; and

32 by inserting after section 8 the following 5 sections:-

33 “SECTION 8A. Section 6A of chapter 18B of the General Laws, as so appearing, is
34 hereby amended by striking out the last paragraph.

35 SECTION 8B. Section 20 of said chapter 18B, as so appearing, is hereby amended by
36 striking out the second sentence.

37 SECTION 8C. Said chapter 18B is hereby further amended by adding the following 3
38 sections:-

39 Section 26. (a)(1) Annually, not later than October 31, the department shall issue a report
40 that provides an overview of the department's performance during the previous fiscal year. The
41 commissioner or a designee shall file the report with the governor, the child advocate, the clerks
42 of the senate and house of representatives, the chairs of the house and senate committees on
43 ways and means and the joint committee on children, families and persons with disabilities. The
44 commissioner shall provide the recipients of the report with an opportunity to discuss its contents
45 with the commissioner or a designee. The report shall be made publicly available on the
46 department's website in accordance with section 19 of chapter 66.

47 (2) The report shall include, but not be limited to, narratives, information, data and
48 analysis on: (i) case counts; (ii) consumer counts; (iii) the number of reports filed pursuant to
49 section 51A of chapter 119; (iv) placement metrics; (v) the number of infants brought into the
50 department's care pursuant to section 39½ of chapter 119; (vi) the number of siblings in
51 placement; (vii) safety processes and outcomes; (viii) permanency processes and outcomes; (ix)
52 the rates of adoptions by race and ethnicity; (x) well-being outcomes, including the rates and
53 timeliness of the delivery of medical services and high school graduation rates; (xi) staffing
54 trends; (xii) caseloads; (xiii) the department's budget, including funding levels; (xiv) service
55 costs; (xv) medical services and advancements in providing medical services to children and
56 young adults in the department's care; (xvi) amounts expended to foster care and to adoptive and
57 guardianship families to provide assistance, including financial assistance, to provide for the care
58 of children; and (xvii) the foster care review system and any recommendations for its

59 improvement. The report shall also include comparative departmental information from prior
60 fiscal years.

61 (b)(1) Quarterly, not later than 75 days after the end of each fiscal quarter, the department
62 shall issue a quarterly profile on its website in accordance with section 19 of chapter 66 that shall
63 include, but not be limited to, departmental, regional office and area office data on: (i) consumer
64 counts; (ii) the number of reports filed pursuant to section 51A of chapter 119, including counts
65 of reports received, screened-in and screened-out in the quarter; (iii) department case counts,
66 including counts of clinical and adoption cases in the quarter; (iv) consumer demographic
67 information, including race and primary language; (v) counts of children and youth in-
68 placement; and (vi) counts of children and youth not in-placement.

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

73 (c) The commissioner or the commissioner's designees shall notify the joint committee
74 on children, families and persons with disabilities when draft regulations are made available by
75 the department for public comment. Not more than 30 days after the promulgation of regulations
76 or the effective date of adopted or revised departmental policies relative to services provided to
77 children and families, the department shall provide the joint committee on children, families and
78 persons with disabilities with copies of the regulations or departmental policies.

79 (d) If the department is unable to submit the report under subsection (a) or issue the
80 profile under subsection (b) by the respective deadlines, the commissioner or the commissioner's

81 legal counsel shall notify the governor, the child advocate, the clerks of the senate and house of
82 representatives, the house and senate committees on ways and means and the joint committee on
83 children, families and persons with disabilities in writing and provide an explanation for the
84 delay.

85 (e)(1) The department, in consultation with the general court and other governmental and
86 nongovernmental partners, shall establish a 3-year plan that shall include numerical targets for
87 the department's performance in each year and in each of its regions in the areas of safety,
88 permanence and well-being. The plan shall include a description of how the department will
89 measure its progress toward meeting the numerical targets. The plan may include different
90 targets for different regions. The plan shall be updated annually not later than March 31.

91 (2) Annually, not later than December 31, the department shall measure its performance
92 in meeting the targets set forth by the plan established pursuant to paragraph (1) for the
93 commonwealth as a whole and for each of its regions, consistent with the methodology described
94 in the plan.

95 (3) The department shall publish and prominently maintain on its website the current
96 plan, the targets for previous years and the department's performance in meeting those targets.

97 (4) If in a fiscal year the department is unable to develop or update the plan described in
98 paragraph (1) or to measure its performance as required by paragraph (2), the department shall
99 notify the house and senate committees on ways and means, the joint committee on children,
100 families and persons with disabilities, the child advocate, the chief counsel of the committee for
101 public counsel services, the executive director of the Massachusetts Law Reform Institute and

102 the executive director of the Children’s League of Massachusetts, Inc. not later than September 1
103 of that fiscal year.

104 Section 27. Annually, not later than October 31, the department of children and families
105 shall submit a special report on services provided to young adults over the age of 18 to the child
106 advocate, the clerks of the senate and house of representatives, the house and senate committees
107 on ways and means and the joint committee on children, families and persons with disabilities.
108 The report shall summarize the process by which a young adult may continue to receive services
109 from the department upon reaching the legal adult age of 18. The report shall also include, but
110 not be limited to: (i) the number of young adults who have elected to sustain a connection with
111 the department in the previous fiscal year; (ii) the number young adults who have elected not to
112 remain with the department and have transitioned out of the child welfare system in the previous
113 fiscal year, including young adults who had previously elected to sustain a connection with the
114 department, if such numbers are available; (iii) the total payments made from commonwealth
115 funds to young adults in the previous fiscal year; and (iv) a description of services provided to
116 young adults by the department in the previous fiscal year, including those funded wholly or in
117 part by federal funds. The department may satisfy the reporting requirements of this section by
118 providing the requested information in an annual report filed under section 26.

119 Section 28. Annually, not later than August 31, the department of children and families
120 shall file a special report on its fair hearing processes and cases with the child advocate, the
121 clerks of the senate and house of representatives, the house and senate committees on ways and
122 means and the joint committee on children, families and persons with disabilities. The report
123 shall be made available to the public electronically in accordance with section 19 of chapter 66
124 of the General Laws. The report shall include, but not be limited to, information in a form that

125 shall not include personally-identifiable information on the fair hearing requests open at any time
126 during the previous fiscal year and, for each hearing request, shall provide: (i) the subject matter
127 of the appeal; (ii) the outcomes of cases resolved prior to a fair hearing decision; (iii) the number
128 of days between the hearing request and the first day of the hearing; (iv) the number of days
129 between the close of the evidence and the hearing officer's decision; (v) the number of days of
130 continuance granted at the appellant's request; (vi) the number of days of continuance granted at
131 the request of the department of children and families or the hearing officer's request, specifying
132 which party made the request; and (vii) whether the department's decision that was the subject of
133 the appeal was affirmed or reversed. The department shall maintain and make available to the
134 public, during regular business hours, a record of its fair hearings in a form that shall not include
135 personally-identifiable information and shall include, for each hearing request: (i) the date of the
136 request; (ii) the date of the hearing decision; (iii) the decision rendered by the hearing officer;
137 and (iv) the final decision rendered upon the commissioner's review. The report shall provide for
138 the fair hearing requests that are pending for more than 180 days at any time during the fiscal
139 year, except for those requests which have been stayed at the request of the district attorney, the
140 number of those cases, how many of those cases have been heard but not decided and how many
141 have been decided by the hearing officer but not yet issued a final agency decision. If there are
142 more than 225 fair hearing requests open for more than 180 days at the close of any month of the
143 first 6 months of a fiscal year, then an additional report of these requests shall be provided not
144 later than February 28. The department shall make redacted copies of fair hearing decisions
145 available within 30 days after a written request.

146 SECTION 8D. Paragraph (4) of subsection (e) of section 26 of said chapter 18B, as
147 appearing in section 8C, is hereby amended by inserting after the word "services" the following

148 words:- ", the executive director of the legal services organization that is participating in the data
149 work group under subsection (f)."

150 SECTION 8E. Said section 26 of said chapter 18B of the General Laws, as so appearing,
151 is hereby further amended by adding the following subsection:-

152 (f) A data work group shall convene every 2 years to make recommendations for
153 improvements to the report and profile required under subsections (a) and (b). The work group
154 shall consist of the following persons or their designees: the child advocate, who shall serve as
155 co-chair; the commissioner, who shall serve as co-chair; the chairs of the house and senate
156 committees on ways and means; the chairs of the joint committee on children, families and
157 persons with disabilities; the chief counsel of the committee for public counsel services; the
158 executive director of Children's League of Massachusetts, Inc.; the executive director of a legal
159 services program to be appointed by the governor; 1 person with expertise in child welfare data
160 and outcome measurement to be appointed by the child advocate; and 1 person with expertise in
161 the department's information technology, data collection and reporting systems to be appointed
162 by the commissioner of children and families. The work group shall consult with other
163 individuals with relevant expertise, including academics, researchers and service providers, as
164 needed.

165 Not later than December 31 in every even-numbered year, the data work group shall
166 report its recommendations, together with drafts of any legislation necessary to carry its
167 recommendations into effect, by filing the same with the clerks of the senate and house of
168 representatives, the senate and house committees on ways and means and the joint committee on
169 children, families and persons with disabilities."; and

170 by inserting after section 41 the following 2 sections:-

171 “SECTION 41A. Subsection (f) of section 23 of chapter 119 of the General Laws, as
172 appearing in the 2016 Official Edition, is hereby amended by striking out the last sentence.

173 SECTION 41B Subsection (h) of said section 23 of said chapter 119, as so appearing, is
174 hereby further amended by striking out the second paragraph.”; and

175 by inserting after section 51 the following section:-

176 “SECTION 51A. Chapter 47 of the acts of 2017 is hereby amended by striking out
177 section 128 and inserting in place thereof the following section:-

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

183 The task force shall develop criteria for measuring outcomes for children and families in
184 the key child welfare domains of safety, permanency and well-being including, but not limited
185 to, outcomes relative to: (i) protecting children from abuse and neglect; (ii) safely maintaining
186 children in their own homes whenever possible and appropriate; (iii) achieving stability and
187 permanency for children in their living situations; (iv) preserving the continuity of family
188 relationships; (v) enhancing the capacity of families to provide for the needs of children; (vi)
189 ensuring that children receive appropriate services to meet their educational needs; (vii) ensuring

190 that children receive the services necessary to meet their physical and mental health needs; and
191 (viii) achieving permanency and opportunity for young adults.

192 The task force shall make recommendations to: (i) ensure that the department of children
193 and families' reports and profiles under section 26 of chapter 18B of the General Laws include
194 data measures that are clearly defined and provided with adequate context to convey the meaning
195 of reported data and the department's understanding of the meaning of trends that may appear in
196 that data; (ii) eliminate reports that are no longer necessary; (iii) revise existing reports; and (iv)
197 ensure that reports are timely submitted and made available electronically in accordance with
198 public records laws.

199 The task force shall also make recommendations relative to: (i) the continued
200 development of the reports and profiles under section 26 of chapter 18B of the General Laws; (ii)
201 the resources required of the department to develop and produce those reports and profiles; (iii)
202 priorities for the department's public reporting requirements as they relate to addressing: (a)
203 questions underlying legislative reporting requirements relative to foster care review, residential
204 care, services for young adults over the age of 18, educational and placement stability, kinship
205 guardianship subsidies and any other reporting requirements not included in the reports and
206 profiles under said section 26 of said chapter 18B; (b) questions that the department is currently
207 unable to address with existing departmental data including, but not limited to, families with
208 multiple siblings in the department's care; (c) questions concerning the department's delivery of
209 services including, but not limited to, support and stabilization and the effectiveness of such
210 services; (d) questions concerning the department's outcomes and the development of accurate
211 benchmarks to measure those outcomes; and (e) racial disproportionality at decision points in the
212 departmental process by area office.

213 The task force shall be comprised of the following persons or their designees: the child
214 advocate, who shall serve as co-chair; the commissioner of children and families, who shall serve
215 as co-chair; the chairs of the house and senate committees on ways and means; the chairs of the
216 joint committee on children, families and persons with disabilities; the chief counsel of the
217 committee for public counsel services; the executive director of the Children’s League of
218 Massachusetts, Inc.; the executive director of a legal services program to be appointed by the
219 governor; 1 person with expertise in child welfare data and outcome measurement to be
220 appointed by the child advocate; 1 person who is a current or recently former caseworker for the
221 department of children and families to be appointed by SEIU 509; and 1 person with expertise in
222 the department of children and families’ information technology, data collection and reporting
223 systems to be appointed by the commissioner of children and families. The task force shall
224 consult with other individuals with relevant expertise, including academics, researchers and
225 service providers, as needed. The task force shall consult with the secretaries of agencies that
226 address issues that directly affect the child welfare caseload or outcomes including, but not
227 limited to, substance use disorders, domestic violence, mental health and homelessness to
228 determine how best to review and report on agency data relevant to child welfare outcomes.

229 The task force shall meet at least quarterly. Annually, not later than January 31, the task
230 force shall submit its recommendations, together with drafts of any legislation necessary to carry
231 its recommendations into effect, by filing the same with the clerks of the senate and house of
232 representatives, the house and senate committees on ways and means and the joint committee on
233 children, families and persons with disabilities.”; and

234 by inserting after section 77 the following 2 sections:-

235 “SECTION 77A. Sections 8D and 8E shall take effect on February 1, 2022.

236 SECTION 77B. Subsection (e) of section 26 of chapter 18B shall take effect January 1,

237 2022.”.