

**HOUSE . . . . . No. 239**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to accountability for vulnerable children and families.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/18/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/26/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/26/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/26/2021</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>3/1/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/4/2021</i>

**HOUSE . . . . . No. 239**

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By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 239) of Kay Khan and others relative to reports required to be filed by the Department of Children and Families. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

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 provide for reports to the general court by the department of 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 second sentence of the second paragraph of section 16P of chapter 6A  
2 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking  
3 out clause (iii) and inserting in place thereof the following clause:- (iii) the data reported by the  
4 department of mental health under section 24 of chapter 19.

5           SECTION 2. Section 6A of chapter 18B of the General Laws, as so appearing, is hereby  
6 amended by striking out the last paragraph.

7           SECTION 3. Section 7 of said chapter 18B, as so appearing, is hereby amended by  
8 striking out paragraph (e).

9 SECTION 4. Section 20 of said chapter 18B, as so appearing, is hereby amended by  
10 striking out the second sentence.

11 SECTION 5. Section 23 of said chapter 18B, added by section 45 of chapter 176 of the  
12 acts of 2008, is hereby repealed.

13 SECTION 6. Section 23 of said chapter 18B, added by section 8 of chapter 321 of the  
14 acts of 2008, is hereby amended by striking out the sixth sentence.

15 SECTION 7. Section 24 of said chapter 18B is hereby repealed.

16 SECTION 8. Section 25 of said chapter 18B is hereby repealed.

17 SECTION 9. Said chapter 18B is hereby further amended by adding the following 4  
18 sections:-

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

27 (2) The report shall include, but not be limited to, narratives, information, data and  
28 analysis on: (i) counts, including but not limited to: (A) case counts; (B) consumer counts; (C)  
29 consumer demographic information, including age, race, ethnicity, primary language, gender

30 identity and sexual orientation; (D) rates of disproportionality including, but not limited to, race,  
31 ethnicity, gender identity and sexual orientation; (E) the number of reports filed pursuant to  
32 section 51A of chapter 119; (F) placement metrics; (G) the number of infants brought into the  
33 department's care pursuant to section 39½ of chapter 119; and (H) the number of siblings in  
34 placement; (ii) safety processes and outcomes including, but not limited to: (A) safety outcomes,  
35 (B) permanency processes and outcomes; (C) the rates of adoptions by race, ethnicity, gender  
36 identity and sexual orientation of the child; (D) well-being outcomes, including the rates and  
37 timeliness of the delivery of medical and behavioral health services and high school graduation  
38 rates; and (iii) operations, including but not limited to: (A) staffing trends; (B) caseloads; (C) the  
39 department's budget, including funding levels; (D) service costs; (E) medical services and  
40 advancements in providing medical services to children and young adults in the department's  
41 care; (F) amounts expended for foster care, adoptive and guardianship families to provide  
42 assistance, including financial assistance, to provide for the care of children; and (G) the foster  
43 care review system and any recommendations for its improvement; (H) services and  
44 accommodations available to caregivers and children who are individuals with disabilities; (I) the  
45 department's ombudsman including, but not limited to, a summary of the complaints filed by  
46 type of complaint and complaints by area office which is primarily involved with the complaint  
47 and involved case; and (J) any new or ongoing initiatives to improve practices, procedures and  
48 policy of the department. The report shall also include comparative departmental information  
49 from prior fiscal years.

50 (b)(1) Quarterly, not more than 60 days after the end of each fiscal quarter, the  
51 department shall issue a quarterly profile on its website in accordance with section 19 of chapter  
52 66 that shall include, but not be limited to, departmental, regional office and area office data on:

53 (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119,  
54 including counts of reports received, screened-in and screened-out in the quarter; (iii) department  
55 case counts, including counts of clinical and adoption cases in the quarter; (iv) consumer  
56 demographic information, including age, race, ethnicity, primary language, gender identity and  
57 sexual orientation; (v) counts of children and youth in placement; and (vi) counts of children and  
58 youth not in placement.

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

63 (c) The commissioner or a designee shall notify the joint committee on children, families  
64 and persons with disabilities when draft regulations are made available by the department for  
65 public comment. Not more than 30 days after the promulgation of regulations or the effective  
66 date of adopted or revised departmental policies relative to services provided to children and  
67 families, the department shall provide copies of the regulations or departmental policies to the  
68 joint committee on children, families and persons with disabilities.

69 (d) If the department is unable to submit the report under subsection (a), issue the profile  
70 under subsection (b) or any other legislatively mandated reports by the respective deadlines, the  
71 commissioner or the commissioner's legal counsel shall, in writing, notify the governor, the child  
72 advocate, the clerks of the senate and house of representatives, the house and senate committees  
73 on ways and means and the joint committee on children, families and persons with disabilities  
74 and provide an explanation for the delay.

75 (e) The department, in consultation with the general court and other governmental and  
76 nongovernmental partners, shall establish a 3-year plan that shall include numerical targets for  
77 the department's performance in each year and in each of its regions in the areas of safety,  
78 permanence and well-being. The plan shall include a description of how the department will  
79 measure its progress toward meeting the numerical targets and may include different targets for  
80 different regions. Annually, not later than March 31, the department shall update the plan.

81 Annually, not later than December 31, the department shall measure its performance in  
82 meeting the targets established in the 3-year plan for the commonwealth as a whole and for each  
83 of its regions consistent with the methodology described in the plan.

84 The department shall publish and prominently maintain on its website the current plan,  
85 the targets for previous years and the department's performance in meeting those targets.

86 If in a fiscal year the department is unable to develop or update the 3-year plan or  
87 measure its performance, the department shall notify the house and senate committees on ways  
88 and means, the joint committee on children, families and persons with disabilities, the child  
89 advocate, the chief counsel of the committee for public counsel services, the executive director  
90 of the Massachusetts Law Reform Institute, Inc. and the executive director of the Children's  
91 League of Massachusetts, Inc. not later than September 1 of that fiscal year.

92 (f) (1) In the event of a declaration of a state of emergency in the Commonwealth the  
93 department shall provide the house and senate ways and means committees and joint committee  
94 on children, families and persons with disabilities with data reports relevant to the state of  
95 emergency's impact on the department, its operations, programs and consumers. The  
96 department shall provide data reports to the chairs of the said committees not less than once a

97 month from the declaration and until 60 days after the termination. If said state of emergency  
98 makes this timeline unattainable, the department shall follow the procedures of subsection (d).  
99 The report shall be made publicly available on the department's website in accordance with  
100 section 19 of chapter 66.

101 (2) The report shall include, but not be limited to, (i) demographic information on  
102 consumers impacted by the state of emergency including but not limited to consumers who  
103 report their illness to the department or lose their home due to a natural or manmade disaster; (ii)  
104 the number of reports and substantiated reports made that month to the department pursuant to  
105 said section 51A of said chapter 119 and comparative data on the number of reports made to the  
106 department for the same time period in prior years before the declaration of the state of  
107 emergency; (iii) the number of reports and substantiated reports that were filed by mandated  
108 reporters, including the number of reports filed by each category of mandated reporter; (iv)  
109 intake and home removal episodes as a result of said reports; and (v) case closures and exits from  
110 care.

111 (3) The department may conduct surveys of consumers in order to collect data during said  
112 state of emergency and after its conclusion. Non identifiable survey data may include but is not  
113 limited to questions on presumption or positive test results of widespread illness. Identifiable  
114 survey data may be collected in order to adequately provide for the needs of its  
115 consumers, this may include but is not limited to questions on food insecurity, educational needs,  
116 technology equipment needs and internet and phone service capacity, other needs.

117 Section 27. Annually, not later than October 31, the department shall submit a special  
118 report on services provided to young adults over the age of 18 to the child advocate, the clerks of

119 the senate and house of representatives, the house and senate committees on ways and means and  
120 the joint committee on children, families and persons with disabilities. The report shall  
121 summarize the process by which a young adult may continue to receive services from the  
122 department upon reaching the legal adult age of 18. The report shall also include, but not be  
123 limited to: (i) the number of young adults who have elected to sustain a connection with the  
124 department in the previous fiscal year; and (ii) the number of young adults who have elected not  
125 to remain with the department and have transitioned out of the child welfare system in the  
126 previous fiscal year, including young adults who had previously elected to sustain a connection  
127 with the department, if such numbers are available. The department may satisfy the reporting  
128 requirements of this section by providing the requested information in an annual report filed  
129 under section 26.

130           Section 28. Annually, not later than August 31, the department shall file a special report  
131 on its fair hearing processes and cases with the child advocate, the clerks of the senate and house  
132 of representatives, the house and senate committees on ways and means and the joint committee  
133 on children, families and persons with disabilities. The report shall be made available to the  
134 public electronically in accordance with section 19 of chapter 66.

135           The report shall include, but not be limited to, information on the fair hearing requests  
136 open at any time during the previous fiscal year and shall provide, for each hearing request: (i)  
137 the subject matter of the appeal; (ii) the outcomes of cases resolved prior to a fair hearing  
138 decision; (iii) the number of days between the hearing request and the first day of the hearing;  
139 (iv) the number of days between the close of the evidence and the hearing officer's decision; (v)  
140 the number of days of continuance granted at the appellant's request; (vi) the number of days of  
141 continuance granted at the request of the department or the hearing officer, specifying which



142 party made the request; and (vii) whether the department's decision that was the subject of the  
143 appeal was affirmed or reversed; provided, however, that the information shall be in a form that  
144 shall not include personally-identifiable information.

145         The department shall maintain and make available to the public during regular business  
146 hours, a record of its fair hearings that shall include, for each hearing request: (i) the date of the  
147 request; (ii) the date of the hearing decision; (iii) the decision rendered by the hearing officer;  
148 and (iv) the final decision rendered upon the commissioner's review; provided, however, that the  
149 information shall be in a form that shall not include personally identifiable information. For fair  
150 hearing requests that are pending for more than 180 days at any time during the fiscal year,  
151 except for those requests which have been stayed at the request of the district attorney, the report  
152 shall provide the number of such cases, how many have been heard but not decided and how  
153 many have been decided by the hearing officer but not yet issued a final agency decision.

154         If there are more than 225 fair hearing requests open for more than 180 days at the end of  
155 any month during the first 6 months of a fiscal year, then an additional report of such requests  
156 shall be provided not later than February 28. The department shall make redacted copies of fair  
157 hearing decisions available not later than 30 days after a written request.

158         Section 28. Notwithstanding any general or special law to the contrary, any social service  
159 program, as defined by section 22N of chapter 7, or any program or service that is reimbursable  
160 under Title XIX of the federal Social Security Act that is providing services to a child who is in  
161 the custody of or receiving services from the department or is providing services to a young adult  
162 or adult receiving services from the department, shall provide the department with information  
163 not more than 5 business days after receiving a request for information from a department social

164 worker for the purposes of conducting a collateral check; provided, however, that programs or  
165 services shall comply with all applicable state and federal privacy requirements, including those  
166 imposed by the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104–  
167 191, the federal American Recovery and Reinvestment Act of 2009, P.L. 111–5, 42 C.F.R. §  
168 2.11 et seq. and 45 C.F.R. §§ 160, 162 and 164.

169 SECTION 10. The fourth paragraph of subsection (e) of section 26 of said chapter 18B,  
170 as appearing in section 9, is hereby amended by inserting after the word “services” the following  
171 words:- , the executive director of the legal services organization that is participating in the data  
172 work group under subsection (f).

173 SECTION 11. Said section 26 of said chapter 18B, as so appearing, is hereby further  
174 amended by adding the following subsection:-

175 (g) A task force for the continued review of child welfare data reporting shall convene  
176 every 2 years to make recommendations for improvements to the report and profile required  
177 under subsections (a) and (b) and any other legislatively mandated reports, or the data measures,  
178 progress measures, and outcome measures pursuant to section 128 of chapter 47 of the acts of  
179 2017. The task force shall consist of the following persons or their designees: the child advocate,  
180 who shall serve as co-chair; the commissioner, who shall serve as co-chair; the chairs of the  
181 house and senate committees on ways and means; the chairs of the joint committee on children,  
182 families and persons with disabilities; 1 member of the senate to be appointed by the minority  
183 leader of the senate; 1 member of the house of representatives to be appointed by the minority  
184 leader of the house of representatives; the chief counsel of the committee for public counsel  
185 services; the executive director of Children’s League of Massachusetts, Inc.; the executive

186 director of a legal services program to be appointed by the governor; 1 person with expertise in  
187 disability law and advocacy to be appointed by the governor; 1 person with expertise in juvenile  
188 justice to be appointed by the governor; ;1 person with expertise in child welfare data and  
189 outcome measurement to be appointed by the child advocate; 1 person with experience working  
190 with or representing LGBTQIA+ youth and families to be appointed by the child advocate; 1  
191 person with experience in working or providing services to youth and young adults who have  
192 experienced foster care to be appointed by the child advocate; 1 person with expertise working  
193 with youth of color involved with the department to be appointed by the child advocate; 1 person  
194 who is a current or recently former caseworker for the department to be appointed by SEIU 509,  
195 or a successor organization representing social workers; and 1 person with expertise in the  
196 department's information technology, data collection and reporting systems to be appointed by  
197 the commissioner of children and families. The task force shall consult with other individuals  
198 with relevant expertise, including academics, researchers and service providers, as needed.

199 Not later than December 31 in every even-numbered year, the task force shall file a report  
200 on its recommendations, together with drafts of any legislation necessary to carry its  
201 recommendations into effect, with the clerks of the senate and house of representatives, the  
202 senate and house committees on ways and means and the joint committee on children, families  
203 and persons with disabilities.

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

206 (i) The child advocate shall report to the governor, the attorney general, the speaker of the  
207 house of representatives and the senate president following any full-scale investigation by the

208 child advocate of a critical incident pursuant to this section that involves the death or serious  
209 injury of a child, due to a reasonable belief that an act or omission of an executive agency or  
210 contracted provider contributed to the harm suffered by the child.

211 (j) The child advocate shall, after reasonable notice to the governor, the attorney general,  
212 the speaker of the house of representatives, the senate president and any affected agency, make  
213 any full-scale investigation publicly available.

214 SECTION 13. Section 15A of chapter 75 of the General Laws, as appearing in the 2018  
215 Official Edition, is hereby amended by striking out the third paragraph and inserting in place  
216 thereof the following paragraph:-

217 The center shall maintain the confidentiality of any individual whose personal  
218 information is made available to the center pursuant to section 7 of chapter 15D, but compliance  
219 with individual confidentiality as required by this section shall not prevent the publication of  
220 aggregated research information or case studies in which personal identifiers have been removed.

221 SECTION 14. Subsection (f) of section 23 of chapter 119 of the General Laws, as so  
222 appearing, is hereby amended by striking out the last sentence.

223 SECTION 15. Subsection (h) of said section 23 of said chapter 119, as so appearing, is  
224 hereby further amended by striking out the second paragraph.

225 SECTION 16. Said section 23 of said chapter 119, as so appearing, is hereby further  
226 amended by adding the following subsection:-

227 (j) The commissioner shall establish and periodically update an internal review policy to  
228 require a review prior to a determination to reunify a child with their family. Members of the

229 review shall include, but not be limited to: (i) the social worker with direct case responsibility for  
230 the child or young adult whose case is being reviewed; (ii) the immediate supervisor of the social  
231 worker; (iii) counsel from the area office; and (iv) the area director. The review shall include, but  
232 not be limited to, the child's foster care review cases and collateral checks consistent with the  
233 ongoing casework and documentation policy. The outcome of the review and all accompanying  
234 notes and files shall be included in the case records of the child.

235 SECTION 17. Section 29 of said chapter 119, as appearing in the 2018 Official Edition,  
236 is hereby amended by inserting after the second paragraph the following 2 paragraphs:-

237 Not less than 5 business days before any non-emergency change in a child's or a young  
238 adult's placement or any non-emergency hospitalization and not more than 1 business day after  
239 any emergency change in a child's or a young adult's placement or any emergency  
240 hospitalization, the department shall provide notice of the change in placement or hospitalization  
241 to the child's or the young adult's attorney.

242 If the department receives a report pursuant to section 51A, the department shall notify  
243 the attorney of the child or young adult involved in the reported incident not more than 1  
244 business day after the department's receipt of the report.

245 SECTION 18. Section 39½ of said chapter 119, as so appearing, is hereby amended by  
246 striking out the eighth paragraph.

247 SECTION 19. Section 51D of said chapter 119, as so appearing, is hereby amended by  
248 striking out the eighth paragraph.

249 SECTION 20. Section 51E of said chapter 119, as so appearing, is hereby amended by  
250 striking out, in line 2, the figure “51D” and inserting place thereof the following figure:- 51C.

251 SECTION 21. Section 5E of chapter 210 of the General Laws is hereby repealed.

252 SECTION 22. Chapter 47 of the acts of 2017 is hereby amended by striking out section  
253 128 and inserting in place thereof the following section:-

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

259 The task force shall develop criteria for measuring outcomes for children and families in  
260 the key child welfare domains of safety, permanency and well-being including, but not limited  
261 to, outcomes relative to: (i) protecting children from abuse and neglect; (ii) safely maintaining  
262 children in their own homes whenever possible and appropriate; (iii) achieving stability and  
263 permanency for children in their living situations; (iv) preserving the continuity of family  
264 relationships; (v) enhancing the capacity of families to provide for the needs of children; (vi)  
265 ensuring that children receive appropriate services to meet their educational needs; (vii) ensuring  
266 that children receive the services necessary to meet their physical and mental health needs; and  
267 (viii) achieving permanency and opportunity for young adults. The task force shall make  
268 recommendations to: (i) ensure that the department of children and families’ reports and profiles  
269 required under section 26 of chapter 18B of the General Laws include data measures that are  
270 clearly defined and provided with adequate context to convey the meaning of reported data and

271 the department’s understanding of the meaning of trends that may appear in that data; (ii)  
272 eliminate reports that are no longer necessary; (iii) revise existing reports; and (iv) ensure that  
273 reports are timely submitted and made available electronically in accordance with public records  
274 laws.

275 The task force shall also make recommendations relative to: (i) the continued  
276 development of the reports and profiles required under section 26 of chapter 18B of the General  
277 Laws; (ii) the resources required of the department to develop and produce said reports and  
278 profiles; and (iii) priorities for the department’s public reporting requirements as they relate to  
279 addressing: (A) questions underlying legislative reporting requirements relative to foster care  
280 review, residential care, services for young adults over the age of 18, educational and placement  
281 stability, kinship guardianship subsidies and any other reporting requirements not included in the  
282 reports and profiles under said section 26 of said chapter 18B; (B) questions that the department  
283 is currently unable to address with existing departmental data including, but not limited to,  
284 families with multiple siblings in the department’s care; (C) questions concerning the  
285 department’s delivery of services including, but not limited to, support and stabilization and the  
286 effectiveness of such services; (D) questions concerning the department’s outcomes and the  
287 development of accurate benchmarks to measure those outcomes; (E) racial disproportionality at  
288 decision points in the departmental process by area office; (F) services and supports for transition  
289 age youth; (G) questions concerning the behavioral health and educational impacts on children  
290 under the care and custody of the department as a result of the outbreak of the 2019 novel  
291 coronavirus, also known as COVID-19; (H) questions resulting from the effect of virtual and  
292 video technology on services during the outbreak of the 2019 novel coronavirus, also known as  
293 COVID-19;

294           The task force shall consist of the following persons or their designees: the child  
295 advocate, who shall serve as co-chair; the commissioner of children and families, who shall serve  
296 as co-chair; the chairs of the house and senate committees on ways and means; the chairs of the  
297 joint committee on children, families and persons with disabilities; the chief counsel of the  
298 committee for public counsel services; the executive director of the Children’s League of  
299 Massachusetts, Inc.; the executive director of a legal services program to be appointed by the  
300 governor; 1 person with expertise in child welfare data and outcome measurement to be  
301 appointed by the child advocate; and 1 person with expertise in the department of children and  
302 families’ information technology, data collection and reporting systems to be appointed by the  
303 commissioner of children and families. The task force shall consult with other individuals with  
304 relevant expertise, including academics, researchers and service providers, as needed. The task  
305 force shall consult with the secretaries of agencies that address issues directly affecting the child  
306 welfare caseload or outcomes, including, but not limited to, substance use disorders, domestic  
307 violence, mental health, homelessness and education, to determine how best to review and report  
308 on agency data relevant to child welfare outcomes.

309           The task force shall meet not less than quarterly. Not later than January 31, 2022 the task  
310 force shall submit its final recommendations, together with drafts of any legislation necessary to  
311 carry its recommendations into effect, by filing the same with the clerks of the senate and house  
312 of representatives, the house and senate committees on ways and means and the joint committee  
313 on children, families and persons with disabilities.

314           SECTION 32. Item 4800-0015 of section 2 of chapter 227 of the acts of 2020 is hereby  
315 amended by striking out the words “provided further, that on December 27, 2020, and March 27,  
316 2021, the department shall report to the house and senate committees on ways and means and the



317 joint committee on children, families and persons with disabilities on: (i) the fair hearing  
318 requests filed in fiscal year 2020, using non-identifying information: to state, for each hearing  
319 request: (a) the subject matter of the appeal; (b) the number of days between the hearing request  
320 and the first day of the hearing; (c) the number of days between the first day of the hearing and  
321 the hearing officer's decision; (d) the number of days between the hearing officer's decision and  
322 the agency's final decision; (e) the number of days of continuance granted at the appellant's  
323 request; (f) the number of days of continuance granted at the request of the department of  
324 children and families or the hearing officer's request, specifying which party made the request;  
325 and (g) whether the department's decision that was the subject of the appeal was affirmed or  
326 reversed; and (ii) the fair hearing requests filed before fiscal year 2021, which are pending for  
327 more than 180 days, stating the number of those cases, how many of those cases have been heard  
328 but not decided and how many have been decided by the hearing officer but not yet issued as a  
329 final agency decision; provided further, that the department shall maintain and make available to  
330 the public, during regular business hours, a record of its fair hearings, with identifying  
331 information removed, including for each hearing request: the date of the request, the date of the  
332 hearing decision, the decision rendered by the hearing officer and the final decision rendered  
333 upon the commissioner's review; provided further, that the department shall make redacted  
334 copies of fair hearing decisions available within 30 days of a written request; provided further,  
335 that the department shall not make available any information in violation of federal privacy  
336 regulations; provided further, that not later than February 28, 2021, the department shall submit a  
337 report to the house and senate committees on ways and means and joint committee on children,  
338 families and persons with disabilities that shall include, but not be limited to, the: (1) number of  
339 medical and psychiatric personnel and their level of training currently employed by or under

340 contract with the department; (2) number of foster care reviews conducted by the department and  
341 the average length of time in which each review is completed; (3) the number of social workers  
342 and supervisors who have earned a bachelor's or master's degree in social work; (4) the total  
343 number of social workers and the total number of social workers holding licensure, by level; (5)  
344 number of the department's contracts reviewed by the state auditor and the number of corrective  
345 action plans issued; and (6) number of corrective action plans entered into by the department;  
346 provided further, that on the first business day of each quarter, the department shall file a report  
347 with the house and senate committees on ways and means and the joint committee on children,  
348 families and persons with disabilities on the caseload of the department; provided further, that  
349 the report shall include, but not be limited to: (A) the caseloads of residential placements,  
350 congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A reports,  
351 substantiated 51A reports, the number of children who die in the care and custody of the  
352 department, the number of children currently eligible for supportive child care, the number of  
353 children presently receiving supportive child care and the number of medical and psychiatric  
354 consultation requests made by the department's social workers; (B) the number of approved  
355 foster care placements; (C) the number of children in psychiatric hospitals and community-based  
356 acute treatment programs who remain hospitalized beyond their medically-necessary stay while  
357 awaiting placement and the number of days each case remains in placement beyond that which is  
358 medically necessary; (D) the number of children under the department of children and families'  
359 care and custody who are being served in medical or psychiatric care provided through other  
360 publicly-funded sources; (E) the number of children served by supervised visitation centers and  
361 the number of those children who are reunified with their families; (F) the total number of  
362 children served, their ages, the number of children served in each service plan, the number of

363 children in out-of-home placements and the number of placements each child has had before  
364 receiving an out-of-home placement; (G) for each area office, the number of kinship  
365 guardianship subsidies provided in the quarters covered by the report and the number of kinship  
366 guardianship subsidies provided in that quarter for which federal reimbursement was received;  
367 (H) for each area office, the total spending on services other than case management services  
368 provided to families to keep a child with the child's parents or reunifying the child with the  
369 child's parents, spending by the type of service including, but not limited to, the number of  
370 children and a breakdown of spending for respite care, intensive in-home services, client  
371 financial assistance and flexible funding, community-based after-school social and recreation  
372 program services, family navigation services and parent aide services and the unduplicated  
373 number of families that receive the services; (I) for each area office, the total number of families  
374 residing in shelters paid for by the department, a list of where the families are sheltered, the total  
375 cost and average cost per family of those shelters and a description of how the department  
376 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of  
377 requests for voluntary services broken down by type of service requested, whether the request  
378 was approved or denied, the number of families that were denied voluntary services and received  
379 a 51A report, the reasons for denying the service and what, if any, referrals were made for  
380 services by other agencies or entities; (K) the number of families receiving multiple 51A reports  
381 within a 10-month period, the number of cases reopened within 6 months of being closed and the  
382 number of children who return home and then reenter an out-of-home placement within 6  
383 months; (L) the number of children and families served by the family resource centers by area;  
384 and (M) the number of children within the care and custody of the department whose  
385 whereabouts are unknown; provided further, that not later than November 1, 2020, the

386 department shall submit a report to the house and senate committees on ways and means and the  
387 joint committee on children, families and persons with disabilities that details any changes to  
388 rules, regulations or guidelines established by the department in the previous fiscal year to carry  
389 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria  
390 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a  
391 child from the home; and (III) standards to determine what reasonable efforts are being made to  
392 keep a child in the home; provided further, that on a monthly basis, the department of children  
393 and families shall provide the caseload forecasting office with data on children receiving services  
394 and other pertinent data related to items 4800-0038 and 4800-0041 that is requested by the  
395 office; provided further, that the report shall also contain the number of children and families  
396 served by the family resource centers by area and an evaluation of the services provided and their  
397 effectiveness.

398 SECTION 21. The department of children and families shall include data and narratives  
399 on the impacts of the 2019 novel coronavirus, also known as COVID-19 in their FY2021 and  
400 any relevant future annual reports pursuant to section 3A of chapter 18B. The department may  
401 provide this report independently of said annual report and prior to that filing deadline. The  
402 department shall include the impacts of COVID-19 on the department, its operations, programs  
403 and its consumers. The data and narratives shall include but is not limited to COVID-19's  
404 impacts on (a) the number of reports and substantiated reports made that month to the  
405 department pursuant to said section 51A of said chapter 119 and comparative data on the number  
406 of reports made to the department for the same time period in prior years before COVID-19; (b)  
407 the number of reports and substantiated reports that were filed by mandated reporters, including  
408 the number of reports filed by each category of mandated reporter; (c) intake and home removal

409 episodes as a result of said reports; (d) case closures and exits from care; (e) placements; (f)  
410 family visitations; (g) transition aged youth and youth over the age of 18 being served by the  
411 department; (h) educational wellbeing of child and youth consumers; (i) attendance and  
412 participation in school of child and youth consumers (j) consumer technology and internet  
413 capacity; (k) transition to virtual service provided by the department and providers; (l) positive  
414 COVID-19 cases in congregate care; (m) in-person and virtual contact from social workers to  
415 individuals in their caseload; (n) information sharing between the department, staff and foster  
416 families; and (o) new guidance and policies issued by the department from March 2020 to  
417 October 2021 to respond to COVID-19.

418           SECTION 22. The commissioner of children and families shall identify potential  
419 modifications to specific policies, procedures, rules or protocols to improve the process of  
420 transferring cases involving multiple social workers or area offices to ensure the efficient and  
421 accurate transfer of case information and care for the child. The commissioner of children and  
422 families shall determine whether new policies or regulations are needed to improve the process  
423 of transferring cases between social workers or between area offices. The commissioner shall  
424 consult with the child advocate during this review.

425           Not later than November 15, 2020, the commissioner shall submit a report to the clerks of  
426 the senate and house of representatives, the senate and house committees on ways and means and  
427 the joint committee on children, families and persons with disabilities that shall include, but not  
428 be limited to: (i) the commissioner's findings of the review, including an evaluation of how  
429 policies are implemented in each area office and barriers to transferring information and cases  
430 between social workers or area offices; (ii) the number of cases transferred between area offices  
431 in fiscal year 2020; (iii) the number of cases transferred between social workers within the same

432 area office in fiscal year 2020; (iv) any actions the department has taken, or plans to take, to  
433 address barriers to transferring information and cases between social workers and area offices,  
434 including changes to policies and regulations; and (v) proposed legislation that may improve  
435 stability for children whose cases involve multiple social workers or area offices, if applicable.

436 SECTION 23. The board of registration of social workers shall report on the barriers  
437 prospective social workers face entering the profession as a social worker, as defined in section  
438 130 of chapter 112 of the General Laws, due to the licensure examination. The report shall  
439 include information about the individuals who took the examination in 2019 including, but not  
440 limited to: (i) the total number of individuals, broken down by each licensure type; (ii) aggregate  
441 data on the age, race, ethnicity and primary language of such individuals; (iii) the total number of  
442 such individuals who reported a learning disability or other disability; and (iv) in a de-identified  
443 form, the number of such individuals who, in 2019, were taking the examination for the first,  
444 second, third, fourth or greater time, broken down by licensure type. Additionally, the report  
445 shall include a description of the accommodations offered for individuals with disabilities and  
446 individuals whose primary language is a language other than English.

447 Not later than October 31, 2020, the board shall submit the report to the senate and house  
448 committees on ways and means and the joint committee on children, families and persons with  
449 disabilities, including any recommendations on how to eliminate any cultural and implicit bias  
450 related to entry into the profession as a social worker, including as it relates to the licensure  
451 examination.

452 SECTION 24. The 3-year plan required in subsection (e) of section 26 of chapter 18B of  
453 the General Laws shall be submitted not later than March 31, 2023.

454 SECTION 25. Sections 10 and 11 shall take effect February 1, 2022.

455 SECTION 26. Section 32 shall take effect July 1, 2019.

456 SECTION 27. Section 17 shall take effect January 1, 2021.