

HOUSE No. 87

The Commonwealth of Massachusetts

PRESENTED BY:

Denise C. Garlick and Paul J. Donato

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>Denise C. Garlick</i> | <i>13th Norfolk</i> | <i>2/18/2021</i> |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> | <i>2/24/2021</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> | <i>2/22/2021</i> |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | <i>2/25/2021</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>2/25/2021</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> | <i>2/25/2021</i> |
| <i>Jessica Ann Giannino</i> | <i>16th Suffolk</i> | <i>2/25/2021</i> |
| <i>Paul F. Tucker</i> | <i>7th Essex</i> | <i>2/25/2021</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> | <i>2/25/2021</i> |
| <i>Donald R. Berthiaume, Jr.</i> | <i>5th Worcester</i> | <i>2/26/2021</i> |
| <i>Sally P. Kerans</i> | <i>13th Essex</i> | <i>2/26/2021</i> |
| <i>Joseph D. McKenna</i> | <i>18th Worcester</i> | <i>2/26/2021</i> |
| <i>Vanna Howard</i> | <i>17th Middlesex</i> | <i>2/26/2021</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> | <i>2/26/2021</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> | <i>2/26/2021</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> | <i>2/26/2021</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> | <i>2/26/2021</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>2/26/2021</i> |

| | | |
|------------------------------|-----------------------|-----------------|
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | <i>3/1/2021</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | <i>3/7/2021</i> |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> | <i>3/3/2021</i> |
| <i>Steven C. Owens</i> | <i>29th Middlesex</i> | <i>3/4/2021</i> |
| <i>Alice Hanlon Peisch</i> | <i>14th Norfolk</i> | <i>3/1/2021</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> | <i>3/4/2021</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> | <i>3/4/2021</i> |

HOUSE No. 87

By Representatives Garlick of Needham and Donato of Medford, a petition (accompanied by bill, House, No. 87) of Denise C. Garlick, Paul J. Donato and others relative to reports required to be filed by the Department of Children and Families.

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.

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

5 SECTION 2. Section 6A of said chapter 18B, as so appearing, is hereby amended by
6 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 8 of chapter 321 of the
12 acts of 2008, is hereby amended by striking out the sixth sentence.

13 SECTION 6. Section 24 of said chapter 18B is hereby repealed.

14 SECTION 7. Section 25 of said chapter 18B is hereby repealed.

15 SECTION 8. Chapter 18B is hereby amended by adding the following sections:-

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

24 (2) The report shall include, but not be limited to, narratives, information, data and
25 analysis on: (i) counts, including, but not limited to: (A) case counts; (B) consumer counts; (C)
26 consumer demographic information, including age, race, ethnicity, primary language, and, if
27 available, gender identity and sexual orientation; (D) reports filed pursuant to section 51A of
28 chapter 119; (E) placement metrics, including breakdown by placement type; (F) infants brought
29 into the department's care pursuant to section 39½ of chapter 119; and (G) siblings in placement;
30 (H) rates of disproportionality including but not limited to race, ethnicity, and, if available,
31 gender identity and sexual orientation; (ii) processes and outcomes, including but not limited to:
32 (A) safety outcomes; (B) permanency processes and outcomes; (C) the rates of adoptions by

33 race, ethnicity, and, if available, gender identity and sexual orientation of the child; and (D) well-
34 being outcomes, including the rates and timeliness of the delivery of medical services and high
35 school graduation rates; and (iii) operations, including, but not limited to: (A) staffing trends,
36 including the total number of social workers, the total number of social workers holding
37 licensure by level of licensure and the number of social workers and supervisors who have
38 earned a bachelor's or master's degree in social work; (B) caseloads, including weighted
39 caseload by social workers' years of employment with the department and area offices that
40 experienced higher or lower caseloads than the negotiated caseload standard over the course of
41 the fiscal year; (C) the department's budget, including funding levels; (D) service costs,
42 including, but not limited to, a breakdown by type of service provided, the unduplicated number
43 of children receiving each type of service and the unduplicated number of families receiving
44 each type of service; (E) medical services and advancements in providing medical services to
45 children and young adults in the department's care; (F) amounts expended to foster care and to
46 adoptive and guardianship families to provide assistance, including financial assistance, to
47 provide for the care of children; (G) the use of culturally competent staffing, resources and
48 practices, including the number of requests for oral interpretation services and written translation
49 services respectively, broken down by language; (H) the foster care review system, including the
50 number of foster care reviews conducted by the department, attendance of mandatory invitees to
51 foster care review meetings, reasons why mandatory invitees do not attend foster care review
52 meetings and any recommendations for its improvement; and (I) activities of the Central and
53 Regional Youth Advisory Boards; demographic data; guiding principles and governance;
54 methods of outreach to youth; the number of youth participating in each central and regional
55 boards activities; any recommendations made by the boards relative to the department's services,

56 policies and practices, including any action the department has taken to address those
57 recommendations. The report shall also include comparative departmental information from
58 prior fiscal years.

59 (3) The report shall include specific data points, including: (i) the number of medical and
60 psychiatric personnel and their level of training currently employed by or under contract with the
61 department; (ii) the number of children who die in the care and custody of the department; (iii)
62 the number of children served in medical or psychiatric care provided through other publicly-
63 funded sources; (iv) the number of the department's contracts reviewed by the state auditor; (v)
64 the number of corrective action plans entered into by the department; (vi) the number of children
65 currently eligible for supportive child care; (vii) the number of children receiving supportive
66 child care; (viii) the number of children and families served by the family resource centers by
67 area office and an evaluation of the services provided and their effectiveness; (ix) for residential
68 placements, the length of each placement and the disposition of the child's case at the end of the
69 residential placement, including whether the child was returned to the child's family or placed in
70 other care within the community; (x) placement stability, including the number of times any
71 child in the care and custody of the department has changed placements throughout the fiscal
72 year and throughout their time in the care and custody of the department; (xi) the number of
73 children whose cases were transferred to another area office; and (xii) the number of children
74 who were reassigned social workers, including the reasons why.

75 (b)(1) Quarterly, not later than 60 days after the end of each fiscal quarter, the department
76 shall issue a profile on its website in accordance with section 19 of chapter 66 that shall include,
77 but not be limited to, departmental, regional office and area office data for the last quarter on: (i)
78 consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119,

79 including counts of reports received, screened-in, screened-out, referred to the district attorney,
80 responses completed on time in the quarter and the number of reports filed by each category of
81 mandated reporter, as defined in section 21 of chapter 119; (iii) department case counts,
82 including counts of clinical and adoption cases in the quarter; (iv) consumer demographic
83 information, including age, race, ethnicity, primary language, and, if available, gender identity
84 and sexual orientation; (v) counts of children and youth in-placement, including method of
85 intake; and (vi) counts of children and youth not in-placement.

86 (2) The profile shall include specific data points for the department and each regional and
87 area office, including: (i) the number of approved foster care placements and utilization rate; (ii)
88 the number of children who die in the care and custody of the department; (iii) the number of
89 children within the care and custody of the department in psychiatric hospitals and community-
90 based acute treatment programs who remain hospitalized beyond their medically-necessary stay
91 while awaiting placement and the number of days each case remains in placement beyond that
92 which is medically necessary; (iv) the number of medical and psychiatric consultation requests
93 made by the department's social workers; (v) the number of children served by supervised
94 visitation centers; (vi) the total number of families served by the department and residing in
95 shelters; (vii) the number of children receiving multiple 51A reports; (viii) the number of
96 children within the care and custody of the department whose whereabouts are unknown; and
97 (ix) the number of times children transfer schools as a result of a best interest determination.

98 (3) The commissioner or the commissioner's designee shall notify the house and senate
99 committees on ways and means and the joint committee on children, families and persons with
100 disabilities when data from a profile issued pursuant to paragraph (1) significantly departs from

101 trends reported in previous profiles. The commissioner shall send the notification prior to
102 publicly issuing the profile.

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

109 (d) If the department is unable to submit the report under subsection (a), issue the profile
110 under subsection (b), or any other legislatively mandated reports by the respective deadlines, the
111 commissioner or the commissioner's legal counsel shall notify the governor, the child advocate,
112 the clerks of the house of representatives and the senate, the house and senate committees on
113 ways and means and the joint committee on children, families and persons with disabilities in
114 writing and provide an explanation for the delay. The department shall, at the written request of
115 the chairs of the joint committee on children, families and persons with disabilities, provide the
116 committee with partial data if the report under subsection (a), the profile under subsection (b), or
117 any other legislatively mandated report is late due to maturation or confirmation of certain data
118 points while other information may be ready for public submission. For the purposes of this
119 section, the term "legislatively mandated report" shall mean a report required by law of the
120 department of children and families.

121 Section 27. Annually, not later than October 31, the department shall submit a report on
122 transition planning for children in foster care and young adults over the age of 18 receiving

123 services from the department to the child advocate, the clerks of the house of representatives and
124 the senate, the house and senate committees on ways and means and the joint committee on
125 children, families and persons with disabilities. The report shall summarize the process by which
126 the department develops transition plans for youth and how a young adult may continue to
127 receive services from the department upon reaching the legal adult age of 18. The report shall
128 also include, but not be limited to: (i) consumer demographic information, including age, race,
129 ethnicity, primary language, and, if available, gender identity and sexual orientation; (ii) the
130 number of young adults who have elected to sustain a connection with the department in the
131 previous fiscal year; (iii) the number of young adults who have elected not to remain with the
132 department and have transitioned out of the child welfare system in the previous fiscal year,
133 including, but not limited to, at the time of transition: (A) the number of young adults with and
134 without employment, (B) the number of young adults with plans to attend post-secondary
135 education, (C) the number of young adults without secure housing and (D) the number of young
136 adults who had previously elected to sustain a connection with the department; (iv) the number
137 of young adults who elected to return to the child welfare system after initially electing to
138 transfer out; (v) reasons for youth and young adults exiting care from age 18 to their 23rd
139 birthday; (vi) the total payments made from commonwealth funds to young adults in the previous
140 fiscal year; and (vii) a description of services provided to young adults by the department in the
141 previous fiscal year, including those funded wholly or in part by federal funds; (viii) rates of
142 disproportionality including but not limited to race, ethnicity, and, if available, gender identity
143 and sexual orientation. The department may satisfy the reporting requirements of this subsection
144 by providing the requested information in an annual report filed under section 26.

145 Section 28. Annually, not later than October 31, the department shall file a report on its
146 fair hearing process and cases with the child advocate, the clerks of the house of representatives
147 and the senate, the house and senate committees on ways and means and the joint committee on
148 children, families and persons with disabilities. The report shall be made available to the public
149 electronically in accordance with section 19 of chapter 66 of the General Laws. The report shall
150 include, but not be limited to, information in a form that shall not include personally-identifiable
151 information on the fair hearing requests open at any time during the previous fiscal year and, for
152 each hearing request, shall provide: (i) the subject matter of the appeal; (ii) the outcomes of cases
153 resolved prior to a fair hearing decision; (iii) the number of days between the hearing request and
154 the first day of the hearing; (iv) the number of days between the close of the evidence and the
155 hearing officer's decision; (v) the number of days of continuance granted at the appellant's
156 request; (vi) the number of days of continuance granted at the request of the department of
157 children and families or the hearing officer's request, specifying which party made the request;
158 and (vii) whether the department's decision that was the subject of the appeal was affirmed or
159 reversed.

160 The department shall maintain and make available to the public, during regular business
161 hours, a record of its fair hearings in a form that shall not include personally identifiable
162 information and shall include, for each hearing request: (i) the date of the request; (ii) the date of
163 the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final decision
164 rendered upon the commissioner's review. The report shall provide for the fair hearing requests
165 that are pending for more than 180 days at any time during the fiscal year, except for those
166 requests stayed at the request of the district attorney, the number of those cases, how many of
167 those cases have been heard but not decided and how many have been decided by the hearing

168 officer but not yet issued a final agency decision. If there are more than 225 fair hearing requests
169 open for more than 180 days at the close of any month of the first 6 months of a fiscal year, then
170 an additional report of these requests shall be provided not later than February 28. The
171 department shall make redacted copies of fair hearing decisions available within 30 days after a
172 written request.

173 Section 29. Annually, not later than November 30, the department shall file a report on
174 contracted services with the child advocate, the clerks of the house of representatives and the
175 senate, the house and senate committees on ways and means and the joint committee on children,
176 families and persons with disabilities. The report shall be made available to the public
177 electronically in accordance with section 19 of chapter 66 of the General Laws. The report shall
178 summarize the services provided by the department through contracted agencies in the previous
179 fiscal year. The report shall also include, but not be limited to: (i) the number of new contracts
180 entered into or renewed by the department; (ii) the number of contracts that ended; (iii) the total
181 number of active contracts; (iv) the names of each agency and provider contracted with and
182 receiving funding from the department; (v) the services provided by each agency and provider
183 contracted with and receiving funding from the department; (vi) the number of clients served by
184 each agency and provider contracted with and receiving funds from the department; (vii) the
185 amount paid to each agency and provider contracted with and receiving funding from the
186 department, including a breakdown by services provided and the source of funding, including,
187 but not limited to, state appropriations, state trusts, federal reimbursements and private
188 donations; and (viii) the geographic areas served by each agency and provider contracted with
189 and receiving funding from the department.

190 Section 30. Notwithstanding any general or special law to the contrary, any social service
191 program, as defined by section 22N of chapter 7, or any program or service that is reimbursable
192 under Title XIX of the federal Social Security Act that is providing services to a child who is in
193 the custody of or receiving services from the department or is providing services to a young adult
194 or adult receiving services from the department, shall provide the department with information
195 not more than 5 business days after receiving a request for information from a department social
196 worker for the purposes of conducting a collateral check; provided, however, that programs or
197 services shall comply with all applicable state and federal privacy requirements, including those
198 imposed by the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104–
199 191, the federal American Recovery and Reinvestment Act of 2009, P.L. 111–5, 42 C.F.R. §
200 2.11 et seq. and 45 C.F.R. §§ 160, 162 and 164.

201 SECTION 9. Chapter 18C of the General Laws is hereby amended by adding the
202 following section:-

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

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

206 “Fatality”, a death of a child.

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

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

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

211 “Team”, the state or a local team.

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

217 The state team shall consist of not less than: the child advocate or a designee, who shall
218 serve as co-chair; the commissioner of public health or a designee, who shall serve as co-chair;
219 the chief medical examiner or a designee; the attorney general or a designee; the commissioner
220 of children and families or a designee; the commissioner of elementary and secondary education
221 or a designee; a representative selected by the Massachusetts District Attorneys Association; the
222 colonel of state police or a designee; the commissioner of mental health or a designee; the
223 commissioner of developmental services or a designee; the director of the Massachusetts Center
224 for Unexpected Infant and Child Death at Boston Medical Center or a designee; the
225 commissioner of youth services or a designee; the commissioner of early education and care or a
226 designee; a representative selected by the Massachusetts chapter of the American Academy of
227 Pediatrics who has experience in diagnosing or treating child abuse and neglect; a representative
228 selected by the Massachusetts Health and Hospital Association, Inc.; the chief justice of the
229 juvenile court department of the trial court of the commonwealth or a designee; the president of
230 the Massachusetts Chiefs of Police Association Incorporated or a designee; and any other person,
231 selected by the co-chairs or by majority vote of the members of the state team, with expertise or
232 information relevant to an individual case. The purpose of the state team shall be to decrease the
233 incidence of preventable child fatalities and near fatalities by: (i) developing an understanding of

234 the causes and incidence of child fatalities and near fatalities; and (ii) advising the governor, the
235 general court and the public by recommending changes in law, policy and practice to prevent
236 child fatalities and near fatalities.

237 To achieve its purpose, the state team shall: (i) develop model investigative and data
238 collection protocols for local teams; (ii) provide information to local teams and law enforcement
239 agencies for the purpose of the protection of children; (iii) provide training and written materials
240 to local teams to assist them in carrying out their duties; (iv) review reports from local teams; (v)
241 study the incidence and causes of child fatalities and near fatalities in the commonwealth; (vi)
242 analyze community, public and private agency involvement with the children and their families
243 prior to and subsequent to fatalities or near fatalities; (vii) develop a protocol for the collection of
244 data regarding fatalities and near fatalities and provide training to local teams on the protocol;
245 (viii) develop and implement rules and procedures necessary for its own operation; and (ix)
246 provide the governor, the general court and the public with annual written reports, subject to
247 confidentiality restrictions, that shall include, but not be limited to, the state team's findings and
248 recommendations.

249 (c) There shall be a local child fatality review team in each district established under
250 section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team
251 shall be subject to criminal offender record checks to be conducted by the district attorney. All
252 members shall serve without compensation for their duties associated with membership on a
253 local team.

254 Each local team shall include, but not be limited to: the district attorney of the county,
255 who shall serve as chair; the chief medical examiner or a designee; the commissioner of children

256 and families or a designee; a pediatrician with experience in diagnosing or treating child abuse
257 and neglect, appointed by the state team; a local police officer from a municipality where a child
258 fatality or near fatality occurred, appointed by the chief of police of the municipality; a state law
259 enforcement officer, appointed by the colonel of state police; the chief justice of the juvenile
260 court department of the trial court of the commonwealth or a designee; the director of the
261 Massachusetts center for Unexpected Infant and Child Death located at Boston Medical Center
262 or a designee; at least 1 representative from the department of public health or the office of the
263 child advocate; and any other person with expertise or information relevant to an individual case
264 who may attend meetings, on an ad hoc basis, by agreement of the permanent members of each
265 local team. Those other persons may include, but shall not be limited to, local or state law
266 enforcement officers, hospital representatives, medical specialists or subspecialists, or designees
267 of the commissioners of developmental services, mental health, youth services, education and
268 early education and care.

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

276 To achieve its purpose, each local team shall: (i) review, establish and implement model
277 protocols from the state team; (ii) review, subject to the approval of the local district attorney, all
278 individual fatalities and near fatalities in accordance with the established protocols; (iii) meet

279 periodically, not less than 4 times per calendar year, to review the status of fatality and near
280 fatality cases and recommend methods of improving coordination of services between member
281 agencies; (iv) collect, maintain and provide confidential data as required by the state team; and
282 (v) provide law enforcement or other agencies with information to protect children.

283 At the request of the local district attorney, the local team shall be immediately provided
284 with: (i) information and records relevant to the cause of the fatality or near fatality maintained
285 by providers of medical or other care, treatment or services, including dental and mental health
286 care; (ii) information and records relevant to the cause of the fatality or near fatality maintained
287 by any state, county or local government agency including, but not limited to, birth certificates,
288 medical examiner investigative data, parole and probation information records and law
289 enforcement data post-disposition, except that certain law enforcement records may be exempted
290 by the local district attorney; (iii) information and records of any provider of social services,
291 including the state department of children and families, relevant to the child or the child's family,
292 that the local team deems relevant to the review; and (iv) demographic information relevant to
293 the child and the child's immediate family, including, but not limited to, address, age, race,
294 gender and economic status. The district attorney may enforce this paragraph by seeking an order
295 of the superior court.

296 (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
297 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter
298 123, section 20B, section 20J or section 20K of chapter 233 or any other law relating to
299 confidential communications shall not prohibit the disclosure of this information to the chair of
300 the state team or a local team. Any information considered to be confidential pursuant to the
301 aforementioned statutes may be submitted for a team's review upon the determination of that

302 team's chair that the review of this information is necessary. The chair shall ensure that no
303 information submitted for a team's review is disseminated to parties outside the team. No
304 member of a team shall violate the confidentiality provisions set forth in the aforementioned
305 statutes.

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

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

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

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

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

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

326 SECTION 10. Section 2A of chapter 38 of the General Laws is hereby repealed.

327 SECTION 11. Subsection (f) of section 23 of chapter 119 of the General Laws, as so
328 appearing, is hereby amended by striking out the last sentence.

329 SECTION 12. Section 23 of chapter 119 is hereby further amended by adding the
330 following subsection:-

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

339 SECTION 13. Said chapter 119 is hereby further amended by inserting after section 23B
340 the following section:-

341 Section 23C. (a) The department shall promulgate a policy governing its relationship
342 with, and responsibilities to, foster parents. This policy shall be collectively known as the foster
343 parents' bill of rights and shall be provided by the department and private agencies contracted by
344 the department to provide foster care to all prospective foster and pre-adoptive parents during the

345 application process and to kinship foster parents during the placement process. All current foster,
346 pre-adoptive and kinship parents shall be provided with a copy of the foster parents' bill of
347 rights.

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

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

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

355 (3) The department shall develop and provide a standardized pre-service training for
356 foster parents, including, but not limited to (i) communication; (ii) positive discipline; (iii) child
357 guidance; and (iv) building the child's self-esteem. The department shall update foster parents of
358 any relevant changes in policies and procedures of the department and any changes in applicable
359 law not less than 30 days before the changes take place. If the department cannot provide the
360 update not less than 30 days before the change takes place, the department shall update foster
361 parents as soon as practicable.

362 (4) To the greatest extent possible, as allowable under state and federal law, the
363 department shall, prior to placement, provide a foster parent with information about the child,
364 including, but not limited to: (i) the physical and behavioral health history of the child; (ii) the
365 education needs of the child; and (iii) information about the daily routine of the child. The

366 department shall communicate additional information that becomes known during the time of
367 placement in a timely fashion.

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

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

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

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

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

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

388 (11) The department shall maintain a staffed 24-hour emergency hotline in case of
389 emergency when the department offices are closed. The department shall provide the hotline
390 number to foster parents. Should the hotline number change, the department shall notify foster
391 parents of the new number within 1 month of the change.

392 (12) The department shall provide adequate notice to a foster parent of foster care
393 reviews and appropriate meetings regarding the child in the foster parent's home, and shall invite
394 foster parents to participate in these meetings, except as to those parts of foster care reviews or
395 meetings that involve information that is confidential as to a parent under federal or state law.

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

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

402 (15) The department shall provide foster parents with information about: (i) the process
403 and timelines for investigation and resolution of a report made against the foster parent pursuant
404 to section 51A; (ii) the rights of the foster parent to receive and provide information during a
405 review or investigation; and (iii) the potential consequences of a supported complaint, review or
406 investigation.

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

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

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

420 (19) The department shall not retaliate against foster parents for issuing or filing a
421 complaint with the commissioner, the department's office of the ombudsman or the office of the
422 child advocate or for retaining counsel.

423 SECTION 14. Section 29 of said chapter 119, as appearing in the 2018 Official Edition,
424 is hereby amended by inserting after the second paragraph the following 2 paragraphs:-

425 Not less than 5 business days before any non-emergency change in a child's or a young
426 adult's placement or any non-emergency hospitalization and not more than 1 business day after
427 any emergency change in a child's or a young adult's placement or any emergency

428 hospitalization, the department shall provide notice of the change in placement or hospitalization
429 to the child's or the young adult's attorney.

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

433 SECTION 15. Section 39½ of said chapter 119, as so appearing, is hereby amended by
434 striking out the eighth paragraph.

435 SECTION 16. Section 51D of said chapter 119, as so appearing, is hereby amended by
436 striking out the eighth paragraph.

437 SECTION 17. Section 51E of said chapter 119, as so appearing, is hereby amended by
438 striking out, in line 2, the figure "51D" and inserting in place thereof the following figure:- 51C.

439 SECTION 18. Section 5E of chapter 210 of the General Laws is hereby repealed.

440 SECTION 19. Chapter 47 of the acts of 2017 is hereby amended by striking out section
441 128 and inserting in place thereof the following section:-

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

447 The task force shall develop criteria for measuring outcomes for children and families in
448 the key child welfare domains of safety, permanency and well-being including, but not limited

449 to, outcomes relative to: (i) protecting children from abuse and neglect; (ii) safely maintaining
450 children in their own homes whenever possible and appropriate; (iii) achieving stability and
451 permanency for children in their living situations; (iv) preserving the continuity of family
452 relationships; (v) enhancing the capacity of families to provide for the needs of children; (vi)
453 ensuring that children receive appropriate services to meet their educational needs; (vii) ensuring
454 that children receive the services necessary to meet their physical and mental health needs; and
455 (viii) achieving permanency and opportunity for young adults.

456 The task force shall make recommendations to: (i) ensure that the department of children
457 and families' reports and profiles required under section 26 of chapter 18B of the General Laws
458 include data measures that are clearly defined and provided with adequate context to convey the
459 meaning of reported data and the department's understanding of the meaning of trends that may
460 appear in that data; (ii) eliminate unnecessary reports; (iii) revise existing reports; and (iv) ensure
461 that reports are timely submitted and made available electronically in accordance with public
462 records laws.

463 The task force shall also make recommendations relative to: (i) the continued
464 development of the reports and profiles required under said section 26 of said chapter 18B of the
465 General Laws; (ii) the resources required of the department to develop and produce said reports
466 and profiles; and (iii) priorities for the department's public reporting requirements as they relate
467 to addressing: (A) questions underlying legislative reporting requirements relative to foster care
468 review, residential care, services for young adults over the age of 18, educational and placement
469 stability, kinship guardianship subsidies and any other reporting requirements not included in the
470 reports and profiles under said section 26 of said chapter 18B; (B) questions that the department
471 is currently unable to address with existing departmental data including, but not limited to,

472 families with multiple siblings in the department's care; (C) questions concerning the
473 department's delivery of services including, but not limited to, support and stabilization and the
474 effectiveness of such services; (D) questions concerning the department's outcomes and the
475 development of accurate benchmarks to measure those outcomes; and (E) racial
476 disproportionality at decision points in the departmental process by area office.

477 The task force shall consist of the following persons or their designees: the child
478 advocate, who shall serve as co-chair; the commissioner of children and families, who shall serve
479 as co-chair; the chairs of the joint committee on children, families and persons with disabilities;
480 the chief counsel of the committee for public counsel services; the executive director of the
481 Children's League of Massachusetts, Inc.; the executive director of a legal services program to
482 be appointed by the governor; 1 person with expertise in child welfare data and outcome
483 measurement to be appointed by the child advocate; and 1 person with expertise in the
484 department of children and families' information technology, data collection and reporting
485 systems to be appointed by the commissioner of children and families. The task force shall
486 consult with other individuals with relevant expertise, including academics, researchers and
487 service providers, as needed. The task force shall consult with the heads of agencies that address
488 issues directly affecting the child welfare caseload or outcomes including, but not limited to,
489 substance use disorders, domestic violence, mental health and homelessness to determine how
490 best to review and report on agency data relevant to child welfare outcomes.

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

493 The task force shall meet not less than quarterly. Annually, not later than January 31, the
494 task force shall submit its report, including, but not limited to, recommendations and model
495 legislation to effect those recommendations, to the clerks of the house of representatives and the
496 senate, the house and senate committees on ways and means and the joint committee on children,
497 families and persons with disabilities.

498 SECTION 20. Item 4800-0015 of section 2 of chapter 227 of the acts of 2020 is hereby
499 amended by striking out the words “provided further, that on December 30, 2020 and March 26,
500 2021, the department shall report to the house and senate committees on ways and means and the
501 joint committee on children, families and persons with disabilities on: (i) the fair hearing
502 requests filed in fiscal year 2021, using non-identifying information, which shall state, for each
503 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing
504 request and the first day of the hearing; (c) the number of days between the first day of the
505 hearing and the hearing officer’s decision; (d) the number of days between the hearing officer’s
506 decision and the agency’s final decision; (e) the number of days of continuance granted at the
507 appellant’s request; (f) the number of days of continuance granted at the request of the
508 department of children and families or the hearing officer’s request, specifying which party made
509 the request; and (g) whether the department’s decision that was the subject of the appeal was
510 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2021, which are
511 pending for more than 180 days, stating the number of those cases, how many of those cases
512 have been heard but not decided and how many have been decided by the hearing officer but not
513 yet issued as a final agency decision; provided further, that the department shall maintain and
514 make available to the public, during regular business hours, a record of its fair hearings, with
515 identifying information removed, including for each hearing request: the date of the request, the

516 date of the hearing decision, the decision rendered by the hearing officer and the final decision
517 rendered upon the commissioner's review; provided further, that the department shall make
518 redacted copies of fair hearing decisions available within 30 days of a written request; provided
519 further, that the department shall not make available any information in violation of federal
520 privacy regulations; provided further, that not later than February 26, 2021, the department shall
521 submit a report to the house and senate committees on ways and means and the joint committee
522 on children, families and persons with disabilities that shall include, but not be limited to, the: (1)
523 number of medical and psychiatric personnel and their level of training currently employed by or
524 under contract with the department; (2) number of foster care reviews conducted by the
525 department and the average length of time in which each review was completed; (3) number of
526 social workers and supervisors who have earned a bachelor's or master's degree in social work;
527 (4) total number of social workers and the total number of social workers holding licensure, by
528 level; (5) number of the department's contracts reviewed by the state auditor and the number of
529 corrective action plans issued; and (6) number of corrective action plans entered into by the
530 department; provided further, that on the first business day of each quarter, the department shall
531 file a report with the house and senate committees on ways and means and the joint committee
532 on children, families and persons with disabilities on the caseload of the department; provided
533 further, that the report shall include, but not be limited to: (A) the caseloads of residential
534 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A
535 reports, substantiated 51A reports, the number of children who die in the care and custody of the
536 department, the number of children currently eligible for supportive child care, the number of
537 children presently receiving supportive child care and the number of medical and psychiatric
538 consultation requests made by the department's social workers; (B) the number of approved

539 foster care placements; (C) the number of children in psychiatric hospitals and community-based
540 acute treatment programs who remain hospitalized beyond their medically necessary stay while
541 awaiting placement and the number of days each case remains in placement beyond that which is
542 medically necessary; (D) the number of children under the department of children and families’
543 care and custody who are receiving medical or psychiatric care provided through other publicly-
544 funded sources; (E) the number of children served by supervised visitation centers and the
545 number of those children who are reunified with their families; (F) the total number of children
546 served, their ages, the number of children served in each service plan, the number of children in
547 out-of-home placements and the number of placements each child has had before receiving an
548 out-of-home placement; (G) for each area office, the number of kinship guardianship subsidies
549 provided in the quarters covered by the report and the number of kinship guardianship subsidies
550 provided in that quarter for which federal reimbursement was received; (H) for each area office,
551 the total spending on services other than case management services provided to families to keep
552 a child with the child’s parents or reunifying the child with the child’s parents, spending by the
553 type of service, including, but not limited to, the number of children and a breakdown of
554 spending for respite care, intensive in-home services, client financial assistance and flexible
555 funding, community-based after-school social and recreation program services, family
556 navigation services and parent aide services and the unduplicated number of families that receive
557 the services; (I) for each area office, the total number of families residing in shelters paid for by
558 the department, a list of where the families are sheltered, the total cost and average cost per
559 family at those shelters and a description of how the department determines who qualifies or
560 does not qualify for a shelter; (J) for each area office, the number of requests for voluntary
561 services, broken down by type of service requested, whether the request was approved or denied,

562 the number of families that are denied voluntary services and receive a 51A report, the reasons
563 for denying such services and what, if any, referrals were made for services by other agencies or
564 entities; (K) the number of families receiving multiple 51A reports within a 10-month period, the
565 number of cases reopened within 6 months of being closed and the number of children who
566 return home and then reenter an out-of-home placement within 6 months; (L) the number of
567 children and families served by the family resource centers, by area; and (M) the number of
568 children within the care and custody of the department whose whereabouts are unknown;
569 provided further, that not later than December 30, 2020 the department shall submit a report to
570 the house and senate committees on ways and means and the joint committee on children,
571 families and persons with disabilities that details any changes to said rules, regulations or
572 guidelines established by the department in the previous fiscal year to carry out its duties under
573 chapter 119 of the General Laws including, but not limited to: (I) criteria used to determine
574 whether a child has been abused or neglected; (II) guidelines for removal of a child from the
575 home; and (III) standards to determine what reasonable efforts are being made to keep a child in
576 the home; provided further, that on a monthly basis, the department shall provide the caseload
577 forecasting office with data on children receiving services and other pertinent data related to
578 items 4800-0038 and 4800-0041 that is requested by the office; provided further, that the report
579 shall also contain the number of children and families served by the family resource centers, by
580 area, and an evaluation of the services provided and their effectiveness”.

581 SECTION 21. The department of children and families shall, in consultation and
582 collaboration with the child advocate, submit a special report reviewing the department’s
583 utilization of virtual and video technology during the outbreak of the 2019 novel coronavirus,
584 also known as COVID-19. The report shall include, but not be limited to: (i) the types of services

585 offered via virtual and video technology; (ii) the number of people using virtual and video
586 technology for each type of service; (iii) the number of people using virtual and video
587 technology for each category of person, including, but not limited to, department staff, children,
588 parents, foster parents and kinship care guardians; (iv) the number of people opting not to use
589 virtual and video technology for each type of service, and, if known, the reasons why; and (v) the
590 number of people opting not to use virtual and video technology for each category of person,
591 including, but not limited to, department staff, children, parents, foster parents and kinship care
592 guardians; provided the data be for the time period beginning March 10, 2020 and ending
593 September 30, 2020; provided further that if the department is unable to provide any of the
594 information in clauses (ii) to (v), the report shall include an explanation of why the information
595 is not available.

596 The report shall include a plan for the department to improve operations by expanding
597 access to virtual and video technology services for department staff, children, parents, foster
598 parents and kinship care guardians. The department shall identify barriers to utilizing virtual and
599 video technology services and, when feasible, implement alternative approaches where virtual
600 and video technology services are not available or feasible. Not later than March 31, 2021, the
601 department of children and families shall submit a report detailing its review and plan to the
602 clerks of the senate and house of representatives, the house and senate committees on ways and
603 means and the joint committee on children, families and persons with disabilities.

604 SECTION 22. The department of children and families shall maintain a data dashboard,
605 to be made publicly available on the department website and to be updated not less than monthly
606 during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's
607 March 10, 2020 declaration of a state of emergency and until 60 days after the termination of the

608 state of emergency, on changes in child abuse and neglect reports made to the department
609 pursuant to section 51A of chapter 119 of the General Laws. The data dashboard shall include,
610 but not be limited to, the following information: (i) the number of reports, screened-in and
611 screened-out, made that month to the department pursuant to said section 51A of said chapter
612 119 and comparative data on the number of reports made to the department for the same time
613 period in 2019; (ii) the number of reports, screened-in and screened-out, that were filed by
614 mandated reporters, including the number of reports filed by each category of mandated reporter,
615 and the number of reports, screened-in and screened-out, that were filed by non-mandated
616 reporters; (iii) methods used by the department to enhance screening for child abuse and neglect
617 cases during the outbreak of the 2019 novel coronavirus, also known as COVID-19, including
618 outreach to mandated reporters; (iv) strategies taken by the department to address cases of
619 reported abuse and neglect during the outbreak of COVID-19, and outcomes related to the
620 strategies; and (v) any changes in department policies related to the investigation and processing
621 of reports made to the department pursuant to said section 51A of said chapter 119 during the
622 outbreak of COVID-19.

623 Not later than 7 days after the end of the month, the department shall submit the data
624 dashboard to the house and senate committees on ways and means and the joint committee on
625 children, families and persons with disabilities.

626 SECTION 23. The commissioner of children and families shall review the department of
627 children and families' policies, procedures and rules to identify additional and specific protocols
628 that can be modified or established for case transfers involving multiple social workers or area
629 offices to ensure the efficient and accurate transfer of information and care for the child. The
630 commissioner shall consult with the child advocate during this review. Not later than March 31,

631 2021, the commissioner shall submit a report to the house of representatives and senate clerks,
632 the house and senate committees on ways and means and the joint committee on children,
633 families and persons with disabilities that shall include, but not be limited to: (i) the
634 commissioner's findings of the review, including an evaluation of how policies are implemented
635 in each area office and barriers to transferring information and cases between social workers or
636 area offices; (ii) the number of cases transferred between area offices in fiscal year 2020; (iii) the
637 number of cases transferred between social workers within the same area office and between area
638 offices in fiscal year 2020; (iv) any actions the department has taken, or plans to take, to address
639 barriers to transferring information and cases between social workers and area offices, including
640 changes to policies and regulations; and (v) proposed legislation that may improve stability for
641 children whose cases involve multiple social workers or area offices, if applicable.

642 SECTION 24. The board of registration of social workers shall report on the barriers
643 prospective social workers face entering the profession as a social worker, as defined in section
644 130 of chapter 112 of the General Laws, due to the licensure examination. The report shall
645 include information about the individuals who took the examination in 2019 including, but not
646 limited to: (i) the total number of individuals, broken down by each licensure type; (ii) aggregate
647 data on the age, race, ethnicity and primary language of such individuals; (iii) the total number of
648 such individuals who reported a learning disability or other disability; and (iv) in a de-identified
649 form, the number of such individuals who, in 2019, were taking the examination for the first,
650 second, third, fourth or greater time, broken down by licensure type. Additionally, the report
651 shall include a description of the accommodations offered for individuals with disabilities and
652 individuals whose primary language is a language other than English.

653 Not later than March 31, 2021, the board shall submit the report to the senate and house
654 committees on ways and means and the joint committee on children, families and persons with
655 disabilities, including any recommendations on how to eliminate any cultural and implicit bias
656 related to entry into the profession as a social worker, including as it relates to the licensure
657 examination.

658 SECTION 25. The third paragraph of section 12 of chapter 124 of the acts of 2019 is
659 hereby amended by inserting, in line 371, after the words "chapter 119;" the following:- "(xii)
660 proposals to allow law enforcement to report to the department of children and families on
661 incidents of suspected child abuse and neglect in domestic violence cases;"; and further amends
662 in section 12 of chapter 124 of the acts of 2019 by striking out in line 371, the number "(xii)" and
663 inserting in place thereof the following:- "(xiii)"

664 SECTION 26. Section 12 of chapter 124 of the acts of 2019, as amended by section 81 of
665 chapter 124 of the acts of 2020, is hereby amended by striking out in subsection (d) "December
666 31, 2020" and inserting in place thereof the following:- "June 30, 2021".

667 SECTION 27. Section 52D of chapter 149 of the General Laws, as appearing in the 2016
668 Official Edition, is hereby amended by striking out, in line 4, the words "by blood or marriage to
669 the employee, including a" and inserting in place thereof the following words:- "by blood,
670 marriage, or adoption to the employee, including a parent or an adoptive."