

HOUSE No. 88

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 8, 2021.

The committee on Ways and Means, to whom was referred the Bill relative to accountability for vulnerable children and families (House, No. 87), reports recommending that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 88).

For the committee,

AARON MICHLEWITZ.

HOUSE No. 88

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 forthwith protect vulnerable children and families, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 172 of chapter 6 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by striking out paragraph (22) and
3 inserting in place thereof the following paragraph:-

4 (22) The district attorney may obtain from the department data permitted under section
5 15 of chapter 18C.

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

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

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

SECTION 5. Section 23 of said chapter 18B, added by section 8 of chapter 321 of the acts of 2008, is hereby amended by striking out the sixth sentence.

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 Section 24 of said chapter 18B is hereby repealed.

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 Section 25 of said chapter 18B is hereby repealed.

SECTION 8. Chapter 18B is hereby amended by adding the following 5 sections:-

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

(2) The report shall include, but not be limited to, narratives, information, data and analysis on: (i) counts, including, but not limited to: (A) case counts; (B) consumer counts; (C) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (D) reports filed pursuant to section 51A of chapter 119; (E) placement metrics, including breakdown by placement type; (F) infants brought into the department's care pursuant to section 39½ of chapter 119; (G) siblings in placement; and

(H) rates of disproportionality including but not limited to race, ethnicity, and, if available, gender identity and sexual orientation; (ii) processes and outcomes, including but not limited to: (A) safety outcomes; (B) permanency processes and outcomes; (C) the rates of adoptions by race, ethnicity, and, if available, gender identity and sexual orientation of the child; and (D) well-being outcomes, including the rates and timeliness of the delivery of medical services and high school graduation rates; and (iii) operations, including, but not limited to: (A) staffing trends, including the total number of social workers, the total number of social workers holding licensure by level of licensure and the number of social workers and supervisors who have earned a bachelor's or master's degree in social work; (B) caseloads, including weighted caseload by social workers' years of employment with the department and area offices that experienced higher or lower caseloads than the negotiated caseload standard over the course of the fiscal year; (C) the department's budget, including funding levels; (D) service costs, including, but not limited to, a breakdown by type of service provided, the unduplicated number of children receiving each type of service and the unduplicated number of families receiving each type of service; (E) medical services and advancements in providing medical services to children and young adults in the department's care; (F) amounts expended to foster care and to adoptive and guardianship families to provide assistance, including financial assistance, to provide for the care of children; (G) the use of culturally competent staffing, resources and practices, including the number of requests for oral interpretation services and written translation services respectively, broken down by language; (H) the foster care review system, including the number of foster care reviews conducted by the department, attendance of mandatory invitees to foster care review meetings, reasons why mandatory invitees do not attend foster care review meetings and any recommendations for its improvement; and (I) activities of the central and

54 regional youth advisory boards; demographic data, guiding principles and governance, methods
55 of outreach to youth, the number of youth participating in each central and regional boards
56 activities and any recommendations made by the boards relative to the department's services,
57 policies and practices, including any action the department has taken to address those
58 recommendations. The report shall also include comparative departmental information from
59 prior fiscal years.

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

(b)(1) Quarterly, not later than 60 days after the end of each fiscal quarter, the department shall issue a profile on its website in accordance with section 19 of chapter 66 that shall include, but not be limited to, departmental, regional office and area office data for the last quarter on: (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119, including counts of reports received, screened-in, screened-out, referred to the district attorney, responses completed on time in the quarter and the number of reports filed by each category of mandated reporter, as defined in section 21 of said chapter 119; (iii) department case counts, including counts of clinical and adoption cases in the quarter; (iv) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (v) counts of children and youth in-placement, including method of intake; and (vi) counts of children and youth not in-placement.

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

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

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

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

Section 27. Annually, not later than October 31, the department shall submit a report on transition planning for children in foster care and young adults over the age of 18 receiving services from the department to the child advocate, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities. The report shall summarize the process by which the department develops transition plans for youth and how a young adult may continue to receive services from the department upon reaching the legal adult age of 18. The report shall also include, but not be limited to: (i) consumer demographic information, including age, race, ethnicity, primary language, and, if available, gender identity and sexual orientation; (ii) the number of young adults who have elected to sustain a connection with the department in the previous fiscal year; (iii) the number of young adults who have elected not to remain with the department and have transitioned out of the child welfare system in the previous fiscal year, including, but not limited to, at the time of transition: (A) the number of young adults with and without employment, (B) the number of young adults with plans to attend post-secondary education, (C) the number of young adults without secure housing and (D) the number of young adults who had previously elected to sustain a connection with the department; (iv) the number of young adults who elected to return to the child welfare system after initially electing to transfer out; (v) reasons for youth and young adults exiting care from age 18 to their 23rd birthday; (vi) the total payments made from commonwealth funds to young adults in the previous fiscal year; (vii) a description of services provided to young adults by the department in the previous fiscal year, including those funded wholly or in part by federal funds; and (viii) rates of disproportionality including but not limited to race, ethnicity, and, if available, gender identity

and sexual orientation. The department may satisfy the reporting requirements of this section by providing the requested information in an annual report filed under section 26.

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

The department shall maintain and make available to the public, during regular business hours, a record of its fair hearings in a form that shall not include personally identifiable information and shall include, for each hearing request: (i) the date of the request; (ii) the date of the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final decision rendered upon the commissioner's review. The report shall provide for the fair hearing requests that are pending for more than 180 days at any time during the fiscal year, except for those

requests stayed at the request of the district attorney, the number of those cases, how many of those cases have been heard but not decided and how many have been decided by the hearing officer but not yet issued a final agency decision. If there are more than 225 fair hearing requests open for more than 180 days at the close of any month of the first 6 months of a fiscal year, then an additional report of these requests shall be provided not later than February 28. The department shall make redacted copies of fair hearing decisions available within 30 days after a written request.

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

189 donations; and (viii) the geographic areas served by each agency and provider contracted with
190 and receiving funding from the department.

191 Section 30. Notwithstanding any general or special law to the contrary, any social service
192 program, as defined by section 22N of chapter 7, or any program or service that is reimbursable
193 under Title XIX of the federal Social Security Act that is providing services to a child who is in
194 the custody of or receiving services from the department or is providing services to a young adult
195 or adult receiving services from the department, shall provide the department with information
196 not more than 5 business days after receiving a request for information from a department social
197 worker for the purposes of conducting a collateral check; provided, however, that programs or
198 services shall comply with all applicable state and federal privacy requirements, including those
199 imposed by the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104–
200 191, the federal American Recovery and Reinvestment Act of 2009, P.L. 111–5, 42 C.F.R. §
201 2.11 et seq. and 45 C.F.R. Parts 160, 162 and 164.

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

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

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

207 “Fatality”, a death of a child.

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

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

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

“Team”, the state or a local team.

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

The state team shall consist of not less than: (i) the child advocate or a designee, who shall serve as co-chair; (ii) the commissioner of public health or a designee, who shall serve as co-chair; (iii) the chief medical examiner or a designee; (iv) the attorney general or a designee; (v) the commissioner of children and families or a designee; (vi) the commissioner of elementary and secondary education or a designee; (vii) a representative selected by the Massachusetts District Attorneys Association; (viii) the colonel of state police or a designee; (ix) the commissioner of mental health or a designee; (x) the commissioner of developmental services or a designee; (xi) the director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical Center or a designee; (xii) the commissioner of youth services or a designee; (xiii) the commissioner of early education and care or a designee; (xiv) a representative selected by the Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health and Hospital Association, Inc.; (xvi) the chief justice of the juvenile court

department of the trial court of the commonwealth or a designee; (xvii) the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; and (xviii) any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case. The purpose of the state team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) developing an understanding of the causes and incidence of child fatalities and near fatalities; and (ii) advising the governor, the general court and the public by recommending changes in law, policy and practice to prevent child fatalities and near fatalities.

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

(c) There shall be a local child fatality review team in each district established under section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team shall be subject to criminal offender record checks to be conducted by the district attorney. All

254 members shall serve without compensation for their duties associated with membership on a
255 local team.

256 Each local team shall include, but not be limited to: (i) the district attorney of the county,
257 who shall serve as chair; (ii) the chief medical examiner or a designee; (iii) the commissioner of
258 children and families or a designee; (iv) a pediatrician with experience in diagnosing or treating
259 child abuse and neglect, appointed by the state team; (v) a local police officer from a
260 municipality where a child fatality or near fatality occurred, appointed by the chief of police of
261 the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police;
262 (vii) the chief justice of the juvenile court department of the trial court of the commonwealth or a
263 designee; (viii) the director of the Massachusetts Center for Unexpected Infant and Child Death
264 located at Boston Medical Center or a designee; (ix) at least 1 representative from the department
265 of public health or the office of the child advocate; (x) and any other person with expertise or
266 information relevant to an individual case who may attend meetings, on an ad hoc basis, by
267 agreement of the permanent members of each local team; provided that such person may include,
268 but shall not be limited to, a local or state law enforcement officer, a hospital representative, a
269 medical specialist or subspecialist, or a designee of the commissioners of developmental
270 services, mental health, youth services, education and early education and care.

271 The purpose of each local team shall be to decrease the incidence of preventable child
272 fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and
273 near fatalities; (ii) promoting cooperation and coordination between agencies responding to
274 fatalities and near fatalities and in providing services to family members; (iii) developing an
275 understanding of the causes and incidence of child fatalities and near fatalities in the county; and

(iv) advising the state team on changes in law, policy or practice that may affect child fatalities and near fatalities.

To achieve its purpose, each local team shall: (i) review, establish and implement model protocols from the state team; (ii) review, subject to the approval of the local district attorney, all individual fatalities and near fatalities in accordance with the established protocols; (iii) meet periodically, not less than 4 times per calendar year, to review the status of fatality and near fatality cases and recommend methods of improving coordination of services between member agencies; (iv) collect, maintain and provide confidential data as required by the state team; and (v) provide law enforcement or other agencies with information to protect children.

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

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

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

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

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

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

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

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

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

SECTION 11. Section 3 of chapter 38 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The office of the chief medical examiner shall immediately send any notification or report of a death under the circumstances enumerated in clause (15) to the state child fatality review team established by section 15 of chapter 18C, including, but not limited to, the known facts concerning the time, place, manner, circumstances and cause of such death. The chief medical examiner shall provide any additional information related to such notification or report to the state child fatality review team upon request.

SECTION 12. Subsection (f) of section 23 of chapter 119 of the General Laws, as so appearing, is hereby amended by striking out the sixth sentence.

SECTION 13. Section 23 of chapter 119 is hereby further amended by adding the following subsection:-

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

SECTION 14. Said chapter 119 is hereby further amended by inserting after section 23B the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Upon request of a foster parent, the department shall review department decisions relating to the child while in the care of the foster parent, including, but not limited to, grievance or fair hearing requests filed by the foster parent in compliance with the department's

428 regulations. The department shall provide information on these procedures and timelines to
429 foster parents upon approval as a foster parent.

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

433 SECTION 15. Section 29 of said chapter 119, as appearing in the 2018 Official Edition,
434 is hereby amended by inserting after the second paragraph the following 2 paragraphs:-

435 Not less than 5 business days before any non-emergency change in a child's or a young
436 adult's placement or any non-emergency hospitalization and not more than 1 business day after
437 any emergency change in a child's or a young adult's placement or any emergency
438 hospitalization, the department shall provide notice of the change in placement or hospitalization
439 to the child's or the young adult's attorney.

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

443 SECTION 16. Section 39½ of said chapter 119, as so appearing, is hereby amended by
444 striking out the eighth paragraph.

445 SECTION 17. Section 51D of said chapter 119, as so appearing, is hereby amended by
446 striking out the eighth paragraph.

447 SECTION 18. Section 51E of said chapter 119, as so appearing, is hereby amended by
448 striking out, in line 2, the figure "51D" and inserting place thereof the following figure:- 51C.

SECTION 19. Section 52D of chapter 149 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "by blood or marriage to the employee, including a" and inserting in place thereof the following words:- "by blood, marriage, or adoption to the employee, including a parent or an adoptive."

SECTION 20. Section 5E of chapter 210 of the General Laws is hereby repealed.

SECTION 21. Chapter 47 of the acts of 2017 is hereby amended by striking out section 128 and inserting in place thereof the following section:-

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

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

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

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

The task force shall consist of the following persons or their designees: the child advocate, who shall serve as co-chair; the commissioner of children and families, who shall serve

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

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

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

SECTION 22 Subsection (c) of section 12 of chapter 124 of the acts of 2019 is hereby amended by striking out the words “and (xii) options for designating an agency responsible for overseeing the mandated reporter system or aspects thereof, including developing and

monitoring training requirements for employees on mandated reporter laws and regulations and responding to reports of intimidation and retaliation” and inserting in place thereof the following words:- (xii) proposals to allow law enforcement to report to the department of children and families on incidents of suspected child abuse and neglect in domestic violence cases; and (xiii) options for designating an agency responsible for overseeing the mandated reporter system or aspects thereof, including developing and monitoring training requirements for employees on mandated reporter laws and regulations and responding to reports of intimidation and retaliation.

SECTION 23. Subsection (d) of said section 12 of said chapter 124 is hereby amended by striking out the words “December 31, 2020”, inserted by section 81 of chapter 124 of the acts of 2020, and inserting in place thereof the following words:- June 30, 2021.

SECTION 24. Item 4800-0015 of section 2 of chapter 227 of the acts of 2020 is hereby amended by striking out the words “provided further, that on December 30, 2020 and March 26, 2021, the department shall report to the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities on: (i) the fair hearing requests filed in fiscal year 2021, using non-identifying information, which shall state, for each hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing request and the first day of the hearing; (c) the number of days between the first day of the hearing and the hearing officer’s decision; (d) the number of days between the hearing officer’s decision and the agency’s final decision; (e) the number of days of continuance granted at the appellant’s request; (f) the number of days of continuance granted at the request of the department of children and families or the hearing officer’s request, specifying which party made the request; and (g) whether the department’s decision that was the subject of the appeal was affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2021, which are

538 pending for more than 180 days, stating the number of those cases, how many of those cases
539 have been heard but not decided and how many have been decided by the hearing officer but not
540 yet issued as a final agency decision; provided further, that the department shall maintain and
541 make available to the public, during regular business hours, a record of its fair hearings, with
542 identifying information removed, including for each hearing request: the date of the request, the
543 date of the hearing decision, the decision rendered by the hearing officer and the final decision
544 rendered upon the commissioner's review; provided further, that the department shall make
545 redacted copies of fair hearing decisions available within 30 days of a written request; provided
546 further, that the department shall not make available any information in violation of federal
547 privacy regulations; provided further, that not later than February 26, 2021, the department shall
548 submit a report to the house and senate committees on ways and means and the joint committee
549 on children, families and persons with disabilities that shall include, but not be limited to, the: (1)
550 number of medical and psychiatric personnel and their level of training currently employed by or
551 under contract with the department; (2) number of foster care reviews conducted by the
552 department and the average length of time in which each review was completed; (3) number of
553 social workers and supervisors who have earned a bachelor's or master's degree in social work;
554 (4) total number of social workers and the total number of social workers holding licensure, by
555 level; (5) number of the department's contracts reviewed by the state auditor and the number of
556 corrective action plans issued; and (6) number of corrective action plans entered into by the
557 department; provided further, that on the first business day of each quarter, the department shall
558 file a report with the house and senate committees on ways and means and the joint committee
559 on children, families and persons with disabilities on the caseload of the department; provided
560 further, that the report shall include, but not be limited to: (A) the caseloads of residential

placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A reports, substantiated 51A reports, the number of children who die in the care and custody of the department, the number of children currently eligible for supportive child care, the number of children presently receiving supportive child care and the number of medical and psychiatric consultation requests made by the department's social workers; (B) the number of approved foster care placements; (C) the number of children in psychiatric hospitals and community-based acute treatment programs who remain hospitalized beyond their medically necessary stay while awaiting placement and the number of days each case remains in placement beyond that which is medically necessary; (D) the number of children under the department of children and families' care and custody who are receiving medical or psychiatric care provided through other publicly-funded sources; (E) the number of children served by supervised visitation centers and the number of those children who are reunified with their families; (F) the total number of children served, their ages, the number of children served in each service plan, the number of children in out-of-home placements and the number of placements each child has had before receiving an out-of-home placement; (G) for each area office, the number of kinship guardianship subsidies provided in the quarters covered by the report and the number of kinship guardianship subsidies provided in that quarter for which federal reimbursement was received; (H) for each area office, the total spending on services other than case management services provided to families to keep a child with the child's parents or reunifying the child with the child's parents, spending by the type of service, including, but not limited to, the number of children and a breakdown of spending for respite care, intensive in-home services, client financial assistance and flexible funding, community-based after-school social and recreation program services, family navigation services and parent aide services and the unduplicated number of families that receive

584 the services; (I) for each area office, the total number of families residing in shelters paid for by
585 the department, a list of where the families are sheltered, the total cost and average cost per
586 family at those shelters and a description of how the department determines who qualifies or
587 does not qualify for a shelter; (J) for each area office, the number of requests for voluntary
588 services, broken down by type of service requested, whether the request was approved or denied,
589 the number of families that are denied voluntary services and receive a 51A report, the reasons
590 for denying such services and what, if any, referrals were made for services by other agencies or
591 entities; (K) the number of families receiving multiple 51A reports within a 10-month period, the
592 number of cases reopened within 6 months of being closed and the number of children who
593 return home and then reenter an out-of-home placement within 6 months; (L) the number of
594 children and families served by the family resource centers, by area; and (M) the number of
595 children within the care and custody of the department whose whereabouts are unknown;
596 provided further, that not later than December 30, 2020 the department shall submit a report to
597 the house and senate committees on ways and means and the joint committee on children,
598 families and persons with disabilities that details any changes to said rules, regulations or
599 guidelines established by the department in the previous fiscal year to carry out its duties under
600 chapter 119 of the General Laws including, but not limited to: (I) criteria used to determine
601 whether a child has been abused or neglected; (II) guidelines for removal of a child from the
602 home; and (III) standards to determine what reasonable efforts are being made to keep a child in
603 the home; provided further, that on a monthly basis, the department shall provide the caseload
604 forecasting office with data on children receiving services and other pertinent data related to
605 items 4800-0038 and 4800-0041 that is requested by the office; provided further, that the report

shall also contain the number of children and families served by the family resource centers, by area, and an evaluation of the services provided and their effectiveness”.

SECTION 25. The department of children and families shall, in consultation and collaboration with the child advocate, submit a special report reviewing the department’s utilization of virtual and video technology during the outbreak of the 2019 novel coronavirus, also known as COVID-19. The report shall include, but not be limited to: (i) the types of services offered via virtual and video technology; (ii) the number of people using virtual and video technology for each type of service; (iii) the number of people using virtual and video technology for each category of person, including, but not limited to, department staff, children, parents, foster parents and kinship care guardians; (iv) the number of people opting not to use virtual and video technology for each type of service, and, if known, the reasons why; and (v) the number of people opting not to use virtual and video technology for each category of person, including, but not limited to, department staff, children, parents, foster parents and kinship care guardians; provided the data be for the time period beginning March 10, 2020 and ending September 30, 2020; provided further that if the department is unable to provide any of the information in clauses (ii) to (v), the report shall include an explanation of why the information is not available.

The report shall include a plan for the department to improve operations by expanding access to virtual and video technology services for department staff, children, parents, foster parents and kinship care guardians. The department shall identify barriers to utilizing virtual and video technology services and, when feasible, implement alternative approaches where virtual and video technology services are not available or feasible. Not later than May 31, 2021, the department of children and families shall submit a report detailing its review and plan to the

clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities.

SECTION 26. The department of children and families shall maintain a data dashboard, to be made publicly available on the department's website and to be updated not less than monthly during the outbreak of the 2019 novel coronavirus, also known as COVID-19, and the governor's March 10, 2020 declaration of a state of emergency and until 60 days after the termination of the state of emergency, on changes in child abuse and neglect reports made to the department pursuant to section 51A of chapter 119 of the General Laws. The data dashboard shall include, but not be limited to, the following information: (i) the number of reports, screened-in and screened-out, made that month to the department pursuant to said section 51A of said chapter 119 and comparative data on the number of reports made to the department for the same time period in 2019; (ii) the number of reports, screened-in and screened-out, that were filed by mandated reporters, including the number of reports filed by each category of mandated reporter, and the number of reports, screened-in and screened-out, that were filed by non-mandated reporters; (iii) methods used by the department to enhance screening for child abuse and neglect cases during the outbreak of the 2019 novel coronavirus, also known as COVID-19, including outreach to mandated reporters; (iv) strategies taken by the department to address cases of reported abuse and neglect during the outbreak of COVID-19, and outcomes related to the strategies; and (v) any changes in department policies related to the investigation and processing of reports made to the department pursuant to said section 51A of said chapter 119 during the outbreak of COVID-19.

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

SECTION 27. The commissioner of children and families shall review the department of children and families' policies, procedures and rules to identify additional and specific protocols that can be modified or established for case transfers involving multiple social workers or area offices to ensure the efficient and accurate transfer of information and care for the child. The commissioner shall consult with the child advocate during this review. Not later than May 31, 2021, the commissioner shall submit a report to the house of representatives and senate clerks, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities that shall include, but not be limited to: (i) the commissioner's findings of the review, including an evaluation of how policies are implemented in each area office and barriers to transferring information and cases between social workers or area offices; (ii) the number of cases transferred between area offices in fiscal year 2020; (iii) the number of cases transferred between social workers within the same area office and between area offices in fiscal year 2020; (iv) any actions the department has taken, or plans to take, to address barriers to transferring information and cases between social workers and area offices, including changes to policies and regulations; and (v) proposed legislation that may improve stability for children whose cases involve multiple social workers or area offices, if applicable.

SECTION 28. The board of registration of social workers shall report on the barriers prospective social workers face entering the profession as a social worker, as defined in section 130 of chapter 112 of the General Laws, due to the licensure examination. The report shall include information about the individuals who took the examination in 2019 including, but not

673 limited to: (i) the total number of individuals, broken down by each licensure type; (ii) aggregate
674 data on the age, race, ethnicity and primary language of such individuals; (iii) the total number of
675 such individuals who reported a learning disability or other disability; and (iv) in a de-identified
676 form, the number of such individuals who, in 2019, were taking the examination for the first,
677 second, third, fourth or greater time, broken down by licensure type. Additionally, the report
678 shall include a description of the accommodations offered for individuals with disabilities and
679 individuals whose primary language is a language other than English.

680 Not later than May 31, 2021, the board shall submit the report to the senate and house
681 committees on ways and means and the joint committee on children, families and persons with
682 disabilities, including any recommendations on how to eliminate any cultural and implicit bias
683 related to entry into the profession as a social worker, including as it relates to the licensure
684 examination.