

**SENATE . . . . . No. 2598**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*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 to protect children.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>4/13/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>4/13/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>4/13/2021</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>4/14/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>4/14/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>4/14/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>4/14/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>4/14/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>4/14/2021</i>
<i>Bradford Hill</i>	<i>4th Essex</i>	<i>4/14/2021</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>4/14/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>4/15/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>4/15/2021</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>4/16/2021</i>

<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>4/16/2021</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>4/28/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>5/3/2021</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>12/17/2021</i>

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 2598) (subject to Joint Rule 12) of Bruce E. Tarr, Ryan C. Fattman, Patrick M. O'Connor, Bradley H. Jones, Jr. and other members of the General Court for legislation to protect children. Children, Families and Persons with Disabilities.

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**The Commonwealth of Massachusetts**

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

An Act to protect children.

*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. Chapter 71 of the General Laws, as appearing in the 2018 Official Edition,  
2 is hereby amended by inserting at the end there of the following section: -

3 Section 98: (a) As used in this section, the following terms shall, unless the context  
4 requires otherwise, have the following meanings: -

5 "Department", shall mean the department of children and families.

6 "Free youth", mean a child under the care or custody of the department of children and  
7 families or a young adult who has signed a voluntary placement agreement with the department  
8 of children and families.

9 "Electronic backpack", shall mean an electronic repository of a foster youth's educational  
10 records.

11 (b) Notwithstanding any general or special law to the contrary, the commissioner of the  
12 department, in consultation with the office of the child advocate and the secretary of education,  
13 shall develop and implement an electronic backpack program for the educational stability of  
14 foster youth.

15 (c) The department shall create an electronic backpack for each foster youth. The  
16 department, in conjunction with the department of education, shall determine the format of the  
17 electronic backpack. Each electronic backpack must contain the educational records of the foster  
18 youth, including the names and addresses of educational providers, the foster youth's grade-level  
19 performance, and any other educational information that the department requires. The  
20 department shall maintain the electronic backpack as part of the department's records for the  
21 foster youth as long as the foster youth remains in foster care.

22 (d) The department shall make the electronic backpack available to:

23 (i) Any person authorized by law to make educational decisions for the foster youth;

24 (ii) Any person authorized to consent to medical care for the foster youth; and

25 (iii) Any provider of medical care to the foster youth if access to the foster youth's  
26 educational information is necessary for the provision of medical care and is not prohibited by  
27 law.

28 (e) The department shall collaborate with the department of education to develop policies  
29 and procedures to ensure that the needs of foster youths are met in every school district.

30 SECTION 2. Notwithstanding any general or special laws to the contrary within 9  
31 months of the implementation of this act, the Massachusetts department of children and families

32 shall conduct a comprehensive review of the department's practices related to individuals with  
33 disabilities and develop a policy that promotes the following:

34 (1) workforce development and training;

35 (2) evidenced-based best practices for effective case management and safety and risk  
36 assessment and planning; and

37 (3) requirements for case documentation about an individual's disability.

38 SECTION 3. Notwithstanding any general or special laws to the contrary within 6  
39 months of the implementation of this act, the Massachusetts department of children and families  
40 shall develop a reunification policy that includes, at a minimum:

41 (1) an assessment of safety and risk using a research or analytical based or actuarial tool  
42 that is used prior to a child's return and as a support in DCF's reunification decision-making.

43 (2) area office management administrative case record review prior to any internal case  
44 review meeting;

45 (3) area office management consultations with the department case management team,  
46 educational provider, probation officer, relevant service providers and subject matter experts  
47 prior to any internal case review meeting;

48 (4) area office management discussions with the caregiver(s) to elicit their input and  
49 participation in formulating a reunification transition plan that takes into considerations their  
50 strengths and needs; and

51 (5) a documented family-centered transition plan that takes into consideration the  
52 individual needs of the child and caregiver, outlines the pre- and post-reunification caregiver  
53 expectations, and the department oversight and monitoring of the family to ensure child safety.

54 SECTION 4. Notwithstanding any general or special laws to the contrary within 6  
55 months of the implementation of this act, the Massachusetts department of children and families  
56 shall review its current processes for safety assessment and develop an evidenced-based process  
57 for assessing safety that includes at a minimum the following:

58 (1) a structured framework for examining the potential safety of a child within a family  
59 unit;

60 (2) the actions that should be taken because of the safety assessment;

61 (3) how the findings will be communicated to the family; and

62 (4) how and when safety assessment should be used as a tool for monitoring.

63 SECTION 5. Notwithstanding any general or special laws to the contrary within 9  
64 months of the implementation of this act, the Massachusetts department of children and families  
65 shall develop guidance and training for the department's workforce that sets written standards  
66 and policies of the following:

67 (1) which families are appropriate for virtual home visits;

68 (2) when a family previously approved for virtual home visits must be transferred to in-  
69 person visitation only;

70 (3) how to recognize warning signs and assess safety and well-being of a child during  
71 virtual home visits; and

72 (4) indicators of child abuse and neglect during virtual home visits.

73 SECTION 6. Notwithstanding any general or special law to the contrary in implementing  
74 this act, the Massachusetts department of children and families shall provide their findings in  
75 writing and make them accessible to the general public. In addition, the Massachusetts  
76 department of children and families shall hold at least 1 hearing open to the public with respect  
77 to the sections of this act, as well as engage with the following specialists including but not  
78 limited to: Members of the Department of Early and Secondary Education; The Attorney  
79 General's office; Members of the Department of Early Education; The office of the child  
80 advocate; The office of child services; psychologists with specializations in youth psychology  
81 and safety; and educators.

82 SECTION 7. Section 1 of this act shall be implemented within one year of the passage of  
83 the act.