

HOUSE No. 4416

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES,

The committee on Children, Families and Persons with Disabilities, to whom were referred the petition (accompanied by bill, House, No. 227) of Tricia Farley-Bouvier and others relative to protecting benefits owed to foster children; and the petition (accompanied by bill, House, No. 262) of Jay D. Livingstone relative to enhancing child welfare protections, reports recommending that the accompanying bill (House, No. 4416) ought to pass.

For the committee,

JAY D. LIVINGSTONE.

HOUSE No. 4416

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act enhancing child welfare protections.

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. Clause (22) of subsection (a) of section 172 of chapter 6 of the General
2 Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 133,
3 the words “2A of chapter 38” and inserting in place thereof the following words: “15 of chapter
4 18C.”

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

7 SECTION 3. Chapter 18B of the General Laws, as so appearing, is hereby amended by
8 inserting after section 6A the following subsection:-

9 Section 6B.(a) The commissioner or a designee shall appoint an education director who
10 shall establish an education unit within the department. The director shall appoint, subject to the
11 approval of the commissioner or designee, the members of the unit called education specialists
12 who shall be employees of the department and shall devote their full time exclusively to support
13 the department’s goal of educational stability and success for all elementary and secondary

14 school students under the care and custody of the department. (b)The education director’s duties
15 shall include, but shall not be limited to: (i) developing, implementing and overseeing the
16 department’s policies on education for children under the care and custody of the department,
17 including policy development and practice guidance; (ii) monitoring state and federal laws,
18 programs and resources that may impact the education of children under the care and custody of
19 the department; (iii) advising the commissioner and all education specialists on all matters
20 relating to education, strategic education initiatives, policy, and practice management matters;
21 (iv) coordinating efforts of the education specialists to identify and address systemic barriers to
22 accessing educational services for children under the care and custody of the department,
23 including issues related to transportation for children in department care or custody to attend
24 their school of origin; (v) coordinating with department area and regional offices on education
25 related issues; and (vi) facilitating best practice training for education specialists. The education
26 director shall perform such duties as are described in this chapter and such other duties as may be
27 assigned by the commissioner. (c)The focus of the education unit shall include, but shall not be
28 limited to: (i) implementing and overseeing the regional and area office’s work on education for
29 children receiving services from the department, consistent with the policies created by the
30 department’s education director; (ii) monitoring student academic progress of children under the
31 care and custody of the area office not less than once per academic quarter; (iii) providing
32 support and assistance to department social workers regarding educational needs of children; (iv)
33 providing detailed training to department social workers on the best practices to monitor a child’s
34 education experiences, recognizing any unavailability of resources preventing a child from
35 participating in school courses, and developing individual education plans or 504 plan; (v)
36 ensuring the timeliness and accuracy of the transfer of education records detailing a child’s

37 educational background and needs; and (vi) maintaining contact with appropriate local school
38 districts and education organizations to facilitate enrollment, information sharing, and placement
39 of children into school districts served by the area office. (d) An education specialist may
40 accompany social workers to meetings with school personnel, including but not limited to
41 meetings relative to a child's individual education plan or 504 plan.

42 SECTION 4. Section 7 of said chapter 18B, as so appearing, is hereby amended by
43 striking out subsection (e).

44 SECTION 5. Section 20 of said chapter 18B, as so appearing, is hereby amended by
45 striking out the second sentence.

46 SECTION 6. Section 23 of said chapter 18B, inserted by section 45 of chapter 176 of the
47 acts of 2008, is hereby repealed.

48 SECTION 7. Section 23 of said chapter 18B, inserted by section 8 of chapter 321 of the
49 acts of 2008, is hereby amended by striking out the sixth sentence.

50 SECTION 8. Sections 24 and 25 of said chapter 18B are hereby repealed.

51 SECTION 9. Said chapter 18B is hereby further amended by adding the following 2
52 sections:-

53 Section 26. (a) For the purposes of this section, the term "legislatively mandated report"
54 shall mean a report required by law of the department of children and families.

55 (b) (1) Annually, not later than October 31, the department shall issue a report that
56 provides an overview of the department's performance during the previous fiscal year. The
57 report shall also include comparative departmental information from prior fiscal years. The

58 commissioner or a designee shall file the report with the governor, the child advocate, the clerks
59 of the senate and house of representatives, the house and senate committees on ways and means
60 and the joint committee on children, families and persons with disabilities. The commissioner
61 shall provide the recipients of the report with an opportunity to discuss its contents with the
62 commissioner or designee. The report shall be made publicly available on the department's
63 website in accordance with section 19 of chapter 66.

64 (2) The report shall include, but not be limited to, narratives, information, data and
65 analysis on: (i) counts, including but not limited to: (A) case counts; (B) consumer counts; (C)
66 consumer demographic information, including age, race, ethnicity, primary language, birth sex,
67 gender identity, sexual orientation and disability; (D) the number of consumers who have slept in
68 temporary locations by region, the average length of stay, and any system wide challenges for
69 finding placement (E) intersectional data; (F) rates of racial disproportionality and disparity at
70 various decision points throughout the life of a case, including but not limited to; (1) protective
71 intakes and responses: (2) consumer children 0-17 years of age with an open case as compared to
72 the proportion of the child population in Massachusetts; (3) the number of children and youth in
73 placement by placement type; (4) permanency plans for children and youth in placement,
74 including plans meeting the federal permanency standard; (5) permanency outcome as compared
75 to children in placement; (6) the median placement length of stay in days for children who exited
76 care as well as for children who were in out-of-home care; (7) placement moves per 1,000
77 placement days for children who entered care during the specified fiscal year; (8) exits from care
78 to reunification, adoption and guardianship as a rate of all exits from placement; (9) youth aging
79 out as a rate of all exits from placement; (G) the approximate number of requests for reasonable
80 accommodations; (H) the number of disability related complaints filed with the department; (I)

81 reports filed pursuant to section 51A of chapter 119; (I) placement metrics including but not
82 limited to (1) placement moves per 1,000 placement days for children who entered care during
83 the specified fiscal year; (2) initial placement with kin; (3) the median number of placements
84 between a home removal episode and an initial placement review; (J) infants brought into the
85 department's care pursuant to section 39½ of chapter 119; (K) siblings in placement; (ii)
86 processes and outcomes including, but not limited to: (A) protective responses and safety
87 outcomes; (B) the number of fatalities including the manner of death and fatalities by family
88 history with the department; (C) permanency processes and outcomes, including, but not limited
89 to, reunification, adoption, guardianship, kinship adoption, kinship guardianship and aging out;
90 (D) well-being outcomes, including the rates and timeliness of the delivery of medical and
91 behavioral health services; (E) educational well-being outcomes, including but not limited to: (1)
92 school placement information; (2) the number of Individualized Education Plans; (3) attendance
93 rates; (4) high school graduation rates and (5) school disciplinary actions; and (iii) operations,
94 including but not limited to: (A) staffing trends; (B) caseloads; (C) the department's budget,
95 including funding levels; (D) service costs, including but not limited to, departmental foster care,
96 contracted foster care, complex medical foster care, congregate care, adoption and guardianship
97 subsidies, foster care support services, respite and support and stabilization; (E) medical services
98 and advancements in providing medical services to children and young adults in the
99 department's care; (F) the number of children and young adults in the department's care in
100 emergency departments, inpatient units, psychiatric hospitals, or community-based acute
101 treatment programs who are awaiting alternate placements and the average duration of days
102 waiting; (G) cost resources and practices, to reduce overrepresentation of children and youth of
103 minority populations in the child welfare system due to over reporting; and (J) any new or

104 ongoing initiatives to improve practices, procedures and policy of the department. The
105 department may provide additional narrative pursuant to health, mental health, disability and
106 disproportionality related metrics where numerical metrics are not available, including the
107 number and types of complaints or alleged violation received pursuant to the Foster Child Bill of
108 Rights.

109 (c)(1) Quarterly, not more than 45 days after the end of each fiscal quarter, the
110 department shall issue a quarterly profile on its website in accordance with section 19 of chapter
111 66 that shall include, but not be limited to, departmental, regional office and area office data on:
112 (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119,
113 including but not limited to counts of reports received, screened-in and screened-out in total and
114 by reporter role; (iii) rates and recurrence of maltreatment; (iv) department case counts, including
115 counts of clinical and adoption cases; (v) consumer demographic information, including age,
116 race, ethnicity, primary language, birth sex, gender identity and sexual orientation and disability;
117 (vi) counts of children and youth in placement by type of placement; (vii) counts of children and
118 youth not in placement.

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

123 (d) The commissioner or designee shall notify the joint committee on children, families
124 and persons with disabilities within one week of a consumer in the department's custody

125 sleeping in the department's area office overnight by region including the average length of stay,
126 the consumers' ages, previous placement type and challenge for finding placement.

127 (e) Annually, not later than October 31, the department shall file a special report on
128 services provided to young adults over the age of 18 with the child advocate, the clerks of the
129 senate and house of representatives, the house and senate committees on ways and means and the
130 joint committee on children, families and persons with disabilities. The report shall summarize
131 the process by which a young adult may continue to receive services from the department upon
132 reaching the legal adult age of 18. The report shall also include but not be limited to consumer
133 demographic information detailing age, race, ethnicity, primary language, gender identity, sexual
134 orientation, disability and rates of racial disproportionality and disparity but not be limited to: (i)
135 the number of young adults who have elected to sustain or reestablish a connection with the
136 department in the previous fiscal year; and (ii) the number of young adults who have elected not
137 to remain with the department and have transitioned out of the child welfare system in the
138 previous fiscal year, including young adults who had previously elected to sustain a connection
139 with the department, if such numbers are available, (iii) the number of transition age youth aging
140 out with: (1) stable and permanent housing; (2) employment (full or part-time) or military
141 enlistment; (3) health insurance; (4) if sought, post-secondary education such as college, job
142 training or certificate program within six (6) months. The department may satisfy the reporting
143 requirements of this section by providing the requested information in an annual report filed
144 under subsection (b) of this section.

145 (e) Section 28. Annually, not later than October 31, the department shall file a special
146 report on its fair hearing processes and cases with the child advocate, the clerks of the senate and
147 house of representatives, the house and senate committees on ways and means and the joint

148 committee on children, families and persons with disabilities. The department may satisfy the
149 reporting requirement of this section by providing the requested information in an annual report
150 filed under section 26. The report shall be made available to the public electronically in
151 accordance with section 19 of chapter 66. The report shall include, but not be limited to,
152 information in a form that shall not include personally identifiable information on the fair
153 hearing requests open at any time during the previous fiscal year and, for each hearing request,
154 shall provide: (i) the subject matter of the appeal; (ii) the outcomes of cases resolved prior to a
155 fair hearing decision; (iii) the number of days between the hearing request and the first day of the
156 hearing; (iv) the number of days between the close of the evidence and the hearing officer's
157 decision; (v) the number of days of continuance granted at the appellant's request; (vi) the
158 number of days of continuance granted at the request of the department or the hearing officer,
159 specifying which party made the request; and (vii) whether the department's decision that was
160 the subject of the appeal was affirmed or reversed.

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

170 (g) Annually, not later than October 31st, the department shall file a special report on the
171 foster care review system and any recommendations for its improvement, with the child
172 advocate, the clerks of the senate and house of representatives, the house and senate committees
173 on ways and means and the joint committee on children, families and persons with disabilities.
174 including but not limited to: (1) the department served population, including but not limited to
175 case counts, child/youth/young adult and parent/caregiver counts and children/youth/young
176 adults in placement; (2) a foster care review overview, including but not limited to foster care
177 review policy, numbers of children/youth/young adults in placement with a convened foster care
178 review and foster care review considerations; (3) scheduling, including but not limited to
179 scheduled and convened foster care review meetings, children/youth/young adults reviewed,
180 duration of meetings and timeliness of foster care review report completion; (4) attendance,
181 including but not limited to foster care review meeting panel composition and mandated
182 participants invited and attended; (5) the review process, including but not limited to the
183 department action plan; placement activities; social worker contact; parent-child visitation;
184 health, education and well-being needs; information on youth/young adults and systemic barriers
185 for children/youth/young adults and parents/caregivers; (6) foster care review determinations; (7)
186 minority opinions, including but not limited to minority opinions by panel member and (8) foster
187 care review follow-up activities;

188 (h) The commissioner or designee shall notify the joint committee on children, families
189 and persons with disabilities when draft regulations are made available by the department for
190 public comment. Not more than 30 days after the promulgation of regulations or the effective
191 date of adopted or revised departmental policies relative to services provided to children and

192 families, the department shall provide copies of the regulations or departmental policies to the
193 joint committee on children, families and persons with disabilities.

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

200 (j) The department may satisfy the reporting requirements of this section by providing the
201 requested information in an annual report as required under chapter 18B.

202 Section 27. The department, in consultation with the general court, other governmental
203 and nongovernmental partners, shall establish a 5-year plan that shall include numerical targets
204 for the department's performance in each year and in each of its regions in the areas of safety,
205 permanence and well-being. The plan shall include a description of how the department will
206 measure its progress toward meeting the numerical targets and may include different targets for
207 different regions. The department shall update the plan annually.

208 Annually, the department shall measure its performance in meeting the targets established
209 in the 5-year plan for the commonwealth as a whole and for each of its regions consistent with
210 the methodology described in the plan. The department shall publish and maintain on its website
211 the current plan, the targets for previous years and the department's performance in meeting
212 those targets.

213 If in a fiscal year the department is unable to develop or update the 5-year plan or
214 measure its performance, the department shall notify the clerks of the house or representatives
215 and senate, the house and senate committees on ways and means, the joint committee on
216 children, families and persons with disabilities and the child advocate.

217 SECTION 10. Section 1 of chapter 18C of the General Laws, as so appearing, is hereby
218 amended by striking out the definition of “Advisory council”.

219 SECTION 11. Section 1 of said chapter 18C, as so appearing, is hereby amended by
220 striking out the definition of “Critical Incident” and inserting in place thereof the following
221 words:- (i) a fatality, near fatality, or serious bodily, or emotional injury, of a child, or the
222 indecent assault and battery of a child in accordance with M.G.L. c. 265 §§ 13B- 13B ³/₄ and §§
223 23-23B, who is in the custody of or receiving services from an executive agency or a constituent
224 agency; or (ii) circumstances which result in a reasonable belief that an executive agency or a
225 constituent agency failed in its duty to protect or adequately serve a child and, as a result, the
226 child was at imminent risk of, or suffered serious bodily or emotional injury or death.

227 SECTION 12. Section 1 of said chapter 18C, as so appearing, is hereby amended by
228 adding the following definition:- “Emotional Injury”, occurs when a child of any age witnesses
229 the fatality or life-threatening incident of an individual related to an unexpected medical event,
230 overdose, violent act, or suicide.

231 SECTION 13. Section 1 of said chapter 18C, as so appearing, is hereby amended by
232 striking out, in line 15, the word “including” and inserting in place thereof the following words:-
233 that provides services to children, including services through contracted providers and through
234 entities licensed by the state agency. Executive agencies include

235 SECTION 14. Section 1 of said chapter 18C, as so appearing, is hereby amended by
236 adding the following definition:- “Near fatality”, is an injury that is accidental, the result of a
237 medical condition, or the result of abuse and neglect and is dependent on verbal certification by a
238 physician that the child’s condition is considered to be life threatening.

239 SECTION 15. Section 1 of said chapter 18C, as so appearing, is hereby amended by
240 striking out, in line 21, the words “or emotional”.

241 SECTION 16. Section 2 of said chapter 18C, as so appearing, is hereby amended by
242 striking out, in lines 2 and 3, the words “shall be independent of any supervision or control by
243 any executive agency” and inserting in place thereof the following words:- shall be an
244 independent state agency, whose function is to oversee the services executive agencies provide to
245 children, not subject to the supervision and control of any other executive office, department,
246 commission, board, bureau, agency or political subdivision of the commonwealth.

247 SECTION 17. Said section 2 of said chapter 18C, as so appearing, is hereby further
248 amended by striking out subsection (c) and inserting in place thereof the following words:- (c)
249 examine, on a system-wide and individual case basis, the care and services that executive
250 agencies, particularly the Department of Children and Families, the Department of Youth
251 Services, the Department of Public Health, the Department of Mental Health, the Department of
252 Developmental Services, the Department of Early Education and Care, and the Department of
253 Elementary and Secondary Education, provide to children through direct services, guidance and
254 oversight, contracted services and licensing functions;

255 SECTION 18. Said section 2 of said chapter 18C, as so appearing, is hereby further
256 amended by striking out, in line 17, the second time it appears, the word “and”.

257 SECTION 19. Said section 2 of said chapter 18C, as so appearing, is hereby further
258 amended by striking out subsection (e) and inserting in place thereof the following subsection:-
259 (e) examine disproportionality related to topics including, but not limited to, race, ethnicity,
260 disability status, transgender status, sexual orientation or gender identity within child state
261 systems, services and agencies.

262 SECTION 20. Said section 2 of said chapter 18C, as so appearing, is hereby further
263 amended by adding the following subsection:- (f) partner with executive agencies or other
264 entities to support pilot programs and expand or improve current programs when, in the child
265 advocate's sole discretion, the child advocate determines that such partnership does not
266 jeopardize the office's oversight functions and the child advocate determines that such
267 partnership is in the best interest of the children of the Commonwealth; and

268 SECTION 21. Said section 2 of said chapter 18C, as so appearing, is hereby further
269 amended by adding the following subsection:- (g) provide training and technical assistance to
270 executive agencies to improve services to children when, in the child advocate's sole discretion,
271 the child advocate determines that such training and technical assistance does not jeopardize the
272 office's oversight functions and the child advocate determines that such training and technical
273 assistance is in the best interest of the children of the Commonwealth.

274 SECTION 22. Said section 2 of said chapter 18C is hereby further amended by striking
275 out, in line 20, the word "services." and inserting in place thereof the following words:-
276 "services; and".

277 SECTION 23. Said section 2 of said chapter 18C, as so appearing, is hereby further
278 amended by adding the following four paragraphs:-

279 The office shall create and maintain a website that makes available mandated reporter
280 trainings, guidance, statutory reference and best practices materials in one online location to all
281 mandated reporters in the commonwealth. The website shall also contain a list of available
282 resources for families who need support and guidance on how mandated reporters can connect
283 individuals or families to those resources. The office shall consult with, or partner with, any
284 public or private entity that the child advocate deems relevant to create and maintain this
285 website. The office shall be responsible for ensuring that information on the website remains
286 current. The office shall collect data on how many individuals access the website. The website
287 shall be made available to the public within one year of the effective date of this legislation.

288 The office shall create and make available to the public, on the website created in this
289 section, evidence-based mandated reporter training for all mandated reporters in the
290 commonwealth. The training shall include, but is not limited to, training in child abuse and
291 neglect reporting, technical instruction on how to file a 51A report and details on the
292 department's process regarding the filing and treatment of 51A reports, and should address bias
293 in mandated reporting. Training shall aim to improve the quality of reporting and discourage
294 reports that do not rise to the relevant statutory standard, including, but not limited to,
295 information on how to address concerns with families and children when those concerns do not
296 rise to the level of requiring a maltreatment report, information about connecting families with
297 needed supports and resources and how to understand what qualifies as neglect.

298 The office may, as appropriate, expand, update or amend mandated reporter training. The
299 office may create additional evidence-based mandated reporter trainings for specific groups of
300 individuals such as educators, childcare workers, social workers and foster parents. The office of
301 the child advocate may consult, or partner with, any public or private entity that the child

302 advocate deems relevant to create, update, expand, implement or amend any mandated reporter
303 trainings the office creates. As needed, the office shall solicit feedback on mandated reporter
304 training from mandated reporters who have participated in the training created by the office.

305 The office must include on their website a method that is accessible after the training has
306 been completed by which members of the public can submit feedback on the training at any point
307 in time. Further, the office must include in its annual report data on the use and effectiveness of
308 the training and the feedback that was collected from the individuals who took the training.

309 SECTION 24. Section 3 of said chapter 18C, as appearing in the 2020 Official Edition, is
310 hereby amended by inserting after the word “health”, in line 10, the following words:- “; the
311 speaker of the house of representatives, or designee; the senate president, or designee; the house
312 minority leader, or designee; the senate minority leader, or designee; a person with experience in
313 the child welfare system to be designated by the Massachusetts Network of Foster Care Alumni;
314 a person with experience as a foster parent to be designated by the Massachusetts Alliance for
315 Families”.

316 SECTION 25. Section 3 of said chapter 18C, as so appearing, is hereby amended by
317 striking out, in lines 10 and 11, the words “child abuse prevention board” and inserting in place
318 thereof the following words:- Children’s Trust

319 SECTION 26. The fourth paragraph of said section 3 of said chapter 18C, as so
320 appearing, is hereby further amended by adding the following sentence:- “The child advocate’s
321 annual salary shall be 90 percent of the salary of the chief justice of the supreme judicial court.”

322 SECTION 27. Said chapter 18C is hereby further amended by striking out section 4 and
323 inserting in place thereof the following section:-

324 “Section 4. Child advocate advisory board.

325 The child advocate shall meet with the governor, the speaker of the house of
326 representatives, the senate president, the attorney general, the state auditor, the chief justice of
327 the trial court, and the chief justice of the juvenile court at least annually and shall present the
328 annual goals of the office set by the child advocate and its plans for monitoring the work,
329 including the continuous quality improvement, of executive agencies and the identification of
330 any critical gaps and issues relating to interagency collaboration.”

331 SECTION 28. Section 5 of said chapter 18C, as so appearing, is hereby amended in
332 subsection (a), in line 2, by inserting after the word “occurred” the following words:-
333 Notification shall include the demographic information of the child, if known.

334 SECTION 29. Section 5 of said chapter 18C, as so appearing, is hereby amended in
335 subsection (a), by striking out the word “he” and inserting in place thereof the following word, in
336 each instance, in said section:- they

337 SECTION 30. Section 5 of said chapter 18C, as so appearing, is hereby amended in
338 subsection (a) by striking out the word “his” and inserting in place thereof the following word, in
339 each instance, in said section:- their

340 SECTION 31. Section 5 of said chapter 18C, as so appearing, is hereby amended in
341 subsection (b), in line 18, by striking out the word “he” and interesting in place thereof the
342 following word,-: they

343 SECTION 32. Section 5 of said chapter 18C, as so appearing, is hereby amended in
344 subsection (b), in lines 16, 19, and 21 by striking out the word “his” and inserting in place
345 thereof the following word:- their

346 SECTION 33. Section 5 of said chapter 18C, as so appearing, is hereby amended in
347 subsection (b), in line 25, by striking out the word “his” and inserting in place thereof the
348 following words:- the office’s

349 SECTION 34. Section 5 of said chapter 18C, as so appearing, is hereby amended in
350 subsection (c), in line 28, by striking out the word “him” and inserting in place thereof the
351 following words:- the child advocate

352 SECTION 35. Section 5 of said chapter 18C, as so appearing, is hereby amended by
353 adding the following subsection:-

354 “(i) The child advocate shall notify the governor, the attorney general, the auditor, the
355 speaker of the house of representatives and the senate president when conducting an
356 investigation which the Child Advocate plans to release publicly due to a reasonable belief that
357 an executive agency or constituent agency failed in its duty to protect or adequately serve a child.
358 In order to ensure the integrity and independence of the office, the governor, the attorney
359 general, the auditor, the speaker of the house of representatives and the senate president shall
360 receive the final full report of such an investigation before any executive office, agency or
361 program that is the subject of said investigation.”

362 SECTION 36. Section 5 of said chapter 18C, as so appearing, is hereby amended by
363 adding the following subsection:-

364 (j) The department shall inform the child advocate as soon as practicable when a foster
365 care review safety alert is issued. The office shall review the circumstances of that foster care
366 review safety alert and provide feedback to the department on individual cases and trends in
367 services.

368 SECTION 37. Section 6 of said chapter 18C, as so appearing, is hereby amended by
369 striking out the word “his” and inserting in place thereof the following word:- their

370 SECTION 38. Section 9 of said chapter 18C, as so appearing, is hereby amended by
371 striking out the word “his” and inserting in place thereof the following word:- their

372 SECTION 39. Section 10 of said chapter 18C, as so appearing, is hereby amended by
373 inserting after the number “5” in line 7 the following words:- “,data described in section 2 of this
374 chapter related to the mandated reporter training and website”.

375 SECTION 40. Section 11 of said chapter 18C, as so appearing, is hereby amended by
376 striking out section 11 in its entirety, and inserting in place thereof the following section:-

377 Section 11. Examination of systemwide services

378 The child advocate, in their independent role or in their role as chair of the Juvenile
379 Justice Policy and Data Board, may examine systemwide challenges to the provision of adequate
380 services to children. The child advocate may prioritize challenges that include multiple state
381 agencies or secretariats and challenges that affect the most vulnerable children. Such systemwide
382 examinations will include recommendations for improvements to the state system of services for
383 children. The child advocate may utilize any source of information available to the office to
384 make recommendations and may seek advice from individuals with expertise in relevant fields of
385 work or study in preparing a report under this section. The child advocate shall file a report on
386 any such examination with the governor, the clerks of the senate and house of representatives,
387 the senate and house committees on ways and means, the joint committee on children, families
388 and persons with disabilities, and shall report on any such examination in the annual report
389 pursuant to section 10.

390 SECTION 41. Section 12 of said chapter 18C, as so appearing, is hereby amended, in
391 subsection (a), in line 3, by inserting after the word “Notwithstanding” the following words:-
392 sections 167 and 172 of chapter 6,

393 SECTION 42. Section 12 of said chapter 18C, as so appearing, is hereby amended, in
394 subsection (a), in line 12, by striking out the word “his” and inserting in place thereof the
395 following word:- their

396 SECTION 43. Section 12 of said chapter 18C, as so appearing, is hereby amended, in
397 subsection (b), in line 21, by inserting after the number “4” the following words:- and under
398 chapter 66A

399 SECTION 44. Section 12 of said chapter 18C, as so appearing, is hereby amended, in
400 subsection (c), in line 23, by striking out the word “his” and inserting in place thereof the
401 following word:- the

402 SECTION 45. Section 12 of said chapter 18C, as so appearing, is hereby amended by
403 inserting, in line 36, after the word “personnel,” the following words:- the speaker of the house
404 of representatives, the senate president.

405 SECTION 46. Section 12 of chapter 18C, as so appearing, is hereby amended, in
406 subsection (e), by inserting the following subsections:-

407 (ii) the child advocate from sharing information with a state agency when the child
408 advocate deems, in their sole discretion, that such information sharing is necessary for the child
409 advocate to perform the child advocate’s duties.

410 (iii) the child advocate from issuing a public report when such report, in the sole
411 discretion of the child advocate, is necessary for the child advocate to perform the child
412 advocate’s duties.

413 SECTION 47. Section 13 of chapter 18C, as so appearing, is hereby amended, in line X,
414 by striking out the word “his” and replacing it therefore with the following word:- their

415 SECTION 48. Chapter 18C of the General Laws, as appearing in the 2020 Official
416 Edition, is hereby amended by inserting after section 14 the following section:

417 Section 15: (a) As used in this section the following words shall, unless the context
418 clearly requires otherwise, have the following meanings:

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

420 “Fatality”, a death of a child.

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

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

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

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

426 “Office”, the office of the child advocate.

427 (b) There shall be a state child fatality review team within the office. Notwithstanding
428 section 172 of chapter 6, members of the state team shall be subject to criminal offender record
429 checks to be conducted by the colonel of state police on behalf of the child advocate. All
430 members shall serve without compensation for their duties associated with membership on the
431 state team. The state team shall consist of not less than: (i) the child advocate, or designee, who

432 shall serve as co-chair; (ii) the commissioner of public health, or designee, who shall serve as co-
433 chair; (iii) the chief medical examiner, or designee; (iv) the attorney general, or designee; (v) the
434 commissioner of children and families, or designee; (vi) the commissioner of elementary and
435 secondary education, or designee; (vii) a representative selected by the Massachusetts District
436 Attorneys Association; (viii) the colonel of state police, or designee; (ix) the commissioner of
437 mental health, or designee; (x) the commissioner of developmental services, or designee; (xi) the
438 director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical
439 Center, or designee; (xii) the commissioner of youth services, or designee; (xiii) the
440 commissioner of early education and care, or designee; (xiv) a representative selected by the
441 Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing
442 or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health
443 and Hospital Association, Inc.; (xvi) the president of the Massachusetts Chiefs of Police
444 Association Incorporated, or designee; (xvii) the Department of Children and Families Chapter
445 President or designee of the certified collective bargaining representative of bargaining unit 8;
446 and (xviii) any other person, selected by the co-chairs or by majority vote of the members of the
447 state team, with expertise or information relevant to an individual case. The purpose of the state
448 team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (1)
449 developing an understanding of the causes and incidence of child fatalities and near fatalities;
450 and (2) advising the governor, the general court and the public by recommending changes in law,
451 policy and practice to prevent child fatalities and near fatalities. The state team may consult with
452 the chief justice of the juvenile court department of the trial court of the commonwealth on issues
453 with a direct bearing upon the business of the Massachusetts courts.

454 To achieve its purpose, the state team shall: (i) develop model investigative and data

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

466 (c) There shall be a local child fatality review team in each district established under
467 section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team
468 shall be subject to criminal offender record checks to be conducted by the district attorney. All
469 members shall serve without compensation for their duties associated with membership on a
470 local team. Each local team shall include, but not be limited to: (i) the district attorney of the
471 county, who shall serve as chair; (ii) the chief medical examiner or, designee; (iii) the
472 commissioner of children and families or, designee; (iv) a pediatrician with experience in
473 diagnosing or treating child abuse and neglect, appointed by the state team; (v) a local police
474 officer from a municipality where a child fatality or near fatality occurred, appointed by the chief
475 of police of the municipality; (vi) a state law enforcement officer, appointed by the colonel of
476 state police; (vii) the director of the Massachusetts Center for Unexpected Infant and Child Death
477 located at Boston Medical Center or a designee; (viii) at least 1 representative from the

478 department of public health (ix) at least one representative from the office of the child advocate;
479 (x) a designee of the collective bargaining representative's Department of Children and Families
480 Chapter President who represents the region where the fatality occurred; and (xi) any other
481 person with expertise or information relevant to an individual case who may attend meetings, on
482 an ad hoc basis, by agreement of the permanent members of each local team; provided that such
483 person may include, but shall not be limited to, a local or state law enforcement officer, a
484 hospital representative, a medical specialist or subspecialist, or a designee of the commissioners
485 of developmental services, mental health, youth services, education and early education and care.
486 The purpose of each local team shall be to decrease the incidence of preventable child fatalities
487 and near fatalities by: (i) coordinating the collection of information on fatalities and near
488 fatalities; (ii) promoting cooperation and coordination between agencies responding to fatalities
489 and near fatalities and in providing services to family members; (iii) developing an
490 understanding of the causes and incidence of child fatalities and near fatalities in the county; and
491 (iv) advising the state team on changes in law, policy or practice that may affect child fatalities
492 and near fatalities.

493 To achieve its purpose, each local team shall: (i) review, establish and implement model
494 protocols from the state team; (ii) review, subject to the approval of the local district attorney, all
495 individual fatalities and near fatalities in accordance with the established protocols; (iii) meet
496 periodically, not less than 2 times per calendar year, to review the status of fatality and near
497 fatality cases and recommend methods of improving coordination of services between member
498 agencies; (iv) collect, maintain and provide confidential data as required by the state team; and
499 (v) provide law enforcement or other agencies with information to protect children.

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

513 (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
514 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter
515 123, section 20B, section 20J or section 20K of chapter 233 or any other law relating to
516 confidential communications shall not prohibit the disclosure of this information to the chair of
517 the state team or a local team. Any information considered to be confidential pursuant to the
518 aforementioned statutes may be submitted for a team's review upon the determination of that
519 team's chair that the review of this information is necessary. The chair shall ensure that no
520 information submitted for a team's review is disseminated to parties outside the team. No
521 member of a team shall violate the confidentiality provisions set forth in the aforementioned
522 statutes. Except as necessary to carry out a team's purpose and duties, members of a team and

523 persons attending a team meeting shall not disclose any information relating to the team's
524 business. Team meetings shall be closed to the public. Information and records acquired by the
525 state team or by a local team pursuant to this chapter shall be confidential, exempt from
526 disclosure under chapter 66 and may only be disclosed as necessary to carry out a team's duties
527 and purposes. Statistical compilations of data that do not contain any information that would
528 permit the identification of any person may be disclosed to the public.

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

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

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

540 SECTION 49. Said chapter 18C, as so appearing, is hereby further amended by adding
541 the following section:-

542 Section 16. The office shall, every three years, oversee the review of child welfare data
543 reporting and make recommendations for improvements to the report and profile required under
544 subsections (b) and (c) of section 26 of chapter 18B and any other legislatively mandated reports,

545 or the data measures, progress measures, and outcome measures pursuant to section 128 of
546 chapter 47 of the acts of 2017. Following the release of the department’s annual report, the office
547 shall seek input from the public, advocates and diverse stakeholders from across the
548 commonwealth. The office shall consult with other individuals with relevant expertise, including
549 academics, researchers and service providers. Following such review, the office shall post a
550 report on its recommendations, together with drafts of any legislation necessary to carry its
551 recommendations into effect and an aggregate response to the comments raised during the
552 comment period on the Office of the Child Advocate’s website.

553 SECTION 50. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby
554 repealed.

555 SECTION 51. Chapter 71 of the General Laws, as so appearing, is hereby amended by
556 inserting the following section:-

557 Section 100. The department of elementary and secondary education, in consultation with
558 the department children and families, shall establish and promulgate clear timelines for the
559 enrollment of a child in the department of children and families’ custody to a new school district,
560 including but not limited to, the timely transfer of relevant records and documentation.

561 SECTION 52. Subsection (f) of section 23 of chapter 119 of the General Laws, as
562 appearing in the 2020 Official Edition, is hereby amended by striking out the sixth sentence.

563 SECTION 53. Subsection (h) of said section 23 of said chapter 119, as so appearing, is
564 hereby further amended by striking out the second paragraph.

565 SECTION 54. Section 29 of chapter 119 of the General Laws, as appearing in the 2020
566 Official Edition, is hereby amended by inserting after the second paragraph the following
567 paragraphs:

568 No later than the third business days after, or until the departments attorney portal with
569 automated notifications is updated pursuant to Section 63 and then no later than the first business
570 day, any non-emergency change in a child's or a young adult's placement or any non-emergency
571 hospitalization, and no later than one business day after any emergency change in a child's or a
572 young adult's placement or any emergency hospitalization, the department's attorney shall
573 provide notice of the change in placement or hospitalization to the child's or the young adult's
574 attorney.

575 No later than the third business day thereafter, or until the department's attorney portal
576 with automated notifications is updated pursuant to Section 70 and then no later than the first
577 business day, the department's attorney shall provide notice to a child's attorney if it receives a
578 report under section 51A and the child is the subject of the report. No later than the first business
579 day thereafter, the department's attorney shall provide notice to a child's attorney or a young
580 adult's attorney if it receives a report under section 51A that raises substantial questions
581 regarding the suitability of the child's or young adult's current placement or any of the child's or
582 young adult's service providers.

583 No later than three business days thereafter, the department's attorney shall provide
584 notice to a child's or young adult's attorney whenever it becomes aware of: (1) the child or
585 young adult being arrested; (2) the child's or young adult's involvement in any proceeding under
586 this chapter or any criminal investigation or proceeding; (3) the child or young adult being

587 suspended from school; or (4) the child or young adult being the subject of any proceeding
588 regarding his or her suspension or expulsion from school.

589 SECTION 55. Section 39½ of said chapter 119, as so appearing, is hereby amended by
590 striking out the eighth paragraph.

591 SECTION 56. Section 51D of said chapter 119, as so appearing, is hereby amended by
592 striking out the eighth paragraph.

593 SECTION 57. Section 51E of said chapter 119, as so appearing, is hereby amended by
594 striking out, in line 2, the figure “51D” and inserting place thereof the following figure:- “51C”.

595 SECTION 58. Chapter 209A of the General Laws, as appearing in the 2022 Official
596 Edition, is hereby amended by adding the following new section:

597 Section 9A. Orders Protecting Minors. Any on behalf of order shall remain in effect after
598 the minor reaches the age of majority unless otherwise ordered by the court. Upon reaching the
599 age of majority, the former minor may appear at court on the date and time the order is to expire,
600 and the court shall determine whether to extend the order for any additional time reasonably
601 necessary to protect the former minor or to enter a permanent order.

602 SECTION 59. Chapter 258E of the General Laws, as appearing in the 2022 Official
603 Edition, is hereby amended by adding the following new section:

604 Section 11A. Orders Protecting Minors. Any on behalf of order shall remain in effect
605 after the minor reaches the majority unless otherwise ordered by the court. Upon reaching the
606 age of majority, the plaintiff may appear at court on the date and time the order is to expire, and

607 the court shall determine whether to extend the order for any additional time reasonably
608 necessary to protect the plaintiff or to enter a permanent order.

609 SECTION 60. Section 5E of chapter 210 of the General Laws, as appearing in the 2020
610 Official Edition is hereby repealed.

611 SECTION 61. Item 4800-0015 of section 2 of chapter 28 of the acts of 2023 is hereby
612 amended by striking out the words “provided further, that on December 1, 2022, and March 1,
613 2023, the department shall report to the house and senate committees on ways and means and the
614 joint committee on children, families and persons with disabilities on: (i) the fair hearing
615 requests filed in fiscal year 2023, using nonidentifying information which shall state, for each
616 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing
617 request and the first day of the hearing; (c) the number of days between the first day of the
618 hearing and the hearing officer’s decision; (d) the number of days between the hearing officer’s
619 decision and the agency’s final decision; (e) the number of days of continuance granted at the
620 appellant’s request; (f) the number of days of continuance granted at the request of the
621 department of children and families or the hearing officer’s request, specifying which party made
622 the request; and (g) whether the department’s decision that was the subject of the appeal was
623 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2023, which have
624 been pending for more than 180 days, stating the number of those cases, how many of those
625 cases have been heard but not decided and how many have been decided by the hearing officer
626 but not yet issued as a final agency decision; provided further, that the department shall maintain
627 and make available to the public, during regular business hours, a record of its fair hearings, with
628 identifying information removed, including for each hearing request: the date of the request, the
629 date of the hearing decision, the decision rendered by the hearing officer and the final decision

630 rendered upon the commissioner's review; provided further, that the department shall make
631 redacted copies of fair hearing decisions available within 30 days of a written request; provided
632 further, that the department shall not make available any information in violation of federal
633 privacy regulations; provided further, that not later than March 1, 2023, the department shall
634 submit a report to the house and senate committees on ways and means and joint committee on
635 children, families and persons with disabilities that shall include, but not be limited to, the: (1)
636 number of medical and psychiatric personnel and their level of training currently employed by or
637 under contract with the department; (2) number of foster care reviews conducted by the
638 department and the average length of time in which each review is completed; (3) the number of
639 social workers and supervisors who have earned a bachelor's or master's degree in social work;
640 (4) the total number of social workers and the total number of social workers holding licensure,
641 by level; (5) number of the department's contracts reviewed by the state auditor and the number
642 of corrective action plans issued; and (6) number of corrective action plans entered into by the
643 department; provided further, that on the first business day of each quarter, the department shall
644 file a report with the house and senate committees on ways and means and the joint committee
645 on children, families and persons with disabilities on the caseload of the department; provided
646 further, that the report shall include, but not be limited to: (A) the caseloads of residential
647 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A
648 reports, substantiated 51A reports, the number of children who die in the care and custody of the
649 department, the number of children currently eligible for supportive child care, the number of
650 children presently receiving supportive child care and the number of medical and psychiatric
651 consultation requests made by the department's social workers; (B) the number of approved
652 foster care placements; (C) the number of children in psychiatric hospitals and community-based

653 acute treatment programs who remain hospitalized beyond their medically-necessary stay while
654 awaiting placement and the number of days each case remains in placement beyond that which is
655 medically necessary; (D) the number of children under the department of children and families'
656 care and custody who are being served in medical or psychiatric care provided through other
657 publicly-funded sources; (E) the number of children served by supervised visitation centers and
658 the number of those children who are reunified with their families; (F) the total number of
659 children served, their ages, the number of children served in each service plan, the number of
660 children in out-of-home placements and the number of placements each child has had before
661 receiving an out-of-home placement; (G) for each area office, the number of kinship
662 guardianship subsidies provided in the quarters covered by the report and the number of kinship
663 guardianship subsidies provided in that quarter for which federal reimbursement was received;
664 (H) for each area office, the total spending on services other than case management services
665 provided to families to keep a child with the child's parents or reunifying the child with the
666 child's parents, spending by the type of service including, but not limited to, the number of
667 children and a breakdown of spending for respite care, intensive in-home services, client
668 financial assistance and flexible funding, community-based after-school social and recreation
669 program services, family navigation services and parent aide services and the unduplicated
670 number of families that receive the services; (I) for each area office, the total number of families
671 residing in shelters paid for by the department, a list of where the families are sheltered, the total
672 cost and average cost per family at those shelters and a description of how the department
673 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of
674 requests for voluntary services, broken down by type of service requested, whether the request
675 was approved or denied, the number of families that were denied voluntary services and received

676 a 51A report, the reasons for denying the service and what, if any, referrals were made for
677 services by other agencies or entities; (K) the number of families receiving multiple 51A reports
678 within a 10-month period, the number of cases reopened within 6 months of being closed and the
679 number of children who return home and then reenter an out-of-home placement within 6
680 months; (L) the number of children and families served by the family resource centers by area;
681 and (M) the number of children within the care and custody of the department whose
682 whereabouts are unknown; provided further, that not later than January 31, 2023, the department
683 shall submit a report to the house and senate committees on ways and means and the joint
684 committee on children, families and persons with disabilities that details any changes to said
685 rules, regulations or guidelines established by the department in the previous fiscal year to carry
686 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria
687 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a
688 child from the home; and (III) standards to determine what reasonable efforts are being made to
689 keep a child in the home; provided further, that on a monthly basis, the department shall provide
690 the caseload forecasting office with data on children receiving services and other pertinent data
691 related to items 4800-0038 and 4800-0041 that is requested by the office; provided further, that
692 the report shall also contain the number of children and families served by the family resource
693 centers, by area, and an evaluation of the services provided and their effectiveness.”

694 SECTION 62. Section 61 shall take effect as of July 1st, 2026.

695 SECTION 63. The department shall implement the changes to the attorney portal
696 referenced in Section 54 within 1 year of this act’s passage.