

SENATE No. 3111

The Commonwealth of Massachusetts

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

SENATE, June 4, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill enhancing child welfare protections (House, No. 4646) (also based on Senate, No. 2659); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3111.

For the committee,
Michael J. Rodrigues

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

1 SECTION 1. Section 172 of chapter 6 of the General Laws, as appearing in the 2024
2 Official Edition, is hereby amended by striking out, in line 133, the words “2A of chapter 38”
3 and inserting in place thereof the following words:- 16 of chapter 18C.

4 SECTION 2. Chapter 6A of the General Laws is hereby amended by striking out section
5 16U, as so appearing, and inserting in place thereof the following section:-

6 Section 16U. (a) As used in this section, the following words shall have the following
7 meanings unless the context clearly requires otherwise:

8 “Child requiring assistance”, as defined in section 21 of chapter 119.

9 “Chronic absenteeism”, missing not less than 10 per cent of days enrolled regardless of
10 whether the absences are considered excused, unexcused or for disciplinary reasons.

11 “Community-based services”, services, including coordination of services, designed to
12 assist families requiring assistance so that, if appropriate, families may avoid entry or re-entry to
13 the child protective service and child requiring assistance legal systems; and children of the
14 family may continue to reside with their family and attend their community school while
15 enjoying a strengthened relationship with their family.

16 “Family requiring assistance”, a parent, guardian, custodian, sibling and any relative or
17 caretaker who (i) is at elevated risk of being the subject of a petition under section 24 of chapter
18 119; or (ii) is responsible for a child at risk of being the subject of a petition under section 39E of
19 said chapter 119.

20 “Habitually absent without permission”, as defined in section 21 of chapter 119.

21 “Secretary”, the secretary of health and human services.

22 (b) Subject to appropriation or third party reimbursement, the secretary shall:

23 (i) establish a network of child and family service programs and family resource centers
24 throughout the commonwealth to provide community-based services to families requiring
25 assistance under subsection (c);

26 (ii) develop guidelines and standards necessary to achieve and maintain, on a statewide
27 basis, a comprehensive and integrated network of community-based services and family resource
28 centers for children and families;

29 (iii) promote efficiency by including in the network of community-based services and
30 family resource centers access to the following services: (A) organizations that are part of the
31 comprehensive community-based behavioral health delivery system coordinated by the secretary
32 under section 16S; (B) organizations that provide services or have experience in coordinating
33 access to community-based services such as local schools; (C) other local public agencies and
34 private organizations; (D) local medical, behavioral or mental health care providers; and (E)
35 state-funded services the child or family may be eligible for, including services provided by

36 agencies within the executive office of health and human services, the executive office of
37 education, and the executive office of housing and livable communities.

38 (iv) coordinate the services provided by the network and in the family resource centers
39 including, but not limited to, outreach, intake, screening, assessment and referral to services;

40 (v) encourage cooperation among local providers and state agencies as needed to provide
41 the full complement of services required under this section;

42 (vi) monitor and provide technical assistance to family resource centers and providers of
43 community-based services;

44 (vii) require the use of standard intake screening and assessment tools to evaluate
45 families and children seeking community-based services that shall identify the family's
46 strengths, resources and service needs including, but not limited to, mental health, behavioral
47 health or substance abuse treatment, reasonable accommodations for individuals with disabilities,
48 basic family shelter, clothing and food needs, child care needs, health insurance status, legal
49 issues, education services and placement and child protection; and

50 (viii) create a data collection system for use by programs within the community-based
51 services network and family resource centers that shall: (A) maintain the privacy of clients
52 served, (B) assist programs and the secretary in identifying and addressing the needs of the
53 population to be served, including gaps in service availability and how long clients are waiting to
54 receive services; (C) collect information including, but not limited to, insurance status and
55 benefit coverage of clients served, income documentation as needed to apply a sliding fee scale
56 for payment or waiver of payment for services; (D) collect data regarding the needs identified
57 and services received by a family; and (E) collect such other information deemed necessary to

58 assist the program and the secretary in providing services, identifying service needs and gaps and
59 evaluating the effectiveness of family resource centers and the community-based services
60 network.

61 Annually, the secretary shall submit a report to the senate and house committees on ways
62 and means, the joint committee on children, families and persons with disabilities and the child
63 advocate detailing: (i) the number of children and families served at each family resource center;
64 (ii) identified service needs; (iii) the types of services offered in-house and those offered by
65 referral; (iv) service outcomes; (v) service gaps, including unavailable services and services with
66 long wait times; (vi) client feedback; (vii) the number of families served by a multidisciplinary
67 team pursuant to subsection (c); and (viii) the number of children referred to a juvenile court for
68 a child requiring assistance petition following a multidisciplinary team process. All data shall be
69 delineated by the child's race, ethnicity, gender, sexual orientation, transgender status, disability,
70 primary language, and age.

71 (c) The network of community-based services and family resource centers shall: (i) assist
72 families so that, whenever possible, families may avoid entry or re-entry to the child protective
73 service system and children may continue residing with their families in their home
74 communities; (ii) assist families to enable children to continue as students in their community
75 schools; (iii) strengthen the relationships between children and their families; (iv) assist families
76 in connecting with local, state, and federal services to help meet basic family shelter, clothing,
77 food and health needs; (v) provide coordinated, comprehensive, community-based services for
78 children at risk of chronic absenteeism, dropping out of school, committing delinquent acts or
79 engaging in behaviors that impede the likelihood of leading healthy, productive lives, or for

80 children who have been referred by a school or from the juvenile court pursuant to section 39E
81 of chapter 119.

82 Services offered through the network shall include, but not be limited to, treatment for or
83 assistance with: (i) eligibility determinations; (ii) applying for state services including
84 MassHealth; (iii) financial assistance programs including Supplemental Security Income and
85 services provided or funded by executive branch agencies; (iv) behavioral, medical and mental
86 health needs; (v) substance use treatment; (vi) special education evaluation; (vii) remedial
87 education services; (viii) assistance with insurance issues; (ix) mentoring; (x) family and parent
88 support; (xi) civic engagement and community service; (xii) after school and out-of-school
89 opportunities; (xiii) residential programs; (xiv) crisis management; and (xv) case management.

90 Each family resource center shall identify the service needs of each family in accordance
91 with the requirements of subsection (b)(vii). Subject to appropriation, each family resource
92 center shall assign a case manager to any high-needs families who voluntarily accept service.
93 Said case manager shall assist the family in identifying and navigating appropriate services in the
94 network. If a case meets the eligibility criteria for an interagency review of complex cases under
95 section 16R, the family resource center shall refer the child to the interagency review team. For
96 cases that do not meet the eligibility requirements under said section 16R, the family resource
97 center may convene a multidisciplinary team to fulfill the functions listed in this subsection.
98 Multidisciplinary teams shall consist of, but not be limited to the child, the child's parents or
99 caregivers and family resource center staff, and when appropriate may include family partners,
100 advocates, community-based service providers, educational advocates, representatives from state
101 agencies or school district representatives. Multidisciplinary teams shall work to identify any

102 needs of the child or family with the goal of providing supports to the child and their family
103 outside of the juvenile court process to the extent possible.

104 A case manager shall not refer a family to the juvenile court for the purpose of filing a
105 child requiring assistance petition unless all other community-based service options have been
106 exhausted. Family resource center staff shall be authorized to report to a probation officer upon
107 request if a child that is the subject of an attempted child requiring assistance petition has met
108 with a case manager pursuant to this section and if all relevant community-based service options
109 have been exhausted. Any other information about the child or family shall be kept confidential
110 pursuant to subsection (d).

111 The secretary of health and human services shall issue guidance to effectuate this section.
112 The guidance shall include, but not be limited to: (i) a description of situations in which
113 convening a multidisciplinary team may be appropriate; (ii) the role of family resource center
114 staff in facilitating the work of the multidisciplinary team; (iii) the circumstances under which
115 staff from state health and human service agencies are required to participate and what that
116 participation shall entail; (iv) the process by which disagreements about the case plan shall be
117 resolved; (v) requirements for obtaining client or parental consent; (vi) processes for providing
118 information to the juvenile court about a family's participation in services when the family or a
119 school has filed a child requiring assistance petition; (vii) data gathering and reporting
120 requirements; and (viii) protocols for when and how a family shall be referred to the juvenile
121 court for a child requiring assistance petition.

122 (d) Any documentation of services provided to the child and family through the network
123 of community-based services or in the family resource centers shall not be public records under

124 clause Twenty-sixth of section 7 of chapter 4. Except as otherwise required by law, including
125 laws related to the reporting of suspected abuse or neglect under section 51A of chapter 119,
126 statements made by the child and family while receiving services from the network of
127 community-based services shall be treated as confidential and shall not be used in any
128 proceedings without the written consent of the person making the statement. Information about
129 the child and family requiring assistance, including interactions with service providers and
130 protected health information, may be shared among the case team, other providers of community
131 services for families and any agency within the executive office of health and human services
132 providing such services to the child as needed to coordinate treatment and provide appropriate
133 case management, to the extent permitted under applicable federal law, unless the child or family
134 declines in writing to permit such information sharing.

135 (e) Participation in community-based services and use of the family resource centers shall
136 be under a voluntary agreement of the parent, legal guardian or custodian and the child;
137 provided, however, that provision of community-based services may be contingent upon such
138 parent, legal guardian or custodian agreeing to pay for such services or consenting to allow
139 covered services to be billed to applicable third party payers, including insurance providers.

140 (f) A school administrator shall refer a student and their caregivers to a family resource
141 center at the same time as the administrator notifies a student and the parent, legal guardian or
142 custodian of the student that the student is at risk of expulsion for failure to comply with the
143 lawful and reasonable rules of the school. After providing the process that is due to the student,
144 including an expulsion hearing if requested under sections 37H and 37H1/2 of chapter 71, the
145 school administrator shall consider the outcome of the community-based services if the student
146 provides such outcome information to the school. After an expulsion is imposed, the student may

147 continue to provide information relative to the outcome of any community-based services
148 rendered, and the school administrator shall consider the outcome of any community-based
149 services rendered when such information is provided. Notwithstanding the outcome of any
150 community-based services, school districts shall make available to expelled students educational
151 services designed to lead to re-entry to a regular education program or to a high school diploma.

152 A school administrator shall refer a student's caregivers to a family resource center prior
153 to filing a child requiring assistance petition pursuant to section 39E of chapter 119. A school
154 shall make and document efforts to identify and address potential causes of chronic absenteeism,
155 including but not limited to previously unidentified or inadequately addressed special
156 educational needs, behavioral health needs, bullying, and harassment, before referring the child
157 and family to a family resource center for chronic absenteeism or filing a child requiring
158 assistance petition with the juvenile court.

159 (g) Nothing in this section shall diminish or interfere with the rights and protections
160 afforded to students with disabilities under federal and state special education laws.

161 SECTION 3. Section 6A of chapter 18B of the General Laws, as so appearing, is hereby
162 amended by striking out the fifth paragraph.

163 SECTION 4. Said chapter 18B is hereby further amended by inserting after section 6A
164 the following section:-

165 Section 6B. (a) The commissioner shall establish and maintain an education unit, which
166 shall: (i) implement and oversee the work of the regional offices and area directors on education
167 for children receiving services from the department, consistent with policies created by the
168 department's education director; (ii) monitor student academic progress of children under the

169 care and custody of the regional office not less than once per academic quarter; (iii) provide
170 support and assistance to department social workers regarding educational needs of children; (iv)
171 provide detailed training to department social workers on the best practices to monitor a child's
172 education experiences, recognizing any unavailability of resources preventing a child from
173 participating in school courses and developing individualized education programs and section
174 504 plans; (v) ensure the timeliness and accuracy of the transfer of education records detailing a
175 child's educational background and needs; and (vi) maintain contact with appropriate local
176 school districts and education organizations to facilitate the enrollment, information sharing and
177 placement of children into school districts served by the area office.

178 (b) The commissioner shall appoint an education director. The education director's duties
179 shall include, but shall not be limited to: (i) developing, implementing and overseeing the
180 department's policies on education for children under the care and custody of the department,
181 including policy development and practice guidance; (ii) monitoring state and federal laws,
182 programs and resources that may impact the education of children under the care and custody of
183 the department; (iii) advising the commissioner and all education specialists on all matters
184 relating to education, strategic education initiatives, policy and practice management matters;
185 (iv) coordinating efforts of the education specialists to identify and address systemic barriers to
186 accessing educational services for children under the care and custody of the department,
187 including issues related to transportation for children in department care or custody to attend
188 their school of origin; (v) coordinating with area directors and regional offices on education
189 related issues; and (vi) facilitating best practice training for education specialists. The education
190 director shall perform duties pursuant to this section and such other duties as may be assigned by
191 the commissioner.

192 (c) The director shall, subject to the approval of the commissioner, appoint education
193 specialists who shall be employees of the department and who shall devote their full time and
194 attention to supporting the department's goal of educational stability and success for all
195 elementary and secondary school students under the care and custody of the department.

196 (d) An education specialist may, to the extent permitted by federal law, accompany social
197 workers to meetings with school personnel, including, but not limited to, meetings relative to a
198 child's individualized education program or 504 plan.

199 SECTION 5. Section 7 of said chapter 18B, as so appearing, is hereby amended by
200 striking out subsections (e) to (o), inclusive, and inserting in place thereof the following 11
201 subsections:-

202 (e) The commissioner shall develop and implement a plan for the orientation and training
203 of area-based and other staff. The plan shall require all employees to be issued photo
204 identification to be used in the performance of their duties, including for display upon
205 introduction.

206 (f) The commissioner shall coordinate the overall service planning of the department with
207 planning under Title XX of the Social Security Act, 42 U.S.C. 1397 et seq.

208 (g) The commissioner may apply for and accept on behalf of the commonwealth federal,
209 local or private grants, bequests, gifts or contributions.

210 (h) The commissioner shall, subject to chapter 30A, adopt rules and regulations necessary
211 to carry out this chapter and chapter 119.

212 (i) The commissioner shall include in the budget estimates of the department funds for
213 the development and implementation of said management information system, monitoring and
214 evaluation system, annual needs assessment and staff training plan.

215 (j) The commissioner shall, subject to appropriation, enter into contracts with nonprofit
216 organizations to provide services for families and individuals in emergency and transitional
217 housing; provided, however, that the department shall, in entering into such contracts, provide \$3
218 for each dollar of donated funds that have been committed to such nonprofit organizations from
219 any non-state source; and provided further, that for the purposes of this subsection, a non-state
220 source may include private donations or monies from city, town or county governments but shall
221 not include funds from other state agencies.

222 (k) Prior to undertaking any activity or implementing any policy that would affect
223 expenditures for medical assistance under chapter 118E, including, but not limited to, identifying
224 individuals eligible for such assistance under said chapter 118E, the commissioner shall ensure
225 that such activity or policy is reviewed by the director of Medicaid.

226 (l) Not more than 3 per cent of the department's annual budget shall be appropriated in a
227 separate account and expended for the purposes of subsections (b), (c) and (d).

228 (m) The commissioner shall consult with the commissioner of mental health prior to
229 taking any action substantially affecting the design and implementation of behavioral health
230 services for children under guidelines established by the secretary of health and human services
231 under section 16S of chapter 6A.

232 (n) Upon receipt of a completed review of multiple 51A reports required under
233 subsection (r) of section 51B of chapter 119, the commissioner shall immediately notify: (i) the

234 district attorney for the county in which the child resides and for the county in which the event
235 giving rise to a report occurred; (ii) local law enforcement authorities in the city or town in
236 which the child resides and in the city or town in which the event giving rise to a report occurred;
237 and (iii) the office of the child advocate.

238 (o) The commissioner shall require social workers employed by the department to obtain
239 a license as a social worker pursuant to section 131 of chapter 112 within the first 9 months of
240 employment. The commissioner shall require social workers employed by the department to
241 participate in not less than 30 hours per year of paid professional development training;
242 provided, however, that such training shall be consistent with applicable collective bargaining
243 agreements. The commissioner may grant a social worker employed by the department a 1-time
244 6-month hardship waiver from the licensing requirement under this subsection to ensure access
245 for underserved populations.

246 SECTION 6. Section 20 of said chapter 18B, as so appearing, is hereby amended by
247 striking out the second sentence.

248 SECTION 7. Said chapter 18B is hereby further amended by striking out section 23, as
249 inserted by section 45 of chapter 176 of the acts of 2008.

250 SECTION 8. Said chapter 18B is hereby further amended by striking out section 23,
251 inserted by section 8 of chapter 321 of the acts of 2008, and inserting in place thereof the
252 following section:-

253 Section 23. If the department has care and custody of a child receiving inpatient
254 psychiatric services, the department shall: (i) contact the child's parents or guardians, as
255 appropriate, and a member of the child's treatment team within 3 business days of the

256 hospitalization; (ii) maintain weekly contact with them until the child is discharged; and (iii)
257 immediately begin discharge planning, with the priority of returning the child to their home or to
258 a community placement. Not later than 5 business days after being notified that continued
259 hospitalization is no longer clinically appropriate, the department shall determine the appropriate
260 type of placement for the child and immediately initiate the placement referrals. The department
261 shall document its activities in assisting with discharge placement, including identification of
262 available resources for home-based, community or alternative residential placements, and the
263 barriers, if any, to discharge the child to the most clinically appropriate setting. If the initial
264 placement is not deemed to be the most clinically appropriate setting, the department shall
265 continue to seek an appropriate placement. Not later than 30 days after being notified that
266 continued hospitalization is no longer clinically appropriate, the department shall refer the child
267 to the interagency review team established pursuant to section 16R of chapter 6A.

268 SECTION 9. Sections 24 and 25 of said chapter 18B are hereby repealed.

269 SECTION 10. Said chapter 18B is hereby further amended by adding the following 3
270 sections:-

271 Section 26. (a)(1) Annually, not later than October 31, the department shall issue a report
272 that provides an overview of the department's performance during the previous fiscal year. The
273 report shall include comparative departmental information from prior fiscal years. The
274 commissioner shall file the report with the governor, the child advocate, the clerks of the senate
275 and the house of representatives, the senate and house committees on ways and means and the
276 joint committee on children, families and persons with disabilities. The commissioner shall
277 provide the recipients of the report with an opportunity to discuss its contents with the

278 department. The report shall be made publicly available on the department's website in
279 accordance with section 19 of chapter 66; provided, however, that any personally identifiable
280 information in the report shall be deidentified or removed prior to the report's publication on the
281 department's website.

282 (2) The report required pursuant to paragraph (1) shall include, but shall not be limited to,
283 narratives, information, data and analysis on the department's:

284 (i) counts, including, but not limited to: (A) case counts; (B) the number of children
285 served by the department; (C) child demographic information, including age, race, ethnicity,
286 primary language, birth sex, gender identity, sexual orientation and disability; (D) intersectional
287 data; (E) rates of racial disproportionality and disparity at various decision points throughout the
288 life of a case, including, but not limited to: (1) protective intakes and responses; (2) children ages
289 0 through 17 years, inclusive, with an open case as compared to the proportion of the child
290 population in the commonwealth; (3) the number of children and youth in placement by
291 placement type; (4) permanency plans for children and youth in placement, including plans
292 meeting the federal permanency standard; (5) permanency outcomes as compared to children in
293 placement; (6) the median placement length of stay, in days, for children who exited care as well
294 as for children who were in out-of-home care; (7) placement moves per 1,000 placement days for
295 children who entered care during the specified fiscal year; (8) exits from care to reunification,
296 adoption and guardianship as a rate of all exits from placement; and (9) youth aging out as a rate
297 of all exits from placement; (F) the number of requests for reasonable accommodations, broken
298 down by accommodation type; (G) the total number of disability related complaints filed with
299 the department, broken down by complaint type and region; (H) reports filed pursuant to section
300 51A of chapter 119; (I) placement metrics, including, but not limited to: (1) placement moves per

301 1,000 placement days for children who entered care during the specified fiscal year; (2) initial
302 placement with kin; and (3) the median number of placements between a home removal episode
303 and an initial placement review; (J) infants brought into the department's care pursuant to section
304 39½ of chapter 119; and (K) siblings in placement;

305 (ii) processes and outcomes, including, but not limited to: (A) protective responses and
306 safety outcomes; (B) the number of fatalities, including the manner of death, of children with a
307 family history with the department; (C) permanency processes and outcomes, including, but not
308 limited to, reunification, adoption, guardianship, kinship adoption, kinship guardianship and
309 aging out; (D) well-being outcomes, including the rates and timeliness of the delivery of medical
310 services; and (E) educational well-being outcomes, including, but not limited to, school
311 placement information, the number of individualized education programs, attendance rates, high
312 school graduation rates and school disciplinary actions; and

313 (iii) operations, including, but not limited to: (A) staffing trends; (B) caseloads; (C) the
314 department's budget, including funding levels; (D) service costs, including, but not limited to,
315 departmental foster care, contracted foster care, complex medical foster care, congregate care,
316 adoption and guardianship subsidies, foster care support services, respite and support and
317 stabilization; (E) medical services and advancements in providing medical services to children
318 and young adults in the department's care; (F) the number of children and young adults in the
319 department's care in emergency departments, inpatient units, psychiatric hospitals or
320 community-based acute treatment programs who are awaiting alternate placements and the
321 average duration of days waiting; (G) any new or ongoing initiatives to improve practices,
322 procedures and policy of the department; and (H) the number and types of complaints received
323 pursuant to section 23E of chapter 119 of the General Laws.

324 (b) Not later than 45 days after the end of each fiscal quarter, the department shall issue a
325 quarterly profile that shall be posted on its website in accordance with section 19 of chapter 66
326 that shall include, but not be limited to, departmental, regional office and area office data on: (i)
327 the number of children served by the department; (ii) the number of reports filed pursuant to
328 section 51A of chapter 119, including, but not limited to, the total number of reports received,
329 screened-in and screened-out in total and by reporter role; (iii) rates and recurrence of
330 maltreatment of children; (iv) department case counts, including the number of clinical and
331 adoption cases; (v) child demographic information, including age, race, ethnicity, primary
332 language, birth sex, gender identity and sexual orientation and disability; (vi) the number of
333 children and youth in placement by type of placement; and (vii) the number of children and
334 youth not in placement.

335 (c) Annually, not later than October 31, the department shall file a report on services
336 provided to young adults over the age of 18 with the child advocate, the clerks of the senate and
337 the house of representatives, the senate and house committees on ways and means and the joint
338 committee on children, families and persons with disabilities. The report shall include, but shall
339 not be limited to: (i) a summary of the process by which a young adult may continue to receive
340 services from the department upon reaching the age of 18; (ii) demographic information on
341 young adults detailing age, race, ethnicity, primary language, gender identity, sexual orientation,
342 disability and rates of racial disproportionality and disparity; (iii) the number of young adults
343 who have elected to sustain or reestablish a connection with the department in the previous fiscal
344 year; (iv) the number of young adults who have elected not to remain with the department and
345 have transitioned out of the child welfare system in the previous fiscal year, including young
346 adults who had previously elected to sustain a connection with the department, if such numbers

347 are available; and (v) the number of transition-age young adults aging out of the child welfare
348 system with: (A) stable and permanent housing; (B) full- or part-time employment or military
349 enlistment; (C) health insurance; or (D) if sought, post-secondary education such as college, job
350 training or a certificate program within 6 months of transition.

351 (d)(1) Annually, not later than October 31, the department shall file a report on its fair
352 hearing processes and cases with the child advocate, the clerks of the house of representatives
353 and the senate, the house and senate committees on ways and means and the joint committee on
354 children, families and persons with disabilities. The report shall be made available to the public
355 electronically in accordance with section 19 of chapter 66. The report shall include, but shall not
356 be limited to, information in a form that shall not include personally identifiable information on
357 the fair hearing requests open at any time during the previous fiscal year. For each fair hearing
358 request, the report shall provide: (i) the subject matter of the appeal; (ii) the outcomes of cases
359 resolved prior to a fair hearing decision; (iii) the number of days between the hearing request and
360 the first day of the hearing; (iv) the number of days between the close of the evidence and the
361 hearing officer's decision; (v) the number of days of continuance granted at the appellant's
362 request; (vi) the number of days of continuance granted at the request of the department; (vii) the
363 number of days of continuance granted at the request of the hearing officer; and (viii) whether
364 the department's decision that was the subject of the appeal was affirmed or reversed.

365 (2) The department shall maintain and make available to the public, during regular
366 business hours, a record of its fair hearings in a form that shall not include personally identifiable
367 information but shall include, for each hearing request: (i) the date of the request; (ii) the date of
368 the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final decision
369 rendered upon the commissioner's review. For fair hearing requests that are pending for more

370 than 180 days at any time during the fiscal year, except for those requests which have been
371 stayed at the request of the district attorney, the report shall provide the number of such cases,
372 the number of those cases that have been heard but not decided and the number of cases that
373 have been decided by the hearing officer but for which a final agency decision has not yet been
374 issued.

375 (e) Annually, not later than October 31, the department shall file with the child advocate,
376 the clerks of the house of representatives and the senate and the joint committee on children,
377 families and persons with disabilities a report on the foster care review system and any
378 recommendations for its improvement, including, but not limited to: (i) the population served by
379 the department, including, but not limited to, case counts, child, youth and young adult and
380 parent or caregiver counts and children, youth and young adults in placement; (ii) a foster care
381 review overview, including, but not limited to, foster care review policy, the number of children,
382 youth and young adults in placement with a convened foster care review and the foster care
383 review considerations; (iii) scheduling, including, but not limited to, scheduled and convened
384 foster care review meetings, children, youth and young adults reviewed, duration of meetings
385 and timeliness of foster care review report completion; (iv) attendance, including, but not limited
386 to, foster care review meeting panel composition and mandated participants invited and attended;
387 (v) the review process, including, but not limited to, the department action plan, placement
388 activities, social worker contact, parent-child visitation, health, education and well-being needs,
389 information on youth and young adults and systemic barriers for children, youth and young
390 adults and parents or caregivers; (vi) foster care review determinations; (vii) minority opinions,
391 including, but not limited to, minority opinions by a panel member; and (viii) foster care review
392 follow-up activities.

393 (f) If the department is unable to submit the report under subsection (a), issue the profile
394 under subsection (b) or submit any other reports required pursuant to subsections (c), (d) and (e)
395 by the respective deadlines, the commissioner shall notify in writing the governor, the child
396 advocate, the clerks of the house of representatives and the senate, the house and senate
397 committees on ways and means and the joint committee on children, families and persons with
398 disabilities of the delay and provide an explanation for the delay.

399 (g) The department may satisfy the reporting requirements of subsections (c) through (e)
400 by providing the requested information in the annual report filed pursuant to subsection (a). The
401 department may substitute reports required by this section with data visualization tools that are
402 accessible and compliant with the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as
403 amended.

404 Section 27. (a)(1) The commissioner shall notify the joint committee on children, families
405 and persons with disabilities when draft regulations are available for public comment. Such
406 notice shall be provided not later than the day that draft regulations are made public.

407 (2) Not later than 30 days after the promulgation of regulations or the effective date of
408 adopted or revised departmental policies related to services provided to children and families, the
409 department shall provide copies of such regulations or departmental policies to the joint
410 committee on children, families and persons with disabilities.

411 (b) Not later than 5 days after the end of each fiscal quarter, the commissioner shall
412 notify the senate and house committees on ways and means and the joint committee on children,
413 families and persons with disabilities when data from a profile issued pursuant to subsection (b)
414 of section 26 significantly departs from data reported in a previous profile.

415 Section 28. (a) The department shall establish a 5-year plan, on a fiscal year basis, that
416 shall include, but not be limited to, numeric targets for the department's performance in each
417 fiscal year and by region in the areas of safety, permanency and well-being. The plan shall
418 include a description of how the department will measure its progress toward meeting the
419 numeric performance targets and may include different performance targets by region. In
420 developing the plan, the department may consult with governmental and non-governmental
421 partners, as necessary. The department shall update the plan annually.

422 (b) Annually, the department shall measure its performance in meeting the numeric
423 performance targets established in the 5-year plan for the commonwealth as a whole and by
424 region. The department shall publish and maintain on its website a copy of the current 5-year
425 plan, the numeric and performance targets for previous years and the department's progress in
426 meeting those performance targets.

427 (c) If, in any fiscal year, the department is unable to comply with the requirements of
428 subsections (a) and (b), the department shall notify, as soon as practicable, the clerks of the
429 house of representatives and the senate, the house and senate committees on ways and means, the
430 joint committee on children, families and persons with disabilities and the child advocate.

431 SECTION 11. Section 1 of chapter 18C, as so appearing, is hereby further amended by
432 striking out the definition of "critical incident" and inserting in place thereof the following
433 definition:-

434 "Critical incident", (i) a fatality, near fatality or serious bodily injury or emotional injury
435 of a child or the indecent assault and battery of a child pursuant to sections 13B to 13B³/₄ of
436 chapter 265, inclusive, or the rape and abuse of a child pursuant to sections 23 to 23B, inclusive,

437 of said chapter 265, who is in the custody of, or receiving services from, an executive agency or
438 a constituent agency; or (ii) circumstances that result in a reasonable belief that an executive
439 agency or a constituent agency failed in its duty to protect or adequately serve a child and, as a
440 result, the child suffered or was at imminent risk of suffering serious bodily injury or emotional
441 injury or death.

442 SECTION 12. Said section 1 of said chapter 18C, as so appearing, is hereby further
443 amended by inserting after the definition of “Department” the following definition:-

444 “Emotional injury”, an injury or harm that occurs when a child of any age witnesses the
445 fatality or life-threatening incident of an individual as a result of an unexpected medical event,
446 overdose, violent act or accident, suicide or attempted suicide.

447 SECTION 13. Said section 1 of said chapter 18C, as so appearing, is hereby further
448 amended by striking out the definition of “Executive agency” and inserting in place thereof the
449 following 2 definitions:-

450 “Executive agency”, a state agency within the office of the governor that provides
451 services to children, through direct services, guidance, oversight, contracted services and
452 licensing functions; provided, however, that executive agencies shall include the executive office
453 of education, the executive office of public safety and security, the executive office of health and
454 human services, and their constituent agencies, the Massachusetts interagency council on
455 housing and homelessness and the executive office of housing and livable communities; and
456 provided further, that constituent agencies shall include, but not be limited to, the department of
457 children and families, the department of youth services, the department of public health, the

458 department of mental health, the department of developmental services, the department of early
459 education and care and the department of elementary and secondary education.

460 “Near fatality”, an injury that is: (i) accidental or the result of a medical condition,
461 attempted suicide or abuse or neglect; and (ii) certified by a physician to be life threatening.

462 SECTION 14. Said section 1 of said chapter 18C, as so appearing, is hereby further
463 amended by striking out the definition of “serious bodily or emotional injury” and inserting in
464 place thereof the following definition:-

465 “Serious bodily injury”, an injury which involves: (i) a substantial risk of death; (ii)
466 extreme physical pain, protracted and obvious disfigurement; or (iii) protracted loss or
467 impairment of the function of a bodily member, organ or mental faculty.

468 SECTION 15. Section 2 of said chapter 18C, as so appearing, is hereby amended by
469 striking out, in lines 2 and 3, the words “independent of any supervision or control by any
470 executive agency.” and inserting in place thereof the following words:- an independent state
471 agency that shall not be subject to the supervision or control of any other executive office,
472 executive agency or constituent agency, commission, board, bureau or political subdivision of
473 the commonwealth. The office shall oversee the services that executive agencies or constituent
474 agencies provide to children in the commonwealth.

475 SECTION 16. The first paragraph of said section 2 of said chapter 18C, as so appearing,
476 is hereby amended by striking out clauses (c) to (e), inclusive, and inserting in place thereof the
477 following 6 clauses:-

478 (c) examine, on a systemwide and individual case basis, the care and services that
479 executive agencies or constituent agencies provide to children through direct services, guidance,
480 oversight, contracted services and licensing functions.

481 (d) advise the public and those at the highest levels of state government about how the
482 commonwealth may improve its services to and for children and their families;

483 (e) examine disproportionalities in the provision of services to children related to race,
484 ethnicity, disability status, transgender status, sexual orientation or gender identity; provided,
485 that the office shall use data provided by executive agencies or constituent agencies related to the
486 provision of services provided by the executive agencies or constituent agencies;

487 (f) subject to appropriation, partner with executive agencies, constituent agencies or other
488 entities if it is in the best interest of the children of the commonwealth to: (i) support programs,
489 including establishing pilot programs; and (ii) expand or improve current programs; provided,
490 however, that the child advocate shall not enter into any partnership that may jeopardize the
491 office's oversight functions;

492 (g) provide training and technical assistance to executive agencies and constituent
493 agencies to improve services to children if it is in the best interest of the children of the
494 commonwealth; provided, however, that the child advocate shall not provide training or technical
495 assistance that may jeopardize the office's oversight functions; and

496 (h) maintain a publicly available website that shall make materials available for mandated
497 reporters, including, but not limited to, trainings, guidance, statutory references, resources for
498 individuals and families and best practices.

499 SECTION 17. Section 3 of said chapter 18C, as so appearing, is hereby amended by
500 adding the following new paragraph:-

501 The child advocate's annual salary shall be 90 per cent of the salary of the chief justice of
502 the supreme judicial court.

503 SECTION 18. Section 4 of said chapter 18C, as so appearing, is hereby amended by
504 striking out the last paragraph.

505 SECTION 19. Subsection (a) of section 5 of said chapter 18C, as so appearing, is hereby
506 amended by inserting after the first sentence the following sentence:- Notification shall include
507 demographic information of the child involved in the critical incident, if known.

508 SECTION 20. Said section 5 of said chapter 18C, as so appearing, is hereby further
509 amended by striking out, in lines 5, 8, 16, 19 and 21, the word "his", each time it appears, and
510 inserting in place thereof, in each instance, the following word:- their.

511 SECTION 21. Said section 5 of said chapter 18C, as so appearing, is hereby further
512 amended by striking out, in lines 6 and 18, the word "he", each time it appears, and inserting in
513 place thereof, in each instance, the following word:- they.

514 SECTION 22. Said section 5 of said chapter 18C, as so appearing, is hereby further
515 amended by striking out, in line 25, the word "his" and inserting in place thereof the following
516 words:- the office's.

517 SECTION 23. Said section 5 of said chapter 18C, as so appearing, is hereby further
518 amended by striking out, in line 28, the word "him" and inserting in place thereof the following
519 words:- the child advocate.

520 SECTION 24. Said section 5 of said chapter 18C, as so appearing, is hereby further
521 amended by adding the following 2 subsections:-

522 (i) Prior to publicly releasing a final report related to an investigation where the child
523 advocate makes a determination that there is a reasonable belief that an executive agency or a
524 constituent agency failed in its duty to protect or adequately serve a child, the child advocate
525 shall submit a copy of the final report to the governor, the attorney general, the auditor, the
526 speaker of the house of representatives and the senate president.

527 (j) The department shall inform the child advocate as soon as practicable when a foster
528 care review safety alert has been issued. The office shall review the circumstances of the foster
529 care review safety alert and provide feedback to the department on individual cases and trends in
530 services.

531 SECTION 25. Section 6 of said chapter 18C, as so appearing, is hereby amended by
532 striking out, in line 1, the word “his” and inserting in place thereof the following word:- their.

533 SECTION 26. Section 9 of said chapter 18C, as so appearing, is hereby amended by
534 striking out, in line 2, the word “his” and inserting in place thereof the following word:- their.

535 SECTION 27. Section 10 of said chapter 18C, as so appearing, is hereby amended by
536 inserting after the figure “5”, in line 7, the following words:- , data related to the mandated
537 reporter training and website pursuant to subsection (h) of section 2, any examination of
538 systemwide challenges pursuant to section 11.

539 SECTION 28. Said chapter 18C is hereby further amended by striking out section 11, as
540 so appearing, and inserting in place thereof the following section:-

541 Section 11. The child advocate may examine systemwide challenges to providing
542 adequate services to children. The child advocate may prioritize the examination of challenges
543 that: (i) include multiple executive agencies or constituent agencies; and (ii) affect the most
544 vulnerable children. Systemwide examinations shall include recommendations for improvements
545 to the services provided to children by executive agencies or constituent agencies. The child
546 advocate may utilize any source of information available to the office to make recommendations
547 and may seek advice from individuals with expertise in relevant fields of work or study. The
548 child advocate shall file a report on any examination with the governor, the clerks of the senate
549 and the house of representatives, the senate and house committees on ways and means and the
550 joint committee on children, families and persons with disabilities.

551 SECTION 29. Section 12 of said chapter 18C, as so appearing, is hereby amended by
552 striking out, in line 12, the word “his”.

553 SECTION 30. Said section 12 of said chapter 18C, as so appearing, is hereby further
554 amended by striking out, in line 21, the words “chapter 66” and inserting in place thereof the
555 following words:- chapters 66 and 66A.

556 SECTION 31. Said section 12 of said chapter 18C, as so appearing, is hereby further
557 amended by striking out, in line 23, the word “his” and inserting in place thereof the following
558 word:- the.

559 SECTION 32. Subsection (e) of said section 12 of said chapter 18C, as so appearing, is
560 hereby amended by striking out the first sentence and inserting in place thereof the following
561 sentence:- The restrictions of this section shall not preclude the child advocate from: (i) sharing
562 the report of, or the results of, a critical incident investigation involving an executive agency or

563 constituent agency with the governor, the attorney general, a district attorney, a secretary or
564 commissioner or other agency personnel involved in the critical incident investigation, the senate
565 president, the speaker of the house of representatives or the chairs of the joint committee on
566 children, families and persons with disabilities; (ii) sharing information with an executive agency
567 or constituent agency when the child advocate deems, in their sole discretion, that such
568 information sharing is necessary for the child advocate to perform the child advocate’s duties; or
569 (iii) issuing a public report when such report, in the sole discretion of the child advocate, is
570 necessary for the child advocate to perform their duties.

571 SECTION 33. Section 13 of said chapter 18C, as so appearing, is hereby amended by
572 striking out, in lines 5 and 6, the word “his” and inserting in place thereof, in each instance, the
573 following word:- their.

574 SECTION 34. Said chapter 18C is hereby further amended by adding the following 3
575 sections:-

576 Section 15. The office shall prepare and update from time to time online resources which
577 the juvenile court shall publish on its official website, including: (i) a video clearly defining a
578 child requiring assistance petition, how to file such a petition, the potential outcomes of filing,
579 and a brief overview of community-based resources that may be utilized before filing a petition,
580 including but not limited to family resource centers and the behavioral health helpline; and (ii) a
581 corresponding written overview that contains information about community-based resources.

582 Section 16. (a) As used in this section, the following words shall have the following
583 meanings, unless the context clearly requires otherwise:

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

585 “Fatality”, a death of a child.

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

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

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

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

591 (b)(1) There shall be a state child fatality review team within the office. Notwithstanding
592 section 172 of chapter 6, members of the state team shall be subject to criminal offender record
593 checks to be conducted by the colonel of state police on behalf of the child advocate. All
594 members shall serve without compensation for their duties associated with membership on the
595 state team. The state team shall include, but shall not be limited to: (i) the child advocate or a
596 designee, who shall serve as co-chair; (ii) the commissioner of public health or a designee, who
597 shall serve as co-chair; (iii) the chief medical examiner or a designee; (iv) the attorney general or
598 a designee; (v) the commissioner of children and families or a designee; (vi) the commissioner of
599 elementary and secondary education or a designee; (vii) a representative selected by the
600 Massachusetts District Attorneys Association; (viii) the colonel of state police or a designee; (ix)
601 the commissioner of mental health or a designee; (x) the commissioner of developmental
602 services or a designee; (xi) the director of the Massachusetts Center for Unexpected Infant and
603 Child Death at Boston Medical Center or a designee; (xii) the commissioner of youth services or
604 a designee; (xiii) the commissioner of early education and care or a designee; (xiv) a
605 representative selected by the Massachusetts chapter of the American Academy of Pediatrics
606 who has experience in diagnosing or treating child abuse and neglect; (xv) a representative

607 selected by the Massachusetts Health and Hospital Association, Inc.; (xvi) the president of the
608 Massachusetts Chiefs of Police Association Incorporated or a designee; and (xvii) any other
609 person, selected by the co-chairs or by majority vote of the members of the state team, with
610 expertise or information relevant to an individual case.

611 (2) The purpose of the state team shall be to decrease the incidence of preventable child
612 fatalities and near fatalities by: (i) developing an understanding of the causes and incidence of
613 child fatalities and near fatalities; and (ii) advising the governor, the general court and the public
614 by recommending changes in law, policy and practice to prevent child fatalities and near
615 fatalities. The state team may consult with the chief justice of the juvenile court department of
616 the trial court on issues with a direct bearing upon the business of the courts of the
617 commonwealth.

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

630 (c)(1) There shall be a local child fatality review team in each district established under
631 section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team
632 shall be subject to criminal offender record checks to be conducted by the district attorney in
633 each such district. All members shall serve without compensation for their duties associated with
634 membership on a local team. Each local team shall include, but shall not be limited to: (i) the
635 district attorney of the county, who shall serve as chair; (ii) the chief medical examiner or a
636 designee; (iii) the commissioner of children and families or a designee; (iv) a pediatrician with
637 experience in diagnosing or treating child abuse and neglect, appointed by the state team; (v) a
638 local police officer from a municipality where a child fatality or near fatality occurred, appointed
639 by the chief of police of the municipality; (vi) a state law enforcement officer, appointed by the
640 colonel of state police; (vii) the director of the Massachusetts Center for Unexpected Infant and
641 Child Death located at Boston Medical Center or a designee; (viii) at least 1 representative from
642 the department of public health; (ix) at least 1 representative from the office; and (x) any other
643 person, selected by the co-chairs or by majority vote of the members of the state team, with
644 expertise or information relevant to an individual case; provided, that such person may include,
645 but shall not be limited to, a local or state law enforcement officer, a hospital representative, a
646 medical specialist or subspecialist or a designee of the commissioners of developmental services,
647 mental health, youth services, education and early education and care.

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

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

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

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

675 (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
676 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter
677 123, section 20B, 20J or 20K of chapter 233 or any other law relating to confidential
678 communications shall not prohibit the disclosure of this information to the chair of the state team
679 or a local team. Any information considered to be confidential pursuant to the aforementioned
680 statutes may be submitted for a team's review upon the determination of that team's chair that
681 the review of this information is necessary. The chair shall ensure that no information submitted
682 for a team's review is disseminated to parties outside the team. No member of a team shall
683 violate the confidentiality provisions set forth in the aforementioned statutes. Except as
684 necessary to carry out a team's purpose and duties, members of a team and persons attending a
685 team meeting shall not disclose any information relating to the team's business. Team meetings
686 shall be closed to the public. Information and records acquired by the state team or by a local
687 team pursuant to this chapter shall be confidential, exempt from disclosure under chapter 66 and
688 may only be disclosed as necessary to carry out a team's duties and purposes. Statistical
689 compilations of data that do not contain any information that would permit the identification of
690 any person may be disclosed to the public.

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

694 (f) Information, documents and records of the state team or of a local team shall not be
695 subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding;
696 provided, however, that information, documents and records otherwise available from any other
697 source shall not be immune from subpoena, discovery or introduction into evidence through

698 these sources solely because they were presented during proceedings of a team or are maintained
699 by a team.

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

702 Section 17. The office shall, every 3 years, oversee the review of child welfare data
703 reporting and make recommendations for improvements to the report and profile pursuant to
704 subsections (a) and (b) of section 26 of chapter 18B and other reports required pursuant to
705 subsections (c), (d) and (e) of said section 26 of said chapter 18B. Following the release of the
706 department's annual report, the office shall seek input from the public, advocates and diverse
707 stakeholders from across the commonwealth. The office shall consult with other individuals with
708 relevant expertise, including academics, researchers and service providers. Following such
709 review, the office shall post a report on the office's website on its recommendations, together
710 with drafts of any legislation necessary to carry out its recommendations and an aggregate
711 response to the comments.

712 SECTION 35. Section 2A of chapter 38 of the General Laws is hereby repealed.

713 SECTION 36. Chapter 71 of the General Laws is hereby amended by adding the
714 following new section:-

715 Section 34I. (a) Each public elementary and secondary school shall provide the education
716 records of a student in the custody of the department of children and families in a timely and
717 appropriate manner to a case worker or other authorized representative from the department of
718 children and families upon request.

719 (b) Upon receipt of notification from the department of children and families, as required
720 by subsection (j) of section 23 of chapter 119, that it has been determined it is not in the best
721 interest of a student to remain at their school district of origin, the new school district of
722 enrollment shall immediately enroll the student even if the student is unable to produce records
723 normally required for enrollment, including, but not limited to: (i) proof of residency; (ii)
724 academic records; (iii) individualized education programs; (iv) discipline records; (v) documents
725 evidencing proof of custody; (vi) identification documents; and (vii) medical, health, and
726 immunization records; provided, however, that schools may require emergency contact
727 information for a student.

728 (c) The new school district of enrollment shall immediately request, from the school
729 district of origin, the regularly required enrollment forms and a transfer of any additional
730 education records of the student, including but not limited to: (i) immunization records and other
731 health records possessed by the school; (ii) academic transcripts; (iii) class enrollment history,
732 including any advanced or remedial courses; (iv) attendance records; (v) individualized
733 education program or section 504 plan, as applicable; and (vi) disciplinary records and other
734 records contained in the student's temporary education record maintained centrally by the
735 school, to the new school district of enrollment. The school district of origin shall transfer such
736 student records immediately and without the prior consent of a parent or guardian, consistent
737 with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

738 (d) The board of elementary and secondary education shall promulgate regulations to
739 implement the provisions of this section, including specific timelines for the transfer of education
740 records for students in the custody of the department of children and families.

741 SECTION 37. Section 21 of chapter 119 of the General Laws, as appearing in the 2024
742 Official Edition, is hereby amended by striking out the definition of “Child requiring assistance”
743 and inserting in place thereof the following definition:-

744 "Child requiring assistance", a child between the ages of 12 and 18 who is not currently in
745 the custody of the department of children and families or the department of youth services who:
746 (i) repeatedly runs away from the home of the child's parent, legal guardian or custodian; (ii)
747 repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian
748 or custodian, thereby interfering with their ability to adequately care for and protect the child;
749 (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school; (iv) is
750 habitually absent without permission; or (v) is a sexually exploited child.

751 SECTION 38. Said section 21 of said chapter 119, as so appearing, is hereby further
752 amended by striking out the definition of “habitually truant” and inserting in place thereof the
753 following definition:-

754 “Habitually absent without permission”, a child, not excused from attendance under the
755 lawful and reasonable regulations of such child’s school, who willfully fails to attend school for
756 more than 8 school days in a quarter.

757 SECTION 39. Subsection (f) of section 23 of chapter 119 of the General Laws, as so
758 appearing, is hereby amended by striking out the last sentence.

759 SECTION 40. Subsection (h) of said section 23 of said chapter 119, as so appearing, is
760 hereby amended by striking out the second paragraph.

761 SECTION 41. Said section 23 of said chapter 119, as so appearing, is hereby further
762 amended by adding the following subsection:

763 (j) When a school-aged child who is in the custody of the department is placed in or
764 transferred to an out-of-home placement, the department shall timely notify the school-aged
765 child's current school district of enrollment of such placement or transfer; provided further, that
766 if it is determined it is not in the school-aged child's best interest to remain at their school district
767 of origin, the department shall timely notify the new school district of enrollment of the school-
768 aged child's transfer in enrollment.

769 SECTION 42. Said chapter 119 is hereby amended by inserting after section 23C the
770 following section:-

771 Section 23E. (a) Each child in the custody or care of the department has the following
772 rights:

773 (1) Safety and Security:

774 (i) Each child shall be treated with dignity, respect and consideration, and has the right to
775 have their privacy respected.

776 (ii) Each child has the right not to be harmed by department staff, foster parents or
777 service providers.

778 (iii) Each child has the right not to be discriminated against or harassed by department
779 staff, foster parents, the child's attorney or service providers on the basis of religion, race, color,
780 creed, gender, gender identity, gender expression, sexual orientation, national origin, age,
781 disability, culture, language or ethnicity.

782 (iv) Each child has the right to a placement that is free from physical, psychological,
783 sexual, emotional or other abuse, neglect or exploitation.

784 (v) Each child has the right to access personal possessions, personal space and privacy
785 with allowance for safety.

786 (vi) Each child has the right to control the taking, use and disclosure of all pictures of
787 themselves.

788 (vii) Each child has the right to access sufficient healthy food, clothing, personal care
789 products, appropriate self-care needs for their hair and body, as well as items that preserve and
790 promote the child's religion, culture and gender identity.

791 (viii) Each child has the right to be placed in a safe and nurturing environment and
792 receive appropriate care and treatment in the least restrictive setting available that can meet the
793 child's needs and address their trauma history.

794 (ix) Each child has the right not to be placed, housed or detained in a secure department
795 of youth services placement based on the department's inability to provide an available and
796 appropriate foster placement. The department shall not advocate for bail of any amount for
797 children in its care or custody.

798 (x) Each child has the right to developmentally appropriate information about a foster
799 family or program prior to being placed whenever possible and, whenever possible and
800 appropriate, shall have an opportunity to meet the foster parent or program staff before
801 placement occurs. If the foster placement is only able to accommodate the child for a limited
802 time, the child shall be notified of the anticipated duration of the child's stay with that foster

803 placement. The child shall be informed of a placement change and any reason for the change at
804 least 5 days in advance whenever possible. When a change is made in an emergency
805 circumstance, the child shall be given as much notice as possible. The child's belongings shall be
806 packed with care and the child shall be allowed to bring their essential belongings and comfort
807 items with them.

808 (2) Connections to Family, Community and Identity:

809 (i) Each child has the right to know, understand, learn about and develop the child's
810 racial, cultural, linguistic, gender, religious and ethnic identity, including but not limited to
811 clothing, hair, other cultural expressions of identity and body care and to a placement that will
812 provide or maintain the connections necessary to preserve and promote the child's identities.

813 (ii) To the best of the department's ability, each child has the right to preserve and
814 maintain all languages the child entered care speaking and to reside in a placement that provides
815 or facilitates appropriate language access.

816 (iii) Each child has the right to a placement that supports and affirms their identity,
817 including on the basis of religion, race, color, creed, gender, gender identity, gender expression,
818 sexual orientation, national origin, age, disability, culture, language or ethnicity.

819 (iv) Each child has the right to choose whether or not and to whom to disclose
820 information about their sexual orientation and gender identity, and the right to have that
821 information not further disclosed without their consent, unless required to protect the child's
822 health and safety, or where compelled by law or court order.

823 (v) Each child has the right to timely permanency which includes stabilization of family,
824 reunification, adoption, guardianship, care with kin or another planned permanent living
825 arrangement.

826 (vi) Each child has the right to a placement identified and located through due diligence
827 that prioritizes the child's relatives and kinship, using full and fair consideration, as potential
828 placement providers, when the child cannot remain safely at home with their parent or parents.

829 (vii) Each child has the right to frequent and meaningful contact with the child's siblings
830 or half-siblings, facilitated by the department pursuant to section 26B of chapter 119. The
831 department shall prioritize placement with the child's siblings or half-siblings in all settings and
832 permanency plans, including but not limited to foster care, congregate care, and adoption, unless
833 the joint placement is contrary to the safety, well-being, or permanency of any of the siblings.

834 (viii) Each child has the right to family time of a duration and frequency and in a setting
835 that (A) is consistent with the developmental or clinical needs of the child and (B) promotes and
836 preserves their connections with their family. Family time shall take place in person and outside
837 of a department office whenever possible.

838 (ix) Each child has the right to other forms of parental contact, including but not limited
839 to mail, phone calls, videoconferences, email and texts if they have their own phone and if not
840 harmful to the safety or well-being of the child. All placements shall facilitate access to virtual
841 forms of contact if safe and appropriate.

842 (x) Each child has the right to assistance to maintain positive contact with other family
843 members and significant other positive relationships in the child's life, including but not limited
844 to extended family, family friends, teachers, friends and community individuals.

845 (xi) Each child has the right to be treated as a family member in a foster family and,
846 whenever possible, be included in a foster family's activities, holidays and traditions while
847 taking into consideration factors that include but are not limited to the child's age and trauma
848 history. Each child shall have the opportunity to be included in the daily activities of the family
849 and to maintain the most normal daily routine and environment as possible. If choosing not to
850 take part, each child or young adult shall have the opportunity to discuss their reasons with the
851 social worker and foster family.

852 (3) Health Care and Accessibility:

853 (i) Each child has the right to access appropriate, timely and gender-affirming medical,
854 reproductive, dental, vision, mental and behavioral health services regularly and more often as
855 needed.

856 (ii) Each child has the right to discuss any questions or concerns the child has relating to
857 medication or other physical, mental or behavioral health treatment with a healthcare provider
858 and to understand the medications or treatment provided, its purposes and side effects in a
859 developmentally appropriate way.

860 (iii) Each child has the right to out-of-home placements with reasonable accommodations
861 for any disabilities the child may have, consistent with state and federal law. Reasonable
862 accommodations shall be provided in a timely manner and in such a way as to protect the privacy
863 of the child. Each child also has a right to discuss any disabilities with the department and
864 request adaptive equipment, auxiliary aids or services.

865 (4) Education, Employment and Social Connections:

866 (i) Each child has the right to attend school regularly, to educational stability, to
867 educational supports and to an education that meets their needs under federal and state law.

868 (ii) Each child has the right for the department to prioritize school stability by
869 maintaining the child at their school of origin unless it is found, in a Best Interest Determination
870 meeting pursuant to federal law, not to be in their best interest to do so.

871 (iii) Each child has the right to participate in developmentally appropriate school,
872 extracurricular, enrichment, religious, cultural, linguistic, ethnic and social activities and to have
873 any placement provider use the reasonable and prudent parenting standard when making
874 decisions regarding participation in such activities.

875 (iv) Each child has the right to achieve developmentally and religiously appropriate, age-
876 related milestones, including but not limited to obtaining a driver's license, opening bank
877 accounts, birthday celebrations, religious ceremonies or graduations.

878 (v) Each child has the right to be informed of and supported in accessing all available
879 services through the department, including but not limited to educational, vocational and
880 employment services, assistance in acquiring life skills, educational assistance including but not
881 limited to tuition and fee waivers for post-secondary education, financial support, housing
882 support, assistance with credit reports and resolving inaccuracies, training and career guidance to
883 accomplish personal goals and prepare for the future, employment supports available to children
884 in care and adaptive equipment or auxiliary aids and supports.

885 (vi) Each child has the right to developmentally appropriate education on financial
886 preparedness, job readiness, appropriate use of social media, education options, healthy
887 relationships, physical, mental, sexual and reproductive health.

888 (5) Resources and Supports:

889 (i) Each child has the right to reasonable access to a social worker who can make action
890 plan decisions. Each child shall have opportunities for the child to have private conversations
891 with a social worker regarding any questions, grievances or concerns. Reasonable access shall
892 include providing the child with the department's social worker and supervisor's office telephone
893 numbers and email addresses as well as, at a minimum, monthly visits by the department. The
894 department shall also provide the child an emergency contact number for the department during
895 non-business hours for emergency and safety issues.

896 (ii) Each child has the right to participate as developmentally appropriate in the
897 development and review of the action plans and family time and visitation plans, their
898 individualized education program and best interest determination and shall be consulted as the
899 department formulates or updates said items. Children aged 14 and older shall also be presented
900 with the action or service plan for their review, written feedback and signature.

901 (iii) Each child has the right to be informed, in a developmentally appropriate way, of the
902 meaning of all documents that they are asked to sign by the department or its agents, contractors
903 or providers including the voluntary agreement for placement and documents of similar
904 importance. A child shall have their attorney present whenever asked to sign any documents by
905 the department or its agents, contractors or providers, or the document shall be provided in a
906 timely fashion to the child's attorney to give an opportunity for review in advance of presenting
907 it for signature.

908 (iv) Each child has the right to be informed in a developmentally appropriate way of the
909 reasons the department became involved with the child's family, why the child came into care

910 and why the child is still in care. The department shall offer support through the review process
911 to address any possible trauma caused by a child's access to their case files. Upon turning 18, the
912 young adult shall have the right to access their individual information from their case files,
913 barring any state or federal law that would prohibit the department from allowing the release of
914 information.

915 (v) Each child aged 14 or older has the right to be included in foster care review
916 meetings, permanency hearings and lead agency team meetings except for those parts that
917 involve information that is confidential regarding their parents or a previous or future adoptive,
918 kinship or foster parent under federal or state law, and unless documented by court order that
919 participation would be detrimental to the child. The department shall provide the child the ability
920 to offer confidential input to the department before a final decision is made with respect to
921 determining or changing placement or permanency. If the child is unable to attend in person, by
922 phone or video, the child shall have the right to submit a written statement to be considered at the
923 meeting or hearing.

924 (vi) Each child and young adult has the right to adequate notice of all court hearings by
925 their attorney. To the extent possible, the notice shall include the date, time and location of the
926 hearing. If developmentally appropriate, the child's social worker and the child's attorney shall
927 inform them of actions or decisions made by the court. In a developmentally appropriate manner,
928 the child's attorney shall ensure the child understands the child's right to attend their annual
929 permanency hearings and speak to the judge regarding any decision that may have an impact on
930 the child's life.

931 (vii) Each child and young adult has the right to access their medical, dental and
932 educational records held by the department as well as their personal documents, including but
933 not limited to social security card, birth certificate, health insurance information, state
934 identification card, driver's license, passport and documentation related to their immigration
935 status, including work authorization, in a developmentally appropriate way. When a child or
936 young adult leaves the care of the department, they shall be given copies of medical, dental and
937 educational records held by the department and original copies of all personal documents. The
938 department shall further provide contact information for providers who are currently providing
939 care for the young adult. The department shall begin planning to return the documents to the
940 child at least 30 days before the young adult leaves care.

941 (viii) Each child and young adult has the right to change their name and the right to
942 change their gender marker on official documents with assistance from the child or young adult's
943 attorney and the department, and to have all relevant legal documents updated accordingly.

944 (ix) Each eligible child and young adult has the right to obtain a state identification card
945 with the department's assistance.

946 (x) Each child and young adult has the right to an attorney pursuant to section 29 of
947 chapter 119 and to meaningful contact with said attorney, including at foster care reviews. Each
948 child shall be informed, when appropriate, of the name and phone numbers of the assigned
949 attorney. Each child, child's parent, and foster parent shall be informed, when appropriate, that
950 the child can contact the child's attorney, and of the processes to file a complaint regarding the
951 child's attorney and to request a change of attorney for the child.

952 (xi) Each child, and their attorney, has the right to be informed if the department applies
953 for any benefits on behalf of the child, including but not limited to benefits under Title XVI of
954 the Social Security Act, also referred to as supplemental security income; benefits under Title II
955 of the Social Security Act, also referred to as retirement, survivors or disability benefits, and if
956 the department applies to be the representative payee for such benefits. The department shall
957 preserve all of such funds received in an interest-bearing account belonging to the child so the
958 funds are available for the child's benefit and use while they are in care, and the child's use when
959 they turn 18. The department shall not use such funds for the customary costs of foster care, nor
960 shall it use such funds to pay the costs of items which would ordinarily be funded by another
961 source. If necessary, the department shall preserve said funds in an achieving a better life
962 experience account authorized by 26 U.S.C. § 529A, or another trust account for the child
963 determined not to interfere with supplemental security income or asset limitations for any other
964 benefit program.

965 (6) Transition Age Youth:

966 (i) Each child and young adult, age 14 or older, has the right to collaborate with the
967 department to plan their transition from foster care to adulthood. Transition planning should
968 cover all areas needed for a youth to be stable and successful as an adult, including but not
969 limited to, planning for visits or contact with parents and siblings; building relationships with
970 other caring adults, particularly with life-long connections; making an education plan including
971 post-secondary education; finding vocational, employment and career counseling and placement;
972 securing stable housing; developing expertise in daily living skills; maintaining physical,
973 reproductive and mental health care and health insurance; learning how to access community
974 resources and public benefits and services; connecting with other state agencies; developing

975 financial skills including, but not limited to, understanding budgeting and money management as
976 well as checking and savings accounts; and receiving, understanding and correcting, if
977 applicable, the child's consumer credit report.

978 (ii) Each young adult who turns 18 while in the custody of the department, has the right
979 to continue under the responsibility of the department and receive young adult services until
980 turning 22 years of age, pursuant to federal and state requirements, unless completing an
981 educational program until age 23. Each young adult has the right to be offered a voluntary
982 placement agreement by the department in the month prior to their turning 18 years old. The
983 voluntary placement agreement shall be developed together with the child or young adult during
984 permanency and transition planning. Each child or young adult has the right to be made aware of
985 this right and any federal requirements governing services for transition age youth throughout the
986 transition planning process.

987 (iii) Each child has the right to a timely transition plan prior to turning 18 years old,
988 crafted by the department at the direction of the transition age youth, regardless of whether they
989 will continue under the responsibility of the department upon turning 18, that includes
990 personalized, detailed, tangible, available and clear options for resources for meeting their basic
991 needs including, but not limited to, housing, education and vocational supports which fulfill the
992 requirements of 42 U.S.C. § 675(5)(H), as amended.

993 (iv) Each young adult who has chosen to remain under the responsibility of the
994 department has the right to engage and re-engage with the department under a voluntary
995 placement agreement at any time for any reason.

996 (v) Each young adult who has chosen to remain under the responsibility of the
997 department, who is leaving care at age 18 or who is re-entering care has the right to be housed
998 and provided information about and assistance with securing all department-identified,
999 appropriate housing opportunities.

1000 (7) Remedies.

1001 (i) Each child has the right to have these rights enforced. The department shall not
1002 retaliate against or punish a child for asserting their rights. Nothing in this section shall be
1003 construed to diminish the rights, privileges or remedies of any person under any other federal or
1004 state law.

1005 (ii) Each child has the right to department-provided contact information for the
1006 ombudsperson and the office of the child advocate when they enter the care and custody of the
1007 department and upon request. If it is developmentally inappropriate to provide the child with
1008 such information, a child's attorney shall be provided with this contact information.

1009 (iii) Each child has the right, if the child and the child's attorney, believes any of the
1010 above rights have been violated, to discuss the alleged violation with the department's
1011 ombudsman, file a grievance with the department or file a complaint with the office of the child
1012 advocate. The department shall not retaliate against or punish a child, a child's parent, an
1013 attorney, a social worker, a foster parent or placement provider for asserting this right. If the
1014 department or the office of the child advocate determines the child's rights have been violated,
1015 the department shall resolve the violation as soon as practicable and make corrections so that the
1016 violation does not reoccur.

1017 (b) The rights enumerated in subsection (a) shall be obligations of the department. The
1018 department shall amend any regulations or policies that may conflict with this section in a timely
1019 fashion.

1020 (c) The rights enumerated in subsection (a) are not an exhaustive list of rights to which
1021 children under the custody, care or responsibility of the department are entitled and should not be
1022 read to limit the rights of children, or the responsibilities of the department, in any way.

1023 (d) The department shall create, in consultation with community members and young
1024 people with lived experience in the child welfare system, a simple and plain language version of
1025 these rights as enumerated in subsection (a) so that they are accessible and easily understood by
1026 children and young adults in the department's care. The department shall present the document
1027 to each child in its care, or when developmentally appropriate to the child's attorney, the parents
1028 of each child in its care and the foster parent or placement provider of each child in its care. The
1029 department and the child's attorney shall explain these rights to the child in a developmentally
1030 appropriate way when the child enters the department's care. The department shall ensure the
1031 document is translated into the preferred language of the child or young adult in care, the child's
1032 parents and the foster parents. The document shall be posted in all congregate care facilities in a
1033 public space where all residents have access, prominently on the department's website and in all
1034 area offices.

1035 SECTION 43. Said chapter 119 is hereby further amended by inserting after section 29D
1036 the following section:-

1037 Section 29E. (a) Not later than 5 business days after a non-emergency change in the
1038 placement of a child or a young adult or after any non-emergency hospitalization, the department

1039 shall provide notice of the change in placement or hospitalization to counsel for the child or
1040 young adult appointed pursuant to section 29.

1041 (b) Not later than 5 business days after an emergency change in a child's or a young
1042 adult's placement or after an emergency hospitalization, the department shall provide notice of
1043 the change in placement or hospitalization to counsel for the child or the young adult appointed
1044 pursuant to section 29.

1045 (c) Not later than 3 business days after receipt of a report under section 51A, the
1046 department shall provide notice to a child's counsel if it receives a report under said section 51A
1047 and the child is the subject of the report.

1048 (d) The department shall provide notice to a child's or young adult's counsel within 3
1049 business days whenever the department becomes aware of: (i) the child or young adult being
1050 arrested; (ii) the child's or young adult's involvement in any proceeding under this chapter or
1051 any criminal investigation or proceeding; (iii) the child or young adult being suspended or
1052 expelled from school; or (iv) the child or young adult being the subject of any proceeding
1053 regarding their suspension or expulsion from school.

1054 (e) The department's attorney portal shall provide timely automated notifications for all
1055 events described in this section to counsel appointed pursuant to section 29.

1056 SECTION 44. Said chapter 119 is hereby further amended by striking out section 39E, as
1057 appearing in the 2024 Official Edition, and inserting in place thereof the following section:-

1058 Section 39E. (a) Any division of the juvenile court department may receive and hear
1059 requests for assistance stating that there is a child requiring assistance or a family requiring

1060 assistance as defined in section 21, pursuant to this section or sections 39F to 39I, inclusive.
1061 Proceedings pursuant to this section and said sections 39F to 39I, inclusive, shall not be deemed
1062 criminal proceedings and any record of such proceedings, including the filing of an application
1063 for assistance and creation of a docket, shall not be entered in the criminal offender record
1064 information system. Notwithstanding any general or special law to the contrary, no record
1065 pertaining to the child involved in the proceedings shall be maintained or remain active after the
1066 application for assistance has been dismissed; provided, however, that nothing herein shall be
1067 construed to prohibit the maintenance or reporting of information after records pertaining to the
1068 matter have been expunged, provided that the information is kept in a manner that does not
1069 enable identification of the child or petitioner and is used solely for statistical or bona fide
1070 research purposes. The identity and record of any child for whom an application for assistance is
1071 filed shall not be submitted to the department of criminal justice information services, criminal
1072 offender record information system, court activity record index or any other criminal record
1073 information system. Proceedings under this section and sections 39F to 39I, inclusive, shall be
1074 confidential and not open to the public. Subject matter jurisdiction of the Boston juvenile court
1075 under this section shall extend to the territorial limits of Suffolk county.

1076 (b) A parent, legal guardian, or custodian of a child having custody of such child, may
1077 initiate an application for assistance in any of the juvenile courts stating that said child repeatedly
1078 runs away from the home of said parent or guardian or repeatedly refuses to obey the lawful and
1079 reasonable commands of said parent, guardian or custodian resulting in said parent, guardian or
1080 custodian's inability to adequately care for and protect said child. The application shall state
1081 whether the child or the child's family has visited or received services from a family resource
1082 center within 180 days of submitting the application. Before scheduling a hearing on an

1083 application for assistance, the clerk shall provide to the petitioner: (i) informational materials
1084 prepared by the court that: (A) explain the court process; (B) include the types of orders that the
1085 court may issue and the possibility of changes in the custody of the child; (C) include an
1086 explanation of the services that may be available through the court process, including language
1087 translation services and reasonable accommodations, and the manner in which those services
1088 may be delivered; and (ii) informational materials developed by the child advocate under section
1089 15 of chapter 18C. If the child or the child's family indicates on the application that they have
1090 not visited or received services from a family resource center within the last 180 days, the clerk
1091 shall refer the child and the child's family to a family resource center before scheduling a hearing
1092 on the application. If the petitioner has visited or received services from a family resource center
1093 within the last 180 days and decides to proceed after receiving the required informational
1094 materials, the clerk shall set a hearing date forthwith, but not later than 15 days after the request
1095 is presented to the clerk for filing, to determine whether assistance is needed, and shall notify the
1096 child of such hearing.

1097 (c) A school district may initiate an application for assistance stating that a child is not
1098 excused from attendance in accordance with the lawful and reasonable regulations of such child's
1099 school, has willfully failed to attend school for more than 8 school days in a quarter or repeatedly
1100 fails to obey the lawful and reasonable regulations of the child's school. The application for
1101 assistance shall also state whether and when the child and the child's family have been referred to
1102 a family resource center, and whether the child and the child's family participated in the referred
1103 services to the best of the applicant's knowledge. An application that fails to include such
1104 statement, or that indicates that no referral to a family resource center has been made, shall not
1105 be scheduled for a hearing. The application shall also provide a statement of the specific steps

1106 taken by the school district to prevent the child's absenteeism, if applicable, and, if the
1107 application for assistance states that a child has repeatedly failed to obey the lawful and
1108 reasonable regulations of the school, the application shall provide a statement of the specific
1109 steps taken by the school to improve the child's conduct. The application shall detail the specific
1110 court intervention the school district is seeking to support the child in returning to school or
1111 improving the child's conduct. The school district shall not initiate an application for assistance
1112 to address matters that fall within the school's legal responsibility under federal and state law
1113 including, but not limited to, the creation or amendment of an individualized education program,
1114 decisions regarding the educational placement of a student pursuant to an individualized
1115 education program or the creation or amendment of a section 504 plan to provide the student
1116 with accommodations that allow the student to have equal access to education.

1117 Before an application for assistance initiated by a school district is scheduled for a
1118 hearing, a probation officer shall consult with the family resource center to which the child and
1119 the child's family was referred. Staff at a family resource center shall be authorized to report to a
1120 probation officer if the child has met with a case manager pursuant to subsection (c) of section
1121 16U of chapter 6A. The family resource center shall, in writing, indicate to the probation officer
1122 whether, in its opinion, it believes the child and the child's family have exhausted all relevant
1123 community-based service options that are reasonably available to them. Any other information
1124 about the child or family shall be kept confidential as required by section 16U of chapter 6A. If
1125 the family resource center indicates to the probation officer that community-based options have
1126 not been exhausted and the supports requested in the filing can be obtained from the family
1127 resource center or through a community-based service provider or state agency to which the
1128 family resource center is able to connect the child and the child's family, the application for

1129 assistance shall be dismissed. The probation officer may refer the child to an appropriate public
1130 or private organization or person for psychiatric, psychological, educational, occupational,
1131 medical, dental, social or substance use treatment services.

1132 If the probation officer agrees with the family resource center's determination that all
1133 community-based service options relevant to the child's needs and reasonably accessible to the
1134 petitioner have been exhausted, and the petitioner decides to proceed, the clerk shall set a date
1135 for a hearing forthwith, but not later than 15 days after the request is presented to the clerk for
1136 filing, to determine whether assistance is needed, and shall notify the child of such hearing.

1137 (d) With respect to applications for assistance initiated pursuant to subsections (b) or (c)
1138 and for which the clerk has scheduled a hearing, the court shall hold a hearing in which it shall
1139 receive the recommendation of the probation officer and shall either: (i) decline to accept the
1140 application for assistance because there is no probable cause to believe that the child and the
1141 child's family are in need of assistance; (ii) decline to accept the application for assistance
1142 because it finds that the interests of the child would best be served by informal assistance, in
1143 which case the court shall, with the consent of the child and the child's parents or guardian, refer
1144 the child to a probation officer for assistance; or (iii) accept the application for assistance and
1145 schedule a fact-finding hearing. If the child is brought in on custodial protection, the court shall
1146 accept an application for assistance unless one has already been filed, and the court shall
1147 immediately request the probation officer promptly to make like inquiry and thereafter report to
1148 the court the probation officer's recommendation as to whether the interests of the child can best
1149 be served through referral to community-based services or informal assistance without a fact-
1150 finding hearing. Upon receiving such recommendation, the court may hold a hearing and shall

1151 decide whether to proceed with a fact-finding hearing or to refer the child to the care of a
1152 probation officer for assistance.

1153 When an application for assistance is dismissed under this section, the court shall enter an
1154 order directing expungement of any records of the request and related proceedings maintained by
1155 the clerk, the court, the department of criminal justice information services, the court activity
1156 record index and the probation department that directly pertain to the application for assistance.
1157 Nothing herein shall be construed to prohibit the maintenance or reporting of information
1158 relating to any petition filed under this section and sections 39F to 39I, inclusive, after records
1159 pertaining to the matter have been expunged, provided that the information is kept in a manner
1160 that does not enable identification of the child or petitioner and is used solely for statistical or
1161 bona fide research purposes.

1162 Whenever a child is referred to a probation officer for assistance, such officer may
1163 conduct conferences with the child and the child's family to effect adjustments or agreements
1164 which are calculated to resolve the situation which formed the basis of the application for
1165 assistance and which will eliminate the need for a fact finding hearing. During the pendency of
1166 such referrals or conferences, neither the child nor the child's parents shall be compelled to
1167 appear at any conferences, produce any papers or visit any place; provided, however, that if the
1168 child or the child's parents fail to participate in good faith in the referrals or conferences
1169 arranged by the probation officer, the probation officer shall so certify in writing, and the clerk
1170 shall accept the application for assistance if one has not already been accepted and shall set a
1171 date for a fact finding hearing. The judge who conducted the hearing on the acceptance of the
1172 application for assistance shall not preside at any subsequent hearing. Conferences and referrals
1173 arranged under this section may extend for a period not to exceed 90 days from the date that the

1174 application for assistance was initially filed, unless the parent and child voluntarily agree in
1175 writing to a continuation of such conferences or referrals for an additional period not to exceed
1176 90 days from the expiration of the initial period. Upon the expiration of the initial 90-day period,
1177 or of such additional 90-day period, the application for assistance, if any, shall be dismissed and
1178 the child and the child's parents discharged from any further obligation to participate in such
1179 conferences and referrals, or an application for assistance shall, if not already accepted, be
1180 accepted and a date set for a fact-finding hearing. No statements made by a child or by any other
1181 person during the period of inquiries, conferences or referrals may be used against the child at
1182 any subsequent hearing to determine that the child requires assistance, but such statements may
1183 be received by the court after the fact finding hearing for the purpose of disposition.

1184 The commissioner of probation shall establish a system to collect data on all requests for
1185 assistance made and how they are resolved under this section and sections 39F to 39I, inclusive.
1186 Such system shall maintain the privacy of clients served, assist the court in identifying and
1187 addressing the needs of the population to be served and collect information related to: (i)
1188 demographics of the child, including but not limited to the racial and ethnic identity of the child,
1189 age, primary language, disability status and gender; (ii) the insurance status and coverage of
1190 clients served; (iii) whether the child had received support from a family resource center
1191 pursuant to section 16U of chapter 6A or another community-based organization prior to filing,
1192 the supports requested as detailed in the application, the needs identified by the probation officer,
1193 the length of time a child has been receiving assistance from a probation officer, including the
1194 time prior to and subsequent to the filing of an application for assistance; (iv) whether a school-
1195 initiated filing involves a need for services or placement decisions that fall within the legal
1196 responsibility of the school district under federal or state law; (v) the identity of any public or

1197 private organization to whom a probation officer has referred a child or family for services; and
1198 (vi) any other information that may assist the commissioner and the court in evaluating the
1199 availability and effectiveness of services for children who are the subjects of requests for
1200 assistance under this section. The probation officer shall gather information concerning each
1201 child and family referred to the officer including, but not limited to, (A) insurance status and
1202 coverage; (B) the child's school district; (C) whether the child or family received support from a
1203 family resource center pursuant to said section 16U of said chapter 6A; (D) the supports
1204 requested as detailed in the child requiring assistance application; (E) the needs identified by the
1205 probation officer; and (F) other information that may assist the commissioner of probation and
1206 the court in evaluating the availability and effectiveness of services for children who are the
1207 subjects of requests for assistance under this section.

1208 Upon the filing of an application for assistance under this section, the court may issue a
1209 summons, to which a copy of the application for assistance shall be attached, requiring the child
1210 named in such application to appear before the court at the time set forth in the summons. If such
1211 child fails to obey the summons, the court may issue a warrant reciting the substance of the
1212 petition and requiring the officer to whom it is directed forthwith to take and bring such child
1213 before the court. Notice of the hearing shall be given to the department of children and families.

1214 If the court summons a child to appear, the court shall in addition issue a summons to
1215 both parents of the child, if both parents are known to reside in the commonwealth, or to 1 parent
1216 if only 1 is known to reside within the commonwealth, or, if there is no parent residing in the
1217 commonwealth, then to the parent having custody or to the lawful guardian of such child. The
1218 summons shall require the person served to appear at a time and place stated therein at a hearing
1219 to determine whether or not the child is in need of assistance.

1220 Unless service of the summons required by this section is waived in writing, such
1221 summons shall be served by the constable or police officer, either by delivering it personally to
1222 the person to whom addressed, or by leaving it with a person of proper age to receive the same,
1223 at the place of residence or business of such person, and said constable or police officer shall
1224 immediately make return to the court of the time and manner of service.

1225 SECTION 45. Said chapter 119 is hereby further amended by striking out section 39G, as
1226 so appearing, and inserting in place thereof the following section:-

1227 Section 39G. At a hearing to determine whether a child and family require assistance, the
1228 child and the child's attorney shall be present and the parents, legal guardian or custodian shall
1229 be given an opportunity to be heard. The petitioner and any party may file a motion to dismiss
1230 the request for assistance at any time prior to a hearing to determine the disposition of a request
1231 for assistance. Upon a filing of a motion to dismiss, the judge shall order that the request for
1232 assistance be dismissed upon a showing that the dismissal is in the best interests of the child or if
1233 all parties agree to the dismissal. A probation officer may at any time recommend to the court
1234 that the request for assistance be dismissed upon a showing that dismissal is in the best interests
1235 of the child.

1236 Upon a finding that a child requires assistance after a fact finding hearing, the court shall
1237 convene and may participate in a conference of the probation officer who conducted the
1238 preliminary inquiry, a representative from a family resource center or other community-based
1239 services program, if involved with the family, the petitioner, a representative from the child's
1240 school, the child's parent, legal guardian or custodian, the child and the child's attorney, a
1241 representative of the department of children and families, if involved with the family, and any

1242 other person who may be helpful in determining the most effective assistance available to be
1243 offered to the child and family, including representatives from MassHealth, the juvenile court
1244 clinic and other state entities depending on the supports requested. The probation officer shall
1245 present written recommendations and other persons at the conference may present written
1246 recommendations to the court to advise the court on appropriate treatment and services for the
1247 child and family, appropriate placement of the child, and appropriate conditions and limitations
1248 on any such placement.

1249 At the conference and subsequent hearing on disposition, the child and the child's
1250 attorney shall be present and the parents, legal guardian or custodian, and the child and petitioner
1251 shall be given an opportunity to be heard. The court may receive evidence as to the best
1252 disposition of the petition from all persons who participate in the conference and any other
1253 person who may be helpful in determining an appropriate disposition. The department of
1254 children and families shall be provided with advance notice of the hearing and an opportunity to
1255 participate prior to the court recommending placement of the child in the department's custody
1256 pursuant to clause (iii) of the following paragraph.

1257 If the court finds the statements in the application for assistance have been proved at the
1258 hearing, it may determine the child to be in need of assistance. Upon making such determination,
1259 the court, taking into consideration the physical and emotional welfare of the child, may make
1260 any of the following orders of disposition:

1261 (i) subject to any conditions and limitations the court may prescribe, including provision
1262 for medical, psychological, psychiatric, educational, occupational and social services, and for

1263 supervision by a court clinic or by any public or private organization providing counseling or
1264 guidance services, permit the child to remain with their parents, legal guardian or custodian;

1265 (ii) subject to such conditions and limitations as the court may prescribe, including, but
1266 not limited to provisions for those services described in clause (i), place the child in the care of a
1267 relative or other adult individual who, after inquiry by the probation officer or other person or
1268 agency designated by the court, is found to be qualified to receive and care for the child;

1269 (iii) subject to the provisions of sections 32 and 33 and with such conditions and
1270 limitations as the court may recommend, place the child in the custody of the department of
1271 children and families; provided, however, that at the same time, the court shall consider the
1272 provisions of section 29C and shall make the written certification and determinations required by
1273 said section 29C; provided further, that the department shall give due consideration to the
1274 recommendations of the court; provided further, that the department may not refuse out-of-home
1275 placement of a child if the placement is recommended by the court, provided that the court has
1276 made the written certification and determinations required by said section 29C and has provided
1277 the department advance notice and an opportunity to participate in the hearing; provided further,
1278 that the department shall direct the type and length of such out-of-home placement; and provided
1279 further, that the department shall give due consideration to the requests of the child that the child
1280 be placed outside the home of a parent or guardian where there is a history of abuse and neglect
1281 in the home by the parent or guardian.

1282 If the family or child is directed by the court to participate in treatment or services which
1283 are eligible for coverage by an insurance plan or other third-party payer, payment for such
1284 services shall not be denied if the treatment or services otherwise meet the criteria for coverage.

1285 A child who is the subject of an application for assistance shall not be confined in
1286 shackles or similar restraints or in a court lockup facility in connection with any proceedings
1287 under sections 39E to 39I, inclusive. A child who is the subject of an application for assistance
1288 shall not be placed in a locked facility or any facility designated or operated for juveniles who
1289 are alleged to be delinquent or who have been adjudicated delinquent; provided, however, that
1290 such child may be placed in a facility which operates as a group home to provide therapeutic care
1291 for juveniles, notwithstanding that juveniles adjudicated delinquent are also provided care in
1292 such facility.

1293 Any order of disposition pursuant to this section shall continue in force for not more than
1294 120 days; provided, however, that the court which entered the order may, after a hearing, extend
1295 its duration for up to 3 additional 90-day periods, if the court finds that the purposes of the order
1296 have not been accomplished and that any such extension would be reasonably likely to further
1297 those purposes.

1298 No order shall continue in effect after the eighteenth birthday of a child named in an
1299 application for assistance authorized to be filed by a parent, a legal guardian or custodian or a
1300 police officer or after the sixteenth birthday of a child named in a petition authorized to be filed
1301 by a school district.

1302 SECTION 46. Section 39½ of said chapter 119, as so appearing, is hereby amended by
1303 striking out the last paragraph.

1304 SECTION 47. Section 51D of said chapter 119, as so appearing, is hereby amended by
1305 striking out the last paragraph.

1306 SECTION 48. Section 51E of said chapter 119, as so appearing, is hereby amended by
1307 striking out, in line 2, the figure “51D” and inserting in place thereof the following figure:- 51C.

1308 SECTION 49. Chapter 209A of the General Laws is hereby amended by inserting after
1309 section 9 the following section:-

1310 Section 9A. Any on-behalf-of order shall remain in effect after the minor reaches the age
1311 of majority unless otherwise ordered by the court. Upon the minor reaching the age of majority,
1312 the former minor may appear at court on the date and time the order is to expire, and the court
1313 shall determine whether to extend the order for any additional time reasonably necessary to
1314 protect them or to enter a permanent order.

1315 SECTION 50. Section 5E of chapter 210 of the General Laws is hereby repealed.

1316 SECTION 51. Chapter 258E of the General Laws is hereby amended by inserting after
1317 section 11 the following section:-

1318 Section 11A. Any on-behalf-of order shall remain in effect after the minor reaches the
1319 age of majority unless otherwise ordered by the court. Upon the minor reaching the age of
1320 majority, the former minor may appear at court on the date and time the order is to expire, and
1321 the court shall determine whether to: (i) extend the order for any additional time that the court
1322 deems reasonably necessary to protect such person; or (ii) enter a permanent order.

1323 SECTION 52. Section 44 shall take effect 1 year after the effective date of this act.