

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Robyn K. Kennedy***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act enhancing child welfare protections.

\_\_\_\_\_

PETITION OF:

NAME:

*Robyn K. Kennedy*

DISTRICT/ADDRESS:

*First Worcester*

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

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2804 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act enhancing child welfare protections.

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

1 SECTION 1. Clause (22) of subsection (a) of section 172 of chapter 6 of the General  
2 Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 133,  
3 the words “2A of chapter 38” and inserting in place thereof the following words: “15 of chapter  
4 18C.”

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

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

9 SECTION 4. Chapter 18B of the General Laws, as so appearing, is hereby amended by  
10 inserting after section 6A the following subsection:-

11 (b) the department of elementary and secondary education, in consultation with the  
12 department children and families, shall establish and promulgate clear timelines for the  
13 enrollment of a child in the department of children and families' custody to a new school district,  
14 including but not limited to, the timely transfer of relevant records and documentation.

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

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18 acts of 2008, is hereby repealed.

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

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

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

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

26 (b) (1) Annually, not later than October 31, the department shall issue a report that  
27 provides an overview of the department's performance during the previous fiscal year. The  
28 commissioner or a designee shall file the report with the governor, the child advocate, the clerks  
29 of the senate and house of representatives, the house and senate committees on ways and means  
30 and the joint committee on children, families and persons with disabilities. The commissioner  
31 shall provide the recipients of the report with an opportunity to discuss its contents with the

32 commissioner or designee. The report shall be made publicly available on the department's  
33 website in accordance with section 19 of chapter 66.

34 (2) The report shall include, but not be limited to, narratives, information, data and  
35 analysis on: (i) counts, including but not limited to: (A) case counts; (B) consumer counts; (C)  
36 consumer demographic information, including age, race, ethnicity, primary language, birth sex,  
37 gender identity, sexual orientation and disability; (D) the number of consumers who have slept in  
38 temporary locations by region, the average length of stay, and any system wide challenges for  
39 finding placement (E) intersectional data; (F) rates of racial disproportionality and disparity at  
40 various decision points throughout the life of a case, including but not limited to; (1) protective  
41 intakes and responses: (2) consumer children 0-17 years of age with an open case as compared to  
42 the proportion of the child population in Massachusetts; (3) the number of children and youth in  
43 placement by placement type; (4) permanency plans for children and youth in placement,  
44 including plans meeting the federal permanency standard; (5) permanency outcome as compared  
45 to children in placement; (6) the median placement length of stay in days for children who exited  
46 care as well as for children who were in out-of-home care; (7) placement moves per 1,000  
47 placement days for children who entered care during the specified fiscal year; (8) exits from care  
48 to reunification, adoption and guardianship as a rate of all exits from placement; (9) youth aging  
49 out as a rate of all exits from placement; (G) the approximate number of requests for reasonable  
50 accommodations; (H) the number of disability related complaints filed with the department; (I)  
51 reports filed pursuant to section 51A of chapter 119; (I) placement metrics including but not  
52 limited to (1) placement moves per 1,000 placement days for children who entered care during  
53 the specified fiscal year; (2) initial placement with kin; (3) the median number of placements  
54 between a home removal episode and an initial placement review; (J) infants brought into the

55 department's care pursuant to section 39½ of chapter 119; (K) siblings in placement; (ii)  
56 processes and outcomes including, but not limited to: (A) protective responses and safety  
57 outcomes; (B) the number of fatalities including the manner of death and fatalities by family  
58 history with the department; (C) permanency processes and outcomes, including, but not limited  
59 to, reunification, adoption, guardianship, kinship adoption, kinship guardianship and aging out;  
60 (D) well-being outcomes, including the rates and timeliness of the delivery of medical and  
61 behavioral health services; (E) educational well-being outcomes, including but not limited to: (1)  
62 school placement information; (2) the number of Individualized Education Plans; (3) attendance  
63 rates; (4) high school graduation rates and (5) school disciplinary actions; and (iii) operations,  
64 including but not limited to: (A) staffing trends; (B) caseloads; (C) the department's budget,  
65 including funding levels; (D) service costs, including but not limited to, departmental foster care,  
66 contracted foster care, complex medical foster care, congregate care, adoption and guardianship  
67 subsidies, foster care support services, respite and support and stabilization; (E) medical services  
68 and advancements in providing medical services to children and young adults in the  
69 department's care; (F) the number of children and young adults in the department's care in  
70 emergency departments, inpatient units, psychiatric hospitals, or community-based acute  
71 treatment programs who are awaiting alternate placements and the average duration of days  
72 waiting; (G) cost resources and practices, to reduce overrepresentation of children and youth of  
73 minority populations in the child welfare system due to over reporting; and (J) any new or  
74 ongoing initiatives to improve practices, procedures and policy of the department. The  
75 department may provide additional narrative pursuant to health, mental health, disability and  
76 disproportionality related metrics where numerical metrics are not available. (K) The  
77 commissioner or designee, shall submit a report to the office of the child advocate, house and

78 senate committees on ways and means, the joint committee on children, families and persons  
79 with disabilities, and the house and senate clerks' offices on the number and types of complaints  
80 or alleged violation received pursuant to the Foster Child Bill of Rights, section 30 of this Act.  
81 This report shall follow the filing requirements of subsection (b).

82           The report shall also include comparative departmental information from prior fiscal  
83 years.

84           (c)(1) Quarterly, not more than 45 days after the end of each fiscal quarter, the  
85 department shall issue a quarterly profile on its website in accordance with section 19 of chapter  
86 66 that shall include, but not be limited to, departmental, regional office and area office data on:  
87 (i) consumer counts; (ii) the number of reports filed pursuant to section 51A of chapter 119,  
88 including but not limited to counts of reports received, screened-in and screened-out in total and  
89 by reporter role; (iii) rates and recurrence of maltreatment; (iv) department case counts, including  
90 counts of clinical and adoption cases; (v) consumer demographic information, including age,  
91 race, ethnicity, primary language, birth sex, gender identity and sexual orientation and disability;  
92 (vi) counts of children and youth in placement by type of placement; (vii) counts of children and  
93 youth not in placement.

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

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

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

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

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

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

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



145           If there are more than 225 fair hearing requests open for more than 180 days at the close  
146 of any month during the first 6 months of a fiscal year, then an additional report of such requests  
147 shall be provided not later than April 30. The department shall make redacted copies of fair  
148 hearing decisions available not later than 30 days after a written request.

149           (f) Annually, not later than October 31, the department shall file a special report on the  
150 foster care review system and any recommendations for its improvement, with the child  
151 advocate, the clerks of the senate and house of representatives, the house and senate committees  
152 on ways and means and the joint committee on children, families and persons with disabilities.  
153 The report shall be made available to the public electronically in accordance with section 19 of  
154 chapter 66. The report shall include, but not be limited to: (1) the department served population,  
155 including but not limited to case counts, child/youth/young adult and parent/caregiver counts and  
156 children/youth/young adults in placement; (2) a foster care review overview, including but not  
157 limited to foster care review policy, numbers of children/youth/young adults in placement with a  
158 convened foster care review and foster care review considerations; (3) scheduling, including but  
159 not limited to scheduled and convened foster care review meetings, children/youth/young adults  
160 reviewed, duration of meetings and timeliness of foster care review report completion; (4)  
161 attendance, including but not limited to foster care review meeting panel composition and  
162 mandated participants invited and attended; (5) the review process, including but not limited to  
163 the department action plan; placement activities; social worker contact; parent-child visitation;  
164 health, education and well-being needs; information on youth/young adults and systemic barriers  
165 for children/youth/young adults and parents/caregivers; (6) foster care review determinations; (7)  
166 minority opinions, including but not limited to minority opinions by panel member and (8) foster  
167 care review follow-up activities. The department may satisfy the reporting requirements of this

168 section by providing the requested information in an annual report filed under subsection (b) of  
169 this section.

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

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

191 date of adopted or revised departmental policies relative to services provided to children and  
192 families, the department shall provide copies of the regulations or departmental policies to the  
193 joint committee on children, families and persons with disabilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

277 SECTION 23. Said section 2 of said chapter 18C, as so appearing, is hereby further  
278 amended by adding the following 4 paragraphs:-

279           The office shall create and maintain a website that makes available mandated reporter  
280 trainings, guidance, statutory reference and best practices materials in 1 online location to all  
281 mandated reporters in the commonwealth. The website shall also contain a list of available  
282 resources for families who need support and guidance on how mandated reporters can connect  
283 individuals or families to those resources. The office shall consult with, or partner with, any  
284 public or private entity that the child advocate deems relevant to create and maintain this  
285 website. The office shall be responsible for ensuring that information on the website remains  
286 current. The office shall collect data on how many individuals access the website. The website  
287 shall be made available to the public within one year of the effective date of this legislation.

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

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

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

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

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

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

319         SECTION 26. The fourth paragraph of said section 3 of said chapter 18C, as so  
320 appearing, is hereby further amended by adding the following sentence:- “The child advocate’s  
321 annual salary shall be 80 90 percent of the salary of the chief justice of the supreme judicial  
322 court.”



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

325 “Section 4. Child advocate advisory board.

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

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

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

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

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

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

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

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

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

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

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

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

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

371 SECTION 38. Section 6 of said chapter 18C, as so appearing, is hereby amended by  
372 inserting, in line 8, after the words “access to” the following words:- all court records that the  
373 child advocate deems

374 SECTION 39. Section 6 of said chapter 18C, as so appearing, is hereby amended by  
375 inserting, in line 8, after the word “relevant” the following word:- including

376 SECTION 40. Section 6 of said chapter 18C, as so appearing, is hereby amended by  
377 inserting, in line 10, after the word “court” following words:- records held by the Massachusetts  
378 Probation Service, and records on adults and juveniles contained in the electronic information  
379 systems maintained by the department of criminal justice information services, including  
380 personally identifiable information if requested by the child advocate

381 SECTION 41. Section 6 of said chapter 18C, as so appearing, is hereby amended by  
382 adding the following sentence:- “The child advocate is entitled to obtain from the clerks of the  
383 juvenile court or probate and family court information on the dates and the title or summary of  
384 what occurred on these dates showing the progression of an active court case to which the  
385 department is a party as well as notification of future court dates for a given case upon request.”

386 SECTION 42. Section 9 of said chapter 18C, as so appearing, is hereby amended by  
387 striking out the word “his” and inserting in place thereof the following word:- their

388 SECTION 43. Section 10 of said chapter 18C, as so appearing, is hereby amended by  
389 inserting after the number “5” in line 7 the following words:- “,data described in section 2 of this  
390 chapter related to the mandated reporter training and website”.

391 SECTION 44. Section 11 of said chapter 18C, as so appearing, is hereby amended by  
392 striking out section 11 in its entirety, and inserting in place thereof the following section:-

393 Section 11. Examination of systemwide services

394 The child advocate, in their independent role or in their role as chair of the Juvenile  
395 Justice Policy and Data Board, may examine systemwide challenges to the provision of adequate  
396 services to children. The child advocate may prioritize challenges that include multiple state  
397 agencies or secretariats and challenges that affect the most vulnerable children. Such systemwide  
398 examinations will include recommendations for improvements to the state system of services for  
399 children. The child advocate may utilize any source of information available to the office to  
400 make recommendations and may seek advice from individuals with expertise in relevant fields of  
401 work or study in preparing a report under this section. The child advocate shall file a report on  
402 any such examination with the governor, the clerks of the senate and house of representatives,  
403 the senate and house committees on ways and means, the joint committee on children, families  
404 and persons with disabilities, and shall report on any such examination in the annual report  
405 pursuant to section 10.

406 SECTION 45. Section 12 of said chapter 18C, as so appearing, is hereby amended, in  
407 subsection (a), in line 3, by inserting after the word “Notwithstanding” the following words:-  
408 sections 167 and 172 of chapter 6,

409 SECTION 46. Section 12 of said chapter 18C, as so appearing, is hereby amended, in  
410 subsection (a), in line 12, by striking out the word “his” and inserting in place thereof the  
411 following word:- their

412 SECTION 47. Section 12 of said chapter 18C, as so appearing, is hereby amended, in  
413 subsection (b), in line 21, by inserting after the number “4” the following words:- and under  
414 chapter 66A

415 SECTION 48. Section 12 of said chapter 18C, as so appearing, is hereby amended, in  
416 subsection (c), in line 23, by striking out the word “his” and inserting in place thereof the  
417 following word:- the

418 SECTION 49. Section 12 of said chapter 18C, as so appearing, is hereby amended by  
419 inserting, in line 36, after the word “personnel,” the following words:- the speaker of the house  
420 of representatives, the senate president.

421 SECTION 50. Section 12 of chapter 18C, as so appearing, is hereby amended, in  
422 subsection (e), by inserting the following subsections:-

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

426 (iii) the child advocate from issuing a public report when such report, in the sole  
427 discretion of the child advocate, is necessary for the child advocate to perform the child  
428 advocate's duties.

429 SECTION 51. Section 13 of chapter 18C, as so appearing, is hereby amended, in line X,  
430 by striking out the word "his" and replacing it therefore with the following word:- their

431 SECTION 52. Chapter 18C of the General Laws, as appearing in the 2020 Official  
432 Edition, is hereby amended by inserting after section 14 the following section:

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

435 "Child", a person under the age of 18.

436 "Fatality", a death of a child.

437 "Local team", a local child fatality review team established in subsection (c).

438 "Near fatality", an act that, as certified by a physician, places a child in serious or critical  
439 condition.

440 "State team", the state child fatality review team established in subsection (b).

441 "Team", the state or a local team.

442 "Office", the office of the child advocate.

443 (b) There shall be a state child fatality review team within the office. Notwithstanding  
444 section 172 of chapter 6, members of the state team shall be subject to criminal offender record

445 checks to be conducted by the colonel of state police on behalf of the child advocate. All  
446 members shall serve without compensation for their duties associated with membership on the  
447 state team.

448         The state team shall consist of not less than: (i) the child advocate, or designee, who shall  
449 serve as co-chair; (ii) the commissioner of public health, or designee, who shall serve as co-  
450 chair; (iii) the chief medical examiner, or designee; (iv) the attorney general, or designee; (v) the  
451 commissioner of children and families, or designee; (vi) the commissioner of elementary and  
452 secondary education, or designee; (vii) a representative selected by the Massachusetts District  
453 Attorneys Association; (viii) the colonel of state police, or designee; (ix) the commissioner of  
454 mental health, or designee; (x) the commissioner of developmental services, or designee; (xi) the  
455 director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical  
456 Center, or designee; (xii) the commissioner of youth services, or designee; (xiii) the  
457 commissioner of early education and care, or designee; (xiv) a representative selected by the  
458 Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing  
459 or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health  
460 and Hospital Association, Inc.; (xvi) the president of the Massachusetts Chiefs of Police  
461 Association Incorporated, or designee; (xvii) the Department of Children and Families Chapter  
462 President or designee of the certified collective bargaining representative of bargaining unit 8;  
463 and (xviii) any other person, selected by the co-chairs or by majority vote of the members of the  
464 state team, with expertise or information relevant to an individual case. The purpose of the state  
465 team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (1)  
466 developing an understanding of the causes and incidence of child fatalities and near fatalities;  
467 and (2) advising the governor, the general court and the public by recommending changes in law,

468 policy and practice to prevent child fatalities and near fatalities. The state team may consult with  
469 the chief justice of the juvenile court department of the trial court of the commonwealth on issues  
470 with a direct bearing upon the business of the Massachusetts courts.

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

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

488 Each local team shall include, but not be limited to: (i) the district attorney of the county,  
489 who shall serve as chair; (ii) the chief medical examiner or, designee; (iii) the commissioner of



490 children and families or, designee; (iv) a pediatrician with experience in diagnosing or treating  
491 child abuse and neglect, appointed by the state team; (v) a local police officer from a  
492 municipality where a child fatality or near fatality occurred, appointed by the chief of police of  
493 the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police;  
494 (vii) the director of the Massachusetts Center for Unexpected Infant and Child Death located at  
495 Boston Medical Center or a designee; (viii) at least 1 representative from the department of  
496 public health (ix) at least one representative from the office of the child advocate; (x) a designee  
497 of the collective bargaining representative's Department of Children and Families Chapter  
498 President who represents the region where the fatality occurred; and (xi) any other person with  
499 expertise or information relevant to an individual case who may attend meetings, on an ad hoc  
500 basis, by agreement of the permanent members of each local team; provided that such person  
501 may include, but shall not be limited to, a local or state law enforcement officer, a hospital  
502 representative, a medical specialist or subspecialist, or a designee of the commissioners of  
503 developmental services, mental health, youth services, education and early education and care.

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

511           To achieve its purpose, each local team shall: (i) review, establish and implement model  
512 protocols from the state team; (ii) review, subject to the approval of the local district attorney, all

513 individual fatalities and near fatalities in accordance with the established protocols; (iii) meet  
514 periodically, not less than 2 times per calendar year, to review the status of fatality and near  
515 fatality cases and recommend methods of improving coordination of services between member  
516 agencies; (iv) collect, maintain and provide confidential data as required by the state team; and  
517 (v) provide law enforcement or other agencies with information to protect children.

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

531           (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section  
532 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter  
533 123, section 20B, section 20J or section 20K of chapter 233 or any other law relating to  
534 confidential communications shall not prohibit the disclosure of this information to the chair of  
535 the state team or a local team. Any information considered to be confidential pursuant to the

536    aforementioned statutes may be submitted for a team’s review upon the determination of that  
537    team’s chair that the review of this information is necessary. The chair shall ensure that no  
538    information submitted for a team’s review is disseminated to parties outside the team. No  
539    member of a team shall violate the confidentiality provisions set forth in the aforementioned  
540    statutes.

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

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

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

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

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

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

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

561 SECTION 53. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby  
562 repealed.

563 SECTION 54. Said chapter 18C, as so appearing, is hereby further amended by adding  
564 the following section:-

565 Section 16. The office shall, every three years, oversee the review of child welfare data  
566 reporting and make recommendations for improvements to the report and profile required under  
567 subsections (b) and (c) of section 26 of chapter 18B and any other legislatively mandated reports,  
568 or the data measures, progress measures, and outcome measures pursuant to section 128 of  
569 chapter 47 of the acts of 2017. Following the release of the department's annual report, the office  
570 shall seek input from the public, advocates and diverse stakeholders from across the  
571 commonwealth. The office shall consult with other individuals with relevant expertise, including  
572 academics, researchers and service providers. Following such review, the office shall post a  
573 report on its recommendations, together with drafts of any legislation necessary to carry its  
574 recommendations into effect and an aggregate response to the comments raised during the  
575 comment period on the Office of the Child Advocate's website.

576 SECTION 55. Chapter 71 of the General Laws, as so appearing, is hereby amended by  
577 inserting the following section:-

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

582 SECTION 56. Section 21 of chapter 119 of the General Laws, as appearing in the 2022  
583 Official Edition, is hereby amended by inserting after the definition of "Appropriate Services"  
584 the following definition:-

585 "Benefits", benefits under Title XVI of the Social Security Act, also referred to as  
586 "Supplemental Security Income" or "SSI"; benefits under Title II of the Social Security Act, also  
587 referred to as "Retirement, Survivors or Disability Insurance Benefits" or "RSDI"; or other  
588 federal benefits.

589 Section 2. Section 21 of chapter 119, as so appearing, is hereby further amended by  
590 inserting after the definition of "Relative" the following definition:-

591 "Representative Payee or Fiduciary", any person or entity designated to receive benefits  
592 for a minor child under the agency rules governing such benefits.

593 Section 3. Section 23 of chapter 119, as so appearing, is hereby amended by inserting  
594 after subsection (i) the following subsection:-

595 The department shall comply with section 23D, by providing benefit management  
596 services to children and young adults in the department's care, custody, or responsibility,  
597 including eligibility screening, representative payee or fiduciary assistance, notice, benefits  
598 accounting, conservation of benefits and other services relative to benefits.

599 Section 4. Chapter 119 of the General Laws is hereby amended by inserting after section  
600 23C the following section:-

601 Section 23D. (a) When a child is placed in foster care under a voluntary placement  
602 agreement or court-ordered custody, the department shall make all reasonable efforts to identify  
603 within 60 days of the child being committed to custody of the department whether the child is  
604 already receiving or may be eligible to receive benefits. In reviewing eligibility, the department  
605 shall consult with the parents and others who may have information about the child's eligibility.  
606 If the department determines, or has cause to believe, that the child may be eligible for benefits,  
607 it shall apply for benefits on the child's behalf. If the agency administering such benefits denies  
608 the application, the department may appeal the decision. The department shall review cases of  
609 children in foster care annually to determine whether the child may have become eligible for  
610 benefits after the initial assessment. DCF will only seek federal foster care reimbursement for a  
611 child if such reimbursement will not impact the child's eligibility for benefits or the amount of  
612 benefits.

613 (b) If the child is already receiving benefits prior to entering department custody, the  
614 department may apply to be the child's representative payee or fiduciary. If the department is  
615 applying for benefits for the child, the department may also apply to be the representative payee  
616 or fiduciary. Where the goal is reunification, the department shall consider whether applying to  
617 become the child's representative payee or fiduciary will undermine the goal of reunification and  
618 be contrary to the child's best interests.

619 (c) The department shall provide timely notice for each of the following events:

620 (i) The department submits an application for benefits;

621 (ii) The department submits a request to become the child's representative payee;

622 (iii) the department receives notice of the agency's decision regarding benefits  
623 including denial, termination or reduction in benefits;

624 (iv) the department decides whether or not to appeal an adverse determination,  
625 including the outcome of any appeal filed; and

626 (v) the department receives notice of an eligibility redetermination.

627 Notice shall be provided to counsel for the child, as well as counsel for the parent or  
628 parents or legal guardian or guardians, except that no notice shall be provided to a parent for  
629 whom a decree to dispense with consent to adoption has been entered under paragraph 4 of  
630 section 26 of chapter 119.

631 The notice provisions of this section 23D of chapter 119 of the General Laws shall go  
632 into effect 18 months after the enactment of this act. Until the effective implementation date, the  
633 department shall make best efforts to ensure compliance with the notice requirements of section  
634 23D of chapter 119 of the General Laws.

635 (d) When the department is the child's representative payee or fiduciary, it shall maintain  
636 an accounting of the child's benefits, and shall make available to child's counsel current  
637 accounting information electronically or by other means. The accounting information shall  
638 include (1) the amount and source of benefits collected by the department and credited to any  
639 account maintained on behalf of the child; (2) the balance of any account maintained on behalf of  
640 the child; (3) any amounts deducted by the department and the reasons for the deductions; and  
641 (4) information regarding all the child's assets and resources, including benefits, insurance, cash

642 assets, trust accounts, and earnings if such assets or resources are controlled by the department.  
643 The department shall provide such accounting information to the court at permanency hearings,  
644 at other court proceedings, as necessary, or upon request.

645 (e) If the department is the child's representative payee or fiduciary, the Department shall  
646 not use such benefits to reimburse the Commonwealth for the child's placement in foster care. If  
647 the child is receiving SSI benefits, the department shall ensure that any funds retained on the  
648 child's behalf are kept in a manner that does not exceed any federal asset or resource limit that  
649 would affect the child's eligibility to continue receiving SSI benefits. Benefits held by the  
650 department as a representative payee or fiduciary may be spent on the child's unmet needs,  
651 which would not ordinarily be funded by another source, subject to program rules for the use of  
652 such benefits, or otherwise conserved for the child. Any funds administered for SSI recipients  
653 above the federal asset or resource limits shall be conserved in an Achieving a Better Life  
654 Experience (ABLE) account, authorized by Section 529A of the Internal Revenue Code of 1986,  
655 or another account for the child determined not to interfere with federal asset or resource limits  
656 for any other federal means-tested benefit program. If the child is not receiving SSI or other  
657 federal means-tested benefits with an asset or resource limit, the department shall place excess  
658 funds in an interest-bearing account or other savings or investment vehicle for the benefit of the  
659 child. If the department is the child's representative payee or fiduciary and receives retroactive  
660 benefits for the child, those funds shall be kept as required by the program rules of the agency  
661 administering such benefits.

662 (f) The department shall take steps to conserve the benefits of children receiving benefits  
663 under this paragraph to assist them in the transition to adulthood and living independently. The  
664 department shall establish accounts as specified in subsection (e) in conserving a child's benefits.



665 The department shall work actively with the agency administering such benefits and the child to  
666 ensure that when the child leaves foster care, becomes eligible for direct payment, or another  
667 representative payee is identified, all payments of benefits or conserved funds shall be (1)  
668 returned to the agency following program rules; or (2) upon agreement by the agency, if  
669 necessary, transferred to the child or to a new representative payee or fiduciary.

670 (g) The department shall provide the child with ongoing financial information regarding  
671 the eligibility for benefits, as well as the existence, amount, availability, use, and limitations of  
672 funds conserved for the child, beginning at 14 years of age and tailored to the individual child.  
673 For youth ages 17 of age or older, financial information shall also include basic assistance with  
674 understanding budgeting and money management, checking and savings accounts, tailored to the  
675 individual child.

676 (h) The department shall provide the child with ongoing financial literacy training and  
677 support, beginning at 14 years of age and tailored to the individual child. This program may  
678 include, but need not be limited to, topics such as: budgeting; money management; informed  
679 decision-making; banking, checking and savings accounts; credit card counseling; managing  
680 debt; planning for financial security and stability; financing post-secondary education or training;  
681 long term asset-building; and community and agency services. Financial literacy resources  
682 concerning the use of conserved funds shall also be made available to all parents, guardians, and  
683 adoptive parents gaining access to funds conserved by the department. The financial literacy  
684 requirements set forth in M.G.L. c. 119, Sec 23D(h) shall go into effect 18 months after the  
685 enactment of this act. Until the effective implementation date, the department shall make best  
686 efforts to ensure compliance with the financial literacy requirements set forth in this paragraph.

687 (i) The department shall provide an annual report to the house and senate committees on  
688 ways and means, the committee on children, families and persons with disabilities, the clerks of  
689 the house and the senate and the secretary of the executive office of administration and finance,  
690 not later than December 31; provided, the report shall set forth: (1) the numbers of children in the  
691 department's care and custody receiving benefits for which the department is the representative  
692 payee or fiduciary; (2) the numbers of children in the department's care or custody who are  
693 receiving SSI, RSDI or other federal benefits; (3) the amount of benefits being conserved by the  
694 department; and (4) the number and type of accounts established by the department on behalf of  
695 such children.

696 (j) To the extent such data is available, the report shall also set forth the numbers of  
697 children in the department's care or custody, (1) who were screened for eligibility for benefits;  
698 and whether such screening occurred within 60 days of being committed to the department's  
699 custody, and if not, the date of the screening and reasons for the delay; (2) who were already  
700 receiving benefits after screening; and (3) for whom the department submitted applications for  
701 benefits, by type of application, and the outcome of those applications, including the number of  
702 appeals filed; providing however, that if such data is not available, the department shall provide  
703 information to such committees as to its ongoing efforts to be able to gather and report upon such  
704 information.

705 (k) In administering the benefits of young adults ages 18 to 22 for whom the department  
706 is acting as a representative payee or fiduciary, the department shall comply with the  
707 requirements for children under subsections (a) through (j). The department shall continue to  
708 provide financial literacy training under paragraph (h) to young adults who become eligible for  
709 direct payment of benefits and continue to receive young adult services from the department.

710 Section 5. Not later than 90 days after the effective date of this act, the secretary of the  
711 executive office of health and human services shall promulgate regulations as necessary to  
712 implement section 23D of chapter 119 of the General Laws, as inserted by this act. The notice  
713 provisions of this section 23D of chapter 119 of the General Laws shall go into effect 18 months  
714 after the enactment of this act. Until the effective implementation date, the department shall  
715 make best efforts to ensure compliance with the notice requirements of section 23D of chapter  
716 119 of the General Laws. The financial literacy requirements set forth in subsection (h) of  
717 section 23D of chapter 119 shall go into effect 18 months after the enactment of this act. Until  
718 the effective implementation date, the department shall make best efforts to ensure compliance  
719 with the financial literacy requirements set forth in said subsection (h).

720 SECTION 57. Subsection (f) of section 23 of chapter 119 of the General Laws, as  
721 appearing in the 2020 Official Edition, is hereby amended by striking out the sixth sentence.

722 SECTION 58 Subsection (h) of said section 23 of said chapter 119, as so appearing, is  
723 hereby further amended by striking out the second paragraph.

724 SECTION 59. Subsection (c) of section 26 of said chapter 119, as so appearing, is hereby  
725 amended by inserting after the word “custody”, in line 90, the following words:- “, the child  
726 advocate”.

727 SECTION 60. Section 29 of chapter 119 of the General Laws, as appearing in the 2020  
728 Official Edition, is hereby amended by inserting after the second paragraph the following  
729 paragraphs:

730 No later than the first business days after, or until the departments attorney portal with  
731 automated notifications is finalized, any non-emergency change in a child’s or a young adult’s

732 placement or any non-emergency hospitalization, and no later than one business day after any  
733 emergency change in a child's or a young adult's placement or any emergency hospitalization,  
734 the department shall provide notice of the change in placement or hospitalization to the child's or  
735 the young adult's attorney.

736 No later than the first business day thereafter, or until the department's attorney portal  
737 with automated notifications is finalized, the department shall provide notice to a child's attorney  
738 if it receives a report under section 51A and the child is the subject of the report. No later than  
739 the first business day thereafter, the department shall provide notice to a child's attorney or a  
740 young adult's attorney if it receives a report under section 51A that raises substantial questions  
741 regarding the suitability of the child's or young adult's current placement or any of the child's or  
742 young adult's service providers.

743 No later than three business days thereafter, the department shall provide notice to a  
744 child's or young adult's attorney whenever it becomes aware of: (1) the child or young adult  
745 being arrested; (2) the child's or young adult's involvement in any proceeding under this chapter  
746 or any criminal investigation or proceeding; (3) the child or young adult being suspended from  
747 school; or (4) the child or young adult being the subject of any proceeding regarding his or her  
748 suspension or expulsion from school.

749 SECTION 61. Section 39½ of said chapter 119, as so appearing, is hereby amended by  
750 striking out the eighth paragraph.

751 SECTION 62. Section 51D of said chapter 119, as so appearing, is hereby amended by  
752 striking out the eighth paragraph.

753 SECTION 63. Section 51E of said chapter 119, as so appearing, is hereby amended by  
754 striking out, in line 2, the figure “51D” and inserting place thereof the following figure:- “51C”.

755 SECTION. 64. Chapter 209A of the General Laws, as appearing in the 2022 Official  
756 Edition, is hereby amended by adding the following new section:

757 Section 9A. Orders Protecting Minors. Any on behalf of order or order relative to minor  
758 children, remains in effect after the minor reaches the age of majority unless otherwise ordered  
759 by the court. Upon reaching the age of majority, the plaintiff may appear at court on the date and  
760 time the order is to expire, and the court shall determine whether or not to extend the order for  
761 any additional time reasonably necessary to protect the plaintiff or to enter a permanent order.

762

763 Chapter 258E of the General Laws, as appearing in the 2022 Official Edition, is hereby  
764 amended by adding the following new section:

765

766 Section 11A. Orders Protecting Minors. Any order issued on behalf of a minor remains  
767 in effect after the minor reaches the majority unless otherwise ordered by the court. Upon  
768 reaching the age of majority, the plaintiff may appear at court on the date and time the order is to  
769 expire, and the court shall determine whether or not to extend the order for any additional time  
770 reasonably necessary to protect the plaintiff or to enter a permanent order.

771 SECTION 65. Section 5E of chapter 210 of the General Laws, as appearing in the 2020  
772 Official Edition is hereby repealed.

773 SECTION 66. Item 4800-0015 of section 2 of chapter 28 of the acts of 2023 is hereby  
774 amended by striking out the words “provided further, that on December 1, 2022, and March 1,  
775 2023, the department shall report to the house and senate committees on ways and means and the  
776 joint committee on children, families and persons with disabilities on: (i) the fair hearing  
777 requests filed in fiscal year 2023, using nonidentifying information which shall state, for each  
778 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing  
779 request and the first day of the hearing; (c) the number of days between the first day of the  
780 hearing and the hearing officer’s decision; (d) the number of days between the hearing officer’s  
781 decision and the agency’s final decision; (e) the number of days of continuance granted at the  
782 appellant’s request; (f) the number of days of continuance granted at the request of the  
783 department of children and families or the hearing officer’s request, specifying which party made  
784 the request; and (g) whether the department’s decision that was the subject of the appeal was  
785 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2023, which have  
786 been pending for more than 180 days, stating the number of those cases, how many of those  
787 cases have been heard but not decided and how many have been decided by the hearing officer  
788 but not yet issued as a final agency decision; provided further, that the department shall maintain  
789 and make available to the public, during regular business hours, a record of its fair hearings, with  
790 identifying information removed, including for each hearing request: the date of the request, the  
791 date of the hearing decision, the decision rendered by the hearing officer and the final decision  
792 rendered upon the commissioner’s review; provided further, that the department shall make  
793 redacted copies of fair hearing decisions available within 30 days of a written request; provided  
794 further, that the department shall not make available any information in violation of federal  
795 privacy regulations; provided further, that not later than March 1, 2023, the department shall

796 submit a report to the house and senate committees on ways and means and joint committee on  
797 children, families and persons with disabilities that shall include, but not be limited to, the: (1)  
798 number of medical and psychiatric personnel and their level of training currently employed by or  
799 under contract with the department; (2) number of foster care reviews conducted by the  
800 department and the average length of time in which each review is completed; (3) the number of  
801 social workers and supervisors who have earned a bachelor's or master's degree in social work;  
802 (4) the total number of social workers and the total number of social workers holding licensure,  
803 by level; (5) number of the department's contracts reviewed by the state auditor and the number  
804 of corrective action plans issued; and (6) number of corrective action plans entered into by the  
805 department; provided further, that on the first business day of each quarter, the department shall  
806 file a report with the house and senate committees on ways and means and the joint committee  
807 on children, families and persons with disabilities on the caseload of the department; provided  
808 further, that the report shall include, but not be limited to: (A) the caseloads of residential  
809 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A  
810 reports, substantiated 51A reports, the number of children who die in the care and custody of the  
811 department, the number of children currently eligible for supportive child care, the number of  
812 children presently receiving supportive child care and the number of medical and psychiatric  
813 consultation requests made by the department's social workers; (B) the number of approved  
814 foster care placements; (C) the number of children in psychiatric hospitals and community-based  
815 acute treatment programs who remain hospitalized beyond their medically-necessary stay while  
816 awaiting placement and the number of days each case remains in placement beyond that which is  
817 medically necessary; (D) the number of children under the department of children and families'  
818 care and custody who are being served in medical or psychiatric care provided through other

819 publicly-funded sources; (E) the number of children served by supervised visitation centers and  
820 the number of those children who are reunified with their families; (F) the total number of  
821 children served, their ages, the number of children served in each service plan, the number of  
822 children in out-of-home placements and the number of placements each child has had before  
823 receiving an out-of-home placement; (G) for each area office, the number of kinship  
824 guardianship subsidies provided in the quarters covered by the report and the number of kinship  
825 guardianship subsidies provided in that quarter for which federal reimbursement was received;  
826 (H) for each area office, the total spending on services other than case management services  
827 provided to families to keep a child with the child's parents or reunifying the child with the  
828 child's parents, spending by the type of service including, but not limited to, the number of  
829 children and a breakdown of spending for respite care, intensive in-home services, client  
830 financial assistance and flexible funding, community-based after-school social and recreation  
831 program services, family navigation services and parent aide services and the unduplicated  
832 number of families that receive the services; (I) for each area office, the total number of families  
833 residing in shelters paid for by the department, a list of where the families are sheltered, the total  
834 cost and average cost per family at those shelters and a description of how the department  
835 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of  
836 requests for voluntary services, broken down by type of service requested, whether the request  
837 was approved or denied, the number of families that were denied voluntary services and received  
838 a 51A report, the reasons for denying the service and what, if any, referrals were made for  
839 services by other agencies or entities; (K) the number of families receiving multiple 51A reports  
840 within a 10-month period, the number of cases reopened within 6 months of being closed and the  
841 number of children who return home and then reenter an out-of-home placement within 6



842 months; (L) the number of children and families served by the family resource centers by area;  
843 and (M) the number of children within the care and custody of the department whose  
844 whereabouts are unknown; provided further, that not later than January 31, 2023, the department  
845 shall submit a report to the house and senate committees on ways and means and the joint  
846 committee on children, families and persons with disabilities that details any changes to said  
847 rules, regulations or guidelines established by the department in the previous fiscal year to carry  
848 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria  
849 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a  
850 child from the home; and (III) standards to determine what reasonable efforts are being made to  
851 keep a child in the home; provided further, that on a monthly basis, the department shall provide  
852 the caseload forecasting office with data on children receiving services and other pertinent data  
853 related to items 4800-0038 and 4800-0041 that is requested by the office; provided further, that  
854 the report shall also contain the number of children and families served by the family resource  
855 centers, by area, and an evaluation of the services provided and their effectiveness.”

856 SECTION 67: Section 36 shall take effect as of July 1st, 2026.

857 SECTION 68. The department shall complete the attorney portal referenced in Section 32  
858 within 2 years of this act’s passage.