

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

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

*Joanne M. Comerford*

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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 transferring foster care review responsibilities to the Office of the Child Advocate.

\_\_\_\_\_

PETITION OF:

NAME:

*Joanne M. Comerford*

DISTRICT/ADDRESS:

*Hampshire, Franklin and Worcester*

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

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 66 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act transferring foster care review responsibilities to the Office of the Child Advocate.

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

1 SECTION 1. Chapter 18B of the General Laws is hereby amended by striking out section  
2 6A.

3 SECTION 2. Section 1 of chapter 18C of the General Laws is hereby amended by  
4 inserting after the definition of "Critical incident" the following definition:-

5 "Committee", the foster care review interdisciplinary committee.

6 SECTION 3. Said section 1 of said chapter 18C is hereby further amended by inserting  
7 after the definition of "Executive agency" the following 3 definitions:-

8 "Foster care placement", all out-of-home placements of children, youth, or young adults  
9 by the department whether voluntarily or by court assigned custody.

10           “Foster care review”, an administrative review of the status of each child, youth or young  
11 adult who is in foster care placement.

12           “Local panel”, a foster care review panel of trained volunteer citizen reviewers and  
13 FCRO staff created pursuant to this chapter.

14           SECTION 4. Said section 1 of said chapter 18C is hereby further amended by inserting  
15 after the definition of “Office” the following 3 definitions:-

16           “Parties”, all parties involved in a specific child, youth, or young adult case.

17           “Permanency”, a legal, permanent family living arrangement.

18           “Secretary”, the secretary of the executive office of health and human services.

19           SECTION 5. Section 2 of said chapter 18C is hereby amended by striking out, in lines 2  
20 and 3, the words “shall be independent of any supervision or control by any executive agency”  
21 and inserting in place thereof the following words:- shall be an independent state agency not  
22 subject to the supervision and control of any other executive office, department, commission,  
23 board, bureau, agency or political subdivision of the commonwealth.

24           SECTION 6. Said chapter 18C is hereby further amended by inserting after section 4 the  
25 following section:

26           Section 4A. (a) There shall be an interdisciplinary committee within the advisory council  
27 that shall include commissioner level or designee representation of the department, the office of  
28 the child advocate, the department of developmental services, the department of elementary and  
29 secondary education, the department of mental health, the department of public health, the  
30 department of transitional assistance, the department of youth services and the Massachusetts

31 rehabilitation commission to ensure that appropriate services are being delivered in the best  
32 interest of the child, youth or young adult. Experts may be invited to the committee meetings to  
33 address specific concerns or issues, including issues disproportionately impacting historically  
34 marginalized communities, transition age youth and issues and needs relating to lesbian, gay,  
35 bisexual, transgender or queer people. The committee shall be chaired by the child advocate and  
36 shall convene at least monthly.

37 (b) The committee shall:

38 (i) address and resolve case-specific issues that have been elevated by the child advocate;  
39 and

40 (ii) address systemic issues impacting progress towards permanency and services focused  
41 on the best interest of children, youth and young adults in foster care placement brought to the  
42 council's attention by any member of the committee or advisory council.

43 SECTION 7. Said chapter 18C is hereby further amended by inserting after section 14 the  
44 following 7 sections:-

45 Section 15. (a) The child advocate shall conduct foster care case reviews every 6 months  
46 of every child in foster care placement to make determinations and recommendations regarding  
47 the placement and progress towards permanency; provide information and direct reporting to the  
48 legislature, the department, the governor, the secretary, the chief justices of the juvenile and the  
49 probate and family courts, and the public regarding the foster care system in Massachusetts;  
50 make recommendations regarding foster care policy; and ensure oversight, accountability and  
51 transparency regarding the foster care system.

52 (1) The child advocate shall designate local panels of trained citizen reviewers to conduct  
53 foster care case reviews for every child in foster care placement at least every 6 months while in  
54 placement.

55 (2) The child advocate shall create and implement the following:

56 (i) Policies and procedures regarding the duties of the office of the child advocate staff,  
57 including the scheduling and conduct of case reviews, advanced notice to parties to the case,  
58 development of individual case review reports including findings and recommendations,  
59 dissemination of individual case review reports to the parties and follow-up of individual cases;

60 (ii) Guidelines regarding citizen reviewer qualifications and recruitment;

61 (iii) Training programs for citizen reviewers which shall include an initial training  
62 program and periodic in-service training programs;

63 (iv) Policies and procedures for local panels in the conduct of individual case reviews;

64 (v) Policies and procedures for the office of the child advocate regarding the conduct of  
65 reviews, follow-up of individual cases between reviews, communication with parties, structure,  
66 format and content of individual case review reports and access to data and information;

67 (vi) A record-keeping system for all local panel files, including individual case reviews  
68 and aggregate data;

69 (vii) Content and format of periodic and annual child advocate aggregate reports.

70 (3) The child advocate shall provide periodic and annual aggregate reports to the  
71 legislature, governor, secretary, the department, the chief justices of the juvenile and the probate  
72 and family courts and the public.

73 (4) The child advocate shall have access to all relevant information regarding any child,  
74 youth or young adult eligible for foster care case review including, but not limited to, data,  
75 records and case files provided to the child advocate by the department.

76 (5) Individual case review reports shall be provided to all parties to the legal case for  
77 judicial consideration and for the purposes of the safety and well-being of the child and  
78 permanency planning.

79 (b) The child advocate shall be the only entity that conducts periodic, administrative  
80 foster care case reviews as required by the Adoption Assistance and Child Welfare Act of 1980  
81 (Public Law 60 96-272).

82 Section 16. (a) The child advocate shall designate local panels of citizen reviewers, in  
83 geographical locations that correspond with the department's service areas, to conduct foster care  
84 case reviews. The number of panels required is determined by the child advocate in accordance  
85 with the number of children, youth and young adults in foster care placement within each service  
86 area. The child advocate shall create and implement citizen volunteer recruitment efforts and  
87 select citizen volunteers from local areas to serve on local panels. A person employed by the  
88 child advocate, the department, a child welfare agency or juvenile and probate or family courts  
89 shall not be appointed to a local panel.

90 (b) Each local panel, comprised of 1 office of the child advocate staff reviewer and 2  
91 trained citizen reviewers, shall conduct individual foster care case reviews in accordance with the  
92 policies and procedures created and implemented by the child advocate.

93 Section 17. (a) The foster care case review shall be conducted to determine:

94 (1) necessity, appropriateness and safety of the child, youth or young adult's current  
95 placement;

96 (2) extent of the parties' compliance with the permanency or action plan;

97 (3) extent of progress made toward alleviating or mitigating the causes necessitating the  
98 placement;

99 (4) extent to which services in the plan are being provided and the identification of any  
100 barriers to receiving the needed services;

101 (5) progress made toward the permanency goal;

102 (6) whether the permanency goal should be amended;

103 (7) projected date by which child may be in a permanent placement;

104 (8) goals for the next 6 months;

105 (9) additional findings and recommendations in accordance with the child, youth or  
106 young adult's best interest; and

107 (10) well-being status of the child or youth; provided, that well-being shall be of the  
108 whole child or youth and includes physical health development and safety; psychological and

109 emotional development; social development and behavior; and cognitive development and  
110 educational achievement.

111 (b) The local foster care case review meeting shall be facilitated by an office of the child  
112 advocate staff reviewer who is responsible for completing the individual case review report of  
113 findings and recommendations.

114 (c) Anyone with a role in achieving the permanency goal for the child, youth or young  
115 adult shall be invited to the review. The individual case review report shall be submitted to the  
116 department, the juvenile or probate and family court and all other legal parties to the case within  
117 30 days after the foster care case review.

118 (d) The department shall comply with the child advocate individual case review findings  
119 and recommendations, subject to an appeals process developed and agreed to by the child  
120 advocate and the department.

121 Section 18. (a) The department shall provide the child advocate with unrestricted access  
122 to any and all information pertaining to the child, youth or young adult's needs including  
123 electronic and hard copy records, reports and materials, specifically department records  
124 including evaluations conducted by external or independent providers and court evaluations.

125 (b) The department shall notify the child advocate of a child, youth or young adult  
126 removal from home, placement, change to placement or case closure no later than two weeks  
127 from the date of the occurrence.

128 The child advocate shall be bound by any limitations on the use or release of information  
129 imposed by law upon the party furnishing such information.



130           Section 19. The child advocate shall develop internal procedures, including staffing and  
131 budget, subject to appropriation, appropriate for the effective performance of all duties  
132 established under sections 15 through 17, inclusive, of this chapter.

133           Section 20. (a) The child advocate shall report annually to the governor, the president of  
134 the senate, the speaker of the house of representatives, the joint committee on children, families  
135 and persons with disabilities, the chief justices of the juvenile and the probate and family courts,  
136 the secretary and the commissioner of the department on the activities of the child advocate,  
137 including, but not limited to, statistics and analysis of aggregate data from the foster care reviews  
138 regarding strengths, issues, policy concerns and problems which have come to the attention of  
139 the child advocate from analysis of the aggregate data. The child advocate shall make  
140 recommendations to address the issues, concerns and problems identified.

141           (b) The reports shall be made public and posted on the website of the office of the child  
142 advocate.

143           Section 21. No person employed by, contracted by or volunteering for the office of the  
144 child advocate shall be subject to suit directly, derivatively or by way of contribution or  
145 indemnification for any civil damages under the laws of the commonwealth resulting from any  
146 act or omission performed during or in connection with the discharge of duties within the scope  
147 of employment or appointment, unless such act or failure to act was committed with gross  
148 negligence, maliciously or in bad faith.

149           SECTION 8. (a) The office of the child advocate shall develop a foster care review  
150 transition and implementation plan with a timeline. The plan shall be completed no later than 210  
151 days after the effective date of this act.

152 (b) Implementation of the transition plan shall occur no later than 15 months after the  
153 effective date of this act.