



THE GENERAL COURT OF MASSACHUSETTS
STATE HOUSE, BOSTON, 02133-1053

An Act Enhancing Child Welfare Protections

Conference Report H.5629

Fact Sheet & Highlights

An Act enhancing child welfare protections safeguards the wellbeing of vulnerable children in state care and foster care. The bill strengthens and builds on the work of existing entities including the Office of the Child Advocate (OCA), the Department of Children and Families (DCF), the Family Resource Center (FRC) network and our public schools in order to take a comprehensive approach toward making sure all children receive the support they deserve.

The details of the legislation are below.

Prioritizing the Education, Health, and Wellness of Children in Foster Care and DCF Custody

Avoids Interruptions in Children's Education. Focuses on easier school transitions for children in DCF care by requiring schools to provide the student's educational records to case workers and the child's new school district in a timely manner. Promotes the educational stability of children in DCF care by codifying the establishment of an education unit within DCF. Establishes a commission to make recommendations on the creation and implementation of a digital education portfolio system to further ease the transfer of educational records and increase children's access to education.

Guarantees Vital Rights for Foster Children. Establishes a Foster Child Bill of Rights to ensure children in foster care receive certain basic rights related to their safety, health care, education, ability to maintain connections, and receipt of resources and supports. Codifies a youth engagement program within the OCA to ensure that the voices and experiences of youth in care continue to inform the development of relevant statewide policy, oversight, and program improvement.

Continues Court Protection Orders. Requires that any abuse and harassment protection orders made on behalf of a child do not expire simply because the child has reached the age of majority. Ensures that the child retains the same ability as an adult to petition the court to extend the order or render it permanent.

Lifting Up Children Through the Family Resource Center Network

Keeps Kids Out of the Justice System Through Family Resource Centers (FRCs). Steps up the diversion of children with behavioral or truancy issues to FRCs by updating the Child Requiring Assistance (CRA) process. FRCs help children and their families receive wraparound, targeted support services in their communities—rather than through the court system.

Ensuring Complete and Timely Information Sharing

Improves Public Reporting. Streamlines mandatory DCF reports for improved public accessibility and the administrative benefit of the agency. Focuses and consolidates numerous separate reports that have been required of the agency over the years. Mandated reporting includes, but is not limited to, data on transition aged youth including 6-month outcome tracking, continuation choices, comprehensive demographic information, and mandated reporter data delineated by reporter roles.

Calls for Time-Sensitive Notifications. Requires timely notifications from DCF to a child's counsel in certain serious situations such as an arrest, expulsion, hospitalization, or 51A report of child abuse or neglect.

Strengthening the Role and Authority of the Office of the Child Advocate

Investigates Cases of Fatalities and Harm. Leverages the OCA's expertise by placing the office in charge of the unit that reviews child fatalities, which is currently located under the Office of the Chief Medical Examiner. Additionally cements an expanded purview for the OCA's existing reviews of 'critical incidents' by explicitly including the review of cases of indecent assault and battery of a child and abuse or rape of a child.

Encourages Inter-Agency Collaboration. Codifies that the OCA can partner with state agencies to support, expand, and improve programs, provided the collaboration does not impact the OCA's oversight role. Clarifies that the OCA is an independent agency charged with overseeing services of agencies and their contractors that provide services to children.

Supporting Families and Caregivers

Shares Critical Information. Ensures public accountability and transparency by strengthening the OCA's ability to publicly share critical incident reports to strengthen child welfare agencies. Requires the OCA to make training materials available for mandated reporters and other volunteers who frequently work with children.

Provides Resources to Grieving Families. Requires the OCA to create, maintain, and provide information and a list of publicly available resources for parents who have experienced a sudden unexplained pediatric death.

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