

SENATE No. 2804

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, June 6, 2024.

The committee on Children, Families and Persons with Disabilities, to whom was referred the petitions (accompanied by bill, Senate, No. 71) of Cynthia Stone Creem for legislation to minimize trauma to children and families; (accompanied by bill, Senate, No. 80) of Ryan C. Fattman, Diana Dizoglio, Kay Khan, David Henry Argosky LeBoeuf and other members of the General Court for legislation to create an electronic backpack for foster children; (accompanied by bill, Senate, No. 120) of Susan L. Moran, Joanne M. Comerford, James B. Eldridge and Mark C. Montigny for legislation to eliminate disproportionality and inequities for at-risk children; (accompanied by bill, Senate, No. 124) of Jacob R. Oliveira, Michael J. Finn, Lydia Edwards, Patrick M. O'Connor and others for legislation to enhance child welfare protections; (accompanied by bill, House, No. 153) of Paul J. Donato and others that the Child Advocate report on disproportionality and inequity in services provided by child-serving state entities; (accompanied by bill, House, No. 156) of Tricia Farley-Bouvier and others relative to the powers of the Child Advocate to appear, intervene in or bring actions on behalf the Commonwealth; (accompanied by bill, House, No. 165) of Michael J. Finn and others relative to the appointment of an education manager to support educational stability and success for elementary and secondary school students under the care of the Department of Children and Families; (accompanied by bill, House, No. 175) of Denise C. Garlick and Patrick Joseph Kearney for legislation to provide educational stability for vulnerable children; (accompanied by bill, House, No. 190) of Kay Khan, David Henry Argosky LeBoeuf and others for legislation to authorize the Department of Children and Families to establish an electronic repository of foster youths educational records; (accompanied by bill, House, No. 195) of David Henry Argosky LeBoeuf, Bud L. Williams and Vanna Howard relative to educational support for children in foster care; and (accompanied by bill, House, No. 204) of Joan Meschino and others relative to minimizing trauma to court-involved children and families, report the accompanying bill (Senate, No. 2804).

For the committee,
Robyn K. Kennedy

SENATE No. 2804

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 section:-

11 Section 6B.(a) The commissioner or a designee shall appoint an education director who
12 shall establish an education unit within the department. The director shall appoint, subject to the

13 approval of the commissioner or designee, the members of the unit called education specialists
14 who shall be employees of the department and shall devote their full time exclusively to support
15 the department's goal of educational stability and success for all elementary and secondary
16 school students under the care and custody of the department.(b)The education director's duties
17 shall include, but shall not be limited to: (i) developing, implementing and overseeing the
18 department's policies on education for children under the care and custody of the department,
19 including policy development and practice guidance; (ii) monitoring state and federal laws,
20 programs and resources that may impact the education of children under the care and custody of
21 the department; (iii) advising the commissioner and all education specialists on all matters
22 relating to education, strategic education initiatives, policy, and practice management matters;
23 (iv) coordinating efforts of the education specialists to identify and address systemic barriers to
24 accessing educational services for children under the care and custody of the department,
25 including issues related to transportation for children in department care or custody to attend
26 their school of origin; (v) coordinating with department area and regional offices on education
27 related issues; and (vi) facilitating best practice training for education specialists. The education
28 director shall perform such duties as are described in this chapter and such other duties as may be
29 assigned by the commissioner.

30 (c)The focus of the education unit shall include, but shall not be limited to: (i)
31 implementing and overseeing the regional and area office's work on education for children
32 receiving services from the department, consistent with the policies created by the department's
33 education director; (ii) monitoring student academic progress of children under the care and
34 custody of the area office not less than once per academic quarter; (iii) providing support and
35 assistance to department social workers regarding educational needs of children; (iv) providing

36 detailed training to department social workers on the best practices to monitor a child’s education
37 experiences, recognizing any unavailability of resources preventing a child from participating in
38 school courses, and developing individual education plans or 504 plan; (v) ensuring the
39 timeliness and accuracy of the transfer of education records detailing a child’s educational
40 background and needs; and (vi) maintaining contact with appropriate local school districts and
41 education organizations to facilitate enrollment, information sharing, and placement of children
42 into school districts served by the area office.

43 (d) An education specialist may accompany social workers to meetings with school
44 personnel, including but not limited to meetings relative to a child’s individual education plan or
45 504 plan.

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

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

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

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

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

55 Section 26. (a) For the purposes of this section, the term “legislatively mandated report”
56 shall mean a report required by law of the department of children and families.

57 (b) (1) Annually, not later than October 31, the department shall issue a report that
58 provides an overview of the department's performance during the previous fiscal year. The
59 commissioner or a designee shall file the report with the governor, the child advocate, the clerks
60 of the senate and house of representatives, the house and senate committees on ways and means
61 and the joint committee on children, families and persons with disabilities. The commissioner
62 shall provide the recipients of the report with an opportunity to discuss its contents with the
63 commissioner or designee. The report shall be made publicly available on the department's
64 website in accordance with section 19 of chapter 66.

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

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

103 waiting; (G) cost resources and practices, to reduce overrepresentation of children and youth of
104 minority populations in the child welfare system due to over reporting; and (J) any new or
105 ongoing initiatives to improve practices, procedures and policy of the department. The
106 department may provide additional narrative pursuant to health, mental health, disability and
107 disproportionality related metrics where numerical metrics are not available. (K) The
108 commissioner or designee, shall submit a report to the office of the child advocate, house and
109 senate committees on ways and means, the joint committee on children, families and persons
110 with disabilities, and the house and senate clerks' offices on the number and types of complaints
111 or alleged violation received pursuant to the Foster Child Bill of Rights, section 30 of this Act.
112 This report shall follow the filing requirements of subsection (b).

113 The report shall also include comparative departmental information from prior fiscal
114 years.

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

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

129 (d) The commissioner or designee shall notify the joint committee on children, families
130 and persons with disabilities within one week of a consumer in the department's custody
131 sleeping in the department's area office overnight by region including the average length of stay,
132 the consumers' ages, previous placement type and challenge for finding placement.

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

148 training or certificate program within six (6) months. The department may satisfy the reporting
149 requirements of this section by providing the requested information in an annual report filed
150 under subsection (b) of this section.

151 (e) Section 28. Annually, not later than October 31, the department shall file a special
152 report on its fair hearing processes and cases with the child advocate, the clerks of the senate and
153 house of representatives, the house and senate committees on ways and means and the joint
154 committee on children, families and persons with disabilities. The department may satisfy the
155 reporting requirement of this section by providing the requested information in an annual report
156 filed under section 26. The report shall be made available to the public electronically in
157 accordance with section 19 of chapter 66. The report shall include, but not be limited to,
158 information in a form that shall not include personally identifiable information on the fair
159 hearing requests open at any time during the previous fiscal year and, for each hearing request,
160 shall provide: (i) the subject matter of the appeal; (ii) the outcomes of cases resolved prior to a
161 fair hearing decision; (iii) the number of days between the hearing request and the first day of the
162 hearing; (iv) the number of days between the close of the evidence and the hearing officer's
163 decision; (v) the number of days of continuance granted at the appellant's request; (vi) the
164 number of days of continuance granted at the request of the department or the hearing officer,
165 specifying which party made the request; and (vii) whether the department's decision that was
166 the subject of the appeal was affirmed or reversed.

167 The department shall maintain and make available to the public during regular business
168 hours, a record of its fair hearings in a form that shall not include personally identifiable
169 information and that shall include, for each hearing request: (i) the date of the request; (ii) the
170 date of the hearing decision; (iii) the decision rendered by the hearing officer; and (iv) the final

171 decision rendered upon the commissioner's review. For fair hearing requests that are pending for
172 more than 180 days at any time during the fiscal year, except for those requests which have been
173 stayed at the request of the district attorney, the report shall provide the number of such cases,
174 how many of those cases have been heard but not decided and how many have been decided by
175 the hearing officer but not yet issued a final agency decision.

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

180 (f) Annually, not later than October 31, the department shall file a special report on the
181 foster care review system and any recommendations for its improvement, with the child
182 advocate, the clerks of the senate and house of representatives, the house and senate committees
183 on ways and means and the joint committee on children, families and persons with disabilities.
184 The report shall be made available to the public electronically in accordance with section 19 of
185 chapter 66. The report shall include, but not be limited to: (1) the department served population,
186 including but not limited to case counts, child/youth/young adult and parent/caregiver counts and
187 children/youth/young adults in placement; (2) a foster care review overview, including but not
188 limited to foster care review policy, numbers of children/youth/young adults in placement with a
189 convened foster care review and foster care review considerations; (3) scheduling, including but
190 not limited to scheduled and convened foster care review meetings, children/youth/young adults
191 reviewed, duration of meetings and timeliness of foster care review report completion; (4)
192 attendance, including but not limited to foster care review meeting panel composition and
193 mandated participants invited and attended; (5) the review process, including but not limited to

194 the department action plan; placement activities; social worker contact; parent-child visitation;
195 health, education and well-being needs; information on youth/young adults and systemic barriers
196 for children/youth/young adults and parents/caregivers; (6) foster care review determinations; (7)
197 minority opinions, including but not limited to minority opinions by panel member and (8) foster
198 care review follow-up activities. The department may satisfy the reporting requirements of this
199 section by providing the requested information in an annual report filed under subsection (b) of
200 this section.

201 (g) Annually, not later than October 31st, the department shall file a special report on the
202 foster care review system and any recommendations for its improvement, with the child
203 advocate, the clerks of the senate and house of representatives, the house and senate committees
204 on ways and means and the joint committee on children, families and persons with disabilities.
205 including but not limited to: (1) the department served population, including but not limited to
206 case counts, child/youth/young adult and parent/caregiver counts and children/youth/young
207 adults in placement; (2) a foster care review overview, including but not limited to foster care
208 review policy, numbers of children/youth/young adults in placement with a convened foster care
209 review and foster care review considerations; (3) scheduling, including but not limited to
210 scheduled and convened foster care review meetings, children/youth/young adults reviewed,
211 duration of meetings and timeliness of foster care review report completion; (4) attendance,
212 including but not limited to foster care review meeting panel composition and mandated
213 participants invited and attended; (5) the review process, including but not limited to the
214 department action plan; placement activities; social worker contact; parent-child visitation;
215 health, education and well-being needs; information on youth/young adults and systemic barriers
216 for children/youth/young adults and parents/caregivers; (6) foster care review determinations; (7)

217 minority opinions, including but not limited to minority opinions by panel member and (8) foster
218 care review follow-up activities;

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

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

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

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

239 Annually, the department shall measure its performance in meeting the targets established
240 in the 5-year plan for the commonwealth as a whole and for each of its regions consistent with
241 the methodology described in the plan. The department shall publish and maintain on its website
242 the current plan, the targets for previous years and the department’s performance in meeting
243 those targets.

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

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

250 SECTION 11. Section 2 of said chapter 18C, as so appearing, is hereby amended by
251 striking out, in lines 2 and 3, the words “shall be independent of any supervision or control by
252 any executive agency” and inserting in place thereof the following words:- shall be an
253 independent state agency not subject to the supervision and control of any other executive office,
254 department, commission, board, bureau, agency or political subdivision of the commonwealth.

255 SECTION 12. 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 13. Said section 2 of said chapter 18C is hereby further amended by striking
258 out, in line 20, the word “services.” and inserting in place thereof the following words:-
259 “services; and”.

260 SECTION 14. Said section 2 of said chapter 18C, as so appearing, is hereby further
261 amended by adding the following subsection:-

262 (f) examine disproportionality related to topics including, but not limited to, race,
263 ethnicity, disability status, transgender status, sexual orientation or gender identity within child
264 state systems, services and agencies.

265 SECTION 15. Said section 2 of said chapter 18C, as so appearing, is hereby further
266 amended by adding the following 5 paragraphs:-

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

276 The office shall create and make available to the public, on the website created in this
277 section, evidence-based mandated reporter training for all mandated reporters in the
278 commonwealth. The training shall include, but is not limited to, training in child abuse and
279 neglect reporting, implicit bias training, technical instruction on how to file a 51A report and
280 details on the department's process regarding the filing and treatment of 51A reports, and should
281 address bias in mandated reporting. Training shall aim to improve the quality of reporting and

282 discourage reports that do not rise to the relevant statutory standard, including, but not limited to,
283 information on how to address concerns with families and children when those concerns do not
284 rise to the level of requiring a maltreatment report, information about connecting families with
285 needed supports and resources and how to understand what qualifies as neglect.

286 The office may, as appropriate, expand, update or amend mandated reporter training. The
287 office may create additional evidence-based mandated reporter trainings for specific groups of
288 individuals such as educators, childcare workers, social workers and foster parents. The office of
289 the child advocate may consult, or partner with, any public or private entity that the child
290 advocate deems relevant to create, update, expand, implement or amend any mandated reporter
291 trainings the office creates. As needed, the office shall solicit feedback on mandated reporter
292 training from mandated reporters who have participated in the training created by the office.

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

297 SECTION 16. Section 3 of said chapter 18C, as appearing in the 2020 Official Edition, is
298 hereby amended by inserting after the word “health”, in line 10, the following words:- “; the
299 speaker of the house of representatives, or designee; the senate president, or designee; the house
300 minority leader, or designee; the senate minority leader, or designee; a person with experience in
301 the child welfare system to be designated by the Massachusetts Network of Foster Care Alumni;
302 a person with experience as a foster parent to be designated by the Massachusetts Alliance for
303 Families”.

304 SECTION 17 The fourth paragraph of said section 3 of said chapter 18C, as so appearing,
305 is hereby further amended by adding the following sentence:- “The child advocate’s annual
306 salary shall be 80 percent of the salary of the chief justice of the supreme judicial court.”

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

309 “Section 4. The child advocate shall meet with the governor, the speaker of the house of
310 representatives, the senate president, the attorney general, the state auditor and the chief justice
311 of the juvenile court at least annually and shall present the annual goals of the office and its plans
312 for monitoring the work, including the continuous quality improvement, of the child service
313 agencies and the identification of any critical gaps and issues relating to interagency
314 collaboration.”

315 SECTION 19. Section 5 of said chapter 18C, as so appearing, is hereby amended by
316 adding the following subsection:-

317 “(i) The child advocate shall notify the governor, the attorney general, the auditor, the
318 speaker of the house of representatives and the senate president when conducting an
319 investigation which the Child Advocate plans to release publicly due to a reasonable belief that
320 an executive agency or constituent agency failed in its duty to protect a child. In order to ensure
321 the integrity and independence of the office, the governor, the attorney general, the auditor, the
322 speaker of the house of representatives and the senate president shall receive the final full report
323 of such an investigation before any executive office, agency or program that is the subject of said
324 investigation.”

325 SECTION 20. Section 6 of said chapter 18C, as so appearing, is hereby amended by
326 adding the following sentence:- “The child advocate is entitled to obtain from the clerks of the
327 juvenile court or probate and family court information on the dates and the title or summary of
328 what occurred on these dates showing the progression of an active court case to which the
329 department is a party.”

330 SECTION 21. Section 10 of said chapter 18C, as so appearing, is hereby amended by
331 inserting after the number “5” in line 7 the following words:- “, data described in section 2 of
332 this chapter related to the mandated reporter training and website”.

333 SECTION 22. Section 11 of said chapter 18C, as so appearing, is hereby amended by
334 striking out, in lines 1 and 2, the words “, in consultation with the advisory council,”.

335 SECTION 23. Section 12 of said chapter 18C, as so appearing, is hereby amended by
336 inserting, in line 36, after the word “personnel,” the following words:- the speaker of the house
337 of representatives, the senate president.

338 SECTION 24. Chapter 18C of the General Laws, as appearing in the 2020 Official
339 Edition, is hereby amended by inserting after section 14 the following section:

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

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

343 “Fatality”, a death of a child.

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

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

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

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

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

350 (b) There shall be a state child fatality review team within the office. Notwithstanding
351 section 172 of chapter 6, members of the state team shall be subject to criminal offender record
352 checks to be conducted by the colonel of state police on behalf of the child advocate. All
353 members shall serve without compensation for their duties associated with membership on the
354 state team.

355 The state team shall consist of not less than: (i) the child advocate, or designee, who shall
356 serve as co-chair; (ii) the commissioner of public health, or designee, who shall serve as co-
357 chair; (iii) the chief medical examiner, or designee; (iv) the attorney general, or designee; (v) the
358 commissioner of children and families, or designee; (vi) the commissioner of elementary and
359 secondary education, or designee; (vii) a representative selected by the Massachusetts District
360 Attorneys Association; (viii) the colonel of state police, or designee; (ix) the commissioner of
361 mental health, or designee; (x) the commissioner of developmental services, or designee; (xi) the
362 director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical
363 Center, or designee; (xii) the commissioner of youth services, or designee; (xiii) the
364 commissioner of early education and care, or designee; (xiv) a representative selected by the
365 Massachusetts chapter of the American Academy of Pediatrics who has experience in diagnosing
366 or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health

367 and Hospital Association, Inc.; (xvi) the president of the Massachusetts Chiefs of Police
368 Association Incorporated, or designee; and (xvii) any other person, selected by the co-chairs or
369 by majority vote of the members of the state team, with expertise or information relevant to an
370 individual case. The purpose of the state team shall be to decrease the incidence of preventable
371 child fatalities and near fatalities by: (1) developing an understanding of the causes and incidence
372 of child fatalities and near fatalities; and (2) advising the governor, the general court and the
373 public by recommending changes in law, policy and practice to prevent child fatalities and near
374 fatalities. The state team may consult with the chief justice of the juvenile court department of
375 the trial court of the commonwealth on issues with a direct bearing upon the business of the
376 Massachusetts courts.

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

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

394 Each local team shall include, but not be limited to: (i) the district attorney of the county,
395 who shall serve as chair; (ii) the chief medical examiner or, designee; (iii) the commissioner of
396 children and families or, designee; (iv) a pediatrician with experience in diagnosing or treating
397 child abuse and neglect, appointed by the state team; (v) a local police officer from a
398 municipality where a child fatality or near fatality occurred, appointed by the chief of police of
399 the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police;
400 (vii) the director of the Massachusetts Center for Unexpected Infant and Child Death located at
401 Boston Medical Center or a designee; (viii) at least 1 representative from the department of
402 public health (ix) at least one representative from the office of the child advocate; and (x) any
403 other person with expertise or information relevant to an individual case who may attend
404 meetings, on an ad hoc basis, by agreement of the permanent members of each local team;
405 provided that such person may include, but shall not be limited to, a local or state law
406 enforcement officer, a hospital representative, a medical specialist or subspecialist, or a designee
407 of the commissioners of developmental services, mental health, youth services, education and
408 early education and care.

409 The purpose of each local team shall be to decrease the incidence of preventable child
410 fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and
411 near fatalities; (ii) promoting cooperation and coordination between agencies responding to

412 fatalities and near fatalities and in providing services to family members; (iii) developing an
413 understanding of the causes and incidence of child fatalities and near fatalities in the county; and
414 (iv) advising the state team on changes in law, policy or practice that may affect child fatalities
415 and near fatalities.

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

423 At the request of the local district attorney, the local team shall be immediately provided
424 with: (i) information and records relevant to the cause of the fatality or near fatality maintained
425 by providers of medical or other care, treatment or services, including dental and mental health
426 care; (ii) information and records relevant to the cause of the fatality or near fatality maintained
427 by any state, county or local government agency including, but not limited to, birth certificates,
428 medical examiner investigative data, parole and probation information records and law
429 enforcement data post-disposition, except that certain law enforcement records may be exempted
430 by the local district attorney; (iii) information and records of any provider of social services,
431 including the department of children and families, relevant to the child or the child's family, that
432 the local team deems relevant to the review; and (iv) demographic information relevant to the
433 child and the child's immediate family, including, but not limited to, address, age, race, gender

434 and economic status. The district attorney may enforce this paragraph by seeking an order of the
435 superior court.

436 (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section
437 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter
438 123, section 20B, section 20J or section 20K of chapter 233 or any other law relating to
439 confidential communications shall not prohibit the disclosure of this information to the chair of
440 the state team or a local team. Any information considered to be confidential pursuant to the
441 aforementioned statutes may be submitted for a team's review upon the determination of that
442 team's chair that the review of this information is necessary. The chair shall ensure that no
443 information submitted for a team's review is disseminated to parties outside the team. No
444 member of a team shall violate the confidentiality provisions set forth in the aforementioned
445 statutes.

446 Except as necessary to carry out a team's purpose and duties, members of a team and
447 persons attending a team meeting shall not disclose any information relating to the team's
448 business.

449 Team meetings shall be closed to the public. Information and records acquired by the
450 state team or by a local team pursuant to this chapter shall be confidential, exempt from
451 disclosure under chapter 66 and may only be disclosed as necessary to carry out a team's duties
452 and purposes.

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

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

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

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

466 SECTION 25. Section 2A of chapter 38 of the General Laws, as so appearing, is hereby
467 repealed.

468 SECTION 26. Said chapter 18C, as so appearing, is hereby further amended by adding
469 the following section:-

470 Section 16. The office shall, every three years, oversee the review of child welfare data
471 reporting and make recommendations for improvements to the report and profile required under
472 subsections (b) and (c) of section 26 of chapter 18B and any other legislatively mandated reports,
473 or the data measures, progress measures, and outcome measures pursuant to section 128 of
474 chapter 47 of the acts of 2017. Following the release of the department's annual report, the office
475 shall seek input from the public, advocates and diverse stakeholders from across the
476 commonwealth. The office shall consult with other individuals with relevant expertise, including

477 academics, researchers and service providers. Annually, the office shall post a report on its
478 recommendations, together with drafts of any legislation necessary to carry its recommendations
479 into effect and an aggregate response to the comments raised during the comment period on the
480 Office of the Child Advocate’s website.

481 SECTION 27. Chapter 71 of the General Laws, as so appearing, is hereby amended by
482 inserting at the end thereof the following section: -

483 Section 100. (a) As used in this section, the following terms shall, unless the context
484 requires otherwise, have the following meanings:-

485 “Department”, shall mean the department of elementary and secondary education.

486 “Foster child or youth”, shall mean a child under the care or custody of the department of
487 children and families or a young adult who has signed a voluntary placement agreement with the
488 department of children and families.

489 “Electronic backpack”, shall mean an electronic repository of a foster child or youth’s
490 educational records

491 (b) Notwithstanding any general or special law to the contrary, the commissioner of the
492 department, in consultation with the office of the child advocate and the commissioner of the
493 department of children and families, shall develop and implement an electronic backpack system
494 to improve coordination between school districts, the department of children and families, and
495 other organizations or partners supporting children in foster care.

496 (c) The department shall create an electronic backpack for each foster child or youth. The
497 department, in conjunction with the department of children and families, shall promulgate

498 regulations on the format and function of the electronic backpack system. Each electronic
499 backpack shall contain, but is not limited to, the educational records of the foster child or youth,
500 including the names and addresses of educational providers, the name and contact of the child's
501 DCF case worker, the foster child or youth's grade-level performance, transcript, the foster child
502 or youth's school attendance records, individual education plan if applicable, the name and
503 contact information of the individual or individuals who are designated as the child's educational
504 decision makers, the names of the legal guardian with signing rights to release the child from
505 school, visit notes from the school nurse, guidance counselor, or other administrators, detailed
506 notes on best interest determination meetings, if applicable, and any allergy information, if
507 applicable, and any other educational information that the department requires. The department
508 shall maintain the electronic backpack as part of the department's records for the foster child or
509 youth as long as the foster child or youth remains in foster care.

510 (d) The department shall make the electronic backpack available to: (i) Any person
511 authorized by law to make educational decisions for the foster child or youth; (ii) The
512 teacher/teachers, school and school district that the child or youth is enrolled in; (iii) The child or
513 youth's department of children and families social worker and placement provider (iv) The
514 foster parent, kinship, or other placement provider (iv) Any provider of medical care to the foster
515 child or youth if access to the foster child or youth's educational information is necessary for the
516 provision of medical care and is not prohibited by law.

517 (e) The department shall collaborate with the department of children and families to
518 develop policies and procedures to ensure that the needs of foster child or youths are met in
519 every school district.

520 Section 101. Notwithstanding any general or special law to the contrary, the
521 commissioner of the department of elementary and secondary education, in consultation with the
522 office of the child advocate and the commissioner of the department of children and families,
523 shall promulgate regulations pertaining to the access of school district portals and student
524 information systems for social workers, foster parents and other placement caregivers of foster
525 children and youth in the department of children and families care and custody.

526 SECTION 28. The department shall implement the electronic backpack program within
527 one year of the passage of this act.

528 SECTION 29. Subsection (f) of section 23 of chapter 119 of the General Laws, as
529 appearing in the 2020 Official Edition, is hereby amended by striking out the sixth sentence.

530 SECTION 30. Subsection (h) of said section 23 of said chapter 119, as so appearing, is
531 hereby further amended by striking out the second paragraph.

532 SECTION 31. Subsection (c) of section 26 of said chapter 119, as so appearing, is hereby
533 amended by inserting after the word “custody”, in line 90, the following words:- “, the child
534 advocate”.

535 SECTION 32. Section 29 of chapter 119 of the General Laws, as appearing in the 2020
536 Official Edition, is hereby amended by inserting after the second paragraph the following
537 paragraphs:

538 No later than the first business days after, or until the departments attorney portal with
539 automated notifications is finalized, any non-emergency change in a child’s or a young adult’s
540 placement or any non-emergency hospitalization, and no later than one business day after any

541 emergency change in a child’s or a young adult’s placement or any emergency hospitalization,
542 the department shall provide notice of the change in placement or hospitalization to the child’s or
543 the young adult’s attorney.

544 No later than the first business day thereafter, or until the departments attorney portal
545 with automated notifications is finalized, the department shall provide notice to a child’s attorney
546 if it receives a report under section 51A and the child is the subject of the report. No later than
547 the first business day thereafter, the department shall provide notice to a child’s attorney or a
548 young adult’s attorney if it receives a report under section 51A that raises substantial questions
549 regarding the suitability of the child’s or young adult’s current placement or any of the child’s or
550 young adult’s service providers.

551 No later than three business days thereafter, the department shall provide notice to a
552 child’s or young adult’s attorney whenever it becomes aware of: (1) the child or young adult
553 being arrested; (2) the child’s or young adult’s involvement in any proceeding under this chapter
554 or any criminal investigation or proceeding; (3) the child or young adult being suspended from
555 school; or (4) the child or young adult being the subject of any proceeding regarding his or her
556 suspension or expulsion from school.

557 SECTION 33. Section 39½ of said chapter 119, as so appearing, is hereby amended by
558 striking out the eighth paragraph.

559 SECTION 34. Section 51D of said chapter 119, as so appearing, is hereby amended by
560 striking out the eighth paragraph.

561 SECTION 35. Section 51E of said chapter 119, as so appearing, is hereby amended by
562 striking out, in line 2, the figure “51D” and inserting place thereof the following figure:- “51C”.

563 SECTION 36. Section 5E of chapter 210 of the General Laws, as appearing in the 2020
564 Official Edition is hereby repealed.

565 SECTION 37. Item 4800-0015 of section 2 of chapter 28 of the acts of 2023 is hereby
566 amended by striking out the words “provided further, that on December 1, 2022, and March 1,
567 2023, the department shall report to the house and senate committees on ways and means and the
568 joint committee on children, families and persons with disabilities on: (i) the fair hearing
569 requests filed in fiscal year 2023, using nonidentifying information which shall state, for each
570 hearing request: (a) the subject matter of the appeal; (b) the number of days between the hearing
571 request and the first day of the hearing; (c) the number of days between the first day of the
572 hearing and the hearing officer’s decision; (d) the number of days between the hearing officer’s
573 decision and the agency’s final decision; (e) the number of days of continuance granted at the
574 appellant’s request; (f) the number of days of continuance granted at the request of the
575 department of children and families or the hearing officer’s request, specifying which party made
576 the request; and (g) whether the department’s decision that was the subject of the appeal was
577 affirmed or reversed; and (ii) the fair hearing requests filed before fiscal year 2023, which have
578 been pending for more than 180 days, stating the number of those cases, how many of those
579 cases have been heard but not decided and how many have been decided by the hearing officer
580 but not yet issued as a final agency decision; provided further, that the department shall maintain
581 and make available to the public, during regular business hours, a record of its fair hearings, with
582 identifying information removed, including for each hearing request: the date of the request, the
583 date of the hearing decision, the decision rendered by the hearing officer and the final decision
584 rendered upon the commissioner’s review; provided further, that the department shall make
585 redacted copies of fair hearing decisions available within 30 days of a written request; provided

586 further, that the department shall not make available any information in violation of federal
587 privacy regulations; provided further, that not later than March 1, 2023, the department shall
588 submit a report to the house and senate committees on ways and means and joint committee on
589 children, families and persons with disabilities that shall include, but not be limited to, the: (1)
590 number of medical and psychiatric personnel and their level of training currently employed by or
591 under contract with the department; (2) number of foster care reviews conducted by the
592 department and the average length of time in which each review is completed; (3) the number of
593 social workers and supervisors who have earned a bachelor's or master's degree in social work;
594 (4) the total number of social workers and the total number of social workers holding licensure,
595 by level; (5) number of the department's contracts reviewed by the state auditor and the number
596 of corrective action plans issued; and (6) number of corrective action plans entered into by the
597 department; provided further, that on the first business day of each quarter, the department shall
598 file a report with the house and senate committees on ways and means and the joint committee
599 on children, families and persons with disabilities on the caseload of the department; provided
600 further, that the report shall include, but not be limited to: (A) the caseloads of residential
601 placements, congregate care, foster care, therapeutic foster care, adoption, guardianship, 51A
602 reports, substantiated 51A reports, the number of children who die in the care and custody of the
603 department, the number of children currently eligible for supportive child care, the number of
604 children presently receiving supportive child care and the number of medical and psychiatric
605 consultation requests made by the department's social workers; (B) the number of approved
606 foster care placements; (C) the number of children in psychiatric hospitals and community-based
607 acute treatment programs who remain hospitalized beyond their medically-necessary stay while
608 awaiting placement and the number of days each case remains in placement beyond that which is

609 medically necessary; (D) the number of children under the department of children and families'
610 care and custody who are being served in medical or psychiatric care provided through other
611 publicly-funded sources; (E) the number of children served by supervised visitation centers and
612 the number of those children who are reunified with their families; (F) the total number of
613 children served, their ages, the number of children served in each service plan, the number of
614 children in out-of-home placements and the number of placements each child has had before
615 receiving an out-of-home placement; (G) for each area office, the number of kinship
616 guardianship subsidies provided in the quarters covered by the report and the number of kinship
617 guardianship subsidies provided in that quarter for which federal reimbursement was received;
618 (H) for each area office, the total spending on services other than case management services
619 provided to families to keep a child with the child's parents or reunifying the child with the
620 child's parents, spending by the type of service including, but not limited to, the number of
621 children and a breakdown of spending for respite care, intensive in-home services, client
622 financial assistance and flexible funding, community-based after-school social and recreation
623 program services, family navigation services and parent aide services and the unduplicated
624 number of families that receive the services; (I) for each area office, the total number of families
625 residing in shelters paid for by the department, a list of where the families are sheltered, the total
626 cost and average cost per family at those shelters and a description of how the department
627 determines who qualifies or does not qualify for a shelter; (J) for each area office, the number of
628 requests for voluntary services, broken down by type of service requested, whether the request
629 was approved or denied, the number of families that were denied voluntary services and received
630 a 51A report, the reasons for denying the service and what, if any, referrals were made for
631 services by other agencies or entities; (K) the number of families receiving multiple 51A reports

632 within a 10-month period, the number of cases reopened within 6 months of being closed and the
633 number of children who return home and then reenter an out-of-home placement within 6
634 months; (L) the number of children and families served by the family resource centers by area;
635 and (M) the number of children within the care and custody of the department whose
636 whereabouts are unknown; provided further, that not later than January 31, 2023, the department
637 shall submit a report to the house and senate committees on ways and means and the joint
638 committee on children, families and persons with disabilities that details any changes to said
639 rules, regulations or guidelines established by the department in the previous fiscal year to carry
640 out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria
641 used to determine whether a child has been abused or neglected; (II) guidelines for removal of a
642 child from the home; and (III) standards to determine what reasonable efforts are being made to
643 keep a child in the home; provided further, that on a monthly basis, the department shall provide
644 the caseload forecasting office with data on children receiving services and other pertinent data
645 related to items 4800-0038 and 4800-0041 that is requested by the office; provided further, that
646 the report shall also contain the number of children and families served by the family resource
647 centers, by area, and an evaluation of the services provided and their effectiveness.”

648 SECTION 38. Section 36 shall take effect as of July 1st, 2023.

649 SECTION 39. The department shall complete the attorney portal referenced in Section 32
650 within 2 years of this act’s passage.