



Chair Gomez, Chair Finn, and Joint Committee members,

I submit this testimony in support of independent foster care review bills, S.88 & H.211. I am an advocate for DCF-involved children and families and have been a volunteer foster care reviewer since 2009 (I must state that anything I say regarding foster care review is as a private citizen and not as a representative of DCF or its views.).

I think it is important to indicate that my primary career was in the private sector, in health care, pharmaceutical clinical research and development and biotech, first as an RN and then I combined that with an MBA. I say this because it informs my thinking regarding the lack of external and independent oversight of the foster care system in the Commonwealth; a system that takes custody and therefore responsibility, for more than 15,000 children and young adults annually and is involved in the lives of more than 30,000. We should be ensuring that these children and young adults do not leave the system in worse shape than they entered.

I appreciate that many of you are new to this Committee and realize the significant responsibility that membership entails. I implore you to understand the cycle over many years-- of problems (often the death of a child), investigations, apologies, reports, policy recommendations and inadequate implementation--and the need to do something different, to step outside the box, and to realize small changes around the edges and well-intended policy statutes are not working.

Independent foster care review is not THE answer; however, it IS a critical component of a plan to address the issues and problems identified over many years, and more recently in the OCA Almond Investigation, the Committee hearing, and information regarding the lack of appropriate placements for children and young adults we are taking into the state's custody (of note: this current information regarding placements is coming from attorneys, the press and anonymous DCF workers, not via DCF transparency or OCA reporting or flag-raising).

There are key factors and information I hope you understand as you are considering these bills:

- Foster care review is required by the federal government and is a budget line item (4800-0025) budgeted at more than \$4.5M.
- Foster care review in most states is external to the child welfare organization. There are various structures with varying levels of independence, from a truly independent agency, to a component of the judicial system (citizen review panels or judicial hearings) or a department within an agency unrelated to the child welfare organization.
- This is the third time this bill has been filed.
- The OCA has been the only opposition (communicated publicly) and in 2017 proposed to the Joint Committee that the OCA work with DCF to "reform" the foster care review

process and that the Joint Committee allow the OCA the time required to implement the reforms. At that time the OCA also indicated she would be the first one to support independence if the reform efforts were unsuccessful. The OCA also indicated foster care review was an integral part of DCF's continuous quality improvement (CQI) program.

- The OCA/DCF foster care review “reforms” were very basic operational updates; for example, inviting all parties to the review, ensuring invitations are sent out in a timely fashion and moving the Foster Care Review Unit onto the DCF iFamilyNet system. All of these were needed; however, we should have expected this basic operational update to be the responsibility of DCF management and not require OCA intervention. The bottom line here is that it did not address the issues of independent and external oversight, transparency, and accountability.
- The OCA Almond Investigation reported six DCF foster care reviews; all failed to identify or address the litany of problems. The OCA report recommendations did not mention or address the foster care review process, which the OCA has been involved in “reforming” since 2017. We should all ask ourselves if there was an independent foster care review process with appropriate red flags being raised with all parties (legal, judicial, placement and service providers, medical, etc.), would the outcome have been different?
- In response to the bills filed this session the OCA has indicated foster care review should be “abolished” as a component of DCF's CQI program. She is also proposing to do “research” on other states and have OCA staff/consultant sit in on foster care reviews. It is unclear why the OCA continues to oppose independent foster care review and is now proposing new ways to stop it.

I pose these questions to the Committee:

- Do you believe that MA has appropriate and effective checks and balances on the child welfare system? You may be hearing behind closed doors that the system has enough oversight with the federal government, the Courts, the legal system and the OCA. I believe this response is inadequate and a smokescreen and must be examined thoroughly and not just taken at face value.
- You may also hear that there is no legal or accepted way to make an independent foster care review process have teeth and impact individual cases – that DCF holds the power and will do what it wants. I refuse to believe that this is an insurmountable challenge if we are serious about addressing it.
- These same voices, over years and cycles, repeat the same mantra, that we are doing as well or better than many other states. A Friends of Children [report](#) using 2019 federal data, begs to differ. There appears to be a very low bar both nationally and statewide;

this Committee has an opportunity to do something different. Why can't we raise that bar?

- We talk about the Almond case because it was horrific and public, and the system will try to tell you it is an outlier. How many other deaths, or near deaths, investigations not made public by the OCA, reveal these same issues of dysfunctional DCF operations? Additionally, how do you know what is going on below the surface to the children, young adults and families involved with the system? What unrepairable damage are we doing?
- What stands in the way now of making foster care review, already a required and budgeted process, a more effective check and balance? Why not attempt to maximize an investment we are already making? Tinkering around the edges has not worked for children and young adults.
- The OCA has had four years to "reform" foster care review; are you willing to give the OCA more time to block this effort with a new set of activities? Where is the OCA assessment conducted in 2017 and the formal report on OCA/DCF reform efforts? The question here is whether the Joint Committee believes Massachusetts needs a process external to DCF and is willing to utilize the \$4.5M for more than a box-checking activity.

In my first career I was often called on to assess and fix major problems with client relationships and operations; projects representing multi-million-dollar (in some cases 10s of millions) in revenue. I often find myself shocked and dismayed at the willingness in child welfare to live with the status quo and not expect better for some of the most vulnerable children and young adults in the Commonwealth. Yes, it is challenging and complex, however that is no excuse.

The checks and balances on a system that takes parental responsibility for over 15,000 traumatized children and young adults and is involved in the lives of more than 30,000 others each year, should be at least as well thought out as the systems used by businesses to protect their products and financial health.

Thank you for your consideration of my testimony regarding this matter of critical importance to some of the most vulnerable children, young adults, and families in the Commonwealth. I ask that you vote favorably on S.88 and H.211 to make the foster care review process independent of DCF and EOHHS.

S.88 and H.211 have been endorsed by:

Children's Law Center of Massachusetts
Children's League of Massachusetts
Citizens for Juvenile Justice
Committee for Public Counsel Services
Disability Law Center
Freitas and Freitas, LLP
GLBTQ Legal Advocates and Defenders
Harvard Law School Child Advocacy Program
Hopewell
Massachusetts Advocates for Children
Massachusetts Child Welfare Coalition
Massachusetts Commission for LGBTQ Youth
Massachusetts Law Reform Institute
Mental Health Legal Advisors Committee
More Than Words
Joseph D. Early, Jr., District Attorney for the Middle District
Andrea Harrington, Berkshire District Attorney
Carolyn Newberger, Ed.D.
Eli Newberger, M.D.
Rachael Rollins, Suffolk County District Attorney
David Sullivan, Northwestern District Attorney

Sincerely,

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