

**AN ACT ESTABLISHING
THE MASSACHUSETTS FOSTER CARE REVIEW OFFICE (S.88, H.211)**

**Sponsored by Senator Comerford and
Representatives Farley-Bouvier and Donato**

Why should the State create another agency; is that the only way to address the issue of independence from the Department of Children and Families (DCF)?

Foster care review is required by the federal government and is funded through the legislature (line item 4800-0025). Independence ensures the most effective utilization of the funds and maximization of the impact of a review process currently conducted by the agency being reviewed.

This legislation calls for an independent agency. It is expected that state leadership will consider all options for independence and choose the best fit for the Commonwealth.

The key point is to have the foster care review process be independent of DCF and the Executive Office of Health and Human Services (DCF is an agency within EOHHS) to ensure transparency, external oversight, and public accountability.

What about the work that the Child Advocate (OCA) is doing to improve DCF's foster care review? Shouldn't we wait for those results?

In 2017 the OCA 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. The OCA’s 2018 foster care review work plan with DCF addresses basic operational and technology issues that have plagued DCF for years. The OCA has indicated this plan was developed based on an evaluation of DCF’s foster care review unit; that evaluation has not been made public. Clearly, actions to improve the DCF operation are a positive step; however, success metrics and a timeline for evaluation were not made publicly available.

The only information available regarding this work is several paragraphs in DCF’s Foster Care Review Report FY20 Executive Summary, referring to the first full fiscal year following the “overhaul” of foster care review:

- The report refers to revisions to the foster care review policy to emphasize permanency planning, clarify roles of DCF social workers and parent/child attorneys, and establish a

process for stakeholders to transmit documents to DCF in advance of the review. These are very basic operational improvements, and it is quite shocking these standard practices were not already in place.

- The report also indicates changes to DCF's i-FamilyNet system to "establish metrics for measuring outcomes and adherence to new policy," It does not indicate what those metrics are.

-The report mentions moving foster care review from a paper-based to an automated system, access to interpreters, and video-conferencing availability. It does not indicate whether there are more reforms to come, if the work plan has been completely implemented, or how success is being measured.

The most important point here is that the DCF/OCA work plan does not address the critical concerns regarding independence, oversight, transparency, and accountability (see FCRO fact sheet). Most importantly, the "reforms" do not address outcomes for children and youth or challenges and issues facing the child welfare system.

What about the OCA's objection to remove foster care review from DCF?

The OCA has been the only opposition communicated publicly. It is unclear why the OCA continues to oppose independent foster care review.

The OCA's March 2021 Investigative Report into the death of David Almond (a young man who had been in DCF custody) indicated six foster care reviews conducted by DCF; all failed to identify or address the litany of problems leading up to the tragic death of this young man. The report did not identify these reviews as a concern, especially considering the OCA's involvement in "reforming" foster care review since 2017.

How much will this cost; what is the increase to the current foster care review budget?

FCR is currently funded as a budget line item (4800-0025) at >\$4.5M for FY2022. This legislation assumes that this budget follows the foster care review function. A detailed review of the actual costs of the existing foster care review unit is required to ensure the true costs are known and funds transferred. It is assumed that there will be additional costs related to capital cost for new technology, leasing of space/facilities and any additional management or staff required.

Why do we need external foster care review if we have the Joint Committee on Children, Families and Persons with Disabilities (JC) and the Office of The Child Advocate (OCA)?

Both the JC and the OCA have broad missions that include significant responsibilities regarding matters concerning child welfare and services to children and youth (<https://www.mass.gov/oca-mission-and-responsibilities>; <https://malegislature.gov/Committees/Detail/I13/About>). An independent foster care review function will focus on permanency plans for individual children and youth, and statistics, data, and information about the child welfare system that can be utilized by the JC and OCA as they fulfill their duties.

Do other states house foster care review external to their child welfare organization?

Yes, the majority of states house foster care review external to their child welfare department and have done so since its establishment. Aligning with other states, in 1999, Colorado, removed foster care review from its child welfare organization, just as we are asking Massachusetts to do. The key point about foster care review is that it be independent and objective.

For more information, please contact **June Ameen, Director of Policy, Friends of Children, 617-872-5988**, junedameen13@gmail.com.

Founded in Massachusetts in 1990, Friends of Children, Inc., is an independent 501 (c) 3 non-profit leader in child-welfare-related issues. We help vulnerable children and youth who have experienced foster care overcome adversity and thrive--with innovative direct-service programs and through state-level advocacy. We champion critical changes needed for at-risk children and youth--and for the systems entrusted with their well-being. We speak the **truth** to prompt meaningful **action**. When truth is identified and appropriate actions are taken, enduring **change** can occur.

Enduring change supports our vision: The vision of resilient and flourishing young people who have experienced the child-welfare system, woven into a fabric of meaningful connections and community life.

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