

**An Act Establishing
The Massachusetts Foster Care Review Office (S.88, H.211)
Sponsored by Senator Comerford and
Representatives Farley-Bouvier and Donato**

What Is Foster Care Review?

States receiving federal funds are required by the Federal Government to have a “foster care review system” to provide oversight and ensure that every child/youth/young adult (“child”) in the State’s custody has a permanency plan (plan for a safe, permanent home) that is reviewed at least every six months. This review focuses on the permanency plan, the safety and appropriateness of placement, and Department of Children and Families (DCF), parental and provider participation in the family Action Plan. The review also assesses observable changes the family has made to reduce or alleviate the danger or need for placement, and the extent of progress made towards achievement of the permanency plan.

Why Is Foster Care Review So Important?

The children of the state are our future and those in the Commonwealth’s care deserve a truly independent review process both at the individual child case level and at the policy and practice level. There were 15,584 unique children and youth in placement in FY20 (DCF Foster Care Review Report FY2020); foster care review is an opportunity for their voices to be heard by a neutral third-party.

An independent and robust foster care review process:

- Provides independent monitoring of: safety, progress toward permanency, and well-being of individual children and youth;
- Promotes progress and problem solving in individual cases as well as improvements to the child welfare system;
- Holds individuals, organizations, and systems accountable for achieving positive outcomes for children and youth in foster care;
- Serves as an early-warning system that a child may be at risk of harm or that a child’s plan is inadequate or not achieving desired outcomes; and
- Identifies and works to address systemic issues within the child-welfare system.

Why Does The System Need Oversight, Transparency and Accountability?

The Commonwealth must ensure that all children leave the child welfare system in a better situation than when they entered--never worse. We, citizens of the Commonwealth, are responsible to meet their current needs for safety, well-being, and permanency; we are also responsible for the impact of our intervention on their future. This significant responsibility requires consistent, accurate, objective, and timely data and information. It warrants a mechanism for external oversight of a system that has the power to remove a child from their family and then make demands on that family for the possibility of reunification. A system wielding this level of power over children, youth, and families must be held publicly accountable to understand and address the best interests of each child for whom it takes parental responsibility.

In Massachusetts, foster care review is an internal DCF department. Other states have various structures for foster care review; however, a critical difference is that **most are independent of the state's child welfare organization** (DCF equivalent). An independent foster care review process provides an external opportunity to objectively assess, report, and make recommendations to all relevant stakeholders regarding the best interests and well-being of DCF-involved children and families. It will positively impact individual cases as they are being reviewed and the aggregate data collected and analyzed by the Foster Care Review Office (FCRO) can be a main driver for any needed statutory and policy changes.

How Will This Legislation Help?

- Transfers the foster care review responsibility from DCF to an external and independent state body and mandates, to the FCRO, the authority required to ensure foster care review determinations and recommendations for a child are implemented and tracked;
- Establishes a FCRO Governing Board responsible to recommend an Executive Director to be appointed by a majority vote of the Governor, Attorney General, and Auditor, and to support and facilitate the work of the FCRO;
- Implements an external check and balance on the child-welfare system with oversight to monitor operations and outcomes; requires transparency via timely and informative reporting of statistics, treatment of children in care, and outcomes for children who have been in placement in the system; and requires public accountability;
- Establishes external review of every child's permanency plan to ensure that appropriate goals have been set for the child, realistic time limits have been set to achieve these goals, efforts are made by all parties to achieve the goals, appropriate services are being delivered to the child and family, and appropriate follow-up is conducted between the six-month reviews;

- Establishes a FCRO Interdisciplinary Council, chaired by the FRCO Executive Director, to address and resolve issues impacting progress toward permanency for a child and services focused on the best interest of the child, brought to the Council's attention by the FCRO Executive Director; and
- Mandates, at a minimum, annual reports to the Legislature, Governor, Secretary Executive Office of Health and Human Services, DCF Commissioner, Office of the Child Advocate, Chief Justices of the Juvenile and the Probate and Family Courts and the Public. The report will include, but is not limited to, the activities of the FCRO and statistics and analysis of aggregate data from the foster care reviews regarding system strengths, issues, problems, and policy concerns, which have come to the attention of the FCRO from analysis of the aggregate data. The FCRO Executive Director makes recommendations to address the issues, concerns and problems identified.

Endorsements of “An Act Establishing The Massachusetts Foster Care Review Office” (S.88, H.211)

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

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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.

To learn more about Friends of Children, visit www.friendsofchildreninc.org.