

AN ACT ESTABLISHING THE MASSACHUSETTS FOSTER CARE REVIEW OFFICE (S.66, H.158)

Lead Sponsors: Senator Comerford and Representative Farley-Bouvier

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 a federally mandated check and balance on DCF that is funded through the state legislature. Independence would ensure the most effective utilization of the funds (\$4.9 million, [MA FY2023 budget](#)).

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

Independence from DCF and the Executive Office of Health and Human Services is non-negotiable to ensure external oversight, public accountability, and transparency.

What about the work that the Child Advocate (OCA) has talked about doing with DCF's Foster Care Review Unit?

In 2018, in response to the first filing of the Foster Care Review Office (FCRO) bill, the OCA was involved in DCF operations to implement foster care review “reforms”. Yet the assessment, plan, success measures, or results have not been made public.

In 2022, the OCA hired a consultant to conduct national research on foster care review and observe DCF foster care reviews. In June 2022, the OCA submitted a [letter](#) to the co-chairs of the Joint Committee on Children, Families, and Persons with Disabilities reviewing OCA involvement in DCF foster care review beginning in 2018. The [Consultant's memo](#) highlighted several key issues not addressed in the letter to the legislature. For example, the memo states “In approximately 50% of the reviews, it was not evident that the length of time that a child has been in care and the effect of that time was having on the child were being discussed during the discussion about permanency/goals for a child.”

In both documents, it is unclear how effectiveness of foster care review is defined or measured.

In 2020 ([David Almond](#)), and 2022 ([Harmony Montgomery](#)), the OCA released investigative reports of the death of these two DCF-involved children. In the Almond report, six ineffective foster care reviews were identified but not examined. In the Montgomery report, five foster care reviews were identified with no information about the outcome.

Neither report offered an assessment or recommendations regarding foster care review.

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

The OCA has continuously challenged independent foster care review without clear and publicly explained opposition. Over the past six years (three legislative sessions), the OCA has been the only public opposition.

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 \$4.9M for FY2023. This legislation assumes that this budget follows the foster care review function to its new home. A detailed review of the actual costs of the existing foster care review unit is required to ensure the true costs are known and all funds transferred. It is assumed that there will be an increase in funding related to the capital cost for new technology, leasing of space/facilities and 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, young adults, and families (<https://www.mass.gov/oca-mission-and-responsibilities>; <https://malegislature.gov/Committees/Detail/J13/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 primary goals for foster care review are that it be independent and objective.

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For co-sponsorship, please contact one of the **lead sponsors, Senator Comerford** (jo.comerford@masenate.gov) or **Representative Farley-Bouvier** (tricia.farley-bouvier@mahouse.gov).

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