

An Act Establishing The Massachusetts Foster Care Review Office (S.66, H.158)

Lead Sponsors: Senator Comerford and Representative Farley-Bouvier

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 (tasks required by DCF to meet the permanency goals).

Why Is Foster Care Review So Important?

The Commonwealth must ensure that all children leave the child welfare system in a better situation than when they entered—never worse.

DCF performance metrics indicate we are not doing that ([Failing Our Kids](#)).

In Massachusetts, foster care review is an internal DCF department and process. 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).

The children of Massachusetts 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 13,045 unique children and youth in placement in FY22 ([DCF Annual Report FY2022](#)); 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:

- 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 needs 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 and families must be held publicly accountable to understand and address the safety and well-being of each child for whom it takes parental responsibility. The existing oversight structure is not getting the job done ([*Ten Myths about Child Welfare Oversight in Massachusetts*](#)).

An independent foster care review process provides an external opportunity to objectively assess, report, and make recommendations to all relevant stakeholders regarding the 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 driver for any needed statutory and policy changes.

How Will This Legislation Help?

- Implements an external check and balance on the child-welfare system;
- 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, with broad representation, 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;
- 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 support and follow-up is conducted between the six-month reviews;

- Establishes a FCRO Interdisciplinary Council, comprised of Administration Commissioners/Department Heads to address and resolve issues impacting progress toward permanency for a child and services focused on the safety and well-being of the child; 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 including recommendations to address the issues, concerns, and problems identified.

ENDORSEMENTS

[Children's League of Massachusetts
Committee for Public Counsel Services
Disability Law Center](#)

[Harvard Law School's Youth Advocacy & Policy Lab](#) (*formerly* Child Advocacy Program)

[Massachusetts Advocates for Children
Mental Health Legal Advisors Committee
David Sullivan, Northwestern District Attorney](#)

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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).