



## AN ACT ESTABLISHING THE MASSACHUSETTS FOSTER CARE REVIEW OFFICE (S61/H87)

*Filed by Senator Lovely, Representative Farley-Bouvier, and Representative Vega*

*For the past three years, The Children's Union has been researching, drafting, and advocating for legislation to remove the oversight of foster care cases from Massachusetts' Department of Children and Families, and to create an independent foster care case review office to ensure the wellbeing of children in state care. In late spring 2017, The Children's Union was joined by respected child welfare experts and organizations from across the Commonwealth to testify before the Joint Committee on Children and Families in support of this Act.*

### **What is Foster Care Review?**

States receiving federal funds are required to have a "foster care review system" to provide oversight and ensure each child, youth and young adult's permanency plan is reviewed at least once every six months. The review focuses on the permanency plan, the safety and appropriateness of placement, and parental and provider compliance with the plan. Other states have various structures for foster care review, however, the most effective ones are independent of and external to the state's child welfare agency.

### **Why is This Legislation Needed?**

In Massachusetts, Foster Care Review is housed internally in the Department of Children and Families (DCF). This structure creates challenges and potential conflicts of interest to ensuring a robust, independent review with transparency, accountability, and oversight, and granting the real authority to enforce recommendations. A truly independent review process addresses these challenges at both the individual case and systems levels.

### **What Does This Legislation Do?**

- Removes the responsibility for Foster Care Review from DCF and transfers it to an external and independent body (Foster Care Review Office, FCRO) and mandates the authority required to ensure determinations and recommendations of the FCRO are implemented and see appropriate follow-up.
- Establishes an FCRO governing board, appointed by a majority vote of the Governor, Attorney General, and Auditor. The governing board will hire and fire the FCRO Executive Director, and support the FCRO's work.
- Establishes an FCRO Interdisciplinary Council to address and resolve case-specific and systemic issues impacting progress toward permanency and access to services that serve the best interest of the child in foster care placement; these issues would be identified and brought to the Council's attention by the FCRO Executive Director at monthly meetings.
- Mandates annual (at a minimum) reports to the legislature, Governor, EOHHS Secretary, DCF, Office of the Child Advocate, Chief Justices of the Juvenile, Probate and Family Courts, and the Public. The report will include—but will not be limited to—the activities of the FCRO, statistics and analysis of aggregate data from foster care reviews, strengths, issues, and policy concerns. The Executive Director will make recommendations to address issues, concerns, and implications.

### **Legislative Petitioners**

House: Trish Farley-Bouvier, Aaron Vega, Solomon Goldstein-Rose, Jose Tosado, Marjorie C. Decker, Kay Khan, Kenneth I. Gordon, Michelle M. DuBois, Paul Herous, Colleen M. Garry, Kevin G. Honan, David M. Rogers, Denise Provost

Senate: Joan B. Lovely, Kay Khan, Mary S. Keefe

This legislation has been endorsed by Children's League of Massachusetts, Massachusetts Law Reform Institute, and Strengthening Families Coalition.