



FOSTER CARE REVIEW

*A state's opportunity to safeguard children in its care and protection
and to provide an overview of the children welfare system*

Issue

Each year in Massachusetts, nearly 10,000 children are in placements outside their homes and in state custody due to issues of abuse or neglect. Between 2014 and 2016, myriad assessments and reports pointed to an operational crisis in the Commonwealth's Department of Children and Families (DCF). Though it has been several years since a string of publically shared tragedies placed child welfare reform at center stage, challenges remain throughout the system. The Children's Union believes a lack of accountability, transparency, and oversight of DCF is a key issue in the system. A January 2015 review of DCF by the House Committee on Post Audit and Oversight and House members of the Joint Committee on Children, Families and Persons with Disabilities concluded that DCF was an agency "in crisis that could not ensure the safety and welfare of the children in its care."

In September 2015, Governor Baker announced system-wide reforms to strengthen child protective efforts. In February 2016, Governor Baker announced that a significant number of the DCF reforms had been completed. These reforms are certainly indicators of positive steps. Yet, there are no publicly available metrics or details regarding the impact of these reforms, or indicators that DCF's performance is actively measured. Implementing new policies, procedures, and tools is not an end unto itself; reform does not automatically equal changes in outcomes.

These reforms did not address the challenges of accountability, external oversight, and transparency of the child welfare system. These principles must be prioritized to safeguard against future tragedies and to address the documented dysfunction of the current system.

Foster Care Review (FCR) is one process that can and should be used to address these concerns at the individual case and systems levels. States receiving federal funds are required to have a case review system to provide oversight and ensure each child's service plan is reviewed at least every six months. The review focuses on a child's permanency plan, the safety and appropriateness of a child's placement, and compliance of parents and involved state agencies with service plans.

In its current form, the Massachusetts FCR Unit, which coordinates and manages review panels, is housed internally within DCF. This creates conflicts of interest and other challenges to fulfilling a commitment to a robust and independent review process. Currently, FCR lacks impartiality, transparency, accountability, and real authority to make change on the case and system levels. If DCF does not comply with a service plan or fails to act in a child's best interest, FCR can identify this issue and make recommendations, but there is no enforcement process in place to ensure proper changes are made. This makes the FCR process largely ineffective and too often leaves children at risk. Most other states fulfill their FCR obligation through an agency or organization independent of the state's child welfare agency.

FCR reports are often not available in a timely manner. It can take months to move through the internal review and sign-off processes, which significantly delays the release of critical reports. Important information and recommendations included in the report may pass months without being shared with all decision-makers on a case.

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Though the Director of the DCF FCR Unit is required by legislation to provide an annual report on the Unit's performance, there is no annual report publicly available. Aggregate information collected from reviews could provide long-range data on systemic strengths and weaknesses, including those that may cause imminent or predictable danger, but this information is hidden by the Unit's noncompliance with this requirement.

Without independent Foster Care Review, the best interests of children in the state's care are not served, and are too often left at risk.

Solution

The Children's Union of Friends of Children recommends improving oversight, transparency and accountability in the child welfare system by removing Foster Care Review from DCF.

- Transfer the responsibility and functions of the FCR Unit from DCF to an independent and external body. Mandate the authority required so that panel determinations and recommendations are implemented and have appropriate follow-up.
- Require the new FCR Unit to review and update its mission, operations, policies, and procedures with a focus on the best interests of children in the care and custody of DCF.
- Require periodic and annual reports on FCR aggregate data, including recommendations to address issues, strengths, and challenges identified at the local and systemic levels. This information should be routinely provided to the legislature, the Governor, the DCF Commissioner, and the Office of the Child Advocate.

The state agency that serves vulnerable children in Massachusetts should have a multi-faceted system of checks and balances so it can function in the best interest of children, families and the public.