

June 15, 2023

The Honorable Robyn K. Kennedy
Senate Chair, Joint Committee on Children,
Families, and Persons with Disabilities

The Honorable Jay D. Livingstone
House Chair, Joint Committee on Children,
Families, and Persons with Disabilities

Dear Chair Kennedy, Chair Livingstone, Vice Chairs, and Committee members,

The Children's League of Massachusetts (CLM) is a statewide non-profit association of 58 members, providers and advocates of children and family services across the Commonwealth, promoting the availability, accessibility, and quality of these needed services. Our members' expertise and leadership help hundreds of children and families receive supportive services in areas such as family preservation, comprehensive foster care, adoption, family resource centers, and transition age youth aging out of foster care.

We are writing to testify **in support of "an act to eliminate disproportionality and inequities for at-risk children"** (S.120/H.153). This legislation will require child-serving agencies to not only collect and report data that illuminates disproportionate representation of youth from racial, ethnic, and other identity categories, but also requires corrective action to target and dismantle the persistent racial and intersectional gaps in our systems for youth.

Disproportionality in child welfare occurs when a proportion of children belonging to a specific demographic category are either overrepresented or underrepresented, compared to the proportion of that group's representation in the state's overall child population. Inequity in child welfare occurs when children belonging to specific demographic categories unjustly experience maltreatment and/or a lack of status, resources or opportunities due to systemic barriers. Demographics that are indicators of disproportionality and inequity include race, ethnicity, gender identity, sexual orientation, and disability status.

Decades of research has proven that disparities occur at every decision-making point in the child welfare process from protective intakes, out-of-home placement, and aging out of care.¹ As illustrated by the FY2022 Department of Children and Families (DCF) Annual Report, children of color are reported to DCF at twice the rates of white children and more than twice as likely to have open

¹ [Child Welfare Practice to Address Racial Disproportionality and Disparity](#), Children's Bureau

DCF cases and experience out-of-home placements.² Children of color are also more likely to remain in or return to care, as well as exit foster care due to aging out, than white youth. Department of Youth Services FY2022 data shows similar disparities in which youth of color represent 83% of the detained population and 84% of the committed population, while making up only 36.2% of the general child population in Massachusetts.^{3,4}

LGBTQIA+ youth are another important category of youth vulnerable to abuse, neglect, and exploitation, who are consistently over-represented in DCF and other child-serving agencies. Nationally, 23% of LGBTQ youth and 20% of transgender and non-conforming youth in juvenile detention had previous placements in a foster care or congregate care home, compared to 3% of heterosexual youth and 4% of gender conforming youth.⁵ It's also alarming that LGBTQ youth who reported having been in foster care were three times as likely to have attempted suicide in the previous year when compared to their non-LGBTQ youth peers. Here in Massachusetts, DCF has only started to collect data on sexual orientation, gender identity, and expression, while approximately 400 youth (5%) aged 3-17 identified as LGBTQ, but 1,059 were marked as 'not listed' or 'other'.⁶

Within their Annual Reports, DCF currently groups together students with four "High Needs" factors: low-income or economically disadvantaged, an English learner, a former English learner, or a student with a disability. More nuanced reporting is required to help ensure the appropriate support, resources, and attention are given to these vulnerable categories of children, so that the system can better tend to their needs. This, in turn, will positively affect the operation of entire school systems, as well as student bodies, teachers, and administrators.

We can confirm that despite some tracking beginning to occur, state agencies are missing opportunities to better collect information and address these serious disparities. There is a lack of consistency and cohesion of data reporting across child-serving agencies, and there are agencies (such as the Department of Mental Health⁷ and Department of Transitional Aid⁸) that do not report on disproportionate representation in their annual reports. This makes it impossible to collect, compare, and analyze data across systems to understand where disparities are most prevalent and

² [Annual Report FY2022](#), Massachusetts Department of Children and Families

³ [Fiscal Year 2022 Annual Report](#), Massachusetts Department of Youth Services

⁴ [Annual Report FY2022](#), Massachusetts Department of Children and Families

⁵ [LGBTQ Youth in the Massachusetts Child Welfare System](#), Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth

⁶ Ibid.

⁷ [DMH Annual Reports](#), Mass.gov Website

⁸ [Department of Transitional Assistance Facts and Figures](#), Mass.gov website

target solutions to children and families most in need and with the most difficult pathways to healing and supportive services. Only with more information can we understand these circumstances and take effective and efficient corrective action.

An act to eliminate disproportionality and inequities for at-risk children improves outcomes for children and the child welfare system through two phases:

1. Data Collection/Reporting - compiling comparable, critical data from child-serving state agencies on the disproportionate treatment of children and families based on race, ethnicity, sexual orientation, gender identity, and disability status, and
2. Correction Action Planning/Implementation - ensuring corrective action plans are created and implemented.

This bill assigns the Office of the Child Advocate (OCA) to coordinate this reporting and corrective action planning. The OCA is well positioned to support and hold accountable child-serving agencies as they gather data, and to develop and implement corrective action plans. The OCA can also bring together stakeholders and experts who work with children and families to support these efforts. With a high-level view of effective policies and practices to support children nationally, and ultimately within our state, the OCA's role is vital to our use of data to address inequities across child-serving organizations as effectively as possible.

This legislation complements and builds upon progress already proposed or underway in Massachusetts, including:

- The Department of Children and Families Annual report now includes data illustrating racial disproportionality for 15 performance and outcome metrics.⁹
- The Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer & Questioning Youth FY24 Annual Recommendations notes the disproportionate numbers of LGBTQ+ children and youth in the child-welfare system nationwide and that DCF's initial sexual orientation, gender identity, and expression data reporting showed approximately 400 youth (5%) aged 3-17 identified as LGBTQ, but 1,059 were marked as 'not listed' or 'other'¹⁰

⁹ [Annual Report FY2022](#), Massachusetts Department of Children and Families

¹⁰ [LGBTQ Youth in the Massachusetts Child Welfare System](#), Massachusetts Commission on Lesbian, Gay, Bisexual, Transgender, Queer, and Questioning Youth



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- The Department of Public Health (DPH) Population Health Information Tool and Department of Economic Research Equity Dashboards provide introductory examples of the state’s use of racial and other data to explore outcomes related to well-being.
- The Executive Office of Health and Human Services (EOHHS) Virtual Gateway consolidates information and online services for public access, and also offers providers, organizations, and government agencies better management and reporting tools While this tool has improved capacity to match records across agencies for service delivery and research purposes, the data coming from the various agencies that specifically work with children is not universally available or comparable.
- The proposed Children’s Cabinet bill ([S.79](#) / [H.189](#)) promotes interdepartmental collaboration (with numerous government agencies) and program implementation; it includes an advisory committee and will need adequate data to effectively analyze and improve outcomes.

Child welfare, safety, and well-being is a complex issue that crosses multiple public service sectors, with many opportunities for disproportionate treatment of families based on race, ethnicity, gender, gender identity, disability status, and economic status. Without complete and comparable information, we cannot implement corrective action and proactive solutions. We urge the Legislature to work diligently on the passage of this bill, without delay.

Sincerely,

Rachel Gwaltney
Executive Director
Children’s League of Massachusetts

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