

October 2, 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 almost 60 private and public organizations that collectively advocate for the availability, accessibility, and quality of services that are in the best interest of the Commonwealth's children, youth, and families. We are writing today **in support of "an Act Enhancing Child Welfare Protections (Child Welfare Omnibus)"** (S.124/H.165) with some specific recommendations to improve and strengthen this bill.

Education manager and coordinator roles

First, in SECTION 4 of the bill, we support the increased staffing and reporting to improve education outcomes for youth in care and custody of the state. We believe that DCF's updated Education policy speaks comprehensively to the priorities and challenges of promoting educational success among this population, and that deep focus on addressing this issue at the local level is critical to improving the frankly dismal education outcomes for youth in our child welfare system. For children living in traumatic situations, school is often the one place where resources and adult support are readily accessible to a child. We also must ensure schools are fully leveraging federal resources that are targeted for foster youth. This dedicated focus on education at the Area Office level is an important step to ensure the well-being of children who are removed from their home.

Reporting

In SECTION 9 of the bill, we support the comprehensive nature of reporting and especially the continued focus on disproportionality and intersectionality in our child welfare data. We believe that this reflects the progress DCF has made in examining outcomes in relation to demographics, in order to drive continuous quality improvement as well as broaden our understanding of trends and themes around racial inequity and to illuminate racial injustice within our systems.

Including in the quarterly report the challenges to finding placement is important information for providers who work with DCF to house children in state care. However, the data point of "the number of consumers who have slept in the department's area offices overnight" is only a narrow view of the

instability of initial placements upon removal; a better measure would be to include the number of placement moves and the number of days from initial removal to landing in an “official” placement. We suspect these night-to-night moves in the first few days are not recorded as placement moves but are incredibly destabilizing and traumatic to youth. We agree these data need to be known and understood.

Transition-Age Youth

Also in SECTION 9 of the bill, the proposed language for the new Chapter 18B Section 27 highlights a critical need for data on youth over the age of 18 who are exiting state care without permanency, or “transition-age youth” (TAY). We feel strongly that greater targeted focus on TAY is needed to ensure the state is meeting the needs of this population. However, this report as currently described only requires counts and demographics. This section misses a valuable opportunity to evaluate the success of implementing required transition planning for these youth, and understand where we as a Commonwealth are failing to deliver on required TAY supports, services, and outcomes, including education, employment, stable housing, and access to health care. We recommend using existing required TAY transition plans as a more comprehensive framework for this report, so that the data fully reflect the state’s responsibility to these youth.

Advisory Council

We are concerned by SECTION 10 and SECTION 19 of the bill eliminates the broader Child Advocate Advisory Council and replaces it with much less comprehensive planning process by the child advocate and government leaders. This results in fewer opportunities for cross-agency collaboration, which is essential to ensuring families have access to any and all services needed to keep children safe and well. Additionally, SECTION 23 of the bill references the child advocate’s ability to “examine systemwide responses to child abuse and neglect” but removes the advisory council that could specifically inform top areas of need that should be examined. Although the new language does mention cross-agency collaboration, the bill eliminates a primary mechanism for ensuring this is addressed with some fidelity and we recommend this language be revisited to not only regularly include input from other agencies but from a broader range of external stakeholders and child welfare practitioners across Massachusetts.

Mandated Reporters

In SECTION 15 of the bill, we support the effort to make information for mandated reporters more transparent, comprehensive, and accessible, and we understand this work of implementing new training has already been launched by the OCA. However, DCF data shows that “*mandated reporters and the public are more likely to report children of color to child welfare agencies*” (FY2021 DCF annual report, p. iv). Knowing that “disproportionality arrives at the front door,” the Commonwealth should revisit the work of the Mandated Reporter Commission and acknowledge the clear impact of


mandated reporting on racial injustice in child welfare before codifying the mandated reporter program more deeply as envisioned by this section. The website and training could, for example, take a “mandated supporter” approach and lead with actively prompting reporters toward other resources referrals for families, making filing a 51A the option of last resort. The Legislature should also require the Office of the Child Advocate to report data on the use of this website and its resources, and the impact on 51A filings.

Bill of Rights for Children in Foster Care

The Bill of Rights for Children in Foster Care’s contains important safeguards for children in the child welfare system with broad support from individuals with lived experience, state officials, legislators, and experts in the field. The sad reality is that many of these “rights” are already embedded into DCF policy but are not carried out with fidelity. Key components of the Bill of Rights include as follows: enhanced emphasis on maintaining connections to their family, community, and identity, including with families prioritized as first placement potentials, duration/frequency of visits, positive contacts/languages maintained, health care accessibility, right to school of origin/education supports, right to age appropriate activities, right to achieve age-related milestones, informed of support/services available, access to case worker/attorney and certain documents at particular times, participation in planning, notice, records, and complaints. To further promote stability in foster care, there is also an increased emphasis on sibling connections, such as to first consider placements with siblings, to place children in close proximity to their siblings if unable to be placed in the same setting, and to facilitate frequent and meaningful contact regardless of geographic barriers. This element could even be strengthened by ensuring it hits all aspects of the Minimizing Trauma to Court Involved Children bill (S.71/H.204) also promoting and preserving placements with relatives, sibling connections, and cultural, racial, ethnic, religion, and linguistic identities.

CLM is glad to support this bill as a vehicle for continued progress in our child welfare system, and we hope these recommendations will improve outcomes for the youngest citizens of the Commonwealth. We urge you to vote this bill out of Committee favorably and work for its passage without delay.

Sincerely,



Rachel Gwaltney
Executive Director
Children’s League of Massachusetts



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