



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CHILD ADVOCATE

ONE ASHBURTON PLACE, 11TH FLOOR • BOSTON, MA 02108
MAIN: (617) 979-8374 • WWW.MASS.GOV/CHILDAADVOCATE

MARISOL GARCIA
CHILD ADVOCATE

August 21, 2026

John Williams
Justice is Exposure™ Media, LLC
admin@exposureisjustice.org

Jessica Campbell
Justice is Exposure™ Media, LLC
jessica@exposureisjustice.org

VIA EMAIL

RE: FORMAL GOVERNMENTAL REQUEST FOR TRANSPARENCY AND LEGISLATIVE HISTORY

Dear Mr. Williams,

I am in receipt of your email sent to this office via email on August 10, 2026, a portion of which reads:

“REQUEST FOR DOCUMENTATION

. . . Justice Is Exposure Media respectfully requests identification of publicly releasable records concerning the development of the current legislation, including, where applicable: legislative drafts and legislative history; agency recommendations; reports and studies relied upon; task-force or working-group findings; stakeholder recommendations; implementation proposals; relevant audits or systemic reviews; publicly releasable communications concerning policy development; timelines concerning proposed reforms; implementation benchmarks and accountability measures; and records identifying when individual reforms presently contained within the legislation were first proposed or considered.

Where responsive materials must instead be obtained through a formal Massachusetts Public Records Law request, please identify the appropriate agency, office, or records access officer responsible for those records so that Justice Is Exposure Media may direct its requests accordingly.

. . .

All responses and further correspondence concerning this matter must include the organization's Chief Information Officer, Dr. Jessica Lynn Campbell, who is copied on this correspondence."

The Office of the Child Advocate (OCA) interprets your email as a request for any records relating to an *Act enhancing child welfare protections*, which was signed into law on August 7, 2026 (<https://www.mass.gov/news/governor-healey-signs-landmark-child-welfare-reform-legislation, 2026>). Please feel free to contact our office if this understanding of your request is incorrect.

Please consider this letter the OCA's response to your public records request under Massachusetts Public Records Law M.G.L. c. 66.

The OCA has records that are responsive to your request which we have either posted publicly or that we have identified as public documents suitable for release. Six collections of records are available on the OCA's website and twelve individual records that have been transmitted to elected officials in Massachusetts. Your request is approved with respect to those six collections of records and twelve individual records, specifically:

1. **OCA Newsletters and Press Releases** – several of which (2019-present) reference this legislation at various stages of development – are available on the OCA's website: <https://www.mass.gov/orgs/office-of-the-child-advocate/news?page=0>
2. **OCA Annual Reports (2019-present)** reference this legislation at various stages of development and are available on the OCA's website: <https://www.mass.gov/lists/oca-annual-reports>
3. **OCA Special Project Reports from 2017 to the present**, in particular the Juvenile Justice Policy and Data Board reports and data briefs, the Mandated Reporter Commission and Training Program reports, the Massachusetts Youth Diversion Program reports, and the Family Resource Center Network report, informed the OCA's positions on the legislation under various stages of development and are available on the OCA's website: <https://www.mass.gov/lists/oca-special-projects>
4. **OCA Investigation Reports from 2021 to the present** informed the OCA's positions on the legislation under various stages of development and are available on the OCA's website: <https://www.mass.gov/lists/oca-investigations>
5. Work conducted by **OCA-led Commissions**, in particular the Juvenile Justice Policy and Data Board, the Mandated Reporter Commission, and the Childhood Trauma Task Force, informed the OCA's positions on the legislation under various stages of development and are available on the OCA's website: <https://www.mass.gov/oca-led-commissions-programs-and-initiatives>
6. Work conducted as part of **OCA Programs and Initiatives**, in particular the Center on Child Wellbeing at Trauma, the Massachusetts Youth Diversion Program, and the

Mandated Reporter Training program, informed the OCA's positions on the legislation under various stages of development and are available on the OCA's website:
<https://www.mass.gov/oca-led-commissions-programs-and-initiatives>

7. "CRA - Omnibus Factsheet by OCA - as sent to members of House" transmitted to you via email with this letter.
8. "Child Welfare Omnibus OCA Conference Letter Final 7.8.26" transmitted to you via email with this letter.
9. "OCA Recommendations – Child Welfare Omnibus Conference Report Final 7.8.26" cross-referenced in "Child Welfare Omnibus OCA Conference Letter Final 7.8.26" transmitted to you via email with this letter.
10. "HB4416 An Act Enhancing Child Welfare Protections Letter of Support to HWM 9.17.2025" transmitted to you via email with this letter.
11. "H234 Child Fatality Review Letter of Support FINAL 9.17.2025" transmitted to you via email with this letter.
12. "HB265-SB141 CRA Written Testimony 2025 FINAL" transmitted to you via email with this letter.
13. "An Act Enhancing Child Welfare Protections - OCA Written Testimony - FINAL 5.21.2025" transmitted to you via email with this letter.
14. "Child Fatality Review - OCA Written Testimony - May 21 2025" transmitted to you via email with this letter.
15. "H235 - S107 Bill of Rights for children in foster care - OCA Written testimony FINAL" transmitted to you via email with this letter.
16. "FINAL H.1695 S.1051 Diversion Written Testimony 6.10.2025" transmitted to you via email with this letter.
17. "FINAL HB1689-SB1123 An Act Clarifying the Child Advocates authority to access juvenile records Written Testimony 6.10.2025" transmitted to you via email with this letter.
18. "HB236-SB129 An Act Relative to Training of Mandated Reporters - OCA Written Testimony FINAL" transmitted to you via email with this letter.

The OCA also has responsive records that have not been released publicly. Those records are exempted from release in their entirety under the public records law. All records "created and received" by the OCA relating to the purpose and duties of the OCA are exempted from

disclosure under the public records law.¹ M.G.L. c. 4 §7 clause twenty-sixth, defining “public records” subclause (r), lists “information and records acquired under chapter 18C by the office of the child advocate” as records which are exempt from disclosure.² Therefore, your request insofar as it seeks records not already publicly released, is respectfully denied.

Several executive branch bodies may may have records that are related to your request:

- The Massachusetts Department of Children and Families
 - <https://www.mass.gov/departments-of-children-families-record-requests>
- The Massachusetts Department of Elementary and Secondary Education
 - <https://www.mass.gov/departments-of-elementary-and-secondary-education-prr>
- The Massachusetts Department of Public Health
 - <https://www.mass.gov/forms/request-public-records-from-the-department-of-public-health>
 -
- The Massachusetts Department of Youth Services
 - <https://www.mass.gov/departments-of-youth-services-public-records-request>
- The Massachusetts Office of the Chief Medical Examiner
 - <https://www.mass.gov/public-records-for-the-office-of-the-chief-medical-examiner>
- The Massachusetts Executive Office of Education
 - <https://www.mass.gov/how-to/request-public-records-from-the-executive-office-of-education-eoe>
- The Massachusetts Executive Office of Health and Human Services (EOHHS)
 - <https://www.mass.gov/eohhs-including-masshealth-public-records>

In addition, the Massachusetts House of Representatives (<https://malegislature.gov/Legislators/House>), Senate (<https://malegislature.gov/Legislators/Senate>), and Juvenile Court (<https://www.mass.gov/orgs/juvenile-court>) may have records related to your request.

Under the public records law, the OCA is providing you with six collections of responsive documents that are available on the OCA’s website and twelve individual records that have been transmitted to elected officials in Massachusetts but are not available on the OCA’s website. The OCA respectfully denies your request for additional responsive records on the basis of the exemption noted above. You have the right to appeal this decision to the Supervisor of Public

¹ *A Guide to the Massachusetts Public Records Law*: “The records created and received by the Office of the Child Advocate pursuant to Chapter 18C may be withheld under this exemption” page 30. Available at: [MassSec_PublicRecordsGuide_Feb22.pdf \(mma.org\)](#).

² See also, M.G.L. c. 18C §12(b)): “Any and all information and records acquired by the child advocate in the exercise of the office’s purpose and duties under this chapter shall be confidential and exempt from disclosure under chapter 66 and clause Twenty-sixth of section 7 of chapter 4.”

Records under 950 CMR 32.08(1) within 90 calendar days of the date of this letter. You also have the right to seek judicial review of this decision by commencing a civil action in Superior Court.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. D. Goldman', with a stylized flourish at the end.

Cristine M. D. Goldman
Records Access Officer
General Counsel



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May 21, 2025

The Honorable Jay Livingstone
24 Beacon Street, Room 146
Boston, MA 02133

The Honorable Robyn Kennedy
24 Beacon Street, Room 312-D
Boston, MA 02133

Dear Chairs Senator Kennedy and Livingstone, and members of the committee:

Thank you for the opportunity to submit written testimony in strong support of **H262/S148, *An Act Enhancing Child Welfare Protections***. I am grateful for the committee's continued commitment to improving outcomes for children and families in the Commonwealth.

The heartbreaking deaths of David Almond and Harmony Montgomery, both of which were investigated by the OCA, have made it painfully clear that additional accountability and oversight are urgently needed within our child welfare system. *An Act Enhancing Child Welfare Protections* responds to that call with a thoughtful, evidence-based package of reforms that will improve coordination, increase transparency, and strengthen protections for children, families, and foster parents across Massachusetts.

This legislation includes several important updates to the OCA's enabling statute and clarifies and expands the office's responsibilities in key ways:

- It reinforces the independence of the OCA from other executive branch agencies, ensuring that the office can provide objective oversight and make recommendations in the best interest of children. At the same time, the bill would also establish a clearer line of communication between the OCA and executive branch, legislative and judicial leadership – a provision I believe would be of great benefit to my successor.
- It improves the Child Advocate nominating process, giving the Legislature a role in selecting the next Child Advocate, which will enhance independence of the office by ensuring the Legislature has a voice in the process of selecting leadership of the OCA. I believe this is a wise change — but it will only apply if the bill passes soon.

- It formalizes OCA's current practice of partnering with state agencies to pilot and evaluate innovative practices as well as implementing training and other policies and practices to improve the quality and accessibility of services for children. The bill would also establish in statute certain requirements of the OCA – practices I believe the Legislature has found valuable, but that are not strictly required by statute. These include our continued operation of a training for Mandated Reporters as well as the training and technical assistance we currently provide to state agencies through our Center on Child Wellbeing & Trauma.
- It grants the OCA access to aggregate juvenile court records held by the Department of Criminal Justice Information Services, which will strengthen the office's ability to monitor system trends, identify disparities, and make data-informed recommendations in the area of juvenile justice.

The bill also makes significant changes to the Department of Children and Families (DCF) statute, many of which were developed through the OCA co-chaired Child Welfare Data Work Group. These changes include the establishment of baseline data collection and reporting requirements for DCF, which will help policymakers, stakeholders, and the public better understand system performance and identify areas in need of improvement.

Finally, the bill includes a critical provision that transfers the authority to direct Child Fatality Reviews from the Office of the Chief Medical Examiner to the OCA, in partnership with the Department of Public Health. This change reflects the current practice under an interagency memorandum of understanding and ensures long-term stability for this important prevention-focused process. This is a provision that the OCA has long sought, and we are hopeful for passage this year.

After ten years of service as the Child Advocate, I am proud of the work the OCA has done to elevate the needs of vulnerable children and improve state systems. The reforms in this bill would codify many of the practices and priorities that have made this progress possible.

I respectfully urge the committee to support this bill and move it forward this session. Thank you for your time and continued dedication to the well-being of children in Massachusetts.

Sincerely,

Maria Mossaides

A handwritten signature in dark ink, appearing to read "Maria", followed by a long, horizontal, slightly wavy line that extends to the right.

Director, Office of the Child Advocate



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May 21, 2025

The Honorable Jay Livingstone
24 Beacon Street, Room 146
Boston, MA 02133

The Honorable Robyn Kennedy
24 Beacon Street, Room 312-D
Boston, MA 02133

Dear Chair Livingstone, Chair Kennedy and Members of the Committee:

As the Director of the Office of the Child Advocate, I submit this letter as testimony in support of the passage of **H234/S133, *An Act Relative to Child Fatality Review***. This is a bill of longstanding importance to the Office of the Child Advocate, and we urge its speedy passage.

The OCA is one of 16 statutory members and an active participant in the Massachusetts Child Fatality Review (CFR) program. The CFR program was established in 2000 following the passage of M.G.L. c. 38, § 2A and fulfills a federal requirement for Title IVE funding SEC. 470. [42 U.S.C. 670].

There is nothing more tragic than the death of a child – and when a child dies, it is important that we as a Commonwealth review the cause of the death and identify what, if anything, could have been done to prevent it. That is the purpose of the Child Fatality Review Program: to decrease the incidence of preventable child fatalities and near fatalities.

In FY17-FY18, at the request of the State CFR Team, the OCA conducted a needs assessment of the CFR program -- the first comprehensive review of the program since its establishment. As a result of this study, the OCA recommended that the Legislature transfer oversight of the CFR program from the Office of the Chief Medical Examiner (OCME) to a joint chairmanship between the Department of Public Health and the OCA. Unlike DPH and the OCA, the OCME does not evaluate or make policy recommendations for policy changes, which is the primary product of the CFR.

For many years, in consultation with the Legislature, the OCA has played a significant role in managing and funding this program. Given the broad consensus among all involved parties that this change was appropriate, and that passage of this bill was highly likely, the OCA sought, received, and continues to receive funding from the Legislature to support the staff who oversee the statewide team and to provide technical assistance and support to the local teams.

This legislation would enshrine in statute what is currently happening in practice by officially transferring the chairmanship of the State Child Fatality Review Team from the Office of the Chief Medical Examiner (OCME) to a joint chairmanship between the OCA and the Department of Public

Health (DPH) to adequately reflect the DPH and OCA's roles. This legislation also adds the Department of Early Education and Care (EEC) to the state CFR team.

It is essential that the Legislature enact in statute the changes proposed in **H234/S133** for two reasons. First, the **process as it currently stands is tenuous** – it relies on the continued goodwill and leadership of all Departments and Offices involved working together. For the sustainability of the program, it will be better if this process is not reliant on goodwill that could be disrupted as a result of a leadership transition at any of the three agencies (OCA, OCME, DPH) involved in this process. This is particularly important given that my tenure at the OCA will be coming to an end this year.

Second, this change **allows each agency to focus on their priorities**. For the OCME, it allows them to focus on their critical work: investigating the cause and manner of the death of a child. At the same time, it allows the OCA and DPH to leverage their policy setting expertise to promote prevention.

There is widespread agreement that this legislation ought to pass. Similar legislation has advanced through the legislative process several times, passing both the House and in the Senate at separate times. Last session, it advanced to Ways and Means. This change has the support of OCME, DPH and the OCA – as well as the respective secretariats at EOHHS and EOPSS. We are hopeful for speedy passage of this common-sense legislation so it can finally be put into law.

With warm appreciation for your attention to this matter,

Maria Z. Mossaides

A handwritten signature in black ink, appearing to read 'Maria', followed by a long, horizontal, slightly wavy line that extends to the right.

Director, Office of the Child Advocate



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The Honorable Jay Livingstone
The Honorable Judith García
The Honorable Alyson Sullivan-Almeida

The Honorable Robyn Kennedy
The Honorable Joanne Comerford
The Honorable Patrick O'Connor

July 8, 2026

Sent via email

RE: H. 4646 / S. 3121, *An Act enhancing child welfare*

Dear Conferees,

As the Commonwealth's new Child Advocate, I want to thank you for your work on H. 4646 / S. 3121, *An Act enhancing child welfare*. The Office of the Child Advocate (OCA) is grateful to the Legislature for taking action to strengthen oversight, transparency, and accountability within the Commonwealth's child welfare system. This bill includes many priorities the OCA has long advocated for, and we look forward to seeing it enacted into law.

Included with this letter, please find a table with feedback on the parts of this legislation that would modify the OCA's statute, including the text of provisions in both versions of this bill, the OCA's position, and detail on our reasoning. I hope you and your teams will find it useful as negotiations progress, and we are happy to answer any questions your offices may have on any legislative language.

In addition to our recommendations on the portions of the bill that impact the OCA directly, more broadly we strongly urge this Conference Committee to include the Senate provisions that would reform the Child Requiring Assistance system. These provisions would help keep youth out of Juvenile Court by directing them to services such as Family Resource Centers. Based on [a report and recommendations made by the OCA-chaired Juvenile Justice Policy and Data Board](#) in 2022 and our further [report on the Family Resource Center network](#), the reforms Senate version of this bill would help connect families to support faster while reducing harm, stigma, and disparities.

Based on our research, the JJPAD Board found that the Child Requiring Assistance system as it currently operates has significant shortcomings:

- First and foremost, a mounting body of research has documented the negative impact that court involvement can have on youth – from stigma and negative self-labeling, to requiring youth to attend court hearings during the school day.
- Second, our research suggests that some youth and families are much more likely to be directed to the court to receive help rather than community-based services like FRCs, including Black and Latino youth, who are 3.3-3.5 times more likely than white youth to be subject of a CRA.
- Finally, the Juvenile Court does not have access to “special” community-based services. While service availability and waitlists are serious challenges, these are not problems the court system can solve.

By expanding the role and function of Family Resource Centers to support more children and families *outside* of the court process – and changing the Juvenile Court CRA filing process to ensure the court is a true “last resort” – this legislative language can address many of these challenges if included in the final bill.

We also strongly support the inclusion of the **Bill of Rights for Children in Foster Care**. Although many of these protections can be found in both the Department of Children and Families and the Department of Early Education and Care regulations, having these protections clearly spelled out in a single provision in law will facilitate the education of foster children of these fundamental rights. Critically, the bill makes clear that each child shall have the right to file complaints with the OCA and shall be free from retaliation or punishment for asserting this right.

My office is always available to you and your staff. Please reach out to Melissa Threadgill at melissa.threadgill@mass.gov for any questions about this critical legislation. I am grateful for the OCA’s continued partnership with the Legislature to improve state systems which serve the children of our Commonwealth.

Sincerely,



Marisol Garcia
Child Advocate

H.4646 / S. 3121, An Act enhancing child welfare protections



The Office of the Child Advocate urges your support!

Every child receiving state services deserves safety, stability, and the opportunity to thrive. The Department of Children and Families and the Office of the Child Advocate have implemented promising new policies and practices toward that goal, including infrastructure to support educational success, enhanced OCA training, and improved data reporting. The moment is right to update Massachusetts statute to ensure these practices continue.

Both the House and Senate versions of this bill contain critical statutory reforms affecting the OCA and DCF, including:

- **Enhancing** the OCA's statute by giving the office additional tools to review child fatalities and critical incidents as well as codifying the OCA's role in partnering with agencies to improve state services.
- **Improving** data collection and reporting requirements for DCF, in line with recommendations of the OCA co-chaired Data Working Group.
- **Supporting educational stability for children in DCF care** by codifying the DCF educational unit to bolster collaboration around school placements for children in state care.

The OCA also supports inclusion of these provisions in the Senate bill:

- **Establishing a Bill of Rights for foster children** in the care of DCF, requiring the agency to issue a plain-language statement of these rights - and protecting children from retaliation for asserting them.
- **Reforming the Child Requiring Assistance system**, shifting families away from court involvement and toward Family Resource Centers -- reducing harm, stigma, and disparities while connecting families to support faster. *(See next page for details.)*

The Boston Globe

As Child Advocate Maria Mossaides prepares to leave that role after 10 years, it's also the right time to codify the responsibilities and data-sharing arrangements involving that independent office. The bill ensures that future child advocates can continue to collect information from state agencies, investigate critical incidents and child deaths, and report publicly on their work.

The Editorial Board, November 7, 2025

Reforming the Child Requiring Assistance System



Every year, thousands of children become involved with the Juvenile Court as part of a civil process in which caregivers or schools can file a petition alleging that a child “requires assistance.” While the goal of this Child Requiring Assistance (CRA) system is to connect families with needed supports and services, **research conducted by the OCA found:**

- ***Court involvement can be harmful to children and families.***
- ***The Juvenile Court does not have access to “special” community based services.*** While service availability and waitlists are serious challenges, these are not problems the court system can solve.
- **Black and Latino youth were each 3 times more likely** than white youth to be the subject of a CRA petition.

Mass. schools are increasingly turning to the courts to address children’s behavior

The Boston Globe, July 11, 2025

Massachusetts can do better:

Ensure families in need of support are connected to the Commonwealth’s strong network of Family Resource Centers.

FRCs help children and their families receive support services in their communities - a better option than sending children to the courts.

- Expand the role and function of Family Resource Centers to support more children and families *outside* of the court process.
- Change the Juvenile Court CRA filing process to ensure the court is a true “last resort.”
- Raise the lower age of Juvenile Court jurisdiction for CRA filings from 6 to 12 years old.

The Office of the Child Advocate studied this issue extensively and strongly supports this legislation.

These changes were recommended in 2022 by the state’s Juvenile Justice Policy and Data Board, which the OCA chairs. The OCA published a report with updated data in 2025.

Read the reports here: <https://www.mass.gov/lists/oca-special-projects>



Questions? Contact: Ari Fertig - ari.fertig@mass.gov
Legislative and Communications Director, Office of the Child Advocate



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June 10, 2025

The Honorable Lydia Edwards
24 Beacon Street, Room 413-A
Boston, MA 02133

The Honorable Michael Day
24 Beacon Street, Room 136
Boston, MA 02133

RE: H.1695/S.1051, *An Act promoting diversion of juveniles to community supervision and services*

Dear Chair Edwards, Chair Day, and members of the committee:

I write this letter in support of **H.1695/S.1051, *An Act promoting diversion of juveniles to community supervision and services***.

The Office of the Child Advocate (OCA) supports increasing opportunities to divert young people from our juvenile justice system as a means to ensure the Commonwealth's most vulnerable children receive appropriate, timely, and quality state services, and an opportunity to thrive. Diversion is a research-backed way of improving public safety, as well as a way to more quickly connect youth to the services and resources they need compared to the traditional court process.¹ Expanding opportunities for diversion has also been a key component of the state's Juvenile Justice Policy and Data (JJPAD) Board, which the OCA chairs, work over the past six years.²

We want to put this bill in the context of larger trends within our state to help explain why this bill is needed. Despite the Legislature's intention of decreasing juvenile justice system involvement with the juvenile provisions in the 2018 Criminal Justice Reform Act (CJRA), over the past two fiscal years there has been an increase in the number of youth arrested, particularly with misdemeanor offenses. The number of arrests in FY24 (5,425) was nearly identical to the number of arrests in FY18 (5,428) after dipping down to 2,781 in FY21.³ There are also a significant number of youth who are arraigned each year but later have their charges dismissed (an estimated 49% of arraignments). This suggests that at least a portion of these youth could have been considered for diversion to avoid extended court involvement or be better served in their communities.

Further, the JJPAD Board has repeatedly found significant racial and ethnic disparities in our juvenile justice system. Data shows that applications for complaints for Black and Latino youth are dismissed or diverted at a substantially higher rate than applications for white youth; this suggests that Black and Latino youth may be more likely to be brought to court for situations that the court system ultimately determines do not require prosecution and adjudication than white youth. Recent data also shows that

¹ Massachusetts Office of the Child Advocate. (2021). Diversion Research Brief. <https://www.mass.gov/doc/diversion-research-brief/download>

² The Board was asked by the Legislature to study "the quality and accessibility of diversion programs available to juveniles."

³ Massachusetts Office of the Child Advocate. (2025). Massachusetts Juvenile Justice System: JJPAD 2024 Annual Report. <https://www.mass.gov/doc/jjpac-2024-annual-report/download>

racial and ethnic disparities have been worsening over the past few years, with disparities most stark at the beginning stages of the juvenile justice system.⁴ **Expanding the list of eligible offenses for diversion can help our state reduce unnecessary involvement in Juvenile Court and reverse the persistent, stubbornly high racial and ethnic disparities that exist in our juvenile justice system.**

The state has made a concerted effort in recent years to increase opportunities for youth to be diverted away from the juvenile justice system. The statutory reforms in the 2018 Criminal Justice Reform Act allowed for judicial pre-arraignment diversion for certain offenses, which this bill would expand upon. Further, the state established and funded a state diversion program which aims to create equitable diversion opportunities for all youth in the Commonwealth, as recommended by the JJPAD Board.⁵ The Massachusetts Youth Diversion Program (MYDP) - which was a partnership between the OCA and the Department of Youth Services (DYS) and is now fully funded and operated by DYS - is currently operational in Bristol, Cape and Islands, Essex, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, and Worcester County, and we hope to expand to the two remaining court counties (Berkshire and Franklin Hampshire) in the coming 1-2 years.

The MYDP is ready to accept youth diverted on the types of cases listed in this bill. In 2024, program wide, 50% (n=173) of referrals that the MYDP received were for assault and battery cases. The overall success rate of the program is high, with 88% of youth successfully completing the program in 2024. The MYDP has demonstrated expertise in offering diversion services to youth who would qualify under the original expanded list of divertible offenses.

I urge the favorable release of this legislation from the Joint Committee on the Judiciary. If you have any questions or concerns about this legislation, please do not hesitate to contact the OCA's Senior Director of Policy and Implementation at Melissa.Threadgill@mass.gov.

Sincerely,



Mara Z. Mossaides
Director, Office of the Child Advocate

⁴ Ibid

⁵ Massachusetts Juvenile Justice Policy and Data Board. (2019). Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>



MARIA Z. MOSSAIDES
DIRECTOR

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The Honorable Lydia Edwards
Senate Chair, Joint Committee on the Judiciary
Massachusetts State House, 413-A
Boston, Massachusetts 02133

The Honorable Michael S. Day
House Chair, Joint Committee on Judiciary
Massachusetts State House, Room 136
Boston, Massachusetts 02133

RE: H.1689/S.1123, *An Act clarifying the child advocate's authority to access juvenile records*

Dear Chair Day, Chair Edwards, and members of the committee:

As the Director of the Office of the Child Advocate (OCA), I write in support of **H.1689/S.1123, *An Act clarifying the child advocate's authority to access juvenile records***. This is a necessary bill which would clarify that the OCA has the authority to access data on juvenile court records held by the Department of Criminal Justice Information Services (DCJIS), allowing the OCA to more effectively analyze the juvenile justice system and provide the data requested by the Legislature.

The OCA currently has statutory authority to access individual juvenile court records as well as to conduct criminal offender record information (CORI) reviews. By definition, however, CORI data does not include juvenile court records. As a result, although the OCA can review individual court records, **the OCA has been unable to access system-wide data on juvenile court records held by DCJIS.**

The JJPAD Board has made significant progress improving juvenile justice system data availability, aligning data reporting across entities, and partnering with the OCA and the Executive Office of Technology Services and Security to launch the state's first-ever [interactive Juvenile Justice System Data website](#). However, **the OCA still lacks the statutory authority to access key data which will enable our office to better serve the Commonwealth.**

This legislation, if passed, will provide the JJPAD Board with access to data necessary to analyze the system by understanding how individual youth or cohorts of groups move through the entire juvenile justice system and if/when youth return to the system. It would also promote the Board's analysis of longer-term trends and address service gaps in the juvenile system that might influence future adult involvement.

H.1689/S.1123 supports the JJPAD Board's efforts to achieve a richer understanding of outcomes for youth at each process point in the system. This legislation would also allow us to better fulfill requests for information we have received from the Legislature, while keeping identifiable data confidential and protected from release by the OCA's statute.

For the reasons outlined above, I respectfully request that H.1689/S.1123 be released favorably out of committee. Please do not hesitate to contact me should you have any questions about the OCA's perspective on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria", followed by a long, horizontal, slightly wavy line that extends to the right.

Maria Mossaides
Director, Office of the Child Advocate



MARIA Z. MOSSAIDES
DIRECTOR

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE CHILD ADVOCATE
ONE ASHBURTON PLACE, 11TH FLOOR • BOSTON, MA 02108
MAIN: (617) 979-8374 • WWW.MASS.GOV/CHILDAADVOCATE

September 17, 2025

The Honorable Aaron Michlewitz
24 Beacon Street, Room 243
Boston, MA 02133

Dear Chair Michlewitz:

As the Director of the Office of the Child Advocate, I submit this letter in support of the passage of **H234, *An Act Relative to Child Fatality Review***. This is a bill of longstanding importance to the Office of the Child Advocate, and we urge its speedy passage. This bill has now received a favorable report from the Committee on Children, Families and Persons with Disabilities.

There is nothing more tragic than the death of a child – and when a child dies, it is important that we as a Commonwealth review the cause of the death and identify what, if anything, could have been done to prevent it. That is the purpose of the Child Fatality Review Program: to decrease the incidence of preventable child fatalities and near fatalities.

The OCA is one of 16 statutory members and an active participant in the Massachusetts Child Fatality Review (CFR) program. The CFR program was established in 2000 following the passage of M.G.L. c. 38, § 2A and fulfills a federal requirement for Title IVE funding SEC. 470. [42 U.S.C. 670].

In FY17-FY18, at the request of the State CFR Team, the OCA conducted a needs assessment of the CFR program -- the first comprehensive review of the program since its establishment. As a result of this study, the OCA recommended that the Legislature transfer oversight of the CFR program from the Office of the Chief Medical Examiner (OCME) to a joint chairmanship between the Department of Public Health and the OCA. Unlike DPH and the OCA, the OCME does not evaluate or make policy recommendations for policy changes, which is the primary product of the CFR.

For many years, in consultation with the Legislature, the OCA has played a significant role in managing and funding this program. Given the broad consensus among all involved parties that this change was appropriate, and that passage of this bill was highly likely, the OCA sought, received, and continues to receive funding from the Legislature to support the staff who oversee the statewide team and to provide technical assistance and support to the local teams.

This legislation would enshrine in statute what is currently happening in practice by officially transferring the chairmanship of the State Child Fatality Review Team from the Office of the Chief Medical Examiner (OCME) to a joint chairmanship between the OCA and the Department of Public Health (DPH) to adequately reflect the DPH and OCA's roles. This legislation also adds the Department of Early Education and Care (EEC) to the state CFR team.

It is essential that the Legislature enact in statute the changes proposed in **H234** for two reasons. First, the **process as it currently stands is tenuous** – it relies on the continued goodwill and leadership of all Departments and Offices involved working together. For the sustainability of the program, it will be better if this process is not reliant on goodwill that could be disrupted as a result of a leadership transition at any of the three agencies (OCA, OCME, DPH) involved in this process. This is particularly important given that my tenure at the OCA will be coming to an end this year.

Second, this change **allows each agency to focus on their priorities**. For the OCME, it allows them to focus on their critical work: investigating the cause and manner of the death of a child. At the same time, it allows the OCA and DPH to leverage their policy setting expertise to promote prevention.

There is widespread agreement that this legislation ought to pass. Similar legislation has advanced through the legislative process several times, passing both the House and in the Senate at separate times. Last session, it advanced to Ways and Means. This change has the support of OCME, DPH and the OCA – as well as the respective secretariats at EOHHS and EOPSS. We are hopeful for speedy passage of this common-sense legislation so it can finally be put into law.

With warm appreciation for your attention to this matter,

Maria Z. Mossaides

A handwritten signature in cursive script, appearing to read "Maria", followed by a long horizontal flourish line.

Director, Office of the Child Advocate



MARIA Z. MOSSAIDES
DIRECTOR

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July 8, 2025

The Honorable Jay Livingstone
24 Beacon Street, Room 146
Boston, MA 02133

The Honorable Robyn Kennedy
24 Beacon Street, Room 312-D
Boston, MA 02133

RE: H265/S.107, *An act establishing a bill of rights for children in foster care*

Dear Chair Livingstone, Chair Kennedy and Members of the Committee:

As the Commonwealth's Child Advocate, I write in support of **H. 265/S.107, *An Act establishing a bill of rights for children in foster care***. The OCA supports this proposed change to the law as a complement to the foster parents' bill of rights which was passed and became Mass. General Laws c.119 § 23C in 2023. Just as the Legislature passed a bill of rights for foster parents, the OCA agrees strongly that children in foster care deserve similar statutory protections.

This bill to ensure the protection of foster children is essential. It enshrines access to proper care and safe environments in statute as well as protections against abuse and retaliation. Specifically, this bill would ensure that foster children have the right to receive medical, dental, and behavioral health services – as well as access to gender-affirming care, crucial for LGBTQ+ children. It spells out that each child should have access to healthy food, clothing, personal care products, and items that preserve and promote the child's family's culture or religion. Although many of these protections can be found in both the Department of Children and Families and the Department of Early Education and Care regulations, having these protections spelled out in a single provision in law will facilitate the education of foster children of these fundamental rights.

Critically, the bill makes clear that each child shall have the right to file complaints with the DCF ombudsman's office and my office and shall be free from retaliation or punishment for asserting this right.

We are hopeful for passage of this important legislation. Please let my office know if you have any questions about this bill, or if we can ever be of assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Maria Z. Mossaides", with a long, sweeping horizontal line extending to the right.

Maria Z. Mossaides
Director, Office of the Child Advocate



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July 8, 2025

The Honorable Jay Livingstone
24 Beacon Street, Room 146
Boston, MA 02133

The Honorable Robyn Kennedy
24 Beacon Street, Room 312-D
Boston, MA 02133

RE: HB236/SB129, *An Act Relative to Training of Mandated Reporters*

Dear Chairs Senator Kennedy and Livingstone, and members of the committee:

I am writing to express my strong support for HB236/SB129, *An Act Relative to Training of Mandated Reporters*, sponsored by Representative Fiola and Senator Feeney.

Mandated reporters serve a critical role in protecting the safety and well-being of children across the Commonwealth by reporting instances where they believe that a child has been or is at risk of abuse. Yet, current Massachusetts law falls short in ensuring that these individuals—who are often on the front lines of identifying abuse and neglect—receive consistent, high-quality training. While professionally licensed mandated reporters are required to participate in training, there is no statutory requirement for how frequently they must be trained or what constitutes an adequate curriculum. This results in a patchwork of trainings of varying depth and effectiveness.

This bill takes an essential step forward by requiring licensed mandated reporters to complete training every two years. Just as continuing education is a standard part of maintaining professional licensure in many fields, this periodic training would ensure that mandated reporters remain informed, vigilant, and prepared to recognize and respond to concerns. Equally important, the bill directs that training curricula be approved by the Office of the Child Advocate (OCA), ensuring consistency and quality across the state.

The content of the training envisioned in this bill is responsive to both research and the recommendations of the 2021 Mandated Reporter Commission Final Report. In addition to focusing on the identification of abuse and neglect, it acknowledges the importance of understanding bias and cultural context in the reporting process and encourages appropriate connections to services and supports when concerns do not rise to the level of

a report. These elements will improve the accuracy of reports, reduce unnecessary reports, and promote equity in the child welfare system.

Over 18,000 individuals have already completed the OCA's freely available online [Mandated Reporter Training](#), which was developed with these priorities in mind. While this bill does not require that the Office of the Child Advocate's training be the one mandated reporters take, it is a high quality training that is freely available. By setting clear standards for mandated reporters this bill would address the variance in training quality that reporters receive and promote statewide alignment in how we train those entrusted with this responsibility.

For all these reasons, I respectfully urge the Committee to favorably report HB236/SB129 out of committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria", followed by a long horizontal flourish line.

Maria Mossaides

Director, Office of the Child Advocate



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July 8, 2025

The Honorable Jay Livingstone
24 Beacon St., Room 146
Boston, MA 02133

The Honorable Robyn Kennedy
24 Beacon St., Room 312-D
Boston, MA 02133

RE: H265/S141, *An Act regarding families and children in need of assistance*

Dear Chair Livingstone, Chair Kennedy, and Members of the Committee:

As the Commonwealth's Child Advocate and Chair of the Juvenile Justice Policy and Data (JJPAD) Board, I submit this testimony in strong support of H265/S141, *An Act regarding families and children in need of assistance*.

In 2022, the JJPAD Board issued a report detailing the significant shortcomings of the current CRA system, nearly a decade after the Legislature enacted major reforms to what was previously called the Children in Need of Services (CHINS) system.¹

Just this week, the OCA released a follow-up report showing that the problem continues to worsen in recent years. CRA filings are up 6%, with a notable increase in school-based petitions—truancy filings rose 13%, and habitual school offender filings rose 15%. Disparities are also deepening: Latino youth are now 3.5 times more likely than white youth to face a CRA filing, and Black youth are 3.3 times.

This bill responds to the findings of the 2022 report, which followed more than two years of study of the current CRA system by the JJPAD Board, along with the Board's collaborative efforts to develop recommendations for improvement. Key findings of the 2022 report include:

- A mounting body of research has documented the **negative impact that court involvement can have on youth**, including the impacts of stigma and negative self-labeling – not to mention the negative consequences of removing youth from school to attend a court hearing during the day. **Many youth who are referred to the CRA**

¹ Juvenile Justice Policy and Data Board, "[Improving Massachusetts' Child Requiring Assistance System](#): An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform."

court process are in need of behavioral health, educational, and/or other services and supports. These supports can almost always be provided outside the court system – and, indeed, the court does not have special access to these services nor the legal authority to move a youth up a waitlist. Yet these children still end up in the court system, despite the negative impact it can have, because families have not been connected to other service systems or those systems have not been effective at offering needed support.

- **There are significant disparities in *which* youth are the subject of a CRA petition,** including disparities for Black and Latino youth, youth with learning disabilities, LGBTQ+ youth and youth who are immigrants or whose caregivers are. For example, Black and Latino youth were each 3 times more likely than white youth to be the subject of a CRA petition as of the 2022 report. (Latino youth are now 3.5 times, and Black youth 3.3 times, more likely than white youth to be subject of a CRA, according to most recent data, as described above.) It seems like likely that certain groups of youth are pushed toward the court system for assistance, while others may be more likely to be referred to community-based services.

There is a path forward for the state to improve the CRA system, informed by the JJPAD Board’s recommendations as well as the OCA’s 2024 [report](#) detailing recommendations for increasing access and improving service delivery at Family Resource Centers (FRCs).

Interviews with over 100 stakeholders conducted by the OCA, as well as focus groups with caregivers whose child was referred to the court on a CRA petition, also showed that in many cases, professionals (schools, behavioral health providers, law enforcement, etc.) are filing or recommending a family file a CRA *before* the family has been connected to a Family Resource Center. While an FRC may not be the answer for every child or every family, it is concerning that this option is often not even attempted before pulling a child into the court system.

Based on these findings, the Board made recommendations to shift referrals for families and children in need of support from the courtroom to the community and build on the state’s current Family Resource Centers Network to ensure families are connected with programs in their communities.

An act regarding families and children in need of assistance would:

1. **Expand the role and function of Family Resources Centers (FRCs) to support more children and families outside of the court process.** This was the Legislature’s initial intent with setting up FRCs in 2012. This bill codifies processes and – subject to appropriation — gives the FRCs the authority to convene multiple agencies and organizations to support a youth’s needs with the goal of keeping them out of the juvenile justice system.

2. **Change the Juvenile Court CRA filing process to ensure the court is a true “last resort”** option by requiring probation officers to determine that all community-based options were exhausted by the petitioner prior to filing a CRA petition, and when those options weren’t exhausted, connecting the petitioner with community supports, including the local FRC.
3. **Raise the lower age of Juvenile Court jurisdiction from 6 years old to 12 years old** for CRA filings to align with the state’s delinquency system and ensure that the state is serving our youngest, and most vulnerable, youth outside of the court process.

For the reforms proposed in this bill to be successful, the OCA strongly emphasizes that statute change must be matched with additional funding to ensure Family Resource Centers can add staff to support the influx of additional cases that may result from this shift in process. Making changes to the court process without bolstering the FRC support system would not result in meaningful change and could even cause harm to children and families this bill seeks to help.

For all of these reasons, I urge the favorable release of H265/S141 from the Joint Committee on Children, Families and Persons with Disabilities and ask the Legislature to complement this legislation by allocating additional funding for Family Resource Centers. Please do not hesitate to contact me if you have any questions regarding the OCA’s position on this critical legislation.

Sincerely,



Maria Z. Mossaides
Director, Office of the Child Advocate



MARIA Z. MOSSAIDES
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September 17, 2025

The Honorable Aaron Michlewitz
24 Beacon Street, Room 243
Boston, MA 02133

Dear Chair Michlewitz:

As the Director of the Office of the Child Advocate, I submit this letter in strong support of the passage of **H. 4416, *An Act Enhancing Child Welfare Protections***, passed favorably by the Committee on Children, Families and Persons with Disabilities.

The heartbreaking deaths of David Almond and Harmony Montgomery, both of which were investigated by the OCA, have made it painfully clear that additional accountability and oversight are urgently needed within our child welfare system. *An Act Enhancing Child Welfare Protections* responds to that call with a thoughtful, evidence-based package of reforms that will improve coordination, increase transparency, and strengthen protections for children, families, and foster parents across Massachusetts.

This legislation includes several important updates to the OCA's enabling statute and clarifies and expands the office's responsibilities in key ways:

- It reinforces the independence of the OCA from other executive branch agencies, ensuring that the office can provide objective oversight and make recommendations in the best interest of children. At the same time, the bill would also establish a clearer line of communication between the OCA and executive branch, legislative and judicial leadership – a provision I believe would be of great benefit to my successor.
- It improves the Child Advocate nominating process, giving the Legislature a role in selecting the next Child Advocate, which will enhance independence of the office by ensuring the Legislature has a voice in the process of selecting leadership of the OCA.
- It formalizes OCA's current practice of partnering with state agencies to pilot and evaluate innovative practices as well as implementing training and other policies and practices to improve the quality and accessibility of services for children. The

bill would also establish in statute certain requirements of the OCA – practices I believe the Legislature has found valuable, but that are not strictly required by statute. These include our continued operation of a training for Mandated Reporters as well as the training and technical assistance we currently provide to state agencies through our Center on Child Wellbeing & Trauma.

- The bill also makes significant changes to the Department of Children and Families (DCF) statute, many of which were developed through the OCA co-chaired Child Welfare Data Work Group. These changes include the establishment of baseline data collection and reporting requirements for DCF, which will help policymakers, stakeholders, and the public better understand system performance and identify areas in need of improvement.

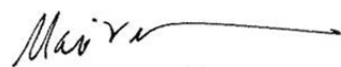
Finally, the bill includes a critical provision that transfers the authority to direct Child Fatality Reviews from the Office of the Chief Medical Examiner to the OCA, in partnership with the Department of Public Health. This change reflects the current practice under an interagency memorandum of understanding and ensures long-term stability for this important prevention-focused process. **This change is also found in H234, which is also before the House Committee on Ways and Means at this time.** This is a provision that the OCA has long sought, and we are hopeful for passage this year.

After ten years of service as the Child Advocate, I am proud of the work the OCA has done to elevate the needs of vulnerable children and improve state systems. The reforms in this bill would codify many of the practices and priorities that have made this progress possible.

I respectfully urge the committee to support this bill and move it forward this session. Thank you for your time and continued dedication to the well-being of children in Massachusetts.

Sincerely,

Maria Mossaides

A handwritten signature in dark ink, appearing to read "Maria Mossaides", with a long, sweeping horizontal line extending to the right.

Director, Office of the Child Advocate

OCA Recommendations on Sections of the Omnibus Bill Impacting the OCA Statute

The OCA has compared both versions of the bill and makes the following recommendations for the final conference report.

Substantive Recommendations: The following are recommendations for adopting (or not adopting) language, currently included in only one of the two versions of the bill, that would have a substantial impact on the daily core operations of the OCA. **These are the OCA's highest priority recommendations with regards to the conference report.**

House Language	Senate Language	OCA Position	Reasoning
Child Advocate Salary			
N/A	SECTION 18. Section 3 of said chapter 18C, as so appearing, is hereby amended by adding the following new paragraph:- The child advocate's annual salary shall be 90 per cent of the salary of the chief justice of the supreme judicial court.	Senate Language	This change eliminates the influence that executive agencies (who sit on the OCA Advisory Council) currently have over the salary of the child advocate; thereby eliminating a conflict of interest and promoting the OCA's full independence. The OCA feels strongly that agencies we oversee should not play a role in setting the salary of the Child Advocate. On a practical matter, the OCA Advisory Council has never set the salary of the child advocate, and this has resulted in the Child Advocate's salary being out of step with similar state peers and in relation to the senior leadership team at the OCA.

N/A	SECTION 19. Section 4 of said chapter 18C, as so appearing, is hereby amended by striking out the last paragraph.	Senate Language	See above
OCA Information Sharing			
SECTION 32. Said section 12 of said chapter 18C, as so appearing, is hereby further amended by striking out, in lines 34 to 38, inclusive, the words “sharing with the governor, the attorney general, a district attorney, a secretary, an agency commissioner or other agency personnel, or the chairs of the joint committee on children, families and persons with disabilities, the report of, or the results of, a critical incident investigation involving that agency” and inserting in place thereof the following words:- from: (i) sharing the report of, or the results of, a critical incident investigation involving an executive agency or state agency with the governor, the attorney general, a district attorney, a secretary or commissioner or other agency personnel involved	SECTION 34. Subsection (e) of said section 12 of said chapter 18C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The restrictions of this section shall not preclude the child advocate from: (i) sharing the report of, or the results of, a critical incident investigation involving an executive agency or constituent agency with the governor, the attorney general, a district attorney, a secretary or commissioner or other agency personnel involved in the critical incident investigation, the senate president, the speaker of the house of representatives or the chairs of the joint committee on children, families and persons with disabilities; (ii) sharing information with an executive agency or constituent agency	Senate Language	The OCA strongly recommends deleting the final clause of the House version of this section because it inhibits the office’s ability to carry out its mission in an effective manner. The OCA’s enabling statute authorizes the Child Advocate to release, within their careful discretion, confidential information. Given the unique fact patterns and details that are necessarily disclosed in a comprehensive public investigative report, de-identification is not feasible. The OCA has taken steps to deidentify any information we can without misleading the public- for example, in the OCA investigation regarding A’zella Ortiz , A’zella’s name was already available to the public through the media and ongoing criminal case, the name of her siblings were not and those names were deidentified.

in the critical incident investigation, the speaker of the house of representatives, the senate president or the chairs of the joint committee on children, families and persons with disabilities; (ii) sharing information with a state agency when the child advocate deems, in their sole discretion, that such information sharing is necessary for the child advocate to perform the child advocate's duties; or (iii) issuing a public report when such report, in the sole discretion of the child advocate, is necessary for the child advocate to perform the child advocate's duties; provided, however, that any public report shall be deidentified and any personally identifiable information shall be removed prior to publication.	when the child advocate deems, in their sole discretion, that such information sharing is necessary for the child advocate to perform the child advocate's duties; or (iii) issuing a public report when such report, in the sole discretion of the child advocate, is necessary for the child advocate to perform their duties.		Deidentifying A'zella's name would create confusion and the OCA would appear to be obscuring the truth already available to the public.
SECTION 24. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a report related to an investigation	SECTION 26. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a final report related to an	Senate Language	The Senate language includes the word "final", which we interpret to mean the OCA could still review a draft or portion of a draft with an agency prior to publication of our final report.

where the child advocate makes a determination that there is a reasonable belief that an executive agency or a state agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a final report to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. Any executive agency, state agency or program that is the subject of the investigation shall not receive the report prior to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert is issued. The office shall review the circumstances of the foster care review safety alert and provide feedback to the department on individual cases and trends in services.	investigation where the child advocate makes a determination that there is a reasonable belief that an executive agency or a constituent agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a copy of the final report to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert has been issued. The office shall review the circumstances of the foster care review safety alert and provide feedback to the department on individual cases and trends in services.		Our current practice before the OCA releases an investigation report is to review our case analysis, findings, and recommendations with the involved agenc(ies). This provides the agency an opportunity to identify any potential factual errors in our investigation or analysis and provide additional context on current agency practices or initiatives that may inform and improve our recommendations. Child welfare work is complex and recommendations for changes require in-depth discussions. The OCA investigations are issued with the case facts and findings as we see them, with recommendations that we believe are in the best interests of children, regardless of whether or not the involved agenc(ies) agree or disagree. However, based on prior experience, the OCA believes that these advance conversations produce higher quality reports and more actionable recommendations, which ultimately is in the best interests of children and the public.
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			For these reasons, we urge the Senate language.
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Additional Functions: This section includes the OCA’s positions on additional functions or authority given to the OCA that are currently included in only one version of the bill.

House Language	Senate Language	OCA Position	Reasoning
Mandated Reporter Training			
N/A	SECTION 11. Section 1 of chapter 18C of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the definition of “Child advocate” the following 2 definitions:- “Child-serving individual”, an individual who, in their professional role, has consistent access to children and is often alone with children under the age of 18 or responsible for their care; provided, however, that “child-serving individual” may be an employee, a contractor or temporary employee at a public or private organization.	Neutral	These proposed new definitions are tied to Section 17 of SB3121. See the next row for additional details on OCA position.

	“Child-serving volunteer”, a person who, without compensation or expectation of compensation, provides services or supports in a capacity that involves direct contact with, supervision of or responsibility for the care, education, treatment or welfare of children under the age of 18 at a public or private organization, including, but not limited to, volunteers in schools, childcare programs, youth-serving organizations, recreational or athletic programs, faith-based programs, mentoring or tutoring services and residential or congregate care settings.		
SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:- (c) . . . SECTION 18. Said first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby further amended by striking out clauses (d) and (e) and inserting in place thereof the following 5 clauses:-	SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by striking out clauses (c) to (e), inclusive, and inserting in place thereof the following 6 clauses:- (c) . . .	Neutral	The Senate version of subsection (h) adds additional details to what is to be included in the OCA’s Mandated Reporter Training (MRT) curriculum. With the exception of subsection (h)(viii), the OCA’s current, public-facing MRT content already covers these topics. From our perspective, inclusion of (h)(i)-(h)(vii) is unnecessary but not problematic.

(d) . . . (e) . . . (f) . . . (g) . . . (h) maintain a publicly available website that shall make materials available for mandated reporters, including, but not limited to, trainings, guidance, statutory references, resources for individuals or families and best practices.	(d) . . . (e) . . . (f) . . . (g) . . . (h) maintain a publicly available website that shall make materials available for mandated reporters, child-serving individuals and child-serving volunteers, including, but not limited to, trainings and online certification of completion of said trainings, guidance, statutory references, resources for individuals and families and best practices; provided, however, that such materials shall include information about: (i) recognizing the signs of child neglect or abuse; (ii) preventing, identifying and reporting child sexual abuse and problematic sexual behaviors between minors; (iii) the ways in which the behavioral and verbal cues for sexual abuse differ from those of other forms of abuse and neglect; (iv) bias and cultural considerations; (v) how to address concerns with families and children when concerns do not rise to the level of maltreatment; (vi) connecting families with needed supports and	The OCA's training does not currently include (h)(viii) ("options for voluntary or mandated reporting"). This has a modest one-time fiscal impact this fiscal year (which can be absorbed in the OCA's budget) and could have a modest ongoing fiscal impact in future years if a large number of individuals who are not mandated reporters engage with the training. The OCA is not opposed to inclusion of the Senate additions, but it is not a high priority for our office. Nothing prevents a member of the public taking the training that is available now with the understanding that it is not required that they do so.
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	resources; (vii) how to understand what may qualify as neglect; and (viii) options for voluntary or mandatory reporting.; and		
Critical Incident Report Definitions			
SECTION 10. Section 1 of chapter 18C, as appearing in the 2024 Official Edition, is hereby amended by striking out the definition of “Critical incident” and inserting in place thereof the following definition:- “Critical incident”, (i) a fatality, near fatality or serious bodily or emotional injury of a child or the indecent assault and battery of a child pursuant to sections 13B to 13B¾ of chapter 265, inclusive, or the rape and abuse of a child pursuant to sections 23 to 23B, inclusive, of said chapter 265, who is in the custody of, or receiving services from, an executive agency, state agency or a constituent agency; or (ii) circumstances that result in a reasonable belief that an executive agency, stage agency or a constituent agency failed in its duty to protect or adequately serve a child and, as a result, the child suffered or was at imminent risk of suffering	SECTION 12. Section 1 of chapter 18C, as so appearing, is hereby further amended by striking out the definition of “critical incident” and inserting in place thereof the following definition:- “Critical incident”, (i) a fatality, near fatality or serious bodily injury or emotional injury of a child or the indecent assault and battery of a child under sections 13B to 13B¾ of chapter 265, inclusive, or the kidnapping or enticement of a child under sections 26 to 26D, inclusive, of said chapter 265, or the rape and abuse of a child under sections 23 to 23B, inclusive, of said chapter 265, who is in the custody of, or receiving services from, an executive agency or a constituent agency; or (ii) circumstances that result in a reasonable belief that an executive agency or a constituent agency failed in its duty to protect or adequately serve a child and, as a result, the	Senate Language	The Senate language would add a few additional circumstances under which the OCA would receive a CIR. We are supportive of the Senate expansion of this function. See “Technical Edits” for our perspective on the references to state agency in this section.

serious bodily or emotional injury or death.	child suffered or was at imminent risk of suffering serious bodily injury or emotional injury or death.		
SECTION 11. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by inserting after the definition of “Department” the following definition:- “Emotional injury”, an injury or harm that occurs when a child of any age witnesses the fatality or life-threatening incident of an individual related to an unexpected medical event, overdose, violent act or suicide.	SECTION 13. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by inserting after the definition of “Department” the following definition:- “Emotional injury”, an injury or harm that occurs when a child of any age witnesses the fatality or life-threatening incident of an individual as a result of an unexpected medical event, overdose, violent act or accident, suicide or attempted suicide.	Senate Language	The OCA appreciates the recognition that a child may sustain emotional injuries when they witness an accident (like a car accident) or attempted suicide, in addition to the other enumerated events.
OCA Report Release Denials			
	SECTION 35. Said section 12 of chapter 18C, as so appearing, is hereby amended by adding the following subsection:- (f) If the child advocate, or the office of the child advocate, elects to withhold a report or components of a report, it shall provide any requesting party with the reasons therefore in writing, which reasons shall also be recorded and available for public inspection; provided, however, that	Neutral	The OCA has a Protocol on the Release of Confidential Information that aligns OCA practice with our statutory requirements to protect the confidentiality of information. See: https://www.mass.gov/doc/oca-protocol-on-the-public-release-of-confidential-information/download

	nothing in this subsection shall require any action by office which would compromise any investigation or protective measures that could be, or are being, undertaken by the office of the child advocate or the department of children and families.		We have no concerns about providing requesting party with the reasons we are not releasing a report), but inclusion of this language is not a priority for the OCA. Most requests for such information come through public records requests and are answered in writing per the legal requirements.
OCA CRA Informational Materials			
N/A	SECTION 37. Said chapter 18C is hereby further amended by adding the following 4 sections:- Section 15. The office shall prepare and update from time to time online resources which the juvenile court shall publish on its official website, including: (i) a video clearly defining a child requiring assistance petition, how to file such a petition, the potential outcomes of filing, and a brief overview of community-based resources that may be utilized before filing a petition, including but not limited to family resource centers and the behavioral health helpline; and (ii) a corresponding written overview that contains information about community-based resources.	Senate Language	The OCA strongly supports the inclusion of CRA reforms in this legislation, as described in our cover letter. We specifically call out this section in the bill as it impacts the OCA statute. We strongly support the inclusion of this section that modifies our statute, even if the rest of the CRA provisions are not included.

Child Fatality Review			
Section 16. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings: “Child”, a person under the age of 18. “Fatality”, a death of a child. “Local team”, a local child fatality review team established in subsection (c). “Near fatality”, an act that, as certified by a physician, places a child in serious or critical condition. “State team”, the state child fatality review team established in subsection (b). “Team”, the state or a local team. (b)(1) There shall be a state child fatality review team within the office. Notwithstanding section 172 of chapter 6, members of the state team shall be subject to criminal offender record checks to be conducted by the colonel of state police on behalf of the child advocate. All members shall serve without compensation for their duties associated with membership	Section 16. (a) As used in this section, the following words shall have the following meanings, unless the context clearly requires otherwise: “Child”, a person under the age of 18. “Fatality”, a death of a child. “Local team”, a local child fatality review team established in subsection (c). “Near fatality”, an act that, as certified by a physician, places a child in serious or critical condition. “State team”, the state child fatality review team established in subsection (b). “Team”, the state or a local team. (b)(1) There shall be a state child fatality review team within the office. Notwithstanding section 172 of chapter 6, members of the state team shall be subject to criminal offender record checks to be conducted by the colonel of state police on behalf of the child advocate. All members shall serve without compensation for their	Senate Language	Subsection (g) of the Senate version is a welcome addition. The OCA is neutral with regards to the inclusion of SEIU 509 (“xvii the department of children and families chapter president or designee of the certified collective bargaining representative of bargaining unit 8”) on the Child Fatality Review state and local teams.

on the state team. The state team shall include, but shall not be limited to: (i) the child advocate or a designee, who shall serve as co-chair; (ii) the commissioner of public health or a designee, who shall serve as co-chair; (iii) the chief medical examiner or a designee; (iv) the attorney general or a designee; (v) the commissioner of children and families or a designee; (vi) the commissioner of elementary and secondary education or a designee; (vii) a representative selected by the Massachusetts District Attorneys Association; (viii) the colonel of state police or a designee; (ix) the commissioner of mental health or a designee; (x) the commissioner of developmental services or a designee; (xi) the director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical Center or a designee; (xii) the commissioner of youth services or a designee; (xiii) the commissioner of early education and care or a designee; (xiv) a representative selected by the Massachusetts chapter of the American Academy of Pediatrics who	duties associated with membership on the state team. The state team shall include, but shall not be limited to: (i) the child advocate or a designee, who shall serve as co-chair; (ii) the commissioner of public health or a designee, who shall serve as co-chair; (iii) the chief medical examiner or a designee; (iv) the attorney general or a designee; (v) the commissioner of children and families or a designee; (vi) the commissioner of elementary and secondary education or a designee; (vii) a representative selected by the Massachusetts District Attorneys Association; (viii) the colonel of state police or a designee; (ix) the commissioner of mental health or a designee; (x) the commissioner of developmental services or a designee; (xi) the director of the Massachusetts Center for Unexpected Infant and Child Death at Boston Medical Center or a designee; (xii) the commissioner of youth services or a designee; (xiii) the commissioner of early education and care or a designee; (xiv) a representative selected by the Massachusetts chapter of the		
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has experience in diagnosing or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health and Hospital Association, Inc.; (xvi) the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; (xvii) the department of children and families chapter president or designee of the certified collective bargaining representative of bargaining unit 8; and (xviii) any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case. (2) The purpose of the state team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) developing an understanding of the causes and incidence of child fatalities and near fatalities; and (ii) advising the governor, the general court and the public by recommending changes in law, policy and practice to prevent child fatalities and near fatalities. The state team may consult with the chief justice of the juvenile court	American Academy of Pediatrics who has experience in diagnosing or treating child abuse and neglect; (xv) a representative selected by the Massachusetts Health and Hospital Association, Inc.; (xvi) the president of the Massachusetts Chiefs of Police Association Incorporated or a designee; and (xvii) any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case. (2) The purpose of the state team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) developing an understanding of the causes and incidence of child fatalities and near fatalities; and (ii) advising the governor, the general court and the public by recommending changes in law, policy and practice to prevent child fatalities and near fatalities. The state team may consult with the		
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department of the trial court on issues with a direct bearing upon the business of the courts of the commonwealth. (3) To achieve its purpose, the state team shall: (i) develop model investigative and data collection protocols for local teams; (ii) provide information to local teams and law enforcement agencies for the purpose of protecting children; (iii) provide training and written materials to local teams to assist them in carrying out their duties; (iv) review reports from local teams; (v) study the incidence and causes of child fatalities and near fatalities in the commonwealth; (vi) analyze community, public and private agency involvement with the children and their families prior to and subsequent to fatalities or near fatalities; (vii) develop a protocol for the collection of data regarding fatalities and near fatalities and provide training to local teams on the protocol; (viii) develop and implement rules and procedures necessary for its own operation; and (ix) provide the governor, the general	chief justice of the juvenile court department of the trial court on issues with a direct bearing upon the business of the courts of the commonwealth. (3) To achieve its purpose, the state team shall: (i) develop model investigative and data collection protocols for local teams; (ii) provide information to local teams and law enforcement agencies for the purpose of protecting children; (iii) provide training and written materials to local teams to assist them in carrying out their duties; (iv) review reports from local teams; (v) study the incidence and causes of child fatalities and near fatalities in the commonwealth; (vi) analyze community, public and private agency involvement with the children and their families prior to and subsequent to fatalities or near fatalities; (vii) develop a protocol for the collection of data regarding fatalities and near fatalities and provide training to local teams on the protocol; (viii) develop and implement rules and procedures necessary for its own operation; and		
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court and the public with annual written reports, subject to confidentiality restrictions, that shall include, but shall not be limited to, the state team's findings and recommendations. (c)(1) There shall be a local child fatality review team in each district established under section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team shall be subject to criminal offender record checks to be conducted by the district attorney in each such district. All members shall serve without compensation for their duties associated with membership on a local team. Each local team shall include, but shall not be limited to: (i) the district attorney of the county, who shall serve as chair; (ii) the chief medical examiner or a designee; (iii) the commissioner of children and families or a designee; (iv) a pediatrician with experience in diagnosing or treating child abuse and neglect, appointed by the state team; (v) a local police officer from a municipality where a child fatality or near fatality occurred, appointed by	(ix) provide the governor, the general court and the public with annual written reports, subject to confidentiality restrictions, that shall include, but shall not be limited to, the state team's findings and recommendations. (c)(1) There shall be a local child fatality review team in each district established under section 13 of chapter 12. Notwithstanding section 172 of chapter 6, members of a local team shall be subject to criminal offender record checks to be conducted by the district attorney in each such district. All members shall serve without compensation for their duties associated with membership on a local team. Each local team shall include, but shall not be limited to: (i) the district attorney of the county, who shall serve as chair; (ii) the chief medical examiner or a designee; (iii) the commissioner of children and families or a designee; (iv) a pediatrician with experience in diagnosing or treating child abuse and neglect, appointed by the state team; (v) a local police officer from a municipality where a child fatality or		
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the chief of police of the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police; (vii) the director of the Massachusetts Center for Unexpected Infant and Child Death located at Boston Medical Center or a designee; (viii) at least 1 representative from the department of public health; (ix) at least 1 representative from the office; (x) the department of children and families chapter president or designee of the certified collective bargaining representative of bargaining unit 8; and (xi) any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case; provided, that such person may include, but shall not be limited to, a local or state law enforcement officer, a hospital representative, a medical specialist or subspecialist or a designee of the commissioners of developmental services, mental health, youth services, education and early education and care. (2) The purpose of each local team	near fatality occurred, appointed by the chief of police of the municipality; (vi) a state law enforcement officer, appointed by the colonel of state police; (vii) the director of the Massachusetts Center for Unexpected Infant and Child Death located at Boston Medical Center or a designee; (viii) at least 1 representative from the department of public health; (ix) at least 1 representative from the office; and (x) any other person, selected by the co-chairs or by majority vote of the members of the state team, with expertise or information relevant to an individual case; provided, that such person may include, but shall not be limited to, a local or state law enforcement officer, a hospital representative, a medical specialist or subspecialist or a designee of the commissioners of developmental services, mental health, youth services, education and early education and care.		
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shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and near fatalities; (ii) promoting cooperation and coordination between agencies responding to fatalities and near fatalities and in providing services to family members; (iii) developing an understanding of the causes and incidence of child fatalities and near fatalities in the county; and (iv) advising the state team on changes in law, policy or practice that may affect child fatalities and near fatalities. (3) To achieve its purpose, each local team shall: (i) review, establish and implement model protocols from the state team; (ii) review, subject to the approval of the local district attorney, all individual fatalities and near fatalities in accordance with the established protocols; (iii) meet periodically, not less than 2 times per calendar year, to review the status of fatality and near fatality cases and recommend methods of improving coordination of services between	(2) The purpose of each local team shall be to decrease the incidence of preventable child fatalities and near fatalities by: (i) coordinating the collection of information on fatalities and near fatalities; (ii) promoting cooperation and coordination between agencies responding to fatalities and near fatalities and in providing services to family members; (iii) developing an understanding of the causes and incidence of child fatalities and near fatalities in the county; and (iv) advising the state team on changes in law, policy or practice that may affect child fatalities and near fatalities. (3) To achieve its purpose, each local team shall: (i) review, establish and implement model protocols from the state team; (ii) review, subject to the approval of the local district attorney, all individual fatalities and near fatalities in accordance with the established protocols; (iii) meet periodically, not less than 2 times per calendar year, to review the status of fatality and near fatality cases and recommend methods of improving		
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member agencies; (iv) collect, maintain and provide confidential data as required by the state team; and (v) provide law enforcement or other agencies with information to protect children. (4) At the request of the local district attorney, the local team shall immediately be 540 provided with: (i) information and records relevant to the cause of the fatality or near fatality maintained by providers of medical or other care, treatment or services, including dental and mental health care; (ii) information and records relevant to the cause of the fatality or near fatality maintained by any state, county or local government agency, including, but not limited to, birth certificates, medical examiner investigative data, parole and probation information records and law enforcement data post-disposition; provided, however, that certain law enforcement records may be exempted by the local district attorney; (iii) information and records of any provider of social services, including the department, relevant to the child or the child's family, that the	coordination of services between member agencies; (iv) collect, maintain and provide confidential data as required by the state team; and (v) provide law enforcement or other agencies with information to protect children. (4) At the request of the local district attorney, the local team shall immediately be provided with: (i) information and records relevant to the cause of the fatality or near fatality maintained by providers of medical or other care, treatment or services, including dental and mental health care; (ii) information and records relevant to the cause of the fatality or near fatality maintained by any state, county or local government agency, including, but not limited to, birth certificates, medical examiner investigative data, parole and probation information records and law enforcement data post-disposition; provided, however, that certain law enforcement records may be exempted by the local district attorney; (iii) information and records of any provider of social services, including the department, relevant to		
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local team deems relevant to the review; and (iv) demographic information relevant to the child and the child's immediate family, including, but not limited to, address, age, race, gender and economic status. The district attorney may enforce this paragraph by seeking an order of the superior court. (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter 123, section 20B, 20J or 20K of chapter 233 or any other law relating to confidential 26 of 36 communications shall not prohibit the disclosure of this information to the chair of the state team or a local team. Any information considered to be confidential pursuant to the aforementioned statutes may be submitted for a team's review upon the determination of that team's chair that the review of this information is necessary. The chair shall ensure that no information submitted for a team's review is disseminated to parties outside the	the child or the child's family, that the local team deems relevant to the review; and (iv) demographic information relevant to the child and the child's immediate family, including, but not limited to, address, age, race, gender and economic status. The district attorney may enforce this paragraph by seeking an order of the superior court. (d) Any privilege or restriction on disclosure established pursuant to chapter 66A, section 70 of chapter 111, section 11 of chapter 111B, section 18 of chapter 111E, chapter 112, chapter 123, section 20B, 20J or 20K of chapter 233 or any other law relating to confidential communications shall not prohibit the disclosure of this information to the chair of the state team or a local team. Any information considered to be confidential pursuant to the aforementioned statutes may be submitted for a team's review upon the determination of that team's chair that the review of this information is necessary. The chair shall ensure that no information submitted for a team's review is		
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team. No member of a team shall violate the confidentiality provisions set forth in the aforementioned statutes. Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting shall not disclose any information relating to the team's business. Team meetings shall be closed to the public. Information and records acquired by the state team or by a local team pursuant to this chapter shall be confidential, exempt from disclosure under chapter 66 and may only be disclosed as necessary to carry out a team's duties and purposes. Statistical compilations of data that do not contain any information that would permit the identification of any person may be disclosed to the public. (e) Members of a team, persons attending a team meeting and persons who present information to a team shall not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a team meeting.	disseminated to parties outside the team. No member of a team shall violate the confidentiality provisions set forth in the aforementioned statutes. Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting shall not disclose any information relating to the team's business. Team meetings shall be closed to the public. Information and records acquired by the state team or by a local team pursuant to this chapter shall be confidential, exempt from disclosure under chapter 66 and may only be disclosed as necessary to carry out a team's duties and purposes. Statistical compilations of data that do not contain any information that would permit the identification of any person may be disclosed to the public. (e) Members of a team, persons attending a team meeting and persons who present information to a team shall not be questioned in any civil or criminal proceeding regarding		
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(f) Information, documents and records of the state team or of a local team shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding; provided, however, that information, documents and records otherwise available from any other source shall not be immune from subpoena, discovery or introduction into evidence through these sources solely because they were presented during proceedings of a team or are maintained by a team.	information presented in or opinions formed as a result of a team meeting. (f) Information, documents and records of the state team or of a local team shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding; provided, however, that information, documents and records otherwise available from any other source shall not be immune from subpoena, discovery or introduction into evidence through these sources solely because they were presented during proceedings of a team or are maintained by a team. (g) Nothing in this section shall limit the powers or duties of the child advocate or district attorneys.		
Review of Child Welfare Data Reporting			
Section 17. The office shall, every 3 years, oversee the review of child welfare data reporting and make recommendations for improvements to the report and profile pursuant to subsections (a) and (b) of section 26 of chapter 18B and other reports required pursuant to subsections (c), (d) and (e) of said section 26 of said	Section 17. The office shall, every 3 years, oversee the review of child welfare data reporting and make recommendations for improvements to the report and profile pursuant to subsections (a) and (b) of section 26 of chapter 18B and other reports required pursuant to subsections (c), (d) and (e) of said section 26 of said	Neutral	Note that we do not understand the purpose of including the highlighted measure from the House bill, given that the Data Work Group referenced in Section 128 has sunset.

chapter 18B, or the data measures, progress measures and outcome measures pursuant to section 128 of chapter 47 of the acts of 2017. Following the release of the department's annual report, the office shall seek input from the public, advocates and diverse stakeholders from across the commonwealth. The office shall consult with other individuals with relevant expertise, including academics, researchers and service providers. Following such review, the office shall post a report on the office's website on its recommendations, together with drafts of any legislation necessary to carry out its recommendations and an aggregate response to the comments.	chapter 18B. Following the release of the department's annual report, the office shall seek input from the public, advocates and diverse stakeholders from across the commonwealth. The office shall consult with other individuals with relevant expertise, including academics, researchers and service providers. Following such review, the office shall post a report on the office's website on its recommendations, together with drafts of any legislation necessary to carry out its recommendations and an aggregate response to the comments.		
Youth Engagement Program			
N/A	Section 18. (a) There shall be within the office of the child advocate a youth engagement program, to ensure that the voices and experiences of youth in congregate care and other out-of-home placements inform statewide policy, oversight, and program improvement.	Senate Language	This section would codify the OCA's Youth Engagement Program, which the OCA launched after a pilot initiative. We believe this is a successful program and an important addition to our work, and we support it being added to our statute.

	(b) The youth engagement program shall conduct not less than 4 youth listening sessions annually in congregate care settings, including but not limited to group homes, residential schools, community-based acute treatment programs and other placements serving children in the care or custody of the commonwealth. Sessions shall be facilitated in a trauma-informed, developmentally appropriate manner and shall ensure confidentiality consistent with applicable law. (c) The office of the child advocate shall annually compile and publish a youth engagement report summarizing any findings and recommendations. The report shall be submitted to the clerks of the senate and house, the senate and house committees on ways and means, the joint committee on children, families and persons with disabilities and the department of children and families and shall be posted publicly in accordance with section 19 of chapter 66.		
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	(d) The office may consult with youth-serving agencies, including the department of children and families, the department of mental health, the department of youth services, the department of elementary and secondary education and the department of early education and care, to facilitate participation and ensure that youth feedback is incorporated into agency oversight and improvement efforts.		
Bereavement resources for parents/caregivers who experience a sudden unexpected pediatric death			
N/A	SECTION 15. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out the definition of “serious bodily or emotional injury” and inserting in place thereof the following 2 definitions:- ... “Sudden unexplained pediatric death”, the sudden and unexpected death of an child under the age of 3 where the cause of death cannot be determined before an investigation.	Senate Language	This and related sections below would add an additional function to the OCA. We see this as a gap in the available landscape of services and believe we could implement it within existing resources. We are supportive of adding this to our statute.
SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by	SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by	Senate Language	See above

striking out clause (c) and inserting in place thereof the following clause:- (c) . . . SECTION 18. Said first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby further amended by striking out clauses (d) and (e) and inserting in place thereof the following 5 clauses:- (d) . . . (e) . . . (f) . . . (g) . . . (h) . . .	striking out clauses (c) to (e), inclusive, and inserting in place thereof the following 6 clauses:- (c) . . . (d) . . . (e) . . . (f) . . . (g) . . . (h) . . . (i) create and maintain information and a list of publicly available resources for parents who have experienced a sudden unexplained pediatric death; provided, however, that such information shall include, but not be limited to, resources to obtain genetic testing, ongoing bereavement support, counseling and grief support		
N/A	SECTION 25. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by inserting after the word “services”, in lines 43 and 44, the following words:- , access to support for parents of a	Senate Language	See above

	child who have experienced a sudden unexplained pediatric death.		
N/A	SECTION 39. Said chapter 38 is hereby further amended by adding the following section:- Section 17. (a) In all cases of sudden unexpected pediatric death, the office shall provide the caregivers of the deceased with information from the office of the child advocate, including a list of publicly available services for sudden unexpected pediatric death and information about how to receive support from the office of the child advocate in accordance with clause (i) of the first paragraph of section 2 of chapter 18C. The office of the chief medical examiner shall provide such list to the caregivers of the deceased not more than 3 days after receipt of the decedent. (b) The office, in coordination with the department of public health, shall provide, as close to the time of a sudden unexpected pediatric death as practicable, information provided by the office of the child advocate, including a list of publicly available	Senate Language	See above

	services and information about accessing support from the office of the child advocate pursuant to subsection (d) of section 5 of chapter 18C.		
OCA Access to Juvenile Court Activity Record Data			
SECTION 34. Said chapter 18C is hereby further amended by adding the following 3 sections:- Section 15. (a) Notwithstanding section 12, any information requested for research purposes by the office from the trial court, including the office of probation, related to juvenile court activity record information data shall comply with this section. (b)(1) The office may request data for research purposes from the trial court, including the office of probation. Each request shall include a research proposal containing a detailed description of the research project, including: (i) the type of data sought; (ii) the reason the requested data is relevant to the project; (iii) the proposed project methodology; (iv) how the confidentiality of the data will be maintained; and (v) the	N/A	House Language	The OCA has, for many years, sought additional access to juvenile court data to allow us to conduct research we believe would help support evidence-based policymaking, including an analysis of the recidivism rates of youth who become involved with the Juvenile Court. The Juvenile Court has previously denied those requests because it is not permitted under the Juvenile Court rules. It is not clear to us that the House language will solve this problem; in this draft, the Juvenile Court retains full authority to deny the OCA access to juvenile court activity record information.

identity of the research project members responsible for preserving the confidentiality of the research subjects. The research proposal shall demonstrate that the research project is being conducted for a valid educational, scientific or other public purpose. (2) The trial court shall review the request for data related to juvenile court activity record information data for research purposes and determine if the proposal demonstrates that the research project is being conducted for a valid educational, scientific or other public purpose and all information requested pursuant to this subsection are in compliance with trial court rules, policies or other relevant laws. (3) Upon approval of the data request pursuant to this subsection, each individual who will have contact with the data shall submit a non-disclosure agreement to the trial court, agreeing to maintain the confidentiality of the data. (c) The trial court, including the office of probation, shall have the right to inspect the research project			However, this House language <i>does</i> suggest a legislative intent that the OCA be permitted access to this data under certain circumstances, which we hope would be persuasive to the Juvenile Court. For that reason, the OCA supports inclusion of the House language.
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and to conduct an audit of the office's use of the requested data. Prior to publication, the trial court, including the office of probation, shall have the right to validate the analysis and ensure data integrity, deidentification and confidentiality of the information. (d) The office shall only use the data for its requested purpose. The office may disseminate reports and statistical analyses based on the data; provided, however, that the office shall not disseminate the raw data for any purpose except as stated in its research proposal. (e) Upon completion or termination of the research project, the office shall: (i) destroy the data; and (ii) attest to the trial court, including the office of probation, in writing, that such destruction has been effected.			
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Technical Edits: These are recommendations related to what we view as technical edits to the bill to ensure clarity and consistency in our statute.

House Language	Senate Language	OCA Position	Reasoning
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Introduction of new “State Agency” definition			
SECTION 12. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out the definition of “Executive agency” and inserting in place thereof the following 2 definitions:- “Executive agency”, a state agency within the office of the governor that provides services to children, including services through contracted providers and through entities licensed by a state agency. Executive agencies shall include the executive office of education, the executive office of public safety and security, the executive office of health and human services, and their constituent agencies, the Massachusetts interagency council on housing and homelessness and the executive office of housing and livable communities. ... SECTION 15. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by adding the following definition:-	SECTION 14. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out the definition of “Executive agency” and inserting in place thereof the following 2 definitions:- “Executive agency”, a state agency within the office of the governor that provides services to children, through direct services, guidance, oversight, contracted services and licensing functions; provided, however, that executive agencies shall include the executive office of education, the executive office of public safety and security, the executive office of health and human services, and their constituent agencies, the Massachusetts interagency council on housing and homelessness and the executive office of housing and livable communities; and provided further, that constituent agencies shall include, but not be limited to, the department of children and families, the department of youth services, the department of public health, the department of mental health, the department of developmental	Senate Language	H4646 proposes to amend the current definition of “Executive agency” and to introduce a brand-new term “State agency” to the OCA’s statute. The proposed language is internally inconsistent. While “Executive agency” is plainly intended to cover secretariats (see the enumerated list of entities in both bills), the definition of “State agency” is explicitly tied to constituent agencies of those secretariats. If an “Executive agency” is “a state agency” (per the first line of the proposed bills), then under the H4646 language, a secretariat is simultaneously a constituent agency housed within the secretariat. This adds unnecessary confusion. In contrast to H4646, SB3121 more clearly amends the current definition of “Executive agency” to clarify

“State agency”, a department or agency in the commonwealth that provides services to children through direct services, guidance, oversight, contracted services or licensing functions; provided, that “state agency” shall include, but shall not be limited to: the department of children and families, the department of youth services, the department of public health, the department of mental health, the department of developmental services, the department of early education and care and the department of elementary and secondary education.	services, the department of early education and care and the department of elementary and secondary education. ...	what is meant by “executive agencies” and “constituent agencies,” which appear throughout the OCA statute. SB3121 accomplishes this by incorporating helpful language from H4646 into an existing singular definition (“Executive agency”). The OCA’s enabling statute confirms the office’s oversight jurisdiction. This means that agency-related definitions are critically important and must be clear and consistent. If the House definition of “State agency” is retained in the bill, it will create confusion among agencies subject to the OCA’s oversight jurisdiction. Any confusion could create barriers to the OCA exercising its oversight authority. The OCA has identified at least 10 provisions of M.G.L. c. 18C, spanning 4 sections therein, that would need to
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			be amended if this H4646 provision is adopted. None of these modifications are anticipated or addressed in H4646.
SECTION 10. Section 1 of chapter 18C, as appearing in the 2024 Official Edition, is hereby amended by striking out the definition of “Critical incident” and inserting in place thereof the following definition:- “Critical incident”, (i) a fatality, near fatality or serious bodily or emotional injury of a child or the indecent assault and battery of a child pursuant to sections 13B to 13B¾ of chapter 265, inclusive, or the rape and abuse of a child pursuant to sections 23 to 23B, inclusive, of said chapter 265, who is in the custody of, or receiving services from, an executive agency, state agency or a constituent agency; or (ii) circumstances that result in a reasonable belief that an executive agency, stage agency or a constituent agency failed in its duty to protect or adequately serve a child and, as a result, the child suffered or was at imminent risk of suffering serious bodily or emotional injury or death.	SECTION 12. Section 1 of chapter 18C, as so appearing, is hereby further amended by striking out the definition of “critical incident” and inserting in place thereof the following definition:- “Critical incident”, (i) a fatality, near fatality or serious bodily injury or emotional injury of a child or the indecent assault and battery of a child under sections 13B to 13B¾ of chapter 265, inclusive, or the kidnapping or enticement of a child under sections 26 to 26D, inclusive, of said chapter 265, or the rape and abuse of a child under sections 23 to 23B, inclusive, of said chapter 265, who is in the custody of, or receiving services from, an executive agency or a constituent agency; or (ii) circumstances that result in a reasonable belief that an executive agency or a constituent agency failed in its duty to protect or adequately serve a child and, as a result, the child suffered or was at imminent risk of suffering serious	Senate Language	See above

	bodily injury or emotional injury or death.		
SECTION 16. Section 2 of said chapter 18C, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “independent of any supervision or control by any executive agency.” and inserting in place thereof the following words:- an independent state agency that shall not be subject to the supervision or control of any other executive office, state agency , commission, board, bureau or political subdivision of the commonwealth. The office shall oversee the services that executive agencies or state agencies provide to children in the commonwealth.	SECTION 16. Section 2 of said chapter 18C, as so appearing, is hereby amended by striking out, in lines 2 and 3, the words “independent of any supervision or control by any executive agency.” and inserting in place thereof the following words:- an independent state agency that shall not be subject to the supervision or control of any other executive office, executive agency or constituent agency , commission, board, bureau or political subdivision of the commonwealth. The office shall oversee the services that executive agencies or constituent agencies provide to children in the commonwealth.	Senate Language	See above
SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by striking out clause (c) and inserting in place thereof the following clause:- (c) examine, on a system-wide and individual case basis, the care and services that executive agencies or	SECTION 17. The first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby amended by striking out clauses (c) to (e), inclusive, and inserting in place thereof the following 6 clauses:- (c) examine, on a systemwide and individual case basis, the care and services that executive agencies or	Senate Language	See above Note that we believe the Senate language in (e) is more clear about the goal of the examination of disproportionalities. See above under “Mandated Reporter Training” (pp. 4-5)

state agencies provide to children through direct services, guidance, oversight, contracted services and licensing functions. SECTION 18. Said first paragraph of said section 2 of said chapter 18C, as so appearing, is hereby further amended by striking out clauses (d) and (e) and inserting in place thereof the following 5 clauses:- (d) . . . (e) examine disproportionality related to race, ethnicity, disability status, transgender status, sexual orientation or gender identity; provided, that the office shall use data provided by executive agencies or state agencies related to services provided by the executive agencies or state agencies; (f) subject to appropriation, partner with executive agencies, state agencies or other entities if it is in the best interest of the children of the commonwealth to: (i) support programs, including establishing pilot programs; and (ii) expand or improve current programs; provided, that the	constituent agencies provide to children through direct services, guidance, oversight, contracted services and licensing functions. (d) . . . (e) examine disproportionalities in the provision of services to children related to race, ethnicity, disability status, transgender status, sexual orientation or gender identity; provided, that the office shall use data provided by executive agencies or constituent agencies related to the provision of services provided by the executive agencies or constituent agencies; (f) subject to appropriation, partner with executive agencies, constituent agencies or other entities if it is in the best interest of the children of the commonwealth to: (i) support programs, including establishing pilot programs; and (ii) expand or improve		for our recommendations regarding subsection (h).
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child advocate shall not enter into any partnership that may jeopardize the office's oversight functions; (g) provide training and technical assistance to executive agencies and state agencies to improve services to children if it is in the best interest of the children of the commonwealth; provided, that the child advocate shall not provide training or technical assistance that may jeopardize the office's oversight functions; and (h) maintain a publicly available website that shall make materials available for mandated reporters, including, but not limited to, trainings, guidance, statutory references, resources for individuals or families and best practices.	current programs; provided, however, that the child advocate shall not enter into any partnership that may jeopardize the office's oversight functions; (g) provide training and technical assistance to executive agencies and constituent agencies to improve services to children if it is in the best interest of the children of the commonwealth; provided, however, that the child advocate shall not provide training or technical assistance that may jeopardize the office's oversight functions; (h) maintain a publicly available website that shall make materials available for mandated reporters, child-serving individuals and child-serving volunteers, including, but not limited to, trainings and online certification of completion of said trainings, guidance, statutory references, resources for individuals and families and best practices; provided, however, that such materials shall include information about: (i) recognizing the signs of child neglect or abuse; (ii) preventing, identifying		
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	and reporting child sexual abuse and problematic sexual behaviors between minors; (iii) the ways in which the behavioral and verbal cues for sexual abuse differ from those of other forms of abuse and neglect; (iv) bias and cultural considerations; (v) how to address concerns with families and children when concerns do not rise to the level of maltreatment; (vi) connecting families with needed supports and resources; (vii) how to understand what may qualify as neglect; and (viii) options for voluntary or mandatory reporting.; and		
SECTION 24. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a report related to an investigation where the child advocate makes a determination that there is a reasonable belief that an executive agency or a state agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a final report to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate	SECTION 26. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a final report related to an investigation where the child advocate makes a determination that there is a reasonable belief that an executive agency or a constituent agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a copy of the final report to the governor, the attorney general, the auditor, the speaker of the house of	Senate Language	See above as it relates to the state vs executive agency distinction, highlighted in yellow. See below for our perspective on the text highlighted in green.

president. Any executive agency, state agency or program that is the subject of the investigation shall not receive the report prior to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert is issued. The office shall review the circumstances of the foster care review safety alert and provide feedback to the department on individual cases and trends in services.	representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert has been issued. The office shall review the circumstances of the foster care review safety alert and provide feedback to the department on individual cases and trends in services.		
SECTION 28. Said chapter 18C is hereby further amended by striking out section 11 and inserting in place thereof the following section:- Section 11. The child advocate may examine systemwide challenges to providing adequate services to children. The child advocate may prioritize the examination of challenges that: (i) include multiple state agencies or executive agencies;	SECTION 30. Said chapter 18C is hereby further amended by striking out section 11, as so appearing, and inserting in place thereof the following section:- Section 11. The child advocate may examine systemwide challenges to providing adequate services to children. The child advocate may prioritize the examination of challenges that: (i) include multiple executive agencies or constituent	Senate Language	See above

and (ii) affect the most vulnerable children. Systemwide examinations shall include recommendations for improvements to the services provided to children by executive agencies or state agencies. The child advocate may utilize any source of information available to the office to make recommendations and may seek advice from individuals with expertise in relevant fields of work or study. The child advocate shall file a report on any examination with the governor, the clerks of the house of representatives and the senate, the house and senate committees on ways and means and the joint committee on children, families and persons with disabilities.	agencies; and (ii) affect the most vulnerable children. Systemwide examinations shall include recommendations for improvements to the services provided to children by executive agencies or constituent agencies. The child advocate may utilize any source of information available to the office to make recommendations and may seek advice from individuals with expertise in relevant fields of work or study. The child advocate shall file a report on any examination with the governor, the clerks of the senate and the house of representatives, the senate and house committees on ways and means and the joint committee on children, families and persons with disabilities.		
SECTION 32. Said section 12 of said chapter 18C, as so appearing, is hereby further amended by striking out, in lines 34 to 38, inclusive, the words “sharing with the governor, the attorney general, a district attorney, a secretary, an agency commissioner or other agency personnel, or the chairs of the joint committee on children, families and persons with disabilities, the report of, or the results of, a critical incident investigation involving that	SECTION 34. Subsection (e) of said section 12 of said chapter 18C, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The restrictions of this section shall not preclude the child advocate from: (i) sharing the report of, or the results of, a critical incident investigation	Senate Language	See above

agency” and inserting in place thereof the following words:- from: (i) sharing the report of, or the results of, a critical incident investigation involving an executive agency or state agency with the governor, the attorney general, a district attorney, a secretary or commissioner or other agency personnel involved in the critical incident investigation, the speaker of the house of representatives, the senate president or the chairs of the joint committee on children, families and persons with disabilities; (ii) sharing information with a state agency when the child advocate deems, in their sole discretion, that such information sharing is necessary for the child advocate to perform the child advocate’s duties; or (iii) issuing a public report when such report, in the sole discretion of the child advocate, is necessary for the child advocate to perform the child advocate’s duties; provided, however, that any public report shall be deidentified and any personally identifiable information shall be removed prior to publication.	involving an executive agency or constituent agency with the governor, the attorney general, a district attorney, a secretary or commissioner or other agency personnel involved in the critical incident investigation, the senate president, the speaker of the house of representatives or the chairs of the joint committee on children, families and persons with disabilities; (ii) sharing information with an executive agency or constituent agency when the child advocate deems, in their sole discretion, that such information sharing is necessary for the child advocate to perform the child advocate’s duties; or (iii) issuing a public report when such report, in the sole discretion of the child advocate, is necessary for the child advocate to perform their duties.		
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SECTION 24. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a report related to an investigation where the child advocate makes a determination that there is a reasonable belief that an executive agency or a state agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a final report to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. Any executive agency, state agency or program that is the subject of the investigation shall not receive the report prior to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert is issued. The office shall review the circumstances of the foster care	SECTION 26. Said section 5 of said chapter 18C, as so appearing, is hereby further amended by adding the following 2 subsections:- (i) Prior to publicly releasing a final report related to an investigation where the child advocate makes a determination that there is a reasonable belief that an executive agency or a constituent agency failed in its duty to protect or adequately serve a child, the child advocate shall submit a copy of the final report to the governor, the attorney general, the auditor, the speaker of the house of representatives and the senate president. (j) The department shall inform the child advocate as soon as practicable when a foster care review safety alert has been issued. The office shall review the circumstances of the foster	Senate Language	The Senate language includes the word “final”, which we interpret to mean the OCA could still review a draft or portion of a draft with an agency prior to publication of our final report. Our current practice before the OCA releases an investigation report is to review our case analysis, findings, and recommendations with the involved agenc(ies). This provides the agency an opportunity to correct any factual errors in our investigation or analysis and provide additional context on current agency practices or initiatives that may inform and improve our recommendations. Child welfare work is complex; the answers are rarely easy. The OCA always reserves the right to publish
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review safety alert and provide feedback to the department on individual cases and trends in services.	care review safety alert and provide feedback to the department on individual cases and trends in services.		the case facts and findings as we see them, and to make recommendations that we believe are in the best interests of children, regardless of whether or not the involved agenc(ies) agree or disagree. However, based on prior experience, the OCA believes that these advance collaborative conversations produce higher quality reports and more actionable recommendations, which ultimately is in the best interests of children and the public.
Amending Existing Definitions			
“Near fatality”, an injury that is: (i) accidental or the result of a medical condition, attempted suicide or abuse and neglect; and (ii) certified by a physician to be life threatening.	“Near fatality”, an injury that is: (i) accidental or the result of a medical condition, attempted suicide or abuse or neglect; and (ii) certified by a physician to be life threatening.	Senate Language	We believe the definition of near fatality should include situations that are abuse OR neglect, not abuse AND neglect.
SECTION 13. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out, in line 21, the words “or emotional”.	SECTION 15. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out the definition of “serious bodily or emotional injury” and inserting in place thereof the following 2	Senate Language	While both H4646 and SB3121 seek to achieve the same goal, the SB3121 language is cleaner and clearer.

SECTION 14. Said section 1 of said chapter 18C, as so appearing, is hereby further amended by striking out, in line 24, the words “or emotional distress”.	definitions:- “Serious bodily injury”, an injury which involves: (i) a substantial risk of death; (ii) extreme physical pain, protracted and obvious disfigurement; or (iii) protracted loss or impairment of the function of a bodily member, organ or mental faculty. ...		
SECTION 19. Subsection (a) of section 5 of said chapter 18C, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Notification shall include demographic information of the child, if known.	SECTION 20. Subsection (a) of section 5 of said chapter 18C, as so appearing, is hereby amended by inserting after the first sentence the following sentence:- Notification shall include demographic information of the child involved in the critical incident, if known.	Senate Language.	We believe the additional in language in SB3121 adds helpful clarity.