

606 CMR: Department of Early Education and Care

606 CMR 5.00: STANDARDS FOR THE LICENSURE OR APPROVAL OF AGENCIES OFFERING CHILD PLACEMENT AND ADOPTION SERVICES

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5.01: Introduction

606 CMR 5.00 is adopted in accordance with M.G.L. c. 15D which states the policy of state government to assure every child a fair and full opportunity to reach his or her full potential. These standards are intended to protect the dignity of children, birth families and adoptive families; to fulfill every child's right to a permanent, loving, and caretaking family; to prevent the abduction, exploitation, sale, re-homing or trafficking of children; to ensure that the child is the primary client of all placement agencies; and that every placement is in the best interest of the child. A placement agency's philosophy, administrative policy and services to and for children shall be directed toward strengthening a child's relationship first with his or her birth family; providing a child with a parental substitute who will offer the child a secure family relationship during temporary placement or with a shelter program when necessary; and offering the child a permanent family relationship in an adoptive family when appropriate. M.G.L. c. 15D, § 6(a) and M.G.L. c. 210, § 11A prohibit private adoptions and require that children be placed for adoption only through licensed placement agencies offering adoption services. 606 CMR 5.00 identifies the following general goals for each agency placing children in foster, adoptive or residential care:

- (a) administrative and fiscal competence;
- (b) policies and practices that serve to strengthen family life, provide continuity of care, and work to attain permanency for children;
- (c) a staff that is professionally qualified and competent to work with residential care staff and adoptive, foster, and birthparents toward providing children with a positive self-image and a sense of security in preparation for placement;
- (d) an environment of caring that is characterized by a total commitment to provide a timely reunification of the birth family or an alternative permanent plan for each child in care, with

consideration given to placing children in families of the same cultural background when it meets the best interest of the children;
(e) an atmosphere that is cooperative and respectful of families considering serving children as temporary or permanent family resources.

5.02: Definitions

As used in 606 CMR 5.00, the following words shall have the following meanings unless the context otherwise requires:

Adoptee. A person who has become the legal child of persons other than his/her genetic or biological parents.

Adoption. The establishment of the legal relationship of parent and child in accordance with the provisions of M.G.L. c. 210 *et seq.*

Adoption Agency. A corporation organized in accordance with M.G.L. c. 180 that is licensed by the Department of Early Education and Care to provide family support, family reunification and permanency planning for children.

Adoptive Home. Any family home selected and approved by a licensed placement agency for the placement of a child with the intent of adoption.

Adoptive Parent. An individual who has been granted parental rights to a child pursuant to M.G.L. c. 210.

Adoptive Parent Applicant. An individual who has applied to a licensed or approved adoption agency to be an adoptive parent.

Background Record Check. The process of requesting, receiving and evaluating information provided by the Department of Criminal Justice Information Services, the Department of Children and Families, the Sex Offender Registry Board, and the Federal Bureau of Investigation related to prospective foster and adoptive parents.

Birthparent. A woman who has given birth to a child and/or the biological father of the child who has subsequently surrendered the child for adoption, or whose parental rights have been terminated in accordance with M.G.L. c. 210.

Child. Any person under the age of 18.

Children with Special Needs. Children who, because of temporary or permanent disabilities arising from intellectual, sensory, emotional, physical, or environmental factors, or other specific learning disabilities are or would be unable to progress effectively in a regular school program.

Country of Origin. In international adoption, the country where the child resides prior to adoption.

Department. Unless otherwise specified, the Department of Early Education and Care.

Director of Social Services. An individual who shall have overall responsibility for all social services, clinical and casework decisions made by the agency. Such person shall have an advanced license in social work (LCSW, LICSW) or advanced licensure in a closely related clinical field and a minimum of five years of experience in providing foster care or adoption services.

Expectant Parent. A pregnant woman and/or the biological father of her expected child.

Family Foster Care. Substitute parental care in a family given in a private residence for up to six foster children on a regular, 24 hour a day, residential basis by an approved foster parent. In order to place siblings in the same residence in emergency situations, this definition shall not prohibit the placement of more than six foster children in a home which, prior to the placement of the sibling group, contains fewer than six foster children. Nothing in this definition shall prohibit a licensee from considering a child's relatives for approval as foster parents. Family foster care shall not mean placement in an adoptive home other than a legal risk adoption placement.

Fingerprint-based Check. A scan of a candidate's fingerprints submitted to the Federal Bureau of Investigation for matching against state and national criminal history databases.

Foster Care. Placement of a child or children in family foster care.

Foster Parent. An individual who provides temporary substitute parental care for a child or children under an agreement with a licensed or approved placement agency.

Group Care Program. A program or facility that provides care and custody for one or more children by anyone other than a relative by blood, marriage or adoption on a regular 24-hour a day, residential basis, notwithstanding that the care may include educational instruction. Group care program shall not mean family foster care; a hospital, ward or comprehensive center licensed under M.G.L. c. 19, § 19 or c. 19B, § 15; a hospital, ward or comprehensive center operated by the Commonwealth or any subdivision thereof; a hospital, institution for unwed mothers, convalescent or nursing home, rest home or infirmary licensed under M.G.L. c. 111 or any program licensed under M.G.L. c. 123. Group care program shall not be limited to a facility defined as a group residence under the state building code.

Hague Convention on the Protection of Children and Co-operation in Respect of Inter-Country Adoption (Hague). An international agreement to which the United States ascribes, that sets standards and procedures to protect children, birthparents and adoptive parents involved in inter-country adoptions.

Home Study. The comprehensive assessment process and the written summary and conclusion thereof used to evaluate the suitability of individuals or couples to foster or adopt a child. A home study includes, but is not limited to, evaluation of the applicant's parenting abilities, medical, criminal, and employment histories and financial status, and inspection of his/her residence.

Identified Adoption. A type of adoption which involves the location by a potential adoptive parent, or someone on his/her behalf, of a parent who is willing to consider releasing his/her child for adoption. The child is surrendered directly to an agency licensed or approved by the Department in accordance with 606 CMR 5.00 *et seq.* or the child is surrendered in another state in accordance with the laws of such state with the intent that the child be placed in a previously designated adoptive home. An agency retains the right to thereafter refuse to place a child in the designated home based on the results of a completed adoptive parent assessment. The identity of birth parents and adoptive parents need not be known to one another.

Independent or Private Adoption. Any placement of a child for adoption in Massachusetts made by anyone other than an adoption placement agency licensed or approved by the Department. Such adoptions are illegal unless made pursuant to M.G.L. c. 210, § 11A.

Internal Investigation. The process undertaken by a licensed or approved placement agency of reviewing documents and interviewing individuals to determine the veracity of allegations of non-compliance with EEC's licensing regulations. The internal investigation must be documented in a written report that states the allegations, describes the investigative activities, states the findings and draws relevant conclusions. The report must also describe any corrective action taken by the licensee and recommendations to prevent similar incidents from occurring in the future.

Interstate Compact. Compact on the placement of children from one state to another. M.G.L. c. 119 Appendix § 2-1 *et seq.*

Legal Risk Adoption Placement. A placement of any child in a foster home which has been approved for pre-adoptive placement, who has not been surrendered for adoption or has not been the subject of a completed petition pursuant to M.G.L. c. 210, § 3 and whose permanent plan is adoption.

Licensee. A person holding a license or approval from the Department of Early Education and Care.

Open Adoption. A type of adoption in which the birth and adoptive parents are identified to one another, and which may include ongoing communication between birth and adoptive parents.

Placement Agency. A department, agency, or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under the laws of the Commonwealth, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in

family foster care or in a residential facility, except that for the purposes of adoption placement, a "placement agency" shall be a department, agency, or institution of the Commonwealth, or any political subdivision thereof, or any organization incorporated under M.G.L. c. 180, one of whose principal purposes is providing custodial care and social services to children, which receives by agreement with a parent or guardian, by contract with a state agency or as a result of referral by a court of competent jurisdiction, any child under 18 years of age, for placement in adoption.

Post-adoption Services. Post-adoption services are services provided to adopted persons and/or their adoptive families to support them at any time after legalization of the adoption. Post-adoption services may be provided directly by the licensee or by referral to a qualified community provider. They may include, but are not limited to, education, counseling, search and reunion services, and interventions intended to preserve the family and prevent adoption dissolution, as well as education and counseling about any issues and milestones relevant to the lifelong journey of adoption.

Post-Placement Supervision. Assessment by the licensee of the adjustment of parents and child to a new placement prior to or after finalization of an adoption.

Residential Program. A group care facility, temporary shelter facility, transition to independent living program or transitional housing program serving teen parents.

Self-Preserve. The physical, emotional or cognitive ability to take reasonable and appropriate actions to protect oneself when faced with adverse or threatening circumstances, including but not limited to, fire, severe weather, medical emergency, or emotional crisis.

Sibling. A child who has one or both parents in common with another child or children.

Social Worker. An individual who is a licensed social worker or licensed in a closely related field.

Supervisor. An individual who has a license in social work or licensure in a closely related clinical field, a master's degree in the field of licensure or other closely related field, and can demonstrate knowledge and understanding of assessment, placement, family reunification, foster care and/or adoption services, and the effects of trauma, as appropriate to the services provided.

5.03: Licensure

(1) Application Fee. An application for a license to offer placement services shall be accompanied by a check made payable to the Commonwealth of Massachusetts. A fee schedule can be obtained from the Department.

(2) Provisional License. An applicant who has not previously operated a placement agency shall apply for a provisional license and must provide the documents required by 606 CMR 5.03(2)(a), (b), and (c), as applicable, and shall demonstrate that services

rendered by the placement agency are adequate to protect the health and safety of children and families. The placement agency shall agree to comply with the laws of Massachusetts, of other states, of the federal government, and foreign nations and federal immigration laws if applicable.

(a) All placement agencies shall submit the following:

1. Evidence of the applicant's compliance with 102 CMR 1.05;
2. A statement of purpose as required by 606 CMR 5.04(1), including a clear definition of the services provided by the agency to children, parents, expectant parents, birth, foster and adoptive parents, foster and adoptive parent applicants and adult adoptees, as required by 606 CMR 5.04(1)(a)(5), and a statement of non-discrimination, as required by 102 CMR 1.03(1).
3. Evidence of any agreements with other child-placing or referring agencies or individuals in Massachusetts or any other State;
4. A statement of the ownership of the placement agency, including the names and addresses of all board members as required by 606 CMR 5.04(2)(a);
5. An organizational table, as required by 606 CMR 5.04(2)(c);
6. A written plan of financial capability projected for at least a 12 month period, including:
 - a. A projected one year operating budget and documentation of sufficient funds for at least three months. An operating agency must submit a current operating budget and appropriate fiscal portions of contracts, if any. The operating budget must specify the salaries of all full time employees, and all bonuses and other benefits. The budget must also specify all rent or mortgage payments, as well as any payments for vehicles owned, rented or leased by the agency. The operating budget must also specify a financial plan for closure of the agency;
 - b. A cash flow plan including projected revenue, lines of credit and cash or liquid asset reserves sufficient to enable the agency to meet expenses for at least a 12 month initial period;
 - c. Evidence of all revenue sources and amounts of revenue anticipated from these sources;
 - d. A copy of the agency's policy on designated financial responsibility, as required by 606 CMR 5.05(3);
 - e. Any other evidence of financial viability.
 - f. Agencies incorporated in accordance with M.G.L. c. 180 must submit financial documents in accordance with the standards set by the Public Charities Division of the Office of the Attorney General.
7. Grievance and appeal procedures, as required by 606 CMR 5.04(3)(g) and (h);
8. A written policy and procedure for internal investigations of allegations of non-compliance with EEC regulations, and for reporting allegations of child abuse and neglect, as required by 606 CMR 5.04(3)(d), (e), (f), and (g);

9. A procedure for emergency communications, as required by 606 CMR 5.04(3)(k);
10. Personnel policies, as required by 606 CMR 5.04(5)(a);
11. Job descriptions and salary ranges, as required by 606 CMR 5.04(5)(b) and (c);
12. A plan for the use of volunteers, as required by 606 CMR 5.04(5)(k);
13. Evidence that personnel are currently licensed, as required by 606 CMR 5.04(5)(d), and are qualified to provide direct services to children and families, as required by 606 CMR 5.06(2)(a) and 5.06(3), including the resume of the Director of Social Services, as provided at 606 CMR 5.06(1);
14. A plan for staff orientation, training, and supervision, as required by 606 CMR 5.04(5)(e), (g), and (h);
15. A plan for involving birth, foster, and adoptive parents and adult adoptees, in the development of agency policy, as required by 606 CMR 5.04(2)(f);
16. Procedures for the evaluation of children and the development of service plans for children and their families, as required by 606 CMR 5.07 and 5.08;
17. Policy regarding the provision of required social services to children, as required by 606 CMR 5.06(2);
18. Policy and procedure for the selection of appropriate placements, in accordance with 606 CMR 5.11(5);
19. Procedure and format for the home study assessments required by 606 CMR 5.09(4) and 5.10(6), and a description of and procedures for the orientation and training of foster and adoptive parents, as required by 606 CMR 5.09(2) and (9), and 5.10(3) and (4);
20. Qualifications required of foster and adoptive parents, as required by 606 CMR 5.09(4) and 5.10(6);
21. Physical requirements for foster and adoptive homes, as required by 606 CMR 5.09(3) and 5.10(5);
22. Policy and procedures regarding payments and reimbursements for the care of any child, which shall specify the method, amount, and frequency of payments;
23. Copies of all written information routinely provided to expectant parents, birthparents, foster and adoptive parent applicants, parents, and children, including the information required by 606 CMR 5.08(3)(b), 5.09(1) and 5.10(1), if applicable;
24. All intake evaluation, service plan, and face sheet forms and placement agreements and contracts to be used with clients;
25. A plan for the annual evaluation of its services;
26. A plan for agency closing that includes, but is not limited to, provisions for the appropriate termination or transfer of services to clients, the preservation or transfer of records including evidence of a financial plan for storage and transfer of records, and reasonable costs associated therewith, in accordance with EEC policy;

27. All other policies and procedures relative to operation of the placement program.

(b) In addition, placement agencies offering foster care services shall submit the following:

1. Policy and procedures for meeting the health needs of the children served, as required by 606 CMR 5.07(1)(a)(2), (1)(a)(3), and (1)(a)(4), and 5.07(1)(d) and (1)(e);
2. Policy and procedures for providing psychological and psychiatric services to children and families, as required by 606 CMR 5.07(1)(f);
3. Policy and procedures for meeting the educational needs of the children served, as required by 606 CMR 5.07(1)(g).

(c) In addition, placement agencies offering adoption services shall submit the following:

1. The licensee's policies and procedures to prevent the abduction, exploitation, sale or trafficking of children, including, but not limited to, the agency's prohibition of employees or agents from giving money or other consideration, directly or indirectly, to a child's parent(s) or other individuals or entities as payment for a child or as an inducement to release the child for adoption;
2. Written procedures for legalizing an adoption, as required by 606 CMR 5.10(13);
3. Evidence of the availability of licensed foster care, as required by 606 CMR 5.07(2)(d);
4. A plan for the provision of post-adoption services, as provided by 606 CMR 5.07(2)(e) and 5.10(14).

(3) Regular License. A signed application for license renewal will be approved when the applicant has submitted all documents required by 606 CMR 5.03(3)(a) and (b), as applicable, and the Department has evidence of the applicant's ability to comply with 606 CMR 5.00.

(a) All placement agencies shall submit the following:

1. Current copies of all policies and procedures required for licensure, or a statement certifying that all policies and procedures previously submitted are current and in effect; and
2. A list of open and closed foster and adoptive homes served during the most recent licensing period.

(b) All placement agencies offering adoption services shall submit the following:

1. A list of all clients served within the most recent licensing period;
2. A list of the agencies and individuals with whom the licensee has worked through interagency agreement;
3. Copies of all current interagency agreements;
4. An annual evaluation for the most recent licensing period, as required by 606 CMR 5.04(2)(e); and
5. Copies of certifications, accreditations, and out-of-state licenses held, if any.

(4) Term of License. A license or approval shall remain in effect beyond its term until a license renewal study is completed and a determination made by the Department on the status of the license, if the licensee has filed with the Department a request for renewal in accordance with M.G.L. c. 30A, § 13. Unless earlier revoked, suspended or made probationary:

- (a) a provisional license or approval shall remain in effect for six months from the date of issuance and may be renewed once for no more than six months;
- (b) a regular license or approval shall remain in effect for two years from the date of issuance.

(5) Evidence of Ability to Comply with 606 CMR 5.00. A placement agency, its principal departments, and an applicant whether licensed or applying for a license, shall demonstrate an ability to offer placement services in a manner which complies with 606 CMR 5.00. An applicant may be ineligible for licensure if the Department finds any of the following:

- (a) The agency has been denied the authority to provide child care services;
- (b) The agency, applicant or principal officer has been found negligent or convicted of a crime related to the provision of child care services;
- (c) The agency, applicant or principal officer is under state or federal indictment for a crime related to the provision of child care services;
- (d) The Department determines that the information set forth in 606 CMR 5.03(5)(a) through (c) would impair the placement agency's ability to comply with 606 CMR 5.00;
- (e) The applicant has a background which, in the judgment of the Department, includes conduct which bears adversely on his/her ability to provide for the safety and well-being of children;
- (f) The applicant has failed to provide adoption or foster care services during the term of the license.

(6) Variances.

- (a) The Department in its discretion may, upon written request, grant a variance of any regulation contained in 606 CMR 5.02 through 606 CMR 5.12. Any applicant wishing to request a variance shall submit a request for such in a manner and on a form prescribed by the Department. The variance request shall be accompanied by expert opinion, if applicable, written documents, and any other pertinent information the applicant wishes the Department to consider in reviewing the request. Any variance request must provide clear evidence to the satisfaction of the Department that the applicant's procedure complies with the intent of the specific regulation and the intent of the regulations taken as a whole as set forth in 606 CMR 5.01.
- (b) The Department shall act upon a request for variance and shall notify the applicant or licensee of its decision in a timely fashion. In its written notification, the Department shall state the reason for refusing or granting a variance request. A grant or denial of a variance request shall be considered a final agency decision.
- (c) A variance shall remain in effect for a specified time period not to exceed the duration of the license unless the Department receives or finds evidence that the

terms of the variance have been violated or the licensee is not complying with the intent of 606 CMR 5.00 *et seq.* At the time of license renewal the licensee may resubmit the variance request.

(7) Pilot or Demonstration Projects. Proposals for pilot or demonstration projects for the innovative delivery of services related to placement will be considered by the Department upon written request. However, no project shall be implemented without prior written approval of the Department. The Department may require that specific proposals include an evaluation component to determine the effectiveness of the project and may also consider any other evidence relevant to the proposal prior to granting approval. Projects shall be implemented only on an experimental basis for a specified time period not to exceed the term of the license unless the Department receives or finds evidence that the conditions of the approval have been violated.

5.04: Administration of the Placement Agency

(1) Statement of Purpose. Each licensee shall maintain a written statement of purpose. The primary purpose of each agency shall be to assure that, whenever possible, each child will be raised by a permanent, loving and caretaking family. Agencies shall actively recruit foster and adoptive parents from diverse cultural, ethnic and socio-economic backgrounds. Each agency shall, to the extent consistent with the best interest of the child, promote the optimal growth and individual development of all persons receiving its services.

(a) This statement shall include the following:

1. The agency's philosophy, goals and objectives;
2. The characteristics of children and families served;
3. The types of placements provided, including family foster care, residential, and adoption, specifying the type of adoption placements provided, *e.g.* identified, open, inter-country, interstate, infant, special needs, if applicable;
4. A description of the means the agency will use to identify children needing placement, and to identify and/or recruit prospective adoptive and foster parents;
5. A description of the services provided to families, expectant parents, children and their parents, birthparents, foster and adoptive parent applicants, foster and adoptive parents and adult adoptees.

(b) This statement shall make clear which services are provided directly by the agency, by referral, or through written agreements with other persons. If the licensee administers several programs at different locations, appropriate services and resources shall be identified for each location.

(c) The licensee shall keep this statement current by reflecting substantial changes in the agency's purpose, policy, procedures and services, and shall submit any revised statements to the Department. The licensee shall make this statement available upon request to any person.

(2) Organization.

- (a) Each licensee shall have documentary evidence of its sources of authority to operate the agency.
1. An agency operated by the Commonwealth or any political subdivision thereof shall keep and maintain documents that identify the statutory basis of its existence and the administrative framework of the governmental departments in which it operates.
 2. Each other agency shall maintain documents that identify its ownership, current list of officers, articles of incorporation, by-laws and identity of its incorporators and board of directors.
- (b) Each licensee shall designate one person who is responsible for administrative supervision, and is duly authorized to act as an agent for the licensee and to oversee the operation of the agency.
- (c) Each licensee shall maintain an organizational table showing the administrative structure of the agency, including the lines of authority, responsibility, communications and staff assignment.
- (d) Each licensee shall have an advisory board of at least four persons. Such board shall include at least three persons who are not employees, family members of employees, or family members of the licensee. The advisory board members shall be familiar with children's needs and placement activities. If the agency's board of directors meets the requirements of 606 CMR 5.04(2)(d) then the board may function as the agency's advisory board.
1. The advisory board shall make recommendations on the agency's policy regarding agency structure, agency evaluation, personnel and services provided. The agency shall document the reason for any differences between these recommendations and the agency's activities.
 2. The advisory board shall meet at least annually or more often if necessary to meet the above purposes.
 3. Copies of the minutes of the advisory board meetings shall be maintained.
- (e) The licensee shall provide evidence that it has completed its own annual written evaluation of its overall program which shall give special attention to its performance in promoting permanency for the children in its care, and shall include:
1. the number of children, parents, expectant parents, foster parents and adoptive parents served in the previous year. Foster care agencies shall indicate the number of children served who came into placement following adoption, their age at time of adoption and whether the adoption was a domestic or foreign placement;
 2. the number of complaints received during the year and a description of the resolution in each case;
 3. an evaluation of the success of any interagency agreements entered into during the year;
 4. an assessment of the general effectiveness of the agency in relation to its stated goals and objectives; and
 5. any recommendations for change in the subsequent year.

6. In addition, all adoption placement agencies shall include in their annual evaluation:

- a. the number of adoptive parent applicants provided financial assistance during the previous year and a description of the assistance provided;
- b. the number of expectant parents provided financial assistance during the previous year, and a description of the assistance provided;
- c. the number of families receiving post placement or post-adoption services during the previous year, including the type of services sought, the ages of the adopted children, their age at time of placement, their country of origin, and the results of those services.

(f) Each licensee shall have a procedure for involving foster and adoptive parents, birthparents, and adult adoptees in the development of agency policy.

(3) Administration.

(a) Each licensee shall designate one person who shall manage the operation of the agency in accordance with policies established by the agency board of directors.

(b) All employees on duty shall know who is responsible for administrative supervision of the agency at all times.

(c) Each licensee shall establish a system of business management and staffing to assure that the agency maintains complete and accurate accounts, books and records, including required financial, personnel and children's, foster and adoptive parent applicants', foster and adoptive parents' and birthparents' records.

(d) The licensee shall develop a written plan and follow procedures for conducting internal investigations within the agency or in foster or adoptive homes supervised by the agency. Such procedures are to be used for any complaints, incidents, and upon request of the Department, including suspected incidents of child abuse and/or neglect and cases of death or serious injury to a child placed by the agency. The licensee shall, within 24 hours, forward a copy of its investigation report to the Department.

(e) The licensee shall have a written plan for staff to file a report of abuse or neglect with the Department of Children and Families, pursuant to M.G.L. c. 119, § 51A.

(f) The licensee shall have a written plan for notifying the Department immediately after learning that a 51A report has been filed alleging abuse or neglect of a child placed in an adoptive home by the agency, and for notifying the Department immediately of the death or injury resulting in hospitalization of a child in placement.

(g) Complaint and Grievance Procedure. The agency shall have written guidelines which establish an equitable procedure for receiving, considering, deciding upon and appealing complaints from children, expectant parents, parents, birthparents, foster and adoptive parents and foster and adoptive parent applicants and staff. A copy of the complaint policy shall be made available to all persons receiving

services. A signed acknowledgement of receipt of the complaint policy must be maintained in the child's, birthparents', foster parents', adoptive parents', and foster or adoptive parent applicants' file. The complaint policy must include at a minimum:

1. a provision that the complaint will be handled by someone other than the person who worked directly on the complainant's case;
2. an indication whether the complaint may be filed in writing or verbally;
3. a provision that all complaints will be investigated and that a written decision regarding the complaint will be sent to the complainant within 30 days of receipt of the complaint;
4. a requirement that written agency decisions be sent to the complainant along with the written appeal process in the language spoken by the complainant.

(h) Complaint and Grievance Procedure Appeal. The appeal procedure shall include the opportunity for the complainants to avail themselves of at least one level of administrative review above line staff and their immediate supervisors. Such procedure shall include but not be limited to:

1. a statement that the appeal must be filed in writing;
2. time lines for filing and making a decision on an appeal;
3. a requirement that an appeal decision be sent in writing to the complainant in the language spoken by the complainant.

(i) Record of Complaints, Grievances and Appeals.

1. In accordance with its grievance and appeal procedure, the licensee shall maintain written records of all complaints and grievances, copies of all internal investigation reports and the results and/or decisions resulting from complaint, grievance and appeal procedures.
2. A record of each complaint or grievance shall be maintained in the file of the involved child, parent and/or family.

(j) Provision and Explanation of Agreements. The licensee shall provide expectant parents, parents, birthparents, foster and adoptive parents a clear explanation in their own language of every term of any agreement before they sign it. The licensee shall provide birthparents, foster and adoptive parents with a copy of any agreement they sign.

(k) Emergency Assistance. The licensee shall provide a telephone number and a system of emergency assistance to parents, expectant parents, foster parents, adoptive parents, birthparents and children. This system shall be in place on a 24 hour per day, seven day per week basis.

(4) Required Notifications.

(a) Upon request of the Department, each agency shall make available to the Department any information required to be kept and maintained under 606 CMR 5.00. Each agency shall also make available to the Department any other information reasonably related to the evaluation of the placement agency.

(b) The licensee shall provide prior notification in writing to the Department of any change of location or ownership of the agency.

- (c) Prior to any changes in the program or policy, the licensee shall give written notification to the Department of the intent to change. Notice shall be given to allow the Department sufficient time to determine whether any change in licensing status is necessary, and shall not become effective until approved by the Department. Such changes include, but are not limited to, any reduction of services or staff, changes in the population to be served or in countries of origin or referral sources for placement of children and/or revision to the policies and procedures required by 606 CMR 5.00 *et seq.*
- (d) The licensee shall provide notification in writing to the Department of any change in the chief administrative person of the agency, the Director of Social Services, as required by 606 CMR 5.06(1). Such notification shall occur within two weeks after such a change occurs. Any change in the membership of the advisory board or board of directors as required by 606 CMR 5.04(2)(d) and 5.04(2)(a)(2) shall be provided upon request by the Department and at the time of renewal.
- (e) Within ten days of receipt of notice of the initiation of civil, criminal, or administrative action against the licensee or any person employed by the licensee, the licensee shall notify the Department in writing. Such notification is required only if the legal proceedings arise out of circumstances related to the care or treatment of children, expectant parents, parents, foster or adoptive parents, foster or adoptive parent applicants, or birthparents, or to the continued operation of the agency, excluding individual custody, guardianship, or adoption proceedings.
- (f) The licensee shall immediately report to the Department any serious incident or death of any child who is in the care or custody of the licensee.
- (g) The licensee shall notify the Department immediately after learning that a 51A report has been filed alleging abuse or neglect of a child by an agency employee, and shall prohibit the allegedly abusive or neglectful employee having unsupervised contact with children until the Department of Children and Families has completed its investigation and has determined that the allegation is unsupported, and until the Department has investigated the allegation and determined that the employee may resume his/her normal duties.
- (h) The licensee shall immediately notify the Department whenever it learns that a 51A report has been filed against a foster home or foster parent.
- (i) A licensee that holds a license for placement of children in family foster care must submit to the Department quarterly a report on all 51A reports filed against approved foster homes and foster parents.
- (j) A licensee that holds a license for adoption placement shall immediately report to the Department any complaint or grievance against the agency or its staff.
- (k) A licensee that holds a license for adoption placement shall notify the Department within one week following termination of a second pre-placement agreement with adoptive parent applicants, entered pursuant to 606 CMR 5.10(7)(b).
- (l) The licensee must notify the Department at least 90 days in advance of its intended closing. Such notice shall include a review and update, as appropriate, of the plan for agency closing submitted in accordance with 606 CMR 5.03(2)(a)(26).

(5) Personnel.

(a) The licensee shall describe in writing the agency's current personnel policies and practices. A copy of the personnel policies shall be given to each new employee or s/he shall be informed that a copy is available upon his or her request. The personnel policies shall include a description of:

1. criteria and procedures for hiring, assignment, promotion, probation, and suspension or dismissal of an employee;
2. non-discrimination statement;
3. the procedure for handling staff complaints;
4. provisions for vacations, holidays, and leaves.

(b) The licensee shall make available written job descriptions for all positions, including consultants, part-time employees, interns, volunteers and per diem workers. The job descriptions shall include the qualifications for and responsibilities of each position.

(c) The licensee shall establish and describe in writing a salary range including benefits covering all positions and shall provide each employee with information regarding the salary range for his/her position or the procedure for determining his/her salary.

(d) The licensee shall obtain evidence that personnel are currently licensed in the field of social work or a closely related clinical field.

(e) The licensee shall provide orientation for all new employees to acquaint them with the agency's philosophy, organization, program, policies, practices and goals. Each licensee shall describe in writing the agency's plan for staff orientation.

(f) No employee shall be assigned responsibility for agency clients until s/he has completed the required orientation.

(g) The licensee shall provide on-going staff training regarding adoption and foster care appropriate to the size and nature of the agency and staff involved. The training shall include, but not be limited to, current issues in placement. Each licensee shall describe in writing the agency's plan for staff training.

(h) The licensee shall provide or arrange for supervision of each social worker sufficient to maintain professional licensure. Such supervision shall be provided by a person who has prior experience suitable to the goals of the agency. The supervisor shall conduct regularly scheduled supervisory sessions, which must include individual supervision, for the purpose of:

1. providing continuity of planning for each child and family;
2. assuring the best possible services for each child;
3. evaluating the worker's job performance;
4. promoting the worker's professional growth.

(i) The licensee shall require annual written evaluations of its social work staff. The licensee shall afford each social worker or supervisor the opportunity to participate in his/her evaluation, read his/her completed evaluation, comment upon it in writing and sign it. Such written evaluations shall be kept and maintained in the employee's personnel record.

(j) The licensee shall maintain a personnel record for each employee. Such record shall be made available to the Department upon request, and shall include:

1. employee's resume or job application;
2. copies of licenses or certifications held;
3. documentation of reference checks by telephone;
4. documentation of supervision, as required by 606 CMR 5.04(5)(h);
5. annual evaluations as required by 606 CMR 5.04(5)(i);
6. documentation of training as required by 606 CMR 5.04(5)(g);
7. documentation of any disciplinary actions or investigations;
8. documentation of completed background record check evaluation as required by 102 CMR 1.05(2).

(k) If volunteers or interns are used, the licensee shall describe in writing its plan for using volunteer services. The licensee shall have evidence of each volunteer's compliance with 102 CMR 1.05(2). At least one reference check shall be conducted and documented on each volunteer.

1. Volunteers shall possess qualifications in accordance with the services they provide.
2. The licensee shall utilize volunteers in conjunction with an appropriate orientation and on-going, scheduled supervision and training.

(6) Misleading Information. The licensee shall not knowingly and willfully make any statement or prepare or use any document that is known to be false or conceal or misrepresent any material fact, in connection with the provision of services to parents, birthparents, foster or adoptive parents, foster or adoptive parent applicants or children.

5.05: Financial Responsibilities. The applicant or licensee shall demonstrate financial capability to carry out its program for the licensing period.

(1) The licensee shall maintain an accurate record of receipts and expenditures, which shall be audited annually.

(2) The licensee shall keep on file at the agency its annual operating budget. The operating budget must specify:

- (a) the salaries of all employees, and all bonuses and other benefits of all staff;
- (b) all rent or mortgage payments, and;
- (c) any payments for vehicles owned, rented or leased by the agency.

(3) Designated Financial Responsibilities. The licensee shall establish and keep current a policy regarding the financial responsibility of expectant parents, parents, foster parents, adoptive parents and foster and adoptive parent applicants for all services to be provided. The policy shall specify which costs are fixed and which costs are estimates, and shall include the agency's written policy on refunds, as set forth in 606 CMR 5.05(3)(h); and provisions for assisting less affluent persons to become adoptive parents.

- (a) At the time of initial inquiry, and in all cases prior to delivering services for which a fee is charged, the licensee shall provide its financial responsibility policy to prospective clients in writing.
- (b) The policy shall detail all services to be provided and the cost to each party for:

1. application and administrative services, which may include, but are not limited to, informational and educational consultation with prospective foster and adoptive parents, advertising and outreach, networking, case management, and escrow account management;
2. home study, home study update, and adoptive parent preparation including the rate for services beyond the minimum number of hours of preparation required by these regulations, if necessary;
3. expectant parent / parent / birthparent counseling and service planning;
4. expectant parent / parent / birthparent transportation, living and support services, as applicable;
5. medical care of the expectant parent and child which is not reimbursed by third party payers;
6. legal services related to assuring that the child is free for adoption, which may include, but are not limited to, attorney's fees, private investigation fees, interpreting fees, and DNA testing fees;
7. foster care for the child prior to placement in the adoptive parent's home;
8. post-placement supervision;
9. legal services related to finalization of the adoption;
10. interagency coordination, as applicable;
11. post-adoption services, as required by 606 CMR 5.10(14);
12. pre-adoptive and adoptive parent counseling and support;
13. travel and lodging in connection with any interstate or international adoption, and;
14. Interstate Compact compliance, as applicable.

(c) The policy shall specify the circumstances under which any cost may be increased.

(d) No other costs may be charged to any client.

(e) The fees established by the licensee for services provided to families, foster and adoptive families and children shall be reasonable.

(f) If the licensee is not providing certain services directly to its clients, the licensee shall identify in writing for the expectant parents, parents, birthparents, foster parents, adoptive parents, and foster and adoptive parent applicants the services which they must obtain for themselves. The licensee shall also identify those services which it will provide directly and those which it will provide through agreement or contract.

(g) If the licensee uses a schedule for payments, the licensee shall provide the clients with written information concerning initial payments and frequency and conditions for subsequent payments.

(h) The licensee shall have a written, understandable and reasonable policy for refunding any unexpended fees.

(4) Financial Assistance to Parents / Expectant Parents

(a) Expectant parents have the right and responsibility to make an informed and uncoerced decision about the possible placement for adoption of their child. Expectant parents shall neither benefit nor suffer financially as a result of their

pregnancy. Expectant parents shall assume responsibility, in accordance with their ability to pay, for their own living, medical and transportation expenses throughout their pregnancy.

(b) The licensee may assist parents in meeting their physical and material needs in accordance with its policy for financial assistance and the provisions of 606 CMR 5.05(4)(b).

1. The licensee shall have a written policy describing the licensee's payment of expenses incurred by expectant parent(s) as permitted by 606 CMR 5.05(4)(b). The policy may provide for payment to assist the expectant mother in obtaining adequate medical care, to protect the legal rights of the expectant parent(s), to provide for transportation to obtain medical, legal, counseling and other allowed services of the agency, and/or to assist the expectant mother with living arrangements.

2. For purposes of 606 CMR 5.05(4)(b), payment shall mean the provision of money, goods, or services and shall include any compensation, consideration, donation, gift, or reimbursement.

3. The policy regarding financial assistance shall include provisions for an evaluation of the expectant mother's need for financial assistance for medical care, living expenses and transportation, and shall describe the licensee's means of determining the need for additional support. The evaluation shall consist of a review of the financial resources available to the expectant mother, including, but not limited to: family support, health insurance, public support and/or other sources designated to pay for medical care, living expenses and transportation. Payment for medical care, living expenses and transportation may be made only on the basis of the evaluation.

4. A record of this evaluation shall be shared with the expectant parents and maintained as part of the intake specified in 606 CMR 5.08(1) or 5.08(3)(a).

5. No payment shall be made for expenses incurred by or on behalf of the birthparent(s) prior to verification of the pregnancy and completion of the intake required by 606 CMR 5.08, including financial needs assessment; and development of a service plan as specified at 606 CMR 5.08(3)(c).

(c) The licensee shall ensure that the payment of expenses does not impair the parent's ability to make an informed and uncoerced decision regarding the possible placement of his/her child for adoption.

(d) The licensee may make payment for the services listed below on behalf of expectant parents in accordance with its individual evaluation of need for financial assistance as specified in 606 CMR 5.05(4)(b)(3):

1. Living Expenses and Support Services: Payment for reasonable and necessary living expenses and support services for an expectant parent shall not exceed \$2,000 per month.

- a. Living expenses shall be limited to: lodging, food, utilities and clothing.

- b. Support services shall include reasonable and necessary educational, vocational and religious services to an expectant mother.
- c. Payment for living expenses and support services of an expectant mother shall not begin prior to the third trimester of pregnancy, and shall not exceed eight weeks after the child is born.
- 2. Medical Expenses: Payment for pre-natal, birthing and other pregnancy related medical expenses, including childbirth education shall be permitted. Payment for such services shall be reasonable and shall not exceed the prevailing rates of the community in which the service is provided. No payment for medical expenses of mothers / birthmothers incurred more than 30 days after delivery shall be made except that payment may be made for one post-partum medical visit or in case of a pregnancy-related need for further medical services. Such expenses shall include but not be limited to: payment to medical personnel, medical facilities, ambulance services and pharmacies.
- 3. Transportation: Payment for necessary transportation to obtain medical, legal, counseling and other allowed services shall be permitted. Payment for transportation shall be reasonable, and shall not exceed the local prevailing rates for transportation. In addition, payment for the airfare of the expectant parent(s), together with one parent of the expectant mother if she is a minor, any dependent children of the expectant parent(s) who must be transported with the expectant parent(s) to receive the adoption services of the licensee, shall be permitted in an amount not to exceed round trip coach fare on a common carrier from and to the birthparent(s)' established place of residence. Payment may be made for no more than two such round trip airfares. Reasonable payment for necessary food and lodging expenses associated with such transportation shall be permitted.
- (e) Other Required Services. The licensee may make payment for services required by 606 CMR 5.00 such as counseling, foster care, legal services related to the relinquishment and adoption process and follow-up services.
- (f) Payment for such services shall be reasonable and shall not exceed the prevailing rates of the community in which they are provided.
- (g) Payment for legal and medical expenses other than medications shall be made directly to personnel or facilities providing such services.
- (h) The licensee shall maintain a record including receipts and/or bills (specifying the name and address of the payee and the amount and date of payment) for all payments made to a person outside the agency for services to expectant parents / birthparents under 606 CMR 5.05(4)(d) and (e), including, but not limited to:
 - 1. medical services for child and mother / birthmother;
 - 2. legal services for the surrender and/or adoption of the child;
 - 3. counseling services;
 - 4. foster care services;
 - 5. living expenses for the expectant mother /birthmother;
 - 6. transportation;
 - 7. follow-up services.

- (i) Expectant parents/ parents shall be notified in writing prior to the payment of any allowable expense, that such payment, if provided, shall not be contingent upon placement of their child for adoption.
- (j) No payment shall be made directly to the expectant parent / birthparent, or to anyone on behalf of the expectant parent / birthparent, by anyone other than the licensee.
- (k) If the licensee provides inter-country adoptions through specific sources, the licensee may enter into general, rather than child-specific agreements with these sources, and may substitute the provisions of the general agreement for the documentation required at 606 CMR 5.05(4)(h).
- (l) Any compensation, consideration, donation, gift, reimbursement or service not specifically allowed by these regulations which is provided by the licensee on or on behalf of the expectant parents / birthparents is prohibited.

(5) Financial Obligations of Adoptive Parent Applicants.

- (a) The licensee may charge adoptive parent applicants for the following services:
 - 1. application and administrative services which may include, but are not limited to, informational and educational consultation with prospective foster and adoptive parents, advertising and outreach, networking, case management, and escrow account management;
 - 2. home study and/or home study update;
 - 3. adoptive parent preparation;
 - 4. travel and lodging in connection with any interstate or international adoption;
 - 5. post-placement supervision;
 - 6. legal services related to finalization of the adoption;
 - 7. interagency coordination;
 - 8. post-adoption services;
 - 9. expectant parent / parent / birthparent counseling and service planning;
 - 10. foster care for the child prior to placement in the adoptive parent's home;
 - 11. pre-adoptive and adoptive parent counseling and support, and;
 - 12. Interstate Compact compliance, as applicable.
- (b) In addition to the fees identified above and in accordance with the pre-placement agreement required by 606 CMR 5.10(7)(b), the licensee may charge prospective adoptive parents the actual cost of:
 - 1. transportation, living and support services for the expectant parent of the child they have been identified to adopt;
 - 2. medical costs for the expectant mother and for the child which are not covered by insurance; and
 - 3. legal costs relative to assuring that the child is free for adoption which may include, but are not limited to, attorney's fees.
- (c) No other costs may be charged to prospective adoptive parents.

(6) Financial Obligations of Foster Parents. Before accepting any fee or payment for services from foster parent applicants, the licensee shall enter into a written service plan or contract for services with the applicants that specifies:

- (a) The services which the licensee will provide directly for the foster parents;
- (b) The services which will be provided to the foster parent applicants by other agencies or resources, through interagency agreement;
- (c) The cost, if any, to foster parents for each service to be provided;
- (d) Anticipated timelines for the delivery of each service to be provided;
- (e) The schedule for payment of all costs;
- (f) The obligations or expectations of foster parent applicants necessary to enable the licensee to fulfill its responsibilities under the service plan and/or its contract for services;
- (g) Any costs for care and maintenance of foster children placed in the home for which the foster parent will be responsible.

5.06: General Casework Management

(1) Each licensee shall designate a Director of Social Services.

(2) Requirement for Social Services. The licensee shall provide social services to all children in care and to their families pursuant to the service plans described in 606 CMR 5.07(1)(b), 5.07(2)(b) and (c), and 5.08(2) and (3).

(a) The licensee shall assure that there is assigned to each child in care and each parent of any child in care a social worker who shall assure that the child and family receive the services identified in the service plan.

1. Whenever parents/expectant parents are considering permanent placement, the options counseling and education services required by 606 CMR 5.08(3)(c) shall be provided by a social worker with an advanced license in social work (LCSW, LICSW) or advanced licensure in a closely related field.

2. Such person shall not be concurrently assigned responsibility for services to the foster parents or the prospective adoptive parents of the child.

(b) The licensee shall assign a social worker to act as a resource and provide ongoing support to each foster family approved by the agency. The assigned social worker shall communicate with the foster family at least quarterly, and shall be responsible for the duties outlined at 606 CMR 5.09(8).

(c) The licensee shall arrange for regular consultations between the social workers assigned to the child, the parents and the foster or adoptive parents regarding progress toward achievement of the permanent plan.

(d) Any social worker who notes concerns or significant changes in the child or foster home must promptly inform all workers assigned to the child or family of such concerns. Consistent with the terms of its interagency agreement(s), the licensee shall promptly notify all agencies which approve the home of concerns about or significant changes in the home.

(e) Except in adoption placement cases, the assigned social worker shall visit the child and the child's birth family at least once per month.

1. On each such visit the social worker shall determine whether the child is receiving services required by the service plan.
2. The social worker shall spend some time privately with each child at least monthly to assess the child's safety and well-being.
3. The visits between the social worker and child shall take place in the child's foster family home or residential facility at least once a month and shall include communication with the foster parents and other household members, and residential program staff.

(f) In lieu of providing directly the required social services described above, the licensee may make an agreement with another licensed placement agency, person, or facility, to provide the required social services for specific children or families. Such interagency agreements shall be valid for no more than two years, but may be renewed at the discretion of the parties. Social services provided through such interagency agreements shall comply with applicable regulations in the state where the services are provided.

(g) When the licensee collaborates with another licensed or approved placement agency, person, attorney or facility to deliver services, the licensee must ensure that:

1. such providers are licensed or appropriately credentialed, according to applicable regulations in the state where the services are provided;
2. service agreements or contracts between the licensee and all collaborators are written;
3. prospective adoptive parents are made aware of the relationship between the providers.

(3) Qualifications of Social Service Personnel. Any staff providing direct services to a child or family shall be a Social Worker and be supervised by a Supervisor as defined by 606 CMR 5.02.

(4) Responsibility of Social Work Staff. The social worker shall work toward implementing a permanent plan for the child as quickly as possible. In addition, the social worker shall maintain contact with the child and his birth family for the purposes of:

- (a) assisting the child and his/her birth family to:
 1. understand the reasons for placement and the timetable for working on service plan goals; and
 2. adjust to placement and separation;
- (b) developing a visiting plan and encouraging the family's continued interaction with the child, when called for by the service plan;
- (c) informing the birth family of the child's progress, as appropriate;
- (d) helping the child to cope with problems experienced in the family foster home or residential program;
- (e) reinforcing the birthparent(s)' strengths and resources to help them participate in service planning for their child;

- (f) maximizing the child's self-determination by facilitating his/her input into service plan goals and participating in the service planning and review process, as appropriate to the age of the child;
- (g) helping parents obtain services needed to make it possible for the child and family to be reunited, when called for by the service plan; and
- (h) ensuring continuity of planning for the child and family.

(5) Case Management. The licensee shall insure continuity of case management responsibilities in the absence of the social worker for an extended period of time such as vacation, sick leave, leave of absence, and holidays.

(6) Service Plans.

- (a) The licensee shall explain all service plans, updates and reviews to all parties named in the plan and to all parties responsible for implementing the plan, including, but not limited to the child's parents, the foster parents, adoptive parents, residential program staff, the agency having custody or guardianship of the child, and to the child, consistent with the child's capacity to understand.
- (b) The licensee shall provide a copy of all service plans, updates and reviews to the child's parents. Summaries of all service plans shall be available to the child's foster parents, adoptive parents and residential program upon request.

5.07: Services to Children

(1) Temporary Placements. The following regulations apply to all children whose out-of-home placement is intended to be temporary, and to all children who have not been surrendered for adoption or the subject of an approved petition for termination of parental rights.

(a) Intake Requirements.

- 1. History. Upon referral or request for placement services the licensee shall gather a complete developmental, social, educational, medical and mental health history of the child, or review the information that has been documented in the referral or application to determine that it is complete and accurate. The history shall include, but not be limited to the following:
 - a. the child's full name, citizenship, religion, race and ethnic background;
 - b. a developmental, social, educational, medical and mental health history of the child, including prenatal factors;
 - c. complete placement history of the child, including all foster care and residential placements and whether or not the child has ever been adopted;
 - d. the child's ability to self-preserve;
 - e. the level of supervision needed by the child;
 - f. special talents, abilities or interests of the child;
 - g. full names and ages of the parent(s), siblings, close relatives, and other kinship connections;

- h. documentation of the child's legal status, including custody or guardianship, and whether or not the child is free for adoption;
- i. a copy of the child's birth certificate; and
- j. reasons why any of the information in 606 CMR 5.07(1)(a)(1) is not included.

2. Medical Examination at Placement. At the time of placement, the licensee shall determine the date of the child's most recent medical examination. If an examination has occurred within the time period specified in 606 CMR 5.07(1)(e)(1), the licensee shall obtain a record of it and enter it in the child's record. If such an examination has not occurred within the specified time period, or a determination is made that an examination is necessary, the licensee shall arrange for the medical examination of the child. Such examination shall be arranged within seven days of placement and shall include:

- a. a recording of the child's health history, including prenatal information where available, early developmental history and all immunizations;
- b. a recording of the child's present physical condition including growth and development, vision and hearing, nutritional status, and evidence of communicable disease;
- c. tuberculosis skin test or chest x-ray, if indicated;
- d. for all children between the ages of nine months and six years screening for lead poisoning in accordance with Department of Public Health recommendations;
- e. psychiatric assessment or psychological evaluation, if indicated;
- f. recommendations concerning restricted activities;
- g. recommendations concerning future examinations, care and treatment or immunizations.

3. Dental Examination at Placement. At the time of placement, and as appropriate to the age of the child, the licensee shall determine the date of the child's most recent dental examination. If an examination has occurred within the preceding six months, the licensee shall obtain a record of it and enter it in the child's record. If such an examination has not occurred within the preceding six months, or a determination is made that an examination is necessary, the licensee shall arrange for such an examination to take place as soon as possible.

4. Exceptions to Medical Requirements. The licensee shall not require any child to receive medical treatment or screening when the parent or guardian of such child objects thereto on the basis of his or her sincerely held religious beliefs. However, the program may seek a court order for medical treatment or screening of a child if it believes such medical treatment or screening is in the child's best interest.

(b) Service Planning.

1. Initial Service Plan for the Child. Upon completion of the intake and prior to placement except in cases of emergency, the licensee shall develop a written service plan for each child. In developing the plan, the

licensee shall consider the needs of the child for stability and permanency. The service plan shall include:

- a. the goals for the child as seen by the licensee;
- b. any goals that have been articulated by the child;
- c. the services to be provided for the child to support the child's continued growth and development and to achieve reunification or an alternative permanent plan within the shortest possible period of time. Such services may include psychological and psychiatric services, behavior management services, medical, dental and ancillary services, educational and vocational services, including life skills, and post placement services;
- d. the level of supervision needed by the child;
- e. persons responsible to arrange the services identified;
- f. a plan for the nature and frequency of parental, extended family and sibling contacts and visits with the child, if appropriate.

2. Emergency Placement. In emergency situations necessitating immediate foster care or residential placement, the licensee shall initiate the evaluation and development of the service plan within one week of placement. The evaluation and service plan shall be completed within six weeks of placement. Upon completion of the intake and service plan, the licensee shall review the child's current placement and shall transfer the child, if necessary, to a more appropriate placement in accordance with the service plan.

3. Updated Service Plan. Within six weeks of family foster home or residential placement, the social worker responsible for the child shall review the appropriateness of the child's placement. The social worker shall update the child's individual service plan if necessary.

4. Consultation With Appropriate Persons. All service plan reviews and updates shall be completed by the child's social worker following consultation with the worker's supervisor, the child, the child's parents, the foster parents, residential program staff, and any other family and professionals as appropriate.

5. Periodic Review of Service Plan.

- a. Periodically and at least every six months from the date of placement, until family reunification or termination of parental rights, the licensee shall review the service plan for each child. The review shall include an assessment of the child's and his family's progress and needs; a review of the services being provided to the child, including but not limited to medical and dental services provided; services to the child's family; a reconsideration of the child's legal status with the goal of establishing a permanent plan for the child and an examination of alternatives to any temporary placement. The service plan shall be revised if necessary.
- b. If after six months of foster care or residential care (or earlier if the licensee deems it to be appropriate), the licensee determines that the child's family has not been interested and involved in

maintaining a relationship with their child, or in assuming parental responsibility, or has not made sufficient progress toward the goals in the family service plan, the licensee shall consider adoption as an alternative to foster care and shall make a decision whether to petition for termination of parental rights under Massachusetts General Laws. The licensee shall file such a petition, or document the reasons why that course was not chosen in the child's record. Such a consideration of adoption as an alternative to foster care shall take place at least every six months thereafter.

c. The required reconsideration of the child's legal status and consideration of adoption as an alternative to foster care and any subsequent petitions may be completed by the licensed placement agency having legal custody of the child, in accordance with the provisions of the interagency agreement specified at 606 CMR 5.06(2)(f).

(c) Communication. The licensee shall assure that children in placement have reasonable access to communication through telephone and mail. Such access may be restricted only for therapeutic reasons or court order, documented in the child's service plan.

(d) Health Services - General. The licensee shall assure the availability of a range of medical and dental services to foster children, in order to promote the children's complete physical, mental and social well-being. Such services shall include but need not be limited to:

1. evaluation and diagnosis;
2. treatment;
3. preventive health services;
4. developmental and rehabilitative services; and
5. consultation in any of the above areas.

(e) Health Services - Specific. Subject to the exception contained in 606 CMR 5.07(1)(a)(4), the licensee shall provide or arrange for health services to foster children which include but need not be limited to:

1. physical examinations at intervals recommended by current Department of Public Health policy, including examination of vision and hearing, screening for lead poisoning as recommended by the Department of Public Health, laboratory tests ordered by the examining physician, and special studies when determined by the physician to be necessary;
2. dental examinations at intervals recommended by the American Academy of Pediatric Dentistry;
3. immunizations as required by the Department of Public Health;
4. tuberculosis control, in accordance with guidelines of the Tuberculosis Prevention and Control program of the Department of Public Health;
5. reporting of communicable diseases and infections in accordance with the law;
6. family planning information, and upon request of the parent or the child (with any required consent of parent or guardian), provision of or referral for family planning devices, medication, and services. Any licensee whose

conscience prohibits the provision of such family planning devices, medication or services, may refer such child to a resource which will provide such devices, medication, and services, or shall notify the child or parents that the agency will not provide such referral.

(f) Range of Psychological and Psychiatric Services. The licensee shall provide or arrange for a range of psychological and psychiatric services in order that each child's and family's needs for psychological or psychiatric services will be met. Such services shall include:

1. evaluation and assessment;
2. therapy;
3. consultation with children, parents, foster parents and the staff and administration of the licensee; and
4. counseling to assist the child in understanding his/her placement, the reasons for removal from the family of origin and the goals for the child and family, and to empower the child to contribute to his/her service plan and exercise self-determination, to the extent possible.

(g) Arrangements for Education. The licensee shall arrange for the education of each child in care, in compliance with state and local laws, and shall document the child's educational plan in the child's record.

(h) Representation at Hearings. The licensee shall have a representative present at all judicial and administrative hearings regarding the child, and shall solicit the child's input into the matter, to the extent possible. Alternatively, a representative of the licensed placement agency having legal custody of the child may be present, in accordance with the provisions of the interagency agreement specified at 606 CMR 5.06(2)(f).

(i) Unauthorized Activities. The licensee shall not allow children to participate in any activities unrelated to the service plan of the child or to any agreements with the parent or guardian without the written consent of the parent or guardian and of the child if over 14 years of age. Children of all ages shall be consulted regarding the use of photo listings and other publicity. "Activities" shall mean but not be limited to the following:

1. research or experimentation which involve the child;
2. fund raising;
3. publicity, including photographs and participation in the mass media, except in cases where such publicity is related to finding adoptive or family foster homes for children.

(j) Transfer of Placement.

1. Any change in a child's placement must be based on a documented assessment of the child's needs.
2. Whenever the licensee determines that a child has been placed in a family foster home or residential facility unsuitable for his needs, the licensee shall evaluate his situation and consider an alternative placement. The licensee shall carry out any transfer in a manner which is sensitive to the needs of the child. Except in an emergency, transfer shall be made only with the consent of the person or agency having legal custody of the child.

3. In the event of transfer of placement, the licensee shall notify the child's foster parents as provided by 606 CMR 5.09(11) or (12), and shall notify in writing the child's parents and any other agency having responsibility for the child.

4. Documentation. The licensee shall document in the child's record the reason for transfer of placement, date of transfer, and the child's new place of residence.

(k) Obligation of Licensee for Expenses. Consistent with the child's service plan and the agreements with parents and foster parents, the licensee shall pay for all expenses incurred on behalf of the child which are not paid for by public funds or third party insurance available to the child.

(l) Reuniting of Child with Family. As soon as the licensee determines that the parent or parents are able to assume parental responsibility for the child, or as provided in the agreement between the parents and the licensee or in a court order, the child and the family shall be reunited.

(m) Development of Discharge Plan.

1. Prior to discharge from foster care or residential care and except in cases of emergency, the licensee shall consult parents, foster parents or the residential program, and other personnel involved in the development and implementation of the child's service plan in order to develop a written discharge plan.

2. The discharge plan shall be explained to the child, the child's parents, foster parents or residential program, and to any agency having custody or guardianship of the child. A copy of the plan shall be made available upon request to such people or agencies.

3. The discharge plan shall include provision for appropriate services in the child's new environment, and shall identify parties responsible for providing after-care services.

(n) Emergency Termination. In cases when discharge from placement is made on an emergency basis, a written discharge summary shall be developed in consultation with the foster parents or residential program and with any other personnel involved in the development and implementation of the child's service plan.

(o) Follow-up Contact. The licensee shall maintain contact with each child for at least three months after termination of foster care or residential care, and shall provide on-going services as necessary to facilitate the child's adjustment to his new environment and to maintain the goals of the service plan, unless such follow-up contact and services are provided by the agency having legal custody of the child in accordance with the interagency agreement specified at 606 CMR 5.06(2)(f). If such contact is not maintained, the licensee shall include in the child's record a clear explanation of the reason.

(p) Requirements in Event of Death.

1. In the event of death of a child in foster care or residential care, the licensee shall immediately notify the child's parents and the agency having custody or guardianship of the child.

2. The licensee shall cooperate in arrangements for investigation, examination, autopsy and burial.

(2) Permanent Placements. Whenever it is determined that reunification with the child's family is not the goal for the referred child, the licensee must assure that:

(a) to the extent that it is available, the intake information required by 606 CMR 5.07(1)(a) is documented, in addition to:

1. a social and health history of the family, and
2. information regarding the talents, interests and abilities of the child's family of origin;

(b) a service plan is developed that documents the responsibilities of the licensee for implementation of a permanent plan for the child. If the plan for the child is adoption, the service plan must outline the responsibilities of the licensee and of prospective adoptive parents necessary to achieve finalization of the adoption.

(c) the service plan must be reviewed and updated, as necessary, every six months until finalization of the adoption.

(d) Licensed Foster Care Prior to and Following Adoption Placement. The licensee shall provide, either directly or through agreement, licensed foster care for any child prior to or following surrender of the child for adoption and until an appropriate adoptive home for the child can be selected. Licensed foster care shall also be provided in the event that a child is removed from a prospective adoptive family.

(e) Post-Adoption Services. The licensee shall provide, either directly or by referral, post adoption services that shall include, but need not be limited to:

1. counseling, education, support groups, mentor programs, retreats, camps and organized social activities for adopted children;
2. search, reunion and mediation services to assist, facilitate and support adoptive and birth family members as they locate each other, establish communication and build positive relationships.

5.08: Services to Birthparents and Expectant Parents

(1) Intake Assessment. Upon referral or request for placement services the licensee shall complete an assessment of the parent'(s) circumstances, including:

- (a) the social, medical, and mental health histories of the parent(s);
- (b) an assessment of the strengths, resources and needs of the family, including, but not limited to financial needs, in order to determine the best plan for the child and family, and the likely duration of placement.

(2) Services to Parents During Temporary Placements. The following regulations apply whenever the goal for the child and family is reunification.

(a) Initial Service Plan. Upon completion of the intake and prior to placement except in cases of emergency, the licensee shall develop a written service plan for the child's family. In developing the plan, the licensee shall consider the needs of the child for stability and permanency. The service plan shall include:

1. the goals for the family:

2. the services to be provided for the family to achieve reunification within the shortest possible period of time. Such services may include information on alternatives to placement or types of placement, supportive family services, psychological and psychiatric services, medical, dental and ancillary services, educational and vocational services, and post-placement services;
3. persons responsible to arrange the services identified; and
4. a plan for the nature and frequency of parental contacts and visits with the child.

(b) Emergency Placement. In emergency situations necessitating immediate foster care or residential placement, the licensee shall initiate the intake and development of the service plan within one week of placement. The intake and service plan shall be completed within six weeks of placement. Upon completion of the intake and service plan, the licensee shall review the services planned and provided to the child and family and the provisions for parental contacts and visits and shall revise the plan, as necessary.

(c) Updated Service Plan. Within six weeks of family foster home or residential placement, the social worker responsible for the parents shall review the initial service plan and update the plan if necessary.

(d) Consultation With Appropriate Persons. All service plan reviews and updates shall be completed by the parent(s)' social worker following consultation with the worker's supervisor, the social worker assigned to the child, if different, and/or any other professionals providing services to the family, as appropriate.

(e) Periodic Review of Service Plan.

1. Periodically and at least every six months from the date of placement, until family reunification or termination of parental rights, the licensee shall review the service plan for the family. The review shall include an assessment of the child's and his family's progress and needs; a review of the services being provided to the child and his family; and reconsideration of the child's legal status with the goal of establishing a permanent plan for the child and an examination of alternatives to any temporary placement. The service plan shall be revised if necessary.
2. If after six months of foster care or residential care (or earlier if the licensee deems it to be appropriate), the licensee determines that the child's family has not been interested and involved in maintaining a relationship with their child or in assuming parental responsibility, or has made insufficient progress toward the goals of the service plan, the licensee shall consider adoption as an alternative to foster care and shall make a decision whether to petition for termination of parental rights under Massachusetts General Laws. The licensee shall file such a petition, or document the reasons why that course was not chosen in the child's record. Such a consideration of adoption as an alternative to foster care shall take place at least every six months thereafter.
3. The required reconsideration of the child's legal status and consideration of adoption as an alternative to foster care and any subsequent petitions may be completed by the licensed placement agency

having legal custody of the child, in accordance with the provisions of the interagency agreement specified at 606 CMR 5.06(2)(f).

(f) Agreements with Parents for Foster or Residential Placement.

1. Initial Agreement. The licensee initially accepting a child for foster or residential placement (and the licensee placing a child in foster or residential care, if different) shall enter into a written agreement with the parents of the child, or shall note the reason for failure to enter such an agreement in the child's record. Such agreement shall be in the language spoken by the parents or as interpreted by an interpreter and shall be consistent with any court order transferring custody of the child to the licensee. The agreement shall be signed prior to placement of the child, when possible. It shall include the following:

- a. the name and address of the agency, of each parent signing the agreement, and of the child to be placed in foster or residential care;
- b. the legal basis for placement, if any;
- c. the reason for placement;
- d. a statement of the responsibilities of the licensee for the child. The licensee shall require every parent placing his child to authorize any foster parent of the child or residential program in which the child is placed to authorize routine medical care, other medical care identified in the child's service plan, and any emergency medical care for the child, subject to the exception in 606 CMR 5.07(1)(a)(4). No parent shall be deemed to have made any delegation of responsibilities unless it is specified explicitly in the agreement;
- e. a summary of the service plan, including a statement of the services which the agency agrees to provide to the child and to the parents, and identification of any services to be provided by another agency;
- f. a statement describing the frequency, duration and location of the social worker's visits to the parents;
- g. a statement of the parents' responsibilities to the child which continue during foster or residential care, including the frequency, duration, location and purpose of the parents' visits with the child;
- h. the date placement will begin and the expected duration of placement of the child;
- i. a statement of any financial payments required of the parent for the foster care or residential care of the child;
- j. a statement that the agency will notify the parents in the event of serious illness or accident to the child; and
- k. a statement of the rights of the parent and the agency to terminate the agreement.

2. Review and Termination of Agreements with Parents. The agreement shall be reviewed and changed, if necessary, not more than six months after the date of the initial agreement. It shall automatically end at the end

of one year from the date of the initial agreement, or at a specified date, whichever comes first. The agreement may be re-negotiated or renewed. In the event the parents are unavailable or unwilling to renegotiate the agreement or to assume parental responsibilities, the licensee shall obtain an appropriate court order in order to retain custody of the child.

(g) Return of Child upon Termination of Agreement with Parents. If the agreement is terminated, the licensee may retain custody of the child for a maximum of seven days, (if consistent with the agreement under 606 CMR 5.08(2)(f)), during which time the child shall be prepared for return to the parents, or the agency shall obtain an appropriate court order.

(3) Services to Birthparents and Expectant Parents Considering Permanent Placement. The following regulations shall apply whenever the parents express an interest in adoption placement for their child.

(a) Intake Assessment. The licensee shall complete an assessment of the parent's circumstances, as provided at 606 CMR 5.08(1), if such an assessment has not already been completed.

(b) Information At Intake. The licensee shall provide the following information to parents in writing when they first express an interest in considering adoption placement:

1. information regarding alternatives to adoption, including temporary foster care, and resources to support parenting;
2. a statement that they have the right not to be coerced by any person into relinquishing a child for adoption;
3. information in writing about financial support available through the agency, including a statement that such financial support, if provided, is not contingent upon placement of their child for adoption and does not obligate them to relinquish their child or to repay the licensee;
4. the agency's policies and procedures to prevent the abduction, exploitation, sale or trafficking of children, including, but not limited to, the agency's prohibition of employees or agents from giving money or other consideration, directly or indirectly, to a child's parent(s) or other individuals or entities as payment for a child or as inducement to release the child for adoption;
5. a statement that they have the right to change their plans for their child at any point in the process until they sign the legal surrender;
6. a statement that the licensee has the sole discretion to determine the placement of the child. Nothing in 606 CMR 5.00 shall prohibit an agency from considering a birth parent's request for an identified placement;
7. information about the different types of adoption, *e.g.* identified, open, inter-country, interstate, infant, special needs, and the variety of arrangements for communication and visitation that are possible in such adoptions;
8. information regarding the legal result of voluntary surrender or involuntary termination of parental rights;

9. information about the court's authority to incorporate agreements regarding communication or visitation between birth and adoptive parents into the final adoption decree;
10. a statement that the expectant parents / parent(s) have the right to their own attorney, and that the licensee's attorney does not represent the expectant parents / parent(s);
11. a statement that the parents have the right to designate the religious denomination of their child's adoptive home, as set forth in M.G.L. c. 210, § 5B;
12. a copy of the agency's complaint and grievance and appeal procedures;
13. a statement that the licensee cannot enforce any voluntary agreements (written and/or unwritten) entered into between parents or birthparents and adoptive parents.

(c) Initial Service Plan. Upon completion of the intake and prior to placement except in cases of emergency, the licensee shall develop a written service plan for the expectant parents / parents, if such has not already been completed, or shall update the service plan previously developed in accordance with 606 CMR 5.08(2)(a). Services may include psychological and psychiatric services, medical services, educational and vocational services, other social services as needed, and financial assistance, as determined by the evaluation required by 606 CMR 5.05(4)(b)(3). The service plan shall include sufficient counseling and education regarding their options to assist the expectant parents / parents in reaching an informed decision regarding the surrender of their child for adoption. Such counseling shall:

1. be provided by a person with an advanced degree, with appropriate licensure, in social work, psychology or a closely related field;
2. be provided by a person who is not concurrently assigned responsibility for services to the prospective adoptive parents of the child for whom placement is being considered;
3. include, but not be limited to:
 - a. Review and exploration of the parent(s)' /expectant parent(s)' motivation for adoption;
 - b. Review and exploration of options, including alternatives to adoption;
 - c. Review and exploration of the responsibilities associated with parenting and of the resources available to support parenting;
 - d. Discussion of the importance of prenatal and post-partum health care, for parents who are pregnant;
 - e. Discussion of available resources to prevent future unintended pregnancies and the advantages of doing so;
 - f. Discussion of resources to develop self-sufficiency;
 - g. Review and exploration of the lifelong implications of placing a child for adoption;
 - h. Planning for participation in the adoption process when it is appropriate and desired;

- i. Discussion of changing roles and relationships when the birthparents will have an ongoing relationship with the adoptive family;
- j. Counseling and support to cope with voluntary or involuntary termination of parental rights, grief, separation, loss, and the lifelong implications of placing a child for adoption;
- k. Education on issues related to search and reunion; and
- l. Planning for the immediate future and referral for needed services.

(d) In lieu of providing such services directly, the licensee may meet the requirements of 606 CMR 5.08 pursuant to a written agreement with other licensed adoption agencies with social workers or individuals with the education and experience required by law in the state where the services are provided. However, in no case shall these services be provided by an individual who is also working with the prospective adoptive parents who have been identified for the child.

(e) Information Prior to Surrender. In no case shall descriptions of waiting families be provided to expectant parents / parents prior to the third trimester of pregnancy, completion of the intake and development of the required service plan. If the expectant parents / parents choose to make a plan for the adoption of their child, the licensee shall provide the following information to the expectant parents / parents in writing prior to surrender of their child for adoption, but not prior to the third trimester of pregnancy, completion of the intake and development of the required service plan:

1. a description of the adoptive parent(s) identified for the child, including:
 - a. their first names and ages;
 - b. all information available regarding their current or recurring medical and mental health conditions and their race, religion and national origin;
 - c. members of their household and extended family;
 - d. their interests, talents, and lifestyle. If the adoptive parents have not been identified prior to surrender, the licensee must inform the expectant parents/ parents as soon as adoptive parents have been identified.
2. information regarding the birthparents' right and responsibility to update the information in their case record at the agency at any time, and the procedure to do so;
3. the processes that children may use to locate their birthparents and that birthparents may use to locate their children. The information shall include, but not be limited to, a description of the rights of adoptive children to obtain certain information pertaining to their birth families upon reaching majority age, as set forth in M.G.L. c. 210, § 5D, Release of Certain Information Concerning Adoptive Persons;
4. the licensee's policy regarding contacting birthparents in cases of adoption disruption or dissolution. The licensee shall document parents' requests regarding such future contact.

5. copies of all documents they would typically be asked to sign.

(f) Post-Adoption Services. The licensee shall make available at no cost to the birthparents, either directly or by referral, any necessary social services to the birthparent(s) following adoption placement of their child. These services shall include the following:

1. factual information pertaining to any adoption services provided at the agency, including those permitted by M.G.L. c. 210, § 5D;
2. counseling concerning adoption related issues such as identity, roles, grief and loss, and relationships and communication with the adoptive family, if applicable;
3. counseling and other services which support placements;
4. assistance in joining or developing support groups;
5. general information regarding current adoption issues, practices and laws.

5.09: Services to Foster Parents

(1) Information to be Provided. The licensee shall provide in writing to all prospective foster parent applicants and upon request to any person the following information:

- (a) information regarding the licensee's program and the needs of children in the Commonwealth for family foster care and adoption;
- (b) its statement identifying all qualifications required of foster parents, and evaluation, approval and orientation procedures, as required by 606 CMR 5.09(2);
- (c) its statement of physical requirements for foster homes, as required by 606 CMR 5.09(3);
- (d) grievance and appeal procedures as required by 606 CMR 5.04(3)(g) and (h);
- (e) policy regarding financial responsibilities and the agency's complete fee schedule for all services provided as required by 606 CMR 5.05(3);
- (f) The agency's policies and procedures to prevent the abduction, exploitation, sale or trafficking of children, including, but not limited to, the agency's prohibition of employees or agents from giving money or other consideration, directly or indirectly, to a child's parent(s) or other individuals or entities as payment for a child or as an inducement to release the child for adoption;
- (g) a current list of the board of directors and advisory board (if different), including names and addresses;
- (h) copies of interagency agreements describing services to the potential applicant;
- (i) the address and telephone number of the regional office of the Department of Early Education and Care.

(2) Orientation and Training.

(a) The licensee shall provide an orientation for foster parent applicants which shall include general information on the following:

1. the characteristics, needs and number of children available for foster care and adoption placement, including, but not limited to infants, older children, sibling groups and children with special needs;
2. separation and loss, and the circumstances under which children require placement;

3. the role of the placement agency, the children served by the agency, and the services provided by the placement agency;
 4. the agency philosophy and policy regarding discipline of children;
 5. fostering children with special needs, as appropriate.
- (b) All foster parent applicants first approved for the placement of children following promulgation of these regulations must be trained in First Aid and CPR, appropriate to the ages of children who are or will be placed in the home.
- (c) All foster parent applicants approved for the placement of children prior to promulgation of these regulations must be trained in First Aid and CPR, appropriate to the ages of children who are or will be placed in the home, prior to the next annual renewal of the general foster parent agreement required by 606 CMR 5.09(6)(a). Thereafter, such certification shall be kept current.
- (d) Prior to the placement of any infant in a foster home the foster parents must be trained in Sudden Infant Death Syndrome/Sudden Unexplained Infant Death risk reduction practices and in safe bottle warming techniques.

(3) Physical Requirements for Foster Homes. The licensee shall establish physical requirements for foster homes, which shall include but need not be limited to the following:

- (a) The home must be clean, safe, free of obvious fire and other hazards, including but not limited to chipping, flaking or peeling paint or broken plaster, and of sufficient size to accommodate comfortably and appropriately all members of the household and the approved number of foster or adopted children to be placed.
 1. The home shall have bedrooms which provide at least 50 square feet per child and shall accommodate no more than four children per bedroom.
 2. No foster child over one year of age shall sleep in the same room with an adult of the opposite sex.
 3. No bedroom to be used by foster children shall be located above the second floor unless such floor has two means of egress.
 4. No bedroom to be used by foster children shall be located below the first floor unless it contains a ground level, standard door exit and at least one operable window.
- (b) The home shall have a working stove for cooking and adequate lighting and ventilation, hot and cold water supply, plumbing, electricity, and heat.
- (c) The home shall have sufficient furniture to allow each child to sleep in a separate bed and to have adequate storage space for his personal belongings.
- (d) The home shall be equipped with smoke detectors and carbon monoxide detectors in working order.
- (e) If the home uses well water, it shall be tested and determined safe, and a report of the test furnished to the licensee.
- (f) Any firearms located in the home shall be registered and licensed in accordance with state law, trigger-locked or fully inoperable and stored without ammunition in a locked area. Ammunition shall be stored in a separate locked location.

- (g) A working telephone for both incoming and out-going calls shall be available in the home at all times;
- (h) All pets must be appropriate for the children in care, free from disease and parasites and licensed and vaccinated as prescribed by law.

(4) Evaluation of Applicants. The licensee shall, consistent with its current needs, promptly evaluate foster parent applicants. The assessment shall be completed by a social worker who meets the requirements of 606 CMR 5.06(3). The assessment shall include no fewer than three in person interviews with the applicants, including at least two meetings in the applicant's home. No assessment can be considered complete unless all of the requirements of 606 CMR 5.09(4) have been met.

(a) The licensee shall interview applicants individually at least once, and as often as is necessary to determine the applicants' qualifications to foster a child.

(b) The licensee shall interview all other members of the applicants' household, as appropriate to the age of the member of the household.

(c) The licensee shall determine that each applicant and each adult household member has a background free of conduct which in the judgment of the licensee, bears adversely upon his or her ability to provide for the safety and well being of children. In making this determination, the licensee shall consider the following:

1. Engaging in, or having engaged in, conduct which results in his or her child being adjudicated in need of care and protection;

2. Use of alcohol or drugs to an extent or in a manner that impairs his or her ability to care for children properly;

3. Having engaged in conduct that results in a CORI (Criminal Offender Record Information) report or having engaged in any other conduct, criminal or otherwise, that is determined by the licensee to impair the individual's ability to care for children.

a. A CORI report shall consist of arrest, pending criminal charges or criminal charges that have been finally disposed of for any offense involving sexual or physical abuse, any offense involving children and violent or drug-related crimes, including driving under the influence of alcohol or drugs.

b. A CORI report shall also consist of the report of a restraining order entered pursuant to M.G.L. c. 209A, violations of such restraining orders and other arrests, pending charges or findings relative to abuse of adult or child family members.

4. Allegations of abuse or neglect, supported in a report issued pursuant to M.G.L. c. 119, § 51B.

5. Adjudication by the Sex Offender Registry Board as a registered sex offender.

6. Criminal record information found on a Fingerprint-based check.

(d) The assessment shall be summarized in a written report and shall document the dates and location of assessment activities, and:

1. the applicant's previous experience with foster or adoption placement services, if any, and the outcome of such experience;

2. motivation for fostering;

3. emotional stability and compatibility of the applicants;

4. the social, education, physical and mental health history of the applicant;
5. the family composition (including pets), a description of the home, including sleeping areas, and the adjustment of other children in the home, if any;
6. the family's attitude toward parenting a foster child; the applicant(s)' relationships with extended family, and the attitudes of extended family members toward accepting a foster child;
7. parenting ability, including child rearing and discipline; and the family's willingness and capacity to parent children with behavioral or emotional problems;
8. the family's attitude toward the birthparents of the child, and about visitation, if applicable;
9. the applicants' attitudes toward parenting a child of a different racial, ethnic or cultural background, a child with a history / family history of substance abuse, mental health or medical disabilities, or a child of a different sexual orientation than the applicants, and the resources available to support the applicants in each case;
10. characteristics of children desired, including age, sex, abilities or disabilities, behavior, and characteristics of children parents are not willing to foster;
11. at least three written references;
12. a written statement from a licensed physician regarding the health of each member of the household;
13. evidence of birth certificates, marriage certificates and/or divorce decrees;
14. evidence of each person's compliance with 606 CMR 5.09(4)(c);
15. review of the applicant's financial ability to care for a foster child; and
16. the licensee's conclusions regarding the applicant(s)' ability to meet the physical, developmental, emotional and educational needs of a child or children; the licensee's recommendation as to the age, sex and characteristics of children which the applicant(s)' home can safely accommodate and which the foster parent applicant(s) can best serve.

(e) The written report shall be reviewed and approved by the supervisor of the social worker who completed the assessment. The report shall be considered complete when approved by the social worker's supervisor.

(f) Notwithstanding 606 CMR 5.09(4)(e), home study reports completed by social worker licensed at the independent level (LICSW) or advanced licensure in a closely related clinical field must be reviewed by an individual with equivalent qualifications and prior experience as outlined in 606 CMR 5.06(3).

(g) Home studies for prospective and approved foster parents shall be valid for one year from the date of completion.

(h) In place of the complete home study required by 5.09(4), above, the licensee may perform a limited foster parent assessment or home study update in the following circumstances:

1. if the licensee receives a foster or adoptive parent assessment from another agency licensed or approved by the Department completed not more than twelve months prior to the current application for approval;
 2. if the licensee receives a foster or adoptive parent assessment performed in another state in accordance with the laws of such state, completed not more than twelve months prior to the current application for approval;
 3. If twelve months have passed since the original home study approval.
- (i) A limited foster parent assessment or home study update shall be a review of the previous foster parent assessment for compliance with 606 CMR 5.09(3) and (4), and must include:
1. The completion of new Background Record Checks for all household members aged 15 and up;
 2. a visit to the foster parent's home;
 3. interviews which are conducted in person with the foster parent(s) to determine if there have been any changes since the last home study. All information required by 606 CMR 5.09(4)(d) must be reviewed with the foster parents and confirmed or updated. Changes in financial status must be supported with current documentation;
 4. a current statement from a medical professional about the health of all household members.
- (j) The limited home study or home study update shall be summarized in a written report and shall document the dates and location of assessment activities. If any recommendations regarding placement have changed, the report shall document and explain such changes. It shall be signed by the social worker who conducted the home study update and shall be reviewed, approved and signed by the social worker's supervisor or the Director of Social Services.
- (k) The licensee shall notify each foster parent applicant in writing of the results of the assessment within 30 days of the last visit to the applicant. The licensee shall provide the applicant with a copy of the home study or home study update upon completion.
- (l) Foster parent applicants not approved for placement shall be provided an explanation in writing of the reasons for such disapproval. Such explanation shall also include written procedures for the applicant to appeal the agency decision, in accordance with 606 CMR 5.04(3)(g) and (h).

(5) Foster Homes Previously Approved. If the licensee intends to approve for placement of foster children a home which is concurrently approved by another agency for the placement of foster children, the licensee must enter into an agreement with all approving agencies regarding the sharing of appropriate information about the home and children placed therein. Such information shall include, but not be limited to:

- (a) significant changes in the behavior or clinical profile of children placed in the home, which may pose a risk to other children or adults in the home;
- (b) concerns regarding the foster family which may impact their ability to provide appropriate care for children in the home.

(6) Agreements with Foster Parents.

(a) General Foster Parent Agreement. The licensee shall enter into a written agreement in in the language spoken by the foster parents or as interpreted by an interpreter with every foster parent applicant whom the licensee has evaluated and approved to become a foster parent. This agreement shall be signed and dated by the licensee and each foster parent, and shall be renewed annually. The agreement shall include:

1. the name and address of the licensee and the name and address of the foster parent;
2. a statement defining the responsibilities of the foster parents;
3. a statement defining the responsibilities of the licensee for providing services to foster children and foster parents;
4. a statement describing state law and agency requirements regarding child rearing and discipline practices;
5. the range and frequency of payments to be made to foster parents for board and care of foster children;
6. the method for closing a foster home or for removing a child from the home;
7. the responsibility of the licensee to provide, and the foster parents' responsibility to participate in and complete, the foster parent orientation and on-going training programs, including, but not limited to certification in First Aid and CPR;
8. a statement that no foster parent shall give up full time residential care of any foster child to anyone other than the licensee or a person designated by the licensee, unless ordered to do so by a court of competent jurisdiction;
9. a statement that no foster child shall be moved out of state without consent of the licensee;
10. a statement that the foster parent shall notify the licensee in the following circumstances:
 - a. 60 days prior to moving out of state;
 - b. in the event of a vacation or trip which would result in the family being away from their usual place of residence overnight;
 - c. immediately in the event of a death or serious injury to the foster child;
 - d. within 24 hours of any significant changes in the status and health of household members including, but not limited to: death, divorce, separation, serious illness or hospitalization.
11. a statement that the foster parent shall immediately notify a child's social worker of any concerns regarding a child's safety which arise during placement;
12. a plan for the care of the foster child or children during any extended absences of the foster parents which shall have as a priority the maintenance of the children's stability;
13. a statement informing the foster parent regarding liability insurance to protect the foster parents from personal liability for certain damages relating to the provision of foster care;

14. a statement which assigns responsibility for payment in the event of damage to or loss of the foster parents' property caused by the foster child, and advising the foster parents to review any insurance policies they personally may have in order to determine the extent of their coverage.

15. provisions for termination of the agreement.

(b) Required Agreement Upon Placement of an Individual Child. The licensee shall enter into a written agreement with every foster parent with whom the licensee places a child, prior to the placement of the child, or in case of emergency within three days after placement. The agreement shall be in the language spoken by the foster parent, shall be signed and dated by the licensee and each foster parent, and shall be revised (if necessary) as appropriate, but in no event less often than every six months. The agreement shall include:

1. the full name and address of the child placed in the family foster home pursuant to the agreement;
2. child's date of birth;
3. child's school grade and school attended;
4. pertinent medical information and any available developmental information;
5. a description of the child's behavior and any special abilities or problems the child may have;
6. a summary of the child's placement history and social history where providing this information is not contrary to the best interests of the child;
7. child's custody or guardianship status, including legal basis for foster care and whether or not the child is free for adoption;
8. name and address of the child's parents, when appropriate, and parents' or relatives' involvement and arrangements for visiting;
9. religious requirements for the child, when applicable;
10. arrangements for clothing for the child;
11. the amount and frequency of payment to the foster parents for the board and other expenses of the foster child;
12. name, work address and phone number, and day in office of the social worker responsible for the child;
13. an emergency telephone number or the number of the licensee's 24 hour telephone service;
14. a statement authorizing the foster parents to obtain routine and emergency medical and dental care for the child;
15. a statement identifying the person authorized to undertake other actions with regard to the child, such as the authorization of the child's special education plan under St. 1972, c. 766.
16. the specific responsibilities of the licensee and foster parents required for implementation of the foster child's service plan;
17. provisions for specific services to be provided to the child and for visits by the social worker with the child and foster parents;
18. description of how the child being placed differs from the licensee's home study recommendation as to the age, sex and characteristics of children which the applicant(s) home can safely accommodate and which

the foster parent applicant(s) can best serve, if applicable, and the additional resources and/or training that the licensee will provide to support the placement; and

19. the conditions under which the agreement may be terminated and the child removed from the home.

(7) Information Prior to Decision to Accept a Foster Child. The licensee shall provide each foster parent prior to placement sufficient information about each foster child to be placed with him (including a description of his service plan) to enable the foster parent to determine if he will accept the child. This information shall include, when available, but need not be limited to, the age, sex, race, and medical condition of the child, information regarding the reason for placement and a description of any behavioral problems the child may have.

(8) Responsibilities of the Social Worker for the Foster Home. Each foster home shall be assigned a social worker or family resource worker who shall:

- (a) be responsible for providing direct services to the foster family;
- (b) visit the family in the foster family home at least quarterly if children have been in care during the quarter;
- (c) visit the family in the family foster home after six months if children have not been in care during the previous six months;
- (d) meet with the foster parents to address any concerns regarding the family's ability to provide care for children.
- (e) notify foster parents whenever a child previously placed in their home requires foster care placement, so that they may be considered for the present placement, unless documentation is maintained that such consideration is inappropriate;
- (f) notify the foster parents (in writing) whenever a foster child is freed for adoption, so that they may be considered as potential adoptive parents if the child has been in their care for six months. The foster parents must notify the licensee of their desire to adopt within two weeks after they are notified of the child's release. The licensee shall decide on the foster parents' request to adopt within three months. Nothing in 606 CMR 5.00 shall prohibit the licensee from considering the foster parents as potential adoptive parents if the child has been in the foster parents care less than six months, or if the foster parents do not notify the licensee of their desire to adopt within two weeks;
- (g) and otherwise be available to assist the foster parents in meeting their foster parent responsibilities, as specified in the foster parent agreements required by 606 CMR 5.09(7).

(9) On-going Training.

- (a) The licensee shall require foster parents caring exclusively for infants for no more than a total of six weeks per year in anticipation of placement for adoption to participate in annual training in safe bottle warming techniques, reducing the risk of Sudden Infant Death Syndrome/Sudden Unexplained Infant Death, preventing shaken baby syndrome, CPR, and First Aid. Additional training to

support the foster parents in meeting the individual needs of infants placed in their home shall be required as necessary.

(b) The licensee shall require all other foster parents to attend, via in-person or online, a minimum of 20 hours of training each year to develop foster parents' skills in meeting the needs of foster children, and in fulfilling their responsibilities as foster parents. Such training shall include training necessary to maintain certification in First Aid and CPR, as well as annual training in safe bottle warming techniques and in reducing the risk of Sudden Infant Death Syndrome/Sudden Unexplained Infant Death if foster parents are approved for the care of infants. In addition, the licensee shall provide or arrange for special training for foster parents caring for children with special needs, including training in therapeutic parenting skills, behavior support and management and crisis intervention, if appropriate.

(10) Requirement for Annual Review. The licensee shall annually review in person with each foster parent his or her performance and experiences in providing foster care during that year. The licensee shall provide each foster parent with the results of the review in writing. The foster parent may dispute the results of the review in writing, which shall become part of the foster parent's record. The review shall include:

- (a) a review of responsibilities outlined in the general foster parent agreement;
- (b) consultation with each social worker involved with children in the home;
- (c) reference to any services provided to the foster family on its own behalf;
- (d) a summary of the foster parents' participation in orientation and training.

(11) Notification of Removal of Foster Child. Except when a child is being returned to his family or placed directly in an adoptive family, the licensee shall give foster parents at least one week advance notice of the removal of any foster child who has been in their home for six weeks and the reason for the removal. Whenever there is an immediate need to reunite the child with his parent or guardian, the licensee must maintain a written explanation of such need. The written record shall be available to the foster parents and the Department.

(12) Emergency Removal of Child. In cases of emergency when the licensee determines that the health or safety of the child or children would be endangered by remaining in the foster home, adoptive home or residential program, the child(ren) may be removed immediately. The licensee shall maintain a written record of such removal which shall be available to the Department. The licensee shall notify the foster parents, adoptive parents or residential program in writing of the specific reasons for the removal.

(13) Closing of Foster Home. In cases when the licensee determines that the foster home is unable to meet the needs of foster children, the licensee shall send a written notice of intent to close the home to the foster parents. The notice shall contain an explanation of the specific reasons for the intended closing, and information about the agency grievance procedure. Except in cases of emergency, the home shall not be closed nor the foster children removed until the foster parents, if they so desire, have had the opportunity to complete all steps in the grievance procedure.

5.10: Services to Adoptive Parents

- (1) Information to be Provided. The licensee shall provide in writing to all prospective adoptive parent applicants and upon request to any person the following information:
- (a) information regarding the licensee's program and the needs of children in the Commonwealth for family foster care and adoption;
 - (b) its statement identifying all qualifications required of adoptive parents, and evaluation, approval and orientation procedures, as required by 606 CMR 5.10(3), (4), and (6);
 - (c) its statement of physical requirements for adoptive homes, as required by 606 CMR 5.10(5).
 - (d) grievance and appeal procedures as required by 606 CMR 5.04(3)(g) and (h);
 - (e) policy regarding financial responsibilities, including the agency's policy regarding financial assistance to expectant parents, the agency's policy for financial assistance to adoptive parent applicants, and the agency's estimate of costs for all services provided;
 - (f) The agency's policies and procedures to prevent the abduction, exploitation, sale or trafficking of children, including, but not limited to, the agency's prohibition of employees or agents from giving money or other consideration, directly or indirectly, to a child's parent(s) or other individuals or entities as payment for a child or as an inducement to release the child for adoption;
 - (g) a statement the adoption program budget (current year) as required by 606 CMR 5.03(2)(a)(6) is available on request;
 - (h) a current list of the board of directors and advisory board (if different), including names and addresses;
 - (i) copies of interagency agreements describing services to the adoptive parent applicant, as applicable;
 - (j) the address and telephone number of the regional office of the Department of Early Education and Care.
- (2) Before accepting any fee or payment for services from adoptive parent applicants, the licensee shall enter into a written service plan or contract for services with the applicants that specifies:
- (a) the services that the licensee will provide directly for the adoptive parents;
 - (b) the services that will be provided to the adoptive parent applicants by other agencies or resources, through interagency agreement;
 - (c) the estimated cost, if any, to adoptive parents for each service to be provided, or the total cost of all services, if the agency uses a flat fee or sliding fee scale;
 - (d) anticipated timelines for the delivery of each service to be provided;
 - (e) the schedule for payment of all costs;
 - (f) the obligations or expectations of adoptive parent applicants necessary to enable the licensee to fulfill its responsibilities under the service plan and/or its contract for services.
- (3) Orientation. The licensee shall provide an orientation for adoptive parent applicants. The orientation shall include general information on the following:

- (a) ethical standards in adoption practice;
- (b) the characteristics, needs and number of children available for foster care and adoption placement, including, but not limited to infants, older children, sibling groups and children with special needs;
- (c) separation and loss, and the circumstances under which children require placement;
- (d) the role of the placement agency, the children served by the agency, and the services provided by the placement agency;
- (e) the agency philosophy and policy regarding discipline of children;
- (f) the legal rights and responsibilities of adoptive parents, as required by 606 CMR 5.10(5);
- (g) adopting children with special needs, as appropriate;
- (h) the purpose, nature and types of adoption, including, but not limited to local, inter-state and international placements and the variety of communication arrangements that may be made between birth and adoptive families;
- (i) current statistics regarding the choices made by expectant parents who receive agency services to parent or place their child for adoption;
- (j) the number of adoptive parent applicants currently waiting for placement;
- (k) the agency's procedures regarding domestic adoption placement, including the criteria and procedures used to identify a particular adoptive family for a particular child;
- (l) current information regarding the average number of anticipated placements ("matches") per adoptive parent applicant that occur before a placement is made;
- (m) the approximate duration of time from approval or assignment of a child to placement of a child, and the agency's assignment procedures;
- (n) disclosure that the licensee cannot enforce any agreements (written and/or unwritten) entered into between birthparents and adoptive parents;
- (o) the legal procedures for adoption, including information regarding the court's authority to enforce agreements regarding communication between birth and adoptive parents; and
- (p) the process children may use to locate birthparents and that birthparents may use to locate children.

(4) Adoptive Parent Preparation.

- (a) Prior to placement the licensee shall provide a minimum of ten hours of education to adoptive parent applicants about a range of issues that influence adjustment after adoptive placement, including, but not limited to:
 - 1. risk and protective factors shaping adopted children's physical, social and mental health adjustment and ways to meet their medical, mental health and developmental needs. Such information shall include the risks, consequences and prevention of lead poisoning;
 - 2. loss and grief issues for themselves and their adopted children;
 - 3. child development and parenting techniques;
 - 4. differences between parenting adopted children and parenting children born into the family;
 - 5. talking with children about adoption and addressing identity issues;

- 6. the benefits and responsibilities of openness in adoption and the range of related issues, including but not limited to the evolution of relationships with birth family members, developing effective open relationships, and search and reunion supports;
- 7. the impact of adoption on child development and family adjustment throughout the life cycle;
- 8. community resources, both formal and informal, for post-adoption education, support, and therapeutic intervention; and
- 9. the importance of notifying the agency in the event of dissolution or disruption of the adoption.

(b) In addition, prior to placement of any infant in an adoptive home the adoptive parents must be trained in Sudden Infant Death Syndrome/Sudden Unexplained Infant Death risk reduction practices and in safe bottle warming techniques.

(5) Physical Requirements for Adoptive Homes. The licensee shall establish physical requirements for adoptive homes, which shall include but need not be limited to the following:

- (a) The home must be clean, safe, free of obvious fire and other hazards, including, but not limited to chipping, flaking or peeling paint or broken plaster; and of sufficient size to accommodate comfortably and appropriately all members of the household and the approved number of foster or adopted children to be placed;
- (b) The home shall have a working stove for cooking and adequate lighting and ventilation, hot and cold water supply, plumbing, electricity, and heat;
- (c) The home shall have sufficient furniture to allow each child to sleep in a separate bed and to have adequate storage space for his personal belongings;
- (d) The home shall be equipped with smoke detectors and carbon monoxide detectors in working order;
- (e) If the home uses well water, it shall be tested and determined safe, and a report of the test furnished to the licensee;
- (f) Any firearms located in the home shall be registered and licensed in accordance with state law, trigger-locked or fully inoperable and stored without ammunition in a locked area. Ammunition shall be stored in a separate locked location.
- (g) A working telephone for both incoming and out-going calls shall be available in the home at all times;
- (h) All pets must be appropriate for the children in care, free from disease and parasites and licensed and/or vaccinated as prescribed by law.

(6) Evaluation of Applicants. The licensee shall, consistent with its current needs, promptly evaluate adoptive parent applicants. The assessment shall be completed by a social worker who meets the requirements of 606 CMR 5.06(3). The assessment shall include at least three in-person interviews with the applicants, including at least two meetings in the applicant's home. No assessment can be considered complete unless all of the requirements of 606 CMR 5.10(6) have been met, and for adoption approval, until 30 days have elapsed since the beginning of the assessment.

- (a) The licensee shall interview applicants individually at least once, and as often as is necessary to determine the applicants' qualifications to adopt a child.
- (b) The licensee shall interview all other members of the applicants' household, as appropriate to the age of the member of the household.
- (c) The licensee shall determine that each applicant and each household member aged 15 and up has a background free of conduct which in the judgment of the licensee, bears adversely upon his or her ability to provide for the safety and well-being of children. In making this determination, the licensee shall consider the following:
 - 1. Engaging in, or having engaged in, conduct which results in his or her child being adjudicated in need of care and protection;
 - 2. Use of alcohol or drugs to an extent or in a manner that impairs his or her ability to care for children properly;
 - 3. Having engaged in conduct which results in a CORI (Criminal Offender Record Information) report or having engaged in any other conduct, criminal or otherwise, that is determined by the licensee to impair the individual's ability to care for children.
 - a. A CORI report shall consist of arrest, pending criminal charges or criminal charges that have been finally disposed of for any offense involving sexual or physical abuse, any offense involving children and violent or drug-related crimes, including driving under the influence of alcohol or drugs.
 - b. A CORI report shall also consist of the report of a restraining order entered pursuant to M.G.L. c. 209A, violations of such restraining orders and other arrests, pending charges or findings relative to abuse of adult or child family members.
 - 4. Allegations of abuse or neglect, supported in a report issued pursuant to M.G.L. c. 119, § 51B.
 - 5. Adjudication by the Sex Offender Registry Board as a registered sex offender.
 - 6. Criminal record information from a Fingerprint-based check.
- (d) The assessment shall be summarized in a written report and shall document the dates and location of assessment activities, and:
 - 1. the applicant's previous experience with foster or adoption placement services, if any, and the outcome of such experience;
 - 2. motivation for adoption;
 - 3. emotional stability and compatibility of the applicants;
 - 4. the social, education and health history of the applicant;
 - 5. the family composition (including pets), a description of the home, including sleeping areas, and the adjustment of all children in the home, if any;
 - 6. the family's attitude toward accepting an adopted child; the applicant(s)' relationships with extended family, and the attitudes of extended family members toward accepting an adopted child;

7. parenting ability, including child rearing and discipline, and the family's willingness and capacity to parent children with behavioral or emotional problems;
8. the applicants' attitudes toward parenting a child of a different racial, ethnic or cultural background, a child with a history / family history of substance abuse, mental health or medical disabilities, or a child of a different sexual orientation than the applicants, and the resources available to support the applicants in each case;
9. the network of personal and community supports available to support the adoptive parents and child, following placement;
10. the family's attitude toward the birthparents of the child, and about visitation and contact, if applicable;
11. characteristics of children desired, including age, sex, abilities or disabilities, behavior, and characteristics of children parents are not willing to adopt;
12. at least three written references, including from adult children of the applicants, if any;
13. a written statement from a licensed physician regarding the health of each member of the household;
14. evidence of birth certificates, marriage certificates and/or divorce decrees;
15. evidence of each person's compliance with 606 CMR 5.10(6)(c);
16. expectations for a child, including the family's plans to discuss adoption with the child;
17. review of the adoptive parent applicant's financial ability to care for an adopted child; and
18. the licensee's conclusions regarding the applicant(s)' ability to meet the physical, developmental, emotional and educational needs of a child or children; the licensee's recommendation as to the age, gender and characteristics of children which the applicant(s)' home can safely accommodate and which the adoptive parent applicant(s) can best serve.

(e) The written report shall be reviewed and approved by the supervisor of the social worker who completed the assessment.

(f) Notwithstanding 606 CMR 5.10(6)(e), home study reports completed by Licensed Independent Clinical Social Workers must be reviewed by a person with equivalent qualifications and prior experience suitable to the goals of the licensee. These reports shall be considered complete when signed by the reviewer.

(g) Home studies for prospective adoptive parents shall be valid for a maximum of 18 months from the date of completion.

(h) In place of the complete home study required by 606 CMR 5.10(6)(a), (b), and (c), the licensee may perform a limited assessment or home study update in the following circumstances:

1. if the licensee receives an adoptive parent assessment from another agency licensed or approved by the Department completed not more than eighteen months prior to the current application for approval;

2. if the licensee receives an adoptive parent assessment performed in another state in accordance with the laws of such state, completed not more than eighteen months prior to the current application for approval;
 3. if a placement does not occur within eighteen months of approval of the adoptive parent by the licensee.
- (i) A limited adoptive parent assessment or home study shall be a review of the previous adoptive parent assessment for compliance with 606 CMR 5.10(5) and (6), and must include:
1. the completion of new Background Record Checks for all household members;
 2. a visit to the prospective adoptive parents' home;
 3. interviews which are conducted in person with the prospective adoptive parent(s) to determine if there have been any changes since the last home study. All information required by 606 CMR 5.10(5) and (6) must be reviewed with the prospective adoptive parents and confirmed or updated. Changes in financial status must be supported with current documentation;
 4. a current statement from a medical professional about the health of all household members.
- (j) The limited home study or home study update shall be summarized in a written report and shall document the dates and location of assessment activities. If any recommendations regarding placement have changed, the report shall document and explain such changes. It shall be signed by the social worker who conducted the home study update and shall be reviewed, approved and signed by the social worker's supervisor or a second reviewer as provided by 606 CMR 5.10(6)(f).
- (k) The licensee shall notify each adoptive parent applicant in writing of the results of the assessment within 30 days of the last visit to the applicant. The licensee shall provide the applicant with a copy of the home study or home study update upon completion.
- (l) Adoptive parent applicants not approved for placement shall be provided an explanation in writing of the reasons for such disapproval. An explanation shall be documented in case notes whenever a home study is not completed in a timely fashion.
- (7) Information Prior to Decision to Accept an Adoptive Child.
- (a) The licensee shall document in case notes all discussions with the prospective adoptive parent(s) regarding their interest in parenting a particular child or children. Such case notes shall include the information provided about the child and his/her background, the dates such discussions occurred, and the prospective adoptive parent's interest in pursuing adoption of the child.
 - (b) When the licensee has identified prospective adoptive parents for a particular child, the licensee shall enter into a written pre-placement agreement to the prospective adoptive parents that specifies:
 1. all available information regarding the child and his/her background, including, but not limited to:
 - a. identifying information including child's first name;
 - b. sex and date of birth or estimated age;
 - c. reports of complete medical examination;

- d. all information available regarding the medical history, mental health history, special talents, abilities or interests, race, religion and national origin of the child and birth family, and any other information which would be relevant to the growth and development of the child;
 - e. developmental history including a chronological summary of the child's reactions to any caretakers, any traumas (physical and/or emotional) in the child's life, including the potential implications of this history on:
 - i. the child's ongoing development;
 - ii. the need for special parenting skills and the availability of supportive resources;
 - f. information on the child's grade level, educational performance, and special skills or interests, if the child is of school age;
 - g. social report including the child's general responses to his/her peers, his/her general temperament, and responses to authority and discipline;
 - h. description of current living situation including a description of how the child came into care, type of placement setting (*i.e.*, orphanage, private home, foster care), first names of any siblings in placement, if available, their ages and the continuing relationship of the birth family with the child, if any;
 - i. a summary of the child's current legal status, including any legal actions taken to establish the child's eligibility for adoption in accordance with laws of the state or foreign countries. The licensee shall inform adoptive parents that legal risk placements are foster care placements;
 - j. information, if any, on all previous caretakers including length of time in care, circumstances for placing the child and removing the child from the caretaker;
2. updated information regarding any estimated costs relative to the adoption for which the prospective adoptive parents may be held responsible, including but not limited to the cost of birthparent transportation, living and support services; foreseeable medical costs for the child which may not be covered by insurance; legal costs relative to assuring that the child is free for adoption and relative to finalizing the adoption; travel and lodging in connection with any interstate or international adoption, and any other fees for services provided or arranged by the licensee;
 3. a schedule for payment of anticipated costs;
 4. an estimated date of placement;
 5. an opportunity to meet the child prior to placement or, in the case of international adoption, a photograph of the child taken not more than three months prior to entering the pre-placement agreement;
 6. a written explanation why any of the required information has not been provided.

(c) Limits on Pre-Placement Agreement.

1. The licensee shall not enter into a pre-placement agreement with adoptive parent applicants prior to the expectant parent's third trimester of pregnancy.
2. The pre-placement agreement shall not obligate the licensee to place, nor the prospective adoptive parents to accept the placement of a child for adoption.
3. The pre-placement agreement may be terminated by either party with 72 hours written notice of intent to terminate the agreement.
4. The licensee may not enter into a pre-placement agreement regarding a particular child with more than one prospective adoptive parent or couple concurrently.

(8) Payment of Expectant Parent Expenses. The licensee shall not place a child with any potential adoptive parent who has provided payment, money, consideration or services to that child's birthparent or to anyone on behalf of the child's birthparent, except through the licensee.

(9) Information Prior to Placement. Prior to placement of the child in the prospective adoptive home, the licensee shall provide the prospective adoptive parents in writing any additional information available regarding the child since the pre-placement agreement and any updates or corrections to the information provided in the pre-placement agreement.

(10) Rights and Responsibilities of Adoptive Parents. Prior to placement, the licensee shall inform the adoptive parents in writing of their rights and responsibilities regarding the child prior to legalization of the adoption. Such information shall include but not be limited to medical care, travel outside the state and any other areas where law requires consent of parents or guardians.

(11) Responsibilities of the Social Worker for the Adoptive Home. The licensee shall assign a social worker who will be responsible for providing direct services to the adoptive family until the adoption is finalized. The social worker shall assist the adoptive parents and the child with any adoption-related matters and shall:

- (a) prior to placement, make contact at least quarterly with applicants who have been approved for placement;
- (b) following placement, assist the adoptive parents and the child with any adoption-related matters;
- (c) following placement, make monthly supervisory contacts with the adoptive parents, beginning no later than two weeks after placement, and continuing until the adoption decree is entered. Beginning no later than six weeks after placement, such contacts shall be face to face at least every other month. At least two contacts shall be in the adoptive parent home with the child and parents;
- (d) following placement, and as appropriate to the age of the child, talk privately with the child to explore the child's safety and well-being, feelings and concerns about placement;

- (e) inform the adoptive parents in writing of any postponement of the legalization of the adoption, the reasons for such postponement, the actions which the licensee determines are needed to remedy such postponement and the time frames within which such actions must be taken;
- (f) provide updated medical and/or psychological information regarding the birth family to the adoptive family. Relevant information about siblings shall be included;
- (g) assist the adoptive parents and the child in obtaining any needed services;
- (h) inform the adoptive parents of their right to update the information in their case record at the agency at any time;
- (i) document in case notes in adoptive family records all contacts with children and adoptive families, including post placement supervision, if applicable;
- (j) assist the adoptive parents in maintaining, when appropriate, contact with siblings and;
- (k) providing support services for older sibling groups.

(12) Emergency Removal of Child. In cases of emergency when the licensee determines that the health or safety of the child or children would be endangered by remaining in the adoptive home the child(ren) may be removed immediately. The licensee shall maintain a written record of such removal which shall be available to the Department. The licensee shall notify the adoptive parents in writing of the specific reasons for the removal.

(13) Legal Procedures for Adoption. The licensee shall inform the adoptive parents in writing of the legal procedures involved in petitioning for and legalizing a decree of adoption. The licensee shall represent or assist in arranging for representation of the adoptive parents in such legal procedures.

(14) Post-Adoption Services. The licensee shall provide, either directly or by referral, post adoption services to the family and child as their needs demand that shall include, but need not be limited to:

- (a) education regarding the impact of adoption on children's development over the life cycle, particularly in relation to identity, loss, and coping with stigma or questions from peers and adults, and in understanding and meeting the particular needs of their own adopted children;
- (b) supportive services to assist parents in their adjustment to adoption, in integrating their adopted child into the nuclear and extended family, and in developing a secure attachment with the adopted child by means that include, but are not limited to support groups, mentor programs, organized social activities for adoptive parents and/or children, retreats and camps;
- (c) information, referral and advocacy services;
- (d) clinical services, including clinical evaluations, brief problem-solving counseling, individual and family therapy and residential treatment;
- (e) search, reunion and mediation services to assist, facilitate and support adoptive and birth family members as they locate each other, establish communication and build and maintain positive relationships.

5.11: Placement Requirements

(1) Documentation of Need. No child shall be placed without written evidence that placement is the most appropriate plan for the child. Such evidence shall include written documentation of:

- (a) the purpose of placement;
- (b) a record of previous placements, if any;
- (c) reasons why placement is considered necessary and appropriate;
- (d) a record of attempts to provide preventive services and examination of possible alternatives to placement, or a statement as to why placement is warranted without such attempts being made;
- (e) an estimate of the duration of the need for placement;
- (f) a description of the types of placement which would best meet the child's needs;
- (g) a description of the conditions under which the child shall be returned home, if reunification is the goal.

(2) Authority to Place a Child in Foster Care or Residential Care. The licensee shall have evidence of the authority to place a child in foster or residential care when it has a copy of the following:

- (a) a court order giving custody or guardianship of the child to the licensee;
- (b) a contract with any agency legally authorized to provide foster care or residential care;
- (c) a written agreement with the child's parent(s) or legal guardian;
- (d) a request for foster care or residential care by the child himself, with any legally required parental consent.

(3) Authority to Place a Child for Adoption. A placement agency shall have evidence of the authority to place a child for adoption when it has a copy of the following:

- (a) a voluntary surrender signed by the birthparent(s) in accordance with the law of the country or state where the surrender is taken;
- (b) evidence of termination of parental rights and the grounds for termination;
- (c) verification of compliance with M.G.L. c. 119, § 36, or Interstate Compact on the Placement of Children, M.G.L. c. 119 Appendix § 2 for interstate adoptions;
- (d) verification of compliance with M.G.L. c. 119, § 36 and the immigration laws of the United States for inter-country adoptions;
- (e) verification of compliance with the Indian Child Welfare Act of 1978 Pub. L. 95-608, 92 Stat 3069, 25 U.S.C. 1901, *et seq.*, and the Multi-Ethnic Placement Act, 42 U.S.C. 5115a;
- (f) verification that the child placed for adoption is not registered with the National Center for Missing and Exploited Children or with the Massachusetts Central Register, required by M.G.L. c. 22A. If the licensee is unable to obtain such verification, it must be able to document that it has attempted to obtain such verification, it must be able to document that it has attempted to obtain the information from the federal or state register. In those cases where the birthmother is already receiving services from the licensee at the time of the child's birth, such verification need not be obtained.

(4) Agreements with Other Agencies or with Residential Programs.

(a) If the licensee refers any child to another placement agency to place the child in a family foster home, or to a residential program, both agencies or the licensee and residential program, shall enter into an agreement defining their respective roles and responsibilities for providing services to the child and to his family.

Such agreement shall include:

1. the terms and methods for paying board and other expenses;
2. conditions under which direct services (including social, medical, psychological and psychiatric) are to be provided to a child and his family;
3. arrangements for special training or education;
4. arrangements for contacts between the agencies or agency and residential program including sharing information regarding concerns which may arise during placement;
5. arrangements for family visits and other contacts between the resident and friends, including specific information on any restrictions;
6. responsibility for seeking judicial approval if required for administration of antipsychotic medication;
7. responsibility for transportation;
8. estimate of the time the child is expected to be in placement;
9. circumstances under which the child may be removed from a family foster home or residential program or under which services to the child or family may be terminated;
10. legal responsibilities;
11. responsibility for after-care services; and
12. for children placed in shelter care, dates of service and discharge planning conferences.

(b) If the licensee works with another agency or person to effect the adoption of a child, the licensee shall enter into a written agreement which shall include but not be limited to the following:

1. responsibility for the provision of direct services, including assessment, counseling, information on alternative plans for the child, service planning, placement, adoptive home evaluation, post-placement supervision, finalization and follow-up;
2. financial and legal responsibilities of the respective parties;
3. child's legal status at time of the agreement;
4. documentation of the agency's or person's legal authority to place children or to facilitate adoption.

(5) Required Licensure or Evaluation of Placement; Finding of Capability. The licensee shall place a child only in a licensed residential program, or a foster or adoptive home which has been evaluated according to 606 CMR 5.09(4) or 5.10(6) and which the licensee has found capable of meeting the particular child's needs. If the child to be placed differs from the recommendations made in the original foster parent evaluation, the foster parent evaluation must be updated to explain the factors that make the foster parents capable and appropriate to care for the child. The licensee shall consider the following factors in making a placement decision: child's ethnicity, race, religious needs

and native language; special physical and emotional needs of the child; availability of relatives to care for the child; maintaining continuity of current relationships; and the current household composition. No child may be placed in an adoptive home until at least 30 days have elapsed since the initiation of the assessment process. The initiation of the assessment process is defined as the first, in-person meeting pertaining to the assessment between the prospective adoptive parent(s) and a qualified representative of the licensee.

(6) Placement of Siblings.

- (a) Siblings shall be placed in the same foster or adoptive home unless the licensee documents a written explanation in the children's record as to why such placement is not in the best interest of the children.
- (b) In the event that siblings are not placed together, reconsideration of the placements shall be made within three months to determine whether or not the siblings can and should be reunited.
- (c) When placement is planned for a child whose sibling has already been placed in a foster or adoptive home, the foster or adoptive parents of the first child shall be offered the opportunity to foster or adopt the sibling, unless the licensee documents a written explanation in the child's record as to why such placement is not in the best interest of both children. This provision shall apply regardless of the time elapsed since the original placement or the agency involved in the original placement.

(7) Placement Outside the Commonwealth. No licensee shall place a child outside the Commonwealth unless the foster or adoptive home is approved and supervised by a licensed or otherwise legally authorized agency, or unless the residential program is licensed or otherwise legally authorized to operate.

(8) Registration with Adoption Resource Exchange. Each licensee shall register with the Massachusetts Adoption Resource Exchange (MARE) any child free for adoption for whom the agency has been unable to identify a specific adoptive family or initiate the adoption process with a prospective adoptive family within 60 days of surrender. The licensee shall inform adoptive parents that they may register themselves with a resource exchange. 5.12: Record Keeping Requirements

(1) General Record Keeping Requirements

- (a) The licensee shall create and maintain records for all expectant parents, parents, children, birthparents, foster parents and adoptive parents, and foster and adoptive parent applicants, as required by 606 CMR 5.12.
- (b) The licensee must maintain a log of all contacts with parents and expectant parents, including the date of the call, the name of the caller and the purpose of the call.
- (c) The licensee shall maintain a log of all post-adoption services requested or provided, in accordance with 606 CMR 5.10(14). The log shall specify the name of the client, the date and nature of the request and the services provided.
- (d) Legibility and Authentication of Records. All records shall be legible, dated and signed by the individual making the entry.

(e) All home study reports shall be signed and dated by the social worker who completes the assessment, and by the supervisor or second person who reviews and approves the assessment.

(f) Updating Records. The licensee shall continually update all information in expectant parent's, parent's, children's, foster parent's and adoptive parent's records. The licensee shall have a written policy describing its procedures for updating any information provided by birthparents, foster parents, adoptees and adoptive parents following the adoption decree. Such policy shall include a statement that the licensee will encourage all parties to provide updated information.

(g) Coordination of Records. The licensee shall have and follow a written procedure to coordinate birthparents', children's, and adoptive parents' records.

(h) Confidentiality of Records. Information contained in children's, parent's, birthparent's, foster and adoptive parent's records shall be privileged and confidential, provided, however that

1. the licensee shall make summaries of children's progress reports available upon request to parents or guardians and foster parents. Such summaries may be oral unless parents request such summaries to be in writing. When reports and information are made available, the licensee shall provide staff assistance in interpreting them to parents or guardians and foster parents.

2. the licensee shall make foster parents' annual review available to foster parents and shall afford them an opportunity to respond to the review in writing, as provided by 606 CMR 5.09(10). When reports or information are made available, the licensee shall provide staff assistance in interpreting them to foster parents.

(i) Distribution of Records. Children's, parent's, expectant and birth parent's, foster and adoptive parent applicants', and foster and adoptive parents' records shall be the property of the licensee. The licensee shall establish written procedures governing access to, duplication of, and dissemination of such information.

(j) Storage and Preservation of Records.

1. The licensee shall secure the information contained in these records against loss, defacement, tampering, or unauthorized use.

2. The licensee shall maintain foster children's records for a minimum of seven years. Thereafter, the child's record may be destroyed if a duplicate is maintained by the Department of Children and Families.

3. The licensee shall maintain records for foster parents and for foster and adoptive parent applicants who do not receive a placement for a minimum of seven years.

4. The licensee shall maintain parent and expectant parent records for a minimum of seven years.

5. The licensee shall maintain birthparent, child, and adoptive parent records in perpetuity.

6. If an agency intends to cease operation, it shall notify the Department at least 90 days in advance of its intent to close. Such notice shall include a

review and update, as appropriate, of the plan for agency closing submitted in accordance with 606 CMR 5.03(2)(a)(27).

7. The licensee shall not destroy records required to be kept by these regulations and shall provide for their preservation and transfer.

(2) Children's Records. The licensee shall maintain a written record for each child which includes:

(a) A face sheet which identifies the child by the following information:

1. the name, date of referral, date of birth, place of birth, citizenship, language spoken (if other than English), and religion of the child;
2. a photograph of the child taken not more than 3 months prior to placement;
3. birthfather's name and cultural background, birth mother's name, maiden name and cultural background;
4. name, telephone number, and addresses of parents, legal guardian, or closest relative available in case of emergency;
5. sex, race, height, weight, color of hair, color of eyes, identifying marks and cultural background of the child;
6. medical condition significant to the child's well-being, including allergies, current medications, and any assistive devices required by the child;
7. a statement indicating whether or not the child was ever adopted, including the child's age at the time of adoption and the child's country of origin;
8. a statement indicating whether or not the child is capable of self-preservation;
9. name of the responsible social worker of the licensee;
10. name and phone number of the agency having custody of the child, if different from the licensee;
11. custody or guardianship status of the child;
12. name, address, and telephone number of current caretaker of child;
13. referring agency, name of social worker and telephone number.

(b) The following documentary information, as applicable:

1. sources of financial support;
2. evidence of authority to place the child, as required in 606 CMR 5.11(2) and (3);
3. all authorizations, consents and agreements with parents / legal guardians;
4. a log documenting each placement, including dates of placement, and names, addresses and telephone number of each placement;
5. reports of any transfers of placement as required by 606 CMR 5.07(1)(j);
6. the rates of payment to any foster parent, and any change made therein, for the care of the child;
7. the date and location of any judicial or administrative hearing involving the child, including reason for the hearing, and summary of its outcome;

8. all pertinent correspondence concerning the child and birth family;
9. the signed acknowledgement indicating receipt of the agency's complaint policy, as required by 606 CMR 5.04(3)(g);
10. any referral of the child for adoption or any application to adopt the child, and action taken;
11. case notes documenting contacts and services set forth in 606 CMR 5.07.
12. information regarding the child's discharge from placement, including the date of discharge and the person responsible for the child after discharge;
13. documentation of any post-adoption services provided to the child, as required by 606 CMR 5.07(2)(e).

(c) The following reports about the child:

1. the intake required by 606 CMR 5.07(1)(a);
2. all service plans, reviews and updates, as required by 606 CMR 5.07(1)(b) and 5.07(2)(b) and (c);
3. medical records indicating the child's health history and medical evaluations and services received;
4. discharge plan or summary as required by 606 CMR 5.07(1)(m) and (n).

(3) Parent and Birthparent Records. The licensee shall maintain a written record for parents, expectant parents and birthparents which includes at minimum:

- (a) the intake assessment, as required by 606 CMR 5.08(1) and/or 5.08(3)(a);
- (b) the initial service plan for the child's family, as required by 606 CMR 5.08(2)(a) and/or (3)(c), as applicable;
- (c) case notes documenting counseling and education services required by 5.08(3)(c), including the name and qualifications of the counselor, number and duration of counseling sessions and the specific issues or topics addressed in each session;
- (d) all family service plan updates and reviews, as required by 606 CMR 5.08(2)(c) and (e), if applicable;
- (e) acknowledgement of receipt of the written information required by 5.08(3)(b) and (e), as applicable
- (f) acknowledgement of receipt of the agency's policy regarding financial responsibilities for all services related to foster care and adoption, as applicable, as provided by 5.05(3);
- (g) The licensee's evaluation of the expectant mother's need for financial assistance, as required by 5.05(4)(b)3;
- (h) documentation of the cost of each service provided to birthparents by persons who are not employees of the licensee, as required by 606 CMR 5.05(4)(h);
- (i) Documentation of all expenses paid for living and support services, transportation, medical expenses, and legal expenses related to the relinquishment and adoption process, as required by 606 CMR 5.05(4)(h);
- (j) Copies of any written agreements with other licensed adoption agencies, licensed social workers or counselors for the provision of services to parents, as required by 606 CMR 5.06(2)(f);

- (k) Copies of the Surrender Form or,
- (l) Termination of Parental Rights, and any legal agreement to which the birthparent was a party;
- (m) Documentation of any services provided to birthparents following adoption placement, if applicable;
- (n) Any information that birthparents request be maintained by the agency following termination of parental rights, including updated medical or social information and information about the birthparents' wishes regarding contact with the child; and
- (o) Copies of any correspondence provided to the agency by the birthparent.

(4) Foster Parent Records. The licensee shall maintain a written record for foster parents that includes:

- (a) foster parents' written application;
- (b) copies of service plans or contracts for services between the licensee and the foster parent applicants, including, but not limited to the general foster parent agreement and the agreement upon placement of an individual foster child, as required by 606 CMR 5.09(6)(a) and (b);
- (c) a narrative description of the foster parent assessment, as required by 606 CMR 5.09(4);
- (d) evidence of references and medical statements, as required by 606 CMR 5.09(4)(d)11 and 12, and certificates or decrees, as required by 606 CMR 5.09(4)(d)13;
- (e) case notes documenting services set forth in 606 CMR 5.09(9);
- (f) record of each child placed in the foster home, including the child's full name and date of placement, and payment rates for foster parents;
- (g) all correspondence and/or communications concerning the foster family;
- (h) the signed acknowledgement indicating the receipt of all written information required by 606 CMR 5.09(1);
- (i) documentation of completed BRC evaluation, as required by 606 CMR 5.09(4)(c);
- (j) annual service reviews, as required by 606 CMR 5.09(10), and home studies and home study updates, as required by 606 CMR 5.09(4), including supporting documents;
- (k) documentation of orientation and ongoing training, as required by 606 CMR 5.09(2) and (9);
- (k) any other information necessary to furnish a basis for review, study, and evaluation of the foster home; and
- (l) the date and reasons for closing a foster home and a copy of the written notification to the foster parents, if applicable, as required by 606 CMR 5.09(13).

(5) Adoptive Parent Records. The licensee shall maintain a written record for adoptive parents that includes:

- (a) adoptive parents' written application;
- (b) copies of service plans or contracts for services between the licensee and the adoptive parent applicants, as required by 606 CMR 5.10(2);

- (c) a narrative description of the adoptive parent assessment, as required by 606 CMR 5.10(6);
- (d) evidence of references, medical statements, and certificates or decrees as required by 606 CMR 5.10(6)(d)12, 13, and 14;
- (e) case notes documenting services set forth in 606 CMR 5.10(11) and (14);
- (f) a copy of each pre-placement agreement entered between the licensee and the prospective adoptive parents, as required by 606 CMR 5.10(7)(b);
- (g) a record of each child placed in the adoptive home;
- (h) all correspondence and/or communications concerning the adoptive family;
- (i) the signed acknowledgement indicating the receipt of all written information required by 606 CMR 5.10(1);
- (j) documentation of completed BRC evaluation, as required by 606 CMR 5.10(6)(c);
- (k) home studies and home study updates, as required by 606 CMR 5.10(6)(d) and (j);
- (l) documentation of orientation and adoptive parent preparation, as required by 606 CMR 5.10(3) and (4);
- (m) any other information necessary to furnish a basis for review, study, and evaluation of the adoptive home; and
- (n) documentation of post-adoption services requested and/or provided, and the outcome of such services.

(6) Placement Register. Each licensee shall keep and maintain a permanent register of all children placed. The register shall include the child's birth name, date of birth, date of placement and name of placement.

5.13: Applicability of 606 CMR 5.00

(1) 606 CMR 5.00 *et seq.* reflects basic standards for the operation of placement agencies. Licensure by the Department of Early Education and Care shall not relieve agencies of their obligation to comply with any other applicable international treaties, state or federal statutory or regulatory requirements or requirements set forth in their contracts with referral sources. Whenever possible, these other statutory, regulatory and contractual requirements shall be construed in a manner that is consistent with 606 CMR 5.00 *et seq.*

(2) If any provision contained in 606 CMR 5.00 *et seq.* or the application thereof is held invalid to any person or circumstance, the remainder of 606 CMR 5.00 and the application of the provision in question to other persons not similarly situated, or to other circumstances, shall not be affected thereby.

(3) Any license or approval in effect immediately prior to the effective date of 606 CMR 5.00 shall, notwithstanding its expiration date, remain in effect, unless suspended or revoked, until a new license or approval is issued or expressly refused or revoked under 606 CMR 5.00.

REGULATORY AUTHORITY
606 CMR 5.00: M.G.L. c.15D.