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## LEGISLATIVE REPORT ON CHANGES TO DEPARTMENT RULES, REGULATIONS, OR GUIDELINES

This document serves as the November 2014 report regarding changes to rules, regulations or guidelines established during the previous fiscal year of July 1, 2013 through June 31, 2014 as required by line item 4800-0015 in Chapter 165 of the Acts of 2014 that reads in part:

..., the department shall submit a report to the house and senate committees on ways and means and the joint committee on children and families that details any changes to rules, regulations or guidelines established by the department in the previous fiscal year to carry out its duties under chapter 119 of the General Laws including, but not limited to: (I) criteria used to determine whether a child has been abused or neglected; (II) guidelines for removal of a child from the home; and (III) standards to determine what reasonable efforts are being made to keep a child in the home;...

This legislative language asks for the Department to particularly comment on changes made to three specific areas of its duties under chapter 119:

### **(I) Criteria used to determine whether a child has been abused or neglected**

During FY2014, the Department did not make changes to criteria used to determine whether a child has been abused or neglected.

### **(II) Guidelines for removal of a child from the home**

During FY2014, the Department made changes to guidelines for removal of a child from the home through a new permanency planning policy (DCF Policy #2013-01, effective 7/1/2013). This comprehensive policy establishes new casework and legal strategies to ensure that children have caring, stable, lifetime families and that safety, permanency and well-being remain the paramount concern throughout the Department's involvement.

As before, permanency planning for each child begins with the need for children to be safe and protected from harm. If placement becomes necessary to ensure safety, under the permanency

planning policy the child's first goal is reunification with her/his family. If the risk posed to the child's safety remains high and the prognosis for reunification is poor, an alternative plan for permanency is developed concurrently with the family. As soon as the Department determines that reunification is not in the child's best interests, an alternative permanency plan is established.

The policy establishes guidelines for out of home placement decision making to be used by workers (appendix A). The policy also incorporates permanency reviews (appendix I) at set periods after placement which are both used as assessment and planning tools to thoughtfully consider placement and, if necessary, removal from home (appendix D, E).

This policy has been supported by improvements to iFamily-Net to facilitate and document these tools.

### **(III) Standards to determine what reasonable efforts are being made to keep a child in the home**

During FY2014, the Department adopted new standards to determine what reasonable efforts are being made to keep a child at home through the permanency planning policy (DCF Policy #2013-01, effective 7/1/2013).

Reasonable efforts to strengthen and stabilize families to keep a child in the home are reflected in the development of a service plan for each family which is discussed in the permanency planning policy. Developed in collaboration with and signed by the parents, the service plan outlines the child's permanency plan and specific family member goals and actions. Standards to determine what reasonable efforts to keep a child in the home are further emphasized in tools for workers (appendix A, E). The policy also describes the certain circumstances when reasonable efforts to work with a family before removing a child are not required ("Maintaining Permanency").

This policy has been supported by improvements to iFamily-Net to facilitate and document these tools.

The legislative mandate in Chapter 165 also asks the Department to not limit the report to those three areas but to discuss any other changes made to rules, regulations or guidelines that impact its duties under Chapter 119. A short summary of each of those changes is below.

#### **Fair Hearings**

Promulgated 9/27/2013

The revisions to the Fair Hearing and Grievances regulations were finalized January 31, 2014. The revised regulations create reasonable timeframes in both scheduling hearings and issuing decisions, codify expedited hearings for employment issues and foster/pre-adoptive homes, create a transparent system regarding reversal decisions, clarified and increase the ability for appellants to obtain additional discovery and clarify the fair hearing process as well as the burden.

The legislature will be receiving further reports on the implementation of these regulations in the biannual reports required in line item 4800-0015 of Chapter 165 of the Acts of 2014 and in the Office of the Child Advocate's report from an independent evaluator required in the same Chapter.

### **Intake Directive**

Effective 1/6/2014

On January 6, 2014, the DCF commissioner issued a Directive requiring all Area Offices, when there is a reportable condition, to “screen-in for investigation any reports alleging abuse or neglect of a child five years of age or younger in which the parent(s) presents any, or a combination, of the following risk factors: young parents; or parents of any age who have a history of substance abuse, domestic violence, mental health issues, or unresolved childhood trauma.”

This directive provides additional direction to staff regarding how they screen and respond to reports of child abuse and neglect involving the above listed risk factors. While this directive changes what reports must be screened in for investigation of child abuse or neglect, it does not change the investigation process for considering if the report is a case of child abuse or neglect. It also effectively suspended a previously issued policy amendment allowing narrow screening exceptions related to reports involving substance exposed newborns when the mother was in verified treatment with no other protective concerns. This directive requires that legal conferences be conducted regarding all screened in reports involving substance exposed newborns prior to discharge to home. For more information please see attached FAQ issued to the field providing further clarification on this directive.

### **Substance Exposed Newborn (SEN) Designation**

Effective 3/3/2014

The Department discontinued recording allegations of ‘Congenital Drug Addiction’ or CDA and began recording allegations of ‘Substance Exposed Newborn’ or SEN. This change allows the Department to identify all newborns that have been reported as exposed to drugs or alcohol in utero, regardless of how DCF handles the report. This new allegation type does not change the criteria for how cases or reports of abuse or neglect are screened in.

The Department continues to develop policies, guidelines and regulations that further our work to establish the safety, permanency and well-being of the Commonwealth's children by stabilizing and preserving families, providing quality temporary alternative care when necessary, safely reunifying families, and when necessary and appropriate, creating new families through kinship, guardianship or adoption.

Enclosures:

Permanency Planning Policy, At a Glance

Permanency Planning Policy, Policy #2013-01

Intake Directive FAQ

Intake Directive

Substance Exposed Newborn (SEN)- New Allegation Type Available

110 CMR 10:00: Fair Hearing and Grievances