

**Office of the Child Advocate**  
**Advisory Board Meeting Minutes**  
**April 8, 2010**

**Board Members or Designees Present:**

Chair: Gail Garinger, The Child Advocate

Marilyn Chase (EOHHS)

Kathy Betts (EOHHS)

Jane Gabriel (EOPSS)

Sandra McCroom (EOPSS)

Sherri Killins (DEEC)

Dianne Curran (DESE)

Angelo McClain (DCF)

Scott Scholefield (DCF)

Julia Kehoe (DTA)

Jane Tewksbury (DYS)

Edward Dolan (DYS)

Paul Cronin (DOR)

Silvia Rudman (MDAA)

Katherine Folger (MDAA)

Nicola Pangonis (OCP)

Michael Dsida (CPCS)

Jim Morton, Juvenile Court

Ilene Mitchell, Probate & Family Court

Bonnie McFarlane, Children's Trust Fund (CTF)

Anthony Barrows, Governor's Appointee

Barbara Kaban, Children's Law Center of Massachusetts, Governor's Appointee

**Other Attendees:**

Elizabeth Armstrong (OCA)

Julianna Brody-Fialkin (OCA)

Susan Cummings (OCA)

Emily Sherwood, Children's Behavioral Health Initiative

Meeting commenced: 3:10 pm

### **Welcome from The Child Advocate, Gail Garinger**

The Child Advocate, Gail Garinger, welcomed attendees. She specifically introduced Anthony Barrows, one of the members appointed to the Board by the Governor, who was attending an Advisory Board meeting for the first time. OCA staff, board members, and other attendees introduced themselves.

### **Meeting Minutes from October 1, 2009 Meeting**

Garinger presented the minutes from the previous meeting, held on March 5, 2009. Board members approved the minutes.

### **Updates on Key Activities**

Garinger updated the Board on key activities of the OCA.

**Complaints and Critical Incidents:** The OCA's complaint role has continued to expand. The number of complaints has increased steadily over the past year and a half. The program assistant and clinical specialist mainly handle complaints, which come from children, parents, attorneys, medical staff and others. Staff refer the majority of the complainants to appropriate resources, and sometimes contact agency or other collaterals in the case to learn more about the situation. They always encourage the complainant to contact the office again if he or she is dissatisfied with the agency response.

The OCA continues to receive Critical Incident Reports from agencies; however the number of reports has dropped over the last year. While this could mean that the number of incidents is down, the OCA is concerned that there is a lack of reporting either at the area level or central level. There was a short discussion encouraging agencies to continue reporting and explaining the OCA's response to reports, which may involve following up with the agency or requesting an investigation report on a child's death. Garinger will also try to ensure that the office receives CIRs from the Department of Housing and Community Development, as that agency, not the Department of Transitional Assistance, now oversees the shelter system. There is an ongoing conversation with the OCA and the agencies on the definition of a critical incident.

**Child Fatality Review Teams and Child Protection Teams:** The OCA, primarily Elizabeth Armstrong, the deputy director, is heavily involved with the child fatality review process. She is working with the state, DPH, and Office of the Chief Medical Examiner to develop protocols for interface between the state and local teams, and attends local teams to learn about their process for review of child fatalities and to inform the OCA's work.

**Committee and Task Force Involvement:** Garinger updated the Board on the numerous task forces and committees on which she and the staff sit. Involvement with these groups helps to inform and educate OCA staff and helps inform their work on the comprehensive plan. These groups act as educational and outreach opportunities for the office, fulfilling another aspect of the mandate.

**Review of Proposed Legislation and Regulation:** The OCA is often asked to review proposed legislation and agency regulations regarding youth. These include DCF regulation changes and proposed new or changed legislation regarding topics such as aversive treatments, Children in Need of Services, juvenile justice data collection, and bullying.

**Ongoing Initiatives:** Staff continues to be involved in many substantive areas, including DCF medical oversight and psychoactive medication prescribing practices, restraint and seclusion reduction, online mandated reporter training, and the Juvenile Detention Alternative Initiative. Garinger also has been participating in discussions with providers and advocates regarding delivery and coordination of services.

**Annual Report:**

The OCA has begun working on our Annual Report, which will be submitted to the governor and the legislature on June 30, 2010, the due date. This report will summarize the OCA's key activities for calendar year 2009 and may set forth recommendations based on these activities. As they did last year, staff will send around a draft to Board members for review and input.

**Comprehensive Plan:**

Garinger also informed the Board that the OCA has also been working diligently on the Comprehensive Plan. Garinger stated that she appreciates the assistance and input many Board members have provided thus far, and she looks forward to continued support and help from Board members and the Interagency Child Welfare Task Force. The legislation states that the plan is to be submitted on June 30, 2010. At the beginning of this week, Garinger sent a letter to the governor and the legislature informing them that she intends to submit the comprehensive plan on September 1, 2010. This will allow the office time separate from other reports and activities to concentrate on the plan. Over the summer, interns from area law schools will be working in the office, including a Rappaport Fellow, and staff are excited for their help in creating a comprehensive, useful plan for the child welfare system. Board members voiced support of this change.

**Presentation on Institutional Reports of Abuse or Neglect:**

Elizabeth Armstrong and Susan Cummings presented to the Board on the preliminary findings from the Office of the Child Advocate's receipt of reports of abuse or neglect at institutions. This presentation did not focus on specific programs or agencies but on patterns of maltreatment. Armstrong began by itemizing three threads that she wanted the Board to consider while hearing the rest of the presentation: The Adverse Childhood Experience (ACE) Study, trauma-informed care, and workforce development. The OCA is required by The Child Welfare Act of 2008 to receive from DCF all substantiated 51A reports of suspected abuse or neglect of a child in an institutional setting. Institution in this case includes public and private schools, residential treatment centers, DYS correctional facilities, foster care homes, and licensed day and after school programs. The OCA began receiving these reports from DCF midway through 2009 for calendar year 2009. The office has received 324 reports to date. The staff read and logged every report so they can begin to observe trends or themes. They emphasized that this is by no

means scientific data and should be seen as a preliminary look at the reports that DCF has supplied to the office.

Cummings, clinical specialist for the OCA, manages the review of these reports. She described the kind of information that the OCA gathers from each report, such as assignment and outcome dates, name of perpetrator, allegation, and outcome. She noted that for every report that she thought she needed more information, she found that the agency response was appropriate. She then discussed the major themes that she has begun to notice, including lack of supervision, use of restraints, physical assault, sexual abuse and a lack of staff boundaries, and verbal abuse, neglect and emotional maltreatment. For each theme, she gave examples of incidents. She concluded by stating that there are many situations that overlap categories and that the OCA is excited to work with agencies to examine these reports more closely. She reiterated the importance of trauma-informed care and workforce development.

**Discussion:**

The presentation led to a discussion with Board members on institutional 51A reports. The Department of Children and Families reported that there are approximately 2500 reports of abuse or neglect in an institution yearly and that around 250 of them are supported. The Board broached the topic of vicarious or secondary trauma for the staff. Managing this is part of workforce development. Commissioners from DYS and DCF described their efforts to ensure workforce development and that everyone involved felt that the facilities were safe and supportive environments, both for youth and for staff. Cummings reiterated that in her follow up with agencies, she was pleased at the response. Board members deliberated how universal a response could be or how specific it should be to the type of institution. The Department of Children and Families suggested that going forward, child welfare agencies should ground themselves with industry thresholds and try to compare outcomes to other industries. For example, Massachusetts is one of only a few states that have a “reasonable cause to believe” standard, meaning the number of reports will be higher than in other states. The Board stressed the importance of creating best practices and protocols, of raising awareness in sectors where there is underreporting, and making sure that placements are appropriate.

Meeting adjourned: 4:35 p.m.