

**Office of the Child Advocate  
Advisory Board Meeting Minutes  
April 5, 2012**

**Board Members or Designees Present:**

Chair: Gail Garinger (OCA)  
Laurie McGrath (DOR)  
Anthony Barrows, Governor's Appointee (NEACWCD)  
Abby Weiss (EOE/EOHHS)  
Dianne Curran (ESE)  
Carol Rosensweig (CPCS)  
Barbara Kaban, Governor's Appointee (CLCM)  
Suzin Bartley (CTF)  
Marilyn Chase (CYF/EOHHS)  
Kathy Betts (CYF/EOHHS)  
Anne Marie Ritchie (Juvenile Court)  
Maureen Ferris (CTF)  
Nicola Pangonis (OCP)  
Angelo McClain (DCF)  
Georgia Cristley (DCJIS)  
Edward Dolan (DYS)  
Christine Griffin (EOHHS)

**Other Attendees:**

Jane Tewksbury (Thrive in 5)  
Katharine Folger (MDAO)  
Karin Welker (BDAO)  
Emily Sherwood (CBHI)  
Elizabeth Armstrong (OCA)  
Jenna Pettinicchi (OCA)  
Elizabeth March (OCA)

**Meeting Commenced:** 3:10 PM

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

The Child Advocate, Gail Garinger, welcomed attendees. OCA staff, Board members, and other attendees introduced themselves.

### **Meeting Minutes from October 25, 2011 Meeting**

Judge Garinger presented the minutes from the previous meeting of April 26, 2011. Board members approved the minutes.

### **OCA Updates**

**Staffing:** Recently the OCA's Clinical Specialist, Susan Cummings, left her position in the office. The OCA will hire a full-time replacement for the position, which was formerly a half-time position. The OCA considered applicants with professional social work experience related to children and families, knowledge of Massachusetts child-serving agencies, and expertise and familiarity with child welfare and juvenile justice issues. The hiring process is in its final stages and the position will be filled by the end of the month.

**OCA Fellow and Interns:** Elizabeth March is working with the OCA as a Fellow to develop a project related to transition planning for youth aging out of the foster care system. Elizabeth shared the details of her project later in the meeting. The OCA will host two graduate-level interns this summer. Lexie Rueckle is a student at Harvard University Law School and Casey Schutte is a concurrent degree student pursuing a law degree from the University of California Berkeley and a Master in Public Policy from the John F. Kennedy School of Government at Harvard University.

**Website:** The OCA's website recently transitioned to the new Mass.gov format and underwent several content and layout changes. The new website includes a page dedicated to the OCA's Helpline as well as modules for updates on the OCA's work and on child welfare and juvenile justice topics generally.

### **Initiatives**

**Office for Children Project:** The Harvard University John F. Kennedy School of Government is assisting the OCA with a research project regarding the history of the Massachusetts Office for Children (OFC). Established in 1972, the OFC had a large budget and a broad mandate. The OFC existed until 2008, although its functions diminished over time and were gradually moved to other state entities. The purpose of the OCA's research is to understand of the history of the OFC, including its accomplishments, challenges, and factors leading to its dissolution. To date the focus of the researchers has been review of legislative records and published accounts. Going forward, the researchers will conduct interviews with former OFC personnel and people who interacted with the OFC. This research project will continue through the year.

**Transition Age Youth Project:** The OCA is working collaboratively with the Department of Children and Families (DCF) to design a transition planning process for youth aging out of foster care that meets the requirements of new legislation (MGL Ch119 §§21, 23f, 29B, 29C) passed in 2010. The goal is to develop a transition planning process that builds on the

capacity of young people to advocate for themselves as they transition to independence, strengthens adult support for youth as they exit care, builds on DCF's current process approach to transition planning, and is integrated with the court's permanency planning process. This project is spearheaded by the OCA's Fellow, Elizabeth March.

**Expungement of Juvenile Court Records Project:** Beginning in the fall of 2011 the OCA engaged with students from the Northeastern University School of Law (NUSL) Legal Skills in Social Context (LSSC) Social Justice Program to investigate best practices concerning sealing and expungement of juvenile court records. Presently, the only option available in Massachusetts is for an individual to petition the court to have his or her juvenile record sealed. However, a sealed record is still accessible to law enforcement, probation officers, and court officials and often raises concerns about the gravity of the offenses that have been sealed. The NUSL students conducted interviews with stakeholders and surveyed the law in other states. Based on their library and investigative field research, the students formulated recommendations. They submitted their final report with recommendations to the OCA in March 2012. OCA staff members are in the process of considering these recommendations and considering next steps for this project.

### **DYS Pass Policy**

In September of 2011 former Department of Youth Services (DYS) Commissioner Jane Tewksbury requested that the OCA review the current DYS pass policy. This request was made after a DYS youth was charged with homicide while on a pass from a DYS facility. OCA staff have completed the review and submitted a report with recommendations to DYS Acting Commissioner Edward Dolan.

### **FY2011 OCA Annual Report Recommendations**

OCA staff provided updates on the progress of the recommendations reported in the OCA's FY2011 Annual Report.

**Recommendation #1- Child Fatality Review Program:** The Massachusetts Child Fatality Review Program (CFRP) is a critical component of the public effort to decrease the incidence of preventable child fatalities. This work aligns with the OCA's review of the deaths and near fatalities of children and youth receiving services from state agencies. The CFRP has never had an appropriation and its multidisciplinary work has been hindered by the lack of personnel who can help with organization and administration. The Department of Public Health (DPH) has devoted many resources to support the goal of the program. The OCA's recommendation was for the state team to form a plan to identify funding requirements and strategies so that the program can enhance its work. On March 1<sup>st</sup> a legislative briefing was held at the State House, hosted by Representative Jennifer Benson from Worcester. Present were Attorney General Martha Coakley, The Child Advocate Gail Garinger, District Attorney Sam Sutter, and District Attorney Joe Early. Dr. Lauren Smith of DPH acted as mistress of ceremonies and presented data that demonstrated the value of the program. Following the event, Representative Benson offered to introduce an amendment to provide funding for a full-time state team coordinator. Also, this May a regional child fatality review conference will be held in Rhode Island. Elizabeth Armstrong of the OCA will attend on behalf of the Massachusetts Child Fatality Review Team.

**Recommendation #2- Infant Safe Sleep:** During the course of reviewing child fatalities, those involved are always dismayed by the number of infants who die suddenly and unexpectedly, often in the setting of an unsafe sleep environment. The OCA's recommendation was for state offices, agencies, and programs to collaborate to review these sudden and unexplained infant deaths and offer clear and consistent information to the public about safe sleep practices for infants. The American Pediatrics Association has issued new guidelines for safe sleep practices and DPH is in the process of revising its policy recommendation to be consistent with these guidelines. Infant safe sleep is a topic of discussion among secretariats on the Young Children Working Group of the Readiness Cabinet and will be the focus of an upcoming policy training day hosted by DPH.

**Recommendation #3- Online Mandated Reporter Training:** In 2008 the Child Welfare Law required all mandated reporters licensed by the state to receive training in mandatory reporting of child abuse and neglect. This law did not assign the responsibility for this training to any agency or licensing entity and did not appropriate funds for the development of the training. Since passage of this legislation, the OCA has advocated for development of an online mandated reporter training (OMRT) program that would provide a standardized curriculum and consistent message to all mandated reporters. In the summer of 2011 OCA staff researched other states' OMRT programs and identified elements of those trainings that might be incorporated into a Massachusetts OMRT program. The OCA has engaged in efforts with the Executive Office of Health and Human Services (EOHHS), the DCF Child Welfare Institute, and others to move the OMRT program initiative forward. EOHHS has developed an eLearning program for mandatory reporting responsibilities and plans to launch a pilot of this program later this month.

**Recommendation #4- Psychotropic Medications:** In 2009 the OCA began meeting with interested professionals to examine the effectiveness and efficiency of the authorization process, known as the *Rogers* process, for antipsychotic medication for children in state custody. The OCA has collaborated with the NUSL LSSC Social Justice Program, researchers from Tufts University, the Rogers Working Group, and the Psychoactive Medications in Children Working Group to consider improvements to the *Rogers* process and the appropriate use of psychotropic medications for children in state custody. In September 2011 federal legislation was passed requiring states to develop plans by June 2012 for monitoring and treating emotional trauma in children and developing protocols for the appropriate use and monitoring of psychotropic medications. In November 2011 the U.S. Department of Health and Human Services sent a letter to State Directors indicating that state child and family service plans must include details about medication use and prescription monitoring and called for interagency collaboration within the state. In December 2011 the U.S. Senate Subcommittee on Financial Management held a hearing on the issue of over-medication of children in foster care and the Government Accounting Office (GAO) issued a report on the oversight of psychotropic prescriptions for foster children. In January 2012 Judge Garinger submitted a letter with recommendations regarding psychoactive medication authorization and oversight to Secretary Bigby of EOHHS, based on the OCA's research findings and work with others. In February Massachusetts submitted an application to the Center for Health Care Strategies to participate in a five-state quality improvement collaborative. (Massachusetts was not

chosen as a participant for the project.) The OCA looks forward to working with EOHHS, DCF, MassHealth, DMH and other stakeholders to develop a sound plan for authorizing and overseeing psychotropic medications within the context of a behavioral health treatment plan for children and youth in state custody.

**Recommendation #5- Evidenced-Based Juvenile Justice:** The OCA supports changing Massachusetts law so that juveniles are no longer sentenced to life without the possibility of parole. Recently the U.S. Supreme Court heard oral arguments involving two cases of juveniles sentenced to life without the possibility of parole. Judge Garinger has provided testimony before the Massachusetts Joint Committee on the Judiciary, signed an amicus brief on behalf of former juvenile court judges, published an op-ed in the New York Times, and was interviewed by WBUR regarding fair sentencing for juveniles. Judge Garinger will give the keynote address at a juvenile justice symposium for journalists at the John Jay College of Criminal Justice later this month.

The OCA supports raising the age of juvenile court jurisdiction to 18 for delinquency cases. Massachusetts is one of 12 states that tries and sentences 17-year-olds accused of crimes as adults, regardless of the circumstances or severity of the offense. Judge Garinger provided testimony before the Massachusetts Joint Committee on the Judiciary regarding keeping youth in juvenile court until they reach the age of 18.

Judge Garinger currently serves on the Special Commission on Criminal Justice as the juvenile justice representative. The Commission was created by outside section 189 in Chapter 68 of the Acts of 2011 to study the Commonwealth's criminal justice system.

#### **April is Child Abuse Prevention Month**

Jane Tewksbury, Executive Director of Thrive in Five Boston, is the former Commissioner of DYS. Ms. Tewksbury reflected on her transition from DYS to Thrive in Five Boston and provided an overview of Thrive in Five's goals and priorities.

Suzin Bartley, Director of the MA Children's Trust Fund (CTF), presented on CTF's efforts to prevent child abuse and neglect and highlighted CTF's Healthy Families Newborn Home Visiting program and Fatherhood Initiative.

#### **Meeting Adjourned**