

**Office of the Child Advocate  
Advisory Board Meeting Minutes  
March 31, 2015**

**Board Members or Designees Present:**

Chair: Gail Garinger (OCA)  
Marylou Sudders (EOHHS)  
Linda Spears (DCF)  
Peter Forbes (DYS)  
Barbara Kaban (CPCS)  
Mike Dsida (CPCS)  
Dan Conley (MDAA)  
Suzin Bartley (CTF)  
Anne Berry Goodfellow (ESE)  
Thomas Weber (EEC)  
Ron Benham (DPH)  
Ann Reale (EOE)  
Cheri Rolfes (EOPSS)  
Patti Mackin (EHS)  
David Deakin (Suffolk DA's Office)  
Tom Massimo (DTA)  
Amy Nechtem (Juv. Ct. Dept)  
Angela Ordonez (P&F Ct)  
Judith Fabricant (Sup. Ct)

**Other Attendees:**

Elizabeth Armstrong (OCA)  
Christine Palladino-Downs (OCA)  
Jane Lee (OCA)  
Heather Porriello (OCA)

**Meeting Commenced: 3:07**

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

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

**OCA Updates**

**Staffing:** With the increased FY15 budget, the OCA has added two new full-time positions, a Research and Policy Analyst (RPA) and a Legislative and Communications Coordinator (LCC). Jane Lee has been hired as the RPA and the LCC position is currently vacant.

Jane Lee received a Master of Public Policy degree from Harvard Kennedy School and a Bachelor of Arts degree from the University of California, Berkeley. She served as an AmeriCorps member in California where she worked directly with foster and unaccompanied youth. Jane's experience includes providing research and analytical

support to United Nations Children's Fund (UNICEF) Cambodia, the Federal Reserve Bank of Boston, and a labor market analytics firm.

### **Office of the Child Advocate Overview**

Judge Garinger provided the Advisory Board with background information on the OCA as there were many new members present. The OCA represents the commitment of the Governor and the members of the Legislature to improving services provided by state agencies to children and families in Massachusetts. The OCA is an independent office that reports directly to the Governor and Legislature. Judge Garinger explained that while the OCA is an independent office, it relies on the Governor's Office for budgetary and human resources assistance.

The OCA staff took turns explaining the core mission work. Heather Porriello explained the helpline and the variety of calls and information provided to callers. Christine Palladino-Downs explained OCA's role in looking into abuse or neglect reports of children placed in out-of-home settings. Elizabeth Armstrong explained critical incidents and the OCA's role in looking at fatalities, near fatalities and serious bodily injuries of children involved with state agencies.

While these are the main responsibilities of the OCA, staff are engaged in a variety of other child welfare topics such as but not limited to Sudden Unexplained Infant Death, Substance Exposed Newborns, Restraints and Seclusion, Psychoactive Medication and the "Rogers" Process, Child Fatality Review Program, Child and Youth Voice in Court, and Juvenile Justice. More information can be found in the OCA's Annual Reports, <http://www.mass.gov/childadvocate/reports/>

The OCA has recently updated their website to include two new sections, FAQ and Resources. These sections are designed to help individuals find answers to frequently asked questions as well as provide resources that are helpful in navigating the child welfare systems. The OCA has also created a Twitter with the handle of @MAchildadvocate. Having a Twitter will allow the OCA to produce more time-sensitive information and resources to the public. <http://www.mass.gov/childadvocate/>

A discussion ensued regarding if youth in care are aware that they are able to file 51A's themselves. A handout was produced and distributed with information for children who have court appointed attorneys in the past. It was noted that the OCA has a small staff of five whose primary focus is collaborating with agencies to do their best work. Judge Garinger asked the group to think about what they feel the OCA should be focusing on and welcomed thoughts and suggestions as there is a variety of different perspectives within the Board.

### **Fiscal Year 2015 Special Projects**

#### ***Line Item 1599- 7771 Fair Hearing Evaluator***

In FY15 the OCA was tasked by the Legislature to select an independent evaluator to assess DCF's administrative hearing process. In October 2014, the OCA selected the Ripples Group, an independent management consulting firm, to complete this evaluation.

Three reports have been submitted to the Legislature: Initial Progress Report (October 31, 2014); Second Quarterly Progress Report (January 31, 2015); and Preliminary Report (March 16, 2015). The Final Report is due to the Legislature on June 30, 2015. All completed reports can be found on the OCA website, <http://www.mass.gov/childadvocate/reports/>.

Christine Palladino-Downs briefly explained what a fair hearing is and the possible grounds for requesting one. Commissioner Spears provided some examples of common instances as well. The findings the Ripples Group has produced are consistent with DCF data. There has been movement to reduce the numbers of the hearings and to catch up on the backlog. The full results of the project will be delivered at the June Board meeting with a presentation by the Ripples Group at the end of June.

#### ***Outside Budget Section 219 OCA Review of DCF Office Management***

The OCA, in consultation with the Office of the Inspector General, is conducting an emergency review and analysis of the office management, recordkeeping, and background check procedures of DCF pursuant to Outside Section 219. The OCA filed an interim report with the legislature this morning, which can be found here, <http://www.mass.gov/childadvocate/docs/interim-report.pdf>.

Outlined in the report were the results from the DCF employee survey that was conducted in December 2014. Jane Lee provided a summary of the survey which had a 46% response rate. There were five themes touched upon in the survey: high caseloads, feelings of disconnect between workers and central office, workers requesting more clinical and vicarious trauma training, providing child and families sufficient access to services, and the physical conditions of the area offices.

Judge Garinger welcomed the Board read it through the report to get a better idea of what the DCF workers thoughts and needs are. While the survey spoke of the shortfalls, it highlighted the dedication and commitment of the DCF workers. The Board was reminded that caseloads are determined by families and not by individuals. Commissioner Spears stated that it's always helpful to have a view from the ground which gives central office an idea of what to do next. She also informed the Board that she has recently gone to all of the area offices and she as well has heard that the workers are looking for more support.

Discussion ensued around issue of retaining the experience of more senior staff and how the early retirement package might affect this.

The OCA also conducted a DCF client survey however the results have yet to be analyzed but will be available soon. Discussion ensued regarding questioning youth of their

experiences and if the OCA would request something similar to Section 219 for youth receiving services. It was mentioned that one of the recommendations to the outside evaluator was to conduct an additional survey that could reach this particular area. Commissioner Spears stated that DCF has services for youth and would love to be included in the discussion if a survey like this would occur. Elizabeth Armstrong raised the point that there are so many surveys nationally about youth risk that we could potentially be looking at with the help of DPH.

The findings of all the surveys will be included in the final management review. The model that is being considered is something that will conduct interviews at all levels. This will be joined with the surveys to provide a comprehensive review.

### **Looking Ahead to Fiscal Year 2016**

*Judge Garinger announced that she will be stepping down as the Child Advocate on June 30, 2015.*

Discussion ensued around the premise that this Board meeting was mostly about DCF and while a lot of specific language goes to DCF, the OCA's statute encompasses all of the EOHHS agencies. How much attention should be going to DCF and how can the OCA move forward?

Judge Garinger explained the OCA's new role as co-chair of the Sexual Abuse Prevention Task Force. The OCA, along with Children's Trust, had a short timeline to pull together appointees that will work together to come up with guidelines for agencies to prevent sexual abuse and create a protocol on training. The OCA looks forward to working on this task force. The first meeting will be held on April 30. Recommendations will be made by December 31, 2015.

### *OCA Budget*

Governor Baker requested a 10% cut for FY16, reducing the OCA's original line item of \$500,000 to \$450,000. The OCA is hoping to have the sixth position of Legislation and Communications Coordinator back because of the increased legislation involving the OCA.

### *2015-2016 Pending Legislation*

Provided in the folder given to all attendees was a packet including a number of pending bills that involve the OCA. It was raised that while the OCA is aware of some of the legislation that includes them other bills are discovered at the last minute. Some of the tasks incorporated in the bills have drastic implications on the OCA staff. See attachment comparing the current statute to the one outlined in Senator Spilka's bill.

Discussion ensued about that the ideal model for the OCA. See attachment outlining the many child advocate offices across the country. It was stated that from the outset the OCA has been charged with more responsibilities than any office could handle. It was explained that there are some offices in other states that run on a "gotcha model" by being provocative to create public embarrassment however this is not the best way in Massachusetts to proceed as an office. On the other hand there has been criticism that the

OCA has not done enough of this, however there must be a middle ground to ensure continued positive relationships between the OCA and the EOHHS agencies. We have to figure out what works for agencies in MA.

What kind of protections can be given to the COA to mitigate against the limited resources so narrowly applied when there is a role that is so valued? Do other models provide these protections? Without the OCA, we miss the opportunity of looking at the agencies more broadly. For example juvenile justice is only mentioned once in the OCA statute however there is a real need for attention to the child welfare and juvenile justice issues that are occurring in the courts. If Judge Garinger did not have the personal experience as a juvenile court judge would the OCA spend as much time as they do on it?

The OCA Advisory Board is comprised of a tremendous group of people with a variety of resources and we must figure out how to best use these resources. We need to focus our efforts upstream otherwise we will always have an agency under siege.

**The next Advisory Board meeting** will be held in the Matta Conference Room, at 1 Ashburton Place, Boston on Tuesday June 30<sup>th</sup> from 3:00 – 5:00 p.m.

**1. Adjournment: 4:52**