

January 30, 2015

The Honorable Harriette L. Chandler
Majority Leader
State House, Room 312C
Boston, MA 02133

RE: Line Item 1599 - 7771
Fair Hearing Evaluator
Second Quarterly Progress Report

Dear Honorable Majority Leader Chandler:

The General Appropriations Act for Fiscal Year 2015 included as line item 1599-7771 an ANF Reserve Appropriation of \$200,000 for the Office of the Child Advocate (OCA) to select an independent evaluator to assess the administrative hearing process of the Department of Children and Families (DCF). Line Item 1599-7771 directs the OCA to “select an independent evaluator to assess the department's administrative hearing system; provided further, that the evaluation shall report on whether the department's regulations, funding, staffing levels and processes provide for an administrative hearing system that is timely, independent and fair.

On October 31, 2014, the OCA filed an Initial Quarterly Progress Report indicating that the OCA had selected The Ripples Group to conduct this evaluation (see attached). This second quarterly progress report summarizes the activities performed by the Ripples Group from November 2014 through January 2015 and the next steps in the project.

In the initial phase of the project, we focused on studying the DCF Fair Hearing Process (FHP), meeting with stakeholders in both the DCF Central Office and DCF Area Offices, and formulating hypotheses and proof points that will be used to evaluate the timeliness, fairness, and independence of the FHP. The main activities to date included:

1. Establishing a Steering Committee that includes representatives from OCA and DCF
2. Interviewing 20 subject matter experts from the Central Office staff, various Area Office staff, Hearing Officers, and independent attorneys
3. Reviewing all relevant documents including the DCF organizational chart, current and previous Fair Hearing regulations, DCF Fair Hearing quarterly reports, Child Welfare League of America DCF Quality Improvement Report dated May 22, 2014, and The House Committee on Post Audit and Oversight and House Members of the Joint Committee on Children, Families and Persons with Disabilities Review of the Massachusetts Department of Children and Families dated January 13, 2015
4. Observing three Fair Hearings (two in Malden, one in Framingham)
5. Presenting initial observations to the Steering Committee on January 14, 2015

In the Immersion Phase of the project, we encountered evidence that could both confirm or refute the hypotheses formulated along the three dimensions (Timeliness, Fairness, Independence). In the next phase of the project, we will be focusing on collecting data and statistically significant information to leverage and test our hypotheses more conclusively, ultimately, allowing us to formulate actionable recommendations for the OCA and the Legislature. Specifically, the next steps will include:

1. Analyzing iFamilyNet/FamilyNet Fair Hearing system data from 2005 to 2014
2. Benchmarking the MA Fair Hearing Process against other New England states

3. Conducting an appellant survey
4. Conducting a Hearing Officer focus group
5. Analyzing Fair Hearing decisions
6. Analyzing Fair Hearing recordings

We would like to thank the Legislature and the OCA for the opportunity to carry out this important project.

Regards,

Mete Habip
The Ripples Group