

**Office of the Child Advocate
Advisory Board Meeting Minutes
October 25, 2011**

Board Members or Designees Present:

Chair: Gail Garinger (OCA)
Sherri Killins (EEC)
Marilyn Chase (EOHHS)
Jane Tewksbury (DYS)
Dr. Lauren Smith (DPH)
Patti Mackin (DCF)
Sandra McCroom (EOPSS)
Samuel Sutter (BRI)
Deb Bercovitch (MDAA)
Nicola Pangonis (OCP)
Suzin Bartley (CTF)
Teri Williams Valentine (ESE)
Carol Rosensweig (CPCS)
Jim Morton (Juvenile Court)
Ilene Mitchell (Probate & Family Court)
Anthony Barrows, Governor's Appointee (NEACWCD)

Other Attendees:

Elizabeth Armstrong, (OCA)
Susan Cummings, (OCA)
Jenna Pettinicchi, (OCA)
Maureen Ferris, Joint Committee on Children, Families and Persons with Disabilities

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 April 26, 2011 Meeting

Gail Garinger presented the minutes from the previous meeting of April 26, 2011. She reminded the attendees that the minutes are posted online. Board members approved the minutes.

OCA Annual Report

Gail Garinger shared with the Board members the following summary of her formulation of the role of the OCA Advisory Board:

- 1) OCA Advisory Board members understand of the OCA's role and responsibilities in order to educate others about the OCA and its value to the system.
- 2) OCA Advisory Board members utilize the OCA as a resource and for assistance in providing an objective review with recommendations in certain situations.
- 3) OCA Advisory Board members support the OCA and its work.

Gail Garinger presented the OCA's FY11 Annual Report to Board members. The OCA's third Annual Report was filed with the Governor and Legislature in August 2011. The goal of the report was to demonstrate how the OCA connects the dots between child welfare and juvenile justice. This work is driven by the OCA's core values: information, collaboration, and accountability. As in the last two years, the report was introduced by a letter from The Child Advocate, followed by summaries of our mandated responsibilities (Helpline, Supported Reports of Abuse and Neglect in Out-of-Home Settings, Critical Incident Reports, and Comprehensive Plan). This year the OCA used vignettes throughout the report to describe how we help improve collaboration and accountability. Rather than providing substantive reports on topics, the report focused on the value of the OCA's role and involvement in activities and initiatives. More attention was given this year to the OCA's work with committees, boards, and councils, with links to websites for these entities.

Elizabeth Armstrong provided a description of each of the Appendices and our approach to compiling the information. Appendix A documents the themes from our Helpline, and Appendix B documents our Critical Incident Reports. The Critical Incident Reports are reports of fatalities, near fatalities, and serious injuries of children receiving services from Executive Office of Health and Human Services agencies. The OCA has data on critical incidents for 2009 and 2010. Through our participation in the Massachusetts Child Fatality Review Program, we have developed an understanding of the causes of child fatalities generally in Massachusetts, which provides a context for understanding the causes of death for agency-involved children. Included in Appendix B is a map of the geographic distribution of child fatalities documented in Critical Incident Reports. The OCA worked with the Department of Public Health to ensure that the information contained in the map met their standards for confidentiality.

Gail Garinger reviewed the OCA's Recommendations contained within the Annual Report and addressed questions and comments from Board members.

Rogers Project

Gail Garinger provided Board members with an update on the OCA's *Rogers* project. The Northeastern University School of Law (NUSL) students completed their research and submitted a report with recommendations to the OCA. With support from the Court Improvement Program (CIP), the OCA commissioned a team of researchers led by Dr. Laurel Leslie of Tufts Medical Center to further refine the work of the NUSL students. The Tufts researchers presented their findings and suggestions to the Rogers Working Group and submitted a final report to the OCA. This report is available on the OCA website <http://www.mass.gov/childadvocate/>. Both of these reports have advanced the conversation about changes that could improve the *Rogers* process for children in the custody of the Department of Children and Families (DCF). The OCA continues to make efforts to obtain data on the number of children in DCF custody who are on antipsychotic medications from MassHealth, DCF, and the Juvenile Court.

Gail Garinger informed Board members of new federal legislation which strengthens the focus on monitoring psychoactive medications for children in care. On September 30, 2011 President Obama signed into law the Child and Family Services Improvement and Innovation Act. One requirement of this federal legislation is that states adopt protocols for using and monitoring psychotropic medications for foster children.

Goodwin Procter is providing the OCA with a *pro bono* legal opinion to understand the constitutional implications of possible changes to the *Rogers* process.

Expungement of Juvenile Court Records Project

Jenna Pettinicchi informed the Board members that the OCA will again work with law students from NUSL Legal Skills in Social Context Social Justice Program. This is the same NUSL program the OCA worked with on its *Rogers* project. This year the 14 law students will investigate whether it is advisable to restore the ability of Massachusetts Juvenile Court judges to expunge juvenile records. The OCA has received some inquiries about this issue where juvenile records have impeded employment opportunities for individuals. Currently there is no way to expunge a juvenile record. The only option a youth had is to wait three years and then request that his or her juvenile court record be sealed by a juvenile court judge. 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 law students will research current laws on the expungement and sealing of juvenile records in Massachusetts and will interview Massachusetts stakeholders including Juvenile Court staff, children's legal advocacy groups, public defenders for children and youth, adults who have been affected by having a juvenile record, and law enforcement personnel. They will also examine how other states approach this issue by conducting a fifty-state survey and speaking with stakeholders in other states. Based on their library and investigative field research the law students will submit a report with recommendations to the OCA in spring of 2012.

The OCA expects a thorough and objective report, therefore it is important that the law students speak with a variety of stakeholders with varying positions on this issue. Jenna Pettinicchi encouraged Board members to provide the OCA with suggested stakeholders for the students to interview.

Data: Moving Massachusetts Forward

The last portion of the meeting was dedicated to a conversation about data collection and sharing among state agencies and some of the initiatives that are underway in Massachusetts. The OCA is interested in data collection as a way to measure the success of a child over time and between systems. Sharing data allows coordination of services and enhances safety for children, but also raises concerns of privacy and confidentiality. Commissioner Sherri Killins of the Department of Early Education and Care presented the Department's Early Childhood Information System (ECIS) Vision Document. The Vision Document is available at http://www.eec.state.ma.us/docs1/NewsUpdates/20110728_ecis_vision.pdf. Other updates regarding data collection and sharing initiatives were given by Assistant Secretary Marilyn Chase of the Executive Office of Health and Human Services, Ilene Mitchell of the Probate and Family Court, Jim Morton of the Juvenile Court, and Nicola Pangonis of the Office of the Commissioner of Probation.

Meeting Adjourned