

[Similar Matter Filed During Past Session —
See Senate No. 609 of 1982]

SENATE No. 804

By Mr. McKenna, a petition (accompanied by bill, Senate, No. 804) of Denis L. McKenna and Martin T. Reilly for legislation to strengthen the councils for children and the Office for Children, Human Services and Elderly Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

**AN ACT TO STRENGTHEN THE COUNCILS FOR CHILDREN AND OFFICE
FOR CHILDREN.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 2 of Chapter 28A of the General Laws
2 is hereby amended by striking out the definition "child" and
3 inserting in place thereof the following definition: —

4 "Child," any person under the age of eighteen, or under the
5 age of twenty-two if such person has special needs.

1 SECTION 2. Section 2 of Chapter 28A of the General Laws
2 is hereby amended by inserting after the word "development-
3 al" in the definition of "services to children" the following
4 words: — "correctional, educational."

1 SECTION 3. Section 3 of Chapter 28A of the General Laws
2 is hereby amended by inserting after the words "the secretary
3 of human services" the following: — "and the commissioner
4 of education."

1 SECTION 4. Chapter 28A of the General Laws is hereby
2 amended by adding after section 6 the following section: —
3 "6A. Interdepartmental Teams; establishment; regulations;
4 members and functions."
5 The office shall establish, coordinate and chair a statewide

6 interdepartmental team and interdepartmental teams within
7 regions determined by the office, provided that such regions
8 are consistent with substate regions as approved by the sec-
9 retary of administration. The purposes of the interdepart-
10 mental team shall be to provide an appeal within the adminis-
11 trative system to the highest level within the commonwealth
12 and to ensure each child a process for access to services when
13 those services are required to be provided pursuant to law and
14 in those cases where services have been identified as neces-
15 sary but are inadequate, non-existent or denied.

16 The office shall, pursuant to chapter thirty A and subject to
17 the approval of the statewide advisory council, promulgate
18 rules and regulations to carry out the purposes and functions
19 of the interdepartmental teams; provided, that membership of
20 each team shall consist of the commissioners or their desig-
21 nees of the departments of education, mental health, social
22 services, public welfare, youth services, public health and the
23 Massachusetts rehabilitation commission or their successor
24 agencies. Other agencies shall be required to participate with
25 respect to individual cases at the discretion of the director.
26 All regulations so promulgated shall be reviewed and re-
27 promulgated in June of every odd numbered year.

28 In accordance with such regulations, the interdepartmental
29 teams shall perform the following functions: —

30 (a) review service requests for each individual child referred
31 by an area Help for Children program where no service or in-
32 adequate service has been identified;

33 (b) identify the individual service needs of each child; re-
34 view existing agency(ies)' individual service plan (ISP) for
35 each child; and as necessary, require professional personnel to
36 appear before the interdepartmental team to present diag-
37 nostic, evaluative, and case history materials deemed relevant
38 to the resolution of the service request;

39 (c) designate an agency to develop a case management plan
40 based on interdepartmental team recommendations;

41 (d) review and approve each case management plan; and

42 (e) designate a single state agency to provide comprehen-
43 sive case management and monitoring of service delivery for

44 each case as stated in the case management plan.

45 Except as otherwise specifically prohibited by statute all
46 case records and relevant data shall be made available to the
47 interdepartmental teams by the relevant commissioner upon
48 the request of the director of the office for children.

49 In those cases where the commonwealth is clearly respon-
50 sible for services but no consensus can be reached by the in-
51 terdepartmental team, then the director shall be authorized to
52 require agencies represented on the interdepartmental team
53 to provide the necessary and appropriate services recom-
54 mended by the team within the context of regulations prom-
55 ulgated pursuant to this section.

56 The director shall be required to submit, at a public hear-
57 ing, a detailed annual report concerning the operations of the
58 interdepartmental teams to the statewide advisory council and
59 the commissioners of the participating agencies.

1 SECTION 5. Section 7(b) of Chapter 28A of the General
2 Laws is hereby amended by inserting after the word "locality"
3 the following: — "and implement a system of case advocacy
4 to ensure that the needs which have been identified in a case
5 are met in a rigorous and timely manner by an appropriate
6 and responsible agency."

1 SECTION 6. Section 7(e) of Chapter 28A of the General
2 Laws is hereby amended by inserting after the word "action."
3 in line 8, the following: — "The councils' recommendations
4 concerning these proposals shall be forwarded by the office to
5 the appropriate state agency. Each agency receiving such rec-
6 ommendations shall respond in writing to the office prior to
7 taking any action which is other than the recommendations of
8 the councils."

1 SECTION 7. Section 7 of Chapter 28A of the General Laws
2 is hereby amended by adding after subsection (e) the follow-
3 ing subsection: — "(f) advise and consent on the appointment
4 by the office of staff assigned to the area of the council."

1 SECTION 8. Section 8 of Chapter 28A of the General Laws
2 is hereby amended by striking the first paragraph and insert-
3 ing in place thereof the following: —

4 "There shall be a statewide advisory council for children to
5 consist of the secretaries of the executive offices of human
6 services, manpower affairs, communities and development, and
7 educational affairs and the commissioner of education, or their
8 designees, twelve members appointed by the governor, and
9 one member from each local council for children established
10 under section seven."

1 SECTION 9. Section 8(a) (3) of Chapter 28A of the General
2 Laws is hereby amended by striking subsection (a) (3) and
3 inserting in place thereof the following: —

4 "(3) review, recommend and consent to regulations pro-
5 posed by the director."

1 SECTION 10. Section 8 of Chapter 28A of the General Laws
2 is hereby amended by adding after subsection (a) (6) the fol-
3 lowing subsections: —

4 "(7) review and comment on the proposed annual budget of
5 the office prior to its submission;

6 (8) review and consent to any proposal for federal fund-
7 ing submitted by the office;

8 (9) advise and consent concerning the appointment of the
9 director by the governor."

1 SECTION 11. Section 4 of said chapter 28A, as established
2 by section 1 of chapter 785 of the acts of 1972, is hereby
3 amended, by striking out subparagraphs (h)-(m), and insert-
4 ing in place thereof the following: —

5 (h) coordinate comprehensive emergency service pro-
6 grams which shall be established in each area to provide serv-
7 ices to abused and/or neglected children and their families
8 and train the staff of said programs;

9 (i) evaluate and monitor programs for children in depart-
10 ments and agencies within the executive office of human serv-
11 ices and, by agreement with other executive offices, evaluate
12 and monitor programs for children for which any such execu-
13 tive office has responsibility;

14 (j) facilitate the development of and, when appropriate,
15 provide for training programs for persons offering services in

16 day care centers, family day care homes, and family foster
17 care as defined in section nine. Such programs shall be de-
18 veloped in coordination with manpower training and educa-
19 tional programs offered under the executive offices of educa-
20 tional affairs, manpower affairs and communities and de-
21 velopment;

22 (k) seek, apply for and encourage the use of all federal
23 funds for children's services and facilitate the coordination of
24 federal, state, and local policies concerning children's services;

25 (l) provide information and referral to persons seeking
26 children's services;

27 (m) provide for technical assistance and consultation to
28 providers and potential providers of services to children; and

29 (n) prepare and submit a report to the governor, the gen-
30 eral court, and the secretaries of all executive offices annually
31 on the first Monday of July. Such report shall include, but not
32 be limited to, a review of the status of services to children
33 within the commonwealth; recommendations for priorities for
34 the development and coordination of services to children dur-
35 ing the next following fiscal year and for the following four
36 fiscal years; an assessment and evaluation of the progress
37 made as the result of such recommendations for the preceding
38 two fiscal years; a statement of goals for activities of the of-
39 fice during the next following fiscal year and the following
40 four fiscal years; the steps to be taken by the office to imple-
41 ment the purposes stated in section one; a review and evalua-
42 tion of the purposes made in accomplishing said purposes for
43 the preceding two fiscal years.

Faint, illegible handwritten text, possibly a list or notes.

Second section of faint, illegible handwritten text.

Third section of faint, illegible handwritten text.



