

By Mr. Johnston of Marshfield, petition of Philip W. Johnston, Jack H. Backman and Gregory William Sullivan for legislation to restructure the Office for Children, Human Services and Elderly Affairs.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT TO RESTRUCTURE THE 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 3 of chapter 28A of the General Laws, as  
2 established by section 1 of chapter 785 of the acts of 1972, is hereby  
3 amended by striking out paragraphs 1 and 2 of said section and  
4 inserting in place thereof the following: —

5 Section 3. There shall be an office for children under the exclu-  
6 sive supervision and control of a director who shall be selected by a  
7 two-thirds vote of the statewide advisory council, as established by  
8 section eighty, and may in its discretion by majority vote of all its  
9 members remove him. The director shall, at the time of his or her  
10 appointment, have substantial professional or administrative ex-  
11 perience in a field concerned with children's needs. He shall receive  
12 such salary as the council may determine and shall devote his full  
13 time during business hours to the duties of the office. He shall  
14 appoint and may remove such assistant directors and such other  
15 employees and consultants as he shall deem necessary to perform  
16 the functions of the office. The provisions of chapter thirty-one and  
17 sections nine A, nine B and nine D of chapter thirty shall not apply  
18 to the director, to such assistant directors as he may appoint, or to  
19 such other supervisory positions as he may create.

20 The office may lease, purchase, hold and dispose of personal and

21 real property. Subject to the approval of the board, the director  
22 may apply for and accept on behalf of the commonwealth any  
23 federal, local or private grants, bequests, gifts or contributions to  
24 aid in the financing of any of the programs or policies of the office.  
25 Such funds shall be received by the state treasurer on behalf of the  
26 commonwealth and deposited in a separate account and shall be  
27 expended under the direction of the director, with the approval of  
28 the secretary of human services. Federal funds paid as reimburse-  
29 ment to the commonwealth shall be deposited in the general fund.

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

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

9 (i) evaluate and monitor programs for children in departments  
10 and agencies within the executive office of human services and, by  
11 agreement with other executive offices, evaluate and monitor pro-  
12 grams for children for which any such executive office has respon-  
13 sibility;

14 (j) facilitate the development of and, when appropriate, provide  
15 for training programs for persons offering services in day care  
16 centers, family day care homes, and family foster care as defined in  
17 section nine. Such programs shall be developed in coordination  
18 with manpower training and educational programs offered under  
19 the executive offices of educational affairs, manpower affairs and  
20 communities and development;

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

24 (l) provide information and referral to persons seeking child-  
25 ren's services;

26 (m) provide for technical assistance and consultation to provid-  
27 ers and potential providers of services to children; and

28 (n) prepare and submit a report to the governor, the general  
29 court, and the secretaries of all executive offices annually on the

30 first Monday of July. Such report shall include, but not be limited  
31 to, a review of the status of services to children within the common-  
32 wealth; recommendations for priorities for the development and  
33 coordination of services to children during the next following fiscal  
34 year and for the following four fiscal years; an assessment and  
35 evaluation of the progress made as the result of such recommenda-  
36 tions for the preceding two fiscal years; a statement of goals for  
37 activities of the office during the next following fiscal year and the  
38 following four fiscal years; the steps to be taken by the office to  
39 implement the purposes stated in section one; a review and evalua-  
40 tion of the purposes made in accomplishing said purposes for the  
41 preceding two fiscal years.

1 SECTION 3. Section 7 of said chapter 28A, as established by  
2 section 1 of chapter 785 of the acts of 1972, is hereby amended by  
3 striking out subparagraphs (d) and (e) in paragraph 2 of said  
4 section, and inserting in place thereof the following: —

5 (d) evaluate and monitor existing children's services in the locali-  
6 ty;

7 (e) review and make recommendations to the office concerning  
8 approval or disapproval of proposals for state or federal funding  
9 for services to children in the locality. Upon receipt of such recom-  
10 mendation from a council concerning those proposals for which  
11 the office has responsibility to review or implement, the office  
12 shall, within a reasonable time, forward a written reply to such  
13 council stating the action taken by the office on such recommenda-  
14 tions and the reasons for the action; and

15 (f) elect the members of the statewide advisory council.

1 SECTION 4. Section 8 of said chapter 28A, as established by  
2 section 1 of chapter 785 of the acts of 1972, is amended by striking  
3 out said section and inserting in place thereof the following sec-  
4 tion: —

5 There shall be a statewide advisory council to the office to  
6 consist of the secretaries of the executive offices of human services,  
7 manpower affairs, communities and development and educational  
8 affairs, or their designees, and twenty-eight members elected by the  
9 local councils for children established under section seven. All  
10 elective members shall serve for terms of three years. The chair-

11 man shall be an elective member of the council and shall be selected  
12 by the elective members of said council. The chairman shall serve at  
13 the pleasure of the council provided, that no member may serve as  
14 chairman for more than six years. Appointive or elective members  
15 shall serve without compensation but shall be reimbursed for  
16 necessary expenses incurred in the performance of their duties.

17 Said advisory council shall: —

18 (a)

19 (1) assist the director in coordinating the efforts of all public  
20 agencies concerned with services to children;

21 (2) advise the director on policy, planning and priorities of need  
22 in the commonwealth for services to children;

23 (3) review regulations proposed by the office and make recom-  
24 mendations to the director in regard thereto;

25 (4) suggest new regulations to the director;

26 (5) annually review the programs and policies of the office;

27 (6) review, in conjunction with the office, at least biannually, the  
28 organization, structure and functioning of services to children in  
29 the commonwealth;

30 (7) select the director by a two-thirds majority vote of the  
31 elective members; and

32 (b)

33 Issue a report to the governor, the general court and the secretar-  
34 ies of all executive offices annually on the first Monday of July.  
35 The report shall include but not be limited to the council's goals for  
36 action during the next following fiscal year and the following four  
37 fiscal years; a review and evaluation of the progress made as the  
38 result of such recommendations for the preceding two fiscal years;  
39 the council's recommendations on priorities for action to be under-  
40 taken by the office during the following fiscal year and the follow-  
41 ing four fiscal years; and a review and evaluation of the progress  
42 made as the result of such recommendations for the preceding two  
43 fiscal years.

44 The office shall provide staff assistance to the council.