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Senator Ned Claxton, Chair  
Representative Michele Meyer, Chair  
Members, Joint Standing Committee on Health and Human Services  
100 State House Station  
Augusta, ME 04333-0100

LD 1263 – An Act To Create a Separate Department of Child and Family Services

Senator Claxton, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services:

This letter is to provide you with information about the Office of Child and Family Services' (OCFS) opposition to LD 1263, An Act To Create a Separate Department of Child and Family Services. This bill would create a new Department of Child and Family Services and transfer functions of the Department of Health and Human Services (DHHS) to this new department.

While the structure this bill proposes would likely bring more attention to the vital activities related to child and family services, the costs and drawbacks outweigh any benefits that might be derived from this change. OCFS has no significant concerns about the current structure of the Office within DHHS and believe our work fits within DHHS' mission of ensuring health, safety, resilience, and opportunity for all Maine people.

LD 1263 as currently written does not consider a number of issues that would be caused by the creation of a separate Department of Child and Family Services. For instance, this bill does not appear to contain any provision to move relevant sections of Title 22 into the proposed Title 22-B. The most glaring example is the Child and Family Services and Child Protection Act (which governs and gives authority for child welfare). Furthermore, this bill does not acknowledge or address the significant work that would be required to divide off OCFS' funding into a separate Department, including new accounting codes, updates to state plans and federal programs that oversee grant funding currently received and administered by DHHS/OCFS, and sorting out funding streams that may be split among multiple offices within the Department (for example, the federal Mental Health Block Grant).

OCFS would like to point out that this proposal does not seem to consider other areas of state government that may fit within the proposed new department. For example, the Center for Children's Law and Policy recommended that the State consider relocating Maine's juvenile justice system to a "child serving agency". This recommendation is contained in the Maine Juvenile Justice System Assessment, published February 2020). Other areas that could be considered for inclusion in a department focused specifically on children and families, include Child Development Services (CDS) and Temporary Assistance for Needy Families (TANF).

OCFS also finds that the language in this bill placing the children's behavioral health system under the oversight of the new Department is inadequate. Specifically, the bill refers to "residential and long-term care services for children with disabilities" being assigned to the new Department, but OCFS' current CBHS division includes oversight of all behavioral health services for children, including community-based services, substance use treatment for youth, and homeless youth services.

LD 1263 has a significant fiscal impact due to the need to replicate some of the work currently done under the umbrella of the Department of Health and Human Services. Even more concerning though, is the amount of time, work, and effort that would be required to unbraid the work of OCFS from DHHS, which could undermine the ability of management to continue pursuing system improvement efforts that are targeted towards improving the lives of Maine's children and families. Any benefit derived by the creation of a separate Department would be outweighed by the cost (both financial and in terms of time and effort) of creating a new Department.

OCFS would also like to share the input of the Office of Family Independence (OFI) on this bill. OFI opposes the inclusion of Section 202 (1)(D) in LD 1263. OFI currently has three complimentary, interdependent divisions – Eligibility Services, Disability Determination Services and Support Enforcement and Recovery Services (DSER). The divisions have a longstanding, successful relationship with a proven track record of determining a family's eligibility for public assistance benefits and ensuring that noncustodial parents provide financial support for their children. Since 1975, Maine, as required of all states, has provided child support enforcement services pursuant to Title IV, part D, of the Social Security Act. The child support program has been administered within OFI during this 46-year period. Seventy five percent of the 42,000 child support cases currently managed by DSER involve parents who either are receiving, or previously did receive, public assistance benefits. These benefits and the eligibility determination work associated with them is work performed by staff in Eligibility Services. DSER is charged with establishing paternity, obtaining child support orders, facilitating support payments to families and requiring noncustodial parents to reimburse the state for benefits provided to their children. As such, child support services are more closely aligned with eligibility services than they are with child welfare, care and health services. The relocation of DSER to a separate, newly formed department would disrupt the program's dependable relationship with Eligibility Services. OFI's management and oversight of DSER makes sense for practical, financial and operational reasons.

We request the Committee to vote ought not to pass on LD 1263. If you have any questions, please feel free to contact me.

Sincerely,



Dr. Todd A. Landry  
Director, Office of Child and Family Services