

**Testimony of the
Department of Health and Human Services**

Before the Joint Standing Committee on Health and Human Services

**In Support of
LDs 1919, 1920, 1921 1922, 1923**

August 27, 2018

Senator Brakey, Representative Hymanson, and Members of the Joint Standing Committee on Health and Human Services, I am Bethany Hamm, Acting Commissioner of the Department of Health and Human Services. I am here today to speak in support of the bills before you. Prior to getting into details regarding each bill, I would like to take a moment to step back and discuss the broader issue at hand.

The Office of Child and Family Services (OCFS) within the Department, and particularly the Child Protection Division, is tasked with the unenviable responsibility of protecting Maine children that are at risk for, or have suffered from, abuse or neglect. OCFS staff respond to reports, investigate families, and have to make extremely difficult decisions regarding what is best for a child. They must quickly determine if a child is at immediate risk, consider the trauma of a child being taken away from their parents or families, and respect the rights of parents to raise their children. These individuals work hard and are dedicated to their mission.

OCFS staff are part of a larger system that includes communities, schools, healthcare professionals, clergy, neighbors—all of us. This system must work together with trust and confidence if we are to make headway in preventing and addressing child abuse and neglect. Recent events have affected confidence in this system, and have also highlighted areas of failure. Reforming and improving the system so as to regain trust and confidence is of the utmost priority for me in my role as Commissioner, and the Governor has made clear the emphasis he places on this issue as well.

The bills before you are a first step in what must be a continuous, permanent effort to improve and reform. These bills will not solve all problems, but do address areas of immediate need and should be acted upon quickly. The reforms put forth in these bills were developed deliberately, through a process that started over two years ago and intensified over the last six months. The internal review conducted by the Department this Spring solicited input from all components of the Department's child welfare services, from front-line workers through to the Commissioner's Office. The review highlighted both action we could take internally, as well as these reforms that necessitate legislation. We have initiated the changes that are within our purview, and now turn to you for assistance with those that are in yours.

Again, these bills should serve as a baseline for a constant and continuous effort to improve. Our internal review has concluded, but we eagerly await additional recommendations for

improvement and reform from OPEGA, the ombudsman, the child death review panel, and the external review that we are in the process of initiating. A portion of this review will focus solely on soliciting and obtaining the comments, criticisms, opinions, and advice from front-line workers regarding what needs to be done to improve the system and create a more effective, efficient process. This feedback will compliment input already received, and will be coupled with a comprehensive review of the system and processes from an outside perspective.

Thank you for your attention to these bills and to this important issue. As these bills make their way through the legislative process, I urge you to support the need for reform and the serious nature of this issue—one that supersedes political ideologies and disputes.

LD 1919

LD 1919 seeks to establish criminal penalties for a mandated reporter who fails to make a report of child abuse or neglect.

The act of mandated reporting is paramount to a successful child welfare system—the Department cannot act on information that it does not have.

Currently, there is no consequence for failure to report child abuse or neglect in Title 22 §4011, the portion of the statute that addresses the mandated reporting of child abuse or neglect. It is the position of the Department that this results in some mandated reporters choosing not to report. While there are no personal consequences for that choice, the children who may be being abused or neglected suffer due to that choice. The safety of children in Maine is directly impacted when mandated reporters fail to make reports as required.

The child welfare system is comprised of multiple entities including the Office of Child and Family Services Child Protection Division, the Attorney General's office, the Court System, mandated reporters, providers, and the community as a whole. In order to provide an effective safety net for the children in Maine, each part of the child welfare system needs to work effectively. Therefore, it is the Department's position that adding consequences for failing to report child abuse and neglect will remind mandated reporters of the gravity and importance of this duty and therefore increase the safety of the children in Maine.

It is not our intention to persecute mandated reporters that make a mistake, but it is our intention to convey the grave necessity of reports, and to ensure that if there is any question, the answer is to report.

LD 1920

LD 1920 seeks to modify the statutory expungement requirements for child protective records.

Currently, the Department is required under Title 22, Section 4008 to expunge unsubstantiated child protective services records within 18 months of the close of the unsubstantiated assessment. This requirement hinders the ability of child protective staff to fully understand an individual or

family's history with the Department. The Department is seeking to ensure that child protective staff have all possible information available to them when working with families, in order to make sound decisions regarding child safety.

This bill would remove the requirement that the unsubstantiated records be expunged, while also ensuring that information regarding unsubstantiated assessments is not publicly disclosed. The Department recognizes that often there are child welfare related concerns within a family that do not rise to the level of a substantiated or indicated finding, but that information regarding these concerns (contained in unsubstantiated assessments) is invaluable should the Department receive a new report regarding the same family. This bill would ensure that information can be used internally to inform staff, while also providing protection to individuals to ensure that this confidential information is not disseminated publicly. This statutory change meets the federal requirements for expungement and the use of records under the Child Abuse Prevention Treatment Act (CAPTA).

LD 1921

LD 1921 seeks to add to the authorizations granted to the Department under the Child and Family Services and Child Protection Act a provision allowing the Department to receive information contained in confidential criminal histories. The terms "confidential criminal history record information" and "public criminal history record information" are defined in Title 16 of the Maine Revised Statutes, Section 703. When seeking to fulfill the Department's statutory mandate to "promptly investigate all abuse and neglect cases and suspicious child deaths coming to its attention," access to information is vital. Currently, the Department has access only to public criminal history information. Without the ability to view and consider all available information, the Department is forced to make decisions based on incomplete knowledge of a situation, thereby compromising the goal of protecting children at risk of or suffering from abuse and neglect.

Information in an individual's confidential criminal history provides a fuller picture of the individual's history with law enforcement. It is not uncommon for an individual to be accused of a crime and never to face charges for that crime as a result of various issues, including difficulty in prosecuting certain types of crimes, difficulties in the investigation, etc. Confidential criminal history information includes information beyond just the crimes an individual has been convicted of, and the additional information would be invaluable to child protective services staff as staff try to determine whether a child has been abused or neglected or is at substantial risk for abuse and neglect. Child protective assessments are difficult investigations and the Department supports utilizing any measures which would provide child protective staff with a fuller and more complete picture of law enforcement's involvement with an accused perpetrator of abuse or neglect.

The Department has worked actively with the Department of Public Safety to determine that a statutory change is necessary in order for the Department of Public Safety to provide information

which meets the definition of confidential criminal history record information. Title 16, Section 705 limits disclosure of confidential criminal history to a specific set of situations, one of which is “any person for any purpose when expressly authorized by a statute...containing language specifically referring to confidential criminal history record information or one or more of the types of confidential criminal history record information.” The change proposed in LD 1922 expressly authorizes the Department to receive confidential criminal history record information from the Department of Public Safety.

LD 1922

LD 1922 seeks to strengthen 22 MRSA §4003(3) by emphasizing the need to focus on reasonable efforts to provide reunification and rehabilitation services to families, while at the same time reducing delays in seeking a permanent placement for children in the Department’s care and custody when reunification and rehabilitation are not possible.

Intervention of child protection services is emotionally taxing and disruptive to the lives of the children and families involved. However, intervention is a vital component of the child welfare safety net, used to prevent further abuse or neglect. Due to these realities, it is paramount to make sure that the intervention of child protective services is handled with great care, sophistication, and balance. The federal statute clearly indicates that parents have the rights and responsibility to parent their children whenever they are able to safely do so. However, if child abuse or neglect occurs, states have the authority based on their state’s child welfare statute to intervene and protect the best interest of the child, while also providing reasonable efforts for rehabilitation and reunification. In Maine, this work is mandated by the Reunification and Rehabilitation Plan section within Maine Statute, 22 MRSA §4041. This statute guides the work of the Office of Child and Family Services Child Protection Services as well as the court system.

At the same time, the length of time a child is without a clear permanency option and the number of interventions directly impact the stability of the child over the child’s lifetime. Therefore, it becomes critically important that a parent is able to demonstrate parental fitness and the ability to safely parent their child after an occurrence of child abuse or neglect has occurred. If a parent is unable to safely parent their child, then it becomes important to the life of the child to find a different permanent option. These options include permanency guardianship or adoption by either kin or non-kin, with preference being given to kin, when determined to be a safe choice for the child.

To summarize, it is the Department’s goal to provide safe and stable permanent options for children who have suffered from abuse or neglect. Whenever possible, this is accomplished by providing reunification and rehabilitation services to the parents and allowing the child to be raised by their parent(s). However, when this is not possible, it becomes equally important to find a safe and stable permanent option for the child. At different times, an over-emphasis has been placed both on removing the child from a home and on reunification. This bill seeks to find a balanced approach in the best interest of the child.

LD 1922 further strengthens the Child Protection statute to prioritize the best interest of the child, which is to be raised in a safe and stable permanent family.

LD 1923

LD 1923 seeks to improve the child welfare system by providing additional funding to be used for the following: increasing the rates of reimbursement for foster homes; creating a new job classification for Child Welfare Investigators; developing a new comprehensive child welfare information system; creating two Regional Associate Director for Child Welfare positions; providing a stipend for Child Protection staff, providing a stipend for retention and recruitment of child welfare staff with a Master's degree; initiating a pilot program for supportive visitation; providing clinical consultation services and evaluative and debriefing services for child welfare staff; and creating 16 child welfare supervisor positions.

The Department has recently undertaken a review of the current child welfare system. As a result of this review, the Department has identified several key initiatives in order to further strengthen the child welfare system. The funding requests within LD 1923 would allow these key initiatives to move forward.

Reimbursement for Foster Homes

The reimbursement rate for foster homes has not been adjusted in a number of years. The Department is seeking additional funds in order to increase the rate of reimbursement for foster families. The Department believes the rate of reimbursement directly impacts the Department's ability to recruit and retain foster home providers, and that by offering a higher rate of reimbursement, the Department will have increased success in this area. The availability of foster homes directly impacts the Department's ability to provide a safe option for children who are placed in the protective custody of the Department.

Child Welfare Investigators

Currently, child protective services caseworker staff are licensed social workers. The Department greatly values the role of these licensed social workers within the Child Protective Services Division. The Department also recognizes the experience that law enforcement investigators and other similar professionals gain within their careers. The current job classification for human services caseworker will only allow consideration of professionals that qualify as licensed social workers. It is the Department's desire to gain authority to create a new job classification for Child Welfare Investigators. These staff will work within the child welfare District offices alongside of the Human Services Caseworkers and aid in the core investigative work related to reports of child abuse or neglect.

Comprehensive Child Welfare Information System

The Office of Child and Family Services currently utilizes the Maine Automated Child Welfare Information System (MACWIS) for electronic documentation and management of child welfare

work. This system is an antiquated legacy system that was designed approximately 20 years ago. The Department is seeking funding to purchase an updated system that will allow for effective and efficient management of the case documentation process and work flow management within the work of child welfare. This will save staff time and provide management tools directly to human services caseworkers, as well as child welfare leadership, thereby increasing efficiency.

Regional Associate Director for Child Welfare

Currently, the Office of Child and Family Services has one Regional Associate Director for Child Welfare, who is responsible for fulfilling the duties of this position for the entire state. The Department is seeking funding for two additional Regional Associate Director positions to increase the support and oversight available to the District offices. This will allow for increased consistency in statewide child welfare practice.

Salary Stipend for Child Protection Staff

Child Welfare work is demanding work. The positions within the Office of Child and Family Services Child Protection Division have the same educational and licensure requirements as many community-based roles that are far less demanding. Child Protective staff are responsible for investigating reports of child abuse or neglect, determining the level of safety within the current family situation, creating a reunification and rehabilitation plan and monitoring that plan for effectiveness, representing the Department in court proceedings, identifying and evaluating safe permanent homes for children, and seeking adoptive placements when needed, among other tasks. In order to adequately compensate the difficult work of Child Protective staff and also recruit and retain high quality staff, the Department is seeking an increase in funding to provide a salary stipend for child protective staff.

Salary Stipend for Retention and Recruitment of Child Welfare Staff

For a number of years, the Office of Child and Family Services has encouraged and supported the advancement of education for staff. However, upon completion of Master's degrees, the staff continue to receive the same level of pay. The Office of Child and Family Services is unable to financially recognize this employee development through an increase in pay. Therefore, the Department is requesting the funding to provide a salary stipend for staff who successfully obtain a Master's degree. This will incentivize staff who obtain advanced degrees, which will in turn increase the knowledge, skills, and expertise of the workforce, therefore positively impacting the children and families of Maine.

Supportive Visitation Pilot Program

The Office of Child and Family Services currently contracts for supervision of supportive visitation between parents and their children when the children are in protective custody. These visits are court ordered. This pilot program will add the assessment and evaluation of parental capacity within the supportive visitation service. Increasing the ability to further assess the parental capacity will increase the ability of the Department to make decisions regarding safe,

successful, and permanent living options for children who are abused or neglected. Having a timely, permanent living option directly impacts the lifelong outcomes for children involved with child welfare services.

Clinical Consultation Services

The Department is requesting funding to add clinical consultative services to the Child Protective Services District offices. These services will provide additional support for the consultation and review of challenging child welfare cases through individual case review and group supervision of staff. Additionally, these services will provide clinical support for the offices to review the effectiveness of caseworker practice and provide debriefing services after difficult case events. This will ensure the effectiveness and stability of child welfare staff and guide the Office of Child and Family Services in staff development and training activities.

Child Welfare Human Services Caseworker Supervisory Positions

The Department is requesting funding to add 16 additional Child Welfare Human Services Caseworker Supervisory positions. These positions are essential to supporting Child Protective Caseworkers and ensuring training and implementation of effective child welfare practice. Each Child Protective Caseworker receives a six-week long training upon hiring. However, this training is further enhanced through coaching and mentoring in supervision. This model allows for the continued development of child welfare staff through their casework practice and is essential to the core work of the Office of Child and Family Services. The Office of Child and Family Services is seeking funding for these 16 additional supervisory positions to increase the capacity to train and mentor child protective staff throughout the District offices.

LD 1923 will strengthen child welfare services and further enhance the ability of the Office of Child and Family Services Child Protective Division to protect children.

Thank you again for your time and consideration today, and I am happy to answer any questions you may have.