

**Sen. Jeff Timberlake
LD 779**

Office of Child and Family Services to Department of Children, Youth and Families roadmap

Mission

Developing an **organizational structure** for a new department focused solely on children, youth and families, with the goal of **improving services and outcomes**, promoting **greater accountability** and heightening the visibility of children's issues.

Stronger Focus

Several other jurisdictions, including **Washington State** highlighted here, Indiana, New Jersey, Tennessee, Georgia, Wisconsin and New York City, under both **Democratic and Republican administrations**, have successfully implemented separate departments of children and families. In these reforms, separate departments have improved the visibility of children's issues, **increased authority and accountability**, enabled policy changes and system improvements, and created a stronger focus on serving children, youth and families in both the executive and legislative branches.

Transitional Considerations

Making large, structural changes to state government requires **careful planning** and consideration of the **potential impact** on costs, staff, ongoing work, performance indicators and timeframes. Sufficient authority, capacity, leadership and financial resources are all critical elements of an **agency's ability** to achieve its stated goals.

Goals to be Considered

State services are not currently organized in a way that achieves the best outcomes for children, youth and families.

There should be a single department whose mission is centered on child safety, early learning, and the social, emotional and physical well-being of children, youth and families — supporting and strengthening families before crises occur.

Parents and families who are facing challenges must be offered needed and appropriate services earlier to improve the healthy development of children and youth, protect them from harm and disrupt multigenerational trauma.

Many of our current systems are reactionary in nature. Moving to a proactive department will allow earlier intervention and prevention strategies to fully engage at-risk families.

We should strengthen the aggregate impact of all services provided by the State – no matter which agency is the lead for providing them – by making sure they are science-based, have aligned outcomes, share real-time data and create a more cohesive continuum of care.

This will help the state make maximum use of its resources by allocating funding and services in ways that are aligned consistently with the best practices for serving children, youth and families. Those involved with any state system should have more seamless connections whenever possible to other needed services. For instance, the use of Medicaid-funded services could help to minimize additional system involvement or harm.



We should prioritize those children and youth most at risk of neglect, physical harm, sexual abuse and other adverse factors most often linked to low rates of kindergarten readiness, dropping out of school, substance abuse, incarceration, homelessness and other negative outcomes later in life.

Much of our discussion in the Government Oversight Committee about the 2021 child deaths, particularly the last case we reviewed, has centered on the lack of focus on family histories as a marker for higher risk for future children in the family or potentially greater involvement with OCFS. We need to move to a whole-family approach.

Implementing Structural Change and Oversight

To reimagine the delivery of services to Maine’s children, youth and families, we would have to consider a **complete rebuild** of the systems that deliver and measure

them, and provide the **needed oversight** for transparency and accountability. This includes not only the separation of OCFS into a separate department but also the integration of behavioral health, juvenile services, **citizen review panels**, Maine Child and Welfare Ombudsman, **data and technology** innovation and other functions.

We should integrate the Division of Juvenile Services into the new department to better address all youth who are at one time or another in both the child welfare and juvenile justice systems.

Youth known to both the child welfare and juvenile justice systems may suffer from the same types of childhood trauma, are often underserved as they move from one system to another, and represent a large portion of the youth who experience homelessness.

The Maine Child Welfare Ombudsman, Maine Child Welfare Advisory Panel, Child Death and Serious Injury Review Panel should be restructured into an Oversight Commission with Inspector General Staff embedded within the agency.

Several takeaways from the Government Oversight Committee's investigation into OCFS include a culture that is described as "a sinking ship," "a broken system" and a "war zone." This is likely the result of systemic failures of both process and leadership. Now that the veil has been lifted, it must stay lifted through a robust oversight board that has dedicated staff embedded within the department and unique powers to hold those within the department accountable. This board would investigate and arbitrate appeals and complaints of retaliation, provide regular reporting to the Legislature and transparency to the public.

We need more funding and structural changes at Maine Commission for Indigent Legal Services to provide representation to affected families.

There are currently more than 2,500 protective cases pending in Maine courts, all being handled by MCILS's 60-65 attorneys statewide. The current roster of attorneys are well beyond their capacity and 200 people currently in the court system who have no representation. Some individual cases require four or five attorneys: one for the guardian ad-litem; one for the mother; one for the father; one for the grandparents and sometimes a third-party. If OCFS is broken off and a family court system is established, an idea would be to add a public defender position in all regions to handle CPS cases specifically.

Alignment of Services for Children, Youth and Families Is Essential

Recognize the importance of both a vertical and horizontal service delivery system that is comprehensive and goes beyond a single department's work. This will involve aligning and integrating services for children, youth and their families within the new

department and across state agencies like Maine DHHS or Maine Corrections for a seamless service experience.

Regardless of whether they come into contact with any of the state's systems, focusing on all youth at greatest risk of negative outcomes provides the state an opportunity to develop a more coherent and integrated approach, and increase prevention and early intervention services that will improve the long-term outcomes for youth when intervention is needed.

Identify which other specific services and programs should be housed in the new department and which should be closely aligned.

Develop a set of criteria and conditions for determining which programs and services will be housed in the new department and which will stay with their current structure. The new department should be a hub for prevention and early intervention. However, not all prevention programs should move to the new agency, as nutrition and other food insecurity services may still need to reside within Maine DHHS. We recommend aligning, but not including, programs and services that meet the criteria for inclusion but should remain in a different agency because there is a strong policy, cost or administrative reason for the service to be integrated in a different manner.

Identify and appoint a commissioner who will be responsible for the design, implementation and mobilization of this new department within the transition timeframe.

The person leading the transition to the new structure should be adaptive and skilled in change management to promote a mission-driven approach to building the new department. Outreach to stakeholders and the existing workforce to understand current operational issues, culture and perspectives should be the primary goal during this period. The leader should partner with Maine's public health systems, health and mental health providers and community-based organizations to identify potential improvements to support healthy childhood development and outcomes.

Form a transition team within the Governor's office to plan and oversee the transition process until a commissioner is appointed. This transition team should determine the timeline for the transition to take place.

Start the work of creating an integrated plan for the child-facing services of the new department. This "practice model" should serve as a foundation to collect data of the interactions of prevention and response services currently taking place in Maine Juvenile Services, DHHS programs outside of OCFS and other agency touchpoints. Once a commissioner is appointed, design the infrastructure of the new agency including a budget, organizational chart, facilities plan and a vision for how IT will actually support the new agency.

Cultural and Operational Imperatives

Address staff retention issues, including manageable caseloads, improved pay, and better-resourced and trained workers through a team-based approach that can triage and manage cases as a multi-disciplinary group instead of the jack-of-all trades approach.

Much of the testimony from OCFS caseworkers described a situation of an overload of cases, forced overtime and a disconnected structure between “Home Office” resources and the agency’s branch offices. At the case level, an ideal team-based structure would include a case manager or case officer as the lead, case aides to handle support work, a paralegal to handle court management, an investigator to assess risk and safety, and possibly a clinician for behavioral health.

Implementation of a new approach focusing on risk factors and intervening early can reduce long-term and future costs

The Washington State Institute for Public Policy (WSIPP) identified examples of programs serving children, youth and families that have a positive cost benefit. The Nurse Home Visitation Program was found to save \$7 for each dollar invested. In Illinois, an effort to provide comprehensive in-home services for delinquent youth rather than incarceration yielded substantial savings — for every \$1 million spent on the program, the state avoided approximately \$3.55 million that would have been spent on juvenile incarceration. These are examples of programs that can improve outcomes for children and youth and reduce public expenditures in the future.

Workforce development and ideas for training should come from the ground up and employee retention strategies should focus on development and workloads

The outcomes produced by the new department will only be as good as the workers who are tasked with producing them. According to testimony provided to the Government Oversight Committee, much of the disconnection between Home Office and OCFS branches included inattention or the outright rejection of ideas for training programs and operational improvements that were sent upstream. Increased support for the professionals working with children, youth and families is critical to improving outcomes. That includes restructuring to a team-based environment as outlined earlier and strategies to retain a highly qualified, diverse workforce based on compensation practices that account for the skills, education and experience required to deliver quality. Professional development opportunities, a stronger higher education pipeline for preparing early learning teachers and caseload ratios that meet national standards for child welfare workers are key strategies to build.

Use of data and technology – best case management practices, use of family histories to detect patterns and outcomes.

The use of data to determine effectiveness and build a continuous quality improvement focus across departments serving children, youth and families is crucial to improving the quality of services and providing accountability for their effectiveness.

The Government Oversight Committee was told repeatedly of issues with OCFS's new Katahdin case management system and the struggles the agency's personnel has had with the system. In addition to being cumbersome, caseworkers have described it as not being intuitive, flexible or adaptive to individuals' situations. This has been supported by testimony from Maine Child Welfare Ombudsman Alberi, who has expressed similar reservations about the system.

This coincides with concerns expressed by resource parents and child care/early learning providers who continue to convey instances of late payments or payments missing altogether. The Committee also learned of instances where children needing emergency placement were left with foster parents with no resources to cover the cost of the placement.

The new structure for the department should include an Office of Technology Innovation that will focus on predictive analytics or a robust data analytic capacity to ensure program outcomes with the most efficient use of resources. The Office should also focus on systems to support front-end case operations and management, including eligibility determination, enrollment support and programmatic information, identity management across programs, provider management, billing and payment, and human resources and internal operations. These systems should also support back-end operations including travel, facility management, public records tracking and document management.

Incorporate lessons learned from science and research into the practice model for early learning, child welfare and Safety Science.

Maine's child welfare system has focused on family reunification. Unfortunately, the Government Oversight Committee's investigation into the 2021 deaths has shown that sometimes this is directly converse to the safety, permanency and well-being of some children. While the opportunity for children to reunify with their parents should always be an option, it shouldn't be the overarching goal if risk assessment and safety data show otherwise. Predictive analytics and new technology should be used to help make these determinations.

Children involved with the child welfare system can benefit tremendously from focus on screening for developmental delays.

Referring children to early intervention services and ensuring access to high-quality early learning opportunities can better prepare children for kindergarten. Addressing the developmental and emotional issues caused by adversity or childhood trauma can prevent later physical, mental and behavioral health disorders

A robust data and technology capability is fundamental to improving outcomes for children, youth and families.

This new department's technology will be critical to supporting progress by identifying outcomes and promoting a culture of continuous quality improvement.

We should prioritize those children and youth most at risk of neglect, physical harm, sexual abuse and other adverse factors most often linked to low rates of kindergarten readiness, dropping out of school, substance abuse, incarceration, homelessness and other negative outcomes later in life.

The cases reviewed by the Government Oversight Committee clearly showed that family history, both in individual incidents and the incidents in totality, clearly demonstrated the need to use family history as a factor in determining risk and child safety. These histories, or records of fact, may also prove useful in determining negative outcomes not just in safety but also incarceration, homelessness and other mental health or substance use issues as they grow older.

Solutions for foster families and providers negatively impacted by department decisions

What if Resource (foster) Parents had access to support when the child living with them was in crisis?

Fact to consider: Youth who experienced multiple placements or other placement instability while in foster care have a 1.46 times higher risk of becoming homeless than the typical graduate of foster care. One in three of these children will experience homelessness.

Resource families should be at the table.

Many of the issues heard by the Government Oversight Committee involved foster parents. From reimbursement problems to case worker access and even reports of retaliation, Maine is fast becoming an environment where no family or individual may take on the much needed role of being a foster parent. With the passage of LD 594, part of this process should be the development of a robust Resource Parents' Bill of Rights and integrate foster parents into the oversight process.