



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. JESSICA FAY, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM
SEN. MIKE TIPPING
SEN. RICHARD BENNETT
SEN. JILL C. DUSON
SEN. JEFFREY TIMBERLAKE
REP. AMY ARATA
REP. H. SAWIN MILLETT, JR.
REP. MARK BLIER
REP. ANNE MARIE MASTRACCIO
REP. MARGARET M. O'NEIL

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
November 29, 2023

Call to Order

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:30 a.m.

ATTENDANCE

Senators: Sen. Hickman, Sen. Tipping, Sen. Timberlake, Sen. Keim, Sen. Bennett
Sen. Duson

Representatives: Rep. Fay, Rep. Millett, Rep. Mastraccio, Rep. Arata
Absent: Rep. O'Neil, Rep. Blier

Legislative Staff: Peter Schleck, Director, OPEGA
Sabrina Carey, Secretary, OPEGA

Others: Peter Walsh, Maine Department of Health and Human Services
1977 - 1992 Director of Bureau of Child and Family Services
1992 - 1996 Director of Bureau of Family Independence
1996 - 2003 Deputy Commissioner for Programs
2003 - 2004 Acting Commissioner

Introduction of Committee Members

The members of the Committee introduced themselves.

New Business

(To watch this meeting - the recorded Live Stream can be viewed here: <https://legislature.maine.gov/Audio/#220>)

- **Meeting Summary – November 1, 2023**

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10455>)

The November 8, 2023 Meeting Summary was accepted as written.

Director's Report

Director Schleck, in response to questions the previous meeting, presented a document explaining the make up of the household of Jade Harding's mother.

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10452>)

Director Schleck noted the upcoming court date for GOC v. Lambrew, set for December 6, 2023 at 11:30 AM.

- **Public Hearing - OPEGA Report: Review of OCFS Case File 3 of 4 (Jaden Harding)**

(A copy of the Report can be found here: <https://legislature.maine.gov/doc/10422>)

(A copy of all Public Testimony can be found here: <https://legislature.maine.gov/doc/10462>)

Sean Yardley – Maine Child Welfare Action Network founding member and former CPS Worker
(Testimony starts on pg. 3 of all Public Testimony linked above)

Sen. Keim noted a previous time Mr. Yardley came and spoke to the Committee and asked if he had any suggestions on how things could be done better regarding hoteling and the concept of potentially having group homes instead.

Mr. Yardley clarified that he did not like the idea of group homes for small children, but that there needs to be an alternative to hoteling. He stated that children need an intimate connection with a caregiver and there are better ways to do that.

Sen. Bennett asked what he thought the GOC and the Legislature should be doing.

Mr. Yardley answered that one of the challenges seems to be that there is never enough money and the costs also show up later in criminal justice or mental health areas. He stated the big picture should be around the environment and creating as much transparency as possible while still maintaining confidentiality.

Sen. Bennet expressed frustration with the mandatory reporting structure as the people who are mandatory reporters almost never hear anything back and lose the engagement with the issue. He asked Mr. Yardley for his opinion on how to fix that issue.

Mr. Yardley answered that he felt the issue was more around confidence in the system and the State.

Sen. Duson noted that the best place for children is with the parents and that they should be able to access resources. She asked if he could better show the types of resources that had been available for caseworkers to use that may no longer be available.

Mr. Yardley mentioned a few programs that were around previously when he worked for the Department. He suggested that the Department should try and learn from mistakes. He also suggested looking at the changes to statute and figure out what prompted those changes and finding funding for programs to be reimplemented or created.

Sen. Duson noted that resources need to be available not just at the point of removal but also upstream.

Sen. Timberlake expressed confusion over the statement that there is never enough money because the Legislature seems to always be approving more spending for the Department of Health and Human Services and even just created additional positions. He also stated that they need to find a starting point to work on a solution.

Mr. Yardley stated that the disconnect starts with the internal office culture. He emphasized that there has to be a way for upper management to be connected to the frontlines.

Rep. Millett asked Mr. Yardley to submit a follow-up document with what his suggestions for investments within the Department of Health and Human Services would be.

Mr. Yardley answered that he would do his best.

Rep. Millett suggested there could be an internship program for collegiate juniors and seniors to enter the field sooner and get more training and experience before hire similar to the student teacher programs.

Rep. Arata asked if the field instruction unit is something that still exists.

Mr. Yardley answered that it is still going on in a new updated version.

Melanie Blair –

(Testimony starts on pg. 1 of all Public Testimony linked above)

Mark Moran – CoChair, Maine's Child Death and Serious Injury Review Panel (CDSIRP)

(Testimony starts on pg. 5 of all Public Testimony linked above)

Rep. Fay asked Mr. Moran his thoughts on Case Aide availability and the usefulness of those positions to help alleviate caseload for Caseworkers.

Mr. Moran noted that his understanding of Case Aide work was that it was a supportive position that could do all the work that does not require a license and often promotes to Caseworker.

Sen. Duson mentioned the process of having children go through forensic interviews instead of being interviewed by a doctor. She wondered about the funding for those services as she had heard the funds for those programs were going away.

Mr. Moran shared that there is a system of places called Child Advocacy Centers (CAC's) around the state that employ interviewers, people who may be social workers or perhaps trained law enforcement to conduct legally sound forensic interviews. He explained that the CAC's were designed to be a one stop shop for investigation support of the child and the non-offending caregiver.

Sen. Bennett asked Mr. Moran about the major partners that OCFS should be information sharing with.

Mr. Moran answered that he was thinking about the medical system but noted that there is tension between information sharing and confidentiality but thought there was an argument in favor of schools having that information. He noted that if a child is not supposed to see a certain family member via safety plan, then the doctors or schools should have this plan so they can also make sure that the plan is being followed properly.

Sen. Bennett asked if there was a way to engage more broadly in proactive information gathering about families with risk.

Mr. Moran stated that there were two variations of provisions in statute about the disclosure of child protective information but that most doctors' offices do not have the resources to request the case summary if they even happen to know there is a case going on.

Mr. Moran gave many examples of this child protective information sharing to the Committee and described in his opinion, what parts of those examples worked well or didn't work well.

Sen. Timberlake asked Mr. Moran to work with Director Schleck to discuss solutions to the problems within the Child Protective System.

Sen. Keim was concerned about creating laws around things where someone broke the law, that could actually take away the rights of other people who are obeying the law. She used the example that just because a family does not go to the doctor's often, that it does not mean that a broken bone from a trampoline accident should be flagged and reported for a well child check. She also noted wanting to protect family's rights to privacy and did not like the idea of full information sharing between a doctor's office and a school, for example. She asked Mr. Moran if there were already things in law that are not being done that should be instead of changing the law or creating more laws.

Mr. Moran reminded that well child checks are recommended but are not required. There is no law that says you have to go to the doctors as people are allowed to be anti-medicine and that it should be noted in that family's files. He suggested though, that if a physician knew that a family normally does go to regular doctors' visits and aren't going after a potentially known recent issue (domestic violence, addiction recovery or other child protection issues were given as examples), that would raise concern and be an appropriate call. He emphasized understanding and supporting that parents have a right to raise their kids but sometimes there is a child safety issue that reaches the point where it outweighs the rights of those parents. His suggestion was that the pediatrician's offices would be reaching out to families before any child protective report is made that would be giving the family options or suggestions for services as a preventative measure. He emphasized this suggestion would include the family in the communication loop.

Rep. Arata asked the Chairs if the Committee would take Mr. Moran up on his offer to stand ready to assist the Committee in a future discussion of substance exposed newborns?

Sen. Hickman suggested they deliberate that more at a later time.

Melissa Hackett – Maine Children's Alliance policy associate and Maine Child Welfare Action Network coordinator

(Testimony starts on pg. 16 of all Public Testimony linked above)

Christine Alberi – Maine's Child Welfare Ombudsman

(Testimony starts on pg. 11 of all Public Testimony linked above)

Sen. Duson asked about the denial process and whether Ms. Alberi looked at the criteria discussed by the courts when someone is denied.

Ms. Alberi answered that her office does not currently have that data to look at and noted the Judicial Branch has their own data specialists.

Rep. Arata asked if the safety science report was publicly available.

Ms. Alberi answered yes, it is available on the Department's website.

Rep. Arata asked Ms. Alberi if it was typical within the Child Welfare System to see a household composition similar to Ms. Hartley's.

Ms. Alberi answered that it is certainly not unusual situation.

Sen. Bennett noted that the safety science sounds like a common-sense management practice in a well-functioning system and should be an established practice.

Ms. Alberi stated that the safety science reviews started in 2021. She explained that she was included in those reviews that were led by the Department who contracted with Casey Family Services to get the funding and then Collaborative Safety came in and did the reviews. She noted that it was a relatively new process.

Sen. Bennett asked if there was a private section to the review that does not appear in the report that shows the cases where the caseworkers didn't follow process and whether she has reviewed that process or not, and if she has recommendations relating to how the commonsense work from the review process is translated back to the workers.

Ms. Alberi answered that she did not know how much of the information is making it to the frontline staff.

Sen. Bennett asked if OPEGA staff could follow up and find out the Department's protocols for sharing the outcomes of these reviews with the caseworkers and how it is incorporated into the work flows.

Sen. Keim asked if Ms. Alberi was suggesting that the workers should be going to court and asking for removal without trying something less obtrusive first.

Ms. Alberi said that was not her understanding. The caseworkers felt like even if they had enough facts right in front of them at that moment and didn't do a safety plan that the courts would ask why they didn't take more time and do the safety plans, but safety plans are not required as a precursor to filling an emergency petition.

The Committee took a break at 12:30 PM.

The Committee reconvened at 1:35 PM.

- **Child Protection Services – Perspectives, Discussion with Peter Walsh**

(To watch the full section, please use the Live Stream link above, timestamp: 1:39 PM)

The Chair, Sen. Hickman, invited Peter Walsh to join the Committee for discussion.

Mr. Walsh introduced himself and explained his previous experience working in the Child Welfare System (see the front page of this summary to see his specific titles and years worked within the Maine Department of Health and Human Services). He shared numerous documents with the Committee relating to his time with the Department of Health and Human Services.

(A copy of the documents presented by Mr. Walsh can be found here: <https://legislature.maine.gov/doc/10454>)

Mr. Walsh noted the first child death study that examined children's deaths in Maine between 1976 and 1980.

Sen. Hickman asked if this study included all children in the state or just those in state custody.

Mr. Walsh answered that he was not sure but would get that answer.

Rep. Arata asked for clarification on his suggestion for a Child Safety Specialist position and whether that position would require a college degree.

Mr. Walsh answered yes, absolutely.

Sen. Hickman asked if Mr. Walsh envisioned these positions focusing more on the investigative side.

Mr. Walsh answered yes.

Sen. Hickman asked if the Child Welfare Caseworker Advisory Committee still exists.

Mr. Walsh answered that he was unsure.

Rep. Fay asked a series of questions around the sexual abuse of children because Mr. Walsh stated that he had previously made some systemic changes.

1. How was he able to make those changes?
2. Did it take a long time?
3. What was his experience with trying to steer the entire system in the direction of making systemic changes to address particular challenges?

Mr. Walsh answered that they started an interdepartmental committee and it took two or three years to begin to respond with new statutes and trainings.

Sen. Hickman asked Mr. Walsh to work with Director Schleck to discuss his mentioning of previous retreats that the Caseworkers seemed to be excited to return to year after year.

Sen. Keim noted that Mr. Walsh mentioned a pilot project in three areas of the state to provide services to families who aren't considered appropriate for Child Welfare Services. She asked how those projects went.

Mr. Walsh answered that he didn't remember everything because it was back in 1992, but he would look into finding information about how those went.

Sen. Keim stated she would follow up with Director Schleck further on that question so that he can maybe also look into other pilot projects.

Sen. Duson was curious about a practice that she experienced within the Department when she served as a GAL. She explained that they used to have team meetings around services that included someone from the agency that would be providing those services. She asked if those were still happening.

Mr. Walsh stated that he has read that there is a team approach to figuring out issues and suggesting services.

Sen. Duson stated that she was thinking about the Safety Specialist and hoped that they would be incorporated in this team review of cases.

Rep. Millett shared that he remembered a lot of this work that Mr. Walsh had mentioned. He stated that new classifications, licensing, incentives and salary benefits are all issues that are part of the solution.

Sen. Keim agreed with Rep. Millett's thoughts and hoped to see some changes in the following years.

Sen. Duson wondered what the legislature has done in terms of funding program changes between 1992 and current days. She also noted the Blue Ribbon Commission (which she is the Chair of) has decided to pause on the Child Protective System issues to support the activities of the GOC and they were awaiting information from the Committee to be updated on what is going on.

Next GOC meeting date and planning

The next GOC meeting will be on November 29, 2023 at 9:30 AM.

Unfinished Business

None.

Adjourn

The Chair, Sen. Hickman, adjourned the Government Oversight Committee meeting at 4:08 PM on a motion by Sen. Timberlake, Second by Rep. Fay.