



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
January 12, 2024

Call to Order

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:35 a.m.

ATTENDANCE

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

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

Legislative Staff: Peter Schleck, Director, OPEGA
Edna Cayford, Health Coverage, Insurance & Financial Services Clerk

Others: Molly Bogart, Director of Government Relations, DHHS
Melissa Hackett, Maine Children's Alliance

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>)

Child Protective Services Discussion

Director Schleck presented a document that compiled Committee member priorities for improving Child Protective Services discussed at the last meeting. The document also summarized testimony from various stakeholders to the GOC and those interviewed by Director Schleck over the last several months.

(A copy of this document can be found here: <https://legislature.maine.gov/doc/10609>)

Top priorities offered by GOC members included: Improve recruitment, retention and support for front-line staff; invest more in services for families; separate OCFS from HHS or study that idea; improve support for foster families; management review of OCFS; improve OCFS culture; improve the court system; prioritize the best interest of children in family reunification; expand residential treatment options to avoid hoteling; statute review; and improve usability of Katahdin management information system.

Starting on Page 20 of the document, Director Schleck summarized challenges from OCFS staff he spoke with: the negative consequences hotel and emergency room shifts on top of already high workloads, mandatory overtime, and challenges working efficiently with the Katahdin system. Foster/resource families said that they were pressured to pay costs out of pocket, and that services would be withdrawn if they adopt a child. One stakeholder said that OCFS should be measured on outcomes like well-being of children in custody and positive permanency outcomes. Many expressed the need to support caseworkers better and take away some of the demands like transporting children, legal and clerical tasks, and overnight shifts.

Senator Keim asked whether we have received information from OCFS on the number of children in hotels.

Director Schleck said that we have not. He continued, saying that other themes from stakeholders were the need for better early intervention and prevention, the idea of better incentives to compensate for the difficulty of CPS casework, the impact of substance use disorder, and ways for CPS to share information and cooperate better with law enforcement, and court scheduling challenges.

On page 21 of the document, the Director pointed out some compelling quotes from his interviews with stakeholders.

Senator Keim asked whether OCFS knows how many children are placed in hotels. Director Schleck said that this information was requested on 12/15/23, along with a list of several other requests. OCFS had not yet responded.

Rep. Fay suggested adding “Access to Data” to the priority list. She suggested that the Committee categorize and organize its priorities and that actionable items should come out of these conversations. She spoke of breaking out the issues under Caseworker Support to start.

Rep. Mastraccio mentioned the list of current Bills addressing some of the Committee’s priorities, and that those will play out in the policy committees. She also wanted updates from OCFS about what they’re already doing on all of these issues.

Sen. Timberlake expressed concern that waiting for other bills to go through, or waiting for information from OCFS, will be doing nothing.

The Committee discussed ways to report out the GOC’s CPS work and recommendations to the Legislature.

Sen Hickman asked the Director whether the GOC has authority to report out legislation. The Director read a section of OPEGA authorizing statute that states, “the Committee may report out to the Legislature legislation to implement the findings and recommendations of any evaluation report presented to it by the Office.” The Committee debated the meaning of this, and Sen. Hickman suggested that the Committee could report out a bill to the full Legislature attached to its report.

Rep. Arata asked what the barriers are to improve pay or working conditions for caseworkers. She suggested narrowing down the definition of “Investing more in services for families.”

Sen. Hickman invited Melissa Hackett to present the Maine Child Welfare Action Network (MCWAN)’s response to the GOC discussion at its last meeting.

Ms. Hackett listed the following recommended services to prevent child maltreatment: cash assistance, child care and health care, treatment for mental health needs, substance use disorder, and domestic violence and abuse. She said that these services are much less costly than foster care. She also recommended shoring up the child protective workforce: increase case aide and legal aid positions, create mentoring positions, enhance ongoing training opportunities, create special teams to tackle complex cases, improve culture and job satisfaction, invest in technology improvements. Task the new director with an agency improvement plan.

Sen. Hickman asked whether anyone objects to any of those recommendations.

Rep. Arata asked for more clarification on the definition of workplace culture. Ms. Hackett suggested surveying staff to develop a definition.

Sen. Duson and Sen. Bennett expressed agreement with the recommendations.

Sen. Keim suggested adding specific metrics the Legislature expects OCFS to report out regularly.

The Committee discussed how best to use MCWAN’s recommendations in formulating its proposal.

Sen. Keim expressed concern that the committee of jurisdiction may not have the sense of urgency that the GOC has because they haven’t heard all the GOC meeting testimony in recent months. She suggested sending a letter with some of the details we’ve heard as testimony on relevant bills.

Rep. Mastraccio suggested including support for current bills the committee agrees on in the GOC report.

Ms. Hackett continued with her recommendations: Improve access statewide Support for low-barrier wraparound services with peer support and flex funds, which she defined as less clinician heavy services. She named high-fidelity wraparound that the state identified as a way to reduce congregate care placements. Expand family recovery courts for those with substance use disorders. Support connections between hospitals and community providers for new mothers. Reduce barriers to poverty alleviation programs; economic support is the best way proven to reduce child maltreatment (TANF, training programs, flexible cash funds—LD 1877). Consider available residential treatment and transitional housing options.

Rep Arata stated that she doesn’t agree with everything proposed, but she does support improving children’s behavioral health.

Sen. Timberlake asked about residential treatment, whether that would include Spurwink or other providers.

Ms. Hackett said that the options should be varied: residential treatment, and intensive support for in-home foster care options.

Sen. Keim asked for more clarification on “transitional housing options for youth.”

Sen Hickman suggested fleshing that out in the report. The Committee discussed foster youth aging out of care and what happens to older teens who do not have a foster family.

Sen. Hickman invited Molly Bogart of DHHS to address this question.

Ms. Bogart said that youth are in custody until age 18, they cannot opt out of care, and they can opt to continue receiving support after turning 18.

The Chairs discussed how the Committee can come to agreement on the details of additional services for families most members would support.

Sen Keim described Maine's Home Builders as an example of a program that doesn't need more funding to ramp up.

Rep. Arata said that proposals to give cash to people is very controversial, and would not get bipartisan support.

Sen. Hickman asked whether other programs like high fidelity wraparound would get bipartisan support.

Sen. Timberlake said that money is not the whole answer, it's more about how OCFS spends the funds already appropriated. He's concerned about how it's implemented. The current structure has been mismanaged and the team approach has not been implemented. He supports reorganizing the Department.

Sen. Hickman gave the Committee homework of deciding what upstream services or programs they are comfortable with investing more resources in.

Rep. O'Neil suggested that each GOC member say what information they need to decide which services they support. Sen. Hickman suggested continuing that work by email after the meeting but Rep. O'Neil said she would really like to hear from other members on this in the meeting.

Sen. Bennett suggested having a straw vote on each element in the compilation of member priorities. He also wants GOC to consider Dr. Ricci's suggestions. He thinks the GOC should address resource variations across regions of Maine and rural areas being under-resourced. The weight of GOC recommendations should be placed on where the Government failed in protecting children.

Sen Hickman excused himself to go to another meeting, and Rep. Fay took over chairing the meeting. She asked Director Schleck to create an outline of member priorities for the GOC to react to at the next meeting.

Rep. Mastraccio said that having discussions in the meetings helps members clarify what they support. She is not comfortable, for example, supporting judicial recommendations without hearing back from practitioners. She is not in support of breaking OCFS out from DHHS.

Rep. Fay said that the GOC needs to get something definitive to the Legislature timely this session. Those recommendations will not be the end of efforts to improve CPS, and the GOC will decide where to focus its efforts going forward. She thinks the GOC needs to hear from the judicial branch.

Sen. Timberlake pointed out that we are trying to keep the children in state custody safe, and asked that members review his proposal handout about reorganizing OCFS.

(A copy of this proposal can be found here: <https://legislature.maine.gov/doc/10629>)

Rep. Millett suggested inviting the HHS Chairs to the next GOC meeting to hear about their relevant work this session. He asked for specifics on Ms. Hackett's proposed services and for information on the return on investment. He asked for an action plan at the next meeting and hearing from people at the implementation level. He is in support of an agency improvement plan, and would like the Committee to start taking straw votes.

Rep. Fay asked OPEGA to put together a list of potential recommendations for the Committee to vote on. She suggested inviting the judiciary and OCFS, and possibly the HHS Committee Chairs to the next meeting. Rep. Mastraccio supported inviting the HHS Committee Chairs.

Director Schleck agreed to put together the information Rep. Fay requested. Sen. Duson said she would like to confer with the HHS Committee and to vote on all the priorities, and that the GOC has unique authority to assess performance. The GOC will not write the agency improvement. OCFS staff experts need to determine what to do, and present that to the GOC for its reaction. The Blue Ribbon Commission she Chairs doesn't want to redo the work of GOC, but to add value to what the GOC and the HHS Committee accomplish this session.

Sen. Keim said that the GOC needs to focus on the issues that the Committee came up with and not start adding more issues, for example, from Ms. Hackett's proposals. Rep. Fay thanked Ms. Hackett for the information she gathered and presented. Ms. Hackett offered to provide more details or proposed language that would express broad support for prevention services.

Rep Fay said that the Committee has agreed on some actionable items, especially caseworker job quality. She requested that the Director get an outline to the Committee ahead of the next meeting so members have time to review the specific language. She suggested possibly holding on including judiciary issues.

Director Schleck agreed to provide an outline to the Chairs at their Monday meeting and a mechanism for straw votes by all members. Sen. Keim requested a Chairs and Leads meeting, and that the GOC create testimony, with staff support, for public hearings on any Bills that all members agree on.

Next GOC meeting date and planning

The next GOC meeting will be January 26, 2024 at 9:30 AM.

The Director, Chairs, and Leads will coordinate to produce a document that identifies priorities for the Committee to discuss and vote on. The document will be sent to members at least one week in advance of the next meeting.

Adjourn

Rep. Fay adjourned the Government Oversight Committee meeting at 12:20 on a motion by Rep Mastraccio seconded by Rep. Blier.