



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**  
**February 23, 2024**

**Call to Order**

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

**ATTENDANCE**

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

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

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

## 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?event=90055&startDate=2024-02-23T09:30:00-05:00>)

## Meeting Summary – January 26<sup>th</sup>, 2024

(A copy of this Meeting Summary can be found here: <https://www.legislature.maine.gov/doc/11148>)

The Committee accepted and approved this meeting summary.

## OPEGA Report Presentation: Child Protective Services Reunification

Sen. Hickman invited Director Schleck to present the report.

Director Schleck walked the Committee through a PowerPoint presentation describing the methodology of the review, providing a brief overview of the reunification process, and discussing the results of OPEGA’s analysis. Director Schleck explained that this report comes at the end of a three-phase OPEGA review of Child Protective Services (CPS) that covered Oversight of CPS (completed in 2022), Investigations (completed in 2022), and now the Reunification process. This phase of the review was paused when OPEGA was tasked with four CPS case file reviews and now is complete. For the Reunification review, OPEGA examined relevant state and federal law and policies, analyzed quality assurance case review data, and conducted interviews with OCFS staff, court representatives, parent and resource parent representatives, and other stakeholders.

Director Schleck walked through the legal framework of the reunification process, the responsibilities of OCFS permanency workers in the process, and the types of outcomes that are possible in reunification cases.

Rep. Mastraccio asked if federal and state law were the underpinnings of Director Schleck’s description of how the reunification process “should” work.

Director Schleck said that is correct, there are federal and state laws guiding this process.

Director Schleck provided more information on OPEGA’s methods and scope of work.

Sen. Timberlake asked Director Schleck to repeat figures about the number of cases reviewed and the numbers of cases that did not meet at least one of the federal standards identified in OCFS’ Quality Assurance (QA) program.

Sen. Keim noted that the figures are in the report.

Director Schleck confirmed that the information is in the report, starting at page 21 of the report.

Sen. Duson asked for the context in which Director Schleck said “10%.”

Director Schleck said that OPEGA spoke to 10% of the permanency caseworkers and supervisors in the CPS workforce. The 10% figure does not apply to the case review.

Sen. Keim wanted to identify in the report where the information about the 235 cases not meeting a particular federal standard is located.

Director Schleck pointed to page 32.

Director Schleck noted that OPEGA identified four challenges impacting the reunification process. They include:

- (1) caseworker practice concerns
  - (2) high workloads
  - (3) waitlists for evaluations and treatment for parents and
  - (4) timeliness of termination of parental rights (TPR) procedures and other legal concerns.
- Director Schleck provided details about these four challenge areas and information about how common they were in the cases reviewed.

Sen. Keim noted that one of the difficulties in the test results is “false positives” in the report. She wondered why this would be an issue and asked for more information.

Director Schleck will investigate this and bring more information to the Committee on this topic.

Rep. Mastraccio asked if there was any information about parents refusing to engage with the process and how this factors in.

Director Schleck will consult with staff and provide more information.

Sen. Hickman asked for more information around how parental situations that involve domestic violence are handled.

Sen. Duson noted that parental substance abuse assessment not meeting standards was a prevalent problem in the cases reviewed and asked for information about how the figures the report put forward related and overlapped. She noted that there are cases with multiple challenges.

Director Schleck confirmed that the problems are multiple and overlapping in many of the cases.

Sen. Duson wants to know in the case reviews of child fatalities, how many of these factors were involved.

Director Schleck noted that for some of the case file reviews of child fatalities, two were infants and were not involved in the reunification process.

Sen. Timberlake noted that Sen. Duson's questions made him wonder about the breakdown of how many cases had how many factors.

Director Schleck will attempt to get the Committee this information.

Sen. Duson asked whether this information could be provided in an Excel spreadsheet so that Committee members could understand the interacting factors.

Rep. Arata asked about page 22 and what substances parents are being screened for and what substances caseworkers are not able to screen them for. Rep. Arata asked for more information around the characterization that attorneys and parental advocates state that some parents can test positive for drugs and still effectively parent.

Director Schleck noted this is not an OPEGA conclusion, but a characterization of a perspective that OPEGA encountered in the review.

Sen. Duson noted that people in recovery can get treatment and be good parents.

Director Schleck returned to the presentation and noted that many of the challenges being discussed are not new to the Committee but are challenges that have emerged in other OPEGA work on CPS work as well.

Caseworker vacancies were identified as the major factor behind unmanageable workload for permanency workers. Vacancy rates varied widely by district.

Rep. Fay asked whether the vacancy rates were for 2023 or 2024.

Director Schleck noted that the data is for 2024.

Director Schleck explained the way that high caseloads were impacting the reunification process and outcomes.

Rep. Blier asked if the rate of pay is the same across districts for caseworkers.

Director Schleck confirmed that it is the same across districts.

Sen. Hickman asked if the permanency workers in Houlton and Caribou, where there are no vacancies, are being asked to pick up work from other districts.

Director Schleck will seek more information on that.

Sen. Keim asked for more information about where support staff has been added.

Director Schleck will also seek that information for the next meeting.

Rep. Blier notes the 39% Lewiston vacancy rate and wants to know why Portland workers aren't being shifted to Lewiston.

Director Schleck noted that the Director of OCFS is present and may be better able to address that.

Rep. Mastraccio noted that she would not be interested in being shifted offices if she was a worker, and that maintaining workforce may not make it possible to shift workers.

Rep. Mastraccio noted that in the report more than half of parents involved in reunification need transportation services. She noted the lack of transportation services must impact the process, and wanted to know if there are geographic places where this is more of a problem.

Director Schleck said he would direct that question to the Director of OCFS.

Director Schleck continued the presentation covering the challenge areas OPEGA identified.

Rep. Mastraccio mentioned a recent court case in the newspaper where a parent challenged a reunification decision based on services not being available, but the parent lost the case. She asked for more information on whether this is related.

Director Schleck noted that all cases are different, but in that case the parent was making efforts but that the parent was unable to meet child needs.

Sen. Keim asked if the Committee could get more specifics around wait times. How long are people waiting for services and court cases?

Director Schleck will follow up for more information and ask for the Director of OCFS to address this as well.

Sen. Duson asked how some of the challenges relate and whether, during the reunification process, the lack of visitation and transportation services make it difficult for families to remain connected.

Director Schleck said that is the case.

Sen. Hickman asked what number of cases are delayed because of lack of lawyers, or other matters. He wanted to know what percentage of the court backlog that exists involves CPS cases.

Sen. Timberlake wants to know whether the Department is continuing to restrict the number of CPS cases lawyers can take on.

Director Schleck will try and find this information for the next meeting.

Rep. Mastraccio said that what jumps out to her is that there are so many interrelated issues impacting reunification and understanding that this issue is not going to go away without trying to address these underlying issues, like transportation.

Rep. Fay thinks it would be helpful for the Committee in the future to get a deeper understanding of how the family court system works and what the challenges are. Rep. Fay said sitting on the Appropriations Committee, they here about workforce issues in all sectors. She noted that in general the state just needs more people.

Sen. Keim wanted to know what court documentation might exist about where these CPS cases are languishing in the court system. Specifically, how many cases relating to parental rights are before the court and have not been heard. Can this information be provided.

Director Schleck will see what information can be gathered and provided.

Sen. Hickman asked what the process was following the report and whether there would be a public hearing and work session.

Director Schleck said yes, the Committee could do so.

Sen. Keim had a question about page 26 and the statement that reunification remains the goal too long. She wanted to know if the "too long" could be quantified.

Director Schleck said that the team would see what could be provided on this.

Sen. Keim thanked the OPEGA staff for the report, which she found helpful and thought would be helpful to the Department.

Director Schleck noted that there is a new Director of OCFS and that it might make sense to give the Director some time to respond to the report before undertaking new efforts.

Sen. Hickman also thanked the OPEGA staff.

Rep. Fay had questions for the Department for when they react to the report. Rep. Fay wanted to know if there were change being made in the substance abuse testing process and how is the Department helping to facilitate relationships between the families and the workers. She also has questions about the transportation issues and what progress is being made.

*The Committee was at ease until 11:00*

## **Committee Consideration of Draft Final Committee Report: Front Line Perspectives as Catalysts for Reform**

Sen. Hickman said the Committee would now consider the revised Committee report stemming from the Committee's work in the realm of child protective services starting in November 2023.

Rep. Mastraccio thinks that the report reflects the conversation the Committee has had, but she would like the items without consensus separated out on page 7 to make clear which items the Committee did not recommend.

Sen. Timberlake thinks that the things in the report are clear about where the Committee came out and he thinks that all the items were Recommendations of some members. He does not want the items broken out.

Sen. Keim thinks the footnote makes it clear that the non-consensus items are not recommendations.

Sen. Duson agrees with Rep. Mastraccio that it's important to note that these are not recommendations of the Committee. She thinks the current language in the table is not quite sufficient.

Sen. Hickman suggests changing the table header on page 7 and possibly rearranging some information.

Rep. Mastraccio would be satisfied with that change.

Sen. Timberlake thinks that all of the items listed are recommendations from members of the Committee, so he's not sure whether he would agree with that change.

Rep. Fay suggests that there may be difference between a consensus recommendation and a recommendation of an individual member's recommendation, which doesn't diminish the value of individual member recommendations. The change would be just a formatting change to make clear the distinction.

Sen. Hickman noted where in the report information may be captured that may address Sen. Timberlake's concerns.

Sen. Timberlake notes that some members of the Committee were missing on the day of the vote.

Sen. Hickman noted that members were able to weigh in after the fact on the votes.

Sen. Hickman allowed Sen. Bennett who joined the meeting to introduce himself.

Sen. Hickman asked Sen. Bennett if he had been able to weigh in on the possible Committee recommendation around separating OCFS from DHHS when the Committee first discussed the matter.

Sen. Bennett remains in favor of separating the office but doesn't recall if he was here for the vote.

Rep. Mastraccio asked whether the Director could weigh in because what is listed is a 6-6 vote, which would have been the entire Committee voting.

Director Schleck noted that the vote was 6 to 6.

Sen. Duson noted that the 6 would have included Sen. Bennett's vote.

Sen. Hickman said that is correct and said that he voted to support it. He noted that only Rep. O'Neil is missing from the current meeting, and she does not support the motion.

Sen. Timberlake wanted to note that Rep. Arata voted against the motion on the day of.

Sen. Hickman returned to the idea of reformatting the table to be clear that a 6-6 vote is not a Committee recommendation.

Director Schleck noted places in the report where he was seeking Committee input on report content.

Sen. Duson and Sen. Keim were satisfied with the changes made.

Sen. Hickman entertained a motion to make the draft the final report of the Committee with discussed changes.

Rep. Mastraccio moved the motion. The motion was seconded by Rep. Blier.

Sen. Timberlake asked what the Committee's expectations were regarding the outcomes of the report.

Sen. Hickman noted that the report would be transmitted to legislative leadership and the Health and Human Services Committee, to the Commissioner of DHHS, and the Director of OCFS. The report will also be available to the general public. Sen. Hickman said that the Committee could discuss further actions the Committee would like to take.

Sen. Timberlake expressed concern about the report not having an impact based on past experience with reports. The Senator asked if the Committee had expectations for the type of response they were seeking from the Department and others.

Rep. Blier suggested asking DHHS for a report back in the future on implementation of any changes.

Rep. Mastraccio suggested that the Committee would be looking for updates in the future, as is typical for the Committee when reports are released. Rep. Mastraccio is satisfied that DHHS will be responsive to Committee requests for updates.

Sen. Hickman noted that the Committee has put a lot of work into developing the report and he believes the process the Committee went through has already encouraged change and attention to the issues.

Sen. Timberlake acknowledged the work of the Committee and his continuing desire to keep this issue front of mind.

Sen. Hickman reminded the Committee that there is continuing work for the Committee in the CPS realm with the outstanding case file reviews and work session on the Reunification report.

Rep. Millett suggested that the motion is to submit the report to legislative leaders and ensure it is placed on file, and that the Administration will be receiving the report as well. Rep. Millett would also like some action to bring into the transmittal event to ensure that the report gets a larger audience.

Sen. Hickman suggested a press statement and press conference is an option that Committee considered.

Rep. Millett suggested a secondary motion may be appropriate to empower the chairs and leads to take additional actions around the transmittal to draw attention to the report.

Sen. Duson believes the framework for the Department to take action is in the report. She would like to see a required timeframe for the Department to respond to the report. She wondered if in the release of the report, the Department could be asked to respond in a given time. Perhaps the Department could even be present a press conference with a statement.

Sen. Keim noted that the Committee's report is a bit of progress report and road map even for the Committee itself, but acknowledges that the work is not finished. She agrees the report should be accepted.

The motion made by Rep. Mastraccio and seconded by Rep. Blier to accept the report, with the friendly amendment to also transmit the report to the Blue Ribbon Commission, was voted on and unanimously passed by those members in attendance.

Rep. Mastraccio agreed with Rep. Millett's suggestion to have an event along with the report release, but would like to see the Department invited.

Rep. Millett motioned to empower the chairs and leads to develop a plan around the report's release to draw attention to the work and help ensure that it is transformed into an action plan for the Department to address.

Sen. Timberlake seconded the motion.

Sen. Keim does not like the idea of the Department being part of a press release as it is the Committee's work.

Rep. Millett made it clear that he is not looking to blame the Department, that all stakeholders have a role to play in making change.

Rep. Fay noted her experience with past reports is that you have to keep bringing reports to show people and draw attention. She says members will have a responsibility to keep it in the public view, but also that a public event will be important in drawing attention.

Rep. Mastraccio does not share Sen. Keim's opinion about not including the Department. She notes that Department perspectives of the frontline workers informed the report and she would like the Department invited.

Sen. Bennett believes it's a separation of powers issue but also asked Director Schleck to read the motion before the Committee.

Director Schleck asked Rep. Millett to restate the motion.

Rep. Millett's motion is to instruct the chairs and leads of this Committee, subsequent to release of the report, to design a process to ensure that all parties that have a stake in the report to ensure that all parties are engaged in a plan of action that lead to progress on the many recommendation in the report and assigns responsibility for follow through.

Sen. Bennett indicated that he was prepared to vote.

The Committee voted on the motion. The vote was unanimous in support of the motion.

## **Discussion of Committee Policy**

Sen. Hickman introduced the agenda item, noting that Rep. Mastraccio requested the discussion.

Rep. Mastraccio requested a discussion regarding who speaks for the Government Oversight Committee.

She would like to know what the policy is now. She has concerns about Committee members individually speaking and not being clear that they are not speaking for the entire Committee.

Committee that had just been received and that the Committee would be able to consider that ahead of the next meeting when the Committee could talk about the next possible actions. He noted that this could include talking to each Committee Member about their thoughts and perspectives as well to include them into the scope.

Rep. Mastraccio stated that she would prefer those kinds of discussions to happen in a meeting.

Rep. Fay suggested that she and Rep. Hickman may sit down and have a discussion about what a policy might look like and bring it to the Committee.

Sen. Hickman asked if there has ever been a policy.

Rep. Mastraccio said based on her experience, the precedent was that members were very careful to be clear about when legislation came out of the Committee or present on behalf of the Committee. Typically, an individual member might have been empowered by the Chairs. She is unsure whether there is any written policy.

Sen. Keim is concerned that two Democrat leads might make a policy decision for a bipartisan Committee and suggests that the whole Committee would need to be involved. She thinks she knows where it is coming from and asks for the exact problem to be named. She doesn't think a policy to keep members from speaking publicly can work.

Sen. Bennett does not understand the context for this discussion and would like Rep. Mastraccio to share whether there was a particular incident.

Rep. Mastraccio said she didn't think they needed to get into the particularities but shared that she had listened to a different committee where she thought there was information put forward by a member of the GOC that was incorrect but also perhaps presented as representing the position of the GOC, which she did not think was proper. She would prefer to have a conversation about the specifics off microphone, but would like the chairs to weigh in on the general policy.

Sen. Timberlake thinks he missed the context but thinks that members have done a good job making clear what their personal opinions are versus the Committee's position.

Sen. Duson does not think that Rep. Mastraccio is asking for anyone to be quieted, but for affirmation that all members should be clear and cautious to ensure they are not speaking on behalf of the Committee.

Sen. Bennett reiterated that he does not understand the topic of conversation and does not find it particularly fruitful. He does not think about partisanship in this Committee. He thinks it is a non-partisan committee. He suggests that if something was out of line, then a person should address it personally.

Sen. Hickman suggests that the conversation end and that the co-chairs will discuss the matter and bring back a response if needed.

Sen. Tipping, on another matter, wanted to provide an update on the call waiting times concerns the Committee had attended to that the Administration is proposing more positions. Sen. Tipping wanted to thank members for their concerns on the matter.

## **Director's Report**

Director Schleck discussed the timing of meetings and report work sessions and pending OPEGA report releases.

## **GOC Meeting Dates and Planning**

The next GOC Meeting was pending for March with the exact date to be determined.

## **Adjourn**

Sen. Hickman adjourned the Government Oversight Committee meeting at 12:19 p.m.