



SEN. CRAIG V. HICKMAN, SENATE CHAIR
REP. ANNE-MARIE MASTRACCIO, HOUSE CHAIR

MEMBERS:

SEN. MIKE TIPPING
SEN. JILL C. DUSON
SEN. JEFF TIMBERLAKE
SEN. RICK BENNETT
SEN. BRADLEE T. FARRIN
REP. ANN HIGGINS MATLACK
REP. ADAM R. LEE
REP. MICHAEL H. LEMELIN
REP. CHAD R. PERKINS
REP. JOHN M. EDER

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
January 10, 2025

Call to Order

The Chair, Senator Hickman, called the Government Oversight Committee to order at approximately 9:34 a.m.

ATTENDANCE

Senators: Senator Hickman, Senator Bennett, Senator Duson, Senator Farrin, Senator Tipping, and Senator Timberlake

Representatives: Representative Mastraccio, Representative Eder, Representative Lee, Representative Lemelin, Representative Matlack, and Representative Perkins

Legislative Staff: Peter Schleck, Director, OPEGA
Jennifer Greiner, GOC Committee Clerk

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: [January 10, 2025 GOC Meeting](#))

Meeting Summary – November 14, 2024

(A copy of this Meeting Summary can be found here: [November 14, 2024 GOC Meeting](#))

The Committee accepted and approved this meeting summary.

Law Court Decision in GOC v. DHHS (Issued December 26, 2024)

Sen. Hickman next addressed the Law Court Decision in GOC v. DHHS concerning this Committee's effort to enforce a subpoena to compel production of certain Child Protection Records for review by this Committee in Executive Session.

A copy of the Law Court Decision can be found here: [GOC v. DHHS Law Court Decision](#)

Attorney Joshua Dunlap, the Committee's Appellate Litigation Counsel was present to go over the decision and advise the Committee on its legal posture.

As permitted by 1 M.R.S § 405(6)(E), which permits non-public consultations with the Committee's Attorney concerning litigation, Sen. Hickman asked the Committee if there was a motion to move into Executive Session.

Motion and Committee Vote

Representative Mastraccio moved that the Committee move into Executive Session to consult with the Committee's Attorney per 1 M.R.S § 405(6)(E). The motion was seconded by Sen. Timberlake. The motion was approved unanimously by all Committee Members.

The Committee moved across the hall to Committee room 202, for the purpose of Executive Session at approximately 9:45am.

The Committee returned from Executive Session at approximately 10:46am.

Sen. Hickman stated that the Committee is aware their litigation path had ended with the Law Courts ruling. If this Committee now or in the future should have access to any confidential or privileged records, it needs to be clarified further in statute.

Committee Orientation

Sen. Hickman next invited former GOC members to share their perspectives and their own experiences with the creation, history and purpose of the GOC and OPEGA.

Former Sen. Diamond, State Auditor Dunlap, Former Sen. Trahan, and Former Sen. Saviello introduced themselves and shared with the Committee their experience and thoughts of why the Committee and OPEGA were and are needed.

Sen. Hickman thanked the former members for coming and sharing with the new Committee as it takes on the work of holding government accountable to the people and to keep children safe from neglect, abuse and death.

Sen. Hickman next invited Director Schleck to present a general orientation of the work of the Committee and OPEGA.

Director Schleck introduced himself stating that he has been involved in program evaluation most of his working career both at State and Federal Level.

The presentation slides can be found here: [132nd GOC Orientation Presentation by Director](#)

Director Schleck then spoke of the 131st GOC, of the importance to that Committee to share with the 132nd GOC their previous work on Child Protection and that the work continues.

Sen. Hickman then read the letter from the 131st GOC into the record.

That letter can be found here: [Correspondence from 131st GOC re Child Protection](#)

Next, Sen. Hickman put the Committee at ease until 12:30pm for a break.

2024 Child Welfare Ombudsman Annual Report presentation by Ombudsman

Sen. Hickman called the Committee back to order at approximately 12:41pm

Sen. Hickman next invited Christine Alberi, the Child Welfare Ombudsman, to present her annual report for 2024.

That report can be found here: [2024 Ombudsman Annual Report Maine Child Welfare Services](#)

Christine Alberi read a written statement into the record based on the report and then took questions from the Committee.

Her written statement can be found here: [Child Welfare Ombudsman Written Testimony to GOC 1-10-2025](#)

Rep. Mastraccio asked Ms. Alberi to clarify on the issue of the GOC obtaining Confidential Information on previous investigations that involved confidentiality issues and if confidential information was, or was not, given to the previous GOC during these investigations.

Ms. Alberi stated that the laws and rules have not changed from previous investigations in regards to confidential information being shared with the Committee. Ms. Alberi stated she does not remember any confidential information being shared with the Committee.

Ms. Alberi stated that OPEGA has always done a great job of reviewing the cases of Child Welfare and getting all the information related to the investigations of Child Welfare, including confidential information.

Sen. Hickman spoke of the difference between records and information stating that records always contain information, but information can be shared without seeing the record. He also observed that Ms. Alberi could not, even in Executive Session, share her opinion of a report or case, whether agreeing or disagreeing because, at this time, the Committee cannot have access to confidential information.

Ms. Alberi agreed with Sen. Hickman's statements.

Sen. Timberlake voiced some frustration that Ms. Alberi's report seems the same as previous reports by the Ombudsman, which shows not much has changed at the Office of Child and Family Services (OCFS), highlighting the fact that 44 out of 80 cases reviewed by Ms. Alberi's office failed review. Sen. Timberlake asked Ms. Alberi if she saw a lot of difference from year to year reports.

Ms. Alberi stated she did not see a lot of difference year to year, stating that the practice issues that the Department struggles with continues to be the same as previous years. During discussion with two of the OCFS districts, Ms. Alberi said the program administrators understand that they do have the practice issues noted, which is positive. Ms. Alberi believes OCFS has good ideas, i.e. training supervisors for each district, but runs into problems making those changes due to many factors. Ms. Alberi believes in order for OCFS to show clear practice improvement, they need help in some of the surrounding services, which have very long wait lists for services.

Rep. Lemelin asked Ms. Alberi if there were any emergency provisions for wait lists for children in OCFS who are referred to services as the wait lists are long.

Ms. Alberi stated there is no prioritization for children in State custody over children in their parent's custody.

Rep. Perkins shared that he and his wife were Foster Parents that lead to adoption. Rep Perkins was also in law enforcement for 17 years, and during that time he developed relationships with caseworkers in DHHS which made him very familiar with the process of the Department and some of the struggles the caseworkers have. Rep. Perkins is concerned about parts of the Ombudsman Report stating Department staff failed to recognize issues. He asked Ms. Alberi her opinion as to if there is a serious training issue or leadership issue not just a staffing or services issue.

Ms. Alberi stated that more training needs to happen with caseworkers, supervisors and program administrators, stating everyone needs more training to have the correct understanding of risk to children,

the warning signs of risk, mental health issues, substance use issues, neglect and truancy and how to recognize these issues and how to make decisions on when to remove children and when to return children to home. Ms. Alberi stressed it takes time to learn and years to become an expert.

Sen. Hickman asked Ms. Alberi about the statement in her report that stated the Department struggled to recognize serious neglect (including medical neglect, dental neglect, truancy, food, shelter, clothing, hygiene and abandonment) and intervene. Sen. Hickman asked Ms. Alberi her opinion of how severe of a struggle, from 1-10, the Department has in recognizing serious neglect.

Ms. Alberi stated the Department has a significant problem recognizing serious situations that are dangerous to children and this is a very serious problem within the Department.

Sen. Timberlake then asked Ms. Alberi what is stopping the Department from doing the needed training.

Ms. Alberi stated her opinion that it is the lack of people to do the training and the time to conduct the training. She does believe that the Department acknowledges these problems.

Sen. Timberlake asked Ms. Alberi if there was a shortage of Guardians ad Litem or if Ms. Alberi had heard that Guardians ad litem have been told not to take on additional cases due to work loads.

Ms. Alberi stated she had heard of a lack of defense attorneys representing parents in court cases due to case limits, but is not aware of a lack of Guardians ad Litem.

Sen. Timberlake spoke about the Case Summaries in the Ombudsman Report, specifically case #2 involving an infant death and the issues highlighted on this case in the report. Sen. Timberlake asked where are we in the system so we do not have the same report next year.

Ms. Alberi stated that case was extremely terrible, and not anything that anyone should accept, but went on to state there are no guarantees that this sort of case will not happen again and that improvement in the Department will take time.

Sen. Hickman asked Ms. Alberi to explain what “voluntarily placed with a relative” means in case #2 of the Ombudsman report.

Ms. Alberi stated that when an investigation is open and a child is unsafe with a parent, sometimes the family can make some kind of agreement, without the court being involved, where the child would go live with a family member. Usually in this situation the Department will try to arrange a probate guardianship so the family member has some legal status in the care of the child. Ms. Alberi added that this type of placement does not absolve the Department from the responsibility of making sure the placement is a safe place for the child, which did not happen in this case.

Rep. Perkins asked Ms. Alberi about the Katahdin system and how it came to be, was it developed inhouse, by OIT, or a third-party vendor.

Ms. Alberi stated Katahdin was developed inhouse with the help of Deloitte, who they had a contract with to develop the data base. OCFS has their own IT department. There were also focus groups, including case

workers, who suggested types of things they would like to see in a data base. Ms. Alberi stated there is a federal mandate coming for this type of system because of federal reporting.

Rep. Perkins stated a concern about how the system was developed due to the amount of data, the accessibility of the data, and how important the data is.

Rep. Perkins suggested perhaps workflow of the Department could be modified, for example a designated worker in a district to go to court to represent the Department for all court cases on a particular day.

Ms. Alberi stated this is done to some extent, but complicated by coverage of existing workload of caseworkers.

Rep. Perkins also suggested designated staff to do administrative tasks like case filing, keeping track of case deadlines as well as going to court hearings.

Ms. Alberi agreed with Rep. Perkins, stating that this has happened in some offices of the Department.

Rep. Lemelin expressed frustration with what seems like excuses, short staff, training issues etc. Rep. Lemelin stated that there has not been major changes or progress with the Department and believes upper level management needs to change, as well as more transparency from the Department.

Rep. Eder asked Ms. Alberi if there were any known communication issues and whether or not AI has been utilized by the Department to help identify issues and “red flags” more efficiently.

Ms. Alberi said she is not aware of AI being used by the Department in any way. Ms. Alberi stated that communication issues are common in all levels of the Department in any kind of welfare case and is a significant and ongoing problem.

Rep. Lee ask Ms. Alberi, regarding Case #2 of her report, when DHHS still had an obligation to assess a voluntary placement for safety and do a home visit, whether this is requirement was a regulatory requirement, statue requirement, or office policy?

Ms. Alberi said that assessment and home visit is a regulatory requirement and there is an investigation policy, however, it is somewhat unclear, in Department policy, what the Departments responsibility is to monitor a family made plan. Ms. Alberi did state that there is going to be a new, written Safety Planning Policy and will include the Department’s obligation to monitor a family made plan.

Sen. Hickman thanked Ms. Alberi for coming to the meeting and for all the work she does to protect children from abuse and neglect.

Next Sen. Hickman invited Deputy Commissioner of the Department of Health and Human Services, Molly Bogart, to come and respond to anything from the discussion with Ms. Alberi if she would like to.

Ms. Bogart introduced herself to the Committee. She stated that the Department did share a response to the Ombudsman Report with the Committee and appreciates the work of the Ombudsman’s office. Ms. Bogart stated the Department has worked towards improvement in communication with the Ombudsman’s office.

The OCFS Response to the 2024 Ombudsman Annual Report can be found here: [OCFS Response to 2024 Ombudsman Recommendations](#)

Sen. Bennett asked Ms. Bogart what specifically has changed with the communication between the Department and the Ombudsman's office.

Ms. Bogart stated that she believes Director Johnson made it a clear goal to improve collaboration and communication with key partners, including the Ombudsman.

Director's Presentation of OPEGA's 2024 Annual Report

Next, Sen. Hickman invited Director Schleck to share OPEGA's 2024 Annual Report which can be found here: [2024 OPEGA Annual Report](#)

Director Schleck stated that when it comes to child protection, OPEGA plans to have a very specific orientation for the Committee on all the work that has been done so far. Director Schleck also provided to the Committee copies of the Report of the Government Oversight Committee, "Frontline Perspectives in Child Protection as Catalysts for Reform", which can be found here: [Frontline Perspectives in Child Protection.](#)

Director Schleck stated that in the OPEGA Annual Report there were four principal products presented by OPEGA during 2024 and other investigations that are in progress.

Director Schleck pointed out, as part of the Reunification Process, OPEGA looked at the Department's own internal quality assurance process which the Department is required to do by federal Standards. Out of 400 cases, 235 cases had reunification as the goal. OPEGA looked at the 235 cases. All 235 cases were rated by the Department, through the federal Guidance and its own quality assurance, as needing improvement in at least one category.

Director Schleck stated two of the products produced by OPEGA in 2024, and noted in the Annual Report, involved Tax Expenditure Reviews. OPEGA will present an Orientation to the Committee on the Tax Expenditure review process at a future meeting, likely January 24, 2025. The other two products produced by OPEGA in 2024 involved Child Protection, the Reunification review and the fourth of four case file reviews (Sylus Melvin).

Director Schleck mentioned OPEGA projects in process including concerning staff safety at the two psychiatric hospitals, which OPEGA will update the Committee about on February 14, 2025. Another project in process is select financial operations at Maine Veterans' Homes, and the OPEGA report, barring unforeseen circumstances, will be presented to the Committee on March 28, 2025.

Director Schleck stated OPEGA will have their Annual Budget Discussion with the Committee in May of 2025.

Sen. Hickman then informed the Committee that during the Director's Report section of the meeting, any member may introduce potential items for the GOC agenda for future meetings, or request clarification on history of work done by the Committee and OPEGA. Sen. Hickman stated while the Chairs set the agenda, they will welcome input from the Committee.

Rep. Mastraccio spoke to the Committee, encouraging any member of the Committee to ask questions if they would like more information on any topic in the OPEGA Annual Report or otherwise.

Director's Report

Next Sen. Hickman invited Director Schleck to present the Director's Report.

Director Schleck stated OPEGA has accepted invitations to give orientations on the Tax Expenditure Review process to the Tax Committee and to the Appropriations and Financial Affairs Committee.

Sen. Hickman asked Director Schleck if OPEGA has been asked by the HHS Committee to present on the work done by the GOC and OPEGA which overlaps the HHS Committee's work.

Director Schleck stated that at this time, he has not received a request from the HHS Committee.

Director Schleck stated that once the Joint Rules are voted on, and after considering the model rules, then OPEGA will review with the Committee, proposed GOC rules at a following meeting.

Director Schleck then presented the list of Tentative Meeting Dates for 2025 for the Committee. Those dates can be found here: [List of Tentative Meeting Dates](#)

Next GOC Meeting Date and Planning

The next GOC Meeting is January 24, 2025.

Adjourn

Senator Hickman adjourned the Government Oversight Committee, without objection, at approximately 1:53 pm.