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TO: Members, Government Oversight Committee  
FROM: Lucia Nixon, Director  
DATE: March 4, 2022  
RE: Work Session - Information Brief on Oversight of Maine's Child Protective Services

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This memo provides information for the GOC work session on March 11, 2022 on OPEGA's Information Brief on Oversight of Maine's Child Protective Services (CPS Oversight brief). OPEGA presented the Information Brief to the GOC at its January 21, 2022 meeting, and the GOC held a public hearing on the report at its February 11, 2022 meeting.

### Overview

The CPS Oversight Brief is one of three components of the OPEGA review of child protective services. This component of the review had a limited scope and focused on collecting and synthesizing relevant factual, contextual and background information to describe the overall structure of federal and state oversight of child protective services, considering five areas: (1) current oversight structure, (2) roles and responsibilities, (3) information sharing, (4) best practices and models and (5) effectiveness of the structure. In the CPS Oversight Brief, OPEGA reported take-away lessons and observations in each of these five areas. The portion of the report outlining these lessons and observations is included as page 3 of this memo.

### Public Comment

At the February 11, 2022 meeting, the GOC received public comment from the following individuals:

- Senator Bill Diamond
- Betsey Grant
- Victoria Vose
- Christine Alberi, Child Welfare Ombudsman
- Molly Bogart, Department of Health and Human Services

Copies of the written testimony have been compiled into a packet for your review, which is attached.

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## Issues from Testimony & Information Requested for Work Session

1. How Maine compares to other states in performance in the federal Child and Family Services Review Process; information requested from OPEGA on 50 state comparison.
  - Graphics showing where Maine ranks on the CSFR Outcomes (see attached)
  - Tables comparing 50 states on CSFR Outcomes and Systemic Factors (attached)
2. Confidentiality, information sharing, and transparency across the system (DHHS, Ombudsman, and Oversight Panels). Relevant statutes governing confidentiality requested from OPEGA.
  - Confidentiality statutes (see attached)
    - CFS: 22 MRSA §4008 and §4008-A
    - Ombudsman: 22 MRSA §4087-A
    - Domestic Abuse Homicide Review Panel: 19-A MRSA §4013 sub§4
3. Balancing child safety and family preservation.
  - Discussion of this issue will be included the upcoming OPEGA evaluation report (3/25/2022)
4. Decision-making processes of the office of Child and Family Services.
  - Discussion of this issue will be included in upcoming OPEGA evaluation report (3/25/2022)
5. Current legislation in HHS Committee and how it relates to issues in this report.
  - GOC discussion of this scheduled as part of 3/11/22 GOC agenda.

### C. Lessons and Observations

1. **Current structure of oversight** of DHHS/OCFS and child protective services broadly:
  - Child protective services as administered by DHHS/OCFS are subject to in-depth regulatory oversight by the federal government as well as advisory oversight from a network of state-level entities.
  - Federal oversight is comprehensive and outcomes-oriented with financial penalties for nonconformity.
  - State-level advisory oversight engages all three branches of government and both public and private sector stakeholders.
  
2. **Roles and responsibilities** of the entities involved in child protective services oversight:
  - The roles and responsibilities of the different entities address both macro-level oversight of the system and micro-level review and oversight of specific CPS cases, including cases of death and serious injury.
  - The four state-level panels and the Ombudsman have distinct missions, but there is a degree of overlap as well as nuanced differences in the scope of their activities.
  
3. **Information sharing** between entities, including barriers or gaps:
  - Information is routinely and regularly shared among the state-oversight entities and DHHS/OCFS. This routine information sharing among the panels is often the result of individual panel members and DHHS/OCFS staff being members of more than one oversight entity.
  - Work is currently being done by several of the state oversight entities to formalize and institutionalize information sharing practices to ensure continuity in information sharing over time.
  
4. **Best practices and models** of oversight of child protective services:
  - The state-oversight entities, including the four panels and the Ombudsman, are structured in a manner, and are practicing in a manner, that generally conform to published best practices for entities overseeing child protective services.
  - Several of the entities have recently made or are in the process of implementing changes to improve alignment with published best practices.
  
5. **Effectiveness** of the structure of child protective services oversight. Without the benefit of a full evaluation, we cannot draw evaluative conclusions about effectiveness. However, based on the limited research for the Information Brief, we can say:
  - The oversight structure includes many opportunities for DHHS/OCFS to obtain multiple points of view and draw on the expertise of several professional disciplines engaged in child protection across the private sector and multiple levels and branches of government.

The oversight structure at the state-level is not significantly different than many other states. It is structured as a collaborative network of entities that provide advice and recommendations to DHHS/OCFS.