

OPEGA Final Report – Child Protective Services Investigations, March 2022	Related Comments in Agency Comment Memo from OCFS to OPEGA dated March 22, 2022	Related Provisions in Live Bills before the Maine Legislature as of 4/7/22 1:00pm
Issue 1: High Workloads Impact the Thoroughness of Investigations (p.52)		
<p>Recommendation: OCFS should take steps to address the workload issue to ensure that caseworkers, and supervisors, have the time necessary to conduct thorough investigations, including thorough assessment of safety risks to children and the needs of families. First, OCFS should continue its work to evaluate workload using its existing workload analytical tool and any other appropriate methods. Second, OCFS should develop and implement new strategies to adjust some combination of the four factors identified above (number of investigations, staffing levels, investigative tasks, and investigation timeframes) in a way that effectively reduces workloads of individual caseworkers. (report p.55)</p>	<p>Agency Comments: <u>Overall workload:</u> “To address concerns regarding workload and afterhours expectations for staff, the Governor has proposed additional staff for OCFS in her Supplemental Budget to provide afterhours and Children’s Emergency Services coverage” (memo p.2) <u>Workload Analytic Tool:</u> “OCFS reports to the HHS Committee annually on Child Welfare Services Workload utilizing a tool developed in collaboration with the Public Consulting Group (PCG).” (memo p.2) <u>Review of required tasks and timeframes:</u> “OCFS is also collaborating with staff and Casey Family Programs to review the investigation process and minimize duplicative work and study systems in other jurisdictions to determine if the current investigation timeframe is appropriate and helping achieve child safety goals” (memo p.2).</p>	<p>LD 1995, Supplemental Budget Office of Child and Family Services - District – 0452. (page A-105) Initiative (F-A-1730) establishes 16 Child Protective Services Caseworker positions, 3 Child Protective Services Caseworker Supervisor positions and one Public Service Manager II position, funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services District program. Also provides funding for related All Other costs. This initiative increases General Fund Personal Services funding by \$1,607,164 and All Other funding by \$103,285 and increases Other Special Revenue Funds Personal Services allocation by \$427,239 and All Other allocation by \$49,977 in state fiscal year 2023. In AFA Committee, Not yet Voted</p>
Issue 2: After Hours Expectations for Caseworkers (p. 55)		
<p>Recommendation: OCFS should: (1) evaluate the nature and extent of after-hours work requirements and expectations currently placed on caseworkers by CES and other overnight shifts, and the risks to caseworker effectiveness and burnout; and (2) design and implement policy and program changes to address identified issues and risks. With respect to CES specifically, we recommend that OCFS consider restructuring the delivery of those services in a way that decreases or even eliminates the requirement of overnight shifts for caseworkers and supervisors. (report p.56)</p>	<p>Agency Comments: <u>Afterhours Work:</u> “To address concerns regarding workload and afterhours expectations for staff, the Governor has proposed additional staff for OCFS in her Supplemental Budget to provide afterhours and Children’s Emergency Services coverage” (memo p.2)</p>	<p>LD 1995, Supplemental Budget **See above** (16 CPS Caseworker positions, 3 Supervisor Positions, 1 PS Manager II position) In AFA Committee, Not yet Voted LD 1825 - Committee Amendment A (H-847) An Act to Establish Limits on the Number of Hours Worked by Child Protective Services Caseworkers in the DHHS (New Title) The amendment establishes limits on work hours and driving hours; it adds the ability for a caseworker’s supervisor, in consultation with the HHS Commissioner, or commissioner’s designee, to direct a caseworker to exceed the maximum number of work hours for an emergency situation determined in department policy. Latest House: Engrossed as Amended By CA, 3-29-22 Latest Senate: Unfinished Business, Tabled 3-31-22</p>

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Issue 3: Caseworker Practice Concerns (p. 56)		
<p>Recommendation: OCFS should build on the foundation of its existing QA system to better identify specific practice concerns in a timely manner, within all OCFS districts. It should further link those concerns to opportunities for supervisor feedback, mentoring, and, potentially, additional training for individual caseworkers or other district staff. (report p.57)</p>	None Identified	None Identified
Other Considerations - A.1. New Caseworker Training and Case Assignments (p. 57)		
<p>“As described in Section VII. Training and Supervising Investigations Caseworkers [of the report], interviews and surveys of caseworkers and supervisors showed wide agreement that training for new caseworkers was insufficient to prepare them for investigations work. Additionally, we heard concerns regarding the assignment of investigations to new workers.” (report p.57)</p>	<p>Agency Comments: “<u>Training of new caseworkers</u> – The issues with the New Worker Foundations Training that were identified by staff in OPEGA’s surveys align with concerns child welfare leadership have identified through discussions with staff, observed practice concerns, and quality improvement efforts. As a result, beginning in 2020, OCFS has utilized the expertise of staff at the Cutler Institute at the University of Southern Maine to update the training curriculum, length and format, as well as the activities new staff are required to participate in outside of Foundations. The updated Foundations Training was implemented at the beginning of 2022, and we are committed to ensuring it meets the needs of new OCFS caseworkers.” (memo p.3)</p> <p><u>Field Instruction Program:</u> “In addition, OCFS has reinstated the Field Instruction Program in collaboration with the Muskie School at the University of Southern Maine, which provides social work students with a comprehensive internship experience. This opportunity allows students to graduate with experience working in child welfare and minimizes the amount of training required if they choose to become employed with OCFS.” (memo p.2)</p>	None identified

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Other Considerations – A.2 Access to Medical Records and Treatment Information (p. 58)		
<p>Throughout the course of our review, a theme emerged regarding challenges for caseworkers in accessing critical information during investigations. In both survey and interviews, respondents indicated inaccessibility of medical records and treatment information, in particular, as a barrier to completing thorough and timely investigations. (report p.58)</p>	<p>Agency Comments: <u>“Access to medical records and treatment information –</u> This was an issue identified in the Casey Family Programs/Collaborative Safety review of child fatalities in 2021. That report included a recommendation to partner with medical providers and law enforcement to increase collaboration and information sharing. Last fall, OCFS developed a workgroup with leaders from the medical and law enforcement professions, as well as representation from the Office of the Attorney General. That workgroup is meeting regularly to seek solutions that address barriers to information sharing, including developing possible statutory changes that may improve collaboration and access to information.” (memo p.3)</p>	<p>None identified</p>
Other Considerations – B.1 Services for Families (p. 59)		
<p>Services for children and families in the CPS system also emerged as an area of concern in the course of this review. These concerns came through in interviews with OCFS management and other stakeholders, surveys of caseworkers and supervisors, and in the results of federal CFSR oversight. OCFS may refer families to services such as mental health counseling, in-home behavioral health services, substance use treatment, and case management, to help address risk to children. Lack of service availability, including waitlists, along with access barriers such as transportation, child care, and ability to pay, were cited as ongoing concerns. (report p. 59).</p>	<p>Agency Comments: <u>“Services for children and families in the CPS system –</u> Services for children and families are an integral part of the child welfare system as families seek to address concerns regarding child safety, permanency, and wellbeing. The Department is committed to improving the accessibility of high-quality evidence-based services for children and adults, including mental health treatment, substance use treatment, community-based services, and crisis care. Efforts include using increased federal funding to increase pay for the behavioral health workforce, completing rate studies and adjusting rates as needed, and developing and implementing comprehensive strategic plans for system improvement. OCFS has responsibility for the Children’s Behavioral Health Services (CBHS) system of care and reports annually on efforts to implement its strategic plan for children’s services. That report (and previous years’ reports) is available here. In addition, the Department released guidance regarding effective collaboration between behavioral health professionals and child</p>	<p>LD 393 - An Act to Improve the Child Welfare System Amendment C-A (H-907) 1) \$1m each year for homebuilders program, and \$1m each year for parents as teachers program. 2) \$420,000 per year to increase the contract for kinship navigators. 3) Requires DHHS to study the ability of the State to allow a parent of a minor child removed from the home but engaged in rehabilitation and reunification services to continue to receive services that the parent was eligible for prior to the child being removed from custody and to receive priority for services that are waitlisted and critical to allowing families to transition out of the CPS system. Report due to HHS by 2/1/2023. 4) \$200,000 in each year to the CPS contingency fund. 5) Directs the Commissioner to establish a special projects manager position within the department to coordinate the organization of child abuse and neglect prevention initiatives. Latest House: Engrossed as Amended By CA, 4-5-22 Latest Senate: (Item 5-18 on Senate Calendar 4-7-22)</p>

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	<p>welfare staff, including some of the benefits, barriers and solutions that will assist parents who are involved in the child welfare system.” (memo p.3)</p>	<p>LD 1824 - Resolve, To Establish the Commission to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System Amendment C-A (H-875): Establishes Commission to Develop a Pilot Program to Provide Legal Representation to Families in CPS. The commission is required to submit a report, no later than 11/2/2022, with findings and a proposed pilot program, to the JUD and HHS committees. Latest House: Emergency Finally Passed 110-1, 3-31-22 Latest Senate: Placed on Study Table 4-5-22</p> <p>LD 1850 - An Act to Ensure the Continuation of Services to Maine Children and Families through the Alternative Response Program <i>Amendment Draft:</i> Provides the funding currently provided for ARP contract and applies it to program services for families that remain intact but are involved in a CPS investigation using the Intensive Care Coordination, High Fidelity Wraparound program. Committee Vote: OTP-AM/ONTP In HHS Committee, Not yet Reported Out</p>
<p>Other Considerations – B.2 Prevention of Child Abuse and Neglect (p. 59)</p>		
<p>“Mandated reporters we surveyed, as well as parent group representatives we interviewed, expressed some frustration that the State is not investing more in efforts to prevent child abuse and neglect, particularly given that OCFS has seen increasing numbers of reports of abuse and neglect; that the OCFS workforce is struggling to handle the volume of investigations; and that there is a lack of services available to children and families during and after the investigation.” “Mandated reporters cited domestic violence, trauma, mental illness, and substance use as key ongoing challenges to families keeping children safe. Prevention efforts could play a role in addressing these interconnected issues contributing to child abuse and neglect.” (report p.59)</p>	<p>Agency Comments: <u>Prevention of child abuse and neglect</u> – OCFS and the broader child welfare system are committed to preventing child abuse and neglect whenever possible. That commitment is reflected in OCFS’ ongoing implementation of the Federal Family First Prevention Services Act which, in part, implements evidence-based prevention services for families where the children are at imminent risk of entering state custody. OCFS was the first state in New England to receive approval for its Family First State Plan and the first to begin implementing the services, which began in October of 2021. OCFS has worked closely with stakeholders throughout the child welfare system in the development and implementation of this plan and is devoting significant funding to these prevention services.”</p>	<p>LD 393 - An Act to Improve the Child Welfare System (New Title) Amendment C-A (H-907) (Full description above) 6) It directs the Commissioner to establish a special projects manager position within the department to coordinate the organization of child abuse and neglect prevention initiatives. Latest House: Engrossed as Amended By CA, 4-5-22 Latest Senate: (Item 5-18 on Senate Calendar 4-7-22)</p>

Other Legislation Related to Oversight of Child Protective Services				
LD #	Title (as Amended)	Summary	HHS Vote	Bill Status/Latest Action
1853	Resolve, to Increase Oversight of the Child Welfare System	<p>Amendment C-A (S-458): This amendment replaces the bill, which is a concept draft. The amendment enacts reporting requirements as follows.</p> <p>1) The Maine child welfare advisory panel (MCWAP) and the child death and serious injury review panel (CDSIRP) are required to submit quarterly reports to the HHS committee on the child welfare system and efforts to collaborate between the citizen review panels.</p> <p>2) The DHHS/OCFS is required to submit quarterly reports to the HHS Committee regarding progress in implementing recommendations of the Casey Family Programs/Collaborative Safety report (October 2021), responses to recommendations from the MCWAP and progress in efforts described in the department's annual report on child welfare.</p> <p>3) HHS Committee is authorized to report out legislation pursuant to any of the reports at the next regular or special session of the Legislature.</p>	OTP-AM	<p>Latest House: Emergency Finally Passed 115-1 (3-31-22)</p> <p>Latest Senate: Emergency Finally Passed 31-0 (4-5-22)</p>
1960	An Act to Make Changes to the Laws Governing the Child Welfare Services Ombudsman Program (Governor's Bill)	<p>Amendment C-A (H-453): This amendment includes the ombudsman or the ombudsman's designee as a member of the child death and serious injury review panel (CSIRP) established by DHHS and requires that the panel, beginning January 1, 2023 and every 2 years thereafter, submit a report on the panel's recommendations to the HHS Committee.</p>	OTP-AM	<p>Public Law 2021, chapter 550 Enacted: 3-31-22</p> <p>Governor Signed: 3-31-22 <i>(copy provided in meeting materials packet)</i></p>