Maine Child Welfare Advisory Panel Quarterly Report

Report to the Joint Standing Committee on Health and Human Services December 14, 2023

Resolved: That the child welfare advisory panel...shall submit reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters. Any presentations of the reports to the committee must be presented by the citizen members of the panels to the extent possible. Each quarterly report must contain, at minimum, the following:

- A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Department of Health and Human Services, Office of Child and Family Services to improve the child welfare system
- A summary of the collaboration between the advisory panel and the review panel as well as the Justice for Children Task Force established in 2006 that reports to the Supreme Judicial Court; and
- 3. Any recommendations on how to further protect the State's children through Department of Health and Human Services policy and rulemaking and through legislation.

Panel Overview



CITIZEN REVIEW PANELS

MEMBERS

SCHEDULE

Our observations about DHHS OCFS efforts to contribute to the Panel's work in the last three months.

- OCFS staff participated in all Panel meetings. This included: monthly meetings of the full Panel and Executive Committee meetings.
- OCFS has now assigned staff to consistently participate in all subcommittee meetings and inbetween meeting work. Panel members have been appreciative of this investment.
- OCFS has responded to Panel requests for additional data and information, including a presentation from their Home Builders Program in December to help support members understanding of that intensive in-home program that is now available to families.

Recommendations on how to further protect the State's children through DHHS policy and rulemaking and through legislation.

2024 Recommendations

Two types:

- System recommendations
- Panel goals

Recommendation: Office of Parent Counsel

The State should create an Office of Parent Counsel to ensure the roster of contracted attorneys who are appointed to represent indigent parents in child welfare cases are provided with supervision and support to strengthen the quality of representation available to parents and custodians in these cases and to participate in systemic advocacy to promote the State's ability to promote the safety and wellbeing of families.

Recommendation: Child Welfare Law Specialist

The State should certify the "Child Welfare Law Specialist" certification program offered through the National Association of Counsel for Children as a specialization available to Maine attorneys. As part of this effort, the State should explore funding sources to provide scholarships to interested attorneys.

Recommendation: Attorney for Children

Title 22 should be amended to require the automatic assignment of a client directed attorney to any child aged 10 or above and permit any party to request the appointment of a client directed attorney for a child of any age involved in an active child welfare case. This should include creating a specific roster of attorneys and offering specialized training. All appointments should be in addition to the appointment of a best interest guardian ad litem.

Recommendation: Support Judicial Officers in Engaging with Youth

The Maine Judicial Branch, in collaboration with interested parties, should develop a best practice guide for judicial officers for engaging with youth in child welfare proceedings.

Recommendation: Placement/Child Care Challenges

DHHS OCFS should report to MCWAP and HHS quarterly on:

- Number of children in OCFS custody who are staying or have stayed in hotels during the previous quarter (age, length of stay, district).
- Number of children in OCFS custody held at DHHS offices for more than 6 hours at a time awaiting placement or because staff is providing childcare in lieu of that being available through the placement (age, length of time held/cared for at district office, district).

Department should create a policy and practice to inform all case participants within three days of any of the above circumstances.

Recommendation: Home Builders Program Review

DHHS OCFS should review the implementation of the Home Builders Program with particular attention to contract compliance, understanding of the program amongst OCFS staff who are making referrals to the program, and the extent to which the program is able to fully meet the needs of all referred parents, including that services of the program are being provided without discrimination. OCFS should report to the Panel on how it is engaged in ongoing monitoring of this program by March 2024.

Recommendation: Alignment of Economic Supports

The Department should identify areas in which economic support for parents and custodians are not aligned with economic supports provided to foster/resource/kinship placements, as well as uncompensated visit supervisors, and take steps, including updating any necessary formal or informal policies and practices, to align them.

Recommendation: Evaluation of FTM Model

OCFS should engage outside technical assistance to develop a system of

evaluation for Maine's Family Team Meeting (FTM) model, to include:

- 1) establishing and implementing a process for ongoing data collection and analysis that includes case review and FTM participant input;
- 2) use of data to evaluate the extent current practices reflect policy requirements; and
- plans for the continuous quality improvement of the FTM model.
 Progress on the data collection system, evaluation findings, and plans for improvement should be reported to the Panel by June 30, 2025.

Panel Goal: Examine Use of Child Benefits

The Department should provide to the Panel by June 2024 a deidentified:

- dollar for dollar expenditure list of social security benefits and child support that was collected by the Department while a child was in State custody, and
- 2. how that money was spent by the Department.

Additionally, the Department should provide information on how any social security and child support payments offset any other funding, federal or otherwise, that the Department receives.

Panel Goal: Review of Know Your Rights Materials

The Family Centered Policy and Practice working group in collaboration with individuals with lived experience with the child welfare system, will review any documents provided by the Department to parents/custodians that explain their rights as well as the process(es) currently used by the Department to provide parent/custodians with this information.

Panel Goal: Review of Know Your Rights Materials

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Panel Goal: Efficiently Supporting Lived Experience Training Efforts

The Maine Child Welfare Advisory Panel's (MCWAP) Lived Experience Subcommittee recommends that MCWAP's Lived Experience Training efforts be coordinated by the Maine Child Welfare Action Network (MCWAN) in collaboration with MCWAP members.

Panel Goal: Structure of 2024 Work

- Sub-Committees that will continue:
 - Family Team Meetings
 - Family Centered Policy and Practice
 - Citizen Engagement
- Lived Experience subcommittee from MCWAP, will merge with the work being done by the Maine Child Welfare Advocacy Network.

Looking Ahead to 2024

- Triennial surveys to parents/custodians and community providers are required to be issued and collected in 2024;
- Information from state agency partners will be reviewed around:
 - Implementation of contingency fund (June, OCFS)
 - Quality hearing pilot project (April, MJB)
 - Implementation of the first year of the Home Builders Program (February, OCFS).

Questions?

Thank you for your interest in the activities and recommendations of the Maine Child Welfare Advisory Panel (MCWAP).

Panel Co-Chairs

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Panel Coordinator

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JUSTICE FOR CHILDREN TASK FORCE

December 2023

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PURPOSE

The Maine Justice for Children Task Force ("the Task Force") is hereby continued as a collaborative, multidisciplinary Task Force to **improve safety, permanency, and well-being for children in the State of Maine child welfare system.** It is anticipated that the work of the Task Force will regularly occur in conjunction and collaboration with the work of the Executive and Legislative Branches, along with appropriate child welfare entities. This collaboration may include joint meetings designed to maximize the experience of the membership of each committee, prevent redundancy, and be respectful of members' work schedules.

- Implementation of a virtual child welfare parent curriculum.
- Race and Equity Data Assessment Project.
- Continuing education for all system stakeholders.
- Interagency data sharing.
- Parent Attorney/GAL Recruitment and Retention.



PARENT CURRICULUM SEPTEMBER 2023 UPDATE (AS OF 8/15/2023)

| | Pre-CPS 101 (111) | Post-CPS 101 (111) |
|--|-------------------|--------------------|
| | | |
| I understand how the child protective system works. | 2.8 | 4.1 |
| I understand who is on my child protective services team and what they each do. | 3.1 | 4.3 |
| l understand what I need to do to reunify my family. | 3.3 | 4.1 |
| I feel hopeful about my child protective services involvement. | 3.0 | 3.7 |

PARENT CURRICULUM

- To date, there have been approximately 111 parent participants in the program.
- Since September:
 - Four parent sessions of CPS 101;
 - One parent session of CPS 201 (5 attendees- to be held quarterly); and
 - One provider session.
 - Maine Judicial Branch will provide funding for the program through June 2024 when OCFS funding will be available.

PARENT CURRICULUM (CPS 201)

- CPS 201 curriculum has been developed and includes:
 - Information on Family Team Meetings (FTMs).
 - How to prepare for an FTM;
 - Who should/could be in attendance at the FTM;
 - How to include a parent's support person in an FTM;
 - FTM agenda;
 - Maintaining documentation including call and services logs
 - Strategies for effective personal communication.

PARENT CURRICULUM (CPS 201)

- Strategies for effective personal communication.
 - Phone communication tips;
 - Tips for leaving a voicemail; and
 - Effective email communication.
- Family visitation information
 - Tips to follow for successful visits;
 - Visitation types; and
 - Role of a visit supervisor.
- How to be an effective self advocate.

CONTINUING EDUCATION SUBCOMMITTEE

- Meets throughout the year to plan the annual Maine Judicial Branch Child Welfare Conference.
- Attendees at the conferences include:
 - Parent's attorneys;
 - Guardians ad litem;
 - Assistant Attorney Generals;
 - DHHS caseworkers;
 - Judges; and
 - Other system partners.

MAINE JUDICIAL BRANCH 2024 CHILD WELFARE CONFERENCE

Subcommittee has met to begin planning for 2024.

- Current theme focuses on the life of a protective custody case with a focus on litigation strategies.
- Focusing on the different perspectives and best practices throughout the life of a case.
- Training will be April 4th and 5th with the possibility of adding on an additional day to focus on juvenile justice issues and dual-system involved youth.

MAINE JUDICIAL BRANCH 2024 CHILD WELFARE CONFERENCE

Possible Sessions Include:

- Poverty and Intersections with the Child Welfare System;
 - Economic and Concrete Supports in Maine;
 - Investigative Findings and Legal Process;
- Summary Preliminary Hearing Litigation Best Practices;
 - Review of the Maine Indian Child Welfare Act;
 - Jeopardy Litigation Best Practices;
- Use of Psychological and CODE Evaluations in litigation;
 - Aspects of a Quality Judicial Review Hearing;
- Litigation Best Practice for Contested Judicial Review;
- Preserving the Record for Appeal and the Appeal Process
- Termination of Parental Rights Hearing Litigation Best Practice;
- The Role of a Guardian ad Litem in a Contested Hearing;
 - Review of Potential Case Outcomes; and
- Youth Services: Extended Care Agreements and Youth Transition Services

PARENT ATTORNEY/GAL RECRUITMENT AND RETENTION SUBCOMMITTEE

- Created upon recommendation from the 2022 Maine Child Welfare Advisory Panel (MCWAP) Annual Report.
- Membership includes:
 - Office of the Attorney General;
 - Maine Commission on Indigent Legal Services;
 - Cumberland Legal Aid Clinic;
 - Parent attorney;
 - Guardian ad litem;
 - Pine Tree Legal Assistance;
 - Maine Judicial Branch (administration and court clerk); and
 - Maine Coalition to End Domestic Violence.

PARENT ATTORNEY/GAL RECRUITMENT AND RETENTION SUBCOMMITTEE

Mission: Identify system improvements to increase the recruitment and retention of Maine child welfare parent attorneys and guardians ad litem and implement change where possible.

Current Items of Discussion:

- Engagement of legal aid organizations to provide representation;
- Use of law school interns in private/small firm practices;
- Child welfare expert certification;
- Statewide incubator programs;
- Court scheduling; and
- Service availability to parents and children involved in the child welfare system.

QUESTIONS?



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Public Law 2023, chapter 261: "... the [child death and serious injury review] panel...shall submit reports to the joint standing committee of the Legislature having jurisdiction over health and human services matters at least every 3 months.... Any presentation of the report to the committee must be presented by the citizen members of the panels to the extent possible. Each quarterly report must contain, at minimum, the following:

1. A summary of generalized and anonymized observations in the prior 3-month period regarding efforts by the Office of Child and Family Services to improve the child welfare system;

2. A summary of the collaboration between the child welfare advisory panel and serious injury review panel as well as and the review panel as well as any judicial branch task force or panel with a focus on the child welfare system or child protective proceedings; and

3. Any recommendations on how to further protect the State's children through department policy and rulemaking and through legislation."



Summary of observations in the prior 3-month period regarding efforts by DHHS-OCFS to improve the child welfare system **Oct 2023**: L3 case review, unsafe sleep (referred by MFIMR), L1 reviews Aug 2023, Letter from COAC to healthcare providers

Panel Observations: fact pattern very common; despite ongoing efforts to educate from a variety of sources, many families still bed-share; safe sleep option present; being in treatment and accepting services viewed as protective factors; bed-sharing is not considered IROSH; unsafe sleep has never been prosecuted criminally in Maine

OCFS Efforts: Safe sleep assessment has been part of OCFS practice at all infant home visits including resource homes for many years; Maine MOM (OMS)

Summary of observations in the prior 3-month period regarding efforts by DHHS-OCFS to improve the child welfare system Nov 2023: Joint review with DAHRP

Panel Observations: issues the Panel has encountered and commented on repeatedly (intergenerational maltreatment, un/undertreated MH/SUD, DV, poverty, missed well-visits, community partners un/under-informed

OCFS Efforts: Ongoing participation in OCFS review by GOC, openness to suggestions for system improvement

Summary of observations in the prior 3-month period regarding efforts by DHHS-OCFS to improve the child welfare system **Dec 2023**: L3 review, serious injury; L1 Deaths Sept/Oct;

Panel Observations: failure to report/ identify need to report; communication deficit between OCFS/Spurwink; intergenerational maltreatment; DV; poverty; SUD; MH; family with long term intermittent OCFS involvement

OCFS Efforts: feedback to hospital that failed to report

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Recommendations on how to further protect the State's children through DHHS policy and rulemaking and through legislation Safe sleep education should continue at every opportunity, including public messaging via Maine CDC. How can this be enhanced? (2021)
Better process needed at OCFS to holistically review full case history to identify themes related to safety and risk over time (2022)
Potential rec: re: increased information sharing with key community partners who are part of our children's safety net (pending discussion)
Well child visits should be viewed as sufficient red flags for OCFS investigation in <u>SELECTED</u> circumstances (2022)
Child Abuse Pediatrics services in Maine should be fully supported and adequately funded/staffed to make access to urgent consultation, timely evaluation, and timely communication of evaluation results possible for children throughout the state (2021)
OCFS and Spurwink should continue to examine barriers to effective collaboration (2021)

-Potential rec: what is the best method of feedback to the mandated reporter and highlighting reporting failures for the benefit of mass education? (pending discussion)

-Potential rec: does "non-ambulatory" in 22 MRS 4011-A (7) need clarification (pending discussion)







Office of Child and Family Services Quarterly Child Welfare Update

Health and Human Services Committee December 14, 2023

Acting Director Bobbi Johnson



Content of December Updates

- Introduction
- Update on Strategies to Address Parental Substance Use
- Child Placement and Resource Parents
- Policy Review and Updates
- Staffing
- Legislation Implementation

Substance Use and Family Well Being



Rate of Substance Use as a Risk Factor at Removal, 2000-2022

Update on Substance Use Disorder (SUD) Projects

Peer Recovery Coaches

- Adding Peer Recovery Coaches to current Maine Re-entry Network contract to support Family Recovery Courts
- All but one coach has now been hired
- Supported through a collaboration between Office of Behavioral Health (OBH) and Office of Child and Family Services (OCFS) funded by the Opioid Prevention and Treatment Fund (OTPF)

SUD Clinical Consultant

- Collaboration between OBH and OCFS (using OTPF funding)
- A contract amendment for co-located SUD Clinical Consultant positions for each District is currently was completed this week

Staff Training

- Established a new mandatory training for staff entitled *Planning for* Safety in Cases When Parental Substance Use is Present
- Explores and reinforces SUD-specific knowledge and skills when assessing safety throughout the life of the case, creating safety plans, applying cultural factors, implementing collaborative approaches with formal and informal supports, and developing comprehensive plans for ongoing safety at case closure.

Child Welfare's Role when Removal Occurs

- The Department's statutory obligation when children are removed is to provide rehabilitation and reunification services unless relieved of that obligation by the Court
 - In Federal Fiscal Year 2022, 44% of exits from care were to reunification while 49% of exits were to adoption or permanency guardianship
 - In the previous three Federal fiscal years the rate of reunification exits outpaced adoption or permanency guardianship exits
- The Department pursues placement of the child with relatives whenever safely possible

| Placement Type | Maine – Percent (Data as of November 2023) | | | |
|--------------------------|---|--|--|--|
| Traditional Foster Care | 43% | | | |
| Relative/Kinship Care | 41% | | | |
| Therapeutic Foster Care | 4% | | | |
| Trial Home Placement | 5% | | | |
| Adoption | 3% | | | |
| Residential | < 2% | | | |
| Other | < 2% | | | |
| Unlicensed Non- Relative | <1% | | | |

Resource Families



Number of Licensed Resource (Foster) Homes

- While declining from a peak in 2022, increased the number of licenses resource homes since 2019
- Increased foster home & therapeutic foster home reimbursement rate by 5% (effective 7/1/23 for regular foster care and 10/25/23 for therapeutic foster care)
- Working with MaineCare to improve the approach to therapeutic foster care by including a level for Therapeutic Intensive Home based on the evidencebased model Therapeutic Foster Care- Oregon.
 - Initial Rate Determination public meeting held December 6, 2023
- For the 2,434 foster placements made since January 1, 2023, the average time for a family to be sent first payment, from the date of placement to check processing through Advantage, was 23 days. 90% of all providers were paid within 15 days of the placement start date and 95% were paid within 20 days of the placement start date.
 - Included in the averages above are Relative providers that often take additional processing time, because they must first complete State Vendor Forms

Resource Families

- Training updated to align with the National Training and Development Curriculum for Foster Parents, putting Maine at the forefront of implementing a curriculum focused on support for families and resource parents
- Resource Parent Portal in Katahdin Launched in April of 2022 to allow for applications (new and renewal), downloading and uploading required licensing forms. An upgrade in December of 2022 allowed resource families to access educational records, upcoming court dates, visitation schedules, information regarding medical appointments, and other information regarding children placed in their home.
- Clinical Support for Resource Parents
- Stakeholder group to review the Resource Parent Bill of Rights and make recommendations
- Ongoing Resource Parent Advisory Committee
- Referrals to services and assessments for level of care for youth with behavioral health needs
- Utilize a family-based model of service delivery for treatment to children in state custody with moderate behavioral health and developmental needs
- Youth reside in therapeutic resource homes and a licensed agency provides intervention and support to resource parents who are training, supervised, and supported by therapeutic agency staff
- Funding for Adoptive and Foster Families of Maine (AFFM) including funding their Kinship Program

Reviewing & Updating Policies

Approval of Relative Family Foster Homes for Children

Caseworker Contacts

Children's Emergency Services (CES)

Decision Making and Service Authorization

Determining Access to **Department Records**

Discovery

Legal

Placement

Psychotropic Medication

Safety Planning (new standalone policy versus current embedded policy)

Working with Families with Substance Use Disorder

Adoption

In Final Review

Child Protective Intake Human Trafficking and **Commercial Sexual Exploitation**

Background Checks Completed **Child Protective Investigation**

Collaboration

Domestic Abuse and Violence

Entry into Care

Family Team Meetings

Immunization of Children in Custody

Indian Child Welfare (ICW)

Interstate Compact on the Placement of Children

LGBTQIA+

Missing and Runaway Youth

Permanency

Placement with DHHS Employees

Resource Home Licensing

Safe Haven

Staff Safety and Critical Safety Cases

Supervision

Substance Exposed Infants Youth Transition Services

New since last report

Completed since last report

Maine Department of Health and Human Services

Staffing Update

| Point in Time | Nov 2018 | Nov 2019 | Nov 2020 | Nov 2021 | Nov 2022 | Nov 2023 | Net Change 2018-Now |
|--------------------|-------------|-------------|-------------|-------------|-------------|-------------|------------------------|
| Total Positions | 351 | 365 | 398 | 414 | 445 | 445 | +94/ +27% |
| # Filled | 327 | 348 | 382 | 384 | 388 | 365 | +38/ +12% |
| # Vacancies | 24 | 17 | 16 | 30 | 57 | 80 | |
| % Vacancies | 6.8% | 4.7% | 4.0% | 7.5% | 12.8% | 18.0% | |

Staff Support

Ongoing

- Further building out the CES program to expand more after-hours coverage resources (including administrative days and holidays)
- Developing new/updated policies related to CES, safety planning, and placement of children. Key in these efforts are workgroups that include frontline staff, community partners, and individuals with lived experience in the child welfare system
- Reviewing caseworker practices to ensure they are streamlined and focused on child safety, well-being, and permanency
- Implementing the supervision framework and beginning implementation of a caseworker framework to support adherence to policy and practice, and staff development

New

- Engaged Public Consulting Group (PCG) to conduct a review of the caseload/workload analysis previously completed
- Conducting District visits to discuss the results of the staff survey completed in November and engage with staff to build solutions to concerns identified
- Ensuring a response to all child welfare staff suggestions
- Meeting in-person with Districts supervising a child in a hotel to ensure all staff voices are heard and consider solutions to staffing that provide consistent care of children when the use of a hotel is necessary
- Engaged a management expert to work directly with the Lewiston District Office to understand the challenges in that office, explore how to improve the experience of staff, and develop recommendations for improvements
- Taking a teamwork approach to field work with the hiring of a new staff person (effective this week) to seek solutions for children and youth who are difficult to place

Staff Survey (October-November 2023)

Workload

- •67% of workers who responded did not believe that their workload was reasonable
- •94% of workers in District 3 (the office with the highest vacancy rate)
- •Less than 1/2 of workers in District 8 had concerns about the reasonableness of their workload (where the caseworker vacancy rate is 3%

Safety

- •64% of staff reported concerns about their personal safety related to their work with children and families
- •69% of respondents have used clinical support services available in each district office and most found them helpful

Foundations

- •62% of respondents disagreed that Foundations Training prepared them for their role as an OCFS caseworker
- •Those with 1-2 years of experience were most likely to feel that Foundations did not prepare them for their role (with 80% of this group disagreeing)

Katahdin

- •60% of respondents disagree or strongly disagree that Katahdin helps them to organize the manage their workload
- This data was reviewed based on the employee's tenure. Workers who had been with OCFS for less than a year and have only used Katahdin (not the previous system) were evenly split on this question

Feedback Opportunities

- •48% of respondents disagree that field staff have sufficient opportunities to provide feedback on policy and practice changes before they are made
- •Once changes are made respondents were split on whether the change was adequately communicated.
- •Respondents were slightly more negative than positive on whether training and support was adequate to incorporate those changes

Respect and Understanding

- •Staff were asked whether they felt respected by different groups:
- 055% felt respected by OCFS
- 044% felt respected by families they work with
- 042% felt respected within the Department
- 012% felt respected by the public
- 07% felt respected by Legislators

•Only 1% of staff agreed that the public has a good understanding of the role of child protective services and when that question was narrowed to whether the media has a god understanding of child protective's role the number was less than 1%

Katahdin



Ongoing Staff and Stakeholder Engagement

- District visits twice a year
- Statewide survey twice a year
- ✤ Bi-weekly meetings with the District Superuser group
- Participation in the Statewide Caseworker and Supervisor Advisory Teams
- ✤ Meet quarterly with the Data Quality Team
- Online Katahdin Suggestion Box



The latest Discovery Print was released on 11/7/2023. While the content of the Discovery Prints has not changed (and still includes all required information), the format and look of Discovery Case Prints was updated and improved.

Prior to this update, OCFS gathered feedback about the look and organization of the print for the preceding 12 months and used that feedback to develop the changes.

Highlights of the update include a reorganization of information in chronological order verses the previous categorical order, removal of columns views replaced with a standard left to right view across the page, and the incorporation of person information into the print instead of the person information being sent as a separate print.

Legislative and Budget Implementation Updates

- LD 594 (P.L. 2023, ch. 62) *Resolve, to Review the Resource Parent Bill of Rights* The stakeholder group has been convened and is meeting to gather and provide feedback for possible updates and changes to the current Bill of Rights.
- LD 1229 (P.L. 2023, ch. 447) *An Act to Support Peer Mentors for Parents Involved in the Child Protective Services System* OCFS is developing a plan for implementation of this one-time funding for CPS 101 in SFY 2025. OCFS is collaborating with the Maine Judicial Branch to continue the CPS 101 program until this funding becomes available in SFY25.
- 5% rate increase for therapeutic resource homes effective 10/25/23.
- 48 Customer Representative Associate II Human Services positions were transitioned to CPS Case Aides in October (raised the minimum pay from \$15.85 per hour to \$17.42 per hours, with the top pay step now at \$23.32 per hour).
- State Forensic Service has engaged a subject matter expert to assist in the development of their system for Court Ordered Diagnostic Evaluations (CODE)
- Contingency funds now available to assist families involved in investigation or trial home placement



Bobbi L. Johnson, LMSW Acting Director Office of Child and Family Services

