



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**  
**December 13, 2023**

**Call to Order**

The Chair, Sen. Hickman, called the Government Oversight Committee to order at 9:36 a.m.

**ATTENDANCE**

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

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

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

Others: Mark Moran, Chair, Maine Child Death and Serious Injury Review Panel  
(CDSIRP)  
Dr. Amanda Brownell, Medical Director, Spurwink Center for Safe and Healthy  
Families and Vice Chair of Maine CDSIRP  
Christine Alberi, Maine Child Welfare Ombudsman  
Debra Dunlap, Co-founder of Maine Child Welfare Action Network (MCWAN)  
Karen Tompkins, Facilitator of Child Protective Services 101 for Parents and Co-  
founder of the Center for Parent Leadership and Advocacy in Child Welfare  
Jamie Brooks, Peer Support for Parents in the Child Welfare System  
Melissa Hackett, Maine Children's Alliance  
Andrea Mancuso, Co-Chair of the Maine Child Welfare Advisory Panel  
(MCWAP)  
Ariel Piers-Gamble, Asst Atty Gen & Chief of Child Protection Division

## Introduction of Committee Members

The Committee Members introduced themselves.

## New Business

(To watch this meeting - the recorded Live Stream can be viewed at: <https://legislature.maine.gov/Audio/#220>)

- **Child Protective Services Discussion**

The Committee received Testimony from invited parties within the Child Protection.

(A copy of all written Testimony received can be found here: <https://legislature.maine.gov/doc/10505>)

**Mark Moran** (pages 1-4 of <https://legislature.maine.gov/doc/10505>).

Rep. Mastraccio noted in the testimony that educational personnel rank highest in the number of reports of all the mandated reporters and yet OCFS does not proactively share information with schools. She has also heard this as a complaint in her time on the school board. She asked Mr. Moran's opinion why the Office does not share information.

Mr. Moran stated that it is likely a combination of the volume of work required by the case worker and OCFS' attempt to balance the needs of the child with the confidentiality of the parents. A person who makes a report can be told if the report has not been accepted for investigation. He would defer to AAG Piers-Gamble who is to speak later, but he believes there is also provision within statute where OCFS can provide appropriate case information to a person responsible for the education of a child.

Sen. Hickman asked if it is true that a school counselor who received confidential information from OCFS would be obligated to keep the information confidential as well?

Mr. Moran answered that it is his understanding any OCFS confidential information provided to a receiver must be kept confidential by the receiving entity.

Rep. Blier noted that on December 3rd Commissioner Lambrew stated that there were 4 children in hotels and no children in emergency departments. Rep. Blier said he had people reach out to him that are affiliated with hospitals who said there are "tons of children" held by the hospitals. If Commissioner Lambrew does not feel these children are the department's responsibility and the parents don't want these children, who is responsible for these children?

Mr. Moran said that he believes that there is a different level of responsibility if the child is in legal custody of the state vs a child who is not. But there is a broader responsibility within the Office of Child and Family Services (both Child Welfare and Children's Behavioral Health) to ensure that we have an adequate system of behavioral health care that spans the gamut.

Sen. Hickman requested clarification from the portion of testimony which stated that hospital staff make regular reports to OCFS alleging abandonment but OCFS views these as situations where the parent has no other choice to keep the child safe and OCFS therefore declines to intervene further from a child perspective viewpoint.

Mr. Moran stated that one scenario is of a child who is behaviorally dysregulated at home. The parents have tried numerous types of services (outpatient, in-home support). The parents feel they can no longer keep the child safe or their other siblings safe. They then send the child to the emergency department for evaluation. There may be no acute psychiatric or medical need to warrant hospitalization. So, the child should be discharged. The parent is left frustrated with no other options. So, they leave the child in the E.D. and say they are not coming to get them. The parents might be engaged with regular phone calls or visits and might be engaged with children's behavioral health attempting to get appropriate services for the child. So, the child stays in what is effectively a solitary confinement situation. Another scenario has a

similar lead up but the parent no longer takes calls from the hospital and the parent refuses to engage, but still with the idea that they are doing the best they can to keep the child safe.

Sen. Hickman asked, at what point does statute say we are dealing with abandonment such that the department ought to intervene?

Mr. Moran said he does not want to speak on behalf of health care attorneys, but he believes they would argue that we are already there. The discussions happen between the Attorney General’s Office and hospital legal staff.

Rep. Millett asked would Mr. Moran see these recommendations requiring statutory modification, or could they be implemented with or without statutory specificity?

Mr. Moran said that he struggles to know the line between legislation and policy and practice for many of the things highlighted in testimony, are practice issues. This makes them leadership questions. However, there may be areas where statute changes might make practice decisions easier or not practice decisions at all.

Rep. Millett said that he feels the Committee should discuss how to get solid commitment that any recommendations be implemented.

Sen. Timberlake asks for the Director of OPEGA to reach out to the Department to provide data on how many children are in hospital emergency departments. He stated that (LD 118 - 130th Legislature) was passed two years ago which required monthly reports from hospitals. He would like to see the data on a monthly basis rather than one rolled up annual number. Sen. Timberlake has also heard that there is a child in the hospital in Franklin county for over 2 months and the hospital has been paid \$500.

Sen. Hickman asked the Director to reach out to the Department to provide information on their efforts to conform to this law which went into effect in October of 2021. Sen. Timberlake requests that the report be on a monthly basis.

Rep. Fay wanted to explore 3 different areas.

(1) What reports have the Child Death and Serious Injury Review Panel (CDSIRP) provided to the HHS Committee?

Mr. Moran stated that the work of the panel is confidential by statute. The CDSIRP creates a publicly available annual report and other reports on themes. The Department responds to each of the reports. The reports include recommendations. He further detailed how the CDSIRP does their reviews. The CDSIRP as well as the other Citizen Review Panels provide quarterly reports to the HHS Committee. The CDSIRP cannot review a case involving a criminal act until the case has been adjudicated. Mr. Moran spoke briefly of the differences between the 3 citizen review panels. Maine Child Welfare Advisory Panel (MCWAP) includes people with lived experience as well as other interested parties. The Justice for Children Task Force (JCTF) emphasizes child protection within the judicial system. Neither of those panels have confidential meetings.

(2) Rep. Fay asked how does the Nurse-Family Partnership different from the Alternative Response Program?

Mr. Moran said the Alternative Response Program (ARP) no longer exists, but was developed to provide an alternative response to a family in the CPS system that did not rise to the level of needing a CPS caseworker (i.e. lower risk situations). The ARP would offer case management, referrals for services – basically prevention services. Maine Families is based on “Parents as Teachers” has a good evidence base. It is available to all families. The Nurse Family Partnership has even better evidence base and is more targeted to low-income, first-time families. There is also public health nurses which are available to all families but have developed a triage system to address higher risk situations.

(3) Rep. Fay asked is it safe to say that the reason child remain in Emergency Department's is because there is no place to go if they cannot go back to their family which may feel inadequately prepared to keep them and their other children safe?

Mr. Moran said that it is fair to say that they remain in the E.D. because they have no other place to go.

Sen. Hickman asked if the Department responds to quarterly reports to the HHS Committee by the citizen review panels or just to the annual reports?

Mr. Moran said, the Department responds in writing to the annual reports. When the panel reports quarterly to the Committee, the Department also reports to the Committee.

Sen. Hickman asked the Director to obtain the Department's testimony to the HHS Committee on Sep 20, 2023.

Sen. Tipping asked how the Nurse-Family Partnership differs from the Public Health Nursing system and what it would mean in terms of more personnel or other requirements to expand the program?

Mr. Moran stated that the primary difference is in the population targeted. He does not know that he can provide the information on what would be required to expand the program. In terms of how it is targeted, the ideal recipient is a low income, first time family.

Rep. Mastraccio asked what was in place previously that kept children from having to be housed in hotels and Emergency Departments?

Mr. Moran is not sure what was in place prior to this becoming an issue. He believes there were likely more appropriate resources within the community. It is possible that they are now fewer residential placement options.

Sen. Hickman asked Mr. Moran's opinion of orphanages.

Mr. Moran stated that his general understanding of outcomes associated with orphanages is that it is not good in terms of attachment and developmental needs to children. He would not advocate for creating any.

Sen. Hickman asked what percentage of children languishing in emergency departments end up in Long Creek juvenile corrections system?

Mr. Moran thinks more about the impact of the trauma that the young people are experiencing when in the child lives in the emergency department. Isolation is also a traumatic experience.

Sen. Bennett asked if Educational mandated reporters are allowed by statute to be consulted in a Child protection case?

Mr. Moran that that this is his understanding and that it is a practice consideration rather than a statutory one because §4008 allows the Department to share information in some cases specified in statute.

Sen. Bennett asked if there are other barriers to the Department pro-actively engaging mandated reporters?

Mr. Moran said there is a cultural consideration in trying to balance what's best for the child with the parent's rights to privacy and to raise their children as they see fit. It is looked upon as a wholistic question where the caseworker is attempting to intervene with the family in a therapeutic way. It might be more appropriate to keep a parents information confidential in order to develop the report needed to protect the children.

Sen. Bennett asked if there are protocols or standards with regard to informing mandated reporters about the case?

Mr. Moran said there may be policies but he is not aware of them.

Sen. Bennett asked why has there been a decline in residential treatment as a resource over the last few years?

Mr. Moran said that it is likely multi-faceted. Perhaps some of it was due to financially driven decisions of prior administrations. Also, there is general recognition in the national child welfare arena that individual foster care placements are better for children than group homes. Mr. Moran said the state used to have bridging homes.

Sen. Bennett asked if that type of short-term congregate bridging home is better than hotel rooms and emergency departments?

Mr. Moran stated that bridging homes could be one solution and the current situation is also unacceptable. It is something worth investigating.

Sen. Hickman stated that the research shows that congregate living does not produce good outcomes. But he said that extended stays in hotels and emergency departments don't produce good outcomes either. Since this is the alternative we are currently look at, he is looking for solutions even if it is temporary and not necessarily supported by all the literature.

Rep. Fay stated that she assumes some children are on MaineCare and there is a different payment structure. She asked if the reimbursement rates are high enough. She then also asked about delays in payments by DHHS to foster families and other providers.

Mr. Moran said he cannot speak to foster care payments. Based on his limited experience in health care economics, the hospital gets paid by the insurers (MaineCare or private) based on the diagnosis.

**Dr. Amanda Brownell** (pages 5-6 of <https://legislature.maine.gov/doc/10505>).

Rep. Mastraccio asked Dr. Brownell if her organization was being reimbursed at the appropriate level, would you have the resources to provide the needed services.

Dr. Brownell said that they are currently providing the services at a loss which is unsustainable. Given the appropriate reimbursement, they could continue to provide the services.

Rep. Fay said MaineCare is working on a comprehensive rate study and asked if Dr. Brownlee knows where this particular rate is in the schedule of rates to be studied?

Dr. Brownell stated the rate is Section 23 which is going through a rate assessment and new rule related to medical assessments when a child enters foster care. It is unclear whether the rate for child abuse evaluations (which is also in Section 23) is being evaluated.

Sen. Hickman put the Committee at ease until 11:15

Sen. Hickman re-convenes the meeting.

**Christine Alberi - Child Welfare Ombudsman** (pages 7-9 of <https://legislature.maine.gov/doc/10505>).

Additional comments based on the prior discussion:

Ms. Alberi stated that she is leery of re-instituting orphanages or congregate care because a family structure has been shown to be best for most children. She recommends that if any additional funding for congregate care is envisioned, that it be time-limited while further emphasis be placed on increasing the number of available foster placements both therapeutic and non-therapeutic).

Ms. Alberi stated that she believes part of the reason children in hotels and E.D.s is based on their being more children with issues, possibly due to the opioid epidemic, but the current situation within CPS cannot be divorced from the bigger societal trends.

Ms. Alberi stated that with regard to information sharing with school officials and others, it becomes more critical during a service case rather than during an investigation.

Sen. Bennett stated that he is surprised that there is no data in the increases of child welfare risks within the State.

Ms. Alberi has seen the hospital data. She believes it is difficult to quantify the conditions of the general population prior to their becoming involved with the CPS.

Sen. Bennett asked if the implication in Ms. Alberi's statement that the Department should lean into Safety Science is that they are not.

Ms. Alberi said that there is buy-in by management, but not necessarily at all levels within the Department. She said it is still relatively new. She is also concerned that the recommendations from the Safety Science Reviews are implemented.

Sen. Bennett asked about the current status of Katahdin.

Ms. Alberi said she thinks the Department is working very hard on fixing it. A recent change that allows the case to be summarized chronologically was a great improvement for anyone who needs to review prior activities in a case (department staff, Ombudsman, AAGs, defense attorneys).

Rep. Mastraccio agreed with the part of Ms. Alberi's testimony that prevention services are extremely important to keep families from coming into the system in the first place.

Sen. Keim asked if the Ombudsman's office has always had access to Katahdin.

Ms. Alberi said yes.

Sen. Keim stated that Ms. Alberi said that kinship placements are better for children but they also need support. She then asked if kinship placement were not getting the same level of support?

Ms. Alberi said that often kinship placement actually need more support because it is often the first time they have done this and they are less prepared and trained.

Sen. Keim asked for data regarding how many foster homes are available.

Sen. Keim pushed back on whether any future group homes should be government operations rather than contractors. She asked Ms. Alberi's opinion of that.

Ms. Alberi is not saying that contract agencies are inherently bad. Her office is a contract agency. She is concerned about the competitive bid process would take time. Some contract agencies have not been successful in her experience. She says the lowest bid may not be the best. She feels that delegating that authority must be done extremely carefully because these are the most vulnerable citizens.

Sen. Timberlake asked if one of the reasons we don't have enough foster families because DHHS is not paying the bills in a timely fashion?

Ms. Alberi has heard these concerns in a timely fashion. She is sure it contributes to frustrations of foster families.

Sen. Timberlake asked Ms. Alberi what she would like done to fix this problem of placements of children with mental health issues.

Ms. Alberi said she is not saying that the Committee should not recommend group homes, but is saying that they should be time limited and not a place to leave children for extended periods. She continued that the state should make efforts to increase the number of therapeutic foster homes and regular foster homes where these kids can eventually be placed as well as ideally going back to their families if appropriate treatment is supplied.

Sen. Timberlake asked the Chair to request from the Director of OPEGA for ask the Department the number of therapeutic foster homes now and how many were there 5 years ago.

Sen. Hickman asked Director Schleck to find out the number of children that can be in a foster home (therapeutic and non-therapeutic) at one time.

**Melissa Hackett, Maine Children's Alliance** (pages 46-51 of <https://legislature.maine.gov/doc/10505>). Rep. Fay asked if the Department has a contingency fund to help families in emergency situations? Ms. Hackett said that the State does have a contingency fund to use at its discretion. She believes caseworkers and agencies that are providing services to families should have access to distributing those funds.

- **(Biological) Family Perspectives on Child Protection**

**Andrea Mancuso, Maine Child Welfare Advisory Panel spoke of the activities and recommendations of MCWAP.** She spoke of the panels recommendations which are included in (pages 10-29 of <https://legislature.maine.gov/doc/10505>).

**Ariel Piers-Gamble, Asst Atty Gen & Chief of Child Protection Division** gave testimony to the Committee on the activities of the Child Protection Division of the Attorney General's Office. The Office handles about 900 Child protection cases per year. (approx. 2400 children in state custody at any one time).

Rep. Arata asked AAG Piers-Gamble her thoughts on the MCWAP recommendation for Child Welfare Law Specialist certification for Maine attorneys.

Ms. Piers-Gamble believes having experts representing parents is an excellent idea and we have them in this state. Having them supported is crucial. Her concern is that these types of programs do not have metrics on how the program increases child safety. With regard to supporting judicial offices and engaging youth, Ms. Piers-Gamble said that her office offers training on that topic however, it has not been used as yet.

Rep. Arata asked how much time should a parent have to change because a year is a lot of time in a child's life. Ms. Piers-Gamble said that this is in statute and part of her role is to help the Department follow statute. The law envisions reunification at the earliest opportunity when conditions of safety are met and yet it is difficult to obtain services that allow the parent to meet those conditions. The court is struggling with the child's needs for both safety and permanency.

Sen. Timberlake asked why the AAG is not filing for the removal of children at a fast-enough rate as has been mentioned by the Ombudsman.

Ms. Piers-Gamble said that she believes the best way to respond to his question is to describe what the role of the Office is. The AG's office does not draft all the petitions. The Department drafts the petitions. The AG's Office is always available to review fact patterns, counsel on the law, when to disclose records. The Office does not make the call about what ultimately gets filed. They provide advice to their client (the Department) which might say, the Department needs to develop facts more or this petition should have been filed yesterday. With regard to what the Ombudsman has said, Ms. Piers-Gamble said that she understands that the Ombudsman requested two data points from the judicial branch. One was the rate of denials of PPOs that are brought before the courts. And the other is how many of those petitions are later amended and dismissed after a summary preliminary hearing. The judicial branch had data on the first question but not the second question. So, no one has the information on how many cases were dismissed after summary preliminary hearing. Similarly, no has information on how many requests are contemplated but not brought to the court. Without those two data points, she does not believe we should rely on the meaning of one data point which states that the overwhelming majority of PPOs are granted.

Sen. Duson asked to what extent is the AG's office officially involved in training and best practice suggestions so that caseworkers can provide the appropriate information to the AG's office to litigate these cases.

Ms. Piers-Gamble said that the AG's Office is involved in Foundations training to some degree. The office is included in the mock trials that are part of OCFS caseworker training. The office offers ad hoc training on the things district offices are articulating as issues for them. It is more effective for the AAG that works with the

district office to provide that training because they have worked with the caseworker in court and can see where the deficits are and have heard what the caseworkers are working with.

Sen. Duson asked how we can expand the resources available to caseworkers with respect to the legal requirements associated with their casework either through reorganization or coordination of the AG's Office and the Department.

Ms. Piers-Gamble said the AG's Office is an absolute partner in that. They are part of the stakeholders group.

Rep. Fay asked if Ms. Piers-Gamble could comment on whether using case aides for certain interactions and data collection for the AG's Office can free up time for caseworkers?

Ms. Piers-Gamble noted that last session there was a request for 8 legal administrative professionals to be added to district offices. The Department got 5. The AG's Office paralegals coordinate with them to be sure they are aware of processes. However, legal professionals need to be supervised by attorneys so that can be a tricky thing. They are OCFS and the AG's Office represents OCFS. However, she agrees that taking the administrative duties off of caseworkers who should be doing social work is a good goal to focus on.

Rep. Fay how is the backlog in the courts effecting the Child protection system and whether it has gotten better.

Ms. Piers-Gamble said that child protection has fared better than other aspects of the court because they continued to work at the courts through the pandemic. However, there is a shortage of trial time, judges, parent's attorneys, GALs, AAG's caseworkers, judicial marshals. We need more people in the roles that exist. We have court days with 11 back-up cases because there is not enough trial time.

Sen. Hickman noted section 4008 subsection 3 paragraph F states "The department shall disclose relevant information in the records to the following persons: F. The Commissioner of Education when the information concerns teachers and other professional personnel issued certificates under Title 20-A, persons employed by schools approved pursuant to Title 20-A or any employees of schools operated by the Department of Education;" How does she interpret this provision?

Ms. Piers-Gamble said that she interprets this provision to be more of a personnel provision so if there is an issue with a teacher, so the Department can communicate to the Commissioner. But there is an answer to your broader question which is that we can disclose information about a case to people who are part of the team to meet the needs of a child and family. There is a discretionary option and a mandatory option. The discretionary option is under 4008(2)(E). The mandatory provision is that upon written request by certain parties listed in statute, the Department must disclose the information. As these questions arise, the AAGs are available to consult on them.

Sen. Bennett asked what Ms. Piers-Gamble knows about any standards or protocols within the Department about disclosures.

Ms. Piers-Gamble said that she consults on this point a lot. They have not created a "bright-letter" rule because they would like to maintain the latitude to be inclusive of people so they can get the information they need.

Sen. Bennett asked if this might be a barrier to participation if people must get an opinion in each case and maybe there are easier calls that could be made without consultation if there was some policy in place.

Ms. Piers-Gamble clarified that Family Team Meetings (FTM) are a good example. Parents should feel empowered to bring who they want to an FTM. And so, there is an internal process to share information. The AAGs become involved when it is outside that process.

Sen. Bennett noted that he has been asked by a constituent to sit in on a meeting of the constituent and the Department and the Department refused due to confidentiality concerns and wondered at the Department's position because the family was inviting his participation.

Ms. Piers-Gamble stated that it is a complicated situation that is currently being litigated but her opinion is that no one person owns this confidential information. Some of the information is about a child who will



grow up in this community, so no one person holds the ability to release this information because the information is so comprehensive.

Sen. Bennett said that there is a single entity that controls the release of this information. It is the Department.

Ms. Piers-Gamble said the Department has this statute to work with in making those determinations. It is also impacted by federal law and other state law. She further stated that in practice, her advice to the Department is that sharing information for child safety is permissible.

**Sen. Hickman put the Committee at ease until 2pm.  
The Committee reconvened at 2:03pm.**

**Melissa Hackett**, facilitated the discussion with representatives of families in the child protection system. She stated that involvement with the Child Protective System is a stigmatizing situation for many and so it is difficult for people with lived experience with the system to share their stories. And yet it is also essential for a better understanding of the system for those stories to be shared.

**Debra Dunlap**, Co-founder of the Maine Child Welfare Action Network and supporter of the Center for Parent Leadership and Advocacy in Child Welfare (CPLA)  
(page 34 of <https://legislature.maine.gov/doc/10505>)

**Karen Tompkins**, Facilitator of Child Protective Services 101 for Parents and Co-founder of the Center for Parent Leadership and Advocacy in Child Welfare (page 34 of <https://legislature.maine.gov/doc/10505>) and read a letter written collectively by a number of parents involved with CPS (pages 36 -39)

**Jamie Brooks**, Peer Support for Parents in the Child Welfare System  
(page 40-42 of <https://legislature.maine.gov/doc/10505>).

Sen. Bennett asked Ms. Brooks if, in her experience, there is a method with which parents can get the training and example to recover. What types of programs would be more effective?

Ms. Brooks said that in her case, when she needed therapy, she had access immediately. Today there are waitlists. It makes a large difference because she would have lost time. Another situation was to be able to get housing when she was in a homeless shelter. It was a huge barrier removed. She also had people who supported her with kindness and belief in her ability to get better. The agency that facilitated visitation also had parenting classes.

Rep. Blier asked if she has suggestions for ways that we can allow or aid foster parents to help families along with the children they are helping.

Ms. Brooks said that she believes her foster care experience was not common, but it was not the one she has seen that was as supportive. It comes back to the reason people want to become foster parents. We can help them to see it as a means to support an entire family rather than a means to grow their family. Of course, some children will not reunify, so it is a means to grow a family, but if a child can safely reunify, they should. She believes recruiting and training to that purpose for foster care would be helpful.

Sen. Timberlake asked how many years ago were you involved with DHHS?

Ms. Brooks said her children went into foster care in 2003.

Sen. Timberlake asked if Ms. Brooks thinks it is working the same as it was in 2003.

Ms. Brooks said that there are a lot of parents with success stories like hers where they never became re-involved with CPS. If 50% of children are not reunified then 50% are and so there are a lot of success stories. What she thinks is different are the overwhelming case loads and access to resources.

*Melissa Hackett and Debra Dunlap returned to the podium.*

Sen. Hickman asked about the Parents as Partners Program which was defunded.

Ms. Dunlap said it was a partnership between community-based organizations and DHHS. The program not only helped families understand how the system worked but also helped the system understand the families' experiences within the system. She believes the State had a report which was involved in not extending the program statewide, which could be requested.

Sen. Hickman requested that the Director of OPEGA request that report from the Department.

- **Resource (Foster) Family Perspectives on Child Protection**

(This section starts at 02:47:45 PM of the LiveStream Video Recording which can be found here:

<https://legislature.maine.gov/audio/-220?event=89749&startDate=2023-12-13T09:30:00-05:00>)

*No written testimony unless referenced (see recorded timestamps)*

**Debra Hibbard Brito: 02:47 – 02:53 PM**

**Hannah Pelletier: 02:53 – 03:09 PM**

Sen. Hickman asked what is the maximum number of children that can be placed in a regular foster home and what is the maximum number in a therapeutic foster home.

Ms. Pelletier said for therapeutic foster homes the limit is 4 children under age 16.

Rep. Arata asked if when a child is removed from their home, are they immediately delivered to a foster parent or is there some transitional place where the child's needs can be evaluated prior to placement.

Ms. Pelletier said there is no transitional place. She believes that there should be a place where a child's needs are determined prior to placement. Often resource families are called and asked to take a child in with no information. Often the worker trying to make the placement is not the one involved in the child's removal and so doesn't have the information.

Rep. Arata asked how it is that she is asked to accept children into her home when she can't be sure the child would not be dangerous to the other children.

Ms. Pelletier says that she does not normally take teens except for respite and if she has been able to talk to the current foster parents. She recognizes that she must balance the safety of her children with being open to taking other children.

Sen. Keim asked if this was a full-time job for her and her husband.

Ms. Pelletier said that both she and her husband also work full-time.

**Ashley Pesek 03:09 – 03:32 PM**

Rep. Arata asked if there is research supporting what she has said about children with reactive attachment disorder not being able to handle living in a family setting?

Ms. Pesek said that the research says that it is in the process of attaching to a family where one will see disruptive behavior.

Sen. Tipping said that her testimony included the term "overburdened" numerous times. Would Ms. Pesek say that that is her overriding concern to be addressed?

Ms. Pesek said that it is a significant concern across the state with all the services. She believes that because of all of these lacks it is the child who is hurt most.

**Debbie DeJulio 03:32 – 03:43 PM**

**Stephanie Millette 03:43 – 03:58 PM**

Sen. Hickman asked Ms. Millette to send her ideas regarding a staged program for children to Director Schleck. Her written response is below:

“As requested by the GOC Chair, here were the systemic improvements I suggested, with some ideas around congregate-style approaches, in particular. (Full testimony that I read is attached for the record, as well)

1. From a marketing perspective, we need a landscape study of the “market share” of prospective foster parents. If potential foster parents do not actually exist, we are protecting a fantasy by pushing foster homes as the solution. We need to identify the market size of who would sign up, and identify solutions for the needs that the market does not support.

2. I have specific recommendations for the congregate care suggestions that have been floated. I think rather than think of it as a group home, we need to think of it as a placement program with a structured case flow and clear expected outcomes. For younger kids placement matching might take just a few days, but that’s a place where the caseworkers could get a sense of the basics – kids names, ages, health needs. For our older kids and teens, imagine not just a home like setting, but an area of administrative offices where OCFS’s youth transition services team could set up as their HQ, providing the services they already drive around providing. Imagine that YLAT had a desk there, to help make sure kids know about college and driving questions. Imagine a licensed mental health provider there to observe them as they de-escalate, to identify with the DHHS placement coordinator the type of setting that will help them thrive. Imagine that they started learning about housing planning, career planning, then. And while I hear from DHHS employees that there is a risk of teens being around one another and learning negative behaviors, I think we know from programs like YLAT that environments where young adults can be around others with shared experiences can empower and heal. Right now, placements are abrupt and foster parents need to set up service providers for the foster children. In this model, the placement program would initiate referrals for all necessary services, so that no child falls through the cracks if a new foster parent has no idea what services they need (this happens!)

3. Most importantly, this placement program needs to be set up in a way where it can be activated for children around the situation. I volunteer for the American Red Cross. When there’s a disaster, they can react... We are going to have cycles in the system. We need to create models that can grow and shrink in response to the demand that week or month.

4. Placement Coordinators – they’re the air traffic controller, or dispatch of OCFS. There’s ONE of them per region. Imagine if a dating service was so strapped for resources that it just matched every single person with the next available single person the app could find. We’d have divorces everywhere! Human chemistry is a really thing, even at a family level. I think my region’s placement coordinator is remarkably honest and smart, and good at prioritizing. I would love to see what she could do if she had more time, and more options for where to place kids.

5. Beyond more intentional placements, which I think would alleviate upstream issues, there might be a need for congregate care beyond that placement program, if what I’m observing in foster home shortages is proven by data. I think creating tiers of housing options is in fact, listening to young adults, for all the reasons Ashley, the home that focuses on teens, mentioned earlier this afternoon.”

Rep. Fay asked about the acronym YLAT

Ms. Millette responded that the acronym stands for Youth Leadership Advisory Team. It is a teen support group offered regionally out of the Muskie School at USM.

**Jessica Creedon** (pages 43-45 of <https://legislature.maine.gov/doc/10505>)

Sen. Hickman asked about the difference between a therapeutic foster placement and the medical rate for resource parents.

Ms. Creedon said that the costs of caring for a medically fragile child are very high, and MaineCare does not cover many of those costs. He asked for an example, and she described the bed their foster child needed. The family purchased the bed, the GAL petitioned the court, and the court ordered OCFS to pay, but OCFS only paid for some of the court-ordered items.

Rep. Fay suggested that the Committee ask OCFS about other state-funded programs that could help cover costs in cases like this.

**Dana Petiglio, 04:12 – 04:22 PM**

**Ashley Collins 04:22 – 04:29 PM**

**Corinne Jurson 04:28 – 04:44 PM**

**Mary Jean Rummery 04:44 – 04:54 PM**

**Kelly Collins 04:54 – 05:05 PM**

Sen. Hickman asked whether an incident of a parent pushing a child down stairs was in the court record of a hearing when the judge ordered to continue reunification.

Ms. Collins said it was.

Rep. Arata asked whether OCFS was advising returning the children home.

Ms. Collins said they were not. Ms. Collins explained more details about this foster child's case.

**Melanie Blair - resource parent** (pages 31-33 of <https://legislature.maine.gov/doc/10505>)

Sen. Hickman asked whether children have to be assessed for a therapeutic placement within 90 days.

Ms. Blair said the leveling evaluation is supposed to happen within 90 days, and they have gotten them as early as 45 days. He asked how long the level lasts. Ms. Blair said they are re-assessed every six months.

Ms. Blair described a lot of turnover in caseworkers, supervisors, and GALs. She said that some short-term staff have fabricated visit records. This completely stalls cases, and makes children get more attached to their resource parents. Ms. Blair said that foster parents don't really have rights and face retribution if they challenge OCFS decisions, etc. Ms. Blair suggested that there be an advocate dedicated to resource parents and their rights.

Sen. Hickman asked whether biological families decide whether resource parents can participate in family team meetings.

Ms. Blair said they can, they don't always want resource parents to know their confidential business. If foster parents don't know what's going on in the family, they can't really help. She said that the two children her family have adopted took more than two years, even after the bio parent gave up custody. She described times when she has helped bio parents get to appointments, hosted them for holidays, etc. Ms. Blair recommended that resource parents be invited consistently to testify in court hearings about the children they are fostering. Sen. Hickman asked for clarification, and Ms. Blair said that resource parents can only testify if they are called by the judge. If they petition to testify, that is seen by OCFS as hostile.

## Director's Report

Director Schleck stated that he is in the process of putting together a summary of what the Committee has heard in their recent accelerated meeting schedule. He also noted the letter from the CEO of Maine Veteran's Homes directed to the Committee (<https://legislature.maine.gov/doc/10504>).

Sen. Hickman noted that not all of the Committee has had time to read the letter but wished to discuss it.

Rep. Mastraccio stated that she believes this is an important question to be answered before the end of the short session and hoped it could be scheduled to be discussed at the very next GOC meeting.

Rep. Millett asked if the Director could answer the two questions at the end of the letter.

Director Schleck said there are two child protection reviews being worked on by OPEGA to bring to conclusion. The plan for delivery of those two reports is first quarter 2024. The plan for engaging on the approved scope for MVH is the second quarter of 2024. The child welfare reviews were voted by the Committee to be immediate reviews which means they take precedence. There was not vote to make the MVH evaluation an immediate review. The Committee, by voting, can always change what they wish to see regarding scheduling OPEGA's work. In the absence of further direction by the Committee it is OPEGA's intention to begin the evaluation of MVH in 2<sup>nd</sup> Quarter 2024.

Rep. Millett wondered if there is not an alternative way to at least interview the staff at MVH.

Director Schleck said he cannot deliver on that while delivering on the child protective work. To bring the evaluation requires the team engaging as a team on the terms of the reviewer, not the reviewee. He stated that he is concerned that doing this would open the door to the next direction by the reviewee that we must do the next thing according to their plan. If this is still an OPEGA review then it will be done by the book.

Rep. Fay wondered if revisiting the decision to not have an outside consultant help with this.

Rep. Arata asked what audits have been already done?

Director Schleck said that there was a review by the law firm and the accounting firm retained by MVH.

These reviews aided in the scope development. It was also looked at by the State Auditor, and as the Director understood the State Auditor's response, because there was not a direct indication of fraud, it is not the kind of thing that he would devote his resources to, but that he would be willing to if it was the Committee's will.

Rep. Millett noted that the letter states that this delay is delaying the MVH's access to moneys already available. He asked if OPEGA contract the extensive interviews with employees?

Director Schleck said that it is not how he would pursue the review. It is the role of the Committee to pick and scope the topic and then it is the role of OPEGA to staff and carry out the work based on our requirements, standards and the like.

Sen. Hickman noted that through a series of laws the Legislature removed legislative oversight from MVH. The VLA Committee processed LD 2001 to claw back legislative oversight. Sen. Hickman said that he does not want to have any ex-parte conversations with MVH that the GOC does not know and approve of. If this Committee is okay with chairs and leads, or any mix of us, meeting with MVH about a way forward, he is okay with that. He feels that what the Committee has asked OPEGA to do still needs to be done.

Rep. Millett suggested the chairs and leads to have that conversation. There is a sense of urgency that will transcend the second regular session and that doing the review in the second quarter will leave the issue unresolved.

Sen. Hickman said that the support for the MVH by the Legislature and among the People of the State of Maine is very strong. And his advocacy for oversight is also strong. The timing is unfortunate.

Sen. Keim suggests additional information regarding how the delay is specifically affecting MVH should be in writing rather than from a chairs and leads conversation.

Without objection from members present, the Committee decided to draft a letter asking MVH to further explain the statement in the letter: "... delaying a determination on this review has placed efforts to secure funding from the state and other sources at considerable risk, may cause irreparable harm to our organization's reputation, and is diverting crucial and limited resources away from caring for veterans."

### **Next GOC meeting date and planning**

The next GOC meeting will be December 20, 2024.

### **Adjourn**

Senator Hickman adjourned the Government Oversight Committee meeting at 05:57pm on a motion by Sen. Keim seconded by Rep. Mastraccio.