

Office of Child and Family Services Quarterly Child Welfare Update

Health and Human Services Committee
January 21, 2025

Director Bobbi Johnson, LMSW



Opportunities

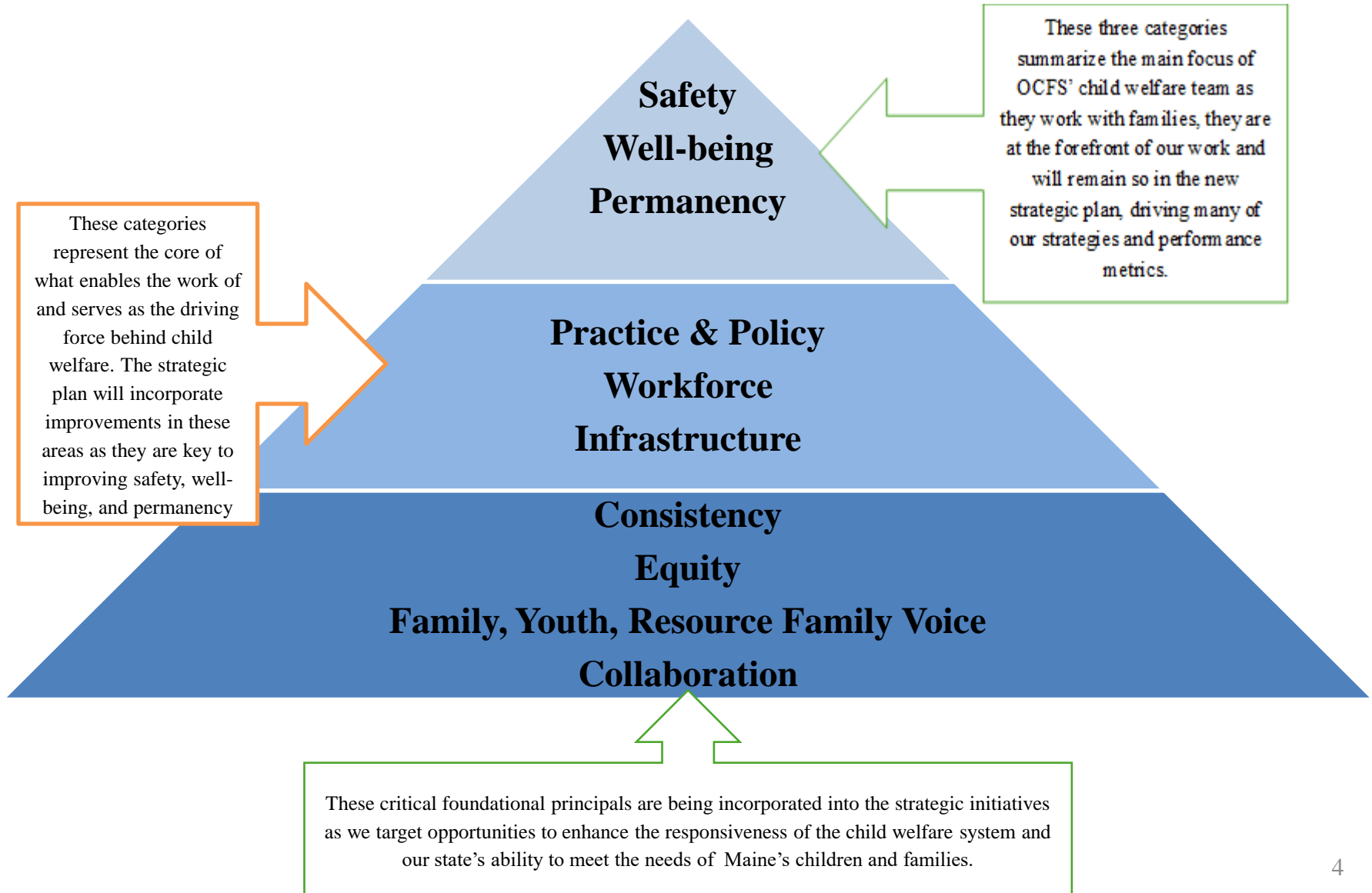
“OCFS sees every recommendation as an opportunity to examine our practice, lean into other perspectives and improve our services and supports as part of the system in which we collectively strive to improve the safety and lives of children and their families.”

Content of January Updates

- Update on Strategic Priorities and Work Involving Recommendations
- Decision Making Framework Implementation
- OCFS Responses to Panel Reports
- Hotel and Emergency Department Utilization
- Staffing – Case Aides
- Federal Child Maltreatment Report
 - Efforts related to Mandated Reporting
- Positive Highlights

Office of Child and Family Services

Child Welfare Strategic Priorities



Strategic Priorities

Prioritizing Safety

- Updating policies regarding child abuse and neglect findings, safety planning, substance use disorder, and chronic maltreatment
- Reinforcing policy and practice expectations through CQI

Ensuring Permanency

- Implementing kinship-specific licensing standards
- Strengthen the permanency review process
- Improve supports for resource parents

Promoting Well-Being

- Continued expansion of phase two of Maine's implementation of the Federal Family First Prevention Services Act
- Increase the strength and utilization of Plans of Safe Care for children born exposed to substances
- Improve oversight and implementation of efforts to improve the health of children in care (including the use of psychotropic medication)
- Implement additional placement options for children awaiting placement in non-resource home settings and children with behavioral health needs

Enhancing Policy and Practice

- Updating and enhancing policies regarding Family Team Meetings, case closure, drug and alcohol screening, complex cases, disparities in child welfare, etc.
- Implementing a framework for decision-making in child welfare
- Evaluating and improving services for families

Supporting the Workforce

- Recruitment and retention
- Improving and expanding opportunities for coaching, mentoring, and training
- Ongoing implementation and expansion of safety science principals

Decision Making Framework

- Based on and in response to one of the key takeaways from OCFS' Organizational Assessment (completed last year) that staff were struggling with role clarity and confusion about decision-making processes.
- Developed by PCG with input from OCFS staff
- Seeking to ensure that staff are empowered to make decisions while understanding the boundaries of their own authority and knowing where to go to for guidance

ME OCFS Child Welfare Decision-Making Framework

Updated 12.19.2024

Key Goal of the Framework: Contribute to an environment in which OCFS child welfare employees feel **empowered to make decisions within clear and consistent boundaries**, leading decisions to be made at appropriate levels of the organization. By identifying the decisions made on a consistent basis, this framework also aims to support a **shift away from a daily "crisis" mode to a mode** where most staff on most days can work in predictable ways.

Guiding Principles for Decision-Making at OCFS are as follows:

- Decisions are made in **consistent and predictable ways**, in terms of the decision-making approach that is used for a given type of decision, who provides input, when and how they provide input, and how decisions are communicated
- The approach to decision-making reflects a culture of **empowerment within boundaries** –
 - Routine decisions are made as close to the case as possible – caseworkers and supervisors are experts on their cases
 - Staff know their decision-making authority and responsibility
- The approach to decision-making **balances risk and responsiveness**
- Staff **have managements' support** regarding the decisions they make in accordance with OCFS best practices and policies
- Decisions are made and communicated to all relevant parties in a **timely** manner.
- Decision-makers have all **appropriate and available resources and data** to make well-grounded decisions, as much as possible

CDSIRP Report and Recommendations

Key Takeaways and OCFS Response

- **Improve coordination with the Spurwink Center for Safe and Healthy Families (SCSHF), including education for community providers, examining barriers to effective coordination, etc.**
 - OCFS has a contract with SCSHF, the funding for that contract was increased during the last renewal
- **Continue efforts to strength OCFS' coordination and collaboration with law enforcement**
 - OCFS agrees and during late 2024 reinstated the Cops and Caseworkers training, which will be an annual event with the 2025 training utilizing feedback from last year to strengthen the training
- **Implement a process to address situations where mandated reporters have failed to meet their statutory obligation**
 - OCFS is working together with community partners and mandated reporters to improve the overall process of mandated reporting, including updating training
- **Improve policy and practice around sharing OCFS data with key professionals**
 - Medical providers and educational staff are both categories that are being focused on as part of the work related to mandated reporters
- **Consider development of a statewide service pathway for families at risk of OCFS involvement who do not yet meet the threshold for child welfare intervention**
 - This work is being explored and coordinated as part of the Family First Prevention Services Plan and the Mandated Reporter Workgroup and Steering Committee

MCWAP Report and Recommendations

Key Takeaways and OCFS Response

- **Disclose information regarding child fatalities to the Child Welfare Ombudsman and Child Death and Serious Injury Review Panel (CDSIRP)**
 - This already occurs pursuant to statute and a defined process with CDSIRP whereby a list of fatalities and serious injuries are shared with CDSIRP prior to each meeting (and then reviewed and discussed within meetings)
- **Repeal statute allowing a prior involuntary TPR to be considered an aggravating factor in a PC case**
 - OCFS believes this portion of statute, while not used frequently, provides an important legal tool to ensure safety and timely permanency; it is only utilized in situations where doing so is in the best interest of the child
- **Amend statute regarding reasonable efforts to rehabilitate and reunify**
 - This expectation already exists both in statute and in practice and protective custody cases are closely overseen by the District Court, which allows an independent and impartial Judge to determine if the Department has demonstrated reasonable efforts and appropriately balances accountability between the Department and parents
- **Update policies regarding PPOs**
 - OCFS has implemented the Family First Prevention Services Act (FFPSA) with the goal of preventing removals whenever this can be safely avoided
- **Improve service availability**
 - OCFS agrees that service availability remains one of the key issues impacting Maine people of all ages and circumstances statewide, OCFS remains committed to its ongoing collaboration with key partners including the Office of Behavioral Health, MaineCare, advocates, providers, and those with lived experience to explore and implement innovative solutions to these challenges
- **Improve Family Team Meetings (FTMs)**
 - OCFS agrees that FTMs play an important role in ensuring communication among the parties involved in a child welfare case and has committed to conducting an internal evaluation regarding the quality and consistency of FTMs in 2025

Ombudsman Report and Recommendations

Key Takeaways and OCFS Response

- **Improve the availability of behavioral and mental health services, as well as other services, for children and parents**
 - OCFS agrees with this recommendation and is committed to its ongoing work with the Office of Behavioral Health Services MaineCare, advocates, providers, and those with lived experience to continue to explore and implement innovative solutions to these complex challenges
- **Continued work to infuse safety science principals throughout child welfare's work and improve training for staff**
 - OCFS agrees with this recommendation and is continuing to expand and integrate safety science principals throughout the organization
 - OCFS has also hired the eight Training Supervisor positions authorized by the legislature to enhance the quality and consistency of practice in a way that is tailored to both statewide and district-specific needs and circumstances
- **Update the documentation policy to align with the Katahdin system**
 - A workgroup of district staff will be convened to review current policy, provide input based on frontline experience, and contribute to the update of this policy
- **Strengthen prevention resources available to families**
 - The Department's Special Projects Manager for Child and Family Well-Being has been working together with advocates, providers, individuals with lived experience and others to refine and expand the Child Safety and Family Well-Being Plan with an update anticipated early in 2025

Hotel and Emergency Department Strategies

Outreach to community-based organizations, hospitals, and other partners

Intensive Resource Home Model

Exploring options for respite with licensed staff

Changes to assignment of overtime process

Community Sitters

Case Aide Staffing

District	Case Aide Positions	Case Aide Vacancies	Percentage Vacant
Biddeford / Sanford	6	1	17%
Portland	7	1	14%
Lewiston	7	1	14%
Rockland	2	0	0%
Augusta / Skowhegan	8	1	13%
Bangor	7	0	0%
Ellsworth / Machias	4	0	0%
Houlton / Caribou	5	2	40%
Total	46	6	13%

- P.L. 2023 Chapter 412 changed the Case Aides from a Customer Rep Assoc paygrade 13 to a new classification Case Aide paygrade 18.
- Beginning hiring step changed from step 1 to step 3 providing \$1.71 / hr pay increase.
- Case Aides were eligible for up to three \$1000 lump sum recruitment and retention payments starting Jan 2024 and ending Dec 2024.

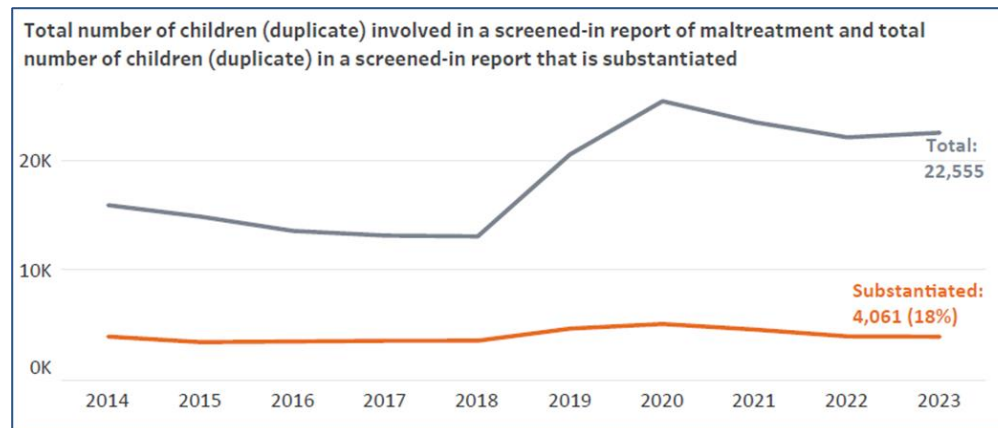
Federal Child Maltreatment Report

“While the purpose of the NCANDS project is to collect nationally standardized aggregate and case-level child maltreatment data, readers should exercise caution in making state-to-state comparisons. Each state defines child abuse and neglect in its own statutes and policies.”

Maine had the 6th highest rate of referrals with 106.9 referrals per 1,000 Maine children

Maine has more than double the national average rate of screened-out reports

Maine is one of only nine jurisdictions that has “indicated” findings of abuse/neglect



Positive Highlights

Court-Ordered Diagnostic Evaluations Move which transitioned the program to the Office of Behavioral Health (OBH) State Forensic Services, where it is more appropriately situated.

Rolled Out Substance Use Disorder Training and Services including tools, training, and education to caseworkers to improve engagement and safety assessment of the risk to children of parents with substance use disorder.

Piloted a Vendor Form / Direct Deposit Form Process Improvement Project to reduce form error rates and ensure more efficient processing which will lead to more timely payment to resource parents and providers.

Revised the Expert Consultation Policy to ensure that failure to thrive cases are referred to Child Abuse Pediatricians for consultation in all instances.

December 2024 Data

45% of children were placed with kinship

Of 87 children who exited care, 42 achieved permanency through reunification and 39 through adoption

Questions

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



Christine Alberi, Child Welfare Ombudsman
Committee on Health and Human Services
Child Welfare Quarterly Update
Presentation of Annual Report
January 21, 2025

Good morning, Senator Ingwersen, Representative Meyer, and members of the Health and Human Services Committee. Thank you for having me here today. My name is Christine Alberi, and I am the Child Welfare Ombudsman for Maine. I am here today to present the 2024 Child Welfare Ombudsman's Annual Report.

Analysis of case specific reviews for this fiscal year has continued to show significant struggles in child welfare practice, especially during initial investigations and reunification of families, negatively impacting child safety. Fortunately, this year has also featured a reset of the relationship between the Department and the Ombudsman featuring an increase in collaboration and cooperation between our two offices. The Department has implemented a number of structural changes in upper management and added important positions to the districts. Work continues to effectively implement safety science, and policy work is ongoing. The Department has been receptive to recommendations from stakeholders and staff and has a clear idea what practice and policy issues need to be addressed. The work of improvement is difficult and will not happen overnight, but currently appears to be started on the right path.

Unfortunately, child welfare staff continue to operate under enormous pressure. The systems that surround child welfare are currently unable to support children and families in the way that they should. Most urgently, finding a safe place for a child who is unsafe with parents is an unsustainable drain on staff resources. Child welfare staff spend days and nights in hotels and in hospital emergency rooms with children in state custody. This immediate need takes staff away from crucial casework—either casework to investigate new complaints of child abuse and neglect, or casework to provide good faith reunification services to families.

Additionally, mental and behavioral health resources, especially the more intensive resources, are not readily available to help children who have already experienced significant trauma. This can cause placement disruption and lack of support to kinship placements and foster parents. Also, a shortage of professional visit supervisors causes hardship to families with children in state custody and takes case aids and caseworkers away from other important work.

Staff time is also eaten away by the demands of the new child welfare database, Katahdin. Despite ongoing fixes and enhancements, the system is still inefficient both when reviewing a family's history, and when entering information. Finally, the shortage of defense attorneys for parents has caused weeks and months-long delays in the progress of reunification cases, harming children, parents, and increasing staff workload.

There are other pressures on staff, but 1) lack of mental and behavioral health services for children, 2) lack of professional visit supervisors, 3) ongoing issues with Katahdin, and 4) a significant shortage of defense attorneys are having the most significant impact on the

Department's ability to improve casework practice. In order to improve child welfare practice, staff need time to learn and to plan, and to help families prevent future child abuse and neglect.

Finally, I would like to draw your attention to page 15 of this report, positive findings. I am going to read aloud one of my favorites taken verbatim from one of our case-specific reviews.

“This case is a stellar example of thorough, supportive, detailed, and thoughtful permanency work by the caseworker. The caseworker regularly attended family recovery court with the parent and kept in touch with all providers, checking in regularly before family team meetings. The parents were met with in their home face to face when possible and the caseworker went over concerns clearly and frequently throughout the case. A petition to terminate rights was filed less than a year into the case, but the caseworker had developed such a good relationship with the parents that they did not give up on reunification.”

Christine Alberi
Child Welfare Ombudsman
ombudsman@cwombudsman.org
207-215-9591

Maine Child Welfare Advisory Panel Quarterly Report

Report to the Joint Standing Committee on Health and Human Services
January 21st, 2025

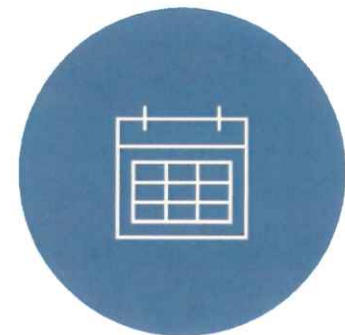
Panel Overview



CITIZEN REVIEW PANELS



MEMBERS



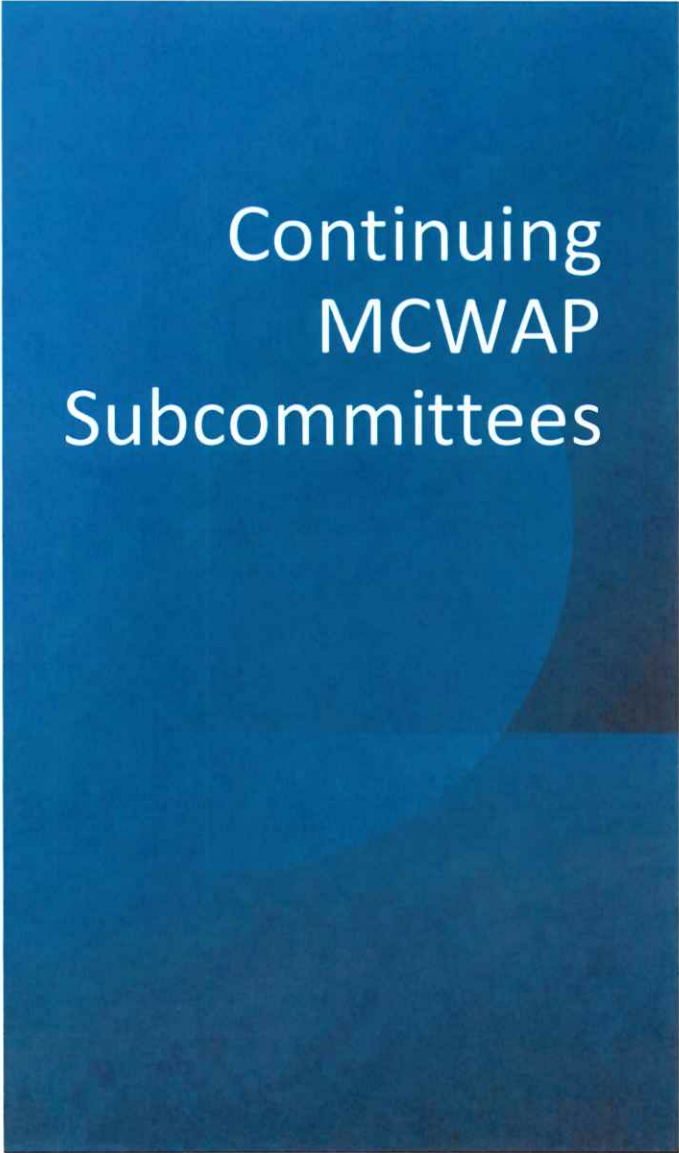
SCHEDULE

Summary of
observations in the
prior 3-month
period regarding
efforts by DHHS-
OCFS to improve
the child welfare
system

- Director Johnson and Panel Co-Chairs met in August to support the onboarding of Associate Director Haynes. Associate Director Haynes serves as the Panel's new OCFS point person and attends full Panel meetings and Executive Committee meetings.
- OCFS staff participated in MCWAP meetings in September, October, and November.
- MCWAP administered a survey open to parents with experience of the child welfare system and providers supporting families. Results help inform the work of the panel and a high-level summary is in the annual report . A summary is also posted on the MCWAP website by April. OCFS hosted the survey.

Summary of the
collaboration
between MCWAP,
the Child Death and
Serious Injury
Review Panel, and
the Justice for
Children Task Force

- Citizen Review Panels Chairs meet quarterly.
- MCWAP & Justice for Children Task Force:
 - MCWAP update is now a standing agenda item for the quarterly Justice for Children Task Force meetings.
- All panels have some degree of overlapping membership, including on subcommittees.



Continuing MCWAP Subcommittees

Citizen Engagement

Family Team Meetings

Family Centered Policy and Practice

Monthly Meetings

September &
October

The Panel met for a full day in September to review the work and initial recommendations from subcommittees. Subcommittees took questions and feedback on each recommendation and brought final recommendations to the Panel's October meeting for review.

The Panel voted on recommendations for both systems and the ongoing work of the Panel between the October and November meetings.

Monthly Meetings

November

- Citizen Engagement Subcommittee reviewed the results of the Parent Survey and the Provider Survey with the full Panel.
- The Panel reviewed its prior recommendations made regarding Family Team Meetings ('21, '22, and '23).
- Associate Director Haynes provided an update from OCFS; Panel members discussed.

MCWAP Bylaws Update

In recognition that much of the work of the Panel has been carried out by subcommittees in recent years, the Panel voted this Fall to change the bylaws to decrease by three the number of times each year that the full Panel meets, attempting to balance the need for the full Panel to come together with the need to give members an opportunity to participate in subcommittees.

In 2025, the Panel will meet in February, March, June, September (full day), October, and November.

Panel Goal – Services & Supports After Case Closes

MCWAP will convene a subcommittee to look at the services provided for parents and youth once a child welfare case is closed or the youth ages out of the system.

Panel Goal - Education on Title IV-E Funds

MCWAP requests that, by June 2025, the Office of Child and Family Services and Casey Family Services provide education to the Panel around Title IV-E funding, with a focus on: (1) Allowable uses for Title IV-E Funds; (2) Maine's current use of Title IV-E funds; (3) What can Maine take advantage of that we are not; (4) How can Title IV-E funds be used to support legal representation.

Panel Goal – Continued Focus on FTM Practice

MCWAP's Family Team Meeting subcommittee will continue to meet to support and monitor new and ongoing assessments of the FTM model. The subcommittee will continue to utilize feedback about this model from OCFS, community partners, and families engaged with the Department.

Recommendation – Improve Service Availability

The Department should develop a plan that includes specific steps, investments needed, and timeline for implementation to improve service availability to ensure required services are available and accessible for families involved with the child welfare system.

Recommendation – Align FTM Practice with Policy

OCFS should engage in an internal process for evaluating Family Team Meetings by gathering quantitative data to inform evaluations of practices for consistency of fidelity to the Family Team Meeting Policy. An outside organization should also be engaged to evaluate the Family Team Meeting model. The Maine Legislature should provide the needed funding if such funding does not already exist.

Recommendation – Reporting of Child Deaths

OCFS should disclose and report the death of a child in state custody to the Child Welfare Ombudsman's Office and the Child Death and Serious Injury Review Panel, should amend the Child and Family Services Manual to require these reports. OCFS should report this data to the HHS Committee quarterly. CDSIRP should conduct a level two review of any case where a child has died in the custody of the Department whenever that review is statutorily permitted.

Recommendation – Remove Involuntary Termination as Aggravating Factor

A prior, involuntary termination of parental rights as an aggravating factor in Title 22, Section 4002(1-B)(C) should be repealed.

Recommendation – Reasonable Efforts as Element

Title 22, Section 4055 should be amended to make the Department's obligation to provide reasonable efforts to rehabilitate and reunify a discrete element that is required prior to termination of parental rights. Child welfare partners should collaborate to ensure relevant data is collected to evaluate the effect of this amendment over a period of years.

Recommendation – Balance Harm of Removal

OCFS and the Courts should explicitly consider and weigh the harm/trauma of removal on the child with the immediate risk of serious harm and whether the Department has exhausted options to mitigate that risk.

Recommendation – Expand Regional Care Teams

Regional care teams (RCTs), the current infrastructure in place for youth involved or at risk of becoming involved in the juvenile justice system, should be expanded to include youth and families who are currently involved or at risk of becoming involved in the child welfare system.

MCWAP Goals for Panel Work in 2025

The Maine Child Welfare Advisory Panel is committed to continuously improving the quality of this citizen review panel and its ability to make effective recommendations to improve the safety and wellbeing of children, youth and families in Maine. While not required under federal statute, MCWAP members use the annual report process to establish some goals for the Panel in the coming year. These goals may include focused areas of study, requests for reports from OCFS, and continuous quality improvement activities. The following 2025 strategic goals for the Panel were approved by vote in October 2024.

1. Services Provided for Parents & Youth After a Child Welfare Case is Closed or a Youth Ages Out

MCWAP will convene a specific subcommittee to do research on and compile information about what services are provided for both parents and youth once a child welfare case is closed or the youth ages out of the system. This will include gathering information in Maine and other states and jurisdictions regarding existing practices and policies related to post child welfare involvement services and supports. Policies and practices related to youth and parents will be considered separately. Additionally, MCWAP will seek to develop a better understanding of the association and cyclical nature of providing aftercare services and prevention services.

The abrupt ending of services can be a contributing factor to repeat risk factors for families who have experienced child welfare system involvement. Building family networks and community support before, during and after a case, helps to prevent, mitigate harm, and prevent recurrence of child abuse and neglect by improving ways for our communities to work together to support families.

A growing body of research shows that economic and concrete supports can prevent family separation, decrease time to permanency for children who have been removed from their parents, decrease the risk of subsequent abuse or neglect, and enhance child and family well-being.¹ Particular consideration should be given to this kind of support extending beyond the end of a child welfare case, to prevent the recurrence of risk and involvement with the child welfare agency.

Post child welfare involvement supports provide pathways to increase self-identified protective factors which can disrupt the cycle of child welfare involvement for families. Building family networks and community support before, during and after a case, increases child safety and family well-being across the continuum, by improving ways for our communities to work together to support families long term.

2. Increased Education and Engagement Around Title IV-E Funding

The Panel requests that, by June 2025, the Office of Child and Family Services and Casey Family Services provide education to the Panel around Title IV-E funding. This should focus on:

- ***What are all of the allowable uses for Title IV-E funds?***

¹ <https://www.casey.org/flexible-funding-strategies/>

- *What does Maine currently use Title IV-E funds for?*
- *How much Title IV-E funds are used for each purpose?*
- *What can we take advantage of that we are currently not?*
- *How can Title IV-E funds be used for legal representation?*

Title IV-E funds are a critical financial resource for supporting the child welfare system response. The Panel would like to better understand where Maine could be making additional use of Title IV-E funds as part of improving the broad child welfare system. This has come up in discussion in two main contexts. In recent years, the Panel has advocated for pre-petition legal representation. Other states have successfully accessed Title IV-E funds for this purpose. The Panel would like to understand how that has worked and what barriers exist to similarly leveraging Title IV-E funds for this upstream intervention and support strategy in Maine. Additionally, the Panel has observed ongoing issues experienced by school districts with transportation obligations of children who are in foster care out of district and need to be transported. The Department of Education only covers these costs when it is required under an Individualized Education Plan, which is only a fraction of the population of children in foster care requiring this transportation. School districts struggle with these costs. The Panel sees benefit in also understanding what aspects of a child's care while in the custody of the Department are supported with Title IV-E funds.

3. Family Team Meetings

The Family Team Meeting Workgroup will continue meeting to support and monitor new and ongoing assessments of the FTM model. The workgroup will continue to utilize feedback regarding FTM model and practice from the Department, community partners and families engaged with the Department.

MCWAP should monitor and support the Department's efforts to enhance practices to support best outcomes for families by assessing, evaluating and improving practices related to Family Team Meetings. This includes exploring pathways for resource allocations to improve data collection methods and assess the FTM model and practice.

Information received through formal surveys and anecdotal information provided to MCWAP by families engaged by the Department, professionals who are critical case members and employees of the department are essential to supporting the goal of improving FTMs. Past submissions of experiences by these sources have been instrumental in guiding legislation, developing supportive resources and providing essential feedback on the gaps and challenges for families within the system's response. Retaining the membership and structure of the group will enhance MCWAP's ability to effectively evaluate and mobilize supportive responses.

The workgroup has also identified ongoing opportunities to support the Department in evaluating/assessing FTMs. Support may particularly be helpful in identifying and reinforcing requests for tangible resources to be applied to improve the FTM model and the collection of data to inform assessments.

POLICY AND PRACTICE RECOMMENDATIONS

On an annual basis, Maine Child Welfare Advisory Panel members discuss and vote on formal recommendations to improve the state child welfare system based upon the Panel's assessments of the impact of current policies and practices upon children and families. Recommendations may be directed toward any of the state and local agencies responsible for discharging child protection responsibilities. The following recommendations were approved by the Panel in October 2024. They reflect system improvements across the broader child welfare system that include executive, legislative, and judicial branch actions.

As part of the Panel's process for making recommendations this year, Panel members continued to openly discuss and acknowledge significant unabated challenges that face many aspects of Maine's child welfare response, including: (1) persistence workforce challenges, including incredibly high turnover within the Office of Child and Family Services; (2) the shortage of qualified attorneys on the roster for appointment as indigent counsel; (3) overburdened court dockets and constraints on judicial resources statewide; and (4) insufficient community services available to connect parents, children and youth to the critical supports they need to be successful.

1. Create a Plan to Improve the Availability of Needed Services and Supports

In response to reports by the Child Welfare Ombudsman and OPEGA, the Department should develop a plan that includes specific steps, investments needed, and timeline for implementation, to improve service availability to ensure required services are available and accessible for families involved with the child welfare system. This should include a particular focus on the availability of services that relate to the most prevalent risk factors for families involved in the child protective system in Maine, i.e. parental substance use, mental health needs, and domestic abuse and violence. It should also include tangible steps to improve accounts payable practices to support existing and expanded availability of community-based services for families engaged in the child welfare system.

Improving the accessibility and availability of services, particularly to address the challenges for parents most frequently associated with child protective involvement (substance use, mental health, domestic violence), will ensure more parents are able to receive the services and supports needed to improve child safety. Both the Child Welfare Ombudsman and OPEGA identified the need to address family services gaps in 2023 reports. The Panel has also received concerns from community-based providers who contract with the Department to provide these services about regular delays in payment that require providers to carry unpaid costs for months at a time. The Panel is aware that a resolve was recently passed by the Legislature tasking the Department with assessing the timeliness of payments to contracted providers, with a report due in February 2025.² Improving the reimbursement process will be essential to expand access to these services. With investment at all levels of the service continuum, we can provide support to families to prevent child protective involvement, address potential concerns to child safety, and provide the necessary support to parents through the reunification process.

² Resolve, to Review the Timeliness of Contract Payments by the Department of Health and Human Services <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0875&item=3&snum=131>

2. Address the Critical Need to Improve Family Team Meeting (FTM) Practices Statewide

The Office of Child and Family Services (the Department), with existing resources, will engage in an internal process of evaluating Family Team Meetings by gathering quantitative data to inform evaluations of practices for consistency and fidelity to Family Team Meeting Policy. The Department should include resources in the 2026 organizational budget to the appropriate department/division to engage an outside organization to assess/evaluate Family Team Meeting Model. The Maine Legislature should provide such funding to the Department if such funding does not already exist. Additional data collection goals should support the ability of the Department to measure their consistency of practice with FTM policy, including feedback from caseworkers about their experience with the FTM model and feedback from families and professional supports engaged with families in FTMs. The department will update MCWAP on a regular, and no less than, a quarterly basis.

Family Team Meetings represent a crucial event within the child welfare system that functions as a bridge between the Department and the parents and caregivers of children. The quality of FTMs and the information obtained in these meetings critically informs reunification services, child safety, and, most importantly, long-term well-being outcomes for children.

Over the last few years, MCWAP has received feedback from citizens and Panel members about Family Team Meetings and the relationship between the policies governing them and the practices being engaged in across the state. This various feedback has prompted MCWAP to conclude that FTM practice does not align with Department policy. Given the important role that FTMs are designed to play in child welfare processes, when practice does not align with policy, it has a negative impact on families, impairing their ability to understand the Department's concerns, impeding information sharing between critical case members, and failing to capitalize on opportunities for family members to obtain important services and resources they need to reach Department defined goals for success. be successful. These noted impacts have significant implications for both family safety and reunification.

In the second session of the 131st Maine Legislature, MCWAP supported LD 857 – Resolve to Establish a Process to Evaluate the Family Team Meeting Model. This bill actioned MCWAP's recommendation in its 2023 Annual Report to support better FTM practice and outcomes.

In part, MCWAP's testimony for LD 857 laid out the importance of the FTM event for families engaged by the Department as, "...the primary method of engaging parents, parent attorneys, and Guardians ad litem in the participation of creating rehabilitation and reunification plans pursuant to 22 M.R.S. §4041(1-A)(A)(1)(a)." The testimony asserts the importance of the Department continuing to evaluate adherence to policies, stating that, "considerable information has been shared with the panel by members and through feedback by those with experience of the system response, which led to MCWAP asking for data from the Department to examine the extent to which FTM practice aligns with policy. MCWAP discovered that routine and reliable data is

unavailable and generally not collected regarding several of the requirements that are set out in the FTM policy.”³

The Department testified neither for nor against the measures proposed by LD 857 and uplifted the need for money to be budgeted to accomplish this work, in line with what this recommendation suggests they undertake.

In a research summary, provided to MCWAP by the National Council of State Legislatures, one jurisdiction in the U.S., District of Columbia, has a formalized process for the evaluation of team meetings, which happens during a specific part of their child protective systems response. The details about this process seemed less applicable than the existence of a process by which the information is formally collected by outside entities to engage in data review and policy compliance, similar to what this recommendation suggests for the Department. Notably, Washington D.C. collects similar information to what Maine has identified as useful in assessing FTM models and evaluation policy compliance and therefore may be a helpful resource to the Department in their considerations of this recommendation⁴.

The Department is aware of MCWAP's concerns regarding inconsistencies in practice and quality of FTMs and has engaged with MCWAP in discussions aimed at improving outcomes for families. The Department has acknowledged that currently collected and available FTM data is insufficient to reliably inform whether the requirements outlined in policy are being complied with in practice.

3. Improve Information Sharing on Child Deaths

The Department should disclose and report the death of a child in the custody of the Department to the Child Welfare Ombudsman's Office and The Child Death and Serious Injury Review Panel (CDSIRP) The Department should (1) amend the Child and Family Services Manual, chapter 3, subsection 26, to include mandatory notification to the Child Welfare Ombudsman's Office and CDSIRP; (2) Report the number of deaths of children while in the custody of the Department on a quarterly basis to the legislative committee that has oversight of DHHS; and (3) Review chapter 3, subsection 26, in totality and edit language and subsection heading. Additionally, beginning no later than March 2025, CDSIRP will begin conducting, at a minimum, a Level Two review of any case where a child dies in the custody of the Department whenever that review is statutorily permitted.

Centralizing the response to and assessment of circumstances in child deaths within the Office of Child and Family Services limits the ability of the entire child welfare system to provide adequate and effective systems change that aims to provide and improve intervention responses and preventative measures as a result of a child death, specifically when the child death occurs while that child is in the custody of OCFS. Additionally, there is a much higher burden on the system to ensure that children in the custody of OCFS are safe and well cared for. Therefore, the death of any child in the custody of OCFS should be specifically noted to the CDSIRP and the Child Welfare Ombudsman Office by OCFS and reviewed in order to engage in a thorough and timely, multisystem evaluation of the circumstances leading to the child's death.

³ MCWAP's full Testimony on LD 857, on January 16th, 2024 can be accessed here:
<https://legislature.maine.gov/bills/getTestimonyDoc.asp?id=10026220>

⁴ For the information provided by NCSL, and data points evaluated by the jurisdiction of Washington D.C., see link:
<https://code.dccouncil.gov/us/dc/council/code/sections/16-2312a>

Upon notification of the death of a child in the custody of OCFS, when statutorily permitted, CDSIRP will conduct a Level Two review at the next practicable meeting. Level Two reviews are usually categorized by a shared characteristic, frequently indicative of a similar type of incident, system's response, and/or potential remedy. Typically these reviews are done in a cluster format, which through this recommendation would change the usual process for reviewing cases of children who die in the custody of OCFS. However, the methodology of the review would remain consistent; to examine cases of child death where the common factor is the child being in State custody.

CDSIRP is independent from OCFS and conducts independent internal case evaluations. The process by which the panel can engage in case review increases the ability to engage in review of OCFS processes and response, as well as, provides additional support to improve our state's efforts to keep children safe and healthy. Representatives from both OCFS and the AAGs office attend panel meetings and would continue to be part of these conversations, while also authorizing other professionals to provide valuable insight and expertise to evaluate these cases.

Overview of the panel's discussions on these cases will be reported to the legislative committee that has oversight of DHHS as part of the ongoing quarterly updates provided by panel leadership. The overview should support ongoing efforts to evaluate, improve, and increase awareness of protective systems responses and provide for and enhance the safety and well-being of children in the custody of the State of Maine.

4. Address Involuntary Termination as An Aggravating Factor

A prior involuntary termination of parental rights as an aggravating factor (22 M.R.S. § 4002(1-B)(C)) should be repealed.

Under current Maine law, in a protective custody proceeding, it is considered an “aggravating factor” for a parent to have previously had their rights to a child terminated *involuntarily*.⁵ Other aggravating factors include: the parent has subjected any child that they were responsible for to rape, gross sexual assault, sexual abuse, incest, aggravated assault, kidnapping, promotion of prostitution, sexual exploitation of a minor, sex trafficking, abandonment, torture, chronic abuse, or any other treatment that is heinous or abhorrent to society; the parent has refused for 6 months to comply with the treatment required in a reunification plan; the parent has been convicted of a crime of murder, felony murder, manslaughter, aiding, conspiring or soliciting murder or manslaughter, felony assault that results in serious bodily injury of another child in their care; the parent has abandoned the child.⁶

The consequences of a finding of an aggravating factor are that the Department, after having obtained a PPO, can obtain a court order that they have no obligation to support reunification of the subject child with that parent.⁷ This aggravating factor could be found even in cases where the parent’s involuntary termination was many years prior, without regard to the parent’s current circumstances, challenges, or ability to parent safely with appropriate services and supports. This provision also creates an unfortunate incentive for parents, especially young parents, to consent to the termination of their parental rights to children in situations where they may have had a successful outcome at trial, in order to avoid a future aggravating factor. Where the aggravating factor does not apply to *any* prior termination of parental rights, only those terminations where that parent chose to exercise their constitutional right to have the State prove their unfitness by the requisite standard, it unfairly infringes on a parent’s right to have a trial prior to a termination of the parent-child relationship.

When a parent-child relationship can be maintained safely with adequate services and support, the State has a moral obligation to all parties, including the child, to do everything it can to explore that as a possibility. Our current statutory structure provides a specific pathway to preclude second chances for parents who have failed at any point in their past, regardless of the reason or any change in circumstances.⁸

⁵ See 22 M.R.S.A. § 4002(1-B)(C).

⁶ See 22 M.R.S.A. §4002(1-B).

⁷ See 22 M.R.S.A. § 4041(2)(A-2)(1).

⁸ “In child protection proceedings, what is past is often prologue regarding the threat of serious harm posed by the parent, and here, the court appropriately considered the father’s past actions when it found that the children had been placed in circumstances of jeopardy.” *In re E.L.*, 2014 ME 87, ¶ 14, 96 A.3d 691.

Child welfare system partners have reported that this aggravating factor is one that is seldom used, as it does not align with best practice child welfare policies, which encourage supporting the parent-child relationship wherever that can be safely maintained. As it is rarely used and is antithetical to what Maine’s child welfare system partners recognize is the best practice approach to child welfare system intervention, and its goals, it should be eliminated from our statutes.

Every child deserves to have a full and fair opportunity to maintain a relationship with their family of origin where that can be safely accomplished. Judging current capacity for parental fitness based on a past decision to have a contested termination of parental rights hearing that was ultimately unsuccessful, does not align with that approach.

5. Reinforce the Requirement to Provide Reasonable Efforts to Rehabilitate and Reunify Families

22 M.R.S. § 4055 should be amended to make the Department’s obligation to provide reasonable efforts to rehabilitate and reunify a discrete element that is required prior to termination of parental rights. Child welfare partners should collaborate to ensure relevant data is collected to evaluate the effect of this amendment over a period of years.

“Reasonable efforts” refers to the assistance, services, and supports provided by the Office of Child and Family Services, as Maine’s child welfare agency, to families in order to preserve and reunify families. Federal law requires states to make “reasonable efforts” to preserve and reunify families: (1) prior to the placement of a child in foster care, to prevent or eliminate the need for removing the child from the child’s home; and (2) to make it possible for a child to safely return home.⁹ Absent certain special circumstances, OCFS is required to make “reasonable efforts” in all cases. This aligns with the purposes of Title 22 to only remove children from their family of origin when failure to do so would jeopardize the child’s health and welfare and require that reasonable efforts be made as a means for protecting the welfare of children.¹⁰ Including a reasonable efforts determination as a discrete, required element for termination of parental rights promotes the dispositional priorities of protecting a child from jeopardy and giving custody of the child back to a parent (or keeping them with a parent) at the earliest possible time.¹¹

⁹ Child Welfare Information Gateway. (2020). Reasonable efforts to preserve or reunify families and achieve permanency for children. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children’s Bureau, <https://ocfcpacourts.us/wp-content/uploads/2021/09/1.-Reasonable-Efforts-to-Preserve-or-Reunify-Families-and-Achieve-Permanency-for-Children.-new-committee-to-review.pdf>. 42 U.S.C • 671(a)(15).

¹⁰ 22 M.R.S.A. §4003.

¹¹ 22 M.R.S.A. §4036(2).

Currently, if the Court orders that reasonable efforts have not been made, the consequence is loss of federal funding being provided to OCFS as that child is not deemed eligible for Title IV-E funding. Title IV-E funding is used to support expenses associated with the child being in the custody of OCFS. Consequences to parents and legal guardians, up to and including termination of their parental rights, may proceed regardless of whether or not the Court makes a reasonable efforts finding.

At least 13 other states require a finding of reasonable efforts to proceed with termination of parental rights.¹² An additional 14 other states¹³ include language in their statutes requiring reasonable efforts of the state's child welfare agency to factor more firmly into the decision-making process than current Maine Law. For example, Florida statute prohibits finding a parent failed to comply with their case plan if "the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child."¹⁴

In Maine, there are a number of barriers preventing parents from being provided and engaging in services to successfully rehabilitate and reunify their families. There are numerous shortages in available services for parents or fully staffed services that prevent parents from fully engaging in these services. In addition, there are sometimes gaps in connections to existing services. The loss of Title IV-E funds has been insufficient to ensure fidelity to this obligation given the obstacles currently presented.¹⁵

Although parents in several Law Court appeals have raised the argument that the Department has not made reasonable efforts, the Law Court has stated that even in cases where the trial court concluded that the Department had not made reasonable efforts, the Court cannot use this as a basis to overturn the termination. In the published opinions and memoranda of decisions issued by the Maine Law court over the last five years, the sufficiency of reasonable efforts provided have been a frequently contested issue.^{16 17 18} For example, 22 M.R.S. §4041(1-A)(1)(c)(iv)

¹² These include: Alaska, Arizona, California, Connecticut, New Jersey, New York, Ohio, Rhode Island, South Dakota, Texas and Utah.

¹³ These include: Alabama, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Maryland, Massachusetts, Minnesota, Missouri, New Mexico, Tennessee and Wyoming.

¹⁴ Fla. Stat. Ann. § 39.806.

¹⁵ "Although the Department filed rehabilitation and reunification plans pursuant to section 4041(1-A), the plans failed to afford the mother opportunities for home visits with sufficient nursing care or resources in place to assist her in alleviating jeopardy." *In re Child of Barni A.*, 2024 ME 16, ¶ 24, 314 A.3d 148.

¹⁶ "We have long held that although the Department's obligations pursuant to section 4041 are mandatory, the Department's failure to satisfy those obligations does not preclude a termination of parental rights. *In re Daniel C.*, 480 A.2d 766, 770 (Me.1984). We have stated: "We simply do not detect any legislative intent that the department's reunification efforts be made a *discrete* element of proof in termination proceedings," even though the court *may* consider the lack of reunification efforts as one factor in evaluating the parent's conduct for unfitness. *Id.* at 770-71." *In re Doris G.*, 2006 ME 142, ¶ 16, 912 A.2d 572.

¹⁷ *In re Child of AnnaMarie D.*, MEM 2022-033.

¹⁸ The Panel also notes several cases where the Law Court has recognized procedural deficiencies on the part of the Judicial Branch and similarly held that those procedural deficiencies were not sufficient to interrupt the

requires that the Department provide reasonable transportation to and from reunification services and family visits. 22 M.R.S. §4041(1-A)(1)(c)(v) requires the Department to create a schedule of and conditions for visits between the child and the parent.

The failure of the Department to ensure appropriate visits and transportation are available for families can prejudice and/or result in delays in the reunification process. These systemic failures also have the ability to emotionally harm the child and disrupt the parent-child relationship, which is a central determination in any court proceeding.

Adding accountability for the obligation to provide reasonable efforts as part of court determinations would not be unprecedented in Maine. The Indian Child Welfare Act already requires the Department to affirmatively demonstrate “active efforts”¹⁹ at rehabilitation and reunification as part of all ICWA cases.

The Panel observes that families of low socio-economic standing are disproportionately represented in child welfare cases. These families often have overlapping vulnerabilities that create challenges to families in obtaining the supports and services they need to be successful. Where the consequence is the permanent severing of the constitutionally protected parent-child relationship, and where unnecessary termination of the parent-child relationship can cause long-term harm on the child, there must be better guardrails in place to ensure that the state complies with its obligation to provide reasonable efforts to prevent removal and reunification/rehabilitation in order to avoid unnecessary termination of the parent-child relationship.²⁰ Children deserve to have a full and fair opportunity to safely return to their family of origin.

6. Consider Trauma to Children of Removal from Family

OCFS should update its policies to explicitly require, when determining whether to seek a Preliminary Protection Order, consideration of the trauma to the child of removing the child from their home. Additionally, the caseworker should document how they have weighed the harm of removal with the immediate risk of serious harm within their affidavit in support of a Preliminary Protection Order. 22 M.R.S. § 4034(4) should be amended to include the need for the Court, both when reviewing the ex parte Request for a Preliminary Protective Order and during the Summary Preliminary Hearing, to include in its consideration the trauma of removal when determining whether ~~or not~~ to grant or continue the Preliminary Protection

termination. See In re: Child of Jillian M (no judicial reviews held for 17 months); In re: Child of Travis G. (acknowledging the court failed in its judicial review obligations).

¹⁹ “Active efforts” means affirmative, active, thorough and timely efforts intended primarily to maintain or reunite an Indian child with their family.

<https://www.bia.gov/sites/default/files/dup/assets/bia/ois/ois/pdf/idc2-041405.pdf>.

²⁰ The Panel notes that, as of 2019, Maine’s rate of children subject to termination of parental rights proceedings was higher than the national average, with the 16th highest rate. See page 5,

<https://familyjusticeinitiative.org/wp-content/uploads/sites/48/2023/10/Ties-That-Blind-Us.pdf>.

Order. In any order after a Summary Preliminary Hearing, the Court should make findings that the risk of harm to the child outweighs the trauma of removal and that the Department has exhausted options to mitigate the risk. This information should be included in the Preliminary Protection Order for the judge's consideration. Additionally, 22 M.R.S. § 4034(4) should be amended to state: "The court shall hold the summary preliminary hearing on the preliminary protection order within 14 days but not less than 7 days after issuance of the preliminary protection order..."

“Research, policy and practice indicate that child removal and entry into foster care evokes emotional and psychological trauma and is the most drastic safety intervention utilized by a child welfare agency.”²¹ This is an intervention that is designed to be used only when absolutely necessary to mitigate serious, imminent harm. Our justice system should only allow this to happen when it is absolutely necessary to mitigate serious, imminent harm. That necessarily means those cases where the harm of the child remaining in their home outweighs the harm that the trauma of that removal will cause the child and all reasonable efforts have been expended to structure supports and interventions that would allow the child to remain without the risk of serious, imminent harm.

Other states have taken steps to ensure there is an appropriate balancing of the harms and that all other options have been considered. The Panel recommends Maine implement a similar approach.

- Washington State: Statute requires a balancing of the imminent physical harm to the child with the harm the child will experience as a result of the removal. Case law further requires a court, in its consideration of any reasonable efforts expended by the state child welfare agency, to look at the harm of removal to the child.
- New York: Case law outlines a requirement that the court cannot just find the existence of a risk of serious harm, but must look further and weigh whether the imminent risk to the child can be mitigated by reasonable efforts to avoid removal. It must factually determine which course is in the child's best interest.
- Montana: Statute requires the state welfare agency to include in its affidavit for removal specific written documentation as to why the risk of allowing the child to remain in the home substantially outweighs the harm of removing the child, including consideration of: the emotional trauma the child is likely to experience if separated from the family. The court is required to similarly weigh those considerations and make findings to that effect.
- Mississippi: State agency policy requires agency staff to consider the harm of removal in their decision making about removal of a child.

²¹ Vivek Sankaran. "A Cure Worse Than the Disease? The Impact of Removal on Children and Their Families." Christopher Church and Monique Mitchell, co-authors. Marq. L. Rev. 102, no. 4 (2019): 1163-94, <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3055&context=articles>.

- Iowa: Statute requires the court, in a removal proceeding, to make specific findings that substantial evidence exists to demonstrate the need for removal is greater than the potential harm, including physical, emotional, social or mental trauma the removal may cause the child.
- Washington, DC: Court rules allow, but do not require, the court to evaluate and weigh the harm of removal against the harm alleged in allowing the child to remain in their home.

Some additional states do not have specific statutes, case law or easily identifiable court rules that mandate so specific a finding, but have interpreted the requirement that the state agency make reasonable efforts to prevent removal, combined with a requirement that the court consider the best interest of the child, to mean that harm of removal from the home should be considered.

There are several different approaches that Maine could explore to enact and implement a more trauma-informed, family-centered practice around removal considerations. Maine should join other states that have engaged in this thoughtful reform.

7. Expand Regional Care Teams to Include Youth and Families

The current infrastructure in place for youth involved or at-risk of becoming involved in the juvenile justice system, the Regional Care Teams (RCTs), should be expanded to include youth and families who are currently involved or at-risk of becoming involved in the child welfare system. The RCTs should have a particular focus on youth transition services and support for those youth aging out of care. The Maine State Legislature should provide funding to additional state agencies, such as the Department of Education, Department of Labor, and Department of Health and Human Services, to allocate toward RCT funding and support.

The Regional Care Teams (RCTs) is a collaboration between the Maine Department of Corrections, the University of Southern Maine, and the Center for Youth Policy and Law at the University of Maine School of Law. There are three regional RCTs. The mission of each team is to strengthen cross-system collaboration including youth providers, and incorporate community involvement to increase the accessibility of local community-based continuum of care. Currently, RCTs are convened to support justice-impacted youth to help the youth remain and thrive in their chosen community.

From 2020 to 2023, RCTs received 231 referrals for youth support and distributed \$71,247 to help support youth in their communities. Financial support provided included:

- Family and Relationship Support: Financial assistance was provided to youth who lacked “a family or other positive adult support system, or where there was a need to support a family or guardian(s) in stabilizing the young person.”²²
- Safety or Supervision: Financial support provided to help youth in crisis.
- Concrete Economic Support: Financial support for utilities such as heating, housing, and access to technology. Of note, 38% of the distributed funds were noted as being for “costs associated with housing needs, which often prevented housing insecurity for young people and their families.”

Of the 231 youth who were referred to the RCTs, one-third of those youth (73), were dual systems involved, meaning, those youth had involvement with both the juvenile justice system and the child welfare system. Expansion of the RCTs to include children and families involved in the child welfare system or at risk of becoming involved in the child welfare system would cast a wider net in ensuring that youth and their families remain intact and within their communities of choice.

Another function of the RCTs is identification of community based services that are lacking for youth and families. While the RCTs have had a significant impact on providing immediate needs that allow for youth and families to remain in their communities, often service needs of youth remain unmet due to lack of availability. RCTs are able to gather community specific resource gaps that are identified through case specific interactions. Expanding the scope of the RCTs would enable an on-the-ground group of individuals to identify and lift up specific service gaps.

²² [Year 3 Regional Care Teams Report](#)

Maine Justice for Children Task Force 2024

Date: January 2025

Presented by: Betsy Boardman, Esq., Maine Judicial Branch

Improving Safety, Permanency, and Well-Being for Children in the Child Welfare System

Introduction

Mission: Enhance child welfare outcomes for children in Maine.

Task Force Composition:

- Representatives from Maine’s judicial, legislative, and executive branches.
- Advocates, foster parents, and child welfare professionals.

Key Mandate: Identify systemic improvements and collaborate on solutions to improve outcomes.

Annual Report: Covers activities from January to December 2024.

2024 Meetings

1

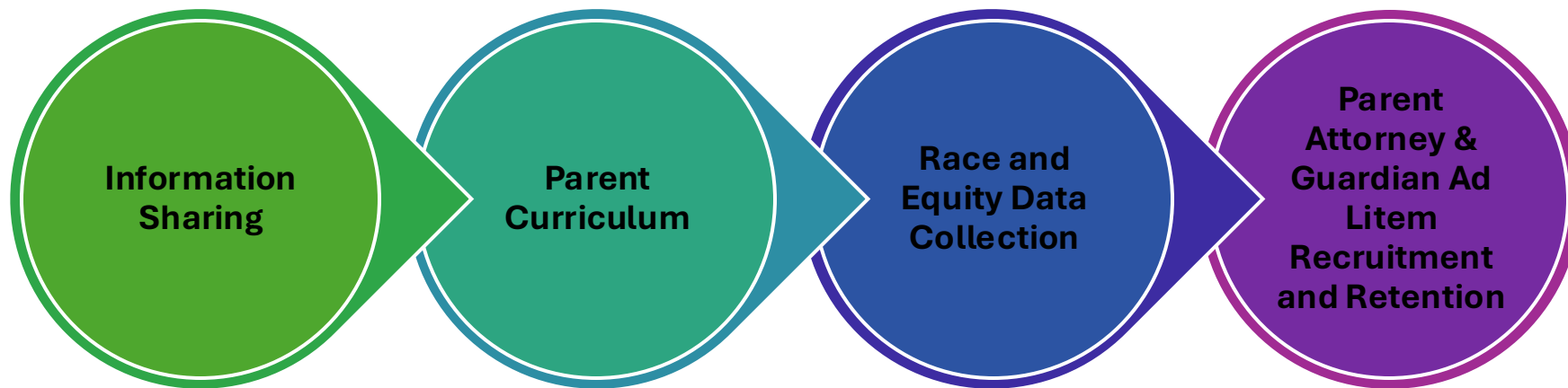
Task Force Meetings: Held virtually in March, June, September, and December (December meeting postponed- held January 21st).

2

Focus of Meetings:

- Updates on child welfare system status and workforce needs.
- Action steps and strategic plan initiatives.

2024 Strategic Plan



Information Sharing

1

Goal: Improve communication and collaboration among Maine's three citizen review panels (Task Force, MCWAP, CDSIRP) and other system partners.

2

Quarterly Legislative Updates: Continued engagement with Maine's Health and Human Services Committee.

Parent Curriculum

CPS 101 & CPS 201:

CPS 101: Introduction to child welfare system for parents (46 sessions, 142 participants).

CPS 201: Advanced curriculum for parents who completed CPS 101 (3 sessions, 17 participants).

Impact: Improved parent understanding of the child welfare system and increased hope and confidence in their cases.

Funding: Funding from the MJB was extended through June 2024. After that, one-time funding from the Maine Legislature of \$200,000 for FY25 was given to OCFS to continue offering these courses.

CPS 101: For Parents by Parents

Overview:

CPS 101 is an informational curriculum designed to help parents involved in the child welfare system better understand how child protection services work, the court process, and ways to successfully navigate their cases.

Target Audience:

Parents involved in the child welfare system, child welfare professionals, and system partners.

Key Components of CPS 101:

- **Introduction to CPS Professionals:** Understanding the roles of caseworkers, attorneys, and other system partners.
- **Court Process Overview:** A guide to navigating the child welfare court process, including hearings and judicial reviews.
- **Tips for Parents:** Practical advice on engaging with the system, managing conflict, and fostering successful parent-child interactions.
- **Support Resources:** Contact information for helpful community resources and services.

Program Delivery:

- Virtual, 2-hour sessions led by parents with lived experience in the system.
- Pre-recorded video segments from system partners and advocates.

CPS 201: Advanced Skills for Parents in the Child Welfare System

Overview:
CPS 201 builds on the foundational knowledge gained in CPS 101, offering parents additional tools, strategies, and support to navigate their child welfare cases and improve family reunification outcomes.

Target Audience:
Parents who have completed CPS 101 and are seeking further guidance on family team meetings, self-advocacy, and successful visits with children.

Key Components of CPS 201:

- **Family Team Meetings:** How to prepare and actively participate in team meetings that drive case plans.
- **Effective Communication:** Tips for communicating with CPS caseworkers, attorneys, and other professionals.
- **Visitations:** How to make the most of family visitations and maintain strong parent-child relationships.
- **Self-Advocacy Tools:** Techniques for advocating for one's family and ensuring that their needs are addressed.
- **Sample Resources:** Call logs, meeting agendas, and other helpful tools.

Program Delivery:

- Virtual, 2-hour sessions for parents who have completed CPS 101.
- Interactive learning with real-life examples and practical scenarios.

Race and Equity Data Assessment



Subcommittee Focus: Assess the collection of race and equity data within the child welfare system.

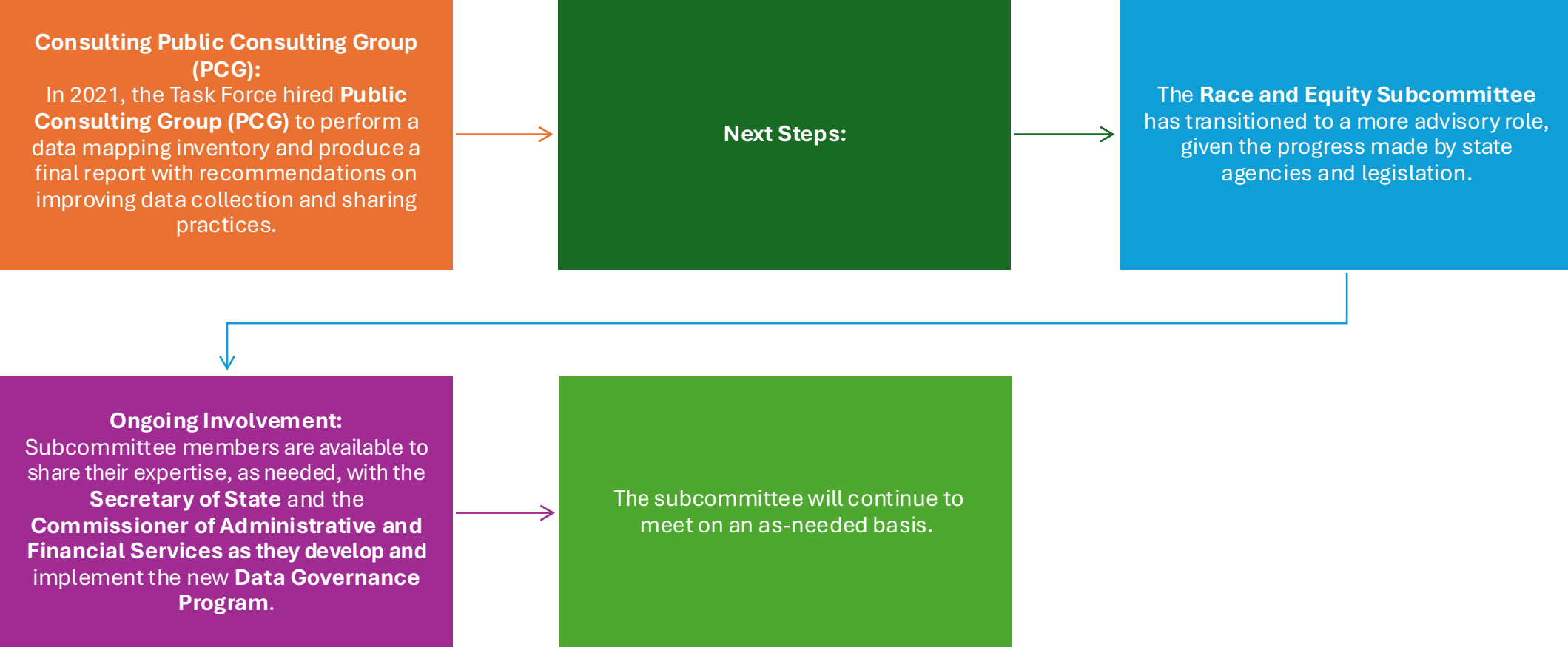


Collaboration: Worked with project partners, (e.g., Maine Judicial Branch (MJB), Department of Health and Human Services (DHHS), Department of Corrections (DOC), Department of Public Safety (DPS), and Department of Education (DOE)).



Outcome: Two final reports from PCG assessing the child welfare system's ability to collect and store data as it relates to race and equity data. Legislation was passed in 2022 and then amended in 2023 to establish and fund Data Governance Program. Sponsors for this legislation indicated they relied, in part, on the PCG reports commissioned by the Task Force when developing the legislation for this data governance program.

Action Taken:



Parent Attorney & GAL Recruitment and Retention



CHALLENGE: RETENTION AND RECRUITMENT OF PARENT ATTORNEYS AND GUARDIANS AD LITEM (GALS).



SUBCOMMITTEE FORMATION: RECOMMENDATION OF THE MAINE CHILD WELFARE ADVISORY PANEL 2022 ANNUAL REPORT.



RECOMMENDATIONS: DRAFT SYSTEM RECOMMENDATIONS FOR IMPROVING RECRUITMENT AND RETENTION ARE UNDER REVIEW.

Continuing Education Subcommittee

Annual Child Protective Conference (April 2024):

- *Child Welfare Litigation: Courtroom Strategies and Best Practices*
- Focused on courtroom strategies and best practices for child welfare cases.
- Over 800 continuing legal education and 475 professional education credits awarded.

Key Takeaways:

Practical strategies for attorneys to better support children and families.

Resources for ongoing professional development.

Peer networking.

Improving Family Outcomes Through Effective Communication in High Conflict Cases

April 3 and 4, 2025

Sunday River Resort, Newry, ME

Planning for the 2025 conference began in September 2024.

The High Conflict Institute will be joining the conference to present such topics as:

- **Flipping the Script in High-Conflict Cases: Understanding High-Conflict Personalities**
- **Conflict Tolerance**
- **Using a Structured Proposal Method for Reaching Agreements**
- **Managing High Conflict Personalities in Court (Judge Only)**
- **Communication Between Teams/Groups**

Conclusion

The Task Force's initiatives are driving system-wide improvements.

Collaborative work has a lasting impact on Maine's child welfare system.

Ongoing efforts will continue to strengthen the system and support Maine families.

Questions?

Thank you for your time and attention.

Contact Information:

Betsy Boardman

(207)822-3215

betsy.boardman@courts.maine.gov



MAINE JUSTICE FOR CHILDREN TASK FORCE
2024 REPORT TO THE SUPREME JUDICIAL
COURT

Submitted by the Maine Justice for Children Task Force

January 15, 2025

Table of Contents

Introduction	1
I. Meetings	1
II. Strategic Plan.....	2
A. Information Sharing.....	2
B. Development and Implementation of Curriculum for Parents Involved in the Child Welfare System .	3
C. Race and Equity Data Assessment	10
D. Parent Attorney and Guardian ad Litem Recruitment and Retention	12
III. Continuing Education Subcommittee	13
Conclusion.....	14

Introduction

The Maine Justice for Children Task Force (the “Task Force”) is a collaborative multidisciplinary Task Force convened by the Maine Judicial Branch (MJB) whose mission is to improve safety, permanency, and well-being for children in the State of Maine child welfare system. The members of the Task Force include representatives of the legislative, judicial, and executive branches, advocates for children and parents, foster parents, and other individuals involved in the child welfare system. The Task Force is one of three citizen review panels required under the Child Abuse Prevention and Treatment Act (CAPTA). *See* 42 U.S.C. § 5106a(c). The other two panels are the Maine Child Welfare Advisory Panel (MCWAP) and the Child Death and Serious Injury Review Panel (CDSIRP).

The Task Force is charged with identifying opportunities for systemic improvement within the child welfare system that could improve outcomes for children and using that information to develop joint solutions among child welfare system partners. Once opportunities for improvement are identified, the Task Force prioritizes those issues and develops joint solutions to help capitalize on those opportunities.

The Task Force is chaired by the Chief Justice of the Maine Supreme Judicial Court who also appoints members of the Task Force. Pursuant to its charter, the Task Force submits this report to the Maine Supreme Judicial Court on the work of the Task Force from January 1, 2024 to December 31, 2024.

I. Meetings

The Task Force met in March, June, and September in 2024. The meeting scheduled for December was postponed to January due to scheduling conflicts. All meetings were held virtually.

Most Task Force meetings featured updates by its members, including leaders from the MJB, the Office of Child and Family Services (OCFS), the Office of the Attorney General (OAG), and the Maine Commission on Public Defense Services (PDS). The updates focused, in part, on the current state of the child welfare system, new child welfare court filings, and workforce statistics and needs. In addition to updates, Task Force meeting attendees received updates on action steps taken on strategic plan initiatives and provided recommendations for follow up as needed.

II. Strategic Plan

The Task Force's 2024 strategic plan focused on four projects: (1) information sharing between citizen review panels and the Maine State Legislature; (2) facilitation and expansion of a virtual child welfare parent curriculum; (3) race and equity data collection; and (4) parent attorney and guardian ad litem recruitment and retention. A subcommittee for each project was formed and convened approximately monthly throughout the year. All subcommittees had Task Force members, nonmember individuals from child welfare focused organizations, and interested community members.

A. Information Sharing

CAPTA requires, as a condition of funding, that each state establish three citizen review panels. See 42 U.S.C. § 5106a(c). In Maine, the panels are: the Task Force, MCWAP, and CDSIRP. The three panels aim to conduct complementary work without duplication. Therefore, information sharing among the panels is paramount for collaboration of panel goals and outcomes. Throughout 2024, the Task Force meetings provided a collaboration space for all three Maine Citizen Review Panels. Members of MCWAP and CDSIRP regularly joined the Task Force to provide information on each panel's work, annual reports, system recommendations, and discussion about major themes and trends being shared in other panel

meetings. A representative from the Task Force provided similar information to the other two panels.

A chair/designee from all three panels met quarterly throughout 2024 with a focus on effective communication among the panels, pertinent data sharing, ensuring that statutory functions are faithfully discharged, and identifying opportunities to support and collaborate on initiatives. All three panels have provided quarterly updates to the Health and Human Services Committee at the Maine State Legislature. The Task Force anticipates that such quarterly updates to the Legislature will continue throughout 2025.

B. Development and Implementation of Curriculum for Parents Involved in the Child Welfare System

1. Formation and Establishment of Parent Curriculum

In August 2020, the Task Force added the development of information sessions for parents involved in the child welfare system to the Task Force’s strategic plan. The goal of the curriculum is to offer optional classes focused on understanding child welfare agency processes, court procedures, and suggested practices for parents to implement to be successful throughout a child welfare case. A subcommittee was created and began meeting in December 2020.

In late 2021, the subcommittee secured funding for The Opportunity Alliance (TOA) to implement a one-year pilot project for information sessions entitled *Child Protection 101: For Parents, By Parents* (“CPS 101”). The subcommittee, in collaboration with TOA, developed a work plan, created a curriculum outline, and engaged system partners for participation in pre-recorded video segments to be used at all sessions. Each two-hour information session is led by a parent with experience in the child welfare system or a parent who has navigated multiple systems and includes:

- An introduction to child protective service professionals;

- Explanation of the court process;
- Tips for parents on how to successfully engage in the child welfare process and how to respond to conflict; and
- Contact information for helpful resources and information.

MJB funding for CPS 101 was extended through June 30, 2024. During the 131st legislative session, the Legislature provided one-time funding in the amount of \$200,000 for FY25 to OCFS to contract with an entity to continue to provide the free virtual classes, mirroring the CPS 101 model currently being implemented. Specifically, the legislation requires that the class be “facilitated by parents who have experience with the child protective services system or have navigated multiple complex systems.”¹

2. Session Information

As of June 30, 2024, TOA has offered the information sessions to parents on 46 different occasions with 142 parent participants. In addition to parent information sessions, TOA offered 35 CPS 101 information sessions to child welfare system partners. There were approximately 188 participants in the system partner sessions. The scope of CPS 101 was expanded in 2023 to include the development and implementation of CPS 201. CPS 201 is for individuals who have participated in CPS 101 and would like further information on how to be successful during a child welfare case. CPS 201 includes information on family team meetings, effective communication, how to have successful visits with children, and skills for self-advocacy. Participants are also provided with helpful tools such as call and activity logs, and sample family team meetings agendas. The inaugural CPS 201 session was conducted in late 2023 and as of June 30, 2024, there were three sessions conducted with 17 participants.

¹ <https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0777&item=5&snum=131>

3.Data Collection

Data collection for this pilot project has been an important focus of the subcommittee. Specifically, participants in all sessions, CPS 101 (parent and provider) and CPS 201, were provided with pre- and post-surveys to complete. (See *Appendix A: CPS 101 & 201: 2022-2024 Training Evaluation Findings*). The purpose of the surveys was to answer the following three questions:

- (1) To what extent did participating in the CPS classes change participants’ knowledge and attitudes?
- (2) What about CPS classes did participants find helpful?
- (3) How might the CPS classes be improved in the future?

Survey results indicated that parents and providers who participated in CPS 101, left the training with a greater understanding of how child protection services work, an increased knowledge of the various roles that individuals play in the system, and parents specifically noted an increase in hope about their involvement in the child welfare system.

a. CPS 101, Parent Data

Below are select survey results where a statistically significant increase in knowledge was noted by parents in the child welfare system. All respondents were asked to use a five-point scale with one indicating that the participant “Strongly Disagree” with the statement and five indicating that the participant “Strongly Agree” with the statement.

Statement: I understand how the Child Protective System works.

	Average of 139 respondents
Pre-Survey	2.71
Post-Survey	4.05
Total percentage increase	49%

Statement: I understand who is on my Child Protective Services team and what they each do.

	Average of 140 respondents
Pre-Survey	3.13
Post-Survey	4.23
Total percentage increase	35%

Statement: I understand what I need to do to reunify my family.

	Average of 141 respondents
Pre-Survey	3.09
Post-Survey	3.79
Total percentage increase	23%

Statement: I feel hopeful about my Child Protection Services involvement.

	Average of 140 respondents
Pre-Survey	2.89
Post-Survey	3.69
Total percentage increase	28%

In addition to the above survey results, parents noted various aspects of the curriculum that were particularly helpful and made recommendations for improvement. Participants were asked to provide the above information using an open-ended format that allowed for free-text answers to be inputted. Pervasive themes included:

Helpful Aspects:

- Hearing the information and experiences from individuals with experience in child welfare system.
- Videos explaining the roles of system partners.
- Providing additional resources during and after the session.

Recommendations for Improvement:

- Provide more information during the session.

Extend the time of the session
Include more stories and experiences by those with experience in the child welfare system.

b. CPS 101, Provider Data

Below are select survey results where a statistically significant increase in knowledge was noted by system providers who attended a CPS 101 session. Providers were asked to use the above five-point scale as well as respond either “Yes” or “No” to specific statements.

Statement: I would recommend this class to others.

	Percentage of Participants
Strongly Agree or Agree	91%
Strongly Disagree or Disagree	9%

Statement: The professional video presentations were helpful.

	Percentage of Participants
Yes	99%
No	1%

Statement: The information and tips section was helpful.

	Percentage of Participants
Yes	92%
No	8%

Statement: I understand the roles of the CPS team.

	Average
Pre-Survey	3.2
Post-Survey	4.16
Percentage Increase	30%

Statement: I understand how the Child Protective System works.

	Average
Pre-Survey	3.13

Post-Survey	4.23
Percentage Increase	35%

In addition to the above survey results, providers noted various aspects of the curriculum that were particularly helpful and made recommendations for improvement. As with parents, providers were asked to provide the above information using an open-ended format that allowed for free-text answers to be inputted. Pervasive themes included:

Helpful Aspects:

Tips for providers to support parents.
The lived experience of presenters and attendees.
Question and answer section.

Recommendations for Improvement:

Information on how to advocate when parents do not have an attorney assigned to them.
Statistics and success stories.
Examples of a case moving through the system.

c. CPS 201

Below are select survey results where a statistically significant increase in knowledge was noted by parents who took CPS 201 as a follow up to CPS 101. (Please note: All survey responses resulted in knowledge increase but only select answers are provided below.) Provider sessions were not offered for CPS 201, therefore, no data is being provided. As noted above, respondents were asked to use a five-point scale with one indicating that the participant “Strongly Disagree” with the statement and five indicating that the participant “Strongly Agree” with the statement.

Statement: I understand how to prepare for my Family Team Meetings.

	Average
Pre-Survey	3.29
Post-Survey	4.06
Percentage Increase	23%

Statement: I understand how to advocate for my family.

	Average
Pre-Survey	3.59
Post-Survey	4.29
Percentage Increase	19%

Statement: I understand what is expected as my visits with my children.

	Average
Pre-Survey	4.24
Post-Survey	4.53
Percentage Increase	1%

Statement: I understand how to communicate with my Child Protective Team.

	Average
Pre-Survey	3.29
Post-Survey	4.00
Percentage Increase	22%

100% of individuals who participated in CPS 201 agreed that the information and tips were helpful and that they would recommend this class to others.

Helpful Aspects:

Tips on communication with their team.
The templates, tips, and tricks to keeping track of information and communications.
Family Team Meeting information.

Recommendations for Improvement:

Individual meetings to answer specific questions.

How to handle dissatisfaction with your team or advocate against wrongdoing within the department.
Tips on agreeing to disagree.

It is anticipated that additional data will be collected as cases reach completion, including: (1) time to permanency; (2) participation in family visitation; (3) participation and engagement in reunification services; and (4) attendance at court proceeding. All the above data points may be collected for individuals who have participated in the information sessions as well as for parents from a random sampling of cases who did not participate in the CPS 101 information sessions. Any data collected and analyzed will be deidentified to determine if participation in the class influenced overall case participation, reunification rates, and timeliness to permanency.

C. Race and Equity Data Assessment

In March of 2021, the Task Force identified the need to assess data collection regarding race and other important markers of equity by the MJB and the agencies that interface with the child protection system. As a result, the Task Force formed the Race and Equity Data Collection Subcommittee (R&E Subcommittee). Members of the R&E Subcommittee include representatives from the MJB, the Department of Health and Human Services, the Department of Corrections, the Department of Public Safety, and the Department of Education (collectively referred to as “Project Partners”), as well as the Maine State Legislature and various other community organizations.

The goal of the R&E Subcommittee is to better understand what systems are in place for the collection and sharing of aggregated data on various data points to inform policy decisions,

measure fairness and equity, and provide the courts and agencies with data about the people and populations they serve. The data point set that is the subject of the assessment includes: race, ethnicity, connection with tribe/band/nation, enrollment or eligibility for enrollment with federally recognized tribe(s), sexual orientation, income, location, gender, gender identity, and disability (“data point set”).

In October of 2021, Public Consulting Group (PCG) was hired through the competitive request for proposal (RFP) process to create a data mapping inventory and produce a final report with findings and recommendations. Throughout 2021 and the first half of 2022, PCG conducted 15 interviews with leadership and staff of the Project Partners who have specific roles that relate to the collection, storage, reporting, and sharing of the ten identified data point set items. As needed follow-up contact was conducted via email. Additionally, PCG conducted a literature review of best practices and strategies for data sharing and data consistency among system partners. Finally, PCG interviewed six national experts in data sharing to gather information about barriers and challenges to sharing aggregate data, determinants to successful information-sharing collaboratives, and strategies for encouraging buy-in from necessary partners.

The PCG work product consists of two reports: the Data Mapping Inventory and the Final Report. Both reports were issued in September 2022 and distributed to Task Force members. An overview of both reports was provided to the R&E Subcommittee prior to release of the final reports and an overview of the two final reports was provided to the full Task Force by the subcommittee co-chairs at the December 2022 meeting.

Following the issuance of the two PCG reports, legislation was passed in 2022 and then amended in 2023 to establish and fund Data Governance Program. Sponsors for this legislation indicated they relied, in part, on the PCG reports commissioned by the Task Force when

developing the legislation for this data governance program. Specifically, the Maine Secretary of State and the Commissioner of Administrative and Financial Services were tasked with the establishment and implementation of a data governance program to, in part; (1) support decision making and improve citizen access to government services; (2) promote consistent collection of racial and ethnic demographic data; (3) use evidence-based strategies to improve data collection; (4) address technology barriers that restrict the ability of state agencies to share data between agencies; and (5) create models for sharing data with the public and for developing policies to reduce disparities and increase equity that take into consideration the norms and expectations of the diverse populations of the State. 1 M.R.S. § 547

Considering passage of legislation to formalize and fund statewide data governance efforts, the Race and Equity Subcommittee did not see a need to continue parallel effort to the work already underway at the State level, and therefore, determined that the subcommittee would meet on an as-needed basis. The subcommittee has offered its expertise to the Secretary of State and the Commissioner of Administrative and Financial Services should they ever need feedback or comment as they establish and implement the program. Individual project partners continue to focus efforts internally on implementation and collection strategies.

D. Parent Attorney and Guardian ad Litem Recruitment and Retention

The 2022 MCWAP Annual Report made the following recommendation to the Task Force regarding legal representation for families involved in the child welfare system: “The Justice for Children Task Force should convene a working group to further explore and make recommendations for how to improve the retention and recruitment of parent attorneys.” MCWAP made a separate, but similar, recommendation for the retention and recruitment of

guardians ad litem. As a result of these recommendations, in June 2023, the Task Force established the Parent Attorney/Guardian ad Litem Recruitment and Retention Subcommittee. Members of the subcommittee include: Maine legal services providers, MJB staff, PDS, parent attorneys, guardians ad litem, and individuals representing juveniles in delinquency matters.

The mission of the subcommittee is to identify and make recommendations for system improvements to increase the recruitment and retention of Maine child welfare parent attorneys and guardians ad litem.

The Parent Attorney/Guardian ad Litem Recruitment and Retention Subcommittee began meeting in August of 2023. The subcommittee met 13 times between August 2023 and August 2024 and presented draft recommendations to the full Task Force at the September 2024 meeting. (*see Appendix B*). The subcommittee's recommendation suggest action by three system partners: MJB, PDS, and the University of Maine School of Law. Leadership from all three system partners have been invited to the January 2025 meeting (postponed from December 2024) to discuss the subcommittee's recommendations, identify any concerns or barriers to implementation thereof, and consider opportunities for collaboration.

The Parent Attorney/Guardian ad Litem Recruitment and Retention Subcommittee intends, with the guidance of the full Task Force, to continue meeting throughout 2025 to facilitate implementation of any adopted recommendations and to identify additional opportunities within the child welfare system to strengthen the number and quality of attorneys and guardians ad litem who engage in this difficult and rewarding work.

III. Continuing Education Subcommittee

In addition to pursuing the four projects identified in the Task Force's strategic plan, the

Task Force also assisted in the planning of the MJB’s annual child protective conference through its Continuing Education Subcommittee (CES). The CES meets to help plan the annual child protective conference every year. The 2024 conference was held on Thursday, April 4, and Friday April 5 at the Sunday River Resort in Newry, Maine. The title of the conference was *Child Welfare Litigation: Courtroom Strategies and Best Practices*.

Sessions throughout the conference focused on litigation best practices throughout the life of a child welfare case. This included information on: (1) Maine’s Quality Hearing Pilot Project; (2) litigation best practices by case phase (i.e. Summary Preliminary Hearing, Jeopardy, contested Judicial Reviews, and Termination of Parental Rights.); (3) incorporating youth voice in the courtroom; and (4) identifying economic and concrete supports for families.

The two-day conference provided attendees with the opportunity to earn 11.5 general continuing legal credits (CLE)/continuing professional education (CPE) credits and one ethics credit. Overall, there were approximately 820 general CLE and 475 CPE credits awarded as a result of the conference. The CES reviewed conference evaluation forms, which offered feedback that was generally very positive. The CES is currently planning the 2025 spring conference for April 3rd and 4th at the Sunday River Resort.

Conclusion

Throughout 2024, the Task Force subcommittees generated systemwide recommendations and helped to implement system change. Many Task Force projects have contributed, in some way, to statewide initiatives that have the potential to have a lasting effect on the child welfare system and the families of Maine. We would like to thank all the Task Force members for their past and ongoing meaningful collaboration and work to support the child welfare system.

CPS 101 + 201

2022-2024 TRAINING EVALUATION FINDINGS

AUGUST 2024



Analysis prepared for The Opportunity Alliance
CPS Training Program
by the Data Innovation Project
at the Catherine Cutler Institute
University of Southern Maine
Rachael Haskell, MSW Graduate Assistant
Emilie Swenson, MSW, Research Associate

Introduction

The purpose of this visual report is to share evaluation findings from the *Child Protective Services 101 and 201: For Parents by Parents* classes that were delivered between January 2022 and June 2024 (a 30-month period). The CPS 101 class was conducted for both parents and providers separately, and the CPS 201 class was facilitated for parents.

This evaluation seeks to respond to the following questions:

- To what extent did participating in the CPS classes change participants' knowledge and attitudes?
- What about CPS classes did participants find helpful?
- How might the CPS classes be improved in the future?

Methodology

For each class, participants were asked to complete a brief pre and post survey in order to learn about any changes in knowledge or attitudes that they may have experienced during the course of the class. In the post-survey, participants were also asked to describe what was helpful about the class and any recommendations they may have for improving the experience. Data was collected through Google Forms and program staff de-identified all survey data before analysis.

Class	Number of sessions	Number of participants	Number of matched pre/post surveys included in analysis
CPS 101 Parent	46	142	141
CPS 101 Provider	35	188	97
CPS 201 Parent	3*	17	17

*CPS201 sessions were held between November 2023 and June 2024.

Quantitative survey results were analyzed using a paired samples Wilcoxon Signed Rank Test to determine if there was a statistically significant change in participants' knowledge or attitudes. Qualitative survey results were analyzed using an inductive coding method to uncover themes shared by participants.

Summary of Findings

Overall, evaluation results show an increase in knowledge for each class - CPS 101 and 201 for parents and CPS 101 for providers. For parents and providers who participated in CPS 101, participants left the training with a greater understanding of how CPS works. For parents, this also include increased understanding of who is on their team, and for providers an increased understanding of the roles of the CPS team. The most common specific aspect of what parent respondents found helpful was the improved understanding of the process of department involvement. Parents also frequently mentioned that knowing more about the specific roles within the department was helpful. Parents increased their understanding of what they need to do to reunify their family and reported an increase in hope about their Child Protective Services involvement.

Parents who participated in CPS 101 mentioned several positive aspects of the class with some of the respondents noting the general usefulness of the entire class. Respondents also highlighted the benefits of hearing the stories and experiences of other parents; learning more about parental rights and resources; and the advice and tips provided. Additional things that parent participants noted as helpful included the videos, feelings of hope, and solidarity, and the opportunity to ask questions. Similarly, providers found videos, question and answer sessions, tips, and descriptions of the CPS process and roles helpful, in addition to the lived experience of presenters and attendees. PowerPoints, resources, and information from a provider perspective were also helpful.

The majority of parent respondents indicated that they had no suggestions to improve the class. Of the recurring suggestions, a few related themes emerged, including the themes of more information, longer sessions, more parents and stories, one-on-one time for parents, additional support after the session, including advice for if the DHHS team is not supporting the parent effectively, and an overview of problems more frequently encountered. Providers also suggested more time for discussion and questions, while also providing some specific ideas about accessibility for families, resources, more examples of how a case moves through the system, success examples, and more about legal systems and advocacy for parents.

For parents who participated in the CPS 201 class, respondents experienced an increase in understanding of what is expected at visits with their children and how to advocate for their family. The largest average increase from pre to post was understanding how to prepare for Family Team Meetings. Information about Family Team Meetings was helpful, including providing more detailed information about processes. Additionally, parent respondents reported an increase in understanding how to communicate with heir Child Protective Team. Communication was a main theme of what parents found helpful, including tips for communication with their team, and the templates, tips and tricks, and how to keep track of information.

Similar to the 101 classes, parents recommended more of the class: more time, more information, more resources, individual meetings, more examples, more situations covered, and more tips.

These data indicate a positive overall experience with the classes and positive benefits for participants in regards to an increase in knowledge and shifting attitudes about their experiences. The overarching feedback for future classes is to find ways to get more information and support for parents through this process.

CPS 101

Learning from Participants

CLASS ATTENDANCE

CPS 101

January 2022 – June 2024

142

parents
attended CPS 101

137

had an
open case at
the time of the
class

3

average
number of
attendees per
class

46

class sessions held

PARTICIPANT DEMOGRAPHICS

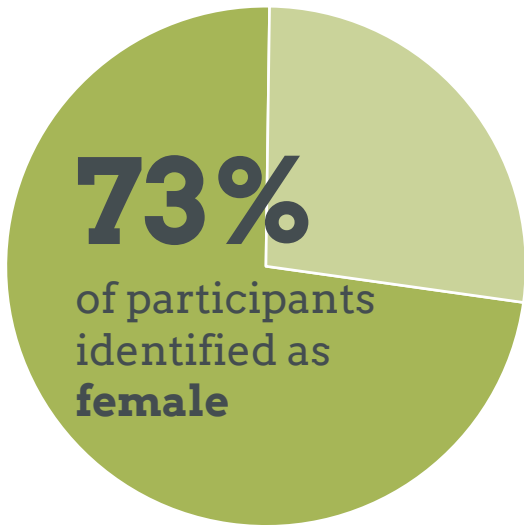
CPS 101

January 2022 – June 2024

Most participants identified as **Female**.

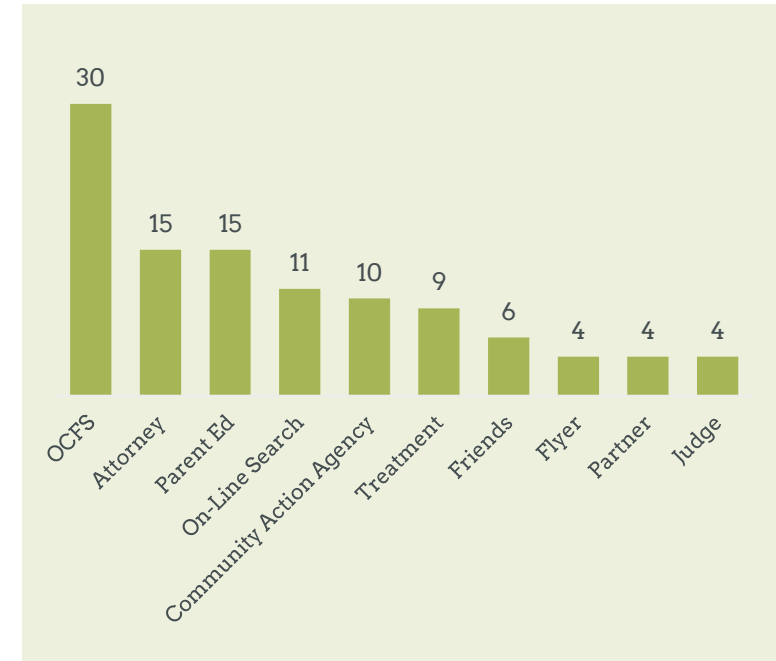
Participant cases came from **14** out of Maine's 16 counties.

OCFS was the most commonly listed referral source.



County	% of participants
Cumberland	25%
Penobscot	14%
York	12%
Androscoggin	8%
Kennebec	8%
Hancock	7%
Waldo	6%
Somerset	5%
Piscataquis	4%

Franklin, Aroostook, Knox, Oxford, Sagadahoc, and those who were unsure each had fewer than 5 individuals. There were no participants from Washington or Lincoln counties.



UNDERSTANDING HOW CPS WORKS

I understand how the Child Protective System works.

	Average <i>Scale of 1 (Strongly Disagree) to 5 (Strongly Agree)</i> 139 respondents
Pre	2.71
Post	4.05

Significant
difference
between pre and post scores

A cluster of light blue, hand-drawn style stars of various sizes and orientations, scattered around the central text.

Increase	107
Same	26
Decrease	6

UNDERSTANDING CPS TEAM

I understand who is on my Child Protective Services team and what they each do.

	Average <i>Scale of 1 (Strongly Disagree) to 5 (Strongly Agree)</i> 140 respondents
Pre	3.13
Post	4.23

Significant
difference
between pre and post scores

A cluster of light blue, hand-drawn style stars of various sizes and orientations, scattered around the central text.

Increase	102
Same	33
Decrease	5

UNDERSTANDING REUNIFICATION

I understand what I need to do to reunify my family.

	Average <i>Scale of 1 (Strongly Disagree) to 5 (Strongly Agree)</i> 141 respondents
Pre	3.09
Post	3.79

Significant
difference
between pre and post scores

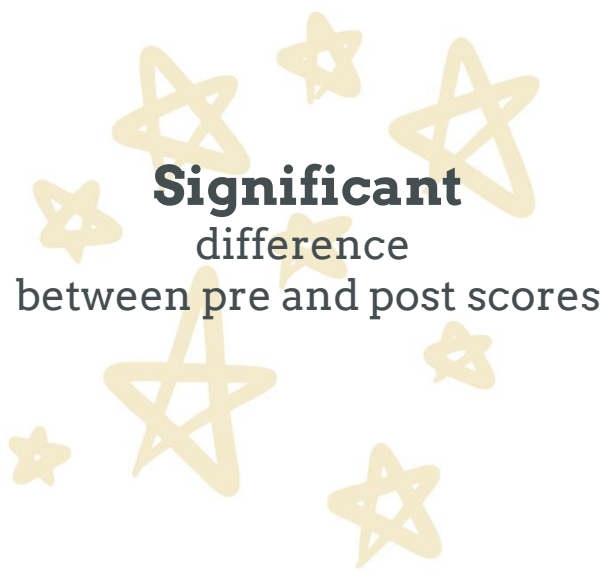
Increase	75
Same	49
Decrease	17

FEELING HOPE

I feel hopeful about my Child Protective Services involvement.

	Average <i>Scale of 1 (Strongly Disagree) to 5 (Strongly Agree)</i> 140 respondents
Pre	2.89
Post	3.69

Significant
difference
between pre and post scores



Increase	79
Same	45
Decrease	16



“The stories/ the time it took for the explanation about the services that can be provided with DH[HS]. The hope it brings for reunification.”

- CPS 101 PARTICIPANT on what was helpful about the class

WHAT WAS HELPFUL

CPS 101

January 2022 – June 2024

**Whole
Class**

**Improved
understanding
of CPS process**

**Hearing other
parents'
experiences**

**Knowledge of
rights
and resources**

**Knowledge of
roles within
DHHS**

**Advice
and tips**

**Videos and
the ability to
ask
questions**

**Feelings
of hope and
solidarity**

WHAT WAS HELPFUL

CPS 101

January 2022 – June 2024



“The **whole class** was very helpful there was a lot of information that I had not known or had been given the wrong information before this class.”

“**Hearing other peoples situation its really inspiring.** I related on a level that makes me tearful and can see the silver lining and that this is not going to last forever.”

"Being able to **understand the process and what everyone is doing** even if I'm in the dark there are resources who can shed light through just as this class has!"

"I was **informed on exactly who everyone is and their role in my case.** And was most definitely reassured that most of my teams biggest goal is to reunify children with their parent/s as soon as it is safe and appropriate"

WHAT WAS HELPFUL

CPS 101

January 2022 – June 2024



"Knowing the roles, my rights, what I can do and where I can go!"

"The fact that the women running this have a personal experience with CPS cases"

"Listening & Understanding what I have to do to get my babies back and Don't give up no matter what and keep your head up and keep moving forward."

RECOMMENDATIONS

Suggestion	# of respondents who suggested
More information	8
Longer session	6
More parents and stories	5
Advertising	4
Support after class	3
1:1 time	3
Advice if DHHS is not supporting	3
Overview of frequent problems	2



"Make it more known!!
I'm 10 months into my case and just heard about it. Very informational and helpful"

Ideas about support and sharing

"If it comes available for a peer to peer for one on one after class would be helpful for future questions that might get thought of."

"Support/'after care' group for case specific concerns"

"Maybe have more 101 time or a question segment where someone can answer some personal questions."



"Start a coffee club or parenting workshop where parents who are going through the process can meet and share stories, resources etc."

"I think you did a perfect job! Maybe include a relationship counselor or just counselor in general to kind of explain what services might look like/different supports might be."

CPS 101

Learning from Providers

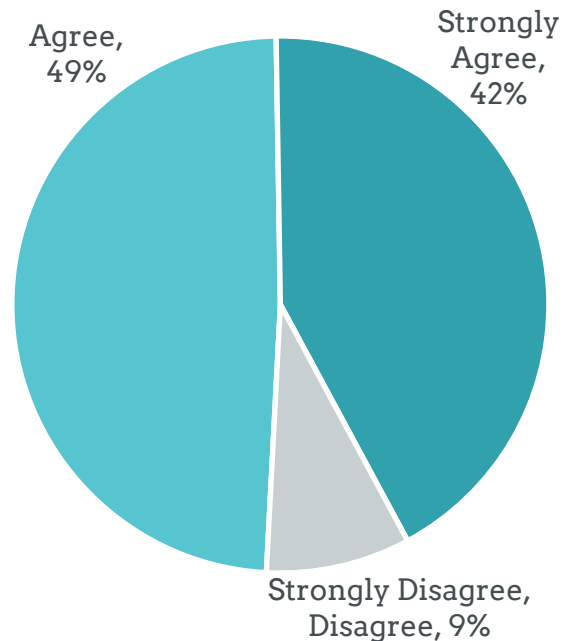
CLASS EXPERIENCE

Providers would **recommend** this class to others.

The professional **video presentations** were **helpful**.

The **information and tips** section was **helpful**.

91% **agreed** or **strongly agreed** that they would recommend the class to others.



99%


of respondents said **Yes**, the video presentations were helpful.

92%

of respondents said **Yes**, the information and tips section was helpful.

PROVIDER OUTCOMES

Question/Statement Responding to the following statements on a scale of 1 = Strongly Disagree to 5 = Strongly Agree	Average Pre	Average Post
I understand the roles of the CPS team	3.2	4.16
I have an understanding of how The Child Protective System works.	3.49	4.12
Do you think that parents are offered the services and resources they need to reunify their family?	3.02	3.62
Do the parents that you support feel they have everything they need to reunify their family?	2.71	3.16

 Largest average increase

WHAT WAS HELPFUL

- The videos
- Learning the CPS roles
- Question and Answer Section
- Tips for providers to support parents
- The timeline
- Descriptions of the CPS process
- PowerPoints
- Resources
- The lived experience of presenters and attendees
- Information from a provider perspective
- The facilitators



"I do hope that each family with a child in state care, is able to see these videos."

"To hear more details of what we usually are asked to do to support our members, but may not have the experience or information to have the confidence to do so."

"The honesty and good faith of the presenters. CPS has an incredible amount of power over families that have had their children removed with little support and constant changing of the end zone to close the case. Thank you for presenting!"

RECOMMENDATIONS

- Review how the process can look prior to showing the videos
- More discussion and questions
- How to advocate when parents do not have an attorney assigned to them
- More parent feedback
- Accessibility to other social groups: interpreters and translation
- Handout of presentation slides
- A list of resources available to families
- Statistics and success stories
- Examples of a case moving through the system
- Following through on court orders and plans
- Increased empathy
- More information about presenters and their roles



"More discussion based aspects / more room for questions amongst participants (helpful to hear from other providers how their work fits into this content / things they are seeing on the ground when supporting families)"

"Acknowledging the high emotion/stress, but showing them the practicality of how to change their circumstances is always a tricky line to straddle but I think that's so helpful and effective. Most of that thoughtfulness came through in the Q and A session, so just ensuring that comes through regardless of what questions are asked."

CPS 201

Learning from Participants

PARTICIPANT DEMOGRAPHICS

CPS 201

Most participants identified as **Female** and **all had an open case**.

Participant cases came from **8** out of Maine's 16 counties.

CPS101 was the most commonly listed referral source.

17

total participants

Mostly **female**

All had an open case

Counties represented included:

Cumberland
Franklin
Kennebec
Penobscot
Piscataquis
Somerset
Waldo
York

The most common referral source was the CPS 101 class or an email.

Other sources included DHHS, lawyers, therapists, or found on-line.

PARTICIPANT OUTCOMES

Question Responding to the following statements on a scale of 1 = Strongly Disagree to 5 = Strongly Agree	Average Pre	Average Post
I understand what is expected at my visits with my children.	4.24	4.53
I understand how to advocate for my family.	3.59	4.29
I understand how to prepare for my Family Team Meetings.	3.29	4.06
I understand how to communicate with my Child Protective Team.	3.29	4.00

 Largest average increase

WHAT WAS HELPFUL

100%
of participants
said the
**information and
tips were helpful**

100% of
participants
said they would
**recommend the
class to others**

What was helpful:

- Tips on Communication with their team
- Building Understanding of the Process
- The templates, tips, and tricks to keeping track of information and communications
- FTM Information
- Detailed Information



"Information on how to prepare for family team meetings, meeting with your case worker. Also, that you can request to have meeting with your caseworker's supervisor, and have the AAG present at your FTM's."

"The templates set out a good guide for those that have never had to set up an email or formal message"

RECOMMENDATIONS

- More time and more information covered
- In person meetings
- More resources
- Individual meetings to answer specific questions
- How to handle dissatisfaction with your team or advocate against wrong-doing within the department
- FTM examples
- Talk about the end of the court process
- Discuss visitation issues
- Tips on agreeing to disagree



"I feel like if we can discuss the different ways how visitation works if your child [is] not take[n] by DHHS but by a parent. What resources and idea we can [use in] this situation"

"Who you can contact when the department doesn't follow [their] own rules"

"Meet with individuals and answer case specific questions."



"Keep working to make this more have information overall. This being new and all Keep up the hard work"

- CPS 201 PARTICIPANT on recommendations

CPS Classes

Data + Statistics

UNDERSTANDING HOW CPS WORKS

Our paired t-test revealed a significant difference between pre and post scores in responses to the statement, "I understand how The Child Protective System works." A total of 107 participants demonstrated a positive difference in a Post-Pre analysis, meaning that scores after the session were higher for 107 participants than they were before the session. 6 individuals had lower scores after the session, and 26 scored the same.

Paired T test Post-Pre	
Total N	139
Mean Difference	1.342
Standard Error Mean	.111
Two-Sided p Sig.	<.001

Related-Samples Wilcoxon Signed Rank Test.
Decision: reject the null hypothesis

	N	Mean	Std. Deviation
PRE_understanding	139	2.71	1.110
POST_understand	139	4.05	.805

Positive Difference	Negative Difference	Tie
107	6	26

UNDERSTANDING CPS TEAM

Our paired t-test revealed a significant difference between pre and post scores in responses to the statement, "I understand who is on my Child Protective Services team and what they each do." A total of 102 participants demonstrated a positive difference in a Post-Pre analysis, meaning that scores after the session were higher for 102 participants than they were before the session. 5 individuals had lower scores after the session, and 33 scored the same.

Paired T test Post-Pre	
Total N	140
Mean Difference	1.100
Standard Error Mean	.096
Two-Sided p Sig.	<.001

Related-Samples Wilcoxon Signed Rank Test. **Decision: reject the null hypothesis**

	N	Mean	Std. Deviation
PRE_CPSteam	140	3.13	1.046
POST_team	140	4.23	.812

Positive Difference	Negative Difference	Tie
102	5	33

UNDERSTANDING REUNIFICATION

Our paired t-test revealed a significant difference between pre and post scores in responses to the statement, "I understand what I need to do to reunify my family." A total of 75 participants demonstrated a positive difference in a Post-Pre analysis, meaning that scores after the session were higher for 75 participants than they were before the session. 17 individuals had lower scores after the session, and 49 scored the same.

Paired T test Post-Pre	
Total N	141
Mean Difference	.709
Standard Error Mean	.113
Two-Sided p Sig.	<.001

Related-Samples Wilcoxon Signed Rank Test. **Decision:**
reject the null hypothesis

	N	Mean	Std. Deviation
PRE_reunify	141	3.09	1.407
POST_reunify	141	3.79	1.334

Positive Difference	Negative Difference	Tie
75	17	49

FEELING HOPE

Our paired t-test revealed a significant difference between pre and post scores in responses to the statement, "I feel hopeful about my Child Protective Services involvement." A total of 79 participants demonstrated a positive difference in a Post-Pre analysis, meaning that scores after the session were higher for 79 participants than they were before the session.

16 individuals had lower scores after the session, and 45 scored the same.

Paired T test Post-Pre	
Total N	140
Mean Difference	.807
Standard Error Mean	.102
Two-Sided p Sig.	<.001

Related-Samples Wilcoxon Signed Rank Test. **Decision:**
reject the null hypothesis

	N	Mean	Std. Deviation
PRE_hopeful	140	2.89	1.259
POST_hopeful	140	3.69	1.065

Positive Difference	Negative Difference	Tie
79	16	45

PROVIDER OUTCOMES

Question/Statement	Average Pre	Average Post	Post-Pre Mean	Significance
I have an understanding of how The Child Protective System works.	3.49	4.12	.697	< .001
I understand the roles of the CPS team	3.2	4.16	1	< .001
Do you think that parents are offered the services and resources they need to reunify their family?	3.02	3.62	.587	< .001
Do the parents that you support feel they have everything they need to reunify their family?	2.71	3.16	.5	< .001

The response options ranged from 1 (Strongly Disagree) to 5 (Strongly Agree). Through paired t-tests, each question demonstrated a significant increase between the pre and post scores, meaning that providers on average endorsed the statements higher during the post survey than during the pre survey.

PARTICIPANT OUTCOMES

Question (Responding to the following statements)	Average Pre	Average Post	Average Change Post-Pre
I understand how to prepare for my Family Team Meetings	3.29	4.06	+.77
I understand how to communicate with my Child Protective Team	3.29	4.00	+.71
I understand what is expected at my visits with my children.	4.24	4.53	+.29
I understand how to advocate for my family.	3.59	4.29	+.706

Every question showed an overall increase in score between the pre and post session surveys, indicating a stronger endorsement of the corresponding statements. The question on expectations of visits showed lower levels of increase, possibly because the pre score was already higher than the pre scores for other questions. Due to small sample size, we did not test for significance of these changes.

The scale is a Likert Scale from 1 to 5, with 1 one being strongly disagree and 5 being strongly agree. Higher scores signify a higher endorsement of the statement.

**Parent Attorney and Guardian ad Litem Recruitment and Retention Subcommittee
September 2024 Recommendations**

Recommendation #1:

Maine Commission on Public Defense Services (PDS), the Maine Judicial Branch, and the Office of the Attorney General should implement an exit interview protocol for parent attorneys, GALs, and AAGs who are no longer working with the protective custody docket. Survey results should be shared with the Justice for Children Task Force on an annual basis.

Justification:

Consistent data collection can establish trends within the system as to why individuals are choosing not to work in the child welfare system, making possible system change informed and in-line with data trends. Sharing the information at the Justice for Children Task Force meetings will allow for all system partners to hear the information and determine if changes need to be made.

Recommendation #2:

Ask that the Board of Overseers of the Bar establish the National Association of Counsel for Children (NACC) Child Welfare Specialist designation in Maine. The purpose of offering this designation to attorneys practicing child welfare law in Maine is to provide them with an *optional* opportunity to deepen their expertise; PDS agrees this designation should not become a requirement.

Justification: The Maine Child Welfare Advisory Panel, in its 2023 Annual Report, recommended that “the State of Maine should certify the ‘Child Welfare Law Specialist’ (CWLS) certification program offered through the National Association of Counsel for Children as a specialization available to Maine attorneys.” Maine is one of only five states that does not offer the National Child Welfare Law Specialist certification. This is a law specialization that is accredited through the American Bar Association. It is a certification that is offered to any attorney in the child welfare process—including assistant attorneys general, guardians ad litem, counsel for children and counsel for parents. The National Council of Juvenile and Family Court Judges, as well as the Conference of Chief Judges/Conference of the State Court Administrators both endorse this certification program. The Children’s Bureau strongly encourages all attorneys and judges practicing child welfare law to obtain CWLS certification. The certification is funded by participant fees. There has been some coordination by individual members of the parent attorney bar in an attempt to align Maine with the practice of the vast majority of other states offering this, and this effort should have the benefit of systemic support from Maine’s legal systems partners in the child welfare system response.

The NACC started certifying attorneys as part of the CWLS program in 2006. According to the Administration for Children and Families (Log No: ACYF-CB-IM-17-02), “[n]umerous studies and reports point to the importance of competent legal representation for parents, children, and youth in ensuring that salient information is conveyed to the court, parties’ legal rights are protected and that the wishes of the parties are effectively voiced. There is evidence to support

that legal representation for children, parents, and youth contributes to or is associated with: increases in party perceptions of fairness; increases in party engagement in case planning, services, and court hearings; more personally tailored and specific case plans and services; increases in visitation and parenting time; expedited permanency; and cost savings to state government due to reductions of time children and youth spend in care.” With an active and ongoing discussion about the quality of representation provided to indigent Mainers through PDS, adding a certificate specialization in the State of Maine that is already recognized so widely across the country is a logical next step in continuous improvement efforts.

Recommendation #3:

The Maine Supreme Judicial Court should amend M.R. Civ. P. 90(a) and M.R. Crim. P. (56)(a) to allow students of an ABA accredited law school to receive student practice authorization for internships and externships with contract counsel supervised by PDS.

Justification: Gaining student practice authorization from the Supreme Judicial Court to place students into PDS contractor offices will provide students access to practical experience in parent’s attorney work and create a potential pipeline for recruiting new attorneys to take up this work in the future. Opportunities for internships and externships already exist within the Office of the Attorney General, therefore, expanding to contract parent counsel would create parity.

Recommendation #4:

The Maine Judicial Branch should prioritize implementation of an electronic billing system for guardian ad litem billing.

Justification: Prompt payment of GAL vouchers is fundamental for recruitment and retention of GALs. The present GAL voucher system is paper-based and relies on ground mail to transmit vouchers for the various stages of the voucher review process. Relying on the mail creates delays at various stages of the voucher review process. If a GAL would like to confirm receipt of a voucher by the court or identify the status of a voucher in the review process, the GAL presently must contact the courthouse or the Administrative Office of the Courts, which can be time consuming for the GAL and court personnel. A survey of GALs was conducted by a GAL organization in Maine, MEGALI 2.0, and they report 66% of the respondents expressed dissatisfaction with the current billing process.

Many of the court-compensated GALs also provide services to clients through PDS. PDS does not rely on a paper system. Their electronic billing system allows attorneys to enter their time and expenses without ever relying on a paper submission, provides information about a voucher’s stage in the review process, and allows communication between the attorney and PDS within the electronic billing system. GALs and parent attorneys should have similar billing systems and experiences, as that would create efficiencies for both the GALs and the Judicial Branch (i.e., eliminate delays with mail, reduce the number of emails and calls between the GAL and the Judicial Branch to check on the status of GAL vouchers, and less technical support would be needed if PDS and the Judicial Branch have similar billing systems).

Additionally, an electronic billing system would allow the Judicial Branch to capture more data about GAL billing trends to better inform conversations about the GAL budget, including the data to inform possible cost reduction, and future needs. Current data is rudimentary in nature and does not provide critical data points.

Recommendation #5:

The Maine Judicial Branch should eliminate the requirement for GALs to submit a motion for prior approval to exceed the legal stage hourly cap for billing, and should instead allow GALs to submit a justification for any hours above the cap at the time the voucher is submitted. The justification would be reviewed for reasonableness (akin to the process adopted by PDS).

Justification: Administrative Order JB-05-05 requires a GAL to file a motion with the court to request permission to exceed the presumptive hourly cap for a legal stage in a child protection case prior to providing services. The motion necessarily requires court action, which can take time given the courts' high caseloads. This process has placed GALs in difficult positions where the GAL must decide whether to: (1) cease performing services pending approval of the request to exceed the cap and potentially put a child's safety at risk, or (2) perform the services without the pre-approval from the court to exceed the hourly cap and risk not being compensated for their time.

Because of the current parent attorney shortage, many cases are being continued at the summary preliminary hearing and jeopardy stage due to lack of counsel. These continuances can add several months to the stage of the case. This ongoing crisis is likely to lead to an increase in the percentage of cases where GALs are required to file a motion for permission to exceed the cap.

Many of the GALs performing services in child protection cases also provide parent attorney services for PDS, and PDS does not implement legal stage hourly caps. While PDS has triggers for presumptive review, if a parent attorney exceeds that trigger amount, the parent attorney is required only to submit a justification for the overage at the time of the voucher submission. Upon review, PDS may ask additional questions of the parent attorney before approving the overage, but overall, the PDS process for exceeding a trigger for presumptive review is much less burdensome than the process that GALs must follow if they anticipate exceeding a legal stage hourly cap. Another benefit of PDS' approach is that it uses less resources than the Judicial Branch's current approach, which includes the GAL's time spent drafting the motion, the motion being processed by the clerks (both before and after the judicial officer's action), and a judicial officer's review and action on the motion.

The current prior approval process has resulted in some GALs opting not to request prior approval for additional hours, and instead, forgo compensation, especially when the excess over the cap is minor. Finally, many of these motions by GALs are granted by the Judicial Branch, raising additional questions about the necessity of the current process. Adopting a process more akin to PDS's compensation model would improve GAL morale and retention.

Recommendation #6:

The University of Maine School of Law should return to offering the child protection class each year and consider adding a clinic that is focused on child protection. The Maine State Legislature and/or PDS should provide financial support to establish and maintain this clinic to ensure sustainability. Additionally, the University of Maine School of Law should partner with PDS to ensure that the curriculum qualifies as the minimum standards training required for PDS.

Justification: The class has a strong history of student interest and received excellent evaluations. It meets Maine Law's goals of having their students as close to 'practice ready' by graduation as possible. Also, this class is in keeping with Maine Law's value statement about the importance of public service.

Recommendation #7

The pay rate for Title 22 GALs and Parent Counsel should be re-evaluated and increased at least every two years to meet or exceed statewide, regional, and national cost-of-living adjustments, inflation rates, and market rate trends for legal services.

Justification: The vast majority of GALs, and all parent counsel, in child protection cases are registered attorneys in the State of Maine. The majority of GALs and parent counsel practice in small or solo practices with little to no administrative support or employee benefit packages. For many years, GALs and parent counsel have been under-compensated for professional legal services, compared to colleagues statewide and in other New England states. In the past decade, the pay rate has been increased only twice, at irregular intervals, and still lags far behind the average pay rate for other legal services in the state. Serving in some of the most legally complex and emotionally fraught cases, GALs and parent counsel are very much aware of the below-average pay for the complicated legal service they provide. This inequity discourages professionals from starting or continuing service as a parent counsel or GAL. Regular, predictable increases of parent counsel and GAL pay to match or exceed inflation, cost-of-living increases, and market rates every two years would encourage more attorneys to start or continue service as parent counsel and GALs.

Recommendation #9

The requirement that GALs – alone among all other practicing attorneys in the State -- accept pro bono or reduced fee referrals from the courts, as set forth in M.R.G.A.L. 2(b)(5), should be eliminated.

Justification

All GALs, including Title 22 GALs, are currently required to take at least one pro bono or reduced fee Title 19-A (Family Matters) case every year as a condition of rostering pursuant to M.R.G.A.L. 2(b)(5). This requirement, which is inconsistently applied and enforced, is highly controversial among GALs, perhaps particularly those who have elected to pursue only Title 22 work, which requires a different skill set and specialization from family matters cases. Although other practicing attorneys in Maine are "expected" to take on pro bono casework, there is no explicit requirement or specific number of cases placed on other practicing attorneys.

This inequitable requirement leads to decreased morale of GALs, particularly those who are committed to practicing in the area of child protection. Recognition of the right of GALs to accept or deny appointments (including pro bono or reduced fee appointments) based on their own professional judgment, should support recruitment and retention of dedicated Title 22 GALs.

Like all other practicing attorneys in the State, GALs can and should be encouraged to take on a reasonable amount of pro bono or reduced fee work, but the Courts (and Legislature) should find and fund more viable and effective means to meet the need for GALs in high-conflict parental rights cases involving indigent parents.