

Janet T. Mills  
Governor

Sara Gagné-Holmes  
Commissioner



Maine Department of Health and Human Services  
Commissioner's Office  
11 State House Station  
109 Capitol Street  
Augusta, Maine 04333-0011  
Tel: (207) 287-3707; Fax: (207) 287-3005  
TTY: Dial 711 (Maine Relay)

## MEMORANDUM

**To:** Joint Standing Committee on Government Oversight  
**From:** Maine Department of Health and Human Services  
**Date:** December 12, 2025  
**Subject:** Additional Information regarding Freedom of Access Act & Child Welfare Records

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Following the appearance of Commissioner Gagné-Holmes at the Joint Standing Committee on Government Oversight on November 19, 2025, DHHS is providing the following requested information.

**Did DHHS provide an opportunity for the individual referenced during the meeting to review files pertaining to their case?**

As the Department has shared, we are unable to confirm an individual's child welfare involvement with the Department. However, DHHS provides all parents and guardians who wish to and are legally entitled with the ability to view the Department's case file(s) regarding their family in our offices by contacting the Program Administrator or Assistant Program Administrator for the District that handled their case. Staff prepare the record(s) (including redacting confidential information of others that may be included) and set up a time for the individual to view the record in the Department's district office. If getting to the office that handled the matter is an imposition the record can be sent to another office for the requestor to review.

**Rep Perkins asked if DHHS captures conversations between caseworkers regarding parents' social media usage as part of the case file?**

OCFS does not have a policy on monitoring the social media of clients or others, although sometimes referents bring social media activity to our attention in reports or individuals report information they have seen on social media to a caseworker in an open investigation or case. For example, when staff reach out to collateral contacts as part of the investigation process, the collateral contact might volunteer information regarding something they saw on an individual's social media that was concerning. In that case the information would be documented as part of the case file, including any screenshots or printouts obtained by the Department.

Additionally, members of the community may bring to the Department's attention social media posts that are of a threatening nature regarding Department staff, Assistant Attorneys General,

Judges, Parents' Attorneys, GALs, and/or Resource Parents. In those cases, the Department takes reasonable measures to ensure the safety of the individual(s) being threatened by documenting the information, sharing it to ensure the individual(s) being threatened are aware, and making a report to law enforcement, if appropriate.

In court cases the Department has, in rare instances, been ordered by the Court to provide service by social media (typically Facebook) message. OCFS maintains a Facebook page for this purpose, in order to ensure they can comply with the Court's order.

OCFS staff are discouraged from using their personal social media pages to view client information. OCFS cannot control nor dictate how staff choose to use social media in their personal time and as private individuals.

**Senator Hickman asked how many FOAA requests are submitted by parents that get denied under FOAA, but could be approved for those individuals to go look at files in an OCFS office?**

As of December 2, 2025, there have been 42 requesters seeking to view the Department's case files that were denied under FOAA but who were instructed in a letter how the case files could be viewed in an district office.

**Rep Stover asked if DHHS has any recommendations to make statutory changes to the FOAA process?**

Although not a statutory change, one challenge the Department identifies in responding to FOAAs is that not all requesters complete a FOAA submission form. Some email their request, or submit through another path. When individuals use the Department's submission form, they are asked to provide information such as their preferred contact method. This additional information assists the Department by allowing us to respond in the most efficient and effective format. Additionally, the Department is most able to be responsive and timely when requests are specific and targeted.

**Senator Duson asked about the similarities in processes for access by parents to records with the Office for Family Independence (OFI) and OCFS.**

Information contained in the Department's OCFS case file related to a parent can be viewed through a request to the district office that handled their case. This type of information is not subject to FOAA.

Clients can request a copy of the information contained in their OFI case files related to MaineCare, SNAP, or TANF by contacting OFI's call center, regional offices, or by email/mail. This information is confidential and not subject to FOAA.

Parties to child support cases are entitled to information from DSER case files that is directly relevant to them. This would include documents such as payment records, copies of court and

administrative orders, communications, and similar information. Party requests may be directed to the enforcement agent assigned to the case. Child support program information is confidential and may not be released in response to a FOAA request.